

1 AN ACT concerning State government.

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

4 Section 1. Reference to Act. This Act may be referred to as
5 the Dignity in Pay Act.

6 Section 3. Declaration of policy and intent.

7 (a) Section 14(c) of the federal Fair Labor Standards Act
8 of 1938 provides for the employment of persons with
9 disabilities at wage rates below the statutory federal minimum
10 wage. Among those who have worked for subminimum wages in
11 Illinois are people with intellectual, developmental,
12 physical, and sensory disabilities, including those who are
13 blind or deaf or are diagnosed with cerebral palsy, spina
14 bifida, or Down syndrome. Section 14(c) authorizations result
15 in a national average wage of approximately \$3 per hour for
16 disabled workers who have engaged in work activities under a
17 14(c) wage certificate.

18 Data released in October 2022 from the United States
19 Department of Labor shows that Illinois ranks second in the
20 nation in the number of 14(c) certificates issued or pending,
21 with several thousand Illinois residents with disabilities
22 engaged in activities compensated below minimum wage. These
23 activities most often occur in congregate work centers (also

1 known as facility-based employment or sheltered workshops)
2 some of which may have the effect of isolating people with
3 disabilities from the greater community.

4 The Illinois Employment First Act stipulates that
5 "competitive and integrated employment shall be considered the
6 first option when serving persons with disabilities of working
7 age." Across the United States, 13 states have passed
8 legislation to eliminate subminimum wages for persons with
9 disabilities.

10 Ensuring that persons with disabilities have the
11 opportunity to pursue employment paid in an amount equal to
12 the minimum wage or higher is a critical element to achieving
13 the goals of the Illinois Employment First Act.

14 On October 4, 2021, the Governor signed Executive Order 26
15 (2021), which now requires all contracts through the Illinois
16 State Use Program that employ persons with disabilities to
17 provide payment to workers at no less than the applicable
18 local, if higher, or Illinois minimum wage for all employees
19 performing work on the contract.

20 (b) Additional service enhancements, rate adjustments,
21 investments, and policy changes are needed to address systemic
22 barriers to assist persons with disabilities to access
23 increased employment opportunities and earn at or above the
24 Illinois minimum wage.

25 (c) Collaborative partnerships between State agencies and
26 key stakeholder organizations, including, but not limited to,

1 those noted in this amendatory Act of the 103rd General
2 Assembly, shall result in a complete phase out of Illinois
3 14(c) certificates on July 1, 2027, unless a subsequent Act by
4 the General Assembly authorizes an earlier date for phase out.

5 Section 5. The Department of Human Services Act is amended
6 by adding Sections 1-85 and 1-90 as follows:

7 (20 ILCS 1305/1-85 new)

8 Sec. 1-85. Elimination of Section 14(c) certificates. The
9 Department, in partnership with other State agencies,
10 including the Department of Labor, the Department of
11 Healthcare and Family Services, the Department of Central
12 Management Services, the Department of Commerce and Economic
13 Opportunity, the Department of Employment Security, and the
14 State Board of Education, shall eliminate on July 1, 2027 the
15 use of active or pending 14(c) certificates authorized under
16 the federal Fair Labor Standards Act of 1938, as well as
17 authorizations permitted under Sections 5 and 10 of the
18 Minimum Wage Law to pay an employee with a disability less than
19 the minimum wage otherwise required for employees under
20 Section 4 of the Minimum Wage Law.

21 (20 ILCS 1305/1-90 new)

22 Sec. 1-90. Transition Grant Fund.

23 (a) The 14(c) Transition Grant Fund is created as a

1 special fund in the State treasury. Moneys in the Fund shall be
2 used, subject to appropriation, by the Department for
3 community agencies with active or pending 14(c) certificates
4 to aid in the transition away from subminimum wages for
5 employees with disabilities. The goal of the 14(c) Transition
6 Grant Fund is to develop new opportunities and programs and
7 grow capacity to respond to the needs of individuals with
8 disabilities in their geographic area, such as supported
9 employment programs and diverse day programs that support
10 meaningful days, choice, and community integration. The Fund
11 may be used to provide wage subsidies to employers who offer
12 integrated work options to workers with disabilities who
13 previously worked for subminimum wages.

14 (b) The Department shall adopt rules establishing a
15 process for the equitable and transparent administration of
16 the Fund.

17 Section 7. The Employment and Economic Opportunity for
18 Persons with Disabilities Task Force Act is amended by adding
19 Section 16 as follows:

20 (20 ILCS 4095/16 new)

21 Sec. 16. Multi-year plan towards elimination of 14(c)
22 certificates. By no later than July 1, 2025, the Employment
23 and Economic Opportunity for Persons with Disabilities Task
24 Force shall create a multi-year plan of recommended actions,

1 outcomes, and benchmarks in accordance with paragraphs (1)
2 through (3) to help the State meets its goal to eliminate the
3 use of 14(c) certificates on and after July 1, 2027.

4 (1) The multi-year plan shall include, but not be
5 limited to, all of the following:

6 (A) By no later than January 1, 2025,
7 identification, gathering, and analytics of data to
8 inform the work of the Task Force, including, but not
9 limited to:

10 (i) the total number of businesses utilizing
11 14(c) certificates;

12 (ii) the total number of persons with
13 disabilities who are paid subminimum wages or
14 average wages and the length of their employment;

15 (iii) the total number of persons with
16 disabilities engaged in competitive or integrated
17 employment, their average wages, and the length of
18 their employment; and

19 (iv) the total number of persons with
20 disabilities working in facility-based employment
21 paid at or above minimum wage.

22 (B) By no later than July 1, 2025, prepare a
23 multi-year plan, that includes, but is not limited to:

24 (i) recommended actions, including additional
25 statutory, regulatory, or policy measures;

26 (ii) recommended outcomes for each year of the

1 plan;

2 (iii) recommended benchmarks for each year of
3 the plan; and

4 (iv) recommended funding levels or federal and
5 State appropriations necessary to achieve
6 recommended outcomes.

7 (2) In developing the multi-year plan, the Task Force
8 shall consider all of the following:

9 (A) The personal choice of persons with
10 disabilities regarding employment goals and planning
11 in person-centered planning processes.

12 (B) The use of existing and emerging technologies
13 that could assist persons with disabilities in
14 achieving employment goals.

15 (C) The impact of access to reliable
16 transportation on achieving employment goals and
17 ongoing employment.

18 (D) The multitude of models utilized by school
19 districts and other resources on transition supports
20 for youth graduating high school or aging into adult
21 services and supports.

22 (E) The potential changes to State law,
23 regulations, or policies to protect means-tested
24 benefits for persons with disabilities as they pursue
25 employment-related goals.

26 (F) The education and training needs of staff

1 working in community-based provider agencies towards
2 advancing competitive, integrated work options for
3 persons with disabilities, in areas including, but not
4 limited to:

5 (i) employment options;

6 (ii) non-employment options;

7 (iii) home and community-based services and
8 supports;

9 (iv) self-advocacy;

10 (v) benefits management;

11 (vi) certification programs; and

12 (vii) mental health services and supports.

13 (G) Contracts between State agencies and
14 community-based providers that promote flexibility and
15 allow for expansion.

16 (H) Ongoing review of rates and reimbursements
17 that support various employment programs for persons
18 with disabilities, including competitive, integrated
19 employment, customized employment, and supported
20 employment.

21 (I) The need to further engage the private
22 business community to hire persons with disabilities
23 through incentives that may include specialized
24 educational opportunities, distribution of literature
25 at points of interaction with government licensing
26 agencies, and tax incentives to hiring persons with

1 disabilities.

2 (3) The Task Force shall submit the multi-year plan to
3 the Governor and the General Assembly by no later than
4 July 1, 2025. Annual reports on implementation shall be
5 required by no later than January 1 of each subsequent
6 year through January 1, 2030.

7 (4) The Task Force shall provide annual updates to the
8 Governor and the General Assembly through January 1, 2035
9 on the employment of persons with disabilities in
10 Illinois.

11 Section 10. The State Finance Act is amended by adding
12 Section 5.990 as follows:

13 (30 ILCS 105/5.990 new)

14 Sec. 5.990. The 14(c) Transition Grant Fund.

15 Section 15. The Illinois Procurement Code is amended by
16 changing Section 45-35 as follows:

17 (30 ILCS 500/45-35)

18 Sec. 45-35. Not-for-profit agencies for persons with
19 significant disabilities.

20 (a) Qualification. Supplies and services may be procured
21 without advertising or calling for bids from any qualified
22 not-for-profit agency for persons with significant

1 disabilities that:

2 (1) complies with Illinois laws governing private
3 not-for-profit organizations;

4 (2) is certified as a community rehabilitation
5 provider by the Department of Human Services ~~is certified~~
6 ~~as a work center by the Wage and Hour Division of the~~
7 ~~United States Department of Labor or is an accredited~~
8 ~~vocational program that provides transition services to~~
9 ~~youth between the ages of 14 1/2 and 22 in accordance with~~
10 ~~individualized education plans under Section 14 8.03 of~~
11 ~~the School Code and that provides residential services at~~
12 ~~a child care institution, as defined under Section 2.06 of~~
13 ~~the Child Care Act of 1969, or at a group home, as defined~~
14 ~~under Section 2.16 of the Child Care Act of 1969; and~~

15 (3) is accredited by a nationally-recognized
16 accrediting organization or certified as a day services
17 ~~developmental training~~ provider by the Department of Human
18 Services.

19 (b) Participation. To participate, the not-for-profit
20 agency must have indicated an interest in providing the
21 supplies and services, must meet the specifications and needs
22 of the using agency, and must set a fair and reasonable price.

23 (c) Committee. There is created within the Department of
24 Central Management Services a committee to facilitate the
25 purchase of products and services from not-for-profit agencies
26 that provide employment opportunities to persons with physical

1 disabilities, intellectual or developmental disabilities,
2 mental illnesses, or any combination thereof. This committee
3 is called the State Use Committee. The State Use Committee
4 shall consist of the Director of the Department of Central
5 Management Services or his or her designee, the Secretary of
6 the Department of Human Services or his or her designee, the
7 Director of Commerce and Economic Opportunity or his or her
8 designee, one public member representing private business who
9 is knowledgeable of the employment needs and concerns of
10 persons with developmental disabilities, one public member
11 representing private business who is knowledgeable of the
12 needs and concerns of rehabilitation facilities, one public
13 member who is knowledgeable of the employment needs and
14 concerns of persons with developmental disabilities, one
15 public member who is knowledgeable of the needs and concerns
16 of rehabilitation facilities, 2 members who have a disability,
17 2 public members from a statewide association that represents
18 community-based rehabilitation facilities serving or
19 supporting individuals with intellectual or developmental
20 disabilities, and one public member from a disability-focused
21 statewide advocacy group, all appointed by the Governor. The
22 public members shall serve 2 year terms, commencing upon
23 appointment and every 2 years thereafter. A public member may
24 be reappointed, and vacancies shall be filled by appointment
25 for the completion of the term. In the event there is a vacancy
26 on the State Use Committee, the Governor must make an

1 appointment to fill that vacancy within 30 calendar days after
2 the notice of vacancy. The members shall serve without
3 compensation but shall be reimbursed for expenses at a rate
4 equal to that of State employees on a per diem basis by the
5 Department of Central Management Services. All members shall
6 be entitled to vote on issues before the State Use Committee.

7 The State Use Committee shall have the following powers
8 and duties:

9 (1) To request from any State agency information as to
10 product specification and service requirements in order to
11 carry out its purpose.

12 (2) To meet quarterly or more often as necessary to
13 carry out its purposes.

14 (3) To request a quarterly report from each
15 participating qualified not-for-profit agency for persons
16 with significant disabilities describing the volume of
17 sales for each product or service sold under this Section.

18 (4) To prepare a report for the Governor and General
19 Assembly no later than December 31 of each year. The
20 requirement for reporting to the General Assembly shall be
21 satisfied by following the procedures set forth in Section
22 3.1 of the General Assembly Organization Act.

23 (5) To prepare a publication that lists all supplies
24 and services currently available from any qualified
25 not-for-profit agency for persons with significant
26 disabilities. This list and any revisions shall be

1 distributed to all purchasing agencies.

2 (6) To encourage diversity in supplies and services
3 provided by qualified not-for-profit agencies for persons
4 with significant disabilities and discourage unnecessary
5 duplication or competition among not-for-profit agencies.

6 (7) To develop guidelines to be followed by qualifying
7 agencies for participation under the provisions of this
8 Section. Guidelines shall include a list of national
9 accrediting organizations which satisfy the requirements
10 of item (3) of subsection (a) of this Section. The
11 guidelines shall be developed within 6 months after the
12 effective date of this Code and made available on a
13 nondiscriminatory basis to all qualifying agencies. The
14 new guidelines required under this item (7) by Public Act
15 100-203 shall be developed within 6 months after August
16 18, 2017 (the effective date of Public Act 100-203) and
17 made available on a non-discriminatory basis to all
18 qualifying not-for-profit agencies.

19 (8) To review all pricing submitted under the
20 provisions of this Section and may approve a proposed
21 agreement for supplies or services where the price
22 submitted is fair and reasonable. Review of pricing under
23 this paragraph may include, but is not limited to:

24 (A) Amounts private businesses would pay for
25 similar products or services.

26 (B) Amounts the federal government would pay

1 contractors for similar products or services.

2 (C) The amount paid by the State for similar
3 products or services.

4 (D) The actual cost of manufacturing the product
5 or performing a service at a community rehabilitation
6 program offering employment services on or off
7 premises to persons with disabilities or mental
8 illnesses, with adequate consideration given to legal
9 and moral imperatives to pay workers with disabilities
10 equitable wages.

11 (E) The usual, customary, and reasonable costs of
12 manufacturing, marketing, and distribution.

13 (9) To, not less than every 3 years, adopt a strategic
14 plan for increasing the number of products and services
15 purchased from qualified not-for-profit agencies for
16 persons with disabilities or mental illnesses, including
17 the feasibility of developing mandatory set-aside
18 contracts.

19 (c-5) Conditions for Use. Each chief procurement officer
20 shall, in consultation with the State Use Committee, determine
21 which articles, materials, services, food stuffs, and supplies
22 that are produced, manufactured, or provided by persons with
23 significant disabilities in qualified not-for-profit agencies
24 shall be given preference by purchasing agencies procuring
25 those items.

26 (d) (Blank).

1 (e) Subcontracts. Subcontracts shall be permitted for
2 agreements authorized under this Section. For the purposes of
3 this subsection (e), "subcontract" means any acquisition from
4 another source of supplies, not including raw materials, or
5 services required by a qualified not-for-profit agency to
6 provide the supplies or services that are the subject of the
7 contract between the State and the qualified not-for-profit
8 agency.

9 The State Use Committee shall develop guidelines to be
10 followed by qualified not-for-profit agencies when seeking and
11 establishing subcontracts with other persons or not-for-profit
12 agencies in order to fulfill State contract requirements.
13 These guidelines shall include the following:

14 (i) The State Use Committee must approve all
15 subcontracts and substantive amendments to subcontracts
16 prior to execution or amendment of the subcontract.

17 (ii) A qualified not-for-profit agency shall not enter
18 into a subcontract, or any combination of subcontracts, to
19 fulfill an entire requirement, contract, or order without
20 written State Use Committee approval.

21 (iii) A qualified not-for-profit agency shall make
22 reasonable efforts to utilize subcontracts with other
23 not-for-profit agencies for persons with significant
24 disabilities.

25 (iv) For any subcontract not currently performed by a
26 qualified not-for-profit agency, the primary qualified

1 not-for-profit agency must provide to the State Use
2 Committee the following: (A) a written explanation as to
3 why the subcontract is not performed by a qualified
4 not-for-profit agency, and (B) a written plan to transfer
5 the subcontract to a qualified not-for-profit agency, as
6 reasonable.

7 (Source: P.A. 102-343, eff. 8-13-21; 102-558, eff. 8-20-21.)

8 Section 20. The Business Enterprise for Minorities, Women,
9 and Persons with Disabilities Act is amended by changing
10 Section 2 as follows:

11 (30 ILCS 575/2)

12 (Section scheduled to be repealed on June 30, 2024)

13 Sec. 2. Definitions.

14 (A) For the purpose of this Act, the following terms shall
15 have the following definitions:

16 (1) "Minority person" shall mean a person who is a
17 citizen or lawful permanent resident of the United States
18 and who is any of the following:

19 (a) American Indian or Alaska Native (a person
20 having origins in any of the original peoples of North
21 and South America, including Central America, and who
22 maintains tribal affiliation or community attachment).

23 (b) Asian (a person having origins in any of the
24 original peoples of the Far East, Southeast Asia, or

1 the Indian subcontinent, including, but not limited
2 to, Cambodia, China, India, Japan, Korea, Malaysia,
3 Pakistan, the Philippine Islands, Thailand, and
4 Vietnam).

5 (c) Black or African American (a person having
6 origins in any of the black racial groups of Africa).

7 (d) Hispanic or Latino (a person of Cuban,
8 Mexican, Puerto Rican, South or Central American, or
9 other Spanish culture or origin, regardless of race).

10 (e) Native Hawaiian or Other Pacific Islander (a
11 person having origins in any of the original peoples
12 of Hawaii, Guam, Samoa, or other Pacific Islands).

13 (2) "Woman" shall mean a person who is a citizen or
14 lawful permanent resident of the United States and who is
15 of the female gender.

16 (2.05) "Person with a disability" means a person who
17 is a citizen or lawful resident of the United States and is
18 a person qualifying as a person with a disability under
19 subdivision (2.1) of this subsection (A).

20 (2.1) "Person with a disability" means a person with a
21 severe physical or mental disability that:

22 (a) results from:

23 amputation,

24 arthritis,

25 autism,

26 blindness,

1 burn injury,
2 cancer,
3 cerebral palsy,
4 Crohn's disease,
5 cystic fibrosis,
6 deafness,
7 head injury,
8 heart disease,
9 hemiplegia,
10 hemophilia,
11 respiratory or pulmonary dysfunction,
12 an intellectual disability,
13 mental illness,
14 multiple sclerosis,
15 muscular dystrophy,
16 musculoskeletal disorders,
17 neurological disorders, including stroke and
18 epilepsy,
19 paraplegia,
20 quadriplegia and other spinal cord conditions,
21 sickle cell anemia,
22 ulcerative colitis,
23 specific learning disabilities, or
24 end stage renal failure disease; and
25 (b) substantially limits one or more of the
26 person's major life activities.

1 Another disability or combination of disabilities may
2 also be considered as a severe disability for the purposes
3 of item (a) of this subdivision (2.1) if it is determined
4 by an evaluation of rehabilitation potential to cause a
5 comparable degree of substantial functional limitation
6 similar to the specific list of disabilities listed in
7 item (a) of this subdivision (2.1).

8 (3) "Minority-owned business" means a business which
9 is at least 51% owned by one or more minority persons, or
10 in the case of a corporation, at least 51% of the stock in
11 which is owned by one or more minority persons; and the
12 management and daily business operations of which are
13 controlled by one or more of the minority individuals who
14 own it.

15 (4) "Women-owned business" means a business which is
16 at least 51% owned by one or more women, or, in the case of
17 a corporation, at least 51% of the stock in which is owned
18 by one or more women; and the management and daily
19 business operations of which are controlled by one or more
20 of the women who own it.

21 (4.1) "Business owned by a person with a disability"
22 means a business that is at least 51% owned by one or more
23 persons with a disability and the management and daily
24 business operations of which are controlled by one or more
25 of the persons with disabilities who own it. ~~A~~
26 ~~not for profit agency for persons with disabilities that~~

1 ~~is exempt from taxation under Section 501 of the Internal~~
2 ~~Revenue Code of 1986 is also considered a "business owned~~
3 ~~by a person with a disability".~~

4 (4.2) "Council" means the Business Enterprise Council
5 for Minorities, Women, and Persons with Disabilities
6 created under Section 5 of this Act.

7 (4.3) "Commission" means, unless the context clearly
8 indicates otherwise, the Commission on Equity and
9 Inclusion created under the Commission on Equity and
10 Inclusion Act.

11 (5) "State contracts" means all contracts entered into
12 by the State, any agency or department thereof, or any
13 public institution of higher education, including
14 community college districts, regardless of the source of
15 the funds with which the contracts are paid, which are not
16 subject to federal reimbursement. "State contracts" does
17 not include contracts awarded by a retirement system,
18 pension fund, or investment board subject to Section
19 1-109.1 of the Illinois Pension Code. This definition
20 shall control over any existing definition under this Act
21 or applicable administrative rule.

22 "State construction contracts" means all State
23 contracts entered into by a State agency or public
24 institution of higher education for the repair,
25 remodeling, renovation or construction of a building or
26 structure, or for the construction or maintenance of a

1 highway defined in Article 2 of the Illinois Highway Code.

2 (6) "State agencies" shall mean all departments,
3 officers, boards, commissions, institutions and bodies
4 politic and corporate of the State, but does not include
5 the Board of Trustees of the University of Illinois, the
6 Board of Trustees of Southern Illinois University, the
7 Board of Trustees of Chicago State University, the Board
8 of Trustees of Eastern Illinois University, the Board of
9 Trustees of Governors State University, the Board of
10 Trustees of Illinois State University, the Board of
11 Trustees of Northeastern Illinois University, the Board of
12 Trustees of Northern Illinois University, the Board of
13 Trustees of Western Illinois University, municipalities or
14 other local governmental units, or other State
15 constitutional officers.

16 (7) "Public institutions of higher education" means
17 the University of Illinois, Southern Illinois University,
18 Chicago State University, Eastern Illinois University,
19 Governors State University, Illinois State University,
20 Northeastern Illinois University, Northern Illinois
21 University, Western Illinois University, the public
22 community colleges of the State, and any other public
23 universities, colleges, and community colleges now or
24 hereafter established or authorized by the General
25 Assembly.

26 (8) "Certification" means a determination made by the

1 Council or by one delegated authority from the Council to
2 make certifications, or by a State agency with statutory
3 authority to make such a certification, that a business
4 entity is a business owned by a minority, woman, or person
5 with a disability for whatever purpose. A business owned
6 and controlled by women shall be certified as a
7 "woman-owned business". A business owned and controlled by
8 women who are also minorities shall be certified as both a
9 "women-owned business" and a "minority-owned business".

10 (9) "Control" means the exclusive or ultimate and sole
11 control of the business including, but not limited to,
12 capital investment and all other financial matters,
13 property, acquisitions, contract negotiations, legal
14 matters, officer-director-employee selection and
15 comprehensive hiring, operating responsibilities,
16 cost-control matters, income and dividend matters,
17 financial transactions and rights of other shareholders or
18 joint partners. Control shall be real, substantial and
19 continuing, not pro forma. Control shall include the power
20 to direct or cause the direction of the management and
21 policies of the business and to make the day-to-day as
22 well as major decisions in matters of policy, management
23 and operations. Control shall be exemplified by possessing
24 the requisite knowledge and expertise to run the
25 particular business and control shall not include simple
26 majority or absentee ownership.

1 (10) "Business" means a business that has annual gross
2 sales of less than \$150,000,000 as evidenced by the
3 federal income tax return of the business. A firm with
4 gross sales in excess of this cap may apply to the Council
5 for certification for a particular contract if the firm
6 can demonstrate that the contract would have significant
7 impact on businesses owned by minorities, women, or
8 persons with disabilities as suppliers or subcontractors
9 or in employment of minorities, women, or persons with
10 disabilities. Firms with gross sales in excess of this cap
11 that are granted certification by the Council shall be
12 granted certification for the life of the contract,
13 including available renewals.

14 (11) "Utilization plan" means a form and additional
15 documentations included in all bids or proposals that
16 demonstrates a vendor's proposed utilization of vendors
17 certified by the Business Enterprise Program to meet the
18 targeted goal. The utilization plan shall demonstrate that
19 the Vendor has either: (1) met the entire contract goal or
20 (2) requested a full or partial waiver and made good faith
21 efforts towards meeting the goal.

22 (12) "Business Enterprise Program" means the Business
23 Enterprise Program of the Commission on Equity and
24 Inclusion.

25 (B) When a business is owned at least 51% by any
26 combination of minority persons, women, or persons with

1 disabilities, even though none of the 3 classes alone holds at
2 least a 51% interest, the ownership requirement for purposes
3 of this Act is considered to be met. The certification
4 category for the business is that of the class holding the
5 largest ownership interest in the business. If 2 or more
6 classes have equal ownership interests, the certification
7 category shall be determined by the business.

8 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
9 102-29, eff. 6-25-21; 102-1119, eff. 1-23-23.)

10 Section 23. The Illinois Public Aid Code is amended by
11 changing Section 5-35 as follows:

12 (305 ILCS 5/5-35)

13 Sec. 5-35. Personal needs allowance.

14 (a) For a person who is a resident in a facility licensed
15 under the ID/DD Community Care Act, the Community-Integrated
16 Living Arrangements Licensure and Certification Act, the
17 Specialized Mental Health Rehabilitation Act of 2013, or the
18 MC/DD Act for whom payments are made under this Article
19 throughout a month and who is determined to be eligible for
20 medical assistance under this Article, the State shall pay an
21 amount in addition to the minimum monthly personal needs
22 allowance authorized under Section 1902(q) of Title XIX of the
23 Social Security Act (42 U.S.C. 1396(q)) so that the person's
24 total monthly personal needs allowance from both State and

1 federal sources equals \$60.

2 (b) Beginning January 1, 2024, for a person who is a
3 resident in a facility licensed under the Community-Integrated
4 Living Arrangements Licensure and Certification Act for whom
5 payments are made under this Article throughout a month and
6 who is determined to be eligible for medical assistance under
7 this Article, the State shall pay an amount in addition to the
8 minimum monthly personal needs allowance authorized under
9 Section 1902(g) of Title XIX of the Social Security Act so that
10 the person's total monthly personal needs allowance from both
11 State and federal sources equals \$100.

12 (c) Beginning January 1, 2025, the personal needs
13 allowance described in subsection (b) shall increase annually
14 at the same rate as the Social Security cost-of-living
15 adjustment to take effect on January 1 of each year.

16 (Source: P.A. 100-23, eff. 7-6-17.)

17 Section 25. The Minimum Wage Law is amended by changing
18 Section 10 as follows:

19 (820 ILCS 105/10) (from Ch. 48, par. 1010)

20 Sec. 10. (a) The Director shall make and revise
21 administrative regulations, including definitions of terms, as
22 the Director ~~he~~ deems appropriate to carry out the purposes of
23 this Act, to prevent the circumvention or evasion thereof, and
24 to safeguard the minimum wage established by the Act.

1 Regulations governing employment of learners may be issued
2 only after notice and opportunity for public hearing, as
3 provided in subsection (c) of this Section.

4 (b) In order to prevent curtailment of opportunities for
5 employment, avoid undue hardship, and safeguard the minimum
6 wage rate under this Act, the Director may also issue
7 regulations providing for the employment of workers with
8 disabilities at wages lower than the wage rate applicable
9 under this Act, under permits and for such periods of time as
10 specified therein; and providing for the employment of
11 learners at wages lower than the wage rate applicable under
12 this Act. However, such regulation shall not permit lower
13 wages for persons with disabilities on any basis that is
14 unrelated to such person's ability resulting from his
15 disability, and such regulation may be issued only after
16 notice and opportunity for public hearing as provided in
17 subsection (c) of this Section. This subsection (b) is
18 inoperative on and after July 1, 2027.

19 (c) Prior to the adoption, amendment or repeal of any rule
20 or regulation by the Director under this Act, except
21 regulations which concern only the internal management of the
22 Department of Labor and do not affect any public right
23 provided by this Act, the Director shall give proper notice to
24 persons in any industry or occupation that may be affected by
25 the proposed rule or regulation, and hold a public hearing on
26 the Director's ~~his~~ proposed action at which any such affected

1 person, or the Director's ~~his~~ duly authorized representative,
2 may attend and testify or present other evidence for or
3 against such proposed rule or regulation. Rules and
4 regulations adopted under this Section shall be filed with the
5 Secretary of State in compliance with "An Act concerning
6 administrative rules", as now or hereafter amended. Such
7 adopted and filed rules and regulations shall become effective
8 10 days after copies thereof have been mailed by the
9 Department to persons in industries affected thereby at their
10 last known address.

11 (d) The commencement of proceedings by any person
12 aggrieved by an administrative regulation issued under this
13 Act does not, unless specifically ordered by the Court,
14 operate as a stay of that administrative regulation against
15 other persons. The Court shall not grant any stay of an
16 administrative regulation unless the person complaining of
17 such regulation files in the Court an undertaking with a
18 surety or sureties satisfactory to the Court for the payment
19 to the employees affected by the regulation, in the event such
20 regulation is affirmed, of the amount by which the
21 compensation such employees are entitled to receive under the
22 regulation exceeds the compensation they actually receive
23 while such stay is in effect.

24 (e) The Department may adopt emergency rules in accordance
25 with Section 5-45 of the Illinois Administrative Procedure Act
26 to implement the changes made by this amendatory Act of the

1 101st General Assembly.

2 (Source: P.A. 101-1, eff. 2-19-19.)

3 (820 ILCS 105/5 rep.)

4 Section 30. The Minimum Wage Law is amended by repealing
5 Section 5.

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