



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3186

Introduced 2/15/2018, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Provides that beginning on the effective date of this amendatory Act of the 100th General Assembly, all moneys collected and payable to the Department of State Police under specified provision of the Unified Code of Corrections shall be deposited into the State Police Operations Assistance Fund. Provides that the State Police Streetgang-Related Crime Fund will be dissolved and the remaining balance shall be transferred into the State Police Operations Assistance Fund. Amends the Unified Code of Corrections. Provides that the Sex Offender Investigation Fund will be dissolved and the remaining balance shall be transferred into the Offender Registration Fund. Amends the Murderer and Violent Offender Against Youth Registration Act. Provides that the Murderer and Violent Offender Against Youth Registration Fund will be dissolved and the remaining balance shall be transferred into the Offender Registration Fund. Amends the Illinois Act on Aging. Removes provisions requiring the Department of Aging to delay Community Care Program services until an applicant is determined eligible for medical assistance under specified provisions of the Illinois Public Aid Code. Makes other changes in various Acts. Effective immediately.

LRB100 18485 XWW 33701 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 ARTICLE 5. AMENDATORY PROVISIONS

5 Section 5-5. The State Fair Act is amended by changing
6 Section 6 as follows:

7 (20 ILCS 210/6) (from Ch. 127, par. 1706)

8 Sec. 6. Policies, procedures, and powers concerning the
9 operation of fairs.

10 (a) Policies. The Department shall, pursuant to the
11 Illinois Administrative Procedure Act, establish by rule:

12 (1) the policy for the operation of the Illinois State
13 Fair and the DuQuoin State Fair, except those operations
14 regarding contests as provided for in subparagraphs (b) and
15 (c) of this Section, and

16 (2) the policies and procedures for the sale, barter,
17 or exchange of tickets and for ticket refunds for cancelled
18 events.

19 (b) Contests. The Department shall establish and make
20 available, for all contestants and other interested persons,
21 sufficient copies of a premium book or other publication that
22 establishes the kinds and classes of events or exhibits for

1 contests at the fairs, the conditions under which contestants
2 shall be entered into contests, the qualification and
3 disqualification requirements of contests, the drug testing
4 requirements for contests (if applicable), the premiums to be
5 offered to contest winners, the manner in which certificates of
6 award shall be distributed and premiums paid to contest
7 winners, the penalty for violations of a rule, condition,
8 instruction, or directive, and requirements of contests,
9 including but not limited to the return of all premiums paid,
10 the forfeiture of awards, and the prohibition of participating
11 in future contests, and all other rules and requirements for
12 contests. These rules, conditions, instructions, directives,
13 and requirements shall be exempt from the rulemaking procedures
14 of the Illinois Administrative Procedure Act. All such
15 publications issued by the Department that relate to a contest,
16 event, or exhibit shall be maintained as a public record at the
17 Department's principal office in Springfield, Illinois, and
18 made available for public inspection and copying during regular
19 business hours.

20 (c) Fees. The Department shall establish and publish for
21 the Illinois State Fair and the DuQuoin State Fair a schedule
22 of admission fees, entry fees, concession fees, space rentals
23 and other fees for activities offered or provided at each State
24 Fair. These schedules of fees shall be maintained as a public
25 record at the Department's principal office in Springfield,
26 Illinois, and made available for public inspection and copying

1 during regular business, but shall be exempt from the
2 rulemaking procedures of the Illinois Administrative Procedure
3 Act.

4 (d) Facilities. The Department may negotiate and enter into
5 contracts for activities and use of facilities for which there
6 is not an established or published schedule. The contract
7 criteria shall be established by rule, pursuant to the Illinois
8 Administrative Procedure Act. The Department may lease any of
9 its facilities for activities during the State Fair.

10 (e) Advertising. The Illinois State Fair in Springfield and
11 the DuQuoin State Fair shall have the power and authority to
12 sell or exchange advertising rights in all of its publications
13 and printed materials. The sale of advertising shall be subject
14 to the rules promulgated by the Department, pursuant to the
15 Illinois Administrative Procedure Act. All income derived from
16 the sale of advertising at the Illinois State Fair in
17 Springfield shall be deposited into the Illinois State Fair
18 Fund. All income derived from the sale of advertising at the
19 DuQuoin State Fair shall be deposited into the Agricultural
20 Premium Fund.

21 (f) Veterans. On the day set aside as Veterans Day,
22 honorably discharged veterans and members of their families
23 shall be admitted without admission charge upon presentation of
24 identification of any of the following: honorable discharge
25 certificate, or photostatic copy thereof, or a paid up
26 membership card in any recognized veterans organization.

1 (g) Government functions. The Governor, Lieutenant
2 Governor, Attorney General, Secretary of State, Treasurer,
3 Comptroller, President and Minority Leader of the Senate, and
4 Minority Leader of the House of Representatives shall be
5 afforded space for official governmental functions, without
6 charge, during the State Fair and the DuQuoin State Fair.

7 (Source: P.A. 93-1055, eff. 11-23-04.)

8 (20 ILCS 720/35 rep.)

9 Section 5-10. The Illinois Main Street Act is amended by
10 repealing Section 35.

11 (20 ILCS 1305/10-6 rep.)

12 Section 5-15. The Department of Human Services Act is
13 amended by repealing Section 10-6.

14 (20 ILCS 2310/2310-352 rep.)

15 (20 ILCS 2310/2310-358 rep.)

16 (20 ILCS 2310/2310-399 rep.)

17 (20 ILCS 2310/2310-403 rep.)

18 Section 5-20. The Department of Public Health Powers and
19 Duties Law of the Civil Administrative Code of Illinois is
20 amended by repealing Sections 2310-352, 2310-358, 2310-399,
21 and 2310-403.

22 (25 ILCS 130/4-9 rep.)

1 Section 5-25. The Legislative Commission Reorganization
2 Act of 1984 is amended by repealing Section 4-9.

3 (30 ILCS 105/5.95 rep.)

4 (30 ILCS 105/5.172 rep.)

5 (30 ILCS 105/5.460 rep.)

6 (30 ILCS 105/5.599 rep.)

7 (30 ILCS 105/5.639 rep.)

8 (30 ILCS 105/5.647 rep.)

9 (30 ILCS 105/5.748 rep.)

10 (30 ILCS 105/5.807 rep.)

11 (30 ILCS 105/6a-5 rep.)

12 Section 5-30. The State Finance Act is amended by repealing
13 Sections 5.95, 5.172, 5.460, 5.599, 5.639, 5.647, 5.748, 5.807,
14 and 6a-5.

15 (30 ILCS 177/Act rep.)

16 Section 5-35. The Transportation Development Partnership
17 Act is repealed.

18 (35 ILCS 5/507AA rep.)

19 (35 ILCS 5/507BB rep.)

20 (35 ILCS 5/507HH rep.)

21 (35 ILCS 5/507II rep.)

22 (35 ILCS 5/507TT rep.)

23 Section 5-40. The Illinois Income Tax Act is amended by

1 repealing Sections 507AA, 507BB, 507HH, 507II, and 507TT.

2 Section 5-45. The Counties Code is amended by changing
3 Sections 5-1006.5 and 5-1035.1 as follows:

4 (55 ILCS 5/5-1006.5)

5 Sec. 5-1006.5. Special County Retailers' Occupation Tax
6 For Public Safety, Public Facilities, or Transportation.

7 (a) The county board of any county may impose a tax upon
8 all persons engaged in the business of selling tangible
9 personal property, other than personal property titled or
10 registered with an agency of this State's government, at retail
11 in the county on the gross receipts from the sales made in the
12 course of business to provide revenue to be used exclusively
13 for public safety, public facility, or transportation purposes
14 in that county, if a proposition for the tax has been submitted
15 to the electors of that county and approved by a majority of
16 those voting on the question. If imposed, this tax shall be
17 imposed only in one-quarter percent increments. By resolution,
18 the county board may order the proposition to be submitted at
19 any election. If the tax is imposed for transportation purposes
20 for expenditures for public highways or as authorized under the
21 Illinois Highway Code, the county board must publish notice of
22 the existence of its long-range highway transportation plan as
23 required or described in Section 5-301 of the Illinois Highway
24 Code and must make the plan publicly available prior to

1 approval of the ordinance or resolution imposing the tax. If
2 the tax is imposed for transportation purposes for expenditures
3 for passenger rail transportation, the county board must
4 publish notice of the existence of its long-range passenger
5 rail transportation plan and must make the plan publicly
6 available prior to approval of the ordinance or resolution
7 imposing the tax.

8 If a tax is imposed for public facilities purposes, then
9 the name of the project may be included in the proposition at
10 the discretion of the county board as determined in the
11 enabling resolution. For example, the "XXX Nursing Home" or the
12 "YYY Museum".

13 The county clerk shall certify the question to the proper
14 election authority, who shall submit the proposition at an
15 election in accordance with the general election law.

16 (1) The proposition for public safety purposes shall be
17 in substantially the following form:

18 "To pay for public safety purposes, shall (name of
19 county) be authorized to impose an increase on its share of
20 local sales taxes by (insert rate)?"

21 As additional information on the ballot below the
22 question shall appear the following:

23 "This would mean that a consumer would pay an
24 additional (insert amount) in sales tax for every \$100 of
25 tangible personal property bought at retail."

26 The county board may also opt to establish a sunset

1 provision at which time the additional sales tax would
2 cease being collected, if not terminated earlier by a vote
3 of the county board. If the county board votes to include a
4 sunset provision, the proposition for public safety
5 purposes shall be in substantially the following form:

6 "To pay for public safety purposes, shall (name of
7 county) be authorized to impose an increase on its share of
8 local sales taxes by (insert rate) for a period not to
9 exceed (insert number of years)?"

10 As additional information on the ballot below the
11 question shall appear the following:

12 "This would mean that a consumer would pay an
13 additional (insert amount) in sales tax for every \$100 of
14 tangible personal property bought at retail. If imposed,
15 the additional tax would cease being collected at the end
16 of (insert number of years), if not terminated earlier by a
17 vote of the county board."

18 For the purposes of the paragraph, "public safety
19 purposes" means crime prevention, detention, fire
20 fighting, police, medical, ambulance, or other emergency
21 services.

22 Votes shall be recorded as "Yes" or "No".

23 Beginning on the January 1 or July 1, whichever is
24 first, that occurs not less than 30 days after May 31, 2015
25 (the effective date of Public Act 99-4), Adams County may
26 impose a public safety retailers' occupation tax and

1 service occupation tax at the rate of 0.25%, as provided in
2 the referendum approved by the voters on April 7, 2015,
3 notwithstanding the omission of the additional information
4 that is otherwise required to be printed on the ballot
5 below the question pursuant to this item (1).

6 (2) The proposition for transportation purposes shall
7 be in substantially the following form:

8 "To pay for improvements to roads and other
9 transportation purposes, shall (name of county) be
10 authorized to impose an increase on its share of local
11 sales taxes by (insert rate)?"

12 As additional information on the ballot below the
13 question shall appear the following:

14 "This would mean that a consumer would pay an
15 additional (insert amount) in sales tax for every \$100 of
16 tangible personal property bought at retail."

17 The county board may also opt to establish a sunset
18 provision at which time the additional sales tax would
19 cease being collected, if not terminated earlier by a vote
20 of the county board. If the county board votes to include a
21 sunset provision, the proposition for transportation
22 purposes shall be in substantially the following form:

23 "To pay for road improvements and other transportation
24 purposes, shall (name of county) be authorized to impose an
25 increase on its share of local sales taxes by (insert rate)
26 for a period not to exceed (insert number of years)?"

1 As additional information on the ballot below the
2 question shall appear the following:

3 "This would mean that a consumer would pay an
4 additional (insert amount) in sales tax for every \$100 of
5 tangible personal property bought at retail. If imposed,
6 the additional tax would cease being collected at the end
7 of (insert number of years), if not terminated earlier by a
8 vote of the county board."

9 For the purposes of this paragraph, transportation
10 purposes means construction, maintenance, operation, and
11 improvement of public highways, any other purpose for which
12 a county may expend funds under the Illinois Highway Code,
13 and passenger rail transportation.

14 The votes shall be recorded as "Yes" or "No".

15 (3) The proposition for public facilities purposes
16 shall be in substantially the following form:

17 "To pay for public facilities purposes, shall (name of
18 county) be authorized to impose an increase on its share of
19 local sales taxes by (insert rate)?"

20 As additional information on the ballot below the
21 question shall appear the following:

22 "This would mean that a consumer would pay an
23 additional (insert amount) in sales tax for every \$100 of
24 tangible personal property bought at retail."

25 The county board may also opt to establish a sunset
26 provision at which time the additional sales tax would

1 cease being collected, if not terminated earlier by a vote
2 of the county board. If the county board votes to include a
3 sunset provision, the proposition for public facilities
4 purposes shall be in substantially the following form:

5 "To pay for public facilities purposes, shall (name of
6 county) be authorized to impose an increase on its share of
7 local sales taxes by (insert rate) for a period not to
8 exceed (insert number of years)?"

9 As additional information on the ballot below the
10 question shall appear the following:

11 "This would mean that a consumer would pay an
12 additional (insert amount) in sales tax for every \$100 of
13 tangible personal property bought at retail. If imposed,
14 the additional tax would cease being collected at the end
15 of (insert number of years), if not terminated earlier by a
16 vote of the county board."

17 For purposes of this Section, "public facilities
18 purposes" means the acquisition, development,
19 construction, reconstruction, rehabilitation, improvement,
20 financing, architectural planning, and installation of
21 capital facilities consisting of buildings, structures,
22 and durable equipment and for the acquisition and
23 improvement of real property and interest in real property
24 required, or expected to be required, in connection with
25 the public facilities, for use by the county for the
26 furnishing of governmental services to its citizens,

1 including but not limited to museums and nursing homes.

2 The votes shall be recorded as "Yes" or "No".

3 If a majority of the electors voting on the proposition
4 vote in favor of it, the county may impose the tax. A county
5 may not submit more than one proposition authorized by this
6 Section to the electors at any one time.

7 This additional tax may not be imposed on the sales of food
8 for human consumption that is to be consumed off the premises
9 where it is sold (other than alcoholic beverages, soft drinks,
10 and food which has been prepared for immediate consumption) and
11 prescription and non-prescription medicines, drugs, medical
12 appliances and insulin, urine testing materials, syringes, and
13 needles used by diabetics. The tax imposed by a county under
14 this Section and all civil penalties that may be assessed as an
15 incident of the tax shall be collected and enforced by the
16 Illinois Department of Revenue and deposited into a special
17 fund created for that purpose. The certificate of registration
18 that is issued by the Department to a retailer under the
19 Retailers' Occupation Tax Act shall permit the retailer to
20 engage in a business that is taxable without registering
21 separately with the Department under an ordinance or resolution
22 under this Section. The Department has full power to administer
23 and enforce this Section, to collect all taxes and penalties
24 due under this Section, to dispose of taxes and penalties so
25 collected in the manner provided in this Section, and to
26 determine all rights to credit memoranda arising on account of

1 the erroneous payment of a tax or penalty under this Section.
2 In the administration of and compliance with this Section, the
3 Department and persons who are subject to this Section shall
4 (i) have the same rights, remedies, privileges, immunities,
5 powers, and duties, (ii) be subject to the same conditions,
6 restrictions, limitations, penalties, and definitions of
7 terms, and (iii) employ the same modes of procedure as are
8 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
9 1n, 2 through 2-70 (in respect to all provisions contained in
10 those Sections other than the State rate of tax), 2a, 2b, 2c, 3
11 (except provisions relating to transaction returns and quarter
12 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
13 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
14 of the Retailers' Occupation Tax Act and Section 3-7 of the
15 Uniform Penalty and Interest Act as if those provisions were
16 set forth in this Section.

17 Persons subject to any tax imposed under the authority
18 granted in this Section may reimburse themselves for their
19 sellers' tax liability by separately stating the tax as an
20 additional charge, which charge may be stated in combination,
21 in a single amount, with State tax which sellers are required
22 to collect under the Use Tax Act, pursuant to such bracketed
23 schedules as the Department may prescribe.

24 Whenever the Department determines that a refund should be
25 made under this Section to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the order to be drawn for the
2 amount specified and to the person named in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of the County Public Safety or Transportation
5 Retailers' Occupation Tax Fund.

6 (b) If a tax has been imposed under subsection (a), a
7 service occupation tax shall also be imposed at the same rate
8 upon all persons engaged, in the county, in the business of
9 making sales of service, who, as an incident to making those
10 sales of service, transfer tangible personal property within
11 the county as an incident to a sale of service. This tax may
12 not be imposed on sales of food for human consumption that is
13 to be consumed off the premises where it is sold (other than
14 alcoholic beverages, soft drinks, and food prepared for
15 immediate consumption) and prescription and non-prescription
16 medicines, drugs, medical appliances and insulin, urine
17 testing materials, syringes, and needles used by diabetics. The
18 tax imposed under this subsection and all civil penalties that
19 may be assessed as an incident thereof shall be collected and
20 enforced by the Department of Revenue. The Department has full
21 power to administer and enforce this subsection; to collect all
22 taxes and penalties due hereunder; to dispose of taxes and
23 penalties so collected in the manner hereinafter provided; and
24 to determine all rights to credit memoranda arising on account
25 of the erroneous payment of tax or penalty hereunder. In the
26 administration of, and compliance with this subsection, the

1 Department and persons who are subject to this paragraph shall
2 (i) have the same rights, remedies, privileges, immunities,
3 powers, and duties, (ii) be subject to the same conditions,
4 restrictions, limitations, penalties, exclusions, exemptions,
5 and definitions of terms, and (iii) employ the same modes of
6 procedure as are prescribed in Sections 2 (except that the
7 reference to State in the definition of supplier maintaining a
8 place of business in this State shall mean the county), 2a, 2b,
9 2c, 3 through 3-50 (in respect to all provisions therein other
10 than the State rate of tax), 4 (except that the reference to
11 the State shall be to the county), 5, 7, 8 (except that the
12 jurisdiction to which the tax shall be a debt to the extent
13 indicated in that Section 8 shall be the county), 9 (except as
14 to the disposition of taxes and penalties collected), 10, 11,
15 12 (except the reference therein to Section 2b of the
16 Retailers' Occupation Tax Act), 13 (except that any reference
17 to the State shall mean the county), Section 15, 16, 17, 18, 19
18 and 20 of the Service Occupation Tax Act and Section 3-7 of the
19 Uniform Penalty and Interest Act, as fully as if those
20 provisions were set forth herein.

21 Persons subject to any tax imposed under the authority
22 granted in this subsection may reimburse themselves for their
23 serviceman's tax liability by separately stating the tax as an
24 additional charge, which charge may be stated in combination,
25 in a single amount, with State tax that servicemen are
26 authorized to collect under the Service Use Tax Act, in

1 accordance with such bracket schedules as the Department may
2 prescribe.

3 Whenever the Department determines that a refund should be
4 made under this subsection to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the warrant to be drawn for the
7 amount specified, and to the person named, in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of the County Public Safety or Transportation
10 Retailers' Occupation Fund.

11 Nothing in this subsection shall be construed to authorize
12 the county to impose a tax upon the privilege of engaging in
13 any business which under the Constitution of the United States
14 may not be made the subject of taxation by the State.

15 (c) The Department shall immediately pay over to the State
16 Treasurer, ex officio, as trustee, all taxes and penalties
17 collected under this Section to be deposited into the County
18 Public Safety or Transportation Retailers' Occupation Tax
19 Fund, which shall be an unappropriated trust fund held outside
20 of the State treasury.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the Department
23 of Revenue, the Comptroller shall order transferred, and the
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
25 local sales tax increment, as defined in the Innovation
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a
2 STAR bond district.

3 After the monthly transfer to the STAR Bonds Revenue Fund,
4 on or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 disbursement of stated sums of money to the counties from which
7 retailers have paid taxes or penalties to the Department during
8 the second preceding calendar month. The amount to be paid to
9 each county, and deposited by the county into its special fund
10 created for the purposes of this Section, shall be the amount
11 (not including credit memoranda) collected under this Section
12 during the second preceding calendar month by the Department
13 plus an amount the Department determines is necessary to offset
14 any amounts that were erroneously paid to a different taxing
15 body, and not including (i) an amount equal to the amount of
16 refunds made during the second preceding calendar month by the
17 Department on behalf of the county, (ii) any amount that the
18 Department determines is necessary to offset any amounts that
19 were payable to a different taxing body but were erroneously
20 paid to the county, (iii) any amounts that are transferred to
21 the STAR Bonds Revenue Fund, and (iv) 2% of the remainder,
22 which shall be transferred into the Tax Compliance and
23 Administration Fund. The Department, at the time of each
24 monthly disbursement to the counties, shall prepare and certify
25 to the State Comptroller the amount to be transferred into the
26 Tax Compliance and Administration Fund under this subsection.

1 Within 10 days after receipt by the Comptroller of the
2 disbursement certification to the counties and the Tax
3 Compliance and Administration Fund provided for in this Section
4 to be given to the Comptroller by the Department, the
5 Comptroller shall cause the orders to be drawn for the
6 respective amounts in accordance with directions contained in
7 the certification.

8 In addition to the disbursement required by the preceding
9 paragraph, an allocation shall be made in March of each year to
10 each county that received more than \$500,000 in disbursements
11 under the preceding paragraph in the preceding calendar year.
12 The allocation shall be in an amount equal to the average
13 monthly distribution made to each such county under the
14 preceding paragraph during the preceding calendar year
15 (excluding the 2 months of highest receipts). The distribution
16 made in March of each year subsequent to the year in which an
17 allocation was made pursuant to this paragraph and the
18 preceding paragraph shall be reduced by the amount allocated
19 and disbursed under this paragraph in the preceding calendar
20 year. The Department shall prepare and certify to the
21 Comptroller for disbursement the allocations made in
22 accordance with this paragraph.

23 ~~A county may direct, by ordinance, that all or a portion of~~
24 ~~the taxes and penalties collected under the Special County~~
25 ~~Retailers' Occupation Tax For Public Safety or Transportation~~
26 ~~be deposited into the Transportation Development Partnership~~

1 ~~Trust Fund.~~

2 (d) For the purpose of determining the local governmental
3 unit whose tax is applicable, a retail sale by a producer of
4 coal or another mineral mined in Illinois is a sale at retail
5 at the place where the coal or other mineral mined in Illinois
6 is extracted from the earth. This paragraph does not apply to
7 coal or another mineral when it is delivered or shipped by the
8 seller to the purchaser at a point outside Illinois so that the
9 sale is exempt under the United States Constitution as a sale
10 in interstate or foreign commerce.

11 (e) Nothing in this Section shall be construed to authorize
12 a county to impose a tax upon the privilege of engaging in any
13 business that under the Constitution of the United States may
14 not be made the subject of taxation by this State.

15 (e-5) If a county imposes a tax under this Section, the
16 county board may, by ordinance, discontinue or lower the rate
17 of the tax. If the county board lowers the tax rate or
18 discontinues the tax, a referendum must be held in accordance
19 with subsection (a) of this Section in order to increase the
20 rate of the tax or to reimpose the discontinued tax.

21 (f) Beginning April 1, 1998 and through December 31, 2013,
22 the results of any election authorizing a proposition to impose
23 a tax under this Section or effecting a change in the rate of
24 tax, or any ordinance lowering the rate or discontinuing the
25 tax, shall be certified by the county clerk and filed with the
26 Illinois Department of Revenue either (i) on or before the

1 first day of April, whereupon the Department shall proceed to
2 administer and enforce the tax as of the first day of July next
3 following the filing; or (ii) on or before the first day of
4 October, whereupon the Department shall proceed to administer
5 and enforce the tax as of the first day of January next
6 following the filing.

7 Beginning January 1, 2014, the results of any election
8 authorizing a proposition to impose a tax under this Section or
9 effecting an increase in the rate of tax, along with the
10 ordinance adopted to impose the tax or increase the rate of the
11 tax, or any ordinance adopted to lower the rate or discontinue
12 the tax, shall be certified by the county clerk and filed with
13 the Illinois Department of Revenue either (i) on or before the
14 first day of May, whereupon the Department shall proceed to
15 administer and enforce the tax as of the first day of July next
16 following the adoption and filing; or (ii) on or before the
17 first day of October, whereupon the Department shall proceed to
18 administer and enforce the tax as of the first day of January
19 next following the adoption and filing.

20 (g) When certifying the amount of a monthly disbursement to
21 a county under this Section, the Department shall increase or
22 decrease the amounts by an amount necessary to offset any
23 miscalculation of previous disbursements. The offset amount
24 shall be the amount erroneously disbursed within the previous 6
25 months from the time a miscalculation is discovered.

26 (h) This Section may be cited as the "Special County

1 Occupation Tax For Public Safety, Public Facilities, or
2 Transportation Law".

3 (i) For purposes of this Section, "public safety" includes,
4 but is not limited to, crime prevention, detention, fire
5 fighting, police, medical, ambulance, or other emergency
6 services. The county may share tax proceeds received under this
7 Section for public safety purposes, including proceeds
8 received before August 4, 2009 (the effective date of Public
9 Act 96-124), with any fire protection district located in the
10 county. For the purposes of this Section, "transportation"
11 includes, but is not limited to, the construction, maintenance,
12 operation, and improvement of public highways, any other
13 purpose for which a county may expend funds under the Illinois
14 Highway Code, and passenger rail transportation. For the
15 purposes of this Section, "public facilities purposes"
16 includes, but is not limited to, the acquisition, development,
17 construction, reconstruction, rehabilitation, improvement,
18 financing, architectural planning, and installation of capital
19 facilities consisting of buildings, structures, and durable
20 equipment and for the acquisition and improvement of real
21 property and interest in real property required, or expected to
22 be required, in connection with the public facilities, for use
23 by the county for the furnishing of governmental services to
24 its citizens, including but not limited to museums and nursing
25 homes.

26 (j) The Department may promulgate rules to implement Public

1 Act 95-1002 only to the extent necessary to apply the existing
2 rules for the Special County Retailers' Occupation Tax for
3 Public Safety to this new purpose for public facilities.

4 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,
5 eff. 7-28-16; 100-23, eff. 7-6-17.)

6 (55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

7 Sec. 5-1035.1. County Motor Fuel Tax Law. The county board
8 of the counties of DuPage, Kane and McHenry may, by an
9 ordinance or resolution adopted by an affirmative vote of a
10 majority of the members elected or appointed to the county
11 board, impose a tax upon all persons engaged in the county in
12 the business of selling motor fuel, as now or hereafter defined
13 in the Motor Fuel Tax Law, at retail for the operation of motor
14 vehicles upon public highways or for the operation of
15 recreational watercraft upon waterways. Kane County may exempt
16 diesel fuel from the tax imposed pursuant to this Section. The
17 tax may be imposed, in half-cent increments, at a rate not
18 exceeding 4 cents per gallon of motor fuel sold at retail
19 within the county for the purpose of use or consumption and not
20 for the purpose of resale. The proceeds from the tax shall be
21 used by the county solely for the purpose of operating,
22 constructing and improving public highways and waterways, and
23 acquiring real property and right-of-ways for public highways
24 and waterways within the county imposing the tax.

25 A tax imposed pursuant to this Section, and all civil

1 penalties that may be assessed as an incident thereof, shall be
2 administered, collected and enforced by the Illinois
3 Department of Revenue in the same manner as the tax imposed
4 under the Retailers' Occupation Tax Act, as now or hereafter
5 amended, insofar as may be practicable; except that in the
6 event of a conflict with the provisions of this Section, this
7 Section shall control. The Department of Revenue shall have
8 full power: to administer and enforce this Section; to collect
9 all taxes and penalties due hereunder; to dispose of taxes and
10 penalties so collected in the manner hereinafter provided; and
11 to determine all rights to credit memoranda arising on account
12 of the erroneous payment of tax or penalty hereunder.

13 Whenever the Department determines that a refund shall be
14 made under this Section to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified, and to the person named, in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the County Option Motor Fuel Tax Fund.

20 The Department shall forthwith pay over to the State
21 Treasurer, ex-officio, as trustee, all taxes and penalties
22 collected hereunder, which shall be deposited into the County
23 Option Motor Fuel Tax Fund, a special fund in the State
24 Treasury which is hereby created. On or before the 25th day of
25 each calendar month, the Department shall prepare and certify
26 to the State Comptroller the disbursement of stated sums of

1 money to named counties for which taxpayers have paid taxes or
2 penalties hereunder to the Department during the second
3 preceding calendar month. The amount to be paid to each county
4 shall be the amount (not including credit memoranda) collected
5 hereunder from retailers within the county during the second
6 preceding calendar month by the Department, but not including
7 an amount equal to the amount of refunds made during the second
8 preceding calendar month by the Department on behalf of the
9 county; less 2% of the balance, which sum shall be retained by
10 the State Treasurer to cover the costs incurred by the
11 Department in administering and enforcing the provisions of
12 this Section. The Department, at the time of each monthly
13 disbursement to the counties, shall prepare and certify to the
14 Comptroller the amount so retained by the State Treasurer,
15 which shall be transferred into the Tax Compliance and
16 Administration Fund.

17 ~~A county may direct, by ordinance, that all or a portion of~~
18 ~~the taxes and penalties collected under the County Option Motor~~
19 ~~Fuel Tax shall be deposited into the Transportation Development~~
20 ~~Partnership Trust Fund.~~

21 Nothing in this Section shall be construed to authorize a
22 county to impose a tax upon the privilege of engaging in any
23 business which under the Constitution of the United States may
24 not be made the subject of taxation by this State.

25 An ordinance or resolution imposing a tax hereunder or
26 effecting a change in the rate thereof shall be effective on

1 the first day of the second calendar month next following the
2 month in which the ordinance or resolution is adopted and a
3 certified copy thereof is filed with the Department of Revenue,
4 whereupon the Department of Revenue shall proceed to administer
5 and enforce this Section on behalf of the county as of the
6 effective date of the ordinance or resolution. Upon a change in
7 rate of a tax levied hereunder, or upon the discontinuance of
8 the tax, the county board of the county shall, on or not later
9 than 5 days after the effective date of the ordinance or
10 resolution discontinuing the tax or effecting a change in rate,
11 transmit to the Department of Revenue a certified copy of the
12 ordinance or resolution effecting the change or
13 discontinuance.

14 This Section shall be known and may be cited as the County
15 Motor Fuel Tax Law.

16 (Source: P.A. 98-1049, eff. 8-25-14.)

17 ARTICLE 10. MANDATE RELIEF

18 Section 10-5. The Election Code is amended by changing
19 Sections 4-8, 4-25, 5-7, 5-35, 6-35, and 6-71 as follows:

20 (10 ILCS 5/4-8) (from Ch. 46, par. 4-8)

21 Sec. 4-8. The county clerk shall provide a sufficient
22 number of blank forms for the registration of electors, which
23 shall be known as registration record cards and which shall

1 consist of loose leaf sheets or cards, of suitable size to
2 contain in plain writing and figures the data hereinafter
3 required thereon or shall consist of computer cards of suitable
4 nature to contain the data required thereon. The registration
5 record cards, which shall include an affidavit of registration
6 as hereinafter provided, shall be executed in duplicate.

7 The registration record card shall contain the following
8 and such other information as the county clerk may think it
9 proper to require for the identification of the applicant for
10 registration:

11 Name. The name of the applicant, giving surname and first
12 or Christian name in full, and the middle name or the initial
13 for such middle name, if any.

14 Sex.

15 Residence. The name and number of the street, avenue, or
16 other location of the dwelling, including the apartment, unit
17 or room number, if any, and in the case of a mobile home the lot
18 number, and such additional clear and definite description as
19 may be necessary to determine the exact location of the
20 dwelling of the applicant. Where the location cannot be
21 determined by street and number, then the section,
22 congressional township and range number may be used, or such
23 other description as may be necessary, including post-office
24 mailing address. In the case of a homeless individual, the
25 individual's voting residence that is his or her mailing
26 address shall be included on his or her registration record

1 card.

2 Term of residence in the State of Illinois and precinct.
3 This information shall be furnished by the applicant stating
4 the place or places where he resided and the dates during which
5 he resided in such place or places during the year next
6 preceding the date of the next ensuing election.

7 Nativity. The state or country in which the applicant was
8 born.

9 Citizenship. Whether the applicant is native born or
10 naturalized. If naturalized, the court, place, and date of
11 naturalization.

12 Date of application for registration, i.e., the day, month
13 and year when applicant presented himself for registration.

14 Age. Date of birth, by month, day and year.

15 Physical disability of the applicant, if any, at the time
16 of registration, which would require assistance in voting.

17 The county and state in which the applicant was last
18 registered.

19 Electronic mail address, if any.

20 Signature of voter. The applicant, after the registration
21 and in the presence of a deputy registrar or other officer of
22 registration shall be required to sign his or her name in ink
23 or digitized form to the affidavit on both the original and
24 duplicate registration record cards.

25 Signature of deputy registrar or officer of registration.

26 In case applicant is unable to sign his name, he may affix

1 his mark to the affidavit. In such case the officer empowered
 2 to give the registration oath shall write a detailed
 3 description of the applicant in the space provided on the back
 4 or at the bottom of the card or sheet; and shall ask the
 5 following questions and record the answers thereto:

6 Father's first name.

7 Mother's first name.

8 From what address did the applicant last register?

9 Reason for inability to sign name.

10 Each applicant for registration shall make an affidavit in
 11 substantially the following form:

12 AFFIDAVIT OF REGISTRATION

13 STATE OF ILLINOIS

14 COUNTY OF

15 I hereby swear (or affirm) that I am a citizen of the
 16 United States; that on the date of the next election I shall
 17 have resided in the State of Illinois and in the election
 18 precinct in which I reside 30 days and that I intend that this
 19 location shall be my residence; that I am fully qualified to
 20 vote, and that the above statements are true.

21

22 (His or her signature or mark)

23 Subscribed and sworn to before me on (insert date).

24

25 Signature of registration officer.

26 (To be signed in presence of registrant.)

1 Space shall be provided upon the face of each registration
2 record card for the notation of the voting record of the person
3 registered thereon.

4 Each registration record card shall be numbered according
5 to precincts, and may be serially or otherwise marked for
6 identification in such manner as the county clerk may
7 determine.

8 The registration cards shall be deemed public records and
9 shall be open to inspection during regular business hours,
10 except during the 27 days immediately preceding any election.
11 On written request of any candidate or objector or any person
12 intending to object to a petition, the election authority shall
13 extend its hours for inspection of registration cards and other
14 records of the election authority during the period beginning
15 with the filing of petitions under Sections 7-10, 8-8, 10-6 or
16 28-3 and continuing through the termination of electoral board
17 hearings on any objections to petitions containing signatures
18 of registered voters in the jurisdiction of the election
19 authority. The extension shall be for a period of hours
20 sufficient to allow adequate opportunity for examination of the
21 records but the election authority is not required to extend
22 its hours beyond the period beginning at its normal opening for
23 business and ending at midnight. If the business hours are so
24 extended, the election authority shall post a public notice of
25 such extended hours. Registration record cards may also be

1 inspected, upon approval of the officer in charge of the cards,
2 during the 27 days immediately preceding any election.
3 Registration record cards shall also be open to inspection by
4 certified judges and poll watchers and challengers at the
5 polling place on election day, but only to the extent necessary
6 to determine the question of the right of a person to vote or
7 to serve as a judge of election. At no time shall poll watchers
8 or challengers be allowed to physically handle the registration
9 record cards.

10 Updated copies of computer tapes or computer discs or other
11 electronic data processing information containing voter
12 registration information shall be furnished by the county clerk
13 within 10 days after December 15 and May 15 each year and
14 within 10 days after each registration period is closed to the
15 State Board of Elections in a form prescribed by the Board. For
16 the purposes of this Section, a registration period is closed
17 27 days before the date of any regular or special election.
18 Registration information shall include, but not be limited to,
19 the following information: name, sex, residence, telephone
20 number, if any, age, party affiliation, if applicable,
21 precinct, ward, township, county, and representative,
22 legislative and congressional districts. In the event of
23 noncompliance, the State Board of Elections is directed to
24 obtain compliance forthwith with this nondiscretionary duty of
25 the election authority by instituting legal proceedings in the
26 circuit court of the county in which the election authority

1 maintains the registration information. ~~The costs of~~
2 ~~furnishing updated copies of tapes or discs shall be paid at a~~
3 ~~rate of \$.00034 per name of registered voters in the election~~
4 ~~jurisdiction, but not less than \$50 per tape or disc and shall~~
5 ~~be paid from appropriations made to the State Board of~~
6 ~~Elections for reimbursement to the election authority for such~~
7 ~~purpose.~~ The State Board shall furnish copies of such tapes,
8 discs, other electronic data or compilations thereof to state
9 political committees registered pursuant to the Illinois
10 Campaign Finance Act or the Federal Election Campaign Act and
11 to governmental entities, at their request and at a reasonable
12 cost. To protect the privacy and confidentiality of voter
13 registration information, the disclosure of electronic voter
14 registration records to any person or entity other than to a
15 State or local political committee and other than to a
16 governmental entity for a governmental purpose is specifically
17 prohibited except as follows: subject to security measures
18 adopted by the State Board of Elections which, at a minimum,
19 shall include the keeping of a catalog or database, available
20 for public view, including the name, address, and telephone
21 number of the person viewing the list as well as the time of
22 that viewing, any person may view the centralized statewide
23 voter registration list on a computer screen at the Springfield
24 office of the State Board of Elections, during normal business
25 hours other than during the 27 days before an election, but the
26 person viewing the list under this exception may not print,

1 duplicate, transmit, or alter the list. Copies of the tapes,
2 discs, or other electronic data shall be furnished by the
3 county clerk to local political committees and governmental
4 entities at their request and at a reasonable cost. Reasonable
5 cost of the tapes, discs, et cetera for this purpose would be
6 the cost of duplication plus 15% for administration. The
7 individual representing a political committee requesting
8 copies of such tapes shall make a sworn affidavit that the
9 information shall be used only for bona fide political
10 purposes, including by or for candidates for office or
11 incumbent office holders. Such tapes, discs or other electronic
12 data shall not be used under any circumstances by any political
13 committee or individuals for purposes of commercial
14 solicitation or other business purposes. If such tapes contain
15 information on county residents related to the operations of
16 county government in addition to registration information,
17 that information shall not be used under any circumstances for
18 commercial solicitation or other business purposes. The
19 prohibition in this Section against using the computer tapes or
20 computer discs or other electronic data processing information
21 containing voter registration information for purposes of
22 commercial solicitation or other business purposes shall be
23 prospective only from the effective date of this amended Act of
24 1979. Any person who violates this provision shall be guilty of
25 a Class 4 felony.

26 The State Board of Elections shall promulgate, by October

1 1, 1987, such regulations as may be necessary to ensure
 2 uniformity throughout the State in electronic data processing
 3 of voter registration information. The regulations shall
 4 include, but need not be limited to, specifications for uniform
 5 medium, communications protocol and file structure to be
 6 employed by the election authorities of this State in the
 7 electronic data processing of voter registration information.
 8 Each election authority utilizing electronic data processing
 9 of voter registration information shall comply with such
 10 regulations on and after May 15, 1988.

11 If the applicant for registration was last registered in
 12 another county within this State, he shall also sign a
 13 certificate authorizing cancellation of the former
 14 registration. The certificate shall be in substantially the
 15 following form:

16 To the County Clerk of.... County, Illinois. (or)

17 To the Election Commission of the City of, Illinois.

18 This is to certify that I am registered in your (county)
 19 (city) and that my residence was

20 Having moved out of your (county) (city), I hereby authorize
 21 you to cancel said registration in your office.

22 Dated at, Illinois, on (insert date).

23
 24 (Signature of Voter)

25 Attest:, County Clerk,
 26 County, Illinois.

1 The cancellation certificate shall be mailed immediately
2 by the County Clerk to the County Clerk (or election commission
3 as the case may be) where the applicant was formerly
4 registered. Receipt of such certificate shall be full authority
5 for cancellation of any previous registration.

6 (Source: P.A. 98-115, eff. 10-1-13; 99-522, eff. 6-30-16.)

7 (10 ILCS 5/4-25) (from Ch. 46, par. 4-25)

8 Sec. 4-25. The compensation of the deputy registrars and
9 judges of registration appointed by the county board to conduct
10 the registrations under Section 4-6.3 and Section 4-7, shall be
11 fixed by the county board, but in no case shall such
12 compensation be less than \$15 nor more than \$25 per day for
13 each day actually employed at the registration, canvass and
14 revision and such deputy registrars and judges of registration
15 shall also be compensated at the rate of five cents per mile
16 for each mile actually traveled in calling at the county
17 clerk's office for registration cards and returning them to
18 said officer.

19 ~~The State Board of Elections shall reimburse each county~~
20 ~~for the amount of the increase in compensation under this~~
21 ~~Section provided by this amendatory Act from funds appropriated~~
22 ~~for that purpose.~~

23 (Source: P.A. 84-1308.)

24 (10 ILCS 5/5-7) (from Ch. 46, par. 5-7)

1 Sec. 5-7. The county clerk shall provide a sufficient
2 number of blank forms for the registration of electors which
3 shall be known as registration record cards and which shall
4 consist of loose leaf sheets or cards, of suitable size to
5 contain in plain writing and figures the data hereinafter
6 required thereon or shall consist of computer cards of suitable
7 nature to contain the data required thereon. The registration
8 record cards, which shall include an affidavit of registration
9 as hereinafter provided, shall be executed in duplicate.

10 The registration record card shall contain the following
11 and such other information as the county clerk may think it
12 proper to require for the identification of the applicant for
13 registration:

14 Name. The name of the applicant, giving surname and first
15 or Christian name in full, and the middle name or the initial
16 for such middle name, if any.

17 Sex.

18 Residence. The name and number of the street, avenue, or
19 other location of the dwelling, including the apartment, unit
20 or room number, if any, and in the case of a mobile home the lot
21 number, and such additional clear and definite description as
22 may be necessary to determine the exact location of the
23 dwelling of the applicant, including post-office mailing
24 address. In the case of a homeless individual, the individual's
25 voting residence that is his or her mailing address shall be
26 included on his or her registration record card.

1 Term of residence in the State of Illinois and the
2 precinct. Which questions may be answered by the applicant
3 stating, in excess of 30 days in the State and in excess of 30
4 days in the precinct.

5 Nativity. The State or country in which the applicant was
6 born.

7 Citizenship. Whether the applicant is native born or
8 naturalized. If naturalized, the court, place and date of
9 naturalization.

10 Date of application for registration, i.e., the day, month
11 and year when applicant presented himself for registration.

12 Age. Date of birth, by month, day and year.

13 Physical disability of the applicant, if any, at the time
14 of registration, which would require assistance in voting.

15 The county and state in which the applicant was last
16 registered.

17 Electronic mail address, if any.

18 Signature of voter. The applicant, after the registration
19 and in the presence of a deputy registrar or other officer of
20 registration shall be required to sign his or her name in ink
21 or digitized form to the affidavit on the original and
22 duplicate registration record card.

23 Signature of Deputy Registrar.

24 In case applicant is unable to sign his name, he may affix
25 his mark to the affidavit. In such case the officer empowered
26 to give the registration oath shall write a detailed

1 description of the applicant in the space provided at the
2 bottom of the card or sheet; and shall ask the following
3 questions and record the answers thereto:

4 Father's first name

5 Mother's first name

6 From what address did you last register?

7 Reason for inability to sign name.

8 Each applicant for registration shall make an affidavit in
9 substantially the following form:

AFFIDAVIT OF REGISTRATION

11 State of Illinois)

12)ss

13 County of)

14 I hereby swear (or affirm) that I am a citizen of the
15 United States; that on the date of the next election I shall
16 have resided in the State of Illinois and in the election
17 precinct in which I reside 30 days; that I am fully qualified
18 to vote. That I intend that this location shall be my residence
19 and that the above statements are true.

20

21 (His or her signature or mark)

22 Subscribed and sworn to before me on (insert date).

23

24 Signature of Registration Officer.

25 (To be signed in presence of Registrant.)

1 Space shall be provided upon the face of each registration
2 record card for the notation of the voting record of the person
3 registered thereon.

4 Each registration record card shall be numbered according
5 to towns and precincts, wards, cities and villages, as the case
6 may be, and may be serially or otherwise marked for
7 identification in such manner as the county clerk may
8 determine.

9 The registration cards shall be deemed public records and
10 shall be open to inspection during regular business hours,
11 except during the 27 days immediately preceding any election.
12 On written request of any candidate or objector or any person
13 intending to object to a petition, the election authority shall
14 extend its hours for inspection of registration cards and other
15 records of the election authority during the period beginning
16 with the filing of petitions under Sections 7-10, 8-8, 10-6 or
17 28-3 and continuing through the termination of electoral board
18 hearings on any objections to petitions containing signatures
19 of registered voters in the jurisdiction of the election
20 authority. The extension shall be for a period of hours
21 sufficient to allow adequate opportunity for examination of the
22 records but the election authority is not required to extend
23 its hours beyond the period beginning at its normal opening for
24 business and ending at midnight. If the business hours are so
25 extended, the election authority shall post a public notice of
26 such extended hours. Registration record cards may also be

1 inspected, upon approval of the officer in charge of the cards,
2 during the 27 days immediately preceding any election.
3 Registration record cards shall also be open to inspection by
4 certified judges and poll watchers and challengers at the
5 polling place on election day, but only to the extent necessary
6 to determine the question of the right of a person to vote or
7 to serve as a judge of election. At no time shall poll watchers
8 or challengers be allowed to physically handle the registration
9 record cards.

10 Updated copies of computer tapes or computer discs or other
11 electronic data processing information containing voter
12 registration information shall be furnished by the county clerk
13 within 10 days after December 15 and May 15 each year and
14 within 10 days after each registration period is closed to the
15 State Board of Elections in a form prescribed by the Board. For
16 the purposes of this Section, a registration period is closed
17 27 days before the date of any regular or special election.
18 Registration information shall include, but not be limited to,
19 the following information: name, sex, residence, telephone
20 number, if any, age, party affiliation, if applicable,
21 precinct, ward, township, county, and representative,
22 legislative and congressional districts. In the event of
23 noncompliance, the State Board of Elections is directed to
24 obtain compliance forthwith with this nondiscretionary duty of
25 the election authority by instituting legal proceedings in the
26 circuit court of the county in which the election authority

1 maintains the registration information. ~~The costs of~~
2 ~~furnishing updated copies of tapes or discs shall be paid at a~~
3 ~~rate of \$.00034 per name of registered voters in the election~~
4 ~~jurisdiction, but not less than \$50 per tape or disc and shall~~
5 ~~be paid from appropriations made to the State Board of~~
6 ~~Elections for reimbursement to the election authority for such~~
7 ~~purpose.~~ The State Board shall furnish copies of such tapes,
8 discs, other electronic data or compilations thereof to state
9 political committees registered pursuant to the Illinois
10 Campaign Finance Act or the Federal Election Campaign Act and
11 to governmental entities, at their request and at a reasonable
12 cost. To protect the privacy and confidentiality of voter
13 registration information, the disclosure of electronic voter
14 registration records to any person or entity other than to a
15 State or local political committee and other than to a
16 governmental entity for a governmental purpose is specifically
17 prohibited except as follows: subject to security measures
18 adopted by the State Board of Elections which, at a minimum,
19 shall include the keeping of a catalog or database, available
20 for public view, including the name, address, and telephone
21 number of the person viewing the list as well as the time of
22 that viewing, any person may view the centralized statewide
23 voter registration list on a computer screen at the Springfield
24 office of the State Board of Elections, during normal business
25 hours other than during the 27 days before an election, but the
26 person viewing the list under this exception may not print,

1 duplicate, transmit, or alter the list. Copies of the tapes,
2 discs or other electronic data shall be furnished by the county
3 clerk to local political committees and governmental entities
4 at their request and at a reasonable cost. Reasonable cost of
5 the tapes, discs, et cetera for this purpose would be the cost
6 of duplication plus 15% for administration. The individual
7 representing a political committee requesting copies of such
8 tapes shall make a sworn affidavit that the information shall
9 be used only for bona fide political purposes, including by or
10 for candidates for office or incumbent office holders. Such
11 tapes, discs or other electronic data shall not be used under
12 any circumstances by any political committee or individuals for
13 purposes of commercial solicitation or other business
14 purposes. If such tapes contain information on county residents
15 related to the operations of county government in addition to
16 registration information, that information shall not be used
17 under any circumstances for commercial solicitation or other
18 business purposes. The prohibition in this Section against
19 using the computer tapes or computer discs or other electronic
20 data processing information containing voter registration
21 information for purposes of commercial solicitation or other
22 business purposes shall be prospective only from the effective
23 date of this amended Act of 1979. Any person who violates this
24 provision shall be guilty of a Class 4 felony.

25 The State Board of Elections shall promulgate, by October
26 1, 1987, such regulations as may be necessary to ensure

1 uniformity throughout the State in electronic data processing
 2 of voter registration information. The regulations shall
 3 include, but need not be limited to, specifications for uniform
 4 medium, communications protocol and file structure to be
 5 employed by the election authorities of this State in the
 6 electronic data processing of voter registration information.
 7 Each election authority utilizing electronic data processing
 8 of voter registration information shall comply with such
 9 regulations on and after May 15, 1988.

10 If the applicant for registration was last registered in
 11 another county within this State, he shall also sign a
 12 certificate authorizing cancellation of the former
 13 registration. The certificate shall be in substantially the
 14 following form:

15 To the County Clerk of County, Illinois. To the Election
 16 Commission of the City of, Illinois.

17 This is to certify that I am registered in your (county)
 18 (city) and that my residence was

19 Having moved out of your (county) (city), I hereby
 20 authorize you to cancel said registration in your office.

21 Dated at Illinois, on (insert date).

22
 23 (Signature of Voter)

24 Attest, County Clerk, County, Illinois.

25 The cancellation certificate shall be mailed immediately
 26 by the county clerk to the county clerk (or election commission

1 as the case may be) where the applicant was formerly
2 registered. Receipt of such certificate shall be full authority
3 for cancellation of any previous registration.

4 (Source: P.A. 98-115, eff. 10-1-13; 99-522, eff. 6-30-16.)

5 (10 ILCS 5/5-35) (from Ch. 46, par. 5-35)

6 Sec. 5-35. The officers of registration selected to conduct
7 registrations under Section 5-17 shall be paid at the rate set
8 out below:

9 Registration officers selected to conduct registration and
10 canvass under Section 5-17 shall be paid at a rate of not less
11 than \$20 per day nor more than \$30 per day, for each day
12 designated by the County Board for any registration and canvass
13 provided by Section 5-17, but in no case shall any such officer
14 selected to conduct canvass be credited for less than two days'
15 service for each canvass.

16 Officers of registration selected to conduct any
17 registration under Section 5-17 shall be compensated at the
18 rate of 5 cents per mile for each mile actually traveled in
19 calling at the county clerk's office for registration cards and
20 returning them to said officer.

21 ~~The State Board of Elections shall reimburse each county~~
22 ~~for the amount of the increase in compensation under this~~
23 ~~Section provided by this amendatory Act from funds appropriated~~
24 ~~for that purpose.~~

25 (Source: P.A. 84-1308.)

1 (10 ILCS 5/6-35) (from Ch. 46, par. 6-35)

2 Sec. 6-35. The Boards of Election Commissioners shall
3 provide a sufficient number of blank forms for the registration
4 of electors which shall be known as registration record cards
5 and which shall consist of loose leaf sheets or cards, of
6 suitable size to contain in plain writing and figures the data
7 hereinafter required thereon or shall consist of computer cards
8 of suitable nature to contain the data required thereon. The
9 registration record cards, which shall include an affidavit of
10 registration as hereinafter provided, shall be executed in
11 duplicate. The duplicate of which may be a carbon copy of the
12 original or a copy of the original made by the use of other
13 method or material used for making simultaneous true copies or
14 duplications.

15 The registration record card shall contain the following
16 and such other information as the Board of Election
17 Commissioners may think it proper to require for the
18 identification of the applicant for registration:

19 Name. The name of the applicant, giving surname and first
20 or Christian name in full, and the middle name or the initial
21 for such middle name, if any.

22 Sex.

23 Residence. The name and number of the street, avenue, or
24 other location of the dwelling, including the apartment, unit
25 or room number, if any, and in the case of a mobile home the lot

1 number, and such additional clear and definite description as
2 may be necessary to determine the exact location of the
3 dwelling of the applicant, including post-office mailing
4 address. In the case of a homeless individual, the individual's
5 voting residence that is his or her mailing address shall be
6 included on his or her registration record card.

7 Term of residence in the State of Illinois and the
8 precinct.

9 Nativity. The state or country in which the applicant was
10 born.

11 Citizenship. Whether the applicant is native born or
12 naturalized. If naturalized, the court, place, and date of
13 naturalization.

14 Date of application for registration, i.e., the day, month
15 and year when the applicant presented himself for registration.

16 Age. Date of birth, by month, day and year.

17 Physical disability of the applicant, if any, at the time
18 of registration, which would require assistance in voting.

19 The county and state in which the applicant was last
20 registered.

21 Electronic mail address, if any.

22 Signature of voter. The applicant, after registration and
23 in the presence of a deputy registrar or other officer of
24 registration shall be required to sign his or her name in ink
25 or digitized form to the affidavit on both the original and the
26 duplicate registration record card.

1 Signature of deputy registrar.

2 In case applicant is unable to sign his name, he may affix
3 his mark to the affidavit. In such case the registration
4 officer shall write a detailed description of the applicant in
5 the space provided at the bottom of the card or sheet; and
6 shall ask the following questions and record the answers
7 thereto:

8 Father's first name

9 Mother's first name

10 From what address did you last register?

11 Reason for inability to sign name

12 Each applicant for registration shall make an affidavit in
13 substantially the following form:

14 AFFIDAVIT OF REGISTRATION

15 State of Illinois)

16)ss

17 County of)

18 I hereby swear (or affirm) that I am a citizen of the
19 United States, that on the day of the next election I shall
20 have resided in the State of Illinois and in the election
21 precinct 30 days and that I intend that this location is my
22 residence; that I am fully qualified to vote, and that the
23 above statements are true.

24

(His or her signature or mark)

26 Subscribed and sworn to before me on (insert date).

1
2

Signature of registration officer
(to be signed in presence of registrant).

3
4 Space shall be provided upon the face of each registration
5 record card for the notation of the voting record of the person
6 registered thereon.

7 Each registration record card shall be numbered according
8 to wards or precincts, as the case may be, and may be serially
9 or otherwise marked for identification in such manner as the
10 Board of Election Commissioners may determine.

11 The registration cards shall be deemed public records and
12 shall be open to inspection during regular business hours,
13 except during the 27 days immediately preceding any election.
14 On written request of any candidate or objector or any person
15 intending to object to a petition, the election authority shall
16 extend its hours for inspection of registration cards and other
17 records of the election authority during the period beginning
18 with the filing of petitions under Sections 7-10, 8-8, 10-6 or
19 28-3 and continuing through the termination of electoral board
20 hearings on any objections to petitions containing signatures
21 of registered voters in the jurisdiction of the election
22 authority. The extension shall be for a period of hours
23 sufficient to allow adequate opportunity for examination of the
24 records but the election authority is not required to extend
25 its hours beyond the period beginning at its normal opening for
26 business and ending at midnight. If the business hours are so

1 extended, the election authority shall post a public notice of
2 such extended hours. Registration record cards may also be
3 inspected, upon approval of the officer in charge of the cards,
4 during the 27 days immediately preceding any election.
5 Registration record cards shall also be open to inspection by
6 certified judges and poll watchers and challengers at the
7 polling place on election day, but only to the extent necessary
8 to determine the question of the right of a person to vote or
9 to serve as a judge of election. At no time shall poll watchers
10 or challengers be allowed to physically handle the registration
11 record cards.

12 Updated copies of computer tapes or computer discs or other
13 electronic data processing information containing voter
14 registration information shall be furnished by the Board of
15 Election Commissioners within 10 days after December 15 and May
16 15 each year and within 10 days after each registration period
17 is closed to the State Board of Elections in a form prescribed
18 by the State Board. For the purposes of this Section, a
19 registration period is closed 27 days before the date of any
20 regular or special election. Registration information shall
21 include, but not be limited to, the following information:
22 name, sex, residence, telephone number, if any, age, party
23 affiliation, if applicable, precinct, ward, township, county,
24 and representative, legislative and congressional districts.
25 In the event of noncompliance, the State Board of Elections is
26 directed to obtain compliance forthwith with this

1 nondiscretionary duty of the election authority by instituting
2 legal proceedings in the circuit court of the county in which
3 the election authority maintains the registration information.
4 ~~The costs of furnishing updated copies of tapes or discs shall~~
5 ~~be paid at a rate of \$.00034 per name of registered voters in~~
6 ~~the election jurisdiction, but not less than \$50 per tape or~~
7 ~~disc and shall be paid from appropriations made to the State~~
8 ~~Board of Elections for reimbursement to the election authority~~
9 ~~for such purpose.~~ The State Board shall furnish copies of such
10 tapes, discs, other electronic data or compilations thereof to
11 state political committees registered pursuant to the Illinois
12 Campaign Finance Act or the Federal Election Campaign Act and
13 to governmental entities, at their request and at a reasonable
14 cost. To protect the privacy and confidentiality of voter
15 registration information, the disclosure of electronic voter
16 registration records to any person or entity other than to a
17 State or local political committee and other than to a
18 governmental entity for a governmental purpose is specifically
19 prohibited except as follows: subject to security measures
20 adopted by the State Board of Elections which, at a minimum,
21 shall include the keeping of a catalog or database, available
22 for public view, including the name, address, and telephone
23 number of the person viewing the list as well as the time of
24 that viewing, any person may view the centralized statewide
25 voter registration list on a computer screen at the Springfield
26 office of the State Board of Elections, during normal business

1 hours other than during the 27 days before an election, but the
2 person viewing the list under this exception may not print,
3 duplicate, transmit, or alter the list. Copies of the tapes,
4 discs or other electronic data shall be furnished by the Board
5 of Election Commissioners to local political committees and
6 governmental entities at their request and at a reasonable
7 cost. Reasonable cost of the tapes, discs, et cetera for this
8 purpose would be the cost of duplication plus 15% for
9 administration. The individual representing a political
10 committee requesting copies of such tapes shall make a sworn
11 affidavit that the information shall be used only for bona fide
12 political purposes, including by or for candidates for office
13 or incumbent office holders. Such tapes, discs or other
14 electronic data shall not be used under any circumstances by
15 any political committee or individuals for purposes of
16 commercial solicitation or other business purposes. If such
17 tapes contain information on county residents related to the
18 operations of county government in addition to registration
19 information, that information shall not be used under any
20 circumstances for commercial solicitation or other business
21 purposes. The prohibition in this Section against using the
22 computer tapes or computer discs or other electronic data
23 processing information containing voter registration
24 information for purposes of commercial solicitation or other
25 business purposes shall be prospective only from the effective
26 date of this amended Act of 1979. Any person who violates this

1 provision shall be guilty of a Class 4 felony.

2 The State Board of Elections shall promulgate, by October
3 1, 1987, such regulations as may be necessary to ensure
4 uniformity throughout the State in electronic data processing
5 of voter registration information. The regulations shall
6 include, but need not be limited to, specifications for uniform
7 medium, communications protocol and file structure to be
8 employed by the election authorities of this State in the
9 electronic data processing of voter registration information.
10 Each election authority utilizing electronic data processing
11 of voter registration information shall comply with such
12 regulations on and after May 15, 1988.

13 If the applicant for registration was last registered in
14 another county within this State, he shall also sign a
15 certificate authorizing cancellation of the former
16 registration. The certificate shall be in substantially the
17 following form:

18 To the County Clerk of County, Illinois.

19 To the Election Commission of the City of, Illinois.

20 This is to certify that I am registered in your (county)
21 (city) and that my residence was Having moved out of your
22 (county), (city), I hereby authorize you to cancel that
23 registration in your office.

24 Dated at, Illinois, on (insert date).

25

26 (Signature of Voter)

1 Attest , Clerk, Election Commission of the City of ,
2 Illinois.

3 The cancellation certificate shall be mailed immediately
4 by the clerk of the Election Commission to the county clerk,
5 (or Election Commission as the case may be) where the applicant
6 was formerly registered. Receipt of such certificate shall be
7 full authority for cancellation of any previous registration.
8 (Source: P.A. 98-115, eff. 10-1-13; 99-522, eff. 6-30-16.)

9 (10 ILCS 5/6-71) (from Ch. 46, par. 6-71)

10 Sec. 6-71. In the cities, villages and incorporated towns
11 in counties having a population of 500,000 or more, which are
12 operating under this Article, the compensation of deputy
13 registrars and judges of registration provided for the first
14 registration under this Article and officers of registration
15 appointed in conformity with Section 6-69 of this Article for
16 subsequent registration shall be not less than \$20 nor more
17 than \$30 per day. In cities, villages and incorporated towns in
18 counties having a population of less than 500,000, and
19 operating under this Article, the compensation of the deputy
20 registrars and judges of registration provided for the first
21 registration under this Article, and officers of registration
22 appointed in conformity with Section 6-69 of this Article for
23 subsequent registrations shall be \$17.50 per day. The
24 compensation of such deputy registrars, judges of registration
25 and officers of registration, shall be apportioned and paid in

1 the manner provided by Article 14 of this Act for judges of
2 election.

3 Each judge of registration who has performed all the duties
4 and services required for the first registration under this
5 Article shall be credited with 2 days' service for the 2 days
6 of general registration provided for by this Article. Each
7 deputy registrar who has performed all the duties and services
8 required for the first registration under this Article shall be
9 credited with 4 days' service for the 2 days of general
10 registration and the 2 days of canvass as provided for by this
11 Article.

12 Officers of registration authorized by Section 6-69 of this
13 Article for registration subsequent to the first registration
14 under this Article shall be credited with one day's service for
15 each registration, and, with the approval of the circuit court,
16 may be credited with an additional day for such other services
17 as the Board of Election Commissioners may require of them, an
18 order of the circuit court in such cases to recite such
19 additional services and to designate the officers of
20 registration from whom such additional services are to be
21 received, provided that in cities, villages and incorporated
22 towns in counties having a population of 500,000 or more, which
23 are operating under this Article, any such officer selected to
24 conduct canvass shall be credited with not less than 2 days'
25 service for each canvass.

26 ~~The State Board of Elections shall reimburse each board of~~

1 ~~election commissioners for the amount of the increase in~~
2 ~~compensation under this Section provided by this amendatory Act~~
3 ~~from funds appropriated for that purpose.~~

4 (Source: P.A. 81-850; 81-1149.)

5 Section 10-10. The Illinois Act on the Aging is amended by
6 changing Section 4.02 as follows:

7 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

8 Sec. 4.02. Community Care Program. The Department shall
9 establish a program of services to prevent unnecessary
10 institutionalization of persons age 60 and older in need of
11 long term care or who are established as persons who suffer
12 from Alzheimer's disease or a related disorder under the
13 Alzheimer's Disease Assistance Act, thereby enabling them to
14 remain in their own homes or in other living arrangements. Such
15 preventive services, which may be coordinated with other
16 programs for the aged and monitored by area agencies on aging
17 in cooperation with the Department, may include, but are not
18 limited to, any or all of the following:

19 (a) (blank);

20 (b) (blank);

21 (c) home care aide services;

22 (d) personal assistant services;

23 (e) adult day services;

24 (f) home-delivered meals;

- 1 (g) education in self-care;
2 (h) personal care services;
3 (i) adult day health services;
4 (j) habilitation services;
5 (k) respite care;
6 (k-5) community reintegration services;
7 (k-6) flexible senior services;
8 (k-7) medication management;
9 (k-8) emergency home response;
10 (l) other nonmedical social services that may enable
11 the person to become self-supporting; or
12 (m) clearinghouse for information provided by senior
13 citizen home owners who want to rent rooms to or share
14 living space with other senior citizens.

15 The Department shall establish eligibility standards for
16 such services. In determining the amount and nature of services
17 for which a person may qualify, consideration shall not be
18 given to the value of cash, property or other assets held in
19 the name of the person's spouse pursuant to a written agreement
20 dividing marital property into equal but separate shares or
21 pursuant to a transfer of the person's interest in a home to
22 his spouse, provided that the spouse's share of the marital
23 property is not made available to the person seeking such
24 services.

25 Beginning January 1, 2008, the Department shall require as
26 a condition of eligibility that all new financially eligible

1 applicants apply for and enroll in medical assistance under
2 Article V of the Illinois Public Aid Code in accordance with
3 rules promulgated by the Department.

4 The Department shall, in conjunction with the Department of
5 Public Aid (now Department of Healthcare and Family Services),
6 seek appropriate amendments under Sections 1915 and 1924 of the
7 Social Security Act. The purpose of the amendments shall be to
8 extend eligibility for home and community based services under
9 Sections 1915 and 1924 of the Social Security Act to persons
10 who transfer to or for the benefit of a spouse those amounts of
11 income and resources allowed under Section 1924 of the Social
12 Security Act. Subject to the approval of such amendments, the
13 Department shall extend the provisions of Section 5-4 of the
14 Illinois Public Aid Code to persons who, but for the provision
15 of home or community-based services, would require the level of
16 care provided in an institution, as is provided for in federal
17 law. Those persons no longer found to be eligible for receiving
18 noninstitutional services due to changes in the eligibility
19 criteria shall be given 45 days notice prior to actual
20 termination. Those persons receiving notice of termination may
21 contact the Department and request the determination be
22 appealed at any time during the 45 day notice period. The
23 target population identified for the purposes of this Section
24 are persons age 60 and older with an identified service need.
25 Priority shall be given to those who are at imminent risk of
26 institutionalization. The services shall be provided to

1 eligible persons age 60 and older to the extent that the cost
2 of the services together with the other personal maintenance
3 expenses of the persons are reasonably related to the standards
4 established for care in a group facility appropriate to the
5 person's condition. These non-institutional services, pilot
6 projects or experimental facilities may be provided as part of
7 or in addition to those authorized by federal law or those
8 funded and administered by the Department of Human Services.
9 The Departments of Human Services, Healthcare and Family
10 Services, Public Health, Veterans' Affairs, and Commerce and
11 Economic Opportunity and other appropriate agencies of State,
12 federal and local governments shall cooperate with the
13 Department on Aging in the establishment and development of the
14 non-institutional services. The Department shall require an
15 annual audit from all personal assistant and home care aide
16 vendors contracting with the Department under this Section. The
17 annual audit shall assure that each audited vendor's procedures
18 are in compliance with Department's financial reporting
19 guidelines requiring an administrative and employee wage and
20 benefits cost split as defined in administrative rules. The
21 audit is a public record under the Freedom of Information Act.
22 The Department shall execute, relative to the nursing home
23 prescreening project, written inter-agency agreements with the
24 Department of Human Services and the Department of Healthcare
25 and Family Services, to effect the following: (1) intake
26 procedures and common eligibility criteria for those persons

1 who are receiving non-institutional services; and (2) the
2 establishment and development of non-institutional services in
3 areas of the State where they are not currently available or
4 are undeveloped. On and after July 1, 1996, all nursing home
5 prescreenings for individuals 60 years of age or older shall be
6 conducted by the Department.

7 As part of the Department on Aging's routine training of
8 case managers and case manager supervisors, the Department may
9 include information on family futures planning for persons who
10 are age 60 or older and who are caregivers of their adult
11 children with developmental disabilities. The content of the
12 training shall be at the Department's discretion.

13 The Department is authorized to establish a system of
14 recipient copayment for services provided under this Section,
15 such copayment to be based upon the recipient's ability to pay
16 but in no case to exceed the actual cost of the services
17 provided. Additionally, any portion of a person's income which
18 is equal to or less than the federal poverty standard shall not
19 be considered by the Department in determining the copayment.
20 The level of such copayment shall be adjusted whenever
21 necessary to reflect any change in the officially designated
22 federal poverty standard.

23 The Department, or the Department's authorized
24 representative, may recover the amount of moneys expended for
25 services provided to or in behalf of a person under this
26 Section by a claim against the person's estate or against the

1 estate of the person's surviving spouse, but no recovery may be
2 had until after the death of the surviving spouse, if any, and
3 then only at such time when there is no surviving child who is
4 under age 21 or blind or who has a permanent and total
5 disability. This paragraph, however, shall not bar recovery, at
6 the death of the person, of moneys for services provided to the
7 person or in behalf of the person under this Section to which
8 the person was not entitled; provided that such recovery shall
9 not be enforced against any real estate while it is occupied as
10 a homestead by the surviving spouse or other dependent, if no
11 claims by other creditors have been filed against the estate,
12 or, if such claims have been filed, they remain dormant for
13 failure of prosecution or failure of the claimant to compel
14 administration of the estate for the purpose of payment. This
15 paragraph shall not bar recovery from the estate of a spouse,
16 under Sections 1915 and 1924 of the Social Security Act and
17 Section 5-4 of the Illinois Public Aid Code, who precedes a
18 person receiving services under this Section in death. All
19 moneys for services paid to or in behalf of the person under
20 this Section shall be claimed for recovery from the deceased
21 spouse's estate. "Homestead", as used in this paragraph, means
22 the dwelling house and contiguous real estate occupied by a
23 surviving spouse or relative, as defined by the rules and
24 regulations of the Department of Healthcare and Family
25 Services, regardless of the value of the property.

26 The Department shall increase the effectiveness of the

1 existing Community Care Program by:

2 (1) ensuring that in-home services included in the care
3 plan are available on evenings and weekends;

4 (2) ensuring that care plans contain the services that
5 eligible participants need based on the number of days in a
6 month, not limited to specific blocks of time, as
7 identified by the comprehensive assessment tool selected
8 by the Department for use statewide, not to exceed the
9 total monthly service cost maximum allowed for each
10 service; the Department shall develop administrative rules
11 to implement this item (2);

12 (3) ensuring that the participants have the right to
13 choose the services contained in their care plan and to
14 direct how those services are provided, based on
15 administrative rules established by the Department;

16 (4) ensuring that the determination of need tool is
17 accurate in determining the participants' level of need; to
18 achieve this, the Department, in conjunction with the Older
19 Adult Services Advisory Committee, shall institute a study
20 of the relationship between the Determination of Need
21 scores, level of need, service cost maximums, and the
22 development and utilization of service plans no later than
23 May 1, 2008; findings and recommendations shall be
24 presented to the Governor and the General Assembly no later
25 than January 1, 2009; recommendations shall include all
26 needed changes to the service cost maximums schedule and

1 additional covered services;

2 (5) ensuring that homemakers can provide personal care
3 services that may or may not involve contact with clients,
4 including but not limited to:

5 (A) bathing;

6 (B) grooming;

7 (C) toileting;

8 (D) nail care;

9 (E) transferring;

10 (F) respiratory services;

11 (G) exercise; or

12 (H) positioning;

13 (6) ensuring that homemaker program vendors are not
14 restricted from hiring homemakers who are family members of
15 clients or recommended by clients; the Department may not,
16 by rule or policy, require homemakers who are family
17 members of clients or recommended by clients to accept
18 assignments in homes other than the client;

19 (7) ensuring that the State may access maximum federal
20 matching funds by seeking approval for the Centers for
21 Medicare and Medicaid Services for modifications to the
22 State's home and community based services waiver and
23 additional waiver opportunities, including applying for
24 enrollment in the Balance Incentive Payment Program by May
25 1, 2013, in order to maximize federal matching funds; this
26 shall include, but not be limited to, modification that

1 reflects all changes in the Community Care Program services
2 and all increases in the services cost maximum;

3 (8) ensuring that the determination of need tool
4 accurately reflects the service needs of individuals with
5 Alzheimer's disease and related dementia disorders;

6 (9) ensuring that services are authorized accurately
7 and consistently for the Community Care Program (CCP); the
8 Department shall implement a Service Authorization policy
9 directive; the purpose shall be to ensure that eligibility
10 and services are authorized accurately and consistently in
11 the CCP program; the policy directive shall clarify service
12 authorization guidelines to Care Coordination Units and
13 Community Care Program providers no later than May 1, 2013;

14 (10) working in conjunction with Care Coordination
15 Units, the Department of Healthcare and Family Services,
16 the Department of Human Services, Community Care Program
17 providers, and other stakeholders to make improvements to
18 the Medicaid claiming processes and the Medicaid
19 enrollment procedures or requirements as needed,
20 including, but not limited to, specific policy changes or
21 rules to improve the up-front enrollment of participants in
22 the Medicaid program and specific policy changes or rules
23 to insure more prompt submission of bills to the federal
24 government to secure maximum federal matching dollars as
25 promptly as possible; the Department on Aging shall have at
26 least 3 meetings with stakeholders by January 1, 2014 in

1 order to address these improvements;

2 (11) requiring home care service providers to comply
3 with the rounding of hours worked provisions under the
4 federal Fair Labor Standards Act (FLSA) and as set forth in
5 29 CFR 785.48(b) by May 1, 2013;

6 (12) implementing any necessary policy changes or
7 promulgating any rules, no later than January 1, 2014, to
8 assist the Department of Healthcare and Family Services in
9 moving as many participants as possible, consistent with
10 federal regulations, into coordinated care plans if a care
11 coordination plan that covers long term care is available
12 in the recipient's area; and

13 (13) maintaining fiscal year 2014 rates at the same
14 level established on January 1, 2013.

15 By January 1, 2009 or as soon after the end of the Cash and
16 Counseling Demonstration Project as is practicable, the
17 Department may, based on its evaluation of the demonstration
18 project, promulgate rules concerning personal assistant
19 services, to include, but need not be limited to,
20 qualifications, employment screening, rights under fair labor
21 standards, training, fiduciary agent, and supervision
22 requirements. All applicants shall be subject to the provisions
23 of the Health Care Worker Background Check Act.

24 The Department shall develop procedures to enhance
25 availability of services on evenings, weekends, and on an
26 emergency basis to meet the respite needs of caregivers.

1 Procedures shall be developed to permit the utilization of
2 services in successive blocks of 24 hours up to the monthly
3 maximum established by the Department. Workers providing these
4 services shall be appropriately trained.

5 Beginning on the effective date of this amendatory Act of
6 1991, no person may perform chore/housekeeping and home care
7 aide services under a program authorized by this Section unless
8 that person has been issued a certificate of pre-service to do
9 so by his or her employing agency. Information gathered to
10 effect such certification shall include (i) the person's name,
11 (ii) the date the person was hired by his or her current
12 employer, and (iii) the training, including dates and levels.
13 Persons engaged in the program authorized by this Section
14 before the effective date of this amendatory Act of 1991 shall
15 be issued a certificate of all pre- and in-service training
16 from his or her employer upon submitting the necessary
17 information. The employing agency shall be required to retain
18 records of all staff pre- and in-service training, and shall
19 provide such records to the Department upon request and upon
20 termination of the employer's contract with the Department. In
21 addition, the employing agency is responsible for the issuance
22 of certifications of in-service training completed to their
23 employees.

24 The Department is required to develop a system to ensure
25 that persons working as home care aides and personal assistants
26 receive increases in their wages when the federal minimum wage

1 is increased by requiring vendors to certify that they are
2 meeting the federal minimum wage statute for home care aides
3 and personal assistants. An employer that cannot ensure that
4 the minimum wage increase is being given to home care aides and
5 personal assistants shall be denied any increase in
6 reimbursement costs.

7 The Community Care Program Advisory Committee is created in
8 the Department on Aging. The Director shall appoint individuals
9 to serve in the Committee, who shall serve at their own
10 expense. Members of the Committee must abide by all applicable
11 ethics laws. The Committee shall advise the Department on
12 issues related to the Department's program of services to
13 prevent unnecessary institutionalization. The Committee shall
14 meet on a bi-monthly basis and shall serve to identify and
15 advise the Department on present and potential issues affecting
16 the service delivery network, the program's clients, and the
17 Department and to recommend solution strategies. Persons
18 appointed to the Committee shall be appointed on, but not
19 limited to, their own and their agency's experience with the
20 program, geographic representation, and willingness to serve.
21 The Director shall appoint members to the Committee to
22 represent provider, advocacy, policy research, and other
23 constituencies committed to the delivery of high quality home
24 and community-based services to older adults. Representatives
25 shall be appointed to ensure representation from community care
26 providers including, but not limited to, adult day service

1 providers, homemaker providers, case coordination and case
2 management units, emergency home response providers, statewide
3 trade or labor unions that represent home care aides and direct
4 care staff, area agencies on aging, adults over age 60,
5 membership organizations representing older adults, and other
6 organizational entities, providers of care, or individuals
7 with demonstrated interest and expertise in the field of home
8 and community care as determined by the Director.

9 Nominations may be presented from any agency or State
10 association with interest in the program. The Director, or his
11 or her designee, shall serve as the permanent co-chair of the
12 advisory committee. One other co-chair shall be nominated and
13 approved by the members of the committee on an annual basis.
14 Committee members' terms of appointment shall be for 4 years
15 with one-quarter of the appointees' terms expiring each year. A
16 member shall continue to serve until his or her replacement is
17 named. The Department shall fill vacancies that have a
18 remaining term of over one year, and this replacement shall
19 occur through the annual replacement of expiring terms. The
20 Director shall designate Department staff to provide technical
21 assistance and staff support to the committee. Department
22 representation shall not constitute membership of the
23 committee. All Committee papers, issues, recommendations,
24 reports, and meeting memoranda are advisory only. The Director,
25 or his or her designee, shall make a written report, as
26 requested by the Committee, regarding issues before the

1 Committee.

2 The Department on Aging and the Department of Human
3 Services shall cooperate in the development and submission of
4 an annual report on programs and services provided under this
5 Section. Such joint report shall be filed with the Governor and
6 the General Assembly on or before September 30 each year.

7 The requirement for reporting to the General Assembly shall
8 be satisfied by filing copies of the report with the Speaker,
9 the Minority Leader and the Clerk of the House of
10 Representatives and the President, the Minority Leader and the
11 Secretary of the Senate and the Legislative Research Unit, as
12 required by Section 3.1 of the General Assembly Organization
13 Act and filing such additional copies with the State Government
14 Report Distribution Center for the General Assembly as is
15 required under paragraph (t) of Section 7 of the State Library
16 Act.

17 Those persons previously found eligible for receiving
18 non-institutional services whose services were discontinued
19 under the Emergency Budget Act of Fiscal Year 1992, and who do
20 not meet the eligibility standards in effect on or after July
21 1, 1992, shall remain ineligible on and after July 1, 1992.
22 Those persons previously not required to cost-share and who
23 were required to cost-share effective March 1, 1992, shall
24 continue to meet cost-share requirements on and after July 1,
25 1992. Beginning July 1, 1992, all clients will be required to
26 meet eligibility, cost-share, and other requirements and will

1 have services discontinued or altered when they fail to meet
2 these requirements.

3 For the purposes of this Section, "flexible senior
4 services" refers to services that require one-time or periodic
5 expenditures including, but not limited to, respite care, home
6 modification, assistive technology, housing assistance, and
7 transportation.

8 The Department shall implement an electronic service
9 verification based on global positioning systems or other
10 cost-effective technology for the Community Care Program no
11 later than January 1, 2014.

12 ~~The Department shall require, as a condition of~~
13 ~~eligibility, enrollment in the medical assistance program~~
14 ~~under Article V of the Illinois Public Aid Code (i) beginning~~
15 ~~August 1, 2013, if the Auditor General has reported that the~~
16 ~~Department has failed to comply with the reporting requirements~~
17 ~~of Section 2-27 of the Illinois State Auditing Act; or (ii)~~
18 ~~beginning June 1, 2014, if the Auditor General has reported~~
19 ~~that the Department has not undertaken the required actions~~
20 ~~listed in the report required by subsection (a) of Section 2-27~~
21 ~~of the Illinois State Auditing Act.~~

22 ~~The Department shall delay Community Care Program services~~
23 ~~until an applicant is determined eligible for medical~~
24 ~~assistance under Article V of the Illinois Public Aid Code (i)~~
25 ~~beginning August 1, 2013, if the Auditor General has reported~~
26 ~~that the Department has failed to comply with the reporting~~

1 ~~requirements of Section 2-27 of the Illinois State Auditing~~
2 ~~Act; or (ii) beginning June 1, 2014, if the Auditor General has~~
3 ~~reported that the Department has not undertaken the required~~
4 ~~actions listed in the report required by subsection (a) of~~
5 ~~Section 2-27 of the Illinois State Auditing Act.~~

6 ~~The Department shall implement co payments for the~~
7 ~~Community Care Program at the federally allowable maximum level~~
8 ~~(i) beginning August 1, 2013, if the Auditor General has~~
9 ~~reported that the Department has failed to comply with the~~
10 ~~reporting requirements of Section 2-27 of the Illinois State~~
11 ~~Auditing Act; or (ii) beginning June 1, 2014, if the Auditor~~
12 ~~General has reported that the Department has not undertaken the~~
13 ~~required actions listed in the report required by subsection~~
14 ~~(a) of Section 2-27 of the Illinois State Auditing Act.~~

15 ~~The Department shall provide a bi-monthly report on the~~
16 ~~progress of the Community Care Program reforms set forth in~~
17 ~~this amendatory Act of the 98th General Assembly to the~~
18 ~~Governor, the Speaker of the House of Representatives, the~~
19 ~~Minority Leader of the House of Representatives, the President~~
20 ~~of the Senate, and the Minority Leader of the Senate.~~

21 ~~The Department shall conduct a quarterly review of Care~~
22 ~~Coordination Unit performance and adherence to service~~
23 ~~guidelines. The quarterly review shall be reported to the~~
24 ~~Speaker of the House of Representatives, the Minority Leader of~~
25 ~~the House of Representatives, the President of the Senate, and~~
26 ~~the Minority Leader of the Senate. The Department shall collect~~

1 ~~and report longitudinal data on the performance of each care~~
2 ~~coordination unit. Nothing in this paragraph shall be construed~~
3 ~~to require the Department to identify specific care~~
4 ~~coordination units.~~

5 In regard to community care providers, failure to comply
6 with Department on Aging policies shall be cause for
7 disciplinary action, including, but not limited to,
8 disqualification from serving Community Care Program clients.
9 Each provider, upon submission of any bill or invoice to the
10 Department for payment for services rendered, shall include a
11 notarized statement, under penalty of perjury pursuant to
12 Section 1-109 of the Code of Civil Procedure, that the provider
13 has complied with all Department policies.

14 The Director of the Department on Aging shall make
15 information available to the State Board of Elections as may be
16 required by an agreement the State Board of Elections has
17 entered into with a multi-state voter registration list
18 maintenance system.

19 Within 30 days after the effective date of this amendatory
20 Act of the 100th General Assembly, rates shall be increased to
21 \$18.29 per hour, for the purpose of increasing, by at least
22 \$.72 per hour, the wages paid by those vendors to their
23 employees who provide homemaker services. The Department shall
24 pay an enhanced rate under the Community Care Program to those
25 in-home service provider agencies that offer health insurance
26 coverage as a benefit to their direct service worker employees

1 consistent with the mandates of Public Act 95-713. For State
2 fiscal year 2018, the enhanced rate shall be \$1.77 per hour.
3 The rate shall be adjusted using actuarial analysis based on
4 the cost of care, but shall not be set below \$1.77 per hour.
5 The Department shall adopt rules, including emergency rules
6 under subsection (y) of Section 5-45 of the Illinois
7 Administrative Procedure Act, to implement the provisions of
8 this paragraph.

9 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17.)

10 (20 ILCS 605/605-855 rep.)

11 Section 10-15. The Department of Commerce and Economic
12 Opportunity Law of the Civil Administrative Code of Illinois is
13 amended by repealing Section 605-855.

14 (20 ILCS 627/Act rep.)

15 Section 10-20. The Electric Vehicle Act is repealed.

16 Section 10-25. The Illinois Emergency Employment
17 Development Act is amended by changing Section 3 as follows:

18 (20 ILCS 630/3) (from Ch. 48, par. 2403)

19 Sec. 3. Illinois Emergency Employment Development
20 Coordinator.

21 (a) The governor shall appoint an Illinois Emergency
22 Employment Development Coordinator to administer the

1 provisions of this Act. The coordinator shall be within the
2 Department of Commerce and Economic Opportunity, but shall be
3 responsible directly to the governor. The coordinator shall
4 have the powers necessary to carry out the purpose of the
5 program.

6 (b) The coordinator shall:

7 (1) recommend one or more Employment Administrators
8 for each service delivery area for approval by the Advisory
9 Committee, with recommendations based on the demonstrated
10 ability of the Employment Administrator to identify and
11 address local needs;

12 (2) enter into a contract with one or more Employment
13 Administrators in each service delivery area;

14 (3) assist the Employment Administrator in developing
15 a satisfactory plan if an Employment Administrator submits
16 one that does not conform to program requirements;

17 (4) convene and provide staff support to the Advisory
18 Committee;

19 (5) coordinate the program with other State agencies
20 and services including public benefits and workforce
21 programs for unemployed individuals; and

22 (6) perform general program marketing and monitoring
23 functions.

24 (c) (Blank). ~~The coordinator shall administer the program~~
25 ~~within the Department of Commerce and Economic Opportunity. The~~
26 ~~Director of Commerce and Economic Opportunity shall provide~~

1 ~~administrative support services to the coordinator for the~~
2 ~~purposes of the program.~~

3 (d) The coordinator shall report to the Governor, the
4 Advisory Committee, and the General Assembly on a quarterly
5 basis concerning (1) the number of persons employed under the
6 program; (2) the number and type of employers under the
7 program; (3) the amount of money spent in each service delivery
8 area for wages for each type of employment and each type of
9 other expenses; (4) the number of persons who have completed
10 participation in the program and their current employment,
11 educational or training status; (5) any information requested
12 by the General Assembly, the Advisory Committee, or governor or
13 deemed pertinent by the coordinator; and (6) any identified
14 violations of this Act and actions taken. Each report shall
15 include cumulative information, as well as information for each
16 quarter.

17 (e) Rules. The Director of Commerce and Economic
18 Opportunity, with the advice of the coordinator and the
19 Advisory Committee, shall adopt rules for the administration
20 and enforcement of this Act.

21 (Source: P.A. 96-995, eff. 1-1-11; 97-581, eff. 8-26-11.)

22 Section 10-30. The Capital Spending Accountability Law is
23 amended by changing Section 805 as follows:

24 (20 ILCS 3020/805)

1 Sec. 805. Reports on capital spending. On the 45th ~~first~~
2 day following the end of each quarterly period in each fiscal
3 year, the Governor's Office of Management and Budget shall
4 provide to the Comptroller, the Treasurer, the President and
5 the Minority Leader of the Senate, and the Speaker and the
6 Minority Leader of the House of Representatives a report on the
7 status of all capital projects in the State. The report may be
8 provided in both written and electronic format. The report must
9 include all of the following:

10 (1) A brief description or stated purpose of each
11 capital project where applicable (as referred to in this
12 Section, "project").

13 (2) The amount and source of funds (whether from bond
14 funds or other revenues) appropriated for each project,
15 organized into categories including roads, mass transit,
16 schools, environment, civic centers and other categories
17 as applicable (as referred to in this Section, "category or
18 categories"), with subtotals for each category.

19 (3) The date the appropriation bill relating to each
20 project was signed by the Governor, organized into
21 categories.

22 (4) The date the written release of the Governor for
23 each project was submitted to the Comptroller or is
24 projected to be submitted and, if a release for any project
25 has not been submitted within 6 months after its
26 appropriation became law, an explanation why the project

1 has not yet been released, all organized into categories.

2 (5) The amount of expenditures to date by the State
3 relating to each project and estimated amount of total
4 State expenditures and proposed schedule of future State
5 expenditures relating to each project, all organized into
6 categories.

7 (6) A timeline for completion of each project,
8 including the dates, if applicable, of execution by the
9 State of any grant agreement, any required engineering or
10 design work or environmental approvals, and the estimated
11 or actual dates of the start and completion of
12 construction, all organized into categories. Any
13 substantial variances on any project from this reported
14 timeline must be explained in the next quarterly report.

15 (7) A summary report of the status of all projects,
16 including the amount of undisbursed funds intended to be
17 held or used in the next quarter.

18 (Source: P.A. 98-692, eff. 7-1-14.)

19 (30 ILCS 375/Act rep.)

20 Section 10-35. The Local Government Debt Offering Act is
21 repealed.

22 (70 ILCS 210/22.1 rep.)

23 Section 10-40. The Metropolitan Pier and Exposition
24 Authority Act is amended by repealing Section 22.1.

1 (310 ILCS 20/3b rep.)

2 Section 10-45. The Housing Development and Construction
3 Act is amended by repealing Section 3b.

4 (310 ILCS 30/2 rep.)

5 Section 10-50. The Redevelopment Project Rehousing and
6 Capital Improvements Act is amended by repealing Section 2.

7 (315 ILCS 5/Act rep.)

8 Section 10-55. The Blighted Areas Redevelopment Act of 1947
9 is repealed.

10 (315 ILCS 25/Act rep.)

11 Section 10-60. The Urban Community Conservation Act is
12 repealed.

13 (315 ILCS 30/Act rep.)

14 Section 10-65. The Urban Renewal Consolidation Act of 1961
15 is repealed.

16 (325 ILCS 25/Act rep.)

17 Section 10-70. The High Risk Youth Career Development Act
18 is repealed.

19 (415 ILCS 5/17.6 rep.)

1 Section 10-75. The Environmental Protection Act is amended
2 by repealing Section 17.6.

3 (415 ILCS 110/Act rep.)

4 Section 10-80. The Recycled Newsprint Use Act is repealed.

5 ARTICLE 15. GOVERNMENT EFFICIENCY

6 Section 15-5. The Civil Administrative Code of Illinois is
7 amended by changing Section 5-565 as follows:

8 (20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

9 Sec. 5-565. In the Department of Public Health.

10 (a) The General Assembly declares it to be the public
11 policy of this State that all citizens of Illinois are entitled
12 to lead healthy lives. Governmental public health has a
13 specific responsibility to ensure that a public health system
14 is in place to allow the public health mission to be achieved.
15 The public health system is the collection of public, private,
16 and voluntary entities as well as individuals and informal
17 associations that contribute to the public's health within the
18 State. To develop a public health system requires certain core
19 functions to be performed by government. The State Board of
20 Health is to assume the leadership role in advising the
21 Director in meeting the following functions:

22 (1) Needs assessment.

1 (2) Statewide health objectives.

2 (3) Policy development.

3 (4) Assurance of access to necessary services.

4 There shall be a State Board of Health composed of 20
5 persons, all of whom shall be appointed by the Governor, with
6 the advice and consent of the Senate for those appointed by the
7 Governor on and after June 30, 1998, and one of whom shall be a
8 senior citizen age 60 or over. Five members shall be physicians
9 licensed to practice medicine in all its branches, one
10 representing a medical school faculty, one who is board
11 certified in preventive medicine, and one who is engaged in
12 private practice. One member shall be a chiropractic physician.
13 One member shall be a dentist; one an environmental health
14 practitioner; one a local public health administrator; one a
15 local board of health member; one a registered nurse; one a
16 physical therapist; one an optometrist; one a veterinarian; one
17 a public health academician; one a health care industry
18 representative; one a representative of the business
19 community; one a representative of the non-profit public
20 interest community; and 2 shall be citizens at large.

21 The terms of Board of Health members shall be 3 years,
22 except that members shall continue to serve on the Board of
23 Health until a replacement is appointed. Upon the effective
24 date of this amendatory Act of the 93rd General Assembly, in
25 the appointment of the Board of Health members appointed to
26 vacancies or positions with terms expiring on or before

1 December 31, 2004, the Governor shall appoint up to 6 members
2 to serve for terms of 3 years; up to 6 members to serve for
3 terms of 2 years; and up to 5 members to serve for a term of one
4 year, so that the term of no more than 6 members expire in the
5 same year. All members shall be legal residents of the State of
6 Illinois. The duties of the Board shall include, but not be
7 limited to, the following:

8 (1) To advise the Department of ways to encourage
9 public understanding and support of the Department's
10 programs.

11 (2) To evaluate all boards, councils, committees,
12 authorities, and bodies advisory to, or an adjunct of, the
13 Department of Public Health or its Director for the purpose
14 of recommending to the Director one or more of the
15 following:

16 (i) The elimination of bodies whose activities are
17 not consistent with goals and objectives of the
18 Department.

19 (ii) The consolidation of bodies whose activities
20 encompass compatible programmatic subjects.

21 (iii) The restructuring of the relationship
22 between the various bodies and their integration
23 within the organizational structure of the Department.

24 (iv) The establishment of new bodies deemed
25 essential to the functioning of the Department.

26 (3) To serve as an advisory group to the Director for

1 public health emergencies and control of health hazards.

2 (4) To advise the Director regarding public health
3 policy, and to make health policy recommendations
4 regarding priorities to the Governor through the Director.

5 (5) To present public health issues to the Director and
6 to make recommendations for the resolution of those issues.

7 (6) To recommend studies to delineate public health
8 problems.

9 (7) To make recommendations to the Governor through the
10 Director regarding the coordination of State public health
11 activities with other State and local public health
12 agencies and organizations.

13 (8) To report on or before February 1 of each year on
14 the health of the residents of Illinois to the Governor,
15 the General Assembly, and the public.

16 (9) To review the final draft of all proposed
17 administrative rules, other than emergency or preemptory
18 rules and those rules that another advisory body must
19 approve or review within a statutorily defined time period,
20 of the Department after September 19, 1991 (the effective
21 date of Public Act 87-633). The Board shall review the
22 proposed rules within 90 days of submission by the
23 Department. The Department shall take into consideration
24 any comments and recommendations of the Board regarding the
25 proposed rules prior to submission to the Secretary of
26 State for initial publication. If the Department disagrees

1 with the recommendations of the Board, it shall submit a
2 written response outlining the reasons for not accepting
3 the recommendations.

4 In the case of proposed administrative rules or
5 amendments to administrative rules regarding immunization
6 of children against preventable communicable diseases
7 designated by the Director under the Communicable Disease
8 Prevention Act, after the Immunization Advisory Committee
9 has made its recommendations, the Board shall conduct 3
10 public hearings, geographically distributed throughout the
11 State. At the conclusion of the hearings, the State Board
12 of Health shall issue a report, including its
13 recommendations, to the Director. The Director shall take
14 into consideration any comments or recommendations made by
15 the Board based on these hearings.

16 (10) To deliver to the Governor for presentation to the
17 General Assembly a State Health Improvement Plan. The first
18 3 such plans shall be delivered to the Governor on January
19 1, 2006, January 1, 2009, and January 1, 2016 and then
20 every 5 years thereafter.

21 The Plan shall recommend priorities and strategies to
22 improve the public health system and the health status of
23 Illinois residents, taking into consideration national
24 health objectives and system standards as frameworks for
25 assessment.

26 The Plan shall also take into consideration priorities

1 and strategies developed at the community level through the
2 Illinois Project for Local Assessment of Needs (IPLAN) and
3 any regional health improvement plans that may be
4 developed. The Plan shall focus on prevention as a key
5 strategy for long-term health improvement in Illinois.

6 The Plan shall examine and make recommendations on the
7 contributions and strategies of the public and private
8 sectors for improving health status and the public health
9 system in the State. In addition to recommendations on
10 health status improvement priorities and strategies for
11 the population of the State as a whole, the Plan shall make
12 recommendations regarding priorities and strategies for
13 reducing and eliminating health disparities in Illinois;
14 including racial, ethnic, gender, age, socio-economic and
15 geographic disparities.

16 The Director of the Illinois Department of Public
17 Health shall appoint a Planning Team that includes a range
18 of public, private, and voluntary sector stakeholders and
19 participants in the public health system. This Team shall
20 include: the directors of State agencies with public health
21 responsibilities (or their designees), including but not
22 limited to the Illinois Departments of Public Health and
23 Department of Human Services, representatives of local
24 health departments, representatives of local community
25 health partnerships, and individuals with expertise who
26 represent an array of organizations and constituencies

1 engaged in public health improvement and prevention.

2 The State Board of Health shall hold at least 3 public
3 hearings addressing drafts of the Plan in representative
4 geographic areas of the State. Members of the Planning Team
5 shall receive no compensation for their services, but may
6 be reimbursed for their necessary expenses.

7 Upon the delivery of each State Health Improvement
8 Plan, the Governor shall appoint a SHIP Implementation
9 Coordination Council that includes a range of public,
10 private, and voluntary sector stakeholders and
11 participants in the public health system. The Council shall
12 include the directors of State agencies and entities with
13 public health system responsibilities (or their
14 designees), including but not limited to the Department of
15 Public Health, Department of Human Services, Department of
16 Healthcare and Family Services, Environmental Protection
17 Agency, Illinois State Board of Education, Department on
18 Aging, Illinois Violence Prevention Authority, Department
19 of Agriculture, Department of Insurance, Department of
20 Financial and Professional Regulation, Department of
21 Transportation, ~~and Department of Commerce and Economic~~
22 ~~Opportunity~~ and the Chair of the State Board of Health. The
23 Council shall include representatives of local health
24 departments and individuals with expertise who represent
25 an array of organizations and constituencies engaged in
26 public health improvement and prevention, including

1 non-profit public interest groups, health issue groups,
2 faith community groups, health care providers, businesses
3 and employers, academic institutions, and community-based
4 organizations. The Governor shall endeavor to make the
5 membership of the Council representative of the racial,
6 ethnic, gender, socio-economic, and geographic diversity
7 of the State. The Governor shall designate one State agency
8 representative and one other non-governmental member as
9 co-chairs of the Council. The Governor shall designate a
10 member of the Governor's office to serve as liaison to the
11 Council and one or more State agencies to provide or
12 arrange for support to the Council. The members of the SHIP
13 Implementation Coordination Council for each State Health
14 Improvement Plan shall serve until the delivery of the
15 subsequent State Health Improvement Plan, whereupon a new
16 Council shall be appointed. Members of the SHIP Planning
17 Team may serve on the SHIP Implementation Coordination
18 Council if so appointed by the Governor.

19 The SHIP Implementation Coordination Council shall
20 coordinate the efforts and engagement of the public,
21 private, and voluntary sector stakeholders and
22 participants in the public health system to implement each
23 SHIP. The Council shall serve as a forum for collaborative
24 action; coordinate existing and new initiatives; develop
25 detailed implementation steps, with mechanisms for action;
26 implement specific projects; identify public and private

1 funding sources at the local, State and federal level;
2 promote public awareness of the SHIP; advocate for the
3 implementation of the SHIP; and develop an annual report to
4 the Governor, General Assembly, and public regarding the
5 status of implementation of the SHIP. The Council shall
6 not, however, have the authority to direct any public or
7 private entity to take specific action to implement the
8 SHIP.

9 (11) Upon the request of the Governor, to recommend to
10 the Governor candidates for Director of Public Health when
11 vacancies occur in the position.

12 (12) To adopt bylaws for the conduct of its own
13 business, including the authority to establish ad hoc
14 committees to address specific public health programs
15 requiring resolution.

16 (13) (Blank).

17 Upon appointment, the Board shall elect a chairperson from
18 among its members.

19 Members of the Board shall receive compensation for their
20 services at the rate of \$150 per day, not to exceed \$10,000 per
21 year, as designated by the Director for each day required for
22 transacting the business of the Board and shall be reimbursed
23 for necessary expenses incurred in the performance of their
24 duties. The Board shall meet from time to time at the call of
25 the Department, at the call of the chairperson, or upon the
26 request of 3 of its members, but shall not meet less than 4

1 times per year.

2 (b) (Blank).

3 (c) An Advisory Board on Necropsy Service to Coroners,
4 which shall counsel and advise with the Director on the
5 administration of the Autopsy Act. The Advisory Board shall
6 consist of 11 members, including a senior citizen age 60 or
7 over, appointed by the Governor, one of whom shall be
8 designated as chairman by a majority of the members of the
9 Board. In the appointment of the first Board the Governor shall
10 appoint 3 members to serve for terms of 1 year, 3 for terms of 2
11 years, and 3 for terms of 3 years. The members first appointed
12 under Public Act 83-1538 shall serve for a term of 3 years. All
13 members appointed thereafter shall be appointed for terms of 3
14 years, except that when an appointment is made to fill a
15 vacancy, the appointment shall be for the remaining term of the
16 position vacant. The members of the Board shall be citizens of
17 the State of Illinois. In the appointment of members of the
18 Advisory Board the Governor shall appoint 3 members who shall
19 be persons licensed to practice medicine and surgery in the
20 State of Illinois, at least 2 of whom shall have received
21 post-graduate training in the field of pathology; 3 members who
22 are duly elected coroners in this State; and 5 members who
23 shall have interest and abilities in the field of forensic
24 medicine but who shall be neither persons licensed to practice
25 any branch of medicine in this State nor coroners. In the
26 appointment of medical and coroner members of the Board, the

1 Governor shall invite nominations from recognized medical and
2 coroners organizations in this State respectively. Board
3 members, while serving on business of the Board, shall receive
4 actual necessary travel and subsistence expenses while so
5 serving away from their places of residence.

6 (Source: P.A. 98-463, eff. 8-16-13; 99-527, eff. 1-1-17.)

7 Section 15-10. The Illinois Act on the Aging is amended by
8 changing Section 4.06 as follows:

9 (20 ILCS 105/4.06)

10 Sec. 4.06. Minority Senior Citizen Program. The Department
11 shall develop a program to identify the special needs and
12 problems of minority senior citizens and evaluate the adequacy
13 and accessibility of existing programs and information for
14 minority senior citizens. The Department shall coordinate
15 services for minority senior citizens through the Department of
16 Public Health, the Department of Healthcare and Family
17 Services, and the Department of Human Services.

18 The Department shall develop procedures to enhance and
19 identify availability of services and shall promulgate
20 administrative rules to establish the responsibilities of the
21 Department.

22 The Department on Aging, the Department of Public Health,
23 the Department of Healthcare and Family Services, and the
24 Department of Human Services shall cooperate in the development

1 and submission of an annual report on programs and services
2 provided under this Section. The joint report shall be filed
3 with the Governor and the General Assembly no later than 12
4 months after the close of each fiscal year ~~on or before~~
5 ~~September 30 of each year.~~

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

7 (20 ILCS 605/605-325 rep.)

8 (20 ILCS 605/605-337 rep.)

9 (20 ILCS 605/605-360 rep.)

10 (20 ILCS 605/605-605 rep.)

11 (20 ILCS 605/605-685 rep.)

12 Section 15-15. The Department of Commerce and Economic
13 Opportunity Law of the Civil Administrative Code of Illinois is
14 amended by repealing Sections 605-325, 605-337, 605-360,
15 605-605, and 605-685.

16 Section 15-20. The Department of Commerce and Economic
17 Opportunity Law of the Civil Administrative Code of Illinois is
18 amended by changing Section 605-950 as follows:

19 (20 ILCS 605/605-950) (was 20 ILCS 605/46.38a)

20 Sec. 605-950. Federal funds for housing. The Department of
21 Human Services is authorized to receive and distribute federal
22 funds to foster safe and decent housing and for reimbursement
23 of social service expenses in connection with emergency shelter

1 for the homeless.

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (20 ILCS 695/Act rep.)

4 Section 15-25. The State and Regional Development Strategy
5 Act is repealed.

6 Section 15-30. The Outdoor Recreation Resources Act is
7 amended by changing Sections 2 and 2a as follows:

8 (20 ILCS 860/2) (from Ch. 105, par. 532)

9 Sec. 2. The Department of Natural Resources is authorized
10 to have prepared, ~~with the Department of Commerce and Economic~~
11 ~~Opportunity,~~ and to maintain, and keep up-to-date a
12 comprehensive plan for the development of the outdoor
13 recreation resources of the State.

14 (Source: P.A. 94-793, eff. 5-19-06.)

15 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

16 Sec. 2a. The Historic Preservation Agency is authorized to
17 have prepared, ~~with the Department of Commerce and Economic~~
18 ~~Opportunity,~~ and to maintain, and keep up-to-date a
19 comprehensive plan for the preservation of the historically
20 significant properties and interests of the State.

21 (Source: P.A. 94-793, eff. 5-19-06.)

1 (20 ILCS 1305/10-32 rep.)

2 Section 15-35. The Department of Human Services Act is
3 amended by repealing Section 10-32.

4 (20 ILCS 1510/65 rep.)

5 Section 15-40. The Illinois Guaranteed Job Opportunity Act
6 is amended by repealing Section 65.

7 (20 ILCS 2505/2505-550 rep.)

8 Section 15-45. The Department of Revenue Law of the Civil
9 Administrative Code of Illinois is amended by repealing Section
10 2505-550.

11 (20 ILCS 2605/2605-580 rep.)

12 Section 15-50. The Department of State Police Law of the
13 Civil Administrative Code of Illinois is amended by repealing
14 Section 2605-580.

15 (20 ILCS 3930/7.6 rep.)

16 Section 15-55. The Illinois Criminal Justice Information
17 Act is amended by repealing Section 7.6.

18 Section 15-60. The State Finance Act is amended by changing
19 Sections 5k and 8p and by adding Section 8p-5 as follows:

20 (30 ILCS 105/5k)

1 Sec. 5k. Cash flow borrowing and general funds liquidity;
2 FY15.

3 (a) In order to meet cash flow deficits and to maintain
4 liquidity in the General Revenue Fund and the Health Insurance
5 Reserve Fund, on and after July 1, 2014 and through June 30,
6 2015, the State Treasurer and the State Comptroller shall make
7 transfers to the General Revenue Fund and the Health Insurance
8 Reserve Fund, as directed by the Governor, out of special funds
9 of the State, to the extent allowed by federal law. No such
10 transfer may reduce the cumulative balance of all of the
11 special funds of the State to an amount less than the total
12 debt service payable during the 12 months immediately following
13 the date of the transfer on any bonded indebtedness of the
14 State and any certificates issued under the Short Term
15 Borrowing Act. At no time shall the outstanding total transfers
16 made from the special funds of the State to the General Revenue
17 Fund and the Health Insurance Reserve Fund under this Section
18 exceed \$650,000,000; once the amount of \$650,000,000 has been
19 transferred from the special funds of the State to the General
20 Revenue Fund and the Health Insurance Reserve Fund, additional
21 transfers may be made from the special funds of the State to
22 the General Revenue Fund and the Health Insurance Reserve Fund
23 under this Section only to the extent that moneys have first
24 been re-transferred from the General Revenue Fund and the
25 Health Insurance Reserve Fund to those special funds of the
26 State. Notwithstanding any other provision of this Section, no

1 such transfer may be made from any special fund that is
2 exclusively collected by or appropriated to any other
3 constitutional officer without the written approval of that
4 constitutional officer.

5 (b) If moneys have been transferred to the General Revenue
6 Fund and the Health Insurance Reserve Fund pursuant to
7 subsection (a) of this Section, this amendatory Act of the 98th
8 General Assembly shall constitute the continuing authority for
9 and direction to the State Treasurer and State Comptroller to
10 reimburse the funds of origin from the General Revenue Fund by
11 transferring to the funds of origin, at such times and in such
12 amounts as directed by the Governor when necessary to support
13 appropriated expenditures from the funds, an amount equal to
14 that transferred from them plus any interest that would have
15 accrued thereon had the transfer not occurred. When any of the
16 funds from which moneys have been transferred pursuant to
17 subsection (a) have insufficient cash from which the State
18 Comptroller may make expenditures properly supported by
19 appropriations from the fund, then the State Treasurer and
20 State Comptroller shall transfer from the General Revenue Fund
21 to the fund only such amount as is immediately necessary to
22 satisfy outstanding expenditure obligations on a timely basis.

23 (c) (Blank). ~~On the first day of each quarterly period in~~
24 ~~each fiscal year, until such time as a report indicates that~~
25 ~~all moneys borrowed and interest pursuant to this Section have~~
26 ~~been repaid, the Governor's Office of Management and Budget~~

1 ~~shall provide to the President and the Minority Leader of the~~
2 ~~Senate, the Speaker and the Minority Leader of the House of~~
3 ~~Representatives, and the Commission on Government Forecasting~~
4 ~~and Accountability a report on all transfers made pursuant to~~
5 ~~this Section in the prior quarterly period. The report must be~~
6 ~~provided in electronic format. The report must include all of~~
7 ~~the following:~~

8 ~~(1) The date each transfer was made.~~

9 ~~(2) The amount of each transfer.~~

10 ~~(3) In the case of a transfer from the General Revenue~~
11 ~~Fund to a fund of origin pursuant to subsection (b) of this~~
12 ~~Section, the amount of interest being paid to the fund of~~
13 ~~origin.~~

14 ~~(4) The end of day balance of the fund of origin, the~~
15 ~~General Revenue Fund and the Health Insurance Reserve Fund~~
16 ~~on the date the transfer was made.~~

17 (Source: P.A. 98-682, eff. 6-30-14; 99-523, eff. 6-30-16.)

18 (30 ILCS 105/8p)

19 Sec. 8p. State Police Streetgang-Related Crime Fund.

20 (a) The State Police Streetgang-Related Crime Fund is
21 created as a special fund in the State treasury.

22 (b) All moneys collected and payable to the Department of
23 State Police under Section 5-9-1.19 of the Unified Code of
24 Corrections shall be deposited into the State Police
25 Streetgang-Related Crime Fund and shall be appropriated to and

1 administered by the Department of State Police for operations
2 and initiatives to combat and prevent streetgang-related
3 crime.

4 (c) The State Police Streetgang-Related Crime Fund shall
5 not be subject to administrative chargebacks.

6 (d) Notwithstanding any other provision of law, on the
7 effective date of this amendatory Act of the 100th General
8 Assembly, or as soon thereafter as practical before the repeal
9 of this Section as provided in subsection (e), the State
10 Comptroller shall direct and the State Treasurer shall transfer
11 the remaining balance from the State Police Streetgang-Related
12 Crime Fund into the State Police Operations Assistance Fund.
13 Upon completion of the transfers, the State Police
14 Streetgang-Related Crime Fund is dissolved, and any future
15 deposits due to that Fund and any outstanding obligations or
16 liabilities of that Fund pass to the State Police Operations
17 Assistance Fund.

18 (e) This Section is repealed 60 days after the effective
19 date of this amendatory Act of the 100th General Assembly.

20 (Source: P.A. 96-1029, eff. 7-13-10.)

21 (30 ILCS 105/8p-5 new)

22 Sec. 8p-5. State Police Operations Assistance Fund.
23 Beginning on the effective date of this amendatory Act of the
24 100th General Assembly: all moneys collected and payable to the
25 Department of State Police under Section 5-9-1.19 of the

1 Unified Code of Corrections shall be deposited into the State
2 Police Operations Assistance Fund; and any future deposits due
3 to the State Police Streetgang-Related Crime Fund and any
4 outstanding obligations or liabilities of that Fund pass to the
5 State Police Operations Assistance Fund.

6 (30 ILCS 105/5.783 rep.)

7 Section 15-65. The State Finance Act is amended by
8 repealing Section 5.783.

9 (30 ILCS 720/Act rep.)

10 Section 15-70. The Industrial Development Assistance Law
11 is repealed.

12 (35 ILCS 120/1k rep.)

13 (35 ILCS 120/1o rep.)

14 Section 15-75. The Retailers' Occupation Tax Act is amended
15 by repealing Sections 1k and 1o.

16 Section 15-80. The Military Family Interstate Compact
17 Implementation Statute Drafting Advisory Committee Act is
18 amended by changing Section 5 as follows:

19 (45 ILCS 175/5)

20 Sec. 5. Committee; created; mandate. The Military Family
21 Interstate Compact Implementation Statute Drafting Advisory

1 Committee is created as an interagency advisory committee to
2 develop a comprehensive statute to implement the Interstate
3 Compact on Educational Opportunity for Military Children, a
4 document developed by the National Military Family
5 Association. The Lieutenant Governor is the chair of the
6 Committee, which shall be composed of the following individuals
7 or agency designees:

8 (1) The Lieutenant Governor.

9 (2) The Illinois State Board of Education.

10 (3) (Blank). ~~The Department of Commerce and Economic~~
11 ~~Opportunity.~~

12 (4) The Department of Healthcare and Family Services.

13 (5) The Housing Development Authority.

14 (6) The Department of Veterans' Affairs.

15 (7) The Department of Military Affairs.

16 (8) The Department of Employment Security.

17 (9) Any other interested stakeholder, at the
18 discretion of the chair.

19 The Committee shall meet at a time and place designated by
20 the chair, but in no case shall the Committee meet less often
21 than once each month, until it has fulfilled all the
22 obligations delineated in this Act.

23 All meetings of the Committee are subject to the provisions
24 of the Open Meetings Act.

25 All proceedings of the Committee and documents produced by
26 the Committee are subject to the provisions of the Freedom of

1 Information Act.

2 The Committee shall draft and submit to the General
3 Assembly a model implementation statute and a report outlining
4 all the issues raised by the implementation by no later than
5 December 31, 2008 or within 90 days after the effective date of
6 this Act, whichever is later.

7 The Office of the Lieutenant Governor shall provide staff
8 and administrative support to the Committee.

9 (Source: P.A. 95-736, eff. 7-16-08.)

10 (50 ILCS 805/8 rep.)

11 Section 15-85. The Local Land Resource Management Planning
12 Act is amended by repealing Section 8.

13 Section 15-90. The Central Illinois Economic Development
14 Authority Act is amended by changing Section 27 as follows:

15 (70 ILCS 504/27)

16 Sec. 27. Employment advisory boards. The Authority may
17 establish one or more employment advisory boards to report to
18 it on employment related issues. Employment advisory boards
19 must consist of members of the Authority and representatives
20 from businesses and vocational training institutions that are
21 located within the geographic boundaries of the Authority
22 including, but not limited to, the following: (i)
23 manufacturers, (ii) health care providers, (iii) community

1 colleges, and (iv) producers and shippers of commodity and
2 value-added farm products. The chairperson of an employment
3 advisory board shall be appointed by a majority vote of the
4 Authority. The Authority may adopt ordinances or resolutions
5 concerning the reports created by employment advisory boards
6 including, but not limited to, the topics and timeframes for
7 the reports. ~~Employment advisory boards shall receive~~
8 ~~administrative and other support from the Authority and the~~
9 ~~Department of Commerce and Economic Opportunity.~~

10 (Source: P.A. 97-176, eff. 7-22-11.)

11 (105 ILCS 410/Act rep.)

12 Section 15-95. The Adult Education Reporting Act is
13 repealed.

14 (110 ILCS 805/2-20 rep.)

15 (110 ILCS 805/2-25 rep.)

16 Section 15-100. The Public Community College Act is amended
17 by repealing Sections 2-20 and 2-25.

18 (110 ILCS 947/65.80 rep.)

19 Section 15-105. The Higher Education Student Assistance
20 Act is amended by repealing Section 65.80.

21 Section 15-110. The Real Estate License Act of 2000 is
22 amended by changing Sections 1-10 and 5-50 as follows:

1 (225 ILCS 454/1-10)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 1-10. Definitions. In this Act, unless the context
4 otherwise requires:

5 "Act" means the Real Estate License Act of 2000.

6 "Address of record" means the designated address recorded
7 by the Department in the applicant's or licensee's application
8 file or license file as maintained by the Department's
9 licensure maintenance unit. It is the duty of the applicant or
10 licensee to inform the Department of any change of address, and
11 those changes must be made either through the Department's
12 website or by contacting the Department.

13 "Agency" means a relationship in which a broker or
14 licensee, whether directly or through an affiliated licensee,
15 represents a consumer by the consumer's consent, whether
16 express or implied, in a real property transaction.

17 "Applicant" means any person, as defined in this Section,
18 who applies to the Department for a valid license as a managing
19 broker, broker, or leasing agent.

20 "Blind advertisement" means any real estate advertisement
21 that does not include the sponsoring broker's business name and
22 that is used by any licensee regarding the sale or lease of
23 real estate, including his or her own, licensed activities, or
24 the hiring of any licensee under this Act. The broker's
25 business name in the case of a franchise shall include the

1 franchise affiliation as well as the name of the individual
2 firm.

3 "Board" means the Real Estate Administration and
4 Disciplinary Board of the Department as created by Section
5 25-10 of this Act.

6 "Branch office" means a sponsoring broker's office other
7 than the sponsoring broker's principal office.

8 "Broker" means an individual, partnership, limited
9 liability company, corporation, or registered limited
10 liability partnership other than a leasing agent who, whether
11 in person or through any media or technology, for another and
12 for compensation, or with the intention or expectation of
13 receiving compensation, either directly or indirectly:

14 (1) Sells, exchanges, purchases, rents, or leases real
15 estate.

16 (2) Offers to sell, exchange, purchase, rent, or lease
17 real estate.

18 (3) Negotiates, offers, attempts, or agrees to
19 negotiate the sale, exchange, purchase, rental, or leasing
20 of real estate.

21 (4) Lists, offers, attempts, or agrees to list real
22 estate for sale, rent, lease, or exchange.

23 (5) Buys, sells, offers to buy or sell, or otherwise
24 deals in options on real estate or improvements thereon.

25 (6) Supervises the collection, offer, attempt, or
26 agreement to collect rent for the use of real estate.

1 (7) Advertises or represents himself or herself as
2 being engaged in the business of buying, selling,
3 exchanging, renting, or leasing real estate.

4 (8) Assists or directs in procuring or referring of
5 leads or prospects, intended to result in the sale,
6 exchange, lease, or rental of real estate.

7 (9) Assists or directs in the negotiation of any
8 transaction intended to result in the sale, exchange,
9 lease, or rental of real estate.

10 (10) Opens real estate to the public for marketing
11 purposes.

12 (11) Sells, rents, leases, or offers for sale or lease
13 real estate at auction.

14 (12) Prepares or provides a broker price opinion or
15 comparative market analysis as those terms are defined in
16 this Act, pursuant to the provisions of Section 10-45 of
17 this Act.

18 "Brokerage agreement" means a written or oral agreement
19 between a sponsoring broker and a consumer for licensed
20 activities to be provided to a consumer in return for
21 compensation or the right to receive compensation from another.
22 Brokerage agreements may constitute either a bilateral or a
23 unilateral agreement between the broker and the broker's client
24 depending upon the content of the brokerage agreement. All
25 exclusive brokerage agreements shall be in writing.

26 "Broker price opinion" means an estimate or analysis of the

1 probable selling price of a particular interest in real estate,
2 which may provide a varying level of detail about the
3 property's condition, market, and neighborhood and information
4 on comparable sales. The activities of a real estate broker or
5 managing broker engaging in the ordinary course of business as
6 a broker, as defined in this Section, shall not be considered a
7 broker price opinion if no compensation is paid to the broker
8 or managing broker, other than compensation based upon the sale
9 or rental of real estate.

10 "Client" means a person who is being represented by a
11 licensee.

12 "Comparative market analysis" is an analysis or opinion
13 regarding pricing, marketing, or financial aspects relating to
14 a specified interest or interests in real estate that may be
15 based upon an analysis of comparative market data, the
16 expertise of the real estate broker or managing broker, and
17 such other factors as the broker or managing broker may deem
18 appropriate in developing or preparing such analysis or
19 opinion. The activities of a real estate broker or managing
20 broker engaging in the ordinary course of business as a broker,
21 as defined in this Section, shall not be considered a
22 comparative market analysis if no compensation is paid to the
23 broker or managing broker, other than compensation based upon
24 the sale or rental of real estate.

25 "Compensation" means the valuable consideration given by
26 one person or entity to another person or entity in exchange

1 for the performance of some activity or service. Compensation
2 shall include the transfer of valuable consideration,
3 including without limitation the following:

4 (1) commissions;

5 (2) referral fees;

6 (3) bonuses;

7 (4) prizes;

8 (5) merchandise;

9 (6) finder fees;

10 (7) performance of services;

11 (8) coupons or gift certificates;

12 (9) discounts;

13 (10) rebates;

14 (11) a chance to win a raffle, drawing, lottery, or
15 similar game of chance not prohibited by any other law or
16 statute;

17 (12) retainer fee; or

18 (13) salary.

19 "Confidential information" means information obtained by a
20 licensee from a client during the term of a brokerage agreement
21 that (i) was made confidential by the written request or
22 written instruction of the client, (ii) deals with the
23 negotiating position of the client, or (iii) is information the
24 disclosure of which could materially harm the negotiating
25 position of the client, unless at any time:

26 (1) the client permits the disclosure of information

1 given by that client by word or conduct;

2 (2) the disclosure is required by law; or

3 (3) the information becomes public from a source other
4 than the licensee.

5 "Confidential information" shall not be considered to
6 include material information about the physical condition of
7 the property.

8 "Consumer" means a person or entity seeking or receiving
9 licensed activities.

10 ~~"Coordinator" means the Coordinator of Real Estate created~~
11 ~~in Section 25-15 of this Act.~~

12 "Credit hour" means 50 minutes of classroom instruction in
13 course work that meets the requirements set forth in rules
14 adopted by the Department.

15 "Customer" means a consumer who is not being represented by
16 the licensee but for whom the licensee is performing
17 ministerial acts.

18 "Department" means the Department of Financial and
19 Professional Regulation.

20 "Designated agency" means a contractual relationship
21 between a sponsoring broker and a client under Section 15-50 of
22 this Act in which one or more licensees associated with or
23 employed by the broker are designated as agent of the client.

24 "Designated agent" means a sponsored licensee named by a
25 sponsoring broker as the legal agent of a client, as provided
26 for in Section 15-50 of this Act.

1 "Dual agency" means an agency relationship in which a
2 licensee is representing both buyer and seller or both landlord
3 and tenant in the same transaction. When the agency
4 relationship is a designated agency, the question of whether
5 there is a dual agency shall be determined by the agency
6 relationships of the designated agent of the parties and not of
7 the sponsoring broker.

8 "Education provider" means a school licensed by the
9 Department offering courses in pre-license, post-license, or
10 continuing education required by this Act.

11 "Employee" or other derivative of the word "employee", when
12 used to refer to, describe, or delineate the relationship
13 between a sponsoring broker and a managing broker, broker, or a
14 leasing agent, shall be construed to include an independent
15 contractor relationship, provided that a written agreement
16 exists that clearly establishes and states the relationship.
17 All responsibilities of a broker shall remain.

18 "Escrow moneys" means all moneys, promissory notes or any
19 other type or manner of legal tender or financial consideration
20 deposited with any person for the benefit of the parties to the
21 transaction. A transaction exists once an agreement has been
22 reached and an accepted real estate contract signed or lease
23 agreed to by the parties. Escrow moneys includes without
24 limitation earnest moneys and security deposits, except those
25 security deposits in which the person holding the security
26 deposit is also the sole owner of the property being leased and

1 for which the security deposit is being held.

2 "Electronic means of proctoring" means a methodology
3 providing assurance that the person taking a test and
4 completing the answers to questions is the person seeking
5 licensure or credit for continuing education and is doing so
6 without the aid of a third party or other device.

7 "Exclusive brokerage agreement" means a written brokerage
8 agreement that provides that the sponsoring broker has the sole
9 right, through one or more sponsored licensees, to act as the
10 exclusive designated agent or representative of the client and
11 that meets the requirements of Section 15-75 of this Act.

12 "Inoperative" means a status of licensure where the
13 licensee holds a current license under this Act, but the
14 licensee is prohibited from engaging in licensed activities
15 because the licensee is unsponsored or the license of the
16 sponsoring broker with whom the licensee is associated or by
17 whom he or she is employed is currently expired, revoked,
18 suspended, or otherwise rendered invalid under this Act.

19 "Interactive delivery method" means delivery of a course by
20 an instructor through a medium allowing for 2-way communication
21 between the instructor and a student in which either can
22 initiate or respond to questions.

23 "Leads" means the name or names of a potential buyer,
24 seller, lessor, lessee, or client of a licensee.

25 "Leasing Agent" means a person who is employed by a broker
26 to engage in licensed activities limited to leasing residential

1 real estate who has obtained a license as provided for in
2 Section 5-5 of this Act.

3 "License" means the document issued by the Department
4 certifying that the person named thereon has fulfilled all
5 requirements prerequisite to licensure under this Act.

6 "Licensed activities" means those activities listed in the
7 definition of "broker" under this Section.

8 "Licensee" means any person, as defined in this Section,
9 who holds a valid unexpired license as a managing broker,
10 broker, or leasing agent.

11 "Listing presentation" means a communication between a
12 managing broker or broker and a consumer in which the licensee
13 is attempting to secure a brokerage agreement with the consumer
14 to market the consumer's real estate for sale or lease.

15 "Managing broker" means a broker who has supervisory
16 responsibilities for licensees in one or, in the case of a
17 multi-office company, more than one office and who has been
18 appointed as such by the sponsoring broker.

19 "Medium of advertising" means any method of communication
20 intended to influence the general public to use or purchase a
21 particular good or service or real estate.

22 "Ministerial acts" means those acts that a licensee may
23 perform for a consumer that are informative or clerical in
24 nature and do not rise to the level of active representation on
25 behalf of a consumer. Examples of these acts include without
26 limitation (i) responding to phone inquiries by consumers as to

1 the availability and pricing of brokerage services, (ii)
2 responding to phone inquiries from a consumer concerning the
3 price or location of property, (iii) attending an open house
4 and responding to questions about the property from a consumer,
5 (iv) setting an appointment to view property, (v) responding to
6 questions of consumers walking into a licensee's office
7 concerning brokerage services offered or particular
8 properties, (vi) accompanying an appraiser, inspector,
9 contractor, or similar third party on a visit to a property,
10 (vii) describing a property or the property's condition in
11 response to a consumer's inquiry, (viii) completing business or
12 factual information for a consumer on an offer or contract to
13 purchase on behalf of a client, (ix) showing a client through a
14 property being sold by an owner on his or her own behalf, or
15 (x) referral to another broker or service provider.

16 "Office" means a broker's place of business where the
17 general public is invited to transact business and where
18 records may be maintained and licenses displayed, whether or
19 not it is the broker's principal place of business.

20 "Person" means and includes individuals, entities,
21 corporations, limited liability companies, registered limited
22 liability partnerships, and partnerships, foreign or domestic,
23 except that when the context otherwise requires, the term may
24 refer to a single individual or other described entity.

25 "Personal assistant" means a licensed or unlicensed person
26 who has been hired for the purpose of aiding or assisting a

1 sponsored licensee in the performance of the sponsored
2 licensee's job.

3 "Pocket card" means the card issued by the Department to
4 signify that the person named on the card is currently licensed
5 under this Act.

6 "Pre-renewal period" means the period between the date of
7 issue of a currently valid license and the license's expiration
8 date.

9 "Proctor" means any person, including, but not limited to,
10 an instructor, who has a written agreement to administer
11 examinations fairly and impartially with a licensed education
12 provider.

13 "Real estate" means and includes leaseholds as well as any
14 other interest or estate in land, whether corporeal,
15 incorporeal, freehold, or non-freehold and whether the real
16 estate is situated in this State or elsewhere. "Real estate"
17 does not include property sold, exchanged, or leased as a
18 timeshare or similar vacation item or interest, vacation club
19 membership, or other activity formerly regulated under the Real
20 Estate Timeshare Act of 1999 (repealed).

21 "Regular employee" means a person working an average of 20
22 hours per week for a person or entity who would be considered
23 as an employee under the Internal Revenue Service eleven main
24 tests in three categories being behavioral control, financial
25 control and the type of relationship of the parties, formerly
26 the twenty factor test.

1 "Secretary" means the Secretary of the Department of
2 Financial and Professional Regulation, or a person authorized
3 by the Secretary to act in the Secretary's stead.

4 "Sponsoring broker" means the broker who has issued a
5 sponsor card to a licensed managing broker, broker, or a
6 leasing agent.

7 "Sponsor card" means the temporary permit issued by the
8 sponsoring broker certifying that the managing broker, broker,
9 or leasing agent named thereon is employed by or associated by
10 written agreement with the sponsoring broker, as provided for
11 in Section 5-40 of this Act.

12 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18;
13 100-534, eff. 9-22-17; revised 10-2-17.)

14 (225 ILCS 454/5-50)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 5-50. Expiration and renewal of managing broker,
17 broker, or leasing agent license; sponsoring broker; register
18 of licensees; pocket card.

19 (a) The expiration date and renewal period for each license
20 issued under this Act shall be set by rule. Except as otherwise
21 provided in this Section, the holder of a license may renew the
22 license within 90 days preceding the expiration date thereof by
23 completing the continuing education required by this Act and
24 paying the fees specified by rule.

25 (b) An individual whose first license is that of a broker

1 received on or after the effective date of this amendatory Act
2 of the 100th General Assembly, must provide evidence of having
3 completed 30 hours of post-license education in courses
4 recommended by the Board and approved by the Department, 15
5 hours of which must consist of situational and case studies
6 presented in a classroom or a live, interactive webinar, online
7 distance education course, or home study course. Credit for
8 courses taken through a home study course shall require passage
9 of an examination approved by the Department prior to the first
10 renewal of their broker's license.

11 (c) Any managing broker, broker, or leasing agent whose
12 license under this Act has expired shall be eligible to renew
13 the license during the 2-year period following the expiration
14 date, provided the managing broker, broker, or leasing agent
15 pays the fees as prescribed by rule and completes continuing
16 education and other requirements provided for by the Act or by
17 rule. Beginning on May 1, 2012, a managing broker licensee,
18 broker, or leasing agent whose license has been expired for
19 more than 2 years but less than 5 years may have it restored by
20 (i) applying to the Department, (ii) paying the required fee,
21 (iii) completing the continuing education requirements for the
22 most recent pre-renewal period that ended prior to the date of
23 the application for reinstatement, and (iv) filing acceptable
24 proof of fitness to have his or her license restored, as set by
25 rule. A managing broker, broker, or leasing agent whose license
26 has been expired for more than 5 years shall be required to

1 meet the requirements for a new license.

2 (d) Notwithstanding any other provisions of this Act to the
3 contrary, any managing broker, broker, or leasing agent whose
4 license expired while he or she was (i) on active duty with the
5 Armed Forces of the United States or called into service or
6 training by the state militia, (ii) engaged in training or
7 education under the supervision of the United States
8 preliminary to induction into military service, or (iii)
9 ~~serving as the Coordinator of Real Estate in the State of~~
10 ~~Illinois or as~~ an employee of the Department may have his or
11 her license renewed, reinstated or restored without paying any
12 lapsed renewal fees if within 2 years after the termination of
13 the service, training or education by furnishing the Department
14 with satisfactory evidence of service, training, or education
15 and it has been terminated under honorable conditions.

16 (e) The Department shall establish and maintain a register
17 of all persons currently licensed by the State and shall issue
18 and prescribe a form of pocket card. Upon payment by a licensee
19 of the appropriate fee as prescribed by rule for engagement in
20 the activity for which the licensee is qualified and holds a
21 license for the current period, the Department shall issue a
22 pocket card to the licensee. The pocket card shall be
23 verification that the required fee for the current period has
24 been paid and shall indicate that the person named thereon is
25 licensed for the current renewal period as a managing broker,
26 broker, or leasing agent as the case may be. The pocket card

1 shall further indicate that the person named thereon is
2 authorized by the Department to engage in the licensed activity
3 appropriate for his or her status (managing broker, broker, or
4 leasing agent). Each licensee shall carry on his or her person
5 his or her pocket card or, if such pocket card has not yet been
6 issued, a properly issued sponsor card when engaging in any
7 licensed activity and shall display the same on demand.

8 (f) The Department shall provide to the sponsoring broker a
9 notice of renewal for all sponsored licensees by mailing the
10 notice to the sponsoring broker's address of record, or, at the
11 Department's discretion, by an electronic means as provided for
12 by rule.

13 (g) Upon request from the sponsoring broker, the Department
14 shall make available to the sponsoring broker, either by mail
15 or by an electronic means at the discretion of the Department,
16 a listing of licensees under this Act who, according to the
17 records of the Department, are sponsored by that broker. Every
18 licensee associated with or employed by a broker whose license
19 is revoked, suspended, terminated, or expired shall be
20 considered as inoperative until such time as the sponsoring
21 broker's license is reinstated or renewed, or the licensee
22 changes employment as set forth in subsection (c) of Section
23 5-40 of this Act.

24 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18.)

1 Section 15-115. The Real Estate License Act of 2000 is
2 amended by repealing Section 25-15.

3 Section 15-120. The Real Estate Appraiser Licensing Act of
4 2002 is amended by changing Sections 1-10, 5-25, 15-15, and
5 25-10 as follows:

6 (225 ILCS 458/1-10)

7 (Section scheduled to be repealed on January 1, 2022)

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

10 "Accredited college or university, junior college, or
11 community college" means a college or university, junior
12 college, or community college that is approved or accredited by
13 the Board of Higher Education, a regional or national
14 accreditation association, or by an accrediting agency that is
15 recognized by the U.S. Secretary of Education.

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's or licensee's application
18 file or license file as maintained by the Department's
19 licensure maintenance unit. It is the duty of the applicant or
20 licensee to inform the Department of any change of address and
21 those changes must be made either through the Department's
22 website or by contacting the Department.

23 "Applicant" means person who applies to the Department for
24 a license under this Act.

1 "Appraisal" means (noun) the act or process of developing
2 an opinion of value; an opinion of value (adjective) of or
3 pertaining to appraising and related functions, such as
4 appraisal practice or appraisal services.

5 "Appraisal assignment" means a valuation service provided
6 as a consequence of an agreement between an appraiser and a
7 client.

8 "Appraisal consulting" means the act or process of
9 developing an analysis, recommendation, or opinion to solve a
10 problem, where an opinion of value is a component of the
11 analysis leading to the assignment results.

12 "Appraisal firm" means an appraisal entity that is 100%
13 owned and controlled by a person or persons licensed in
14 Illinois as a certified general real estate appraiser or a
15 certified residential real estate appraiser. "Appraisal firm"
16 does not include an appraisal management company.

17 "Appraisal management company" means any corporation,
18 limited liability company, partnership, sole proprietorship,
19 subsidiary, unit, or other business entity that directly or
20 indirectly performs the following appraisal management
21 services: (1) administers networks of independent contractors
22 or employee appraisers to perform real estate appraisal
23 assignments for clients; (2) receives requests for real estate
24 appraisal services from clients and, for a fee paid by the
25 client, enters into an agreement with one or more independent
26 appraisers to perform the real estate appraisal services

1 contained in the request; or (3) otherwise serves as a
2 third-party broker of appraisal management services between
3 clients and appraisers. "Appraisal management company" does
4 not include an appraisal firm.

5 "Appraisal practice" means valuation services performed by
6 an individual acting as an appraiser, including, but not
7 limited to, appraisal, appraisal review, or appraisal
8 consulting.

9 "Appraisal report" means any communication, written or
10 oral, of an appraisal or appraisal review that is transmitted
11 to a client upon completion of an assignment.

12 "Appraisal review" means the act or process of developing
13 and communicating an opinion about the quality of another
14 appraiser's work that was performed as part of an appraisal,
15 appraisal review, or appraisal assignment.

16 "Appraisal Subcommittee" means the Appraisal Subcommittee
17 of the Federal Financial Institutions Examination Council as
18 established by Title XI.

19 "Appraiser" means a person who performs real estate or real
20 property appraisals.

21 "AQB" means the Appraisal Qualifications Board of the
22 Appraisal Foundation.

23 "Associate real estate trainee appraiser" means an
24 entry-level appraiser who holds a license of this
25 classification under this Act with restrictions as to the scope
26 of practice in accordance with this Act.

1 "Board" means the Real Estate Appraisal Administration and
2 Disciplinary Board.

3 "Broker price opinion" means an estimate or analysis of the
4 probable selling price of a particular interest in real estate,
5 which may provide a varying level of detail about the
6 property's condition, market, and neighborhood and information
7 on comparable sales. The activities of a real estate broker or
8 managing broker engaging in the ordinary course of business as
9 a broker, as defined in this Section, shall not be considered a
10 broker price opinion if no compensation is paid to the broker
11 or managing broker, other than compensation based upon the sale
12 or rental of real estate.

13 "Classroom hour" means 50 minutes of instruction out of
14 each 60 minute segment of coursework.

15 "Client" means the party or parties who engage an appraiser
16 by employment or contract in a specific appraisal assignment.

17 "Comparative market analysis" is an analysis or opinion
18 regarding pricing, marketing, or financial aspects relating to
19 a specified interest or interests in real estate that may be
20 based upon an analysis of comparative market data, the
21 expertise of the real estate broker or managing broker, and
22 such other factors as the broker or managing broker may deem
23 appropriate in developing or preparing such analysis or
24 opinion. The activities of a real estate broker or managing
25 broker engaging in the ordinary course of business as a broker,
26 as defined in this Section, shall not be considered a

1 comparative market analysis if no compensation is paid to the
2 broker or managing broker, other than compensation based upon
3 the sale or rental of real estate.

4 ~~"Coordinator" means the Coordinator of Real Estate~~
5 ~~Appraisal of the Division of Professional Regulation of the~~
6 ~~Department of Financial and Professional Regulation.~~

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Federal financial institutions regulatory agencies" means
10 the Board of Governors of the Federal Reserve System, the
11 Federal Deposit Insurance Corporation, the Office of the
12 Comptroller of the Currency, the Consumer Financial Protection
13 Bureau, and the National Credit Union Administration.

14 "Federally related transaction" means any real
15 estate-related financial transaction in which a federal
16 financial institutions regulatory agency engages in, contracts
17 for, or regulates and requires the services of an appraiser.

18 "Financial institution" means any bank, savings bank,
19 savings and loan association, credit union, mortgage broker,
20 mortgage banker, licensee under the Consumer Installment Loan
21 Act or the Sales Finance Agency Act, or a corporate fiduciary,
22 subsidiary, affiliate, parent company, or holding company of
23 any such licensee, or any institution involved in real estate
24 financing that is regulated by state or federal law.

25 "Person" means an individual, entity, sole proprietorship,
26 corporation, limited liability company, partnership, and joint

1 venture, foreign or domestic, except that when the context
2 otherwise requires, the term may refer to more than one
3 individual or other described entity.

4 "Real estate" means an identified parcel or tract of land,
5 including any improvements.

6 "Real estate related financial transaction" means any
7 transaction involving:

8 (1) the sale, lease, purchase, investment in, or
9 exchange of real property, including interests in property
10 or the financing thereof;

11 (2) the refinancing of real property or interests in
12 real property; and

13 (3) the use of real property or interest in property as
14 security for a loan or investment, including mortgage
15 backed securities.

16 "Real property" means the interests, benefits, and rights
17 inherent in the ownership of real estate.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 "State certified general real estate appraiser" means an
21 appraiser who holds a license of this classification under this
22 Act and such classification applies to the appraisal of all
23 types of real property without restrictions as to the scope of
24 practice.

25 "State certified residential real estate appraiser" means
26 an appraiser who holds a license of this classification under

1 this Act and such classification applies to the appraisal of
2 one to 4 units of residential real property without regard to
3 transaction value or complexity, but with restrictions as to
4 the scope of practice in a federally related transaction in
5 accordance with Title XI, the provisions of USPAP, criteria
6 established by the AQB, and further defined by rule.

7 "Supervising appraiser" means either (i) an appraiser who
8 holds a valid license under this Act as either a State
9 certified general real estate appraiser or a State certified
10 residential real estate appraiser, who co-signs an appraisal
11 report for an associate real estate trainee appraiser or (ii) a
12 State certified general real estate appraiser who holds a valid
13 license under this Act who co-signs an appraisal report for a
14 State certified residential real estate appraiser on
15 properties other than one to 4 units of residential real
16 property without regard to transaction value or complexity.

17 "Title XI" means Title XI of the federal Financial
18 Institutions Reform, Recovery and Enforcement Act of 1989.

19 "USPAP" means the Uniform Standards of Professional
20 Appraisal Practice as promulgated by the Appraisal Standards
21 Board pursuant to Title XI and by rule.

22 "Valuation services" means services pertaining to aspects
23 of property value.

24 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 5-25. Renewal of license.

3 (a) The expiration date and renewal period for a State
4 certified general real estate appraiser license or a State
5 certified residential real estate appraiser license issued
6 under this Act shall be set by rule. Except as otherwise
7 provided in subsections (b) and (f) of this Section, the holder
8 of a license may renew the license within 90 days preceding the
9 expiration date by:

10 (1) completing and submitting to the Department a
11 renewal application form as provided by the Department;

12 (2) paying the required fees; and

13 (3) providing evidence of successful completion of the
14 continuing education requirements through courses approved
15 by the Department from education providers licensed by the
16 Department, as established by the AQB and by rule.

17 (b) A State certified general real estate appraiser or
18 State certified residential real estate appraiser whose
19 license under this Act has expired may renew the license for a
20 period of 2 years following the expiration date by complying
21 with the requirements of paragraphs (1), (2), and (3) of
22 subsection (a) of this Section and paying any late penalties
23 established by rule.

24 (c) (Blank).

25 (d) The expiration date and renewal period for an associate
26 real estate trainee appraiser license issued under this Act

1 shall be set by rule. Except as otherwise provided in
2 subsections (e) and (f) of this Section, the holder of an
3 associate real estate appraiser license may renew the license
4 within 90 days preceding the expiration date by:

5 (1) completing and submitting to the Department a
6 renewal application form as provided by the Department;

7 (2) paying the required fees; and

8 (3) providing evidence of successful completion of the
9 continuing education requirements through courses approved
10 by the Department from education providers approved by the
11 Department, as established by rule.

12 (e) Any associate real estate appraiser trainee whose
13 license under this Act has expired may renew the license for a
14 period of 2 years following the expiration date by complying
15 with the requirements of paragraphs (1), (2), and (3) of
16 subsection (d) of this Section and paying any late penalties as
17 established by rule. An associate real estate trainee appraiser
18 license may not be renewed more than 2 times.

19 (f) Notwithstanding subsections (c) and (e), an appraiser
20 whose license under this Act has expired may renew or convert
21 the license without paying any lapsed renewal fees or late
22 penalties if the license expired while the appraiser was:

23 (1) on active duty with the United States Armed
24 Services;

25 (2) (Blank). ~~serving as the Coordinator of Real Estate~~
26 ~~Appraisal or an employee of the Department who was required~~

1 ~~to surrender his or her license during the term of~~
2 ~~employment.~~

3 Application for renewal must be made within 2 years
4 following the termination of the military service or related
5 education, training, or employment. The licensee shall furnish
6 the Department with an affidavit that he or she was so engaged.

7 (g) The Department shall provide reasonable care and due
8 diligence to ensure that each licensee under this Act is
9 provided with a renewal application at least 90 days prior to
10 the expiration date, but each licensee is responsible to timely
11 renew or convert his or her license prior to its expiration
12 date.

13 (Source: P.A. 96-844, eff. 12-23-09.)

14 (225 ILCS 458/15-15)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 15-15. Investigation; notice; hearing.

17 (a) Upon the motion of the Department or the Board or upon
18 a complaint in writing of a person setting forth facts that, if
19 proven, would constitute grounds for suspension, revocation,
20 or other disciplinary action against a licensee or applicant
21 for licensure, the Department shall investigate the actions of
22 the licensee or applicant. If, upon investigation, the
23 Department believes that there may be cause for suspension,
24 revocation, or other disciplinary action, the Department shall
25 use the services of a State certified general real estate

1 appraiser or ~~or~~ a State certified residential real estate
2 appraiser, ~~or the Real Estate Coordinator~~ to assist in
3 determining whether grounds for disciplinary action exist
4 prior to commencing formal disciplinary proceedings.

5 (b) Formal disciplinary proceedings shall commence upon
6 the issuance of a written complaint describing the charges that
7 are the basis of the disciplinary action and delivery of the
8 detailed complaint to the address of record of the licensee or
9 applicant. The Department shall notify the licensee or
10 applicant to file a verified written answer within 20 days
11 after the service of the notice and complaint. The notification
12 shall inform the licensee or applicant of his or her right to
13 be heard in person or by legal counsel; that the hearing will
14 be afforded not sooner than 30 days after service of the
15 complaint; that failure to file an answer will result in a
16 default being entered against the licensee or applicant; that
17 the license may be suspended, revoked, or placed on
18 probationary status; and that other disciplinary action may be
19 taken pursuant to this Act, including limiting the scope,
20 nature, or extent of the licensee's practice. If the licensee
21 or applicant fails to file an answer after service of notice,
22 his or her license may, at the discretion of the Department, be
23 suspended, revoked, or placed on probationary status and the
24 Department may take whatever disciplinary action it deems
25 proper, including limiting the scope, nature, or extent of the
26 person's practice, without a hearing.

1 (c) At the time and place fixed in the notice, the Board
2 shall conduct hearing of the charges, providing both the
3 accused person and the complainant ample opportunity to present
4 in person or by counsel such statements, testimony, evidence,
5 and argument as may be pertinent to the charges or to a defense
6 thereto.

7 (d) The Board shall present to the Secretary a written
8 report of its findings and recommendations. A copy of the
9 report shall be served upon the licensee or applicant, either
10 personally or by certified mail. Within 20 days after the
11 service, the licensee or applicant may present the Secretary
12 with a motion in writing for either a rehearing, a proposed
13 finding of fact, a conclusion of law, or an alternative
14 sanction, and shall specify the particular grounds for the
15 request. If the accused orders a transcript of the record as
16 provided in this Act, the time elapsing thereafter and before
17 the transcript is ready for delivery to the accused shall not
18 be counted as part of the 20 days. If the Secretary is not
19 satisfied that substantial justice has been done, the Secretary
20 may order a rehearing by the Board or other special committee
21 appointed by the Secretary, may remand the matter to the Board
22 for its reconsideration of the matter based on the pleadings
23 and evidence presented to the Board, or may enter a final order
24 in contravention of the Board's recommendation. In all
25 instances under this Act in which the Board has rendered a
26 recommendation to the Secretary with respect to a particular

1 licensee or applicant, the Secretary, if he or she disagrees
2 with the recommendation of the Board, shall file with the Board
3 and provide to the licensee or applicant a copy of the
4 Secretary's specific written reasons for disagreement with the
5 Board. The reasons shall be filed within 60 days of the Board's
6 recommendation to the Secretary and prior to any contrary
7 action. Notwithstanding a licensee's or applicant's failure to
8 file a motion for rehearing, the Secretary shall have the right
9 to take any of the actions specified in this subsection (d).
10 Upon the suspension or revocation of a license, the licensee
11 shall be required to surrender his or her license to the
12 Department, and upon failure or refusal to do so, the
13 Department shall have the right to seize the license.

14 (e) The Department has the power to issue subpoenas and
15 subpoenas duces tecum to bring before it any person in this
16 State, to take testimony, or to require production of any
17 records relevant to an inquiry or hearing by the Board in the
18 same manner as prescribed by law in judicial proceedings in the
19 courts of this State. In a case of refusal of a witness to
20 attend, testify, or to produce books or papers concerning a
21 matter upon which he or she might be lawfully examined, the
22 circuit court of the county where the hearing is held, upon
23 application of the Department or any party to the proceeding,
24 may compel obedience by proceedings as for contempt.

25 (f) Any license that is suspended indefinitely or revoked
26 may not be restored for a minimum period of 2 years, or as

1 otherwise ordered by the Secretary.

2 (g) In addition to the provisions of this Section
3 concerning the conduct of hearings and the recommendations for
4 discipline, the Department has the authority to negotiate
5 disciplinary and non-disciplinary settlement agreements
6 concerning any license issued under this Act. All such
7 agreements shall be recorded as Consent Orders or Consent to
8 Administrative Supervision Orders.

9 (h) The Secretary shall have the authority to appoint an
10 attorney duly licensed to practice law in the State of Illinois
11 to serve as the hearing officer in any action to suspend,
12 revoke, or otherwise discipline any license issued by the
13 Department. The Hearing Officer shall have full authority to
14 conduct the hearing.

15 (i) The Department, at its expense, shall preserve a record
16 of all formal hearings of any contested case involving the
17 discipline of a license. At all hearings or pre-hearing
18 conferences, the Department and the licensee shall be entitled
19 to have the proceedings transcribed by a certified shorthand
20 reporter. A copy of the transcribed proceedings shall be made
21 available to the licensee by the certified shorthand reporter
22 upon payment of the prevailing contract copy rate.

23 (Source: P.A. 96-844, eff. 12-23-09.)

24 (225 ILCS 458/25-10)

25 (Section scheduled to be repealed on January 1, 2022)

1 Sec. 25-10. Real Estate Appraisal Administration and
2 Disciplinary Board; appointment.

3 (a) There is hereby created the Real Estate Appraisal
4 Administration and Disciplinary Board. The Board shall be
5 composed of 10 persons appointed by the Governor, ~~plus the~~
6 ~~Coordinator of the Real Estate Appraisal Division~~. Members
7 shall be appointed to the Board subject to the following
8 conditions:

9 (1) All appointed members shall have been residents and
10 citizens of this State for at least 5 years prior to the
11 date of appointment.

12 (2) The appointed membership of the Board should
13 reasonably reflect the geographic distribution of the
14 population of the State.

15 (3) Four appointed members shall have been actively
16 engaged and currently licensed as State certified general
17 real estate appraisers for a period of not less than 5
18 years.

19 (4) Two appointed members shall have been actively
20 engaged and currently licensed as State certified
21 residential real estate appraisers for a period of not less
22 than 5 years.

23 (5) Two appointed members shall hold a valid license as
24 a real estate broker for at least 10 years prior to the
25 date of the appointment, one of whom shall hold a valid
26 State certified general real estate appraiser license

1 issued under this Act or a predecessor Act for a period of
2 at least 5 years prior to the appointment and one of whom
3 shall hold a valid State certified residential real estate
4 appraiser license issued under this Act or a predecessor
5 Act for a period of at least 5 years prior to the
6 appointment.

7 (6) One appointed member shall be a representative of a
8 financial institution, as evidenced by his or her
9 employment with a financial institution.

10 (7) One appointed member shall represent the interests
11 of the general public. This member or his or her spouse
12 shall not be licensed under this Act nor be employed by or
13 have any interest in an appraisal business, appraisal
14 management company, real estate brokerage business, or a
15 financial institution.

16 In making appointments as provided in paragraphs (3) and
17 (4) of this subsection, the Governor shall give due
18 consideration to recommendations by members and organizations
19 representing the profession.

20 In making the appointments as provided in paragraph (5) of
21 this subsection, the Governor shall give due consideration to
22 the recommendations by members and organizations representing
23 the real estate industry.

24 In making the appointment as provided in paragraph (6) of
25 this subsection, the Governor shall give due consideration to
26 the recommendations by members and organizations representing

1 financial institutions.

2 (b) The term for members of the Board shall be 4 years, and
3 each member shall serve until his or her successor is appointed
4 and qualified.

5 (c) The Governor may terminate the appointment of a member
6 for cause that, in the opinion of the Governor, reasonably
7 justifies the termination. Cause for termination may include,
8 without limitation, misconduct, incapacity, neglect of duty,
9 or missing 4 Board meetings during any one calendar year.

10 (d) A majority of the Board members shall constitute a
11 quorum. A vacancy in the membership of the Board shall not
12 impair the right of a quorum to exercise all of the rights and
13 perform all of the duties of the Board.

14 (e) The Board shall meet at least quarterly and may be
15 convened by the Chairperson, Vice-Chairperson, or 3 members of
16 the Board upon 10 days written notice.

17 (f) The Board shall, annually at the first meeting of the
18 fiscal year, elect a Chairperson and Vice-Chairperson from its
19 members. The Chairperson shall preside over the meetings and
20 shall develop ~~coordinate with the Coordinator in developing~~ and
21 distribute ~~distributing~~ an agenda for each meeting. In the
22 absence of the Chairperson, the Vice-Chairperson shall preside
23 over the meeting.

24 (g) (Blank). ~~The Coordinator of the Real Estate Appraisal~~
25 ~~Division shall serve as a member of the Board without vote.~~

26 (h) The Board shall advise and make recommendations to the

1 Department on the education and experience qualifications of
2 any applicant for initial licensure as a State certified
3 general real estate appraiser or a State certified residential
4 real estate appraiser. The Department shall not make any
5 decisions concerning education or experience qualifications of
6 an applicant for initial licensure as a State certified general
7 real estate appraiser or a State certified residential real
8 estate appraiser without having first received the advice and
9 recommendation of the Board and shall give due consideration to
10 all such advice and recommendations; however, if the Board does
11 not render advice or make a recommendation within a reasonable
12 amount of time, then the Department may render a decision.

13 (i) Except as provided in Section 15-17 of this Act, the
14 Board shall hear and make recommendations to the Secretary on
15 disciplinary matters that require a formal evidentiary
16 hearing. The Secretary shall give due consideration to the
17 recommendations of the Board involving discipline and
18 questions involving standards of professional conduct of
19 licensees.

20 (j) The Department shall seek and the Board shall provide
21 recommendations to the Department consistent with the
22 provisions of this Act and for the administration and
23 enforcement of all rules adopted pursuant to this Act. The
24 Department shall give due consideration to such
25 recommendations prior to adopting rules.

26 (k) The Department shall seek and the Board shall provide

1 recommendations to the Department on the approval of all
2 courses submitted to the Department pursuant to this Act and
3 the rules adopted pursuant to this Act. The Department shall
4 not approve any courses without having first received the
5 recommendation of the Board and shall give due consideration to
6 such recommendations prior to approving and licensing courses;
7 however, if the Board does not make a recommendation within a
8 reasonable amount of time, then the Department may approve
9 courses.

10 (l) Each voting member of the Board shall receive a per
11 diem stipend in an amount to be determined by the Secretary.
12 Each member shall be paid his or her necessary expenses while
13 engaged in the performance of his or her duties.

14 (m) Members of the Board shall be immune from suit in an
15 action based upon any disciplinary proceedings or other acts
16 performed in good faith as members of the Board.

17 (n) If the Department disagrees with any advice or
18 recommendation provided by the Board under this Section to the
19 Secretary or the Department, then notice of such disagreement
20 must be provided to the Board by the Department.

21 (o) Upon resolution adopted at any Board meeting, the
22 exercise of any Board function, power, or duty enumerated in
23 this Section or in subsection (d) of Section 15-10 of this Act
24 may be suspended. The exercise of any suspended function,
25 power, or duty of the Board may be reinstated by a resolution
26 adopted at a subsequent Board meeting. Any resolution adopted

1 pursuant to this Section shall take effect immediately.

2 (Source: P.A. 98-1109, eff. 1-1-15.)

3 (225 ILCS 458/25-15 rep.)

4 Section 15-125. The Real Estate Appraiser Licensing Act of
5 2002 is amended by repealing Section 25-15.

6 Section 15-130. The Illinois Horse Racing Act of 1975 is
7 amended by changing Section 27 as follows:

8 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

9 Sec. 27. (a) In addition to the organization license fee
10 provided by this Act, until January 1, 2000, a graduated
11 privilege tax is hereby imposed for conducting the pari-mutuel
12 system of wagering permitted under this Act. Until January 1,
13 2000, except as provided in subsection (g) of Section 27 of
14 this Act, all of the breakage of each racing day held by any
15 licensee in the State shall be paid to the State. Until January
16 1, 2000, such daily graduated privilege tax shall be paid by
17 the licensee from the amount permitted to be retained under
18 this Act. Until January 1, 2000, each day's graduated privilege
19 tax, breakage, and Horse Racing Tax Allocation funds shall be
20 remitted to the Department of Revenue within 48 hours after the
21 close of the racing day upon which it is assessed or within
22 such other time as the Board prescribes. The privilege tax
23 hereby imposed, until January 1, 2000, shall be a flat tax at

1 the rate of 2% of the daily pari-mutuel handle except as
2 provided in Section 27.1.

3 In addition, every organization licensee, except as
4 provided in Section 27.1 of this Act, which conducts multiple
5 wagering shall pay, until January 1, 2000, as a privilege tax
6 on multiple wagers an amount equal to 1.25% of all moneys
7 wagered each day on such multiple wagers, plus an additional
8 amount equal to 3.5% of the amount wagered each day on any
9 other multiple wager which involves a single betting interest
10 on 3 or more horses. The licensee shall remit the amount of
11 such taxes to the Department of Revenue within 48 hours after
12 the close of the racing day on which it is assessed or within
13 such other time as the Board prescribes.

14 This subsection (a) shall be inoperative and of no force
15 and effect on and after January 1, 2000.

16 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
17 at the rate of 1.5% of the daily pari-mutuel handle is imposed
18 at all pari-mutuel wagering facilities and on advance deposit
19 wagering from a location other than a wagering facility, except
20 as otherwise provided for in this subsection (a-5). In addition
21 to the pari-mutuel tax imposed on advance deposit wagering
22 pursuant to this subsection (a-5), beginning on August 24, 2012
23 (the effective date of Public Act 97-1060) and through December
24 31, 2018, an additional pari-mutuel tax at the rate of 0.25%
25 shall be imposed on advance deposit wagering. Until August 25,
26 2012, the additional 0.25% pari-mutuel tax imposed on advance

1 deposit wagering by Public Act 96-972 shall be deposited into
2 the Quarter Horse Purse Fund, which shall be created as a
3 non-appropriated trust fund administered by the Board for
4 grants to thoroughbred organization licensees for payment of
5 purses for quarter horse races conducted by the organization
6 licensee. Beginning on August 26, 2012, the additional 0.25%
7 pari-mutuel tax imposed on advance deposit wagering shall be
8 deposited into a ~~the Standardbred Purse Fund, which shall be~~
9 ~~created as a non appropriated trust fund administered by the~~
10 ~~Board, for grants to the~~ standardbred organization licensees
11 purse account for payment of purses proportionately, based upon
12 prior year total Illinois wagering handle, including advanced
13 deposit wagering, for standardbred horse races conducted by the
14 organization licensee. Thoroughbred organization licensees may
15 petition the Board to conduct quarter horse racing and receive
16 purse grants from the Quarter Horse Purse Fund. The Board shall
17 have complete discretion in distributing the Quarter Horse
18 Purse Fund to the petitioning organization licensees.
19 Beginning on July 26, 2010 (the effective date of Public Act
20 96-1287), a pari-mutuel tax at the rate of 0.75% of the daily
21 pari-mutuel handle is imposed at a pari-mutuel facility whose
22 license is derived from a track located in a county that
23 borders the Mississippi River and conducted live racing in the
24 previous year. The pari-mutuel tax imposed by this subsection
25 (a-5) shall be remitted to the Department of Revenue within 48
26 hours after the close of the racing day upon which it is

1 assessed or within such other time as the Board prescribes.

2 (b) On or before December 31, 1999, in the event that any
3 organization licensee conducts 2 separate programs of races on
4 any day, each such program shall be considered a separate
5 racing day for purposes of determining the daily handle and
6 computing the privilege tax on such daily handle as provided in
7 subsection (a) of this Section.

8 (c) Licensees shall at all times keep accurate books and
9 records of all monies wagered on each day of a race meeting and
10 of the taxes paid to the Department of Revenue under the
11 provisions of this Section. The Board or its duly authorized
12 representative or representatives shall at all reasonable
13 times have access to such records for the purpose of examining
14 and checking the same and ascertaining whether the proper
15 amount of taxes is being paid as provided. The Board shall
16 require verified reports and a statement of the total of all
17 monies wagered daily at each wagering facility upon which the
18 taxes are assessed and may prescribe forms upon which such
19 reports and statement shall be made.

20 (d) Any licensee failing or refusing to pay the amount of
21 any tax due under this Section shall be guilty of a business
22 offense and upon conviction shall be fined not more than \$5,000
23 in addition to the amount found due as tax under this Section.
24 Each day's violation shall constitute a separate offense. All
25 fines paid into Court by a licensee hereunder shall be
26 transmitted and paid over by the Clerk of the Court to the

1 Board.

2 (e) No other license fee, privilege tax, excise tax, or
3 racing fee, except as provided in this Act, shall be assessed
4 or collected from any such licensee by the State.

5 (f) No other license fee, privilege tax, excise tax or
6 racing fee shall be assessed or collected from any such
7 licensee by units of local government except as provided in
8 paragraph 10.1 of subsection (h) and subsection (f) of Section
9 26 of this Act. However, any municipality that has a Board
10 licensed horse race meeting at a race track wholly within its
11 corporate boundaries or a township that has a Board licensed
12 horse race meeting at a race track wholly within the
13 unincorporated area of the township may charge a local
14 amusement tax not to exceed 10¢ per admission to such horse
15 race meeting by the enactment of an ordinance. However, any
16 municipality or county that has a Board licensed inter-track
17 wagering location facility wholly within its corporate
18 boundaries may each impose an admission fee not to exceed \$1.00
19 per admission to such inter-track wagering location facility,
20 so that a total of not more than \$2.00 per admission may be
21 imposed. Except as provided in subparagraph (g) of Section 27
22 of this Act, the inter-track wagering location licensee shall
23 collect any and all such fees and within 48 hours remit the
24 fees to the Board, which shall, pursuant to rule, cause the
25 fees to be distributed to the county or municipality.

26 (g) Notwithstanding any provision in this Act to the

1 contrary, if in any calendar year the total taxes and fees
2 required to be collected from licensees and distributed under
3 this Act to all State and local governmental authorities
4 exceeds the amount of such taxes and fees distributed to each
5 State and local governmental authority to which each State and
6 local governmental authority was entitled under this Act for
7 calendar year 1994, then the first \$11 million of that excess
8 amount shall be allocated at the earliest possible date for
9 distribution as purse money for the succeeding calendar year.
10 Upon reaching the 1994 level, and until the excess amount of
11 taxes and fees exceeds \$11 million, the Board shall direct all
12 licensees to cease paying the subject taxes and fees and the
13 Board shall direct all licensees to allocate any such excess
14 amount for purses as follows:

15 (i) the excess amount shall be initially divided
16 between thoroughbred and standardbred purses based on the
17 thoroughbred's and standardbred's respective percentages
18 of total Illinois live wagering in calendar year 1994;

19 (ii) each thoroughbred and standardbred organization
20 licensee issued an organization license in that
21 succeeding allocation year shall be allocated an amount
22 equal to the product of its percentage of total Illinois
23 live thoroughbred or standardbred wagering in calendar
24 year 1994 (the total to be determined based on the sum of
25 1994 on-track wagering for all organization licensees
26 issued organization licenses in both the allocation year

1 and the preceding year) multiplied by the total amount
2 allocated for standardbred or thoroughbred purses,
3 provided that the first \$1,500,000 of the amount allocated
4 to standardbred purses under item (i) shall be allocated to
5 the Department of Agriculture to be expended with the
6 assistance and advice of the Illinois Standardbred
7 Breeders Funds Advisory Board for the purposes listed in
8 subsection (g) of Section 31 of this Act, before the amount
9 allocated to standardbred purses under item (i) is
10 allocated to standardbred organization licensees in the
11 succeeding allocation year.

12 To the extent the excess amount of taxes and fees to be
13 collected and distributed to State and local governmental
14 authorities exceeds \$11 million, that excess amount shall be
15 collected and distributed to State and local authorities as
16 provided for under this Act.

17 (Source: P.A. 98-18, eff. 6-7-13; 98-624, eff. 1-29-14; 99-756,
18 eff. 8-12-16.)

19 (310 ILCS 20/2 rep.)

20 (310 ILCS 20/10 rep.)

21 Section 15-135. The Housing Development and Construction
22 Act is amended by repealing Sections 2 and 10.

23 Section 15-140. The Illinois Groundwater Protection Act is
24 amended by changing Section 4 as follows:

1 (415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

2 Sec. 4. (a) There shall be established within State
3 government an interagency committee which shall be known as the
4 Interagency Coordinating Committee on Groundwater. The
5 Committee shall be composed of the Director, or his designee,
6 of the following agencies:

7 (1) The Illinois Environmental Protection Agency, who
8 shall chair the Committee.

9 (2) The Illinois Department of Natural Resources.

10 (3) The Illinois Department of Public Health.

11 (4) The Office of Mines and Minerals within the
12 Department of Natural Resources.

13 (5) The Office of the State Fire Marshal.

14 (6) The Division of Water Resources of the Department
15 of Natural Resources.

16 (7) The Illinois Department of Agriculture.

17 (8) The Illinois Emergency Management Agency.

18 (9) The Illinois Department of Nuclear Safety.

19 (10) (Blank). ~~The Illinois Department of Commerce and~~
20 ~~Economic Opportunity.~~

21 (b) The Committee shall meet not less than twice each
22 calendar year and shall:

23 (1) Review and coordinate the State's policy on
24 groundwater protection.

25 (2) Review and evaluate State laws, regulations and

1 procedures that relate to groundwater protection.

2 (3) Review and evaluate the status of the State's
3 efforts to improve the quality of the groundwater and of
4 the State enforcement efforts for protection of the
5 groundwater and make recommendations on improving the
6 State efforts to protect the groundwater.

7 (4) Recommend procedures for better coordination among
8 State groundwater programs and with local programs related
9 to groundwater protection.

10 (5) Review and recommend procedures to coordinate the
11 State's response to specific incidents of groundwater
12 pollution and coordinate dissemination of information
13 between agencies responsible for the State's response.

14 (6) Make recommendations for and prioritize the
15 State's groundwater research needs.

16 (7) Review, coordinate and evaluate groundwater data
17 collection and analysis.

18 (8) Beginning on January 1, 1990, report biennially to
19 the Governor and the General Assembly on groundwater
20 quality, quantity, and the State's enforcement efforts.

21 (c) The Chairman of the Committee shall propose a
22 groundwater protection regulatory agenda for consideration by
23 the Committee and the Council. The principal purpose of the
24 agenda shall be to systematically consider the groundwater
25 protection aspects of relevant federal and State regulatory
26 programs and to identify any areas where improvements may be

1 warranted. To the extent feasible, the agenda may also serve to
2 facilitate a more uniform and coordinated approach toward
3 protection of groundwaters in Illinois. Upon adoption of the
4 final agenda by the Committee, the Chairman of the Committee
5 shall assign a lead agency and any support agencies to prepare
6 a regulatory assessment report for each item on the agenda.
7 Each regulatory assessment report shall specify the nature of
8 the groundwater protection provisions being implemented and
9 shall evaluate the results achieved therefrom. Special
10 attention shall be given to any preventive measures being
11 utilized for protection of groundwaters. The reports shall be
12 completed in a timely manner. After review and consideration by
13 the Committee, the reports shall become the basis for
14 recommending further legislative or regulatory action.

15 (d) No later than January 1, 1992, the Interagency
16 Coordinating Committee on Groundwater shall provide a
17 comprehensive status report to the Governor and the General
18 Assembly concerning implementation of this Act.

19 (e) The Committee shall consider findings and
20 recommendations that are provided by the Council, and respond
21 in writing regarding such matters. The Chairman of the
22 Committee shall designate a liaison person to serve as a
23 facilitator of communications with the Council.

24 (Source: P.A. 94-793, eff. 5-19-06.)

25 (405 ILCS 80/Art. III rep.)

1 Section 15-145. The Developmental Disability and Mental
2 Disability Services Act is amended by repealing Article III.

3 Section 15-150. The Illinois Vehicle Code is amended by
4 changing Section 11-416 as follows:

5 (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

6 Sec. 11-416. Furnishing copies - Fees. The Department of
7 State Police may furnish copies of an Illinois State Police
8 Traffic Accident Report that has been investigated by the State
9 Police and shall be paid a fee of \$5 for each such copy, or in
10 the case of an accident which was investigated by an accident
11 reconstruction officer or accident reconstruction team, a fee
12 of \$20 shall be paid. These fees shall be deposited into the
13 State Police Services Fund.

14 Other State law enforcement agencies or law enforcement
15 agencies of local authorities may furnish copies of traffic
16 accident reports prepared by such agencies and may receive a
17 fee not to exceed \$5 for each copy or in the case of an accident
18 which was investigated by an accident reconstruction officer or
19 accident reconstruction team, the State or local law
20 enforcement agency may receive a fee not to exceed \$20.

21 Any written accident report required or requested to be
22 furnished the Administrator shall be provided without cost or
23 fee charges authorized under this Section or any other
24 provision of law.

1 (Source: P.A. 90-89, eff. 1-1-98.)

2 Section 15-155. The Unified Code of Corrections is amended
3 by changing Section 5-9-1.19 as follows:

4 (730 ILCS 5/5-9-1.19)

5 Sec. 5-9-1.19. Additional streetgang fine. In addition to
6 any other penalty imposed, a fine of \$100 shall be imposed upon
7 a person convicted of any violation of the Criminal Code of
8 1961 or the Criminal Code of 2012 who was, at the time of the
9 commission of the violation a streetgang member, as defined in
10 Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act. Such additional fine shall be assessed by the
12 court imposing sentence and shall be collected by the circuit
13 clerk. Of this fee, \$5 shall be deposited into the Circuit
14 Court Clerk Operation and Administrative Fund created by the
15 Clerk of the Circuit Court to be used to offset the costs
16 incurred by the Circuit Court Clerk in performing the
17 additional duties required to collect and disburse funds as
18 provided by law. Each such additional fine shall be remitted by
19 the Circuit Court Clerk within one month after receipt to the
20 State Police Operations Assistance ~~Streetgang-Related Crime~~
21 Fund in the State treasury.

22 (Source: P.A. 96-1029, eff. 7-13-10; 97-1150, eff. 1-25-13.)

23 Section 15-160. The Prevailing Wage Act is amended by

1 changing Section 9 as follows:

2 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

3 Sec. 9. To effectuate the purpose and policy of this Act
4 each public body may ~~shall~~, during the month of June of each
5 calendar year, investigate and ascertain the prevailing rate of
6 wages as defined in this Act and publicly post or keep
7 available for inspection by any interested party in the main
8 office of such public body its determination of such prevailing
9 rate of wage ~~and shall promptly file, no later than July 15 of~~
10 ~~each year, a certified copy thereof in the office of the~~
11 ~~Illinois Department of Labor.~~

12 The Department of Labor shall during the month of June of
13 each calendar year, investigate and ascertain the prevailing
14 rate of wages for each county in the State. If a public body
15 does not investigate and ascertain the prevailing rate of wages
16 during the month of June as required by the previous paragraph,
17 then the prevailing rate of wages for that public body shall be
18 the rate as determined by the Department under this paragraph
19 for the county in which such public body is located. The
20 Department shall publish on its official website a prevailing
21 wage schedule for each county in the State, no later than
22 August 15 of each year, based on the prevailing rate of wages
23 investigated and ascertained by the Department during the month
24 of June. Nothing prohibits the Department from publishing
25 prevailing wage rates more than once per year.

1 Where the Department of Labor ascertains the prevailing
2 rate of wages, it is the duty of the Department of Labor within
3 30 days after receiving a notice from the public body
4 authorizing the proposed work, to conduct an investigation to
5 ascertain the prevailing rate of wages as defined in this Act
6 and such investigation shall be conducted in the locality in
7 which the work is to be performed. The Department of Labor
8 shall send a certified copy of its findings to the public body
9 authorizing the work and keep a record of its findings
10 available for inspection by any interested party in the office
11 of the Department of Labor at Springfield.

12 ~~The public body except for the Department of Transportation~~
13 ~~with respect to highway contracts shall within 30 days after~~
14 ~~filing with the Department of Labor, or the Department of Labor~~
15 ~~shall within 30 days after filing with such public body,~~
16 ~~publish in a newspaper of general circulation within the area~~
17 ~~that the determination is effective, a notice of its~~
18 ~~determination and shall promptly mail a copy of its~~
19 ~~determination to any employer, and to any association of~~
20 ~~employers and to any person or association of employees who~~
21 ~~have filed their names and addresses, requesting copies of any~~
22 ~~determination stating the particular rates and the particular~~
23 ~~class of workers whose wages will be affected by such rates. If~~
24 ~~the Department of Labor ascertains the prevailing rate of wages~~
25 ~~for a public body, the public body may satisfy the newspaper~~
26 ~~publication requirement in this paragraph by posting on the~~

1 ~~public body's website a notice of its determination with a~~
2 ~~hyperlink to the prevailing wage schedule for that locality~~
3 ~~that is published on the official website of the Department of~~
4 ~~Labor.~~

5 At any time within 30 days after the Department of Labor
6 has published on its official web site a prevailing wage
7 schedule, any person affected thereby may object in writing to
8 the determination or such part thereof as they may deem
9 objectionable by filing a written notice with the public body
10 or Department of Labor, whichever has made such determination,
11 stating the specified grounds of the objection. It shall
12 thereafter be the duty of the public body or Department of
13 Labor to set a date for a hearing on the objection after giving
14 written notice to the objectors at least 10 days before the
15 date of the hearing and said notice shall state the time and
16 place of such hearing. Such hearing by a public body shall be
17 held within 45 days after the objection is filed, and shall not
18 be postponed or reset for a later date except upon the consent,
19 in writing, of all the objectors and the public body. If such
20 hearing is not held by the public body within the time herein
21 specified, the Department of Labor may, upon request of the
22 objectors, conduct the hearing on behalf of the public body.

23 The public body or Department of Labor, whichever has made
24 such determination, is authorized in its discretion to hear
25 each written objection filed separately or consolidate for
26 hearing any one or more written objections filed with them. At

1 such hearing, the public body or Department of Labor shall
2 introduce in evidence the investigation it instituted which
3 formed the basis of its determination, and the public body or
4 Department of Labor, or any interested objectors may thereafter
5 introduce such evidence as is material to the issue.
6 Thereafter, the public body or Department of Labor, must rule
7 upon the written objection and make such final determination as
8 it believes the evidence warrants, and promptly file a
9 certified copy of its final determination with such public
10 body, and serve a copy by personal service or registered mail
11 on all parties to the proceedings. The final determination by
12 the Department of Labor or a public body shall be rendered
13 within 30 days after the conclusion of the hearing.

14 If proceedings to review judicially the final
15 determination of the public body or Department of Labor are not
16 instituted as hereafter provided, such determination shall be
17 final and binding.

18 The provisions of the Administrative Review Law, and all
19 amendments and modifications thereof, and the rules adopted
20 pursuant thereto, shall apply to and govern all proceedings for
21 the judicial review of final administrative decisions of any
22 public body or the Department of Labor hereunder. The term
23 "administrative decision" is defined as in Section 3-101 of the
24 Code of Civil Procedure.

25 Appeals from all final orders and judgments entered by the
26 court in review of the final administrative decision of the

1 public body or Department of Labor, may be taken by any party
2 to the action.

3 Any proceeding in any court affecting a determination of
4 the Department of Labor or public body shall have priority in
5 hearing and determination over all other civil proceedings
6 pending in said court, except election contests.

7 In all reviews or appeals under this Act, it shall be the
8 duty of the Attorney General to represent the Department of
9 Labor, and defend its determination. The Attorney General shall
10 not represent any public body, except the State, in any such
11 review or appeal.

12 (Source: P.A. 100-2, eff. 6-16-17; 100-154, eff. 8-18-17;
13 revised 10-6-17.)

14 ARTICLE 20. OFFENDER REGISTRATION FUND

15 Section 20-5. The State Finance Act is amended by changing
16 Section 5.462 as follows:

17 (30 ILCS 105/5.462)

18 Sec. 5.462. The ~~Sex~~ Offender Registration Fund.

19 (Source: P.A. 90-193, eff. 7-24-97; 90-655, eff. 7-30-98.)

20 (30 ILCS 105/5.669 rep.)

21 (30 ILCS 105/5.694 rep.)

22 Section 20-10. The State Finance Act is amended by

1 repealing Sections 5.669 and 5.694.

2 Section 20-15. The Unified Code of Corrections is amended
3 by changing Section 5-9-1.15 as follows:

4 (730 ILCS 5/5-9-1.15)

5 Sec. 5-9-1.15. Sex offender fines.

6 (a) There shall be added to every penalty imposed in
7 sentencing for a sex offense as defined in Section 2 of the Sex
8 Offender Registration Act an additional fine in the amount of
9 \$500 to be imposed upon a plea of guilty, stipulation of facts
10 or finding of guilty resulting in a judgment of conviction or
11 order of supervision.

12 (b) Such additional amount shall be assessed by the court
13 imposing sentence and shall be collected by the circuit clerk
14 in addition to the fine, if any, and costs in the case. Each
15 such additional penalty shall be remitted by the circuit clerk
16 within one month after receipt to the State Treasurer for
17 deposit into the ~~Sex Offender~~ Registration Investigation Fund.
18 The circuit clerk shall retain 10% of such penalty for deposit
19 into the Circuit Court Clerk Operation and Administrative Fund
20 created by the Clerk of the Circuit Court to cover the costs
21 incurred in administering and enforcing this Section. Such
22 additional penalty shall not be considered a part of the fine
23 for purposes of any reduction in the fine for time served
24 either before or after sentencing.

1 (c) Not later than March 1 of each year the clerk of the
2 circuit court shall submit to the State Comptroller a report of
3 the amount of funds remitted by him or her to the State
4 Treasurer under this Section during the preceding calendar
5 year. Except as otherwise provided by Supreme Court Rules, if a
6 court in sentencing an offender levies a gross amount for fine,
7 costs, fees and penalties, the amount of the additional penalty
8 provided for herein shall be collected from the amount
9 remaining after deducting from the gross amount levied all fees
10 of the circuit clerk, the State's Attorney, and the sheriff.
11 After deducting from the gross amount levied the fees and
12 additional penalty provided for herein, less any other
13 additional penalties provided by law, the clerk shall remit
14 \$100 of each \$500 additional fine imposed under this Section to
15 the State's Attorney of the county which prosecuted the case or
16 the local law enforcement agency that investigated the case
17 leading to the defendant's judgment of conviction or order of
18 supervision and after such remission the net balance remaining
19 to the entity authorized by law to receive the fine imposed in
20 the case. For purposes of this Section "fees of the circuit
21 clerk" shall include, if applicable, the fee provided for under
22 Section 27.3a of the Clerks of Courts Act and the fee, if
23 applicable, payable to the county in which the violation
24 occurred under Section 5-1101 of the Counties Code.

25 (c-5) Notwithstanding any other provision of law, in
26 addition to any other transfers that may be provided by law, on

1 the effective date of this amendatory Act of the 100th General
2 Assembly, or as soon thereafter as practical, the State
3 Comptroller shall direct and the State Treasurer shall transfer
4 the remaining balance from the Sex Offender Investigation Fund
5 into the Offender Registration Fund. Upon completion of the
6 transfers, the Sex Offender Investigation Fund is dissolved,
7 and any future deposits due to that Fund and any outstanding
8 obligations or liabilities of that Fund pass to the Offender
9 Registration Fund.

10 (d) Subject to appropriation, moneys in the ~~Sex~~ Offender
11 Registration Investigation Fund received pursuant to this
12 Section shall be used by the Department of State Police to
13 investigate alleged sex offenses and to make grants to local
14 law enforcement agencies to investigate alleged sex offenses as
15 such grants are awarded by the Director of State Police under
16 rules established by the Director of State Police.

17 (Source: P.A. 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

18 Section 20-20. The Sex Offender Registration Act is amended
19 by changing Sections 3, 10, and 11 as follows:

20 (730 ILCS 150/3)

21 Sec. 3. Duty to register.

22 (a) A sex offender, as defined in Section 2 of this Act, or
23 sexual predator shall, within the time period prescribed in
24 subsections (b) and (c), register in person and provide

1 accurate information as required by the Department of State
2 Police. Such information shall include a current photograph,
3 current address, current place of employment, the sex
4 offender's or sexual predator's telephone number, including
5 cellular telephone number, the employer's telephone number,
6 school attended, all e-mail addresses, instant messaging
7 identities, chat room identities, and other Internet
8 communications identities that the sex offender uses or plans
9 to use, all Uniform Resource Locators (URLs) registered or used
10 by the sex offender, all blogs and other Internet sites
11 maintained by the sex offender or to which the sex offender has
12 uploaded any content or posted any messages or information,
13 extensions of the time period for registering as provided in
14 this Article and, if an extension was granted, the reason why
15 the extension was granted and the date the sex offender was
16 notified of the extension. The information shall also include a
17 copy of the terms and conditions of parole or release signed by
18 the sex offender and given to the sex offender by his or her
19 supervising officer or aftercare specialist, the county of
20 conviction, license plate numbers for every vehicle registered
21 in the name of the sex offender, the age of the sex offender at
22 the time of the commission of the offense, the age of the
23 victim at the time of the commission of the offense, and any
24 distinguishing marks located on the body of the sex offender. A
25 sex offender convicted under Section 11-6, 11-20.1, 11-20.1B,
26 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 shall provide all Internet protocol (IP) addresses
2 in his or her residence, registered in his or her name,
3 accessible at his or her place of employment, or otherwise
4 under his or her control or custody. If the sex offender is a
5 child sex offender as defined in Section 11-9.3 or 11-9.4 of
6 the Criminal Code of 1961 or the Criminal Code of 2012, the sex
7 offender shall report to the registering agency whether he or
8 she is living in a household with a child under 18 years of age
9 who is not his or her own child, provided that his or her own
10 child is not the victim of the sex offense. The sex offender or
11 sexual predator shall register:

12 (1) with the chief of police in the municipality in
13 which he or she resides or is temporarily domiciled for a
14 period of time of 3 or more days, unless the municipality
15 is the City of Chicago, in which case he or she shall
16 register at a fixed location designated by the
17 Superintendent of the Chicago Police Department; or

18 (2) with the sheriff in the county in which he or she
19 resides or is temporarily domiciled for a period of time of
20 3 or more days in an unincorporated area or, if
21 incorporated, no police chief exists.

22 If the sex offender or sexual predator is employed at or
23 attends an institution of higher education, he or she shall
24 also register:

25 (i) with:

26 (A) the chief of police in the municipality in

1 which he or she is employed at or attends an
2 institution of higher education, unless the
3 municipality is the City of Chicago, in which case he
4 or she shall register at a fixed location designated by
5 the Superintendent of the Chicago Police Department;
6 or

7 (B) the sheriff in the county in which he or she is
8 employed or attends an institution of higher education
9 located in an unincorporated area, or if incorporated,
10 no police chief exists; and

11 (ii) with the public safety or security director of the
12 institution of higher education which he or she is employed
13 at or attends.

14 The registration fees shall only apply to the municipality
15 or county of primary registration, and not to campus
16 registration.

17 For purposes of this Article, the place of residence or
18 temporary domicile is defined as any and all places where the
19 sex offender resides for an aggregate period of time of 3 or
20 more days during any calendar year. Any person required to
21 register under this Article who lacks a fixed address or
22 temporary domicile must notify, in person, the agency of
23 jurisdiction of his or her last known address within 3 days
24 after ceasing to have a fixed residence.

25 A sex offender or sexual predator who is temporarily absent
26 from his or her current address of registration for 3 or more

1 days shall notify the law enforcement agency having
2 jurisdiction of his or her current registration, including the
3 itinerary for travel, in the manner provided in Section 6 of
4 this Act for notification to the law enforcement agency having
5 jurisdiction of change of address.

6 Any person who lacks a fixed residence must report weekly,
7 in person, with the sheriff's office of the county in which he
8 or she is located in an unincorporated area, or with the chief
9 of police in the municipality in which he or she is located.
10 The agency of jurisdiction will document each weekly
11 registration to include all the locations where the person has
12 stayed during the past 7 days.

13 The sex offender or sexual predator shall provide accurate
14 information as required by the Department of State Police. That
15 information shall include the sex offender's or sexual
16 predator's current place of employment.

17 (a-5) An out-of-state student or out-of-state employee
18 shall, within 3 days after beginning school or employment in
19 this State, register in person and provide accurate information
20 as required by the Department of State Police. Such information
21 will include current place of employment, school attended, and
22 address in state of residence. A sex offender convicted under
23 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 shall
25 provide all Internet protocol (IP) addresses in his or her
26 residence, registered in his or her name, accessible at his or

1 her place of employment, or otherwise under his or her control
2 or custody. The out-of-state student or out-of-state employee
3 shall register:

4 (1) with:

5 (A) the chief of police in the municipality in
6 which he or she attends school or is employed for a
7 period of time of 5 or more days or for an aggregate
8 period of time of more than 30 days during any calendar
9 year, unless the municipality is the City of Chicago,
10 in which case he or she shall register at a fixed
11 location designated by the Superintendent of the
12 Chicago Police Department; or

13 (B) the sheriff in the county in which he or she
14 attends school or is employed for a period of time of 5
15 or more days or for an aggregate period of time of more
16 than 30 days during any calendar year in an
17 unincorporated area or, if incorporated, no police
18 chief exists; and

19 (2) with the public safety or security director of the
20 institution of higher education he or she is employed at or
21 attends for a period of time of 5 or more days or for an
22 aggregate period of time of more than 30 days during a
23 calendar year.

24 The registration fees shall only apply to the municipality
25 or county of primary registration, and not to campus
26 registration.

1 The out-of-state student or out-of-state employee shall
2 provide accurate information as required by the Department of
3 State Police. That information shall include the out-of-state
4 student's current place of school attendance or the
5 out-of-state employee's current place of employment.

6 (a-10) Any law enforcement agency registering sex
7 offenders or sexual predators in accordance with subsections
8 (a) or (a-5) of this Section shall forward to the Attorney
9 General a copy of sex offender registration forms from persons
10 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
11 11-21 of the Criminal Code of 1961 or the Criminal Code of
12 2012, including periodic and annual registrations under
13 Section 6 of this Act.

14 (b) Any sex offender, as defined in Section 2 of this Act,
15 or sexual predator, regardless of any initial, prior, or other
16 registration, shall, within 3 days of beginning school, or
17 establishing a residence, place of employment, or temporary
18 domicile in any county, register in person as set forth in
19 subsection (a) or (a-5).

20 (c) The registration for any person required to register
21 under this Article shall be as follows:

22 (1) Any person registered under the Habitual Child Sex
23 Offender Registration Act or the Child Sex Offender
24 Registration Act prior to January 1, 1996, shall be deemed
25 initially registered as of January 1, 1996; however, this
26 shall not be construed to extend the duration of

1 registration set forth in Section 7.

2 (2) Except as provided in subsection (c)(2.1) or
3 (c)(4), any person convicted or adjudicated prior to
4 January 1, 1996, whose liability for registration under
5 Section 7 has not expired, shall register in person prior
6 to January 31, 1996.

7 (2.1) A sex offender or sexual predator, who has never
8 previously been required to register under this Act, has a
9 duty to register if the person has been convicted of any
10 felony offense after July 1, 2011. A person who previously
11 was required to register under this Act for a period of 10
12 years and successfully completed that registration period
13 has a duty to register if: (i) the person has been
14 convicted of any felony offense after July 1, 2011, and
15 (ii) the offense for which the 10 year registration was
16 served currently requires a registration period of more
17 than 10 years. Notification of an offender's duty to
18 register under this subsection shall be pursuant to Section
19 5-7 of this Act.

20 (2.5) Except as provided in subsection (c)(4), any
21 person who has not been notified of his or her
22 responsibility to register shall be notified by a criminal
23 justice entity of his or her responsibility to register.
24 Upon notification the person must then register within 3
25 days of notification of his or her requirement to register.
26 Except as provided in subsection (c)(2.1), if notification

1 is not made within the offender's 10 year registration
2 requirement, and the Department of State Police determines
3 no evidence exists or indicates the offender attempted to
4 avoid registration, the offender will no longer be required
5 to register under this Act.

6 (3) Except as provided in subsection (c) (4), any person
7 convicted on or after January 1, 1996, shall register in
8 person within 3 days after the entry of the sentencing
9 order based upon his or her conviction.

10 (4) Any person unable to comply with the registration
11 requirements of this Article because he or she is confined,
12 institutionalized, or imprisoned in Illinois on or after
13 January 1, 1996, shall register in person within 3 days of
14 discharge, parole or release.

15 (5) The person shall provide positive identification
16 and documentation that substantiates proof of residence at
17 the registering address.

18 (6) The person shall pay a \$100 initial registration
19 fee and a \$100 annual renewal fee to the registering law
20 enforcement agency having jurisdiction. The registering
21 agency may waive the registration fee if it determines that
22 the person is indigent and unable to pay the registration
23 fee. Thirty-five dollars for the initial registration fee
24 and \$35 of the annual renewal fee shall be retained and
25 used by the registering agency for official purposes.
26 Having retained \$35 of the initial registration fee and \$35

1 of the annual renewal fee, the registering agency shall
2 remit the remainder of the fee to State agencies within 30
3 days of receipt for deposit into the State funds as
4 follows:

5 (A) Five dollars of the initial registration fee
6 and \$5 of the annual fee shall be remitted to the State
7 Treasurer who shall deposit the moneys into the Sex
8 Offender Management Board Fund under Section 19 of the
9 Sex Offender Management Board Act. Money deposited
10 into the Sex Offender Management Board Fund shall be
11 administered by the Sex Offender Management Board and
12 shall be used by the Board to comply with the
13 provisions of the Sex Offender Management Board Act.

14 (B) Thirty dollars of the initial registration fee
15 and \$30 of the annual renewal fee shall be remitted to
16 the Department of State Police which shall deposit the
17 moneys into the Sex Offender Registration Fund and
18 shall be used by the Department of State Police to
19 maintain and update the Illinois State Police ~~Sex~~
20 Offender Registry.

21 (C) Thirty dollars of the initial registration fee
22 and \$30 of the annual renewal fee shall be remitted to
23 the Attorney General who shall deposit the moneys into
24 the Attorney General Sex Offender Awareness, Training,
25 and Education Fund. Moneys deposited into the Fund
26 shall be used by the Attorney General to administer the

1 I-SORT program and to alert and educate the public,
2 victims, and witnesses of their rights under various
3 victim notification laws and for training law
4 enforcement agencies, State's Attorneys, and medical
5 providers of their legal duties concerning the
6 prosecution and investigation of sex offenses.

7 The registering agency shall establish procedures to
8 document the receipt and remittance of the \$100 initial
9 registration fee and \$100 annual renewal fee.

10 (d) Within 3 days after obtaining or changing employment
11 and, if employed on January 1, 2000, within 5 days after that
12 date, a person required to register under this Section must
13 report, in person to the law enforcement agency having
14 jurisdiction, the business name and address where he or she is
15 employed. If the person has multiple businesses or work
16 locations, every business and work location must be reported to
17 the law enforcement agency having jurisdiction.

18 (Source: P.A. 98-558, eff. 1-1-14; 98-612, eff. 12-27-13;
19 99-755, eff. 8-5-16.)

20 (730 ILCS 150/10) (from Ch. 38, par. 230)

21 Sec. 10. Penalty.

22 (a) Any person who is required to register under this
23 Article who violates any of the provisions of this Article and
24 any person who is required to register under this Article who
25 seeks to change his or her name under Article XXI of the Code

1 of Civil Procedure is guilty of a Class 3 felony. Any person
2 who is convicted for a violation of this Act for a second or
3 subsequent time is guilty of a Class 2 felony. Any person who
4 is required to register under this Article who knowingly or
5 willfully ~~willfully~~ gives material information required by this
6 Article that is false is guilty of a Class 3 felony. Any person
7 convicted of a violation of any provision of this Article
8 shall, in addition to any other penalty required by law, be
9 required to serve a minimum period of 7 days confinement in the
10 local county jail. The court shall impose a mandatory minimum
11 fine of \$500 for failure to comply with any provision of this
12 Article. These fines shall be deposited in the ~~Sex~~ Offender
13 Registration Fund. Any sex offender, as defined in Section 2 of
14 this Act, or sexual predator who violates any provision of this
15 Article may be arrested and tried in any Illinois county where
16 the sex offender can be located. The local police department or
17 sheriff's office is not required to determine whether the
18 person is living within its jurisdiction.

19 (b) Any person, not covered by privilege under Part 8 of
20 Article VIII of the Code of Civil Procedure or the Illinois
21 Supreme Court's Rules of Professional Conduct, who has reason
22 to believe that a sexual predator is not complying, or has not
23 complied, with the requirements of this Article and who, with
24 the intent to assist the sexual predator in eluding a law
25 enforcement agency that is seeking to find the sexual predator
26 to question the sexual predator about, or to arrest the sexual

1 predator for, his or her noncompliance with the requirements of
2 this Article is guilty of a Class 3 felony if he or she:

3 (1) provides false information to the law enforcement
4 agency having jurisdiction about the sexual predator's
5 noncompliance with the requirements of this Article, and,
6 if known, the whereabouts of the sexual predator;

7 (2) harbors, or attempts to harbor, or assists another
8 person in harboring or attempting to harbor, the sexual
9 predator; or

10 (3) conceals or attempts to conceal, or assists another
11 person in concealing or attempting to conceal, the sexual
12 predator.

13 (c) Subsection (b) does not apply if the sexual predator is
14 incarcerated in or is in the custody of a State correctional
15 facility, a private correctional facility, a county or
16 municipal jail, a State mental health facility or a State
17 treatment and detention facility, or a federal correctional
18 facility.

19 (d) Subsections (a) and (b) do not apply if the sex
20 offender accurately registered his or her Internet protocol
21 address under this Act, and the address subsequently changed
22 without his or her knowledge or intent.

23 (Source: P.A. 99-78, eff. 7-20-15.)

24 (730 ILCS 150/11)

25 Sec. 11. Offender Registration Fund ~~Sex~~ offender

1 ~~registration fund~~. There is created the Offender Registration
2 Fund (formerly known as the Sex Offender Registration Fund).
3 Moneys in the Fund shall be used to cover costs incurred by the
4 criminal justice system to administer this Article and the
5 Murderer and Violent Offender Against Youth Registration Act,
6 and for purposes as authorized under Section 5-9-1.15 of the
7 Unified Code of Corrections. The Department of State Police
8 shall establish and promulgate rules and procedures regarding
9 the administration of this Fund. Fifty percent of the moneys in
10 the Fund received pursuant to this Article or the Murderer and
11 Violent Offender Against Youth Registration Act shall be
12 allocated by the Department for sheriffs' offices and police
13 departments. The remaining moneys in the Fund received pursuant
14 to this Article shall be allocated to the Illinois State Police
15 Sex Offender Registration Unit for education and
16 administration of the Act.

17 (Source: P.A. 93-979, eff. 8-20-04.)

18 Section 20-25. The Murderer and Violent Offender Against
19 Youth Registration Act is amended by changing Sections 10, 60,
20 and 65 as follows:

21 (730 ILCS 154/10)

22 Sec. 10. Duty to register.

23 (a) A violent offender against youth shall, within the time
24 period prescribed in subsections (b) and (c), register in

1 person and provide accurate information as required by the
2 Department of State Police. Such information shall include a
3 current photograph, current address, current place of
4 employment, the employer's telephone number, school attended,
5 extensions of the time period for registering as provided in
6 this Act and, if an extension was granted, the reason why the
7 extension was granted and the date the violent offender against
8 youth was notified of the extension. A person who has been
9 adjudicated a juvenile delinquent for an act which, if
10 committed by an adult, would be a violent offense against youth
11 shall register as an adult violent offender against youth
12 within 10 days after attaining 17 years of age. The violent
13 offender against youth shall register:

14 (1) with the chief of police in the municipality in
15 which he or she resides or is temporarily domiciled for a
16 period of time of 5 or more days, unless the municipality
17 is the City of Chicago, in which case he or she shall
18 register at a fixed location designated by the
19 Superintendent of the Chicago Police Department; or

20 (2) with the sheriff in the county in which he or she
21 resides or is temporarily domiciled for a period of time of
22 5 or more days in an unincorporated area or, if
23 incorporated, no police chief exists.

24 If the violent offender against youth is employed at or
25 attends an institution of higher education, he or she shall
26 register:

1 (i) with the chief of police in the municipality in
2 which he or she is employed at or attends an institution of
3 higher education, unless the municipality is the City of
4 Chicago, in which case he or she shall register at a fixed
5 location designated by the Superintendent of the Chicago
6 Police Department; or

7 (ii) with the sheriff in the county in which he or she
8 is employed or attends an institution of higher education
9 located in an unincorporated area, or if incorporated, no
10 police chief exists.

11 For purposes of this Act, the place of residence or
12 temporary domicile is defined as any and all places where the
13 violent offender against youth resides for an aggregate period
14 of time of 5 or more days during any calendar year. Any person
15 required to register under this Act who lacks a fixed address
16 or temporary domicile must notify, in person, the agency of
17 jurisdiction of his or her last known address within 5 days
18 after ceasing to have a fixed residence.

19 Any person who lacks a fixed residence must report weekly,
20 in person, with the sheriff's office of the county in which he
21 or she is located in an unincorporated area, or with the chief
22 of police in the municipality in which he or she is located.
23 The agency of jurisdiction will document each weekly
24 registration to include all the locations where the person has
25 stayed during the past 7 days.

26 The violent offender against youth shall provide accurate

1 information as required by the Department of State Police. That
2 information shall include the current place of employment of
3 the violent offender against youth.

4 (a-5) An out-of-state student or out-of-state employee
5 shall, within 5 days after beginning school or employment in
6 this State, register in person and provide accurate information
7 as required by the Department of State Police. Such information
8 will include current place of employment, school attended, and
9 address in state of residence. The out-of-state student or
10 out-of-state employee shall register:

11 (1) with the chief of police in the municipality in
12 which he or she attends school or is employed for a period
13 of time of 5 or more days or for an aggregate period of
14 time of more than 30 days during any calendar year, unless
15 the municipality is the City of Chicago, in which case he
16 or she shall register at a fixed location designated by the
17 Superintendent of the Chicago Police Department; or

18 (2) with the sheriff in the county in which he or she
19 attends school or is employed for a period of time of 5 or
20 more days or for an aggregate period of time of more than
21 30 days during any calendar year in an unincorporated area
22 or, if incorporated, no police chief exists.

23 The out-of-state student or out-of-state employee shall
24 provide accurate information as required by the Department of
25 State Police. That information shall include the out-of-state
26 student's current place of school attendance or the

1 out-of-state employee's current place of employment.

2 (b) Any violent offender against youth regardless of any
3 initial, prior, or other registration, shall, within 5 days of
4 beginning school, or establishing a residence, place of
5 employment, or temporary domicile in any county, register in
6 person as set forth in subsection (a) or (a-5).

7 (c) The registration for any person required to register
8 under this Act shall be as follows:

9 (1) Except as provided in paragraph (3) of this
10 subsection (c), any person who has not been notified of his
11 or her responsibility to register shall be notified by a
12 criminal justice entity of his or her responsibility to
13 register. Upon notification the person must then register
14 within 5 days of notification of his or her requirement to
15 register. If notification is not made within the offender's
16 10 year registration requirement, and the Department of
17 State Police determines no evidence exists or indicates the
18 offender attempted to avoid registration, the offender
19 will no longer be required to register under this Act.

20 (2) Except as provided in paragraph (3) of this
21 subsection (c), any person convicted on or after the
22 effective date of this Act shall register in person within
23 5 days after the entry of the sentencing order based upon
24 his or her conviction.

25 (3) Any person unable to comply with the registration
26 requirements of this Act because he or she is confined,

1 institutionalized, or imprisoned in Illinois on or after
2 the effective date of this Act shall register in person
3 within 5 days of discharge, parole or release.

4 (4) The person shall provide positive identification
5 and documentation that substantiates proof of residence at
6 the registering address.

7 (5) The person shall pay a \$20 initial registration fee
8 and a \$10 annual renewal fee. The fees shall be deposited
9 into the ~~Murderer and Violent Offender Against Youth~~
10 Registration Fund. The fees shall be used by the
11 registering agency for official purposes. The agency shall
12 establish procedures to document receipt and use of the
13 funds. The law enforcement agency having jurisdiction may
14 waive the registration fee if it determines that the person
15 is indigent and unable to pay the registration fee.

16 (d) Within 5 days after obtaining or changing employment, a
17 person required to register under this Section must report, in
18 person to the law enforcement agency having jurisdiction, the
19 business name and address where he or she is employed. If the
20 person has multiple businesses or work locations, every
21 business and work location must be reported to the law
22 enforcement agency having jurisdiction.

23 (Source: P.A. 99-755, eff. 8-5-16.)

24 (730 ILCS 154/60)

25 Sec. 60. Penalty. Any person who is required to register

1 under this Act who violates any of the provisions of this Act
2 and any person who is required to register under this Act who
3 seeks to change his or her name under Article XXI of the Code
4 of Civil Procedure is guilty of a Class 3 felony. Any person
5 who is convicted for a violation of this Act for a second or
6 subsequent time is guilty of a Class 2 felony. Any person who
7 is required to register under this Act who knowingly or
8 willfully ~~willfully~~ gives material information required by this
9 Act that is false is guilty of a Class 3 felony. Any person
10 convicted of a violation of any provision of this Act shall, in
11 addition to any other penalty required by law, be required to
12 serve a minimum period of 7 days confinement in the local
13 county jail. The court shall impose a mandatory minimum fine of
14 \$500 for failure to comply with any provision of this Act.
15 These fines shall be deposited into the ~~Murderer and Violent~~
16 ~~Offender Against Youth~~ Registration Fund. Any violent offender
17 against youth who violates any provision of this Act may be
18 arrested and tried in any Illinois county where the violent
19 offender against youth can be located. The local police
20 department or sheriff's office is not required to determine
21 whether the person is living within its jurisdiction.

22 (Source: P.A. 99-78, eff. 7-20-15.)

23 (730 ILCS 154/65)

24 Sec. 65. Murderer and Violent Offender Against Youth
25 Registration Fund. There is created the Murderer and Violent

1 Offender Against Youth Registration Fund. Moneys in the Fund
2 shall be used to cover costs incurred by the criminal justice
3 system to administer this Act. The Department of State Police
4 shall establish and promulgate rules and procedures regarding
5 the administration of this Fund. Fifty percent of the moneys in
6 the Fund shall be allocated by the Department for sheriffs'
7 offices and police departments. The remaining moneys in the
8 Fund shall be allocated to the Illinois State Police for
9 education and administration of the Act. Notwithstanding any
10 other provision of law, in addition to any other transfers that
11 may be provided by law, on the effective date of this
12 amendatory Act of the 100th General Assembly, or as soon
13 thereafter as practical before the repeal of this Section, the
14 State Comptroller shall direct and the State Treasurer shall
15 transfer the remaining balance from the Murderer and Violent
16 Offender Against Youth Registration Fund into the Offender
17 Registration Fund. Upon completion of the transfers, the
18 Murderer and Violent Offender Against Youth Registration Fund
19 is dissolved, and any future deposits due to that Fund and any
20 outstanding obligations or liabilities of that Fund pass to the
21 Offender Registration Fund. This Section is repealed 60 days
22 after the effective date of this amendatory Act of the 100th
23 General Assembly.

24 (Source: P.A. 97-154, eff. 1-1-12.)

25 ARTICLE 99. EXEMPTIONS; SEVERABILITY; EFFECTIVE DATE

1 Section 99-90. The State Mandates Act is amended by adding
2 Section 8.42 as follows:

3 (30 ILCS 805/8.42 new)

4 Sec. 8.42. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 100th General Assembly.

8 Section 99-96. No revival or extension. This Act does not
9 revive or extend any Section or Act otherwise repealed.

10 Section 99-97. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

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

1 INDEX

2 Statutes amended in order of appearance

3	20 ILCS 210/6	from Ch. 127, par. 1706
4	20 ILCS 720/35 rep.	
5	20 ILCS 1305/10-6 rep.	
6	20 ILCS 2310/2310-352 rep.	
7	20 ILCS 2310/2310-358 rep.	
8	20 ILCS 2310/2310-399 rep.	
9	20 ILCS 2310/2310-403 rep.	
10	25 ILCS 130/4-9 rep.	
11	30 ILCS 105/5.95 rep.	
12	30 ILCS 105/5.172 rep.	
13	30 ILCS 105/5.460 rep.	
14	30 ILCS 105/5.599 rep.	
15	30 ILCS 105/5.639 rep.	
16	30 ILCS 105/5.647 rep.	
17	30 ILCS 105/5.748 rep.	
18	30 ILCS 105/5.807 rep.	
19	30 ILCS 105/6a-5 rep.	
20	30 ILCS 177/Act rep.	
21	35 ILCS 5/507AA rep.	
22	35 ILCS 5/507BB rep.	
23	35 ILCS 5/507HH rep.	
24	35 ILCS 5/507II rep.	
25	35 ILCS 5/507TT rep.	

1 55 ILCS 5/5-1006.5
2 55 ILCS 5/5-1035.1 from Ch. 34, par. 5-1035.1
3 10 ILCS 5/4-8 from Ch. 46, par. 4-8
4 10 ILCS 5/4-25 from Ch. 46, par. 4-25
5 10 ILCS 5/5-7 from Ch. 46, par. 5-7
6 10 ILCS 5/5-35 from Ch. 46, par. 5-35
7 10 ILCS 5/6-35 from Ch. 46, par. 6-35
8 10 ILCS 5/6-71 from Ch. 46, par. 6-71
9 20 ILCS 105/4.02 from Ch. 23, par. 6104.02
10 20 ILCS 605/605-855 rep.
11 20 ILCS 627/Act rep.
12 20 ILCS 630/3 from Ch. 48, par. 2403
13 20 ILCS 3020/805
14 30 ILCS 375/Act rep.
15 70 ILCS 210/22.1 rep.
16 310 ILCS 20/3b rep.
17 310 ILCS 30/2 rep.
18 315 ILCS 5/Act rep.
19 315 ILCS 25/Act rep.
20 315 ILCS 30/Act rep.
21 325 ILCS 25/Act rep.
22 415 ILCS 5/17.6 rep.
23 415 ILCS 110/Act rep.
24 20 ILCS 5/5-565 was 20 ILCS 5/6.06
25 20 ILCS 105/4.06
26 20 ILCS 605/605-325 rep.

1 20 ILCS 605/605-337 rep.
2 20 ILCS 605/605-360 rep.
3 20 ILCS 605/605-605 rep.
4 20 ILCS 605/605-685 rep.
5 20 ILCS 605/605-950 was 20 ILCS 605/46.38a
6 20 ILCS 695/Act rep.
7 20 ILCS 860/2 from Ch. 105, par. 532
8 20 ILCS 860/2a from Ch. 105, par. 532a
9 20 ILCS 1305/10-32 rep.
10 20 ILCS 1510/65 rep.
11 20 ILCS 2505/2505-550 rep.
12 20 ILCS 2605/2605-580 rep.
13 20 ILCS 3930/7.6 rep.
14 30 ILCS 105/5k
15 30 ILCS 105/8p
16 30 ILCS 105/8p-5 new
17 30 ILCS 105/5.783 rep.
18 30 ILCS 720/Act rep.
19 35 ILCS 120/1k rep.
20 35 ILCS 120/1o rep.
21 45 ILCS 175/5
22 50 ILCS 805/8 rep.
23 70 ILCS 504/27
24 105 ILCS 410/Act rep.
25 110 ILCS 805/2-20 rep.
26 110 ILCS 805/2-25 rep.

1 110 ILCS 947/65.80 rep.
2 225 ILCS 454/1-10
3 225 ILCS 454/5-50
4 225 ILCS 454/25-15 rep.
5 225 ILCS 458/1-10
6 225 ILCS 458/5-25
7 225 ILCS 458/15-15
8 225 ILCS 458/25-10
9 225 ILCS 458/25-15 rep.
10 230 ILCS 5/27 from Ch. 8, par. 37-27
11 310 ILCS 20/2 rep.
12 310 ILCS 20/10 rep.
13 415 ILCS 55/4 from Ch. 111 1/2, par. 7454
14 405 ILCS 80/Art. III rep.
15 625 ILCS 5/11-416 from Ch. 95 1/2, par. 11-416
16 730 ILCS 5/5-9-1.19
17 820 ILCS 130/9 from Ch. 48, par. 39s-9
18 30 ILCS 105/5.462
19 30 ILCS 105/5.669 rep.
20 30 ILCS 105/5.694 rep.
21 730 ILCS 5/5-9-1.15
22 730 ILCS 150/3
23 730 ILCS 150/10 from Ch. 38, par. 230
24 730 ILCS 150/11
25 730 ILCS 154/10
26 730 ILCS 154/60

SB3186

- 178 -

LRB100 18485 XWW 33701 b

1 730 ILCS 154/65

2 30 ILCS 805/8.42 new