



Rep. Theresa Mah

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1 AMENDMENT TO HOUSE BILL 793

2 AMENDMENT NO. _____. Amend House Bill 793 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Reference to Act. This Act may be referred to
5 as 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

1 14(c) wage certificate.

2 Data released in October 2022 from the United States
3 Department of Labor shows that Illinois ranks second in the
4 nation in the number of 14(c) certificates issued or pending,
5 with several thousand Illinois residents with disabilities
6 engaged in activities compensated below minimum wage. These
7 activities most often occur in congregate work centers (also
8 known as facility-based employment or sheltered workshops)
9 some of which may have the effect of isolating people with
10 disabilities from the greater community.

11 The Illinois Employment First Act stipulates that
12 "competitive and integrated employment shall be considered the
13 first option when serving persons with disabilities of working
14 age." Across the United States, 13 states have passed
15 legislation to eliminate subminimum wages for persons with
16 disabilities.

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

21 On October 4, 2021, the Governor signed Executive Order 26
22 (2021), which now requires all contracts through the Illinois
23 State Use Program that employ persons with disabilities to
24 provide payment to workers at no less than the applicable
25 local, if higher, or Illinois minimum wage for all employees
26 performing work on the contract.

1 (b) Additional service enhancements, rate adjustments,
2 investments, and policy changes are needed to address systemic
3 barriers to assist persons with disabilities to access
4 increased employment opportunities and earn at or above the
5 Illinois minimum wage.

6 (c) Collaborative partnerships between State agencies and
7 key stakeholder organizations, including, but not limited to,
8 those noted in this amendatory Act of the 103rd General
9 Assembly, shall result in a complete phase out of Illinois
10 14(c) certificates on July 1, 2027, unless a subsequent Act by
11 the General Assembly authorizes an earlier date for phase out.

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

14 (20 ILCS 1305/1-85 new)

15 Sec. 1-85. Elimination of Section 14(c) certificates. The
16 Department, in partnership with other State agencies,
17 including the Department of Labor, the Department of
18 Healthcare and Family Services, the Department of Central
19 Management Services, the Department of Commerce and Economic
20 Opportunity, the Department of Employment Security, and the
21 State Board of Education, shall eliminate on July 1, 2027 the
22 use of active or pending 14(c) certificates authorized under
23 the federal Fair Labor Standards Act of 1938, as well as
24 authorizations permitted under Sections 5 and 10 of the

1 Minimum Wage Law to pay an employee with a disability less than
2 the minimum wage otherwise required for employees under
3 Section 4 of the Minimum Wage Law.

4 (20 ILCS 1305/1-90 new)

5 Sec. 1-90. Transition Grant Fund.

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

20 (b) The Department shall adopt rules establishing a
21 process for the equitable and transparent administration of
22 the Fund.

23 Section 7. The Employment and Economic Opportunity for
24 Persons with Disabilities Task Force Act is amended by adding

1 Section 16 as follows:

2 (20 ILCS 4095/16 new)

3 Sec. 16. Multi-year plan towards elimination of 14(c)
4 certificates. By no later than July 1, 2025, the Employment
5 and Economic Opportunity for Persons with Disabilities Task
6 Force shall create a multi-year plan of recommended actions,
7 outcomes, and benchmarks in accordance with paragraphs (1)
8 through (3) to help the State meets its goal to eliminate the
9 use of 14(c) certificates on and after July 1, 2027.

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

12 (A) By no later than January 1, 2025,
13 identification, gathering, and analytics of data to
14 inform the work of the Task Force, including, but not
15 limited to:

16 (i) the total number of businesses utilizing
17 14(c) certificates;

18 (ii) the total number of persons with
19 disabilities who are paid subminimum wages or
20 average wages and the length of their employment;

21 (iii) the total number of persons with
22 disabilities engaged in competitive or integrated
23 employment, their average wages, and the length of
24 their employment; and

25 (iv) the total number of persons with

1 disabilities working in facility-based employment
2 paid at or above minimum wage.

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

5 (i) recommended actions, including additional
6 statutory, regulatory, or policy measures;

7 (ii) recommended outcomes for each year of the
8 plan;

9 (iii) recommended benchmarks for each year of
10 the plan; and

11 (iv) recommended funding levels or federal and
12 State appropriations necessary to achieve
13 recommended outcomes.

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

16 (A) The personal choice of persons with
17 disabilities regarding employment goals and planning
18 in person-centered planning processes.

19 (B) The use of existing and emerging technologies
20 that could assist persons with disabilities in
21 achieving employment goals.

22 (C) The impact of access to reliable
23 transportation on achieving employment goals and
24 ongoing employment.

25 (D) The multitude of models utilized by school
26 districts and other resources on transition supports

1 for youth graduating high school or aging into adult
2 services and supports.

3 (E) The potential changes to State law,
4 regulations, or policies to protect means-tested
5 benefits for persons with disabilities as they pursue
6 employment-related goals.

7 (F) The education and training needs of staff
8 working in community-based provider agencies towards
9 advancing competitive, integrated work options for
10 persons with disabilities, in areas including, but not
11 limited to:

12 (i) employment options;

13 (ii) non-employment options;

14 (iii) home and community-based services and
15 supports;

16 (iv) self-advocacy;

17 (v) benefits management;

18 (vi) certification programs; and

19 (vii) mental health services and supports.

20 (G) Contracts between State agencies and
21 community-based providers that promote flexibility and
22 allow for expansion.

23 (H) Ongoing review of rates and reimbursements
24 that support various employment programs for persons
25 with disabilities, including competitive, integrated
26 employment, customized employment, and supported

1 employment.

2 (I) The need to further engage the private
3 business community to hire persons with disabilities
4 through incentives that may include specialized
5 educational opportunities, distribution of literature
6 at points of interaction with government licensing
7 agencies, and tax incentives to hiring persons with
8 disabilities.

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

14 (4) The Task Force shall provide annual updates to the
15 Governor and the General Assembly through January 1, 2035
16 on the employment of persons with disabilities in
17 Illinois.

18 Section 10. The State Finance Act is amended by adding
19 Section 5.990 as follows:

20 (30 ILCS 105/5.990 new)

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

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

1 (30 ILCS 500/45-35)

2 Sec. 45-35. Not-for-profit agencies for persons with
3 significant disabilities.

4 (a) Qualification. Supplies and services may be procured
5 without advertising or calling for bids from any qualified
6 not-for-profit agency for persons with significant
7 disabilities that:

8 (1) complies with Illinois laws governing private
9 not-for-profit organizations;

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

21 (3) is accredited by a nationally-recognized
22 accrediting organization or certified as a day services
23 ~~developmental training~~ provider by the Department of Human
24 Services.

25 (b) Participation. To participate, the not-for-profit

1 agency must have indicated an interest in providing the
2 supplies and services, must meet the specifications and needs
3 of the using agency, and must set a fair and reasonable price.

4 (c) Committee. There is created within the Department of
5 Central Management Services a committee to facilitate the
6 purchase of products and services from not-for-profit agencies
7 that provide employment opportunities to persons with physical
8 disabilities, intellectual or developmental disabilities,
9 mental illnesses, or any combination thereof. This committee
10 is called the State Use Committee. The State Use Committee
11 shall consist of the Director of the Department of Central
12 Management Services or his or her designee, the Secretary of
13 the Department of Human Services or his or her designee, the
14 Director of Commerce and Economic Opportunity or his or her
15 designee, one public member representing private business who
16 is knowledgeable of the employment needs and concerns of
17 persons with developmental disabilities, one public member
18 representing private business who is knowledgeable of the
19 needs and concerns of rehabilitation facilities, one public
20 member who is knowledgeable of the employment needs and
21 concerns of persons with developmental disabilities, one
22 public member who is knowledgeable of the needs and concerns
23 of rehabilitation facilities, 2 members who have a disability,
24 2 public members from a statewide association that represents
25 community-based rehabilitation facilities serving or
26 supporting individuals with intellectual or developmental

1 disabilities, and one public member from a disability-focused
2 statewide advocacy group, all appointed by the Governor. The
3 public members shall serve 2 year terms, commencing upon
4 appointment and every 2 years thereafter. A public member may
5 be reappointed, and vacancies shall be filled by appointment
6 for the completion of the term. In the event there is a vacancy
7 on the State Use Committee, the Governor must make an
8 appointment to fill that vacancy within 30 calendar days after
9 the notice of vacancy. The members shall serve without
10 compensation but shall be reimbursed for expenses at a rate
11 equal to that of State employees on a per diem basis by the
12 Department of Central Management Services. All members shall
13 be entitled to vote on issues before the State Use Committee.

14 The State Use Committee shall have the following powers
15 and duties:

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

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

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

25 (4) To prepare a report for the Governor and General
26 Assembly no later than December 31 of each year. The

1 requirement for reporting to the General Assembly shall be
2 satisfied by following the procedures set forth in Section
3 3.1 of the General Assembly Organization Act.

4 (5) To prepare a publication that lists all supplies
5 and services currently available from any qualified
6 not-for-profit agency for persons with significant
7 disabilities. This list and any revisions shall be
8 distributed to all purchasing agencies.

9 (6) To encourage diversity in supplies and services
10 provided by qualified not-for-profit agencies for persons
11 with significant disabilities and discourage unnecessary
12 duplication or competition among not-for-profit agencies.

13 (7) To develop guidelines to be followed by qualifying
14 agencies for participation under the provisions of this
15 Section. Guidelines shall include a list of national
16 accrediting organizations which satisfy the requirements
17 of item (3) of subsection (a) of this Section. The
18 guidelines shall be developed within 6 months after the
19 effective date of this Code and made available on a
20 nondiscriminatory basis to all qualifying agencies. The
21 new guidelines required under this item (7) by Public Act
22 100-203 shall be developed within 6 months after August
23 18, 2017 (the effective date of Public Act 100-203) and
24 made available on a non-discriminatory basis to all
25 qualifying not-for-profit agencies.

26 (8) To review all pricing submitted under the

1 provisions of this Section and may approve a proposed
2 agreement for supplies or services where the price
3 submitted is fair and reasonable. Review of pricing under
4 this paragraph may include, but is not limited to:

5 (A) Amounts private businesses would pay for
6 similar products or services.

7 (B) Amounts the federal government would pay
8 contractors for similar products or services.

9 (C) The amount paid by the State for similar
10 products or services.

11 (D) The actual cost of manufacturing the product
12 or performing a service at a community rehabilitation
13 program offering employment services on or off
14 premises to persons with disabilities or mental
15 illnesses, with adequate consideration given to legal
16 and moral imperatives to pay workers with disabilities
17 equitable wages.

18 (E) The usual, customary, and reasonable costs of
19 manufacturing, marketing, and distribution.

20 (9) To, not less than every 3 years, adopt a strategic
21 plan for increasing the number of products and services
22 purchased from qualified not-for-profit agencies for
23 persons with disabilities or mental illnesses, including
24 the feasibility of developing mandatory set-aside
25 contracts.

26 (c-5) Conditions for Use. Each chief procurement officer

1 shall, in consultation with the State Use Committee, determine
2 which articles, materials, services, food stuffs, and supplies
3 that are produced, manufactured, or provided by persons with
4 significant disabilities in qualified not-for-profit agencies
5 shall be given preference by purchasing agencies procuring
6 those items.

7 (d) (Blank).

8 (e) Subcontracts. Subcontracts shall be permitted for
9 agreements authorized under this Section. For the purposes of
10 this subsection (e), "subcontract" means any acquisition from
11 another source of supplies, not including raw materials, or
12 services required by a qualified not-for-profit agency to
13 provide the supplies or services that are the subject of the
14 contract between the State and the qualified not-for-profit
15 agency.

16 The State Use Committee shall develop guidelines to be
17 followed by qualified not-for-profit agencies when seeking and
18 establishing subcontracts with other persons or not-for-profit
19 agencies in order to fulfill State contract requirements.
20 These guidelines shall include the following:

21 (i) The State Use Committee must approve all
22 subcontracts and substantive amendments to subcontracts
23 prior to execution or amendment of the subcontract.

24 (ii) A qualified not-for-profit agency shall not enter
25 into a subcontract, or any combination of subcontracts, to
26 fulfill an entire requirement, contract, or order without

1 written State Use Committee approval.

2 (iii) A qualified not-for-profit agency shall make
3 reasonable efforts to utilize subcontracts with other
4 not-for-profit agencies for persons with significant
5 disabilities.

6 (iv) For any subcontract not currently performed by a
7 qualified not-for-profit agency, the primary qualified
8 not-for-profit agency must provide to the State Use
9 Committee the following: (A) a written explanation as to
10 why the subcontract is not performed by a qualified
11 not-for-profit agency, and (B) a written plan to transfer
12 the subcontract to a qualified not-for-profit agency, as
13 reasonable.

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

15 Section 20. The Business Enterprise for Minorities, Women,
16 and Persons with Disabilities Act is amended by changing
17 Section 2 as follows:

18 (30 ILCS 575/2)

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

20 Sec. 2. Definitions.

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

23 (1) "Minority person" shall mean a person who is a
24 citizen or lawful permanent resident of the United States

1 and who is any of the following:

2 (a) American Indian or Alaska Native (a person
3 having origins in any of the original peoples of North
4 and South America, including Central America, and who
5 maintains tribal affiliation or community attachment).

6 (b) Asian (a person having origins in any of the
7 original peoples of the Far East, Southeast Asia, or
8 the Indian subcontinent, including, but not limited
9 to, Cambodia, China, India, Japan, Korea, Malaysia,
10 Pakistan, the Philippine Islands, Thailand, and
11 Vietnam).

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

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

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

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

23 (2.05) "Person with a disability" means a person who
24 is a citizen or lawful resident of the United States and is
25 a person qualifying as a person with a disability under
26 subdivision (2.1) of this subsection (A).

1 (2.1) "Person with a disability" means a person with a
2 severe physical or mental disability that:

3 (a) results from:

4 amputation,

5 arthritis,

6 autism,

7 blindness,

8 burn injury,

9 cancer,

10 cerebral palsy,

11 Crohn's disease,

12 cystic fibrosis,

13 deafness,

14 head injury,

15 heart disease,

16 hemiplegia,

17 hemophilia,

18 respiratory or pulmonary dysfunction,

19 an intellectual disability,

20 mental illness,

21 multiple sclerosis,

22 muscular dystrophy,

23 musculoskeletal disorders,

24 neurological disorders, including stroke and

25 epilepsy,

26 paraplegia,

1 quadriplegia and other spinal cord conditions,
2 sickle cell anemia,
3 ulcerative colitis,
4 specific learning disabilities, or
5 end stage renal failure disease; and

6 (b) substantially limits one or more of the
7 person's major life activities.

8 Another disability or combination of disabilities may
9 also be considered as a severe disability for the purposes
10 of item (a) of this subdivision (2.1) if it is determined
11 by an evaluation of rehabilitation potential to cause a
12 comparable degree of substantial functional limitation
13 similar to the specific list of disabilities listed in
14 item (a) of this subdivision (2.1).

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

22 (4) "Women-owned business" means a business which is
23 at least 51% owned by one or more women, or, in the case of
24 a corporation, at least 51% of the stock in which is owned
25 by one or more women; and the management and daily
26 business operations of which are controlled by one or more

1 of the women who own it.

2 (4.1) "Business owned by a person with a disability"
3 means a business that is at least 51% owned by one or more
4 persons with a disability and the management and daily
5 business operations of which are controlled by one or more
6 of the persons with disabilities who own it. ~~A~~
7 ~~not for profit agency for persons with disabilities that~~
8 ~~is exempt from taxation under Section 501 of the Internal~~
9 ~~Revenue Code of 1986 is also considered a "business owned~~
10 ~~by a person with a disability".~~

11 (4.2) "Council" means the Business Enterprise Council
12 for Minorities, Women, and Persons with Disabilities
13 created under Section 5 of this Act.

14 (4.3) "Commission" means, unless the context clearly
15 indicates otherwise, the Commission on Equity and
16 Inclusion created under the Commission on Equity and
17 Inclusion Act.

18 (5) "State contracts" means all contracts entered into
19 by the State, any agency or department thereof, or any
20 public institution of higher education, including
21 community college districts, regardless of the source of
22 the funds with which the contracts are paid, which are not
23 subject to federal reimbursement. "State contracts" does
24 not include contracts awarded by a retirement system,
25 pension fund, or investment board subject to Section
26 1-109.1 of the Illinois Pension Code. This definition

1 shall control over any existing definition under this Act
2 or applicable administrative rule.

3 "State construction contracts" means all State
4 contracts entered into by a State agency or public
5 institution of higher education for the repair,
6 remodeling, renovation or construction of a building or
7 structure, or for the construction or maintenance of a
8 highway defined in Article 2 of the Illinois Highway Code.

9 (6) "State agencies" shall mean all departments,
10 officers, boards, commissions, institutions and bodies
11 politic and corporate of the State, but does not include
12 the Board of Trustees of the University of Illinois, the
13 Board of Trustees of Southern Illinois University, the
14 Board of Trustees of Chicago State University, the Board
15 of Trustees of Eastern Illinois University, the Board of
16 Trustees of Governors State University, the Board of
17 Trustees of Illinois State University, the Board of
18 Trustees of Northeastern Illinois University, the Board of
19 Trustees of Northern Illinois University, the Board of
20 Trustees of Western Illinois University, municipalities or
21 other local governmental units, or other State
22 constitutional officers.

23 (7) "Public institutions of higher education" means
24 the University of Illinois, Southern Illinois University,
25 Chicago State University, Eastern Illinois University,
26 Governors State University, Illinois State University,

1 Northeastern Illinois University, Northern Illinois
2 University, Western Illinois University, the public
3 community colleges of the State, and any other public
4 universities, colleges, and community colleges now or
5 hereafter established or authorized by the General
6 Assembly.

7 (8) "Certification" means a determination made by the
8 Council or by one delegated authority from the Council to
9 make certifications, or by a State agency with statutory
10 authority to make such a certification, that a business
11 entity is a business owned by a minority, woman, or person
12 with a disability for whatever purpose. A business owned
13 and controlled by women shall be certified as a
14 "woman-owned business". A business owned and controlled by
15 women who are also minorities shall be certified as both a
16 "women-owned business" and a "minority-owned business".

17 (9) "Control" means the exclusive or ultimate and sole
18 control of the business including, but not limited to,
19 capital investment and all other financial matters,
20 property, acquisitions, contract negotiations, legal
21 matters, officer-director-employee selection and
22 comprehensive hiring, operating responsibilities,
23 cost-control matters, income and dividend matters,
24 financial transactions and rights of other shareholders or
25 joint partners. Control shall be real, substantial and
26 continuing, not pro forma. Control shall include the power

1 to direct or cause the direction of the management and
2 policies of the business and to make the day-to-day as
3 well as major decisions in matters of policy, management
4 and operations. Control shall be exemplified by possessing
5 the requisite knowledge and expertise to run the
6 particular business and control shall not include simple
7 majority or absentee ownership.

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

21 (11) "Utilization plan" means a form and additional
22 documentations included in all bids or proposals that
23 demonstrates a vendor's proposed utilization of vendors
24 certified by the Business Enterprise Program to meet the
25 targeted goal. The utilization plan shall demonstrate that
26 the Vendor has either: (1) met the entire contract goal or

1 (2) requested a full or partial waiver and made good faith
2 efforts towards meeting the goal.

3 (12) "Business Enterprise Program" means the Business
4 Enterprise Program of the Commission on Equity and
5 Inclusion.

6 (B) When a business is owned at least 51% by any
7 combination of minority persons, women, or persons with
8 disabilities, even though none of the 3 classes alone holds at
9 least a 51% interest, the ownership requirement for purposes
10 of this Act is considered to be met. The certification
11 category for the business is that of the class holding the
12 largest ownership interest in the business. If 2 or more
13 classes have equal ownership interests, the certification
14 category shall be determined by the business.

15 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
16 102-29, eff. 6-25-21; 102-1119, eff. 1-23-23.)

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

19 (305 ILCS 5/5-35)

20 Sec. 5-35. Personal needs allowance.

21 (a) For a person who is a resident in a facility licensed
22 under the ID/DD Community Care Act, the Community-Integrated
23 Living Arrangements Licensure and Certification Act, the
24 Specialized Mental Health Rehabilitation Act of 2013, or the

1 MC/DD Act for whom payments are made under this Article
2 throughout a month and who is determined to be eligible for
3 medical assistance under this Article, the State shall pay an
4 amount in addition to the minimum monthly personal needs
5 allowance authorized under Section 1902(q) of Title XIX of the
6 Social Security Act (42 U.S.C. 1396(q)) so that the person's
7 total monthly personal needs allowance from both State and
8 federal sources equals \$60.

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

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

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

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

1 (820 ILCS 105/10) (from Ch. 48, par. 1010)

2 Sec. 10. (a) The Director shall make and revise
3 administrative regulations, including definitions of terms, as
4 the Director ~~he~~ deems appropriate to carry out the purposes of
5 this Act, to prevent the circumvention or evasion thereof, and
6 to safeguard the minimum wage established by the Act.
7 Regulations governing employment of learners may be issued
8 only after notice and opportunity for public hearing, as
9 provided in subsection (c) of this Section.

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

25 (c) Prior to the adoption, amendment or repeal of any rule

1 or regulation by the Director under this Act, except
2 regulations which concern only the internal management of the
3 Department of Labor and do not affect any public right
4 provided by this Act, the Director shall give proper notice to
5 persons in any industry or occupation that may be affected by
6 the proposed rule or regulation, and hold a public hearing on
7 the Director's ~~his~~ proposed action at which any such affected
8 person, or the Director's ~~his~~ duly authorized representative,
9 may attend and testify or present other evidence for or
10 against such proposed rule or regulation. Rules and
11 regulations adopted under this Section shall be filed with the
12 Secretary of State in compliance with "An Act concerning
13 administrative rules", as now or hereafter amended. Such
14 adopted and filed rules and regulations shall become effective
15 10 days after copies thereof have been mailed by the
16 Department to persons in industries affected thereby at their
17 last known address.

18 (d) The commencement of proceedings by any person
19 aggrieved by an administrative regulation issued under this
20 Act does not, unless specifically ordered by the Court,
21 operate as a stay of that administrative regulation against
22 other persons. The Court shall not grant any stay of an
23 administrative regulation unless the person complaining of
24 such regulation files in the Court an undertaking with a
25 surety or sureties satisfactory to the Court for the payment
26 to the employees affected by the regulation, in the event such

1 regulation is affirmed, of the amount by which the
2 compensation such employees are entitled to receive under the
3 regulation exceeds the compensation they actually receive
4 while such stay is in effect.

5 (e) The Department may adopt emergency rules in accordance
6 with Section 5-45 of the Illinois Administrative Procedure Act
7 to implement the changes made by this amendatory Act of the
8 101st General Assembly.

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

10 (820 ILCS 105/5 rep.)

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".