



Sen. Napoleon Harris, III

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10200HB5186sam002

LRB102 24774 HLH 37869 a

1 AMENDMENT TO HOUSE BILL 5186

2 AMENDMENT NO. _____. Amend House Bill 5186 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 5. STATE GOVERNMENT-AGENCY MANDATES

5 (20 ILCS 1110/7 rep.)

6 (20 ILCS 1110/8 rep.)

7 (20 ILCS 1110/9 rep.)

8 (20 ILCS 1110/10 rep.)

9 (20 ILCS 1110/11 rep.)

10 (20 ILCS 1110/12 rep.)

11 (20 ILCS 1110/13 rep.)

12 (20 ILCS 1110/14 rep.)

13 (20 ILCS 1110/15 rep.)

14 (20 ILCS 1110/16 rep.)

15 (20 ILCS 1110/17 rep.)

16 Section 5-5. The Illinois Coal and Energy Development Bond

1 Act is amended by repealing Sections 7, 8, 9, 10, 11, 12, 13,
2 14, 15, 16, and 17.

3 Section 5-10. The Department of Human Services Act is
4 amended by changing Section 1-17 as follows:

5 (20 ILCS 1305/1-17)

6 Sec. 1-17. Inspector General.

7 (a) Nature and purpose. It is the express intent of the
8 General Assembly to ensure the health, safety, and financial
9 condition of individuals receiving services in this State due
10 to mental illness, developmental disability, or both by
11 protecting those persons from acts of abuse, neglect, or both
12 by service providers. To that end, the Office of the Inspector
13 General for the Department of Human Services is created to
14 investigate and report upon allegations of the abuse, neglect,
15 or financial exploitation of individuals receiving services
16 within mental health facilities, developmental disabilities
17 facilities, and community agencies operated, licensed, funded,
18 or certified by the Department of Human Services, but not
19 licensed or certified by any other State agency.

20 (b) Definitions. The following definitions apply to this
21 Section:

22 ~~"Adult student with a disability" means an adult student,~~
23 ~~age 18 through 21, inclusive, with an Individual Education~~
24 ~~Program, other than a resident of a facility licensed by the~~

1 ~~Department of Children and Family Services in accordance with~~
2 ~~the Child Care Act of 1969. For purposes of this definition,~~
3 ~~"through age 21, inclusive", means through the day before the~~
4 ~~student's 22nd birthday.~~

5 "Agency" or "community agency" means (i) a community
6 agency licensed, funded, or certified by the Department, but
7 not licensed or certified by any other human services agency
8 of the State, to provide mental health service or
9 developmental disabilities service, or (ii) a program
10 licensed, funded, or certified by the Department, but not
11 licensed or certified by any other human services agency of
12 the State, to provide mental health service or developmental
13 disabilities service.

14 "Aggravating circumstance" means a factor that is
15 attendant to a finding and that tends to compound or increase
16 the culpability of the accused.

17 "Allegation" means an assertion, complaint, suspicion, or
18 incident involving any of the following conduct by an
19 employee, facility, or agency against an individual or
20 individuals: mental abuse, physical abuse, sexual abuse,
21 neglect, or financial exploitation.

22 "Day" means working day, unless otherwise specified.

23 "Deflection" means a situation in which an individual is
24 presented for admission to a facility or agency, and the
25 facility staff or agency staff do not admit the individual.

26 "Deflection" includes triage, redirection, and denial of

1 admission.

2 "Department" means the Department of Human Services.

3 "Developmental disability" means "developmental
4 disability" as defined in the Mental Health and Developmental
5 Disabilities Code.

6 "Egregious neglect" means a finding of neglect as
7 determined by the Inspector General that (i) represents a
8 gross failure to adequately provide for, or a callused
9 indifference to, the health, safety, or medical needs of an
10 individual and (ii) results in an individual's death or other
11 serious deterioration of an individual's physical condition or
12 mental condition.

13 "Employee" means any person who provides services at the
14 facility or agency on-site or off-site. The service
15 relationship can be with the individual or with the facility
16 or agency. Also, "employee" includes any employee or
17 contractual agent of the Department of Human Services or the
18 community agency involved in providing or monitoring or
19 administering mental health or developmental disability
20 services. This includes but is not limited to: owners,
21 operators, payroll personnel, contractors, subcontractors, and
22 volunteers.

23 "Facility" or "State-operated facility" means a mental
24 health facility or developmental disabilities facility
25 operated by the Department.

26 "Financial exploitation" means taking unjust advantage of

1 an individual's assets, property, or financial resources
2 through deception, intimidation, or conversion for the
3 employee's, facility's, or agency's own advantage or benefit.

4 "Finding" means the Office of Inspector General's
5 determination regarding whether an allegation is
6 substantiated, unsubstantiated, or unfounded.

7 "Health Care Worker Registry" or "Registry" means the
8 Health Care Worker Registry under the Health Care Worker
9 Background Check Act.

10 "Individual" means any person receiving mental health
11 service, developmental disabilities service, or both from a
12 facility or agency, while either on-site or off-site.

13 "Mental abuse" means the use of demeaning, intimidating,
14 or threatening words, signs, gestures, or other actions by an
15 employee about an individual and in the presence of an
16 individual or individuals that results in emotional distress
17 or maladaptive behavior, or could have resulted in emotional
18 distress or maladaptive behavior, for any individual present.

19 "Mental illness" means "mental illness" as defined in the
20 Mental Health and Developmental Disabilities Code.

21 "Mentally ill" means having a mental illness.

22 "Mitigating circumstance" means a condition that (i) is
23 attendant to a finding, (ii) does not excuse or justify the
24 conduct in question, but (iii) may be considered in evaluating
25 the severity of the conduct, the culpability of the accused,
26 or both the severity of the conduct and the culpability of the

1 accused.

2 "Neglect" means an employee's, agency's, or facility's
3 failure to provide adequate medical care, personal care, or
4 maintenance and that, as a consequence, (i) causes an
5 individual pain, injury, or emotional distress, (ii) results
6 in either an individual's maladaptive behavior or the
7 deterioration of an individual's physical condition or mental
8 condition, or (iii) places the individual's health or safety
9 at substantial risk.

10 "Person with a developmental disability" means a person
11 having a developmental disability.

12 "Physical abuse" means an employee's non-accidental and
13 inappropriate contact with an individual that causes bodily
14 harm. "Physical abuse" includes actions that cause bodily harm
15 as a result of an employee directing an individual or person to
16 physically abuse another individual.

17 "Recommendation" means an admonition, separate from a
18 finding, that requires action by the facility, agency, or
19 Department to correct a systemic issue, problem, or deficiency
20 identified during an investigation.

21 "Required reporter" means any employee who suspects,
22 witnesses, or is informed of an allegation of any one or more
23 of the following: mental abuse, physical abuse, sexual abuse,
24 neglect, or financial exploitation.

25 "Secretary" means the Chief Administrative Officer of the
26 Department.

1 "Sexual abuse" means any sexual contact or intimate
2 physical contact between an employee and an individual,
3 including an employee's coercion or encouragement of an
4 individual to engage in sexual behavior that results in sexual
5 contact, intimate physical contact, sexual behavior, or
6 intimate physical behavior. Sexual abuse also includes (i) an
7 employee's actions that result in the sending or showing of
8 sexually explicit images to an individual via computer,
9 cellular phone, electronic mail, portable electronic device,
10 or other media with or without contact with the individual or
11 (ii) an employee's posting of sexually explicit images of an
12 individual online or elsewhere whether or not there is contact
13 with the individual.

14 "Sexually explicit images" includes, but is not limited
15 to, any material which depicts nudity, sexual conduct, or
16 sado-masochistic abuse, or which contains explicit and
17 detailed verbal descriptions or narrative accounts of sexual
18 excitement, sexual conduct, or sado-masochistic abuse.

19 "Substantiated" means there is a preponderance of the
20 evidence to support the allegation.

21 "Unfounded" means there is no credible evidence to support
22 the allegation.

23 "Unsubstantiated" means there is credible evidence, but
24 less than a preponderance of evidence to support the
25 allegation.

26 (c) Appointment. The Governor shall appoint, and the

1 Senate shall confirm, an Inspector General. The Inspector
2 General shall be appointed for a term of 4 years and shall
3 function within the Department of Human Services and report to
4 the Secretary and the Governor.

5 (d) Operation and appropriation. The Inspector General
6 shall function independently within the Department with
7 respect to the operations of the Office, including the
8 performance of investigations and issuance of findings and
9 recommendations. The appropriation for the Office of Inspector
10 General shall be separate from the overall appropriation for
11 the Department.

12 (e) Powers and duties. The Inspector General shall
13 investigate reports of suspected mental abuse, physical abuse,
14 sexual abuse, neglect, or financial exploitation of
15 individuals in any mental health or developmental disabilities
16 facility or agency and shall have authority to take immediate
17 action to prevent any one or more of the following from
18 happening to individuals under its jurisdiction: mental abuse,
19 physical abuse, sexual abuse, neglect, or financial
20 exploitation. Upon written request of an agency of this State,
21 the Inspector General may assist another agency of the State
22 in investigating reports of the abuse, neglect, or abuse and
23 neglect of persons with mental illness, persons with
24 developmental disabilities, or persons with both. To comply
25 with the requirements of subsection (k) of this Section, the
26 Inspector General shall also review all reportable deaths for

1 which there is no allegation of abuse or neglect. Nothing in
2 this Section shall preempt any duties of the Medical Review
3 Board set forth in the Mental Health and Developmental
4 Disabilities Code. The Inspector General shall have no
5 authority to investigate alleged violations of the State
6 Officials and Employees Ethics Act. Allegations of misconduct
7 under the State Officials and Employees Ethics Act shall be
8 referred to the Office of the Governor's Executive Inspector
9 General for investigation.

10 (f) Limitations. The Inspector General shall not conduct
11 an investigation within an agency or facility if that
12 investigation would be redundant to or interfere with an
13 investigation conducted by another State agency. The Inspector
14 General shall have no supervision over, or involvement in, the
15 routine programmatic, licensing, funding, or certification
16 operations of the Department. Nothing in this subsection
17 limits investigations by the Department that may otherwise be
18 required by law or that may be necessary in the Department's
19 capacity as central administrative authority responsible for
20 the operation of the State's mental health and developmental
21 disabilities facilities.

22 (g) Rulemaking authority. The Inspector General shall
23 promulgate rules establishing minimum requirements for
24 reporting allegations as well as for initiating, conducting,
25 and completing investigations based upon the nature of the
26 allegation or allegations. The rules shall clearly establish

1 that if 2 or more State agencies could investigate an
2 allegation, the Inspector General shall not conduct an
3 investigation that would be redundant to, or interfere with,
4 an investigation conducted by another State agency. The rules
5 shall further clarify the method and circumstances under which
6 the Office of Inspector General may interact with the
7 licensing, funding, or certification units of the Department
8 in preventing further occurrences of mental abuse, physical
9 abuse, sexual abuse, neglect, egregious neglect, and financial
10 exploitation.

11 (h) Training programs. The Inspector General shall (i)
12 establish a comprehensive program to ensure that every person
13 authorized to conduct investigations receives ongoing training
14 relative to investigation techniques, communication skills,
15 and the appropriate means of interacting with persons
16 receiving treatment for mental illness, developmental
17 disability, or both mental illness and developmental
18 disability, and (ii) establish and conduct periodic training
19 programs for facility and agency employees concerning the
20 prevention and reporting of any one or more of the following:
21 mental abuse, physical abuse, sexual abuse, neglect, egregious
22 neglect, or financial exploitation. The Inspector General
23 shall further ensure (i) every person authorized to conduct
24 investigations at community agencies receives ongoing training
25 in Title 59, Parts 115, 116, and 119 of the Illinois
26 Administrative Code, and (ii) every person authorized to

1 conduct investigations shall receive ongoing training in Title
2 59, Part 50 of the Illinois Administrative Code. Nothing in
3 this Section shall be deemed to prevent the Office of
4 Inspector General from conducting any other training as
5 determined by the Inspector General to be necessary or
6 helpful.

7 (i) Duty to cooperate.

8 (1) The Inspector General shall at all times be
9 granted access to any facility or agency for the purpose
10 of investigating any allegation, conducting unannounced
11 site visits, monitoring compliance with a written
12 response, or completing any other statutorily assigned
13 duty. The Inspector General shall conduct unannounced site
14 visits to each facility at least annually for the purpose
15 of reviewing and making recommendations on systemic issues
16 relative to preventing, reporting, investigating, and
17 responding to all of the following: mental abuse, physical
18 abuse, sexual abuse, neglect, egregious neglect, or
19 financial exploitation.

20 (2) Any employee who fails to cooperate with an Office
21 of the Inspector General investigation is in violation of
22 this Act. Failure to cooperate with an investigation
23 includes, but is not limited to, any one or more of the
24 following: (i) creating and transmitting a false report to
25 the Office of the Inspector General hotline, (ii)
26 providing false information to an Office of the Inspector

1 General Investigator during an investigation, (iii)
2 colluding with other employees to cover up evidence, (iv)
3 colluding with other employees to provide false
4 information to an Office of the Inspector General
5 investigator, (v) destroying evidence, (vi) withholding
6 evidence, or (vii) otherwise obstructing an Office of the
7 Inspector General investigation. Additionally, any
8 employee who, during an unannounced site visit or written
9 response compliance check, fails to cooperate with
10 requests from the Office of the Inspector General is in
11 violation of this Act.

12 (j) Subpoena powers. The Inspector General shall have the
13 power to subpoena witnesses and compel the production of all
14 documents and physical evidence relating to his or her
15 investigations and any hearings authorized by this Act. This
16 subpoena power shall not extend to persons or documents of a
17 labor organization or its representatives insofar as the
18 persons are acting in a representative capacity to an employee
19 whose conduct is the subject of an investigation or the
20 documents relate to that representation. Any person who
21 otherwise fails to respond to a subpoena or who knowingly
22 provides false information to the Office of the Inspector
23 General by subpoena during an investigation is guilty of a
24 Class A misdemeanor.

25 (k) Reporting allegations and deaths.

26 (1) Allegations. If an employee witnesses, is told of,

1 or has reason to believe an incident of mental abuse,
2 physical abuse, sexual abuse, neglect, or financial
3 exploitation has occurred, the employee, agency, or
4 facility shall report the allegation by phone to the
5 Office of the Inspector General hotline according to the
6 agency's or facility's procedures, but in no event later
7 than 4 hours after the initial discovery of the incident,
8 allegation, or suspicion of any one or more of the
9 following: mental abuse, physical abuse, sexual abuse,
10 neglect, or financial exploitation. A required reporter as
11 defined in subsection (b) of this Section who knowingly or
12 intentionally fails to comply with these reporting
13 requirements is guilty of a Class A misdemeanor.

14 (2) Deaths. Absent an allegation, a required reporter
15 shall, within 24 hours after initial discovery, report by
16 phone to the Office of the Inspector General hotline each
17 of the following:

18 (i) Any death of an individual occurring within 14
19 calendar days after discharge or transfer of the
20 individual from a residential program or facility.

21 (ii) Any death of an individual occurring within
22 24 hours after deflection from a residential program
23 or facility.

24 (iii) Any other death of an individual occurring
25 at an agency or facility or at any Department-funded
26 site.

1 (3) Retaliation. It is a violation of this Act for any
2 employee or administrator of an agency or facility to take
3 retaliatory action against an employee who acts in good
4 faith in conformance with his or her duties as a required
5 reporter.

6 (1) Reporting to law enforcement. ~~(1)~~ Reporting criminal
7 acts. Within 24 hours after determining that there is credible
8 evidence indicating that a criminal act may have been
9 committed or that special expertise may be required in an
10 investigation, the Inspector General shall notify the Illinois
11 State Police or other appropriate law enforcement authority,
12 or ensure that such notification is made. The Illinois State
13 Police shall investigate any report from a State-operated
14 facility indicating a possible murder, sexual assault, or
15 other felony by an employee. All investigations conducted by
16 the Inspector General shall be conducted in a manner designed
17 to ensure the preservation of evidence for possible use in a
18 criminal prosecution.

19 ~~(2) Reporting allegations of adult students with~~
20 ~~disabilities. Upon receipt of a reportable allegation~~
21 ~~regarding an adult student with a disability, the~~
22 ~~Department's Office of the Inspector General shall~~
23 ~~determine whether the allegation meets the criteria for~~
24 ~~the Domestic Abuse Program under the Abuse of Adults with~~
25 ~~Disabilities Intervention Act. If the allegation is~~
26 ~~reportable to that program, the Office of the Inspector~~

1 ~~General shall initiate an investigation. If the allegation~~
2 ~~is not reportable to the Domestic Abuse Program, the~~
3 ~~Office of the Inspector General shall make an expeditious~~
4 ~~referral to the respective law enforcement entity. If the~~
5 ~~alleged victim is already receiving services from the~~
6 ~~Department, the Office of the Inspector General shall also~~
7 ~~make a referral to the respective Department of Human~~
8 ~~Services' Division or Bureau.~~

9 (m) Investigative reports. Upon completion of an
10 investigation, the Office of Inspector General shall issue an
11 investigative report identifying whether the allegations are
12 substantiated, unsubstantiated, or unfounded. Within 10
13 business days after the transmittal of a completed
14 investigative report substantiating an allegation, finding an
15 allegation is unsubstantiated, or if a recommendation is made,
16 the Inspector General shall provide the investigative report
17 on the case to the Secretary and to the director of the
18 facility or agency where any one or more of the following
19 occurred: mental abuse, physical abuse, sexual abuse, neglect,
20 egregious neglect, or financial exploitation. The director of
21 the facility or agency shall be responsible for maintaining
22 the confidentiality of the investigative report consistent
23 with State and federal law. In a substantiated case, the
24 investigative report shall include any mitigating or
25 aggravating circumstances that were identified during the
26 investigation. If the case involves substantiated neglect, the

1 investigative report shall also state whether egregious
2 neglect was found. An investigative report may also set forth
3 recommendations. All investigative reports prepared by the
4 Office of the Inspector General shall be considered
5 confidential and shall not be released except as provided by
6 the law of this State or as required under applicable federal
7 law. Unsubstantiated and unfounded reports shall not be
8 disclosed except as allowed under Section 6 of the Abused and
9 Neglected Long Term Care Facility Residents Reporting Act. Raw
10 data used to compile the investigative report shall not be
11 subject to release unless required by law or a court order.
12 "Raw data used to compile the investigative report" includes,
13 but is not limited to, any one or more of the following: the
14 initial complaint, witness statements, photographs,
15 investigator's notes, police reports, or incident reports. If
16 the allegations are substantiated, the victim, the victim's
17 guardian, and the accused shall be provided with a redacted
18 copy of the investigative report. Death reports where there
19 was no allegation of abuse or neglect shall only be released
20 pursuant to applicable State or federal law or a valid court
21 order. Unredacted investigative reports, as well as raw data,
22 may be shared with a local law enforcement entity, a State's
23 Attorney's office, or a county coroner's office upon written
24 request.

25 (n) Written responses, clarification requests, and
26 reconsideration requests.

1 (1) Written responses. Within 30 calendar days from
2 receipt of a substantiated investigative report or an
3 investigative report which contains recommendations,
4 absent a reconsideration request, the facility or agency
5 shall file a written response that addresses, in a concise
6 and reasoned manner, the actions taken to: (i) protect the
7 individual; (ii) prevent recurrences; and (iii) eliminate
8 the problems identified. The response shall include the
9 implementation and completion dates of such actions. If
10 the written response is not filed within the allotted 30
11 calendar day period, the Secretary shall determine the
12 appropriate corrective action to be taken.

13 (2) Requests for clarification. The facility, agency,
14 victim or guardian, or the subject employee may request
15 that the Office of Inspector General clarify the finding
16 or findings for which clarification is sought.

17 (3) Requests for reconsideration. The facility,
18 agency, victim or guardian, or the subject employee may
19 request that the Office of the Inspector General
20 reconsider the finding or findings or the recommendations.
21 A request for reconsideration shall be subject to a
22 multi-layer review and shall include at least one reviewer
23 who did not participate in the investigation or approval
24 of the original investigative report. After the
25 multi-layer review process has been completed, the
26 Inspector General shall make the final determination on

1 the reconsideration request. The investigation shall be
2 reopened if the reconsideration determination finds that
3 additional information is needed to complete the
4 investigative record.

5 (o) Disclosure of the finding by the Inspector General.
6 The Inspector General shall disclose the finding of an
7 investigation to the following persons: (i) the Governor, (ii)
8 the Secretary, (iii) the director of the facility or agency,
9 (iv) the alleged victims and their guardians, (v) the
10 complainant, and (vi) the accused. This information shall
11 include whether the allegations were deemed substantiated,
12 unsubstantiated, or unfounded.

13 (p) Secretary review. Upon review of the Inspector
14 General's investigative report and any agency's or facility's
15 written response, the Secretary shall accept or reject the
16 written response and notify the Inspector General of that
17 determination. The Secretary may further direct that other
18 administrative action be taken, including, but not limited to,
19 any one or more of the following: (i) additional site visits,
20 (ii) training, (iii) provision of technical assistance
21 relative to administrative needs, licensure, or certification,
22 or (iv) the imposition of appropriate sanctions.

23 (q) Action by facility or agency. Within 30 days of the
24 date the Secretary approves the written response or directs
25 that further administrative action be taken, the facility or
26 agency shall provide an implementation report to the Inspector

1 General that provides the status of the action taken. The
2 facility or agency shall be allowed an additional 30 days to
3 send notice of completion of the action or to send an updated
4 implementation report. If the action has not been completed
5 within the additional 30-day period, the facility or agency
6 shall send updated implementation reports every 60 days until
7 completion. The Inspector General shall conduct a review of
8 any implementation plan that takes more than 120 days after
9 approval to complete, and shall monitor compliance through a
10 random review of approved written responses, which may
11 include, but are not limited to: (i) site visits, (ii)
12 telephone contact, and (iii) requests for additional
13 documentation evidencing compliance.

14 (r) Sanctions. Sanctions, if imposed by the Secretary
15 under Subdivision (p)(iv) of this Section, shall be designed
16 to prevent further acts of mental abuse, physical abuse,
17 sexual abuse, neglect, egregious neglect, or financial
18 exploitation or some combination of one or more of those acts
19 at a facility or agency, and may include any one or more of the
20 following:

21 (1) Appointment of on-site monitors.

22 (2) Transfer or relocation of an individual or
23 individuals.

24 (3) Closure of units.

25 (4) Termination of any one or more of the following:

26 (i) Department licensing, (ii) funding, or (iii)

1 certification.

2 The Inspector General may seek the assistance of the
3 Illinois Attorney General or the office of any State's
4 Attorney in implementing sanctions.

5 (s) Health Care Worker Registry.

6 (1) Reporting to the Registry. The Inspector General
7 shall report to the Department of Public Health's Health
8 Care Worker Registry, a public registry, the identity and
9 finding of each employee of a facility or agency against
10 whom there is a final investigative report containing a
11 substantiated allegation of physical or sexual abuse,
12 financial exploitation, or egregious neglect of an
13 individual.

14 (2) Notice to employee. Prior to reporting the name of
15 an employee, the employee shall be notified of the
16 Department's obligation to report and shall be granted an
17 opportunity to request an administrative hearing, the sole
18 purpose of which is to determine if the substantiated
19 finding warrants reporting to the Registry. Notice to the
20 employee shall contain a clear and concise statement of
21 the grounds on which the report to the Registry is based,
22 offer the employee an opportunity for a hearing, and
23 identify the process for requesting such a hearing. Notice
24 is sufficient if provided by certified mail to the
25 employee's last known address. If the employee fails to
26 request a hearing within 30 days from the date of the

1 notice, the Inspector General shall report the name of the
2 employee to the Registry. Nothing in this subdivision
3 (s)(2) shall diminish or impair the rights of a person who
4 is a member of a collective bargaining unit under the
5 Illinois Public Labor Relations Act or under any other
6 federal labor statute.

7 (3) Registry hearings. If the employee requests an
8 administrative hearing, the employee shall be granted an
9 opportunity to appear before an administrative law judge
10 to present reasons why the employee's name should not be
11 reported to the Registry. The Department shall bear the
12 burden of presenting evidence that establishes, by a
13 preponderance of the evidence, that the substantiated
14 finding warrants reporting to the Registry. After
15 considering all the evidence presented, the administrative
16 law judge shall make a recommendation to the Secretary as
17 to whether the substantiated finding warrants reporting
18 the name of the employee to the Registry. The Secretary
19 shall render the final decision. The Department and the
20 employee shall have the right to request that the
21 administrative law judge consider a stipulated disposition
22 of these proceedings.

23 (4) Testimony at Registry hearings. A person who makes
24 a report or who investigates a report under this Act shall
25 testify fully in any judicial proceeding resulting from
26 such a report, as to any evidence of abuse or neglect, or

1 the cause thereof. No evidence shall be excluded by reason
2 of any common law or statutory privilege relating to
3 communications between the alleged perpetrator of abuse or
4 neglect, or the individual alleged as the victim in the
5 report, and the person making or investigating the report.
6 Testimony at hearings is exempt from the confidentiality
7 requirements of subsection (f) of Section 10 of the Mental
8 Health and Developmental Disabilities Confidentiality Act.

9 (5) Employee's rights to collateral action. No
10 reporting to the Registry shall occur and no hearing shall
11 be set or proceed if an employee notifies the Inspector
12 General in writing, including any supporting
13 documentation, that he or she is formally contesting an
14 adverse employment action resulting from a substantiated
15 finding by complaint filed with the Illinois Civil Service
16 Commission, or which otherwise seeks to enforce the
17 employee's rights pursuant to any applicable collective
18 bargaining agreement. If an action taken by an employer
19 against an employee as a result of a finding of physical
20 abuse, sexual abuse, or egregious neglect is overturned
21 through an action filed with the Illinois Civil Service
22 Commission or under any applicable collective bargaining
23 agreement and if that employee's name has already been
24 sent to the Registry, the employee's name shall be removed
25 from the Registry.

26 (6) Removal from Registry. At any time after the

1 report to the Registry, but no more than once in any
2 12-month period, an employee may petition the Department
3 in writing to remove his or her name from the Registry.
4 Upon receiving notice of such request, the Inspector
5 General shall conduct an investigation into the petition.
6 Upon receipt of such request, an administrative hearing
7 will be set by the Department. At the hearing, the
8 employee shall bear the burden of presenting evidence that
9 establishes, by a preponderance of the evidence, that
10 removal of the name from the Registry is in the public
11 interest. The parties may jointly request that the
12 administrative law judge consider a stipulated disposition
13 of these proceedings.

14 (t) Review of Administrative Decisions. The Department
15 shall preserve a record of all proceedings at any formal
16 hearing conducted by the Department involving Health Care
17 Worker Registry hearings. Final administrative decisions of
18 the Department are subject to judicial review pursuant to
19 provisions of the Administrative Review Law.

20 (u) Quality Care Board. There is created, within the
21 Office of the Inspector General, a Quality Care Board to be
22 composed of 7 members appointed by the Governor with the
23 advice and consent of the Senate. One of the members shall be
24 designated as chairman by the Governor. Of the initial
25 appointments made by the Governor, 4 Board members shall each
26 be appointed for a term of 4 years and 3 members shall each be

1 appointed for a term of 2 years. Upon the expiration of each
2 member's term, a successor shall be appointed for a term of 4
3 years. In the case of a vacancy in the office of any member,
4 the Governor shall appoint a successor for the remainder of
5 the unexpired term.

6 Members appointed by the Governor shall be qualified by
7 professional knowledge or experience in the area of law,
8 investigatory techniques, or in the area of care of the
9 mentally ill or care of persons with developmental
10 disabilities. Two members appointed by the Governor shall be
11 persons with a disability or parents of persons with a
12 disability. Members shall serve without compensation, but
13 shall be reimbursed for expenses incurred in connection with
14 the performance of their duties as members.

15 The Board shall meet quarterly, and may hold other
16 meetings on the call of the chairman. Four members shall
17 constitute a quorum allowing the Board to conduct its
18 business. The Board may adopt rules and regulations it deems
19 necessary to govern its own procedures.

20 The Board shall monitor and oversee the operations,
21 policies, and procedures of the Inspector General to ensure
22 the prompt and thorough investigation of allegations of
23 neglect and abuse. In fulfilling these responsibilities, the
24 Board may do the following:

25 (1) Provide independent, expert consultation to the
26 Inspector General on policies and protocols for

1 investigations of alleged abuse, neglect, or both abuse
2 and neglect.

3 (2) Review existing regulations relating to the
4 operation of facilities.

5 (3) Advise the Inspector General as to the content of
6 training activities authorized under this Section.

7 (4) Recommend policies concerning methods for
8 improving the intergovernmental relationships between the
9 Office of the Inspector General and other State or federal
10 offices.

11 (v) Annual report. The Inspector General shall provide to
12 the General Assembly and the Governor, no later than January 1
13 of each year, a summary of reports and investigations made
14 under this Act for the prior fiscal year with respect to
15 individuals receiving mental health or developmental
16 disabilities services. The report shall detail the imposition
17 of sanctions, if any, and the final disposition of any
18 corrective or administrative action directed by the Secretary.
19 The summaries shall not contain any confidential or
20 identifying information of any individual, but shall include
21 objective data identifying any trends in the number of
22 reported allegations, the timeliness of the Office of the
23 Inspector General's investigations, and their disposition, for
24 each facility and Department-wide, for the most recent 3-year
25 time period. The report shall also identify, by facility, the
26 staff-to-patient ratios taking account of direct care staff

1 only. The report shall also include detailed recommended
2 administrative actions and matters for consideration by the
3 General Assembly.

4 (w) Program audit. The Auditor General shall conduct a
5 program audit of the Office of the Inspector General on an
6 as-needed basis, as determined by the Auditor General. The
7 audit shall specifically include the Inspector General's
8 compliance with the Act and effectiveness in investigating
9 reports of allegations occurring in any facility or agency.
10 The Auditor General shall conduct the program audit according
11 to the provisions of the Illinois State Auditing Act and shall
12 report its findings to the General Assembly no later than
13 January 1 following the audit period.

14 (x) Nothing in this Section shall be construed to mean
15 that an individual is a victim of abuse or neglect because of
16 health care services appropriately provided or not provided by
17 health care professionals.

18 (y) Nothing in this Section shall require a facility,
19 including its employees, agents, medical staff members, and
20 health care professionals, to provide a service to an
21 individual in contravention of that individual's stated or
22 implied objection to the provision of that service on the
23 ground that that service conflicts with the individual's
24 religious beliefs or practices, nor shall the failure to
25 provide a service to an individual be considered abuse under
26 this Section if the individual has objected to the provision

1 of that service based on his or her religious beliefs or
2 practices.

3 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

4 (20 ILCS 2712/Act rep.)

5 Section 5-15. The Broadband Access on Passenger Rail Law
6 is repealed.

7 (20 ILCS 3930/7.6 rep.)

8 Section 5-20. The Illinois Criminal Justice Information
9 Act is amended by repealing Section 7.6.

10 (20 ILCS 5035/Act rep.)

11 Section 5-25. The Illinois Human Services Commission Act
12 is repealed.

13 (205 ILCS 405/3.2 rep.)

14 Section 5-40. The Currency Exchange Act is amended by
15 repealing Section 3.2.

16 Section 5-45. The Grain Code is amended by changing
17 Section 30-25 as follows:

18 (240 ILCS 40/30-25)

19 Sec. 30-25. Grain Insurance Reserve Fund. Upon payment in
20 full of all money that has been transferred to the Fund prior

1 to June 30, 2003 from the General Revenue Fund as provided for
2 under subsection (h) of Section 25-20, the State of Illinois
3 shall, subject to appropriation, remit \$2,000,000 to the
4 Corporation to be held in a separate and discrete account to be
5 used to the extent the assets in the Fund are insufficient to
6 satisfy claimants as payment of their claims become due as set
7 forth in subsection (h) of Section 25-20. The remittance of
8 the \$2,000,000 reserve shall be made to the Corporation within
9 60 days of payment in full of all money transferred to the Fund
10 as set forth above in this Section 30-25. All income received
11 by the Reserve Fund shall be deposited in the Fund within 35
12 days of the end of each calendar quarter.

13 (Source: P.A. 93-225, eff. 7-21-03.)

14 Section 5-50. The Community Services Act is amended by
15 changing Section 4 as follows:

16 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

17 Sec. 4. Financing for community services.

18 (a) The Department of Human Services is authorized to
19 provide financial reimbursement to eligible private service
20 providers, corporations, local government entities or
21 voluntary associations for the provision of services to
22 persons with mental illness, persons with a developmental
23 disability, and persons with substance use disorders who are
24 living in the community for the purpose of achieving the goals

1 of this Act.

2 The Department shall utilize the following funding
3 mechanisms for community services:

4 (1) Purchase of Care Contracts: services purchased on
5 a predetermined fee per unit of service basis from private
6 providers or governmental entities. Fee per service rates
7 are set by an established formula which covers some
8 portion of personnel, supplies, and other allowable costs,
9 and which makes some allowance for geographic variations
10 in costs as well as for additional program components.

11 (2) Grants: sums of money which the Department grants
12 to private providers or governmental entities pursuant to
13 the grant recipient's agreement to provide certain
14 services, as defined by departmental grant guidelines, to
15 an approximate number of service recipients. Grant levels
16 are set through consideration of personnel, supply and
17 other allowable costs, as well as other funds available to
18 the program.

19 (3) Other Funding Arrangements: funding mechanisms may
20 be established on a pilot basis in order to examine the
21 feasibility of alternative financing arrangements for the
22 provision of community services.

23 The Department shall establish and maintain an equitable
24 system of payment which allows providers to improve persons
25 with disabilities' capabilities for independence and reduces
26 their reliance on State-operated services.

1 For services classified as entitlement services under
2 federal law or guidelines, caps may not be placed on the total
3 amount of payment a provider may receive in a fiscal year and
4 the Department shall not require that a portion of the
5 payments due be made in a subsequent fiscal year based on a
6 yearly payment cap.

7 (b) (Blank). ~~The Governor shall create a commission by~~
8 ~~September 1, 2009, or as soon thereafter as possible, to~~
9 ~~review funding methodologies, identify gaps in funding,~~
10 ~~identify revenue, and prioritize use of that revenue for~~
11 ~~community developmental disability services, mental health~~
12 ~~services, alcohol and substance abuse services, rehabilitation~~
13 ~~services, and early intervention services. The Office of the~~
14 ~~Governor shall provide staff support for the commission.~~

15 (c) (Blank). ~~The first meeting of the commission shall be~~
16 ~~held within the first month after the creation and appointment~~
17 ~~of the commission, and a final report summarizing the~~
18 ~~commission's recommendations must be issued within 12 months~~
19 ~~after the first meeting, and no later than September 1, 2010,~~
20 ~~to the Governor and the General Assembly.~~

21 (d) (Blank). ~~The commission shall have the following 13~~
22 ~~voting members:~~

23 ~~(A) one member of the House of Representatives,~~
24 ~~appointed by the Speaker of the House of Representatives;~~

25 ~~(B) one member of the House of Representatives,~~
26 ~~appointed by the House Minority Leader;~~

1 ~~(C) one member of the Senate, appointed by the~~
2 ~~President of the Senate;~~

3 ~~(D) one member of the Senate, appointed by the Senate~~
4 ~~Minority Leader;~~

5 ~~(E) one person with a developmental disability, or a~~
6 ~~family member or guardian of such a person, appointed by~~
7 ~~the Governor;~~

8 ~~(F) one person with a mental illness, or a family~~
9 ~~member or guardian of such a person, appointed by the~~
10 ~~Governor;~~

11 ~~(G) two persons from unions that represent employees~~
12 ~~of community providers that serve people with~~
13 ~~developmental disabilities, mental illness, and alcohol~~
14 ~~and substance abuse disorders, appointed by the Governor;~~
15 ~~and~~

16 ~~(H) five persons from statewide associations that~~
17 ~~represent community providers that provide residential,~~
18 ~~day training, and other developmental disability services,~~
19 ~~mental health services, alcohol and substance abuse~~
20 ~~services, rehabilitation services, or early intervention~~
21 ~~services, or any combination of those, appointed by the~~
22 ~~Governor.~~

23 ~~The commission shall also have the following ex officio,~~
24 ~~nonvoting members:~~

25 ~~(I) the Director of the Governor's Office of~~
26 ~~Management and Budget or his or her designee;~~

1 ~~(J) the Chief Financial Officer of the Department of~~
2 ~~Human Services or his or her designee;~~

3 ~~(K) the Administrator of the Department of Healthcare~~
4 ~~and Family Services Division of Finance or his or her~~
5 ~~designee;~~

6 ~~(L) the Director of the Department of Human Services~~
7 ~~Division of Developmental Disabilities or his or her~~
8 ~~designee;~~

9 ~~(M) the Director of the Department of Human Services~~
10 ~~Division of Mental Health or his or her designee; and~~

11 ~~(N) the Director of the Department of Human Services~~
12 ~~Division of Alcoholism and Substance Abuse or his or her~~
13 ~~designee.~~

14 (e) The funding methodologies must reflect economic
15 factors inherent in providing services and supports, recognize
16 individual disability needs, and consider geographic
17 differences, transportation costs, required staffing ratios,
18 and mandates not currently funded.

19 (f) In accepting Department funds, providers shall
20 recognize their responsibility to be accountable to the
21 Department and the State for the delivery of services which
22 are consistent with the philosophies and goals of this Act and
23 the rules and regulations promulgated under it.

24 (Source: P.A. 100-759, eff. 1-1-19.)

1 Section 10-5. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois
3 is amended by changing Sections 605-300, 605-615, and 605-680
4 as follows:

5 (20 ILCS 605/605-300) (was 20 ILCS 605/46.2)

6 Sec. 605-300. Economic and business development plans;
7 Illinois Business Development Council. ~~(a)~~ Economic
8 development plans. The Department shall develop a strategic
9 economic development plan for the State by July 1, 2014. By no
10 later than July 1, 2015, and by July 1 annually thereafter, the
11 Department shall make modifications to the plan as
12 modifications are warranted by changes in economic conditions
13 or by other factors, including changes in policy. In addition
14 to the annual modification, the plan shall be reviewed and
15 redeveloped in full every 5 years. In the development of the
16 annual economic development plan, the Department shall consult
17 with representatives of the private sector, other State
18 agencies, academic institutions, local economic development
19 organizations, local governments, and not-for-profit
20 organizations. The annual economic development plan shall set
21 specific, measurable, attainable, relevant, and time-sensitive
22 goals and shall include a focus on areas of high unemployment
23 or poverty.

24 The term "economic development" shall be construed broadly

1 by the Department and may include, but is not limited to, job
2 creation, job retention, tax base enhancements, development of
3 human capital, workforce productivity, critical
4 infrastructure, regional competitiveness, social inclusion,
5 standard of living, environmental sustainability, energy
6 independence, quality of life, the effective use of financial
7 incentives, the utilization of public private partnerships
8 where appropriate, and other metrics determined by the
9 Department.

10 The plan shall be based on relevant economic data, focus
11 on economic development as prescribed by this Section, and
12 emphasize strategies to retain and create jobs.

13 The plan shall identify and develop specific strategies
14 for utilizing the assets of regions within the State defined
15 as counties and municipalities or other political subdivisions
16 in close geographical proximity that share common economic
17 traits such as commuting zones, labor market areas, or other
18 economically integrated characteristics.

19 If the plan includes strategies that have a fiscal impact
20 on the Department or any other agency, the plan shall include a
21 detailed description of the estimated fiscal impact of such
22 strategies.

23 Prior to publishing the plan in its final form, the
24 Department shall allow for a reasonable time for public input.

25 The Department shall transmit copies of the economic
26 development plan to the Governor and the General Assembly no

1 later than July 1, 2014, and by July 1 annually thereafter. The
2 plan and its corresponding modifications shall be published
3 and made available to the public in both paper and electronic
4 media, on the Department's website, and by any other method
5 that the Department deems appropriate.

6 The Department shall annually submit legislation to
7 implement the strategic economic development plan or
8 modifications to the strategic economic development plan to
9 the Governor, the President and Minority Leader of the Senate,
10 and the Speaker and the Minority Leader of the House of
11 Representatives. The legislation shall be in the form of one
12 or more substantive bills drafted by the Legislative Reference
13 Bureau.

14 ~~(b) Business development plans; Illinois Business~~
15 ~~Development Council.~~

16 ~~(1) There is created the Illinois Business Development~~
17 ~~Council, hereinafter referred to as the Council. The~~
18 ~~Council shall consist of the Director, who shall serve as~~
19 ~~co chairperson, and 12 voting members who shall be~~
20 ~~appointed by the Governor with the advice and consent of~~
21 ~~the Senate.~~

22 ~~(A) The voting members of the Council shall~~
23 ~~include one representative from each of the following~~
24 ~~businesses and groups: small business, coal,~~
25 ~~healthcare, large manufacturing, small or specialized~~
26 ~~manufacturing, agriculture, high technology or applied~~

1 ~~science, local economic development entities, private~~
2 ~~sector organized labor, a local or state business~~
3 ~~association or chamber of commerce.~~

4 ~~(B) There shall be 2 at large voting members who~~
5 ~~reside within areas of high unemployment within~~
6 ~~counties or municipalities that have had an annual~~
7 ~~average unemployment rate of at least 120% of the~~
8 ~~State's annual average unemployment rate as reported~~
9 ~~by the Department of Employment Security for the 5~~
10 ~~years preceding the date of appointment.~~

11 ~~(2) All appointments shall be made in a geographically~~
12 ~~diverse manner.~~

13 ~~(3) For the initial appointments to the Council, 6~~
14 ~~voting members shall be appointed to serve a 2 year term~~
15 ~~and 6 voting members shall be appointed to serve a 4 year~~
16 ~~term. Thereafter, all appointments shall be for terms of 4~~
17 ~~years. The initial term of voting members shall commence~~
18 ~~on the first Wednesday in February 2014. Thereafter, the~~
19 ~~terms of voting members shall commence on the first~~
20 ~~Wednesday in February, except in the case of an~~
21 ~~appointment to fill a vacancy. Vacancies occurring among~~
22 ~~the members shall be filled in the same manner as the~~
23 ~~original appointment for the remainder of the unexpired~~
24 ~~term. For a vacancy occurring when the Senate is not in~~
25 ~~session, the Governor may make a temporary appointment~~
26 ~~until the next meeting of the Senate when a person shall be~~

1 ~~nominated to fill the office, and, upon confirmation by~~
2 ~~the Senate, he or she shall hold office during the~~
3 ~~remainder of the term. A vacancy in membership does not~~
4 ~~impair the ability of a quorum to exercise all rights and~~
5 ~~perform all duties of the Council. A member is eligible~~
6 ~~for reappointment.~~

7 ~~(4) Members shall serve without compensation, but may~~
8 ~~be reimbursed for necessary expenses incurred in the~~
9 ~~performance of their duties from funds appropriated for~~
10 ~~that purpose.~~

11 ~~(5) In addition, the following shall serve as ex~~
12 ~~officio, non-voting members of the Council in order to~~
13 ~~provide specialized advice and support to the Council: the~~
14 ~~Secretary of Transportation, or his or her designee; the~~
15 ~~Director of Employment Security, or his or her designee;~~
16 ~~the Executive Director of the Illinois Finance Authority,~~
17 ~~or his or her designee; the Director of Agriculture, or~~
18 ~~his or her designee; the Director of Revenue, or his or her~~
19 ~~designee; the Director of Labor, or his or her designee;~~
20 ~~and the Director of the Environmental Protection Agency,~~
21 ~~or his or her designee. Ex officio members shall provide~~
22 ~~staff and technical assistance to the Council when~~
23 ~~appropriate.~~

24 ~~(6) In addition to the Director, the voting members~~
25 ~~shall elect a co chairperson.~~

26 ~~(7) The Council shall meet at least twice annually and~~

1 ~~at such other times as the co chairpersons or any 5 voting~~
2 ~~members consider necessary. Seven voting members shall~~
3 ~~constitute a quorum of the Council.~~

4 ~~(8) The Department shall provide staff assistance to~~
5 ~~the Council.~~

6 ~~(9) The Council shall provide the Department relevant~~
7 ~~information in a timely manner pursuant to its duties as~~
8 ~~enumerated in this Section that can be used by the~~
9 ~~Department to enhance the State's strategic economic~~
10 ~~development plan.~~

11 ~~(10) The Council shall:~~

12 ~~(A) Develop an overall strategic business~~
13 ~~development plan for the State of Illinois and update~~
14 ~~the plan at least annually; that plan shall include,~~
15 ~~without limitation, (i) an assessment of the economic~~
16 ~~development practices of states that border Illinois~~
17 ~~and (ii) recommendations for best practices with~~
18 ~~respect to economic development, business incentives,~~
19 ~~business attraction, and business retention for~~
20 ~~counties in Illinois that border at least one other~~
21 ~~state.~~

22 ~~(B) Develop business marketing plans for the State~~
23 ~~of Illinois to effectively solicit new company~~
24 ~~investment and existing business expansion. Insofar as~~
25 ~~allowed under the Illinois Procurement Code, and~~
26 ~~subject to appropriations made by the General Assembly~~

1 ~~for such purposes, the Council may assist the~~
2 ~~Department in the procurement of outside vendors to~~
3 ~~carry out such marketing plans.~~

4 ~~(C) Seek input from local economic development~~
5 ~~officials to develop specific strategies to~~
6 ~~effectively link State and local business development~~
7 ~~and marketing efforts focusing on areas of high~~
8 ~~unemployment or poverty.~~

9 ~~(D) Provide the Department with advice on~~
10 ~~strategic business development and business marketing~~
11 ~~for the State of Illinois.~~

12 ~~(E) Provide the Department research and recommend~~
13 ~~best practices for developing investment tools for~~
14 ~~business attraction and retention.~~

15 (Source: P.A. 98-397, eff. 8-16-13; 98-756, eff. 7-16-14;
16 98-888, eff. 8-15-14.)

17 (20 ILCS 605/605-615) (was 20 ILCS 605/46.19e)

18 Sec. 605-615. Assistance with exports. The Department
19 shall have the following duties and responsibilities in regard
20 to the Civil Administrative Code of Illinois:

21 (1) To establish or cosponsor mentoring conferences,
22 utilizing experienced manufacturing exporters, to explain and
23 provide information to prospective export manufacturers and
24 businesses concerning the process of exporting to both
25 domestic and international opportunities.

1 (2) To provide technical assistance to prospective export
2 manufacturers and businesses seeking to establish domestic and
3 international export opportunities.

4 (3) To coordinate with the Department's Small Business
5 Development Centers to link buyers with prospective export
6 manufacturers and businesses.

7 (4) To promote, both domestically and abroad, products
8 made in Illinois in order to inform consumers and buyers of
9 their high quality standards and craftsmanship.

10 (5) To provide technical assistance toward establishment
11 of export trade corporations in the private sector.

12 (6) To develop an electronic database ~~data base~~ to compile
13 information on international trade and investment activities
14 in Illinois companies, ~~provide access to research and business~~
15 ~~opportunities through external data bases, and connect this~~
16 ~~data base through international communication systems with~~
17 ~~appropriate domestic and worldwide networks users.~~

18 (7) To collect and distribute to foreign commercial
19 libraries directories, catalogs, brochures, and other
20 information of value to foreign businesses considering doing
21 business in this State.

22 (8) To establish an export finance awareness program to
23 provide information to banking organizations about methods
24 used by banks to provide financing for businesses engaged in
25 exporting and about other State and federal programs to
26 promote and expedite export financing.

1 (9) To undertake a survey of Illinois' businesses to
2 identify exportable products and the businesses interested in
3 exporting.

4 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
5 92-16, eff. 6-28-01.)

6 (20 ILCS 605/605-680)

7 Sec. 605-680. Illinois goods and services website.

8 (a) The Department, in consultation with the Department of
9 Innovation and Technology, must establish and maintain an
10 Internet website devoted to the marketing of Illinois goods
11 and services by linking potential purchasers with producers of
12 goods and services who are located in the State.

13 (b) The Department must, subject to appropriation,
14 advertise the website to encourage inclusion of producers on
15 the website and to encourage the use of the website by
16 potential purchasers.

17 (Source: P.A. 100-611, eff. 7-20-18.)

18 (20 ILCS 605/605-1040 rep.)

19 Section 10-10. The Department of Commerce and Economic
20 Opportunity Law of the Civil Administrative Code of Illinois
21 is amended by repealing Section 605-1040.

22 Section 10-15. The Illinois Main Street Act is amended by
23 changing Sections 15, 20, 25, and 30 as follows:

1 (20 ILCS 720/15)

2 Sec. 15. Illinois Main Street Program. The Illinois Main
3 Street Program is created, subject to appropriation, within
4 the Department. In order to implement the Illinois Main Street
5 Program, the Department ~~may~~ shall do all of the following:

6 (1) Provide assistance to municipalities designated as
7 Main Street Communities, municipalities interested in
8 becoming designated through the program, and businesses,
9 property owners, organizations, and municipalities
10 undertaking a comprehensive downtown or neighborhood
11 commercial district revitalization initiative and
12 management strategy. Assistance may include, but is not
13 limited to, initial site evaluations and assessments,
14 training for local programs, training for local program
15 staff, site visits and assessments by technical
16 specialists, local program design assistance and
17 evaluation, and continued local program on-site
18 assistance.

19 (2) To the extent funds are made available, provide
20 financial assistance to municipalities or local
21 organizations to assist in initial downtown or
22 neighborhood commercial district revitalization program
23 specialized training, specific project feasibility
24 studies, market studies, and design assistance.

25 (3) Operate the Illinois Main Street Program in

1 accordance with the plan developed by the Department.

2 (4) Consider other factors the Department deems
3 necessary for the implementation of this Act.

4 (Source: P.A. 97-573, eff. 8-25-11.)

5 (20 ILCS 720/20)

6 Sec. 20. Main Street Community designation.

7 (a) The Department may ~~shall~~ adopt criteria for the
8 designation of a Main Street Community. In establishing the
9 criteria, the Department shall consider all of the following:

10 (1) The degree of interest and commitment to
11 comprehensive downtown or neighborhood commercial district
12 revitalization and, where applicable, historic
13 preservation by both the public and private sectors.

14 (2) The evidence of potential private sector
15 investment in the downtown or neighborhood commercial
16 district.

17 (3) Where applicable, a downtown or neighborhood
18 commercial district with sufficient historic fabric to
19 become a foundation for an enhanced community image.

20 (4) The capacity of the organization to undertake a
21 comprehensive program and the financial commitment to
22 implement a long-term downtown or neighborhood commercial
23 district revitalization program that includes a commitment
24 to employ a professional program manager.

25 (5) The National Main Street Center's criteria for

1 designating official main street municipalities.

2 (6) Other factors the Department deems necessary for
3 the designation of a local program.

4 (b) Illinois Main Street shall designate local downtown or
5 neighborhood commercial district revitalization programs and
6 official local main street programs.

7 (c) The Department must approve all local downtown or
8 neighborhood commercial district revitalization program
9 boundaries. The boundaries of a local downtown or neighborhood
10 commercial district revitalization program are typically
11 defined using the pedestrian core of a traditional commercial
12 district.

13 (Source: P.A. 97-573, eff. 8-25-11.)

14 (20 ILCS 720/25)

15 Sec. 25. Illinois Main Street Plan. The Department may
16 ~~shall~~, in consultation with the Lieutenant Governor, develop a
17 plan for the Illinois Main Street Program. The plan shall
18 describe:

19 (1) the objectives and strategies of the Illinois Main
20 Street Program;

21 (2) how the Illinois Main Street Program will be
22 coordinated with existing federal, state, local, and
23 private sector business development and historic
24 preservation efforts;

25 (3) the means by which private investment will be

1 solicited and employed;

2 (4) the methods of selecting and providing assistance
3 to participating local programs; and

4 (5) a means to solicit private contributions for State
5 and local operations of the Illinois Main Street Program.

6 (Source: P.A. 97-573, eff. 8-25-11.)

7 (20 ILCS 720/30)

8 Sec. 30. Role of the Lieutenant Governor. The Lieutenant
9 Governor shall, subject to appropriation, be the Ambassador of
10 the Illinois Main Street Program. The Department shall,
11 subject to appropriation, advise and consult with the
12 Lieutenant Governor on the activities of the Illinois Main
13 Street Program. The Lieutenant Governor, with the assistance
14 of the Department, shall, subject to appropriation, promote
15 and encourage the success of the Illinois Main Street Program.

16 (Source: P.A. 97-573, eff. 8-25-11.)

17 Section 10-20. The Outdoor Recreation Resources Act is
18 amended by changing Sections 2 and 2a as follows:

19 (20 ILCS 860/2) (from Ch. 105, par. 532)

20 Sec. 2. The Department of Natural Resources is authorized
21 to have prepared, ~~with the Department of Commerce and Economic~~
22 ~~Opportunity~~, and to maintain and keep up to date ~~up to date~~ a
23 comprehensive plan for the development of the outdoor

1 recreation resources of the State.

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

3 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

4 Sec. 2a. The Department of Natural Resources is authorized
5 to have prepared ~~with the Department of Commerce and Economic~~
6 ~~Opportunity~~ and to maintain and keep up to date a
7 comprehensive plan for the preservation of the historically
8 significant properties and interests of the State.

9 (Source: P.A. 100-695, eff. 8-3-18; 101-81, eff. 7-12-19.)

10 (20 ILCS 3953/15 rep.)

11 (20 ILCS 3953/20 rep.)

12 Section 10-25. The Government Buildings Energy Cost
13 Reduction Act of 1991 is amended by repealing Sections 15 and
14 20.

15 Section 10-30. The Eliminate the Digital Divide Law is
16 amended by changing Section 5-30 as follows:

17 (30 ILCS 780/5-30)

18 Sec. 5-30. Community Technology Center Grant Program.

19 (a) Subject to appropriation, the Department shall
20 administer the Community Technology Center Grant Program under
21 which the Department shall make grants in accordance with this
22 Article for planning, establishment, administration, and

1 expansion of Community Technology Centers and for assisting
2 public hospitals, libraries, and park districts in eliminating
3 the digital divide. The purposes of the grants shall include,
4 but not be limited to, volunteer recruitment and management,
5 training and instruction, infrastructure, and related goods
6 and services, including case management, administration,
7 personal information management, and outcome-tracking tools
8 and software for the purposes of reporting to the Department
9 and for enabling participation in digital government and
10 consumer services programs, for Community Technology Centers
11 and public hospitals, libraries, and park districts. No
12 Community Technology Center may receive a grant of more than
13 \$75,000 under this Section in a particular fiscal year.

14 (b) Public hospitals, libraries, park districts, and State
15 educational agencies, local educational agencies, institutions
16 of higher education, senior citizen homes, and other public
17 and private nonprofit or for-profit agencies and organizations
18 are eligible to receive grants under this Program, provided
19 that a local educational agency or public or private
20 educational agency or organization must, in order to be
21 eligible to receive grants under this Program, provide
22 computer access and educational services using information
23 technology to the public at one or more of its educational
24 buildings or facilities at least 12 hours each week. A group of
25 eligible entities is also eligible to receive a grant if the
26 group follows the procedures for group applications in 34 CFR

1 75.127-129 of the Education Department General Administrative
2 Regulations.

3 To be eligible to apply for a grant, a Community
4 Technology Center must serve a community in which not less
5 than 40% of the students are eligible for a free or reduced
6 price lunch under the national school lunch program or in
7 which not less than 30% of the students are eligible for a free
8 lunch under the national school lunch program; however, if
9 funding is insufficient to approve all grant applications for
10 a particular fiscal year, the Department may impose a higher
11 minimum percentage threshold for that fiscal year.
12 Determinations of communities and determinations of the
13 percentage of students in a community who are eligible for a
14 free or reduced price lunch under the national school lunch
15 program shall be in accordance with rules adopted by the
16 Department.

17 Any entities that have received a Community Technology
18 Center grant under the federal Community Technology Centers
19 Program are also eligible to apply for grants under this
20 Program.

21 The Department shall provide assistance to Community
22 Technology Centers in making those determinations for purposes
23 of applying for grants.

24 The Department shall encourage Community Technology
25 Centers to participate in public and private computer hardware
26 equipment recycling initiatives that provide computers at

1 reduced or no cost to low-income families, including programs
2 authorized by the State Property Control Act. On an annual
3 basis, the Department must provide the Director of Central
4 Management Services with a list of Community Technology
5 Centers that have applied to the Department for funding as
6 potential recipients of surplus State-owned computer hardware
7 equipment under programs authorized by the State Property
8 Control Act.

9 (c) Grant applications shall be submitted to the
10 Department on a schedule of one or more deadlines established
11 by the Department by rule.

12 (d) The Department shall adopt rules setting forth the
13 required form and contents of grant applications.

14 (e) (Blank). ~~There is created the Digital Divide~~
15 ~~Elimination Advisory Committee. The advisory committee shall~~
16 ~~consist of 7 members appointed one each by the Governor, the~~
17 ~~President of the Senate, the Senate Minority Leader, the~~
18 ~~Speaker of the House, and the House Minority Leader, and 2~~
19 ~~appointed by the Director of Commerce and Economic~~
20 ~~Opportunity, one of whom shall be a representative of the~~
21 ~~telecommunications industry and one of whom shall represent~~
22 ~~community technology centers. The members of the advisory~~
23 ~~committee shall receive no compensation for their services as~~
24 ~~members of the advisory committee but may be reimbursed for~~
25 ~~their actual expenses incurred in serving on the advisory~~
26 ~~committee. The Digital Divide Elimination Advisory Committee~~

1 ~~shall advise the Department in establishing criteria and~~
2 ~~priorities for identifying recipients of grants under this~~
3 ~~Act. The advisory committee shall obtain advice from the~~
4 ~~technology industry regarding current technological standards.~~
5 ~~The advisory committee shall seek any available federal~~
6 ~~funding.~~

7 (f) (Blank). ~~There is created the Digital Divide~~
8 ~~Elimination Working Group. The Working Group shall consist of~~
9 ~~the Director of Commerce and Economic Opportunity, or his or~~
10 ~~her designee, the Director of Central Management Services, or~~
11 ~~his or her designee, and the Executive Director of the~~
12 ~~Illinois Commerce Commission, or his or her designee. The~~
13 ~~Director of Commerce and Economic Opportunity, or his or her~~
14 ~~designee, shall serve as chair of the Working Group. The~~
15 ~~Working Group shall consult with the members of the Digital~~
16 ~~Divide Elimination Advisory Committee and may consult with~~
17 ~~various groups including, but not limited to,~~
18 ~~telecommunications providers, telecommunications related~~
19 ~~technology producers and service providers, community~~
20 ~~technology providers, community and consumer organizations,~~
21 ~~businesses and business organizations, and federal government~~
22 ~~agencies.~~

23 (g) Duties of the Digital Divide Elimination Working Group
24 include all of the following:

25 (1) Undertaking a thorough review of grant programs
26 available through the federal government, local agencies,

1 telecommunications providers, and business and charitable
2 entities for the purpose of identifying appropriate
3 sources of revenues for the Digital Divide Elimination
4 Fund and attempting to update available grants on a
5 regular basis.

6 (2) Researching and cataloging programs designed to
7 advance digital literacy and computer access that are
8 available through the federal government, local agencies,
9 telecommunications providers, and business and charitable
10 entities and attempting to update available programs on a
11 regular basis.

12 (3) Presenting the information compiled from items (1)
13 and (2) to the Department of Commerce and Economic
14 Opportunity, which shall serve as a single point of
15 contact for applying for funding for the Digital Divide
16 Elimination Fund and for distributing information to the
17 public regarding all programs designed to advance digital
18 literacy and computer access.

19 (Source: P.A. 94-734, eff. 4-28-06; 95-740, eff. 1-1-09.)

20 Section 10-35. The Illinois Income Tax Act is amended by
21 changing Section 220 as follows:

22 (35 ILCS 5/220)

23 Sec. 220. Angel investment credit.

24 (a) As used in this Section:

1 "Applicant" means a corporation, partnership, limited
2 liability company, or a natural person that makes an
3 investment in a qualified new business venture. The term
4 "applicant" does not include (i) a corporation, partnership,
5 limited liability company, or a natural person who has a
6 direct or indirect ownership interest of at least 51% in the
7 profits, capital, or value of the qualified new business
8 venture receiving the investment or (ii) a related member.

9 "Claimant" means an applicant certified by the Department
10 who files a claim for a credit under this Section.

11 "Department" means the Department of Commerce and Economic
12 Opportunity.

13 "Investment" means money (or its equivalent) given to a
14 qualified new business venture, at a risk of loss, in
15 consideration for an equity interest of the qualified new
16 business venture. The Department may adopt rules to permit
17 certain forms of contingent equity investments to be
18 considered eligible for a tax credit under this Section.

19 "Qualified new business venture" means a business that is
20 registered with the Department under this Section.

21 "Related member" means a person that, with respect to the
22 applicant, is any one of the following:

- 23 (1) An individual, if the individual and the members
24 of the individual's family (as defined in Section 318 of
25 the Internal Revenue Code) own directly, indirectly,
26 beneficially, or constructively, in the aggregate, at

1 least 50% of the value of the outstanding profits,
2 capital, stock, or other ownership interest in the
3 qualified new business venture that is the recipient of
4 the applicant's investment.

5 (2) A partnership, estate, or trust and any partner or
6 beneficiary, if the partnership, estate, or trust and its
7 partners or beneficiaries own directly, indirectly,
8 beneficially, or constructively, in the aggregate, at
9 least 50% of the profits, capital, stock, or other
10 ownership interest in the qualified new business venture
11 that is the recipient of the applicant's investment.

12 (3) A corporation, and any party related to the
13 corporation in a manner that would require an attribution
14 of stock from the corporation under the attribution rules
15 of Section 318 of the Internal Revenue Code, if the
16 applicant and any other related member own, in the
17 aggregate, directly, indirectly, beneficially, or
18 constructively, at least 50% of the value of the
19 outstanding stock of the qualified new business venture
20 that is the recipient of the applicant's investment.

21 (4) A corporation and any party related to that
22 corporation in a manner that would require an attribution
23 of stock from the corporation to the party or from the
24 party to the corporation under the attribution rules of
25 Section 318 of the Internal Revenue Code, if the
26 corporation and all such related parties own, in the

1 aggregate, at least 50% of the profits, capital, stock, or
2 other ownership interest in the qualified new business
3 venture that is the recipient of the applicant's
4 investment.

5 (5) A person to or from whom there is attribution of
6 ownership of stock in the qualified new business venture
7 that is the recipient of the applicant's investment in
8 accordance with Section 1563(e) of the Internal Revenue
9 Code, except that for purposes of determining whether a
10 person is a related member under this paragraph, "20%"
11 shall be substituted for "5%" whenever "5%" appears in
12 Section 1563(e) of the Internal Revenue Code.

13 (b) For taxable years beginning after December 31, 2010,
14 and ending on or before December 31, 2026, subject to the
15 limitations provided in this Section, a claimant may claim, as
16 a credit against the tax imposed under subsections (a) and (b)
17 of Section 201 of this Act, an amount equal to 25% of the
18 claimant's investment made directly in a qualified new
19 business venture. In order for an investment in a qualified
20 new business venture to be eligible for tax credits, the
21 business must have applied for and received certification
22 under subsection (e) for the taxable year in which the
23 investment was made prior to the date on which the investment
24 was made. The credit under this Section may not exceed the
25 taxpayer's Illinois income tax liability for the taxable year.
26 If the amount of the credit exceeds the tax liability for the

1 year, the excess may be carried forward and applied to the tax
2 liability of the 5 taxable years following the excess credit
3 year. The credit shall be applied to the earliest year for
4 which there is a tax liability. If there are credits from more
5 than one tax year that are available to offset a liability, the
6 earlier credit shall be applied first. In the case of a
7 partnership or Subchapter S Corporation, the credit is allowed
8 to the partners or shareholders in accordance with the
9 determination of income and distributive share of income under
10 Sections 702 and 704 and Subchapter S of the Internal Revenue
11 Code.

12 (c) The minimum amount an applicant must invest in any
13 single qualified new business venture in order to be eligible
14 for a credit under this Section is \$10,000. The maximum amount
15 of an applicant's total investment made in any single
16 qualified new business venture that may be used as the basis
17 for a credit under this Section is \$2,000,000.

18 (d) The Department shall implement a program to certify an
19 applicant for an angel investment credit. Upon satisfactory
20 review, the Department shall issue a tax credit certificate
21 stating the amount of the tax credit to which the applicant is
22 entitled. The Department shall annually certify that: (i) each
23 qualified new business venture that receives, after January 1,
24 2018, an angel investment under this Section has maintained a
25 minimum employment threshold, as defined by rule, in the State
26 (and continues to maintain a minimum employment threshold in

1 the State for a period of no less than 3 years from the issue
2 date of the last tax credit certificate issued by the
3 Department with respect to such business pursuant to this
4 Section); and (ii) the claimant's investment has been made and
5 remains, except in the event of a qualifying liquidity event,
6 in the qualified new business venture for no less than 3 years.

7 If an investment for which a claimant is allowed a credit
8 under subsection (b) is held by the claimant for less than 3
9 years, other than as a result of a permitted sale of the
10 investment to person who is not a related member, the claimant
11 shall pay to the Department of Revenue, in the manner
12 prescribed by the Department of Revenue, the aggregate amount
13 of the disqualified credits that the claimant received related
14 to the subject investment.

15 If the Department determines that a qualified new business
16 venture failed to maintain a minimum employment threshold in
17 the State through the date which is 3 years from the issue date
18 of the last tax credit certificate issued by the Department
19 with respect to the subject business pursuant to this Section,
20 the claimant or claimants shall pay to the Department of
21 Revenue, in the manner prescribed by the Department of
22 Revenue, the aggregate amount of the disqualified credits that
23 claimant or claimants received related to investments in that
24 business.

25 (e) The Department shall implement a program to register
26 qualified new business ventures for purposes of this Section.

1 A business desiring registration under this Section shall be
2 required to submit a full and complete application to the
3 Department. A submitted application shall be effective only
4 for the taxable year in which it is submitted, and a business
5 desiring registration under this Section shall be required to
6 submit a separate application in and for each taxable year for
7 which the business desires registration. Further, if at any
8 time prior to the acceptance of an application for
9 registration under this Section by the Department one or more
10 events occurs which makes the information provided in that
11 application materially false or incomplete (in whole or in
12 part), the business shall promptly notify the Department of
13 the same. Any failure of a business to promptly provide the
14 foregoing information to the Department may, at the discretion
15 of the Department, result in a revocation of a previously
16 approved application for that business, or disqualification of
17 the business from future registration under this Section, or
18 both. The Department may register the business only if all of
19 the following conditions are satisfied:

20 (1) it has its principal place of business in this
21 State;

22 (2) at least 51% of the employees employed by the
23 business are employed in this State;

24 (3) the business has the potential for increasing jobs
25 in this State, increasing capital investment in this
26 State, or both, as determined by the Department, and

1 either of the following apply:

2 (A) it is principally engaged in innovation in any
3 of the following: manufacturing; biotechnology;
4 nanotechnology; communications; agricultural
5 sciences; clean energy creation or storage technology;
6 processing or assembling products, including medical
7 devices, pharmaceuticals, computer software, computer
8 hardware, semiconductors, other innovative technology
9 products, or other products that are produced using
10 manufacturing methods that are enabled by applying
11 proprietary technology; or providing services that are
12 enabled by applying proprietary technology; or

13 (B) it is undertaking pre-commercialization
14 activity related to proprietary technology that
15 includes conducting research, developing a new product
16 or business process, or developing a service that is
17 principally reliant on applying proprietary
18 technology;

19 (4) it is not principally engaged in real estate
20 development, insurance, banking, lending, lobbying,
21 political consulting, professional services provided by
22 attorneys, accountants, business consultants, physicians,
23 or health care consultants, wholesale or retail trade,
24 leisure, hospitality, transportation, or construction,
25 except construction of power production plants that derive
26 energy from a renewable energy resource, as defined in

1 Section 1 of the Illinois Power Agency Act;

2 (5) at the time it is first certified:

3 (A) it has fewer than 100 employees;

4 (B) it has been in operation in Illinois for not
5 more than 10 consecutive years prior to the year of
6 certification; and

7 (C) it has received not more than \$10,000,000 in
8 aggregate investments;

9 (5.1) it agrees to maintain a minimum employment
10 threshold in the State of Illinois prior to the date which
11 is 3 years from the issue date of the last tax credit
12 certificate issued by the Department with respect to that
13 business pursuant to this Section;

14 (6) (blank); and

15 (7) it has received not more than \$4,000,000 in
16 investments that qualified for tax credits under this
17 Section.

18 (f) The Department, in consultation with the Department of
19 Revenue, shall adopt rules to administer this Section. The
20 aggregate amount of the tax credits that may be claimed under
21 this Section for investments made in qualified new business
22 ventures shall be limited at \$10,000,000 per calendar year, of
23 which \$500,000 shall be reserved for investments made in
24 qualified new business ventures which are minority-owned
25 businesses, women-owned businesses, or businesses owned by a
26 person with a disability (as those terms are used and defined

1 in the Business Enterprise for Minorities, Women, and Persons
2 with Disabilities Act), and an additional \$500,000 shall be
3 reserved for investments made in qualified new business
4 ventures with their principal place of business in counties
5 with a population of not more than 250,000. The foregoing
6 annual allowable amounts shall be allocated by the Department,
7 on a per calendar quarter basis and prior to the commencement
8 of each calendar year, in such proportion as determined by the
9 Department, provided that: (i) the amount initially allocated
10 by the Department for any one calendar quarter shall not
11 exceed 35% of the total allowable amount; (ii) any portion of
12 the allocated allowable amount remaining unused as of the end
13 of any of the first 3 calendar quarters of a given calendar
14 year shall be rolled into, and added to, the total allocated
15 amount for the next available calendar quarter; and (iii) the
16 reservation of tax credits for investments in minority-owned
17 businesses, women-owned businesses, businesses owned by a
18 person with a disability, and in businesses in counties with a
19 population of not more than 250,000 is limited to the first 3
20 calendar quarters of a given calendar year, after which they
21 may be claimed by investors in any qualified new business
22 venture.

23 (g) A claimant may not sell or otherwise transfer a credit
24 awarded under this Section to another person.

25 (h) On or before March 1 of each year, the Department shall
26 report to the Governor and to the General Assembly on the tax

1 credit certificates awarded under this Section for the prior
2 calendar year.

3 (1) This report must include, for each tax credit
4 certificate awarded:

5 (A) the name of the claimant and the amount of
6 credit awarded or allocated to that claimant;

7 (B) the name and address (including the county) of
8 the qualified new business venture that received the
9 investment giving rise to the credit, the North
10 American Industry Classification System (NAICS) code
11 applicable to that qualified new business venture, and
12 the number of employees of the qualified new business
13 venture; and

14 (C) the date of approval by the Department of each
15 claimant's tax credit certificate.

16 (2) The report must also include:

17 (A) the total number of applicants and the total
18 number of claimants, including the amount of each tax
19 credit certificate awarded to a claimant under this
20 Section in the prior calendar year;

21 (B) the total number of applications from
22 businesses seeking registration under this Section,
23 the total number of new qualified business ventures
24 registered by the Department, and the aggregate amount
25 of investment upon which tax credit certificates were
26 issued in the prior calendar year; and

1 (C) the total amount of tax credit certificates
2 sought by applicants, the amount of each tax credit
3 certificate issued to a claimant, the aggregate amount
4 of all tax credit certificates issued in the prior
5 calendar year and the aggregate amount of tax credit
6 certificates issued as authorized under this Section
7 for all calendar years.

8 (i) For each business seeking registration under this
9 Section after December 31, 2016, the Department shall require
10 the business to include in its application the North American
11 Industry Classification System (NAICS) code applicable to the
12 business and the number of employees of the business at the
13 time of application. Each business registered by the
14 Department as a qualified new business venture that receives
15 an investment giving rise to the issuance of a tax credit
16 certificate pursuant to this Section shall, for each of the 3
17 years following the issue date of the last tax credit
18 certificate issued by the Department with respect to such
19 business pursuant to this Section, report to the Department
20 the following:

21 (1) the number of employees and the location at which
22 those employees are employed, both as of the end of each
23 year;

24 (2) the amount of additional new capital investment
25 raised as of the end of each year, if any; and

26 (3) the terms of any liquidity event occurring during

1 such year; for the purposes of this Section, a "liquidity
2 event" means any event that would be considered an exit
3 for an illiquid investment, including any event that
4 allows the equity holders of the business (or any material
5 portion thereof) to cash out some or all of their
6 respective equity interests.

7 (Source: P.A. 101-81, eff. 7-12-19; 102-16, eff. 6-17-21.)

8 Section 10-40. The Film Production Services Tax Credit Act
9 of 2008 is amended by changing Section 45 as follows:

10 (35 ILCS 16/45)

11 Sec. 45. Evaluation of tax credit program; reports to the
12 General Assembly.

13 (a) The Department shall evaluate the tax credit program.
14 The evaluation must include an assessment of the effectiveness
15 of the program in creating and retaining new jobs in Illinois
16 and of the revenue impact of the program, and may include a
17 review of the practices and experiences of other states or
18 nations with similar programs. Upon completion of this
19 evaluation, the Department shall determine the overall success
20 of the program, and may make a recommendation to extend,
21 modify, or not extend the program based on this evaluation.

22 (b) At the end of each fiscal quarter, the Department must
23 submit to the General Assembly a report that includes, without
24 limitation, the following information:

1 (1) the economic impact of the tax credit program,
2 including the number of jobs created and retained,
3 including whether the job positions are above-the-line,
4 below-the-line, or extras ~~entry level, management,~~
5 ~~talent related, vendor related, or production related;~~

6 (2) the amount of film production spending brought to
7 Illinois, including the amount of spending and type of
8 Illinois vendors hired in connection with an accredited
9 production; and

10 (3) an overall picture of whether the human
11 infrastructure of the motion picture industry in Illinois
12 reflects the geographical, racial and ethnic, gender, and
13 income-level diversity of the State of Illinois.

14 (c) At the end of each fiscal year, the Department must
15 submit to the General Assembly a report that includes the
16 following information:

17 (1) an identification of each vendor that provided
18 goods or services that were included in an accredited
19 production's Illinois production spending, provided that
20 the accredited production's Illinois production spending
21 attributable to that vendor exceeds, in the aggregate,
22 \$10,000 or 10% of the accredited production's Illinois
23 production spending, whichever is less;

24 (2) the amount paid to each identified vendor by the
25 accredited production;

26 (3) for each identified vendor, a statement as to

1 whether the vendor is a minority-owned business or a
2 women-owned business, as defined under Section 2 of the
3 Business Enterprise for Minorities, Women, and Persons
4 with Disabilities Act, based on the best efforts of an
5 accredited production; and

6 (4) a description of any steps taken by the Department
7 to encourage accredited productions to use vendors who are
8 a minority-owned business or a women-owned business.

9 (Source: P.A. 100-391, eff. 8-25-17; 100-603, eff. 7-13-18;
10 101-81, eff. 7-12-19.)

11 Section 10-50. The Illinois Groundwater Protection Act is
12 amended by changing Section 4 as follows:

13 (415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

14 Sec. 4. Interagency Coordinating Committee on Groundwater.

15 (a) There shall be established within State government an
16 interagency committee which shall be known as the Interagency
17 Coordinating Committee on Groundwater. The Committee shall be
18 composed of the Director, or his designee, of the following
19 agencies:

20 (1) The Illinois Environmental Protection Agency, who
21 shall chair the Committee.

22 (2) The Illinois Department of Natural Resources.

23 (3) The Illinois Department of Public Health.

24 (4) The Office of Mines and Minerals within the

1 Department of Natural Resources.

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

3 (6) The Division of Water Resources of the Department
4 of Natural Resources.

5 (7) The Illinois Department of Agriculture.

6 (8) The Illinois Emergency Management Agency.

7 (9) The Illinois Department of Nuclear Safety.

8 ~~(10) The Illinois Department of Commerce and Economic~~
9 ~~Opportunity.~~

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

12 (1) Review and coordinate the State's policy on
13 groundwater protection.

14 (2) Review and evaluate State laws, regulations and
15 procedures that relate to groundwater protection.

16 (3) Review and evaluate the status of the State's
17 efforts to improve the quality of the groundwater and of
18 the State enforcement efforts for protection of the
19 groundwater and make recommendations on improving the
20 State efforts to protect the groundwater.

21 (4) Recommend procedures for better coordination among
22 State groundwater programs and with local programs related
23 to groundwater protection.

24 (5) Review and recommend procedures to coordinate the
25 State's response to specific incidents of groundwater
26 pollution and coordinate dissemination of information

1 between agencies responsible for the State's response.

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

4 (7) Review, coordinate and evaluate groundwater data
5 collection and analysis.

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

9 (c) The Chairman of the Committee shall propose a
10 groundwater protection regulatory agenda for consideration by
11 the Committee and the Council. The principal purpose of the
12 agenda shall be to systematically consider the groundwater
13 protection aspects of relevant federal and State regulatory
14 programs and to identify any areas where improvements may be
15 warranted. To the extent feasible, the agenda may also serve
16 to facilitate a more uniform and coordinated approach toward
17 protection of groundwaters in Illinois. Upon adoption of the
18 final agenda by the Committee, the Chairman of the Committee
19 shall assign a lead agency and any support agencies to prepare
20 a regulatory assessment report for each item on the agenda.
21 Each regulatory assessment report shall specify the nature of
22 the groundwater protection provisions being implemented and
23 shall evaluate the results achieved therefrom. Special
24 attention shall be given to any preventive measures being
25 utilized for protection of groundwaters. The reports shall be
26 completed in a timely manner. After review and consideration

1 by the Committee, the reports shall become the basis for
2 recommending further legislative or regulatory action.

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

7 (e) The Committee shall consider findings and
8 recommendations that are provided by the Council, and respond
9 in writing regarding such matters. The Chairman of the
10 Committee shall designate a liaison person to serve as a
11 facilitator of communications with the Council.

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

13 ARTICLE 15. SCHOOL CODE

14 Section 15-5. The School Code is amended by changing
15 Sections 1B-8, 1F-25, 1F-90, 2-3.146, 10-21.9, and 34-18.5 as
16 follows:

17 (105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

18 Sec. 1B-8. There is created in the State Treasury a
19 special fund to be known as the School District Emergency
20 Financial Assistance Fund (the "Fund"). The School District
21 Emergency Financial Assistance Fund shall consist of
22 appropriations, loan repayments, grants from the federal
23 government, and donations from any public or private source.

1 Moneys in the Fund may be appropriated only to the Illinois
2 Finance Authority and the State Board for those purposes
3 authorized under this Article and Articles 1F and 1H of this
4 Code. The appropriation may be allocated and expended by the
5 State Board for contractual services to provide technical
6 assistance or consultation to school districts to assess their
7 financial condition and to Financial Oversight Panels that
8 petition for emergency financial assistance grants. The
9 Illinois Finance Authority may provide loans to school
10 districts which are the subject of an approved petition for
11 emergency financial assistance under Section 1B-4, ~~1F-62,~~ or
12 1H-65 of this Code. Neither the State Board of Education nor
13 the Illinois Finance Authority may collect any fees for
14 providing these services.

15 From the amount allocated to each such school district
16 under this Article the State Board shall identify a sum
17 sufficient to cover all approved costs of the Financial
18 Oversight Panel established for the respective school
19 district. If the State Board and State Superintendent of
20 Education have not approved emergency financial assistance in
21 conjunction with the appointment of a Financial Oversight
22 Panel, the Panel's approved costs shall be paid from
23 deductions from the district's general State aid or
24 evidence-based funding.

25 The Financial Oversight Panel may prepare and file with
26 the State Superintendent a proposal for emergency financial

1 assistance for the school district and for its operations
2 budget. No expenditures from the Fund shall be authorized by
3 the State Superintendent until he or she has approved the
4 request of the Panel, either as submitted or in such lesser
5 amount determined by the State Superintendent.

6 The maximum amount of an emergency financial assistance
7 loan which may be allocated to any school district under this
8 Article, including moneys necessary for the operations of the
9 Panel, shall not exceed \$4,000 times the number of pupils
10 enrolled in the school district during the school year ending
11 June 30 prior to the date of approval by the State Board of the
12 petition for emergency financial assistance, as certified to
13 the local board and the Panel by the State Superintendent. An
14 emergency financial assistance grant shall not exceed \$1,000
15 times the number of such pupils. A district may receive both a
16 loan and a grant.

17 The payment of an emergency State financial assistance
18 grant or loan shall be subject to appropriation by the General
19 Assembly. Payment of the emergency State financial assistance
20 loan is subject to the applicable provisions of the Illinois
21 Finance Authority Act. Emergency State financial assistance
22 allocated and paid to a school district under this Article may
23 be applied to any fund or funds from which the local board of
24 education of that district is authorized to make expenditures
25 by law.

26 Any emergency financial assistance grant proposed by the

1 Financial Oversight Panel and approved by the State
2 Superintendent may be paid in its entirety during the initial
3 year of the Panel's existence or spread in equal or declining
4 amounts over a period of years not to exceed the period of the
5 Panel's existence. An emergency financial assistance loan
6 proposed by the Financial Oversight Panel and approved by the
7 Illinois Finance Authority may be paid in its entirety during
8 the initial year of the Panel's existence or spread in equal or
9 declining amounts over a period of years not to exceed the
10 period of the Panel's existence. All loans made by the
11 Illinois Finance Authority for a school district shall be
12 required to be repaid, with simple interest over the term of
13 the loan at a rate equal to 50% of the one-year Constant
14 Maturity Treasury (CMT) yield as last published by the Board
15 of Governors of the Federal Reserve System before the date on
16 which the district's loan is approved by the Illinois Finance
17 Authority, not later than the date the Financial Oversight
18 Panel ceases to exist. The Panel shall establish and the
19 Illinois Finance Authority shall approve the terms and
20 conditions, including the schedule, of repayments. The
21 schedule shall provide for repayments commencing July 1 of
22 each year or upon each fiscal year's receipt of moneys from a
23 tax levy for emergency financial assistance. Repayment shall
24 be incorporated into the annual budget of the school district
25 and may be made from any fund or funds of the district in which
26 there are moneys available. An emergency financial assistance

1 loan to the Panel or district shall not be considered part of
2 the calculation of a district's debt for purposes of the
3 limitation specified in Section 19-1 of this Code. Default on
4 repayment is subject to the Illinois Grant Funds Recovery Act.
5 When moneys are repaid as provided herein they shall not be
6 made available to the local board for further use as emergency
7 financial assistance under this Article at any time
8 thereafter. All repayments required to be made by a school
9 district shall be received by the State Board and deposited in
10 the School District Emergency Financial Assistance Fund.

11 In establishing the terms and conditions for the repayment
12 obligation of the school district the Panel shall annually
13 determine whether a separate local property tax levy is
14 required. The board of any school district with a tax rate for
15 educational purposes for the prior year of less than 120% of
16 the maximum rate for educational purposes authorized by
17 Section 17-2 shall provide for a separate tax levy for
18 emergency financial assistance repayment purposes. Such tax
19 levy shall not be subject to referendum approval. The amount
20 of the levy shall be equal to the amount necessary to meet the
21 annual repayment obligations of the district as established by
22 the Panel, or 20% of the amount levied for educational
23 purposes for the prior year, whichever is less. However, no
24 district shall be required to levy the tax if the district's
25 operating tax rate as determined under Section 18-8, 18-8.05,
26 or 18-8.15 exceeds 200% of the district's tax rate for

1 educational purposes for the prior year.

2 (Source: P.A. 100-465, eff. 8-31-17.)

3 (105 ILCS 5/1F-25)

4 (This Section scheduled to be repealed in accordance with 105
5 ILCS 5/1F-165)

6 Sec. 1F-25. General powers. The purposes of the Authority
7 shall be to exercise financial control over the district and
8 to furnish financial assistance so that the district can
9 provide public education within the district's jurisdiction
10 while permitting the district to meet its obligations to its
11 creditors and the holders of its debt. Except as expressly
12 limited by this Article, the Authority shall have all powers
13 granted to a voluntary or involuntary Financial Oversight
14 Panel and to a Financial Administrator under Article 1B of
15 this Code and all other powers necessary to meet its
16 responsibilities and to carry out its purposes and the
17 purposes of this Article, including without limitation all of
18 the following powers, provided that the Authority shall have
19 no power to terminate any employee without following the
20 statutory procedures for such terminations set forth in this
21 Code:

22 (1) To sue and to be sued.

23 (2) To make, cancel, modify, and execute contracts,
24 leases, subleases, and all other instruments or agreements
25 necessary or convenient for the exercise of the powers and

1 functions granted by this Article, subject to Section
2 1F-45 of this Code. The Authority may at a regular or
3 special meeting find that the district has insufficient or
4 inadequate funds with respect to any contract, other than
5 collective bargaining agreements.

6 (3) To purchase real or personal property necessary or
7 convenient for its purposes; to execute and deliver deeds
8 for real property held in its own name; and to sell, lease,
9 or otherwise dispose of such of its property as, in the
10 judgment of the Authority, is no longer necessary for its
11 purposes.

12 (4) To appoint officers, agents, and employees of the
13 Authority, including a chief executive officer, a chief
14 fiscal officer, and a chief educational officer; to define
15 their duties and qualifications; and to fix their
16 compensation and employee benefits.

17 (5) To transfer to the district such sums of money as
18 are not required for other purposes.

19 (6) To borrow money, including without limitation
20 accepting State loans, and to issue obligations pursuant
21 to this Article; to fund, refund, or advance refund the
22 same; to provide for the rights of the holders of its
23 obligations; and to repay any advances.

24 (6.5) To levy all property tax levies that otherwise
25 could be levied by the district, ~~and to make levies~~
26 ~~pursuant to Section 1F-62 of this Code.~~ This levy or

1 levies shall be exempt from the Truth in Taxation Law and
2 the Cook County Truth in Taxation Law.

3 (7) Subject to the provisions of any contract with or
4 for the benefit of the holders of its obligations, to
5 purchase or redeem its obligations.

6 (8) To procure all necessary goods and services for
7 the Authority in compliance with the purchasing laws and
8 requirements applicable to the district.

9 (9) To do any and all things necessary or convenient
10 to carry out its purposes and exercise the powers given to
11 it by this Article.

12 (10) To recommend annexation, consolidation,
13 dissolution, or reorganization of the district, in whole
14 or in part, to the State Board if in the Authority's
15 judgment the circumstances so require. No such proposal
16 for annexation, consolidation, dissolution, or
17 reorganization shall occur unless the Authority and the
18 school boards of all other districts directly affected by
19 the annexation, consolidation, dissolution, or
20 reorganization have each approved by majority vote the
21 annexation, consolidation, dissolution, or
22 reorganization. Notwithstanding any other law to the
23 contrary, upon approval of the proposal by the State
24 Board, the State Board and all other affected entities
25 shall forthwith implement the proposal. When a dissolution
26 and annexation becomes effective for purposes of

1 administration and attendance, the positions of teachers
2 in contractual continued service in the district being
3 dissolved shall be transferred to the annexing district or
4 districts, pursuant to the provisions of Section 24-12 of
5 this Code. In the event that the territory is added to 2 or
6 more districts, the decision on which positions shall be
7 transferred to which annexing districts shall be made by
8 giving consideration to the proportionate percentage of
9 pupils transferred and the annexing districts' staffing
10 needs, and the transfer of teachers in contractual
11 continued service into positions shall be based upon the
12 request of those teachers in contractual continued service
13 in order of seniority in the dissolving district. The
14 status of all teachers in contractual continued service
15 transferred to an annexing district shall not be lost, and
16 the board of the annexing district is subject to this Code
17 with respect to teachers in contractual continued service
18 who are transferred in the same manner as if the person
19 were the annexing district's employee and had been its
20 employee during the time the person was actually employed
21 by the board of the dissolving district from which the
22 position was transferred.

23 (Source: P.A. 92-855, eff. 12-6-02.)

24 (105 ILCS 5/1F-90)

25 (This Section scheduled to be repealed in accordance with 105

1 ILCS 5/1F-165)

2 Sec. 1F-90. Tax anticipation warrants. An Authority shall
3 have the same power to issue tax anticipation warrants as a
4 school board under Section 17-16 of this Code. Tax
5 anticipation warrants are considered borrowing from sources
6 other than the State ~~and are subject to Section 1F-62 of this~~
7 ~~Code.~~

8 (Source: P.A. 92-855, eff. 12-6-02.)

9 (105 ILCS 5/2-3.146)

10 Sec. 2-3.146. Severely overcrowded schools grant program.
11 There is created a grant program, subject to appropriation,
12 for severely overcrowded schools. The State Board of Education
13 shall administer the program. Grant funds may be used for
14 purposes of relieving overcrowding. In order for a school
15 district to be eligible for a grant under this Section, (i) the
16 main administrative office of the district must be located in
17 a city of 85,000 or more in population, according to the 2000
18 U.S. Census, and (ii) the school district must have a
19 district-wide percentage of low-income students of 70% or
20 more, as identified by the 2005-2006 School Report Cards
21 published by the State Board of Education, ~~and (iii) the~~
22 ~~school district must not be eligible for a fast growth grant~~
23 ~~under Section 18-8.10 of this Code.~~ The State Board of
24 Education shall distribute the funds on a proportional basis
25 with no single district receiving more than 75% of the funds in

1 any given year. The State Board of Education may adopt rules as
2 needed for the implementation and distribution of grants under
3 this Section.

4 (Source: P.A. 95-707, eff. 1-11-08.)

5 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

6 Sec. 10-21.9. Criminal history records checks and checks
7 of the Statewide Sex Offender Database and Statewide Murderer
8 and Violent Offender Against Youth Database.

9 (a) Licensed and nonlicensed applicants for employment
10 with a school district, except school bus driver applicants,
11 are required as a condition of employment to authorize a
12 fingerprint-based criminal history records check to determine
13 if such applicants have been convicted of any disqualifying,
14 enumerated criminal or drug offenses in subsection (c) of this
15 Section or have been convicted, within 7 years of the
16 application for employment with the school district, of any
17 other felony under the laws of this State or of any offense
18 committed or attempted in any other state or against the laws
19 of the United States that, if committed or attempted in this
20 State, would have been punishable as a felony under the laws of
21 this State. Authorization for the check shall be furnished by
22 the applicant to the school district, except that if the
23 applicant is a substitute teacher seeking employment in more
24 than one school district, a teacher seeking concurrent
25 part-time employment positions with more than one school

1 district (as a reading specialist, special education teacher
2 or otherwise), or an educational support personnel employee
3 seeking employment positions with more than one district, any
4 such district may require the applicant to furnish
5 authorization for the check to the regional superintendent of
6 the educational service region in which are located the school
7 districts in which the applicant is seeking employment as a
8 substitute or concurrent part-time teacher or concurrent
9 educational support personnel employee. Upon receipt of this
10 authorization, the school district or the appropriate regional
11 superintendent, as the case may be, shall submit the
12 applicant's name, sex, race, date of birth, social security
13 number, fingerprint images, and other identifiers, as
14 prescribed by the Illinois State Police, to the Illinois State
15 Police. The regional superintendent submitting the requisite
16 information to the Illinois State Police shall promptly notify
17 the school districts in which the applicant is seeking
18 employment as a substitute or concurrent part-time teacher or
19 concurrent educational support personnel employee that the
20 check of the applicant has been requested. The Illinois State
21 Police and the Federal Bureau of Investigation shall furnish,
22 pursuant to a fingerprint-based criminal history records
23 check, records of convictions, forever and hereinafter, until
24 expunged, to the president of the school board for the school
25 district that requested the check, or to the regional
26 superintendent who requested the check. The Illinois State

1 Police shall charge the school district or the appropriate
2 regional superintendent a fee for conducting such check, which
3 fee shall be deposited in the State Police Services Fund and
4 shall not exceed the cost of the inquiry; and the applicant
5 shall not be charged a fee for such check by the school
6 district or by the regional superintendent, except that those
7 applicants seeking employment as a substitute teacher with a
8 school district may be charged a fee not to exceed the cost of
9 the inquiry. Subject to appropriations for these purposes, the
10 State Superintendent of Education shall reimburse school
11 districts and regional superintendents for fees paid to obtain
12 criminal history records checks under this Section.

13 (a-5) The school district or regional superintendent shall
14 further perform a check of the Statewide Sex Offender
15 Database, as authorized by the Sex Offender Community
16 Notification Law, for each applicant. The check of the
17 Statewide Sex Offender Database must be conducted by the
18 school district or regional superintendent once for every 5
19 years that an applicant remains employed by the school
20 district.

21 (a-6) The school district or regional superintendent shall
22 further perform a check of the Statewide Murderer and Violent
23 Offender Against Youth Database, as authorized by the Murderer
24 and Violent Offender Against Youth Community Notification Law,
25 for each applicant. The check of the Murderer and Violent
26 Offender Against Youth Database must be conducted by the

1 school district or regional superintendent once for every 5
2 years that an applicant remains employed by the school
3 district.

4 (b) Any information concerning the record of convictions
5 obtained by the president of the school board or the regional
6 superintendent shall be confidential and may only be
7 transmitted to the superintendent of the school district or
8 his designee, the appropriate regional superintendent if the
9 check was requested by the school district, the presidents of
10 the appropriate school boards if the check was requested from
11 the Illinois State Police by the regional superintendent, the
12 State Board of Education and a school district as authorized
13 under subsection (b-5), the State Superintendent of Education,
14 the State Educator Preparation and Licensure Board, any other
15 person necessary to the decision of hiring the applicant for
16 employment, or for clarification purposes the Illinois State
17 Police or Statewide Sex Offender Database, or both. A copy of
18 the record of convictions obtained from the Illinois State
19 Police shall be provided to the applicant for employment. Upon
20 the check of the Statewide Sex Offender Database or Statewide
21 Murderer and Violent Offender Against Youth Database, the
22 school district or regional superintendent shall notify an
23 applicant as to whether or not the applicant has been
24 identified in the Database. If a check of an applicant for
25 employment as a substitute or concurrent part-time teacher or
26 concurrent educational support personnel employee in more than

1 one school district was requested by the regional
2 superintendent, and the Illinois State Police upon a check
3 ascertains that the applicant has not been convicted of any of
4 the enumerated criminal or drug offenses in subsection (c) of
5 this Section or has not been convicted, within 7 years of the
6 application for employment with the school district, of any
7 other felony under the laws of this State or of any offense
8 committed or attempted in any other state or against the laws
9 of the United States that, if committed or attempted in this
10 State, would have been punishable as a felony under the laws of
11 this State and so notifies the regional superintendent and if
12 the regional superintendent upon a check ascertains that the
13 applicant has not been identified in the Sex Offender Database
14 or Statewide Murderer and Violent Offender Against Youth
15 Database, then the regional superintendent shall issue to the
16 applicant a certificate evidencing that as of the date
17 specified by the Illinois State Police the applicant has not
18 been convicted of any of the enumerated criminal or drug
19 offenses in subsection (c) of this Section or has not been
20 convicted, within 7 years of the application for employment
21 with the school district, of any other felony under the laws of
22 this State or of any offense committed or attempted in any
23 other state or against the laws of the United States that, if
24 committed or attempted in this State, would have been
25 punishable as a felony under the laws of this State and
26 evidencing that as of the date that the regional

1 superintendent conducted a check of the Statewide Sex Offender
2 Database or Statewide Murderer and Violent Offender Against
3 Youth Database, the applicant has not been identified in the
4 Database. The school board of any school district may rely on
5 the certificate issued by any regional superintendent to that
6 substitute teacher, concurrent part-time teacher, or
7 concurrent educational support personnel employee or may
8 initiate its own criminal history records check of the
9 applicant through the Illinois State Police and its own check
10 of the Statewide Sex Offender Database or Statewide Murderer
11 and Violent Offender Against Youth Database as provided in
12 this Section. Any unauthorized release of confidential
13 information may be a violation of Section 7 of the Criminal
14 Identification Act.

15 (b-5) If a criminal history records check or check of the
16 Statewide Sex Offender Database or Statewide Murderer and
17 Violent Offender Against Youth Database is performed by a
18 regional superintendent for an applicant seeking employment as
19 a substitute teacher with a school district, the regional
20 superintendent may disclose to the State Board of Education
21 whether the applicant has been issued a certificate under
22 subsection (b) based on those checks. If the State Board
23 receives information on an applicant under this subsection,
24 then it must indicate in the Educator Licensure Information
25 System for a 90-day period that the applicant has been issued
26 or has not been issued a certificate.

1 (c) No school board shall knowingly employ a person who
2 has been convicted of any offense that would subject him or her
3 to license suspension or revocation pursuant to Section 21B-80
4 of this Code, except as provided under subsection (b) of
5 Section 21B-80. Further, no school board shall knowingly
6 employ a person who has been found to be the perpetrator of
7 sexual or physical abuse of any minor under 18 years of age
8 pursuant to proceedings under Article II of the Juvenile Court
9 Act of 1987. As a condition of employment, each school board
10 must consider the status of a person who has been issued an
11 indicated finding of abuse or neglect of a child by the
12 Department of Children and Family Services under the Abused
13 and Neglected Child Reporting Act or by a child welfare agency
14 of another jurisdiction.

15 (d) No school board shall knowingly employ a person for
16 whom a criminal history records check and a Statewide Sex
17 Offender Database check have not been initiated.

18 (e) Within 10 days after a superintendent, regional office
19 of education, or entity that provides background checks of
20 license holders to public schools receives information of a
21 pending criminal charge against a license holder for an
22 offense set forth in Section 21B-80 of this Code, the
23 superintendent, regional office of education, or entity must
24 notify the State Superintendent of Education of the pending
25 criminal charge.

26 If permissible by federal or State law, no later than 15

1 business days after receipt of a record of conviction or of
2 checking the Statewide Murderer and Violent Offender Against
3 Youth Database or the Statewide Sex Offender Database and
4 finding a registration, the superintendent of the employing
5 school board or the applicable regional superintendent shall,
6 in writing, notify the State Superintendent of Education of
7 any license holder who has been convicted of a crime set forth
8 in Section 21B-80 of this Code. Upon receipt of the record of a
9 conviction of or a finding of child abuse by a holder of any
10 license issued pursuant to Article 21B or Section 34-8.1 ~~or~~
11 ~~34-83~~ of this ~~the School~~ Code, the State Superintendent of
12 Education may initiate licensure suspension and revocation
13 proceedings as authorized by law. If the receipt of the record
14 of conviction or finding of child abuse is received within 6
15 months after the initial grant of or renewal of a license, the
16 State Superintendent of Education may rescind the license
17 holder's license.

18 (e-5) The superintendent of the employing school board
19 shall, in writing, notify the State Superintendent of
20 Education and the applicable regional superintendent of
21 schools of any license holder whom he or she has reasonable
22 cause to believe has committed an intentional act of abuse or
23 neglect with the result of making a child an abused child or a
24 neglected child, as defined in Section 3 of the Abused and
25 Neglected Child Reporting Act, and that act resulted in the
26 license holder's dismissal or resignation from the school

1 district. This notification must be submitted within 30 days
2 after the dismissal or resignation and must include the
3 Illinois Educator Identification Number (IEIN) of the license
4 holder and a brief description of the misconduct alleged. The
5 license holder must also be contemporaneously sent a copy of
6 the notice by the superintendent. All correspondence,
7 documentation, and other information so received by the
8 regional superintendent of schools, the State Superintendent
9 of Education, the State Board of Education, or the State
10 Educator Preparation and Licensure Board under this subsection
11 (e-5) is confidential and must not be disclosed to third
12 parties, except (i) as necessary for the State Superintendent
13 of Education or his or her designee to investigate and
14 prosecute pursuant to Article 21B of this Code, (ii) pursuant
15 to a court order, (iii) for disclosure to the license holder or
16 his or her representative, or (iv) as otherwise provided in
17 this Article and provided that any such information admitted
18 into evidence in a hearing is exempt from this confidentiality
19 and non-disclosure requirement. Except for an act of willful
20 or wanton misconduct, any superintendent who provides
21 notification as required in this subsection (e-5) shall have
22 immunity from any liability, whether civil or criminal or that
23 otherwise might result by reason of such action.

24 (f) After January 1, 1990 the provisions of this Section
25 shall apply to all employees of persons or firms holding
26 contracts with any school district including, but not limited

1 to, food service workers, school bus drivers and other
2 transportation employees, who have direct, daily contact with
3 the pupils of any school in such district. For purposes of
4 criminal history records checks and checks of the Statewide
5 Sex Offender Database on employees of persons or firms holding
6 contracts with more than one school district and assigned to
7 more than one school district, the regional superintendent of
8 the educational service region in which the contracting school
9 districts are located may, at the request of any such school
10 district, be responsible for receiving the authorization for a
11 criminal history records check prepared by each such employee
12 and submitting the same to the Illinois State Police and for
13 conducting a check of the Statewide Sex Offender Database for
14 each employee. Any information concerning the record of
15 conviction and identification as a sex offender of any such
16 employee obtained by the regional superintendent shall be
17 promptly reported to the president of the appropriate school
18 board or school boards.

19 (f-5) Upon request of a school or school district, any
20 information obtained by a school district pursuant to
21 subsection (f) of this Section within the last year must be
22 made available to the requesting school or school district.

23 (g) Prior to the commencement of any student teaching
24 experience or required internship (which is referred to as
25 student teaching in this Section) in the public schools, a
26 student teacher is required to authorize a fingerprint-based

1 criminal history records check. Authorization for and payment
2 of the costs of the check must be furnished by the student
3 teacher to the school district where the student teaching is
4 to be completed. Upon receipt of this authorization and
5 payment, the school district shall submit the student
6 teacher's name, sex, race, date of birth, social security
7 number, fingerprint images, and other identifiers, as
8 prescribed by the Illinois State Police, to the Illinois State
9 Police. The Illinois State Police and the Federal Bureau of
10 Investigation shall furnish, pursuant to a fingerprint-based
11 criminal history records check, records of convictions,
12 forever and hereinafter, until expunged, to the president of
13 the school board for the school district that requested the
14 check. The Illinois State Police shall charge the school
15 district a fee for conducting the check, which fee must not
16 exceed the cost of the inquiry and must be deposited into the
17 State Police Services Fund. The school district shall further
18 perform a check of the Statewide Sex Offender Database, as
19 authorized by the Sex Offender Community Notification Law, and
20 of the Statewide Murderer and Violent Offender Against Youth
21 Database, as authorized by the Murderer and Violent Offender
22 Against Youth Registration Act, for each student teacher. No
23 school board may knowingly allow a person to student teach for
24 whom a criminal history records check, a Statewide Sex
25 Offender Database check, and a Statewide Murderer and Violent
26 Offender Against Youth Database check have not been completed

1 and reviewed by the district.

2 A copy of the record of convictions obtained from the
3 Illinois State Police must be provided to the student teacher.
4 Any information concerning the record of convictions obtained
5 by the president of the school board is confidential and may
6 only be transmitted to the superintendent of the school
7 district or his or her designee, the State Superintendent of
8 Education, the State Educator Preparation and Licensure Board,
9 or, for clarification purposes, the Illinois State Police or
10 the Statewide Sex Offender Database or Statewide Murderer and
11 Violent Offender Against Youth Database. Any unauthorized
12 release of confidential information may be a violation of
13 Section 7 of the Criminal Identification Act.

14 No school board shall knowingly allow a person to student
15 teach who has been convicted of any offense that would subject
16 him or her to license suspension or revocation pursuant to
17 subsection (c) of Section 21B-80 of this Code, except as
18 provided under subsection (b) of Section 21B-80. Further, no
19 school board shall allow a person to student teach if he or she
20 has been found to be the perpetrator of sexual or physical
21 abuse of a minor under 18 years of age pursuant to proceedings
22 under Article II of the Juvenile Court Act of 1987. Each school
23 board must consider the status of a person to student teach who
24 has been issued an indicated finding of abuse or neglect of a
25 child by the Department of Children and Family Services under
26 the Abused and Neglected Child Reporting Act or by a child

1 welfare agency of another jurisdiction.

2 (h) (Blank).

3 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
4 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
5 1-1-22; revised 10-6-21.)

6 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

7 Sec. 34-18.5. Criminal history records checks and checks
8 of the Statewide Sex Offender Database and Statewide Murderer
9 and Violent Offender Against Youth Database.

10 (a) Licensed and nonlicensed applicants for employment
11 with the school district are required as a condition of
12 employment to authorize a fingerprint-based criminal history
13 records check to determine if such applicants have been
14 convicted of any disqualifying, enumerated criminal or drug
15 offense in subsection (c) of this Section or have been
16 convicted, within 7 years of the application for employment
17 with the school district, of any other felony under the laws of
18 this State or of any offense committed or attempted in any
19 other state or against the laws of the United States that, if
20 committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State.
22 Authorization for the check shall be furnished by the
23 applicant to the school district, except that if the applicant
24 is a substitute teacher seeking employment in more than one
25 school district, or a teacher seeking concurrent part-time

1 employment positions with more than one school district (as a
2 reading specialist, special education teacher or otherwise),
3 or an educational support personnel employee seeking
4 employment positions with more than one district, any such
5 district may require the applicant to furnish authorization
6 for the check to the regional superintendent of the
7 educational service region in which are located the school
8 districts in which the applicant is seeking employment as a
9 substitute or concurrent part-time teacher or concurrent
10 educational support personnel employee. Upon receipt of this
11 authorization, the school district or the appropriate regional
12 superintendent, as the case may be, shall submit the
13 applicant's name, sex, race, date of birth, social security
14 number, fingerprint images, and other identifiers, as
15 prescribed by the Illinois State Police, to the Illinois State
16 Police. The regional superintendent submitting the requisite
17 information to the Illinois State Police shall promptly notify
18 the school districts in which the applicant is seeking
19 employment as a substitute or concurrent part-time teacher or
20 concurrent educational support personnel employee that the
21 check of the applicant has been requested. The Illinois State
22 Police and the Federal Bureau of Investigation shall furnish,
23 pursuant to a fingerprint-based criminal history records
24 check, records of convictions, forever and hereinafter, until
25 expunged, to the president of the school board for the school
26 district that requested the check, or to the regional

1 superintendent who requested the check. The Illinois State
2 Police shall charge the school district or the appropriate
3 regional superintendent a fee for conducting such check, which
4 fee shall be deposited in the State Police Services Fund and
5 shall not exceed the cost of the inquiry; and the applicant
6 shall not be charged a fee for such check by the school
7 district or by the regional superintendent. Subject to
8 appropriations for these purposes, the State Superintendent of
9 Education shall reimburse the school district and regional
10 superintendent for fees paid to obtain criminal history
11 records checks under this Section.

12 (a-5) The school district or regional superintendent shall
13 further perform a check of the Statewide Sex Offender
14 Database, as authorized by the Sex Offender Community
15 Notification Law, for each applicant. The check of the
16 Statewide Sex Offender Database must be conducted by the
17 school district or regional superintendent once for every 5
18 years that an applicant remains employed by the school
19 district.

20 (a-6) The school district or regional superintendent shall
21 further perform a check of the Statewide Murderer and Violent
22 Offender Against Youth Database, as authorized by the Murderer
23 and Violent Offender Against Youth Community Notification Law,
24 for each applicant. The check of the Murderer and Violent
25 Offender Against Youth Database must be conducted by the
26 school district or regional superintendent once for every 5

1 years that an applicant remains employed by the school
2 district.

3 (b) Any information concerning the record of convictions
4 obtained by the president of the board of education or the
5 regional superintendent shall be confidential and may only be
6 transmitted to the general superintendent of the school
7 district or his designee, the appropriate regional
8 superintendent if the check was requested by the board of
9 education for the school district, the presidents of the
10 appropriate board of education or school boards if the check
11 was requested from the Illinois State Police by the regional
12 superintendent, the State Board of Education and the school
13 district as authorized under subsection (b-5), the State
14 Superintendent of Education, the State Educator Preparation
15 and Licensure Board or any other person necessary to the
16 decision of hiring the applicant for employment. A copy of the
17 record of convictions obtained from the Illinois State Police
18 shall be provided to the applicant for employment. Upon the
19 check of the Statewide Sex Offender Database or Statewide
20 Murderer and Violent Offender Against Youth Database, the
21 school district or regional superintendent shall notify an
22 applicant as to whether or not the applicant has been
23 identified in the Database. If a check of an applicant for
24 employment as a substitute or concurrent part-time teacher or
25 concurrent educational support personnel employee in more than
26 one school district was requested by the regional

1 superintendent, and the Illinois State Police upon a check
2 ascertains that the applicant has not been convicted of any of
3 the enumerated criminal or drug offenses in subsection (c) of
4 this Section or has not been convicted, within 7 years of the
5 application for employment with the school district, of any
6 other felony under the laws of this State or of any offense
7 committed or attempted in any other state or against the laws
8 of the United States that, if committed or attempted in this
9 State, would have been punishable as a felony under the laws of
10 this State and so notifies the regional superintendent and if
11 the regional superintendent upon a check ascertains that the
12 applicant has not been identified in the Sex Offender Database
13 or Statewide Murderer and Violent Offender Against Youth
14 Database, then the regional superintendent shall issue to the
15 applicant a certificate evidencing that as of the date
16 specified by the Illinois State Police the applicant has not
17 been convicted of any of the enumerated criminal or drug
18 offenses in subsection (c) of this Section or has not been
19 convicted, within 7 years of the application for employment
20 with the school district, of any other felony under the laws of
21 this State or of any offense committed or attempted in any
22 other state or against the laws of the United States that, if
23 committed or attempted in this State, would have been
24 punishable as a felony under the laws of this State and
25 evidencing that as of the date that the regional
26 superintendent conducted a check of the Statewide Sex Offender

1 Database or Statewide Murderer and Violent Offender Against
2 Youth Database, the applicant has not been identified in the
3 Database. The school board of any school district may rely on
4 the certificate issued by any regional superintendent to that
5 substitute teacher, concurrent part-time teacher, or
6 concurrent educational support personnel employee or may
7 initiate its own criminal history records check of the
8 applicant through the Illinois State Police and its own check
9 of the Statewide Sex Offender Database or Statewide Murderer
10 and Violent Offender Against Youth Database as provided in
11 this Section. Any unauthorized release of confidential
12 information may be a violation of Section 7 of the Criminal
13 Identification Act.

14 (b-5) If a criminal history records check or check of the
15 Statewide Sex Offender Database or Statewide Murderer and
16 Violent Offender Against Youth Database is performed by a
17 regional superintendent for an applicant seeking employment as
18 a substitute teacher with the school district, the regional
19 superintendent may disclose to the State Board of Education
20 whether the applicant has been issued a certificate under
21 subsection (b) based on those checks. If the State Board
22 receives information on an applicant under this subsection,
23 then it must indicate in the Educator Licensure Information
24 System for a 90-day period that the applicant has been issued
25 or has not been issued a certificate.

26 (c) The board of education shall not knowingly employ a

1 person who has been convicted of any offense that would
2 subject him or her to license suspension or revocation
3 pursuant to Section 21B-80 of this Code, except as provided
4 under subsection (b) of 21B-80. Further, the board of
5 education shall not knowingly employ a person who has been
6 found to be the perpetrator of sexual or physical abuse of any
7 minor under 18 years of age pursuant to proceedings under
8 Article II of the Juvenile Court Act of 1987. As a condition of
9 employment, the board of education must consider the status of
10 a person who has been issued an indicated finding of abuse or
11 neglect of a child by the Department of Children and Family
12 Services under the Abused and Neglected Child Reporting Act or
13 by a child welfare agency of another jurisdiction.

14 (d) The board of education shall not knowingly employ a
15 person for whom a criminal history records check and a
16 Statewide Sex Offender Database check have not been initiated.

17 (e) Within 10 days after the general superintendent of
18 schools, a regional office of education, or an entity that
19 provides background checks of license holders to public
20 schools receives information of a pending criminal charge
21 against a license holder for an offense set forth in Section
22 21B-80 of this Code, the superintendent, regional office of
23 education, or entity must notify the State Superintendent of
24 Education of the pending criminal charge.

25 No later than 15 business days after receipt of a record of
26 conviction or of checking the Statewide Murderer and Violent

1 Offender Against Youth Database or the Statewide Sex Offender
2 Database and finding a registration, the general
3 superintendent of schools or the applicable regional
4 superintendent shall, in writing, notify the State
5 Superintendent of Education of any license holder who has been
6 convicted of a crime set forth in Section 21B-80 of this Code.
7 Upon receipt of the record of a conviction of or a finding of
8 child abuse by a holder of any license issued pursuant to
9 Article 21B or Section 34-8.1 ~~or 34-83~~ of this Code, the State
10 Superintendent of Education may initiate licensure suspension
11 and revocation proceedings as authorized by law. If the
12 receipt of the record of conviction or finding of child abuse
13 is received within 6 months after the initial grant of or
14 renewal of a license, the State Superintendent of Education
15 may rescind the license holder's license.

16 (e-5) The general superintendent of schools shall, in
17 writing, notify the State Superintendent of Education of any
18 license holder whom he or she has reasonable cause to believe
19 has committed an intentional act of abuse or neglect with the
20 result of making a child an abused child or a neglected child,
21 as defined in Section 3 of the Abused and Neglected Child
22 Reporting Act, and that act resulted in the license holder's
23 dismissal or resignation from the school district and must
24 include the Illinois Educator Identification Number (IEIN) of
25 the license holder and a brief description of the misconduct
26 alleged. This notification must be submitted within 30 days

1 after the dismissal or resignation. The license holder must
2 also be contemporaneously sent a copy of the notice by the
3 superintendent. All correspondence, documentation, and other
4 information so received by the State Superintendent of
5 Education, the State Board of Education, or the State Educator
6 Preparation and Licensure Board under this subsection (e-5) is
7 confidential and must not be disclosed to third parties,
8 except (i) as necessary for the State Superintendent of
9 Education or his or her designee to investigate and prosecute
10 pursuant to Article 21B of this Code, (ii) pursuant to a court
11 order, (iii) for disclosure to the license holder or his or her
12 representative, or (iv) as otherwise provided in this Article
13 and provided that any such information admitted into evidence
14 in a hearing is exempt from this confidentiality and
15 non-disclosure requirement. Except for an act of willful or
16 wanton misconduct, any superintendent who provides
17 notification as required in this subsection (e-5) shall have
18 immunity from any liability, whether civil or criminal or that
19 otherwise might result by reason of such action.

20 (f) After March 19, 1990, the provisions of this Section
21 shall apply to all employees of persons or firms holding
22 contracts with any school district including, but not limited
23 to, food service workers, school bus drivers and other
24 transportation employees, who have direct, daily contact with
25 the pupils of any school in such district. For purposes of
26 criminal history records checks and checks of the Statewide

1 Sex Offender Database on employees of persons or firms holding
2 contracts with more than one school district and assigned to
3 more than one school district, the regional superintendent of
4 the educational service region in which the contracting school
5 districts are located may, at the request of any such school
6 district, be responsible for receiving the authorization for a
7 criminal history records check prepared by each such employee
8 and submitting the same to the Illinois State Police and for
9 conducting a check of the Statewide Sex Offender Database for
10 each employee. Any information concerning the record of
11 conviction and identification as a sex offender of any such
12 employee obtained by the regional superintendent shall be
13 promptly reported to the president of the appropriate school
14 board or school boards.

15 (f-5) Upon request of a school or school district, any
16 information obtained by the school district pursuant to
17 subsection (f) of this Section within the last year must be
18 made available to the requesting school or school district.

19 (g) Prior to the commencement of any student teaching
20 experience or required internship (which is referred to as
21 student teaching in this Section) in the public schools, a
22 student teacher is required to authorize a fingerprint-based
23 criminal history records check. Authorization for and payment
24 of the costs of the check must be furnished by the student
25 teacher to the school district. Upon receipt of this
26 authorization and payment, the school district shall submit

1 the student teacher's name, sex, race, date of birth, social
2 security number, fingerprint images, and other identifiers, as
3 prescribed by the Illinois State Police, to the Illinois State
4 Police. The Illinois State Police and the Federal Bureau of
5 Investigation shall furnish, pursuant to a fingerprint-based
6 criminal history records check, records of convictions,
7 forever and hereinafter, until expunged, to the president of
8 the board. The Illinois State Police shall charge the school
9 district a fee for conducting the check, which fee must not
10 exceed the cost of the inquiry and must be deposited into the
11 State Police Services Fund. The school district shall further
12 perform a check of the Statewide Sex Offender Database, as
13 authorized by the Sex Offender Community Notification Law, and
14 of the Statewide Murderer and Violent Offender Against Youth
15 Database, as authorized by the Murderer and Violent Offender
16 Against Youth Registration Act, for each student teacher. The
17 board may not knowingly allow a person to student teach for
18 whom a criminal history records check, a Statewide Sex
19 Offender Database check, and a Statewide Murderer and Violent
20 Offender Against Youth Database check have not been completed
21 and reviewed by the district.

22 A copy of the record of convictions obtained from the
23 Illinois State Police must be provided to the student teacher.
24 Any information concerning the record of convictions obtained
25 by the president of the board is confidential and may only be
26 transmitted to the general superintendent of schools or his or

1 her designee, the State Superintendent of Education, the State
2 Educator Preparation and Licensure Board, or, for
3 clarification purposes, the Illinois State Police or the
4 Statewide Sex Offender Database or Statewide Murderer and
5 Violent Offender Against Youth Database. Any unauthorized
6 release of confidential information may be a violation of
7 Section 7 of the Criminal Identification Act.

8 The board may not knowingly allow a person to student
9 teach who has been convicted of any offense that would subject
10 him or her to license suspension or revocation pursuant to
11 subsection (c) of Section 21B-80 of this Code, except as
12 provided under subsection (b) of Section 21B-80. Further, the
13 board may not allow a person to student teach if he or she has
14 been found to be the perpetrator of sexual or physical abuse of
15 a minor under 18 years of age pursuant to proceedings under
16 Article II of the Juvenile Court Act of 1987. The board must
17 consider the status of a person to student teach who has been
18 issued an indicated finding of abuse or neglect of a child by
19 the Department of Children and Family Services under the
20 Abused and Neglected Child Reporting Act or by a child welfare
21 agency of another jurisdiction.

22 (h) (Blank).

23 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
24 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
25 1-1-22; revised 10-18-21.)

1 (105 ILCS 5/1F-62 rep.)

2 (105 ILCS 5/2-3.33a rep.)

3 (105 ILCS 5/2-3.128 rep.)

4 (105 ILCS 5/2-3.171 rep.)

5 (105 ILCS 5/18-8.10 rep.)

6 (105 ILCS 5/21-5e rep.)

7 (105 ILCS 5/34-83 rep.)

8 Section 15-10. The School Code is amended by repealing
9 Sections 1F-62, 2-3.33a, 2-3.128, 2-3.171, 18-8.10, 21-5e, and
10 34-83.

11 Section 15-15. The Illinois Educational Labor Relations
12 Act is amended by changing Section 2 as follows:

13 (115 ILCS 5/2) (from Ch. 48, par. 1702)

14 Sec. 2. Definitions. As used in this Act:

15 (a) "Educational employer" or "employer" means the
16 governing body of a public school district, including the
17 governing body of a charter school established under Article
18 27A of the School Code or of a contract school or contract
19 turnaround school established under paragraph 30 of Section
20 34-18 of the School Code, combination of public school
21 districts, including the governing body of joint agreements of
22 any type formed by 2 or more school districts, public
23 community college district or State college or university, a
24 subcontractor of instructional services of a school district

1 (other than a school district organized under Article 34 of
2 the School Code), combination of school districts, charter
3 school established under Article 27A of the School Code, or
4 contract school or contract turnaround school established
5 under paragraph 30 of Section 34-18 of the School Code, an
6 Independent Authority created under Section 2-3.25f-5 of the
7 School Code, and any State agency whose major function is
8 providing educational services. "Educational employer" or
9 "employer" does not include (1) a Financial Oversight Panel
10 created pursuant to Section 1A-8 of the School Code due to a
11 district violating a financial plan or (2) an approved
12 nonpublic special education facility that contracts with a
13 school district or combination of school districts to provide
14 special education services pursuant to Section 14-7.02 of the
15 School Code, but does include a School Finance Authority
16 created under Article 1E or 1F of the School Code and a
17 Financial Oversight Panel created under Article 1B or 1H of
18 the School Code. The change made by this amendatory Act of the
19 96th General Assembly to this paragraph (a) to make clear that
20 the governing body of a charter school is an "educational
21 employer" is declaratory of existing law.

22 (b) "Educational employee" or "employee" means any
23 individual, excluding supervisors, managerial, confidential,
24 short term employees, student, and part-time academic
25 employees of community colleges employed full or part time by
26 an educational employer, but shall not include elected

1 officials and appointees of the Governor with the advice and
2 consent of the Senate, firefighters as defined by subsection
3 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
4 and peace officers employed by a State university. For the
5 purposes of this Act, part-time academic employees of
6 community colleges shall be defined as those employees who
7 provide less than 3 credit hours of instruction per academic
8 semester. In this subsection (b), the term "student" does not
9 include graduate students who are research assistants
10 primarily performing duties that involve research, graduate
11 assistants primarily performing duties that are
12 pre-professional, graduate students who are teaching
13 assistants primarily performing duties that involve the
14 delivery and support of instruction, or any other graduate
15 assistants.

16 (c) "Employee organization" or "labor organization" means
17 an organization of any kind in which membership includes
18 educational employees, and which exists for the purpose, in
19 whole or in part, of dealing with employers concerning
20 grievances, employee-employer disputes, wages, rates of pay,
21 hours of employment, or conditions of work, but shall not
22 include any organization which practices discrimination in
23 membership because of race, color, creed, age, gender,
24 national origin or political affiliation.

25 (d) "Exclusive representative" means the labor
26 organization which has been designated by the Illinois

1 Educational Labor Relations Board as the representative of the
2 majority of educational employees in an appropriate unit, or
3 recognized by an educational employer prior to January 1, 1984
4 as the exclusive representative of the employees in an
5 appropriate unit or, after January 1, 1984, recognized by an
6 employer upon evidence that the employee organization has been
7 designated as the exclusive representative by a majority of
8 the employees in an appropriate unit.

9 (e) "Board" means the Illinois Educational Labor Relations
10 Board.

11 (f) "Regional Superintendent" means the regional
12 superintendent of schools provided for in Articles 3 and 3A of
13 The School Code.

14 (g) "Supervisor" means any individual having authority in
15 the interests of the employer to hire, transfer, suspend, lay
16 off, recall, promote, discharge, reward or discipline other
17 employees within the appropriate bargaining unit and adjust
18 their grievances, or to effectively recommend such action if
19 the exercise of such authority is not of a merely routine or
20 clerical nature but requires the use of independent judgment.
21 The term "supervisor" includes only those individuals who
22 devote a preponderance of their employment time to such
23 exercising authority.

24 (h) "Unfair labor practice" or "unfair practice" means any
25 practice prohibited by Section 14 of this Act.

26 (i) "Person" includes an individual, educational employee,

1 educational employer, legal representative, or employee
2 organization.

3 (j) "Wages" means salaries or other forms of compensation
4 for services rendered.

5 (k) "Professional employee" means, in the case of a public
6 community college, State college or university, State agency
7 whose major function is providing educational services, the
8 Illinois School for the Deaf, and the Illinois School for the
9 Visually Impaired, (1) any employee engaged in work (i)
10 predominantly intellectual and varied in character as opposed
11 to routine mental, manual, mechanical, or physical work; (ii)
12 involving the consistent exercise of discretion and judgment
13 in its performance; (iii) of such character that the output
14 produced or the result accomplished cannot be standardized in
15 relation to a given period of time; and (iv) requiring
16 knowledge of an advanced type in a field of science or learning
17 customarily acquired by a prolonged course of specialized
18 intellectual instruction and study in an institution of higher
19 learning or a hospital, as distinguished from a general
20 academic education or from an apprenticeship or from training
21 in the performance of routine mental, manual, or physical
22 processes; or (2) any employee, who (i) has completed the
23 courses of specialized intellectual instruction and study
24 described in clause (iv) of paragraph (1) of this subsection,
25 and (ii) is performing related work under the supervision of a
26 professional person to qualify himself or herself to become a

1 professional as defined in paragraph (l).

2 (l) "Professional employee" means, in the case of any
3 public school district, or combination of school districts
4 pursuant to joint agreement, any employee who has a
5 certificate issued under Article 21 ~~or Section 34-83~~ of the
6 School Code, ~~as now or hereafter amended~~.

7 (m) "Unit" or "bargaining unit" means any group of
8 employees for which an exclusive representative is selected.

9 (n) "Confidential employee" means an employee, who (i) in
10 the regular course of his or her duties, assists and acts in a
11 confidential capacity to persons who formulate, determine and
12 effectuate management policies with regard to labor relations
13 or who (ii) in the regular course of his or her duties has
14 access to information relating to the effectuation or review
15 of the employer's collective bargaining policies.

16 (o) "Managerial employee" means an individual who is
17 engaged predominantly in executive and management functions
18 and is charged with the responsibility of directing the
19 effectuation of such management policies and practices.

20 (p) "Craft employee" means a skilled journeyman, craft
21 person, and his or her apprentice or helper.

22 (q) "Short-term employee" is an employee who is employed
23 for less than 2 consecutive calendar quarters during a
24 calendar year and who does not have a reasonable expectation
25 that he or she will be rehired by the same employer for the
26 same service in a subsequent calendar year. Nothing in this

1 subsection shall affect the employee status of individuals who
2 were covered by a collective bargaining agreement on the
3 effective date of this amendatory Act of 1991.

4 (Source: P.A. 101-380, eff. 1-1-20.)

5 ARTICLE 20. FINANCE-VARIOUS

6 Section 20-5. The State Employees Group Insurance Act of
7 1971 is amended by changing Section 11 as follows:

8 (5 ILCS 375/11) (from Ch. 127, par. 531)

9 Sec. 11. The amount of contribution in any fiscal year
10 from funds other than the General Revenue Fund or the Road Fund
11 shall be at the same contribution rate as the General Revenue
12 Fund or the Road Fund, ~~except that in State Fiscal Year 2009 no~~
13 ~~contributions shall be required from the FY09 Budget Relief~~
14 ~~Fund~~. Contributions and payments for life insurance shall be
15 deposited in the Group Insurance Premium Fund. Contributions
16 and payments for health coverages and other benefits shall be
17 deposited in the Health Insurance Reserve Fund. Federal funds
18 which are available for cooperative extension purposes shall
19 also be charged for the contributions which are made for
20 retired employees formerly employed in the Cooperative
21 Extension Service. In the case of departments or any division
22 thereof receiving a fraction of its requirements for
23 administration from the Federal Government, the contributions

1 hereunder shall be such fraction of the amount determined
2 under the provisions hereof and the remainder shall be
3 contributed by the State.

4 Every department which has members paid from funds other
5 than the General Revenue Fund, ~~or other than the FY09 Budget~~
6 ~~Relief Fund in State Fiscal Year 2009,~~ shall cooperate with
7 the Department of Central Management Services and the
8 Governor's Office of Management and Budget in order to assure
9 that the specified proportion of the State's cost for group
10 life insurance, the program of health benefits and other
11 employee benefits is paid by such funds; except that
12 contributions under this Act need not be paid from any other
13 fund where both the Director of Central Management Services
14 and the Director of the Governor's Office of Management and
15 Budget have designated in writing that the necessary
16 contributions are included in the General Revenue Fund
17 contribution amount.

18 Universities having employees who are totally compensated
19 out of the following funds:

- 20 (1) Income Funds;
- 21 (2) Local auxiliary funds; and
- 22 (3) the Agricultural Premium Fund

23 shall not be required to submit such contribution for such
24 employees.

25 For each person covered under this Act whose eligibility
26 for such coverage is based upon the person's status as the

1 recipient of a benefit under the Illinois Pension Code, which
2 benefit is based in whole or in part upon service with the Toll
3 Highway Authority, the Authority shall annually contribute a
4 pro rata share of the State's cost for the benefits of that
5 person.

6 (Source: P.A. 94-793, eff. 5-19-06; 95-1000, eff. 10-7-08.)

7 Section 20-10. The Department of Transportation Law of the
8 Civil Administrative Code of Illinois is amended by changing
9 Section 2705-255 as follows:

10 (20 ILCS 2705/2705-255) (was 20 ILCS 2705/49.14)

11 Sec. 2705-255. Appropriations from Build Illinois Bond
12 Fund ~~and Build Illinois Purposes Fund~~. Any expenditure of
13 funds by the Department for interchanges, for access roads to
14 and from any State or local highway in Illinois, or for other
15 transportation capital improvements related to an economic
16 development project pursuant to appropriations to the
17 Department from the Build Illinois Bond Fund ~~and the Build~~
18 ~~Illinois Purposes Fund~~ shall be used for funding improvements
19 related to existing or planned scientific, research,
20 manufacturing, or industrial development or expansion in
21 Illinois. In addition, the Department may use those funds to
22 encourage and maximize public and private participation in
23 those improvements. The Department shall consult with the
24 Department of Commerce and Economic Opportunity prior to

1 expending any funds for those purposes pursuant to
2 appropriations from the Build Illinois Bond Fund ~~and the Build~~
3 ~~Illinois Purposes Fund.~~

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

5 Section 20-15. The Illinois Motor Vehicle Theft Prevention
6 and Insurance Verification Act is amended by changing Section
7 8.6 as follows:

8 (20 ILCS 4005/8.6)

9 Sec. 8.6. State Police Training and Academy Fund; Law
10 Enforcement Training Fund. Before April 1 of each year, each
11 insurer engaged in writing private passenger motor vehicle
12 insurance coverage that is included in Class 2 and Class 3 of
13 Section 4 of the Illinois Insurance Code, as a condition of its
14 authority to transact business in this State, shall collect
15 and remit to the Department of Insurance an amount equal to \$4,
16 or a lesser amount determined by the Illinois Law Enforcement
17 Training Standards Board by rule, multiplied by the insurer's
18 total earned car years of private passenger motor vehicle
19 insurance policies providing physical damage insurance
20 coverage written in this State during the preceding calendar
21 year. Of the amounts collected under this Section, the
22 Department of Insurance shall deposit 10% into the State
23 Police Training and Academy Fund and 90% into the Law
24 Enforcement Training Fund.

1 (Source: P.A. 102-16, eff. 6-17-21.)

2 Section 20-20. The State Finance Act is amended by
3 changing Sections 6z-75, 6z-126, 8.20, 8.25, 8.27, 8.33, and
4 8f and by adding Sections 5.970, 5.971, 5.972, 5.973, 5.974,
5 5.975, and 5.976 as follows:

6 (30 ILCS 105/5.970 new)

7 Sec. 5.970. The Aeronautics Fund.

8 (30 ILCS 105/5.971 new)

9 Sec. 5.971. The Emergency Planning and Training Fund.

10 (30 ILCS 105/5.972 new)

11 Sec. 5.972. The ISAC Accounts Receivable Fund.

12 (30 ILCS 105/5.973 new)

13 Sec. 5.973. The Motor Fuel and Petroleum Standards Fund.

14 (30 ILCS 105/5.974 new)

15 Sec. 5.974. The State Small Business Credit Initiative
16 Fund.

17 (30 ILCS 105/5.975 new)

18 Sec. 5.975. The Public Pension Regulation Fund.

1 (30 ILCS 105/5.976 new)

2 Sec. 5.976. The Vehicle Inspection Fund.

3 (30 ILCS 105/6z-75)

4 Sec. 6z-75. The Illinois Power Agency Trust Fund.

5 (a) Creation. The Illinois Power Agency Trust Fund is
6 created as a special fund in the State treasury. The State
7 Treasurer shall be the custodian of the Fund. Amounts in the
8 Fund, both principal and interest not appropriated, shall be
9 invested as provided by law.

10 (b) Funding and investment.

11 (1) The Illinois Power Agency Trust Fund may accept,
12 receive, and administer any grants, loans, or other funds
13 made available to it by any source. Any such funds
14 received by the Fund shall not be considered income, but
15 shall be added to the principal of the Fund.

16 (2) The investments of the Fund shall be managed by
17 the Illinois State Board of Investment, for the purpose of
18 obtaining a total return on investments for the long term,
19 as provided for under Article 22A of the Illinois Pension
20 Code.

21 (c) Investment proceeds. Subject to the provisions of
22 subsection (d) of this Section, the General Assembly may
23 annually appropriate from the Illinois Power Agency Trust Fund
24 to the Illinois Power Agency Operations Fund an amount
25 calculated not to exceed 90% of the prior fiscal year's annual

1 investment income earned by the Fund to the Illinois Power
2 Agency. Any investment income not appropriated by the General
3 Assembly in a given fiscal year shall be added to the principal
4 of the Fund, and thereafter considered a part thereof and not
5 subject to appropriation as income earned by the Fund.

6 (d) Expenditures.

7 (1) During Fiscal Year 2008 and Fiscal Year 2009, the
8 General Assembly shall not appropriate any of the
9 investment income earned by the Illinois Power Agency
10 Trust Fund to the Illinois Power Agency.

11 (2) During Fiscal Year 2010 and Fiscal Year 2011, the
12 General Assembly shall appropriate a portion of the
13 investment income earned by the Illinois Power Agency
14 Trust Fund to repay to the General Revenue Fund of the
15 State of Illinois those amounts, if any, appropriated from
16 the General Revenue Fund for the operation of the Illinois
17 Power Agency during Fiscal Year 2008 and Fiscal Year 2009,
18 so that at the end of Fiscal Year 2011, the entire amount,
19 if any, appropriated from the General Revenue Fund for the
20 operation of the Illinois Power Agency during Fiscal Year
21 2008 and Fiscal Year 2009 will be repaid in full to the
22 General Revenue Fund.

23 (3) In Fiscal Year 2012 and thereafter, the General
24 Assembly shall consider the need to balance its
25 appropriations from the investment income earned by the
26 Fund with the need to provide for the growth of the

1 principal of the Illinois Power Agency Trust Fund in order
2 to ensure that the Fund is able to produce sufficient
3 investment income to fund the operations of the Illinois
4 Power Agency in future years.

5 (4) If the Illinois Power Agency shall cease
6 operations, then, unless otherwise provided for by law or
7 appropriation, the principal and any investment income
8 earned by the Fund shall be transferred into the
9 Supplemental Low-Income Energy Assistance ~~Program (LIHEAP)~~
10 Fund ~~under Section 13 of the Energy Assistance Act of~~
11 ~~1989~~.

12 (e) Implementation. The provisions of this Section shall
13 not be operative until the Illinois Power Agency Trust Fund
14 has accumulated a principal balance of \$25,000,000.

15 (Source: P.A. 99-536, eff. 7-8-16.)

16 (30 ILCS 105/6z-126)

17 Sec. 6z-126. Law Enforcement Training Fund. The Law
18 Enforcement Training Fund is hereby created as a special fund
19 in the State treasury. Moneys in the Fund shall consist of: (i)
20 90% of the revenue from increasing the insurance producer
21 license fees, as provided under subsection (a-5) of Section
22 500-135 of the Illinois Insurance Code; and (ii) 90% of the
23 moneys collected from auto insurance policy fees under Section
24 8.6 of the Illinois Motor Vehicle Theft Prevention and
25 Insurance Verification Act. This Fund shall be used by the

1 Illinois Law Enforcement Training ~~and~~ Standards Board to fund
2 law enforcement certification compliance and the development
3 and provision of basic courses by Board-approved academics,
4 and in-service courses by approved academies.

5 (Source: P.A. 102-16, eff. 6-17-21.)

6 (30 ILCS 105/8.20) (from Ch. 127, par. 144.20)

7 Sec. 8.20. Appropriations for the ordinary and contingent
8 expenses of the Illinois Liquor Control Commission shall be
9 paid from the Dram Shop Fund. ~~Beginning June 30, 1990 and on~~
10 ~~June 30 of each subsequent year through June 29, 2003, any~~
11 ~~balance over \$5,000,000 remaining in the Dram Shop Fund shall~~
12 ~~be credited to State liquor licensees and applied against~~
13 ~~their fees for State liquor licenses for the following year.~~
14 ~~The amount credited to each licensee shall be a proportion of~~
15 ~~the balance in the Dram Shop Fund that is the same as the~~
16 ~~proportion of the license fee paid by the licensee under~~
17 ~~Section 5-3 of the Liquor Control Act of 1934, as now or~~
18 ~~hereafter amended, for the period in which the balance was~~
19 ~~accumulated to the aggregate fees paid by all licensees during~~
20 ~~that period.~~

21 ~~In addition to any other permitted use of moneys in the~~
22 ~~Fund, and notwithstanding any restriction on the use of the~~
23 ~~Fund, moneys in the Dram Shop Fund may be transferred to the~~
24 ~~General Revenue Fund as authorized by Public Act 87-14. The~~
25 ~~General Assembly finds that an excess of moneys existed in the~~

1 ~~Fund on July 30, 1991, and the Governor's order of July 30,~~
2 ~~1991, requesting the Comptroller and Treasurer to transfer an~~
3 ~~amount from the Fund to the General Revenue Fund is hereby~~
4 ~~validated.~~

5 (Source: P.A. 93-22, eff. 6-20-03.)

6 (30 ILCS 105/8.25) (from Ch. 127, par. 144.25)

7 Sec. 8.25. Build Illinois Fund; uses.

8 (A) All moneys in the Build Illinois Fund shall be
9 transferred, appropriated, and used only for the purposes
10 authorized by and subject to the limitations and conditions
11 prescribed by this Section. There are established the
12 following accounts in the Build Illinois Fund: the McCormick
13 Place Account, the Build Illinois Bond Account, the Build
14 Illinois Purposes Account, the Park and Conservation Fund
15 Account, and the Tourism Advertising and Promotion Account.
16 Amounts deposited into the Build Illinois Fund consisting of
17 1.55% before July 1, 1986, and 1.75% on and after July 1, 1986,
18 of moneys received by the Department of Revenue under Section
19 9 of the Use Tax Act, Section 9 of the Service Use Tax Act,
20 Section 9 of the Service Occupation Tax Act, and Section 3 of
21 the Retailers' Occupation Tax Act, and all amounts deposited
22 therein under Section 28 of the Illinois Horse Racing Act of
23 1975, Section 4.05 of the Chicago World's Fair - 1992
24 Authority Act, and Sections 3 and 6 of the Hotel Operators'
25 Occupation Tax Act, shall be credited initially to the

1 McCormick Place Account and all other amounts deposited into
2 the Build Illinois Fund shall be credited initially to the
3 Build Illinois Bond Account. Of the amounts initially so
4 credited to the McCormick Place Account in each month, the
5 amount that is to be transferred in that month to the
6 Metropolitan Fair and Exposition Authority Improvement Bond
7 Fund, as provided below, shall remain credited to the
8 McCormick Place Account, and all amounts initially so credited
9 in that month in excess thereof shall next be credited to the
10 Build Illinois Bond Account. Of the amounts credited to the
11 Build Illinois Bond Account in each month, the amount that is
12 to be transferred in that month to the Build Illinois Bond
13 Retirement and Interest Fund, as provided below, shall remain
14 credited to the Build Illinois Bond Account, and all amounts
15 so credited in each month in excess thereof shall next be
16 credited monthly to the other accounts in the following order
17 of priority: first, to the Build Illinois Purposes Account,
18 ~~(a) 1/12, or in the case of fiscal year 1986, 1/9, of the~~
19 ~~fiscal year amounts authorized to be transferred to the Build~~
20 ~~Illinois Purposes Fund as provided below~~ plus ~~(b)~~ any
21 cumulative deficiency in those transfers for prior months;
22 second, 1/12 of \$10,000,000, plus any cumulative deficiency in
23 those transfers for prior months, to the Park and Conservation
24 Fund Account; and third, to the General Revenue Fund in the
25 State Treasury all amounts that remain in the Build Illinois
26 Fund on the last day of each month and are not credited to any

1 account in that Fund.

2 Transfers from the McCormick Place Account in the Build
3 Illinois Fund shall be made as follows:

4 Beginning with fiscal year 1985 and continuing for each
5 fiscal year thereafter, the Metropolitan Pier and Exposition
6 Authority shall annually certify to the State Comptroller and
7 State Treasurer the amount necessary and required during the
8 fiscal year with respect to which the certification is made to
9 pay the debt service requirements (including amounts to be
10 paid with respect to arrangements to provide additional
11 security or liquidity) on all outstanding bonds and notes,
12 including refunding bonds (herein collectively referred to as
13 bonds) of issues in the aggregate amount (excluding the amount
14 of any refunding bonds issued by that Authority after January
15 1, 1986) of not more than \$312,500,000 issued after July 1,
16 1984, by that Authority for the purposes specified in Sections
17 10.1 and 13.1 of the Metropolitan Pier and Exposition
18 Authority Act. In each month of the fiscal year in which there
19 are bonds outstanding with respect to which the annual
20 certification is made, the Comptroller shall order transferred
21 and the Treasurer shall transfer from the McCormick Place
22 Account in the Build Illinois Fund to the Metropolitan Fair
23 and Exposition Authority Improvement Bond Fund an amount equal
24 to 150% of the certified amount for that fiscal year divided by
25 the number of months during that fiscal year in which bonds of
26 the Authority are outstanding, plus any cumulative deficiency

1 in those transfers for prior months; provided, that the
2 maximum amount that may be so transferred in fiscal year 1985
3 shall not exceed \$15,000,000 or a lesser sum as is actually
4 necessary and required to pay the debt service requirements
5 for that fiscal year after giving effect to net operating
6 revenues of that Authority available for that purpose as
7 certified by that Authority, and provided further that the
8 maximum amount that may be so transferred in fiscal year 1986
9 shall not exceed \$30,000,000 and in each fiscal year
10 thereafter shall not exceed \$33,500,000 in any fiscal year or
11 a lesser sum as is actually necessary and required to pay the
12 debt service requirements for that fiscal year after giving
13 effect to net operating revenues of that Authority available
14 for that purpose as certified by that Authority.

15 When an amount equal to 100% of the aggregate amount of
16 principal and interest in each fiscal year with respect to
17 bonds issued after July 1, 1984, that by their terms are
18 payable from the Metropolitan Fair and Exposition Authority
19 Improvement Bond Fund, including under sinking fund
20 requirements, has been so paid and deficiencies in reserves
21 established from bond proceeds shall have been remedied, and
22 at the time that those amounts have been transferred to the
23 Authority as provided in Section 13.1 of the Metropolitan Pier
24 and Exposition Authority Act, the remaining moneys, if any,
25 deposited and to be deposited during each fiscal year to the
26 Metropolitan Fair and Exposition Authority Improvement Bond

1 Fund shall be transferred to the Metropolitan Fair and
2 Exposition Authority Completion Note Subordinate Fund.

3 Transfers from the Build Illinois Bond Account in the
4 Build Illinois Fund shall be made as follows:

5 Beginning with fiscal year 1986 and continuing for each
6 fiscal year thereafter so long as limited obligation bonds of
7 the State issued under the Build Illinois Bond Act remain
8 outstanding, the Comptroller shall order transferred and the
9 Treasurer shall transfer in each month, commencing in October,
10 1985, on the last day of that month, from the Build Illinois
11 Bond Account to the Build Illinois Bond Retirement and
12 Interest Fund in the State Treasury the amount required to be
13 so transferred in that month under Section 13 of the Build
14 Illinois Bond Act.

15 ~~Transfers from the remaining accounts in the Build~~
16 ~~Illinois Fund shall be made in the following amounts and in the~~
17 ~~following order of priority:~~

18 ~~Beginning with fiscal year 1986 and continuing each fiscal~~
19 ~~year thereafter, as soon as practicable after the first day of~~
20 ~~each month, commencing in October, 1985, the Comptroller shall~~
21 ~~order transferred and the Treasurer shall transfer from the~~
22 ~~Build Illinois Purposes Account in the Build Illinois Fund to~~
23 ~~the Build Illinois Purposes Fund 1/12th (or in the case of~~
24 ~~fiscal year 1986 1/9) of the amounts specified below for the~~
25 ~~following fiscal years:~~

26 ~~Fiscal Year~~ ~~Amount~~

1	1986	\$35,000,000
2	1987	\$45,000,000
3	1988	\$50,000,000
4	1989	\$55,000,000
5	1990	\$55,000,000
6	1991	\$50,000,000
7	1992	\$16,200,000
8	1993	\$16,200,000

9 ~~plus any cumulative deficiency in those transfers for prior~~
10 ~~months.~~

11 As soon as may be practicable after the first day of each
12 month beginning after July 1, 1984, the Comptroller shall
13 order transferred and the Treasurer shall transfer from the
14 Park and Conservation Fund Account in the Build Illinois Fund
15 to the Park and Conservation Fund 1/12 of \$10,000,000, plus
16 any cumulative deficiency in those transfers for prior months,
17 for conservation and park purposes as enumerated in Section
18 805-420 of the Department of Natural Resources (Conservation)
19 Law (20 ILCS 805/805-420), and to pay the debt service
20 requirements on all outstanding bonds of an issue in the
21 aggregate amount of not more than \$40,000,000 issued after
22 January 1, 1985, by the State of Illinois for the purposes
23 specified in Section 3(c) of the Capital Development Bond Act
24 of 1972, or for the same purposes as specified in any other
25 State general obligation bond Act enacted after November 1,
26 1984. Transfers from the Park and Conservation Fund to the

1 Capital Development Bond Retirement and Interest Fund to pay
2 those debt service requirements shall be made in accordance
3 with Section 8.25b of this Act.

4 All funds remaining in the Build Illinois Fund on the last
5 day of any month and not credited to any account in that Fund
6 shall be transferred by the State Treasurer to the General
7 Revenue Fund.

8 (B) For the purpose of this Section, "cumulative
9 deficiency" shall include all deficiencies in those transfers
10 that have occurred since July 1, 1984, as specified in
11 subsection (A) of this Section.

12 (C) In addition to any other permitted use of moneys in the
13 Fund, and notwithstanding any restriction on the use of the
14 Fund, moneys in the Park and Conservation Fund may be
15 transferred to the General Revenue Fund as authorized by
16 Public Act 87-14. The General Assembly finds that an excess of
17 moneys existed in the Fund on July 30, 1991, and the Governor's
18 order of July 30, 1991, requesting the Comptroller and
19 Treasurer to transfer an amount from the Fund to the General
20 Revenue Fund is hereby validated.

21 (D) (Blank).

22 (Source: P.A. 90-26, eff. 7-1-97; 90-372, eff. 7-1-98; 90-655,
23 eff. 7-30-98; 91-239, eff. 1-1-00.)

24 (30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

25 Sec. 8.27. All receipts from federal financial

1 participation in the Foster Care and Adoption Services program
2 under Title IV-E of the federal Social Security Act, including
3 receipts for related indirect costs, shall be deposited in the
4 DCFS Children's Services Fund.

5 Beginning on July 20, 2010 (the effective date of Public
6 Act 96-1127) ~~this amendatory Act of the 96th General Assembly,~~
7 any funds paid to the State by the federal government under
8 Title XIX and Title XXI of the Social Security Act for child
9 welfare services delivered by community mental health
10 providers, certified and paid as Medicaid providers by the
11 Department of Children and Family Services, for child welfare
12 services relating to Medicaid-eligible clients and families
13 served consistent with the purposes of the Department of
14 Children and Family Services, including services delivered as
15 a result of the conversion of such providers from a
16 comprehensive rate to a fee-for-service payment methodology,
17 and any subsequent revenue maximization initiatives performed
18 by such providers, and any interest earned thereon, shall be
19 deposited directly into the DCFS Children's Services Fund.
20 Such funds shall be used for the provision of child welfare
21 services provided to eligible individuals identified by the
22 Department of Children and Family Services. Child welfare
23 services are defined in Section 5 of the Children and Family
24 Services Act ~~(20 ILCS 505/5)~~.

25 ~~Eighty percent of the federal funds received by the~~
26 ~~Illinois Department of Human Services under the Title IV A~~

1 ~~Emergency Assistance program as reimbursement for expenditures~~
2 ~~made from the Illinois Department of Children and Family~~
3 ~~Services appropriations for the costs of services in behalf of~~
4 ~~Department of Children and Family Services clients shall be~~
5 ~~deposited into the DCFS Children's Services Fund.~~

6 All receipts from federal financial participation in the
7 Child Welfare Services program under Title IV-B of the federal
8 Social Security Act, including receipts for related indirect
9 costs, shall be deposited into the DCFS Children's Services
10 Fund for those moneys received as reimbursement for services
11 provided on or after July 1, 1994.

12 ~~In addition, as soon as may be practicable after the first~~
13 ~~day of November, 1994, the Department of Children and Family~~
14 ~~Services shall request the Comptroller to order transferred~~
15 ~~and the Treasurer shall transfer the unexpended balance of the~~
16 ~~Child Welfare Services Fund to the DCFS Children's Services~~
17 ~~Fund. Upon completion of the transfer, the Child Welfare~~
18 ~~Services Fund will be considered dissolved and any outstanding~~
19 ~~obligations or liabilities of that fund will pass to the DCFS~~
20 ~~Children's Services Fund.~~

21 For services provided on or after July 1, 2007, all
22 federal funds received pursuant to the John H. Chafee Foster
23 Care Independence Program shall be deposited into the DCFS
24 Children's Services Fund.

25 Except as otherwise provided in this Section, moneys in
26 the Fund may be used by the Department, pursuant to

1 appropriation by the General Assembly, for the ordinary and
2 contingent expenses of the Department.

3 ~~In fiscal year 1988 and in each fiscal year thereafter~~
4 ~~through fiscal year 2000, the Comptroller shall order~~
5 ~~transferred and the Treasurer shall transfer an amount of~~
6 ~~\$16,100,000 from the DCFS Children's Services Fund to the~~
7 ~~General Revenue Fund in the following manner: As soon as may be~~
8 ~~practicable after the 15th day of September, December, March~~
9 ~~and June, the Comptroller shall order transferred and the~~
10 ~~Treasurer shall transfer, to the extent that funds are~~
11 ~~available, 1/4 of \$16,100,000, plus any cumulative~~
12 ~~deficiencies in such transfers for prior transfer dates during~~
13 ~~such fiscal year. In no event shall any such transfer reduce~~
14 ~~the available balance in the DCFS Children's Services Fund~~
15 ~~below \$350,000.~~

16 In accordance with subsection (q) of Section 5 of the
17 Children and Family Services Act, disbursements from
18 individual children's accounts shall be deposited into the
19 DCFS Children's Services Fund.

20 Receipts from public and unsolicited private grants, fees
21 for training, and royalties earned from the publication of
22 materials owned by or licensed to the Department of Children
23 and Family Services shall be deposited into the DCFS
24 Children's Services Fund.

25 ~~As soon as may be practical after September 1, 2005, upon~~
26 ~~the request of the Department of Children and Family Services,~~

1 ~~the Comptroller shall order transferred and the Treasurer~~
2 ~~shall transfer the unexpended balance of the Department of~~
3 ~~Children and Family Services Training Fund into the DCFS~~
4 ~~Children's Services Fund. Upon completion of the transfer, the~~
5 ~~Department of Children and Family Services Training Fund is~~
6 ~~dissolved and any outstanding obligations or liabilities of~~
7 ~~that Fund pass to the DCFS Children's Services Fund.~~

8 (Source: P.A. 95-707, eff. 1-11-08; 96-1127, eff. 7-20-10.)

9 (30 ILCS 105/8.33) (from Ch. 127, par. 144.33)

10 Sec. 8.33. Expenses incident to leasing or use of State
11 facilities. ~~(a)~~ All expenses incident to the leasing or use of
12 the State facilities listed in Section 405-315 of the
13 Department of Central Management Services Law ~~(20 ILCS~~
14 ~~405/405-315)~~ for lease or use terms not exceeding 30 days in
15 length shall be payable from the Facilities Management Special
16 ~~Events~~ Revolving Fund. Such expenses ~~Expenses incident to the~~
17 ~~lease or use of the State facilities listed in Section 405-315~~
18 ~~of the Department of Central Management Services Law (20 ILCS~~
19 ~~405/405-315)~~ shall include expenditures for additional
20 commodities, equipment, furniture, improvements, personal
21 services or other expenses required by the Department of
22 Central Management Services to make such facilities available
23 to the public and State employees.

24 ~~(b) The Special Events Revolving Fund shall cease to exist~~
25 ~~on October 1, 2005. Any balance in the Fund as of that date~~

1 ~~shall be transferred to the Facilities Management Revolving~~
2 ~~Fund. Any moneys that otherwise would be paid into the Fund on~~
3 ~~or after that date shall be deposited into the Facilities~~
4 ~~Management Revolving Fund. Any disbursements on or after that~~
5 ~~date that otherwise would be made from the Fund shall be made~~
6 ~~from the Facilities Management Revolving Fund.~~

7 (Source: P.A. 94-91, eff. 7-1-05.)

8 (30 ILCS 105/8f)

9 Sec. 8f. Public Pension Regulation Fund. The Public
10 Pension Regulation Fund is created as a special fund in the
11 State Treasury. Except as otherwise provided in the Illinois
12 Pension Code, all money received by the ~~Department of~~
13 ~~Financial and Professional Regulation, as successor to the~~
14 Illinois Department of Insurance⁷ under the Illinois Pension
15 Code shall be paid into the Fund. The State Treasurer promptly
16 shall invest the money in the Fund, and all earnings that
17 accrue on the money in the Fund shall be credited to the Fund.
18 No money may be transferred from this Fund to any other fund.
19 The General Assembly may make appropriations from this Fund
20 for the ordinary and contingent expenses of the Public Pension
21 Division of the Illinois Department of Insurance.

22 (Source: P.A. 94-91, eff. 7-1-05; 95-950, eff. 8-29-08.)

23 Section 20-25. The Build Illinois Bond Act is amended by
24 changing Section 2 as follows:

1 (30 ILCS 425/2) (from Ch. 127, par. 2802)

2 Sec. 2. Authorization for Bonds. The State of Illinois is
3 authorized to issue, sell and provide for the retirement of
4 limited obligation bonds, notes and other evidences of
5 indebtedness of the State of Illinois in the total principal
6 amount of \$9,484,681,100 herein called "Bonds". ~~Such~~
7 ~~authorized amount of Bonds shall be reduced from time to time~~
8 ~~by amounts, if any, which are equal to the moneys received by~~
9 ~~the Department of Revenue in any fiscal year pursuant to~~
10 ~~Section 3-1001 of the "Illinois Vehicle Code", as amended, in~~
11 ~~excess of the Annual Specified Amount (as defined in Section 3~~
12 ~~of the "Retailers' Occupation Tax Act", as amended) and~~
13 ~~transferred at the end of such fiscal year from the General~~
14 ~~Revenue Fund to the Build Illinois Purposes Fund (now~~
15 ~~abolished) as provided in Section 3-1001 of said Code,~~
16 ~~provided, however, that no such reduction shall affect the~~
17 ~~validity or enforceability of any Bonds issued prior to such~~
18 ~~reduction.~~ Such amount of authorized Bonds shall be exclusive
19 of any refunding Bonds issued pursuant to Section 15 of this
20 Act and exclusive of any Bonds issued pursuant to this Section
21 which are redeemed, purchased, advance refunded, or defeased
22 in accordance with paragraph (f) of Section 4 of this Act.
23 Bonds shall be issued for the categories and specific purposes
24 expressed in Section 4 of this Act.

25 (Source: P.A. 101-30, eff. 6-28-19.)

1 Section 20-30. The Build Illinois Act is amended by
2 changing Sections 9-4.2, 9-5.2, and 23-1 as follows:

3 (30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

4 Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

5 (a) There is hereby created the Illinois Capital Revolving
6 Loan Fund, hereafter referred to in this Article as the
7 "Capital Fund" to be held as a separate fund within the State
8 Treasury.

9 The purpose of the Capital Fund is to finance intermediary
10 agreements, administration, technical assistance agreements,
11 loans, grants, or investments in Illinois. In addition, funds
12 may be used for a one time transfer in fiscal year 1994, not to
13 exceed the amounts appropriated, to the Public Infrastructure
14 Construction Loan Revolving Fund for grants and loans pursuant
15 to the Public Infrastructure Loan and Grant Program Act.
16 Investments, administration, grants, and financial aid shall
17 be used for the purposes set for in this Article. Loan
18 financing will be in the form of loan agreements pursuant to
19 the terms and conditions set forth in this Article. All loans
20 shall be conditioned on the project receiving financing from
21 participating lenders or other investors. Loan proceeds shall
22 be available for project costs, except for debt refinancing.

23 (b) There shall be deposited in the Capital Fund such
24 amounts, including but not limited to:

1 (i) All receipts, including dividends, principal and
2 interest payments and royalties, from any applicable loan,
3 intermediary, or technical assistance agreement made from
4 the Capital Fund or from direct appropriations from the
5 Build Illinois Bond Fund ~~or the Build Illinois Purposes~~
6 ~~Fund (now abolished)~~ or the General Revenue Fund by the
7 General Assembly entered into by the Department;

8 (ii) All proceeds of assets of whatever nature
9 received by the Department as a result of default or
10 delinquency with respect to loan agreements made from the
11 Capital Fund or from direct appropriations by the General
12 Assembly, including proceeds from the sale, disposal,
13 lease or rental of real or personal property which the
14 Department may receive as a result thereof;

15 (iii) Any appropriations, grants or gifts made to the
16 Capital Fund;

17 (iv) Any income received from interest on investments
18 of moneys in the Capital Fund;

19 (v) All moneys resulting from the collection of
20 premiums, fees, charges, costs, and expenses in connection
21 with the Capital Fund as described in subsection (e) of
22 Section 9-3.

23 (c) The Treasurer may invest moneys in the Capital Fund in
24 securities constituting obligations of the United States
25 Government, or in obligations the principal of and interest on
26 which are guaranteed by the United States Government, in

1 obligations the principal of and interest on which are
2 guaranteed by the United States Government, or in certificates
3 of deposit of any State or national bank which are fully
4 secured by obligations guaranteed as to principal and interest
5 by the United States Government.

6 (Source: P.A. 100-377, eff. 8-25-17.)

7 (30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

8 Sec. 9-5.2. Illinois Equity Fund.

9 (a) There is created the Illinois Equity Fund, to be held
10 as a separate fund within the State Treasury. The purpose of
11 the Illinois Equity Fund is to make equity investments in
12 Illinois. All financing will be done in conjunction with
13 participating lenders or other investors. Investment proceeds
14 may be directed to working capital expenses associated with
15 the introduction of new technical products or services of
16 individual business projects or may be used for equity finance
17 pools operated by intermediaries.

18 (b) There shall be deposited in the Illinois Equity Fund
19 such amounts, including but not limited to:

20 (i) All receipts including dividends, principal and
21 interest payments, royalties, or other return on
22 investment from any applicable loan made from the Illinois
23 Equity Fund, from direct appropriations by the General
24 Assembly from the Build Illinois Fund ~~or the Build~~
25 ~~Illinois Purposes Fund (now abolished),~~ or from

1 intermediary agreements made from the Illinois Equity Fund
2 entered into by the Department;

3 (ii) All proceeds of assets of whatever nature
4 received by the Department as a result of default or
5 delinquency with respect to loan agreements made from the
6 Illinois Equity Fund, or from direct appropriations by the
7 General Assembly including proceeds from the sale,
8 disposal, lease or rental of real or personal property
9 which the Department may receive as a result thereof;

10 (iii) any appropriations, grants or gifts made to the
11 Illinois Equity Fund;

12 (iv) any income received from interest on investments
13 of moneys in the Illinois Equity Fund.

14 (c) The Treasurer may invest moneys in the Illinois Equity
15 Fund in securities constituting direct obligations of the
16 United States Government, or in obligations the principal of
17 and interest on which are guaranteed by the United States
18 Government, or in certificates of deposit of any State or
19 national bank which are fully secured by obligations
20 guaranteed as to principal and interest by the United States
21 Government.

22 (Source: P.A. 99-933, eff. 1-27-17.)

23 (30 ILCS 750/23-1) (from Ch. 127, par. 2723-1)

24 Sec. 23-1. Wages of laborers, mechanics and other workers
25 employed on all "public works" projects undertaken pursuant to

1 contracts financed with appropriations from the Build Illinois
2 Bond Fund ~~or the Build Illinois Purposes Fund~~ shall be subject
3 to the provisions of the Prevailing Wage Act.

4 (Source: P.A. 86-1475.)

5 Section 20-35. The Police and Community Relations
6 Improvement Act is amended by changing Section 1-10 as
7 follows:

8 (50 ILCS 727/1-10)

9 Sec. 1-10. Investigation of officer-involved deaths;
10 requirements.

11 (a) Each law enforcement agency shall have a written
12 policy regarding the investigation of officer-involved deaths
13 that involve a law enforcement officer employed by that law
14 enforcement agency.

15 (b) Each officer-involved death investigation shall be
16 conducted by at least 2 investigators, or an entity or agency
17 comprised of at least 2 investigators, one of whom is the lead
18 investigator. The lead investigator shall be a person
19 certified by the Illinois Law Enforcement Training Standards
20 Board as a Lead Homicide Investigator, or similar training
21 approved by the Illinois Law Enforcement Training Standards
22 Board or the Illinois State Police, or similar training
23 provided at an Illinois Law Enforcement Training Standards
24 Board certified school. No investigator involved in the

1 investigation may be employed by the law enforcement agency
2 that employs the officer involved in the officer-involved
3 death, unless the investigator is employed by the Illinois
4 State Police and is not assigned to the same division or unit
5 as the officer involved in the death.

6 (c) In addition to the requirements of subsection (b) of
7 this Section, if the officer-involved death being investigated
8 involves a motor vehicle accident, at least one investigator
9 shall be certified by the Illinois Law Enforcement Training
10 Standards Board as a Crash Reconstruction Specialist, or
11 similar training approved by the Illinois Law Enforcement
12 Training Standards Board or the Illinois State Police, or
13 similar training provided at an Illinois Law Enforcement
14 Training Standards Board certified school. Notwithstanding the
15 requirements of subsection (b) of this Section, the policy for
16 a law enforcement agency, when the officer-involved death
17 being investigated involves a motor vehicle collision, may
18 allow the use of an investigator who is employed by that law
19 enforcement agency and who is certified by the Illinois Law
20 Enforcement Training Standards Board as a Crash Reconstruction
21 Specialist, or similar training approved by the Illinois Law
22 Enforcement Training ~~and~~ Standards Board, or similar certified
23 training approved by the Illinois State Police, or similar
24 training provided at an Illinois Law Enforcement Training ~~and~~
25 Standards Board certified school.

26 (d) The investigators conducting the investigation shall,

1 in an expeditious manner, provide a complete report to the
2 State's Attorney of the county in which the officer-involved
3 death occurred.

4 (e) If the State's Attorney, or a designated special
5 prosecutor, determines there is no basis to prosecute the law
6 enforcement officer involved in the officer-involved death, or
7 if the law enforcement officer is not otherwise charged or
8 indicted, the investigators shall publicly release a report.

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

10 Section 20-40. The Fair and Exposition Authority
11 Reconstruction Act is amended by changing Section 8 as
12 follows:

13 (70 ILCS 215/8) (from Ch. 85, par. 1250.8)

14 Sec. 8. Appropriations may be made from time to time by the
15 General Assembly to the Metropolitan Pier and Exposition
16 Authority for the payment of principal and interest of bonds
17 of the Authority issued under the provisions of this Act and
18 for any other lawful purpose of the Authority. Any and all of
19 the funds so received shall be kept separate and apart from any
20 and all other funds of the Authority. ~~After there has been paid~~
21 ~~into the Metropolitan Fair and Exposition Authority~~
22 ~~Reconstruction Fund in the State Treasury sufficient money,~~
23 ~~pursuant to this Section and Sections 2 and 29 of the Cigarette~~
24 ~~Tax Act, to retire all bonds payable from that Fund, the taxes~~

1 ~~derived from Section 28 of the Illinois Horse Racing Act of~~
2 ~~1975 which were required to be paid into that Fund pursuant to~~
3 ~~that Act shall thereafter be paid into the General Revenue~~
4 ~~Fund in the State Treasury.~~

5 (Source: P.A. 102-16, eff. 6-17-21.)

6 Section 20-45. The Higher Education Student Assistance Act
7 is amended by changing Section 52 as follows:

8 (110 ILCS 947/52)

9 Sec. 52. Golden Apple Scholars of Illinois Program; Golden
10 Apple Foundation for Excellence in Teaching.

11 (a) In this Section, "Foundation" means the Golden Apple
12 Foundation for Excellence in Teaching, a registered 501(c)(3)
13 not-for-profit corporation.

14 (a-2) In order to encourage academically talented Illinois
15 students, especially minority students, to pursue teaching
16 careers, especially in teacher shortage disciplines (which
17 shall be defined to include early childhood education) or at
18 hard-to-staff schools (as defined by the Commission in
19 consultation with the State Board of Education), to provide
20 those students with the crucial mentoring, guidance, and
21 in-service support that will significantly increase the
22 likelihood that they will complete their full teaching
23 commitments and elect to continue teaching in targeted
24 disciplines and hard-to-staff schools, and to ensure that

1 students in this State will continue to have access to a pool
2 of highly-qualified teachers, each qualified student shall be
3 awarded a Golden Apple Scholars of Illinois Program
4 scholarship to any Illinois institution of higher learning.
5 The Commission shall administer the Golden Apple Scholars of
6 Illinois Program, which shall be managed by the Foundation
7 pursuant to the terms of a grant agreement meeting the
8 requirements of Section 4 of the Illinois Grant Funds Recovery
9 Act.

10 (a-3) For purposes of this Section, a qualified student
11 shall be a student who meets the following qualifications:

12 (1) is a resident of this State and a citizen or
13 eligible noncitizen of the United States;

14 (2) is a high school graduate or a person who has
15 received a high school equivalency certificate;

16 (3) is enrolled or accepted, on at least a half-time
17 basis, at an institution of higher learning;

18 (4) is pursuing a postsecondary course of study
19 leading to initial certification or pursuing additional
20 course work needed to gain State Board of Education
21 approval to teach, including alternative teacher
22 licensure; and

23 (5) is a participant in programs managed by and is
24 approved to receive a scholarship from the Foundation.

25 (a-5) (Blank).

26 (b) (Blank).

1 (b-5) Funds designated for the Golden Apple Scholars of
2 Illinois Program shall be used by the Commission for the
3 payment of scholarship assistance under this Section or for
4 the award of grant funds, subject to the Illinois Grant Funds
5 Recovery Act, to the Foundation. Subject to appropriation,
6 awards of grant funds to the Foundation shall be made on an
7 annual basis and following an application for grant funds by
8 the Foundation.

9 (b-10) Each year, the Foundation shall include in its
10 application to the Commission for grant funds an estimate of
11 the amount of scholarship assistance to be provided to
12 qualified students during the grant period. Any amount of
13 appropriated funds exceeding the estimated amount of
14 scholarship assistance may be awarded by the Commission to the
15 Foundation for management expenses expected to be incurred by
16 the Foundation in providing the mentoring, guidance, and
17 in-service supports that will increase the likelihood that
18 qualified students will complete their teaching commitments
19 and elect to continue teaching in hard-to-staff schools. If
20 the estimate of the amount of scholarship assistance described
21 in the Foundation's application is less than the actual amount
22 required for the award of scholarship assistance to qualified
23 students, the Foundation shall be responsible for using
24 awarded grant funds to ensure all qualified students receive
25 scholarship assistance under this Section.

26 (b-15) All grant funds not expended or legally obligated

1 within the time specified in a grant agreement between the
2 Foundation and the Commission shall be returned to the
3 Commission within 45 days. Any funds legally obligated by the
4 end of a grant agreement shall be liquidated within 45 days or
5 otherwise returned to the Commission within 90 days after the
6 end of the grant agreement that resulted in the award of grant
7 funds.

8 (c) Each scholarship awarded under this Section shall be
9 in an amount sufficient to pay the tuition and fees and room
10 and board costs of the Illinois institution of higher learning
11 at which the recipient is enrolled, up to an annual maximum of
12 \$5,000; except that in the case of a recipient who does not
13 reside on-campus at the institution of higher learning at
14 which he or she is enrolled, the amount of the scholarship
15 shall be sufficient to pay tuition and fee expenses and a
16 commuter allowance, up to an annual maximum of \$5,000. All
17 scholarship funds distributed in accordance with this Section
18 shall be paid to the institution on behalf of recipients.

19 (d) The total amount of scholarship assistance awarded by
20 the Commission under this Section to an individual in any
21 given fiscal year, when added to other financial assistance
22 awarded to that individual for that year, shall not exceed the
23 cost of attendance at the institution of higher learning at
24 which the student is enrolled. In any academic year for which a
25 qualified student under this Section accepts financial
26 assistance through any other teacher scholarship program

1 administered by the Commission, a qualified student shall not
2 be eligible for scholarship assistance awarded under this
3 Section.

4 (e) A recipient may receive up to 8 semesters or 12
5 quarters of scholarship assistance under this Section.
6 Scholarship funds are applicable toward 2 semesters or 3
7 quarters of enrollment each academic year.

8 (f) All applications for scholarship assistance to be
9 awarded under this Section shall be made to the Foundation in a
10 form determined by the Foundation. Each year, the Foundation
11 shall notify the Commission of the individuals awarded
12 scholarship assistance under this Section. Each year, at least
13 30% of the Golden Apple Scholars of Illinois Program
14 scholarships shall be awarded to students residing in counties
15 having a population of less than 500,000.

16 (g) (Blank).

17 (h) The Commission shall administer the payment of
18 scholarship assistance provided through the Golden Apple
19 Scholars of Illinois Program and shall make all necessary and
20 proper rules not inconsistent with this Section for the
21 effective implementation of this Section.

22 (i) Prior to receiving scholarship assistance for any
23 academic year, each recipient of a scholarship awarded under
24 this Section shall be required by the Foundation to sign an
25 agreement under which the recipient pledges that, within the
26 2-year period following the termination of the academic

1 program for which the recipient was awarded a scholarship, the
2 recipient: (i) shall begin teaching for a period of not less
3 than 5 years, (ii) shall fulfill this teaching obligation at a
4 nonprofit Illinois public, private, or parochial preschool or
5 an Illinois public elementary or secondary school that
6 qualifies for teacher loan cancellation under Section
7 465(a)(2)(A) of the federal Higher Education Act of 1965 (20
8 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed
9 eligible for fulfilling the teaching commitment as designated
10 by the Foundation, and (iii) shall, upon request of the
11 Foundation, provide the Foundation with evidence that he or
12 she is fulfilling or has fulfilled the terms of the teaching
13 agreement provided for in this subsection. Upon request, the
14 Foundation shall provide evidence of teacher fulfillment to
15 the Commission.

16 (j) If a recipient of a scholarship awarded under this
17 Section fails to fulfill the teaching obligation set forth in
18 subsection (i) of this Section, the Commission shall require
19 the recipient to repay the amount of the scholarships
20 received, prorated according to the fraction of the teaching
21 obligation not completed, plus interest at a rate of 5% and if
22 applicable, reasonable collection fees. Payments received by
23 the Commission under this subsection (j) shall be remitted to
24 the State Comptroller for deposit into the General Revenue
25 Fund, except that that portion of a recipient's repayment that
26 equals the amount in expenses that the Commission has

1 reasonably incurred in attempting collection from that
2 recipient shall be remitted to the State Comptroller for
3 deposit into the ISAC Commission's Accounts Receivable Fund, a
4 special fund in the State treasury.

5 (k) A recipient of a scholarship awarded by the Foundation
6 under this Section shall not be considered to have failed to
7 fulfill the teaching obligations of the agreement entered into
8 pursuant to subsection (i) if the recipient (i) enrolls on a
9 full-time basis as a graduate student in a course of study
10 related to the field of teaching at an institution of higher
11 learning; (ii) is serving as a member of the armed services of
12 the United States; (iii) is a person with a temporary total
13 disability, as established by sworn affidavit of a qualified
14 physician; (iv) is seeking and unable to find full-time
15 employment as a teacher at a school that satisfies the
16 criteria set forth in subsection (i) and is able to provide
17 evidence of that fact; (v) is taking additional courses, on at
18 least a half-time basis, needed to obtain certification as a
19 teacher in Illinois; (vi) is fulfilling teaching requirements
20 associated with other programs administered by the Commission
21 and cannot concurrently fulfill them under this Section in a
22 period of time equal to the length of the teaching obligation;
23 or (vii) is participating in a program established under
24 Executive Order 10924 of the President of the United States or
25 the federal National Community Service Act of 1990 (42 U.S.C.
26 12501 et seq.). Any such extension of the period during which

1 the teaching requirement must be fulfilled shall be subject to
2 limitations of duration as established by the Commission.

3 (l) A recipient who fails to fulfill the teaching
4 obligations of the agreement entered into pursuant to
5 subsection (i) of this Section shall repay the amount of
6 scholarship assistance awarded to them under this Section
7 within 10 years.

8 (m) Annually, at a time determined by the Commission in
9 consultation with the Foundation, the Foundation shall submit
10 a report to assist the Commission in monitoring the
11 Foundation's performance of grant activities. The report shall
12 describe the following:

13 (1) the Foundation's anticipated expenditures for the
14 next fiscal year;

15 (2) the number of qualified students receiving
16 scholarship assistance at each institution of higher
17 learning where a qualified student was enrolled under this
18 Section during the previous fiscal year;

19 (3) the total monetary value of scholarship funds paid
20 to each institution of higher learning at which a
21 qualified student was enrolled during the previous fiscal
22 year;

23 (4) the number of scholarship recipients who completed
24 a baccalaureate degree during the previous fiscal year;

25 (5) the number of scholarship recipients who fulfilled
26 their teaching obligation during the previous fiscal year;

1 (6) the number of scholarship recipients who failed to
2 fulfill their teaching obligation during the previous
3 fiscal year;

4 (7) the number of scholarship recipients granted an
5 extension described in subsection (k) of this Section
6 during the previous fiscal year;

7 (8) the number of scholarship recipients required to
8 repay scholarship assistance in accordance with subsection
9 (j) of this Section during the previous fiscal year;

10 (9) the number of scholarship recipients who
11 successfully repaid scholarship assistance in full during
12 the previous fiscal year;

13 (10) the number of scholarship recipients who
14 defaulted on their obligation to repay scholarship
15 assistance during the previous fiscal year;

16 (11) the amount of scholarship assistance subject to
17 collection in accordance with subsection (j) of this
18 Section at the end of the previous fiscal year;

19 (12) the amount of collected funds to be remitted to
20 the Comptroller in accordance with subsection (j) of this
21 Section at the end of the previous fiscal year; and

22 (13) other information that the Commission may
23 reasonably request.

24 (n) Nothing in this Section shall affect the rights of the
25 Commission to collect moneys owed to it by recipients of
26 scholarship assistance through the Illinois Future Teacher

1 Corps Program, repealed by Public Act 98-533 ~~this amendatory~~
2 ~~Act of the 98th General Assembly.~~

3 (o) The Auditor General shall prepare an annual audit of
4 the operations and finances of the Golden Apple Scholars of
5 Illinois Program. This audit shall be provided to the
6 Governor, General Assembly, and the Commission.

7 (p) The suspension of grant making authority found in
8 Section 4.2 of the Illinois Grant Funds Recovery Act shall not
9 apply to grants made pursuant to this Section.

10 (Source: P.A. 98-533, eff. 8-23-13; 98-718, eff. 1-1-15;
11 99-143, eff. 7-27-15.)

12 Section 20-50. The Nurse Educator Assistance Act is
13 amended by changing Section 15-30 as follows:

14 (110 ILCS 967/15-30)

15 Sec. 15-30. Repayment upon default; exception.

16 (a) If a recipient of a scholarship awarded under this
17 Section fails to fulfill the work agreement required under the
18 program, the Commission shall require the recipient to repay
19 the amount of the scholarship or scholarships received,
20 prorated according to the fraction of the work agreement not
21 completed, plus interest at a rate of 5% and, if applicable,
22 reasonable collection fees.

23 (b) Payments received by the Commission under this Section
24 shall be remitted to the State Comptroller for deposit into

1 the General Revenue Fund, except that that portion of a
2 recipient's repayment that equals the amount in expenses that
3 the Commission has reasonably incurred in attempting
4 collection from that recipient shall be remitted to the State
5 Comptroller for deposit into the ISAC ~~Commission's~~ Accounts
6 Receivable Fund.

7 (c) A recipient of a scholarship awarded by the Commission
8 under the program shall not be in violation of the agreement
9 entered into pursuant to this Article if the recipient is (i)
10 serving as a member of the armed services of the United States,
11 (ii) a person with a temporary total disability, as
12 established by a sworn affidavit of a qualified physician,
13 (iii) seeking and unable to find full-time employment as a
14 nursing educator and is able to provide evidence of that fact,
15 or (iv) taking additional courses, on at least a half-time
16 basis, related to nursing education. Any extension of the
17 period during which the work requirement must be fulfilled
18 shall be subject to limitations of duration established by the
19 Commission.

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 Section 20-55. The Solid Waste Site Operator Certification
22 Law is amended by changing Section 1011 as follows:

23 (225 ILCS 230/1011) (from Ch. 111, par. 7861)

24 Sec. 1011. Fees.

1 (a) Fees for the issuance or renewal of a Solid Waste Site
2 Operator Certificate shall be as follows:

3 (1) (A) \$400 for issuance or renewal for Class A Solid
4 Waste Site Operators; (B) \$200 for issuance or renewal for
5 Class B Solid Waste Site Operators; and (C) \$100 for
6 issuance or renewal for special waste endorsements.

7 (2) If the fee for renewal is not paid within the grace
8 period the above fees for renewal shall each be increased
9 by \$50.

10 (b) ~~All Before the effective date of this amendatory Act~~
11 ~~of the 98th General Assembly, all fees collected by the Agency~~
12 ~~under this Section shall be deposited into the Hazardous Waste~~
13 ~~Occupational Licensing Fund. The Agency is authorized to use~~
14 ~~monies in the Hazardous Waste Occupational Licensing Fund to~~
15 ~~perform its functions, powers, and duties under this Section.~~
16 ~~On and after the effective date of this amendatory Act of the~~
17 ~~98th General Assembly, all fees collected by the Agency under~~
18 this Section shall be deposited into the Environmental
19 Protection Permit and Inspection Fund to be used in accordance
20 with the provisions of subsection (a) of Section 22.8 of the
21 Environmental Protection Act.

22 (Source: P.A. 98-692, eff. 7-1-14; 98-822, eff. 8-1-14.)

23 Section 20-60. The Illinois Public Aid Code is amended by
24 changing Section 12-10.7 as follows:

1 (305 ILCS 5/12-10.7)

2 Sec. 12-10.7. The Health and Human Services Medicaid Trust
3 Fund. ~~(a)~~ The Health and Human Services Medicaid Trust Fund
4 shall consist of (i) moneys appropriated or transferred into
5 the Fund, pursuant to statute, (ii) federal financial
6 participation moneys received pursuant to expenditures from
7 the Fund, and (iii) the interest earned on moneys in the Fund.
8 ~~(b)~~ Subject to appropriation, the moneys in the Fund shall be
9 used by a State agency for such purposes as that agency may, by
10 the appropriation language, be directed.

11 ~~(c) In addition to any other transfers that may be
12 provided for by law, on July 1, 2007, or as soon thereafter as
13 practical, the State Comptroller shall direct and the State
14 Treasurer shall transfer the sum of \$3,500,000 from the Health
15 and Human Services Medicaid Trust Fund to the Human Services
16 Priority Capital Program Fund.~~

17 ~~(d) In addition to any other transfers that may be
18 provided for by law, on July 1, 2008, or as soon thereafter as
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$3,500,000 from the Health
21 and Human Services Medicaid Trust Fund to the Human Services
22 Priority Capital Program Fund.~~

23 (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08.)

24 Section 20-65. The Energy Assistance Act is amended by
25 changing Section 10 as follows:

1 (305 ILCS 20/10) (from Ch. 111 2/3, par. 1410)

2 Sec. 10. Energy Assistance Funds.

3 ~~(a) The AFDC Energy Assistance Fund is hereby created as a~~
4 ~~special fund in the State Treasury.~~

5 ~~The AFDC Energy Assistance Fund is authorized to receive~~
6 ~~whether by appropriation, transfer, statutory deposit or fund~~
7 ~~transfer, all amounts appropriated from State funds to the~~
8 ~~Department of Human Services (acting as successor to the~~
9 ~~Illinois Department of Public Aid under the Department of~~
10 ~~Human Services Act) specifically for energy assistance~~
11 ~~payments for persons and families receiving assistance~~
12 ~~pursuant to Section 4-1 of the Illinois Public Aid Code and~~
13 ~~subsection (c) of Section 6 of this Act, and any~~
14 ~~administrative expense related thereto.~~

15 ~~(b) Subject to appropriation by the General Assembly, the~~
16 ~~Department is authorized to expend monies from the AFDC Energy~~
17 ~~Assistance Fund for the following purposes:~~

18 ~~———— (1) for energy assistance payments to or on behalf of~~
19 ~~individuals or families who receive assistance pursuant to~~
20 ~~Section 4-1 of The Illinois Public Aid Code in accordance~~
21 ~~with the provisions of Section 6 of this Act; and~~

22 ~~———— (2) for the necessary and contingent expenses of the~~
23 ~~Department incurred in the administration of that portion~~
24 ~~of the Act described in paragraph (1) of this subsection.~~

25 ~~(c) The AFDC Energy Assistance Fund shall be inoperative~~

1 ~~after September 30, 1991.~~

2 ~~(d)~~ Subject to appropriations made by the General
3 Assembly, the Department is authorized to expend monies from
4 the Low Income Home Energy Assistance Block Grant Fund for the
5 purpose of providing assistance pursuant to Section 6 of this
6 Act.

7 (Source: P.A. 89-507, eff. 7-1-97.)

8 Section 20-70. The Environmental Protection Act is amended
9 by changing Sections 4, 9.9, and 22.8 as follows:

10 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

11 Sec. 4. Environmental Protection Agency; establishment;
12 duties.

13 (a) There is established in the Executive Branch of the
14 State Government an agency to be known as the Environmental
15 Protection Agency. This Agency shall be under the supervision
16 and direction of a Director who shall be appointed by the
17 Governor with the advice and consent of the Senate. The term of
18 office of the Director shall expire on the third Monday of
19 January in odd numbered years, provided that he or she shall
20 hold office until a successor is appointed and has qualified.
21 For terms ending before December 31, 2019, the Director shall
22 receive an annual salary as set by the Compensation Review
23 Board. For terms beginning after January 18, 2019 (the
24 effective date of Public Act 100-1179) ~~this amendatory Act of~~

1 ~~the 100th General Assembly~~, the Director's annual salary shall
2 be an amount equal to 15% more than the Director's annual
3 salary as of December 31, 2018. The calculation of the 2018
4 salary base for this adjustment shall not include any cost of
5 living adjustments, as authorized by Senate Joint Resolution
6 192 of the 86th General Assembly, for the period beginning
7 July 1, 2009 to June 30, 2019. Beginning July 1, 2019 and each
8 July 1 thereafter, the Director shall receive an increase in
9 salary based on a cost of living adjustment as authorized by
10 Senate Joint Resolution 192 of the 86th General Assembly. The
11 Director, in accord with the Personnel Code, shall employ and
12 direct such personnel, and shall provide for such laboratory
13 and other facilities, as may be necessary to carry out the
14 purposes of this Act. In addition, the Director may by
15 agreement secure such services as he or she may deem necessary
16 from any other department, agency, or unit of the State
17 Government, and may employ and compensate such consultants and
18 technical assistants as may be required.

19 (b) The Agency shall have the duty to collect and
20 disseminate such information, acquire such technical data, and
21 conduct such experiments as may be required to carry out the
22 purposes of this Act, including ascertainment of the quantity
23 and nature of discharges from any contaminant source and data
24 on those sources, and to operate and arrange for the operation
25 of devices for the monitoring of environmental quality.

26 (c) The Agency shall have authority to conduct a program

1 of continuing surveillance and of regular or periodic
2 inspection of actual or potential contaminant or noise
3 sources, of public water supplies, and of refuse disposal
4 sites.

5 (d) In accordance with constitutional limitations, the
6 Agency shall have authority to enter at all reasonable times
7 upon any private or public property for the purpose of:

8 (1) Inspecting and investigating to ascertain possible
9 violations of this Act, any rule or regulation adopted
10 under this Act, any permit or term or condition of a
11 permit, or any Board order; or

12 (2) In accordance with the provisions of this Act,
13 taking whatever preventive or corrective action, including
14 but not limited to removal or remedial action, that is
15 necessary or appropriate whenever there is a release or a
16 substantial threat of a release of (A) a hazardous
17 substance or pesticide or (B) petroleum from an
18 underground storage tank.

19 (e) The Agency shall have the duty to investigate
20 violations of this Act, any rule or regulation adopted under
21 this Act, any permit or term or condition of a permit, or any
22 Board order; to issue administrative citations as provided in
23 Section 31.1 of this Act; and to take such summary enforcement
24 action as is provided for by Section 34 of this Act.

25 (f) The Agency shall appear before the Board in any
26 hearing upon a petition for variance or time-limited water

1 quality standard, the denial of a permit, or the validity or
2 effect of a rule or regulation of the Board, and shall have the
3 authority to appear before the Board in any hearing under the
4 Act.

5 (g) The Agency shall have the duty to administer, in
6 accord with Title X of this Act, such permit and certification
7 systems as may be established by this Act or by regulations
8 adopted thereunder. The Agency may enter into written
9 delegation agreements with any department, agency, or unit of
10 State or local government under which all or portions of this
11 duty may be delegated for public water supply storage and
12 transport systems, sewage collection and transport systems,
13 air pollution control sources with uncontrolled emissions of
14 100 tons per year or less and application of algicides to
15 waters of the State. Such delegation agreements will require
16 that the work to be performed thereunder will be in accordance
17 with Agency criteria, subject to Agency review, and shall
18 include such financial and program auditing by the Agency as
19 may be required.

20 (h) The Agency shall have authority to require the
21 submission of complete plans and specifications from any
22 applicant for a permit required by this Act or by regulations
23 thereunder, and to require the submission of such reports
24 regarding actual or potential violations of this Act, any rule
25 or regulation adopted under this Act, any permit or term or
26 condition of a permit, or any Board order, as may be necessary

1 for the purposes of this Act.

2 (i) The Agency shall have authority to make
3 recommendations to the Board for the adoption of regulations
4 under Title VII of the Act.

5 (j) The Agency shall have the duty to represent the State
6 of Illinois in any and all matters pertaining to plans,
7 procedures, or negotiations for interstate compacts or other
8 governmental arrangements relating to environmental
9 protection.

10 (k) The Agency shall have the authority to accept,
11 receive, and administer on behalf of the State any grants,
12 gifts, loans, indirect cost reimbursements, or other funds
13 made available to the State from any source for purposes of
14 this Act or for air or water pollution control, public water
15 supply, solid waste disposal, noise abatement, or other
16 environmental protection activities, surveys, or programs. Any
17 federal funds received by the Agency pursuant to this
18 subsection shall be deposited in a trust fund with the State
19 Treasurer and held and disbursed by him in accordance with
20 Treasurer as Custodian of Funds Act, provided that such monies
21 shall be used only for the purposes for which they are
22 contributed and any balance remaining shall be returned to the
23 contributor.

24 The Agency is authorized to promulgate such regulations
25 and enter into such contracts as it may deem necessary for
26 carrying out the provisions of this subsection.

1 (1) The Agency is hereby designated as water pollution
2 agency for the state for all purposes of the Federal Water
3 Pollution Control Act, as amended; as implementing agency for
4 the State for all purposes of the Safe Drinking Water Act,
5 Public Law 93-523, as now or hereafter amended, except Section
6 1425 of that Act; as air pollution agency for the state for all
7 purposes of the Clean Air Act of 1970, Public Law 91-604,
8 approved December 31, 1970, as amended; and as solid waste
9 agency for the state for all purposes of the Solid Waste
10 Disposal Act, Public Law 89-272, approved October 20, 1965,
11 and amended by the Resource Recovery Act of 1970, Public Law
12 91-512, approved October 26, 1970, as amended, and amended by
13 the Resource Conservation and Recovery Act of 1976, (P.L.
14 94-580) approved October 21, 1976, as amended; as noise
15 control agency for the state for all purposes of the Noise
16 Control Act of 1972, Public Law 92-574, approved October 27,
17 1972, as amended; and as implementing agency for the State for
18 all purposes of the Comprehensive Environmental Response,
19 Compensation, and Liability Act of 1980 (P.L. 96-510), as
20 amended; and otherwise as pollution control agency for the
21 State pursuant to federal laws integrated with the foregoing
22 laws, for financing purposes or otherwise. The Agency is
23 hereby authorized to take all action necessary or appropriate
24 to secure to the State the benefits of such federal Acts,
25 provided that the Agency shall transmit to the United States
26 without change any standards adopted by the Pollution Control

1 Board pursuant to Section 5(c) of this Act. This subsection
2 (l) of Section 4 shall not be construed to bar or prohibit the
3 Environmental Protection Trust Fund Commission from accepting,
4 receiving, and administering on behalf of the State any
5 grants, gifts, loans or other funds for which the Commission
6 is eligible pursuant to the Environmental Protection Trust
7 Fund Act. The Agency is hereby designated as the State agency
8 for all purposes of administering the requirements of Section
9 313 of the federal Emergency Planning and Community
10 Right-to-Know Act of 1986.

11 Any municipality, sanitary district, or other political
12 subdivision, or any Agency of the State or interstate Agency,
13 which makes application for loans or grants under such federal
14 Acts shall notify the Agency of such application; the Agency
15 may participate in proceedings under such federal Acts.

16 (m) The Agency shall have authority, consistent with
17 Section 5(c) and other provisions of this Act, and for
18 purposes of Section 303(e) of the Federal Water Pollution
19 Control Act, as now or hereafter amended, to engage in
20 planning processes and activities and to develop plans in
21 cooperation with units of local government, state agencies and
22 officers, and other appropriate persons in connection with the
23 jurisdiction or duties of each such unit, agency, officer or
24 person. Public hearings shall be held on the planning process,
25 at which any person shall be permitted to appear and be heard,
26 pursuant to procedural regulations promulgated by the Agency.

1 (n) In accordance with the powers conferred upon the
2 Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act,
3 the Agency shall have authority to establish and enforce
4 minimum standards for the operation of laboratories relating
5 to analyses and laboratory tests for air pollution, water
6 pollution, noise emissions, contaminant discharges onto land
7 and sanitary, chemical, and mineral quality of water
8 distributed by a public water supply. The Agency may enter
9 into formal working agreements with other departments or
10 agencies of state government under which all or portions of
11 this authority may be delegated to the cooperating department
12 or agency.

13 (o) The Agency shall have the authority to issue
14 certificates of competency to persons and laboratories meeting
15 the minimum standards established by the Agency in accordance
16 with Section 4(n) of this Act and to promulgate and enforce
17 regulations relevant to the issuance and use of such
18 certificates. The Agency may enter into formal working
19 agreements with other departments or agencies of state
20 government under which all or portions of this authority may
21 be delegated to the cooperating department or agency.

22 (p) Except as provided in Section 17.7, the Agency shall
23 have the duty to analyze samples as required from each public
24 water supply to determine compliance with the contaminant
25 levels specified by the Pollution Control Board. The maximum
26 number of samples which the Agency shall be required to

1 analyze for microbiological quality shall be 6 per month, but
2 the Agency may, at its option, analyze a larger number each
3 month for any supply. Results of sample analyses for
4 additional required bacteriological testing, turbidity,
5 residual chlorine and radionuclides are to be provided to the
6 Agency in accordance with Section 19. Owners of water supplies
7 may enter into agreements with the Agency to provide for
8 reduced Agency participation in sample analyses.

9 (q) The Agency shall have the authority to provide notice
10 to any person who may be liable pursuant to Section 22.2(f) of
11 this Act for a release or a substantial threat of a release of
12 a hazardous substance or pesticide. Such notice shall include
13 the identified response action and an opportunity for such
14 person to perform the response action.

15 (r) The Agency may enter into written delegation
16 agreements with any unit of local government under which it
17 may delegate all or portions of its inspecting, investigating
18 and enforcement functions. Such delegation agreements shall
19 require that work performed thereunder be in accordance with
20 Agency criteria and subject to Agency review. Notwithstanding
21 any other provision of law to the contrary, no unit of local
22 government shall be liable for any injury resulting from the
23 exercise of its authority pursuant to such a delegation
24 agreement unless the injury is proximately caused by the
25 willful and wanton negligence of an agent or employee of the
26 unit of local government, and any policy of insurance coverage

1 issued to a unit of local government may provide for the denial
2 of liability and the nonpayment of claims based upon injuries
3 for which the unit of local government is not liable pursuant
4 to this subsection (r).

5 (s) The Agency shall have authority to take whatever
6 preventive or corrective action is necessary or appropriate,
7 including but not limited to expenditure of monies
8 appropriated from the Build Illinois Bond Fund ~~and the Build~~
9 ~~Illinois Purposes Fund~~ for removal or remedial action,
10 whenever any hazardous substance or pesticide is released or
11 there is a substantial threat of such a release into the
12 environment. The State, the Director, and any State employee
13 shall be indemnified for any damages or injury arising out of
14 or resulting from any action taken under this subsection. The
15 Director of the Agency is authorized to enter into such
16 contracts and agreements as are necessary to carry out the
17 Agency's duties under this subsection.

18 (t) The Agency shall have authority to distribute grants,
19 subject to appropriation by the General Assembly, to units of
20 local government for financing and construction of wastewater
21 facilities in both incorporated and unincorporated areas. With
22 respect to all monies appropriated from the Build Illinois
23 Bond Fund ~~and the Build Illinois Purposes Fund~~ for wastewater
24 facility grants, the Agency shall make distributions in
25 conformity with the rules and regulations established pursuant
26 to the Anti-Pollution Bond Act, as now or hereafter amended.

1 (u) Pursuant to the Illinois Administrative Procedure Act,
2 the Agency shall have the authority to adopt such rules as are
3 necessary or appropriate for the Agency to implement Section
4 31.1 of this Act.

5 (v) (Blank.)

6 (w) Neither the State, nor the Director, nor the Board,
7 nor any State employee shall be liable for any damages or
8 injury arising out of or resulting from any action taken under
9 subsection (s).

10 (x) (1) The Agency shall have authority to distribute
11 grants, subject to appropriation by the General Assembly, to
12 units of local government for financing and construction of
13 public water supply facilities. With respect to all monies
14 appropriated from the Build Illinois Bond Fund ~~or the Build~~
15 ~~Illinois Purposes Fund~~ for public water supply grants, such
16 grants shall be made in accordance with rules promulgated by
17 the Agency. Such rules shall include a requirement for a local
18 match of 30% of the total project cost for projects funded
19 through such grants.

20 (2) The Agency shall not terminate a grant to a unit of
21 local government for the financing and construction of public
22 water supply facilities unless and until the Agency adopts
23 rules that set forth precise and complete standards, pursuant
24 to Section 5-20 of the Illinois Administrative Procedure Act,
25 for the termination of such grants. The Agency shall not make
26 determinations on whether specific grant conditions are

1 necessary to ensure the integrity of a project or on whether
2 subagreements shall be awarded, with respect to grants for the
3 financing and construction of public water supply facilities,
4 unless and until the Agency adopts rules that set forth
5 precise and complete standards, pursuant to Section 5-20 of
6 the Illinois Administrative Procedure Act, for making such
7 determinations. The Agency shall not issue a stop-work order
8 in relation to such grants unless and until the Agency adopts
9 precise and complete standards, pursuant to Section 5-20 of
10 the Illinois Administrative Procedure Act, for determining
11 whether to issue a stop-work order.

12 (y) The Agency shall have authority to release any person
13 from further responsibility for preventive or corrective
14 action under this Act following successful completion of
15 preventive or corrective action undertaken by such person upon
16 written request by the person.

17 (z) To the extent permitted by any applicable federal law
18 or regulation, for all work performed for State construction
19 projects which are funded in whole or in part by a capital
20 infrastructure bill enacted by the 96th General Assembly by
21 sums appropriated to the Environmental Protection Agency, at
22 least 50% of the total labor hours must be performed by actual
23 residents of the State of Illinois. For purposes of this
24 subsection, "actual residents of the State of Illinois" means
25 persons domiciled in the State of Illinois. The Department of
26 Labor shall promulgate rules providing for the enforcement of

1 this subsection.

2 (aa) The Agency may adopt rules requiring the electronic
3 submission of any information required to be submitted to the
4 Agency pursuant to any State or federal law or regulation or
5 any court or Board order. Any rules adopted under this
6 subsection (aa) must include, but are not limited to,
7 identification of the information to be submitted
8 electronically.

9 (Source: P.A. 99-937, eff. 2-24-17; 100-1179, eff. 1-18-19.)

10 (415 ILCS 5/9.9)

11 Sec. 9.9. Nitrogen oxides trading system.

12 (a) The General Assembly finds:

13 (1) That USEPA has issued a Final Rule published in
14 the Federal Register on October 27, 1998, entitled
15 "Finding of Significant Contribution and Rulemaking for
16 Certain States in the Ozone Transport Assessment Group
17 Region for Purposes of Reducing Regional Transport of
18 Ozone", hereinafter referred to as the "NOx SIP Call",
19 compliance with which will require reducing emissions of
20 nitrogen oxides ("NOx");

21 (2) That reducing emissions of NOx in the State helps
22 the State to meet the national ambient air quality
23 standard for ozone;

24 (3) That emissions trading is a cost-effective means
25 of obtaining reductions of NOx emissions.

1 (b) The Agency shall propose and the Board shall adopt
2 regulations to implement an interstate NOx trading program
3 (hereinafter referred to as the "NOx Trading Program") as
4 provided for in 40 CFR Part 96, including incorporation by
5 reference of appropriate provisions of 40 CFR Part 96 and
6 regulations to address 40 CFR Section 96.4(b), Section
7 96.55(c), Subpart E, and Subpart I. In addition, the Agency
8 shall propose and the Board shall adopt regulations to
9 implement NOx emission reduction programs for cement kilns and
10 stationary internal combustion engines.

11 (c) Allocations of NOx allowances to large electric
12 generating units ("EGUs") and large non-electric generating
13 units ("non-EGUs"), as defined by 40 CFR Part 96.4(a), shall
14 not exceed the State's trading budget for those source
15 categories to be included in the State Implementation Plan for
16 NOx.

17 (d) In adopting regulations to implement the NOx Trading
18 Program, the Board shall:

19 (1) assure that the economic impact and technical
20 feasibility of NOx emissions reductions under the NOx
21 Trading Program are considered relative to the traditional
22 regulatory control requirements in the State for EGUs and
23 non-EGUs;

24 (2) provide that emission units, as defined in Section
25 39.5(1) of this Act, may opt into the NOx Trading Program;

26 (3) provide for voluntary reductions of NOx emissions

1 from emission units, as defined in Section 39.5(1) of this
2 Act, not otherwise included under paragraph (c) or (d)(2)
3 of this Section to provide additional allowances to EGUs
4 and non-EGUs to be allocated by the Agency. The
5 regulations shall further provide that such voluntary
6 reductions are verifiable, quantifiable, permanent, and
7 federally enforceable;

8 (4) provide that the Agency allocate to non-EGUs
9 allowances that are designated in the rule, unless the
10 Agency has been directed to transfer the allocations to
11 another unit subject to the requirements of the NOx
12 Trading Program, and that upon shutdown of a non-EGU, the
13 unit may transfer or sell the NOx allowances that are
14 allocated to such unit;

15 (5) provide that the Agency shall set aside annually a
16 number of allowances, not to exceed 5% of the total EGU
17 trading budget, to be made available to new EGUs; and

18 (6) provide that those EGUs that commence commercial
19 operation, as defined in 40 CFR Section 96.2, at a time
20 that is more than half way through the control period in
21 2003 shall return to the Agency any allowances that were
22 issued to it by the Agency and were not used for compliance
23 in 2004.

24 (d-5) The Agency may sell NOx allowances to sources in
25 Illinois that are subject to 35 Ill. Adm. Code 217, either
26 Subpart U or W, as follows:

1 (1) any unearned Early Reduction Credits set aside for
2 non-EGUs under 35 Ill. Adm. Code 217, Subpart U, but only
3 to those sources that make qualifying early reductions of
4 NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the
5 source did not receive an allocation thereunder. If the
6 Agency receives requests to purchase more ERCs than are
7 available for sale, allowances shall be offered for sale
8 to qualifying sources on a pro-rata basis;

9 (2) any remaining Early Reduction Credits allocated
10 under 35 Ill. Adm. Code 217, Subpart U or W, that could not
11 be allocated on a pro-rata, whole allowance basis, but
12 only to those sources that made qualifying early
13 reductions of NOx in 2003 pursuant to 35 Ill. Adm. Code 217
14 for which the source did not receive an allocation;

15 (3) any allowances under 35 Ill. Adm. Code 217,
16 Subpart W, that remain after each 3-year allocation period
17 that could not be allocated on a pro-rata, whole allowance
18 basis pursuant to the provisions of Subpart W; and

19 (4) any allowances requested from the New Source Set
20 Aside for those sources that commenced operation, as
21 defined in 40 CFR Section 96.2, on or after January 1,
22 2004.

23 (d-10) The selling price for ERC allowances shall be 70%
24 of the market price index for 2005 NOx allowances, determined
25 by the Agency as follows:

26 (1) using the mean of 2 or more published market price

1 indexes for the 2005 NOx allowances as of October 6, 2003;
2 or

3 (2) if there are not 2 published market price indexes
4 for 2005 NOx allowances as of October 6, 2003, the Agency
5 may use any reasonable indication of market price.

6 (e) The Agency may adopt procedural rules, as necessary,
7 to implement the regulations promulgated by the Board pursuant
8 to subsections (b) and (d) and to implement subsections (d-5),
9 (d-10), (i), and (j) of this Section.

10 (f) Notwithstanding any provisions in subparts T, U, and W
11 of Section 217 of Title 35 of the Illinois Administrative Code
12 to the contrary, compliance with the regulations promulgated
13 by the Board pursuant to subsections (b) and (d) of this
14 Section is required by May 31, 2004.

15 (g) To the extent that a court of competent jurisdiction
16 finds a provision of 40 CFR Part 96 invalid, the corresponding
17 Illinois provision shall be stayed until such provision of 40
18 CFR Part 96 is found to be valid or is re-promulgated. To the
19 extent that USEPA or any court of competent jurisdiction stays
20 the applicability of any provision of the NOx SIP Call to any
21 person or circumstance relating to Illinois, during the period
22 of that stay, the effectiveness of the corresponding Illinois
23 provision shall be stayed. To the extent that the invalidity
24 of the particular requirement or application does not affect
25 other provisions or applications of the NOx SIP Call pursuant
26 to 40 CFR 51.121 or the NOx trading program pursuant to 40 CFR

1 Part 96 or 40 CFR Part 97, this Section, and rules or
2 regulations promulgated hereunder, will be given effect
3 without the invalid provisions or applications.

4 (h) Notwithstanding any other provision of this Act, any
5 source or other authorized person that participates in the NOx
6 Trading Program shall be eligible to exchange NOx allowances
7 with other sources in accordance with this Section and with
8 regulations promulgated by the Board or the Agency.

9 (i) (Blank). ~~There is hereby created within the State~~
10 ~~Treasury an interest-bearing special fund to be known as the~~
11 ~~NOx Trading System Fund. Moneys generated from the sale of NOx~~
12 ~~allowances from the New Source Set Aside or the sale of~~
13 ~~allowances pursuant to subsection (d-5) of this Section shall~~
14 ~~be deposited into the Fund. This Fund shall be used and~~
15 ~~administered by the Agency for the purposes stated below:~~

16 ~~(1) To accept funds from persons who purchase NOx~~
17 ~~allowances from the New Source Set Aside from the Agency;~~

18 ~~(2) To disburse the proceeds of the sale of the NOx~~
19 ~~allowances from the New Source Set Aside, to the extent~~
20 ~~that proceeds remain after the Agency has recouped the~~
21 ~~reasonable costs incurred by the Agency in the~~
22 ~~administration of the NOx SIP Call Program, pro rata to~~
23 ~~the owners or operators of the EGUs that received~~
24 ~~allowances from the Agency but not from the Agency's New~~
25 ~~Source Set Aside, in accordance with regulations that may~~
26 ~~be promulgated by the Agency; and~~

1 ~~(3) To finance the reasonable costs incurred by the~~
2 ~~Agency in the administration of the NOx SIP Call Program.~~

3 (j) Moneys generated from the sale of early reduction
4 credits shall be deposited into the Clean Air Act Permit Fund
5 created pursuant to Section 39.5(18)(d) of this Act, and the
6 proceeds shall be used and administered by the Agency to
7 finance the costs associated with the Clean Air Act Permit
8 Program.

9 (Source: P.A. 92-12, eff. 7-1-01; 92-279, eff. 8-7-01; 93-669,
10 eff. 3-19-04.)

11 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

12 Sec. 22.8. Environmental Protection Permit and Inspection
13 Fund.

14 (a) There is hereby created in the State Treasury a
15 special fund to be known as the Environmental Protection
16 Permit and Inspection Fund. All fees collected by the Agency
17 pursuant to this Section, Section 9.6, 12.2, 16.1, 56.4, 56.5,
18 56.6, and subsection (f) of Section 5 of this Act, or pursuant
19 to Section 22 of the Public Water Supply Operations Act or
20 Section 1011 of the Solid Waste Site Operator Certification
21 Law, as well as funds collected under subsection (b.5) of
22 Section 42 of this Act, shall be deposited into the Fund. In
23 addition to any monies appropriated from the General Revenue
24 Fund, monies in the Fund shall be appropriated by the General
25 Assembly to the Agency in amounts deemed necessary for

1 manifest, permit, and inspection activities and for performing
2 its functions, powers, and duties under the Solid Waste Site
3 Operator Certification Law.

4 The General Assembly may appropriate monies in the Fund
5 deemed necessary for Board regulatory and adjudicatory
6 proceedings.

7 (a-5) (Blank). ~~As soon as practicable after the effective~~
8 ~~date of this amendatory Act of the 98th General Assembly, but~~
9 ~~no later than January 1, 2014, the State Comptroller shall~~
10 ~~direct and the State Treasurer shall transfer all monies in~~
11 ~~the Industrial Hygiene Regulatory and Enforcement Fund to the~~
12 ~~Environmental Protection Permit and Inspection Fund to be used~~
13 ~~in accordance with the terms of the Environmental Protection~~
14 ~~Permit and Inspection Fund.~~

15 (a-6) (Blank). ~~As soon as practicable after the effective~~
16 ~~date of this amendatory Act of the 98th General Assembly, but~~
17 ~~no later than December 31, 2014, the State Comptroller shall~~
18 ~~order the transfer of, and the State Treasurer shall transfer,~~
19 ~~all moneys in the Hazardous Waste Occupational Licensing Fund~~
20 ~~into the Environmental Protection Permit and Inspection Fund~~
21 ~~to be used in accordance with the terms of the Environmental~~
22 ~~Protection Permit and Inspection Fund.~~

23 (b) The Agency shall collect from the owner or operator of
24 any of the following types of hazardous waste disposal sites
25 or management facilities which require a RCRA permit under
26 subsection (f) of Section 21 of this Act, or a UIC permit under

1 subsection (g) of Section 12 of this Act, an annual fee in the
2 amount of:

3 (1) \$35,000 (\$70,000 beginning in 2004) for a
4 hazardous waste disposal site receiving hazardous waste if
5 the hazardous waste disposal site is located off the site
6 where such waste was produced;

7 (2) \$9,000 (\$18,000 beginning in 2004) for a hazardous
8 waste disposal site receiving hazardous waste if the
9 hazardous waste disposal site is located on the site where
10 such waste was produced;

11 (3) \$7,000 (\$14,000 beginning in 2004) for a hazardous
12 waste disposal site receiving hazardous waste if the
13 hazardous waste disposal site is an underground injection
14 well;

15 (4) \$2,000 (\$4,000 beginning in 2004) for a hazardous
16 waste management facility treating hazardous waste by
17 incineration;

18 (5) \$1,000 (\$2,000 beginning in 2004) for a hazardous
19 waste management facility treating hazardous waste by a
20 method, technique or process other than incineration;

21 (6) \$1,000 (\$2,000 beginning in 2004) for a hazardous
22 waste management facility storing hazardous waste in a
23 surface impoundment or pile;

24 (7) \$250 (\$500 beginning in 2004) for a hazardous
25 waste management facility storing hazardous waste other
26 than in a surface impoundment or pile; and

1 (8) Beginning in 2004, \$500 for a large quantity
2 hazardous waste generator required to submit an annual or
3 biennial report for hazardous waste generation.

4 (c) Where two or more operational units are located within
5 a single hazardous waste disposal site, the Agency shall
6 collect from the owner or operator of such site an annual fee
7 equal to the highest fee imposed by subsection (b) of this
8 Section upon any single operational unit within the site.

9 (d) The fee imposed upon a hazardous waste disposal site
10 under this Section shall be the exclusive permit and
11 inspection fee applicable to hazardous waste disposal at such
12 site, provided that nothing in this Section shall be construed
13 to diminish or otherwise affect any fee imposed upon the owner
14 or operator of a hazardous waste disposal site by Section
15 22.2.

16 (e) The Agency shall establish procedures, no later than
17 December 1, 1984, relating to the collection of the hazardous
18 waste disposal site fees authorized by this Section. Such
19 procedures shall include, but not be limited to the time and
20 manner of payment of fees to the Agency, which shall be
21 quarterly, payable at the beginning of each quarter for
22 hazardous waste disposal site fees. Annual fees required under
23 paragraph (7) of subsection (b) of this Section shall
24 accompany the annual report required by Board regulations for
25 the calendar year for which the report applies.

26 (f) For purposes of this Section, a hazardous waste

1 disposal site consists of one or more of the following
2 operational units:

3 (1) a landfill receiving hazardous waste for disposal;

4 (2) a waste pile or surface impoundment, receiving
5 hazardous waste, in which residues which exhibit any of
6 the characteristics of hazardous waste pursuant to Board
7 regulations are reasonably expected to remain after
8 closure;

9 (3) a land treatment facility receiving hazardous
10 waste; or

11 (4) a well injecting hazardous waste.

12 (g) The Agency shall assess a fee for each manifest
13 provided by the Agency. For manifests provided on or after
14 January 1, 1989 but before July 1, 2003, the fee shall be \$1
15 per manifest. For manifests provided on or after July 1, 2003,
16 the fee shall be \$3 per manifest.

17 (Source: P.A. 98-78, eff. 7-15-13; 98-692, eff. 7-1-14;
18 98-822, eff. 8-1-14.)

19 Section 20-75. The Toxic Pollution Prevention Act is
20 amended by changing Section 5 as follows:

21 (415 ILCS 85/5) (from Ch. 111 1/2, par. 7955)

22 Sec. 5. Toxic Pollution Prevention Assistance Program.
23 There is hereby established a Toxic Pollution Prevention
24 Assistance Program at the Illinois Sustainable Technology

1 Center. The Center may establish cooperative programs with
2 public and private colleges and universities designed to
3 augment the implementation of this Section. The Center may
4 establish fees, tuition, or other financial charges for
5 participation in the Assistance Program. ~~These monies shall be~~
6 ~~deposited in the Toxic Pollution Prevention Fund established~~
7 ~~in Section 7 of this Act.~~ Through the Assistance Program, the
8 Center:

9 (1) Shall provide general information about and
10 actively publicize the advantages of and developments in
11 toxic pollution prevention and sustainability practices.

12 (2) May establish courses, seminars, conferences and
13 other events, and reports, updates, guides and other
14 publications and other means of providing technical
15 information for industries, local governments and citizens
16 concerning toxic pollution prevention strategies, and may,
17 as appropriate, work in cooperation with the Agency.

18 (3) Shall engage in research on toxic pollution
19 prevention methods. Such research shall include
20 assessments of the impact of adopting toxic pollution
21 prevention methods on the environment, the public health,
22 and worker exposure, and assessments of the impact on
23 profitability and employment within affected industries.

24 (4) Shall provide on-site technical consulting, to the
25 extent practicable, to help facilities to identify
26 opportunities for toxic pollution prevention, and to

1 develop comprehensive toxic pollution prevention plans
2 that would include water, energy, and solid waste. To be
3 eligible for such consulting, the owner or operator of a
4 facility must agree to allow information regarding the
5 results of such consulting to be shared with the public,
6 provided that the identity of the facility shall be made
7 available only with its consent, and trade secret
8 information shall remain protected.

9 (5) May sponsor pilot projects in cooperation with the
10 Agency, or an institute of higher education to develop and
11 demonstrate innovative technologies and methods for toxic
12 pollution prevention and sustainable development. The
13 results of all such projects shall be available for use by
14 the public, but trade secret information shall remain
15 protected.

16 (6) May award grants for activities that further the
17 purposes of this Act, including but not limited to the
18 following:

19 (A) grants to not-for-profit organizations to
20 establish free or low-cost technical assistance or
21 educational programs to supplement the toxic pollution
22 prevention activities of the Center;

23 (B) grants to assist trade associations, business
24 organizations, labor organizations and educational
25 institutions in developing training materials to
26 foster toxic pollution prevention; and

1 (C) grants to assist industry, business
2 organizations, labor organizations, education
3 institutions and industrial hygienists to identify,
4 evaluate and implement toxic pollution prevention
5 measures and alternatives through audits, plans and
6 programs.

7 The Center may establish criteria and terms for such
8 grants, including a requirement that a grantee provide
9 matching funds. Grant money awarded under this Section may
10 not be spent for capital improvements or equipment.

11 In determining whether to award a grant, the Center
12 shall consider at least the following:

13 (i) the potential of the project to prevent
14 pollution;

15 (ii) the likelihood that the project will develop
16 techniques or processes that will minimize the
17 transfer of pollution from one environmental medium to
18 another;

19 (iii) the extent to which information to be
20 developed through the project will be applicable to
21 other persons in the State; and

22 (iv) the willingness of the grant applicant to
23 assist the Center in disseminating information about
24 the pollution prevention methods to be developed
25 through the project.

26 (7) Shall establish and operate a State information

1 clearinghouse that assembles, catalogues and disseminates
2 information about toxic pollution prevention and available
3 consultant services. Such clearinghouse shall include a
4 computer database containing information on managerial,
5 technical and operational approaches to achieving toxic
6 pollution prevention. The computer database must be
7 maintained on a system designed to enable businesses,
8 governmental agencies and the general public readily to
9 obtain information specific to production technologies,
10 materials, operations and products. A business shall not
11 be required to submit to the clearinghouse any information
12 that is a trade secret.

13 (8) May contract with an established institution of
14 higher education to assist the Center in carrying out the
15 provisions of this Section. The assistance provided by
16 such an institution may include, but need not be limited
17 to:

18 (A) engineering field internships to assist
19 industries in identifying toxic pollution prevention
20 opportunities;

21 (B) development of a toxic pollution prevention
22 curriculum for students and faculty; and

23 (C) applied toxic pollution prevention and
24 recycling research.

25 (9) Shall emphasize assistance to businesses that have
26 inadequate technical and financial resources to obtain

1 information and to assess and implement toxic pollution
2 prevention methods.

3 (10) Shall publish a biannual report on its toxic
4 pollution prevention and sustainable development
5 activities, achievements, identified problems and future
6 goals.

7 (Source: P.A. 98-346, eff. 8-14-13.)

8 Section 20-80. The Illinois Endangered Species Protection
9 Act is amended by changing Section 10 as follows:

10 (520 ILCS 10/10) (from Ch. 8, par. 340)

11 Sec. 10. The Endangered and Threatened Species Program
12 shall be located within the Department ~~of Conservation~~. All
13 fines collected under this Act shall be paid to the State
14 Treasurer and deposited in the Illinois Wildlife Preservation
15 ~~Nongame Wildlife Conservation~~ Fund.

16 (Source: P.A. 84-1065.)

17 Section 20-85. The Illinois Vehicle Code is amended by
18 changing Section 11-1429 as follows:

19 (625 ILCS 5/11-1429)

20 Sec. 11-1429. Excessive idling.

21 (a) The purpose of this law is to protect public health and
22 the environment by reducing emissions while conserving fuel

1 and maintaining adequate rest and safety of all drivers of
2 diesel vehicles.

3 (b) As used in this Section, "affected areas" means the
4 counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison,
5 St. Clair, and Monroe and the townships of Aux Sable and Goose
6 Lake in Grundy County and the township of Oswego in Kendall
7 County.

8 (c) A person that operates a motor vehicle operating on
9 diesel fuel in an affected area may not cause or allow the
10 motor vehicle, when it is not in motion, to idle for more than
11 a total of 10 minutes within any 60 minute period, except under
12 the following circumstances:

13 (1) the motor vehicle has a Gross Vehicle Weight
14 Rating of less than 8,000 pounds;

15 (2) the motor vehicle idles while forced to remain
16 motionless because of on-highway traffic, an official
17 traffic control device or signal, or at the direction of a
18 law enforcement official;

19 (3) the motor vehicle idles when operating defrosters,
20 heaters, air conditioners, or other equipment solely to
21 prevent a safety or health emergency;

22 (4) a police, fire, ambulance, public safety, other
23 emergency or law enforcement motor vehicle, or any motor
24 vehicle used in an emergency capacity, idles while in an
25 emergency or training mode and not for the convenience of
26 the vehicle operator;

1 (5) the primary propulsion engine idles for
2 maintenance, servicing, repairing, or diagnostic purposes
3 if idling is necessary for such activity;

4 (6) a motor vehicle idles as part of a government
5 inspection to verify that all equipment is in good working
6 order, provided idling is required as part of the
7 inspection;

8 (7) when idling of the motor vehicle is required to
9 operate auxiliary equipment to accomplish the intended use
10 of the vehicle (such as loading, unloading, mixing, or
11 processing cargo; controlling cargo temperature;
12 construction operations; lumbering operations; oil or gas
13 well servicing; or farming operations), provided that this
14 exemption does not apply when the vehicle is idling solely
15 for cabin comfort or to operate non-essential equipment
16 such as air conditioning, heating, microwave ovens, or
17 televisions;

18 (8) an armored motor vehicle idles when a person
19 remains inside the vehicle to guard the contents, or while
20 the vehicle is being loaded or unloaded;

21 (9) a bus idles a maximum of 15 minutes in any 60
22 minute period to maintain passenger comfort while
23 non-driver passengers are on board;

24 (10) if the motor vehicle has a sleeping berth, when
25 the operator is occupying the vehicle during a rest or
26 sleep period and idling of the vehicle is required to

1 operate air conditioning or heating;

2 (11) when the motor vehicle idles due to mechanical
3 difficulties over which the operator has no control;

4 (12) the motor vehicle is used as airport ground
5 support equipment, including, but not limited to, motor
6 vehicles operated on the air side of the airport terminal
7 to service or supply aircraft;

8 (13) the motor vehicle is (i) a bus owned by a public
9 transit authority and (ii) being operated on a designated
10 bus route or on a street or highway between designated bus
11 routes for the provision of public transportation;

12 (14) the motor vehicle is an implement of husbandry
13 exempt from registration under subdivision A(2) of Section
14 3-402 of this Code;

15 (15) the motor vehicle is owned by an electric utility
16 and is operated for electricity generation or hydraulic
17 pressure to power equipment necessary in the restoration,
18 repair, modification or installation of electric utility
19 service;

20 (16) the outdoor temperature is less than 32 degrees
21 Fahrenheit or greater than 80 degrees Fahrenheit; or

22 (17) the motor vehicle idles while being operated by a
23 remote starter system.

24 (d) When the outdoor temperature is 32 degrees Fahrenheit
25 or higher and 80 degrees Fahrenheit or lower, a person who
26 operates a motor vehicle operating on diesel fuel in an

1 affected area may not cause or allow the motor vehicle to idle
2 for a period greater than 30 minutes in any 60 minute period
3 while waiting to weigh, load, or unload cargo or freight,
4 unless the vehicle is in a line of vehicles that regularly and
5 periodically moves forward.

6 (e) This Section does not prohibit the operation of an
7 auxiliary power unit or generator set as an alternative to
8 idling the main engine of a motor vehicle operating on diesel
9 fuel.

10 (f) This Section does not apply to the owner of a motor
11 vehicle rented or leased to another entity or person operating
12 the vehicle.

13 (g) Any person convicted of any violation of this Section
14 is guilty of a petty offense and shall be fined \$90 for the
15 first conviction and \$500 for a second or subsequent
16 conviction within any 12 month period.

17 (h) Fines; distribution. All fines and all penalties
18 collected under this Section shall be deposited in the State
19 Treasury and shall be distributed as follows: (i) \$50 for the
20 first conviction and \$150 for a second or subsequent
21 conviction within any 12 month period under this Section shall
22 be deposited into the State's General Revenue Fund; (ii) \$20
23 for the first conviction and \$262.50 for a second or
24 subsequent conviction within any 12 month period under this
25 Section shall be distributed to the law enforcement agency
26 that issued the citation; and (iii) \$20 for the first

1 conviction and \$87.50 for a second or subsequent conviction
2 within any 12 month period under this Section shall be
3 deposited into the Vehicle Inspection ~~Trucking Environmental~~
4 ~~and Education~~ Fund.

5 (i) (Blank). ~~The Trucking Environmental and Education Fund~~
6 ~~is created as a special fund in the State Treasury. All money~~
7 ~~deposited into the Trucking Environmental and Education Fund~~
8 ~~shall be paid, subject to appropriation by the General~~
9 ~~Assembly, to the Illinois Environmental Protection Agency for~~
10 ~~the purpose of educating the trucking industry on air~~
11 ~~pollution and preventative measures specifically related to~~
12 ~~idling. Any interest earned on deposits into the Fund shall~~
13 ~~remain in the Fund and be used for the purposes set forth in~~
14 ~~this subsection. Notwithstanding any other law to the~~
15 ~~contrary, the Fund is not subject to administrative charges or~~
16 ~~charge backs that would in any way transfer moneys from the~~
17 ~~Fund into any other fund of the State.~~

18 (j) Notwithstanding any other provision of this Section, a
19 person who operates a motor vehicle with a gross vehicle
20 weight rating of 8,000 pounds or more operating on diesel fuel
21 on property that (i) offers paid parking services to vehicle
22 owners, (ii) does not involve fuel dispensing, and (iii) is
23 located in an affected area within a county of over 3 million
24 residents but outside of a municipality of over 2 million
25 residents may not cause or allow the motor vehicle, when it is
26 not in motion, to idle for more than a total of 10 minutes

1 within any 60-minute period under any circumstances if the
2 vehicle is within 200 feet of a residential area. This Section
3 may be enforced by either the law enforcement agency having
4 jurisdiction over the residential area or the law enforcement
5 agency having jurisdiction over the property on which the
6 violation took place. This subsection does not apply to:

7 (1) school buses;

8 (2) waste hauling vehicles;

9 (3) facilities operated by the Department of
10 Transportation;

11 (4) vehicles owned by a public utility and operated to
12 power equipment necessary in the restoration, repair,
13 modification, or installation of a utility service; or

14 (5) ambulances.

15 (Source: P.A. 100-435, eff. 8-25-17; 101-319, eff. 1-1-20.)

16 Section 20-90. The Unified Code of Corrections is amended
17 by changing Section 5-9-1.8 as follows:

18 (730 ILCS 5/5-9-1.8)

19 Sec. 5-9-1.8. Child pornography fines. Beginning July 1,
20 2006, 100% of the fines in excess of \$10,000 collected for
21 violations of Section 11-20.1 of the Criminal Code of 1961 or
22 the Criminal Code of 2012 shall be deposited into the Child
23 Abuse Prevention Fund ~~that is created in the State Treasury~~.
24 Moneys in the Fund resulting from the fines shall be for the

1 use of the Department of Children and Family Services for
2 grants to private entities giving treatment and counseling to
3 victims of child sexual abuse.

4 ~~Notwithstanding any other provision of law, in addition to~~
5 ~~any other transfers that may be provided by law, on July 1,~~
6 ~~2006, or as soon thereafter as practical, the State~~
7 ~~Comptroller shall direct and the State Treasurer shall~~
8 ~~transfer the remaining balance from the Child Sexual Abuse~~
9 ~~Fund into the Child Abuse Prevention Fund. Upon completion of~~
10 ~~the transfer, the Child Sexual Abuse Fund is dissolved, and~~
11 ~~any future deposits due to that Fund and any outstanding~~
12 ~~obligations or liabilities of the Fund pass to the Child Abuse~~
13 ~~Prevention Fund.~~

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 Section 20-95. The Franchise Tax and License Fee Amnesty
16 Act of 2007 is amended by changing Section 5-10 as follows:

17 (805 ILCS 8/5-10)

18 Sec. 5-10. Amnesty program. The Secretary shall establish
19 an amnesty program for all taxpayers owing any franchise tax
20 or license fee imposed by Article XV of the Business
21 Corporation Act of 1983. The amnesty program shall be for a
22 period from February 1, 2008 through March 15, 2008. The
23 amnesty program shall also be for a period between October 1,
24 2019 and November 15, 2019, and shall apply to franchise tax or

1 license fee liabilities for any tax period ending after March
2 15, 2008 and on or before June 30, 2019. The amnesty program
3 shall provide that, upon payment by a taxpayer of all
4 franchise taxes and license fees due from that taxpayer to the
5 State of Illinois for any taxable period, the Secretary shall
6 abate and not seek to collect any interest or penalties that
7 may be applicable, and the Secretary shall not seek civil or
8 criminal prosecution for any taxpayer for the period of time
9 for which amnesty has been granted to the taxpayer. Failure to
10 pay all taxes due to the State for a taxable period shall not
11 invalidate any amnesty granted under this Act with respect to
12 the taxes paid pursuant to the amnesty program. Amnesty shall
13 be granted only if all amnesty conditions are satisfied by the
14 taxpayer. Amnesty shall not be granted to taxpayers who are a
15 party to any criminal investigation or to any civil or
16 criminal litigation that is pending in any circuit court or
17 appellate court or the Supreme Court of this State for
18 nonpayment, delinquency, or fraud in relation to any franchise
19 tax or license fee imposed by Article XV of the Business
20 Corporation Act of 1983. Voluntary payments made under this
21 Act shall be made by check, guaranteed remittance, or ACH
22 debit. The Secretary shall adopt rules as necessary to
23 implement the provisions of this Act. Except as otherwise
24 provided in this Section, all money collected under this Act
25 that would otherwise be deposited into the General Revenue
26 Fund shall be deposited into the General Revenue Fund. Two

1 percent of all money collected under this Act shall be
2 deposited by the State Treasurer into the Department of
3 Business Services Special Operations Fund and, subject to
4 appropriation, shall be used by the Secretary to cover costs
5 associated with the administration of this Act.

6 (Source: P.A. 101-9, eff. 6-5-19; 101-604, eff. 12-13-19.)

7 Section 20-100. The Consumer Fraud and Deceptive Business
8 Practices Act is amended by changing Section 7 as follows:

9 (815 ILCS 505/7) (from Ch. 121 1/2, par. 267)

10 Sec. 7. Injunctive relief; restitution; and civil
11 penalties.

12 (a) Whenever the Attorney General or a State's Attorney
13 has reason to believe that any person is using, has used, or is
14 about to use any method, act or practice declared by this Act
15 to be unlawful, and that proceedings would be in the public
16 interest, he or she may bring an action in the name of the
17 People of the State against such person to restrain by
18 preliminary or permanent injunction the use of such method,
19 act or practice. The Court, in its discretion, may exercise
20 all powers necessary, including but not limited to:
21 injunction; revocation, forfeiture or suspension of any
22 license, charter, franchise, certificate or other evidence of
23 authority of any person to do business in this State;
24 appointment of a receiver; dissolution of domestic

1 corporations or association suspension or termination of the
2 right of foreign corporations or associations to do business
3 in this State; and restitution.

4 (b) In addition to the remedies provided herein, the
5 Attorney General or State's Attorney may request and the Court
6 may impose a civil penalty in a sum not to exceed \$50,000
7 against any person found by the Court to have engaged in any
8 method, act or practice declared unlawful under this Act. In
9 the event the court finds the method, act or practice to have
10 been entered into with the intent to defraud, the court has the
11 authority to impose a civil penalty in a sum not to exceed
12 \$50,000 per violation.

13 (c) In addition to any other civil penalty provided in
14 this Section, if a person is found by the court to have engaged
15 in any method, act, or practice declared unlawful under this
16 Act, and the violation was committed against a person 65 years
17 of age or older, the court may impose an additional civil
18 penalty not to exceed \$10,000 for each violation.

19 A civil penalty imposed under this subsection (c) shall be
20 paid to the State Treasurer who shall deposit the money in the
21 State treasury in a special fund designated the Department on
22 Aging State Projects ~~Elderly Victim~~ Fund. The Treasurer shall
23 deposit such moneys into the Fund monthly. All of the moneys
24 deposited into the Fund shall be appropriated to the
25 Department on Aging for grants to senior centers in Illinois.

26 An award of restitution under subsection (a) has priority

1 over a civil penalty imposed by the court under this
2 subsection.

3 In determining whether to impose a civil penalty under
4 this subsection and the amount of any penalty, the court shall
5 consider the following:

6 (1) Whether the defendant's conduct was in willful
7 disregard of the rights of the person 65 years of age or
8 older.

9 (2) Whether the defendant knew or should have known
10 that the defendant's conduct was directed to a person 65
11 years of age or older.

12 (3) Whether the person 65 years of age or older was
13 substantially more vulnerable to the defendant's conduct
14 because of age, poor health, infirmity, impaired
15 understanding, restricted mobility, or disability, than
16 other persons.

17 (4) Any other factors the court deems appropriate.

18 (d) This Section applies if: (i) a court orders a party to
19 make payments to the Attorney General and the payments are to
20 be used for the operations of the Office of the Attorney
21 General or (ii) a party agrees, in an Assurance of Voluntary
22 Compliance under this Act, to make payments to the Attorney
23 General for the operations of the Office of the Attorney
24 General.

25 (e) Moneys paid under any of the conditions described in
26 subsection (d) shall be deposited into the Attorney General

1 Court Ordered and Voluntary Compliance Payment Projects Fund,
2 which is created as a special fund in the State Treasury.
3 Moneys in the Fund shall be used, subject to appropriation,
4 for the performance of any function pertaining to the exercise
5 of the duties of the Attorney General including but not
6 limited to enforcement of any law of this State and conducting
7 public education programs; however, any moneys in the Fund
8 that are required by the court or by an agreement to be used
9 for a particular purpose shall be used for that purpose.

10 (Source: P.A. 93-246, eff. 7-22-03.)

11 ARTICLE 25. FINANCE-SPECIAL FUNDS REPEAL

12 (20 ILCS 690/Act rep.)

13 Section 25-5. The Rural Diversification Act is repealed.

14 (20 ILCS 1305/10-20 rep.)

15 Section 25-10. The Department of Human Services Act is
16 amended by repealing Section 10-20.

17 (20 ILCS 2310/2310-370 rep.)

18 Section 25-15. The Department of Public Health Powers and
19 Duties Law of the Civil Administrative Code of Illinois is
20 amended by repealing Section 2310-370.

21 (20 ILCS 2705/2705-610 rep.)

1 Section 25-20. The Department of Transportation Law of the
2 Civil Administrative Code of Illinois is amended by repealing
3 Section 2705-610.

4 (20 ILCS 3930/9.2 rep.)

5 Section 25-25. The Illinois Criminal Justice Information
6 Act is amended by repealing Section 9.2.

7 (30 ILCS 105/5.216 rep.)

8 (30 ILCS 105/5.480 rep.)

9 (30 ILCS 105/5.502 rep.)

10 (30 ILCS 105/5.524 rep.)

11 (30 ILCS 105/5.578 rep.)

12 (30 ILCS 105/5.638 rep.)

13 (30 ILCS 105/5.655 rep.)

14 (30 ILCS 105/5.662 rep.)

15 (30 ILCS 105/5.718 rep.)

16 (30 ILCS 105/5.732 rep.)

17 (30 ILCS 105/5.838 rep.)

18 (30 ILCS 105/5.917 rep.)

19 (30 ILCS 105/5.923 rep.)

20 (30 ILCS 105/5.925 rep.)

21 (30 ILCS 105/6y rep.)

22 (30 ILCS 105/6z-68 rep.)

23 (30 ILCS 105/6z-71 rep.)

24 (30 ILCS 105/8.8b rep.)

- 1 (30 ILCS 105/8.23 rep.)
- 2 (30 ILCS 105/8.25b rep.)
- 3 (30 ILCS 105/8.25d rep.)
- 4 (30 ILCS 105/8.41 rep.)
- 5 (30 ILCS 105/8.42 rep.)
- 6 (30 ILCS 105/8.43 rep.)
- 7 (30 ILCS 105/8.44 rep.)
- 8 (30 ILCS 105/8.45 rep.)
- 9 (30 ILCS 105/8.46 rep.)
- 10 (30 ILCS 105/8.47 rep.)
- 11 (30 ILCS 105/8.48 rep.)
- 12 (30 ILCS 105/8.49 rep.)
- 13 (30 ILCS 105/8.50 rep.)
- 14 (30 ILCS 105/8.52 rep.)
- 15 (30 ILCS 105/8.55 rep.)
- 16 (30 ILCS 105/8d rep.)
- 17 (30 ILCS 105/8e rep.)
- 18 (30 ILCS 105/8h rep.)
- 19 (30 ILCS 105/8i rep.)
- 20 (30 ILCS 105/8m rep.)
- 21 (30 ILCS 105/8n rep.)
- 22 (30 ILCS 105/8o rep.)
- 23 (30 ILCS 105/9.07 rep.)
- 24 (30 ILCS 105/8r rep.)
- 25 (30 ILCS 105/14.2 rep.)
- 26 (30 ILCS 105/24.12 rep.)

1 (30 ILCS 105/24.13 rep.)

2 (30 ILCS 105/25.2 rep.)

3 (30 ILCS 105/25.5 rep.)

4 Section 25-30. The State Finance Act is amended by
5 repealing Sections 5.216, 5.480, 5.502, 5.524, 5.578, 5.638,
6 5.655, 5.662, 5.718, 5.732, 5.838, 5.917, 5.923, 5.925, 6y,
7 6z-68, 6z-71, 8.8b, 8.23, 8.25b, 8.25d, 8.41, 8.42, 8.43,
8 8.44, 8.45, 8.46, 8.47, 8.48, 8.49, 8.50, 8.52, 8.55, 8d, 8e,
9 8h, 8i, 8m, 8n, 8o, 9.07, 8r, 14.2, 24.12, 24.13, 25.2, and
10 25.5.

11 (30 ILCS 605/8.2 rep.)

12 Section 25-35. The State Property Control Act is amended
13 by repealing Section 8.2.

14 (30 ILCS 750/Art. 3 rep.)

15 Section 25-40. The Build Illinois Act is amended by
16 repealing Article 3.

17 (415 ILCS 85/7 rep.)

18 Section 25-45. The Toxic Pollution Prevention Act is
19 amended by repealing Section 7.

20 (430 ILCS 65/5.1 rep.)

21 Section 25-50. The Firearm Owners Identification Card Act
22 is amended by repealing Section 5.1.

ARTICLE 30. DCEO-EMPLOYMENT

Section 30-5. The Employee Washroom Act is amended by adding Section 0.05 as follows:

(820 ILCS 230/0.05 new)

Sec. 0.05. Federal regulations; operation of Act.

(a) Except as provided in subsection (b), Sections 1 through 5 of this Act are inoperative on and after the effective date of this amendatory Act of the 102nd General Assembly.

(b) If at any time the Occupational Safety and Health standard at 29 CFR 1910.141 is repealed or revoked, the Director of Labor shall adopt a rule setting forth a determination that this Act should be reviewed and reinstated in order to protect the health and safety of Illinois' workers. On the date such a rule is adopted, this Act shall again become operative.

Section 30-10. The Work Under Compressed Air Act is amended by adding Section 1.5 as follows:

(820 ILCS 245/1.5 new)

Sec. 1.5. Federal regulations; operation of Act.

(a) Except as provided in subsection (b), Sections 1

1 through 6 of this Act are inoperative on and after the
2 effective date of this amendatory Act of the 102nd General
3 Assembly.

4 (b) If at any time the Safety and Health Regulations for
5 Construction standards at 29 CFR 1926.800 through 29 CFR
6 1926.804 are repealed or revoked, the Director of Labor shall
7 adopt a rule setting forth a determination that this Act
8 should be reviewed and reinstated, in whole or in part, in
9 order to protect the health and safety of Illinois' workers.
10 On the date such a rule is adopted, this Act shall again become
11 operative.

12 Section 30-15. The Underground Sewer Employee Safety Act
13 is amended by changing Section 1 and by adding Section 0.05 as
14 follows:

15 (820 ILCS 250/0.05 new)

16 Sec. 0.05. Federal regulations; operation of Act.

17 (a) Except as provided in subsection (b), Sections 1
18 through 6 of this Act are inoperative on and after the
19 effective date of this amendatory Act of the 102nd General
20 Assembly.

21 (b) If at any time the Occupational Safety and Health
22 standards at 29 CFR 1910.120, 29 CFR 1910.146 or the Safety and
23 Health Regulations for Construction standards 29 CFR 1926.1201
24 through 29 CFR 1926.1213 are repealed or revoked, the Director

1 of Labor shall adopt a rule setting forth a determination that
2 this Act should be reviewed and reinstated, in whole or in
3 part, in order to protect the health and safety of Illinois'
4 workers. On the date such a rule is adopted, this Act shall
5 again become operative.

6 (820 ILCS 250/1) (from Ch. 48, par. 1101)

7 Sec. 1. This Act shall apply to all employers engaged in
8 any occupation, business or enterprise in this State,
9 including the State of Illinois and its political
10 subdivisions, ~~except that in the event of a conflict between~~
11 ~~this Act and any other Federal or State law or regulation~~
12 ~~concerning health and safety of employees, such other law or~~
13 ~~regulation shall control.~~

14 (Source: P.A. 81-772.)

15 Section 30-20. The Toxic Substances Disclosure to
16 Employees Act is amended by changing Section 1.5 as follows:

17 (820 ILCS 255/1.5)

18 Sec. 1.5. Federal regulations; operation of Act.

19 (a) Except as provided in subsection (b), Sections 2
20 through 17 of this Act are inoperative on and after the
21 effective date of this amendatory Act of the 102nd ~~95th~~
22 General Assembly, ~~and the Department of Labor shall instead~~
23 ~~enforce the Occupational Safety and Health Administration~~

1 ~~Hazard Communication standards at 29 CFR 1910.1200, as~~
2 ~~amended.~~

3 (b) If at any time the Occupational Safety and Health
4 Administration Hazard Communication standard at 29 CFR
5 1910.1200 is repealed or revoked, the Director of Labor shall
6 adopt a rule setting forth a determination that this Act
7 should be reviewed and reinstated in order to protect the
8 health and safety of Illinois' ~~public sector~~ workers. On the
9 date such a rule is adopted, this Act shall again become
10 operative.

11 (Source: P.A. 95-623, eff. 9-17-07.)

12 ARTICLE 99. EFFECTIVE DATE

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