



Sen. Napoleon Harris, III

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10200HB5186sam004

LRB102 24774 SPS 38585 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 Section 5-25. The Illinois Future of Work Act is amended  
11 by changing Section 20 as follows:

12 (20 ILCS 4103/20)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 20. Report; dissolution.

15 (a) The Illinois Future of Work Task Force shall issue a  
16 report based upon its findings in the course of performing its  
17 duties and responsibilities specified under Section 10. The  
18 report shall be written by an independent authority with  
19 subject matter expertise on the future of work.

20 (b) The Illinois Future of Work Task Force shall submit  
21 its final report to the Governor and the General Assembly no  
22 later than ~~June~~ May 1, 2022, and is dissolved upon the filing

1 of its report.

2 (Source: P.A. 102-407, eff. 8-19-21.)

3 (20 ILCS 5035/Act rep.)

4 Section 5-30. The Illinois Human Services Commission Act  
5 is repealed.

6 (205 ILCS 405/3.2 rep.)

7 Section 5-35. The Currency Exchange Act is amended by  
8 repealing Section 3.2.

9 Section 5-40. The Grain Code is amended by changing  
10 Section 30-25 as follows:

11 (240 ILCS 40/30-25)

12 Sec. 30-25. Grain Insurance Reserve Fund. Upon payment in  
13 full of all money that has been transferred to the Fund prior  
14 to June 30, 2003 from the General Revenue Fund as provided for  
15 under subsection (h) of Section 25-20, the State of Illinois  
16 shall, subject to appropriation, remit \$2,000,000 to the  
17 Corporation to be held in a separate and discrete account to be  
18 used to the extent the assets in the Fund are insufficient to  
19 satisfy claimants as payment of their claims become due as set  
20 forth in subsection (h) of Section 25-20. The remittance of  
21 the \$2,000,000 reserve shall be made to the Corporation within  
22 60 days of payment in full of all money transferred to the Fund

1 as set forth above in this Section 30-25. All income received  
2 by the Reserve Fund shall be deposited in the Fund within 35  
3 days of the end of each calendar quarter.

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

5 Section 5-45. The Community Services Act is amended by  
6 changing Section 4 as follows:

7 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

8 Sec. 4. Financing for community services.

9 (a) The Department of Human Services is authorized to  
10 provide financial reimbursement to eligible private service  
11 providers, corporations, local government entities or  
12 voluntary associations for the provision of services to  
13 persons with mental illness, persons with a developmental  
14 disability, and persons with substance use disorders who are  
15 living in the community for the purpose of achieving the goals  
16 of this Act.

17 The Department shall utilize the following funding  
18 mechanisms for community services:

19 (1) Purchase of Care Contracts: services purchased on  
20 a predetermined fee per unit of service basis from private  
21 providers or governmental entities. Fee per service rates  
22 are set by an established formula which covers some  
23 portion of personnel, supplies, and other allowable costs,  
24 and which makes some allowance for geographic variations

1 in costs as well as for additional program components.

2 (2) Grants: sums of money which the Department grants  
3 to private providers or governmental entities pursuant to  
4 the grant recipient's agreement to provide certain  
5 services, as defined by departmental grant guidelines, to  
6 an approximate number of service recipients. Grant levels  
7 are set through consideration of personnel, supply and  
8 other allowable costs, as well as other funds available to  
9 the program.

10 (3) Other Funding Arrangements: funding mechanisms may  
11 be established on a pilot basis in order to examine the  
12 feasibility of alternative financing arrangements for the  
13 provision of community services.

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

18 For services classified as entitlement services under  
19 federal law or guidelines, caps may not be placed on the total  
20 amount of payment a provider may receive in a fiscal year and  
21 the Department shall not require that a portion of the  
22 payments due be made in a subsequent fiscal year based on a  
23 yearly payment cap.

24 (b) (Blank). ~~The Governor shall create a commission by~~  
25 ~~September 1, 2009, or as soon thereafter as possible, to~~  
26 ~~review funding methodologies, identify gaps in funding,~~

1 ~~identify revenue, and prioritize use of that revenue for~~  
2 ~~community developmental disability services, mental health~~  
3 ~~services, alcohol and substance abuse services, rehabilitation~~  
4 ~~services, and early intervention services. The Office of the~~  
5 ~~Governor shall provide staff support for the commission.~~

6 (c) (Blank). ~~The first meeting of the commission shall be~~  
7 ~~held within the first month after the creation and appointment~~  
8 ~~of the commission, and a final report summarizing the~~  
9 ~~commission's recommendations must be issued within 12 months~~  
10 ~~after the first meeting, and no later than September 1, 2010,~~  
11 ~~to the Governor and the General Assembly.~~

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

14 ~~(A) one member of the House of Representatives,~~  
15 ~~appointed by the Speaker of the House of Representatives;~~

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

18 ~~(C) one member of the Senate, appointed by the~~  
19 ~~President of the Senate;~~

20 ~~(D) one member of the Senate, appointed by the Senate~~  
21 ~~Minority Leader;~~

22 ~~(E) one person with a developmental disability, or a~~  
23 ~~family member or guardian of such a person, appointed by~~  
24 ~~the Governor;~~

25 ~~(F) one person with a mental illness, or a family~~  
26 ~~member or guardian of such a person, appointed by the~~

1 ~~Governor;~~

2 ~~(G) two persons from unions that represent employees~~  
3 ~~of community providers that serve people with~~  
4 ~~developmental disabilities, mental illness, and alcohol~~  
5 ~~and substance abuse disorders, appointed by the Governor;~~  
6 ~~and~~

7 ~~(H) five persons from statewide associations that~~  
8 ~~represent community providers that provide residential,~~  
9 ~~day training, and other developmental disability services,~~  
10 ~~mental health services, alcohol and substance abuse~~  
11 ~~services, rehabilitation services, or early intervention~~  
12 ~~services, or any combination of those, appointed by the~~  
13 ~~Governor.~~

14 ~~The commission shall also have the following ex officio,~~  
15 ~~nonvoting members:~~

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

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

20 ~~(K) the Administrator of the Department of Healthcare~~  
21 ~~and Family Services Division of Finance or his or her~~  
22 ~~designee;~~

23 ~~(L) the Director of the Department of Human Services~~  
24 ~~Division of Developmental Disabilities or his or her~~  
25 ~~designee;~~

26 ~~(M) the Director of the Department of Human Services~~



1 ~~Division of Mental Health or his or her designee; and~~  
2 ~~(N) the Director of the Department of Human Services~~  
3 ~~Division of Alcoholism and Substance Abuse or his or her~~  
4 ~~designee.~~

5 (e) The funding methodologies must reflect economic  
6 factors inherent in providing services and supports, recognize  
7 individual disability needs, and consider geographic  
8 differences, transportation costs, required staffing ratios,  
9 and mandates not currently funded.

10 (f) In accepting Department funds, providers shall  
11 recognize their responsibility to be accountable to the  
12 Department and the State for the delivery of services which  
13 are consistent with the philosophies and goals of this Act and  
14 the rules and regulations promulgated under it.

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

16 ARTICLE 10. DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

17 Section 10-5. The Department of Commerce and Economic  
18 Opportunity Law of the Civil Administrative Code of Illinois  
19 is amended by changing Sections 605-300, 605-615, and 605-680  
20 as follows:

21 (20 ILCS 605/605-300) (was 20 ILCS 605/46.2)

22 Sec. 605-300. Economic and business development plans;  
23 Illinois Business Development Council. ~~(a)~~ Economic

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

17 The term "economic development" shall be construed broadly  
18 by the Department and may include, but is not limited to, job  
19 creation, job retention, tax base enhancements, development of  
20 human capital, workforce productivity, critical  
21 infrastructure, regional competitiveness, social inclusion,  
22 standard of living, environmental sustainability, energy  
23 independence, quality of life, the effective use of financial  
24 incentives, the utilization of public private partnerships  
25 where appropriate, and other metrics determined by the  
26 Department.

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

4           The plan shall identify and develop specific strategies  
5 for utilizing the assets of regions within the State defined  
6 as counties and municipalities or other political subdivisions  
7 in close geographical proximity that share common economic  
8 traits such as commuting zones, labor market areas, or other  
9 economically integrated characteristics.

10          If the plan includes strategies that have a fiscal impact  
11 on the Department or any other agency, the plan shall include a  
12 detailed description of the estimated fiscal impact of such  
13 strategies.

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

16          The Department shall transmit copies of the economic  
17 development plan to the Governor and the General Assembly no  
18 later than July 1, 2014, and by July 1 annually thereafter. The  
19 plan and its corresponding modifications shall be published  
20 and made available to the public in both paper and electronic  
21 media, on the Department's website, and by any other method  
22 that the Department deems appropriate.

23          The Department shall annually submit legislation to  
24 implement the strategic economic development plan or  
25 modifications to the strategic economic development plan to  
26 the Governor, the President and Minority Leader of the Senate,

1 and the Speaker and the Minority Leader of the House of  
2 Representatives. The legislation shall be in the form of one  
3 or more substantive bills drafted by the Legislative Reference  
4 Bureau.

5 ~~(b) Business development plans; Illinois Business~~  
6 ~~Development Council.~~

7 ~~(1) There is created the Illinois Business Development~~  
8 ~~Council, hereinafter referred to as the Council. The~~  
9 ~~Council shall consist of the Director, who shall serve as~~  
10 ~~co-chairperson, and 12 voting members who shall be~~  
11 ~~appointed by the Governor with the advice and consent of~~  
12 ~~the Senate.~~

13 ~~(A) The voting members of the Council shall~~  
14 ~~include one representative from each of the following~~  
15 ~~businesses and groups: small business, coal,~~  
16 ~~healthcare, large manufacturing, small or specialized~~  
17 ~~manufacturing, agriculture, high technology or applied~~  
18 ~~science, local economic development entities, private~~  
19 ~~sector organized labor, a local or state business~~  
20 ~~association or chamber of commerce.~~

21 ~~(B) There shall be 2 at-large voting members who~~  
22 ~~reside within areas of high unemployment within~~  
23 ~~counties or municipalities that have had an annual~~  
24 ~~average unemployment rate of at least 120% of the~~  
25 ~~State's annual average unemployment rate as reported~~  
26 ~~by the Department of Employment Security for the 5~~

1           ~~years preceding the date of appointment.~~

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

4           ~~(3) For the initial appointments to the Council, 6~~  
5 ~~voting members shall be appointed to serve a 2 year term~~  
6 ~~and 6 voting members shall be appointed to serve a 4 year~~  
7 ~~term. Thereafter, all appointments shall be for terms of 4~~  
8 ~~years. The initial term of voting members shall commence~~  
9 ~~on the first Wednesday in February 2014. Thereafter, the~~  
10 ~~terms of voting members shall commence on the first~~  
11 ~~Wednesday in February, except in the case of an~~  
12 ~~appointment to fill a vacancy. Vacancies occurring among~~  
13 ~~the members shall be filled in the same manner as the~~  
14 ~~original appointment for the remainder of the unexpired~~  
15 ~~term. For a vacancy occurring when the Senate is not in~~  
16 ~~session, the Governor may make a temporary appointment~~  
17 ~~until the next meeting of the Senate when a person shall be~~  
18 ~~nominated to fill the office, and, upon confirmation by~~  
19 ~~the Senate, he or she shall hold office during the~~  
20 ~~remainder of the term. A vacancy in membership does not~~  
21 ~~impair the ability of a quorum to exercise all rights and~~  
22 ~~perform all duties of the Council. A member is eligible~~  
23 ~~for reappointment.~~

24           ~~(4) Members shall serve without compensation, but may~~  
25 ~~be reimbursed for necessary expenses incurred in the~~  
26 ~~performance of their duties from funds appropriated for~~

1 ~~that purpose.~~

2 ~~(5) In addition, the following shall serve as ex~~  
3 ~~officio, non-voting members of the Council in order to~~  
4 ~~provide specialized advice and support to the Council: the~~  
5 ~~Secretary of Transportation, or his or her designee; the~~  
6 ~~Director of Employment Security, or his or her designee;~~  
7 ~~the Executive Director of the Illinois Finance Authority,~~  
8 ~~or his or her designee; the Director of Agriculture, or~~  
9 ~~his or her designee; the Director of Revenue, or his or her~~  
10 ~~designee; the Director of Labor, or his or her designee;~~  
11 ~~and the Director of the Environmental Protection Agency,~~  
12 ~~or his or her designee. Ex officio members shall provide~~  
13 ~~staff and technical assistance to the Council when~~  
14 ~~appropriate.~~

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

17 ~~(7) The Council shall meet at least twice annually and~~  
18 ~~at such other times as the co chairpersons or any 5 voting~~  
19 ~~members consider necessary. Seven voting members shall~~  
20 ~~constitute a quorum of the Council.~~

21 ~~(8) The Department shall provide staff assistance to~~  
22 ~~the Council.~~

23 ~~(9) The Council shall provide the Department relevant~~  
24 ~~information in a timely manner pursuant to its duties as~~  
25 ~~enumerated in this Section that can be used by the~~  
26 ~~Department to enhance the State's strategic economic~~

1 ~~development plan.~~

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

3 ~~(A) Develop an overall strategic business~~  
4 ~~development plan for the State of Illinois and update~~  
5 ~~the plan at least annually; that plan shall include,~~  
6 ~~without limitation, (i) an assessment of the economic~~  
7 ~~development practices of states that border Illinois~~  
8 ~~and (ii) recommendations for best practices with~~  
9 ~~respect to economic development, business incentives,~~  
10 ~~business attraction, and business retention for~~  
11 ~~counties in Illinois that border at least one other~~  
12 ~~state.~~

13 ~~(B) Develop business marketing plans for the State~~  
14 ~~of Illinois to effectively solicit new company~~  
15 ~~investment and existing business expansion. Insofar as~~  
16 ~~allowed under the Illinois Procurement Code, and~~  
17 ~~subject to appropriations made by the General Assembly~~  
18 ~~for such purposes, the Council may assist the~~  
19 ~~Department in the procurement of outside vendors to~~  
20 ~~carry out such marketing plans.~~

21 ~~(C) Seek input from local economic development~~  
22 ~~officials to develop specific strategies to~~  
23 ~~effectively link State and local business development~~  
24 ~~and marketing efforts focusing on areas of high~~  
25 ~~unemployment or poverty.~~

26 ~~(D) Provide the Department with advice on~~

1 ~~strategic business development and business marketing~~  
2 ~~for the State of Illinois.~~

3 ~~(E) Provide the Department research and recommend~~  
4 ~~best practices for developing investment tools for~~  
5 ~~business attraction and retention.~~

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

8 (20 ILCS 605/605-615) (was 20 ILCS 605/46.19e)

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

12 (1) To establish or cosponsor mentoring conferences,  
13 utilizing experienced manufacturing exporters, to explain and  
14 provide information to prospective export manufacturers and  
15 businesses concerning the process of exporting to both  
16 domestic and international opportunities.

17 (2) To provide technical assistance to prospective export  
18 manufacturers and businesses seeking to establish domestic and  
19 international export opportunities.

20 (3) To coordinate with the Department's Small Business  
21 Development Centers to link buyers with prospective export  
22 manufacturers and businesses.

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



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

3           (6) To develop an electronic database ~~data base~~ to compile  
4 information on international trade and investment activities  
5 in Illinois companies, ~~provide access to research and business~~  
6 ~~opportunities through external data bases, and connect this~~  
7 ~~data base through international communication systems with~~  
8 ~~appropriate domestic and worldwide networks users.~~

9           (7) To collect and distribute to foreign commercial  
10 libraries directories, catalogs, brochures, and other  
11 information of value to foreign businesses considering doing  
12 business in this State.

13           (8) To establish an export finance awareness program to  
14 provide information to banking organizations about methods  
15 used by banks to provide financing for businesses engaged in  
16 exporting and about other State and federal programs to  
17 promote and expedite export financing.

18           (9) To undertake a survey of Illinois' businesses to  
19 identify exportable products and the businesses interested in  
20 exporting.

21 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;  
22 92-16, eff. 6-28-01.)

23           (20 ILCS 605/605-680)

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

25           (a) The Department, in consultation with the Department of

1 Innovation and Technology, must establish and maintain an  
2 Internet website devoted to the marketing of Illinois goods  
3 and services by linking potential purchasers with producers of  
4 goods and services who are located in the State.

5 (b) The Department must, subject to appropriation,  
6 advertise the website to encourage inclusion of producers on  
7 the website and to encourage the use of the website by  
8 potential purchasers.

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

10 (20 ILCS 605/605-1040 rep.)

11 Section 10-10. The Department of Commerce and Economic  
12 Opportunity Law of the Civil Administrative Code of Illinois  
13 is amended by repealing Section 605-1040.

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

16 (20 ILCS 720/15)

17 Sec. 15. Illinois Main Street Program. The Illinois Main  
18 Street Program is created, subject to appropriation, within  
19 the Department. In order to implement the Illinois Main Street  
20 Program, the Department may ~~shall~~ do all of the following:

21 (1) Provide assistance to municipalities designated as  
22 Main Street Communities, municipalities interested in  
23 becoming designated through the program, and businesses,

1 property owners, organizations, and municipalities  
2 undertaking a comprehensive downtown or neighborhood  
3 commercial district revitalization initiative and  
4 management strategy. Assistance may include, but is not  
5 limited to, initial site evaluations and assessments,  
6 training for local programs, training for local program  
7 staff, site visits and assessments by technical  
8 specialists, local program design assistance and  
9 evaluation, and continued local program on-site  
10 assistance.

11 (2) To the extent funds are made available, provide  
12 financial assistance to municipalities or local  
13 organizations to assist in initial downtown or  
14 neighborhood commercial district revitalization program  
15 specialized training, specific project feasibility  
16 studies, market studies, and design assistance.

17 (3) Operate the Illinois Main Street Program in  
18 accordance with the plan developed by the Department.

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

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

22 (20 ILCS 720/20)

23 Sec. 20. Main Street Community designation.

24 (a) The Department may ~~shall~~ adopt criteria for the  
25 designation of a Main Street Community. In establishing the

1 criteria, the Department shall consider all of the following:

2 (1) The degree of interest and commitment to  
3 comprehensive downtown or neighborhood commercial district  
4 revitalization and, where applicable, historic  
5 preservation by both the public and private sectors.

6 (2) The evidence of potential private sector  
7 investment in the downtown or neighborhood commercial  
8 district.

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

12 (4) The capacity of the organization to undertake a  
13 comprehensive program and the financial commitment to  
14 implement a long-term downtown or neighborhood commercial  
15 district revitalization program that includes a commitment  
16 to employ a professional program manager.

17 (5) The National Main Street Center's criteria for  
18 designating official main street municipalities.

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

21 (b) Illinois Main Street shall designate local downtown or  
22 neighborhood commercial district revitalization programs and  
23 official local main street programs.

24 (c) The Department must approve all local downtown or  
25 neighborhood commercial district revitalization program  
26 boundaries. The boundaries of a local downtown or neighborhood

1 commercial district revitalization program are typically  
2 defined using the pedestrian core of a traditional commercial  
3 district.

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

5 (20 ILCS 720/25)

6 Sec. 25. Illinois Main Street Plan. The Department may  
7 ~~shall~~, in consultation with the Lieutenant Governor, develop a  
8 plan for the Illinois Main Street Program. The plan shall  
9 describe:

10 (1) the objectives and strategies of the Illinois Main  
11 Street Program;

12 (2) how the Illinois Main Street Program will be  
13 coordinated with existing federal, state, local, and  
14 private sector business development and historic  
15 preservation efforts;

16 (3) the means by which private investment will be  
17 solicited and employed;

18 (4) the methods of selecting and providing assistance  
19 to participating local programs; and

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

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

23 (20 ILCS 720/30)

24 Sec. 30. Role of the Lieutenant Governor. The Lieutenant

1 Governor shall, subject to appropriation, be the Ambassador of  
2 the Illinois Main Street Program. The Department shall,  
3 subject to appropriation, advise and consult with the  
4 Lieutenant Governor on the activities of the Illinois Main  
5 Street Program. The Lieutenant Governor, with the assistance  
6 of the Department, shall, subject to appropriation, promote  
7 and encourage the success of the Illinois Main Street Program.  
8 (Source: P.A. 97-573, eff. 8-25-11.)

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

11 (20 ILCS 860/2) (from Ch. 105, par. 532)

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

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

18 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

19 Sec. 2a. The Department of Natural Resources is authorized  
20 to have prepared ~~with the Department of Commerce and Economic~~  
21 ~~Opportunity~~ and to maintain and keep up to date a  
22 comprehensive plan for the preservation of the historically  
23 significant properties and interests of the State.

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

2 (20 ILCS 3953/15 rep.)

3 (20 ILCS 3953/20 rep.)

4 Section 10-25. The Government Buildings Energy Cost  
5 Reduction Act of 1991 is amended by repealing Sections 15 and  
6 20.

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

9 (30 ILCS 780/5-30)

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

11 (a) Subject to appropriation, the Department shall  
12 administer the Community Technology Center Grant Program under  
13 which the Department shall make grants in accordance with this  
14 Article for planning, establishment, administration, and  
15 expansion of Community Technology Centers and for assisting  
16 public hospitals, libraries, and park districts in eliminating  
17 the digital divide. The purposes of the grants shall include,  
18 but not be limited to, volunteer recruitment and management,  
19 training and instruction, infrastructure, and related goods  
20 and services, including case management, administration,  
21 personal information management, and outcome-tracking tools  
22 and software for the purposes of reporting to the Department  
23 and for enabling participation in digital government and

1 consumer services programs, for Community Technology Centers  
2 and public hospitals, libraries, and park districts. No  
3 Community Technology Center may receive a grant of more than  
4 \$75,000 under this Section in a particular fiscal year.

5 (b) Public hospitals, libraries, park districts, and State  
6 educational agencies, local educational agencies, institutions  
7 of higher education, senior citizen homes, and other public  
8 and private nonprofit or for-profit agencies and organizations  
9 are eligible to receive grants under this Program, provided  
10 that a local educational agency or public or private  
11 educational agency or organization must, in order to be  
12 eligible to receive grants under this Program, provide  
13 computer access and educational services using information  
14 technology to the public at one or more of its educational  
15 buildings or facilities at least 12 hours each week. A group of  
16 eligible entities is also eligible to receive a grant if the  
17 group follows the procedures for group applications in 34 CFR  
18 75.127-129 of the Education Department General Administrative  
19 Regulations.

20 To be eligible to apply for a grant, a Community  
21 Technology Center must serve a community in which not less  
22 than 40% of the students are eligible for a free or reduced  
23 price lunch under the national school lunch program or in  
24 which not less than 30% of the students are eligible for a free  
25 lunch under the national school lunch program; however, if  
26 funding is insufficient to approve all grant applications for



1 a particular fiscal year, the Department may impose a higher  
2 minimum percentage threshold for that fiscal year.  
3 Determinations of communities and determinations of the  
4 percentage of students in a community who are eligible for a  
5 free or reduced price lunch under the national school lunch  
6 program shall be in accordance with rules adopted by the  
7 Department.

8 Any entities that have received a Community Technology  
9 Center grant under the federal Community Technology Centers  
10 Program are also eligible to apply for grants under this  
11 Program.

12 The Department shall provide assistance to Community  
13 Technology Centers in making those determinations for purposes  
14 of applying for grants.

15 The Department shall encourage Community Technology  
16 Centers to participate in public and private computer hardware  
17 equipment recycling initiatives that provide computers at  
18 reduced or no cost to low-income families, including programs  
19 authorized by the State Property Control Act. On an annual  
20 basis, the Department must provide the Director of Central  
21 Management Services with a list of Community Technology  
22 Centers that have applied to the Department for funding as  
23 potential recipients of surplus State-owned computer hardware  
24 equipment under programs authorized by the State Property  
25 Control Act.

26 (c) Grant applications shall be submitted to the

1 Department on a schedule of one or more deadlines established  
2 by the Department by rule.

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

5 (e) (Blank). ~~There is created the Digital Divide~~  
6 ~~Elimination Advisory Committee. The advisory committee shall~~  
7 ~~consist of 7 members appointed one each by the Governor, the~~  
8 ~~President of the Senate, the Senate Minority Leader, the~~  
9 ~~Speaker of the House, and the House Minority Leader, and 2~~  
10 ~~appointed by the Director of Commerce and Economic~~  
11 ~~Opportunity, one of whom shall be a representative of the~~  
12 ~~telecommunications industry and one of whom shall represent~~  
13 ~~community technology centers. The members of the advisory~~  
14 ~~committee shall receive no compensation for their services as~~  
15 ~~members of the advisory committee but may be reimbursed for~~  
16 ~~their actual expenses incurred in serving on the advisory~~  
17 ~~committee. The Digital Divide Elimination Advisory Committee~~  
18 ~~shall advise the Department in establishing criteria and~~  
19 ~~priorities for identifying recipients of grants under this~~  
20 ~~Act. The advisory committee shall obtain advice from the~~  
21 ~~technology industry regarding current technological standards.~~  
22 ~~The advisory committee shall seek any available federal~~  
23 ~~funding.~~

24 (f) (Blank). ~~There is created the Digital Divide~~  
25 ~~Elimination Working Group. The Working Group shall consist of~~  
26 ~~the Director of Commerce and Economic Opportunity, or his or~~

1 ~~her designee, the Director of Central Management Services, or~~  
2 ~~his or her designee, and the Executive Director of the~~  
3 ~~Illinois Commerce Commission, or his or her designee. The~~  
4 ~~Director of Commerce and Economic Opportunity, or his or her~~  
5 ~~designee, shall serve as chair of the Working Group. The~~  
6 ~~Working Group shall consult with the members of the Digital~~  
7 ~~Divide Elimination Advisory Committee and may consult with~~  
8 ~~various groups including, but not limited to,~~  
9 ~~telecommunications providers, telecommunications related~~  
10 ~~technology producers and service providers, community~~  
11 ~~technology providers, community and consumer organizations,~~  
12 ~~businesses and business organizations, and federal government~~  
13 ~~agencies.~~

14 (g) Duties of the Digital Divide Elimination Working Group  
15 include all of the following:

16 (1) Undertaking a thorough review of grant programs  
17 available through the federal government, local agencies,  
18 telecommunications providers, and business and charitable  
19 entities for the purpose of identifying appropriate  
20 sources of revenues for the Digital Divide Elimination  
21 Fund and attempting to update available grants on a  
22 regular basis.

23 (2) Researching and cataloging programs designed to  
24 advance digital literacy and computer access that are  
25 available through the federal government, local agencies,  
26 telecommunications providers, and business and charitable

1 entities and attempting to update available programs on a  
2 regular basis.

3 (3) Presenting the information compiled from items (1)  
4 and (2) to the Department of Commerce and Economic  
5 Opportunity, which shall serve as a single point of  
6 contact for applying for funding for the Digital Divide  
7 Elimination Fund and for distributing information to the  
8 public regarding all programs designed to advance digital  
9 literacy and computer access.

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

11 Section 10-35. 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 5/18-8.10 rep.)

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

6 (105 ILCS 5/34-83 rep.)

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

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

11 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

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

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

20 (b) "Educational employee" or "employee" means any  
21 individual, excluding supervisors, managerial, confidential,  
22 short term employees, student, and part-time academic  
23 employees of community colleges employed full or part time by  
24 an educational employer, but shall not include elected  
25 officials and appointees of the Governor with the advice and  
26 consent of the Senate, firefighters as defined by subsection

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

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

23 (d) "Exclusive representative" means the labor  
24 organization which has been designated by the Illinois  
25 Educational Labor Relations Board as the representative of the  
26 majority of educational employees in an appropriate unit, or

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

7 (e) "Board" means the Illinois Educational Labor Relations  
8 Board.

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

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

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

24 (i) "Person" includes an individual, educational employee,  
25 educational employer, legal representative, or employee  
26 organization.

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

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

26 (l) "Professional employee" means, in the case of any

1 public school district, or combination of school districts  
2 pursuant to joint agreement, any employee who has a  
3 certificate issued under Article 21 ~~or Section 34-83~~ of the  
4 School Code, ~~as now or hereafter amended~~.

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

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

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

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

20 (q) "Short-term employee" is an employee who is employed  
21 for less than 2 consecutive calendar quarters during a  
22 calendar year and who does not have a reasonable expectation  
23 that he or she will be rehired by the same employer for the  
24 same service in a subsequent calendar year. Nothing in this  
25 subsection shall affect the employee status of individuals who  
26 were covered by a collective bargaining agreement on the

1 effective date of this amendatory Act of 1991.

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

3 ARTICLE 20. FINANCE-VARIOUS

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

6 (5 ILCS 375/11) (from Ch. 127, par. 531)

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

1 contributed by the State.

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

16 Universities having employees who are totally compensated  
17 out of the following funds:

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

21 shall not be required to submit such contribution for such  
22 employees.

23 For each person covered under this Act whose eligibility  
24 for such coverage is based upon the person's status as the  
25 recipient of a benefit under the Illinois Pension Code, which  
26 benefit is based in whole or in part upon service with the Toll



1 Highway Authority, the Authority shall annually contribute a  
2 pro rata share of the State's cost for the benefits of that  
3 person.

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

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

8 (20 ILCS 2705/2705-255) (was 20 ILCS 2705/49.14)

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

1 ~~Illinois Purposes Fund.~~

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

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

6 (20 ILCS 4005/8.6)

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

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

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

5           (30 ILCS 105/5.970 new)

6           Sec. 5.970. The Aeronautics Fund.

7           (30 ILCS 105/5.971 new)

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

9           (30 ILCS 105/5.972 new)

10          Sec. 5.972. The ISAC Accounts Receivable Fund.

11          (30 ILCS 105/5.973 new)

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

13          (30 ILCS 105/5.974 new)

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

16          (30 ILCS 105/5.975 new)

17          Sec. 5.975. The Public Pension Regulation Fund.

18          (30 ILCS 105/5.976 new)

19          Sec. 5.976. The Vehicle Inspection Fund.

1 (30 ILCS 105/6z-75)

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

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

8 (b) Funding and investment.

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

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

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

1 Assembly in a given fiscal year shall be added to the principal  
2 of the Fund, and thereafter considered a part thereof and not  
3 subject to appropriation as income earned by the Fund.

4 (d) Expenditures.

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

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

21 (3) In Fiscal Year 2012 and thereafter, the General  
22 Assembly shall consider the need to balance its  
23 appropriations from the investment income earned by the  
24 Fund with the need to provide for the growth of the  
25 principal of the Illinois Power Agency Trust Fund in order  
26 to ensure that the Fund is able to produce sufficient

1 investment income to fund the operations of the Illinois  
2 Power Agency in future years.

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

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

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

14 (30 ILCS 105/6z-126)

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

1 and provision of basic courses by Board-approved academics,  
2 and in-service courses by approved academies.

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

4 (30 ILCS 105/8.20) (from Ch. 127, par. 144.20)

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

19 ~~In addition to any other permitted use of moneys in the~~  
20 ~~Fund, and notwithstanding any restriction on the use of the~~  
21 ~~Fund, moneys in the Dram Shop Fund may be transferred to the~~  
22 ~~General Revenue Fund as authorized by Public Act 87-14. The~~  
23 ~~General Assembly finds that an excess of moneys existed in the~~  
24 ~~Fund on July 30, 1991, and the Governor's order of July 30,~~  
25 ~~1991, requesting the Comptroller and Treasurer to transfer an~~

1 ~~amount from the Fund to the General Revenue Fund is hereby~~  
2 ~~validated.~~

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

4 (30 ILCS 105/8.25) (from Ch. 127, par. 144.25)

5 Sec. 8.25. Build Illinois Fund; uses.

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



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

26 Transfers from the McCormick Place Account in the Build

1 Illinois Fund shall be made as follows:

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

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

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

1 Transfers from the Build Illinois Bond Account in the  
2 Build Illinois Fund shall be made as follows:

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

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

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

<del>Fiscal Year</del>	<del>Amount</del>
<del>1986</del>	<del>\$35,000,000</del>
<del>1987</del>	<del>\$45,000,000</del>

1	<del>1988</del>	<del>\$50,000,000</del>
2	<del>1989</del>	<del>\$55,000,000</del>
3	<del>1990</del>	<del>\$55,000,000</del>
4	<del>1991</del>	<del>\$50,000,000</del>
5	<del>1992</del>	<del>\$16,200,000</del>
6	<del>1993</del>	<del>\$16,200,000</del>

7 ~~plus any cumulative deficiency in those transfers for prior~~  
8 ~~months.~~

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

1 with Section 8.25b of this Act.

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

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

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

19 (D) (Blank).

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

22 (30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

23 Sec. 8.27. All receipts from federal financial  
24 participation in the Foster Care and Adoption Services program  
25 under Title IV-E of the federal Social Security Act, including

1 receipts for related indirect costs, shall be deposited in the  
2 DCFS Children's Services Fund.

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

23 ~~Eighty percent of the federal funds received by the~~  
24 ~~Illinois Department of Human Services under the Title IV-A~~  
25 ~~Emergency Assistance program as reimbursement for expenditures~~  
26 ~~made from the Illinois Department of Children and Family~~

1 ~~Services appropriations for the costs of services in behalf of~~  
2 ~~Department of Children and Family Services clients shall be~~  
3 ~~deposited into the DCFS Children's Services Fund.~~

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

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

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

23 Except as otherwise provided in this Section, moneys in  
24 the Fund may be used by the Department, pursuant to  
25 appropriation by the General Assembly, for the ordinary and  
26 contingent expenses of the Department.



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

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

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

23       ~~As soon as may be practical after September 1, 2005, upon~~  
24 ~~the request of the Department of Children and Family Services,~~  
25 ~~the Comptroller shall order transferred and the Treasurer~~  
26 ~~shall transfer the unexpended balance of the Department of~~

1 ~~Children and Family Services Training Fund into the DCFS~~  
2 ~~Children's Services Fund. Upon completion of the transfer, the~~  
3 ~~Department of Children and Family Services Training Fund is~~  
4 ~~dissolved and any outstanding obligations or liabilities of~~  
5 ~~that Fund pass to the DCFS Children's Services Fund.~~

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

7 (30 ILCS 105/8.33) (from Ch. 127, par. 144.33)

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

22 ~~(b) The Special Events Revolving Fund shall cease to exist~~  
23 ~~on October 1, 2005. Any balance in the Fund as of that date~~  
24 ~~shall be transferred to the Facilities Management Revolving~~  
25 ~~Fund. Any moneys that otherwise would be paid into the Fund on~~

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

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

6 (30 ILCS 105/8f)

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

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

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

23 (30 ILCS 425/2) (from Ch. 127, par. 2802)

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

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

25           Section 20-30. The Build Illinois Act is amended by

1 changing Sections 9-4.2, 9-5.2, and 23-1 as follows:

2 (30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

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

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

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

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

24 (i) All receipts, including dividends, principal and  
25 interest payments and royalties, from any applicable loan,

1 intermediary, or technical assistance agreement made from  
2 the Capital Fund or from direct appropriations from the  
3 Build Illinois Bond Fund ~~or the Build Illinois Purposes~~  
4 ~~Fund (now abolished)~~ or the General Revenue Fund by the  
5 General Assembly entered into by the Department;

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

13 (iii) Any appropriations, grants or gifts made to the  
14 Capital Fund;

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

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

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

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

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

5 (30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

6 Sec. 9-5.2. Illinois Equity Fund.

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

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

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

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

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

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

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

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

21          (30 ILCS 750/23-1) (from Ch. 127, par. 2723-1)

22          Sec. 23-1. Wages of laborers, mechanics and other workers  
23 employed on all "public works" projects undertaken pursuant to  
24 contracts financed with appropriations from the Build Illinois  
25 Bond Fund ~~or the Build Illinois Purposes Fund~~ shall be subject



1 to the provisions of the Prevailing Wage Act.

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

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

6 (50 ILCS 727/1-10)

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

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

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

1 death, unless the investigator is employed by the Illinois  
2 State Police and is not assigned to the same division or unit  
3 as the officer involved in the death.

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

24 (d) The investigators conducting the investigation shall,  
25 in an expeditious manner, provide a complete report to the  
26 State's Attorney of the county in which the officer-involved

1 death occurred.

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

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

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

11 (70 ILCS 215/8) (from Ch. 85, par. 1250.8)

12 Sec. 8. Appropriations may be made from time to time by the  
13 General Assembly to the Metropolitan Pier and Exposition  
14 Authority for the payment of principal and interest of bonds  
15 of the Authority issued under the provisions of this Act and  
16 for any other lawful purpose of the Authority. Any and all of  
17 the funds so received shall be kept separate and apart from any  
18 and all other funds of the Authority. ~~After there has been paid~~  
19 ~~into the Metropolitan Fair and Exposition Authority~~  
20 ~~Reconstruction Fund in the State Treasury sufficient money,~~  
21 ~~pursuant to this Section and Sections 2 and 29 of the Cigarette~~  
22 ~~Tax Act, to retire all bonds payable from that Fund, the taxes~~  
23 ~~derived from Section 28 of the Illinois Horse Racing Act of~~  
24 ~~1975 which were required to be paid into that Fund pursuant to~~

1 ~~that Act shall thereafter be paid into the General Revenue~~  
2 ~~Fund in the State Treasury.~~

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

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

6 (110 ILCS 947/52)

7 Sec. 52. Golden Apple Scholars of Illinois Program; Golden  
8 Apple Foundation for Excellence in Teaching.

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

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

1 awarded a Golden Apple Scholars of Illinois Program  
2 scholarship to any Illinois institution of higher learning.  
3 The Commission shall administer the Golden Apple Scholars of  
4 Illinois Program, which shall be managed by the Foundation  
5 pursuant to the terms of a grant agreement meeting the  
6 requirements of Section 4 of the Illinois Grant Funds Recovery  
7 Act.

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

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

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

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

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

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

23 (a-5) (Blank).

24 (b) (Blank).

25 (b-5) Funds designated for the Golden Apple Scholars of  
26 Illinois Program shall be used by the Commission for the

1 payment of scholarship assistance under this Section or for  
2 the award of grant funds, subject to the Illinois Grant Funds  
3 Recovery Act, to the Foundation. Subject to appropriation,  
4 awards of grant funds to the Foundation shall be made on an  
5 annual basis and following an application for grant funds by  
6 the Foundation.

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

24 (b-15) All grant funds not expended or legally obligated  
25 within the time specified in a grant agreement between the  
26 Foundation and the Commission shall be returned to the

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

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

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

1 Section.

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

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

14 (g) (Blank).

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

20 (i) Prior to receiving scholarship assistance for any  
21 academic year, each recipient of a scholarship awarded under  
22 this Section shall be required by the Foundation to sign an  
23 agreement under which the recipient pledges that, within the  
24 2-year period following the termination of the academic  
25 program for which the recipient was awarded a scholarship, the  
26 recipient: (i) shall begin teaching for a period of not less



1 than 5 years, (ii) shall fulfill this teaching obligation at a  
2 nonprofit Illinois public, private, or parochial preschool or  
3 an Illinois public elementary or secondary school that  
4 qualifies for teacher loan cancellation under Section  
5 465(a)(2)(A) of the federal Higher Education Act of 1965 (20  
6 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed  
7 eligible for fulfilling the teaching commitment as designated  
8 by the Foundation, and (iii) shall, upon request of the  
9 Foundation, provide the Foundation with evidence that he or  
10 she is fulfilling or has fulfilled the terms of the teaching  
11 agreement provided for in this subsection. Upon request, the  
12 Foundation shall provide evidence of teacher fulfillment to  
13 the Commission.

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

1 deposit into the ISAC Commission's Accounts Receivable Fund, a  
2 special fund in the State treasury.

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

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

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

11                 (1) the Foundation's anticipated expenditures for the  
12 next fiscal year;

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

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

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

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

25                 (6) the number of scholarship recipients who failed to  
26 fulfill their teaching obligation during the previous

1 fiscal year;

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

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

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

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

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

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

20 (13) other information that the Commission may  
21 reasonably request.

22 (n) Nothing in this Section shall affect the rights of the  
23 Commission to collect moneys owed to it by recipients of  
24 scholarship assistance through the Illinois Future Teacher  
25 Corps Program, repealed by Public Act 98-533 ~~this amendatory~~  
26 ~~Act of the 98th General Assembly.~~

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

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

8 (Source: P.A. 98-533, eff. 8-23-13; 98-718, eff. 1-1-15;  
9 99-143, eff. 7-27-15.)

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

12 (110 ILCS 967/15-30)

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

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

21 (b) Payments received by the Commission under this Section  
22 shall be remitted to the State Comptroller for deposit into  
23 the General Revenue Fund, except that that portion of a  
24 recipient's repayment that equals the amount in expenses that

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

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

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

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

21 (225 ILCS 230/1011) (from Ch. 111, par. 7861)

22 Sec. 1011. Fees.

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

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

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

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

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

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

23 (305 ILCS 5/12-10.7)

24 Sec. 12-10.7. The Health and Human Services Medicaid Trust

1 Fund. ~~(a)~~ The Health and Human Services Medicaid Trust Fund  
2 shall consist of (i) moneys appropriated or transferred into  
3 the Fund, pursuant to statute, (ii) federal financial  
4 participation moneys received pursuant to expenditures from  
5 the Fund, and (iii) the interest earned on moneys in the Fund.

6 ~~(b)~~ Subject to appropriation, the moneys in the Fund shall be  
7 used by a State agency for such purposes as that agency may, by  
8 the appropriation language, be directed.

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

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

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

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

24 (305 ILCS 20/10) (from Ch. 111 2/3, par. 1410)



1           Sec. 10. Energy Assistance Funds.

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

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

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

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

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

24           ~~(c) The AFDC Energy Assistance Fund shall be inoperative~~  
25 ~~after September 30, 1991.~~

26           ~~(d) Subject to appropriations made by the General~~

1 Assembly, the Department is authorized to expend monies from  
2 the Low Income Home Energy Assistance Block Grant Fund for the  
3 purpose of providing assistance pursuant to Section 6 of this  
4 Act.

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

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

8 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

9 Sec. 4. Environmental Protection Agency; establishment;  
10 duties.

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

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

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

24 (c) The Agency shall have authority to conduct a program  
25 of continuing surveillance and of regular or periodic  
26 inspection of actual or potential contaminant or noise

1 sources, of public water supplies, and of refuse disposal  
2 sites.

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

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

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

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

23 (f) The Agency shall appear before the Board in any  
24 hearing upon a petition for variance or time-limited water  
25 quality standard, the denial of a permit, or the validity or  
26 effect of a rule or regulation of the Board, and shall have the

1 authority to appear before the Board in any hearing under the  
2 Act.

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

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

26 (i) The Agency shall have authority to make

1 recommendations to the Board for the adoption of regulations  
2 under Title VII of the Act.

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

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

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

25 (l) The Agency is hereby designated as water pollution  
26 agency for the state for all purposes of the Federal Water

1 Pollution Control Act, as amended; as implementing agency for  
2 the State for all purposes of the Safe Drinking Water Act,  
3 Public Law 93-523, as now or hereafter amended, except Section  
4 1425 of that Act; as air pollution agency for the state for all  
5 purposes of the Clean Air Act of 1970, Public Law 91-604,  
6 approved December 31, 1970, as amended; and as solid waste  
7 agency for the state for all purposes of the Solid Waste  
8 Disposal Act, Public Law 89-272, approved October 20, 1965,  
9 and amended by the Resource Recovery Act of 1970, Public Law  
10 91-512, approved October 26, 1970, as amended, and amended by  
11 the Resource Conservation and Recovery Act of 1976, (P.L.  
12 94-580) approved October 21, 1976, as amended; as noise  
13 control agency for the state for all purposes of the Noise  
14 Control Act of 1972, Public Law 92-574, approved October 27,  
15 1972, as amended; and as implementing agency for the State for  
16 all purposes of the Comprehensive Environmental Response,  
17 Compensation, and Liability Act of 1980 (P.L. 96-510), as  
18 amended; and otherwise as pollution control agency for the  
19 State pursuant to federal laws integrated with the foregoing  
20 laws, for financing purposes or otherwise. The Agency is  
21 hereby authorized to take all action necessary or appropriate  
22 to secure to the State the benefits of such federal Acts,  
23 provided that the Agency shall transmit to the United States  
24 without change any standards adopted by the Pollution Control  
25 Board pursuant to Section 5(c) of this Act. This subsection  
26 (1) of Section 4 shall not be construed to bar or prohibit the

1 Environmental Protection Trust Fund Commission from accepting,  
2 receiving, and administering on behalf of the State any  
3 grants, gifts, loans or other funds for which the Commission  
4 is eligible pursuant to the Environmental Protection Trust  
5 Fund Act. The Agency is hereby designated as the State agency  
6 for all purposes of administering the requirements of Section  
7 313 of the federal Emergency Planning and Community  
8 Right-to-Know Act of 1986.

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

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

25 (n) In accordance with the powers conferred upon the  
26 Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act,



1 the Agency shall have authority to establish and enforce  
2 minimum standards for the operation of laboratories relating  
3 to analyses and laboratory tests for air pollution, water  
4 pollution, noise emissions, contaminant discharges onto land  
5 and sanitary, chemical, and mineral quality of water  
6 distributed by a public water supply. The Agency may enter  
7 into formal working agreements with other departments or  
8 agencies of state government under which all or portions of  
9 this authority may be delegated to the cooperating department  
10 or agency.

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

20 (p) Except as provided in Section 17.7, the Agency shall  
21 have the duty to analyze samples as required from each public  
22 water supply to determine compliance with the contaminant  
23 levels specified by the Pollution Control Board. The maximum  
24 number of samples which the Agency shall be required to  
25 analyze for microbiological quality shall be 6 per month, but  
26 the Agency may, at its option, analyze a larger number each

1 month for any supply. Results of sample analyses for  
2 additional required bacteriological testing, turbidity,  
3 residual chlorine and radionuclides are to be provided to the  
4 Agency in accordance with Section 19. Owners of water supplies  
5 may enter into agreements with the Agency to provide for  
6 reduced Agency participation in sample analyses.

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

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

1 for which the unit of local government is not liable pursuant  
2 to this subsection (r).

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

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

25 (u) Pursuant to the Illinois Administrative Procedure Act,  
26 the Agency shall have the authority to adopt such rules as are

1 necessary or appropriate for the Agency to implement Section  
2 31.1 of this Act.

3 (v) (Blank.)

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

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

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

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

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

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

26 (aa) The Agency may adopt rules requiring the electronic

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

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

8 (415 ILCS 5/9.9)

9 Sec. 9.9. Nitrogen oxides trading system.

10 (a) The General Assembly finds:

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

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

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

24 (b) The Agency shall propose and the Board shall adopt  
25 regulations to implement an interstate NOx trading program

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

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

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

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

22 (2) provide that emission units, as defined in Section  
23 39.5(1) of this Act, may opt into the NOx Trading Program;

24 (3) provide for voluntary reductions of NOx emissions  
25 from emission units, as defined in Section 39.5(1) of this  
26 Act, not otherwise included under paragraph (c) or (d) (2)

1 of this Section to provide additional allowances to EGUs  
2 and non-EGUs to be allocated by the Agency. The  
3 regulations shall further provide that such voluntary  
4 reductions are verifiable, quantifiable, permanent, and  
5 federally enforceable;

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

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

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

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

25 (1) any unearned Early Reduction Credits set aside for  
26 non-EGUs under 35 Ill. Adm. Code 217, Subpart U, but only



1 to those sources that make qualifying early reductions of  
2 NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the  
3 source did not receive an allocation thereunder. If the  
4 Agency receives requests to purchase more ERCs than are  
5 available for sale, allowances shall be offered for sale  
6 to qualifying sources on a pro-rata basis;

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

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

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

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

24 (1) using the mean of 2 or more published market price  
25 indexes for the 2005 NOx allowances as of October 6, 2003;

26 or

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

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

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

13          (g) To the extent that a court of competent jurisdiction  
14          finds a provision of 40 CFR Part 96 invalid, the corresponding  
15          Illinois provision shall be stayed until such provision of 40  
16          CFR Part 96 is found to be valid or is re-promulgated. To the  
17          extent that USEPA or any court of competent jurisdiction stays  
18          the applicability of any provision of the NOx SIP Call to any  
19          person or circumstance relating to Illinois, during the period  
20          of that stay, the effectiveness of the corresponding Illinois  
21          provision shall be stayed. To the extent that the invalidity  
22          of the particular requirement or application does not affect  
23          other provisions or applications of the NOx SIP Call pursuant  
24          to 40 CFR 51.121 or the NOx trading program pursuant to 40 CFR  
25          Part 96 or 40 CFR Part 97, this Section, and rules or  
26          regulations promulgated hereunder, will be given effect

1 without the invalid provisions or applications.

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

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

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

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

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

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

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

9 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

10 Sec. 22.8. Environmental Protection Permit and Inspection  
11 Fund.

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

1 Operator Certification Law.

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

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

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

21 (b) The Agency shall collect from the owner or operator of  
22 any of the following types of hazardous waste disposal sites  
23 or management facilities which require a RCRA permit under  
24 subsection (f) of Section 21 of this Act, or a UIC permit under  
25 subsection (g) of Section 12 of this Act, an annual fee in the  
26 amount of:

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

5           (2) \$9,000 (\$18,000 beginning in 2004) for a hazardous  
6 waste disposal site receiving hazardous waste if the  
7 hazardous waste disposal site is located on the site where  
8 such waste was produced;

9           (3) \$7,000 (\$14,000 beginning in 2004) for a hazardous  
10 waste disposal site receiving hazardous waste if the  
11 hazardous waste disposal site is an underground injection  
12 well;

13           (4) \$2,000 (\$4,000 beginning in 2004) for a hazardous  
14 waste management facility treating hazardous waste by  
15 incineration;

16           (5) \$1,000 (\$2,000 beginning in 2004) for a hazardous  
17 waste management facility treating hazardous waste by a  
18 method, technique or process other than incineration;

19           (6) \$1,000 (\$2,000 beginning in 2004) for a hazardous  
20 waste management facility storing hazardous waste in a  
21 surface impoundment or pile;

22           (7) \$250 (\$500 beginning in 2004) for a hazardous  
23 waste management facility storing hazardous waste other  
24 than in a surface impoundment or pile; and

25           (8) Beginning in 2004, \$500 for a large quantity  
26 hazardous waste generator required to submit an annual or

1 biennial report for hazardous waste generation.

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

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

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

24 (f) For purposes of this Section, a hazardous waste  
25 disposal site consists of one or more of the following  
26 operational units:

- 1           (1) a landfill receiving hazardous waste for disposal;
- 2           (2) a waste pile or surface impoundment, receiving
- 3 hazardous waste, in which residues which exhibit any of
- 4 the characteristics of hazardous waste pursuant to Board
- 5 regulations are reasonably expected to remain after
- 6 closure;
- 7           (3) a land treatment facility receiving hazardous
- 8 waste; or
- 9           (4) a well injecting hazardous waste.

10           (g) The Agency shall assess a fee for each manifest

11 provided by the Agency. For manifests provided on or after

12 January 1, 1989 but before July 1, 2003, the fee shall be \$1

13 per manifest. For manifests provided on or after July 1, 2003,

14 the fee shall be \$3 per manifest.

15           (Source: P.A. 98-78, eff. 7-15-13; 98-692, eff. 7-1-14;

16 98-822, eff. 8-1-14.)

17           Section 20-75. The Toxic Pollution Prevention Act is

18 amended by changing Section 5 as follows:

19           (415 ILCS 85/5) (from Ch. 111 1/2, par. 7955)

20           Sec. 5. Toxic Pollution Prevention Assistance Program.

21 There is hereby established a Toxic Pollution Prevention

22 Assistance Program at the Illinois Sustainable Technology

23 Center. The Center may establish cooperative programs with

24 public and private colleges and universities designed to



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

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

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

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

22 (4) Shall provide on-site technical consulting, to the  
23 extent practicable, to help facilities to identify  
24 opportunities for toxic pollution prevention, and to  
25 develop comprehensive toxic pollution prevention plans  
26 that would include water, energy, and solid waste. To be

1 eligible for such consulting, the owner or operator of a  
2 facility must agree to allow information regarding the  
3 results of such consulting to be shared with the public,  
4 provided that the identity of the facility shall be made  
5 available only with its consent, and trade secret  
6 information shall remain protected.

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

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

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

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

25 (C) grants to assist industry, business  
26 organizations, labor organizations, education

1 institutions and industrial hygienists to identify,  
2 evaluate and implement toxic pollution prevention  
3 measures and alternatives through audits, plans and  
4 programs.

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

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

11 (i) the potential of the project to prevent  
12 pollution;

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

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

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

24 (7) Shall establish and operate a State information  
25 clearinghouse that assembles, catalogues and disseminates  
26 information about toxic pollution prevention and available

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

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

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

19 (B) development of a toxic pollution prevention  
20 curriculum for students and faculty; and

21 (C) applied toxic pollution prevention and  
22 recycling research.

23 (9) Shall emphasize assistance to businesses that have  
24 inadequate technical and financial resources to obtain  
25 information and to assess and implement toxic pollution  
26 prevention methods.

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

5           (Source: P.A. 98-346, eff. 8-14-13.)

6           Section 20-80. The Illinois Endangered Species Protection  
7           Act is amended by changing Section 10 as follows:

8           (520 ILCS 10/10) (from Ch. 8, par. 340)

9           Sec. 10. The Endangered and Threatened Species Program  
10          shall be located within the Department ~~of Conservation~~. All  
11          fines collected under this Act shall be paid to the State  
12          Treasurer and deposited in the Illinois Wildlife Preservation  
13          ~~Nongame Wildlife Conservation~~ Fund.

14          (Source: P.A. 84-1065.)

15          Section 20-85. The Illinois Vehicle Code is amended by  
16          changing Section 11-1429 as follows:

17          (625 ILCS 5/11-1429)

18          Sec. 11-1429. Excessive idling.

19          (a) The purpose of this law is to protect public health and  
20          the environment by reducing emissions while conserving fuel  
21          and maintaining adequate rest and safety of all drivers of  
22          diesel vehicles.

1 (b) As used in this Section, "affected areas" means the  
2 counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison,  
3 St. Clair, and Monroe and the townships of Aux Sable and Goose  
4 Lake in Grundy County and the township of Oswego in Kendall  
5 County.

6 (c) A person that operates a motor vehicle operating on  
7 diesel fuel in an affected area may not cause or allow the  
8 motor vehicle, when it is not in motion, to idle for more than  
9 a total of 10 minutes within any 60 minute period, except under  
10 the following circumstances:

11 (1) the motor vehicle has a Gross Vehicle Weight  
12 Rating of less than 8,000 pounds;

13 (2) the motor vehicle idles while forced to remain  
14 motionless because of on-highway traffic, an official  
15 traffic control device or signal, or at the direction of a  
16 law enforcement official;

17 (3) the motor vehicle idles when operating defrosters,  
18 heaters, air conditioners, or other equipment solely to  
19 prevent a safety or health emergency;

20 (4) a police, fire, ambulance, public safety, other  
21 emergency or law enforcement motor vehicle, or any motor  
22 vehicle used in an emergency capacity, idles while in an  
23 emergency or training mode and not for the convenience of  
24 the vehicle operator;

25 (5) the primary propulsion engine idles for  
26 maintenance, servicing, repairing, or diagnostic purposes

1 if idling is necessary for such activity;

2 (6) a motor vehicle idles as part of a government  
3 inspection to verify that all equipment is in good working  
4 order, provided idling is required as part of the  
5 inspection;

6 (7) when idling of the motor vehicle is required to  
7 operate auxiliary equipment to accomplish the intended use  
8 of the vehicle (such as loading, unloading, mixing, or  
9 processing cargo; controlling cargo temperature;  
10 construction operations; lumbering operations; oil or gas  
11 well servicing; or farming operations), provided that this  
12 exemption does not apply when the vehicle is idling solely  
13 for cabin comfort or to operate non-essential equipment  
14 such as air conditioning, heating, microwave ovens, or  
15 televisions;

16 (8) an armored motor vehicle idles when a person  
17 remains inside the vehicle to guard the contents, or while  
18 the vehicle is being loaded or unloaded;

19 (9) a bus idles a maximum of 15 minutes in any 60  
20 minute period to maintain passenger comfort while  
21 non-driver passengers are on board;

22 (10) if the motor vehicle has a sleeping berth, when  
23 the operator is occupying the vehicle during a rest or  
24 sleep period and idling of the vehicle is required to  
25 operate air conditioning or heating;

26 (11) when the motor vehicle idles due to mechanical

1 difficulties over which the operator has no control;

2 (12) the motor vehicle is used as airport ground  
3 support equipment, including, but not limited to, motor  
4 vehicles operated on the air side of the airport terminal  
5 to service or supply aircraft;

6 (13) the motor vehicle is (i) a bus owned by a public  
7 transit authority and (ii) being operated on a designated  
8 bus route or on a street or highway between designated bus  
9 routes for the provision of public transportation;

10 (14) the motor vehicle is an implement of husbandry  
11 exempt from registration under subdivision A(2) of Section  
12 3-402 of this Code;

13 (15) the motor vehicle is owned by an electric utility  
14 and is operated for electricity generation or hydraulic  
15 pressure to power equipment necessary in the restoration,  
16 repair, modification or installation of electric utility  
17 service;

18 (16) the outdoor temperature is less than 32 degrees  
19 Fahrenheit or greater than 80 degrees Fahrenheit; or

20 (17) the motor vehicle idles while being operated by a  
21 remote starter system.

22 (d) When the outdoor temperature is 32 degrees Fahrenheit  
23 or higher and 80 degrees Fahrenheit or lower, a person who  
24 operates a motor vehicle operating on diesel fuel in an  
25 affected area may not cause or allow the motor vehicle to idle  
26 for a period greater than 30 minutes in any 60 minute period



1 while waiting to weigh, load, or unload cargo or freight,  
2 unless the vehicle is in a line of vehicles that regularly and  
3 periodically moves forward.

4 (e) This Section does not prohibit the operation of an  
5 auxiliary power unit or generator set as an alternative to  
6 idling the main engine of a motor vehicle operating on diesel  
7 fuel.

8 (f) This Section does not apply to the owner of a motor  
9 vehicle rented or leased to another entity or person operating  
10 the vehicle.

11 (g) Any person convicted of any violation of this Section  
12 is guilty of a petty offense and shall be fined \$90 for the  
13 first conviction and \$500 for a second or subsequent  
14 conviction within any 12 month period.

15 (h) Fines; distribution. All fines and all penalties  
16 collected under this Section shall be deposited in the State  
17 Treasury and shall be distributed as follows: (i) \$50 for the  
18 first conviction and \$150 for a second or subsequent  
19 conviction within any 12 month period under this Section shall  
20 be deposited into the State's General Revenue Fund; (ii) \$20  
21 for the first conviction and \$262.50 for a second or  
22 subsequent conviction within any 12 month period under this  
23 Section shall be distributed to the law enforcement agency  
24 that issued the citation; and (iii) \$20 for the first  
25 conviction and \$87.50 for a second or subsequent conviction  
26 within any 12 month period under this Section shall be

1 deposited into the Vehicle Inspection ~~Trucking Environmental~~  
2 ~~and Education~~ Fund.

3 (i) (Blank). ~~The Trucking Environmental and Education Fund~~  
4 ~~is created as a special fund in the State Treasury. All money~~  
5 ~~deposited into the Trucking Environmental and Education Fund~~  
6 ~~shall be paid, subject to appropriation by the General~~  
7 ~~Assembly, to the Illinois Environmental Protection Agency for~~  
8 ~~the purpose of educating the trucking industry on air~~  
9 ~~pollution and preventative measures specifically related to~~  
10 ~~idling. Any interest earned on deposits into the Fund shall~~  
11 ~~remain in the Fund and be used for the purposes set forth in~~  
12 ~~this subsection. Notwithstanding any other law to the~~  
13 ~~contrary, the Fund is not subject to administrative charges or~~  
14 ~~charge backs that would in any way transfer moneys from the~~  
15 ~~Fund into any other fund of the State.~~

16 (j) Notwithstanding any other provision of this Section, a  
17 person who operates a motor vehicle with a gross vehicle  
18 weight rating of 8,000 pounds or more operating on diesel fuel  
19 on property that (i) offers paid parking services to vehicle  
20 owners, (ii) does not involve fuel dispensing, and (iii) is  
21 located in an affected area within a county of over 3 million  
22 residents but outside of a municipality of over 2 million  
23 residents may not cause or allow the motor vehicle, when it is  
24 not in motion, to idle for more than a total of 10 minutes  
25 within any 60-minute period under any circumstances if the  
26 vehicle is within 200 feet of a residential area. This Section

1 may be enforced by either the law enforcement agency having  
2 jurisdiction over the residential area or the law enforcement  
3 agency having jurisdiction over the property on which the  
4 violation took place. This subsection does not apply to:

5 (1) school buses;

6 (2) waste hauling vehicles;

7 (3) facilities operated by the Department of  
8 Transportation;

9 (4) vehicles owned by a public utility and operated to  
10 power equipment necessary in the restoration, repair,  
11 modification, or installation of a utility service; or

12 (5) ambulances.

13 (Source: P.A. 100-435, eff. 8-25-17; 101-319, eff. 1-1-20.)

14 Section 20-90. The Unified Code of Corrections is amended  
15 by changing Section 5-9-1.8 as follows:

16 (730 ILCS 5/5-9-1.8)

17 Sec. 5-9-1.8. Child pornography fines. Beginning July 1,  
18 2006, 100% of the fines in excess of \$10,000 collected for  
19 violations of Section 11-20.1 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012 shall be deposited into the Child  
21 Abuse Prevention Fund ~~that is created in the State Treasury~~.  
22 Moneys in the Fund resulting from the fines shall be for the  
23 use of the Department of Children and Family Services for  
24 grants to private entities giving treatment and counseling to

1 victims of child sexual abuse.

2 ~~Notwithstanding any other provision of law, in addition to~~  
3 ~~any other transfers that may be provided by law, on July 1,~~  
4 ~~2006, or as soon thereafter as practical, the State~~  
5 ~~Comptroller shall direct and the State Treasurer shall~~  
6 ~~transfer the remaining balance from the Child Sexual Abuse~~  
7 ~~Fund into the Child Abuse Prevention Fund. Upon completion of~~  
8 ~~the transfer, the Child Sexual Abuse Fund is dissolved, and~~  
9 ~~any future deposits due to that Fund and any outstanding~~  
10 ~~obligations or liabilities of the Fund pass to the Child Abuse~~  
11 ~~Prevention Fund.~~

12 (Source: P.A. 97-1150, eff. 1-25-13.)

13 Section 20-95. The Franchise Tax and License Fee Amnesty  
14 Act of 2007 is amended by changing Section 5-10 as follows:

15 (805 ILCS 8/5-10)

16 Sec. 5-10. Amnesty program. The Secretary shall establish  
17 an amnesty program for all taxpayers owing any franchise tax  
18 or license fee imposed by Article XV of the Business  
19 Corporation Act of 1983. The amnesty program shall be for a  
20 period from February 1, 2008 through March 15, 2008. The  
21 amnesty program shall also be for a period between October 1,  
22 2019 and November 15, 2019, and shall apply to franchise tax or  
23 license fee liabilities for any tax period ending after March  
24 15, 2008 and on or before June 30, 2019. The amnesty program

1 shall provide that, upon payment by a taxpayer of all  
2 franchise taxes and license fees due from that taxpayer to the  
3 State of Illinois for any taxable period, the Secretary shall  
4 abate and not seek to collect any interest or penalties that  
5 may be applicable, and the Secretary shall not seek civil or  
6 criminal prosecution for any taxpayer for the period of time  
7 for which amnesty has been granted to the taxpayer. Failure to  
8 pay all taxes due to the State for a taxable period shall not  
9 invalidate any amnesty granted under this Act with respect to  
10 the taxes paid pursuant to the amnesty program. Amnesty shall  
11 be granted only if all amnesty conditions are satisfied by the  
12 taxpayer. Amnesty shall not be granted to taxpayers who are a  
13 party to any criminal investigation or to any civil or  
14 criminal litigation that is pending in any circuit court or  
15 appellate court or the Supreme Court of this State for  
16 nonpayment, delinquency, or fraud in relation to any franchise  
17 tax or license fee imposed by Article XV of the Business  
18 Corporation Act of 1983. Voluntary payments made under this  
19 Act shall be made by check, guaranteed remittance, or ACH  
20 debit. The Secretary shall adopt rules as necessary to  
21 implement the provisions of this Act. Except as otherwise  
22 provided in this Section, all money collected under this Act  
23 that would otherwise be deposited into the General Revenue  
24 Fund shall be deposited into the General Revenue Fund. Two  
25 percent of all money collected under this Act shall be  
26 deposited by the State Treasurer into the Department of

1 Business Services Special Operations Fund and, subject to  
2 appropriation, shall be used by the Secretary to cover costs  
3 associated with the administration of this Act.

4 (Source: P.A. 101-9, eff. 6-5-19; 101-604, eff. 12-13-19.)

5 Section 20-100. The Consumer Fraud and Deceptive Business  
6 Practices Act is amended by changing Section 7 as follows:

7 (815 ILCS 505/7) (from Ch. 121 1/2, par. 267)

8 Sec. 7. Injunctive relief; restitution; and civil  
9 penalties.

10 (a) Whenever the Attorney General or a State's Attorney  
11 has reason to believe that any person is using, has used, or is  
12 about to use any method, act or practice declared by this Act  
13 to be unlawful, and that proceedings would be in the public  
14 interest, he or she may bring an action in the name of the  
15 People of the State against such person to restrain by  
16 preliminary or permanent injunction the use of such method,  
17 act or practice. The Court, in its discretion, may exercise  
18 all powers necessary, including but not limited to:  
19 injunction; revocation, forfeiture or suspension of any  
20 license, charter, franchise, certificate or other evidence of  
21 authority of any person to do business in this State;  
22 appointment of a receiver; dissolution of domestic  
23 corporations or association suspension or termination of the  
24 right of foreign corporations or associations to do business

1 in this State; and restitution.

2 (b) In addition to the remedies provided herein, the  
3 Attorney General or State's Attorney may request and the Court  
4 may impose a civil penalty in a sum not to exceed \$50,000  
5 against any person found by the Court to have engaged in any  
6 method, act or practice declared unlawful under this Act. In  
7 the event the court finds the method, act or practice to have  
8 been entered into with the intent to defraud, the court has the  
9 authority to impose a civil penalty in a sum not to exceed  
10 \$50,000 per violation.

11 (c) In addition to any other civil penalty provided in  
12 this Section, if a person is found by the court to have engaged  
13 in any method, act, or practice declared unlawful under this  
14 Act, and the violation was committed against a person 65 years  
15 of age or older, the court may impose an additional civil  
16 penalty not to exceed \$10,000 for each violation.

17 A civil penalty imposed under this subsection (c) shall be  
18 paid to the State Treasurer who shall deposit the money in the  
19 State treasury in a special fund designated the Department on  
20 Aging State Projects ~~Elderly Victim~~ Fund. The Treasurer shall  
21 deposit such moneys into the Fund monthly. All of the moneys  
22 deposited into the Fund shall be appropriated to the  
23 Department on Aging for grants to senior centers in Illinois.

24 An award of restitution under subsection (a) has priority  
25 over a civil penalty imposed by the court under this  
26 subsection.

1           In determining whether to impose a civil penalty under  
2 this subsection and the amount of any penalty, the court shall  
3 consider the following:

4           (1) Whether the defendant's conduct was in willful  
5 disregard of the rights of the person 65 years of age or  
6 older.

7           (2) Whether the defendant knew or should have known  
8 that the defendant's conduct was directed to a person 65  
9 years of age or older.

10           (3) Whether the person 65 years of age or older was  
11 substantially more vulnerable to the defendant's conduct  
12 because of age, poor health, infirmity, impaired  
13 understanding, restricted mobility, or disability, than  
14 other persons.

15           (4) Any other factors the court deems appropriate.

16           (d) This Section applies if: (i) a court orders a party to  
17 make payments to the Attorney General and the payments are to  
18 be used for the operations of the Office of the Attorney  
19 General or (ii) a party agrees, in an Assurance of Voluntary  
20 Compliance under this Act, to make payments to the Attorney  
21 General for the operations of the Office of the Attorney  
22 General.

23           (e) Moneys paid under any of the conditions described in  
24 subsection (d) shall be deposited into the Attorney General  
25 Court Ordered and Voluntary Compliance Payment Projects Fund,  
26 which is created as a special fund in the State Treasury.



1 Moneys in the Fund shall be used, subject to appropriation,  
2 for the performance of any function pertaining to the exercise  
3 of the duties of the Attorney General including but not  
4 limited to enforcement of any law of this State and conducting  
5 public education programs; however, any moneys in the Fund  
6 that are required by the court or by an agreement to be used  
7 for a particular purpose shall be used for that purpose.

8 (Source: P.A. 93-246, eff. 7-22-03.)

9 ARTICLE 25. FINANCE-SPECIAL FUNDS REPEAL

10 (20 ILCS 690/Act rep.)

11 Section 25-5. The Rural Diversification Act is repealed.

12 (20 ILCS 1305/10-20 rep.)

13 Section 25-10. The Department of Human Services Act is  
14 amended by repealing Section 10-20.

15 (20 ILCS 2310/2310-370 rep.)

16 Section 25-15. The Department of Public Health Powers and  
17 Duties Law of the Civil Administrative Code of Illinois is  
18 amended by repealing Section 2310-370.

19 (20 ILCS 2705/2705-610 rep.)

20 Section 25-20. The Department of Transportation Law of the  
21 Civil Administrative Code of Illinois is amended by repealing

1 Section 2705-610.

2 (20 ILCS 3930/9.2 rep.)

3 Section 25-25. The Illinois Criminal Justice Information  
4 Act is amended by repealing Section 9.2.

5 (30 ILCS 105/5.216 rep.)

6 (30 ILCS 105/5.480 rep.)

7 (30 ILCS 105/5.502 rep.)

8 (30 ILCS 105/5.524 rep.)

9 (30 ILCS 105/5.578 rep.)

10 (30 ILCS 105/5.638 rep.)

11 (30 ILCS 105/5.655 rep.)

12 (30 ILCS 105/5.662 rep.)

13 (30 ILCS 105/5.718 rep.)

14 (30 ILCS 105/5.732 rep.)

15 (30 ILCS 105/5.838 rep.)

16 (30 ILCS 105/5.917 rep.)

17 (30 ILCS 105/5.923 rep.)

18 (30 ILCS 105/5.925 rep.)

19 (30 ILCS 105/6y rep.)

20 (30 ILCS 105/6z-68 rep.)

21 (30 ILCS 105/6z-71 rep.)

22 (30 ILCS 105/8.8b rep.)

23 (30 ILCS 105/8.23 rep.)

24 (30 ILCS 105/8.25b rep.)

- 1 (30 ILCS 105/8.25d rep.)
- 2 (30 ILCS 105/8.41 rep.)
- 3 (30 ILCS 105/8.42 rep.)
- 4 (30 ILCS 105/8.43 rep.)
- 5 (30 ILCS 105/8.44 rep.)
- 6 (30 ILCS 105/8.45 rep.)
- 7 (30 ILCS 105/8.46 rep.)
- 8 (30 ILCS 105/8.47 rep.)
- 9 (30 ILCS 105/8.48 rep.)
- 10 (30 ILCS 105/8.49 rep.)
- 11 (30 ILCS 105/8.50 rep.)
- 12 (30 ILCS 105/8.52 rep.)
- 13 (30 ILCS 105/8.55 rep.)
- 14 (30 ILCS 105/8d rep.)
- 15 (30 ILCS 105/8e rep.)
- 16 (30 ILCS 105/8h rep.)
- 17 (30 ILCS 105/8i rep.)
- 18 (30 ILCS 105/8m rep.)
- 19 (30 ILCS 105/8n rep.)
- 20 (30 ILCS 105/8o rep.)
- 21 (30 ILCS 105/9.07 rep.)
- 22 (30 ILCS 105/8r rep.)
- 23 (30 ILCS 105/14.2 rep.)
- 24 (30 ILCS 105/24.12 rep.)
- 25 (30 ILCS 105/24.13 rep.)
- 26 (30 ILCS 105/25.2 rep.)

1 (30 ILCS 105/25.5 rep.)

2 Section 25-30. The State Finance Act is amended by  
3 repealing Sections 5.216, 5.480, 5.502, 5.524, 5.578, 5.638,  
4 5.655, 5.662, 5.718, 5.732, 5.838, 5.917, 5.923, 5.925, 6y,  
5 6z-68, 6z-71, 8.8b, 8.23, 8.25b, 8.25d, 8.41, 8.42, 8.43,  
6 8.44, 8.45, 8.46, 8.47, 8.48, 8.49, 8.50, 8.52, 8.55, 8d, 8e,  
7 8h, 8i, 8m, 8n, 8o, 9.07, 8r, 14.2, 24.12, 24.13, 25.2, and  
8 25.5.

9 (30 ILCS 605/8.2 rep.)

10 Section 25-35. The State Property Control Act is amended  
11 by repealing Section 8.2.

12 (30 ILCS 750/Art. 3 rep.)

13 Section 25-40. The Build Illinois Act is amended by  
14 repealing Article 3.

15 (415 ILCS 85/7 rep.)

16 Section 25-45. The Toxic Pollution Prevention Act is  
17 amended by repealing Section 7.

18 (430 ILCS 65/5.1 rep.)

19 Section 25-50. The Firearm Owners Identification Card Act  
20 is amended by repealing Section 5.1.

21 ARTICLE 30. COMMUNITY CARE PROGRAM

1           Section 30-5. The Illinois Act on the Aging is amended by  
2 changing Section 4.02 as follows:

3           (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

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

15           (a) (blank);

16           (b) (blank);

17           (c) home care aide services;

18           (d) personal assistant services;

19           (e) adult day services;

20           (f) home-delivered meals;

21           (g) education in self-care;

22           (h) personal care services;

23           (i) adult day health services;

24           (j) habilitation services;

- 1           (k) respite care;
- 2           (k-5) community reintegration services;
- 3           (k-6) flexible senior services;
- 4           (k-7) medication management;
- 5           (k-8) emergency home response;
- 6           (l) other nonmedical social services that may enable
- 7           the person to become self-supporting; or
- 8           (m) clearinghouse for information provided by senior
- 9           citizen home owners who want to rent rooms to or share
- 10          living space with other senior citizens.

11          The Department shall establish eligibility standards for

12          such services. In determining the amount and nature of

13          services for which a person may qualify, consideration shall

14          not be given to the value of cash, property or other assets

15          held in the name of the person's spouse pursuant to a written

16          agreement dividing marital property into equal but separate

17          shares or pursuant to a transfer of the person's interest in a

18          home to his spouse, provided that the spouse's share of the

19          marital property is not made available to the person seeking

20          such services.

21          Beginning January 1, 2008, the Department shall require as

22          a condition of eligibility that all new financially eligible

23          applicants apply for and enroll in medical assistance under

24          Article V of the Illinois Public Aid Code in accordance with

25          rules promulgated by the Department.

26          The Department shall, in conjunction with the Department

1 of Public Aid (now Department of Healthcare and Family  
2 Services), seek appropriate amendments under Sections 1915 and  
3 1924 of the Social Security Act. The purpose of the amendments  
4 shall be to extend eligibility for home and community based  
5 services under Sections 1915 and 1924 of the Social Security  
6 Act to persons who transfer to or for the benefit of a spouse  
7 those amounts of income and resources allowed under Section  
8 1924 of the Social Security Act. Subject to the approval of  
9 such amendments, the Department shall extend the provisions of  
10 Section 5-4 of the Illinois Public Aid Code to persons who, but  
11 for the provision of home or community-based services, would  
12 require the level of care provided in an institution, as is  
13 provided for in federal law. Those persons no longer found to  
14 be eligible for receiving noninstitutional services due to  
15 changes in the eligibility criteria shall be given 45 days  
16 notice prior to actual termination. Those persons receiving  
17 notice of termination may contact the Department and request  
18 the determination be appealed at any time during the 45 day  
19 notice period. The target population identified for the  
20 purposes of this Section are persons age 60 and older with an  
21 identified service need. Priority shall be given to those who  
22 are at imminent risk of institutionalization. The services  
23 shall be provided to eligible persons age 60 and older to the  
24 extent that the cost of the services together with the other  
25 personal maintenance expenses of the persons are reasonably  
26 related to the standards established for care in a group

1 facility appropriate to the person's condition. These  
2 non-institutional services, pilot projects or experimental  
3 facilities may be provided as part of or in addition to those  
4 authorized by federal law or those funded and administered by  
5 the Department of Human Services. The Departments of Human  
6 Services, Healthcare and Family Services, Public Health,  
7 Veterans' Affairs, and Commerce and Economic Opportunity and  
8 other appropriate agencies of State, federal and local  
9 governments shall cooperate with the Department on Aging in  
10 the establishment and development of the non-institutional  
11 services. The Department shall require an annual audit from  
12 all personal assistant and home care aide vendors contracting  
13 with the Department under this Section. The annual audit shall  
14 assure that each audited vendor's procedures are in compliance  
15 with Department's financial reporting guidelines requiring an  
16 administrative and employee wage and benefits cost split as  
17 defined in administrative rules. The audit is a public record  
18 under the Freedom of Information Act. The Department shall  
19 execute, relative to the nursing home prescreening project,  
20 written inter-agency agreements with the Department of Human  
21 Services and the Department of Healthcare and Family Services,  
22 to effect the following: (1) intake procedures and common  
23 eligibility criteria for those persons who are receiving  
24 non-institutional services; and (2) the establishment and  
25 development of non-institutional services in areas of the  
26 State where they are not currently available or are



1 undeveloped. On and after July 1, 1996, all nursing home  
2 prescreenings for individuals 60 years of age or older shall  
3 be conducted by the Department.

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

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

20 The Department, or the Department's authorized  
21 representative, may recover the amount of moneys expended for  
22 services provided to or in behalf of a person under this  
23 Section by a claim against the person's estate or against the  
24 estate of the person's surviving spouse, but no recovery may  
25 be had until after the death of the surviving spouse, if any,  
26 and then only at such time when there is no surviving child who

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

23 The Department shall increase the effectiveness of the  
24 existing Community Care Program by:

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

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

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

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

25           (5) ensuring that homemakers can provide personal care  
26 services that may or may not involve contact with clients,

1 including but not limited to:

2 (A) bathing;

3 (B) grooming;

4 (C) toileting;

5 (D) nail care;

6 (E) transferring;

7 (F) respiratory services;

8 (G) exercise; or

9 (H) positioning;

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

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

26 (8) ensuring that the determination of need tool

1 accurately reflects the service needs of individuals with  
2 Alzheimer's disease and related dementia disorders;

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

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

26 (11) requiring home care service providers to comply

1 with the rounding of hours worked provisions under the  
2 federal Fair Labor Standards Act (FLSA) and as set forth  
3 in 29 CFR 785.48(b) by May 1, 2013;

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

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

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

22 The Department shall develop procedures to enhance  
23 availability of services on evenings, weekends, and on an  
24 emergency basis to meet the respite needs of caregivers.  
25 Procedures shall be developed to permit the utilization of  
26 services in successive blocks of 24 hours up to the monthly

1 maximum established by the Department. Workers providing these  
2 services shall be appropriately trained.

3 Beginning on the effective date of this amendatory Act of  
4 1991, no person may perform chore/housekeeping and home care  
5 aide services under a program authorized by this Section  
6 unless that person has been issued a certificate of  
7 pre-service to do so by his or her employing agency.  
8 Information gathered to effect such certification shall  
9 include (i) the person's name, (ii) the date the person was  
10 hired by his or her current employer, and (iii) the training,  
11 including dates and levels. Persons engaged in the program  
12 authorized by this Section before the effective date of this  
13 amendatory Act of 1991 shall be issued a certificate of all  
14 pre- and in-service training from his or her employer upon  
15 submitting the necessary information. The employing agency  
16 shall be required to retain records of all staff pre- and  
17 in-service training, and shall provide such records to the  
18 Department upon request and upon termination of the employer's  
19 contract with the Department. In addition, the employing  
20 agency is responsible for the issuance of certifications of  
21 in-service training completed to their employees.

22 The Department is required to develop a system to ensure  
23 that persons working as home care aides and personal  
24 assistants receive increases in their wages when the federal  
25 minimum wage is increased by requiring vendors to certify that  
26 they are meeting the federal minimum wage statute for home

1 care aides and personal assistants. An employer that cannot  
2 ensure that the minimum wage increase is being given to home  
3 care aides and personal assistants shall be denied any  
4 increase in reimbursement costs.

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



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

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

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

6           The requirement for reporting to the General Assembly  
7 shall be satisfied by filing copies of the report as required  
8 by Section 3.1 of the General Assembly Organization Act and  
9 filing such additional copies with the State Government Report  
10 Distribution Center for the General Assembly as is required  
11 under paragraph (t) of Section 7 of the State Library Act.

12           Those persons previously found eligible for receiving  
13 non-institutional services whose services were discontinued  
14 under the Emergency Budget Act of Fiscal Year 1992, and who do  
15 not meet the eligibility standards in effect on or after July  
16 1, 1992, shall remain ineligible on and after July 1, 1992.  
17 Those persons previously not required to cost-share and who  
18 were required to cost-share effective March 1, 1992, shall  
19 continue to meet cost-share requirements on and after July 1,  
20 1992. Beginning July 1, 1992, all clients will be required to  
21 meet eligibility, cost-share, and other requirements and will  
22 have services discontinued or altered when they fail to meet  
23 these requirements.

24           For the purposes of this Section, "flexible senior  
25 services" refers to services that require one-time or periodic  
26 expenditures including, but not limited to, respite care, home

1 modification, assistive technology, housing assistance, and  
2 transportation.

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

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

17 The Department shall delay Community Care Program services  
18 until an applicant is determined eligible for medical  
19 assistance under Article V of the Illinois Public Aid Code (i)  
20 beginning August 1, 2013, if the Auditor General has reported  
21 that the Department has failed to comply with the reporting  
22 requirements of Section 2-27 of the Illinois State Auditing  
23 Act; or (ii) beginning June 1, 2014, if the Auditor General has  
24 reported that the Department has not undertaken the required  
25 actions listed in the report required by subsection (a) of  
26 Section 2-27 of the Illinois State Auditing Act.

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

11           The Department shall continue to provide other Community  
12 Care Program reports as required by statute.

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

19           The Department shall conduct a quarterly review of Care  
20 Coordination Unit performance and adherence to service  
21 guidelines. The quarterly review shall be reported to the  
22 Speaker of the House of Representatives, the Minority Leader  
23 of the House of Representatives, the President of the Senate,  
24 and the Minority Leader of the Senate. The Department shall  
25 collect and report longitudinal data on the performance of  
26 each care coordination unit. Nothing in this paragraph shall

1 be construed to require the Department to identify specific  
2 care coordination units.

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

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

17 Within 30 days after July 6, 2017 (the effective date of  
18 Public Act 100-23), rates shall be increased to \$18.29 per  
19 hour, for the purpose of increasing, by at least \$.72 per hour,  
20 the wages paid by those vendors to their employees who provide  
21 homemaker services. The Department shall pay an enhanced rate  
22 under the Community Care Program to those in-home service  
23 provider agencies that offer health insurance coverage as a  
24 benefit to their direct service worker employees consistent  
25 with the mandates of Public Act 95-713. For State fiscal years  
26 2018 and 2019, the enhanced rate shall be \$1.77 per hour. The

1 rate shall be adjusted using actuarial analysis based on the  
2 cost of care, but shall not be set below \$1.77 per hour. The  
3 Department shall adopt rules, including emergency rules under  
4 subsections (y) and (bb) of Section 5-45 of the Illinois  
5 Administrative Procedure Act, to implement the provisions of  
6 this paragraph.

7 The General Assembly finds it necessary to authorize an  
8 aggressive Medicaid enrollment initiative designed to maximize  
9 federal Medicaid funding for the Community Care Program which  
10 produces significant savings for the State of Illinois. The  
11 Department on Aging shall establish and implement a Community  
12 Care Program Medicaid Initiative. Under the Initiative, the  
13 Department on Aging shall, at a minimum: (i) provide an  
14 enhanced rate to adequately compensate care coordination units  
15 to enroll eligible Community Care Program clients into  
16 Medicaid; (ii) use recommendations from a stakeholder  
17 committee on how best to implement the Initiative; and (iii)  
18 establish requirements for State agencies to make enrollment  
19 in the State's Medical Assistance program easier for seniors.

20 The Community Care Program Medicaid Enrollment Oversight  
21 Subcommittee is created as a subcommittee of the Older Adult  
22 Services Advisory Committee established in Section 35 of the  
23 Older Adult Services Act to make recommendations on how best  
24 to increase the number of medical assistance recipients who  
25 are enrolled in the Community Care Program. The Subcommittee  
26 shall consist of all of the following persons who must be

1 appointed within 30 days after the effective date of this  
2 amendatory Act of the 100th General Assembly:

3 (1) The Director of Aging, or his or her designee, who  
4 shall serve as the chairperson of the Subcommittee.

5 (2) One representative of the Department of Healthcare  
6 and Family Services, appointed by the Director of  
7 Healthcare and Family Services.

8 (3) One representative of the Department of Human  
9 Services, appointed by the Secretary of Human Services.

10 (4) One individual representing a care coordination  
11 unit, appointed by the Director of Aging.

12 (5) One individual from a non-governmental statewide  
13 organization that advocates for seniors, appointed by the  
14 Director of Aging.

15 (6) One individual representing Area Agencies on  
16 Aging, appointed by the Director of Aging.

17 (7) One individual from a statewide association  
18 dedicated to Alzheimer's care, support, and research,  
19 appointed by the Director of Aging.

20 (8) One individual from an organization that employs  
21 persons who provide services under the Community Care  
22 Program, appointed by the Director of Aging.

23 (9) One member of a trade or labor union representing  
24 persons who provide services under the Community Care  
25 Program, appointed by the Director of Aging.

26 (10) One member of the Senate, who shall serve as

1 co-chairperson, appointed by the President of the Senate.

2 (11) One member of the Senate, who shall serve as  
3 co-chairperson, appointed by the Minority Leader of the  
4 Senate.

5 (12) One member of the House of Representatives, who  
6 shall serve as co-chairperson, appointed by the Speaker of  
7 the House of Representatives.

8 (13) One member of the House of Representatives, who  
9 shall serve as co-chairperson, appointed by the Minority  
10 Leader of the House of Representatives.

11 (14) One individual appointed by a labor organization  
12 representing frontline employees at the Department of  
13 Human Services.

14 The Subcommittee shall provide oversight to the Community  
15 Care Program Medicaid Initiative and shall meet quarterly. At  
16 each Subcommittee meeting the Department on Aging shall  
17 provide the following data sets to the Subcommittee: (A) the  
18 number of Illinois residents, categorized by planning and  
19 service area, who are receiving services under the Community  
20 Care Program and are enrolled in the State's Medical  
21 Assistance Program; (B) the number of Illinois residents,  
22 categorized by planning and service area, who are receiving  
23 services under the Community Care Program, but are not  
24 enrolled in the State's Medical Assistance Program; and (C)  
25 the number of Illinois residents, categorized by planning and  
26 service area, who are receiving services under the Community



1 Care Program and are eligible for benefits under the State's  
2 Medical Assistance Program, but are not enrolled in the  
3 State's Medical Assistance Program. In addition to this data,  
4 the Department on Aging shall provide the Subcommittee with  
5 plans on how the Department on Aging will reduce the number of  
6 Illinois residents who are not enrolled in the State's Medical  
7 Assistance Program but who are eligible for medical assistance  
8 benefits. The Department on Aging shall enroll in the State's  
9 Medical Assistance Program those Illinois residents who  
10 receive services under the Community Care Program and are  
11 eligible for medical assistance benefits but are not enrolled  
12 in the State's Medicaid Assistance Program. The data provided  
13 to the Subcommittee shall be made available to the public via  
14 the Department on Aging's website.

15 The Department on Aging, with the involvement of the  
16 Subcommittee, shall collaborate with the Department of Human  
17 Services and the Department of Healthcare and Family Services  
18 on how best to achieve the responsibilities of the Community  
19 Care Program Medicaid Initiative.

20 The Department on Aging, the Department of Human Services,  
21 and the Department of Healthcare and Family Services shall  
22 coordinate and implement a streamlined process for seniors to  
23 access benefits under the State's Medical Assistance Program.

24 The Subcommittee shall collaborate with the Department of  
25 Human Services on the adoption of a uniform application  
26 submission process. The Department of Human Services and any

1 other State agency involved with processing the medical  
2 assistance application of any person enrolled in the Community  
3 Care Program shall include the appropriate care coordination  
4 unit in all communications related to the determination or  
5 status of the application.

6 The Community Care Program Medicaid Initiative shall  
7 provide targeted funding to care coordination units to help  
8 seniors complete their applications for medical assistance  
9 benefits. On and after July 1, 2019, care coordination units  
10 shall receive no less than \$200 per completed application,  
11 which rate may be included in a bundled rate for initial intake  
12 services when Medicaid application assistance is provided in  
13 conjunction with the initial intake process for new program  
14 participants.

15 The Community Care Program Medicaid Initiative shall cease  
16 operation 5 years after the effective date of this amendatory  
17 Act of the 100th General Assembly, after which the  
18 Subcommittee shall dissolve.

19 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
20 100-1148, eff. 12-10-18; 101-10, eff. 6-5-19.)

21 ARTICLE 99. EFFECTIVE DATE

22 Section 99-99. Effective date. This Act takes effect upon  
23 becoming law."