



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3959

Introduced 2/22/2021, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

15 ILCS 20/50-7 rep.
20 ILCS 1305/10-25
20 ILCS 3020/805
30 ILCS 105/5k
110 ILCS 49/15
730 ILCS 5/5-4-3a

Amends the State Budget Law of the Civil Administrative Code of Illinois to repeal provisions concerning the online budget survey. Amends the Department of Human Services Act. Removes a requirement that the Department of Human Services must report quarterly to the Governor and the General Assembly on certain expenditures under the WIC nutrition program. Amends the Capital Spending Accountability Law. Provides that reports on capital spending are due on or before the forty-fifth day after the end of each quarter (currently, the first day of each quarter). Amends the State Finance Act to eliminate a report on certain transfers. Amends the Higher Education Veterans Service Act to eliminate a requirement that certain survey results must be posted on an Internet website. Amends the Unified Code of Corrections concerning the DNA testing backlog. Effective immediately.

LRB102 17089 HLH 22518 b

1 AN ACT concerning State government.

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

4 (15 ILCS 20/50-7 rep.)

5 Section 3. The State Budget Law of the Civil
6 Administrative Code of Illinois is amended by repealing
7 Section 50-7.

8 Section 5. The Department of Human Services Act is amended
9 by changing Section 10-25 as follows:

10 (20 ILCS 1305/10-25)

11 Sec. 10-25. Women, Infants, and Children Nutrition
12 Program.

13 (a) The Department shall participate in the Women, Infants
14 and Children Nutrition program of the federal government to
15 the maximum extent permitted by the federal appropriation and
16 allocation to the State of Illinois. In order to efficiently
17 process electronically issued WIC benefits, the Department may
18 use an account held outside of the state treasury for the
19 deposit and issuance of WIC benefits. ~~The Department shall~~
20 ~~report quarterly to the Governor and the General Assembly the~~
21 ~~status of obligations and expenditures of the WIC nutrition~~
22 ~~program appropriation and make recommendations on actions~~

1 ~~necessary to expend all available federal funds.~~ Other
2 appropriations and funds from any public or private source in
3 addition to federal funds may be used by the Department for the
4 purpose of maximum participation in the WIC nutrition program.

5 (b) The Department shall maintain a drug abuse education
6 program for participants in the Women, Infants and Children
7 Nutrition Program. The program shall include but need not be
8 limited to (1) the provision of information concerning the
9 dangers of drug abuse and (2) the referral of participants who
10 are suspected drug abusers to drug abuse clinics, treatment
11 programs, counselors or other drug abuse treatment providers.

12 (c) The Department shall cooperate with the Department of
13 Public Health for purposes of the smoking cessation program
14 for participants in the Women, Infants and Children Nutrition
15 Program maintained by the Department of Public Health under
16 Section 2310-435 of the Department of Public Health Powers and
17 Duties Law (20 ILCS 2310/2310-435).

18 (d) The Department may contract with any bank as defined
19 by the Illinois Banking Act to redeem bank drafts issued by the
20 Department under the United States Department of Agriculture
21 Special Supplemental Food Program for Women, Infants and
22 Children (WIC). Any bank with which the Department has entered
23 into a contract to redeem bank drafts may receive, pursuant to
24 an appropriation to the Department, an initial advance and
25 periodic payment of funds for the Women, Infants and Children
26 Program in amounts determined by the Secretary.

1 Notwithstanding any other law, such funds shall be retained in
2 a separate account by the bank. Any interest earned by monies
3 in such account shall accrue to the USDA Women, Infants and
4 Children Fund and shall be used exclusively for the redemption
5 of bank drafts issued by the Department. WIC program food
6 funds received by the bank from the Department shall be used
7 exclusively for the redemption of bank drafts. The bank shall
8 not use such food funds, or interest accrued thereon, for any
9 other purpose including, but not limited to, reimbursement of
10 administrative expenses or payments of administrative fees due
11 the bank pursuant to its contract or contracts with the
12 Department.

13 Such initial and periodic payments by the Department to
14 the bank shall be effected, pursuant to an appropriation, in
15 an amount needed for the redemption of bank drafts issued by
16 the Department under the United States Department of
17 Agriculture Special Supplemental Food Program for Women,
18 Infants and Children in any initial or succeeding period. The
19 State Comptroller shall, upon presentation by the Secretary of
20 adequate certification of funds needed for redemption of bank
21 drafts, promptly draw a warrant payable to the bank for
22 deposit to the separate account of the bank. Such
23 certification may be in magnetic tape or computer output form,
24 indicating the amount of the total payment made by the bank for
25 the redemption of bank drafts from funds provided to the bank
26 under this Section.

1 The separate account of the bank established under this
2 Section, any payments to that account, and the use of such
3 account and funds shall be subject to (1) audit by the
4 Department or a private contractor authorized by the
5 Department to conduct audits, including but not limited to
6 such audits as may be required by State law, (2) audit by the
7 federal government or a private contractor authorized by the
8 federal government, and (3) post audit pursuant to the
9 Illinois State Auditing Act.

10 (e) The Department may include a program of lactation
11 support services as part of the benefits and services provided
12 for pregnant and breast feeding participants in the Women,
13 Infants and Children Nutrition Program. The program may
14 include payment for breast pumps, breast shields, or any
15 supply deemed essential for the successful maintenance of
16 lactation, as well as lactation specialists who are registered
17 nurses, licensed dietitians, or persons who have successfully
18 completed a lactation management training program.

19 (f) The Department shall coordinate the operation of the
20 Women, Infants and Children program with the Medicaid program
21 by interagency agreement whereby each program provides
22 information about the services offered by the other to
23 applicants for services.

24 (Source: P.A. 101-636, eff. 6-10-20.)

25 Section 10. The Capital Spending Accountability Law is

1 amended by changing Section 805 as follows:

2 (20 ILCS 3020/805)

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

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

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

22 (3) The date the appropriation bill relating to each
23 project was signed by the Governor, organized into
24 categories.

25 (4) The date the written release of the Governor for

1 each project was submitted to the Comptroller or is
2 projected to be submitted and, if a release for any
3 project has not been submitted within 6 months after its
4 appropriation became law, an explanation why the project
5 has not yet been released, all organized into categories.

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

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

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

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

23 Section 15. The State Finance Act is amended by changing
24 Section 5k as follows:

1 (30 ILCS 105/5k)

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

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

1 those special funds of the State. Notwithstanding any other
2 provision of this Section, no such transfer may be made from
3 any special fund that is exclusively collected by or
4 appropriated to any other constitutional officer without the
5 written approval of that constitutional officer.

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

25 (c) (Blank). ~~On the first day of each quarterly period in~~
26 ~~each fiscal year, until such time as a report indicates that~~

1 ~~all moneys borrowed and interest pursuant to this Section have~~
2 ~~been repaid, the Governor's Office of Management and Budget~~
3 ~~shall provide to the President and the Minority Leader of the~~
4 ~~Senate, the Speaker and the Minority Leader of the House of~~
5 ~~Representatives, and the Commission on Government Forecasting~~
6 ~~and Accountability a report on all transfers made pursuant to~~
7 ~~this Section in the prior quarterly period. The report must be~~
8 ~~provided in electronic format. The report must include all of~~
9 ~~the following:~~

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

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

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

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

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

20 Section 20. The Higher Education Veterans Service Act is
21 amended by changing Section 15 as follows:

22 (110 ILCS 49/15)

23 Sec. 15. Survey; coordinator; best practices report; best
24 efforts.

1 (a) All public colleges and universities shall, within 60
2 days after the effective date of this Act, conduct a survey of
3 the services and programs that are provided for veterans,
4 active duty military personnel, and their families, at each of
5 their respective campuses. This survey shall enumerate and
6 fully describe the service or program that is available, the
7 number of veterans or active duty personnel using the service
8 or program, an estimated range for potential use within a
9 5-year and 10-year period, information on the location of the
10 service or program, and how its administrators may be
11 contacted. The survey shall indicate the manner or manners in
12 which a student veteran may avail himself or herself of the
13 program's services. This survey must be made available to all
14 veterans matriculating at the college or university in the
15 form of an orientation-related guidebook.

16 Each public college and university shall make the survey
17 available on the homepage of all campus Internet links as soon
18 as practical after the completion of the survey. As soon as
19 possible after the completion of the survey, each public
20 college and university shall provide a copy of its survey to
21 the following:

22 (1) the Board of Higher Education;

23 (2) the Department of Veterans' Affairs;

24 (3) the President and Minority Leader of the Senate
25 and the Speaker and Minority Leader of the House of
26 Representatives; and

1 (4) the Governor.

2 (b) Each public college and university shall, at its
3 discretion, (i) appoint, within 6 months after the effective
4 date of this Act, an existing employee or (ii) hire a new
5 employee to serve as a Coordinator of Veterans and Military
6 Personnel Student Services on each campus of the college or
7 university that has an onsite, daily, full-time student
8 headcount above 1,000 students.

9 The Coordinator of Veterans and Military Personnel Student
10 Services shall be an ombudsperson serving the specific needs
11 of student veterans and military personnel and their families
12 and shall serve as an advocate before the administration of
13 the college or university for the needs of student veterans.
14 The college or university shall enable the Coordinator of
15 Veterans and Military Personnel Student Services to
16 communicate directly with the senior executive administration
17 of the college or university periodically. The college or
18 university shall retain unfettered discretion to determine the
19 organizational management structure of its institution.

20 In addition to any responsibilities the college or
21 university may assign, the Coordinator of Veterans and
22 Military Personnel Student Services shall make its best
23 efforts to create a centralized source for student veterans
24 and military personnel to learn how to receive all benefit
25 programs and services for which they are eligible.

26 Each college and university campus that is required to

1 have a Coordinator of Veterans and Military Personnel Student
2 Services shall regularly and conspicuously advertise the
3 office location and, phone number of, and Internet access to
4 the Coordinator of Veterans and Military Personnel Student
5 Services, along with a brief summary of the manner in which he
6 or she can assist student veterans. The advertisement shall
7 include, but is not necessarily limited to, the following:

8 (1) advertisements on each campus' Internet home page;

9 and

10 (2) any promotional mailings for student application.

11 The Coordinator of Veterans and Military Personnel Student
12 Services shall facilitate other campus offices with the
13 promotion of programs and services that are available.

14 (c) Upon receipt of all of the surveys under subsection
15 (a) of this Section, the Board of Higher Education and the
16 Department of Veterans' Affairs shall conduct a joint review
17 of the surveys ~~and post, on any Internet home page they may~~
18 ~~operate, a link to each survey as posted on the Internet~~
19 ~~website for the college or university.~~ Upon receipt of all of
20 the surveys, the Office of the Governor, through its military
21 affairs advisors, shall similarly conduct a review of the
22 surveys ~~and post the surveys on its Internet website.~~
23 Following its review of the surveys, the Office of the
24 Governor shall submit an evaluation report to each college and
25 university offering suggestions and insight on the conduct of
26 student veteran-related policies and programs.

1 (d) The Board of Higher Education and the Department of
2 Veterans' Affairs may issue a best practices report to
3 highlight those programs and services that are most beneficial
4 to veterans and active duty military personnel. The report
5 shall contain a fiscal needs assessment in conjunction with
6 any program recommendations.

7 (e) Each college and university campus that is required to
8 have a Coordinator of Veterans and Military Personnel Student
9 Services under subsection (b) of this Section shall make its
10 best efforts to create academic and social programs and
11 services for veterans and active duty military personnel that
12 will provide reasonable opportunities for academic performance
13 and success.

14 Each public college and university shall make its best
15 efforts to determine how its online educational curricula can
16 be expanded or altered to serve the needs of student veterans
17 and currently-deployed military, including a determination of
18 whether and to what extent the public colleges and
19 universities can share existing technologies to improve the
20 online curricula of peer institutions, provided such efforts
21 are both practically and economically feasible.

22 (Source: P.A. 96-133, eff. 8-7-09; revised 7-16-19.)

23 Section 25. The Unified Code of Corrections is amended by
24 changing Section 5-4-3a as follows:

1 (730 ILCS 5/5-4-3a)

2 Sec. 5-4-3a. DNA testing backlog accountability.

3 (a) On or before August 1 of each year, the Department of
4 State Police shall report to the Governor and both houses of
5 the General Assembly the following information:

6 (1) the extent of the backlog of cases awaiting
7 testing or awaiting DNA analysis by that Department,
8 including but not limited to those tests conducted under
9 Section 5-4-3, as of June 30 of the previous fiscal year,
10 with the backlog being defined as all cases awaiting
11 forensic testing whether in the physical custody of the
12 State Police or in the physical custody of local law
13 enforcement, provided that the State Police have written
14 notice of any evidence in the physical custody of local
15 law enforcement prior to June 1 of that year; and

16 (2) what measures have been and are being taken to
17 reduce that backlog and the estimated costs or
18 expenditures in doing so.

19 (b) The information reported under this Section shall be
20 made available to the public, at the time it is reported, on
21 the official web site of the Department of State Police.

22 (c) Beginning January 1, 2016, the Department of State
23 Police shall quarterly report on the status of the processing
24 of ~~forensic~~ biology ~~and DNA evidence~~ submitted to the
25 Department of State Police Laboratory for analysis. The report
26 shall be submitted to the Governor and the General Assembly,

1 and shall be posted on the Department of State Police website.
2 The report shall include the following for each State Police
3 Laboratory location and any laboratory to which the Department
4 of State Police has outsourced evidence for testing:

5 (1) For ~~forensic~~ biology submissions, report both
6 total assignments ~~case~~ and sexual assault or abuse
7 assignment ~~case~~ (as defined by the Sexual Assault Evidence
8 Submission Act) figures for:

9 (A) The number of ~~cases~~ received in the preceding
10 quarter.

11 (B) The number of assignments ~~cases~~ completed in
12 the preceding quarter.

13 (C) The number of assignments ~~cases~~ waiting
14 analysis.

15 (D) The number of assignments ~~cases~~ sent for
16 outsourcing.

17 (E) The number of assignments ~~cases~~ waiting
18 analysis that were received within the past 30 days.

19 (F) The number of assignments ~~cases~~ waiting
20 analysis that were received 31 to 90 days prior.

21 (G) The number of assignments ~~cases~~ waiting
22 analysis that were received 91 to 180 days prior.

23 (H) The number of assignments ~~cases~~ waiting
24 analysis that were received 181 to 365 days prior.

25 (I) The number of assignments ~~cases~~ waiting
26 analysis that were received more than 365 days prior.

1 (J) (Blank). ~~The number of cases forwarded for DNA~~
2 ~~analyses.~~

3 (2) (Blank). ~~For DNA submissions, report both total~~
4 ~~case and sexual assault or abuse case (as defined by the~~
5 ~~Sexual Assault Evidence Submission Act) figures for:~~

6 ~~(A) The number of cases received in the preceding~~
7 ~~quarter.~~

8 ~~(B) The number of cases completed in the preceding~~
9 ~~quarter.~~

10 ~~(C) The number of cases waiting analysis.~~

11 ~~(D) The number of cases sent for outsourcing.~~

12 ~~(E) The number of cases waiting analysis that were~~
13 ~~received within the past 30 days.~~

14 ~~(F) The number of cases waiting analysis that were~~
15 ~~received 31 to 90 days prior.~~

16 ~~(G) The number of cases waiting analysis that were~~
17 ~~received 91 to 180 days prior.~~

18 ~~(H) The number of cases waiting analysis that were~~
19 ~~received 181 to 365 days prior.~~

20 ~~(I) The number of cases waiting analysis that were~~
21 ~~received more than 365 days prior.~~

22 (3) For all other categories of testing (e.g., drug
23 chemistry, firearms/toolmark, footwear/tire track, latent
24 prints, toxicology, and trace chemistry analysis):

25 (A) The number of assignments ~~cases~~ received in
26 the preceding quarter.

1 (B) The number of assignments ~~cases~~ completed in
2 the preceding quarter.

3 (C) The number of assignments ~~cases~~ waiting
4 analysis.

5 (4) For the Combined DNA Index System (CODIS), report
6 both total assignment ~~case~~ and sexual assault or abuse
7 assignment ~~case~~ (as defined by the Sexual Assault Evidence
8 Submission Act) figures for subparagraphs (D), (E), and
9 (F) of this paragraph (4):

10 (A) The number of new offender samples received in
11 the preceding quarter.

12 (B) The number of offender samples uploaded to
13 CODIS in the preceding quarter.

14 (C) The number of offender samples awaiting
15 analysis.

16 (D) The number of unknown DNA case profiles
17 uploaded to CODIS in the preceding quarter.

18 (E) The number of CODIS hits in the preceding
19 quarter.

20 (F) The number of forensic evidence submissions
21 submitted to confirm a previously reported CODIS hit.

22 (5) For each category of testing, report the number of
23 trained forensic scientists and the number of forensic
24 scientists in training.

25 As used in this subsection (c), "completed" means
26 completion of both the analysis of the evidence and the

1 provision of the results to the submitting law enforcement
2 agency.

3 (d) The provisions of this subsection (d), other than this
4 sentence, are inoperative on and after January 1, 2019 or 2
5 years after the effective date of this amendatory Act of the
6 99th General Assembly, whichever is later. In consultation
7 with and subject to the approval of the Chief Procurement
8 Officer, the Department of State Police may obtain contracts
9 for services, commodities, and equipment to assist in the
10 timely completion of ~~forensic~~ biology, ~~DNA~~, drug chemistry,
11 firearms/toolmark, footwear/tire track, latent prints,
12 toxicology, microscopy, trace chemistry, and Combined DNA
13 Index System (CODIS) analysis. Contracts to support the
14 delivery of timely forensic science services are not subject
15 to the provisions of the Illinois Procurement Code, except for
16 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
17 that Code, provided that the Chief Procurement Officer may, in
18 writing with justification, waive any certification required
19 under Article 50 of the Illinois Procurement Code. For any
20 contracts for services which are currently provided by members
21 of a collective bargaining agreement, the applicable terms of
22 the collective bargaining agreement concerning subcontracting
23 shall be followed.

24 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

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