



Sen. Dan Kotowski

Filed: 10/24/2011

09700SB0864sam001

LRB097 04634 HLH 58548 a

1 AMENDMENT TO SENATE BILL 864

2 AMENDMENT NO. _____. Amend Senate Bill 864 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the OSHA
5 Program Reorganization Act.

6 Section 10. Transfer of the Illinois Onsite Safety and
7 Health Consultation Program.

8 (a) On January 1, 2012 or as soon thereafter as practical,
9 all of the powers, duties, rights, and responsibilities related
10 to the Illinois Onsite Safety and Health Consultation Program
11 (the OSHA Program) are transferred from the Department of
12 Commerce and Economic Opportunity to the Department of Labor.

13 (b) The powers, duties, rights, and responsibilities
14 vested in or associated with the Illinois Onsite Safety and
15 Health Consultation Program (the OSHA Program) are not affected
16 by this Act, except that all management and staff support or

1 other resources necessary to the operation of the Illinois
2 Onsite Safety and Health Consultation Program (the OSHA
3 Program) shall be provided by the Department of Labor.

4 Section 15. Representation on boards or other entities.
5 When any provision of an Executive Order or Act provides for
6 the membership of the Director of Commerce and Economic
7 Opportunity on any council, commission, board, or other entity
8 relating to the Illinois Onsite Safety and Health Consultation
9 Program (the OSHA Program), the Director of Labor, or his or
10 her designee, shall serve in that place. If more than one such
11 person is required by law to serve on any council, commission,
12 board, or other entity, an equivalent number of the
13 representatives of the Department of Labor shall so serve.

14 Section 20. Personnel transferred. The status and rights
15 of employees of the Department of Commerce and Economic
16 Opportunity engaged in the performance of the functions of the
17 Illinois Onsite Safety and Health Consultation Program (the
18 OSHA Program) shall not be affected by the transfer. The status
19 and rights of those employees, and the rights of the State of
20 Illinois and its agencies, under the Personnel Code and
21 applicable collective bargaining agreements or under any
22 pension, retirement, or annuity plan are not affected by this
23 Act. Personnel under the Department of Commerce and Economic
24 Opportunity affected by this Act shall continue their service

1 within the Department of Labor.

2 Section 25. Books and records transferred. All books,
3 records, papers, documents, property (real and personal),
4 contracts, and pending business pertaining to the powers,
5 duties, rights, and responsibilities related to the Illinois
6 Onsite Safety and Health Consultation Program (the OSHA
7 Program) and transferred by this Act from the Department of
8 Commerce and Economic Opportunity to the Department of Labor,
9 including, but not limited to, material in electronic or
10 magnetic format and necessary computer hardware and software,
11 shall be delivered to the Department of Labor; however, the
12 delivery of that information may not violate any applicable
13 confidentiality constraints.

14 Section 30. Unexpended moneys transferred. With respect to
15 the Illinois Onsite Safety and Health Consultation Program (the
16 OSHA Program), the Department of Labor is the successor agency
17 to the Department of Commerce and Economic Opportunity under
18 the Successor Agency Act and Section 9b of the State Finance
19 Act. All unexpended appropriations and balances and other funds
20 available for use in connection with the Illinois Onsite Safety
21 and Health Consultation Program (the OSHA Program) are
22 transferred for use by the Department of Labor for the Illinois
23 Onsite Safety and Health Consultation Program (the OSHA
24 Program) pursuant to the direction of the Governor. Unexpended

1 balances so transferred shall be expended only for the purpose
2 for which the appropriation was originally made.

3 Section 35. Exercise of transferred powers; savings
4 provisions. The powers, duties, rights, and responsibilities
5 related to the Illinois Onsite Safety and Health Consultation
6 Program (the OSHA Program) transferred from the Department of
7 Commerce and Economic Opportunity by this Act are vested in and
8 shall be exercised by the Department of Labor. Each act done in
9 the exercise of those powers, duties, rights, and
10 responsibilities shall have the same legal effect as if done by
11 the Department of Commerce and Economic Opportunity or its
12 divisions, officers, or employees.

13 Section 40. Rights, obligations, and duties unaffected by
14 transfer. The transfer of powers, duties, rights, and
15 responsibilities from the Department of Commerce and Economic
16 Opportunity to the Department of Labor under this Act does not
17 affect any person's rights, obligations, or duties, including
18 any civil or criminal penalties applicable thereto, arising out
19 of those transferred powers, duties, rights, and
20 responsibilities.

21 Section 45. Agency officers; penalties. Every officer of
22 the Department of Labor is, for any offense, subject to the
23 same penalty or penalties, civil or criminal, as are prescribed

1 by existing law for the same offense by any officer whose
2 powers or duties are transferred under this Act.

3 Section 50. Reports, notices, or papers. Whenever reports
4 or notices are required to be made or given or papers or
5 documents furnished or served by any person to or upon the
6 Department of Commerce and Economic Opportunity in connection
7 with any of the functions of the Illinois Onsite Safety and
8 Health Consultation Program (the OSHA Program) transferred by
9 this Act, the same shall be made, given, furnished, or served
10 in the same manner to or upon the Department of Labor.

11 Section 55. Acts and actions unaffected by transfer. This
12 Act does not affect any act done, ratified, or canceled, or any
13 right occurring or established, before January 1, 2012 in
14 connection with the Illinois Onsite Safety and Health
15 Consultation Program (the OSHA Program). This Act does not
16 affect any action or proceeding had or commenced before January
17 1, 2012 in an administrative, civil, or criminal cause
18 regarding the Illinois Onsite Safety and Health Consultation
19 Program (the OSHA Program), but any such action or proceeding
20 may be defended, prosecuted, or continued by the Department of
21 Labor.

22 Section 60. Rules.

23 (a) Any rule of the Department of Commerce and Economic

1 Opportunity that (i) relates to the Illinois Onsite Safety and
2 Health Consultation Program (the OSHA Program), (ii) is in full
3 force on January 1, 2012, and (iii) has been duly adopted by
4 the Department of Commerce and Economic Opportunity shall
5 become the rule of the Department of Labor. This Act does not
6 affect the legality of any such rules contained in the Illinois
7 Administrative Code.

8 (b) Any proposed rule filed with the Secretary of State by
9 the Department of Commerce and Economic Opportunity that is
10 pending in the rulemaking process on January 1, 2012 and that
11 pertains to the functions transferred under this Act shall be
12 deemed to have been filed by the Department of Labor.

13 (c) As soon as practical after January 1, 2012, the
14 Department of Labor shall revise and clarify the rules
15 transferred to it under this Section to reflect the
16 reorganization of rights, powers, and duties effected by this
17 Act, using the procedures for recodification of rules available
18 under the Illinois Administrative Procedure Act, except that
19 existing title, part, and section numbering for the affected
20 rules may be retained.

21 (d) The Department of Labor may propose and adopt, under
22 the Illinois Administrative Procedure Act, other rules of the
23 Department of Commerce and Economic Opportunity that will now
24 be administered by the Department of Labor.

25 Section 900. The Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of Illinois is
2 amended by changing Section 605-875 as follows:

3 (20 ILCS 605/605-875) (was 20 ILCS 605/46.68)

4 Sec. 605-875. Safety loan program.

5 (a) The Department may develop and implement a small
6 business safety loan program to allow employers the opportunity
7 to improve workplace safety. The loans shall be made from
8 appropriations for that purpose. The loans shall be secured by
9 adequate collateral, may be for a term of no more than 5 years,
10 and may bear interest at a discounted rate. The Department
11 shall promulgate all necessary rules to implement the program.

12 (b) Any loan made under this Section shall: (1) be made
13 only if ~~an~~ on-site safety and health consultations ~~consultation~~
14 and recommendations for correction have been completed by both
15 the Department's Industrial Service Division, with regard to
16 requirements of State and federal environmental regulations,
17 and the Department of Labor, with regard to requirements of the
18 federal Occupational Safety and Health Administration; and (2)
19 finance no more than \$50,000 or 80% of the total project and no
20 less than \$10,000.

21 (c) The Illinois Safety Revolving Loan Fund is created as a
22 separate fund within the State treasury.

23 The purpose of the Fund is to provide loans to and finance
24 administration of loans to small businesses in Illinois.

25 There shall be deposited into the Fund amounts including,

1 but not limited to, the following:

2 (1) All receipts, including dividends, principal, and
3 interest payments from any applicable loan agreement made
4 from the Fund or from direct appropriations.

5 (2) All proceeds of assets of whatever nature received
6 by the Department as a result of default or delinquency
7 with respect to loan agreements made from the Fund or from
8 direct appropriations by the General Assembly, including
9 proceeds from the sale, disposal, lease, or rental of real
10 or personal property that the Department may have received
11 as a result of the default or delinquency.

12 (3) Any appropriations, grants, or gifts made to the
13 Fund.

14 (4) Any income received from interest on investments of
15 moneys in the Fund.

16 (d) The implementation of or continuation of this program
17 during any fiscal year is dependent upon federal funding,
18 through the Department of Labor, committed to the Onsite Safety
19 and Health Consultation Program prior to the beginning of that
20 fiscal year.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 Section 905. The Business Assistance and Regulatory Reform
23 Act is amended by changing Section 15 as follows:

24 (20 ILCS 608/15)

1 Sec. 15. Providing Information and Expediting Permit
2 Reviews.

3 (a) The office shall provide an information system using a
4 toll-free business assistance number. The number shall be
5 advertised throughout the State. If requested, the caller will
6 be sent a basic business kit, describing the basic requirements
7 and procedures for doing business in Illinois. If requested,
8 the caller shall be directed to one or more of the additional
9 services provided by the office. All persons providing advice
10 to callers on behalf of the office and all persons responsible
11 for directly providing services to persons visiting the office
12 or one of its branches shall be persons with small business
13 experience in an administrative or managerial capacity.

14 (b) (Blank).

15 (c) Any applicant for permits required for a business
16 activity may confer with the office to obtain assistance in the
17 prompt and efficient processing and review of applications. The
18 office may designate an employee of the office to act as a
19 permit assistance manager to:

20 (1) facilitate contacts for the applicant with
21 responsible agencies;

22 (2) arrange conferences to clarify the requirements of
23 interested agencies;

24 (3) consider with State agencies the feasibility of
25 consolidating hearings and data required of the applicant;

26 (4) assist the applicant in resolution of outstanding

1 issues identified by State agencies; and

2 (5) coordinate federal, State and local regulatory
3 procedures and permit review actions to the extent
4 possible.

5 (d) The office shall publish a directory of State business
6 permits and State programs to assist small businesses.

7 (e) The office shall attempt to establish agreements with
8 local governments to allow the office to provide assistance to
9 applicants for permits required by these local governments.

10 (f) Interested State agencies shall, to the maximum extent
11 feasible, establish procedures to expedite applications for
12 infrastructure projects. Applications for permits for
13 infrastructure projects shall be approved or disapproved
14 within 45 days of submission, unless law or regulations specify
15 a different period. If the interested agency is unable to act
16 within that period, the agency shall provide a written
17 notification to the office specifying reasons for its inability
18 to act and the date by which approval or disapproval shall be
19 determined. The office may require any interested State agency
20 to designate an employee who will coordinate the handling of
21 permits in that area.

22 (g) In addition to its responsibilities in connection with
23 permit assistance, the office shall provide general regulatory
24 information by directing businesses to appropriate officers in
25 State agencies to supply the information requested.

26 (h) The office shall help businesses to locate and apply to

1 training programs available to train current employees in
2 particular skills, techniques or areas of knowledge relevant to
3 the employees' present or anticipated job duties. In pursuit of
4 this objective, the office shall provide businesses with
5 pertinent information about training programs offered by State
6 agencies, units of local government, public universities and
7 colleges, community colleges, and school districts in
8 Illinois.

9 (i) The office shall help businesses to locate and apply to
10 State programs offering to businesses grants, loans, loan or
11 bond guarantees, investment partnerships, technology or
12 productivity consultation, or other forms of business
13 assistance.

14 (j) To the extent authorized by federal law, the office
15 shall assist businesses in ascertaining and complying with the
16 requirements of the federal Americans with Disabilities Act.

17 (k) The office shall provide confidential on-site
18 assistance in identifying problems and solutions in compliance
19 with requirements of ~~the federal Occupational Safety and Health~~
20 ~~Administration and other~~ State and federal environmental
21 regulations. The office shall work through and contract with
22 the Waste Management and Research Center to provide
23 confidential on-site consultation audits that (i) assist
24 regulatory compliance and (ii) identify pollution prevention
25 opportunities.

26 (k-5) Until January 1, 2012, the office shall provide

1 confidential on-site assistance, including, but not limited
2 to, consultation audits, to identify problems and solutions
3 regarding compliance with the requirements of the federal
4 Occupational Safety and Health Administration. On and after
5 January 1, 2012, the Department of Labor shall provide
6 confidential on-site assistance, including, but not limited
7 to, consultation audits, to identify problems and solutions
8 regarding compliance with the requirements of the federal
9 Occupational Safety and Health Administration.

10 (l) The office shall provide information on existing loan
11 and business assistance programs provided by the State.

12 (m) Each State agency having jurisdiction to approve or
13 deny a permit shall have the continuing power heretofore or
14 hereafter vested in it to make such determinations. The
15 provisions of this Act shall not lessen or reduce such powers
16 and shall modify the procedures followed in carrying out such
17 powers only to the extent provided in this Act.

18 (n) (1) Each State agency shall fully cooperate with the
19 office in providing information, documentation, personnel or
20 facilities requested by the office.

21 (2) Each State agency having jurisdiction of any permit to
22 which the master application procedure is applicable shall
23 designate an employee to act as permit liaison office with the
24 office in carrying out the provisions of this Act.

25 (o) (1) The office has authority, but is not required, to
26 keep and analyze appropriate statistical data regarding the

1 number of permits issued by State agencies, the amount of time
2 necessary for the permits to be issued, the cost of obtaining
3 such permits, the types of projects for which specific permits
4 are issued, a geographic distribution of permits, and other
5 pertinent data the office deems appropriate.

6 The office shall make such data and any analysis of the
7 data available to the public.

8 (2) The office has authority, but is not required, to
9 conduct or cause to be conducted a thorough review of any
10 agency's permit requirements and the need by the State to
11 require such permits. The office shall draw on the review, on
12 its direct experience, and on its statistical analyses to
13 prepare recommendations regarding how to:

14 (i) eliminate unnecessary or antiquated permit
15 requirements;

16 (ii) consolidate duplicative or overlapping permit
17 requirements;

18 (iii) simplify overly complex or lengthy application
19 procedures;

20 (iv) expedite time-consuming agency review and
21 approval procedures; or

22 (v) otherwise improve the permitting processes in the
23 State.

24 The office shall submit copies of all recommendations
25 within 5 days of issuance to the affected agency, the Governor,
26 the General Assembly, and the Joint Committee on Administrative

1 Rules.

2 (p) The office has authority to review State forms on its
3 own initiative or upon the request of another State agency to
4 ascertain the burden, if any, of complying with those forms. If
5 the office determines that a form is unduly burdensome to
6 business, it may recommend to the agency issuing the form
7 either that the form be eliminated or that specific changes be
8 made in the form.

9 (q) Not later than March 1 of each year, beginning March 1,
10 1995, the office shall submit an annual report of its
11 activities during the preceding year to the Governor and
12 General Assembly. The report shall describe the activities of
13 the office during the preceding year and shall contain
14 statistical information on the permit assistance activities of
15 the office.

16 (Source: P.A. 90-454, eff. 8-16-97; 90-490, eff. 8-17-97;
17 90-655, eff. 7-30-98.)

18 Section 910. The Department of Labor Law of the Civil
19 Administrative Code of Illinois is amended by adding Section
20 1505-55 as follows:

21 (20 ILCS 1505/1505-55 new)

22 Sec. 1505-55. Transfer of Illinois Onsite Safety and Health
23 Consultation Program. On and after January 1, 2012, as provided
24 in the OSHA Program Reorganization Act, the powers, duties,

1 rights, and responsibilities related to the Illinois Onsite
2 Safety and Health Consultation Program, including, but not
3 limited to, the duty to provide confidential on-site assistance
4 to identify problems and solutions regarding compliance with
5 the requirements of the federal Occupational Safety and Health
6 Administration, are transferred from the Department of
7 Commerce and Economic Opportunity to the Department of Labor.

8 Section 997. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.

10 Section 999. Effective date. This Act takes effect upon
11 becoming law."