



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2902

Introduced 2/4/2014, by Sen. Mike Jacobs

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Emergency Employment Development Act. Transfers Workforce Investment Act-related programs from the Department of Commerce and Economic Opportunity to the Department of Workforce Development. Amends the Department of Workforce Development Law of the Civil Administrative Code of Illinois. Renames the Department of Employment Security as the Department of Workforce Development. Adds provisions transferring responsibility for the programs from the Department of Commerce and Economic Opportunity to the Department of Workforce Development, including the Illinois Trade Adjustment Assistance Program and the notice required under the Illinois Worker Adjustment and Retraining Notification Act. Amends the School Code. Adds the Director of Workforce Development as an ex-officio member of the Illinois P-20 Council. Amends related provisions in specified Acts to facilitate these transfers. Effective immediately.

LRB098 16889 JWD 51964 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Statute on Statutes is amended by adding
5 Section 1.40 as follows:

6 (5 ILCS 70/1.40 new)

7 Sec. 1.40. Department of Commerce and Economic
8 Opportunity. On or after the effective date of this amendatory
9 Act of the 98th General Assembly, references to the Department
10 of Commerce and Economic Opportunity or the Department of
11 Commerce and Community Affairs with respect to the
12 administration of the federal Workforce Investment Act of 1998,
13 the federal Illinois Trade Adjustment Assistance Program and
14 the Illinois Worker Adjustment and Retraining Notification Act
15 shall be construed as references to the Illinois Department of
16 Workforce Development. On or after the effective date of this
17 amendatory Act of the 98th General Assembly, all references to
18 the Director of the Department of Commerce and Economic
19 Opportunity or the Department of Commerce and Community Affairs
20 with respect to the administration of the federal Workforce
21 Investment Act of 1998, the federal Illinois Trade Adjustment
22 Assistance Program and the Illinois Worker Adjustment and
23 Retraining Notification Act shall be construed as references to

1 the Director of Workforce Development.

2 Section 10. The State Services Assurance Act for FY2008 is
3 amended by changing Section 3-15 as follows:

4 (5 ILCS 382/3-15)

5 Sec. 3-15. Staffing standards. On or before July 1, 2008
6 each named agency shall increase and maintain the number of
7 bilingual on-board frontline staff over the levels that it
8 maintained on June 30, 2007 as follows:

9 (1) The Department of Corrections shall have at least
10 40 additional bilingual on-board frontline staff.

11 (2) Mental health and developmental centers operated
12 by the Department of Human Services shall have at least 20
13 additional bilingual on-board frontline staff.

14 (3) Family and Community Resource Centers operated by
15 the Department of Human Services shall have at least 100
16 additional bilingual on-board frontline staff.

17 (4) The Department of Children and Family Services
18 shall have at least 40 additional bilingual on-board
19 frontline staff.

20 (5) The Department of Veterans Affairs shall have at
21 least 5 additional bilingual on-board frontline staff.

22 (6) The Environmental Protection Agency shall have at
23 least 5 additional bilingual on-board frontline staff.

24 (7) The Department of Workforce Development ~~Employment~~

1 ~~Security~~ shall have at least 10 additional bilingual
2 on-board frontline staff.

3 (8) The Department of Natural Resources shall have at
4 least 5 additional bilingual on-board frontline staff.

5 (9) The Department of Public Health shall have at least
6 5 additional bilingual on-board frontline staff.

7 (10) The Department of State Police shall have at least
8 5 additional bilingual on-board frontline staff.

9 (11) The Department of Juvenile Justice shall have at
10 least 25 additional bilingual on-board frontline staff.

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

12 Section 15. The State Officials and Employees Ethics Act is
13 amended by changing Section 5-50 as follows:

14 (5 ILCS 430/5-50)

15 Sec. 5-50. Ex parte communications; special government
16 agents.

17 (a) This Section applies to ex parte communications made to
18 any agency listed in subsection (e).

19 (b) "Ex parte communication" means any written or oral
20 communication by any person that imparts or requests material
21 information or makes a material argument regarding potential
22 action concerning regulatory, quasi-adjudicatory, investment,
23 or licensing matters pending before or under consideration by
24 the agency. "Ex parte communication" does not include the

1 following: (i) statements by a person publicly made in a public
2 forum; (ii) statements regarding matters of procedure and
3 practice, such as format, the number of copies required, the
4 manner of filing, and the status of a matter; and (iii)
5 statements made by a State employee of the agency to the agency
6 head or other employees of that agency.

7 (b-5) An ex parte communication received by an agency,
8 agency head, or other agency employee from an interested party
9 or his or her official representative or attorney shall
10 promptly be memorialized and made a part of the record.

11 (c) An ex parte communication received by any agency,
12 agency head, or other agency employee, other than an ex parte
13 communication described in subsection (b-5), shall immediately
14 be reported to that agency's ethics officer by the recipient of
15 the communication and by any other employee of that agency who
16 responds to the communication. The ethics officer shall require
17 that the ex parte communication be promptly made a part of the
18 record. The ethics officer shall promptly file the ex parte
19 communication with the Executive Ethics Commission, including
20 all written communications, all written responses to the
21 communications, and a memorandum prepared by the ethics officer
22 stating the nature and substance of all oral communications,
23 the identity and job title of the person to whom each
24 communication was made, all responses made, the identity and
25 job title of the person making each response, the identity of
26 each person from whom the written or oral ex parte

1 communication was received, the individual or entity
2 represented by that person, any action the person requested or
3 recommended, and any other pertinent information. The
4 disclosure shall also contain the date of any ex parte
5 communication.

6 (d) "Interested party" means a person or entity whose
7 rights, privileges, or interests are the subject of or are
8 directly affected by a regulatory, quasi-adjudicatory,
9 investment, or licensing matter.

10 (e) This Section applies to the following agencies:

11 Executive Ethics Commission
12 Illinois Commerce Commission
13 Educational Labor Relations Board
14 State Board of Elections
15 Illinois Gaming Board
16 Health Facilities and Services Review Board
17 Illinois Workers' Compensation Commission
18 Illinois Labor Relations Board
19 Illinois Liquor Control Commission
20 Pollution Control Board
21 Property Tax Appeal Board
22 Illinois Racing Board
23 Illinois Purchased Care Review Board
24 Department of State Police Merit Board
25 Motor Vehicle Review Board
26 Prisoner Review Board

1 Civil Service Commission
2 Personnel Review Board for the Treasurer
3 Merit Commission for the Secretary of State
4 Merit Commission for the Office of the Comptroller
5 Court of Claims
6 Board of Review of the Department of Workforce
7 Development ~~Employment Security~~
8 Department of Insurance
9 Department of Professional Regulation and licensing boards
10 under the Department
11 Department of Public Health and licensing boards under the
12 Department
13 Office of Banks and Real Estate and licensing boards under
14 the Office
15 State Employees Retirement System Board of Trustees
16 Judges Retirement System Board of Trustees
17 General Assembly Retirement System Board of Trustees
18 Illinois Board of Investment
19 State Universities Retirement System Board of Trustees
20 Teachers Retirement System Officers Board of Trustees

21 (f) Any person who fails to (i) report an ex parte
22 communication to an ethics officer, (ii) make information part
23 of the record, or (iii) make a filing with the Executive Ethics
24 Commission as required by this Section or as required by
25 Section 5-165 of the Illinois Administrative Procedure Act
26 violates this Act.

1 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

2 Section 20. The Election Code is amended by changing
3 Sections 1A-17, 4-6.2, 5-16.2, and 6-50.2 as follows:

4 (10 ILCS 5/1A-17)

5 Sec. 1A-17. Voter registration outreach.

6 (a) The Secretary of State, the Department of Human
7 Services, the Department of Children and Family Services, the
8 Department of Public Aid, the Department of Workforce
9 Development ~~Employment Security~~, and each public institution
10 of higher learning in Illinois must make available on its World
11 Wide Web site a downloadable, printable voter registration form
12 that complies with the requirements in subsection (d) of
13 Section 1A-16 for the State Board of Elections' voter
14 registration form.

15 (b) Each public institution of higher learning in Illinois
16 must include voter registration information and a voter
17 registration form supplied by the State Board of Elections
18 under subsection (e) of Section 1A-16 in any mailing of student
19 registration materials to an address located in Illinois. Each
20 public institution of higher learning must provide voter
21 registration information and a voter registration form
22 supplied by the State Board of Elections under subsection (e)
23 of Section 1A-16 to each person with whom the institution
24 conducts in-person student registration.

1 (c) As used in this Section, a public institution of higher
2 learning means a public university, college, or community
3 college in Illinois.

4 (Source: P.A. 94-645, eff. 8-22-05; incorporates P.A. 94-492,
5 eff. 1-1-06; 95-331, eff. 8-21-07.)

6 (10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

7 Sec. 4-6.2. (a) The county clerk shall appoint all
8 municipal and township or road district clerks or their duly
9 authorized deputies as deputy registrars who may accept the
10 registration of all qualified residents of the State.

11 The county clerk shall appoint all precinct
12 committeepersons in the county as deputy registrars who may
13 accept the registration of any qualified resident of the State,
14 except during the 27 days preceding an election.

15 The county clerk shall appoint each of the following named
16 persons as deputy registrars upon the written request of such
17 persons:

18 1. The chief librarian, or a qualified person
19 designated by the chief librarian, of any public library
20 situated within the election jurisdiction, who may accept
21 the registrations of any qualified resident of the State,
22 at such library.

23 2. The principal, or a qualified person designated by
24 the principal, of any high school, elementary school, or
25 vocational school situated within the election

1 jurisdiction, who may accept the registrations of any
2 qualified resident of the State, at such school. The county
3 clerk shall notify every principal and vice-principal of
4 each high school, elementary school, and vocational school
5 situated within the election jurisdiction of their
6 eligibility to serve as deputy registrars and offer
7 training courses for service as deputy registrars at
8 conveniently located facilities at least 4 months prior to
9 every election.

10 3. The president, or a qualified person designated by
11 the president, of any university, college, community
12 college, academy or other institution of learning situated
13 within the election jurisdiction, who may accept the
14 registrations of any resident of the State, at such
15 university, college, community college, academy or
16 institution.

17 4. A duly elected or appointed official of a bona fide
18 labor organization, or a reasonable number of qualified
19 members designated by such official, who may accept the
20 registrations of any qualified resident of the State.

21 5. A duly elected or appointed official of a bonafide
22 State civic organization, as defined and determined by rule
23 of the State Board of Elections, or qualified members
24 designated by such official, who may accept the
25 registration of any qualified resident of the State. In
26 determining the number of deputy registrars that shall be

1 appointed, the county clerk shall consider the population
2 of the jurisdiction, the size of the organization, the
3 geographic size of the jurisdiction, convenience for the
4 public, the existing number of deputy registrars in the
5 jurisdiction and their location, the registration
6 activities of the organization and the need to appoint
7 deputy registrars to assist and facilitate the
8 registration of non-English speaking individuals. In no
9 event shall a county clerk fix an arbitrary number
10 applicable to every civic organization requesting
11 appointment of its members as deputy registrars. The State
12 Board of Elections shall by rule provide for certification
13 of bonafide State civic organizations. Such appointments
14 shall be made for a period not to exceed 2 years,
15 terminating on the first business day of the month
16 following the month of the general election, and shall be
17 valid for all periods of voter registration as provided by
18 this Code during the terms of such appointments.

19 6. The Director of Healthcare and Family Services, or a
20 reasonable number of employees designated by the Director
21 and located at public aid offices, who may accept the
22 registration of any qualified resident of the county at any
23 such public aid office.

24 7. The Director of the Illinois Department of Workforce
25 Development ~~Employment Security~~, or a reasonable number of
26 employees designated by the Director and located at

1 unemployment offices, who may accept the registration of
2 any qualified resident of the county at any such
3 unemployment office.

4 8. The president of any corporation as defined by the
5 Business Corporation Act of 1983, or a reasonable number of
6 employees designated by such president, who may accept the
7 registrations of any qualified resident of the State.

8 If the request to be appointed as deputy registrar is
9 denied, the county clerk shall, within 10 days after the date
10 the request is submitted, provide the affected individual or
11 organization with written notice setting forth the specific
12 reasons or criteria relied upon to deny the request to be
13 appointed as deputy registrar.

14 The county clerk may appoint as many additional deputy
15 registrars as he considers necessary. The county clerk shall
16 appoint such additional deputy registrars in such manner that
17 the convenience of the public is served, giving due
18 consideration to both population concentration and area. Some
19 of the additional deputy registrars shall be selected so that
20 there are an equal number from each of the 2 major political
21 parties in the election jurisdiction. The county clerk, in
22 appointing an additional deputy registrar, shall make the
23 appointment from a list of applicants submitted by the Chairman
24 of the County Central Committee of the applicant's political
25 party. A Chairman of a County Central Committee shall submit a
26 list of applicants to the county clerk by November 30 of each

1 year. The county clerk may require a Chairman of a County
2 Central Committee to furnish a supplemental list of applicants.

3 Deputy registrars may accept registrations at any time
4 other than the 27 day period preceding an election. All persons
5 appointed as deputy registrars shall be registered voters
6 within the county and shall take and subscribe to the following
7 oath or affirmation:

8 "I do solemnly swear (or affirm, as the case may be) that I
9 will support the Constitution of the United States, and the
10 Constitution of the State of Illinois, and that I will
11 faithfully discharge the duties of the office of deputy
12 registrar to the best of my ability and that I will register no
13 person nor cause the registration of any person except upon his
14 personal application before me.

15

16 (Signature Deputy Registrar)"

17 This oath shall be administered by the county clerk, or by
18 one of his deputies, or by any person qualified to take
19 acknowledgement of deeds and shall immediately thereafter be
20 filed with the county clerk.

21 Appointments of deputy registrars under this Section,
22 except precinct committeemen, shall be for 2-year terms,
23 commencing on December 1 following the general election of each
24 even-numbered year; except that the terms of the initial
25 appointments shall be until December 1st following the next
26 general election. Appointments of precinct committeemen shall

1 be for 2-year terms commencing on the date of the county
2 convention following the general primary at which they were
3 elected. The county clerk shall issue a certificate of
4 appointment to each deputy registrar, and shall maintain in his
5 office for public inspection a list of the names of all
6 appointees.

7 (b) The county clerk shall be responsible for training all
8 deputy registrars appointed pursuant to subsection (a), at
9 times and locations reasonably convenient for both the county
10 clerk and such appointees. The county clerk shall be
11 responsible for certifying and supervising all deputy
12 registrars appointed pursuant to subsection (a). Deputy
13 registrars appointed under subsection (a) shall be subject to
14 removal for cause.

15 (c) Completed registration materials under the control of
16 deputy registrars, appointed pursuant to subsection (a), shall
17 be returned to the appointing election authority by first-class
18 mail within 2 business days or personal delivery within 7 days,
19 except that completed registration materials received by the
20 deputy registrars during the period between the 35th and 28th
21 day preceding an election shall be returned by the deputy
22 registrars to the appointing election authority within 48 hours
23 after receipt thereof. The completed registration materials
24 received by the deputy registrars on the 28th day preceding an
25 election shall be returned by the deputy registrars within 24
26 hours after receipt thereof. Unused materials shall be returned

1 by deputy registrars appointed pursuant to paragraph 4 of
2 subsection (a), not later than the next working day following
3 the close of registration.

4 (d) The county clerk or board of election commissioners, as
5 the case may be, must provide any additional forms requested by
6 any deputy registrar regardless of the number of unaccounted
7 registration forms the deputy registrar may have in his or her
8 possession.

9 (e) No deputy registrar shall engage in any electioneering
10 or the promotion of any cause during the performance of his or
11 her duties.

12 (f) The county clerk shall not be criminally or civilly
13 liable for the acts or omissions of any deputy registrar. Such
14 deputy registrars shall not be deemed to be employees of the
15 county clerk.

16 (g) Completed registration materials returned by deputy
17 registrars for persons residing outside the county shall be
18 transmitted by the county clerk within 2 days after receipt to
19 the election authority of the person's election jurisdiction of
20 residence.

21 (Source: P.A. 97-81, eff. 7-5-11.)

22 (10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

23 Sec. 5-16.2. (a) The county clerk shall appoint all
24 municipal and township clerks or their duly authorized deputies
25 as deputy registrars who may accept the registration of all

1 qualified residents of the State.

2 The county clerk shall appoint all precinct
3 committeepersons in the county as deputy registrars who may
4 accept the registration of any qualified resident of the State,
5 except during the 27 days preceding an election.

6 The county clerk shall appoint each of the following named
7 persons as deputy registrars upon the written request of such
8 persons:

9 1. The chief librarian, or a qualified person
10 designated by the chief librarian, of any public library
11 situated within the election jurisdiction, who may accept
12 the registrations of any qualified resident of the State,
13 at such library.

14 2. The principal, or a qualified person designated by
15 the principal, of any high school, elementary school, or
16 vocational school situated within the election
17 jurisdiction, who may accept the registrations of any
18 resident of the State, at such school. The county clerk
19 shall notify every principal and vice-principal of each
20 high school, elementary school, and vocational school
21 situated within the election jurisdiction of their
22 eligibility to serve as deputy registrars and offer
23 training courses for service as deputy registrars at
24 conveniently located facilities at least 4 months prior to
25 every election.

26 3. The president, or a qualified person designated by

1 the president, of any university, college, community
2 college, academy or other institution of learning situated
3 within the election jurisdiction, who may accept the
4 registrations of any resident of the State, at such
5 university, college, community college, academy or
6 institution.

7 4. A duly elected or appointed official of a bona fide
8 labor organization, or a reasonable number of qualified
9 members designated by such official, who may accept the
10 registrations of any qualified resident of the State.

11 5. A duly elected or appointed official of a bona fide
12 State civic organization, as defined and determined by rule
13 of the State Board of Elections, or qualified members
14 designated by such official, who may accept the
15 registration of any qualified resident of the State. In
16 determining the number of deputy registrars that shall be
17 appointed, the county clerk shall consider the population
18 of the jurisdiction, the size of the organization, the
19 geographic size of the jurisdiction, convenience for the
20 public, the existing number of deputy registrars in the
21 jurisdiction and their location, the registration
22 activities of the organization and the need to appoint
23 deputy registrars to assist and facilitate the
24 registration of non-English speaking individuals. In no
25 event shall a county clerk fix an arbitrary number
26 applicable to every civic organization requesting

1 appointment of its members as deputy registrars. The State
2 Board of Elections shall by rule provide for certification
3 of bona fide State civic organizations. Such appointments
4 shall be made for a period not to exceed 2 years,
5 terminating on the first business day of the month
6 following the month of the general election, and shall be
7 valid for all periods of voter registration as provided by
8 this Code during the terms of such appointments.

9 6. The Director of Healthcare and Family Services, or a
10 reasonable number of employees designated by the Director
11 and located at public aid offices, who may accept the
12 registration of any qualified resident of the county at any
13 such public aid office.

14 7. The Director of the Illinois Department of Workforce
15 Development ~~Employment Security~~, or a reasonable number of
16 employees designated by the Director and located at
17 unemployment offices, who may accept the registration of
18 any qualified resident of the county at any such
19 unemployment office.

20 8. The president of any corporation as defined by the
21 Business Corporation Act of 1983, or a reasonable number of
22 employees designated by such president, who may accept the
23 registrations of any qualified resident of the State.

24 If the request to be appointed as deputy registrar is
25 denied, the county clerk shall, within 10 days after the date
26 the request is submitted, provide the affected individual or

1 organization with written notice setting forth the specific
2 reasons or criteria relied upon to deny the request to be
3 appointed as deputy registrar.

4 The county clerk may appoint as many additional deputy
5 registrars as he considers necessary. The county clerk shall
6 appoint such additional deputy registrars in such manner that
7 the convenience of the public is served, giving due
8 consideration to both population concentration and area. Some
9 of the additional deputy registrars shall be selected so that
10 there are an equal number from each of the 2 major political
11 parties in the election jurisdiction. The county clerk, in
12 appointing an additional deputy registrar, shall make the
13 appointment from a list of applicants submitted by the Chairman
14 of the County Central Committee of the applicant's political
15 party. A Chairman of a County Central Committee shall submit a
16 list of applicants to the county clerk by November 30 of each
17 year. The county clerk may require a Chairman of a County
18 Central Committee to furnish a supplemental list of applicants.

19 Deputy registrars may accept registrations at any time
20 other than the 27 day period preceding an election. All persons
21 appointed as deputy registrars shall be registered voters
22 within the county and shall take and subscribe to the following
23 oath or affirmation:

24 "I do solemnly swear (or affirm, as the case may be) that I
25 will support the Constitution of the United States, and the
26 Constitution of the State of Illinois, and that I will

1 faithfully discharge the duties of the office of deputy
 2 registrar to the best of my ability and that I will register no
 3 person nor cause the registration of any person except upon his
 4 personal application before me.

5
 6 (Signature of Deputy Registrar)"

7 This oath shall be administered by the county clerk, or by
 8 one of his deputies, or by any person qualified to take
 9 acknowledgement of deeds and shall immediately thereafter be
 10 filed with the county clerk.

11 Appointments of deputy registrars under this Section,
 12 except precinct committeemen, shall be for 2-year terms,
 13 commencing on December 1 following the general election of each
 14 even-numbered year, except that the terms of the initial
 15 appointments shall be until December 1st following the next
 16 general election. Appointments of precinct committeemen shall
 17 be for 2-year terms commencing on the date of the county
 18 convention following the general primary at which they were
 19 elected. The county clerk shall issue a certificate of
 20 appointment to each deputy registrar, and shall maintain in his
 21 office for public inspection a list of the names of all
 22 appointees.

23 (b) The county clerk shall be responsible for training all
 24 deputy registrars appointed pursuant to subsection (a), at
 25 times and locations reasonably convenient for both the county
 26 clerk and such appointees. The county clerk shall be

1 responsible for certifying and supervising all deputy
2 registrars appointed pursuant to subsection (a). Deputy
3 registrars appointed under subsection (a) shall be subject to
4 removal for cause.

5 (c) Completed registration materials under the control of
6 deputy registrars, appointed pursuant to subsection (a), shall
7 be returned to the appointing election authority by first-class
8 mail within 2 business days or personal delivery within 7 days,
9 except that completed registration materials received by the
10 deputy registrars during the period between the 35th and 28th
11 day preceding an election shall be returned by the deputy
12 registrars to the appointing election authority within 48 hours
13 after receipt thereof. The completed registration materials
14 received by the deputy registrars on the 28th day preceding an
15 election shall be returned by the deputy registrars within 24
16 hours after receipt thereof. Unused materials shall be returned
17 by deputy registrars appointed pursuant to paragraph 4 of
18 subsection (a), not later than the next working day following
19 the close of registration.

20 (d) The county clerk or board of election commissioners, as
21 the case may be, must provide any additional forms requested by
22 any deputy registrar regardless of the number of unaccounted
23 registration forms the deputy registrar may have in his or her
24 possession.

25 (e) No deputy registrar shall engage in any electioneering
26 or the promotion of any cause during the performance of his or

1 her duties.

2 (f) The county clerk shall not be criminally or civilly
3 liable for the acts or omissions of any deputy registrar. Such
4 deputy registers shall not be deemed to be employees of the
5 county clerk.

6 (g) Completed registration materials returned by deputy
7 registrars for persons residing outside the county shall be
8 transmitted by the county clerk within 2 days after receipt to
9 the election authority of the person's election jurisdiction of
10 residence.

11 (Source: P.A. 97-81, eff. 7-5-11.)

12 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

13 Sec. 6-50.2. (a) The board of election commissioners shall
14 appoint all precinct committeepersons in the election
15 jurisdiction as deputy registrars who may accept the
16 registration of any qualified resident of the State, except
17 during the 27 days preceding an election.

18 The board of election commissioners shall appoint each of
19 the following named persons as deputy registrars upon the
20 written request of such persons:

21 1. The chief librarian, or a qualified person
22 designated by the chief librarian, of any public library
23 situated within the election jurisdiction, who may accept
24 the registrations of any qualified resident of the State,
25 at such library.

1 2. The principal, or a qualified person designated by
2 the principal, of any high school, elementary school, or
3 vocational school situated within the election
4 jurisdiction, who may accept the registrations of any
5 resident of the State, at such school. The board of
6 election commissioners shall notify every principal and
7 vice-principal of each high school, elementary school, and
8 vocational school situated in the election jurisdiction of
9 their eligibility to serve as deputy registrars and offer
10 training courses for service as deputy registrars at
11 conveniently located facilities at least 4 months prior to
12 every election.

13 3. The president, or a qualified person designated by
14 the president, of any university, college, community
15 college, academy or other institution of learning situated
16 within the State, who may accept the registrations of any
17 resident of the election jurisdiction, at such university,
18 college, community college, academy or institution.

19 4. A duly elected or appointed official of a bona fide
20 labor organization, or a reasonable number of qualified
21 members designated by such official, who may accept the
22 registrations of any qualified resident of the State.

23 5. A duly elected or appointed official of a bona fide
24 State civic organization, as defined and determined by rule
25 of the State Board of Elections, or qualified members
26 designated by such official, who may accept the

1 registration of any qualified resident of the State. In
2 determining the number of deputy registrars that shall be
3 appointed, the board of election commissioners shall
4 consider the population of the jurisdiction, the size of
5 the organization, the geographic size of the jurisdiction,
6 convenience for the public, the existing number of deputy
7 registrars in the jurisdiction and their location, the
8 registration activities of the organization and the need to
9 appoint deputy registrars to assist and facilitate the
10 registration of non-English speaking individuals. In no
11 event shall a board of election commissioners fix an
12 arbitrary number applicable to every civic organization
13 requesting appointment of its members as deputy
14 registrars. The State Board of Elections shall by rule
15 provide for certification of bona fide State civic
16 organizations. Such appointments shall be made for a period
17 not to exceed 2 years, terminating on the first business
18 day of the month following the month of the general
19 election, and shall be valid for all periods of voter
20 registration as provided by this Code during the terms of
21 such appointments.

22 6. The Director of Healthcare and Family Services, or a
23 reasonable number of employees designated by the Director
24 and located at public aid offices, who may accept the
25 registration of any qualified resident of the election
26 jurisdiction at any such public aid office.

1 7. The Director of the Illinois Department of Workforce
2 Development ~~Employment Security~~, or a reasonable number of
3 employees designated by the Director and located at
4 unemployment offices, who may accept the registration of
5 any qualified resident of the election jurisdiction at any
6 such unemployment office. If the request to be appointed as
7 deputy registrar is denied, the board of election
8 commissioners shall, within 10 days after the date the
9 request is submitted, provide the affected individual or
10 organization with written notice setting forth the
11 specific reasons or criteria relied upon to deny the
12 request to be appointed as deputy registrar.

13 8. The president of any corporation, as defined by the
14 Business Corporation Act of 1983, or a reasonable number of
15 employees designated by such president, who may accept the
16 registrations of any qualified resident of the State.

17 The board of election commissioners may appoint as many
18 additional deputy registrars as it considers necessary. The
19 board of election commissioners shall appoint such additional
20 deputy registrars in such manner that the convenience of the
21 public is served, giving due consideration to both population
22 concentration and area. Some of the additional deputy
23 registrars shall be selected so that there are an equal number
24 from each of the 2 major political parties in the election
25 jurisdiction. The board of election commissioners, in
26 appointing an additional deputy registrar, shall make the

1 appointment from a list of applicants submitted by the Chairman
 2 of the County Central Committee of the applicant's political
 3 party. A Chairman of a County Central Committee shall submit a
 4 list of applicants to the board by November 30 of each year.
 5 The board may require a Chairman of a County Central Committee
 6 to furnish a supplemental list of applicants.

7 Deputy registrars may accept registrations at any time
 8 other than the 27 day period preceding an election. All persons
 9 appointed as deputy registrars shall be registered voters
 10 within the election jurisdiction and shall take and subscribe
 11 to the following oath or affirmation:

12 "I do solemnly swear (or affirm, as the case may be) that I
 13 will support the Constitution of the United States, and the
 14 Constitution of the State of Illinois, and that I will
 15 faithfully discharge the duties of the office of registration
 16 officer to the best of my ability and that I will register no
 17 person nor cause the registration of any person except upon his
 18 personal application before me.

19
 20 (Signature of Registration Officer)"

21 This oath shall be administered and certified to by one of
 22 the commissioners or by the executive director or by some
 23 person designated by the board of election commissioners, and
 24 shall immediately thereafter be filed with the board of
 25 election commissioners. The members of the board of election
 26 commissioners and all persons authorized by them under the

1 provisions of this Article to take registrations, after
2 themselves taking and subscribing to the above oath, are
3 authorized to take or administer such oaths and execute such
4 affidavits as are required by this Article.

5 Appointments of deputy registrars under this Section,
6 except precinct committeemen, shall be for 2-year terms,
7 commencing on December 1 following the general election of each
8 even-numbered year, except that the terms of the initial
9 appointments shall be until December 1st following the next
10 general election. Appointments of precinct committeemen shall
11 be for 2-year terms commencing on the date of the county
12 convention following the general primary at which they were
13 elected. The county clerk shall issue a certificate of
14 appointment to each deputy registrar, and shall maintain in his
15 office for public inspection a list of the names of all
16 appointees.

17 (b) The board of election commissioners shall be
18 responsible for training all deputy registrars appointed
19 pursuant to subsection (a), at times and locations reasonably
20 convenient for both the board of election commissioners and
21 such appointees. The board of election commissioners shall be
22 responsible for certifying and supervising all deputy
23 registrars appointed pursuant to subsection (a). Deputy
24 registrars appointed under subsection (a) shall be subject to
25 removal for cause.

26 (c) Completed registration materials under the control of

1 deputy registrars appointed pursuant to subsection (a) shall be
2 returned to the appointing election authority by first-class
3 mail within 2 business days or personal delivery within 7 days,
4 except that completed registration materials received by the
5 deputy registrars during the period between the 35th and 28th
6 day preceding an election shall be returned by the deputy
7 registrars to the appointing election authority within 48 hours
8 after receipt thereof. The completed registration materials
9 received by the deputy registrars on the 28th day preceding an
10 election shall be returned by the deputy registrars within 24
11 hours after receipt thereof. Unused materials shall be returned
12 by deputy registrars appointed pursuant to paragraph 4 of
13 subsection (a), not later than the next working day following
14 the close of registration.

15 (d) The county clerk or board of election commissioners, as
16 the case may be, must provide any additional forms requested by
17 any deputy registrar regardless of the number of unaccounted
18 registration forms the deputy registrar may have in his or her
19 possession.

20 (e) No deputy registrar shall engage in any electioneering
21 or the promotion of any cause during the performance of his or
22 her duties.

23 (f) The board of election commissioners shall not be
24 criminally or civilly liable for the acts or omissions of any
25 deputy registrar. Such deputy registrars shall not be deemed to
26 be employees of the board of election commissioners.

1 (g) Completed registration materials returned by deputy
2 registrars for persons residing outside the election
3 jurisdiction shall be transmitted by the board of election
4 commissioners within 2 days after receipt to the election
5 authority of the person's election jurisdiction of residence.

6 (Source: P.A. 97-81, eff. 7-5-11.)

7 Section 25. The Illinois Literacy Act is amended by
8 changing Section 20 as follows:

9 (15 ILCS 322/20)

10 Sec. 20. Illinois Literacy Council.

11 (a) The Council shall facilitate the improvement of
12 literacy levels of Illinois citizens by providing a forum from
13 which representatives from throughout the State can promote
14 literacy, share expertise, and recommend policy.

15 (b) The Council shall be appointed by and be responsible to
16 the Governor. The Secretary of State shall serve as chairman.
17 The Council shall advise the Governor and other agencies on
18 strategies that address the literacy needs of the State,
19 especially with respect to the needs of workplace literacy,
20 family literacy, program evaluation, public awareness, and
21 public and private partnerships.

22 (c) The Council will determine its own procedures and the
23 number, time, place, and conduct of its meetings. It shall meet
24 at least 4 times a year. The Council may be assisted in its

1 activities by the Literacy Office. Council members shall not
2 receive compensation for their services.

3 (d) The Council's membership shall consist of
4 representatives of public education, public and private sector
5 employment, labor organizations, community literacy
6 organizations, libraries, volunteer organizations, the Office
7 of the Secretary of State, the Department of Commerce and
8 Economic Opportunity, the Illinois Community College Board,
9 the Department of Workforce Development ~~Employment Security~~,
10 the Department of Human Services, the State Board of Education,
11 the Department of Corrections, and the Prairie State 2000
12 Authority.

13 (e) The Council members representing State agencies shall
14 act as an interagency coordinating committee to improve the
15 system for delivery of literacy services, provide pertinent
16 information and agency comments to Council members, and
17 implement the recommendations forwarded by the Council and
18 approved by the Governor.

19 (f) The Secretary of State, in consultation with the
20 Council, shall expend moneys to perform Council functions as
21 authorized by this Act from the Literacy Advancement Fund, a
22 special fund hereby created in the State Treasury. All moneys
23 received from an income tax checkoff for the Literacy
24 Advancement Fund as provided in Section 507I of the Illinois
25 Income Tax Act shall be deposited into the Fund.

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

1 Section 30. The State Comptroller Act is amended by
2 changing Section 9.06 as follows:

3 (15 ILCS 405/9.06)

4 Sec. 9.06. Misclassification of employees as independent
5 contractors. The Department of Labor, the Department of
6 Workforce Development ~~Employment Security~~, the Department of
7 Revenue, the Office of the State Comptroller, and the Illinois
8 Workers' Compensation Commission shall cooperate under the
9 Employee Classification Act by sharing information concerning
10 any suspected misclassification by an employer or entity, as
11 defined in the Employee Classification Act, or one or more
12 employees as independent contractors.

13 (Source: P.A. 95-26, eff. 1-1-08.)

14 Section 35. The Civil Administrative Code of Illinois is
15 amended by changing Sections 1-5, 5-15, 5-20, 5-125, 5-340, and
16 5-540 as follows:

17 (20 ILCS 5/1-5)

18 Sec. 1-5. Articles. The Civil Administrative Code of
19 Illinois consists of the following Articles:

20 Article 1. General Provisions (20 ILCS 5/1-1 and
21 following).

22 Article 5. Departments of State Government Law (20 ILCS

1 5/5-1 and following).

2 Article 50. State Budget Law (15 ILCS 20/).

3 Article 110. Department on Aging Law (20 ILCS 110/).

4 Article 205. Department of Agriculture Law (20 ILCS 205/).

5 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

6 Article 310. Department of Human Services (Alcoholism and
7 Substance Abuse) Law (20 ILCS 310/).

8 Article 405. Department of Central Management Services Law
9 (20 ILCS 405/).

10 Article 510. Department of Children and Family Services
11 Powers Law (20 ILCS 510/).

12 Article 605. Department of Commerce and Economic
13 Opportunity Law (20 ILCS 605/).

14 Article 805. Department of Natural Resources
15 (Conservation) Law (20 ILCS 805/).

16 Article 1005. Department of Workforce Development
17 ~~Employment Security~~ Law (20 ILCS 1005/).

18 Article 1405. Department of Insurance Law (20 ILCS 1405/).

19 Article 1505. Department of Labor Law (20 ILCS 1505/).

20 Article 1710. Department of Human Services (Mental Health
21 and Developmental Disabilities) Law (20 ILCS 1710/).

22 Article 1905. Department of Natural Resources (Mines and
23 Minerals) Law (20 ILCS 1905/).

24 Article 2105. Department of Professional Regulation Law
25 (20 ILCS 2105/).

26 Article 2205. Department of Healthcare and Family Services

1 Law (20 ILCS 2205/).

2 Article 2310. Department of Public Health Powers and Duties

3 Law (20 ILCS 2310/).

4 Article 2505. Department of Revenue Law (20 ILCS 2505/).

5 Article 2510. Certified Audit Program Law (20 ILCS 2510/).

6 Article 2605. Department of State Police Law (20 ILCS
7 2605/).

8 Article 2705. Department of Transportation Law (20 ILCS
9 2705/).

10 Article 3000. University of Illinois Exercise of Functions
11 and Duties Law (110 ILCS 355/).

12 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09.)

13 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

14 Sec. 5-15. Departments of State government. The

15 Departments of State government are created as follows:

16 The Department on Aging.

17 The Department of Agriculture.

18 The Department of Central Management Services.

19 The Department of Children and Family Services.

20 The Department of Commerce and Economic Opportunity.

21 The Department of Corrections.

22 The Department of Workforce Development ~~Employment~~
23 ~~Security~~.

24 The Illinois Emergency Management Agency.

25 The Department of Financial and Professional Regulation.

1 The Department of Healthcare and Family Services.

2 The Department of Human Rights.

3 The Department of Human Services.

4 The Department of Juvenile Justice.

5 The Department of Labor.

6 The Department of the Lottery.

7 The Department of Natural Resources.

8 The Department of Public Health.

9 The Department of Revenue.

10 The Department of State Police.

11 The Department of Transportation.

12 The Department of Veterans' Affairs.

13 (Source: P.A. 96-328, eff. 8-11-09; 97-618, eff. 10-26-11.)

14 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

15 Sec. 5-20. Heads of departments. Each department shall have
16 an officer as its head who shall be known as director or
17 secretary and who shall, subject to the provisions of the Civil
18 Administrative Code of Illinois, execute the powers and
19 discharge the duties vested by law in his or her respective
20 department.

21 The following officers are hereby created:

22 Director of Aging, for the Department on Aging.

23 Director of Agriculture, for the Department of
24 Agriculture.

25 Director of Central Management Services, for the

1 Department of Central Management Services.

2 Director of Children and Family Services, for the
3 Department of Children and Family Services.

4 Director of Commerce and Economic Opportunity, for the
5 Department of Commerce and Economic Opportunity.

6 Director of Corrections, for the Department of
7 Corrections.

8 Director of the Illinois Emergency Management Agency, for
9 the Illinois Emergency Management Agency.

10 Director of Workforce Development ~~Employment Security~~, for
11 the Department of Workforce Development ~~Employment Security~~.

12 Secretary of Financial and Professional Regulation, for
13 the Department of Financial and Professional Regulation.

14 Director of Healthcare and Family Services, for the
15 Department of Healthcare and Family Services.

16 Director of Human Rights, for the Department of Human
17 Rights.

18 Secretary of Human Services, for the Department of Human
19 Services.

20 Director of Juvenile Justice, for the Department of
21 Juvenile Justice.

22 Director of Labor, for the Department of Labor.

23 Director of the Lottery, for the Department of the Lottery.

24 Director of Natural Resources, for the Department of
25 Natural Resources.

26 Director of Public Health, for the Department of Public

1 Health.

2 Director of Revenue, for the Department of Revenue.

3 Director of State Police, for the Department of State
4 Police.

5 Secretary of Transportation, for the Department of
6 Transportation.

7 Director of Veterans' Affairs, for the Department of
8 Veterans' Affairs.

9 (Source: P.A. 97-464, eff. 10-15-11; 97-618, eff. 10-26-11;
10 97-813, eff. 7-13-12; 98-499, eff. 8-16-13.)

11 (20 ILCS 5/5-125) (was 20 ILCS 5/5.13i)

12 Sec. 5-125. In the Department of Workforce Development
13 ~~Employment Security~~. The board of review, which shall consist
14 of 5 members, 2 of whom shall be representative citizens chosen
15 from the employee class, 2 of whom shall be representative
16 citizens chosen from the employing class, and one of whom shall
17 be a representative citizen not identified with either the
18 employing or employee classes.

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

20 (20 ILCS 5/5-340) (was 20 ILCS 5/9.30)

21 Sec. 5-340. In the Department of Workforce Development
22 ~~Employment Security~~. The Director of Workforce Development
23 ~~Employment Security~~ shall receive an annual salary as set by
24 the Compensation Review Board.

1 Each member of the Board of Review shall receive \$15,000.

2 (Source: P.A. 96-800, eff. 10-30-09.)

3 (20 ILCS 5/5-540) (was 20 ILCS 5/6.28 and 5/7.01)

4 Sec. 5-540. In the Department of Workforce Development
5 ~~Employment Security~~. A Workforce Development ~~An Employment~~
6 ~~Security~~ Advisory Board, composed of 12 persons. Of the 12
7 members of the Workforce Development ~~Employment Security~~
8 Advisory Board, 4 members shall be representative citizens
9 chosen from the employee class, 4 members shall be
10 representative citizens chosen from the employing class, and 4
11 members shall be representative citizens not identified with
12 either the employing class or the employee class.

13 (Source: P.A. 93-634, eff. 1-1-04.)

14 Section 40. The Illinois Act on the Aging is amended by
15 changing Section 4.01 as follows:

16 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

17 Sec. 4.01. Additional powers and duties of the Department.
18 In addition to powers and duties otherwise provided by law, the
19 Department shall have the following powers and duties:

20 (1) To evaluate all programs, services, and facilities for
21 the aged and for minority senior citizens within the State and
22 determine the extent to which present public or private
23 programs, services and facilities meet the needs of the aged.

1 (2) To coordinate and evaluate all programs, services, and
2 facilities for the Aging and for minority senior citizens
3 presently furnished by State agencies and make appropriate
4 recommendations regarding such services, programs and
5 facilities to the Governor and/or the General Assembly.

6 (2-a) To request, receive, and share information
7 electronically through the use of data-sharing agreements for
8 the purpose of (i) establishing and verifying the initial and
9 continuing eligibility of older adults to participate in
10 programs administered by the Department; (ii) maximizing
11 federal financial participation in State assistance
12 expenditures; and (iii) investigating allegations of fraud or
13 other abuse of publicly funded benefits. Notwithstanding any
14 other law to the contrary, but only for the limited purposes
15 identified in the preceding sentence, this paragraph (2-a)
16 expressly authorizes the exchanges of income, identification,
17 and other pertinent eligibility information by and among the
18 Department and the Social Security Administration, the
19 Department of Workforce Development ~~Employment Security~~, the
20 Department of Healthcare and Family Services, the Department of
21 Human Services, the Department of Revenue, the Secretary of
22 State, the U.S. Department of Veterans Affairs, and any other
23 governmental entity. The confidentiality of information
24 otherwise shall be maintained as required by law. In addition,
25 the Department on Aging shall verify employment information at
26 the request of a community care provider for the purpose of

1 ensuring program integrity under the Community Care Program.

2 (3) To function as the sole State agency to develop a
3 comprehensive plan to meet the needs of the State's senior
4 citizens and the State's minority senior citizens.

5 (4) To receive and disburse State and federal funds made
6 available directly to the Department including those funds made
7 available under the Older Americans Act and the Senior
8 Community Service Employment Program for providing services
9 for senior citizens and minority senior citizens or for
10 purposes related thereto, and shall develop and administer any
11 State Plan for the Aging required by federal law.

12 (5) To solicit, accept, hold, and administer in behalf of
13 the State any grants or legacies of money, securities, or
14 property to the State of Illinois for services to senior
15 citizens and minority senior citizens or purposes related
16 thereto.

17 (6) To provide consultation and assistance to communities,
18 area agencies on aging, and groups developing local services
19 for senior citizens and minority senior citizens.

20 (7) To promote community education regarding the problems
21 of senior citizens and minority senior citizens through
22 institutes, publications, radio, television and the local
23 press.

24 (8) To cooperate with agencies of the federal government in
25 studies and conferences designed to examine the needs of senior
26 citizens and minority senior citizens and to prepare programs

1 and facilities to meet those needs.

2 (9) To establish and maintain information and referral
3 sources throughout the State when not provided by other
4 agencies.

5 (10) To provide the staff support that may reasonably be
6 required by the Council.

7 (11) To make and enforce rules and regulations necessary
8 and proper to the performance of its duties.

9 (12) To establish and fund programs or projects or
10 experimental facilities that are specially designed as
11 alternatives to institutional care.

12 (13) To develop a training program to train the counselors
13 presently employed by the Department's aging network to provide
14 Medicare beneficiaries with counseling and advocacy in
15 Medicare, private health insurance, and related health care
16 coverage plans. The Department shall report to the General
17 Assembly on the implementation of the training program on or
18 before December 1, 1986.

19 (14) To make a grant to an institution of higher learning
20 to study the feasibility of establishing and implementing an
21 affirmative action employment plan for the recruitment,
22 hiring, training and retraining of persons 60 or more years old
23 for jobs for which their employment would not be precluded by
24 law.

25 (15) To present one award annually in each of the
26 categories of community service, education, the performance

1 and graphic arts, and the labor force to outstanding Illinois
2 senior citizens and minority senior citizens in recognition of
3 their individual contributions to either community service,
4 education, the performance and graphic arts, or the labor
5 force. The awards shall be presented to 4 senior citizens and
6 minority senior citizens selected from a list of 44 nominees
7 compiled annually by the Department. Nominations shall be
8 solicited from senior citizens' service providers, area
9 agencies on aging, senior citizens' centers, and senior
10 citizens' organizations. The Department shall establish a
11 central location within the State to be designated as the
12 Senior Illinoisans Hall of Fame for the public display of all
13 the annual awards, or replicas thereof.

14 (16) To establish multipurpose senior centers through area
15 agencies on aging and to fund those new and existing
16 multipurpose senior centers through area agencies on aging, the
17 establishment and funding to begin in such areas of the State
18 as the Department shall designate by rule and as specifically
19 appropriated funds become available.

20 (17) To develop the content and format of the
21 acknowledgment regarding non-recourse reverse mortgage loans
22 under Section 6.1 of the Illinois Banking Act; to provide
23 independent consumer information on reverse mortgages and
24 alternatives; and to refer consumers to independent counseling
25 services with expertise in reverse mortgages.

26 (18) To develop a pamphlet in English and Spanish which may

1 be used by physicians licensed to practice medicine in all of
2 its branches pursuant to the Medical Practice Act of 1987,
3 pharmacists licensed pursuant to the Pharmacy Practice Act, and
4 Illinois residents 65 years of age or older for the purpose of
5 assisting physicians, pharmacists, and patients in monitoring
6 prescriptions provided by various physicians and to aid persons
7 65 years of age or older in complying with directions for
8 proper use of pharmaceutical prescriptions. The pamphlet may
9 provide space for recording information including but not
10 limited to the following:

11 (a) name and telephone number of the patient;

12 (b) name and telephone number of the prescribing
13 physician;

14 (c) date of prescription;

15 (d) name of drug prescribed;

16 (e) directions for patient compliance; and

17 (f) name and telephone number of dispensing pharmacy.

18 In developing the pamphlet, the Department shall consult
19 with the Illinois State Medical Society, the Center for
20 Minority Health Services, the Illinois Pharmacists Association
21 and senior citizens organizations. The Department shall
22 distribute the pamphlets to physicians, pharmacists and
23 persons 65 years of age or older or various senior citizen
24 organizations throughout the State.

25 (19) To conduct a study of the feasibility of implementing
26 the Senior Companion Program throughout the State.

1 (20) The reimbursement rates paid through the community
2 care program for chore housekeeping services and home care
3 aides shall be the same.

4 (21) From funds appropriated to the Department from the
5 Meals on Wheels Fund, a special fund in the State treasury that
6 is hereby created, and in accordance with State and federal
7 guidelines and the intrastate funding formula, to make grants
8 to area agencies on aging, designated by the Department, for
9 the sole purpose of delivering meals to homebound persons 60
10 years of age and older.

11 (22) To distribute, through its area agencies on aging,
12 information alerting seniors on safety issues regarding
13 emergency weather conditions, including extreme heat and cold,
14 flooding, tornadoes, electrical storms, and other severe storm
15 weather. The information shall include all necessary
16 instructions for safety and all emergency telephone numbers of
17 organizations that will provide additional information and
18 assistance.

19 (23) To develop guidelines for the organization and
20 implementation of Volunteer Services Credit Programs to be
21 administered by Area Agencies on Aging or community based
22 senior service organizations. The Department shall hold public
23 hearings on the proposed guidelines for public comment,
24 suggestion, and determination of public interest. The
25 guidelines shall be based on the findings of other states and
26 of community organizations in Illinois that are currently

1 operating volunteer services credit programs or demonstration
2 volunteer services credit programs. The Department shall offer
3 guidelines for all aspects of the programs including, but not
4 limited to, the following:

5 (a) types of services to be offered by volunteers;

6 (b) types of services to be received upon the
7 redemption of service credits;

8 (c) issues of liability for the volunteers and the
9 administering organizations;

10 (d) methods of tracking service credits earned and
11 service credits redeemed;

12 (e) issues of time limits for redemption of service
13 credits;

14 (f) methods of recruitment of volunteers;

15 (g) utilization of community volunteers, community
16 service groups, and other resources for delivering
17 services to be received by service credit program clients;

18 (h) accountability and assurance that services will be
19 available to individuals who have earned service credits;

20 and

21 (i) volunteer screening and qualifications.

22 The Department shall submit a written copy of the guidelines to
23 the General Assembly by July 1, 1998.

24 (24) To function as the sole State agency to receive and
25 disburse State and federal funds for providing adult protective
26 services in a domestic living situation in accordance with the

1 Adult Protective Services Act.

2 (25) ~~(24)~~ To hold conferences, trainings, and other
3 programs for which the Department shall determine by rule a
4 reasonable fee to cover related administrative costs. Rules to
5 implement the fee authority granted by this paragraph (25) ~~(24)~~
6 must be adopted in accordance with all provisions of the
7 Illinois Administrative Procedure Act and all rules and
8 procedures of the Joint Committee on Administrative Rules; any
9 purported rule not so adopted, for whatever reason, is
10 unauthorized.

11 (Source: P.A. 98-8, eff. 5-3-13; 98-49, eff. 7-1-13; 98-380,
12 eff. 8-16-13; revised 9-4-13.)

13 Section 45. The Department of Central Management Services
14 Law of the Civil Administrative Code of Illinois is amended by
15 changing Sections 405-121 and 405-122 as follows:

16 (20 ILCS 405/405-121)

17 Sec. 405-121. Hispanic and Asian-American Employment Plan
18 Advisory Councils. The Hispanic Employment Plan Advisory
19 Council and the Asian-American Employment Plan Advisory
20 Council are hereby created to examine, as applicable:

21 (1) the prevalence and impact of Hispanics and
22 Asian-Americans employed by State government;

23 (2) the barriers faced by Hispanics and
24 Asian-Americans who seek employment or promotional

1 opportunities in State government; and

2 (3) possible incentives that could be offered to foster
3 the employment of and the promotion of Hispanics and
4 Asian-Americans in State government.

5 The Hispanic Employment Plan Advisory Council and the
6 Asian-American Employment Plan Advisory Council shall each
7 meet quarterly and independently to provide consultation to
8 State agencies and the Department.

9 All members of the Hispanic Employment Plan Advisory
10 Council and the Asian-American Employment Plan Advisory
11 Council shall serve without compensation, but shall be
12 reimbursed for their reasonable and necessary expenses from
13 funds available for that purpose.

14 The Hispanic Employment Plan Advisory Council and the
15 Asian-American Employment Plan Advisory Council shall each
16 consist of 11 members, each of whom shall be a Latino or an
17 Asian-American subject matter expert, respectively, and shall
18 be appointed by the Governor.

19 The Hispanic Employment Plan Advisory Council shall have an
20 ex-officio liaison member appointed by the Director or
21 Secretary of each of the following agencies: the Department on
22 Aging, Department of Children and Family Services, Department
23 of Commerce and Economic Opportunity, Department of
24 Corrections, Department of Workforce Development ~~Employment~~
25 ~~Security~~, Department of Human Services, Department of Human
26 Rights, Department of Healthcare and Family Services,

1 Department of Public Health, and the Department of
2 Transportation.

3 (Source: P.A. 97-856, eff. 7-27-12; 98-329, eff. 1-1-14.)

4 (20 ILCS 405/405-122)

5 Sec. 405-122. Employees with a disability. The Department,
6 in cooperation with the Department of Human Services, the
7 Department of Workforce Development ~~Employment Security~~, and
8 other agencies of State government shall develop and implement
9 programs to increase the number of qualified employees with
10 disabilities working in the State. The programs shall include
11 provisions to increase the number of people with a disability
12 hired for positions with specific job titles for which they
13 have been assessed and awarded a passing grade. The Department
14 and the Department of Human Services must submit a report,
15 annually, to the Governor and the General Assembly concerning
16 their actions under this Section.

17 (Source: P.A. 96-78, eff. 7-24-09.)

18 Section 50. The Personnel Code is amended by changing
19 Sections 8b.17 and 24 as follows:

20 (20 ILCS 415/8b.17) (from Ch. 127, par. 63b108b.17)

21 Sec. 8b.17. For trainee programs, and for the appointment
22 of persons to positions in trainee programs, hereinafter called
23 "trainee appointments". Trainee appointments may be made with

1 or without examination, with consideration of the needs of
2 Illinois residents, but may not be made to positions in any
3 class that is not in a trainee program approved by the Director
4 of Central Management Services. Trainee programs will be
5 developed with consideration of the need for employees with
6 linguistic abilities or cultural knowledge. The Director shall
7 work with the Department of Human Services and the Department
8 of Workforce Development ~~Employment Security~~ in trainee
9 position placements for those persons who receive benefits from
10 those Departments. Persons who receive trainee appointments do
11 not acquire any rights under jurisdiction B of the Personnel
12 Code by virtue of their appointments.

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

14 (20 ILCS 415/24)

15 Sec. 24. Transfers under Executive Order 11 (2003).

16 (a) Personnel employed by the Prairie State 2000 Authority
17 and transferred to the Department of Commerce and Economic
18 Opportunity on July 1, 2003 pursuant to Executive Order 11
19 (2003) shall receive certified status under this Code.

20 (b) Personnel employed by the Department of Employment
21 Security (now the Department of Workforce Development) and
22 transferred to the Department of Commerce and Economic
23 Opportunity on July 1, 2003 pursuant to Executive Order 11
24 (2003) shall retain their status under this Code and any
25 applicable collective bargaining agreements.

1 (Source: P.A. 93-382, eff. 7-25-03.)

2 Section 55. The Department of Commerce and Economic
3 Opportunity Law of the Civil Administrative Code of Illinois is
4 amended by changing Sections 605-807, 605-815, and 605-850 as
5 follows:

6 (20 ILCS 605/605-807)

7 Sec. 605-807. Federal Workforce Training Fund.

8 (a) The Federal Workforce Training Fund is created as a
9 special fund in the State treasury. The Department may accept
10 gifts, grants, awards, matching contributions, interest
11 income, appropriations, and cost sharings from individuals,
12 businesses, governments, and other third party sources, on
13 terms that the Director deems advisable. Moneys received under
14 this Section may be expended for purposes consistent with the
15 conditions under which those moneys are received, subject to
16 appropriations made by the General Assembly for those purposes.

17 (b) Beginning on the effective date of this amendatory Act
18 of the 93rd General Assembly, all moneys received by the State
19 pursuant to the federal Workforce Investment Act or Section
20 403(a)(5) of the federal Social Security Act, and any moneys
21 received pursuant to the federal Workforce Investment Act and
22 necessary to pay liabilities incurred in connection with that
23 Act on or after January 1, 2015, shall be deposited into the
24 Federal Workforce Training Fund, to be used for purposes

1 consistent with the conditions under which those moneys are
2 received by the State, except that any moneys received pursuant
3 to the federal Workforce Investment Act and necessary to pay
4 liabilities incurred in connection with that Act and
5 outstanding as of June 30, 2003, or any moneys received
6 pursuant to Section 403(a)(5) of the federal Social Security
7 Act and necessary to pay liabilities incurred in connection
8 with that Act and outstanding as of June 30, 2003, shall be
9 deposited into the Title III Social Security and Employment
10 Fund.

11 On September 1, 2003, or as soon thereafter as may be
12 reasonably practical, the State Comptroller shall transfer all
13 unobligated moneys received by the State pursuant to the
14 federal Workforce Investment Act or Section 403(a)(5) of the
15 federal Social Security Act from the Title III Social Security
16 and Employment Fund to the Federal Workforce Training Fund. The
17 moneys transferred pursuant to this Amendatory Act of the 93rd
18 General Assembly may be used or expended for purposes
19 consistent with the conditions under which those moneys were
20 received by the State.

21 (c) Beginning on the effective date of this amendatory Act
22 of the 93rd General Assembly, all moneys received by the State
23 pursuant to the federal Illinois Trade Adjustment Assistance
24 Program, and any moneys received pursuant to the federal
25 Workforce Investment Act and necessary to pay liabilities
26 incurred in connection with that Act on or after January 1,

1 2015, shall be deposited into the Federal Workforce Training
2 Fund, to be used for purposes consistent with the conditions
3 under which those moneys are received by the State, except that
4 any moneys received pursuant to the federal Illinois Trade
5 Adjustment Assistance Program and necessary to pay liabilities
6 incurred in connection with that program and outstanding as of
7 June 30, 2003, shall be deposited into the Title III Social
8 Security and Employment Fund.

9 On July 1, 2003 or as soon thereafter as may be reasonably
10 practical, the State Comptroller shall make one or more
11 transfers of all moneys received by the State pursuant to the
12 federal Illinois Trade Adjustment Assistance Program in excess
13 of those necessary to pay liabilities in connection with that
14 program and outstanding as of June 30, 2003 from the Title III
15 Social Security and Employment Fund to the Federal Workforce
16 Training Fund. The moneys transferred pursuant to this
17 amendatory Act of the 93rd General Assembly may be used or
18 expended for purposes consistent with the conditions under
19 which those moneys were received by the State.

20 (d) On and after the effective date of this amendatory Act
21 of the 98th General Assembly, funds in the Federal Workforce
22 Training Fund may only be paid to the Department of Workforce
23 Development.

24 (Source: P.A. 93-25, eff. 6-20-03.)

25 (20 ILCS 605/605-815) (was 20 ILCS 605/46.19a in part)

1 Sec. 605-815. Unemployed and underemployed single parents.
2 The Department, in cooperation with the Departments of Human
3 Services and Workforce Development ~~Employment Security~~, may
4 establish a program to encourage community action agencies to
5 establish programs that will help unemployed and underemployed
6 single parents to identify, access, and develop, through such
7 means as counseling or mentoring, internal and external
8 resources that will enable those single parents to become
9 emotionally and financially self-sufficient. The intended
10 primary beneficiaries of the local programs shall be female
11 heads of households who are at least 22 but less than 46 years
12 of age and who are physically able to work but are unemployed
13 or underemployed. The Department may make grants, subject to
14 the availability of funding, to communities and local agencies
15 for the purpose of establishing local programs as described in
16 this Section. A grant under this Section shall be made for a
17 period of one year and may be renewed if the Department
18 determines that the program is successful in meeting its
19 objectives. If the Department determines that implementation
20 of a program has resulted in a savings of State moneys that
21 otherwise would have been paid to beneficiaries of the program,
22 the Department, on renewing a grant, may adjust the grant
23 amount for those demonstrated savings.

24 For purposes of this Section, a person is underemployed if
25 his or her income from employment is less than 185% of the
26 federal official poverty income guideline.

1 (Source: P.A. 90-454, eff. 8-16-97; 91-239, eff. 1-1-00.)

2 (20 ILCS 605/605-850) (was 20 ILCS 605/46.32a in part)

3 Sec. 605-850. Labor-management-community relations;
4 Labor-Management-Community Cooperation Committee.

5 (a) Because economic development investment programs must
6 be supplemented with efforts to maintain a skilled, stable, and
7 diverse workforce able to meet the needs of new and growing
8 business enterprises, the Department shall promote better
9 labor-management-community and government operations by
10 providing assistance in the development of local
11 labor-management-community committees and coalitions
12 established to address employment issues facing families and by
13 helping Illinois current and prospective employers attract and
14 retain a diverse and productive workforce through the promotion
15 and support of dependent care policies and programs in the
16 workplace and community.

17 (b) In the Department there shall be a
18 Labor-Management-Community Cooperation Committee composed of
19 18 public members appointed by the Governor with the advice and
20 consent of the Senate. Six members shall represent executive
21 level management of businesses, 6 members shall represent major
22 labor union leadership, and 6 members shall represent community
23 leadership. The Governor shall designate one business
24 representative and one labor representative as cochairmen.
25 Appointed members shall not be represented at a meeting by

1 another person. There shall be 9 ex officio nonvoting members:
2 the Director, who shall serve as Secretary, the Director of
3 Labor, the Secretary of Human Services, the Director of Public
4 Health, the Director of Workforce Development ~~Employment~~
5 ~~Security~~, the President of the Senate, the Minority Leader of
6 the Senate, the Speaker of the House of Representatives, and
7 the Minority Leader of the House of Representatives. Each ex
8 officio member shall serve during the term of his or her
9 office. Ex officio members may be represented by duly
10 authorized substitutes.

11 In making the initial public member appointments to the
12 Committee, 3 of the business representatives and 3 of the labor
13 union representatives shall be appointed for terms expiring
14 July 1, 1987. The remaining public members shall be appointed
15 for terms expiring July 1, 1988. The public members appointed
16 under this amendatory Act of the 91st General Assembly shall be
17 divided into 2 groups with the first group having terms that
18 expire on July 1, 2002 and the second group having terms that
19 expire on July 1, 2003. Thereafter, public members of the
20 Committee shall be appointed for terms of 2 years expiring on
21 July 1, or until their successors are appointed and qualified.
22 The Governor may at any time, with the advice and consent of
23 the Senate, make appointments to fill vacancies for the balance
24 of an unexpired term. Public members shall serve without
25 compensation but shall be reimbursed by the Department for
26 necessary expenses incurred in the performance of their duties.

1 The Department shall provide staff assistance to the Committee.

2 (c) The Committee shall have the following duties:

3 (1) To improve communications between labor,
4 management, and communities on significant economic
5 problems facing the State, especially with respect to
6 identifying new ways to attract and retain employees and
7 provide an environment in which employees can do their best
8 work.

9 (2) To encourage and support the development of local
10 labor, management, and community committees at the plant,
11 industry and area levels across the State and encourage and
12 support the development of local coalitions to support the
13 implementation of family-friendly policies in the
14 workplace.

15 (3) To assess the progress of area
16 labor-management-community committees and local coalitions
17 that have been formed across the State and provide input to
18 the Governor and General Assembly concerning grant
19 programs established in this Act.

20 (4) To convene a statewide conference on
21 labor-management-community concerns at least once every 2
22 years and to convene a series of regional work, family, and
23 community planning conferences throughout the State for
24 employers, unions, and community leaders to form local
25 coalitions to share information, pool resources, and
26 address work and family concerns in their own communities.

1 (5) To issue a report on labor-management-community
2 and employment-related family concerns to the Governor and
3 the General Assembly every 2 years. This report shall
4 outline the accomplishments of the Committee and specific
5 recommendations for improving statewide
6 labor-management-community relations and supporting the
7 adoption of family-friendly work practices throughout the
8 State.

9 (6) To advise the Department on dependent care and
10 other employment-related family initiatives.

11 (7) To advise the Department on other initiatives to
12 foster maintenance and development of productive, stable,
13 and diverse workforces to supplement and advance community
14 and State investment-based economic development programs.

15 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
16 91-476, eff. 8-11-99; 92-16, eff. 6-28-01.)

17 Section 60. The Illinois Emergency Employment Development
18 Act is amended by changing Sections 7 and 14 as follows:

19 (20 ILCS 630/7) (from Ch. 48, par. 2407)

20 Sec. 7. Duties of State agencies.

21 (a) The Department of Workforce Development ~~Employment~~
22 ~~Security~~ shall post information publicizing the program and
23 shall provide staff assistance as requested by employment
24 administrators in the collection of data about participants in

1 the program.

2 (b) The Secretary of Human Services shall make available to
3 each employment administrator lists of local child care
4 providers through the Child Care Resource and Referral Network
5 available to persons employed under the program.

6 (c) The Secretary of Human Services shall post information
7 publicizing the program to applicants and recipients of public
8 aid.

9 (Source: P.A. 97-581, eff. 8-26-11.)

10 (20 ILCS 630/14)

11 Sec. 14. Employment Administrators; powers and duties.

12 (a) The Employment Administrator for each service delivery
13 area has the powers and duties given in this Section and any
14 additional duties given by the Coordinator.

15 (b) Each Employment Administrator shall develop an
16 emergency employment development plan for its service delivery
17 area under guidelines developed by the Advisory Committee and
18 submit it to the Coordinator within the period allowed by the
19 Coordinator. To the extent feasible, the Employment
20 Administrator shall seek input from potential eligible
21 employers and the public. The Employment Administrator shall
22 consult with local sources of information to identify current
23 local needs, including, but not limited to, local Workforce
24 Investment Boards, economic development councils, community
25 action agencies, and local Labor Market Information from the

1 Department of Workforce Development ~~Employment Security~~.

2 (c) Each Employment Administrator shall publicize the
3 program within its service delivery area to seek maximum
4 participation by eligible job applicants and employers.

5 (d) Each Employment Administrator shall enter into
6 contracts with eligible employers setting forth the terms of
7 their participation in the program as required by this Act.

8 (e) Each Employment Administrator shall screen job
9 applicants and employers to achieve the best possible placement
10 of eligible job applicants with eligible employers.

11 (f) Each Employment Administrator shall maintain a list of
12 eligible job applicants unable to secure employment under the
13 program at the time of application. The list shall prioritize
14 eligible job applicants and shall be used to fill jobs with
15 eligible employers as they become available. Each Employment
16 Administrator shall receive and coordinate referrals from
17 other local organizations.

18 (g) Each Employment Administrator shall cooperate with
19 local educational and training institutions to coordinate and
20 publicize the availability of their resources to assure that
21 applicants may receive training needed before or while employed
22 in jobs which are available under the program.

23 (h) Each Employment Administrator may disburse funds not to
24 exceed 1% of the amount allocated to its service delivery area
25 for the purchase of supplies and materials for projects
26 creating permanent improvements to public property.

1 (Source: P.A. 97-581, eff. 8-26-11.)

2 Section 65. The Illinois Enterprise Zone Act is amended by
3 changing Sections 4 and 6 as follows:

4 (20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

5 Sec. 4. Qualifications for Enterprise Zones.

6 (1) An area is qualified to become an enterprise zone
7 which:

8 (a) is a contiguous area, provided that a zone area may
9 exclude wholly surrounded territory within its boundaries;

10 (b) comprises a minimum of one-half square mile and not
11 more than 12 square miles, or 15 square miles if the zone
12 is located within the jurisdiction of 4 or more counties or
13 municipalities, in total area, exclusive of lakes and
14 waterways; however, in such cases where the enterprise zone
15 is a joint effort of three or more units of government, or
16 two or more units of government if situated in a township
17 which is divided by a municipality of 1,000,000 or more
18 inhabitants, and where the certification has been in effect
19 at least one year, the total area shall comprise a minimum
20 of one-half square mile and not more than thirteen square
21 miles in total area exclusive of lakes and waterways;

22 (c) (blank);

23 (d) (blank);

24 (e) is (1) entirely within a municipality or (2)

1 entirely within the unincorporated areas of a county,
2 except where reasonable need is established for such zone
3 to cover portions of more than one municipality or county
4 or (3) both comprises (i) all or part of a municipality and
5 (ii) an unincorporated area of a county; and

6 (f) meets 3 or more of the following criteria:

7 (1) all or part of the local labor market area has
8 had an annual average unemployment rate of at least
9 120% of the State's annual average unemployment rate
10 for the most recent calendar year or the most recent
11 fiscal year as reported by the Department of Workforce
12 Development ~~Employment Security~~;

13 (2) designation will result in the development of
14 substantial employment opportunities by creating or
15 retaining a minimum aggregate of 1,000 full-time
16 equivalent jobs due to an aggregate investment of
17 \$100,000,000 or more, and will help alleviate the
18 effects of poverty and unemployment within the local
19 labor market area;

20 (3) all or part of the local labor market area has
21 a poverty rate of at least 20% according to the latest
22 federal decennial census, 50% or more of children in
23 the local labor market area participate in the federal
24 free lunch program according to reported statistics
25 from the State Board of Education, or 20% or more
26 households in the local labor market area receive food

1 stamps according to the latest federal decennial
2 census;

3 (4) an abandoned coal mine or a brownfield (as
4 defined in Section 58.2 of the Environmental
5 Protection Act) is located in the proposed zone area,
6 or all or a portion of the proposed zone was declared a
7 federal disaster area in the 3 years preceding the date
8 of application;

9 (5) the local labor market area contains a presence
10 of large employers that have downsized over the years,
11 the labor market area has experienced plant closures in
12 the 5 years prior to the date of application affecting
13 more than 50 workers, or the local labor market area
14 has experienced State or federal facility closures in
15 the 5 years prior to the date of application affecting
16 more than 50 workers;

17 (6) based on data from Multiple Listing Service
18 information or other suitable sources, the local labor
19 market area contains a high floor vacancy rate of
20 industrial or commercial properties, vacant or
21 demolished commercial and industrial structures are
22 prevalent in the local labor market area, or industrial
23 structures in the local labor market area are not used
24 because of age, deterioration, relocation of the
25 former occupants, or cessation of operation;

26 (7) the applicant demonstrates a substantial plan

1 for using the designation to improve the State and
2 local government tax base, including income, sales,
3 and property taxes;

4 (8) significant public infrastructure is present
5 in the local labor market area in addition to a plan
6 for infrastructure development and improvement;

7 (9) high schools or community colleges located
8 within the local labor market area are engaged in ACT
9 Work Keys, Manufacturing Skills Standard
10 Certification, or other industry-based credentials
11 that prepare students for careers; or

12 (10) the change in equalized assessed valuation of
13 industrial and/or commercial properties in the 5 years
14 prior to the date of application is equal to or less
15 than 50% of the State average change in equalized
16 assessed valuation for industrial and/or commercial
17 properties, as applicable, for the same period of time.

18 As provided in Section 10-5.3 of the River Edge
19 Redevelopment Zone Act, upon the expiration of the term of each
20 River Edge Redevelopment Zone in existence on the effective
21 date of this amendatory Act of the 97th General Assembly, that
22 River Edge Redevelopment Zone will become available for its
23 previous designee or a new applicant to compete for designation
24 as an enterprise zone. No preference for designation will be
25 given to the previous designee of the zone.

26 (2) Any criteria established by the Department or by law

1 which utilize the rate of unemployment for a particular area
2 shall provide that all persons who are not presently employed
3 and have exhausted all unemployment benefits shall be
4 considered unemployed, whether or not such persons are actively
5 seeking employment.

6 (Source: P.A. 97-905, eff. 8-7-12.)

7 (20 ILCS 655/6) (from Ch. 67 1/2, par. 610)

8 Sec. 6. Powers and Duties of Department.

9 (A) General Powers. The Department shall administer this
10 Act and shall have the following powers and duties:

11 (1) To monitor the implementation of this Act and
12 submit reports evaluating the effectiveness of the program
13 and any suggestions for legislation to the Governor and
14 General Assembly by October 1 of every year preceding a
15 regular Session of the General Assembly and to annually
16 report to the General Assembly initial and current
17 population, employment, per capita income, number of
18 business establishments, dollar value of new construction
19 and improvements, and the aggregate value of each tax
20 incentive, based on information provided by the Department
21 of Revenue, for each Enterprise Zone.

22 (2) To promulgate all necessary rules and regulations
23 to carry out the purposes of this Act in accordance with
24 The Illinois Administrative Procedure Act.

25 (3) To assist municipalities and counties in obtaining

1 Federal status as an Enterprise Zone.

2 (B) Specific Duties:

3 (1) The Department shall provide information and
4 appropriate assistance to persons desiring to locate and
5 engage in business in an enterprise zone, to persons
6 engaged in business in an enterprise zone and to designated
7 zone organizations operating there.

8 (2) The Department shall, in cooperation with
9 appropriate units of local government and State agencies,
10 coordinate and streamline existing State business
11 assistance programs and permit and license application
12 procedures for Enterprise Zone businesses.

13 (3) The Department shall publicize existing tax
14 incentives and economic development programs within the
15 Zone and upon request, offer technical assistance in
16 abatement and alternative revenue source development to
17 local units of government which have enterprise Zones
18 within their jurisdiction.

19 (4) The Department shall work together with the
20 responsible State and Federal agencies to promote the
21 coordination of other relevant programs, including but not
22 limited to housing, community and economic development,
23 small business, banking, financial assistance, and
24 employment training programs which are carried on in an
25 Enterprise Zone.

26 (5) In order to stimulate employment opportunities for

1 Zone residents, the Department, in cooperation with the
2 Department of Human Services and the Department of
3 Workforce Development ~~Employment Security~~, is to initiate
4 a test of the following 2 programs within the 12 month
5 period following designation and approval by the
6 Department of the first enterprise zones: (i) the use of
7 aid to families with dependent children benefits payable
8 under Article IV of the Illinois Public Aid Code, General
9 Assistance benefits payable under Article VI of the
10 Illinois Public Aid Code, the unemployment insurance
11 benefits payable under the Unemployment Insurance Act as
12 training or employment subsidies leading to unsubsidized
13 employment; and (ii) a program for voucher reimbursement of
14 the cost of training zone residents eligible under the
15 Targeted Jobs Tax Credit provisions of the Internal Revenue
16 Code for employment in private industry. These programs
17 shall not be designed to subsidize businesses, but are
18 intended to open up job and training opportunities not
19 otherwise available. Nothing in this paragraph (5) shall be
20 deemed to require zone businesses to utilize these
21 programs. These programs should be designed (i) for those
22 individuals whose opportunities for job-finding are
23 minimal without program participation, (ii) to minimize
24 the period of benefit collection by such individuals, and
25 (iii) to accelerate the transition of those individuals to
26 unsubsidized employment. The Department is to seek

1 agreement with business, organized labor and the
2 appropriate State Department and agencies on the design,
3 operation and evaluation of the test programs.

4 A report with recommendations including representative
5 comments of these groups shall be submitted by the Department
6 to the county or municipality which designated the area as an
7 Enterprise Zone, Governor and General Assembly not later than
8 12 months after such test programs have commenced, or not later
9 than 3 months following the termination of such test programs,
10 whichever first occurs.

11 (Source: P.A. 97-905, eff. 8-7-12.)

12 Section 70. The Department of Employment Security Law of
13 the Civil Administrative Code of Illinois is amended by
14 changing the heading of Article 1005 and Sections 1005-1,
15 1005-5, 1005-47, 1005-130, 1005-150, 1005-155, and 1005-160
16 and by adding Sections 1005-170 and 1005-175 as follows:

17 (20 ILCS 1005/Art. 1005 heading)

18 ARTICLE 1005. DEPARTMENT OF WORKFORCE DEVELOPMENT ~~EMPLOYMENT~~
19 ~~SECURITY~~

20 (20 ILCS 1005/1005-1)

21 Sec. 1005-1. Article short title. This Article 1005 of the
22 Civil Administrative Code of Illinois may be cited as the
23 Department of Workforce Development ~~Employment Security~~ Law.

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

2 (20 ILCS 1005/1005-5)

3 Sec. 1005-5. Definitions. In this Law:

4 "Department" means the Department of Workforce Development
5 ~~Employment Security~~.

6 "Director" means the Director of Workforce Development
7 ~~Employment Security~~.

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

9 (20 ILCS 1005/1005-47)

10 Sec. 1005-47. IllinoisJobLink.com.

11 (a) The Department of Workforce Development ~~Employment~~
12 ~~Security~~, through its IllinoisJobLink.com System, or a
13 successor system, shall maintain a web site that allows job
14 seekers to search online for employment opportunities that
15 match the skills of the person seeking employment.

16 (b) Each executive branch State agency and any individual
17 or entity that is party to a contract with an executive branch
18 State agency, except those individuals or entities that are
19 party to a contract with a bona fide labor organization and
20 perform construction or construction-related services as
21 defined in Section 1-15.20 of the Illinois Procurement Code,
22 must either (i) post employment vacancies on the Department's
23 IllinoisJobLink.com System or its successor system or (ii)
24 provide an online link to its employment vacancies so that this

1 link is accessible through the web page of the
2 IllinoisJobLink.com System or its successor system. "State
3 agency" has the meaning as defined in Section 1-5 of the State
4 Officials and Employees Ethics Act and, for purposes of this
5 Section, includes community colleges. "Contract" has the
6 meaning given to that term in Section 1-15.30 of the Illinois
7 Procurement Code. The Department of Central Management
8 Services shall comply with this Section on behalf of executive
9 branch State agencies with one or more positions subject to any
10 jurisdiction of the Personnel Code.

11 This Section does not apply to positions exempt from the
12 requirements of the Rutan decision or to construction-related
13 services as defined in Section 1-15.20 of the Illinois
14 Procurement Code.

15 (c) All units of local government, school districts, and
16 other public and private employers not subject to subsection
17 (b) may, and are encouraged to, post employment vacancies on
18 the IllinoisJobLink.com System or successor system.

19 (d) The Department may not charge any employer or any
20 person seeking employment a fee for using the
21 IllinoisJobLink.com System or successor system.

22 (e) The Department is authorized to adopt all rules
23 necessary to implement and administer the IllinoisJobLink.com
24 System or any successor system under this Section.

25 (Source: P.A. 98-107, eff. 7-23-13.)

1 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

2 Sec. 1005-130. Exchange of information for child support
3 enforcement.

4 (a) The Department has the power to exchange with the
5 Department of Healthcare and Family Services information that
6 may be necessary for the enforcement of child support orders
7 entered pursuant to the Illinois Public Aid Code, the Illinois
8 Marriage and Dissolution of Marriage Act, the Non-Support of
9 Spouse and Children Act, the Non-Support Punishment Act, the
10 Revised Uniform Reciprocal Enforcement of Support Act, the
11 Uniform Interstate Family Support Act, or the Illinois
12 Parentage Act of 1984.

13 (b) Notwithstanding any provisions in the Civil
14 Administrative Code of Illinois to the contrary, the Department
15 of Workforce Development ~~Employment Security~~ shall not be
16 liable to any person for any disclosure of information to the
17 Department of Healthcare and Family Services (formerly
18 Illinois Department of Public Aid) under subsection (a) or for
19 any other action taken in good faith to comply with the
20 requirements of subsection (a).

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (20 ILCS 1005/1005-150) (was 20 ILCS 5/34.2)

23 Sec. 1005-150. Transfer from Department of Labor, Bureau of
24 Employment Security. The Department of Workforce Development
25 ~~Employment Security~~ shall assume all rights, powers, duties,

1 and responsibilities of the Department of Labor, Bureau of
2 Employment Security as the successor to that Bureau. The Bureau
3 of Employment Security in the Department of Labor is hereby
4 abolished.

5 Personnel, books, records, papers, documents, property,
6 real and personal, unexpended appropriations, and pending
7 business in any way pertaining to the former Department of
8 Labor, Bureau of Employment Security are transferred to the
9 Department of Workforce Development ~~Employment Security~~, but
10 any rights of employees or the State under the Personnel Code
11 or any other contract or plan shall be unaffected by this
12 transfer. No rule or regulation promulgated by the Department
13 of Labor pursuant to an exercise of any right, power, duty, or
14 responsibility transferred to the Department of Workforce
15 Development ~~Employment Security~~ shall be affected by this
16 amendatory Act of 1984, and all those rules and regulations
17 shall become the rules and regulations of the Department of
18 Employment Security.

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

20 (20 ILCS 1005/1005-155)

21 Sec. 1005-155. Illinois Employment and Training Centers
22 report. The Department of Workforce Development ~~Employment~~
23 ~~Security, or the State agency responsible for the oversight of~~
24 ~~the federal Workforce Investment Act of 1998 if that agency is~~
25 ~~not the Department of Employment Security,~~ shall prepare a

1 report for the Governor and the General Assembly regarding the
2 progress of the Illinois Employment and Training Centers in
3 serving individuals with disabilities. The report must
4 include, but is not limited to, the following: (i) the number
5 of individuals referred to the Illinois Employment and Training
6 Centers by the Department of Human Services Office of
7 Rehabilitation Services; (ii) the total number of disabled
8 individuals served by the Illinois Employment and Training
9 Centers; (iii) the number of disabled individuals served in
10 federal Workforce Investment Act of 1998 employment and
11 training programs; (iv) the number of individuals with
12 disabilities annually placed in jobs by the Illinois Employment
13 and Training Centers; and (v) the number of individuals with
14 disabilities referred by the Illinois Employment and Training
15 Centers to the Department of Human Services Office of
16 Rehabilitation Services. The report is due by December 31, 2004
17 based on the previous State program year of July 1 through June
18 30, and is due annually thereafter. "Individuals with
19 disabilities" are defined as those who self-report as being
20 qualified as disabled under the 1973 Rehabilitation Act or the
21 1990 Americans with Disabilities Act, for the purposes of this
22 Law.

23 (Source: P.A. 93-639, eff. 6-1-04.)

24 (20 ILCS 1005/1005-160)

25 Sec. 1005-160. Misclassification of employees as

1 independent contractors. The Department of Labor, the
2 Department of Workforce Development ~~Employment Security~~, the
3 Department of Revenue, the Office of the State Comptroller, and
4 the Illinois Workers' Compensation Commission shall cooperate
5 under the Employee Classification Act by sharing information
6 concerning any suspected misclassification by an employer or
7 entity, as defined in the Employee Classification Act, of one
8 or more employees as independent contractors.

9 (Source: P.A. 95-26, eff. 1-1-08.)

10 (20 ILCS 1005/1005-170 new)

11 Sec. 1005-170. Transfer from Department of Commerce and
12 Economic Opportunity.

13 (a) Notwithstanding any provision of law to the contrary,
14 all the powers, duties, rights and responsibilities vested in
15 the Department of Commerce and Economic Opportunity with
16 respect to the administration of the federal Workforce
17 Investment Act of 1998, the federal Illinois Trade Adjustment
18 Assistance Program and the Illinois Worker Adjustment and
19 Retraining Notification Act, including any liabilities arising
20 therefrom, are transferred to the Department of Workforce
21 Development.

22 (b) Personnel in the Department of Commerce and Economic
23 Opportunity who are assigned directly or indirectly to the
24 administration of the Acts listed in subsection (a) transferred
25 by this amendatory Act of the 98th General Assembly shall be

1 transferred to the Department of Workforce Development
2 pursuant to the direction of the Director of Workforce
3 Development. The rights of the employees and the State of
4 Illinois and its agencies under the Personnel Code and
5 applicable collective bargaining agreements or under any
6 pension, retirement, or annuity plan shall not be affected by
7 this amendatory Act of the 98th General Assembly.

8 (c) All books, records, papers, documents, property (real
9 and personal), and pending business pertaining to the rights,
10 responsibilities, powers, and duties transferred by this
11 amendatory Act of the 98th General Assembly from the Department
12 of Commerce and Economic Opportunity to the Department of
13 Workforce Development, including but not limited to material in
14 electronic or magnetic format and necessary computer hardware
15 and software, shall be delivered to the Department of Workforce
16 Development pursuant to the direction of the Director of
17 Workforce Development.

18 (d) All unexpended appropriations and balances and other
19 funds available for use by the Department of Commerce and
20 Economic Opportunity for the exercise of the powers, duties,
21 rights, and responsibilities transferred herein shall be
22 transferred for use by the Department of Workforce Development
23 pursuant to the direction of the Director of Workforce
24 Development. Unexpended balances so transferred shall be
25 expended only for the purpose for which the appropriations were
26 originally made.

1 (e) The powers, duties, rights, and responsibilities
2 transferred from the Department of Commerce and Economic
3 Opportunity by this amendatory Act of the 98th General Assembly
4 shall be vested in and shall be exercised by the Department of
5 Workforce Development.

6 (f) Whenever reports or notices are now required to be made
7 or given or papers or documents furnished or served by any
8 person to or upon the Department of Commerce and Economic
9 Opportunity in connection with any of the powers, duties,
10 rights, and responsibilities transferred by this amendatory
11 Act of the 98th General Assembly, the same shall be made,
12 given, furnished, or served in the same manner to or upon the
13 Department of Workforce Development.

14 (g) This amendatory Act of the 98th General Assembly does
15 not affect any act done, ratified, or canceled or any right
16 occurring or established or any action or proceeding had or
17 commenced in an administrative, civil, or criminal cause by the
18 Department of Commerce and Economic Opportunity before this
19 amendatory Act of the 98th General Assembly takes effect; such
20 actions or proceedings may be prosecuted and continued by the
21 Department of Workforce Development.

22 (h) Any rules of the Department of Commerce and Economic
23 Opportunity that relate to the powers, duties, rights, and
24 responsibilities transferred from the Department of Commerce
25 and Economic Opportunity by this amendatory Act of the 98th
26 General Assembly, and that are in full force on the effective

1 date of this amendatory Act of the 98th General Assembly, shall
2 become the rules of the Department of Workforce Development.
3 This amendatory Act of the 98th General Assembly does not
4 affect the legality of any such rules in the Illinois
5 Administrative Code.

6 Any proposed rules filed with the Secretary of State by the
7 Department of Commerce and Economic Opportunity that are
8 pending in the rulemaking process on the effective date of this
9 amendatory Act of the 98th General Assembly and pertain to the
10 powers, duties, rights, and responsibilities transferred,
11 shall be deemed to have been filed by the Department of
12 Workforce Development. As soon as practicable hereafter, the
13 Department of Workforce Development shall revise and clarify
14 the rules transferred to it under this amendatory Act of the
15 98th General Assembly to reflect the reorganization of powers,
16 duties, rights, and responsibilities affected by this
17 amendatory Act of the 98th General Assembly, using the
18 procedures for recodification of rules available under the
19 Illinois Administrative Procedure Act, except that existing
20 title, part, and section numbering for the affected rules may
21 be retained. The Department of Workforce Development may
22 propose and adopt under the Illinois Administrative Procedure
23 Act such other rules of the Department of Commerce and Economic
24 Opportunity that will now be administered by the Department of
25 Workforce Development.

26 (i) Every person, corporation, or unit of government shall

1 be subject to the same obligations and duties and any
2 penalties, civil or criminal, arising therefrom, and shall have
3 the same rights arising from the exercise of rights,
4 responsibilities, powers, and duties as had been exercised by
5 the Department of Commerce and Economic Opportunity, as they
6 pertain to the administration of the Acts listed in subsection
7 (a) transferred by this amendatory Act of the 98th General
8 Assembly.

9 (j) The Department must comply with the Internet posting
10 requirements set forth in Section 7.2 of the Illinois Workforce
11 Investment Board Act. The information must be posted on the
12 Department's Internet website no later than 30 days after the
13 Department receives the information from the Illinois
14 Workforce Investment Board.

15 (20 ILCS 1005/1005-175 new)

16 Sec. 1005-175. References to former name. On and after the
17 effective date of this amendatory Act of the 98th General
18 Assembly, all references in these statutes, in any rules
19 adopted under the Illinois Administrative Procedure Act, or
20 elsewhere to the Department of Employment Security shall be
21 construed as references to the Department of Workforce
22 Development, and to the Director of Employment Security shall
23 be construed as references to the Director of Workforce
24 Development.

1 Section 75. The State and Federal Employment Cooperation
2 Act is amended by changing Sections 1 and 2 as follows:

3 (20 ILCS 1010/1) (from Ch. 48, par. 172a)

4 Sec. 1. All the privileges, benefits, obligations and
5 conditions of an Act of Congress entitled "An Act to provide
6 for the establishment of a National employment system and for
7 cooperation with the states in the promotion of such system,
8 and for other purposes," are hereby accepted by the State of
9 Illinois and the Department of Workforce Development
10 ~~Employment Security~~ is authorized and empowered and it shall be
11 its duty to cooperate with the United States Employment Service
12 and to coordinate the services and work of the public
13 employment offices of the State with the services and work of
14 such national employment system and to do all the things which
15 are necessary to obtain the benefits which are available under
16 the provisions of the aforementioned Federal Act.

17 (Source: P.A. 83-1503.)

18 (20 ILCS 1010/2) (from Ch. 48, par. 172b)

19 Sec. 2. The State Treasurer shall be ex-officio custodian
20 of all moneys apportioned to this State under the provisions of
21 the said Federal Act. Such moneys shall be expended by the
22 Department of Workforce Development ~~Employment Security~~ for
23 the purpose of establishing and maintaining public employment
24 offices in accordance with the provisions of the aforesaid

1 Federal Act, and may be paid out by the State Treasurer upon
2 the order of the Department of Labor.

3 The State Treasurer shall deposit such moneys in banks
4 which have been approved as State depositories under the
5 provisions of "An Act in relation to State moneys," approved
6 June 28, 1919, as amended, and for the safe keeping of such
7 moneys shall take securities as provided in said Act.

8 (Source: P.A. 83-1503.)

9 Section 80. The Public Employment Office Act is amended by
10 changing Sections 1, 1a, 1c, 1d, 3, 4, 5, 7, 8.1, 14, and 15 as
11 follows:

12 (20 ILCS 1015/1) (from Ch. 48, par. 173)

13 Sec. 1. Public employment offices; establishment. The
14 Department of Workforce Development ~~Employment Security~~ is
15 authorized to establish and maintain State employment offices
16 as provided in Section 1705 of the Unemployment Insurance Act
17 for the purpose of receiving applications of persons seeking
18 employment and applications of persons seeking to employ labor.

19 (Source: P.A. 97-621, eff. 11-18-11.)

20 (20 ILCS 1015/1a) (from Ch. 48, par. 174)

21 Sec. 1a. Unemployment; investigate and remedy. The State
22 Department of Workforce Development ~~Employment Security~~ shall
23 promote the efficiency of the Illinois Public Employment

1 Offices, investigate the extent and causes of unemployment and
2 its remedies, and devise and adopt the most effectual means
3 within the Department's power to provide employment and to
4 prevent distress and involuntary idleness, and for that purpose
5 the Department may cooperate with similar bureaus and
6 commissions of other states, with the Federal employment office
7 in the Department of Labor, and with any municipal employment
8 bureaus and exchanges.

9 (Source: P.A. 90-372, eff. 7-1-98.)

10 (20 ILCS 1015/1c) (from Ch. 48, par. 176)

11 Sec. 1c. Cooperation of employers. The Department of
12 Workforce Development ~~Employment Security~~ shall place itself
13 in communication with large employers of labor, including
14 municipal and other public authorities, and attempt to bring
15 about such cooperation and coordination between them by the
16 dovetailing of industries, by long time contracts, or
17 otherwise, as will most effectually distribute and utilize the
18 available supply of labor and keep it employed with the
19 greatest possible constancy and regularity. The Department
20 shall devise plans of operation with this object in view and
21 shall seek to induce the organization of concerted movements in
22 this direction. The Department shall also endeavor to enlist
23 the aid of the federal government in extending these movements
24 beyond the State.

25 (Source: P.A. 90-372, eff. 7-1-98.)

1 (20 ILCS 1015/1d) (from Ch. 48, par. 177)

2 Sec. 1d. The Department of Workforce Development
3 ~~Employment Security~~, through the several free employment
4 offices, in cooperation with the Department of Corrections,
5 shall seek to provide proper employment opportunities for
6 discharged convicts or prisoners, and shall assist such
7 discharged prisoners to retain suitable employment for such
8 reasonable time as will afford such prisoners an opportunity to
9 become self-reliant. In no instance shall there be any
10 misrepresentation as to the records of persons for whom
11 employment is sought, under the provisions of this Section.

12 The Department of Workforce Development ~~Employment~~
13 ~~Security~~ through the several free employment offices shall also
14 co-operate with the Department of Corrections to secure
15 suitable employment for paroled convicts or prisoners and to
16 help them retain such employment during the period of their
17 parole and for such reasonable time thereafter as shall afford
18 such convicts or prisoners an opportunity to become
19 self-reliant.

20 (Source: P.A. 97-136, eff. 7-14-11.)

21 (20 ILCS 1015/3) (from Ch. 48, par. 179)

22 Sec. 3. Employment offices; signs; registration. The
23 Department of Workforce Development ~~Employment Security~~ shall
24 open and maintain offices as appropriate for the purpose

1 intended. Upon the outside of each office, in position and
2 manner to secure the fullest public attention, shall be placed
3 a sign that reads in the English language, "Illinois Public
4 Employment Office also known as the Job Service". The
5 Department shall receive and register the names of all persons
6 applying for employment or help, designating opposite the names
7 and addresses of each applicant the character of employment or
8 help desired together with such other facts as may be required
9 or used by the Department.

10 (Source: P.A. 90-372, eff. 7-1-98.)

11 (20 ILCS 1015/4) (from Ch. 48, par. 180)

12 Sec. 4. Reports to U.S. Department of Labor. The Department
13 of Workforce Development ~~Employment Security~~ shall make
14 available to the U.S. Department of Labor such reports of
15 application for labor or employment, and other details of the
16 work of each office and the expenses of maintaining the same,
17 and shall perform such other duties in the collection of
18 statistics of labor as the U.S. Department of Labor may
19 require.

20 (Source: P.A. 90-372, eff. 7-1-98.)

21 (20 ILCS 1015/5) (from Ch. 48, par. 182)

22 Sec. 5. Advertisements. The Department of Workforce
23 Development ~~Employment Security~~ shall immediately put itself
24 in communication with the principal manufacturers, merchants,

1 and other employers of labor, and use all diligence in securing
2 the cooperation of those employers of labor, with the purpose
3 and objects of the employment offices. To this end the
4 Department may advertise in the columns of newspapers, or other
5 mediums, for such situations as it has applicants to fill, and
6 it may advertise in a general way for the cooperation of large
7 contractors and employers in such trade journals or special
8 publications as reach those employers, whether the trade or
9 special journals are published within the State of Illinois or
10 not.

11 Full information shall be given to applicants regarding the
12 existence of any strike or lockout in the establishment of any
13 employer seeking workers through the Illinois Public
14 Employment Offices.

15 (Source: P.A. 90-372, eff. 7-1-98.)

16 (20 ILCS 1015/7) (from Ch. 48, par. 183)

17 Sec. 7. No fee or compensation shall be charged or received
18 directly or indirectly from persons applying for employment or
19 help through said free employment offices, and any officer or
20 employee of the Department of Workforce Development ~~Employment~~
21 ~~Security~~ who shall accept, directly or indirectly any fee or
22 compensation from any applicant or from his or her
23 representative shall be guilty of a Class C misdemeanor.

24 (Source: P.A. 83-1503.)

1 (20 ILCS 1015/8.1) (from Ch. 48, par. 184.1)

2 Sec. 8.1. Farmworkers. The Department of Workforce
3 Development ~~Employment—Security~~ shall proscribe the
4 recruitment by Illinois employers of farmworkers unless the
5 employer files a statement with the Job Service and the
6 Department setting forth the terms and conditions, and the
7 existence of any strike or other concerted stoppage, slowdown,
8 or interruption of operations by employees of that employer at
9 the site of the proposed employment, directly relating to the
10 employment offered to the farmworkers so recruited. A copy of
11 the statement in English and the language in which the
12 farmworker is fluent shall be given to each farmworker prior to
13 recruitment by the employer so recruiting. The statement shall
14 be made on a form provided to employers by the Job Service on
15 request. A copy of this statement, in both English and the
16 languages in which the farmworkers are fluent, shall be posted
17 by the employer in a conspicuous location at the place of
18 residence or employment of the recruited persons. As used in
19 this Section and Section 8.2, "farmworker" means any person who
20 moves seasonally from one place to another, within or without
21 the State, for the purpose of obtaining employment relating to
22 the planting, raising, or harvesting of any agricultural or
23 horticultural commodities, or the handling, packing, or
24 processing of those commodities on the farm where produced or
25 at the place of first processing after leaving that farm.

26 (Source: P.A. 90-372, eff. 7-1-98.)

1 (20 ILCS 1015/14) (from Ch. 48, par. 186.1)

2 Sec. 14. The Department of Workforce Development
3 ~~Employment Security~~ shall cooperate and enter into any
4 necessary agreements with the Department of Human Services for
5 the provision of job placement and job referral services to the
6 rehabilitation services clients of the Department of Human
7 Services, including job service registration of such clients
8 with Illinois Employment Security offices and making job
9 listings maintained by the Department available to such
10 clients.

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

12 (20 ILCS 1015/15) (from Ch. 48, par. 186.2)

13 Sec. 15. The Department of Workforce Development
14 ~~Employment Security~~ shall cooperate and enter into any
15 necessary agreements with any entity providing services as
16 prescribed under Section 1 of "An Act in relation to the
17 provision of assistance to certain persons, amending Acts named
18 therein", enacted by the 85th General Assembly, and Section
19 12-4.29 of the Illinois Public Aid Code for the provision of
20 job testing, job placement and job referral services to the
21 clients of such entities, including job service registration of
22 such clients with Illinois Employment Security offices and
23 making job listings maintained by the Department available to
24 such clients.

1 (Source: P.A. 85-943.)

2 Section 85. The New Hire Reporting Act is amended by
3 changing Section 30 as follows:

4 (20 ILCS 1020/30)

5 Sec. 30. Toll-free telephone line; public service
6 announcements.

7 (a) The Department of Workforce Development ~~Employment~~
8 ~~Security~~ shall establish a toll-free telephone line for new
9 hire reporting, employer follow-up to correct errors and
10 facilitate electronic transmission, and an expedited
11 administrative hearing process to determine reasonable cause
12 in non-compliance situations.

13 (b) The Department of Workforce Development ~~Employment~~
14 ~~Security~~ shall issue public service announcements and mailings
15 to inform employers about the new hire reporting requirements
16 and procedures pursuant to Section 1801.1 of the Unemployment
17 Insurance Act, including simple instructions on completion of
18 the Form W-4 and information on electronic or magnetic
19 transmission of data.

20 (Source: P.A. 90-425, eff. 8-15-97.)

21 Section 90. The Department of Human Services Act is amended
22 by changing Section 10-27 as follows:

1 (20 ILCS 1305/10-27)

2 Sec. 10-27. Information concerning federal tax credits and
3 deductions for hiring qualified employees with disabilities.

4 (a) The Department shall collect, during the period of July
5 1, 2009 through June 30, 2010, information regarding all of the
6 following:

7 (1) The number of employers that have claimed the Work
8 Opportunity Tax Credit and the amounts claimed during this
9 time frame.

10 (2) The size of the employer claiming the Work
11 Opportunity Tax Credit and whether the employer is a small
12 business or a large business.

13 (b) The Department shall cooperate with the Department of
14 Revenue, the Department of Workforce Development ~~Employment~~
15 ~~Security~~, and other appropriate agencies of State government to
16 gather the information required in items (1) and (2) of
17 subsection (a).

18 (c) For the purposes of this Section:

19 "Large business" means a business concern, including
20 affiliates, which is not a small business.

21 "Small business" means a business concern, including
22 affiliates, with fewer than 16 employees or has gross annual
23 sales of less than \$3 million.

24 (d) The Department shall submit a report, annually, to the
25 Governor and the General Assembly concerning its actions under
26 this Section.

1 (Source: P.A. 96-78, eff. 7-24-09.)

2 Section 95. The Department of Labor Law of the Civil
3 Administrative Code of Illinois is amended by changing Section
4 1505-125 as follows:

5 (20 ILCS 1505/1505-125)

6 Sec. 1505-125. Misclassification of employees as
7 independent contractors. The Department of Labor, the
8 Department of Workforce Development ~~Employment Security~~, the
9 Department of Revenue, the Office of the State Comptroller and
10 the Illinois Workers' Compensation Commission shall cooperate
11 under the Employee Classification Act by sharing information
12 concerning any suspected misclassification by an employer or
13 entity, as defined in the Employee Classification Act, of one
14 or more employees as independent contractors.

15 (Source: P.A. 95-26, eff. 1-1-08.)

16 Section 100. The Department of Public Health Powers and
17 Duties Law of the Civil Administrative Code of Illinois is
18 amended by changing Section 2310-228 as follows:

19 (20 ILCS 2310/2310-228)

20 Sec. 2310-228. Nursing workforce database.

21 (a) The Department shall, subject to appropriation and in
22 consultation with the Illinois Coalition for Nursing

1 Resources, the Illinois Nurses Association, and other nursing
2 associations, establish and administer a nursing workforce
3 database. The database shall be assembled from data currently
4 collected by State agencies or departments that may be released
5 under the Freedom of Information Act and shall be maintained
6 with the assistance of the Department of Professional
7 Regulation, the Department of Labor, the Department of
8 Workforce Development ~~Employment Security~~, and any other State
9 agency or department with access to nursing workforce-related
10 information.

11 (b) The objective of establishing the database shall be to
12 compile the following data related to the nursing workforce
13 that is currently collected by State agencies or departments
14 that may be released under the Freedom of Information Act:

15 (1) Data on current and projected population
16 demographics and available health indicator data to
17 determine how the population needs relate to the demand for
18 nursing services.

19 (2) Data to create a dynamic system for projecting
20 nurse workforce supply and demand.

21 (3) Data related to the development of a nursing
22 workforce that considers the diversity, educational mix,
23 geographic distribution, and number of nurses needed
24 within the State.

25 (4) Data on the current and projected numbers of nurse
26 faculty who are needed to educate the nurses who will be

1 needed to meet the needs of the residents of the State.

2 (5) Data on nursing education programs within the State
3 including number of nursing programs, applications,
4 enrollments, and graduation rates.

5 (6) Data needed to develop collaborative models
6 between nursing education and practice to identify
7 necessary competencies, educational strategies, and models
8 of professional practice.

9 (7) Data on nurse practice setting, practice
10 locations, and specialties.

11 (c) To accomplish the objectives set forth in subsection
12 (b), data compiled by the Department into a database may be
13 used by the Department, medical institutions and societies,
14 health care facilities and associations of health care
15 facilities, and nursing programs to assess current and
16 projected nursing workforce shortfalls and develop strategies
17 for overcoming them. Notwithstanding any other provision of
18 law, the Department may not disclose any data that it compiles
19 under this Section in a manner that would allow the
20 identification of any particular health care professional or
21 health care facility.

22 (d) Nothing in this Section shall be construed as requiring
23 any health care facility to file or submit any data,
24 information, or reports to the Department or any State agency
25 or department.

26 (e) No later than January 15, 2006, the Department shall

1 submit a report to the Governor and to the members of the
2 General Assembly regarding the development of the database and
3 the effectiveness of its use.

4 (Source: P.A. 93-795, eff. 1-1-05.)

5 Section 105. The Comprehensive Healthcare Workforce
6 Planning Act is amended by changing Section 15 as follows:

7 (20 ILCS 2325/15)

8 Sec. 15. Members.

9 (a) The following 10 persons or their designees shall be
10 members of the Council: the Director of the Department; a
11 representative of the Governor's Office; the Secretary of Human
12 Services; the Directors of the Departments of Commerce and
13 Economic Opportunity, Workforce Development ~~Employment~~
14 ~~Security~~, Financial and Professional Regulation, and
15 Healthcare and Family Services; and the executive director of
16 the Illinois Board of Higher Education, the President of the
17 Illinois Community College Board, and the State Superintendent
18 of Education.

19 (b) The Governor shall appoint 8 additional members, who
20 shall be healthcare workforce experts, including
21 representatives of practicing physicians, nurses, pharmacists,
22 and dentists, State and local health professions
23 organizations, schools of medicine and osteopathy, nursing,
24 dental, allied health, and public health; public and private

1 teaching hospitals; health insurers, business; and labor. The
2 Speaker of the Illinois House of Representatives, the President
3 of the Illinois Senate, the Minority Leader of the Illinois
4 House of Representatives, and the Minority Leader of the
5 Illinois Senate may each appoint 2 representatives to the
6 Council. Members appointed under this subsection (b) shall
7 serve 4-year terms and may be reappointed.

8 (c) The Director of the Department shall serve as Chair of
9 the Council. The Governor shall appoint a healthcare workforce
10 expert from the non-governmental sector to serve as Vice-Chair.
11 (Source: P.A. 97-424, eff. 7-1-12.)

12 Section 110. The Disabled Persons Rehabilitation Act is
13 amended by changing Section 3 as follows:

14 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

15 (Text of Section from P.A. 97-732 and 97-1019)

16 Sec. 3. Powers and duties. The Department shall have the
17 powers and duties enumerated herein:

18 (a) To co-operate with the federal government in the
19 administration of the provisions of the federal Rehabilitation
20 Act of 1973, as amended, of the Workforce Investment Act of
21 1998, and of the federal Social Security Act to the extent and
22 in the manner provided in these Acts.

23 (b) To prescribe and supervise such courses of vocational
24 training and provide such other services as may be necessary

1 for the habilitation and rehabilitation of persons with one or
2 more disabilities, including the administrative activities
3 under subsection (e) of this Section, and to co-operate with
4 State and local school authorities and other recognized
5 agencies engaged in habilitation, rehabilitation and
6 comprehensive rehabilitation services; and to cooperate with
7 the Department of Children and Family Services regarding the
8 care and education of children with one or more disabilities.

9 (c) (Blank).

10 (d) To report in writing, to the Governor, annually on or
11 before the first day of December, and at such other times and
12 in such manner and upon such subjects as the Governor may
13 require. The annual report shall contain (1) a statement of the
14 existing condition of comprehensive rehabilitation services,
15 habilitation and rehabilitation in the State; (2) a statement
16 of suggestions and recommendations with reference to the
17 development of comprehensive rehabilitation services,
18 habilitation and rehabilitation in the State; and (3) an
19 itemized statement of the amounts of money received from
20 federal, State and other sources, and of the objects and
21 purposes to which the respective items of these several amounts
22 have been devoted.

23 (e) (Blank).

24 (f) To establish a program of services to prevent the
25 unnecessary institutionalization of persons in need of long
26 term care and who meet the criteria for blindness or disability

1 as defined by the Social Security Act, thereby enabling them to
2 remain in their own homes. Such preventive services include any
3 or all of the following:

- 4 (1) personal assistant services;
- 5 (2) homemaker services;
- 6 (3) home-delivered meals;
- 7 (4) adult day care services;
- 8 (5) respite care;
- 9 (6) home modification or assistive equipment;
- 10 (7) home health services;
- 11 (8) electronic home response;
- 12 (9) brain injury behavioral/cognitive services;
- 13 (10) brain injury habilitation;
- 14 (11) brain injury pre-vocational services; or
- 15 (12) brain injury supported employment.

16 The Department shall establish eligibility standards for
17 such services taking into consideration the unique economic and
18 social needs of the population for whom they are to be
19 provided. Such eligibility standards may be based on the
20 recipient's ability to pay for services; provided, however,
21 that any portion of a person's income that is equal to or less
22 than the "protected income" level shall not be considered by
23 the Department in determining eligibility. The "protected
24 income" level shall be determined by the Department, shall
25 never be less than the federal poverty standard, and shall be
26 adjusted each year to reflect changes in the Consumer Price

1 Index For All Urban Consumers as determined by the United
2 States Department of Labor. The standards must provide that a
3 person may not have more than \$10,000 in assets to be eligible
4 for the services, and the Department may increase or decrease
5 the asset limitation by rule. The Department may not decrease
6 the asset level below \$10,000.

7 The services shall be provided, as established by the
8 Department by rule, to eligible persons to prevent unnecessary
9 or premature institutionalization, to the extent that the cost
10 of the services, together with the other personal maintenance
11 expenses of the persons, are reasonably related to the
12 standards established for care in a group facility appropriate
13 to their condition. These non-institutional services, pilot
14 projects or experimental facilities may be provided as part of
15 or in addition to those authorized by federal law or those
16 funded and administered by the Illinois Department on Aging.
17 The Department shall set rates and fees for services in a fair
18 and equitable manner. Services identical to those offered by
19 the Department on Aging shall be paid at the same rate.

20 Personal assistants shall be paid at a rate negotiated
21 between the State and an exclusive representative of personal
22 assistants under a collective bargaining agreement. In no case
23 shall the Department pay personal assistants an hourly wage
24 that is less than the federal minimum wage.

25 Solely for the purposes of coverage under the Illinois
26 Public Labor Relations Act (5 ILCS 315/), personal assistants

1 providing services under the Department's Home Services
2 Program shall be considered to be public employees and the
3 State of Illinois shall be considered to be their employer as
4 of the effective date of this amendatory Act of the 93rd
5 General Assembly, but not before. The State shall engage in
6 collective bargaining with an exclusive representative of
7 personal assistants working under the Home Services Program
8 concerning their terms and conditions of employment that are
9 within the State's control. Nothing in this paragraph shall be
10 understood to limit the right of the persons receiving services
11 defined in this Section to hire and fire personal assistants or
12 supervise them within the limitations set by the Home Services
13 Program. The State shall not be considered to be the employer
14 of personal assistants for any purposes not specifically
15 provided in this amendatory Act of the 93rd General Assembly,
16 including but not limited to, purposes of vicarious liability
17 in tort and purposes of statutory retirement or health
18 insurance benefits. Personal assistants shall not be covered by
19 the State Employees Group Insurance Act of 1971 (5 ILCS 375/).

20 The Department shall execute, relative to nursing home
21 prescreening, as authorized by Section 4.03 of the Illinois Act
22 on the Aging, written inter-agency agreements with the
23 Department on Aging and the Department of Healthcare and Family
24 Services~~7~~ to effect the intake procedures and eligibility
25 criteria for those persons who may need long term care. On and
26 after July 1, 1996, all nursing home prescreenings for

1 individuals 18 through 59 years of age shall be conducted by
2 the Department, or a designee of the Department.

3 The Department is authorized to establish a system of
4 recipient cost-sharing for services provided under this
5 Section. The cost-sharing shall be based upon the recipient's
6 ability to pay for services, but in no case shall the
7 recipient's share exceed the actual cost of the services
8 provided. Protected income shall not be considered by the
9 Department in its determination of the recipient's ability to
10 pay a share of the cost of services. The level of cost-sharing
11 shall be adjusted each year to reflect changes in the
12 "protected income" level. The Department shall deduct from the
13 recipient's share of the cost of services any money expended by
14 the recipient for disability-related expenses.

15 To the extent permitted under the federal Social Security
16 Act, the Department, or the Department's authorized
17 representative, may recover the amount of moneys expended for
18 services provided to or in behalf of a person under this
19 Section by a claim against the person's estate or against the
20 estate of the person's surviving spouse, but no recovery may be
21 had until after the death of the surviving spouse, if any, and
22 then only at such time when there is no surviving child who is
23 under age 21, blind, or permanently and totally disabled. This
24 paragraph, however, shall not bar recovery, at the death of the
25 person, of moneys for services provided to the person or in
26 behalf of the person under this Section to which the person was

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

19 The Department shall submit an annual report on programs
20 and services provided under this Section. The report shall be
21 filed with the Governor and the General Assembly on or before
22 March 30 each year.

23 The requirement for reporting to the General Assembly shall
24 be satisfied by filing copies of the report with the Speaker,
25 the Minority Leader and the Clerk of the House of
26 Representatives and the President, the Minority Leader and the

1 Secretary of the Senate and the Legislative Research Unit, as
2 required by Section 3.1 of the General Assembly Organization
3 Act, and filing additional copies with the State Government
4 Report Distribution Center for the General Assembly as required
5 under paragraph (t) of Section 7 of the State Library Act.

6 (g) To establish such subdivisions of the Department as
7 shall be desirable and assign to the various subdivisions the
8 responsibilities and duties placed upon the Department by law.

9 (h) To cooperate and enter into any necessary agreements
10 with the Department of Workforce Development ~~Employment~~
11 ~~Security~~ for the provision of job placement and job referral
12 services to clients of the Department, including job service
13 registration of such clients with Illinois Employment Security
14 offices and making job listings maintained by the Department of
15 Workforce Development ~~Employment Security~~ available to such
16 clients.

17 (i) To possess all powers reasonable and necessary for the
18 exercise and administration of the powers, duties and
19 responsibilities of the Department which are provided for by
20 law.

21 (j) (Blank).

22 (k) (Blank).

23 (l) To establish, operate and maintain a Statewide Housing
24 Clearinghouse of information on available, government
25 subsidized housing accessible to disabled persons and
26 available privately owned housing accessible to disabled

1 persons. The information shall include but not be limited to
2 the location, rental requirements, access features and
3 proximity to public transportation of available housing. The
4 Clearinghouse shall consist of at least a computerized database
5 for the storage and retrieval of information and a separate or
6 shared toll free telephone number for use by those seeking
7 information from the Clearinghouse. Department offices and
8 personnel throughout the State shall also assist in the
9 operation of the Statewide Housing Clearinghouse. Cooperation
10 with local, State and federal housing managers shall be sought
11 and extended in order to frequently and promptly update the
12 Clearinghouse's information.

13 (m) To assure that the names and case records of persons
14 who received or are receiving services from the Department,
15 including persons receiving vocational rehabilitation, home
16 services, or other services, and those attending one of the
17 Department's schools or other supervised facility shall be
18 confidential and not be open to the general public. Those case
19 records and reports or the information contained in those
20 records and reports shall be disclosed by the Director only to
21 proper law enforcement officials, individuals authorized by a
22 court, the General Assembly or any committee or commission of
23 the General Assembly, and other persons and for reasons as the
24 Director designates by rule. Disclosure by the Director may be
25 only in accordance with other applicable law.

26 (Source: P.A. 97-732, eff. 6-30-12; 97-1019, eff. 8-17-12;

1 revised 8-23-12.)

2 (Text of Section from P.A. 97-732 and 97-1158)

3 Sec. 3. Powers and duties. The Department shall have the
4 powers and duties enumerated herein:

5 (a) To co-operate with the federal government in the
6 administration of the provisions of the federal Rehabilitation
7 Act of 1973, as amended, of the Workforce Investment Act of
8 1998, and of the federal Social Security Act to the extent and
9 in the manner provided in these Acts.

10 (b) To prescribe and supervise such courses of vocational
11 training and provide such other services as may be necessary
12 for the habilitation and rehabilitation of persons with one or
13 more disabilities, including the administrative activities
14 under subsection (e) of this Section, and to co-operate with
15 State and local school authorities and other recognized
16 agencies engaged in habilitation, rehabilitation and
17 comprehensive rehabilitation services; and to cooperate with
18 the Department of Children and Family Services regarding the
19 care and education of children with one or more disabilities.

20 (c) (Blank).

21 (d) To report in writing, to the Governor, annually on or
22 before the first day of December, and at such other times and
23 in such manner and upon such subjects as the Governor may
24 require. The annual report shall contain (1) a statement of the
25 existing condition of comprehensive rehabilitation services,

1 habilitation and rehabilitation in the State; (2) a statement
2 of suggestions and recommendations with reference to the
3 development of comprehensive rehabilitation services,
4 habilitation and rehabilitation in the State; and (3) an
5 itemized statement of the amounts of money received from
6 federal, State and other sources, and of the objects and
7 purposes to which the respective items of these several amounts
8 have been devoted.

9 (e) (Blank).

10 (f) To establish a program of services to prevent
11 unnecessary institutionalization of persons with Alzheimer's
12 disease and related disorders or persons in need of long term
13 care who are established as blind or disabled as defined by the
14 Social Security Act, thereby enabling them to remain in their
15 own homes or other living arrangements. Such preventive
16 services may include, but are not limited to, any or all of the
17 following:

- 18 (1) home health services;
- 19 (2) home nursing services;
- 20 (3) homemaker services;
- 21 (4) chore and housekeeping services;
- 22 (5) day care services;
- 23 (6) home-delivered meals;
- 24 (7) education in self-care;
- 25 (8) personal care services;
- 26 (9) adult day health services;

- 1 (10) habilitation services;
- 2 (11) respite care; or
- 3 (12) other nonmedical social services that may enable
- 4 the person to become self-supporting.

5 The Department shall establish eligibility standards for

6 such services taking into consideration the unique economic and

7 social needs of the population for whom they are to be

8 provided. Such eligibility standards may be based on the

9 recipient's ability to pay for services; provided, however,

10 that any portion of a person's income that is equal to or less

11 than the "protected income" level shall not be considered by

12 the Department in determining eligibility. The "protected

13 income" level shall be determined by the Department, shall

14 never be less than the federal poverty standard, and shall be

15 adjusted each year to reflect changes in the Consumer Price

16 Index For All Urban Consumers as determined by the United

17 States Department of Labor. The standards must provide that a

18 person may have not more than \$10,000 in assets to be eligible

19 for the services, and the Department may increase the asset

20 limitation by rule. Additionally, in determining the amount and

21 nature of services for which a person may qualify,

22 consideration shall not be given to the value of cash, property

23 or other assets held in the name of the person's spouse

24 pursuant to a written agreement dividing marital property into

25 equal but separate shares or pursuant to a transfer of the

26 person's interest in a home to his spouse, provided that the

1 spouse's share of the marital property is not made available to
2 the person seeking such services.

3 The services shall be provided to eligible persons to
4 prevent unnecessary or premature institutionalization, to the
5 extent that the cost of the services, together with the other
6 personal maintenance expenses of the persons, are reasonably
7 related to the standards established for care in a group
8 facility appropriate to their condition. These
9 non-institutional services, pilot projects or experimental
10 facilities may be provided as part of or in addition to those
11 authorized by federal law or those funded and administered by
12 the Illinois Department on Aging. The Department shall set
13 rates and fees for services in a fair and equitable manner.
14 Services identical to those offered by the Department on Aging
15 shall be paid at the same rate.

16 Personal care attendants shall be paid:

17 (i) A \$5 per hour minimum rate beginning July 1, 1995.

18 (ii) A \$5.30 per hour minimum rate beginning July 1,
19 1997.

20 (iii) A \$5.40 per hour minimum rate beginning July 1,
21 1998.

22 Solely for the purposes of coverage under the Illinois
23 Public Labor Relations Act (5 ILCS 315/), personal care
24 attendants and personal assistants providing services under
25 the Department's Home Services Program shall be considered to
26 be public employees, and the State of Illinois shall be

1 considered to be their employer as of the effective date of
2 this amendatory Act of the 93rd General Assembly, but not
3 before. Solely for the purposes of coverage under the Illinois
4 Public Labor Relations Act, home care and home health workers
5 who function as personal care attendants, personal assistants,
6 and individual maintenance home health workers and who also
7 provide services under the Department's Home Services Program
8 shall be considered to be public employees, no matter whether
9 the State provides such services through direct
10 fee-for-service arrangements, with the assistance of a managed
11 care organization or other intermediary, or otherwise, and the
12 State of Illinois shall be considered to be the employer of
13 those persons as of the effective date of this amendatory Act
14 of the 97th General Assembly, but not before except as
15 otherwise provided under this subsection (f). The State shall
16 engage in collective bargaining with an exclusive
17 representative of home care and home health workers who
18 function as personal care attendants, personal assistants, and
19 individual maintenance home health workers working under the
20 Home Services Program concerning their terms and conditions of
21 employment that are within the State's control. Nothing in this
22 paragraph shall be understood to limit the right of the persons
23 receiving services defined in this Section to hire and fire
24 home care and home health workers who function as personal care
25 attendants, personal assistants, and individual maintenance
26 home health workers working under the Home Services Program or

1 to supervise them within the limitations set by the Home
2 Services Program. The State shall not be considered to be the
3 employer of home care and home health workers who function as
4 personal care attendants, personal assistants, and individual
5 maintenance home health workers working under the Home Services
6 Program for any purposes not specifically provided in Public
7 Act 93-204 or this amendatory Act of the 97th General Assembly,
8 including but not limited to, purposes of vicarious liability
9 in tort and purposes of statutory retirement or health
10 insurance benefits. Home care and home health workers who
11 function as personal care attendants, personal assistants, and
12 individual maintenance home health workers and who also provide
13 services under the Department's Home Services Program shall not
14 be covered by the State Employees Group Insurance Act of 1971
15 (5 ILCS 375/).

16 The Department shall execute, relative to the nursing home
17 prescreening project, as authorized by Section 4.03 of the
18 Illinois Act on the Aging, written inter-agency agreements with
19 the Department on Aging and the Department of Public Aid (now
20 Department of Healthcare and Family Services), to effect the
21 following: (i) intake procedures and common eligibility
22 criteria for those persons who are receiving non-institutional
23 services; and (ii) the establishment and development of
24 non-institutional services in areas of the State where they are
25 not currently available or are undeveloped. On and after July
26 1, 1996, all nursing home prescreenings for individuals 18

1 through 59 years of age shall be conducted by the Department.

2 The Department is authorized to establish a system of
3 recipient cost-sharing for services provided under this
4 Section. The cost-sharing shall be based upon the recipient's
5 ability to pay for services, but in no case shall the
6 recipient's share exceed the actual cost of the services
7 provided. Protected income shall not be considered by the
8 Department in its determination of the recipient's ability to
9 pay a share of the cost of services. The level of cost-sharing
10 shall be adjusted each year to reflect changes in the
11 "protected income" level. The Department shall deduct from the
12 recipient's share of the cost of services any money expended by
13 the recipient for disability-related expenses.

14 The Department, or the Department's authorized
15 representative, shall recover the amount of moneys expended for
16 services provided to or in behalf of a person under this
17 Section by a claim against the person's estate or against the
18 estate of the person's surviving spouse, but no recovery may be
19 had until after the death of the surviving spouse, if any, and
20 then only at such time when there is no surviving child who is
21 under age 21, blind, or permanently and totally disabled. This
22 paragraph, however, shall not bar recovery, at the death of the
23 person, of moneys for services provided to the person or in
24 behalf of the person under this Section to which the person was
25 not entitled; provided that such recovery shall not be enforced
26 against any real estate while it is occupied as a homestead by

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

17 The Department and the Department on Aging shall cooperate
18 in the development and submission of an annual report on
19 programs and services provided under this Section. Such joint
20 report shall be filed with the Governor and the General
21 Assembly on or before March 30 each year.

22 The requirement for reporting to the General Assembly shall
23 be satisfied by filing copies of the report with the Speaker,
24 the Minority Leader and the Clerk of the House of
25 Representatives and the President, the Minority Leader and the
26 Secretary of the Senate and the Legislative Research Unit, as

1 required by Section 3.1 of the General Assembly Organization
2 Act, and filing additional copies with the State Government
3 Report Distribution Center for the General Assembly as required
4 under paragraph (t) of Section 7 of the State Library Act.

5 (g) To establish such subdivisions of the Department as
6 shall be desirable and assign to the various subdivisions the
7 responsibilities and duties placed upon the Department by law.

8 (h) To cooperate and enter into any necessary agreements
9 with the Department of Workforce Development ~~Employment~~
10 ~~Security~~ for the provision of job placement and job referral
11 services to clients of the Department, including job service
12 registration of such clients with Illinois Employment Security
13 offices and making job listings maintained by the Department of
14 Workforce Development ~~Employment Security~~ available to such
15 clients.

16 (i) To possess all powers reasonable and necessary for the
17 exercise and administration of the powers, duties and
18 responsibilities of the Department which are provided for by
19 law.

20 (j) To establish a procedure whereby new providers of
21 personal care attendant services shall submit vouchers to the
22 State for payment two times during their first month of
23 employment and one time per month thereafter. In no case shall
24 the Department pay personal care attendants an hourly wage that
25 is less than the federal minimum wage.

26 (k) To provide adequate notice to providers of chore and

1 housekeeping services informing them that they are entitled to
2 an interest payment on bills which are not promptly paid
3 pursuant to Section 3 of the State Prompt Payment Act.

4 (l) To establish, operate and maintain a Statewide Housing
5 Clearinghouse of information on available, government
6 subsidized housing accessible to disabled persons and
7 available privately owned housing accessible to disabled
8 persons. The information shall include but not be limited to
9 the location, rental requirements, access features and
10 proximity to public transportation of available housing. The
11 Clearinghouse shall consist of at least a computerized database
12 for the storage and retrieval of information and a separate or
13 shared toll free telephone number for use by those seeking
14 information from the Clearinghouse. Department offices and
15 personnel throughout the State shall also assist in the
16 operation of the Statewide Housing Clearinghouse. Cooperation
17 with local, State and federal housing managers shall be sought
18 and extended in order to frequently and promptly update the
19 Clearinghouse's information.

20 (m) To assure that the names and case records of persons
21 who received or are receiving services from the Department,
22 including persons receiving vocational rehabilitation, home
23 services, or other services, and those attending one of the
24 Department's schools or other supervised facility shall be
25 confidential and not be open to the general public. Those case
26 records and reports or the information contained in those

1 records and reports shall be disclosed by the Director only to
2 proper law enforcement officials, individuals authorized by a
3 court, the General Assembly or any committee or commission of
4 the General Assembly, and other persons and for reasons as the
5 Director designates by rule. Disclosure by the Director may be
6 only in accordance with other applicable law.

7 (Source: P.A. 97-732, eff. 6-30-12; 97-1158, eff. 1-29-13;
8 revised 2-21-13.)

9 Section 115. The Disabilities Services Act of 2003 is
10 amended by changing Section 20 as follows:

11 (20 ILCS 2407/20)

12 Sec. 20. Implementation.

13 (a) The Governor shall appoint an advisory committee to
14 assist in the development and implementation of a Disabilities
15 Services Implementation Plan that will ensure compliance by the
16 State of Illinois with the Americans with Disabilities Act and
17 the decision in *Olmstead v. L.C.*, 119 S.Ct. 2176 (1999). The
18 advisory committee shall be known as the Illinois Disabilities
19 Services Advisory Committee and shall be composed of no more
20 than 33 members, including: persons who have a physical
21 disability, a developmental disability, or a mental illness;
22 senior citizens; advocates for persons with physical
23 disabilities; advocates for persons with developmental
24 disabilities; advocates for persons with mental illness;

1 advocates for senior citizens; representatives of providers of
2 services to persons with physical disabilities, developmental
3 disabilities, and mental illness; representatives of providers
4 of services to senior citizens; and representatives of
5 organized labor.

6 In addition, the following State officials shall serve on
7 the committee as ex-officio non-voting members: the Secretary
8 of Human Services or his or her designee; the State
9 Superintendent of Education or his or her designee; the
10 Director of Aging or his or her designee; the Executive
11 Director of the Illinois Housing Development Authority or his
12 or her designee; the Director of Public Aid (now Director of
13 Healthcare and Family Services) or his or her designee; and the
14 Director of Workforce Development ~~Employment Security~~ or his or
15 her designee.

16 The advisory committee shall select officers, including a
17 chair and a vice-chair.

18 The advisory committee shall meet at least quarterly and
19 shall keep official meeting minutes. Committee members shall
20 not be compensated but shall be paid for their expenses related
21 to attendance at meetings.

22 (b) The implementation plan must include, but need not be
23 limited to, the following:

24 (1) Establishing procedures for completing
25 comprehensive evaluations, including provisions for
26 Department review and approval of need determinations. The

1 Department may utilize independent evaluators and targeted
2 or sample reviews during this review and approval process,
3 as it deems appropriate.

4 (2) Establishing procedures for the development of an
5 individual service or treatment plan for each person with a
6 disability, including provisions for Department review and
7 authorization.

8 (3) Identifying core services to be provided by
9 agencies of the State of Illinois or other agencies.

10 (4) Establishing minimum standards for individualized
11 services.

12 (5) Establishing minimum standards for residential
13 services in the least restrictive environment.

14 (6) Establishing minimum standards for vocational
15 services.

16 (7) Establishing due process hearing procedures.

17 (8) Establishing minimum standards for family support
18 services.

19 (9) Securing financial resources necessary to fulfill
20 the purposes and requirements of this Act, including but
21 not limited to obtaining approval and implementing waivers
22 or demonstrations authorized under federal law.

23 (c) The Governor, with the assistance of the Illinois
24 Disabilities Services Advisory Committee and the Secretary of
25 Human Services, is responsible for the completion of the
26 implementation plan. The Governor must submit a report to the

1 General Assembly by November 1, 2004, which must include the
2 following:

3 (1) The implementation plan.

4 (2) A description of current and planned programs and
5 services necessary to meet the requirements of the
6 individual service or treatment plans required by this Act,
7 together with the actions to be taken by the State of
8 Illinois to ensure that those plans will be implemented.
9 This description shall include a report of related program
10 and service improvements or expansions implemented by the
11 Department since the effective date of this Act.

12 (3) The estimated costs of current and planned programs
13 and services to be provided under the implementation plan.

14 (4) A report on the number of persons with disabilities
15 who may be eligible to receive services under this Act,
16 together with a report on the number of persons who are
17 currently receiving those services.

18 (5) Any proposed changes in State policies, laws, or
19 regulations necessary to fulfill the purposes and
20 requirements of this Act.

21 (d) The Governor, with the assistance of the Secretary of
22 Human Services, shall annually update the implementation plan
23 and report changes to the General Assembly by July 1 of each
24 year. Initial implementation of the plan is required by July 1,
25 2005. The requirement of annual updates and reports expires in
26 2008, unless otherwise extended by the General Assembly.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 Section 120. The Criminal Identification Act is amended by
3 changing Section 5.2 as follows:

4 (20 ILCS 2630/5.2)

5 Sec. 5.2. Expungement and sealing.

6 (a) General Provisions.

7 (1) Definitions. In this Act, words and phrases have
8 the meanings set forth in this subsection, except when a
9 particular context clearly requires a different meaning.

10 (A) The following terms shall have the meanings
11 ascribed to them in the Unified Code of Corrections,
12 730 ILCS 5/5-1-2 through 5/5-1-22:

- 13 (i) Business Offense (730 ILCS 5/5-1-2),
14 (ii) Charge (730 ILCS 5/5-1-3),
15 (iii) Court (730 ILCS 5/5-1-6),
16 (iv) Defendant (730 ILCS 5/5-1-7),
17 (v) Felony (730 ILCS 5/5-1-9),
18 (vi) Imprisonment (730 ILCS 5/5-1-10),
19 (vii) Judgment (730 ILCS 5/5-1-12),
20 (viii) Misdemeanor (730 ILCS 5/5-1-14),
21 (ix) Offense (730 ILCS 5/5-1-15),
22 (x) Parole (730 ILCS 5/5-1-16),
23 (xi) Petty Offense (730 ILCS 5/5-1-17),
24 (xii) Probation (730 ILCS 5/5-1-18),

- 1 (xiii) Sentence (730 ILCS 5/5-1-19),
2 (xiv) Supervision (730 ILCS 5/5-1-21), and
3 (xv) Victim (730 ILCS 5/5-1-22).

4 (B) As used in this Section, "charge not initiated
5 by arrest" means a charge (as defined by 730 ILCS
6 5/5-1-3) brought against a defendant where the
7 defendant is not arrested prior to or as a direct
8 result of the charge.

9 (C) "Conviction" means a judgment of conviction or
10 sentence entered upon a plea of guilty or upon a
11 verdict or finding of guilty of an offense, rendered by
12 a legally constituted jury or by a court of competent
13 jurisdiction authorized to try the case without a jury.
14 An order of supervision successfully completed by the
15 petitioner is not a conviction. An order of qualified
16 probation (as defined in subsection (a)(1)(J))
17 successfully completed by the petitioner is not a
18 conviction. An order of supervision or an order of
19 qualified probation that is terminated
20 unsatisfactorily is a conviction, unless the
21 unsatisfactory termination is reversed, vacated, or
22 modified and the judgment of conviction, if any, is
23 reversed or vacated.

24 (D) "Criminal offense" means a petty offense,
25 business offense, misdemeanor, felony, or municipal
26 ordinance violation (as defined in subsection

1 (a) (1) (H)). As used in this Section, a minor traffic
2 offense (as defined in subsection (a) (1) (G)) shall not
3 be considered a criminal offense.

4 (E) "Expunge" means to physically destroy the
5 records or return them to the petitioner and to
6 obliterate the petitioner's name from any official
7 index or public record, or both. Nothing in this Act
8 shall require the physical destruction of the circuit
9 court file, but such records relating to arrests or
10 charges, or both, ordered expunged shall be impounded
11 as required by subsections (d) (9) (A) (ii) and
12 (d) (9) (B) (ii).

13 (F) As used in this Section, "last sentence" means
14 the sentence, order of supervision, or order of
15 qualified probation (as defined by subsection
16 (a) (1) (J)), for a criminal offense (as defined by
17 subsection (a) (1) (D)) that terminates last in time in
18 any jurisdiction, regardless of whether the petitioner
19 has included the criminal offense for which the
20 sentence or order of supervision or qualified
21 probation was imposed in his or her petition. If
22 multiple sentences, orders of supervision, or orders
23 of qualified probation terminate on the same day and
24 are last in time, they shall be collectively considered
25 the "last sentence" regardless of whether they were
26 ordered to run concurrently.

1 (G) "Minor traffic offense" means a petty offense,
2 business offense, or Class C misdemeanor under the
3 Illinois Vehicle Code or a similar provision of a
4 municipal or local ordinance.

5 (H) "Municipal ordinance violation" means an
6 offense defined by a municipal or local ordinance that
7 is criminal in nature and with which the petitioner was
8 charged or for which the petitioner was arrested and
9 released without charging.

10 (I) "Petitioner" means an adult or a minor
11 prosecuted as an adult who has applied for relief under
12 this Section.

13 (J) "Qualified probation" means an order of
14 probation under Section 10 of the Cannabis Control Act,
15 Section 410 of the Illinois Controlled Substances Act,
16 Section 70 of the Methamphetamine Control and
17 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
18 of the Unified Code of Corrections, Section
19 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
20 those provisions existed before their deletion by
21 Public Act 89-313), Section 10-102 of the Illinois
22 Alcoholism and Other Drug Dependency Act, Section
23 40-10 of the Alcoholism and Other Drug Abuse and
24 Dependency Act, or Section 10 of the Steroid Control
25 Act. For the purpose of this Section, "successful
26 completion" of an order of qualified probation under

1 Section 10-102 of the Illinois Alcoholism and Other
2 Drug Dependency Act and Section 40-10 of the Alcoholism
3 and Other Drug Abuse and Dependency Act means that the
4 probation was terminated satisfactorily and the
5 judgment of conviction was vacated.

6 (K) "Seal" means to physically and electronically
7 maintain the records, unless the records would
8 otherwise be destroyed due to age, but to make the
9 records unavailable without a court order, subject to
10 the exceptions in Sections 12 and 13 of this Act. The
11 petitioner's name shall also be obliterated from the
12 official index required to be kept by the circuit court
13 clerk under Section 16 of the Clerks of Courts Act, but
14 any index issued by the circuit court clerk before the
15 entry of the order to seal shall not be affected.

16 (L) "Sexual offense committed against a minor"
17 includes but is not limited to the offenses of indecent
18 solicitation of a child or criminal sexual abuse when
19 the victim of such offense is under 18 years of age.

20 (M) "Terminate" as it relates to a sentence or
21 order of supervision or qualified probation includes
22 either satisfactory or unsatisfactory termination of
23 the sentence, unless otherwise specified in this
24 Section.

25 (2) Minor Traffic Offenses. Orders of supervision or
26 convictions for minor traffic offenses shall not affect a

1 petitioner's eligibility to expunge or seal records
2 pursuant to this Section.

3 (3) Exclusions. Except as otherwise provided in
4 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)
5 of this Section, the court shall not order:

6 (A) the sealing or expungement of the records of
7 arrests or charges not initiated by arrest that result
8 in an order of supervision for or conviction of: (i)
9 any sexual offense committed against a minor; (ii)
10 Section 11-501 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance; or (iii)
12 Section 11-503 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance, unless the
14 arrest or charge is for a misdemeanor violation of
15 subsection (a) of Section 11-503 or a similar provision
16 of a local ordinance, that occurred prior to the
17 offender reaching the age of 25 years and the offender
18 has no other conviction for violating Section 11-501 or
19 11-503 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance.

21 (B) the sealing or expungement of records of minor
22 traffic offenses (as defined in subsection (a)(1)(G)),
23 unless the petitioner was arrested and released
24 without charging.

25 (C) the sealing of the records of arrests or
26 charges not initiated by arrest which result in an

1 order of supervision, an order of qualified probation
2 (as defined in subsection (a)(1)(J)), or a conviction
3 for the following offenses:

4 (i) offenses included in Article 11 of the
5 Criminal Code of 1961 or the Criminal Code of 2012
6 or a similar provision of a local ordinance, except
7 Section 11-14 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or a similar provision of a
9 local ordinance;

10 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
11 26-5, or 48-1 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, or a similar provision of a
13 local ordinance;

14 (iii) offenses defined as "crimes of violence"
15 in Section 2 of the Crime Victims Compensation Act
16 or a similar provision of a local ordinance;

17 (iv) offenses which are Class A misdemeanors
18 under the Humane Care for Animals Act; or

19 (v) any offense or attempted offense that
20 would subject a person to registration under the
21 Sex Offender Registration Act.

22 (D) the sealing of the records of an arrest which
23 results in the petitioner being charged with a felony
24 offense or records of a charge not initiated by arrest
25 for a felony offense unless:

26 (i) the charge is amended to a misdemeanor and

1 is otherwise eligible to be sealed pursuant to
2 subsection (c);

3 (ii) the charge is brought along with another
4 charge as a part of one case and the charge results
5 in acquittal, dismissal, or conviction when the
6 conviction was reversed or vacated, and another
7 charge brought in the same case results in a
8 disposition for a misdemeanor offense that is
9 eligible to be sealed pursuant to subsection (c) or
10 a disposition listed in paragraph (i), (iii), or
11 (iv) of this subsection;

12 (iii) the charge results in first offender
13 probation as set forth in subsection (c) (2) (E);

14 (iv) the charge is for a felony offense listed
15 in subsection (c) (2) (F) or the charge is amended to
16 a felony offense listed in subsection (c) (2) (F);

17 (v) the charge results in acquittal,
18 dismissal, or the petitioner's release without
19 conviction; or

20 (vi) the charge results in a conviction, but
21 the conviction was reversed or vacated.

22 (b) Expungement.

23 (1) A petitioner may petition the circuit court to
24 expunge the records of his or her arrests and charges not
25 initiated by arrest when:

26 (A) He or she has never been convicted of a

1 criminal offense; and

2 (B) Each arrest or charge not initiated by arrest
3 sought to be expunged resulted in: (i) acquittal,
4 dismissal, or the petitioner's release without
5 charging, unless excluded by subsection (a)(3)(B);
6 (ii) a conviction which was vacated or reversed, unless
7 excluded by subsection (a)(3)(B); (iii) an order of
8 supervision and such supervision was successfully
9 completed by the petitioner, unless excluded by
10 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
11 qualified probation (as defined in subsection
12 (a)(1)(J)) and such probation was successfully
13 completed by the petitioner.

14 (2) Time frame for filing a petition to expunge.

15 (A) When the arrest or charge not initiated by
16 arrest sought to be expunged resulted in an acquittal,
17 dismissal, the petitioner's release without charging,
18 or the reversal or vacation of a conviction, there is
19 no waiting period to petition for the expungement of
20 such records.

21 (B) When the arrest or charge not initiated by
22 arrest sought to be expunged resulted in an order of
23 supervision, successfully completed by the petitioner,
24 the following time frames will apply:

25 (i) Those arrests or charges that resulted in
26 orders of supervision under Section 3-707, 3-708,

1 3-710, or 5-401.3 of the Illinois Vehicle Code or a
2 similar provision of a local ordinance, or under
3 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
4 Code of 1961 or the Criminal Code of 2012, or a
5 similar provision of a local ordinance, shall not
6 be eligible for expungement until 5 years have
7 passed following the satisfactory termination of
8 the supervision.

9 (i-5) Those arrests or charges that resulted
10 in orders of supervision for a misdemeanor
11 violation of subsection (a) of Section 11-503 of
12 the Illinois Vehicle Code or a similar provision of
13 a local ordinance, that occurred prior to the
14 offender reaching the age of 25 years and the
15 offender has no other conviction for violating
16 Section 11-501 or 11-503 of the Illinois Vehicle
17 Code or a similar provision of a local ordinance
18 shall not be eligible for expungement until the
19 petitioner has reached the age of 25 years.

20 (ii) Those arrests or charges that resulted in
21 orders of supervision for any other offenses shall
22 not be eligible for expungement until 2 years have
23 passed following the satisfactory termination of
24 the supervision.

25 (C) When the arrest or charge not initiated by
26 arrest sought to be expunged resulted in an order of

1 qualified probation, successfully completed by the
2 petitioner, such records shall not be eligible for
3 expungement until 5 years have passed following the
4 satisfactory termination of the probation.

5 (3) Those records maintained by the Department for
6 persons arrested prior to their 17th birthday shall be
7 expunged as provided in Section 5-915 of the Juvenile Court
8 Act of 1987.

9 (4) Whenever a person has been arrested for or
10 convicted of any offense, in the name of a person whose
11 identity he or she has stolen or otherwise come into
12 possession of, the aggrieved person from whom the identity
13 was stolen or otherwise obtained without authorization,
14 upon learning of the person having been arrested using his
15 or her identity, may, upon verified petition to the chief
16 judge of the circuit wherein the arrest was made, have a
17 court order entered nunc pro tunc by the Chief Judge to
18 correct the arrest record, conviction record, if any, and
19 all official records of the arresting authority, the
20 Department, other criminal justice agencies, the
21 prosecutor, and the trial court concerning such arrest, if
22 any, by removing his or her name from all such records in
23 connection with the arrest and conviction, if any, and by
24 inserting in the records the name of the offender, if known
25 or ascertainable, in lieu of the aggrieved's name. The
26 records of the circuit court clerk shall be sealed until

1 further order of the court upon good cause shown and the
2 name of the aggrieved person obliterated on the official
3 index required to be kept by the circuit court clerk under
4 Section 16 of the Clerks of Courts Act, but the order shall
5 not affect any index issued by the circuit court clerk
6 before the entry of the order. Nothing in this Section
7 shall limit the Department of State Police or other
8 criminal justice agencies or prosecutors from listing
9 under an offender's name the false names he or she has
10 used.

11 (5) Whenever a person has been convicted of criminal
12 sexual assault, aggravated criminal sexual assault,
13 predatory criminal sexual assault of a child, criminal
14 sexual abuse, or aggravated criminal sexual abuse, the
15 victim of that offense may request that the State's
16 Attorney of the county in which the conviction occurred
17 file a verified petition with the presiding trial judge at
18 the petitioner's trial to have a court order entered to
19 seal the records of the circuit court clerk in connection
20 with the proceedings of the trial court concerning that
21 offense. However, the records of the arresting authority
22 and the Department of State Police concerning the offense
23 shall not be sealed. The court, upon good cause shown,
24 shall make the records of the circuit court clerk in
25 connection with the proceedings of the trial court
26 concerning the offense available for public inspection.

1 (6) If a conviction has been set aside on direct review
2 or on collateral attack and the court determines by clear
3 and convincing evidence that the petitioner was factually
4 innocent of the charge, the court that finds the petitioner
5 factually innocent of the charge shall enter an expungement
6 order for the conviction for which the petitioner has been
7 determined to be innocent as provided in subsection (b) of
8 Section 5-5-4 of the Unified Code of Corrections.

9 (7) Nothing in this Section shall prevent the
10 Department of State Police from maintaining all records of
11 any person who is admitted to probation upon terms and
12 conditions and who fulfills those terms and conditions
13 pursuant to Section 10 of the Cannabis Control Act, Section
14 410 of the Illinois Controlled Substances Act, Section 70
15 of the Methamphetamine Control and Community Protection
16 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
17 Corrections, Section 12-4.3 or subdivision (b)(1) of
18 Section 12-3.05 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, Section 10-102 of the Illinois
20 Alcoholism and Other Drug Dependency Act, Section 40-10 of
21 the Alcoholism and Other Drug Abuse and Dependency Act, or
22 Section 10 of the Steroid Control Act.

23 (8) If the petitioner has been granted a certificate of
24 innocence under Section 2-702 of the Code of Civil
25 Procedure, the court that grants the certificate of
26 innocence shall also enter an order expunging the

1 conviction for which the petitioner has been determined to
2 be innocent as provided in subsection (h) of Section 2-702
3 of the Code of Civil Procedure.

4 (c) Sealing.

5 (1) Applicability. Notwithstanding any other provision
6 of this Act to the contrary, and cumulative with any rights
7 to expungement of criminal records, this subsection
8 authorizes the sealing of criminal records of adults and of
9 minors prosecuted as adults.

10 (2) Eligible Records. The following records may be
11 sealed:

12 (A) All arrests resulting in release without
13 charging;

14 (B) Arrests or charges not initiated by arrest
15 resulting in acquittal, dismissal, or conviction when
16 the conviction was reversed or vacated, except as
17 excluded by subsection (a) (3) (B);

18 (C) Arrests or charges not initiated by arrest
19 resulting in orders of supervision successfully
20 completed by the petitioner, unless excluded by
21 subsection (a) (3);

22 (D) Arrests or charges not initiated by arrest
23 resulting in convictions unless excluded by subsection
24 (a) (3);

25 (E) Arrests or charges not initiated by arrest
26 resulting in orders of first offender probation under

1 Section 10 of the Cannabis Control Act, Section 410 of
2 the Illinois Controlled Substances Act, Section 70 of
3 the Methamphetamine Control and Community Protection
4 Act, or Section 5-6-3.3 of the Unified Code of
5 Corrections; and

6 (F) Arrests or charges not initiated by arrest
7 resulting in felony convictions for the following
8 offenses:

9 (i) Class 4 felony convictions for:

10 Prostitution under Section 11-14 of the
11 Criminal Code of 1961 or the Criminal Code of
12 2012.

13 Possession of cannabis under Section 4 of
14 the Cannabis Control Act.

15 Possession of a controlled substance under
16 Section 402 of the Illinois Controlled
17 Substances Act.

18 Offenses under the Methamphetamine
19 Precursor Control Act.

20 Offenses under the Steroid Control Act.

21 Theft under Section 16-1 of the Criminal
22 Code of 1961 or the Criminal Code of 2012.

23 Retail theft under Section 16A-3 or
24 paragraph (a) of 16-25 of the Criminal Code of
25 1961 or the Criminal Code of 2012.

26 Deceptive practices under Section 17-1 of

1 the Criminal Code of 1961 or the Criminal Code
2 of 2012.

3 Forgery under Section 17-3 of the Criminal
4 Code of 1961 or the Criminal Code of 2012.

5 Possession of burglary tools under Section
6 19-2 of the Criminal Code of 1961 or the
7 Criminal Code of 2012.

8 (ii) Class 3 felony convictions for:

9 Theft under Section 16-1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012.

11 Retail theft under Section 16A-3 or
12 paragraph (a) of 16-25 of the Criminal Code of
13 1961 or the Criminal Code of 2012.

14 Deceptive practices under Section 17-1 of
15 the Criminal Code of 1961 or the Criminal Code
16 of 2012.

17 Forgery under Section 17-3 of the Criminal
18 Code of 1961 or the Criminal Code of 2012.

19 Possession with intent to manufacture or
20 deliver a controlled substance under Section
21 401 of the Illinois Controlled Substances Act.

22 (3) When Records Are Eligible to Be Sealed. Records
23 identified as eligible under subsection (c)(2) may be
24 sealed as follows:

25 (A) Records identified as eligible under
26 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any

1 time.

2 (B) Records identified as eligible under
3 subsection (c)(2)(C) may be sealed (i) 3 years after
4 the termination of petitioner's last sentence (as
5 defined in subsection (a)(1)(F)) if the petitioner has
6 never been convicted of a criminal offense (as defined
7 in subsection (a)(1)(D)); or (ii) 4 years after the
8 termination of the petitioner's last sentence (as
9 defined in subsection (a)(1)(F)) if the petitioner has
10 ever been convicted of a criminal offense (as defined
11 in subsection (a)(1)(D)).

12 (C) Records identified as eligible under
13 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
14 sealed 4 years after the termination of the
15 petitioner's last sentence (as defined in subsection
16 (a)(1)(F)).

17 (D) Records identified in subsection
18 (a)(3)(A)(iii) may be sealed after the petitioner has
19 reached the age of 25 years.

20 (4) Subsequent felony convictions. A person may not
21 have subsequent felony conviction records sealed as
22 provided in this subsection (c) if he or she is convicted
23 of any felony offense after the date of the sealing of
24 prior felony convictions as provided in this subsection
25 (c). The court may, upon conviction for a subsequent felony
26 offense, order the unsealing of prior felony conviction

1 records previously ordered sealed by the court.

2 (5) Notice of eligibility for sealing. Upon entry of a
3 disposition for an eligible record under this subsection
4 (c), the petitioner shall be informed by the court of the
5 right to have the records sealed and the procedures for the
6 sealing of the records.

7 (d) Procedure. The following procedures apply to
8 expungement under subsections (b), (e), and (e-6) and sealing
9 under subsections (c) and (e-5):

10 (1) Filing the petition. Upon becoming eligible to
11 petition for the expungement or sealing of records under
12 this Section, the petitioner shall file a petition
13 requesting the expungement or sealing of records with the
14 clerk of the court where the arrests occurred or the
15 charges were brought, or both. If arrests occurred or
16 charges were brought in multiple jurisdictions, a petition
17 must be filed in each such jurisdiction. The petitioner
18 shall pay the applicable fee, if not waived.

19 (2) Contents of petition. The petition shall be
20 verified and shall contain the petitioner's name, date of
21 birth, current address and, for each arrest or charge not
22 initiated by arrest sought to be sealed or expunged, the
23 case number, the date of arrest (if any), the identity of
24 the arresting authority, and such other information as the
25 court may require. During the pendency of the proceeding,
26 the petitioner shall promptly notify the circuit court

1 clerk of any change of his or her address. If the
2 petitioner has received a certificate of eligibility for
3 sealing from the Prisoner Review Board under paragraph (10)
4 of subsection (a) of Section 3-3-2 of the Unified Code of
5 Corrections, the certificate shall be attached to the
6 petition.

7 (3) Drug test. The petitioner must attach to the
8 petition proof that the petitioner has passed a test taken
9 within 30 days before the filing of the petition showing
10 the absence within his or her body of all illegal
11 substances as defined by the Illinois Controlled
12 Substances Act, the Methamphetamine Control and Community
13 Protection Act, and the Cannabis Control Act if he or she
14 is petitioning to:

15 (A) seal felony records under clause (c) (2) (E);

16 (B) seal felony records for a violation of the
17 Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act,
19 or the Cannabis Control Act under clause (c) (2) (F);

20 (C) seal felony records under subsection (e-5); or

21 (D) expunge felony records of a qualified
22 probation under clause (b) (1) (B) (iv).

23 (4) Service of petition. The circuit court clerk shall
24 promptly serve a copy of the petition and documentation to
25 support the petition under subsection (e), (e-5), or (e-6)
26 on the State's Attorney or prosecutor charged with the duty

1 of prosecuting the offense, the Department of State Police,
2 the arresting agency and the chief legal officer of the
3 unit of local government effecting the arrest.

4 (5) Objections.

5 (A) Any party entitled to notice of the petition
6 may file an objection to the petition. All objections
7 shall be in writing, shall be filed with the circuit
8 court clerk, and shall state with specificity the basis
9 of the objection.

10 (B) Objections to a petition to expunge or seal
11 must be filed within 60 days of the date of service of
12 the petition.

13 (6) Entry of order.

14 (A) The Chief Judge of the circuit wherein the
15 charge was brought, any judge of that circuit
16 designated by the Chief Judge, or in counties of less
17 than 3,000,000 inhabitants, the presiding trial judge
18 at the petitioner's trial, if any, shall rule on the
19 petition to expunge or seal as set forth in this
20 subsection (d)(6).

21 (B) Unless the State's Attorney or prosecutor, the
22 Department of State Police, the arresting agency, or
23 the chief legal officer files an objection to the
24 petition to expunge or seal within 60 days from the
25 date of service of the petition, the court shall enter
26 an order granting or denying the petition.

1 (7) Hearings. If an objection is filed, the court shall
2 set a date for a hearing and notify the petitioner and all
3 parties entitled to notice of the petition of the hearing
4 date at least 30 days prior to the hearing. Prior to the
5 hearing, the State's Attorney shall consult with the
6 Department as to the appropriateness of the relief sought
7 in the petition to expunge or seal. At the hearing, the
8 court shall hear evidence on whether the petition should or
9 should not be granted, and shall grant or deny the petition
10 to expunge or seal the records based on the evidence
11 presented at the hearing. The court may consider the
12 following:

13 (A) the strength of the evidence supporting the
14 defendant's conviction;

15 (B) the reasons for retention of the conviction
16 records by the State;

17 (C) the petitioner's age, criminal record history,
18 and employment history;

19 (D) the period of time between the petitioner's
20 arrest on the charge resulting in the conviction and
21 the filing of the petition under this Section; and

22 (E) the specific adverse consequences the
23 petitioner may be subject to if the petition is denied.

24 (8) Service of order. After entering an order to
25 expunge or seal records, the court must provide copies of
26 the order to the Department, in a form and manner

1 prescribed by the Department, to the petitioner, to the
2 State's Attorney or prosecutor charged with the duty of
3 prosecuting the offense, to the arresting agency, to the
4 chief legal officer of the unit of local government
5 effecting the arrest, and to such other criminal justice
6 agencies as may be ordered by the court.

7 (9) Implementation of order.

8 (A) Upon entry of an order to expunge records
9 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

10 (i) the records shall be expunged (as defined
11 in subsection (a) (1) (E)) by the arresting agency,
12 the Department, and any other agency as ordered by
13 the court, within 60 days of the date of service of
14 the order, unless a motion to vacate, modify, or
15 reconsider the order is filed pursuant to
16 paragraph (12) of subsection (d) of this Section;

17 (ii) the records of the circuit court clerk
18 shall be impounded until further order of the court
19 upon good cause shown and the name of the
20 petitioner obliterated on the official index
21 required to be kept by the circuit court clerk
22 under Section 16 of the Clerks of Courts Act, but
23 the order shall not affect any index issued by the
24 circuit court clerk before the entry of the order;
25 and

26 (iii) in response to an inquiry for expunged

1 records, the court, the Department, or the agency
2 receiving such inquiry, shall reply as it does in
3 response to inquiries when no records ever
4 existed.

5 (B) Upon entry of an order to expunge records
6 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

7 (i) the records shall be expunged (as defined
8 in subsection (a) (1) (E)) by the arresting agency
9 and any other agency as ordered by the court,
10 within 60 days of the date of service of the order,
11 unless a motion to vacate, modify, or reconsider
12 the order is filed pursuant to paragraph (12) of
13 subsection (d) of this Section;

14 (ii) the records of the circuit court clerk
15 shall be impounded until further order of the court
16 upon good cause shown and the name of the
17 petitioner obliterated on the official index
18 required to be kept by the circuit court clerk
19 under Section 16 of the Clerks of Courts Act, but
20 the order shall not affect any index issued by the
21 circuit court clerk before the entry of the order;

22 (iii) the records shall be impounded by the
23 Department within 60 days of the date of service of
24 the order as ordered by the court, unless a motion
25 to vacate, modify, or reconsider the order is filed
26 pursuant to paragraph (12) of subsection (d) of

1 this Section;

2 (iv) records impounded by the Department may
3 be disseminated by the Department only as required
4 by law or to the arresting authority, the State's
5 Attorney, and the court upon a later arrest for the
6 same or a similar offense or for the purpose of
7 sentencing for any subsequent felony, and to the
8 Department of Corrections upon conviction for any
9 offense; and

10 (v) in response to an inquiry for such records
11 from anyone not authorized by law to access such
12 records, the court, the Department, or the agency
13 receiving such inquiry shall reply as it does in
14 response to inquiries when no records ever
15 existed.

16 (B-5) Upon entry of an order to expunge records
17 under subsection (e-6):

18 (i) the records shall be expunged (as defined
19 in subsection (a)(1)(E)) by the arresting agency
20 and any other agency as ordered by the court,
21 within 60 days of the date of service of the order,
22 unless a motion to vacate, modify, or reconsider
23 the order is filed under paragraph (12) of
24 subsection (d) of this Section;

25 (ii) the records of the circuit court clerk
26 shall be impounded until further order of the court

1 upon good cause shown and the name of the
2 petitioner obliterated on the official index
3 required to be kept by the circuit court clerk
4 under Section 16 of the Clerks of Courts Act, but
5 the order shall not affect any index issued by the
6 circuit court clerk before the entry of the order;

7 (iii) the records shall be impounded by the
8 Department within 60 days of the date of service of
9 the order as ordered by the court, unless a motion
10 to vacate, modify, or reconsider the order is filed
11 under paragraph (12) of subsection (d) of this
12 Section;

13 (iv) records impounded by the Department may
14 be disseminated by the Department only as required
15 by law or to the arresting authority, the State's
16 Attorney, and the court upon a later arrest for the
17 same or a similar offense or for the purpose of
18 sentencing for any subsequent felony, and to the
19 Department of Corrections upon conviction for any
20 offense; and

21 (v) in response to an inquiry for these records
22 from anyone not authorized by law to access the
23 records, the court, the Department, or the agency
24 receiving the inquiry shall reply as it does in
25 response to inquiries when no records ever
26 existed.

1 (C) Upon entry of an order to seal records under
2 subsection (c), the arresting agency, any other agency
3 as ordered by the court, the Department, and the court
4 shall seal the records (as defined in subsection
5 (a) (1) (K)). In response to an inquiry for such records
6 from anyone not authorized by law to access such
7 records, the court, the Department, or the agency
8 receiving such inquiry shall reply as it does in
9 response to inquiries when no records ever existed.

10 (D) The Department shall send written notice to the
11 petitioner of its compliance with each order to expunge
12 or seal records within 60 days of the date of service
13 of that order or, if a motion to vacate, modify, or
14 reconsider is filed, within 60 days of service of the
15 order resolving the motion, if that order requires the
16 Department to expunge or seal records. In the event of
17 an appeal from the circuit court order, the Department
18 shall send written notice to the petitioner of its
19 compliance with an Appellate Court or Supreme Court
20 judgment to expunge or seal records within 60 days of
21 the issuance of the court's mandate. The notice is not
22 required while any motion to vacate, modify, or
23 reconsider, or any appeal or petition for
24 discretionary appellate review, is pending.

25 (10) Fees. The Department may charge the petitioner a
26 fee equivalent to the cost of processing any order to

1 expunge or seal records. Notwithstanding any provision of
2 the Clerks of Courts Act to the contrary, the circuit court
3 clerk may charge a fee equivalent to the cost associated
4 with the sealing or expungement of records by the circuit
5 court clerk. From the total filing fee collected for the
6 petition to seal or expunge, the circuit court clerk shall
7 deposit \$10 into the Circuit Court Clerk Operation and
8 Administrative Fund, to be used to offset the costs
9 incurred by the circuit court clerk in performing the
10 additional duties required to serve the petition to seal or
11 expunge on all parties. The circuit court clerk shall
12 collect and forward the Department of State Police portion
13 of the fee to the Department and it shall be deposited in
14 the State Police Services Fund.

15 (11) Final Order. No court order issued under the
16 expungement or sealing provisions of this Section shall
17 become final for purposes of appeal until 30 days after
18 service of the order on the petitioner and all parties
19 entitled to notice of the petition.

20 (12) Motion to Vacate, Modify, or Reconsider. Under
21 Section 2-1203 of the Code of Civil Procedure, the
22 petitioner or any party entitled to notice may file a
23 motion to vacate, modify, or reconsider the order granting
24 or denying the petition to expunge or seal within 60 days
25 of service of the order. If filed more than 60 days after
26 service of the order, a petition to vacate, modify, or

1 reconsider shall comply with subsection (c) of Section
2 2-1401 of the Code of Civil Procedure. Upon filing of a
3 motion to vacate, modify, or reconsider, notice of the
4 motion shall be served upon the petitioner and all parties
5 entitled to notice of the petition.

6 (13) Effect of Order. An order granting a petition
7 under the expungement or sealing provisions of this Section
8 shall not be considered void because it fails to comply
9 with the provisions of this Section or because of any error
10 asserted in a motion to vacate, modify, or reconsider. The
11 circuit court retains jurisdiction to determine whether
12 the order is voidable and to vacate, modify, or reconsider
13 its terms based on a motion filed under paragraph (12) of
14 this subsection (d).

15 (14) Compliance with Order Granting Petition to Seal
16 Records. Unless a court has entered a stay of an order
17 granting a petition to seal, all parties entitled to notice
18 of the petition must fully comply with the terms of the
19 order within 60 days of service of the order even if a
20 party is seeking relief from the order through a motion
21 filed under paragraph (12) of this subsection (d) or is
22 appealing the order.

23 (15) Compliance with Order Granting Petition to
24 Expunge Records. While a party is seeking relief from the
25 order granting the petition to expunge through a motion
26 filed under paragraph (12) of this subsection (d) or is

1 appealing the order, and unless a court has entered a stay
2 of that order, the parties entitled to notice of the
3 petition must seal, but need not expunge, the records until
4 there is a final order on the motion for relief or, in the
5 case of an appeal, the issuance of that court's mandate.

6 (16) The changes to this subsection (d) made by Public
7 Act 98-163 ~~this amendatory Act of the 98th General Assembly~~
8 apply to all petitions pending on August 5, 2013 (the
9 effective date of Public Act 98-163) ~~this amendatory Act of~~
10 ~~the 98th General Assembly~~ and to all orders ruling on a
11 petition to expunge or seal on or after August 5, 2013 (the
12 effective date of Public Act 98-163) ~~this amendatory Act of~~
13 ~~the 98th General Assembly~~.

14 (e) Whenever a person who has been convicted of an offense
15 is granted a pardon by the Governor which specifically
16 authorizes expungement, he or she may, upon verified petition
17 to the Chief Judge of the circuit where the person had been
18 convicted, any judge of the circuit designated by the Chief
19 Judge, or in counties of less than 3,000,000 inhabitants, the
20 presiding trial judge at the defendant's trial, have a court
21 order entered expunging the record of arrest from the official
22 records of the arresting authority and order that the records
23 of the circuit court clerk and the Department be sealed until
24 further order of the court upon good cause shown or as
25 otherwise provided herein, and the name of the defendant
26 obliterated from the official index requested to be kept by the

1 circuit court clerk under Section 16 of the Clerks of Courts
2 Act in connection with the arrest and conviction for the
3 offense for which he or she had been pardoned but the order
4 shall not affect any index issued by the circuit court clerk
5 before the entry of the order. All records sealed by the
6 Department may be disseminated by the Department only to the
7 arresting authority, the State's Attorney, and the court upon a
8 later arrest for the same or similar offense or for the purpose
9 of sentencing for any subsequent felony. Upon conviction for
10 any subsequent offense, the Department of Corrections shall
11 have access to all sealed records of the Department pertaining
12 to that individual. Upon entry of the order of expungement, the
13 circuit court clerk shall promptly mail a copy of the order to
14 the person who was pardoned.

15 (e-5) Whenever a person who has been convicted of an
16 offense is granted a certificate of eligibility for sealing by
17 the Prisoner Review Board which specifically authorizes
18 sealing, he or she may, upon verified petition to the Chief
19 Judge of the circuit where the person had been convicted, any
20 judge of the circuit designated by the Chief Judge, or in
21 counties of less than 3,000,000 inhabitants, the presiding
22 trial judge at the petitioner's trial, have a court order
23 entered sealing the record of arrest from the official records
24 of the arresting authority and order that the records of the
25 circuit court clerk and the Department be sealed until further
26 order of the court upon good cause shown or as otherwise

1 provided herein, and the name of the petitioner obliterated
2 from the official index requested to be kept by the circuit
3 court clerk under Section 16 of the Clerks of Courts Act in
4 connection with the arrest and conviction for the offense for
5 which he or she had been granted the certificate but the order
6 shall not affect any index issued by the circuit court clerk
7 before the entry of the order. All records sealed by the
8 Department may be disseminated by the Department only as
9 required by this Act or to the arresting authority, a law
10 enforcement agency, the State's Attorney, and the court upon a
11 later arrest for the same or similar offense or for the purpose
12 of sentencing for any subsequent felony. Upon conviction for
13 any subsequent offense, the Department of Corrections shall
14 have access to all sealed records of the Department pertaining
15 to that individual. Upon entry of the order of sealing, the
16 circuit court clerk shall promptly mail a copy of the order to
17 the person who was granted the certificate of eligibility for
18 sealing.

19 (e-6) Whenever a person who has been convicted of an
20 offense is granted a certificate of eligibility for expungement
21 by the Prisoner Review Board which specifically authorizes
22 expungement, he or she may, upon verified petition to the Chief
23 Judge of the circuit where the person had been convicted, any
24 judge of the circuit designated by the Chief Judge, or in
25 counties of less than 3,000,000 inhabitants, the presiding
26 trial judge at the petitioner's trial, have a court order

1 entered expunging the record of arrest from the official
2 records of the arresting authority and order that the records
3 of the circuit court clerk and the Department be sealed until
4 further order of the court upon good cause shown or as
5 otherwise provided herein, and the name of the petitioner
6 obliterated from the official index requested to be kept by the
7 circuit court clerk under Section 16 of the Clerks of Courts
8 Act in connection with the arrest and conviction for the
9 offense for which he or she had been granted the certificate
10 but the order shall not affect any index issued by the circuit
11 court clerk before the entry of the order. All records sealed
12 by the Department may be disseminated by the Department only as
13 required by this Act or to the arresting authority, a law
14 enforcement agency, the State's Attorney, and the court upon a
15 later arrest for the same or similar offense or for the purpose
16 of sentencing for any subsequent felony. Upon conviction for
17 any subsequent offense, the Department of Corrections shall
18 have access to all expunged records of the Department
19 pertaining to that individual. Upon entry of the order of
20 expungement, the circuit court clerk shall promptly mail a copy
21 of the order to the person who was granted the certificate of
22 eligibility for expungement.

23 (f) Subject to available funding, the Illinois Department
24 of Corrections shall conduct a study of the impact of sealing,
25 especially on employment and recidivism rates, utilizing a
26 random sample of those who apply for the sealing of their

1 criminal records under Public Act 93-211. At the request of the
2 Illinois Department of Corrections, records of the Illinois
3 Department of Workforce Development ~~Employment Security~~ shall
4 be utilized as appropriate to assist in the study. The study
5 shall not disclose any data in a manner that would allow the
6 identification of any particular individual or employing unit.
7 The study shall be made available to the General Assembly no
8 later than September 1, 2010.

9 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;
10 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
11 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,
12 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
13 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; revised
14 9-4-13.)

15 Section 125. The Department of Veterans Affairs Act is
16 amended by changing Section 15 as follows:

17 (20 ILCS 2805/15)

18 Sec. 15. Veterans advisory council.

19 (a) A veterans advisory council shall be established in the
20 State of Illinois. The council shall consist of at least 21
21 members as follows:

22 (1) Four members of the General Assembly, appointed one
23 each by the President of the Senate, the Minority Leader of
24 the Senate, the Speaker of the House of Representatives,

1 and the Minority Leader of the House of Representatives,
2 preferably from a legislative or representative district
3 in which a State-operated veterans home is located.

4 (2) Six veterans appointed by the Director of Veterans'
5 Affairs.

6 (3) One veteran appointed by the commander or president
7 of each veterans service organization that is chartered by
8 the federal government and by the State of Illinois and
9 elects to appoint a member.

10 (4) One person appointed by the Adjutant General of the
11 Illinois National Guard.

12 (5) One person appointed by the Illinois Attorney
13 General.

14 (6) One person appointed by the Illinois Secretary of
15 State.

16 (7) One person appointed by the Director of the
17 Illinois Department of Workforce Development ~~Employment~~
18 ~~Security~~.

19 (8) One person appointed by each military family
20 organization that is chartered by the federal government.

21 No member of the council shall be an employee or
22 representative of the Department of Veterans' Affairs.

23 Members of the council shall serve without compensation or
24 reimbursement.

25 (b) At the initial meeting of the council, the members
26 shall elect from among themselves a chairman. The members shall

1 draw lots to determine the length of their terms so that 9
2 members have terms that expire on July 1, 2005 and the
3 remaining members have terms that expire on July 1, 2006.
4 Thereafter, all members of the council shall be appointed for
5 terms of 2 years.

6 The appointing authority may at any time make an
7 appointment to fill a vacancy for the unexpired term of a
8 member.

9 (c) The council shall meet quarterly or at the call of the
10 chairman or at the call of the Director of Veterans' Affairs or
11 the Governor. The Department shall provide meeting space and
12 clerical and administrative support services for the council.

13 (d) The council has the power to do the following:

14 (1) Advise the Department of Veterans' Affairs with
15 respect to the fulfillment of its statutory duties.

16 (2) Review and study the issues and concerns that are
17 most significant to Illinois veterans and advise the
18 Department on those issues and concerns.

19 (3) Receive a report from the Director of Veterans'
20 Affairs or the Director's designee at each meeting with
21 respect to the general activities of the Department.

22 (4) Report to the Governor and the General Assembly
23 annually describing the issues addressed and the actions
24 taken by the council during the year as well as any
25 recommendations for future action.

26 (e) The council established under this Section replaces any

1 Illinois Veterans Advisory Council established under Executive
2 Order No. 3 (1982).

3 (Source: P.A. 96-1266, eff. 7-26-10.)

4 Section 130. The Human Services 211 Collaboration Board Act
5 is amended by changing Sections 10 and 10.5 as follows:

6 (20 ILCS 3956/10)

7 (For Act repeal see Section 90)

8 Sec. 10. Human Services 211 Collaboration Board.

9 (a) The Human Services 211 Collaboration Board is
10 established to implement a non-emergency telephone number that
11 will provide human services information concerning the
12 availability of governmental and non-profit services and
13 provide referrals to human services agencies, which may include
14 referral to an appropriate web site. The Board shall consist of
15 9 members appointed by the Governor. The Governor shall appoint
16 one representative of each of the following Offices and
17 Departments as a member of the Board: the Office of the
18 Governor, the Department of Human Services, the Department of
19 Healthcare and Family Services, the Department of Public
20 Health, the Department of Children and Family Services, the
21 Department on Aging, the Department of Workforce Development
22 ~~Employment Security~~, the Department of Human Rights, and the
23 Illinois Commerce Commission. The Governor shall designate one
24 of the members as Chairperson. Members of the Board shall serve

1 3-year terms and may be reappointed to serve additional terms.

2 (b) The Board shall establish standards consistent with the
3 standards established by the National 211 Collaborative and the
4 Alliance of Information and Referral Systems for providing
5 information about and referrals to human services agencies to
6 211 callers. The standards shall prescribe the technology or
7 manner of delivering 211 calls and shall not exceed any
8 requirements for 211 systems set by the Federal Communications
9 Commission. The standards shall be consistent with the
10 Americans with Disabilities Act, ensuring accessibility for
11 users of Teletypewriters for the Deaf (TTY).

12 (Source: P.A. 94-427, eff. 1-1-06; 95-331, eff. 8-21-07.)

13 (20 ILCS 3956/10.5)

14 (For Act repeal see Section 90)

15 Sec. 10.5. Advisory panel. The Human Services 211
16 Collaborative Board advisory panel is created to advise the
17 Board on the implementation and administration of this Act.

18 The panel shall consist of members appointed by the
19 Governor. The Governor shall appoint one representative of each
20 of the following Offices and Departments as a member of the
21 advisory panel: the Office of the Governor, the Department of
22 Human Services, the Department of Public Aid, the Department of
23 Public Health, the Department of Children and Family Services,
24 the Department on Aging, the Department of Workforce
25 Development ~~Employment Security~~, the Department of Human

1 Rights, and the Illinois Commerce Commission. The Governor
2 shall appoint up to 14 representatives of not-for-profit human
3 services organizations in the State to the advisory panel. The
4 Governor shall designate one of the members as chairperson.
5 Members of the advisory panel shall serve 3-year terms and may
6 be reappointed to serve additional terms.

7 (Source: P.A. 94-427, eff. 1-1-06.)

8 Section 135. The Illinois Economic Development Board Act is
9 amended by changing Section 4.5 as follows:

10 (20 ILCS 3965/4.5)

11 Sec. 4.5. Additional duties. In addition to those duties
12 granted under Section 4, the Illinois Economic Development
13 Board shall:

14 (1) Establish a Business Investment Location
15 Development Committee for the purpose of making
16 recommendations for designated economic development
17 projects. At the request of the Board, the Director of
18 Commerce and Economic Opportunity or his or her designee;
19 the Director of the Governor's Office of Management and
20 Budget, or his or her designee; the Director of Revenue, or
21 his or her designee; the Director of Workforce Development
22 ~~Employment Security~~, or his or her designee; and an elected
23 official of the affected locality, such as the chair of the
24 county board or the mayor, may serve as members of the

1 Committee to assist with its analysis and deliberations.

2 (2) Establish a Business Regulatory Review Committee
3 to generate private sector analysis, input, and guidance on
4 methods of regulatory assistance and review. At the
5 determination of the Board, individual small business
6 owners and operators; national, State, and regional
7 organizations representative of small firms; and
8 representatives of existing State or regional councils of
9 business may be designated as members of this Business
10 Regulatory Review Committee.

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

12 Section 140. The Interagency Coordinating Committee on
13 Transportation Act is amended by changing Section 15 as
14 follows:

15 (20 ILCS 3968/15)

16 Sec. 15. Committee. The Illinois Coordinating Committee on
17 Transportation is created and shall consist of the following
18 members:

19 (1) The Governor or his or her designee.

20 (2) The Secretary of Transportation or his or her
21 designee.

22 (3) The Secretary of Human Services or his or her
23 designee.

24 (4) The Director of Aging or his or her designee.

1 (5) The Director of Healthcare and Family Services or
2 his or her designee.

3 (6) The Director of Commerce and Economic Opportunity
4 or his or her designee.

5 (7) A representative of the Illinois Rural Transit
6 Assistance Center.

7 (8) A person who is a member of a recognized statewide
8 organization representing older residents of Illinois.

9 (9) A representative of centers for independent
10 living.

11 (10) A representative of the Illinois Public
12 Transportation Association.

13 (11) A representative of an existing transportation
14 system that coordinates and provides transit services in a
15 multi-county area for the Department of Transportation,
16 Department of Human Services, Department of Commerce and
17 Economic Opportunity, or Department on Aging.

18 (12) A representative of a statewide organization of
19 rehabilitation facilities or other providers of services
20 for persons with one or more disabilities.

21 (13) A representative of a community-based
22 organization.

23 (14) A representative of the Department of Public
24 Health.

25 (15) A representative of the Rural Partners.

26 (16) The Director of Workforce Development ~~Employment~~

1 ~~Security~~ or his or her designee.

2 (17) A representative of a statewide business
3 association.

4 (18) A representative of the Illinois Council on
5 Developmental Disabilities.

6 The Governor shall appoint the members of the Committee
7 other than those named in paragraphs (1) through (6) and
8 paragraph (16) of this Section. The Governor or his or her
9 designee shall serve as chairperson of the Committee and shall
10 convene the meetings of the Committee. The Secretary of
11 Transportation and a representative of a community-based
12 organization involved in transportation or their designees,
13 shall serve as co-vice-chairpersons and shall be responsible
14 for staff support for the committee.

15 (Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.)

16 Section 145. The Interagency Coordinating Council Act is
17 amended by changing Section 2 as follows:

18 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

19 Sec. 2. Interagency Coordinating Council. There is hereby
20 created an Interagency Coordinating Council which shall be
21 composed of the Directors, or their designees, of the Illinois
22 Department of Children and Family Services, Illinois
23 Department of Commerce and Economic Opportunity, Illinois
24 Department of Corrections, Illinois Department of Workforce

1 Development ~~Employment Security~~, and Illinois Department of
2 Healthcare and Family Services; the Secretary of Human Services
3 or his or her designee; the Executive Director, or a designee,
4 of the Illinois Community College Board, the Board of Higher
5 Education, and the Illinois Planning Council on Developmental
6 Disabilities; the State Superintendent of Education, or a
7 designee; and a designee representing the University of
8 Illinois - Division of Specialized Care for Children. The
9 Secretary of Human Services (or the member who is the designee
10 for the Secretary of Human Services) and the State
11 Superintendent of Education (or the member who is the designee
12 for the State Superintendent of Education) shall be co-chairs
13 of the Council. The co-chairs shall be responsible for ensuring
14 that the functions described in Section 3 of this Act are
15 carried out.

16 (Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.)

17 Section 150. The Illinois Workforce Investment Board Act is
18 amended by changing Section 7.2 as follows:

19 (20 ILCS 3975/7.2)

20 Sec. 7.2. Posting requirements; Department of Workforce
21 Development's ~~Commerce and Economic Opportunity's~~ website. On
22 and after the effective date of this amendatory Act of the 98th
23 ~~97th~~ General Assembly, the Illinois Workforce Investment Board
24 must annually submit to the Department of Workforce Development

1 ~~Commerce and Economic Opportunity~~ the following information to
2 be posted on the Department's official Internet website:

3 (1) All agendas and meeting minutes for meetings of the
4 Illinois Workforce Investment Board.

5 (2) All line-item budgets for the local workforce
6 investment areas located within the State.

7 (3) A listing of all contracts and contract values for
8 all workforce development training and service providers.

9 The information required under this Section must be posted
10 on the Department of Workforce Development's ~~Commerce and~~
11 ~~Economic Opportunity's~~ Internet website no later than 30 days
12 after the Department receives the information from the Illinois
13 Workforce Investment Board.

14 (Source: P.A. 97-356, eff. 1-1-12.)

15 Section 155. The Illinois Latino Family Commission Act is
16 amended by changing Sections 15 and 20 as follows:

17 (20 ILCS 3983/15)

18 Sec. 15. Purpose and objectives. The purpose of the
19 Illinois Latino Family Commission is to advise the Governor and
20 General Assembly, as well as work directly with State agencies
21 to improve and expand existing policies, services, programs,
22 and opportunities for Latino families. Subject to
23 appropriation, the Illinois Latino Family Commission shall
24 guide the efforts of and collaborate with State agencies,

1 including: the Department on Aging, the Department of Children
2 and Family Services, the Department of Commerce and Economic
3 Opportunity, the Department of Corrections, the Department of
4 Human Services, the Department of Public Aid, the Department of
5 Public Health, the Department of Transportation, the
6 Department of Workforce Development ~~Employment Security~~, and
7 others. This shall be achieved primarily by:

8 (1) monitoring and commenting on existing and proposed
9 legislation and programs designed to address the needs of
10 Latinos in Illinois;

11 (2) assisting State agencies in developing programs,
12 services, public policies, and research strategies that
13 will expand and enhance the social and economic well-being
14 of Latino children and families;

15 (3) facilitating the participation and representation
16 of Latinos in the development, implementation, and
17 planning of policies, programs, and services; and

18 (4) promoting research efforts to document the impact
19 of policies and programs on Latino families.

20 The work of the Illinois Latino Family Commission shall
21 include the use of existing reports, research, and planning
22 efforts, procedures, and programs.

23 (Source: P.A. 95-619, eff. 9-14-07; 95-876, eff. 8-21-08.)

24 (20 ILCS 3983/20)

25 Sec. 20. Appointment; terms. The Illinois Latino Family

1 Commission shall be comprised of 15 members. The Governor, the
2 President of the Senate, the Minority Leader of the Senate, the
3 Speaker of the House of Representatives, and the Minority
4 Leader of the House of Representatives shall each appoint 3
5 members to the Commission. Each member shall have working
6 knowledge of human services, community development, and
7 economic public policies in Illinois. The Governor shall
8 appoint the chairperson or chairpersons.

9 The members shall reflect regional representation to
10 ensure that the needs of Latino families and children
11 throughout the State are met. The members shall be selected
12 from a variety of disciplines. They shall represent a
13 partnership and collaborative effort between public and
14 private agencies, the business sector, and community-based
15 human services organizations.

16 Members shall serve 3-year terms, except in the case of
17 initial appointments. Five members, as determined by lot, shall
18 be appointed to one-year terms; 5 members shall be appointed to
19 2-year terms; and 5 members shall be appointed to 3-year terms,
20 so that the terms are staggered. Members shall serve without
21 compensation, but shall be reimbursed for Commission-related
22 expenses.

23 The Department on Aging, the Department of Children and
24 Family Services, the Department of Commerce and Economic
25 Opportunity, the Department of Corrections, the Department of
26 Workforce Development ~~Employment Security~~, the Department of

1 Human Services, the Department of Healthcare and Family
2 Services, the Department of Public Health, the Illinois State
3 Board of Education, the Illinois State Board of Higher
4 Education, the Illinois Community College Board, the Illinois
5 Department of Human Rights, the Capital Development Board, the
6 Department of Labor, and the Department of Transportation shall
7 each appoint a liaison to serve ex-officio on the Commission.
8 The Office of the Governor, in cooperation with the State
9 agencies appointing liaisons to the Commission under this
10 paragraph, shall provide administrative support to the
11 Commission.

12 (Source: P.A. 98-32, eff. 1-1-14.)

13 Section 160. The Social Security Number Protection Task
14 Force Act is amended by changing Section 10 as follows:

15 (20 ILCS 4040/10)

16 Sec. 10. Social Security Number Protection Task Force.

17 (a) The Social Security Number Protection Task Force is
18 created within the Office of the Attorney General. The Attorney
19 General is responsible for administering the activities of the
20 Task Force. The Task Force shall consist of the following
21 members:

22 (1) Two members representing the House of
23 Representatives, appointed by the Speaker of the House of
24 Representatives;

1 (2) Two members representing the House of
2 Representatives, appointed by the Minority Leader of the
3 House of Representatives;

4 (3) Two members representing the Senate, appointed by
5 the President of the Senate;

6 (4) Two members representing the Senate, appointed by
7 the Minority Leader of the Senate;

8 (5) One member, who shall serve as the chairperson of
9 the Task Force, representing the Office of the Attorney
10 General, appointed by the Attorney General;

11 (6) One member representing the Office of the Secretary
12 of State, appointed by the Secretary of State;

13 (7) One member representing the Office of the Governor,
14 appointed by the Governor;

15 (8) One member representing the Department of Natural
16 Resources, appointed by the Director of Natural Resources;

17 (9) One member representing the Department of
18 Healthcare and Family Services, appointed by the Director
19 of Healthcare and Family Services;

20 (10) One member representing the Department of
21 Revenue, appointed by the Director of Revenue;

22 (11) One member representing the Department of State
23 Police, appointed by the Director of State Police;

24 (12) One member representing the Department of
25 Workforce Development ~~Employment Security~~, appointed by
26 the Director of Workforce Development ~~Employment Security~~;

1 (13) One member representing the Illinois Courts,
2 appointed by the Director of the Administrative Office of
3 Illinois Courts;

4 (14) One member representing the Department on Aging,
5 appointed by the Director of the Department on Aging;

6 (15) One member appointed by the Director of Central
7 Management Services;

8 (16) One member appointed by the Executive Director of
9 the Board of Higher Education;

10 (17) One member appointed by the Secretary of Human
11 Services;

12 (18) Three members appointed by the chairperson of the
13 Task Force, representing local-governmental organizations,
14 who may include representatives of clerks of the circuit
15 court, recorders of deeds, counties, and municipalities;

16 (19) One member representing the Office of the State
17 Comptroller, appointed by the Comptroller; and

18 (20) One member representing school administrators,
19 appointed by the State Superintendent of Education.

20 (b) The Task Force shall examine the procedures used by the
21 State to protect an individual against the unauthorized
22 disclosure of his or her social security number when the State
23 requires the individual to provide his or her social security
24 number to an officer or agency of the State.

25 (c) The Task Force shall report its findings and
26 recommendations, including its recommendations concerning a

1 unique identification number system under Section 15, to the
2 Governor, the Attorney General, the Secretary of State, and the
3 General Assembly no later than December 31 of each year.

4 (Source: P.A. 94-611, eff. 8-18-05; 95-331, eff. 8-21-07;
5 95-482, eff. 8-28-07.)

6 Section 165. The Commission on Children and Youth Act is
7 amended by changing Section 15 as follows:

8 (20 ILCS 4075/15)

9 Sec. 15. Commission members; appointments. The Commission
10 shall be composed of the following members, to be appointed
11 within 60 days after the effective date of this Act:

12 (a) Four members of the General Assembly: 2 members of the
13 Illinois Senate, one member appointed by the President of the
14 Senate and one member appointed by the Senate Minority Leader;
15 2 members of the Illinois House of Representatives, one member
16 appointed by the Speaker of the House and one member appointed
17 by the House Minority Leader.

18 (b) A member of the Governor's leadership team appointed by
19 the Governor, who shall serve as one of the co-chairs of the
20 Commission.

21 (c) Up to 30 public members appointed by the Governor with
22 demonstrated interest and expertise in children and youth
23 across the major stages of child and adolescent development.
24 Public members shall include rural, suburban and urban

1 entities; direct service providers; child advocates; human
2 rights organizations; faith-based service providers;
3 philanthropic organizations that invest in children and youth;
4 at least 3 parents of children under the age of 16; and at
5 least 3 young people between the ages of 16 and 24. A second
6 co-chair of the Commission shall be elected from among the
7 public members of the Commission by the public members.

8 (d) The following shall serve as ex-officio members of the
9 Commission: the Director of Children and Family Services or his
10 or her designee; the Director of Commerce and Economic
11 Opportunity or his or her designee; the Director of Corrections
12 or his or her designee; the Director of Workforce Development
13 ~~Employment Security~~ or his or her designee; the Director of
14 Healthcare and Family Services or his or her designee; the
15 Secretary of Human Services or his or her designee; the
16 Director of Juvenile Justice or his or her designee; the
17 Director of Public Health or his or her designee; the State
18 Superintendent of Education or his or her designee; the
19 Commissioner of the Chicago Department of Children and Youth
20 Services or his or her designee; the Executive Director of the
21 Illinois Violence Prevention Authority or his or her designee;
22 the Chair of the Illinois African-American Family Commission or
23 his or her designee; and the Chair of the Latino Family
24 Commission or his or her designee. In addition, there shall be
25 a representative of a local government entity coordinating
26 services for children and youth and a representative of the

1 Illinois Early Learning Council, to be chosen by the chairs.

2 (Source: P.A. 95-781, eff. 8-5-08.)

3 Section 170. The Commission on the Elimination of Poverty
4 Act is amended by changing Section 15 as follows:

5 (20 ILCS 4080/15)

6 Sec. 15. Members. The Commission on the Elimination of
7 Poverty shall be composed of no more than 26 voting members
8 including 2 members of the Illinois House of Representatives,
9 one appointed by the Speaker of the House and one appointed by
10 the House Minority Leader; 2 members of the Illinois Senate,
11 one appointed by the Senate President and one appointed by the
12 Senate Minority Leader; one representative of the Office of the
13 Governor appointed by the Governor; one representative of the
14 Office of the Lieutenant Governor appointed by the Lieutenant
15 Governor; and 20 public members, 4 of whom shall be appointed
16 by the Governor, 4 of whom shall be appointed by the Speaker of
17 the House, 4 of whom shall be appointed by the House Minority
18 Leader, 4 of whom shall be appointed by the Senate President,
19 and 4 of whom shall be appointed by the Senate Minority Leader.
20 It shall be determined by lot who will appoint which public
21 members of the Commission. The public members shall include a
22 representative of a service-based human rights organization; 2
23 representatives from anti-poverty organizations, including one
24 that focuses on rural poverty; 2 individuals who have

1 experienced extreme poverty; a representative of an
2 organization that advocates for health care access,
3 affordability and availability; a representative of an
4 organization that advocates for persons with mental illness; a
5 representative of an organization that advocates for children
6 and youth; a representative of an organization that advocates
7 for quality and equality in education; a representative of an
8 organization that advocates for people who are homeless; a
9 representative of a statewide anti-hunger organization; a
10 person with a disability; a representative of an organization
11 that advocates for persons with disabilities; a representative
12 of an organization that advocates for immigrants; a
13 representative of a statewide faith-based organization that
14 provides direct social services in Illinois; a representative
15 of an organization that advocates for economic security for
16 women; a representative of an organization that advocates for
17 older adults; a representative of a labor organization that
18 represents primarily low and middle-income wage earners; a
19 representative of a municipal or county government; and a
20 representative of township government. The appointed members
21 shall reflect the racial, gender, and geographic diversity of
22 the State and shall include representation from regions of the
23 State experiencing the highest rates of extreme poverty.

24 The following officials shall serve as ex-officio members:
25 the Secretary of Human Services or his or her designee; the
26 Director of Corrections or his or her designee; the Director of

1 Healthcare and Family Services or his or her designee; the
2 Director of Human Rights or his or her designee; the Director
3 of Children and Family Services or his or her designee; the
4 Director of Commerce and Economic Opportunity or his or her
5 designee; the State Superintendent of Education or his or her
6 designee; the Director of Aging or his or her designee; the
7 Director of Public Health or his or her designee; and the
8 Director of Workforce Development ~~Employment Security~~ or his or
9 her designee. The State Workforce Investment Board, the
10 African-American Family Commission, and the Latino Family
11 Commission shall each designate a liaison to serve ex-officio
12 on the Commission.

13 Members shall serve without compensation, but, subject to
14 the availability of funds, public members may be reimbursed for
15 reasonable and necessary travel expenses connected to
16 Commission business.

17 Commission members shall be appointed within 60 days after
18 the effective date of this Act. The Commission shall hold its
19 initial meeting within 30 days after at least 50% of the
20 members have been appointed.

21 The representative of the Office of the Governor and the
22 representative of a service-based human rights organization
23 shall serve as co-chairs of the Commission.

24 At the first meeting of the Commission, the members shall
25 select a 7-person Steering Committee that includes the
26 co-chairs.

1 The Commission may establish committees that address
2 specific issues or populations and may appoint individuals with
3 relevant expertise who are not appointed members of the
4 Commission to serve on committees as needed.

5 Subject to appropriation, the office of the Governor, or a
6 designee of the Governor's choosing, shall provide
7 administrative support to the Commission.

8 (Source: P.A. 95-833, eff. 8-15-08; 96-64, eff. 7-23-09.)

9 Section 175. The Employment and Economic Opportunity for
10 Persons with Disabilities Task Force Act is amended by changing
11 Section 10 as follows:

12 (20 ILCS 4095/10)

13 Sec. 10. Employment and Economic Opportunity for Persons
14 with Disabilities Task Force.

15 (a) The Employment and Economic Opportunity for Persons
16 with Disabilities Task Force is created.

17 (b) The Employment and Economic Opportunity for Persons
18 with Disabilities Task Force shall be appointed and hold its
19 first meeting within 90 days after the effective date of this
20 Act, be convened by the Governor, and operate with
21 administrative support from the Illinois Department of
22 Workforce Development ~~Employment Security~~.

23 (c) The Task Force shall be comprised of the following
24 representatives of State Government: a high-ranking member of

1 the Governor's management team, designated by the Governor;
2 representatives of each division of the Department of Human
3 Services, designated by the Secretary of Human Services; the
4 Director of Healthcare and Family Services, or his or her
5 designee; the Director of Veterans' Affairs or his or her
6 designee; the Director of Commerce and Economic Opportunity or
7 his or her designee; the Director of Workforce Development
8 ~~Employment Security~~ or his or her designee; the Executive
9 Director of the Illinois Council on Developmental Disabilities
10 or his or her designee; and the State Superintendent of
11 Education or his or her designee.

12 (d) The Task Force shall also consist of no more than 15
13 public members who shall be appointed by the Governor and who
14 represent the following constituencies: statewide
15 organizations that advocate for persons with physical,
16 developmental and psychiatric disabilities, entities with
17 expertise in assistive technology devices and services for
18 persons with disabilities, advocates for veterans with
19 disabilities, centers for independent living, disability
20 services providers, organized labor, higher education, the
21 private sector business community, entities that provide
22 employment and training services to persons with disabilities,
23 and at least 5 persons who have a disability.

24 (e) The Task Force shall be co-chaired by the
25 representative of the Governor and a public member who shall be
26 chosen by the other public members of the Task Force.

1 (f) The Task Force members shall serve voluntarily and
2 without compensation. Persons with disabilities serving on the
3 Task Force shall be accommodated to enable them to fully
4 participate in Task Force activities.

5 (g) The co-chairs of the Task Force shall extend an
6 invitation to chairs and minority spokespersons of appropriate
7 legislative committees to attend all meetings of the Task
8 Force, and may invite other individuals who are not members of
9 the Task Force to participate in subcommittees of the Task
10 Force or to take part in discussions of topics for which those
11 individuals have particular expertise.

12 (h) The Task Force shall coordinate its work with existing
13 State advisory bodies whose work may include employment and
14 economic opportunity for persons with disabilities.

15 (Source: P.A. 96-368, eff. 8-13-09; 97-1066, eff. 8-24-12.)

16 Section 180. The Task Force on Inventorying Employment
17 Restrictions Act is amended by changing Sections 10 and 15 as
18 follows:

19 (20 ILCS 5000/10)

20 Sec. 10. Definitions. As used in this Act:

21 "State agencies" shall mean the following State agencies,
22 boards, and commissions: Department on Aging, Department of
23 Agriculture, Office of Appellate Defender, Office of the
24 State's Attorneys Appellate Prosecutor, Illinois Arts Council,

1 Office of the Attorney General, Auditor General, Capital
2 Development Board, Department of Central Management Services,
3 Department of Children and Family Services, Civil Service
4 Commission, Illinois Department of Commerce and Economic
5 Opportunity, Illinois Commerce Commission, Illinois Community
6 College Board, State of Illinois Comprehensive Health
7 Insurance Plan, Office of the Comptroller, Department of
8 Corrections, Criminal Justice Information Authority, Illinois
9 Council on Developmental Disabilities, Illinois Deaf and Hard
10 of Hearing Commission, Commission on Discrimination and Hate
11 Crimes, State Board of Education, Illinois Educational Labor
12 Relations Board, State Board of Elections, Illinois Emergency
13 Management Agency, Department of Workforce Development
14 ~~Employment Security~~, Environmental Protection Agency, Illinois
15 State Fair, Illinois Finance Authority, Department of
16 Financial and Professional Regulation, Office of the First
17 Lady, Illinois Gaming Board, Office of the Governor,
18 Guardianship and Advocacy Commission, Department of Healthcare
19 and Family Services, Board of Higher Education, Historic
20 Preservation Agency, Illinois Housing Development Authority,
21 Illinois Human Rights Commission, Department of Human Rights,
22 Department of Human Services, Illinois State Board of
23 Investment, Department of Juvenile Justice, Office of the
24 Lieutenant Governor, Department of Labor, Illinois Labor
25 Relations Board, Illinois Law Enforcement Training Standards
26 Board, Illinois Liquor Control Commission, Illinois Lottery,

1 Governor's Office of Management and Budget, Illinois Medical
2 District Commission, Department of Military Affairs,
3 Department of Natural Resources, Pollution Control Board,
4 Prairie State 2000 Authority, Property Tax Appeal Board,
5 Department of Public Health, Illinois Prisoner Review Board,
6 Illinois Racing Board, Department of Revenue, Office of the
7 Secretary of State, State Fire Marshal, Illinois State Police,
8 State Police Merit Board, State Retirement Systems, Office of
9 the State Treasurer, State Universities Civil Service System,
10 State Universities Retirement System, Illinois Student
11 Assistance Commission, Illinois Supreme Court, Illinois
12 Teachers' Retirement System, Illinois State Toll Highway
13 Authority, Department of Transportation, Department of
14 Veterans Affairs', Governor's Office of Women's Affairs, and
15 Illinois Workers' Compensation Commission.

16 (Source: P.A. 96-593, eff. 8-18-09.)

17 (20 ILCS 5000/15)

18 Sec. 15. Task Force.

19 (a) The Task Force on Inventorying Employment Restrictions
20 is hereby created in the Illinois Criminal Justice Information
21 Authority. The purpose of the Task Force is to review the
22 statutes, administrative rules, policies and practices that
23 restrict employment of persons with a criminal history, as set
24 out in subsection (c) of this Section, and to report to the
25 Governor and the General Assembly those employment

1 restrictions and their impact on employment opportunities for
2 people with criminal records. The report shall also identify
3 any employment restrictions that are not reasonably related to
4 public safety.

5 (b) Within 60 days after the effective date of this
6 amendatory Act of the 97th General Assembly, the President of
7 the Senate, the Speaker of the House of Representatives, the
8 Minority Leader of the Senate, and the Minority Leader of the
9 House of Representatives shall each appoint 2 members of the
10 General Assembly to the Task Force. The term of office of any
11 member of the public appointed by the President of the Senate,
12 the Speaker of the House of Representatives, the Minority
13 Leader of the Senate, or the Minority Leader of the House of
14 Representatives serving on the effective date of this
15 amendatory Act of the 97th General Assembly shall end on that
16 date. The Governor shall appoint the Task Force chairperson. In
17 addition, the Director or Secretary of each of the following,
18 or his or her designee, are members: the Department of Human
19 Services, the Department of Corrections, the Department of
20 Commerce and Economic Opportunity, the Department of Children
21 and Family Services, the Department of Human Rights, the
22 Department of Central Management Services, the Department of
23 Workforce Development ~~Employment Security~~, the Department of
24 Public Health, the Department of State Police, the Illinois
25 State Board of Education, the Illinois Board of Higher
26 Education, the Illinois Community College Board, and the

1 Illinois Criminal Justice Information Authority. Members shall
2 not receive compensation. The Illinois Criminal Justice
3 Information Authority shall provide staff and other assistance
4 to the Task Force.

5 (c) On or before November 1, 2011, all State agencies shall
6 produce a report for the Task Force that describes the
7 employment restrictions that are based on criminal records for
8 each occupation under the agency's jurisdiction and that of its
9 boards, if any, including, but not limited to, employment
10 within the agency; employment in facilities licensed,
11 regulated, supervised, or funded by the agency; employment
12 pursuant to contracts with the agency; and employment in
13 occupations that the agency licenses or provides
14 certifications to practice. For each occupation subject to a
15 criminal records-based restriction, the agency shall set forth
16 the following:

17 (1) the job title, occupation, job classification, or
18 restricted place of employment, including the range of
19 occupations affected in such places;

20 (2) the statute, regulation, policy, and procedure
21 that authorizes the restriction of applicants for
22 employment and licensure, current employees, and current
23 licenses;

24 (3) the substance and terms of the restriction, and

25 (A) if the statute, regulation, policy or practice
26 enumerates disqualifying offenses, a list of each

1 disqualifying offense, the time limits for each
2 offense, and the point in time when the time limit
3 begins;

4 (B) if the statute, regulation, policy or practice
5 does not enumerate disqualifying offenses and instead
6 provides for agency discretion in determining
7 disqualifying offenses, the criteria the agency has
8 adopted to apply the disqualification to individual
9 cases. Restrictions based on agency discretion
10 include, but are not limited to, restrictions based on
11 an offense "related to" the practice of a given
12 profession; an offense or act of "moral turpitude"; and
13 an offense evincing a lack of "good moral character".

14 (4) the procedures used by the agency to identify an
15 individual's criminal history, including but not limited
16 to disclosures on applications and background checks
17 conducted by law enforcement or private entities;

18 (5) the procedures used by the agency to determine and
19 review whether an individual's criminal history
20 disqualifies that individual;

21 (6) the year the restriction was adopted, and its
22 rationale;

23 (7) any exemption, waiver, or review mechanisms
24 available to seek relief from the disqualification based on
25 a showing of rehabilitation or otherwise, including the
26 terms of the mechanism, the nature of the relief it

1 affords, and whether an administrative and judicial appeal
2 is authorized;

3 (8) any statute, rule, policy and practice that
4 requires an individual convicted of a felony to have his
5 civil rights restored to become qualified for the job; and
6 9 copies of the following documents:

7 (A) forms, applications, and instructions provided
8 to applicants and those denied or terminated from jobs
9 or licenses based on their criminal record;

10 (B) forms, rules, and procedures that the agency
11 employs to provide notice of disqualification, to
12 review applications subject to disqualification, and
13 to provide for exemptions and appeals of
14 disqualification;

15 (C) memos, guidance, instructions to staff,
16 scoring criteria and other materials used by the agency
17 to evaluate the criminal histories of applicants,
18 licensees, and employees; and

19 (D) forms and notices used to explain waiver,
20 exemption and appeals procedures for denial,
21 suspensions and terminations of employment or
22 licensure based on criminal history.

23 (d) Each State agency shall participate in a review to
24 determine the impact of the employment restrictions based on
25 criminal records and the effectiveness of existing
26 case-by-case review mechanisms. The information required under

1 this subsection (d) shall be limited to the data and
2 information in the possession of the State agency on the
3 effective date of this amendatory Act of the 97th General
4 Assembly. With respect to compliance with the requirements of
5 this subsection (d), a State agency is under no obligation to
6 collect additional data or information. For each occupation
7 under the agency's jurisdiction for which there are employment
8 restrictions based on criminal records, each State agency must
9 provide the Task Force with a report, on or before February 1,
10 2012, for the previous 2-year period, setting forth:

11 (1) the total number of people currently employed in
12 the occupation whose employment or licensure required
13 criminal history disclosure, background checks or
14 restrictions;

15 (2) the number and percentage of individuals who
16 underwent a criminal history background check;

17 (3) the number and percentage of individuals who were
18 merely required to disclose their criminal history without
19 a criminal history background check;

20 (4) the number and percentage of individuals who were
21 found disqualified based on criminal history disclosure by
22 the applicant;

23 (5) the number and percentage of individuals who were
24 found disqualified based on a criminal history background
25 check;

26 (6) the number and percentage of individuals who sought

1 an exemption or waiver from the disqualification;

2 (7) the number and percentage of individuals who sought
3 an exemption or waiver who were subsequently granted the
4 exemption or waiver at the first level of agency review (if
5 multiple levels of review are available);

6 (8) the number and percentage of individuals who sought
7 an exemption or waiver who were subsequently granted the
8 exemption or waiver at the next level of agency review (if
9 multiple levels of review are available);

10 (9) the number and percentage of individuals who were
11 denied an exemption or waiver at the final level of agency
12 review, and then sought review through an administrative
13 appeal;

14 (10) the number and percentage of individuals who were
15 denied an exemption or waiver at the final level of agency
16 review, and then sought review through an administrative
17 appeal and were then found qualified after such a review;

18 (11) the number and percentage of individuals who were
19 found disqualified where no waiver or exemption process is
20 available;

21 (12) the number and percentage of individuals who were
22 found disqualified where no waiver or exemption process is
23 available and who sought administrative review and then
24 were found qualified; and

25 (13) if the agency maintains records of active licenses
26 or certifications, the executive agency shall provide the

1 total number of employees in occupations subject to
2 criminal history restrictions.

3 (e) (Blank).

4 (f) The Task Force shall report to the Governor and the
5 General Assembly its findings, including recommendations as to
6 any employment restrictions that are not reasonably related to
7 public safety, by July 1, 2013.

8 (Source: P.A. 96-593, eff. 8-18-09; 96-1360, eff. 7-28-10;
9 97-501, eff. 8-23-11; 97-1132, eff. 8-28-12.)

10 Section 185. The Commission to End the Disparities Facing
11 the African-American Community Act is amended by changing
12 Section 5 as follows:

13 (20 ILCS 5020/5)

14 (Section scheduled to be repealed on July 1, 2014)

15 Sec. 5. Commission; creation; members. There is created a
16 Commission to End the Disparities Facing the African-American
17 Community, to consist of members as follows:

18 (1) 2 members of the Senate appointed by the Senate
19 President, one of whom the President shall designate to
20 serve as co-chair, and 2 members of the Senate appointed by
21 the Minority Leader of the Senate;

22 (2) 2 members of the House of Representatives appointed
23 by the Speaker of the House of Representatives, one of whom
24 the Speaker shall designate to serve as co-chair, and 2

1 members of the House of Representatives appointed by the
2 Minority Leader of the House of Representatives;

3 (3) the following Illinois officials or their
4 designees:

5 (i) the Director of Human Services,

6 (ii) the Director of Healthcare and Family
7 Services,

8 (iii) the Director of Children and Family
9 Services,

10 (iv) the Director of Public Health,

11 (v) the Director of Aging,

12 (vi) the Director of Labor,

13 (vii) the Director of Workforce Development
14 ~~Employment Security~~,

15 (viii) the Director of Commerce and Economic
16 Opportunity,

17 (ix) the State Superintendent of Education,

18 (x) the Executive Director of the Board of Higher
19 Education,

20 (xi) the Director of Corrections,

21 (xii) the Director of Juvenile Justice, and

22 (xiii) the Executive Director of the Illinois
23 African-American Family Commission; and

24 (4) up to 10 persons, named by the co-chairs,
25 representing African-American communities within Illinois
26 in the areas of healthcare, healthcare services,

1 employment, education, criminal justice, housing, and
2 other interested parties.

3 (Source: P.A. 97-360, eff. 8-15-11.)

4 Section 190. The Uncollected State Claims Act is amended by
5 changing Section 2.1 as follows:

6 (30 ILCS 205/2.1)

7 Sec. 2.1. Sale of debts certified as uncollectible. After
8 accounts have been certified by the Attorney General, or the
9 State agency for accounts of less than \$1,000, as uncollectible
10 pursuant to this Act, the Department of Revenue may sell the
11 debts to one or more outside private vendors. Sales shall be
12 conducted under rules adopted by the Department of Revenue
13 using a request for proposals procedure similar to that
14 procedure under the Illinois Procurement Code. The outside
15 private vendors shall remit to the Department of Revenue the
16 purchase price for debts sold under this Section. The
17 Department of Revenue shall deposit the money received under
18 this Section into the General Revenue Fund. The State
19 Comptroller shall provide the Department of Revenue with any
20 information that the Department requests for the purpose of
21 administering this Section. This Section does not apply to any
22 tax debt owing to the Department of Revenue. This Section does
23 not apply to (i) debts, in the case of a public university,
24 when the debt is less than 8 years old; (ii) child support

1 debts enforced by the Department of Healthcare and Family
2 Services pursuant to Title IV-D of the federal Social Security
3 Act and Article X of the Illinois Public Aid Code; and (iii)
4 debts that are enforced by the Department of Workforce
5 Development ~~Employment Security~~ and owed to any federal
6 account, including but not limited to the Unemployment Trust
7 Fund, and penalties and interest assessed under the
8 Unemployment Insurance Act.

9 (Source: P.A. 96-1435, eff. 8-16-10; 97-444, eff. 8-19-11.)

10 Section 195. The Illinois State Collection Act of 1986 is
11 amended by changing Sections 5, 10, and 10.2 as follows:

12 (30 ILCS 210/5) (from Ch. 15, par. 155)

13 Sec. 5. Rules; payment plans; offsets.

14 (a) Until July 1, 2004 for the Department of Public Aid and
15 July 1, 2005 for Universities and all other State agencies,
16 State agencies shall adopt rules establishing formal due dates
17 for amounts owing to the State and for the referral of
18 seriously past due accounts to private collection agencies,
19 unless otherwise expressly provided by law or rule, except that
20 on and after July 1, 2005, the Department of Employment
21 Security (now Workforce Development) may continue to refer to
22 private collection agencies past due amounts that are exempt
23 from subsection (g). Such procedures shall be established in
24 accord with sound business practices.

1 (b) Until July 1, 2004 for the Department of Public Aid and
2 July 1, 2005 for Universities and all other State agencies,
3 agencies may enter deferred payment plans for debtors of the
4 agency and documentation of this fact retained by the agency,
5 where the deferred payment plan is likely to increase the net
6 amount collected by the State, except that, on and after July
7 1, 2005, the Department of Employment Security (now Workforce
8 Development) may continue to enter deferred payment plans for
9 debts that are exempt from subsection (g).

10 (c) Until July 1, 2004 for the Department of Public Aid and
11 July 1, 2005 for Universities and all other State agencies,
12 State agencies may use the Comptroller's Offset System provided
13 in Section 10.05 of the State Comptroller Act for the
14 collection of debts owed to the agency, except that, on and
15 after July 1, 2005, the Department of Employment Security (now
16 Workforce Development) may continue to use the Comptroller's
17 offset system to collect amounts that are exempt from
18 subsection (g).

19 (c-1) All debts that exceed \$250 and are more than 90 days
20 past due shall be placed in the Comptroller's Offset System,
21 unless (i) the State agency shall have entered into a deferred
22 payment plan or demonstrates to the Comptroller's satisfaction
23 that referral for offset is not cost effective; or (ii) the
24 State agency is a university that elects to place in the
25 Comptroller's Offset System only debts that exceed \$1,000 and
26 are more than 90 days past due. All debt, and maintenance of

1 that debt, that is placed in the Comptroller's Offset System
2 must be submitted electronically to the office of the
3 Comptroller. Any exception to this requirement must be approved
4 in writing by the Comptroller.

5 (c-2) Upon processing a deduction to satisfy a debt owed to
6 a university or a State agency and placed in the Comptroller's
7 Offset System in accordance with subsection (c-1), the
8 Comptroller shall give written notice to the person subject to
9 the offset. The notice shall inform the person that he or she
10 may make a written protest to the Comptroller within 60 days
11 after the Comptroller has given notice. The protest shall
12 include the reason for contesting the deduction and any other
13 information that will enable the Comptroller to determine the
14 amount due and payable. If the person subject to the offset has
15 not made a written protest within 60 days after the Comptroller
16 has given notice, or if a final disposition is made concerning
17 the deduction, the Comptroller shall pay the deduction to the
18 university or the State agency.

19 (c-3) For a debt owed to a university or a State agency and
20 placed in the Comptroller's Offset System in accordance with
21 subsection (c-1), the Comptroller shall deduct, from a warrant
22 or other payment, its processing charge and the amount
23 certified as necessary to satisfy, in whole or in part, the
24 debt owed to the university or the State agency. The
25 Comptroller shall deduct a processing charge of up to \$15 per
26 transaction for each offset and such charges shall be deposited

1 into the Comptroller Debt Recovery Trust Fund.

2 (d) State agencies shall develop internal procedures
3 whereby agency initiated payments to its debtors may be offset
4 without referral to the Comptroller's Offset System.

5 (e) State agencies or the Comptroller may remove claims
6 from the Comptroller's Offset System, where such claims have
7 been inactive for more than one year.

8 (f) State agencies may use the Comptroller's Offset System
9 to determine if any State agency is attempting to collect debt
10 from a contractor, bidder, or other proposed contracting party.

11 (g) Beginning July 1, 2004 for the Departments of Public
12 Aid (now Healthcare and Family Services) and Employment
13 Security (now Workforce Development) and July 1, 2005 for
14 Universities and other State agencies, State agencies shall
15 refer to the Department of Revenue Debt Collection Bureau (the
16 Bureau) all debt to the State, provided that the debt satisfies
17 the requirements for referral of delinquent debt as established
18 by rule by the Department of Revenue.

19 (h) The Department of Healthcare and Family Services shall
20 be exempt from the requirements of this Section with regard to
21 child support debts, the collection of which is governed by the
22 requirements of Title IV, Part D of the federal Social Security
23 Act. The Department of Healthcare and Family Services may refer
24 child support debts to the Bureau, provided that the debt
25 satisfies the requirements for referral of delinquent debt as
26 established by rule by the Department of Revenue. The Bureau

1 shall use all legal means available to collect child support
2 debt, including those authorizing the Department of Revenue to
3 collect debt and those authorizing the Department of Healthcare
4 and Family Services to collect debt. All such referred debt
5 shall remain an obligation under the Department of Healthcare
6 and Family Services' Child Support Enforcement Program subject
7 to the requirements of Title IV, Part D of the federal Social
8 Security Act, including the continued use of federally mandated
9 enforcement remedies and techniques by the Department of
10 Healthcare and Family Services.

11 (h-1) The Department of Workforce Development ~~Employment~~
12 ~~Security~~ is exempt from subsection (g) with regard to debts to
13 any federal account, including but not limited to the
14 Unemployment Trust Fund, and penalties and interest assessed
15 under the Unemployment Insurance Act. The Department of
16 Workforce Development ~~Employment Security~~ may refer those
17 debts to the Bureau, provided the debt satisfies the
18 requirements for referral of delinquent debt as established by
19 rule by the Department of Revenue. The Bureau shall use all
20 legal means available to collect the debts, including those
21 authorizing the Department of Revenue to collect debt and those
22 authorizing the Department of Workforce Development ~~Employment~~
23 ~~Security~~ to collect debt. All referred debt shall remain an
24 obligation to the account to which it is owed.

25 (i) All debt referred to the Bureau for collection shall
26 remain the property of the referring agency. The Bureau shall

1 collect debt on behalf of the referring agency using all legal
2 means available, including those authorizing the Department of
3 Revenue to collect debt and those authorizing the referring
4 agency to collect debt.

5 (j) No debt secured by an interest in real property granted
6 by the debtor in exchange for the creation of the debt shall be
7 referred to the Bureau. The Bureau shall have no obligation to
8 collect debts secured by an interest in real property.

9 (k) Beginning July 1, 2003, each agency shall collect and
10 provide the Bureau information regarding the nature and details
11 of its debt in such form and manner as the Department of
12 Revenue shall require.

13 (l) For all debt accruing after July 1, 2003, each agency
14 shall collect and transmit such debtor identification
15 information as the Department of Revenue shall require.

16 (Source: P.A. 97-759, eff. 7-6-12.)

17 (30 ILCS 210/10)

18 Sec. 10. Department of Revenue Debt Collection Bureau to
19 assume collection duties.

20 (a) The Department of Revenue's Debt Collection Bureau
21 shall serve as the primary debt collecting entity for the State
22 and in that role shall collect debts on behalf of agencies of
23 the State. All debts owed the State of Illinois shall be
24 referred to the Bureau, subject to such limitations as the
25 Department of Revenue shall by rule establish. The Bureau shall

1 utilize the Comptroller's offset system and private collection
2 agencies, as well as its own collections personnel, and may use
3 the offset system of the Department of the Treasury of the
4 United States for the collection of State debt pursuant to
5 Sections 10.05 and 10.05c of the State Comptroller Act and
6 subsection (i-1) of Section 10 of the Illinois State Collection
7 Act of 1986. The Bureau shall collect debt using all legal
8 authority available to the Department of Revenue to collect
9 debt and all legal authority available to the referring agency.

10 (b) The Bureau shall have the sole authority to let
11 contracts with persons specializing in debt collection for the
12 collection of debt referred to and accepted by the Bureau. Any
13 contract with the debt collector shall specify that the
14 collector's fee shall be on a contingency basis and that the
15 debt collector shall not be entitled to collect a contingency
16 fee for any debt collected through the efforts of any State
17 offset system.

18 (c) The Department of Revenue shall adopt rules for the
19 certification of debt from referring agencies and shall adopt
20 rules for the certification of collection specialists to be
21 employed by the Bureau.

22 (d) The Department of Revenue shall adopt rules for
23 determining when a debt referred by an agency shall be deemed
24 by the Bureau to be uncollectible.

25 (e) Once an agency's debt is deemed by the Bureau to be
26 uncollectible, the Bureau shall return the debt to the

1 referring agency which shall then write the debt off as
2 uncollectible in accordance with the requirements of the
3 Uncollected State Claims Act or return the debt to the Bureau
4 for additional collection efforts. The Bureau shall refuse to
5 accept debt that has been deemed uncollectible absent factual
6 assertions from the referring agency that due to circumstances
7 not known at the time the debt was deemed uncollectible that
8 the debt is worthy of additional collection efforts.

9 (f) For each debt referred, the State agency shall retain
10 all documents and records relating to or supporting the debt.
11 In the event a debtor shall raise a reasonable doubt as to the
12 validity of the debt, the Bureau may in its discretion refer
13 the debt back to the referring agency for further review and
14 recommendation.

15 (g) The Department of Healthcare and Family Services shall
16 be exempt from the requirements of this Section with regard to
17 child support debts, the collection of which is governed by the
18 requirements of Title IV, Part D of the federal Social Security
19 Act. The Department of Healthcare and Family Services may refer
20 child support debts to the Bureau, provided that the debt
21 satisfies the requirements for referral of delinquent debt as
22 established by rule by the Department of Revenue. The Bureau
23 shall use all legal means available to collect child support
24 debt, including those authorizing the Department of Revenue to
25 collect debt and those authorizing the Department of Healthcare
26 and Family Services to collect debt. All such referred debt

1 shall remain an obligation under the Department of Healthcare
2 and Family Services' Child Support Enforcement Program subject
3 to the requirements of Title IV, Part D of the federal Social
4 Security Act, including the continued use of federally mandated
5 enforcement remedies and techniques by the Department of
6 Healthcare and Family Services.

7 (g-1) The Department of Workforce Development ~~Employment~~
8 ~~Security~~ is exempt from subsection (a) with regard to debts to
9 any federal account, including but not limited to the
10 Unemployment Trust Fund, and penalties and interest assessed
11 under the Unemployment Insurance Act. The Department of
12 Workforce Development ~~Employment Security~~ may refer those
13 debts to the Bureau, provided the debt satisfies the
14 requirements for referral of delinquent debt as established by
15 rule by the Department of Revenue. The Bureau shall use all
16 legal means available to collect the debts, including those
17 authorizing the Department of Revenue to collect debt and those
18 authorizing the Department of Workforce Development ~~Employment~~
19 ~~Security~~ to collect debt. All referred debt shall remain an
20 obligation to the account to which it is owed.

21 (h) The Bureau may collect its costs of collecting debts on
22 behalf of other State agencies from those agencies in a manner
23 to be determined by the Director of Revenue, except that the
24 Bureau shall not recover any such cost on any accounts referred
25 by the General Assembly, the Supreme Court and other courts of
26 this State, and the State executive branch constitutional

1 officers. The provisions of this subsection do not apply to
2 debt that is exempt from subsection (a) pursuant to subsection
3 (g-1) or child support debt referred to the Bureau by the
4 Department of Healthcare and Family Services (formerly
5 Department of Public Aid) pursuant to this amendatory Act of
6 the 93rd General Assembly. Collections arising from referrals
7 from the Department of Healthcare and Family Services (formerly
8 Department of Public Aid) shall be deposited into such fund or
9 funds as the Department of Healthcare and Family Services shall
10 direct, in accordance with the requirements of Title IV, Part D
11 of the federal Social Security Act, applicable provisions of
12 State law, and the rules of the Department of Healthcare and
13 Family Services. Collections arising from referrals from the
14 Department of Employment Security shall be deposited into the
15 fund or funds that the Department of Employment Security shall
16 direct, in accordance with the requirements of Section
17 3304(a)(3) of the federal Unemployment Tax Act, Section
18 303(a)(4) of the federal Social Security Act, and the
19 Unemployment Insurance Act.

20 (i) The Attorney General and the State Comptroller may
21 assist in the debt collection efforts of the Bureau, as
22 requested by the Department of Revenue.

23 (i-1) The Department may enter into a reciprocal offset
24 agreement with the Office of the State Comptroller and the
25 Secretary of the Treasury of the United States, or his or her
26 delegate, which provides for (i) the use of the Comptroller's

1 offset system to offset State payments to collect federal
2 nontax debts and for the Comptroller to charge a fee up to \$25
3 per transaction for such offsets; and (ii) offsetting federal
4 payments, as authorized by federal law, to collect State debts,
5 State tax, and nontax obligations, and for the Comptroller to
6 collect the offset cost from the Department of the Treasury of
7 the United States to cover the full cost of offsets taken, to
8 the extent allowed by federal law, or, if not allowed by
9 federal law, from the debtor by offset of the overpayment. The
10 agreement shall provide that the Department of the Treasury of
11 the United States may deduct a fee from each administrative
12 offset and State payment offset. Any offset fees collected by
13 the Comptroller under this subsection for administrative
14 offset or State payment offset shall be deposited into the
15 Comptroller's Administrative Fund.

16 For purposes of this subsection, "administrative offset"
17 is any offset of federal payments to collect State debts.

18 For purposes of this subsection, "State payment offset" is
19 any offset of State payments to collect federal nontax debts.

20 (j) The Director of Revenue shall report annually to the
21 General Assembly and State Comptroller upon the debt collection
22 efforts of the Bureau. Each report shall include an analysis of
23 the overdue debts owed to the State.

24 (k) The Department of Revenue shall adopt rules and
25 procedures for the administration of this amendatory Act of the
26 93rd General Assembly. The rules shall be adopted under the

1 Department of Revenue's emergency rulemaking authority within
2 90 days following the effective date of this amendatory Act of
3 the 93rd General Assembly due to the budget crisis threatening
4 the public interest.

5 (1) The Department of Revenue's Debt Collection Bureau's
6 obligations under this Section 10 shall be subject to
7 appropriation by the General Assembly.

8 (Source: P.A. 96-493, eff. 1-1-10; 96-1383, eff. 1-1-11;
9 97-269, eff. 12-16-11 (see Section 15 of P.A. 97-632 for the
10 effective date of changes made by P.A. 97-269).)

11 (30 ILCS 210/10.2)

12 Sec. 10.2. Deferral and compromise of past due debt.

13 (a) In this Section, "past due debt" means any debt owed to
14 the State that has been outstanding for more than 12 months.
15 "Past due debt" does not include any debt if any of the actions
16 required under this Section would violate federal law or
17 regulation.

18 (b) State agencies may enter into a deferred payment plan
19 for the purpose of satisfying a past due debt. Except for a
20 deferred payment plan entered into by any Illinois public
21 university, as defined in Section 10 of the Illinois Prepaid
22 Tuition Act, or by the Illinois Department of Transportation or
23 for debts owed to the Illinois Department of Transportation for
24 deposit into the Road Fund, the deferred payment plan must meet
25 the following requirements:

1 (1) The term of the deferred payment plan may not
2 exceed 2 years.

3 (2) The first payment of the deferred payment plan must
4 be at least 10% of the total amount due.

5 (3) All subsequent monthly payments for the deferred
6 payment plan must be assessed as equal monthly principal
7 payments, together with interest.

8 (4) The deferred payment plan must include interest at
9 a rate that is the same as the interest required under the
10 State Prompt Payment Act.

11 (5) The deferred payment plan must be approved by the
12 Secretary or Director of the State agency.

13 (c) State agencies may compromise past due debts. Any
14 action taken by a State agency to compromise a past due debt,
15 other than an action taken by an Illinois public university, as
16 defined in Section 10 of the Illinois Prepaid Tuition Act, to
17 compromise past due debt, must meet the following requirements:

18 (1) The amount of the compromised debt shall be no less
19 than 80% of the total of the past due debt.

20 (2) Once a past due debt has been compromised, the
21 debtor must remit to the State agency the total amount of
22 the compromised debt. However, the State agency may collect
23 the compromised debt through a payment plan not to exceed 6
24 months. If the State agency accepts the compromised debt
25 through a payment plan, then the compromised debt shall be
26 subject to the same rate of interest as required under the

1 State Prompt Payment Act.

2 (3) Before a State agency accepts a compromised debt,
3 the amount of the compromised debt must be approved by the
4 Secretary or Director of the agency.

5 (d) State agencies may sell a past due debt to one or more
6 outside private vendors. Sales shall be conducted under rules
7 adopted by the Department of Revenue using a request for
8 proposals procedure similar to that procedure under the
9 Illinois Procurement Code. The outside private vendors shall
10 remit to the State agency the purchase price for debts sold
11 under this subsection.

12 (e) The State agency shall deposit all amounts received
13 under this Section into the General Revenue Fund. For Illinois
14 public universities, as defined in Section 10 of the Illinois
15 Prepaid Tuition Act, the requirement of this subsection (e)
16 applies to amounts received from the sale of past due debt and
17 does not apply to amounts received under a deferred payment
18 plan or a compromised debt payment plan.

19 (f) This Section does not apply to any tax debt owing to
20 the Department of Revenue.

21 (g) This Section does not apply to child support debts
22 enforced by the Department of Healthcare and Family Services
23 pursuant to Title IV-D of the federal Social Security Act and
24 Article X of the Illinois Public Aid Code.

25 (h) This Section does not apply to debts that are enforced
26 by the Department of Workforce Development ~~Employment Security~~

1 and owed to any federal account, including but not limited to
2 the Unemployment Trust Fund, and penalties and interest
3 assessed under the Unemployment Insurance Act.

4 (Source: P.A. 96-1435, eff. 8-16-10; 97-333, eff. 8-12-11;
5 97-444, eff. 8-19-11.)

6 Section 200. The Illinois Unemployment Insurance Trust
7 Fund Financing Act is amended by changing Sections 3 and 4 as
8 follows:

9 (30 ILCS 440/3)

10 Sec. 3. Definitions. For purposes of this Act:

11 A. "Act" shall mean the Illinois Unemployment Insurance
12 Trust Fund Financing Act.

13 B. "Benefits" shall have the meaning provided in the
14 Unemployment Insurance Act.

15 C. "Bond" means any type of revenue obligation, including,
16 without limitation, fixed rate, variable rate, auction rate or
17 similar bond, note, certificate, or other instrument,
18 including, without limitation, an interest rate exchange
19 agreement, an interest rate lock agreement, a currency exchange
20 agreement, a forward payment conversion agreement, an
21 agreement to provide payments based on levels of or changes in
22 interest rates or currency exchange rates, an agreement to
23 exchange cash flows or a series of payments, an option, put, or
24 call to hedge payment, currency, interest rate, or other

1 exposure, payable from and secured by a pledge of Fund Building
2 Receipts collected pursuant to the Unemployment Insurance Act,
3 and all interest and other earnings upon such amounts held in
4 the Master Bond Fund, to the extent provided in the proceedings
5 authorizing the obligation.

6 D. "Bond Administrative Expenses" means expenses and fees
7 incurred to administer and issue, upon a conversion of any of
8 the Bonds from one mode to another and from taxable to
9 tax-exempt, the Bonds issued pursuant to this Act, including
10 fees for paying agents, trustees, financial advisors,
11 underwriters, remarketing agents, attorneys and for other
12 professional services necessary to ensure compliance with
13 applicable state or federal law.

14 E. "Bond Obligations" means the principal of a Bond and any
15 premium and interest on a Bond issued pursuant to this Act,
16 together with any amount owed under a related Credit Agreement.

17 F. "Credit Agreement" means, without limitation, a loan
18 agreement, a revolving credit agreement, an agreement
19 establishing a line of credit, a letter of credit, notes,
20 municipal bond insurance, standby bond purchase agreements,
21 surety bonds, remarketing agreements and the like, by which the
22 Department may borrow funds to pay or redeem or purchase and
23 hold its bonds, agreements for the purchase or remarketing of
24 bonds or any other agreement that enhances the marketability,
25 security, or creditworthiness of a Bond issued under this Act.

26 1. Such Credit Agreement shall provide the following:

1 a. The choice of law for the obligations of a
2 financial provider may be made for any state of these
3 United States, but the law which shall apply to the
4 Bonds shall be the law of the State of Illinois, and
5 jurisdiction to enforce such Credit Agreement as
6 against the Department shall be exclusively in the
7 courts of the State of Illinois or in the applicable
8 federal court having jurisdiction and located within
9 the State of Illinois.

10 b. Any such Credit Agreement shall be fully
11 enforceable as a valid and binding contract as and to
12 the extent provided by applicable law.

13 2. Without limiting the foregoing, such Credit
14 Agreement, may include any of the following:

15 a. Interest rates on the Bonds may vary from time
16 to time depending upon criteria established by the
17 Director, which may include, without limitation:

18 (i) A variation in interest rates as may be
19 necessary to cause the Bonds to be remarketed from
20 time to time at a price equal to their principal
21 amount plus any accrued interest;

22 (ii) Rates set by auctions; or

23 (iii) Rates set by formula.

24 b. A national banking association, bank, trust
25 company, investment banker or other financial
26 institution may be appointed to serve as a remarketing

1 agent in that connection, and such remarketing agent
2 may be delegated authority by the Department to
3 determine interest rates in accordance with criteria
4 established by the Department.

5 c. Alternative interest rates or provisions may
6 apply during such times as the Bonds are held by the
7 financial providers or similar persons or entities
8 providing a Credit Agreement for those Bonds and,
9 during such times, the interest on the Bonds may be
10 deemed not exempt from income taxation under the
11 Internal Revenue Code for purposes of State law, as
12 contained in the Bond Authorization Act, relating to
13 the permissible rate of interest to be borne thereon.

14 d. Fees may be paid to the financial providers or
15 similar persons or entities providing a Credit
16 Agreement, including all reasonably related costs,
17 including therein costs of enforcement and litigation
18 (all such fees and costs being financial provider
19 payments) and financial provider payments may be paid,
20 without limitation, from proceeds of the Bonds being
21 the subject of such agreements, or from Bonds issued to
22 refund such Bonds, provided that such financial
23 provider payments shall be made subordinate to the
24 payments on the Bonds.

25 e. The Bonds need not be held in physical form by
26 the financial providers or similar persons or entities

1 providing a Credit Agreement when providing funds to
2 purchase or carry the Bonds from others but may be
3 represented in uncertificated form in the Credit
4 Agreement.

5 f. The debt or obligation of the Department
6 represented by a Bond tendered for purchase to or
7 otherwise made available to the Department thereupon
8 acquired by either the Department or a financial
9 provider shall not be deemed to be extinguished for
10 purposes of State law until cancelled by the Department
11 or its agent.

12 g. Such Credit Agreement may provide for
13 acceleration of the principal amounts due on the Bonds.

14 G. "Department" means the Illinois Department of Workforce
15 Development ~~Employment Security~~.

16 H. "Director" means the Director of the Illinois Department
17 of Workforce Development ~~Employment Security~~.

18 I. "Fund Building Rates" are those rates imposed pursuant
19 to Section 1506.3 of the Unemployment Insurance Act.

20 J. "Fund Building Receipts" shall have the meaning provided
21 in the Unemployment Insurance Act and includes earnings on such
22 receipts.

23 K. "Master Bond Fund" shall mean, for any particular
24 issuance of Bonds under this Act, the fund established for the
25 deposit of Fund Building Receipts upon or prior to the issuance
26 of Bonds under this Act, and during the time that any Bonds are

1 outstanding under this Act and from which the payment of Bond
2 Obligations and the related Bond Administrative Expenses
3 incurred in connection with such Bonds shall be made. That
4 portion of the Master Bond Fund containing the Required Fund
5 Building Receipts Amount shall be irrevocably pledged to the
6 timely payment of Bond Obligations and Bond Administrative
7 Expenses due on any Bonds issued pursuant to this Act and any
8 Credit Agreement entered in connection with the Bonds. The
9 Master Bond Fund shall be held separate and apart from all
10 other State funds. Moneys in the Master Bond Fund shall not be
11 commingled with other State funds, but they shall be deposited
12 as required by law and maintained in a separate account on the
13 books of a savings and loan association, bank or other
14 qualified financial institution. All interest earnings on
15 amounts within the Master Bond Fund shall accrue to the Master
16 Bond Fund. The Master Bond Fund may include such funds and
17 accounts as are necessary for the deposit of bond proceeds,
18 Fund Building Receipts, payment of principal, interest,
19 administrative expenses, costs of issuance, in the case of
20 bonds which are exempt from Federal taxation, rebate payments,
21 and such other funds and accounts which may be necessary for
22 the implementation and administration of this Act. The Director
23 shall be liable on her or his general official bond for the
24 faithful performance of her or his duties as custodian of the
25 Master Bond Fund. Such liability on her or his official bond
26 shall exist in addition to the liability upon any separate bond

1 given by her or him. All sums recovered for losses sustained by
2 the Master Bond Fund shall be deposited into the Fund.

3 The Director shall report quarterly in writing to the
4 Employment Security Advisory Board concerning the actual and
5 anticipated deposits into and expenditures and transfers made
6 from the Master Bond Fund. Notwithstanding any other provision
7 to the contrary, no report is required under this subsection K
8 if (i) the Master Bond Fund held a net balance of zero as of the
9 close of the immediately preceding calendar quarter, (ii) there
10 have been no deposits into the Master Bond Fund within any of
11 the immediately preceding 4 calendar quarters, and (iii) there
12 have been no expenditures or transfers from the Master Bond
13 Fund within any of the immediately preceding 4 calendar
14 quarters.

15 L. "Required Fund Building Receipts Amount" means the
16 aggregate amount of Fund Building Receipts required to be
17 maintained in the Master Bond Fund as set forth in Section 4I
18 of this Act.

19 (Source: P.A. 97-621, eff. 11-18-11.)

20 (30 ILCS 440/4)

21 Sec. 4. Authority to Issue Revenue Bonds.

22 A. The Department shall have the continuing power to borrow
23 money for the purpose of carrying out the following:

24 1. To reduce or avoid the need to borrow or obtain a
25 federal advance under Section 1201, et seq., of the Social

1 Security Act (42 U.S.C. Section 1321), as amended, or any
2 similar federal law; or

3 2. To refinance a previous advance received by the
4 Department with respect to the payment of Benefits; or

5 3. To refinance, purchase, redeem, refund, advance
6 refund or defease (including, any combination of the
7 foregoing) any outstanding Bonds issued pursuant to this
8 Act; or

9 4. To fund a surplus in Illinois' account in the
10 Unemployment Trust Fund of the United States Treasury.

11 Paragraphs 1, 2 and 4 are inoperative on and after January
12 1, 2022.

13 B. As evidence of the obligation of the Department to repay
14 money borrowed for the purposes set forth in Section 4A above,
15 the Department may issue and dispose of its interest bearing
16 revenue Bonds and may also, from time-to-time, issue and
17 dispose of its interest bearing revenue Bonds to purchase,
18 redeem, refund, advance refund or defease (including, any
19 combination of the foregoing) any Bonds at maturity or pursuant
20 to redemption provisions or at any time before maturity. The
21 Director, in consultation with the Department's Workforce
22 Development ~~Employment Security~~ Advisory Board, shall have the
23 power to direct that the Bonds be issued. Bonds may be issued
24 in one or more series and under terms and conditions as needed
25 in furtherance of the purposes of this Act. The Illinois
26 Finance Authority shall provide any technical, legal, or

1 administrative services if and when requested by the Director
2 and the Workforce Development ~~Employment Security~~ Advisory
3 Board with regard to the issuance of Bonds. The Governor's
4 Office of Management and Budget may, upon the written request
5 of the Director, issue the bonds authorized pursuant to this
6 Act on behalf of the Department and, for that purpose, may
7 retain such underwriters, financial advisors, and counsel as
8 may be appropriate from the Office's then-existing roster of
9 prequalified vendors. Such Bonds shall be issued in the name of
10 the State of Illinois for the benefit of the Department and
11 shall be executed by the Director. In case any Director whose
12 signature appears on any Bond ceases (after attaching his or
13 her signature) to hold that office, her or his signature shall
14 nevertheless be valid and effective for all purposes.

15 C. No Bonds shall be issued without the Director's written
16 certification that, based upon a reasonable financial
17 analysis, the issuance of Bonds is reasonably expected to:

18 (i) Result in a savings to the State as compared to the
19 cost of borrowing or obtaining an advance under Section
20 1201, et seq., Social Security Act (42 U.S.C. Section
21 1321), as amended, or any similar federal law;

22 (ii) Result in terms which are advantageous to the
23 State through refunding, advance refunding or other
24 similar restructuring of outstanding Bonds;

25 (iii) Allow the State to avoid an anticipated
26 deficiency in the State's account in the Unemployment Trust

1 Fund of the United States Treasury by funding a surplus in
2 the State's account in the Unemployment Trust Fund of the
3 United States Treasury; or

4 (iv) Prevent the reduction of the employer credit
5 provided under Section 3302 of the Federal Unemployment Tax
6 Act with respect to employers subject to the Unemployment
7 Insurance Act.

8 D. All such Bonds shall be payable from Fund Building
9 Receipts. Bonds may also be paid from (i) to the extent
10 allowable by law, from monies in the State's account in the
11 Unemployment Trust Fund of the United States Treasury; and (ii)
12 to the extent allowable by law, a federal advance under Section
13 1201, et seq., of the Social Security Act (42 U.S.C. Section
14 1321); and (iii) proceeds of Bonds and receipts from related
15 credit and exchange agreements to the extent allowed by this
16 Act and applicable legal requirements.

17 E. The maximum principal amount of the Bonds, when combined
18 with the outstanding principal of all other Bonds issued
19 pursuant to this Act, shall not at any time exceed
20 \$2,400,000,000, excluding all of the outstanding principal of
21 any other Bonds issued pursuant to this Act for which payment
22 has been irrevocably provided by refunding or other manner of
23 defeasance. It is the intent of this Act that the outstanding
24 Bond authorization limits provided for in this Section 4E shall
25 be revolving in nature, such that the amount of Bonds
26 outstanding that are not refunded or otherwise defeased shall

1 be included in determining the maximum amount of Bonds
2 authorized to be issued pursuant to the Act.

3 F. Such Bonds and refunding Bonds issued pursuant to this
4 Act may bear such date or dates, may mature at such time or
5 times not exceeding 10 years from their respective dates of
6 issuance, and may bear interest at such rate or rates not
7 exceeding the maximum rate authorized by the Bond Authorization
8 Act, as amended and in effect at the time of the issuance of
9 the Bonds.

10 G. The Department may enter into a Credit Agreement
11 pertaining to the issuance of the Bonds, upon terms which are
12 not inconsistent with this Act and any other laws, provided
13 that the term of such Credit Agreement shall not exceed the
14 term of the Bonds, plus any time period necessary to cure any
15 defaults under such Credit Agreement.

16 H. Interest earnings paid to holders of the Bonds shall not
17 be exempt from income taxes imposed by the State.

18 I. While any Bond Obligations are outstanding or
19 anticipated to come due as a result of Bonds expected to be
20 issued in either or both of the 2 immediately succeeding
21 calendar quarters, the Department shall collect and deposit
22 Fund Building Receipts into the Master Bond Fund in an amount
23 necessary to satisfy the Required Fund Building Receipts Amount
24 prior to expending Fund Building Receipts for any other
25 purpose. The Required Fund Building Receipts Amount shall be
26 that amount necessary to ensure the marketability of the Bonds,

1 which shall be specified in the Bond Sale Order executed by the
2 Director in connection with the issuance of the Bonds.

3 J. Holders of the Bonds shall have a first and priority
4 claim on all Fund Building Receipts in the Master Bond Fund in
5 parity with all other holders of the Bonds, provided that such
6 claim may be subordinated to the provider of any Credit
7 Agreement for any of the Bonds.

8 K. To the extent that Fund Building Receipts in the Master
9 Bond Fund are not otherwise needed to satisfy the requirements
10 of this Act and the instruments authorizing the issuance of the
11 Bonds, such monies shall be used by the Department, in such
12 amounts as determined by the Director to do any one or a
13 combination of the following:

14 1. To purchase, refinance, redeem, refund, advance
15 refund or defease (or any combination of the foregoing)
16 outstanding Bonds, to the extent such action is legally
17 available and does not impair the tax exempt status of any
18 of the Bonds which are, in fact, exempt from Federal income
19 taxation; or

20 2. As a deposit in the State's account in the
21 Unemployment Trust Fund of the United States Treasury; or

22 3. As a deposit into the Special Programs Fund provided
23 for under Section 2107 of the Unemployment Insurance Act.

24 L. The Director shall determine the method of sale, type of
25 bond, bond form, redemption provisions and other terms of the
26 Bonds that, in the Director's judgment, best achieve the

1 purposes of this Act and effect the borrowing at the lowest
2 practicable cost, provided that those determinations are not
3 inconsistent with this Act or other applicable legal
4 requirements. Those determinations shall be set forth in a
5 document entitled "Bond Sale Order" acceptable, in form and
6 substance, to the attorney or attorneys acting as bond counsel
7 for the Bonds in connection with the rendering of opinions
8 necessary for the issuance of the Bonds and executed by the
9 Director.

10 (Source: P.A. 96-30, eff. 6-30-09; 97-621, eff. 11-18-11.)

11 Section 205. The Illinois Procurement Code is amended by
12 changing Sections 45-67 and 45-70 as follows:

13 (30 ILCS 500/45-67)

14 Sec. 45-67. Encouragement to hire qualified veterans. A
15 chief procurement officer may, as part of any solicitation,
16 encourage prospective vendors to consider hiring qualified
17 veterans and to notify them of any available financial
18 incentives or other advantages associated with hiring such
19 persons. In establishing internal guidelines in furtherance of
20 this Section, the Department of Central Management Services may
21 work with an interagency advisory committee consisting of
22 representatives from the Department of Veterans Affairs, the
23 Department of Workforce Development ~~Employment Security~~, the
24 Department of Commerce and Economic Opportunity, and the

1 Department of Revenue and consisting of 8 members of the
2 General Assembly, 2 of whom are appointed by the Speaker of the
3 House of Representatives, 2 of whom are appointed by the
4 President of the Senate, 2 of whom are appointed by the
5 Minority Leader of the House of Representatives, and 2 of whom
6 are appointed by the Minority Leader of the Senate.

7 For the purposes of this Section, "qualified veteran" means
8 an Illinois resident who: (i) was a member of the Armed Forces
9 of the United States, a member of the Illinois National Guard,
10 or a member of any reserve component of the Armed Forces of the
11 United States; (ii) served on active duty in connection with
12 Operation Desert Storm, Operation Enduring Freedom, or
13 Operation Iraqi Freedom; and (iii) was honorably discharged.

14 The Department of Central Management Services must report
15 to the Governor and to the General Assembly by December 31 of
16 each year on the activities undertaken by chief procurement
17 officers and the Department of Central Management Services to
18 encourage prospective vendors to consider hiring qualified
19 veterans. The report must include the number of vendors who
20 have hired qualified veterans.

21 (Source: P.A. 94-1067, eff. 8-1-06.)

22 (30 ILCS 500/45-70)

23 Sec. 45-70. Encouragement to hire ex-offenders. A chief
24 procurement officer may, as part of any solicitation, encourage
25 prospective vendors to consider hiring Illinois residents

1 discharged from any Illinois adult correctional center, in
2 appropriate circumstances, and to notify them of any available
3 financial incentives or other advantages associated with
4 hiring such persons. In establishing internal guidelines in
5 furtherance of this Section, the Department of Central
6 Management Services may work with an interagency advisory
7 committee consisting of representatives from the Department of
8 Corrections, the Department of Workforce Development
9 ~~Employment Security~~, the Department of Juvenile Justice, the
10 Department of Commerce and Economic Opportunity, and the
11 Department of Revenue and consisting of 8 members of the
12 General Assembly, 2 of whom are appointed by the Speaker of the
13 House of Representatives, 2 of whom are appointed by the
14 President of the Senate, 2 of whom are appointed by the
15 Minority Leader of the House of Representatives, and 2 of whom
16 are appointed by the Minority Leader of the Senate.

17 The Department of Central Management Services must report
18 to the Governor and to the General Assembly by December 31 of
19 each year on the activities undertaken by chief procurement
20 officers and the Department of Central Management Services to
21 encourage prospective vendors to consider hiring Illinois
22 residents who have been discharged from an Illinois adult
23 correctional center. The report must include the number of
24 vendors who have hired Illinois residents who have been
25 discharged from any Illinois adult correctional center.

26 (Source: P.A. 94-1067, eff. 8-1-06.)

1 Section 210. The Illinois Income Tax Act is amended by
2 changing Sections 201, 303, 701, and 917 as follows:

3 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

4 Sec. 201. Tax Imposed.

5 (a) In general. A tax measured by net income is hereby
6 imposed on every individual, corporation, trust and estate for
7 each taxable year ending after July 31, 1969 on the privilege
8 of earning or receiving income in or as a resident of this
9 State. Such tax shall be in addition to all other occupation or
10 privilege taxes imposed by this State or by any municipal
11 corporation or political subdivision thereof.

12 (b) Rates. The tax imposed by subsection (a) of this
13 Section shall be determined as follows, except as adjusted by
14 subsection (d-1):

15 (1) In the case of an individual, trust or estate, for
16 taxable years ending prior to July 1, 1989, an amount equal
17 to 2 1/2% of the taxpayer's net income for the taxable
18 year.

19 (2) In the case of an individual, trust or estate, for
20 taxable years beginning prior to July 1, 1989 and ending
21 after June 30, 1989, an amount equal to the sum of (i) 2
22 1/2% of the taxpayer's net income for the period prior to
23 July 1, 1989, as calculated under Section 202.3, and (ii)
24 3% of the taxpayer's net income for the period after June

1 30, 1989, as calculated under Section 202.3.

2 (3) In the case of an individual, trust or estate, for
3 taxable years beginning after June 30, 1989, and ending
4 prior to January 1, 2011, an amount equal to 3% of the
5 taxpayer's net income for the taxable year.

6 (4) In the case of an individual, trust, or estate, for
7 taxable years beginning prior to January 1, 2011, and
8 ending after December 31, 2010, an amount equal to the sum
9 of (i) 3% of the taxpayer's net income for the period prior
10 to January 1, 2011, as calculated under Section 202.5, and
11 (ii) 5% of the taxpayer's net income for the period after
12 December 31, 2010, as calculated under Section 202.5.

13 (5) In the case of an individual, trust, or estate, for
14 taxable years beginning on or after January 1, 2011, and
15 ending prior to January 1, 2015, an amount equal to 5% of
16 the taxpayer's net income for the taxable year.

17 (5.1) In the case of an individual, trust, or estate,
18 for taxable years beginning prior to January 1, 2015, and
19 ending after December 31, 2014, an amount equal to the sum
20 of (i) 5% of the taxpayer's net income for the period prior
21 to January 1, 2015, as calculated under Section 202.5, and
22 (ii) 3.75% of the taxpayer's net income for the period
23 after December 31, 2014, as calculated under Section 202.5.

24 (5.2) In the case of an individual, trust, or estate,
25 for taxable years beginning on or after January 1, 2015,
26 and ending prior to January 1, 2025, an amount equal to

1 3.75% of the taxpayer's net income for the taxable year.

2 (5.3) In the case of an individual, trust, or estate,
3 for taxable years beginning prior to January 1, 2025, and
4 ending after December 31, 2024, an amount equal to the sum
5 of (i) 3.75% of the taxpayer's net income for the period
6 prior to January 1, 2025, as calculated under Section
7 202.5, and (ii) 3.25% of the taxpayer's net income for the
8 period after December 31, 2024, as calculated under Section
9 202.5.

10 (5.4) In the case of an individual, trust, or estate,
11 for taxable years beginning on or after January 1, 2025, an
12 amount equal to 3.25% of the taxpayer's net income for the
13 taxable year.

14 (6) In the case of a corporation, for taxable years
15 ending prior to July 1, 1989, an amount equal to 4% of the
16 taxpayer's net income for the taxable year.

17 (7) In the case of a corporation, for taxable years
18 beginning prior to July 1, 1989 and ending after June 30,
19 1989, an amount equal to the sum of (i) 4% of the
20 taxpayer's net income for the period prior to July 1, 1989,
21 as calculated under Section 202.3, and (ii) 4.8% of the
22 taxpayer's net income for the period after June 30, 1989,
23 as calculated under Section 202.3.

24 (8) In the case of a corporation, for taxable years
25 beginning after June 30, 1989, and ending prior to January
26 1, 2011, an amount equal to 4.8% of the taxpayer's net

1 income for the taxable year.

2 (9) In the case of a corporation, for taxable years
3 beginning prior to January 1, 2011, and ending after
4 December 31, 2010, an amount equal to the sum of (i) 4.8%
5 of the taxpayer's net income for the period prior to
6 January 1, 2011, as calculated under Section 202.5, and
7 (ii) 7% of the taxpayer's net income for the period after
8 December 31, 2010, as calculated under Section 202.5.

9 (10) In the case of a corporation, for taxable years
10 beginning on or after January 1, 2011, and ending prior to
11 January 1, 2015, an amount equal to 7% of the taxpayer's
12 net income for the taxable year.

13 (11) In the case of a corporation, for taxable years
14 beginning prior to January 1, 2015, and ending after
15 December 31, 2014, an amount equal to the sum of (i) 7% of
16 the taxpayer's net income for the period prior to January
17 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
18 of the taxpayer's net income for the period after December
19 31, 2014, as calculated under Section 202.5.

20 (12) In the case of a corporation, for taxable years
21 beginning on or after January 1, 2015, and ending prior to
22 January 1, 2025, an amount equal to 5.25% of the taxpayer's
23 net income for the taxable year.

24 (13) In the case of a corporation, for taxable years
25 beginning prior to January 1, 2025, and ending after
26 December 31, 2024, an amount equal to the sum of (i) 5.25%

1 of the taxpayer's net income for the period prior to
2 January 1, 2025, as calculated under Section 202.5, and
3 (ii) 4.8% of the taxpayer's net income for the period after
4 December 31, 2024, as calculated under Section 202.5.

5 (14) In the case of a corporation, for taxable years
6 beginning on or after January 1, 2025, an amount equal to
7 4.8% of the taxpayer's net income for the taxable year.

8 The rates under this subsection (b) are subject to the
9 provisions of Section 201.5.

10 (c) Personal Property Tax Replacement Income Tax.
11 Beginning on July 1, 1979 and thereafter, in addition to such
12 income tax, there is also hereby imposed the Personal Property
13 Tax Replacement Income Tax measured by net income on every
14 corporation (including Subchapter S corporations), partnership
15 and trust, for each taxable year ending after June 30, 1979.
16 Such taxes are imposed on the privilege of earning or receiving
17 income in or as a resident of this State. The Personal Property
18 Tax Replacement Income Tax shall be in addition to the income
19 tax imposed by subsections (a) and (b) of this Section and in
20 addition to all other occupation or privilege taxes imposed by
21 this State or by any municipal corporation or political
22 subdivision thereof.

23 (d) Additional Personal Property Tax Replacement Income
24 Tax Rates. The personal property tax replacement income tax
25 imposed by this subsection and subsection (c) of this Section
26 in the case of a corporation, other than a Subchapter S

1 corporation and except as adjusted by subsection (d-1), shall
2 be an additional amount equal to 2.85% of such taxpayer's net
3 income for the taxable year, except that beginning on January
4 1, 1981, and thereafter, the rate of 2.85% specified in this
5 subsection shall be reduced to 2.5%, and in the case of a
6 partnership, trust or a Subchapter S corporation shall be an
7 additional amount equal to 1.5% of such taxpayer's net income
8 for the taxable year.

9 (d-1) Rate reduction for certain foreign insurers. In the
10 case of a foreign insurer, as defined by Section 35A-5 of the
11 Illinois Insurance Code, whose state or country of domicile
12 imposes on insurers domiciled in Illinois a retaliatory tax
13 (excluding any insurer whose premiums from reinsurance assumed
14 are 50% or more of its total insurance premiums as determined
15 under paragraph (2) of subsection (b) of Section 304, except
16 that for purposes of this determination premiums from
17 reinsurance do not include premiums from inter-affiliate
18 reinsurance arrangements), beginning with taxable years ending
19 on or after December 31, 1999, the sum of the rates of tax
20 imposed by subsections (b) and (d) shall be reduced (but not
21 increased) to the rate at which the total amount of tax imposed
22 under this Act, net of all credits allowed under this Act,
23 shall equal (i) the total amount of tax that would be imposed
24 on the foreign insurer's net income allocable to Illinois for
25 the taxable year by such foreign insurer's state or country of
26 domicile if that net income were subject to all income taxes

1 and taxes measured by net income imposed by such foreign
2 insurer's state or country of domicile, net of all credits
3 allowed or (ii) a rate of zero if no such tax is imposed on such
4 income by the foreign insurer's state of domicile. For the
5 purposes of this subsection (d-1), an inter-affiliate includes
6 a mutual insurer under common management.

7 (1) For the purposes of subsection (d-1), in no event
8 shall the sum of the rates of tax imposed by subsections
9 (b) and (d) be reduced below the rate at which the sum of:

10 (A) the total amount of tax imposed on such foreign
11 insurer under this Act for a taxable year, net of all
12 credits allowed under this Act, plus

13 (B) the privilege tax imposed by Section 409 of the
14 Illinois Insurance Code, the fire insurance company
15 tax imposed by Section 12 of the Fire Investigation
16 Act, and the fire department taxes imposed under
17 Section 11-10-1 of the Illinois Municipal Code,
18 equals 1.25% for taxable years ending prior to December 31,
19 2003, or 1.75% for taxable years ending on or after
20 December 31, 2003, of the net taxable premiums written for
21 the taxable year, as described by subsection (1) of Section
22 409 of the Illinois Insurance Code. This paragraph will in
23 no event increase the rates imposed under subsections (b)
24 and (d).

25 (2) Any reduction in the rates of tax imposed by this
26 subsection shall be applied first against the rates imposed

1 by subsection (b) and only after the tax imposed by
2 subsection (a) net of all credits allowed under this
3 Section other than the credit allowed under subsection (i)
4 has been reduced to zero, against the rates imposed by
5 subsection (d).

6 This subsection (d-1) is exempt from the provisions of
7 Section 250.

8 (e) Investment credit. A taxpayer shall be allowed a credit
9 against the Personal Property Tax Replacement Income Tax for
10 investment in qualified property.

11 (1) A taxpayer shall be allowed a credit equal to .5%
12 of the basis of qualified property placed in service during
13 the taxable year, provided such property is placed in
14 service on or after July 1, 1984. There shall be allowed an
15 additional credit equal to .5% of the basis of qualified
16 property placed in service during the taxable year,
17 provided such property is placed in service on or after
18 July 1, 1986, and the taxpayer's base employment within
19 Illinois has increased by 1% or more over the preceding
20 year as determined by the taxpayer's employment records
21 filed with the Illinois Department of Workforce
22 Development ~~Employment Security~~. Taxpayers who are new to
23 Illinois shall be deemed to have met the 1% growth in base
24 employment for the first year in which they file employment
25 records with the Illinois Department of Workforce
26 Development ~~Employment Security~~. The provisions added to

1 this Section by Public Act 85-1200 (and restored by Public
2 Act 87-895) shall be construed as declaratory of existing
3 law and not as a new enactment. If, in any year, the
4 increase in base employment within Illinois over the
5 preceding year is less than 1%, the additional credit shall
6 be limited to that percentage times a fraction, the
7 numerator of which is .5% and the denominator of which is
8 1%, but shall not exceed .5%. The investment credit shall
9 not be allowed to the extent that it would reduce a
10 taxpayer's liability in any tax year below zero, nor may
11 any credit for qualified property be allowed for any year
12 other than the year in which the property was placed in
13 service in Illinois. For tax years ending on or after
14 December 31, 1987, and on or before December 31, 1988, the
15 credit shall be allowed for the tax year in which the
16 property is placed in service, or, if the amount of the
17 credit exceeds the tax liability for that year, whether it
18 exceeds the original liability or the liability as later
19 amended, such excess may be carried forward and applied to
20 the tax liability of the 5 taxable years following the
21 excess credit years if the taxpayer (i) makes investments
22 which cause the creation of a minimum of 2,000 full-time
23 equivalent jobs in Illinois, (ii) is located in an
24 enterprise zone established pursuant to the Illinois
25 Enterprise Zone Act and (iii) is certified by the
26 Department of Commerce and Community Affairs (now

1 Department of Commerce and Economic Opportunity) as
2 complying with the requirements specified in clause (i) and
3 (ii) by July 1, 1986. The Department of Commerce and
4 Community Affairs (now Department of Commerce and Economic
5 Opportunity) shall notify the Department of Revenue of all
6 such certifications immediately. For tax years ending
7 after December 31, 1988, the credit shall be allowed for
8 the tax year in which the property is placed in service,
9 or, if the amount of the credit exceeds the tax liability
10 for that year, whether it exceeds the original liability or
11 the liability as later amended, such excess may be carried
12 forward and applied to the tax liability of the 5 taxable
13 years following the excess credit years. The credit shall
14 be applied to the earliest year for which there is a
15 liability. If there is credit from more than one tax year
16 that is available to offset a liability, earlier credit
17 shall be applied first.

18 (2) The term "qualified property" means property
19 which:

20 (A) is tangible, whether new or used, including
21 buildings and structural components of buildings and
22 signs that are real property, but not including land or
23 improvements to real property that are not a structural
24 component of a building such as landscaping, sewer
25 lines, local access roads, fencing, parking lots, and
26 other appurtenances;

1 (B) is depreciable pursuant to Section 167 of the
2 Internal Revenue Code, except that "3-year property"
3 as defined in Section 168(c)(2)(A) of that Code is not
4 eligible for the credit provided by this subsection
5 (e);

6 (C) is acquired by purchase as defined in Section
7 179(d) of the Internal Revenue Code;

8 (D) is used in Illinois by a taxpayer who is
9 primarily engaged in manufacturing, or in mining coal
10 or fluorite, or in retailing, or was placed in service
11 on or after July 1, 2006 in a River Edge Redevelopment
12 Zone established pursuant to the River Edge
13 Redevelopment Zone Act; and

14 (E) has not previously been used in Illinois in
15 such a manner and by such a person as would qualify for
16 the credit provided by this subsection (e) or
17 subsection (f).

18 (3) For purposes of this subsection (e),
19 "manufacturing" means the material staging and production
20 of tangible personal property by procedures commonly
21 regarded as manufacturing, processing, fabrication, or
22 assembling which changes some existing material into new
23 shapes, new qualities, or new combinations. For purposes of
24 this subsection (e) the term "mining" shall have the same
25 meaning as the term "mining" in Section 613(c) of the
26 Internal Revenue Code. For purposes of this subsection (e),

1 the term "retailing" means the sale of tangible personal
2 property for use or consumption and not for resale, or
3 services rendered in conjunction with the sale of tangible
4 personal property for use or consumption and not for
5 resale. For purposes of this subsection (e), "tangible
6 personal property" has the same meaning as when that term
7 is used in the Retailers' Occupation Tax Act, and, for
8 taxable years ending after December 31, 2008, does not
9 include the generation, transmission, or distribution of
10 electricity.

11 (4) The basis of qualified property shall be the basis
12 used to compute the depreciation deduction for federal
13 income tax purposes.

14 (5) If the basis of the property for federal income tax
15 depreciation purposes is increased after it has been placed
16 in service in Illinois by the taxpayer, the amount of such
17 increase shall be deemed property placed in service on the
18 date of such increase in basis.

19 (6) The term "placed in service" shall have the same
20 meaning as under Section 46 of the Internal Revenue Code.

21 (7) If during any taxable year, any property ceases to
22 be qualified property in the hands of the taxpayer within
23 48 months after being placed in service, or the situs of
24 any qualified property is moved outside Illinois within 48
25 months after being placed in service, the Personal Property
26 Tax Replacement Income Tax for such taxable year shall be

1 increased. Such increase shall be determined by (i)
2 recomputing the investment credit which would have been
3 allowed for the year in which credit for such property was
4 originally allowed by eliminating such property from such
5 computation and, (ii) subtracting such recomputed credit
6 from the amount of credit previously allowed. For the
7 purposes of this paragraph (7), a reduction of the basis of
8 qualified property resulting from a redetermination of the
9 purchase price shall be deemed a disposition of qualified
10 property to the extent of such reduction.

11 (8) Unless the investment credit is extended by law,
12 the basis of qualified property shall not include costs
13 incurred after December 31, 2018, except for costs incurred
14 pursuant to a binding contract entered into on or before
15 December 31, 2018.

16 (9) Each taxable year ending before December 31, 2000,
17 a partnership may elect to pass through to its partners the
18 credits to which the partnership is entitled under this
19 subsection (e) for the taxable year. A partner may use the
20 credit allocated to him or her under this paragraph only
21 against the tax imposed in subsections (c) and (d) of this
22 Section. If the partnership makes that election, those
23 credits shall be allocated among the partners in the
24 partnership in accordance with the rules set forth in
25 Section 704(b) of the Internal Revenue Code, and the rules
26 promulgated under that Section, and the allocated amount of

1 the credits shall be allowed to the partners for that
2 taxable year. The partnership shall make this election on
3 its Personal Property Tax Replacement Income Tax return for
4 that taxable year. The election to pass through the credits
5 shall be irrevocable.

6 For taxable years ending on or after December 31, 2000,
7 a partner that qualifies its partnership for a subtraction
8 under subparagraph (I) of paragraph (2) of subsection (d)
9 of Section 203 or a shareholder that qualifies a Subchapter
10 S corporation for a subtraction under subparagraph (S) of
11 paragraph (2) of subsection (b) of Section 203 shall be
12 allowed a credit under this subsection (e) equal to its
13 share of the credit earned under this subsection (e) during
14 the taxable year by the partnership or Subchapter S
15 corporation, determined in accordance with the
16 determination of income and distributive share of income
17 under Sections 702 and 704 and Subchapter S of the Internal
18 Revenue Code. This paragraph is exempt from the provisions
19 of Section 250.

20 (f) Investment credit; Enterprise Zone; River Edge
21 Redevelopment Zone.

22 (1) A taxpayer shall be allowed a credit against the
23 tax imposed by subsections (a) and (b) of this Section for
24 investment in qualified property which is placed in service
25 in an Enterprise Zone created pursuant to the Illinois
26 Enterprise Zone Act or, for property placed in service on

1 or after July 1, 2006, a River Edge Redevelopment Zone
2 established pursuant to the River Edge Redevelopment Zone
3 Act. For partners, shareholders of Subchapter S
4 corporations, and owners of limited liability companies,
5 if the liability company is treated as a partnership for
6 purposes of federal and State income taxation, there shall
7 be allowed a credit under this subsection (f) to be
8 determined in accordance with the determination of income
9 and distributive share of income under Sections 702 and 704
10 and Subchapter S of the Internal Revenue Code. The credit
11 shall be .5% of the basis for such property. The credit
12 shall be available only in the taxable year in which the
13 property is placed in service in the Enterprise Zone or
14 River Edge Redevelopment Zone and shall not be allowed to
15 the extent that it would reduce a taxpayer's liability for
16 the tax imposed by subsections (a) and (b) of this Section
17 to below zero. For tax years ending on or after December
18 31, 1985, the credit shall be allowed for the tax year in
19 which the property is placed in service, or, if the amount
20 of the credit exceeds the tax liability for that year,
21 whether it exceeds the original liability or the liability
22 as later amended, such excess may be carried forward and
23 applied to the tax liability of the 5 taxable years
24 following the excess credit year. The credit shall be
25 applied to the earliest year for which there is a
26 liability. If there is credit from more than one tax year

1 that is available to offset a liability, the credit
2 accruing first in time shall be applied first.

3 (2) The term qualified property means property which:

4 (A) is tangible, whether new or used, including
5 buildings and structural components of buildings;

6 (B) is depreciable pursuant to Section 167 of the
7 Internal Revenue Code, except that "3-year property"
8 as defined in Section 168(c)(2)(A) of that Code is not
9 eligible for the credit provided by this subsection
10 (f);

11 (C) is acquired by purchase as defined in Section
12 179(d) of the Internal Revenue Code;

13 (D) is used in the Enterprise Zone or River Edge
14 Redevelopment Zone by the taxpayer; and

15 (E) has not been previously used in Illinois in
16 such a manner and by such a person as would qualify for
17 the credit provided by this subsection (f) or
18 subsection (e).

19 (3) The basis of qualified property shall be the basis
20 used to compute the depreciation deduction for federal
21 income tax purposes.

22 (4) If the basis of the property for federal income tax
23 depreciation purposes is increased after it has been placed
24 in service in the Enterprise Zone or River Edge
25 Redevelopment Zone by the taxpayer, the amount of such
26 increase shall be deemed property placed in service on the

1 date of such increase in basis.

2 (5) The term "placed in service" shall have the same
3 meaning as under Section 46 of the Internal Revenue Code.

4 (6) If during any taxable year, any property ceases to
5 be qualified property in the hands of the taxpayer within
6 48 months after being placed in service, or the situs of
7 any qualified property is moved outside the Enterprise Zone
8 or River Edge Redevelopment Zone within 48 months after
9 being placed in service, the tax imposed under subsections
10 (a) and (b) of this Section for such taxable year shall be
11 increased. Such increase shall be determined by (i)
12 recomputing the investment credit which would have been
13 allowed for the year in which credit for such property was
14 originally allowed by eliminating such property from such
15 computation, and (ii) subtracting such recomputed credit
16 from the amount of credit previously allowed. For the
17 purposes of this paragraph (6), a reduction of the basis of
18 qualified property resulting from a redetermination of the
19 purchase price shall be deemed a disposition of qualified
20 property to the extent of such reduction.

21 (7) There shall be allowed an additional credit equal
22 to 0.5% of the basis of qualified property placed in
23 service during the taxable year in a River Edge
24 Redevelopment Zone, provided such property is placed in
25 service on or after July 1, 2006, and the taxpayer's base
26 employment within Illinois has increased by 1% or more over

1 the preceding year as determined by the taxpayer's
2 employment records filed with the Illinois Department of
3 Workforce Development ~~Employment Security~~. Taxpayers who
4 are new to Illinois shall be deemed to have met the 1%
5 growth in base employment for the first year in which they
6 file employment records with the Illinois Department of
7 Workforce Development ~~Employment Security~~. If, in any
8 year, the increase in base employment within Illinois over
9 the preceding year is less than 1%, the additional credit
10 shall be limited to that percentage times a fraction, the
11 numerator of which is 0.5% and the denominator of which is
12 1%, but shall not exceed 0.5%.

13 (g) (Blank).

14 (h) Investment credit; High Impact Business.

15 (1) Subject to subsections (b) and (b-5) of Section 5.5
16 of the Illinois Enterprise Zone Act, a taxpayer shall be
17 allowed a credit against the tax imposed by subsections (a)
18 and (b) of this Section for investment in qualified
19 property which is placed in service by a Department of
20 Commerce and Economic Opportunity designated High Impact
21 Business. The credit shall be .5% of the basis for such
22 property. The credit shall not be available (i) until the
23 minimum investments in qualified property set forth in
24 subdivision (a)(3)(A) of Section 5.5 of the Illinois
25 Enterprise Zone Act have been satisfied or (ii) until the
26 time authorized in subsection (b-5) of the Illinois

1 Enterprise Zone Act for entities designated as High Impact
2 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
3 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
4 Act, and shall not be allowed to the extent that it would
5 reduce a taxpayer's liability for the tax imposed by
6 subsections (a) and (b) of this Section to below zero. The
7 credit applicable to such investments shall be taken in the
8 taxable year in which such investments have been completed.
9 The credit for additional investments beyond the minimum
10 investment by a designated high impact business authorized
11 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
12 Enterprise Zone Act shall be available only in the taxable
13 year in which the property is placed in service and shall
14 not be allowed to the extent that it would reduce a
15 taxpayer's liability for the tax imposed by subsections (a)
16 and (b) of this Section to below zero. For tax years ending
17 on or after December 31, 1987, the credit shall be allowed
18 for the tax year in which the property is placed in
19 service, or, if the amount of the credit exceeds the tax
20 liability for that year, whether it exceeds the original
21 liability or the liability as later amended, such excess
22 may be carried forward and applied to the tax liability of
23 the 5 taxable years following the excess credit year. The
24 credit shall be applied to the earliest year for which
25 there is a liability. If there is credit from more than one
26 tax year that is available to offset a liability, the

1 credit accruing first in time shall be applied first.

2 Changes made in this subdivision (h) (1) by Public Act
3 88-670 restore changes made by Public Act 85-1182 and
4 reflect existing law.

5 (2) The term qualified property means property which:

6 (A) is tangible, whether new or used, including
7 buildings and structural components of buildings;

8 (B) is depreciable pursuant to Section 167 of the
9 Internal Revenue Code, except that "3-year property"
10 as defined in Section 168(c) (2) (A) of that Code is not
11 eligible for the credit provided by this subsection
12 (h);

13 (C) is acquired by purchase as defined in Section
14 179(d) of the Internal Revenue Code; and

15 (D) is not eligible for the Enterprise Zone
16 Investment Credit provided by subsection (f) of this
17 Section.

18 (3) The basis of qualified property shall be the basis
19 used to compute the depreciation deduction for federal
20 income tax purposes.

21 (4) If the basis of the property for federal income tax
22 depreciation purposes is increased after it has been placed
23 in service in a federally designated Foreign Trade Zone or
24 Sub-Zone located in Illinois by the taxpayer, the amount of
25 such increase shall be deemed property placed in service on
26 the date of such increase in basis.

1 (5) The term "placed in service" shall have the same
2 meaning as under Section 46 of the Internal Revenue Code.

3 (6) If during any taxable year ending on or before
4 December 31, 1996, any property ceases to be qualified
5 property in the hands of the taxpayer within 48 months
6 after being placed in service, or the situs of any
7 qualified property is moved outside Illinois within 48
8 months after being placed in service, the tax imposed under
9 subsections (a) and (b) of this Section for such taxable
10 year shall be increased. Such increase shall be determined
11 by (i) recomputing the investment credit which would have
12 been allowed for the year in which credit for such property
13 was originally allowed by eliminating such property from
14 such computation, and (ii) subtracting such recomputed
15 credit from the amount of credit previously allowed. For
16 the purposes of this paragraph (6), a reduction of the
17 basis of qualified property resulting from a
18 redetermination of the purchase price shall be deemed a
19 disposition of qualified property to the extent of such
20 reduction.

21 (7) Beginning with tax years ending after December 31,
22 1996, if a taxpayer qualifies for the credit under this
23 subsection (h) and thereby is granted a tax abatement and
24 the taxpayer relocates its entire facility in violation of
25 the explicit terms and length of the contract under Section
26 18-183 of the Property Tax Code, the tax imposed under

1 subsections (a) and (b) of this Section shall be increased
2 for the taxable year in which the taxpayer relocated its
3 facility by an amount equal to the amount of credit
4 received by the taxpayer under this subsection (h).

5 (i) Credit for Personal Property Tax Replacement Income
6 Tax. For tax years ending prior to December 31, 2003, a credit
7 shall be allowed against the tax imposed by subsections (a) and
8 (b) of this Section for the tax imposed by subsections (c) and
9 (d) of this Section. This credit shall be computed by
10 multiplying the tax imposed by subsections (c) and (d) of this
11 Section by a fraction, the numerator of which is base income
12 allocable to Illinois and the denominator of which is Illinois
13 base income, and further multiplying the product by the tax
14 rate imposed by subsections (a) and (b) of this Section.

15 Any credit earned on or after December 31, 1986 under this
16 subsection which is unused in the year the credit is computed
17 because it exceeds the tax liability imposed by subsections (a)
18 and (b) for that year (whether it exceeds the original
19 liability or the liability as later amended) may be carried
20 forward and applied to the tax liability imposed by subsections
21 (a) and (b) of the 5 taxable years following the excess credit
22 year, provided that no credit may be carried forward to any
23 year ending on or after December 31, 2003. This credit shall be
24 applied first to the earliest year for which there is a
25 liability. If there is a credit under this subsection from more
26 than one tax year that is available to offset a liability the

1 earliest credit arising under this subsection shall be applied
2 first.

3 If, during any taxable year ending on or after December 31,
4 1986, the tax imposed by subsections (c) and (d) of this
5 Section for which a taxpayer has claimed a credit under this
6 subsection (i) is reduced, the amount of credit for such tax
7 shall also be reduced. Such reduction shall be determined by
8 recomputing the credit to take into account the reduced tax
9 imposed by subsections (c) and (d). If any portion of the
10 reduced amount of credit has been carried to a different
11 taxable year, an amended return shall be filed for such taxable
12 year to reduce the amount of credit claimed.

13 (j) Training expense credit. Beginning with tax years
14 ending on or after December 31, 1986 and prior to December 31,
15 2003, a taxpayer shall be allowed a credit against the tax
16 imposed by subsections (a) and (b) under this Section for all
17 amounts paid or accrued, on behalf of all persons employed by
18 the taxpayer in Illinois or Illinois residents employed outside
19 of Illinois by a taxpayer, for educational or vocational
20 training in semi-technical or technical fields or semi-skilled
21 or skilled fields, which were deducted from gross income in the
22 computation of taxable income. The credit against the tax
23 imposed by subsections (a) and (b) shall be 1.6% of such
24 training expenses. For partners, shareholders of subchapter S
25 corporations, and owners of limited liability companies, if the
26 liability company is treated as a partnership for purposes of

1 federal and State income taxation, there shall be allowed a
2 credit under this subsection (j) to be determined in accordance
3 with the determination of income and distributive share of
4 income under Sections 702 and 704 and subchapter S of the
5 Internal Revenue Code.

6 Any credit allowed under this subsection which is unused in
7 the year the credit is earned may be carried forward to each of
8 the 5 taxable years following the year for which the credit is
9 first computed until it is used. This credit shall be applied
10 first to the earliest year for which there is a liability. If
11 there is a credit under this subsection from more than one tax
12 year that is available to offset a liability the earliest
13 credit arising under this subsection shall be applied first. No
14 carryforward credit may be claimed in any tax year ending on or
15 after December 31, 2003.

16 (k) Research and development credit. For tax years ending
17 after July 1, 1990 and prior to December 31, 2003, and
18 beginning again for tax years ending on or after December 31,
19 2004, and ending prior to January 1, 2016, a taxpayer shall be
20 allowed a credit against the tax imposed by subsections (a) and
21 (b) of this Section for increasing research activities in this
22 State. The credit allowed against the tax imposed by
23 subsections (a) and (b) shall be equal to 6 1/2% of the
24 qualifying expenditures for increasing research activities in
25 this State. For partners, shareholders of subchapter S
26 corporations, and owners of limited liability companies, if the

1 liability company is treated as a partnership for purposes of
2 federal and State income taxation, there shall be allowed a
3 credit under this subsection to be determined in accordance
4 with the determination of income and distributive share of
5 income under Sections 702 and 704 and subchapter S of the
6 Internal Revenue Code.

7 For purposes of this subsection, "qualifying expenditures"
8 means the qualifying expenditures as defined for the federal
9 credit for increasing research activities which would be
10 allowable under Section 41 of the Internal Revenue Code and
11 which are conducted in this State, "qualifying expenditures for
12 increasing research activities in this State" means the excess
13 of qualifying expenditures for the taxable year in which
14 incurred over qualifying expenditures for the base period,
15 "qualifying expenditures for the base period" means the average
16 of the qualifying expenditures for each year in the base
17 period, and "base period" means the 3 taxable years immediately
18 preceding the taxable year for which the determination is being
19 made.

20 Any credit in excess of the tax liability for the taxable
21 year may be carried forward. A taxpayer may elect to have the
22 unused credit shown on its final completed return carried over
23 as a credit against the tax liability for the following 5
24 taxable years or until it has been fully used, whichever occurs
25 first; provided that no credit earned in a tax year ending
26 prior to December 31, 2003 may be carried forward to any year

1 ending on or after December 31, 2003.

2 If an unused credit is carried forward to a given year from
3 2 or more earlier years, that credit arising in the earliest
4 year will be applied first against the tax liability for the
5 given year. If a tax liability for the given year still
6 remains, the credit from the next earliest year will then be
7 applied, and so on, until all credits have been used or no tax
8 liability for the given year remains. Any remaining unused
9 credit or credits then will be carried forward to the next
10 following year in which a tax liability is incurred, except
11 that no credit can be carried forward to a year which is more
12 than 5 years after the year in which the expense for which the
13 credit is given was incurred.

14 No inference shall be drawn from this amendatory Act of the
15 91st General Assembly in construing this Section for taxable
16 years beginning before January 1, 1999.

17 (1) Environmental Remediation Tax Credit.

18 (i) For tax years ending after December 31, 1997 and on
19 or before December 31, 2001, a taxpayer shall be allowed a
20 credit against the tax imposed by subsections (a) and (b)
21 of this Section for certain amounts paid for unreimbursed
22 eligible remediation costs, as specified in this
23 subsection. For purposes of this Section, "unreimbursed
24 eligible remediation costs" means costs approved by the
25 Illinois Environmental Protection Agency ("Agency") under
26 Section 58.14 of the Environmental Protection Act that were

1 paid in performing environmental remediation at a site for
2 which a No Further Remediation Letter was issued by the
3 Agency and recorded under Section 58.10 of the
4 Environmental Protection Act. The credit must be claimed
5 for the taxable year in which Agency approval of the
6 eligible remediation costs is granted. The credit is not
7 available to any taxpayer if the taxpayer or any related
8 party caused or contributed to, in any material respect, a
9 release of regulated substances on, in, or under the site
10 that was identified and addressed by the remedial action
11 pursuant to the Site Remediation Program of the
12 Environmental Protection Act. After the Pollution Control
13 Board rules are adopted pursuant to the Illinois
14 Administrative Procedure Act for the administration and
15 enforcement of Section 58.9 of the Environmental
16 Protection Act, determinations as to credit availability
17 for purposes of this Section shall be made consistent with
18 those rules. For purposes of this Section, "taxpayer"
19 includes a person whose tax attributes the taxpayer has
20 succeeded to under Section 381 of the Internal Revenue Code
21 and "related party" includes the persons disallowed a
22 deduction for losses by paragraphs (b), (c), and (f)(1) of
23 Section 267 of the Internal Revenue Code by virtue of being
24 a related taxpayer, as well as any of its partners. The
25 credit allowed against the tax imposed by subsections (a)
26 and (b) shall be equal to 25% of the unreimbursed eligible

1 remediation costs in excess of \$100,000 per site, except
2 that the \$100,000 threshold shall not apply to any site
3 contained in an enterprise zone as determined by the
4 Department of Commerce and Community Affairs (now
5 Department of Commerce and Economic Opportunity). The
6 total credit allowed shall not exceed \$40,000 per year with
7 a maximum total of \$150,000 per site. For partners and
8 shareholders of subchapter S corporations, there shall be
9 allowed a credit under this subsection to be determined in
10 accordance with the determination of income and
11 distributive share of income under Sections 702 and 704 and
12 subchapter S of the Internal Revenue Code.

13 (ii) A credit allowed under this subsection that is
14 unused in the year the credit is earned may be carried
15 forward to each of the 5 taxable years following the year
16 for which the credit is first earned until it is used. The
17 term "unused credit" does not include any amounts of
18 unreimbursed eligible remediation costs in excess of the
19 maximum credit per site authorized under paragraph (i).
20 This credit shall be applied first to the earliest year for
21 which there is a liability. If there is a credit under this
22 subsection from more than one tax year that is available to
23 offset a liability, the earliest credit arising under this
24 subsection shall be applied first. A credit allowed under
25 this subsection may be sold to a buyer as part of a sale of
26 all or part of the remediation site for which the credit

1 was granted. The purchaser of a remediation site and the
2 tax credit shall succeed to the unused credit and remaining
3 carry-forward period of the seller. To perfect the
4 transfer, the assignor shall record the transfer in the
5 chain of title for the site and provide written notice to
6 the Director of the Illinois Department of Revenue of the
7 assignor's intent to sell the remediation site and the
8 amount of the tax credit to be transferred as a portion of
9 the sale. In no event may a credit be transferred to any
10 taxpayer if the taxpayer or a related party would not be
11 eligible under the provisions of subsection (i).

12 (iii) For purposes of this Section, the term "site"
13 shall have the same meaning as under Section 58.2 of the
14 Environmental Protection Act.

15 (m) Education expense credit. Beginning with tax years
16 ending after December 31, 1999, a taxpayer who is the custodian
17 of one or more qualifying pupils shall be allowed a credit
18 against the tax imposed by subsections (a) and (b) of this
19 Section for qualified education expenses incurred on behalf of
20 the qualifying pupils. The credit shall be equal to 25% of
21 qualified education expenses, but in no event may the total
22 credit under this subsection claimed by a family that is the
23 custodian of qualifying pupils exceed \$500. In no event shall a
24 credit under this subsection reduce the taxpayer's liability
25 under this Act to less than zero. This subsection is exempt
26 from the provisions of Section 250 of this Act.

1 For purposes of this subsection:

2 "Qualifying pupils" means individuals who (i) are
3 residents of the State of Illinois, (ii) are under the age of
4 21 at the close of the school year for which a credit is
5 sought, and (iii) during the school year for which a credit is
6 sought were full-time pupils enrolled in a kindergarten through
7 twelfth grade education program at any school, as defined in
8 this subsection.

9 "Qualified education expense" means the amount incurred on
10 behalf of a qualifying pupil in excess of \$250 for tuition,
11 book fees, and lab fees at the school in which the pupil is
12 enrolled during the regular school year.

13 "School" means any public or nonpublic elementary or
14 secondary school in Illinois that is in compliance with Title
15 VI of the Civil Rights Act of 1964 and attendance at which
16 satisfies the requirements of Section 26-1 of the School Code,
17 except that nothing shall be construed to require a child to
18 attend any particular public or nonpublic school to qualify for
19 the credit under this Section.

20 "Custodian" means, with respect to qualifying pupils, an
21 Illinois resident who is a parent, the parents, a legal
22 guardian, or the legal guardians of the qualifying pupils.

23 (n) River Edge Redevelopment Zone site remediation tax
24 credit.

25 (i) For tax years ending on or after December 31, 2006,
26 a taxpayer shall be allowed a credit against the tax

1 imposed by subsections (a) and (b) of this Section for
2 certain amounts paid for unreimbursed eligible remediation
3 costs, as specified in this subsection. For purposes of
4 this Section, "unreimbursed eligible remediation costs"
5 means costs approved by the Illinois Environmental
6 Protection Agency ("Agency") under Section 58.14a of the
7 Environmental Protection Act that were paid in performing
8 environmental remediation at a site within a River Edge
9 Redevelopment Zone for which a No Further Remediation
10 Letter was issued by the Agency and recorded under Section
11 58.10 of the Environmental Protection Act. The credit must
12 be claimed for the taxable year in which Agency approval of
13 the eligible remediation costs is granted. The credit is
14 not available to any taxpayer if the taxpayer or any
15 related party caused or contributed to, in any material
16 respect, a release of regulated substances on, in, or under
17 the site that was identified and addressed by the remedial
18 action pursuant to the Site Remediation Program of the
19 Environmental Protection Act. Determinations as to credit
20 availability for purposes of this Section shall be made
21 consistent with rules adopted by the Pollution Control
22 Board pursuant to the Illinois Administrative Procedure
23 Act for the administration and enforcement of Section 58.9
24 of the Environmental Protection Act. For purposes of this
25 Section, "taxpayer" includes a person whose tax attributes
26 the taxpayer has succeeded to under Section 381 of the

1 Internal Revenue Code and "related party" includes the
2 persons disallowed a deduction for losses by paragraphs
3 (b), (c), and (f)(1) of Section 267 of the Internal Revenue
4 Code by virtue of being a related taxpayer, as well as any
5 of its partners. The credit allowed against the tax imposed
6 by subsections (a) and (b) shall be equal to 25% of the
7 unreimbursed eligible remediation costs in excess of
8 \$100,000 per site.

9 (ii) A credit allowed under this subsection that is
10 unused in the year the credit is earned may be carried
11 forward to each of the 5 taxable years following the year
12 for which the credit is first earned until it is used. This
13 credit shall be applied first to the earliest year for
14 which there is a liability. If there is a credit under this
15 subsection from more than one tax year that is available to
16 offset a liability, the earliest credit arising under this
17 subsection shall be applied first. A credit allowed under
18 this subsection may be sold to a buyer as part of a sale of
19 all or part of the remediation site for which the credit
20 was granted. The purchaser of a remediation site and the
21 tax credit shall succeed to the unused credit and remaining
22 carry-forward period of the seller. To perfect the
23 transfer, the assignor shall record the transfer in the
24 chain of title for the site and provide written notice to
25 the Director of the Illinois Department of Revenue of the
26 assignor's intent to sell the remediation site and the

1 amount of the tax credit to be transferred as a portion of
2 the sale. In no event may a credit be transferred to any
3 taxpayer if the taxpayer or a related party would not be
4 eligible under the provisions of subsection (i).

5 (iii) For purposes of this Section, the term "site"
6 shall have the same meaning as under Section 58.2 of the
7 Environmental Protection Act.

8 (o) For each of taxable years during the Compassionate Use
9 of Medical Cannabis Pilot Program, a surcharge is imposed on
10 all taxpayers on income arising from the sale or exchange of
11 capital assets, depreciable business property, real property
12 used in the trade or business, and Section 197 intangibles of
13 an organization registrant under the Compassionate Use of
14 Medical Cannabis Pilot Program Act. The amount of the surcharge
15 is equal to the amount of federal income tax liability for the
16 taxable year attributable to those sales and exchanges. The
17 surcharge imposed does not apply if:

18 (1) the medical cannabis cultivation center
19 registration, medical cannabis dispensary registration, or
20 the property of a registration is transferred as a result
21 of any of the following:

22 (A) bankruptcy, a receivership, or a debt
23 adjustment initiated by or against the initial
24 registration or the substantial owners of the initial
25 registration;

26 (B) cancellation, revocation, or termination of

1 any registration by the Illinois Department of Public
2 Health;

3 (C) a determination by the Illinois Department of
4 Public Health that transfer of the registration is in
5 the best interests of Illinois qualifying patients as
6 defined by the Compassionate Use of Medical Cannabis
7 Pilot Program Act;

8 (D) the death of an owner of the equity interest in
9 a registrant;

10 (E) the acquisition of a controlling interest in
11 the stock or substantially all of the assets of a
12 publicly traded company;

13 (F) a transfer by a parent company to a wholly
14 owned subsidiary; or

15 (G) the transfer or sale to or by one person to
16 another person where both persons were initial owners
17 of the registration when the registration was issued;
18 or

19 (2) the cannabis cultivation center registration,
20 medical cannabis dispensary registration, or the
21 controlling interest in a registrant's property is
22 transferred in a transaction to lineal descendants in which
23 no gain or loss is recognized or as a result of a
24 transaction in accordance with Section 351 of the Internal
25 Revenue Code in which no gain or loss is recognized.

26 (Source: P.A. 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905,

1 eff. 8-7-12; 98-109, eff. 7-25-13; 98-122, eff. 1-1-14; revised
2 8-9-13.)

3 (35 ILCS 5/303) (from Ch. 120, par. 3-303)

4 Sec. 303. (a) In general. Any item of capital gain or loss,
5 and any item of income from rents or royalties from real or
6 tangible personal property, interest, dividends, and patent or
7 copyright royalties, and prizes awarded under the Illinois
8 Lottery Law, to the extent such item constitutes nonbusiness
9 income, together with any item of deduction directly allocable
10 thereto, shall be allocated by any person other than a resident
11 as provided in this Section.

12 (b) Capital gains and losses.

13 (1) Real property. Capital gains and losses from sales
14 or exchanges of real property are allocable to this State
15 if the property is located in this State.

16 (2) Tangible personal property. Capital gains and
17 losses from sales or exchanges of tangible personal
18 property are allocable to this State if, at the time of
19 such sale or exchange:

20 (A) The property had its situs in this State; or

21 (B) The taxpayer had its commercial domicile in
22 this State and was not taxable in the state in which
23 the property had its situs.

24 (3) Intangibles. Capital gains and losses from sales or
25 exchanges of intangible personal property are allocable to

1 this State if the taxpayer had its commercial domicile in
2 this State at the time of such sale or exchange.

3 (c) Rents and royalties.

4 (1) Real property. Rents and royalties from real
5 property are allocable to this State if the property is
6 located in this State.

7 (2) Tangible personal property. Rents and royalties
8 from tangible personal property are allocable to this
9 State:

10 (A) If and to the extent that the property is
11 utilized in this State; or

12 (B) In their entirety if, at the time such rents or
13 royalties were paid or accrued, the taxpayer had its
14 commercial domicile in this State and was not organized
15 under the laws of or taxable with respect to such rents
16 or royalties in the state in which the property was
17 utilized. The extent of utilization of tangible
18 personal property in a state is determined by
19 multiplying the rents or royalties derived from such
20 property by a fraction, the numerator of which is the
21 number of days of physical location of the property in
22 the state during the rental or royalty period in the
23 taxable year and the denominator of which is the number
24 of days of physical location of the property everywhere
25 during all rental or royalty periods in the taxable
26 year. If the physical location of the property during

1 the rental or royalty period is unknown or
2 unascertainable by the taxpayer, tangible personal
3 property is utilized in the state in which the property
4 was located at the time the rental or royalty payer
5 obtained possession.

6 (d) Patent and copyright royalties.

7 (1) Allocation. Patent and copyright royalties are
8 allocable to this State:

9 (A) If and to the extent that the patent or
10 copyright is utilized by the payer in this State; or

11 (B) If and to the extent that the patent or
12 copyright is utilized by the payer in a state in which
13 the taxpayer is not taxable with respect to such
14 royalties and, at the time such royalties were paid or
15 accrued, the taxpayer had its commercial domicile in
16 this State.

17 (2) Utilization.

18 (A) A patent is utilized in a state to the extent
19 that it is employed in production, fabrication,
20 manufacturing or other processing in the state or to
21 the extent that a patented product is produced in the
22 state. If the basis of receipts from patent royalties
23 does not permit allocation to states or if the
24 accounting procedures do not reflect states of
25 utilization, the patent is utilized in this State if
26 the taxpayer has its commercial domicile in this State.

1 (B) A copyright is utilized in a state to the
2 extent that printing or other publication originates
3 in the state. If the basis of receipts from copyright
4 royalties does not permit allocation to states or if
5 the accounting procedures do not reflect states of
6 utilization, the copyright is utilized in this State if
7 the taxpayer has its commercial domicile in this State.

8 (e) Illinois lottery prizes. Prizes awarded under the
9 Illinois Lottery Law are allocable to this State. Payments
10 received in taxable years ending on or after December 31, 2013,
11 from the assignment of a prize under Section 13.1 of the
12 Illinois Lottery Law are allocable to this State.

13 (e-5) Unemployment benefits. Unemployment benefits paid by
14 the Illinois Department of Workforce Development ~~Employment~~
15 ~~Security~~ are allocable to this State.

16 (f) Taxability in other state. For purposes of allocation
17 of income pursuant to this Section, a taxpayer is taxable in
18 another state if:

19 (1) In that state he is subject to a net income tax, a
20 franchise tax measured by net income, a franchise tax for
21 the privilege of doing business, or a corporate stock tax;
22 or

23 (2) That state has jurisdiction to subject the taxpayer
24 to a net income tax regardless of whether, in fact, the
25 state does or does not.

26 (g) Cross references.

1 (1) For allocation of interest and dividends by persons
2 other than residents, see Section 301(c) (2).

3 (2) For allocation of nonbusiness income by residents,
4 see Section 301(a).

5 (Source: P.A. 97-709, eff. 7-1-12; 98-496, eff. 1-1-14.)

6 (35 ILCS 5/701) (from Ch. 120, par. 7-701)

7 Sec. 701. Requirement and Amount of Withholding.

8 (a) In General. Every employer maintaining an office or
9 transacting business within this State and required under the
10 provisions of the Internal Revenue Code to withhold a tax on:

11 (1) compensation paid in this State (as determined
12 under Section 304(a) (2) (B) to an individual; or

13 (2) payments described in subsection (b) shall deduct
14 and withhold from such compensation for each payroll period
15 (as defined in Section 3401 of the Internal Revenue Code)
16 an amount equal to the amount by which such individual's
17 compensation exceeds the proportionate part of this
18 withholding exemption (computed as provided in Section
19 702) attributable to the payroll period for which such
20 compensation is payable multiplied by a percentage equal to
21 the percentage tax rate for individuals provided in
22 subsection (b) of Section 201.

23 (b) Payment to Residents. Any payment (including
24 compensation, but not including a payment from which
25 withholding is required under Section 710 of this Act) to a

1 resident by a payor maintaining an office or transacting
2 business within this State (including any agency, officer, or
3 employee of this State or of any political subdivision of this
4 State) and on which withholding of tax is required under the
5 provisions of the Internal Revenue Code shall be deemed to be
6 compensation paid in this State by an employer to an employee
7 for the purposes of Article 7 and Section 601(b)(1) to the
8 extent such payment is included in the recipient's base income
9 and not subjected to withholding by another state.
10 Notwithstanding any other provision to the contrary, no amount
11 shall be withheld from unemployment insurance benefit payments
12 made to an individual pursuant to the Unemployment Insurance
13 Act unless the individual has voluntarily elected the
14 withholding pursuant to rules promulgated by the Director of
15 Workforce Development ~~Employment Security~~.

16 (c) Special Definitions. Withholding shall be considered
17 required under the provisions of the Internal Revenue Code to
18 the extent the Internal Revenue Code either requires
19 withholding or allows for voluntary withholding the payor and
20 recipient have entered into such a voluntary withholding
21 agreement. For the purposes of Article 7 and Section 1002(c)
22 the term "employer" includes any payor who is required to
23 withhold tax pursuant to this Section.

24 (d) Reciprocal Exemption. The Director may enter into an
25 agreement with the taxing authorities of any state which
26 imposes a tax on or measured by income to provide that

1 compensation paid in such state to residents of this State
2 shall be exempt from withholding of such tax; in such case, any
3 compensation paid in this State to residents of such state
4 shall be exempt from withholding. All reciprocal agreements
5 shall be subject to the requirements of Section 2505-575 of the
6 Department of Revenue Law (20 ILCS 2505/2505-575).

7 (e) Notwithstanding subsection (a)(2) of this Section, no
8 withholding is required on payments for which withholding is
9 required under Section 3405 or 3406 of the Internal Revenue
10 Code.

11 (Source: P.A. 97-507, eff. 8-23-11; 98-496, eff. 1-1-14.)

12 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

13 Sec. 917. Confidentiality and information sharing.

14 (a) Confidentiality. Except as provided in this Section,
15 all information received by the Department from returns filed
16 under this Act, or from any investigation conducted under the
17 provisions of this Act, shall be confidential, except for
18 official purposes within the Department or pursuant to official
19 procedures for collection of any State tax or pursuant to an
20 investigation or audit by the Illinois State Scholarship
21 Commission of a delinquent student loan or monetary award or
22 enforcement of any civil or criminal penalty or sanction
23 imposed by this Act or by another statute imposing a State tax,
24 and any person who divulges any such information in any manner,
25 except for such purposes and pursuant to order of the Director

1 or in accordance with a proper judicial order, shall be guilty
2 of a Class A misdemeanor. However, the provisions of this
3 paragraph are not applicable to information furnished to (i)
4 the Department of Healthcare and Family Services (formerly
5 Department of Public Aid), State's Attorneys, and the Attorney
6 General for child support enforcement purposes and (ii) a
7 licensed attorney representing the taxpayer where an appeal or
8 a protest has been filed on behalf of the taxpayer. If it is
9 necessary to file information obtained pursuant to this Act in
10 a child support enforcement proceeding, the information shall
11 be filed under seal.

12 (b) Public information. Nothing contained in this Act shall
13 prevent the Director from publishing or making available to the
14 public the names and addresses of persons filing returns under
15 this Act, or from publishing or making available reasonable
16 statistics concerning the operation of the tax wherein the
17 contents of returns are grouped into aggregates in such a way
18 that the information contained in any individual return shall
19 not be disclosed.

20 (c) Governmental agencies. The Director may make available
21 to the Secretary of the Treasury of the United States or his
22 delegate, or the proper officer or his delegate of any other
23 state imposing a tax upon or measured by income, for
24 exclusively official purposes, information received by the
25 Department in the administration of this Act, but such
26 permission shall be granted only if the United States or such

1 other state, as the case may be, grants the Department
2 substantially similar privileges. The Director may exchange
3 information with the Department of Healthcare and Family
4 Services and the Department of Human Services (acting as
5 successor to the Department of Public Aid under the Department
6 of Human Services Act) for the purpose of verifying sources and
7 amounts of income and for other purposes directly connected
8 with the administration of this Act, the Illinois Public Aid
9 Code, and any other health benefit program administered by the
10 State. The Director may exchange information with the Director
11 of the Department of Workforce Development ~~Employment Security~~
12 for the purpose of verifying sources and amounts of income and
13 for other purposes directly connected with the administration
14 of this Act and Acts administered by the Department of
15 Workforce Development ~~Employment Security~~. The Director may
16 make available to the Illinois Workers' Compensation
17 Commission information regarding employers for the purpose of
18 verifying the insurance coverage required under the Workers'
19 Compensation Act and Workers' Occupational Diseases Act. The
20 Director may exchange information with the Illinois Department
21 on Aging for the purpose of verifying sources and amounts of
22 income for purposes directly related to confirming eligibility
23 for participation in the programs of benefits authorized by the
24 Senior Citizens and Disabled Persons Property Tax Relief and
25 Pharmaceutical Assistance Act.

26 The Director may make available to any State agency,

1 including the Illinois Supreme Court, which licenses persons to
2 engage in any occupation, information that a person licensed by
3 such agency has failed to file returns under this Act or pay
4 the tax, penalty and interest shown therein, or has failed to
5 pay any final assessment of tax, penalty or interest due under
6 this Act. The Director may make available to any State agency,
7 including the Illinois Supreme Court, information regarding
8 whether a bidder, contractor, or an affiliate of a bidder or
9 contractor has failed to file returns under this Act or pay the
10 tax, penalty, and interest shown therein, or has failed to pay
11 any final assessment of tax, penalty, or interest due under
12 this Act, for the limited purpose of enforcing bidder and
13 contractor certifications. For purposes of this Section, the
14 term "affiliate" means any entity that (1) directly,
15 indirectly, or constructively controls another entity, (2) is
16 directly, indirectly, or constructively controlled by another
17 entity, or (3) is subject to the control of a common entity.
18 For purposes of this subsection (a), an entity controls another
19 entity if it owns, directly or individually, more than 10% of
20 the voting securities of that entity. As used in this
21 subsection (a), the term "voting security" means a security
22 that (1) confers upon the holder the right to vote for the
23 election of members of the board of directors or similar
24 governing body of the business or (2) is convertible into, or
25 entitles the holder to receive upon its exercise, a security
26 that confers such a right to vote. A general partnership

1 interest is a voting security.

2 The Director may make available to any State agency,
3 including the Illinois Supreme Court, units of local
4 government, and school districts, information regarding
5 whether a bidder or contractor is an affiliate of a person who
6 is not collecting and remitting Illinois Use taxes, for the
7 limited purpose of enforcing bidder and contractor
8 certifications.

9 The Director may also make available to the Secretary of
10 State information that a corporation which has been issued a
11 certificate of incorporation by the Secretary of State has
12 failed to file returns under this Act or pay the tax, penalty
13 and interest shown therein, or has failed to pay any final
14 assessment of tax, penalty or interest due under this Act. An
15 assessment is final when all proceedings in court for review of
16 such assessment have terminated or the time for the taking
17 thereof has expired without such proceedings being instituted.
18 For taxable years ending on or after December 31, 1987, the
19 Director may make available to the Director or principal
20 officer of any Department of the State of Illinois, information
21 that a person employed by such Department has failed to file
22 returns under this Act or pay the tax, penalty and interest
23 shown therein. For purposes of this paragraph, the word
24 "Department" shall have the same meaning as provided in Section
25 3 of the State Employees Group Insurance Act of 1971.

26 (d) The Director shall make available for public inspection

1 in the Department's principal office and for publication, at
2 cost, administrative decisions issued on or after January 1,
3 1995. These decisions are to be made available in a manner so
4 that the following taxpayer information is not disclosed:

5 (1) The names, addresses, and identification numbers
6 of the taxpayer, related entities, and employees.

7 (2) At the sole discretion of the Director, trade
8 secrets or other confidential information identified as
9 such by the taxpayer, no later than 30 days after receipt
10 of an administrative decision, by such means as the
11 Department shall provide by rule.

12 The Director shall determine the appropriate extent of the
13 deletions allowed in paragraph (2). In the event the taxpayer
14 does not submit deletions, the Director shall make only the
15 deletions specified in paragraph (1).

16 The Director shall make available for public inspection and
17 publication an administrative decision within 180 days after
18 the issuance of the administrative decision. The term
19 "administrative decision" has the same meaning as defined in
20 Section 3-101 of Article III of the Code of Civil Procedure.
21 Costs collected under this Section shall be paid into the Tax
22 Compliance and Administration Fund.

23 (e) Nothing contained in this Act shall prevent the
24 Director from divulging information to any person pursuant to a
25 request or authorization made by the taxpayer, by an authorized
26 representative of the taxpayer, or, in the case of information

1 related to a joint return, by the spouse filing the joint
2 return with the taxpayer.

3 (Source: P.A. 95-331, eff. 8-21-07; 96-1501, eff. 1-25-11.)

4 Section 215. The Economic Development for a Growing Economy
5 Tax Credit Act is amended by changing Section 5-25 as follows:

6 (35 ILCS 10/5-25)

7 Sec. 5-25. Review of Application.

8 (a) In addition to those duties granted under the Illinois
9 Economic Development Board Act, the Illinois Economic
10 Development Board shall form a Business Investment Committee
11 for the purpose of making recommendations for applications. At
12 the request of the Board, the Director of Commerce and Economic
13 Opportunity or his or her designee, the Director of the
14 Governor's Office of Management and Budget or his or her
15 designee, the Director of Revenue or his or her designee, the
16 Director of Workforce Development ~~Employment Security~~ or his or
17 her designee, and an elected official of the affected locality,
18 such as the chair of the county board or the mayor, may serve
19 as members of the Committee to assist with its analysis and
20 deliberations.

21 (b) At the Department's request, the Committee shall
22 convene, make inquiries, and conduct studies in the manner and
23 by the methods as it deems desirable, review information with
24 respect to Applicants, and make recommendations for projects to

1 benefit the State. In making its recommendation that an
2 Applicant's application for Credit should or should not be
3 accepted, which shall occur within a reasonable time frame as
4 determined by the nature of the application, the Committee
5 shall determine that all the following conditions exist:

6 (1) The Applicant's project intends, as required by
7 subsection (b) of Section 5-20 to make the required
8 investment in the State and intends to hire the required
9 number of New Employees in Illinois as a result of that
10 project.

11 (2) The Applicant's project is economically sound and
12 will benefit the people of the State of Illinois by
13 increasing opportunities for employment and strengthen the
14 economy of Illinois.

15 (3) That, if not for the Credit, the project would not
16 occur in Illinois, which may be demonstrated by any means
17 including, but not limited to, evidence the Applicant has
18 multi-state location options and could reasonably and
19 efficiently locate outside of the State, or demonstration
20 that at least one other state is being considered for the
21 project, or evidence the receipt of the Credit is a major
22 factor in the Applicant's decision and that without the
23 Credit, the Applicant likely would not create new jobs in
24 Illinois, or demonstration that receiving the Credit is
25 essential to the Applicant's decision to create or retain
26 new jobs in the State.

1 (4) A cost differential is identified, using best
2 available data, in the projected costs for the Applicant's
3 project compared to the costs in the competing state,
4 including the impact of the competing state's incentive
5 programs. The competing state's incentive programs shall
6 include state, local, private, and federal funds
7 available.

8 (5) The political subdivisions affected by the project
9 have committed local incentives with respect to the
10 project, considering local ability to assist.

11 (6) Awarding the Credit will result in an overall
12 positive fiscal impact to the State, as certified by the
13 Committee using the best available data.

14 (7) The Credit is not prohibited by Section 5-35 of
15 this Act.

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

17 Section 220. The Business Location Efficiency Incentive
18 Act is amended by changing Section 10 as follows:

19 (35 ILCS 11/10)

20 (Section scheduled to be repealed on December 31, 2016)

21 Sec. 10. Economic development assistance awards.

22 (a) An applicant that also wants to be considered for
23 increased economic development assistance under this Act shall
24 submit a location efficiency report.

1 (b) DCEO may give an applicant an increased tax credit or
2 extension if the applicant's location efficiency report
3 demonstrates that the applicant is seeking assistance for a
4 project to be located in an area that satisfies this Act's
5 standards for affordable workforce housing or affordable and
6 accessible mass transit. If the Department determines from the
7 location efficiency report that the applicant is seeking
8 assistance in an area that is not location efficient, the
9 Department may award an increase in State economic development
10 assistance if an applicant (i) submits, and the Department
11 accepts, an applicant's employee housing and transportation
12 remediation plan or (ii) creates jobs in a labor surplus area
13 as defined by the Department of Workforce Development
14 ~~Employment Security~~ at the end of each calendar year.

15 (c) Applicants locating or expanding at location-efficient
16 sites, with approved location efficiency plans, or creating
17 jobs in labor surplus areas may receive (i) up to 10% more than
18 the maximum allowable tax credits for which they are eligible
19 under the Economic Development for a Growing Economy Tax Credit
20 Act (EDGE), but not to equal or exceed 100% of the applicant's
21 tax liability, or (ii) such other adjustment of those tax
22 credits, including but not limited to extensions, as the
23 Department deems appropriate.

24 (d) The Department may provide technical assistance to
25 employers requesting assistance in developing an appropriate
26 employee housing or transportation plan.

1 (Source: P.A. 97-1097, eff. 8-24-12.)

2 Section 225. The Illinois Pension Code is amended by
3 changing Section 14-103.05 as follows:

4 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
5 Sec. 14-103.05. Employee.

6 (a) Any person employed by a Department who receives salary
7 for personal services rendered to the Department on a warrant
8 issued pursuant to a payroll voucher certified by a Department
9 and drawn by the State Comptroller upon the State Treasurer,
10 including an elected official described in subparagraph (d) of
11 Section 14-104, shall become an employee for purpose of
12 membership in the Retirement System on the first day of such
13 employment.

14 A person entering service on or after January 1, 1972 and
15 prior to January 1, 1984 shall become a member as a condition
16 of employment and shall begin making contributions as of the
17 first day of employment.

18 A person entering service on or after January 1, 1984
19 shall, upon completion of 6 months of continuous service which
20 is not interrupted by a break of more than 2 months, become a
21 member as a condition of employment. Contributions shall begin
22 the first of the month after completion of the qualifying
23 period.

24 A person employed by the Chicago Metropolitan Agency for

1 Planning on the effective date of this amendatory Act of the
2 95th General Assembly who was a member of this System as an
3 employee of the Chicago Area Transportation Study and makes an
4 election under Section 14-104.13 to participate in this System
5 for his or her employment with the Chicago Metropolitan Agency
6 for Planning.

7 The qualifying period of 6 months of service is not
8 applicable to: (1) a person who has been granted credit for
9 service in a position covered by the State Universities
10 Retirement System, the Teachers' Retirement System of the State
11 of Illinois, the General Assembly Retirement System, or the
12 Judges Retirement System of Illinois unless that service has
13 been forfeited under the laws of those systems; (2) a person
14 entering service on or after July 1, 1991 in a noncovered
15 position; (3) a person to whom Section 14-108.2a or 14-108.2b
16 applies; or (4) a person to whom subsection (a-5) of this
17 Section applies.

18 (a-5) A person entering service on or after December 1,
19 2010 shall become a member as a condition of employment and
20 shall begin making contributions as of the first day of
21 employment. A person serving in the qualifying period on
22 December 1, 2010 will become a member on December 1, 2010 and
23 shall begin making contributions as of December 1, 2010.

24 (b) The term "employee" does not include the following:

25 (1) members of the State Legislature, and persons
26 electing to become members of the General Assembly

1 Retirement System pursuant to Section 2-105;

2 (2) incumbents of offices normally filled by vote of
3 the people;

4 (3) except as otherwise provided in this Section, any
5 person appointed by the Governor with the advice and
6 consent of the Senate unless that person elects to
7 participate in this system;

8 (3.1) any person serving as a commissioner of an ethics
9 commission created under the State Officials and Employees
10 Ethics Act unless that person elects to participate in this
11 system with respect to that service as a commissioner;

12 (3.2) any person serving as a part-time employee in any
13 of the following positions: Legislative Inspector General,
14 Special Legislative Inspector General, employee of the
15 Office of the Legislative Inspector General, Executive
16 Director of the Legislative Ethics Commission, or staff of
17 the Legislative Ethics Commission, regardless of whether
18 he or she is in active service on or after July 8, 2004
19 (the effective date of Public Act 93-685), unless that
20 person elects to participate in this System with respect to
21 that service; in this item (3.2), a "part-time employee" is
22 a person who is not required to work at least 35 hours per
23 week;

24 (3.3) any person who has made an election under Section
25 1-123 and who is serving either as legal counsel in the
26 Office of the Governor or as Chief Deputy Attorney General;

1 (4) except as provided in Section 14-108.2 or
2 14-108.2c, any person who is covered or eligible to be
3 covered by the Teachers' Retirement System of the State of
4 Illinois, the State Universities Retirement System, or the
5 Judges Retirement System of Illinois;

6 (5) an employee of a municipality or any other
7 political subdivision of the State;

8 (6) any person who becomes an employee after June 30,
9 1979 as a public service employment program participant
10 under the Federal Comprehensive Employment and Training
11 Act and whose wages or fringe benefits are paid in whole or
12 in part by funds provided under such Act;

13 (7) enrollees of the Illinois Young Adult Conservation
14 Corps program, administered by the Department of Natural
15 Resources, authorized grantee pursuant to Title VIII of the
16 "Comprehensive Employment and Training Act of 1973", 29 USC
17 993, as now or hereafter amended;

18 (8) enrollees and temporary staff of programs
19 administered by the Department of Natural Resources under
20 the Youth Conservation Corps Act of 1970;

21 (9) any person who is a member of any professional
22 licensing or disciplinary board created under an Act
23 administered by the Department of Professional Regulation
24 or a successor agency or created or re-created after the
25 effective date of this amendatory Act of 1997, and who
26 receives per diem compensation rather than a salary,

1 notwithstanding that such per diem compensation is paid by
2 warrant issued pursuant to a payroll voucher; such persons
3 have never been included in the membership of this System,
4 and this amendatory Act of 1987 (P.A. 84-1472) is not
5 intended to effect any change in the status of such
6 persons;

7 (10) any person who is a member of the Illinois Health
8 Care Cost Containment Council, and receives per diem
9 compensation rather than a salary, notwithstanding that
10 such per diem compensation is paid by warrant issued
11 pursuant to a payroll voucher; such persons have never been
12 included in the membership of this System, and this
13 amendatory Act of 1987 is not intended to effect any change
14 in the status of such persons;

15 (11) any person who is a member of the Oil and Gas
16 Board created by Section 1.2 of the Illinois Oil and Gas
17 Act, and receives per diem compensation rather than a
18 salary, notwithstanding that such per diem compensation is
19 paid by warrant issued pursuant to a payroll voucher;

20 (12) a person employed by the State Board of Higher
21 Education in a position with the Illinois Century Network
22 as of June 30, 2004, who remains continuously employed
23 after that date by the Department of Central Management
24 Services in a position with the Illinois Century Network
25 and participates in the Article 15 system with respect to
26 that employment;

1 (13) any person who first becomes a member of the Civil
2 Service Commission on or after January 1, 2012;

3 (14) any person, other than the Director of Employment
4 Security, (now Workforce Development) who first becomes a
5 member of the Board of Review of the Department of
6 Employment Security (now Workforce Development) on or
7 after January 1, 2012;

8 (15) any person who first becomes a member of the Civil
9 Service Commission on or after January 1, 2012;

10 (16) any person who first becomes a member of the
11 Illinois Liquor Control Commission on or after January 1,
12 2012;

13 (17) any person who first becomes a member of the
14 Secretary of State Merit Commission on or after January 1,
15 2012;

16 (18) any person who first becomes a member of the Human
17 Rights Commission on or after January 1, 2012;

18 (19) any person who first becomes a member of the State
19 Mining Board on or after January 1, 2012;

20 (20) any person who first becomes a member of the
21 Property Tax Appeal Board on or after January 1, 2012;

22 (21) any person who first becomes a member of the
23 Illinois Racing Board on or after January 1, 2012;

24 (22) any person who first becomes a member of the
25 Department of State Police Merit Board on or after January
26 1, 2012;

1 (23) any person who first becomes a member of the
2 Illinois State Toll Highway Authority on or after January
3 1, 2012; or

4 (24) any person who first becomes a member of the
5 Illinois State Board of Elections on or after January 1,
6 2012.

7 (c) An individual who represents or is employed as an
8 officer or employee of a statewide labor organization that
9 represents members of this System may participate in the System
10 and shall be deemed an employee, provided that (1) the
11 individual has previously earned creditable service under this
12 Article, (2) the individual files with the System an
13 irrevocable election to become a participant within 6 months
14 after the effective date of this amendatory Act of the 94th
15 General Assembly, and (3) the individual does not receive
16 credit for that employment under any other provisions of this
17 Code. An employee under this subsection (c) is responsible for
18 paying to the System both (i) employee contributions based on
19 the actual compensation received for service with the labor
20 organization and (ii) employer contributions based on the
21 percentage of payroll certified by the board; all or any part
22 of these contributions may be paid on the employee's behalf or
23 picked up for tax purposes (if authorized under federal law) by
24 the labor organization.

25 A person who is an employee as defined in this subsection
26 (c) may establish service credit for similar employment prior

1 to becoming an employee under this subsection by paying to the
2 System for that employment the contributions specified in this
3 subsection, plus interest at the effective rate from the date
4 of service to the date of payment. However, credit shall not be
5 granted under this subsection (c) for any such prior employment
6 for which the applicant received credit under any other
7 provision of this Code or during which the applicant was on a
8 leave of absence.

9 (Source: P.A. 96-1490, eff. 1-1-11; 97-609, eff. 1-1-12.)

10 Section 230. The Military Family Interstate Compact
11 Implementation Statute Drafting Advisory Committee Act is
12 amended by changing Section 5 as follows:

13 (45 ILCS 175/5)

14 Sec. 5. Committee; created; mandate. The Military Family
15 Interstate Compact Implementation Statute Drafting Advisory
16 Committee is created as an interagency advisory committee to
17 develop a comprehensive statute to implement the Interstate
18 Compact on Educational Opportunity for Military Children, a
19 document developed by the National Military Family
20 Association. The Lieutenant Governor is the chair of the
21 Committee, which shall be composed of the following individuals
22 or agency designees:

23 (1) The Lieutenant Governor.

24 (2) The Illinois State Board of Education.

1 (3) The Department of Commerce and Economic
2 Opportunity.

3 (4) The Department of Healthcare and Family Services.

4 (5) The Housing Development Authority.

5 (6) The Department of Veterans' Affairs.

6 (7) The Department of Military Affairs.

7 (8) The Department of Workforce Development ~~Employment~~
8 ~~Security~~.

9 (9) Any other interested stakeholder, at the
10 discretion of the chair.

11 The Committee shall meet at a time and place designated by
12 the chair, but in no case shall the Committee meet less often
13 than once each month, until it has fulfilled all the
14 obligations delineated in this Act.

15 All meetings of the Committee are subject to the provisions
16 of the Open Meetings Act.

17 All proceedings of the Committee and documents produced by
18 the Committee are subject to the provisions of the Freedom of
19 Information Act.

20 The Committee shall draft and submit to the General
21 Assembly a model implementation statute and a report outlining
22 all the issues raised by the implementation by no later than
23 December 31, 2008 or within 90 days after the effective date of
24 this Act, whichever is later.

25 The Office of the Lieutenant Governor shall provide staff
26 and administrative support to the Committee.

1 (Source: P.A. 95-736, eff. 7-16-08.)

2 Section 235. The County Economic Development Project Area
3 Tax Increment Allocation Act of 1991 is amended by changing
4 Section 10 as follows:

5 (55 ILCS 90/10) (from Ch. 34, par. 8010)

6 Sec. 10. Definitions. In this Act, words or terms have the
7 following meanings:

8 (a) "Economic development plan" means the written plan of a
9 county that sets forth an economic development program for an
10 economic development project area. Each economic development
11 plan shall include but not be limited to (i) estimated economic
12 development project costs, (ii) the sources of funds to pay
13 those costs, (iii) the nature and term of any obligations to be
14 issued by the county to pay those costs, (iv) the most recent
15 equalized assessed valuation of the economic development
16 project area, (v) an estimate of the equalized assessed
17 valuation of the economic development project area after
18 completion of an economic development project, (vi) the
19 estimated date of completion of any economic development
20 project proposed to be undertaken, (vii) a general description
21 of any proposed developer, user, or tenant of any property to
22 be located or improved within the economic development project
23 area, (viii) a description of the type, structure, and general
24 character of the facilities to be developed or improved, (ix) a

1 report, which may be in preliminary form, of an independent
2 engineer, architect, or other professional indicating that any
3 proposed manufacturing, industrial, research, or similar
4 facility included in a proposed economic development project
5 for a proposed economic development project area uses proven
6 technology or uses innovative technology for which there is
7 reasonable evidence of technological feasibility, (x) a
8 description of the general land uses to apply in the economic
9 development project area, (xi) a description of the type,
10 class, and number of employees to be employed in the operation
11 of the facilities to be developed or improved, and (xii) a
12 commitment by the county to fair employment practices and an
13 affirmative action plan with respect to any economic
14 development program to be undertaken by the county.

15 (b) "Economic development project" means any development
16 project in furtherance of the objectives of this Act.

17 (c) "Economic development project area" means any improved
18 or vacant area that (i) is located in a county of significant
19 unemployment as defined in subsection (e) of this Section, (ii)
20 is contiguous, (iii) is not less in the aggregate than 5000
21 acres, (iv) is suitable for siting by a commercial,
22 manufacturing, industrial, research, or transportation
23 enterprise or facilities to include but not be limited to
24 commercial businesses, offices, factories, mills, processing
25 plants, industrial or commercial distribution centers,
26 warehouses, repair overhaul or service facilities, freight

1 terminals, research facilities, test facilities, or
2 transportation facilities, regardless of whether the area has
3 been used at any time for those facilities and regardless of
4 whether the area has been used or is suitable for other uses,
5 including commercial agricultural purposes, and (v) has been
6 approved and certified by the corporate authorities of the
7 county pursuant to this Act.

8 (d) "Economic development project costs" means and
9 includes the total of all reasonable or necessary costs
10 incurred or to be incurred by a county or by a nongovernmental
11 person pursuant to an economic development project, including,
12 without limitation, the following:

13 (1) Costs of studies, surveys, development of plans and
14 specifications, and implementation and administration of
15 an economic development plan and personnel and
16 professional service costs for architectural, engineering,
17 legal, marketing, financial, planning, police, fire,
18 public works, or other services. No charges for
19 professional services, however, may be based on a
20 percentage of incremental tax revenues.

21 (2) Property assembly costs within an economic
22 development project area, including but not limited to
23 acquisition of land and other real or personal property or
24 rights or interests in property.

25 (3) Site preparation costs, including but not limited
26 to clearance of any area within an economic development

1 project area by demolition or removal of any existing
2 buildings, structures, fixtures, utilities, and
3 improvements and clearing and grading; and including
4 installation, repair, construction, reconstruction, or
5 relocation of public streets, public utilities, and other
6 public site improvements located outside the boundaries of
7 an economic development project area that are essential to
8 the preparation of the economic development project area
9 for use in accordance with an economic development plan.

10 (4) Costs of renovation, rehabilitation,
11 reconstruction, relocation, repair, or remodeling of any
12 existing buildings, improvements, and fixtures within an
13 economic development project area.

14 (5) Costs of installation or construction within an
15 economic development project area of any buildings,
16 structures, works, streets, improvements, utilities, or
17 fixtures, whether publicly or privately owned or operated.

18 (6) Financing costs, including but not limited to all
19 necessary and incidental expenses related to the issuance
20 of obligations, payment of any interest on any obligations
21 issued under this Act that accrues during the estimated
22 period of construction of any economic development project
23 for which the obligations are issued and for not more than
24 36 months after that period, and any reasonable reserves
25 related to the issuance of the obligations.

26 (7) All or a portion of a taxing district's capital

1 costs resulting from an economic development project
2 necessarily incurred or estimated to be incurred by a
3 taxing district in the furtherance of the objectives of an
4 economic development project, to the extent that the county
5 by written agreement accepts and approves those costs.

6 (8) Relocation costs to the extent that a county
7 determines that relocation costs shall be paid or is
8 required to pay relocation costs by federal or State law.

9 (9) The estimated tax revenues from real property in an
10 economic development project area acquired by a county
11 that, according to the economic development plan, is to be
12 used for a private use (i) that any taxing district would
13 have received had the county not adopted tax increment
14 allocation financing for an economic development project
15 area and (ii) that would result from the taxing district's
16 levies made after the time of the adoption by the county of
17 tax increment allocation financing to the time the current
18 equalized assessed value of real property in the economic
19 development project area exceeds the total initial
20 equalized value of real property.

21 (10) Costs of rebating ad valorem taxes paid by any
22 developer or other nongovernmental person in whose name the
23 general taxes were paid for the last preceding year on any
24 lot, block, tract, or parcel of land in the economic
25 development project area, provided that:

26 (A) the economic development project area is

1 located in an enterprise zone created under the
2 Illinois Enterprise Zone Act;

3 (B) the ad valorem taxes shall be rebated only in
4 amounts and for a tax year or years as the county and
5 any one or more affected taxing districts have agreed
6 by prior written agreement;

7 (C) any amount of rebate of taxes shall not exceed
8 the portion, if any, of taxes levied by the county or
9 taxing district or districts that is attributable to
10 the increase in the current equalized assessed
11 valuation of each taxable lot, block, tract, or parcel
12 of real property in the economic development project
13 area over and above the initial equalized assessed
14 value of each property existing at the time property
15 tax allocation financing was adopted for the economic
16 development project area; and

17 (D) costs of rebating ad valorem taxes shall be
18 paid by a county solely from the special tax allocation
19 fund established under this Act and shall not be paid
20 from the proceeds of any obligations issued by a
21 county.

22 (11) Costs of job training or advanced vocational or
23 career education, including but not limited to courses in
24 occupational, semi-technical, or technical fields leading
25 directly to employment, incurred by one or more taxing
26 districts, but only if the costs are related to the

1 establishment and maintenance of additional job training,
2 advanced vocational education, or career education
3 programs for persons employed or to be employed by
4 employers located in the economic development project area
5 and only if, when the costs are incurred by a taxing
6 district or taxing districts other than the county, they
7 shall be set forth in a written agreement by or among the
8 county and the taxing district or taxing districts that
9 describes the program to be undertaken, including without
10 limitation the number of employees to be trained, a
11 description of the training and services to be provided,
12 the number and type of positions available or to be
13 available, itemized costs of the program and sources of
14 funds to pay the costs, and the term of the agreement.
15 These costs include, specifically, the payment by
16 community college districts of costs pursuant to Sections
17 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College
18 Act and by school districts of costs pursuant to Sections
19 10-22.20 and 10-23.3a of the School Code.

20 (12) Private financing costs incurred by a developer or
21 other nongovernmental person in connection with an
22 economic development project, provided that:

23 (A) private financing costs shall be paid or
24 reimbursed by a county only pursuant to the prior
25 official action of the county evidencing an intent to
26 pay or reimburse such private financing costs;

1 (B) except as provided in subparagraph (D), the
2 aggregate amount of the costs paid or reimbursed by a
3 county in any one year shall not exceed 30% of the
4 costs paid or incurred by the developer or other
5 nongovernmental person in that year;

6 (C) private financing costs shall be paid or
7 reimbursed by a county solely from the special tax
8 allocation fund established under this Act and shall
9 not be paid from the proceeds of any obligations issued
10 by a county; and

11 (D) if there are not sufficient funds available in
12 the special tax allocation fund in any year to make the
13 payment or reimbursement in full, any amount of the
14 interest costs remaining to be paid or reimbursed by a
15 county shall accrue and be payable when funds are
16 available in the special tax allocation fund to make
17 the payment.

18 (e) "A county with significant unemployment" means a county
19 in which the average annual unemployment rate for the previous
20 calendar year equaled or exceeded 12%. For purposes of this
21 subsection, the unemployment rate of a county shall be the rate
22 as certified by the Illinois Department of Workforce
23 Development ~~Employment Security~~.

24 (f) "Obligations" means any instrument evidencing the
25 obligation of a county to pay money, including without
26 limitation bonds, notes, installment or financing contracts,

1 certificates, tax anticipation warrants or notes, vouchers,
2 and any other evidence of indebtedness.

3 (g) "Taxing districts" means counties, townships, and
4 school, road, park, sanitary, mosquito abatement, forest
5 preserve, public health, fire protection, river conservancy,
6 tuberculosis sanitarium, and any other districts or other
7 municipal corporations with the power to levy taxes.

8 (Source: P.A. 87-1.)

9 Section 240. The Illinois Municipal Code is amended by
10 changing Section 11-76-4.2 as follows:

11 (65 ILCS 5/11-76-4.2) (from Ch. 24, par. 11-76-4.2)

12 Sec. 11-76-4.2. Surplus property; alternative method of
13 sale.

14 (a) This Section applies to any municipality with a
15 population of less than 20,000 which is situated wholly or
16 partially within a county that has an unemployment rate, as
17 determined by the Illinois Department of Workforce Development
18 ~~Employment Security~~, higher than the national unemployment
19 average, as determined by the U.S. Department of Labor, for at
20 least one month during the 6 months preceding the adoption of a
21 resolution to sell real estate under this Section.

22 (b) If a municipality has either (1) adopted an ordinance
23 to sell surplus real estate under Section 11-76-2 and has
24 received no bid on a particular parcel or (2) adopted a

1 resolution to sell surplus real estate under Section 11-76-4.1
2 and has received no acceptable offer on a particular parcel
3 within 6 months after adoption of the resolution, then that
4 parcel of surplus real estate may be sold in the manner set
5 forth in subsection (c) of this Section.

6 (c) If the requirements of subsections (a) and (b) of this
7 Section are met, then the corporate authorities may, by
8 resolution, authorize the sale of a parcel of surplus public
9 real estate in either of the following manners: (1) by the
10 staff of the municipality; (2) by listing with local licensed
11 real estate agencies; or (3) by public auction. The terms of
12 the sale, the compensation of the agent, if any, the time and
13 the place of the auction, if applicable, a legal description of
14 the property and its size, use and zoning shall be included in
15 the resolution. The resolution shall be published once each
16 week for 3 successive weeks in a daily or weekly newspaper
17 published in the municipality or, if none, in a newspaper
18 published in the county in which the municipality is located.
19 No sale may be conducted until at least 30 days after the first
20 publication. The corporate authorities may accept any offer or
21 bid determined by them to be in the best interest of the
22 municipality by a vote of three-fourths of the corporate
23 authorities then holding office.

24 (Source: P.A. 86-331.)

25 Section 245. The School Code is amended by changing Section

1 2-3.39 and 22-45 as follows:

2 (105 ILCS 5/2-3.39) (from Ch. 122, par. 2-3.39)

3 Sec. 2-3.39. Department of Transitional Bilingual
4 Education. To establish a Department of Transitional Bilingual
5 Education. In selecting staff for the Department of
6 Transitional Bilingual Education the State Board of Education
7 shall give preference to persons who are natives of foreign
8 countries where languages to be used in transitional bilingual
9 education programs are the predominant languages. The
10 Department of Transitional Bilingual Education has the power
11 and duty to:

12 (1) Administer and enforce the provisions of Article 14C of
13 this Code including the power to promulgate any necessary rules
14 and regulations.

15 (2) Study, review, and evaluate all available resources and
16 programs that, in whole or in part, are or could be directed
17 towards meeting the language capability needs of children and
18 adults of limited English-speaking ability residing in the
19 State.

20 (3) Gather information about the theory and practice of
21 bilingual education in this State and elsewhere, and encourage
22 experimentation and innovation in the field of bilingual
23 education.

24 (4) Provide for the maximum practical involvement of
25 parents of bilingual children, transitional bilingual

1 education teachers, representatives of community groups,
2 educators, and laymen knowledgeable in the field of bilingual
3 education in the formulation of policy and procedures relating
4 to the administration of Article 14C of this Code.

5 (5) Consult with other public departments and agencies,
6 including but not limited to the Department of Community
7 Affairs, the Department of Public Welfare, the Department
8 ~~Division~~ of Workforce Development ~~Employment Security~~, the
9 Commission Against Discrimination, and the United States
10 Department of Health, Education, and Welfare in connection with
11 the administration of Article 14C of this Code.

12 (6) Make recommendations in the areas of preservice and
13 in-service training for transitional bilingual education
14 teachers, curriculum development, testing and testing
15 mechanisms, and the development of materials for transitional
16 bilingual education programs.

17 (7) Undertake any further activities which may assist in
18 the full implementation of Article 14C of this Code and to make
19 an annual report to the General Assembly to include an
20 evaluation of the program, the need for continuing such a
21 program, and recommendations for improvement.

22 The requirement for reporting to the General Assembly shall
23 be satisfied by filing copies of the report with the Speaker,
24 the Minority Leader and the Clerk of the House of
25 Representatives and the President, the Minority Leader and the
26 Secretary of the Senate and the Legislative Research Unit, as

1 required by Section 3.1 of "An Act to revise the law in
2 relation to the General Assembly", approved February 25, 1874,
3 as amended, and filing such additional copies with the State
4 Government Report Distribution Center for the General Assembly
5 as is required under paragraph (t) of Section 7 of the State
6 Library Act.

7 (Source: P.A. 84-1438.)

8 (105 ILCS 5/22-45)

9 Sec. 22-45. Illinois P-20 Council.

10 (a) The General Assembly finds that preparing Illinoisans
11 for success in school and the workplace requires a continuum of
12 quality education from preschool through graduate school. This
13 State needs a framework to guide education policy and integrate
14 education at every level. A statewide coordinating council to
15 study and make recommendations concerning education at all
16 levels can avoid fragmentation of policies, promote improved
17 teaching and learning, and continue to cultivate and
18 demonstrate strong accountability and efficiency. Establishing
19 an Illinois P-20 Council will develop a statewide agenda that
20 will move the State towards the common goals of improving
21 academic achievement, increasing college access and success,
22 improving use of existing data and measurements, developing
23 improved accountability, fostering innovative approaches to
24 education, promoting lifelong learning, easing the transition
25 to college, and reducing remediation. A pre-kindergarten

1 through grade 20 agenda will strengthen this State's economic
2 competitiveness by producing a highly-skilled workforce. In
3 addition, lifelong learning plans will enhance this State's
4 ability to leverage funding.

5 (b) There is created the Illinois P-20 Council. The
6 Illinois P-20 Council shall include all of the following
7 members:

8 (1) The Governor or his or her designee, to serve as
9 chairperson.

10 (2) Four members of the General Assembly, one appointed
11 by the Speaker of the House of Representatives, one
12 appointed by the Minority Leader of the House of
13 Representatives, one appointed by the President of the
14 Senate, and one appointed by the Minority Leader of the
15 Senate.

16 (3) Six at-large members appointed by the Governor as
17 follows, with 2 members being from the City of Chicago, 2
18 members being from Lake County, McHenry County, Kane
19 County, DuPage County, Will County, or that part of Cook
20 County outside of the City of Chicago, and 2 members being
21 from the remainder of the State:

22 (A) one representative of civic leaders;

23 (B) one representative of local government;

24 (C) one representative of trade unions;

25 (D) one representative of nonprofit organizations
26 or foundations;

1 (E) one representative of parents' organizations;

2 and

3 (F) one education research expert.

4 (4) Five members appointed by statewide business
5 organizations and business trade associations.

6 (5) Six members appointed by statewide professional
7 organizations and associations representing
8 pre-kindergarten through grade 20 teachers, community
9 college faculty, and public university faculty.

10 (6) Two members appointed by associations representing
11 local school administrators and school board members. One
12 of these members must be a special education administrator.

13 (7) One member representing community colleges,
14 appointed by the Illinois Council of Community College
15 Presidents.

16 (8) One member representing 4-year independent
17 colleges and universities, appointed by a statewide
18 organization representing private institutions of higher
19 learning.

20 (9) One member representing public 4-year
21 universities, appointed jointly by the university
22 presidents and chancellors.

23 (10) Ex-officio members as follows:

24 (A) The State Superintendent of Education or his or
25 her designee.

26 (B) The Executive Director of the Board of Higher

1 Education or his or her designee.

2 (C) The President and Chief Executive Officer of
3 the Illinois Community College Board or his or her
4 designee.

5 (D) The Executive Director of the Illinois Student
6 Assistance Commission or his or her designee.

7 (E) The Co-chairpersons of the Illinois Workforce
8 Investment Board or their designee.

9 (F) The Director of Commerce and Economic
10 Opportunity or his or her designee.

11 (G) The Chairperson of the Illinois Early Learning
12 Council or his or her designee.

13 (H) The President of the Illinois Mathematics and
14 Science Academy or his or her designee.

15 (I) The president of an association representing
16 educators of adult learners or his or her designee.

17 (J) The Director of Workforce Development or his or
18 her designee.

19 Ex-officio members shall have no vote on the Illinois P-20
20 Council.

21 Appointed members shall serve for staggered terms expiring
22 on July 1 of the first, second, or third calendar year
23 following their appointments or until their successors are
24 appointed and have qualified. Staggered terms shall be
25 determined by lot at the organizing meeting of the Illinois
26 P-20 Council.

1 Vacancies shall be filled in the same manner as original
2 appointments, and any member so appointed shall serve during
3 the remainder of the term for which the vacancy occurred.

4 (c) The Illinois P-20 Council shall be funded through State
5 appropriations to support staff activities, research,
6 data-collection, and dissemination. The Illinois P-20 Council
7 shall be staffed by the Office of the Governor, in coordination
8 with relevant State agencies, boards, and commissions. The
9 Illinois Education Research Council shall provide research and
10 coordinate research collection activities for the Illinois
11 P-20 Council.

12 (d) The Illinois P-20 Council shall have all of the
13 following duties:

14 (1) To make recommendations to do all of the following:

15 (A) Coordinate pre-kindergarten through grade 20
16 (graduate school) education in this State through
17 working at the intersections of educational systems to
18 promote collaborative infrastructure.

19 (B) Coordinate and leverage strategies, actions,
20 legislation, policies, and resources of all
21 stakeholders to support fundamental and lasting
22 improvement in this State's public schools, community
23 colleges, and universities.

24 (C) Better align the high school curriculum with
25 postsecondary expectations.

26 (D) Better align assessments across all levels of

1 education.

2 (E) Reduce the need for students entering
3 institutions of higher education to take remedial
4 courses.

5 (F) Smooth the transition from high school to
6 college.

7 (G) Improve high school and college graduation
8 rates.

9 (H) Improve the rigor and relevance of academic
10 standards for college and workforce readiness.

11 (I) Better align college and university teaching
12 programs with the needs of Illinois schools.

13 (2) To advise the Governor, the General Assembly, the
14 State's education and higher education agencies, and the
15 State's workforce and economic development boards and
16 agencies on policies related to lifelong learning for
17 Illinois students and families.

18 (3) To articulate a framework for systemic educational
19 improvement and innovation that will enable every student
20 to meet or exceed Illinois learning standards and be
21 well-prepared to succeed in the workforce and community.

22 (4) To provide an estimated fiscal impact for
23 implementation of all Council recommendations.

24 (e) The chairperson of the Illinois P-20 Council may
25 authorize the creation of working groups focusing on areas of
26 interest to Illinois educational and workforce development,

1 including without limitation the following areas:

2 (1) Preparation, recruitment, and certification of
3 highly qualified teachers.

4 (2) Mentoring and induction of highly qualified
5 teachers.

6 (3) The diversity of highly qualified teachers.

7 (4) Funding for highly qualified teachers, including
8 developing a strategic and collaborative plan to seek
9 federal and private grants to support initiatives
10 targeting teacher preparation and its impact on student
11 achievement.

12 (5) Highly effective administrators.

13 (6) Illinois birth through age 3 education,
14 pre-kindergarten, and early childhood education.

15 (7) The assessment, alignment, outreach, and network
16 of college and workforce readiness efforts.

17 (8) Alternative routes to college access.

18 (9) Research data and accountability.

19 (10) Community schools, community participation, and
20 other innovative approaches to education that foster
21 community partnerships.

22 The chairperson of the Illinois P-20 Council may designate
23 Council members to serve as working group chairpersons. Working
24 groups may invite organizations and individuals representing
25 pre-kindergarten through grade 20 interests to participate in
26 discussions, data collection, and dissemination.

1 (Source: P.A. 98-463, eff. 8-16-13.)

2 Section 250. The Adult Education Act is amended by changing
3 Section 2-2 as follows:

4 (105 ILCS 405/2-2) (from Ch. 122, par. 202-2)

5 Sec. 2-2. Agreement with public or private agencies. The
6 State Board shall enter into agreements with public or private
7 welfare, educational, or other agencies, other than the public
8 common schools, competent to provide the education or training
9 defined in said Section, for the establishment of such special
10 classes by such agencies.

11 The Board shall establish the standards for such courses of
12 instruction and supervise the administration thereof. The
13 Board shall determine the cost of such instruction, including
14 therein such incidental costs of student transportation,
15 facilities, or provision for child care for students who are
16 parents, and other special needs of the students, as authorized
17 by Section 10-22.20 of the School Code.

18 The provisions of Section 10-22.20 of the School Code
19 respecting the reimbursement of the total cost of such
20 instruction or training by the Department of Workforce
21 Development ~~Employment Security~~ for students who may be
22 authorized under the Illinois Public Aid Code, approved April
23 11, 1967, shall be applicable to classes established under this
24 Act. Each agency entering into an agreement shall keep accurate

1 and detailed accounts of students assigned to it and receiving
2 instruction in such special classes and submit claims for
3 reimbursement in the manner provided for school districts or
4 community college districts under said Section 10-22.20, and
5 claims for reimbursement shall be processed as therein
6 provided.

7 Any such agreement may be terminated by the Board when it
8 determines (1) that such classes are no longer necessary, or
9 (2) that the instruction or training established by an agency
10 fails to meet the established standards, or (3) that the
11 classes established by a school district or community college
12 district, within whose geographical limits the agency is
13 located, pursuant to Section 10-22.20 of the School Code, are
14 adequate for the purpose.

15 (Source: P.A. 91-830, eff. 7-1-00.)

16 Section 255. The Public Community College Act is amended by
17 changing Section 2-12 as follows:

18 (110 ILCS 805/2-12) (from Ch. 122, par. 102-12)

19 Sec. 2-12. The State Board shall have the power and it
20 shall be its duty:

21 (a) To provide statewide planning for community colleges as
22 institutions of higher education and co-ordinate the programs,
23 services and activities of all community colleges in the State
24 so as to encourage and establish a system of locally initiated

1 and administered comprehensive community colleges.

2 (b) To organize and conduct feasibility surveys for new
3 community colleges or for the inclusion of existing
4 institutions as community colleges and the locating of new
5 institutions.

6 (c) To approve all locally funded capital projects for
7 which no State monies are required, in accordance with
8 standards established by rule.

9 (d) To cooperate with the community colleges in continuing
10 studies of student characteristics, admission standards,
11 grading policies, performance of transfer students,
12 qualification and certification of facilities and any other
13 problem of community college education.

14 (e) To enter into contracts with other governmental
15 agencies and eligible providers, such as local educational
16 agencies, community-based organizations of demonstrated
17 effectiveness, volunteer literacy organizations of
18 demonstrated effectiveness, institutions of higher education,
19 public and private nonprofit agencies, libraries, and public
20 housing authorities; to accept federal funds and to plan with
21 other State agencies when appropriate for the allocation of
22 such federal funds for instructional programs and student
23 services including such funds for adult education and adult
24 literacy, vocational and technical education, and retraining
25 as may be allocated by state and federal agencies for the aid
26 of community colleges. To receive, receipt for, hold in trust,

1 expend and administer, for all purposes of this Act, funds and
2 other aid made available by the federal government or by other
3 agencies public or private, subject to appropriation by the
4 General Assembly. The changes to this subdivision (e) made by
5 this amendatory Act of the 91st General Assembly apply on and
6 after July 1, 2001.

7 (f) To determine efficient and adequate standards for
8 community colleges for the physical plant, heating, lighting,
9 ventilation, sanitation, safety, equipment and supplies,
10 instruction and teaching, curriculum, library, operation,
11 maintenance, administration and supervision, and to grant
12 recognition certificates to community colleges meeting such
13 standards.

14 (g) To determine the standards for establishment of
15 community colleges and the proper location of the site in
16 relation to existing institutions of higher education offering
17 academic, occupational and technical training curricula,
18 possible enrollment, assessed valuation, industrial, business,
19 agricultural, and other conditions reflecting educational
20 needs in the area to be served; however, no community college
21 may be considered as being recognized nor may the establishment
22 of any community college be authorized in any district which
23 shall be deemed inadequate for the maintenance, in accordance
24 with the desirable standards thus determined, of a community
25 college offering the basic subjects of general education and
26 suitable vocational and semiprofessional and technical

1 curricula.

2 (h) To approve or disapprove new units of instruction,
3 research or public service as defined in Section 3-25.1 of this
4 Act submitted by the boards of trustees of the respective
5 community college districts of this State. The State Board may
6 discontinue programs which fail to reflect the educational
7 needs of the area being served. The community college district
8 shall be granted 60 days following the State Board staff
9 recommendation and prior to the State Board's action to respond
10 to concerns regarding the program in question. If the State
11 Board acts to abolish a community college program, the
12 community college district has a right to appeal the decision
13 in accordance with administrative rules promulgated by the
14 State Board under the provisions of the Illinois Administrative
15 Procedure Act.

16 (i) To participate in, to recommend approval or
17 disapproval, and to assist in the coordination of the programs
18 of community colleges participating in programs of
19 interinstitutional cooperation with other public or nonpublic
20 institutions of higher education. If the State Board does not
21 approve a particular cooperative agreement, the community
22 college district has a right to appeal the decision in
23 accordance with administrative rules promulgated by the State
24 Board under the provisions of the Illinois Administrative
25 Procedure Act.

26 (j) To establish guidelines regarding sabbatical leaves.

1 (k) To establish guidelines for the admission into special,
2 appropriate programs conducted or created by community
3 colleges for elementary and secondary school dropouts who have
4 received truant status from the school districts of this State
5 in compliance with Section 26-14 of The School Code.

6 (l) The Community College Board shall conduct a study of
7 community college teacher education courses to determine how
8 the community college system can increase its participation in
9 the preparation of elementary and secondary teachers.

10 (m) To establish by July 1, 1997 uniform financial
11 accounting and reporting standards and principles for
12 community colleges and develop procedures and systems for
13 community colleges for reporting financial data to the State
14 Board.

15 (n) To create and participate in the conduct and operation
16 of any corporation, joint venture, partnership, association,
17 or other organizational entity that has the power: (i) to
18 acquire land, buildings, and other capital equipment for the
19 use and benefit of the community colleges or their students;
20 (ii) to accept gifts and make grants for the use and benefit of
21 the community colleges or their students; (iii) to aid in the
22 instruction and education of students of community colleges;
23 and (iv) to promote activities to acquaint members of the
24 community with the facilities of the various community
25 colleges.

26 (o) On and after July 1, 2001, to ensure the effective

1 teaching of adults and to prepare them for success in
2 employment and lifelong learning by administering a network of
3 providers, programs, and services to provide adult basic
4 education, adult secondary/general education development,
5 English as a second language, and any other instruction
6 designed to prepare adult students to function successfully in
7 society and to experience success in postsecondary education
8 and the world of work.

9 (p) On and after July 1, 2001, to supervise the
10 administration of adult education and adult literacy programs,
11 to establish the standards for such courses of instruction and
12 supervise the administration thereof, to contract with other
13 State and local agencies and eligible providers, such as local
14 educational agencies, community-based organizations of
15 demonstrated effectiveness, volunteer literacy organizations
16 of demonstrated effectiveness, institutions of higher
17 education, public and private nonprofit agencies, libraries,
18 and public housing authorities, for the purpose of promoting
19 and establishing classes for instruction under these programs,
20 to contract with other State and local agencies to accept and
21 expend appropriations for educational purposes to reimburse
22 local eligible providers for the cost of these programs, and to
23 establish an advisory council consisting of all categories of
24 eligible providers; agency partners, such as the State Board of
25 Education, the Department of Human Services, the Department of
26 Workforce Development ~~Employment Security~~, and the Secretary

1 of State literacy program; and other stakeholders to identify,
2 deliberate, and make recommendations to the State Board on
3 adult education policy and priorities. The State Board shall
4 support statewide geographic distribution; diversity of
5 eligible providers; and the adequacy, stability, and
6 predictability of funding so as not to disrupt or diminish, but
7 rather to enhance, adult education by this change of
8 administration.

9 (Source: P.A. 94-1105, eff. 6-1-07.)

10 Section 260. The Children's Health Insurance Program Act is
11 amended by changing Section 7 as follows:

12 (215 ILCS 106/7)

13 Sec. 7. Eligibility verification. Notwithstanding any
14 other provision of this Act, with respect to applications for
15 benefits provided under the Program, eligibility shall be
16 determined in a manner that ensures program integrity and that
17 complies with federal law and regulations while minimizing
18 unnecessary barriers to enrollment. To this end, as soon as
19 practicable, and unless the Department receives written denial
20 from the federal government, this Section shall be implemented:

21 (a) The Department of Healthcare and Family Services or its
22 designees shall:

23 (1) By no later than July 1, 2011, require verification
24 of, at a minimum, one month's income from all sources

1 required for determining the eligibility of applicants to
2 the Program. Such verification shall take the form of pay
3 stubs, business or income and expense records for
4 self-employed persons, letters from employers, and any
5 other valid documentation of income including data
6 obtained electronically by the Department or its designees
7 from other sources as described in subsection (b) of this
8 Section.

9 (2) By no later than October 1, 2011, require
10 verification of, at a minimum, one month's income from all
11 sources required for determining the continued eligibility
12 of recipients at their annual review of eligibility under
13 the Program. Such verification shall take the form of pay
14 stubs, business or income and expense records for
15 self-employed persons, letters from employers, and any
16 other valid documentation of income including data
17 obtained electronically by the Department or its designees
18 from other sources as described in subsection (b) of this
19 Section. The Department shall send a notice to the
20 recipient at least 60 days prior to the end of the period
21 of eligibility that informs them of the requirements for
22 continued eligibility. If a recipient does not fulfill the
23 requirements for continued eligibility by the deadline
24 established in the notice, a notice of cancellation shall
25 be issued to the recipient and coverage shall end on the
26 last day of the eligibility period. A recipient's

1 eligibility may be reinstated without requiring a new
2 application if the recipient fulfills the requirements for
3 continued eligibility prior to the end of the month
4 following the last date of coverage. Nothing in this
5 Section shall prevent an individual whose coverage has been
6 cancelled from reapplying for health benefits at any time.

7 (3) By no later than July 1, 2011, require verification
8 of Illinois residency.

9 (b) The Department shall establish or continue cooperative
10 arrangements with the Social Security Administration, the
11 Illinois Secretary of State, the Department of Human Services,
12 the Department of Revenue, the Department of Workforce
13 Development ~~Employment Security~~, and any other appropriate
14 entity to gain electronic access, to the extent allowed by law,
15 to information available to those entities that may be
16 appropriate for electronically verifying any factor of
17 eligibility for benefits under the Program. Data relevant to
18 eligibility shall be provided for no other purpose than to
19 verify the eligibility of new applicants or current recipients
20 of health benefits under the Program. Data will be requested or
21 provided for any new applicant or current recipient only
22 insofar as that individual's circumstances are relevant to that
23 individual's or another individual's eligibility.

24 (c) Within 90 days of the effective date of this amendatory
25 Act of the 96th General Assembly, the Department of Healthcare
26 and Family Services shall send notice to current recipients

1 informing them of the changes regarding their eligibility
2 verification.

3 (Source: P.A. 96-1501, eff. 1-25-11.)

4 Section 265. The Covering ALL KIDS Health Insurance Act is
5 amended by changing Section 7 as follows:

6 (215 ILCS 170/7)

7 (Section scheduled to be repealed on July 1, 2016)

8 Sec. 7. Eligibility verification. Notwithstanding any
9 other provision of this Act, with respect to applications for
10 benefits provided under the Program, eligibility shall be
11 determined in a manner that ensures program integrity and that
12 complies with federal law and regulations while minimizing
13 unnecessary barriers to enrollment. To this end, as soon as
14 practicable, and unless the Department receives written denial
15 from the federal government, this Section shall be implemented:

16 (a) The Department of Healthcare and Family Services or its
17 designees shall:

18 (1) By July 1, 2011, require verification of, at a
19 minimum, one month's income from all sources required for
20 determining the eligibility of applicants to the Program.
21 Such verification shall take the form of pay stubs,
22 business or income and expense records for self-employed
23 persons, letters from employers, and any other valid
24 documentation of income including data obtained

1 electronically by the Department or its designees from
2 other sources as described in subsection (b) of this
3 Section.

4 (2) By October 1, 2011, require verification of, at a
5 minimum, one month's income from all sources required for
6 determining the continued eligibility of recipients at
7 their annual review of eligibility under the Program. Such
8 verification shall take the form of pay stubs, business or
9 income and expense records for self-employed persons,
10 letters from employers, and any other valid documentation
11 of income including data obtained electronically by the
12 Department or its designees from other sources as described
13 in subsection (b) of this Section. The Department shall
14 send a notice to recipients at least 60 days prior to the
15 end of their period of eligibility that informs them of the
16 requirements for continued eligibility. If a recipient
17 does not fulfill the requirements for continued
18 eligibility by the deadline established in the notice, a
19 notice of cancellation shall be issued to the recipient and
20 coverage shall end on the last day of the eligibility
21 period. A recipient's eligibility may be reinstated
22 without requiring a new application if the recipient
23 fulfills the requirements for continued eligibility prior
24 to the end of the month following the last date of
25 coverage. Nothing in this Section shall prevent an
26 individual whose coverage has been cancelled from

1 reapplying for health benefits at any time.

2 (3) By July 1, 2011, require verification of Illinois
3 residency.

4 (b) The Department shall establish or continue cooperative
5 arrangements with the Social Security Administration, the
6 Illinois Secretary of State, the Department of Human Services,
7 the Department of Revenue, the Department of Workforce
8 Development ~~Employment Security~~, and any other appropriate
9 entity to gain electronic access, to the extent allowed by law,
10 to information available to those entities that may be
11 appropriate for electronically verifying any factor of
12 eligibility for benefits under the Program. Data relevant to
13 eligibility shall be provided for no other purpose than to
14 verify the eligibility of new applicants or current recipients
15 of health benefits under the Program. Data will be requested or
16 provided for any new applicant or current recipient only
17 insofar as that individual's circumstances are relevant to that
18 individual's or another individual's eligibility.

19 (c) Within 90 days of the effective date of this amendatory
20 Act of the 96th General Assembly, the Department of Healthcare
21 and Family Services shall send notice to current recipients
22 informing them of the changes regarding their eligibility
23 verification.

24 (Source: P.A. 96-1501, eff. 1-25-11.)

25 Section 270. The Illinois Public Aid Code is amended by

1 changing Sections 5-11a, 9A-3, 10-11.1, 10-15, 11-5.1, 11-5.2,
2 and 11-20 as follows:

3 (305 ILCS 5/5-11a)

4 Sec. 5-11a. Health Benefit Information Systems.

5 (a) It is the intent of the General Assembly to support
6 unified electronic systems initiatives that will improve
7 management of information related to medical assistance
8 programs. This will include improved management capabilities
9 and new systems for Eligibility, Verification, and Enrollment
10 (EVE) that will simplify and increase efficiencies in and
11 access to the medical assistance programs and ensure program
12 integrity. The Department of Healthcare and Family Services, in
13 coordination with the Department of Human Services and other
14 appropriate state agencies, shall develop a plan by July 1,
15 2011, that will:

16 (1) Subject to federal and State privacy and
17 confidentiality laws and regulations, meet standards for
18 timely eligibility verification and enrollment, and annual
19 redetermination of eligibility, of applicants for and
20 recipients of means-tested health benefits sponsored by
21 the State, including medical assistance under this Code.

22 (2) Receive and update data electronically from the
23 Social Security Administration, the U.S. Postal Service,
24 the Illinois Secretary of State, the Department of Revenue,
25 the Department of Workforce Development ~~Employment~~

1 ~~Security~~, and other governmental entities, as appropriate
2 and to the extent allowed by law, for verification of any
3 factor of eligibility for medical assistance and for
4 updating addresses of applicants and recipients of medical
5 assistance and other health benefit programs administered
6 by the Department. Data relevant to eligibility shall be
7 provided for no other purpose than to verify the
8 eligibility of new applicants or current recipients of
9 health benefits provided by the State. Data shall be
10 requested or provided for any individual only insofar as
11 that new applicant or current recipient's circumstances
12 are relevant to that individual's or another individual's
13 eligibility for State-sponsored health benefits.

14 (3) Meet federal requirements for timely installation
15 by January 1, 2014 to provide integration with a Health
16 Benefits Exchange pursuant to the requirements of the
17 federal Affordable Care Act and the Reconciliation Act and
18 any subsequent amendments thereto and to ensure capture of
19 the maximum available federal financial participation
20 (FFP).

21 (4) Meet federal requirements for compliance with
22 architectural standards, including, but not limited to,
23 (i) the use of a module development as outlined by the
24 Medicaid Information Technology Architecture standards,
25 (ii) the use of federally approved open-interfaces where
26 they exist, (iii) the use or the creation of

1 open-interfaces where necessary, and (iv) the use of rules
2 technology that can dynamically accept and modify rules in
3 standard formats.

4 (5) Include plans to ensure coordination with the State
5 of Illinois Framework Project that will (i) expedite and
6 simplify access to services provided by Illinois human
7 services programs; (ii) streamline administration and data
8 sharing; (iii) enhance planning capacity, program
9 evaluation, and fraud detection or prevention with access
10 to cross-agency data; and (iv) simplify service reporting
11 for contracted providers.

12 (b) The Department of Healthcare and Family Services shall
13 continue to plan for and implement a new Medicaid Management
14 Information System (MMIS) and upgrade the capabilities of the
15 MMIS data warehouse. Upgrades shall include, among other
16 things, enhanced capabilities in data analysis including the
17 ability to identify risk factors that could impact the
18 treatment and resulting quality of care, and tools that perform
19 predictive analytics on data applying to newborns, women with
20 high risk pregnancies, and other populations served by the
21 Department.

22 (c) The Department of Healthcare and Family Services shall
23 report in its annual Medical Assistance program report each
24 April through April, 2015 on the progress and implementation of
25 this plan.

26 (Source: P.A. 96-1501, eff. 1-25-11.)

1 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

2 Sec. 9A-3. Establishment of Program and Level of Services.

3 (a) The Illinois Department shall establish and maintain a
4 program to provide recipients with services consistent with the
5 purposes and provisions of this Article. The program offered in
6 different counties of the State may vary depending on the
7 resources available to the State to provide a program under
8 this Article, and no program may be offered in some counties,
9 depending on the resources available. Services may be provided
10 directly by the Illinois Department or through contract.
11 References to the Illinois Department or staff of the Illinois
12 Department shall include contractors when the Illinois
13 Department has entered into contracts for these purposes. The
14 Illinois Department shall provide each recipient who
15 participates with such services available under the program as
16 are necessary to achieve his employability plan as specified in
17 the plan.

18 (b) The Illinois Department, in operating the program,
19 shall cooperate with public and private education and
20 vocational training or retraining agencies or facilities, the
21 Illinois State Board of Education, the Illinois Community
22 College Board, the Departments of Workforce Development
23 ~~Employment Security~~ and Commerce and Economic Opportunity or
24 other sponsoring organizations funded under the federal
25 Workforce Investment Act and other public or licensed private

1 employment agencies.

2 (Source: P.A. 93-598, eff. 8-26-03; 94-793, eff. 5-19-06.)

3 (305 ILCS 5/10-11.1) (from Ch. 23, par. 10-11.1)

4 Sec. 10-11.1. (a) Whenever it is determined in a proceeding
5 under Sections 10-6, 10-7, 10-11 or 10-17.1 that the
6 responsible relative is unemployed, and support is sought on
7 behalf of applicants for or recipients of financial aid under
8 Article IV of this Code or other persons who are given access
9 to the child support enforcement services of this Article as
10 provided in Section 10-1, the administrative enforcement unit
11 may order the responsible relative to report to the Illinois
12 Department for participation in job search, training or work
13 programs established under Section 9-6 and Article IXA of this
14 Code or to the Illinois Department of Workforce Development
15 ~~Employment Security~~ for job search services or to make
16 application with the local Job Training Partnership Act
17 provider for participation in job search, training or work
18 programs.

19 (b) Whenever it is determined that a responsible relative
20 owes past-due support for a child under an administrative
21 support order entered under subsection (b) of Section 10-7 or
22 under Section 10-11 or 10-17.1 and the child is receiving
23 assistance under this Code, the administrative enforcement
24 unit shall order the following:

25 (1) that the responsible relative pay the past-due

1 support in accordance with a plan approved by the
2 administrative enforcement unit; or

3 (2) if the responsible relative owing past-due support
4 is unemployed, is subject to such a plan, and is not
5 incapacitated, that the responsible relative participate
6 in job search, training, or work programs established under
7 Section 9-6 and Article IXA of this Code.

8 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02.)

9 (305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

10 Sec. 10-15. Enforcement of administrative order; costs and
11 fees. If a responsible relative refuses, neglects, or fails to
12 comply with a final administrative support or reimbursement
13 order of the Illinois Department entered by the Child and
14 Spouse Support Unit pursuant to Sections 10-11 or 10-11.1 or
15 registered pursuant to Section 10-17.1, the Child and Spouse
16 Support Unit may file suit against the responsible relative or
17 relatives to secure compliance with the administrative order.

18 Suits shall be instituted in the name of the People of the
19 State of Illinois on the relation of the Department of
20 Healthcare and Family Services of the State of Illinois and the
21 spouse or dependent children for whom the support order has
22 been issued.

23 The court shall order the payment of the support
24 obligation, or orders for reimbursement of moneys for support
25 provided, directly to the Illinois Department but the order

1 shall permit the Illinois Department to direct the responsible
2 relative or relatives to make payments of support directly to
3 the spouse or dependent children, or to some person or agency
4 in his or their behalf, as provided in Section 10-8 or 10-10,
5 as applicable.

6 Whenever it is determined in a proceeding to enforce an
7 administrative order that the responsible relative is
8 unemployed, and support is sought on behalf of applicants for
9 or recipients of financial aid under Article IV of this Code or
10 other persons who are given access to the child support
11 enforcement services of this Article as provided in Section
12 10-1, the court may order the responsible relative to seek
13 employment and report periodically to the court with a diary,
14 listing or other memorandum of his or her efforts in accordance
15 with such order. In addition, the court may order the
16 unemployed responsible relative to report to the Illinois
17 Department for participation in job search, training or work
18 programs established under Section 9-6 of this Code or to the
19 Illinois Department of Workforce Development ~~Employment~~
20 ~~Security~~ for job search services or to make application with
21 the local Job Training Partnership Act provider for
22 participation in job search, training or work programs.

23 Charges imposed in accordance with the provisions of
24 Section 10-21 shall be enforced by the Court in a suit filed
25 under this Section.

26 To the extent the provisions of this Section are

1 inconsistent with the requirements pertaining to the State
2 Disbursement Unit under Sections 10-10.4 and 10-26 of this
3 Code, the requirements pertaining to the State Disbursement
4 Unit shall apply.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 (305 ILCS 5/11-5.1)

7 Sec. 11-5.1. Eligibility verification. Notwithstanding any
8 other provision of this Code, with respect to applications for
9 medical assistance provided under Article V of this Code,
10 eligibility shall be determined in a manner that ensures
11 program integrity and complies with federal laws and
12 regulations while minimizing unnecessary barriers to
13 enrollment. To this end, as soon as practicable, and unless the
14 Department receives written denial from the federal
15 government, this Section shall be implemented:

16 (a) The Department of Healthcare and Family Services or its
17 designees shall:

18 (1) By no later than July 1, 2011, require verification
19 of, at a minimum, one month's income from all sources
20 required for determining the eligibility of applicants for
21 medical assistance under this Code. Such verification
22 shall take the form of pay stubs, business or income and
23 expense records for self-employed persons, letters from
24 employers, and any other valid documentation of income
25 including data obtained electronically by the Department

1 or its designees from other sources as described in
2 subsection (b) of this Section.

3 (2) By no later than October 1, 2011, require
4 verification of, at a minimum, one month's income from all
5 sources required for determining the continued eligibility
6 of recipients at their annual review of eligibility for
7 medical assistance under this Code. Such verification
8 shall take the form of pay stubs, business or income and
9 expense records for self-employed persons, letters from
10 employers, and any other valid documentation of income
11 including data obtained electronically by the Department
12 or its designees from other sources as described in
13 subsection (b) of this Section. The Department shall send a
14 notice to recipients at least 60 days prior to the end of
15 their period of eligibility that informs them of the
16 requirements for continued eligibility. If a recipient
17 does not fulfill the requirements for continued
18 eligibility by the deadline established in the notice a
19 notice of cancellation shall be issued to the recipient and
20 coverage shall end on the last day of the eligibility
21 period. A recipient's eligibility may be reinstated
22 without requiring a new application if the recipient
23 fulfills the requirements for continued eligibility prior
24 to the end of the month following the last date of
25 coverage. Nothing in this Section shall prevent an
26 individual whose coverage has been cancelled from

1 reapplying for health benefits at any time.

2 (3) By no later than July 1, 2011, require verification
3 of Illinois residency.

4 (b) The Department shall establish or continue cooperative
5 arrangements with the Social Security Administration, the
6 Illinois Secretary of State, the Department of Human Services,
7 the Department of Revenue, the Department of Workforce
8 Development ~~Employment Security~~, and any other appropriate
9 entity to gain electronic access, to the extent allowed by law,
10 to information available to those entities that may be
11 appropriate for electronically verifying any factor of
12 eligibility for benefits under the Program. Data relevant to
13 eligibility shall be provided for no other purpose than to
14 verify the eligibility of new applicants or current recipients
15 of health benefits under the Program. Data shall be requested
16 or provided for any new applicant or current recipient only
17 insofar as that individual's circumstances are relevant to that
18 individual's or another individual's eligibility.

19 (c) Within 90 days of the effective date of this amendatory
20 Act of the 96th General Assembly, the Department of Healthcare
21 and Family Services shall send notice to current recipients
22 informing them of the changes regarding their eligibility
23 verification.

24 (Source: P.A. 96-1501, eff. 1-25-11.)

25 (305 ILCS 5/11-5.2)

1 Sec. 11-5.2. Income, Residency, and Identity Verification
2 System.

3 (a) The Department shall ensure that its proposed
4 integrated eligibility system shall include the computerized
5 functions of income, residency, and identity eligibility
6 verification to verify eligibility, eliminate duplication of
7 medical assistance, and deter fraud. Until the integrated
8 eligibility system is operational, the Department may enter
9 into a contract with the vendor selected pursuant to Section
10 11-5.3 as necessary to obtain the electronic data matching
11 described in this Section. This contract shall be exempt from
12 the Illinois Procurement Code pursuant to subsection (h) of
13 Section 1-10 of that Code.

14 (b) Prior to awarding medical assistance at application
15 under Article V of this Code, the Department shall, to the
16 extent such databases are available to the Department, conduct
17 data matches using the name, date of birth, address, and Social
18 Security Number of each applicant or recipient or responsible
19 relative of an applicant or recipient against the following:

20 (1) Income tax information.

21 (2) Employer reports of income and unemployment
22 insurance payment information maintained by the Department
23 of Workforce Development ~~Employment Security~~.

24 (3) Earned and unearned income, citizenship and death,
25 and other relevant information maintained by the Social
26 Security Administration.

1 (4) Immigration status information maintained by the
2 United States Citizenship and Immigration Services.

3 (5) Wage reporting and similar information maintained
4 by states contiguous to this State.

5 (6) Employment information maintained by the
6 Department of Workforce Development ~~Employment Security~~ in
7 its New Hire Directory database.

8 (7) Employment information maintained by the United
9 States Department of Health and Human Services in its
10 National Directory of New Hires database.

11 (8) Veterans' benefits information maintained by the
12 United States Department of Health and Human Services, in
13 coordination with the Department of Health and Human
14 Services and the Department of Veterans' Affairs, in the
15 federal Public Assistance Reporting Information System
16 (PARIS) database.

17 (9) Residency information maintained by the Illinois
18 Secretary of State.

19 (10) A database which is substantially similar to or a
20 successor of a database described in this Section that
21 contains information relevant for verifying eligibility
22 for medical assistance.

23 (c) (Blank).

24 (d) If a discrepancy results between information provided
25 by an applicant, recipient, or responsible relative and
26 information contained in one or more of the databases or

1 information tools listed under subsection (b) ~~or (e)~~ of this
2 Section or subsection (c) of Section 11-5.3 and that
3 discrepancy calls into question the accuracy of information
4 relevant to a condition of eligibility provided by the
5 applicant, recipient, or responsible relative, the Department
6 or its contractor shall review the applicant's or recipient's
7 case using the following procedures:

8 (1) If the information discovered under subsection (b)
9 ~~(e)~~ of this Section or subsection (c) of Section 11-5.3
10 does not result in the Department finding the applicant or
11 recipient ineligible for assistance under Article V of this
12 Code, the Department shall finalize the determination or
13 redetermination of eligibility.

14 (2) If the information discovered results in the
15 Department finding the applicant or recipient ineligible
16 for assistance, the Department shall provide notice as set
17 forth in Section 11-7 of this Article.

18 (3) If the information discovered is insufficient to
19 determine that the applicant or recipient is eligible or
20 ineligible, the Department shall provide written notice to
21 the applicant or recipient which shall describe in
22 sufficient detail the circumstances of the discrepancy,
23 the information or documentation required, the manner in
24 which the applicant or recipient may respond, and the
25 consequences of failing to take action. The applicant or
26 recipient shall have 10 business days to respond.

1 (4) If the applicant or recipient does not respond to
2 the notice, the Department shall deny assistance for
3 failure to cooperate, in which case the Department shall
4 provide notice as set forth in Section 11-7. Eligibility
5 for assistance shall not be established until the
6 discrepancy has been resolved.

7 (5) If an applicant or recipient responds to the
8 notice, the Department shall determine the effect of the
9 information or documentation provided on the applicant's
10 or recipient's case and shall take appropriate action.
11 Written notice of the Department's action shall be provided
12 as set forth in Section 11-7 of this Article.

13 (6) Suspected cases of fraud shall be referred to the
14 Department's Inspector General.

15 (e) The Department shall adopt any rules necessary to
16 implement this Section.

17 (Source: P.A. 97-689, eff. 6-14-12; revised 11-12-13.)

18 (305 ILCS 5/11-20) (from Ch. 23, par. 11-20)

19 Sec. 11-20. Employment registration; duty to accept
20 employment. This Section applies to employment and training
21 programs other than those for recipients of assistance under
22 Article IV.

23 (1) Each applicant or recipient and dependent member of the
24 family age 16 or over who is able to engage in employment and
25 who is unemployed, or employed for less than the full working

1 time for the occupation in which he or she is engaged, shall
2 maintain a current registration for employment or additional
3 employment with the system of free public employment offices
4 maintained in this State by the State Department of Workforce
5 Development ~~Employment Security~~ under the Public Employment
6 Office Act and shall utilize the job placement services and
7 other facilities of such offices unless the Illinois Department
8 otherwise provides by rule for programs administered by the
9 Illinois Department.

10 (2) Every person age 16 or over shall be deemed "able to
11 engage in employment", as that term is used herein, unless (a)
12 the person has an illness certified by the attending
13 practitioner as precluding his or her engagement in employment
14 of any type for a time period stated in the practitioner's
15 certification; or (b) the person has a medically determinable
16 physical or mental impairment, disease or loss of indefinite
17 duration and of such severity that he or she cannot perform
18 labor or services in any type of gainful work which exists in
19 the national economy, including work adjusted for persons with
20 physical or mental handicap; or (c) the person is among the
21 classes of persons exempted by paragraph 5 of this Section. A
22 person described in clauses (a), (b) or (c) of the preceding
23 sentence shall be classified as "temporarily unemployable".
24 The Illinois Department shall provide by rule for periodic
25 review of the circumstances of persons classified as
26 "temporarily unemployable".

1 (3) The Illinois Department shall provide through rules and
2 regulations for sanctions against applicants and recipients of
3 aid under this Code who fail or refuse to cooperate, without
4 good cause, as defined by rule of the Illinois Department, to
5 accept a bona fide offer of employment in which he or she is
6 able to engage either in the community of the person's
7 residence or within reasonable commuting distance therefrom.

8 The Illinois Department may provide by rule for the grant
9 or continuation of aid for a temporary period, if federal law
10 or regulation so permits or requires, to a person who refuses
11 employment without good cause if he or she accepts counseling
12 or other services designed to increase motivation and
13 incentives for accepting employment.

14 (4) Without limiting other criteria which the Illinois
15 Department may establish, it shall be good cause of refusal if

16 (a) the wage does not meet applicable minimum wage
17 requirements,

18 (b) there being no applicable minimum wage as
19 determined in (a), the wage is certified by the Illinois
20 Department of Labor as being less than that which is
21 appropriate for the work to be performed, or

22 (c) acceptance of the offer involves a substantial
23 threat to the health or safety of the person or any of his
24 or her dependents.

25 (5) The requirements of registration and acceptance of
26 employment shall not apply (a) to a parent or other person

1 needed at home to provide personal care and supervision to a
2 child or children unless, in accordance with the rules and
3 regulations of the Illinois Department, suitable arrangements
4 have been or can be made for such care and supervision during
5 the hours of the day the parent or other person is out of the
6 home because of employment; (b) to a person age 16 or over in
7 regular attendance in school, as defined in Section 4-1.1; or
8 (c) to a person whose presence in the home on a substantially
9 continuous basis is required because of the illness or
10 incapacity of another member of the household.

11 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

12 Section 275. The Veterans' Employment Act is amended by
13 changing Section 5 as follows:

14 (330 ILCS 25/5) (from Ch. 126 1/2, par. 205)

15 Sec. 5. Service centers.

16 (a) The Director shall designate multipurpose service
17 centers for veterans operated by community nonprofit agencies
18 or organizations. To the greatest extent possible, the Director
19 shall rely on such agencies or organizations whose major
20 emphasis has been to provide social services.

21 (b) The Director shall search for such nonprofit agencies
22 or organizations to carry out the programs created under this
23 Act.

24 (c) The Director shall designate the agencies or

1 organizations to carry out such programs.

2 (d) Subject to appropriation, the Director shall begin to
3 provide the necessary funds to the nonprofit agencies or
4 organizations to set up and begin the operation of the
5 multipurpose service centers. Thereafter the Director shall
6 provide the funds appropriated for grants to the centers as the
7 costs of the centers are incurred.

8 (e) The Director shall, with the advice of the staff of the
9 centers, promulgate rules and regulations to implement this
10 Act. Such rules and regulations shall include eligibility of
11 persons for job training programs, the level of stipends for
12 the job training programs, and a sliding fee scale for the
13 service programs.

14 (f) In performing his duties pursuant to this Act, the
15 Director shall consult and cooperate with such State agencies
16 as may be appropriate, including but not limited to the
17 Department of Workforce Development ~~Employment Security~~ and
18 the Department of Veterans' Affairs to ensure that there is no
19 duplication of services.

20 (Source: P.A. 94-99, eff. 1-1-06.)

21 Section 280. The Veterans' Employment Representative Act
22 is amended by changing Section 1 as follows:

23 (330 ILCS 50/1) (from Ch. 48, par. 186a)

24 Sec. 1. Veteran services; representative. The Department

1 of Workforce Development ~~Employment Security~~ shall assign at
2 least one full time Veterans' Employment Representative,
3 defined by title and classification under the Personnel Code of
4 Illinois, to each full service office of the employment
5 service, to work exclusively in job counseling, training, and
6 placement of veterans. Preference for these positions shall be
7 given to qualified persons who have been members of the armed
8 forces of the United States in times of hostilities with a
9 foreign country. Any candidate for these positions shall be
10 deemed to have met and satisfied examination admission
11 requirements if the candidate served in the armed forces during
12 times of hostilities with a foreign country and was honorably
13 discharged therefrom due to a combat-related disability. The
14 holder of such a position shall be administratively responsible
15 to the local office manager, and his or her first line
16 responsibility is functional supervision of all local office
17 services to veterans. He or she may also be delegated line
18 supervision of veteran units, assistant local veterans'
19 employment representative, or veteran aid. Individualized
20 veterans' services such as application taking, counseling, job
21 referral, or training will continue to be provided to veterans
22 on a priority basis by all local office staff.

23 (Source: P.A. 98-107, eff. 7-23-13.)

24 Section 285. The Developmental Disability and Mental
25 Disability Services Act is amended by changing Section 10-5 as

1 follows:

2 (405 ILCS 80/10-5)

3 Sec. 10-5. Task force created. A workforce task force for
4 persons with disabilities is created, consisting of 16 members.
5 The task force shall consist of the following members:

6 (1) Two members of the Senate, appointed one each by
7 the President of the Senate and the Minority Leader of the
8 Senate.

9 (2) Two members of the House of Representatives,
10 appointed one each by the Speaker of the House of
11 Representatives and the Minority Leader of the House of
12 Representatives.

13 (3) Three members appointed by the Secretary of Human
14 Services or his or her designee, one each representing the
15 Office of Developmental Disabilities, the Office of
16 Rehabilitation Services, and the Office of Mental Health
17 within the Department.

18 (4) One member representing the Illinois Council on
19 Developmental Disabilities, selected by the Council.

20 (5) One member appointed by the Director of Aging or
21 his or her designee.

22 (6) One member appointed by the Director of Workforce
23 Development ~~Employment Security~~ or his or her designee.

24 (7) One member appointed by the Director of Commerce
25 and Economic Opportunity or his or her designee.

1 (8) Two members representing private businesses, one
2 of the 2 representing the Business Leaders Network,
3 appointed by the Secretary of Human Services.

4 (9) One member representing the Illinois Network of
5 Centers for Independent Living, selected by the Network.

6 (10) One member representing the Coalition of Citizens
7 with Disabilities in Illinois, selected by the Coalition.

8 (11) One member representing People First of Illinois,
9 selected by that organization.

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

11 Section 290. The Illinois Veteran, Youth, and Young Adult
12 Conservation Jobs Act is amended by changing Sections 5, 7,
13 7.5, 8, and 9 as follows:

14 (525 ILCS 50/5) (from Ch. 48, par. 2555)

15 Sec. 5. Cooperation. The Department of Natural Resources
16 shall have the full cooperation of the Illinois Department of
17 Veterans' Affairs, the Department of Commerce and Economic
18 Opportunity, the Illinois State Job Coordinating Council
19 created by the Federal Job Training Partnership Act (Public Law
20 97-300), and the Department of Workforce Development
21 ~~Employment Security~~ to carry out the purposes of this Act.

22 (Source: P.A. 97-738, eff. 7-5-12; 98-463, eff. 8-16-13.)

23 (525 ILCS 50/7) (from Ch. 48, par. 2557)

1 Sec. 7. Illinois Young Adult Conservation Corps. With
2 respect to the Illinois Young Adult Conservation Corps program:

3 (a) Enrollment. The Illinois Young Adult Conservation
4 Corps shall be limited to citizens of this State who at the
5 time of enrollment are 18 through 25 years of age inclusive and
6 who are unemployed.

7 The Department shall make public notification of the
8 availability of jobs for young adults in the Illinois Young
9 Adult Conservation Corps by the means of newspapers, electronic
10 media, educational facilities, units of local government and
11 the Department of Workforce Development ~~Employment Security~~
12 offices.

13 The Department shall promulgate reasonable rules
14 pertaining to application for jobs with the Illinois Young
15 Adult Conservation Corps.

16 Any applicant who knowingly and purposely provides
17 wrongful information regarding age, employment or educational
18 records shall be deemed ineligible to participate in the
19 program. Any applicant who successfully gains employment in the
20 program and is later proven to have falsified his or her
21 application shall be dismissed immediately from the program.

22 (b) Terms of Employment. Once enrolled in the Illinois
23 Young Adult Conservation Corps, each enrollee shall receive at
24 least the standard minimum wage as set by the State of Illinois
25 and shall work normal working hours as determined by the
26 Department. The enrollees shall not be classified as employees

1 of the State for purposes of contributions to the State
2 Employees' Retirement System of Illinois or any other public
3 employment retirement system of the State.

4 (c) Permissible Activities. The Director shall designate
5 suitable projects in which enrollees of the program shall
6 participate. No project designated for enrollee participation
7 shall result in the displacement of individuals currently
8 employed or positions currently existing, either directly or
9 under contract with any private contractor, by the Department
10 through the reduction of overtime or nonovertime hours, wages
11 or employment benefits.

12 Projects so designated by the Director shall be for the
13 purpose of enhancing public lands owned or leased by the
14 Department or developing and enhancing projects or initiatives
15 undertaken in whole or part by the Department. Such projects
16 shall include improving the habitat of fauna and flora;
17 improving utilization of conservation or recreation facilities
18 and lands by the public; improving water quality; and any other
19 project deemed by the Department to improve the environmental,
20 economic and recreational quality of the State owned or leased
21 lands.

22 All projects designated for activity by the Director shall
23 be within a reasonable commuting time for each enrollee. To the
24 extent possible, the Director shall designate areas where a
25 pool of enrollees may work. In no circumstance shall enrollees
26 be required to spend more than 1 1/2 hours of commuting time to

1 a project or a designated area; provided, an enrollee may agree
2 to spend more than 1 1/2 hours of commuting time to a project
3 or a designated area.

4 (Source: P.A. 97-738, eff. 7-5-12.)

5 (525 ILCS 50/7.5)

6 Sec. 7.5. Illinois Veteran Conservation Corps. With
7 respect to the Illinois Veteran Conservation Corps program:

8 (a) Enrollment. The Illinois Veteran Conservation Corps
9 shall be limited to citizens of this State who at the time of
10 enrollment are veterans who are unemployed. Preference may be
11 given to veterans with a disability.

12 The Department shall make public notification of the
13 availability of jobs for eligible veterans in the Illinois
14 Veteran Conservation Corps by the means of newspapers,
15 electronic media, educational facilities, units of local
16 government, and the Department of Workforce Development
17 ~~Employment Security~~ offices.

18 The Department shall adopt reasonable rules pertaining to
19 application for jobs with the Illinois Veteran Conservation
20 Corps.

21 Any applicant who knowingly and purposely provides
22 wrongful information regarding employment or veteran status
23 shall be deemed ineligible to participate in the program. Any
24 applicant who successfully gains employment in the program and
25 is later proven to have falsified his or her application shall

1 be dismissed immediately from the program.

2 (b) Terms of employment. Once enrolled in the Illinois
3 Veteran Conservation Corps, each enrollee shall receive at
4 least the standard minimum wage as set by the State and shall
5 work normal working hours as determined by the Department. The
6 enrollees shall not be classified as employees of the State for
7 purposes of contributions to the State Employees' Retirement
8 System of Illinois or any other public employment retirement
9 system of the State.

10 (c) Permissible activities. The Director shall designate
11 suitable projects in which enrollees of the program shall
12 participate. No project designated for enrollee participation
13 shall result in the displacement of individuals currently
14 employed or positions currently existing, either directly or
15 under contract with any private contractor, by the Department,
16 or unit of local government through the reduction of overtime
17 or non-overtime hours, wages, or employment benefits.

18 Projects so designated by the Director shall be for the
19 purpose of enhancing public lands owned or leased by the
20 Department or developing and enhancing projects or initiatives
21 undertaken in whole or part by the Department. Such projects
22 shall include improving the habitat of fauna and flora;
23 improving utilization of conservation or recreation facilities
24 and lands by the public; improving water quality; and any other
25 project deemed by the Department to improve the environmental,
26 economic, and recreational quality of the State owned or leased

1 lands.

2 All projects designated for activity by the Director shall
3 be within a reasonable commuting time for each enrollee. To the
4 extent possible, the Director shall designate areas where a
5 pool of enrollees may work. In no circumstance shall enrollees
6 be required to spend more than 1 1/2 hours of commuting time to
7 a project or a designated area; provided, an enrollee may agree
8 to spend more than 1 1/2 hours of commuting time to a project
9 or a designated area.

10 (Source: P.A. 97-738, eff. 7-5-12.)

11 (525 ILCS 50/8) (from Ch. 48, par. 2558)

12 Sec. 8. Illinois Youth Recreation Corps. With respect to
13 the Illinois Youth Recreation Corps:

14 (a) Purpose. The Illinois Youth Recreation Corps is
15 established for the purpose of making grants to local sponsors
16 to provide wages to youth operating and instructing in
17 conservation or recreational programs. Such programs shall
18 provide conservation or recreational opportunities and shall
19 include, but are not limited to, the coordination and teaching
20 of natural resource conservation and management, physical
21 activities, or learning activities directly related to natural
22 resource conservation management or recreation. Such programs
23 may charge user fees, but such fees shall be designed to
24 promote as much community involvement as possible, as
25 determined by the Department.

1 (b) Application. Local sponsors who can provide necessary
2 facilities, materials and management for summer conservation
3 or recreational activities within the community and who desire
4 a grant under this Act for the purpose of hiring managing
5 supervisors as necessary and eligible youth for such
6 conservation or recreational programs may make application to
7 the Department of Natural Resources. Applications shall be
8 evaluated on the basis of program content, location, need,
9 local commitment of resources, and consistency with the
10 purposes of this Act.

11 (c) Enrollment. The Illinois Youth Recreation Corps shall
12 be limited to citizens of this State who at the time of
13 enrollment are 14 through 18 years of age inclusive and who
14 have skills that can be utilized in the summer conservation or
15 recreational program. The ratio of youth employee enrollees to
16 a managing supervisor must not be less than 10 to 1 for any
17 local sponsor with a total number of youth employee enrollees
18 of 10 or more. Any local sponsor program with a total number of
19 youth employee enrollees of less than 10 must be limited to one
20 managing supervisor.

21 The local sponsors shall make public notification of the
22 availability of jobs for eligible youth in the Illinois Youth
23 Recreation Corps by the means of newspapers, electronic media,
24 educational facilities, units of local government and
25 Department of Workforce Development ~~Employment Security~~
26 offices. Application for employment shall be made directly to

1 the local sponsor.

2 The Department shall adopt reasonable rules pertaining to
3 the administration of the Illinois Youth Recreation Corps.

4 (d) Terms of Employment. The enrollment period for any
5 successful applicant of the program shall not be longer than 60
6 working days during the months of June, July and August. Once
7 enrolled in the program, each enrollee shall receive a
8 reasonable wage as set by the Department and shall work hours
9 as required by the conservation or recreation program but not
10 in excess of a maximum number of hours as determined by the
11 Department, except that an enrollee working as a managing
12 supervisor shall receive a higher wage than an enrollee working
13 in any other capacity on the conservation or recreation
14 program. Enrollees shall be employees of the local sponsor and
15 not contractual hires for the purpose of employment taxes,
16 except that enrollees shall not be classified as employees of
17 the State or the local sponsor for purposes of contributions to
18 the State Employees' Retirement System of Illinois or any other
19 public employee retirement system.

20 (Source: P.A. 97-738, eff. 7-5-12.)

21 (525 ILCS 50/9)

22 Sec. 9. Illinois Veteran Recreation Corps. With respect to
23 the Illinois Veteran Recreation Corps:

24 (a) Purpose. The Illinois Veteran Recreation Corps is
25 established for the purpose of making grants to local sponsors

1 to provide wages to veterans of any age operating and
2 instructing in conservation or recreational programs. Such
3 programs shall provide conservation or recreational
4 opportunities and shall include, but are not limited to, the
5 coordination and teaching of natural resource conservation and
6 management, physical activities, or learning activities
7 directly related to natural resource conservation management
8 or recreation. Such programs may charge user fees, but such
9 fees shall be designed to promote as much community involvement
10 as possible, as determined by the Department.

11 (b) Application. Local sponsors who can provide necessary
12 facilities, materials, and management for summer conservation
13 or recreational activities within the community and who desire
14 a grant under this Act for the purpose of hiring managing
15 supervisors as necessary and eligible veterans for such
16 conservation or recreational programs may make application to
17 the Department. Applications shall be evaluated on the basis of
18 program content, location, need, local commitment of
19 resources, and consistency with the purposes of this Act.

20 (c) Enrollment. The Illinois Veteran Recreation Corps
21 shall be limited to citizens of this State who at the time of
22 enrollment are veterans of any age and are unemployed and who
23 have skills that can be utilized in the summer conservation or
24 recreational program. Preference may be given to veterans with
25 a disability.

26 The ratio of veterans employee enrollees to a managing

1 supervisor must not be less than 10 to 1 for any local sponsor
2 with a total number of veterans employee enrollees of 10 or
3 more. Any local sponsor program with a total number of veteran
4 employee enrollees of less than 10 must be limited to one
5 managing supervisor. Veterans who are unemployed shall be given
6 preference for employment as managing supervisors.

7 The local sponsors shall make public notification of the
8 availability of jobs for eligible veterans in the Illinois
9 Veteran Recreation Corps by the means of newspapers, electronic
10 media, educational facilities, units of local government, and
11 Department of Workforce Development ~~Employment Security~~
12 offices. Application for employment shall be made directly to
13 the local sponsor.

14 The Department shall adopt reasonable rules pertaining to
15 the administration of the Illinois Veteran Recreation Corps.

16 (d) Terms of employment. The enrollment period for any
17 successful applicant of the program shall not be longer than 6
18 total months. Once enrolled in the program, each enrollee shall
19 receive a reasonable wage as set by the Department and shall
20 work hours as required by the conservation or recreation
21 program but not in excess of a maximum number of hours as
22 determined by the Department, except that an enrollee working
23 as a managing supervisor shall receive a higher wage than an
24 enrollee working in any other capacity on the conservation or
25 recreation program. Enrollees shall be employees of the local
26 sponsor and not contractual hires for the purpose of employment

1 taxes, except that enrollees shall not be classified as
2 employees of the State or the local sponsor for purposes of
3 contributions to the State Employees' Retirement System of
4 Illinois or any other public employee retirement system.
5 (Source: P.A. 97-738, eff. 7-5-12; 98-463, eff. 8-16-13.)

6 Section 295. The Jury Act is amended by changing Section
7 1a-1 as follows:

8 (705 ILCS 305/1a-1)

9 Sec. 1a-1. List of claimants for unemployment insurance.
10 The Director ~~of the Department~~ of Workforce Development
11 ~~Employment Security~~ shall annually compile a list of persons
12 age 18 or older, who, in the prior 12 months, filed a claim for
13 unemployment insurance and shall furnish this list to the
14 Administrative Office of the Illinois Courts and the
15 Administrative Office of the Illinois Courts shall furnish that
16 list to the county board of each county, except those counties
17 which have jury commissions as provided in the Jury Commission
18 Act, for use in the preparation of jury lists as provided in
19 Section 1 of this Act. The list shall be in the format
20 currently prescribed by the Administrative Office of the
21 Illinois Courts and shall be provided subject to federal
22 regulations.

23 (Source: P.A. 97-34, eff. 1-1-12.)

1 Section 300. The Jury Commission Act is amended by changing
2 Section 2 as follows:

3 (705 ILCS 310/2) (from Ch. 78, par. 25)

4 Sec. 2. In a county with a population of at least 3,000,000
5 in which a jury administrator or jury commissioners have been
6 appointed, the jury administrator or commissioners, upon
7 entering upon the duties of their office, and every 4 years
8 thereafter, shall prepare a list of all legal voters and all
9 Illinois driver's license, Illinois Identification Card, and
10 Illinois Person with a Disability Identification Card holders,
11 and claimants for unemployment insurance of each town or
12 precinct of the county possessing the necessary legal
13 qualifications for jury duty, to be known as the jury list. In
14 a county with a population of less than 3,000,000 in which a
15 jury administrator or jury commissioners have been appointed,
16 the jury administrator or jury commissioners upon entering upon
17 the duties of their office, and each year thereafter, shall
18 prepare a list of all Illinois driver's license, Illinois
19 Identification Card, and Illinois Person with a Disability
20 Identification Card holders, all claimants for unemployment
21 insurance, and all registered voters of the county to be known
22 as the jury list.

23 The jury list may be revised and amended annually in the
24 discretion of the commissioners or jury administrator. Any
25 record kept by the jury commissioners or jury administrator for

1 over 4 years may be destroyed at their discretion. The name of
2 each person on the list shall be entered in a book or books to
3 be kept for that purpose, and opposite the name shall be
4 entered his or her age and place of residence, giving street
5 and number, if any.

6 The Director of Workforce Development ~~the Department of~~
7 ~~Employment Security~~ shall annually compile a list of persons
8 who, in the prior 12 months, filed a claim for unemployment
9 insurance which shall be sent to the Administrative Office of
10 the Illinois Courts and the Administrative Office of the
11 Illinois Courts shall furnish that list to the jury
12 administrator or jury commissioners, as provided in Section
13 1a-1 of the Jury Act. The list shall be in the format currently
14 prescribed by the Administrative Office of the Illinois Courts
15 and shall be provided subject to federal regulations. The jury
16 administrator, jury commissioners, or the Administrative
17 Office of the Illinois Courts shall receive an up-to-date list
18 of Illinois driver's license, Illinois Identification Card,
19 and Illinois Person with a Disability Identification Card
20 holders from the Secretary of State as provided in Section 1a
21 of the Jury Act. In compiling the jury list, duplication of
22 names shall be avoided to the extent practicable.

23 Whenever the name of a registered voter or an Illinois
24 driver's license, Illinois Identification Card, or Illinois
25 Person with a Disability Identification Card holder, or a
26 claimant for unemployment insurance appearing upon this jury

1 list is transferred to the active jury list in the manner
2 prescribed by Section 8 of this Act, the following additional
3 information shall be recorded after the name of the voter: the
4 age of the voter, his or her occupation, if any, whether or not
5 he or she is a resident residing with his or her family and
6 whether or not he or she is an owner or life tenant of real
7 estate in the county.

8 (Source: P.A. 97-34, eff. 1-1-12; 97-1064, eff. 1-1-13.)

9 Section 305. The Illinois Marriage and Dissolution of
10 Marriage Act is amended by changing Sections 505 and 505.1 as
11 follows:

12 (750 ILCS 5/505) (from Ch. 40, par. 505)

13 Sec. 505. Child support; contempt; penalties.

14 (a) In a proceeding for dissolution of marriage, legal
15 separation, declaration of invalidity of marriage, a
16 proceeding for child support following dissolution of the
17 marriage by a court that lacked personal jurisdiction over the
18 absent spouse, a proceeding for modification of a previous
19 order for child support under Section 510 of this Act, or any
20 proceeding authorized under Section 501 or 601 of this Act, the
21 court may order either or both parents owing a duty of support
22 to a child of the marriage to pay an amount reasonable and
23 necessary for the support of the child, without regard to
24 marital misconduct. The duty of support owed to a child

1 includes the obligation to provide for the reasonable and
 2 necessary educational, physical, mental and emotional health
 3 needs of the child. For purposes of this Section, the term
 4 "child" shall include any child under age 18 and any child
 5 under age 19 who is still attending high school.

6 (1) The Court shall determine the minimum amount of
 7 support by using the following guidelines:

8	Number of Children	Percent of Supporting Party's
9		Net Income
10	1	20%
11	2	28%
12	3	32%
13	4	40%
14	5	45%
15	6 or more	50%

16 (2) The above guidelines shall be applied in each case
 17 unless the court finds that a deviation from the guidelines
 18 is appropriate after considering the best interest of the
 19 child in light of the evidence, including, but not limited
 20 to, one or more of the following relevant factors:

- 21 (a) the financial resources and needs of the child;
- 22 (b) the financial resources and needs of the
 23 custodial parent;
- 24 (c) the standard of living the child would have
 25 enjoyed had the marriage not been dissolved;
- 26 (d) the physical, mental, and emotional needs of

1 the child;

2 (d-5) the educational needs of the child; and

3 (e) the financial resources and needs of the
4 non-custodial parent.

5 If the court deviates from the guidelines, the court's
6 finding shall state the amount of support that would have
7 been required under the guidelines, if determinable. The
8 court shall include the reason or reasons for the variance
9 from the guidelines.

10 (2.5) The court, in its discretion, in addition to
11 setting child support pursuant to the guidelines and
12 factors, may order either or both parents owing a duty of
13 support to a child of the marriage to contribute to the
14 following expenses, if determined by the court to be
15 reasonable:

16 (a) health needs not covered by insurance;

17 (b) child care;

18 (c) education; and

19 (d) extracurricular activities.

20 (3) "Net income" is defined as the total of all income
21 from all sources, minus the following deductions:

22 (a) Federal income tax (properly calculated
23 withholding or estimated payments);

24 (b) State income tax (properly calculated
25 withholding or estimated payments);

26 (c) Social Security (FICA payments);

1 (d) Mandatory retirement contributions required by
2 law or as a condition of employment;

3 (e) Union dues;

4 (f) Dependent and individual
5 health/hospitalization insurance premiums and premiums
6 for life insurance ordered by the court to reasonably
7 secure payment of ordered child support;

8 (g) Prior obligations of support or maintenance
9 actually paid pursuant to a court order;

10 (h) Expenditures for repayment of debts that
11 represent reasonable and necessary expenses for the
12 production of income, medical expenditures necessary
13 to preserve life or health, reasonable expenditures
14 for the benefit of the child and the other parent,
15 exclusive of gifts. The court shall reduce net income
16 in determining the minimum amount of support to be
17 ordered only for the period that such payments are due
18 and shall enter an order containing provisions for its
19 self-executing modification upon termination of such
20 payment period;

21 (i) Foster care payments paid by the Department of
22 Children and Family Services for providing licensed
23 foster care to a foster child.

24 (4) In cases where the court order provides for
25 health/hospitalization insurance coverage pursuant to
26 Section 505.2 of this Act, the premiums for that insurance,

1 or that portion of the premiums for which the supporting
2 party is responsible in the case of insurance provided
3 through an employer's health insurance plan where the
4 employer pays a portion of the premiums, shall be
5 subtracted from net income in determining the minimum
6 amount of support to be ordered.

7 (4.5) In a proceeding for child support following
8 dissolution of the marriage by a court that lacked personal
9 jurisdiction over the absent spouse, and in which the court
10 is requiring payment of support for the period before the
11 date an order for current support is entered, there is a
12 rebuttable presumption that the supporting party's net
13 income for the prior period was the same as his or her net
14 income at the time the order for current support is
15 entered.

16 (5) If the net income cannot be determined because of
17 default or any other reason, the court shall order support
18 in an amount considered reasonable in the particular case.
19 The final order in all cases shall state the support level
20 in dollar amounts. However, if the court finds that the
21 child support amount cannot be expressed exclusively as a
22 dollar amount because all or a portion of the payor's net
23 income is uncertain as to source, time of payment, or
24 amount, the court may order a percentage amount of support
25 in addition to a specific dollar amount and enter such
26 other orders as may be necessary to determine and enforce,

1 on a timely basis, the applicable support ordered.

2 (6) If (i) the non-custodial parent was properly served
3 with a request for discovery of financial information
4 relating to the non-custodial parent's ability to provide
5 child support, (ii) the non-custodial parent failed to
6 comply with the request, despite having been ordered to do
7 so by the court, and (iii) the non-custodial parent is not
8 present at the hearing to determine support despite having
9 received proper notice, then any relevant financial
10 information concerning the non-custodial parent's ability
11 to provide child support that was obtained pursuant to
12 subpoena and proper notice shall be admitted into evidence
13 without the need to establish any further foundation for
14 its admission.

15 (a-5) In an action to enforce an order for support based on
16 the respondent's failure to make support payments as required
17 by the order, notice of proceedings to hold the respondent in
18 contempt for that failure may be served on the respondent by
19 personal service or by regular mail addressed to the
20 respondent's last known address. The respondent's last known
21 address may be determined from records of the clerk of the
22 court, from the Federal Case Registry of Child Support Orders,
23 or by any other reasonable means.

24 (b) Failure of either parent to comply with an order to pay
25 support shall be punishable as in other cases of contempt. In
26 addition to other penalties provided by law the Court may,

1 after finding the parent guilty of contempt, order that the
2 parent be:

3 (1) placed on probation with such conditions of
4 probation as the Court deems advisable;

5 (2) sentenced to periodic imprisonment for a period not
6 to exceed 6 months; provided, however, that the Court may
7 permit the parent to be released for periods of time during
8 the day or night to:

9 (A) work; or

10 (B) conduct a business or other self-employed
11 occupation.

12 The Court may further order any part or all of the earnings
13 of a parent during a sentence of periodic imprisonment paid to
14 the Clerk of the Circuit Court or to the parent having custody
15 or to the guardian having custody of the children of the
16 sentenced parent for the support of said children until further
17 order of the Court.

18 If a parent who is found guilty of contempt for failure to
19 comply with an order to pay support is a person who conducts a
20 business or who is self-employed, the court in addition to
21 other penalties provided by law may order that the parent do
22 one or more of the following: (i) provide to the court monthly
23 financial statements showing income and expenses from the
24 business or the self-employment; (ii) seek employment and
25 report periodically to the court with a diary, listing, or
26 other memorandum of his or her employment search efforts; or

1 (iii) report to the Department of Workforce Development
2 ~~Employment Security~~ for job search services to find employment
3 that will be subject to withholding for child support.

4 If there is a unity of interest and ownership sufficient to
5 render no financial separation between a non-custodial parent
6 and another person or persons or business entity, the court may
7 pierce the ownership veil of the person, persons, or business
8 entity to discover assets of the non-custodial parent held in
9 the name of that person, those persons, or that business
10 entity. The following circumstances are sufficient to
11 authorize a court to order discovery of the assets of a person,
12 persons, or business entity and to compel the application of
13 any discovered assets toward payment on the judgment for
14 support:

15 (1) the non-custodial parent and the person, persons,
16 or business entity maintain records together.

17 (2) the non-custodial parent and the person, persons,
18 or business entity fail to maintain an arm's length
19 relationship between themselves with regard to any assets.

20 (3) the non-custodial parent transfers assets to the
21 person, persons, or business entity with the intent to
22 perpetrate a fraud on the custodial parent.

23 With respect to assets which are real property, no order
24 entered under this paragraph shall affect the rights of bona
25 fide purchasers, mortgagees, judgment creditors, or other lien
26 holders who acquire their interests in the property prior to

1 the time a notice of lis pendens pursuant to the Code of Civil
2 Procedure or a copy of the order is placed of record in the
3 office of the recorder of deeds for the county in which the
4 real property is located.

5 The court may also order in cases where the parent is 90
6 days or more delinquent in payment of support or has been
7 adjudicated in arrears in an amount equal to 90 days obligation
8 or more, that the parent's Illinois driving privileges be
9 suspended until the court determines that the parent is in
10 compliance with the order of support. The court may also order
11 that the parent be issued a family financial responsibility
12 driving permit that would allow limited driving privileges for
13 employment and medical purposes in accordance with Section
14 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
15 court shall certify the order suspending the driving privileges
16 of the parent or granting the issuance of a family financial
17 responsibility driving permit to the Secretary of State on
18 forms prescribed by the Secretary. Upon receipt of the
19 authenticated documents, the Secretary of State shall suspend
20 the parent's driving privileges until further order of the
21 court and shall, if ordered by the court, subject to the
22 provisions of Section 7-702.1 of the Illinois Vehicle Code,
23 issue a family financial responsibility driving permit to the
24 parent.

25 In addition to the penalties or punishment that may be
26 imposed under this Section, any person whose conduct

1 constitutes a violation of Section 15 of the Non-Support
2 Punishment Act may be prosecuted under that Act, and a person
3 convicted under that Act may be sentenced in accordance with
4 that Act. The sentence may include but need not be limited to a
5 requirement that the person perform community service under
6 Section 50 of that Act or participate in a work alternative
7 program under Section 50 of that Act. A person may not be
8 required to participate in a work alternative program under
9 Section 50 of that Act if the person is currently participating
10 in a work program pursuant to Section 505.1 of this Act.

11 A support obligation, or any portion of a support
12 obligation, which becomes due and remains unpaid as of the end
13 of each month, excluding the child support that was due for
14 that month to the extent that it was not paid in that month,
15 shall accrue simple interest as set forth in Section 12-109 of
16 the Code of Civil Procedure. An order for support entered or
17 modified on or after January 1, 2006 shall contain a statement
18 that a support obligation required under the order, or any
19 portion of a support obligation required under the order, that
20 becomes due and remains unpaid as of the end of each month,
21 excluding the child support that was due for that month to the
22 extent that it was not paid in that month, shall accrue simple
23 interest as set forth in Section 12-109 of the Code of Civil
24 Procedure. Failure to include the statement in the order for
25 support does not affect the validity of the order or the
26 accrual of interest as provided in this Section.

1 (c) A one-time charge of 20% is imposable upon the amount
2 of past-due child support owed on July 1, 1988 which has
3 accrued under a support order entered by the court. The charge
4 shall be imposed in accordance with the provisions of Section
5 10-21 of the Illinois Public Aid Code and shall be enforced by
6 the court upon petition.

7 (d) Any new or existing support order entered by the court
8 under this Section shall be deemed to be a series of judgments
9 against the person obligated to pay support thereunder, each
10 such judgment to be in the amount of each payment or
11 installment of support and each such judgment to be deemed
12 entered as of the date the corresponding payment or installment
13 becomes due under the terms of the support order. Each such
14 judgment shall have the full force, effect and attributes of
15 any other judgment of this State, including the ability to be
16 enforced. Notwithstanding any other State or local law to the
17 contrary, a lien arises by operation of law against the real
18 and personal property of the noncustodial parent for each
19 installment of overdue support owed by the noncustodial parent.

20 (e) When child support is to be paid through the clerk of
21 the court in a county of 1,000,000 inhabitants or less, the
22 order shall direct the obligor to pay to the clerk, in addition
23 to the child support payments, all fees imposed by the county
24 board under paragraph (3) of subsection (u) of Section 27.1 of
25 the Clerks of Courts Act. Unless paid in cash or pursuant to an
26 order for withholding, the payment of the fee shall be by a

1 separate instrument from the support payment and shall be made
2 to the order of the Clerk.

3 (f) All orders for support, when entered or modified, shall
4 include a provision requiring the obligor to notify the court
5 and, in cases in which a party is receiving child and spouse
6 services under Article X of the Illinois Public Aid Code, the
7 Department of Healthcare and Family Services, within 7 days,
8 (i) of the name and address of any new employer of the obligor,
9 (ii) whether the obligor has access to health insurance
10 coverage through the employer or other group coverage and, if
11 so, the policy name and number and the names of persons covered
12 under the policy, and (iii) of any new residential or mailing
13 address or telephone number of the non-custodial parent. In any
14 subsequent action to enforce a support order, upon a sufficient
15 showing that a diligent effort has been made to ascertain the
16 location of the non-custodial parent, service of process or
17 provision of notice necessary in the case may be made at the
18 last known address of the non-custodial parent in any manner
19 expressly provided by the Code of Civil Procedure or this Act,
20 which service shall be sufficient for purposes of due process.

21 (g) An order for support shall include a date on which the
22 current support obligation terminates. The termination date
23 shall be no earlier than the date on which the child covered by
24 the order will attain the age of 18. However, if the child will
25 not graduate from high school until after attaining the age of
26 18, then the termination date shall be no earlier than the

1 earlier of the date on which the child's high school graduation
2 will occur or the date on which the child will attain the age
3 of 19. The order for support shall state that the termination
4 date does not apply to any arrearage that may remain unpaid on
5 that date. Nothing in this subsection shall be construed to
6 prevent the court from modifying the order or terminating the
7 order in the event the child is otherwise emancipated.

8 (g-5) If there is an unpaid arrearage or delinquency (as
9 those terms are defined in the Income Withholding for Support
10 Act) equal to at least one month's support obligation on the
11 termination date stated in the order for support or, if there
12 is no termination date stated in the order, on the date the
13 child attains the age of majority or is otherwise emancipated,
14 the periodic amount required to be paid for current support of
15 that child immediately prior to that date shall automatically
16 continue to be an obligation, not as current support but as
17 periodic payment toward satisfaction of the unpaid arrearage or
18 delinquency. That periodic payment shall be in addition to any
19 periodic payment previously required for satisfaction of the
20 arrearage or delinquency. The total periodic amount to be paid
21 toward satisfaction of the arrearage or delinquency may be
22 enforced and collected by any method provided by law for
23 enforcement and collection of child support, including but not
24 limited to income withholding under the Income Withholding for
25 Support Act. Each order for support entered or modified on or
26 after the effective date of this amendatory Act of the 93rd

1 General Assembly must contain a statement notifying the parties
2 of the requirements of this subsection. Failure to include the
3 statement in the order for support does not affect the validity
4 of the order or the operation of the provisions of this
5 subsection with regard to the order. This subsection shall not
6 be construed to prevent or affect the establishment or
7 modification of an order for support of a minor child or the
8 establishment or modification of an order for support of a
9 non-minor child or educational expenses under Section 513 of
10 this Act.

11 (h) An order entered under this Section shall include a
12 provision requiring the obligor to report to the obligee and to
13 the clerk of court within 10 days each time the obligor obtains
14 new employment, and each time the obligor's employment is
15 terminated for any reason. The report shall be in writing and
16 shall, in the case of new employment, include the name and
17 address of the new employer. Failure to report new employment
18 or the termination of current employment, if coupled with
19 nonpayment of support for a period in excess of 60 days, is
20 indirect criminal contempt. For any obligor arrested for
21 failure to report new employment bond shall be set in the
22 amount of the child support that should have been paid during
23 the period of unreported employment. An order entered under
24 this Section shall also include a provision requiring the
25 obligor and obligee parents to advise each other of a change in
26 residence within 5 days of the change except when the court

1 finds that the physical, mental, or emotional health of a party
2 or that of a child, or both, would be seriously endangered by
3 disclosure of the party's address.

4 (i) The court does not lose the powers of contempt,
5 driver's license suspension, or other child support
6 enforcement mechanisms, including, but not limited to,
7 criminal prosecution as set forth in this Act, upon the
8 emancipation of the minor child or children.

9 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;
10 97-813, eff. 7-13-12; 97-878, eff. 8-2-12; 97-941, eff. 1-1-13;
11 97-1029, eff. 1-1-13; 98-463, eff. 8-16-13.)

12 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

13 Sec. 505.1. (a) Whenever it is determined in a proceeding
14 to establish or enforce a child support or maintenance
15 obligation that the person owing a duty of support is
16 unemployed, the court may order the person to seek employment
17 and report periodically to the court with a diary, listing or
18 other memorandum of his or her efforts in accordance with such
19 order. Additionally, the court may order the unemployed person
20 to report to the Department of Workforce Development ~~Employment~~
21 ~~Security~~ for job search services or to make application with
22 the local Job Training Partnership Act provider for
23 participation in job search, training or work programs and
24 where the duty of support is owed to a child receiving child
25 support enforcement services under Article X of the Illinois

1 Public Aid Code, as amended, the court may order the unemployed
2 person to report to the Department of Healthcare and Family
3 Services for participation in job search, training or work
4 programs established under Section 9-6 and Article IXA of that
5 Code.

6 (b) Whenever it is determined that a person owes past-due
7 support for a child or for a child and the parent with whom the
8 child is living, and the child is receiving assistance under
9 the Illinois Public Aid Code, the court shall order at the
10 request of the Department of Healthcare and Family Services:

11 (1) that the person pay the past-due support in
12 accordance with a plan approved by the court; or

13 (2) if the person owing past-due support is unemployed,
14 is subject to such a plan, and is not incapacitated, that
15 the person participate in such job search, training, or
16 work programs established under Section 9-6 and Article IXA
17 of the Illinois Public Aid Code as the court deems
18 appropriate.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 Section 310. The Non-Support Punishment Act is amended by
21 changing Sections 20 and 60 as follows:

22 (750 ILCS 16/20)

23 Sec. 20. Entry of order for support; income withholding.

24 (a) In a case in which no court or administrative order for

1 support is in effect against the defendant:

2 (1) at any time before the trial, upon motion of the
3 State's Attorney, or of the Attorney General if the action
4 has been instituted by his office, and upon notice to the
5 defendant, or at the time of arraignment or as a condition
6 of postponement of arraignment, the court may enter such
7 temporary order for support as may seem just, providing for
8 the support or maintenance of the spouse or child or
9 children of the defendant, or both, pendente lite; or

10 (2) before trial with the consent of the defendant, or
11 at the trial on entry of a plea of guilty, or after
12 conviction, instead of imposing the penalty provided in
13 this Act, or in addition thereto, the court may enter an
14 order for support, subject to modification by the court
15 from time to time as circumstances may require, directing
16 the defendant to pay a certain sum for maintenance of the
17 spouse, or for support of the child or children, or both.

18 (b) The court shall determine the amount of child support
19 by using the guidelines and standards set forth in subsection
20 (a) of Section 505 and in Section 505.2 of the Illinois
21 Marriage and Dissolution of Marriage Act.

22 If (i) the non-custodial parent was properly served with a
23 request for discovery of financial information relating to the
24 non-custodial parent's ability to provide child support, (ii)
25 the non-custodial parent failed to comply with the request,
26 despite having been ordered to do so by the court, and (iii)

1 the non-custodial parent is not present at the hearing to
2 determine support despite having received proper notice, then
3 any relevant financial information concerning the
4 non-custodial parent's ability to provide support that was
5 obtained pursuant to subpoena and proper notice shall be
6 admitted into evidence without the need to establish any
7 further foundation for its admission.

8 (c) The court shall determine the amount of maintenance
9 using the standards set forth in Section 504 of the Illinois
10 Marriage and Dissolution of Marriage Act.

11 (d) The court may, for violation of any order under this
12 Section, punish the offender as for a contempt of court, but no
13 pendente lite order shall remain in effect longer than 4
14 months, or after the discharge of any panel of jurors summoned
15 for service thereafter in such court, whichever is sooner.

16 (d-5) If a person who is found guilty of contempt for
17 failure to comply with an order to pay support is a person who
18 conducts a business or who is self-employed, the court may
19 order in addition to other penalties provided by law that the
20 person do one or more of the following: (i) provide to the
21 court monthly financial statements showing income and expenses
22 from the business or the self-employment; (ii) seek employment
23 and report periodically to the court with a diary, listing, or
24 other memorandum of his or her employment search efforts; or
25 (iii) report to the Department of Workforce Development
26 ~~Employment Security~~ for job search services to find employment

1 that will be subject to withholding of child support.

2 (e) Any order for support entered by the court under this
3 Section shall be deemed to be a series of judgments against the
4 person obligated to pay support under the judgments, each such
5 judgment to be in the amount of each payment or installment of
6 support and each judgment to be deemed entered as of the date
7 the corresponding payment or installment becomes due under the
8 terms of the support order. Each judgment shall have the full
9 force, effect, and attributes of any other judgment of this
10 State, including the ability to be enforced. Each judgment is
11 subject to modification or termination only in accordance with
12 Section 510 of the Illinois Marriage and Dissolution of
13 Marriage Act. Notwithstanding any other State or local law to
14 the contrary, a lien arises by operation of law against the
15 real and personal property of the noncustodial parent for each
16 installment of overdue support owed by the noncustodial parent.

17 (f) An order for support entered under this Section shall
18 include a provision requiring the obligor to report to the
19 obligee and to the clerk of the court within 10 days each time
20 the obligor obtains new employment, and each time the obligor's
21 employment is terminated for any reason. The report shall be in
22 writing and shall, in the case of new employment, include the
23 name and address of the new employer.

24 Failure to report new employment or the termination of
25 current employment, if coupled with nonpayment of support for a
26 period in excess of 60 days, is indirect criminal contempt. For

1 any obligor arrested for failure to report new employment, bond
2 shall be set in the amount of the child support that should
3 have been paid during the period of unreported employment.

4 An order for support entered under this Section shall also
5 include a provision requiring the obligor and obligee parents
6 to advise each other of a change in residence within 5 days of
7 the change except when the court finds that the physical,
8 mental, or emotional health of a party or of a minor child, or
9 both, would be seriously endangered by disclosure of the
10 party's address.

11 (g) An order for support entered or modified in a case in
12 which a party is receiving child support enforcement services
13 under Article X of the Illinois Public Aid Code shall include a
14 provision requiring the noncustodial parent to notify the
15 Department of Healthcare and Family Services, within 7 days, of
16 the name and address of any new employer of the noncustodial
17 parent, whether the noncustodial parent has access to health
18 insurance coverage through the employer or other group coverage
19 and, if so, the policy name and number and the names of persons
20 covered under the policy.

21 (h) In any subsequent action to enforce an order for
22 support entered under this Act, upon sufficient showing that
23 diligent effort has been made to ascertain the location of the
24 noncustodial parent, service of process or provision of notice
25 necessary in that action may be made at the last known address
26 of the noncustodial parent, in any manner expressly provided by

1 the Code of Civil Procedure or in this Act, which service shall
2 be sufficient for purposes of due process.

3 (i) An order for support shall include a date on which the
4 current support obligation terminates. The termination date
5 shall be no earlier than the date on which the child covered by
6 the order will attain the age of 18. However, if the child will
7 not graduate from high school until after attaining the age of
8 18, then the termination date shall be no earlier than the
9 earlier of the date on which the child's high school graduation
10 will occur or the date on which the child will attain the age
11 of 19. The order for support shall state that the termination
12 date does not apply to any arrearage that may remain unpaid on
13 that date. Nothing in this subsection shall be construed to
14 prevent the court from modifying the order or terminating the
15 order in the event the child is otherwise emancipated.

16 (i-5) If there is an unpaid arrearage or delinquency (as
17 those terms are defined in the Income Withholding for Support
18 Act) equal to at least one month's support obligation on the
19 termination date stated in the order for support or, if there
20 is no termination date stated in the order, on the date the
21 child attains the age of majority or is otherwise emancipated,
22 the periodic amount required to be paid for current support of
23 that child immediately prior to that date shall automatically
24 continue to be an obligation, not as current support but as
25 periodic payment toward satisfaction of the unpaid arrearage or
26 delinquency. That periodic payment shall be in addition to any

1 periodic payment previously required for satisfaction of the
2 arrearage or delinquency. The total periodic amount to be paid
3 toward satisfaction of the arrearage or delinquency may be
4 enforced and collected by any method provided by law for
5 enforcement and collection of child support, including but not
6 limited to income withholding under the Income Withholding for
7 Support Act. Each order for support entered or modified on or
8 after the effective date of this amendatory Act of the 93rd
9 General Assembly must contain a statement notifying the parties
10 of the requirements of this subsection. Failure to include the
11 statement in the order for support does not affect the validity
12 of the order or the operation of the provisions of this
13 subsection with regard to the order. This subsection shall not
14 be construed to prevent or affect the establishment or
15 modification of an order for support of a minor child or the
16 establishment or modification of an order for support of a
17 non-minor child or educational expenses under Section 513 of
18 the Illinois Marriage and Dissolution of Marriage Act.

19 (j) A support obligation, or any portion of a support
20 obligation, which becomes due and remains unpaid as of the end
21 of each month, excluding the child support that was due for
22 that month to the extent that it was not paid in that month,
23 shall accrue simple interest as set forth in Section 12-109 of
24 the Code of Civil Procedure. An order for support entered or
25 modified on or after January 1, 2006 shall contain a statement
26 that a support obligation required under the order, or any

1 portion of a support obligation required under the order, that
2 becomes due and remains unpaid as of the end of each month,
3 excluding the child support that was due for that month to the
4 extent that it was not paid in that month, shall accrue simple
5 interest as set forth in Section 12-109 of the Code of Civil
6 Procedure. Failure to include the statement in the order for
7 support does not affect the validity of the order or the
8 accrual of interest as provided in this Section.

9 (Source: P.A. 97-186, eff. 7-22-11; 97-1029, eff. 1-1-13.)

10 (750 ILCS 16/60)

11 Sec. 60. Unemployed persons owing duty of support.

12 (a) Whenever it is determined in a proceeding to establish
13 or enforce a child support or maintenance obligation that the
14 person owing a duty of support is unemployed, the court may
15 order the person to seek employment and report periodically to
16 the court with a diary, listing or other memorandum of his or
17 her efforts in accordance with such order. Additionally, the
18 court may order the unemployed person to report to the
19 Department of Workforce Development ~~Employment Security~~ for
20 job search services or to make application with the local Job
21 Training Partnership Act provider for participation in job
22 search, training, or work programs and where the duty of
23 support is owed to a child receiving child support enforcement
24 services under Article X of the Illinois Public Aid Code the
25 court may order the unemployed person to report to the

1 Department of Healthcare and Family Services for participation
2 in job search, training, or work programs established under
3 Section 9-6 and Article IXA of that Code.

4 (b) Whenever it is determined that a person owes past due
5 support for a child or for a child and the parent with whom the
6 child is living, and the child is receiving assistance under
7 the Illinois Public Aid Code, the court shall order at the
8 request of the Department of Healthcare and Family Services:

9 (1) that the person pay the past-due support in
10 accordance with a plan approved by the court; or

11 (2) if the person owing past-due support is unemployed,
12 is subject to such a plan, and is not incapacitated, that
13 the person participate in such job search, training, or
14 work programs established under Section 9-6 and Article IXA
15 of the Illinois Public Aid Code as the court deems
16 appropriate.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 Section 315. The Expedited Child Support Act of 1990 is
19 amended by changing Section 6 as follows:

20 (750 ILCS 25/6) (from Ch. 40, par. 2706)

21 Sec. 6. Authority of hearing officers.

22 (a) With the exception of judicial functions exclusively
23 retained by the court in Section 8 of this Act and in
24 accordance with Supreme Court rules promulgated pursuant to

1 this Act, Administrative Hearing Officers shall be authorized
2 to:

3 (1) Accept voluntary agreements reached by the parties
4 setting the amount of child support to be paid and medical
5 support liability and recommend the entry of orders
6 incorporating such agreements.

7 (2) Accept voluntary acknowledgments of parentage and
8 recommend entry of an order establishing parentage based on
9 such acknowledgement. Prior to accepting such
10 acknowledgment, the Administrative Hearing Officer shall
11 advise the putative father of his rights and obligations in
12 accordance with Supreme Court rules promulgated pursuant
13 to this Act.

14 (3) Manage all stages of discovery, including setting
15 deadlines by which discovery must be completed; and
16 directing the parties to submit to appropriate tests
17 pursuant to Section 11 of the Illinois Parentage Act of
18 1984.

19 (4) Cause notices to be issued requiring the Obligor to
20 appear either before the Administrative Hearing Officer or
21 in court.

22 (5) Administer the oath or affirmation and take
23 testimony under oath or affirmation.

24 (6) Analyze the evidence and prepare written
25 recommendations based on such evidence, including but not
26 limited to: (i) proposed findings as to the amount of the

1 Obligor's income; (ii) proposed findings as to the amount
2 and nature of appropriate deductions from the Obligor's
3 income to determine the Obligor's net income; (iii)
4 proposed findings as to the existence of relevant factors
5 as set forth in subsection (a)(2) of Section 505 of the
6 Illinois Marriage and Dissolution of Marriage Act, which
7 justify setting child support payment levels above or below
8 the guidelines; (iv) recommended orders for temporary
9 child support; (v) recommended orders setting the amount of
10 current child support to be paid; (vi) proposed findings as
11 to the existence and amount of any arrearages; (vii)
12 recommended orders reducing any arrearages to judgement
13 and for the payment of amounts towards such arrearages;
14 (viii) proposed findings as to whether there has been a
15 substantial change of circumstances since the entry of the
16 last child support order, or other circumstances
17 justifying a modification of the child support order; and
18 (ix) proposed findings as to whether the Obligor is
19 employed.

20 (7) With respect to any unemployed Obligor who is not
21 making child support payments or is otherwise unable to
22 provide support, recommend that the Obligor be ordered to
23 seek employment and report periodically of his or her
24 efforts in accordance with such order. Additionally, the
25 Administrative Hearing Officer may recommend that the
26 Obligor be ordered to report to the Department of Workforce

1 Development ~~Employment Security~~ for job search services or
2 to make application with the local Job Training Partnership
3 Act provider for participation in job search, training or
4 work programs and, where the duty of support is owed to a
5 child receiving child support enforcement services under
6 Article X of the Illinois Public Aid Code, the
7 Administrative Hearing Officer may recommend that the
8 Obligor be ordered to report to the Department of
9 Healthcare and Family Services for participation in the job
10 search, training or work programs established under
11 Section 9-6 of the Illinois Public Aid Code.

12 (8) Recommend the registration of any foreign support
13 judgments or orders as the judgments or orders of Illinois.

14 (b) In any case in which the Obligee is not participating
15 in the IV-D program or has not applied to participate in the
16 IV-D program, the Administrative Hearing Officer shall:

17 (1) inform the Obligee of the existence of the IV-D
18 program and provide applications on request; and

19 (2) inform the Obligee and the Obligor of the option of
20 requesting payment to be made through the Clerk of the
21 Circuit Court.

22 If a request for payment through the Clerk is made, the
23 Administrative Hearing Officer shall note this fact in the
24 recommendations to the court.

25 (c) The Administrative Hearing Officer may make
26 recommendations in addition to the proposed findings of fact

1 and recommended order to which the parties have agreed.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 Section 320. The Illinois Parentage Act of 1984 is amended
4 by changing Sections 15 and 15.1 as follows:

5 (750 ILCS 45/15) (from Ch. 40, par. 2515)

6 Sec. 15. Enforcement of Judgment or Order.

7 (a) If existence of the parent and child relationship is
8 declared, or paternity or duty of support has been established
9 under this Act or under prior law or under the law of any other
10 jurisdiction, the judgment rendered thereunder may be enforced
11 in the same or other proceedings by any party or any person or
12 agency that has furnished or may furnish financial assistance
13 or services to the child. The Income Withholding for Support
14 Act and Sections 14 and 16 of this Act shall also be applicable
15 with respect to entry, modification and enforcement of any
16 support judgment entered under provisions of the "Paternity
17 Act", approved July 5, 1957, as amended, repealed July 1, 1985.

18 (b) Failure to comply with any order of the court shall be
19 punishable as contempt as in other cases of failure to comply
20 under the "Illinois Marriage and Dissolution of Marriage Act",
21 as now or hereafter amended. In addition to other penalties
22 provided by law, the court may, after finding the party guilty
23 of contempt, order that the party be:

24 (1) Placed on probation with such conditions of

1 probation as the court deems advisable;

2 (2) Sentenced to periodic imprisonment for a period not
3 to exceed 6 months. However, the court may permit the party
4 to be released for periods of time during the day or night
5 to work or conduct business or other self-employed
6 occupation. The court may further order any part of all the
7 earnings of a party during a sentence of periodic
8 imprisonment to be paid to the Clerk of the Circuit Court
9 or to the person or parent having custody of the minor
10 child for the support of said child until further order of
11 the court.

12 (c) ~~(2.5)~~ The court may also pierce the ownership veil of a
13 person, persons, or business entity to discover assets of a
14 non-custodial parent held in the name of that person, those
15 persons, or that business entity if there is a unity of
16 interest and ownership sufficient to render no financial
17 separation between the non-custodial parent and that person,
18 those persons, or the business entity. The following
19 circumstances are sufficient for a court to order discovery of
20 the assets of a person, persons, or business entity and to
21 compel the application of any discovered assets toward payment
22 on the judgment for support:

23 (1) ~~The (A) the~~ non-custodial parent and the person,
24 persons, or business entity maintain records together.

25 (2) ~~The (B) the~~ non-custodial parent and the person,
26 persons, or business entity fail to maintain an arms length

1 relationship between themselves with regard to any assets.

2 (3) The ~~(C)~~ the non-custodial parent transfers assets
3 to the person, persons, or business entity with the intent
4 to perpetrate a fraud on the custodial parent.

5 With respect to assets which are real property, no order
6 entered under this subsection (c) ~~subdivision (2.5)~~ shall
7 affect the rights of bona fide purchasers, mortgagees, judgment
8 creditors, or other lien holders who acquire their interests in
9 the property prior to the time a notice of lis pendens pursuant
10 to the Code of Civil Procedure or a copy of the order is placed
11 of record in the office of the recorder of deeds for the county
12 in which the real property is located.

13 (d) ~~(3)~~ The court may also order that, in cases where the
14 party is 90 days or more delinquent in payment of support or
15 has been adjudicated in arrears in an amount equal to 90 days
16 obligation or more, ~~that~~ the party's Illinois driving
17 privileges be suspended until the court determines that the
18 party is in compliance with the judgement or duty of support.
19 The court may also order that the parent be issued a family
20 financial responsibility driving permit that would allow
21 limited driving privileges for employment and medical purposes
22 in accordance with Section 7-702.1 of the Illinois Vehicle
23 Code. The clerk of the circuit court shall certify the order
24 suspending the driving privileges of the parent or granting the
25 issuance of a family financial responsibility driving permit to
26 the Secretary of State on forms prescribed by the Secretary.

1 Upon receipt of the authenticated documents, the Secretary of
2 State shall suspend the party's driving privileges until
3 further order of the court and shall, if ordered by the court,
4 subject to the provisions of Section 7-702.1 of the Illinois
5 Vehicle Code, issue a family financial responsibility driving
6 permit to the parent.

7 (e) In addition to the penalties or punishment that may be
8 imposed under this Section, any person whose conduct
9 constitutes a violation of Section 15 of the Non-Support
10 Punishment Act may be prosecuted under that Act, and a person
11 convicted under that Act may be sentenced in accordance with
12 that Act. The sentence may include but need not be limited to a
13 requirement that the person perform community service under
14 Section 50 of that Act or participate in a work alternative
15 program under Section 50 of that Act. A person may not be
16 required to participate in a work alternative program under
17 Section 50 of that Act if the person is currently participating
18 in a work program pursuant to Section 15.1 of this Act.

19 (f) ~~(b-5)~~ If a party who is found guilty of contempt for a
20 failure to comply with an order to pay support is a person who
21 conducts a business or who is self-employed, the court may in
22 addition to other penalties provided by law order that the
23 party do one or more of the following: (i) provide to the court
24 monthly financial statements showing income and expenses from
25 the business or the self-employment; (ii) seek employment and
26 report periodically to the court with a diary, listing, or

1 other memorandum of his or her employment search efforts; or
2 (iii) report to the Department of Workforce Development
3 ~~Employment Security~~ for job search services to find employment
4 that will be subject to withholding of child support.

5 (g) ~~(e)~~ In any post-judgment proceeding to enforce or
6 modify the judgment the parties shall continue to be designated
7 as in the original proceeding.

8 (Source: P.A. 97-1029, eff. 1-1-13; revised 11-22-13.)

9 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

10 Sec. 15.1. (a) Whenever it is determined in a proceeding to
11 establish or enforce a child support obligation that the person
12 owing a duty of support is unemployed, the court may order the
13 person to seek employment and report periodically to the court
14 with a diary, listing or other memorandum of his or her efforts
15 in accordance with such order. Additionally, the court may
16 order the unemployed person to report to the Department of
17 Workforce Development ~~Employment Security~~ for job search
18 services or to make application with the local Job Training
19 Partnership Act provider for participation in job search,
20 training or work programs and where the duty of support is owed
21 to a child receiving child support enforcement services under
22 Article X of the Illinois Public Aid Code, as amended, the
23 court may order the unemployed person to report to the
24 Department of Healthcare and Family Services for participation
25 in job search, training or work programs established under

1 Section 9-6 and Article IXA of that Code.

2 (b) Whenever it is determined that a person owes past-due
3 support for a child, and the child is receiving assistance
4 under the Illinois Public Aid Code, the court shall order the
5 following at the request of the Department of Healthcare and
6 Family Services:

7 (1) that the person pay the past-due support in
8 accordance with a plan approved by the court; or

9 (2) if the person owing past-due support is unemployed,
10 is subject to such a plan, and is not incapacitated, that
11 the person participate in such job search, training, or
12 work programs established under Section 9-6 and Article IXA
13 of the Illinois Public Aid Code as the court deems
14 appropriate.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 Section 325. The Illinois Human Rights Act is amended by
17 changing Section 2-105 as follows:

18 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

19 Sec. 2-105. Equal Employment Opportunities; Affirmative
20 Action.

21 (A) Public Contracts. Every party to a public contract and
22 every eligible bidder shall:

23 (1) Refrain from unlawful discrimination and
24 discrimination based on citizenship status in employment

1 and undertake affirmative action to assure equality of
2 employment opportunity and eliminate the effects of past
3 discrimination;

4 (2) Comply with the procedures and requirements of the
5 Department's regulations concerning equal employment
6 opportunities and affirmative action;

7 (3) Provide such information, with respect to its
8 employees and applicants for employment, and assistance as
9 the Department may reasonably request;

10 (4) Have written sexual harassment policies that shall
11 include, at a minimum, the following information: (i) the
12 illegality of sexual harassment; (ii) the definition of
13 sexual harassment under State law; (iii) a description of
14 sexual harassment, utilizing examples; (iv) the vendor's
15 internal complaint process including penalties; (v) the
16 legal recourse, investigative and complaint process
17 available through the Department and the Commission; (vi)
18 directions on how to contact the Department and Commission;
19 and (vii) protection against retaliation as provided by
20 Section 6-101 of this Act. A copy of the policies shall be
21 provided to the Department upon request.

22 (B) State Agencies. Every State executive department,
23 State agency, board, commission, and instrumentality shall:

24 (1) Comply with the procedures and requirements of the
25 Department's regulations concerning equal employment
26 opportunities and affirmative action;

1 (2) Provide such information and assistance as the
2 Department may request.

3 (3) Establish, maintain, and carry out a continuing
4 affirmative action plan consistent with this Act and the
5 regulations of the Department designed to promote equal
6 opportunity for all State residents in every aspect of
7 agency personnel policy and practice. For purposes of these
8 affirmative action plans, the race and national origin
9 categories to be included in the plans are: American Indian
10 or Alaska Native, Asian, Black or African American,
11 Hispanic or Latino, Native Hawaiian or Other Pacific
12 Islander.

13 This plan shall include a current detailed status
14 report:

15 (a) indicating, by each position in State service,
16 the number, percentage, and average salary of
17 individuals employed by race, national origin, sex and
18 disability, and any other category that the Department
19 may require by rule;

20 (b) identifying all positions in which the
21 percentage of the people employed by race, national
22 origin, sex and disability, and any other category that
23 the Department may require by rule, is less than
24 four-fifths of the percentage of each of those
25 components in the State work force;

26 (c) specifying the goals and methods for

1 increasing the percentage by race, national origin,
2 sex and disability, and any other category that the
3 Department may require by rule, in State positions;

4 (d) indicating progress and problems toward
5 meeting equal employment opportunity goals, including,
6 if applicable, but not limited to, Department of
7 Central Management Services recruitment efforts,
8 publicity, promotions, and use of options designating
9 positions by linguistic abilities;

10 (e) establishing a numerical hiring goal for the
11 employment of qualified persons with disabilities in
12 the agency as a whole, to be based on the proportion of
13 people with work disabilities in the Illinois labor
14 force as reflected in the most recent decennial Census.

15 (4) If the agency has 1000 or more employees, appoint a
16 full-time Equal Employment Opportunity officer, subject to
17 the Department's approval, whose duties shall include:

18 (a) Advising the head of the particular State
19 agency with respect to the preparation of equal
20 employment opportunity programs, procedures,
21 regulations, reports, and the agency's affirmative
22 action plan.

23 (b) Evaluating in writing each fiscal year the
24 sufficiency of the total agency program for equal
25 employment opportunity and reporting thereon to the
26 head of the agency with recommendations as to any

1 improvement or correction in recruiting, hiring or
2 promotion needed, including remedial or disciplinary
3 action with respect to managerial or supervisory
4 employees who have failed to cooperate fully or who are
5 in violation of the program.

6 (c) Making changes in recruitment, training and
7 promotion programs and in hiring and promotion
8 procedures designed to eliminate discriminatory
9 practices when authorized.

10 (d) Evaluating tests, employment policies,
11 practices and qualifications and reporting to the head
12 of the agency and to the Department any policies,
13 practices and qualifications that have unequal impact
14 by race, national origin as required by Department
15 rule, sex or disability or any other category that the
16 Department may require by rule, and to assist in the
17 recruitment of people in underrepresented
18 classifications. This function shall be performed in
19 cooperation with the State Department of Central
20 Management Services.

21 (e) Making any aggrieved employee or applicant for
22 employment aware of his or her remedies under this Act.

23 In any meeting, investigation, negotiation,
24 conference, or other proceeding between a State
25 employee and an Equal Employment Opportunity officer,
26 a State employee (1) who is not covered by a collective

1 bargaining agreement and (2) who is the complaining
2 party or the subject of such proceeding may be
3 accompanied, advised and represented by (1) an
4 attorney licensed to practice law in the State of
5 Illinois or (2) a representative of an employee
6 organization whose membership is composed of employees
7 of the State and of which the employee is a member. A
8 representative of an employee, other than an attorney,
9 may observe but may not actively participate, or advise
10 the State employee during the course of such meeting,
11 investigation, negotiation, conference or other
12 proceeding. Nothing in this Section shall be construed
13 to permit any person who is not licensed to practice
14 law in Illinois to deliver any legal services or
15 otherwise engage in any activities that would
16 constitute the unauthorized practice of law. Any
17 representative of an employee who is present with the
18 consent of the employee, shall not, during or after
19 termination of the relationship permitted by this
20 Section with the State employee, use or reveal any
21 information obtained during the course of the meeting,
22 investigation, negotiation, conference or other
23 proceeding without the consent of the complaining
24 party and any State employee who is the subject of the
25 proceeding and pursuant to rules and regulations
26 governing confidentiality of such information as

1 promulgated by the appropriate State agency.
2 Intentional or reckless disclosure of information in
3 violation of these confidentiality requirements shall
4 constitute a Class B misdemeanor.

5 (5) Establish, maintain and carry out a continuing
6 sexual harassment program that shall include the
7 following:

8 (a) Develop a written sexual harassment policy
9 that includes at a minimum the following information:

10 (i) the illegality of sexual harassment; (ii) the
11 definition of sexual harassment under State law; (iii)
12 a description of sexual harassment, utilizing
13 examples; (iv) the agency's internal complaint process
14 including penalties; (v) the legal recourse,
15 investigative and complaint process available through
16 the Department and the Commission; (vi) directions on
17 how to contact the Department and Commission; and (vii)
18 protection against retaliation as provided by Section
19 6-101 of this Act. The policy shall be reviewed
20 annually.

21 (b) Post in a prominent and accessible location and
22 distribute in a manner to assure notice to all agency
23 employees without exception the agency's sexual
24 harassment policy. Such documents may meet, but shall
25 not exceed, the 6th grade literacy level. Distribution
26 shall be effectuated within 90 days of the effective

1 date of this amendatory Act of 1992 and shall occur
2 annually thereafter.

3 (c) Provide training on sexual harassment
4 prevention and the agency's sexual harassment policy
5 as a component of all ongoing or new employee training
6 programs.

7 (6) Notify the Department 30 days before effecting any
8 layoff. Once notice is given, the following shall occur:

9 (a) No layoff may be effective earlier than 10
10 working days after notice to the Department, unless an
11 emergency layoff situation exists.

12 (b) The State executive department, State agency,
13 board, commission, or instrumentality in which the
14 layoffs are to occur must notify each employee targeted
15 for layoff, the employee's union representative (if
16 applicable), and the State Dislocated Worker Unit at
17 the Department of Commerce and Economic Opportunity.

18 (c) The State executive department, State agency,
19 board, commission, or instrumentality in which the
20 layoffs are to occur must conform to applicable
21 collective bargaining agreements.

22 (d) The State executive department, State agency,
23 board, commission, or instrumentality in which the
24 layoffs are to occur should notify each employee
25 targeted for layoff that transitional assistance may
26 be available to him or her under the Economic

1 Dislocation and Worker Adjustment Assistance Act
2 administered by the Department of Workforce
3 Development ~~Commerce and Economic Opportunity~~. Failure
4 to give such notice shall not invalidate the layoff or
5 postpone its effective date.

6 As used in this subsection (B), "disability" shall be
7 defined in rules promulgated under the Illinois Administrative
8 Procedure Act.

9 (C) Civil Rights Violations. It is a civil rights violation
10 for any public contractor or eligible bidder to:

11 (1) fail to comply with the public contractor's or
12 eligible bidder's duty to refrain from unlawful
13 discrimination and discrimination based on citizenship
14 status in employment under subsection (A)(1) of this
15 Section; or

16 (2) fail to comply with the public contractor's or
17 eligible bidder's duties of affirmative action under
18 subsection (A) of this Section, provided however, that the
19 Department has notified the public contractor or eligible
20 bidder in writing by certified mail that the public
21 contractor or eligible bidder may not be in compliance with
22 affirmative action requirements of subsection (A). A
23 minimum of 60 days to comply with the requirements shall be
24 afforded to the public contractor or eligible bidder before
25 the Department may issue formal notice of non-compliance.

26 (D) As used in this Section:

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

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

10 (3) "Black or African American" means a person having
11 origins in any of the black racial groups of Africa. Terms
12 such as "Haitian" or "Negro" can be used in addition to
13 "Black or African American".

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

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

20 (Source: P.A. 97-396, eff. 1-1-12.)

21 Section 330. The Defense Contract Employment
22 Discrimination Act is amended by changing Sections 4 and 6 as
23 follows:

24 (775 ILCS 20/4) (from Ch. 29, par. 24d)

1 Sec. 4. Upon the filing of a verified complaint, setting
2 out the facts of the alleged discrimination in the office of
3 the Department of Workforce Development ~~Employment Security~~ of
4 the State of Illinois, and the state's attorneys of the
5 respective counties of the State of Illinois and the Attorney
6 General ~~attorney general~~ of Illinois on the relation of the
7 State of Illinois, it shall be the duty of said respective
8 officers or their assistants to enforce the prosecution of any
9 violation of this act.

10 (Source: P.A. 83-1503.)

11 (775 ILCS 20/6) (from Ch. 29, par. 24f)

12 Sec. 6. A copy of this Act shall be furnished by the
13 Department of Workforce Development ~~Employment Security~~ and
14 shall be prominently displayed by each war defense contractor
15 in its employment office and room where applicants for
16 employment or training are interviewed. This shall be done by
17 such war defense contractor within thirty days after the
18 effective date of this Act and any violation of this Section
19 shall be deemed a petty offense punishable by a fine in the sum
20 of twenty-five dollars.

21 (Source: P.A. 83-1503.)

22 Section 335. The Illinois Worker Adjustment and Retraining
23 Notification Act is amended by changing Sections 10 and 45, as
24 follows:

1 (820 ILCS 65/10)

2 Sec. 10. Notice.

3 (a) An employer may not order a mass layoff, relocation, or
4 employment loss unless, 60 days before the order takes effect,
5 the employer gives written notice of the order to the
6 following:

7 (1) affected employees and representatives of affected
8 employees; and

9 (2) the Department of Workforce Development ~~Commerce~~
10 ~~and Economic Opportunity~~ and the chief elected official of
11 each municipal and county government within which the
12 employment loss, relocation, or mass layoff occurs.

13 (b) An employer required to give notice of any mass layoff,
14 relocation, or employment loss under this Act shall include in
15 its notice the elements required by the federal Worker
16 Adjustment and Retraining Notification Act (29 U.S.C. 2101 et
17 seq.).

18 (c) Notwithstanding the requirements of subsection (a), an
19 employer is not required to provide notice if a mass layoff,
20 relocation, or employment loss is necessitated by a physical
21 calamity or an act of terrorism or war.

22 (d) The mailing of notice to an employee's last known
23 address or inclusion of notice in the employee's paycheck shall
24 be considered acceptable methods for fulfillment of the
25 employer's obligation to give notice to each affected employee

1 under this Act.

2 (e) In the case of a sale of part or all of an employer's
3 business, the seller shall be responsible for providing notice
4 for any plant closing or mass layoff in accordance with this
5 Section, up to and including the effective date of the sale.
6 After the effective date of the sale of part or all of an
7 employer's business, the purchaser shall be responsible for
8 providing notice for any plant closing or mass layoff in
9 accordance with this Section. Notwithstanding any other
10 provision of this Act, any person who is an employee of the
11 seller (other than a part-time employee) as of the effective
12 date of the sale shall be considered an employee of the
13 purchaser immediately after the effective date of the sale.

14 (f) An employer which is receiving State or local economic
15 development incentives for doing or continuing to do business
16 in this State may be required to provide additional notice
17 pursuant to Section 15 of the Business Economic Support Act.

18 (g) The rights and remedies provided to employees by this
19 Act are in addition to, and not in lieu of, any other
20 contractual or statutory rights and remedies of the employees,
21 and are not intended to alter or affect such rights and
22 remedies, except that the period of notification required by
23 this Act shall run concurrently with any period of notification
24 required by contract or by any other law.

25 (h) It is the sense of the General Assembly that an
26 employer who is not required to comply with the notice

1 requirements of this Section should, to the extent possible,
2 provide notice to its employees about a proposal to close a
3 plant or permanently reduce its workforce.

4 (Source: P.A. 93-915, eff. 1-1-05.)

5 (820 ILCS 65/45)

6 Sec. 45. Advisory notice from Department of Workforce
7 Development ~~Commerce and Economic Opportunity~~. Before
8 September 30 of each year, the Department of Workforce
9 Development ~~Commerce and Economic Opportunity, with the~~
10 ~~cooperation of the Department of Employment Security,~~ must
11 issue a written notice to each employer that reported to the
12 Department of Employment Security that the employer paid wages
13 to 75 or more individuals with respect to any quarter in the
14 immediately preceding calendar year. The notice must indicate
15 that the employer may be subject to this Act and must generally
16 advise the employer about the requirements of this Act and the
17 remedies provided for violations of this Act.

18 (Source: P.A. 93-915, eff. 1-1-05.)

19 Section 340. The Day and Temporary Labor Services Act is
20 amended by changing Section 45 as follows:

21 (820 ILCS 175/45)

22 Sec. 45. Registration; Department of Labor.

23 (a) A day and temporary labor service agency which is

1 located, operates or transacts business within this State shall
2 register with the Department of Labor in accordance with rules
3 adopted by the Department for day and temporary labor service
4 agencies and shall be subject to this Act and any rules adopted
5 under this Act. Each day and temporary labor service agency
6 shall provide proof of an employer account number issued by the
7 Department of Workforce Development ~~Employment Security~~ for
8 the payment of unemployment insurance contributions as
9 required under the Unemployment Insurance Act, and proof of
10 valid workers' compensation insurance in effect at the time of
11 registration covering all of its employees. If, at any time, a
12 day and temporary labor service agency's workers' compensation
13 insurance coverage lapses, the agency shall have an affirmative
14 duty to report the lapse of such coverage to the Department and
15 the agency's registration shall be suspended until the agency's
16 workers' compensation insurance is reinstated. The Department
17 may assess each day and temporary labor service agency a
18 non-refundable registration fee not exceeding \$1,000 per year
19 per agency and a non-refundable fee not to exceed \$250 for each
20 branch office or other location where the agency regularly
21 contracts with day or temporary laborers for services. The fee
22 may be paid by check or money order and the Department may not
23 refuse to accept a check on the basis that it is not a
24 certified check or a cashier's check. The Department may charge
25 an additional fee to be paid by a day and temporary labor
26 service agency if the agency, or any person on the agency's

1 behalf, issues or delivers a check to the Department that is
2 not honored by the financial institution upon which it is
3 drawn. The Department shall also adopt rules for violation
4 hearings and penalties for violations of this Act or the
5 Department's rules in conjunction with the penalties set forth
6 in this Act.

7 (b) It is a violation of this Act to operate a day and
8 temporary labor service agency without first registering with
9 the Department in accordance with subsection (a) of this
10 Section. The Department shall create and maintain at regular
11 intervals on its website, accessible to the public: (1) a list
12 of all registered day and temporary labor service agencies in
13 the State whose registration is in good standing; (2) a list of
14 day and temporary labor service agencies in the State whose
15 registration has been suspended, including the reason for the
16 suspension, the date the suspension was initiated, and the
17 date, if known, the suspension is to be lifted; and (3) a list
18 of day and temporary labor service agencies in the State whose
19 registration has been revoked, including the reason for the
20 revocation and the date the registration was revoked. The
21 Department has the authority to assess a penalty against any
22 day and temporary labor service agency that fails to register
23 with the Department of Labor in accordance with this Act or any
24 rules adopted under this Act of \$500 for each violation. Each
25 day during which a day and temporary labor service agency
26 operates without registering with the Department shall be a

1 separate and distinct violation of this Act.

2 (c) An applicant is not eligible to register to operate a
3 day and temporary labor service agency under this Act if the
4 applicant or any of its officers, directors, partners, or
5 managers or any owner of 25% or greater beneficial interest:

6 (1) has been involved, as owner, officer, director,
7 partner, or manager, of any day and temporary labor service
8 agency whose registration has been revoked or has been
9 suspended without being reinstated within the 5 years
10 immediately preceding the filing of the application; or

11 (2) is under the age of 18.

12 (d) Every agency shall post and keep posted at each
13 location, in a position easily accessible to all employees,
14 notices as supplied and required by the Department containing a
15 copy or summary of the provisions of the Act and a notice which
16 informs the public of a toll-free telephone number for day or
17 temporary laborers and the public to file wage dispute
18 complaints and other alleged violations by day and temporary
19 labor service agencies. Such notices shall be in English or any
20 other language generally understood in the locale of the day
21 and temporary labor service agency.

22 (Source: P.A. 94-511, eff. 1-1-06.)

23 Section 345. The Employee Classification Act is amended by
24 changing Section 75 as follows:

1 (820 ILCS 185/75)

2 Sec. 75. Cooperation. The Department of Labor, the
3 Department of Workforce Development ~~Employment Security~~, the
4 Department of Revenue, and the Illinois Workers' Compensation
5 Commission shall cooperate under this Act by sharing
6 information concerning any suspected misclassification by an
7 employer or entity of one or more of its employees as
8 independent contractors. Upon determining that an employer or
9 entity has misclassified employees as independent contractors
10 in violation of this Act, the Department shall notify the
11 Department of Employment Security, the Department of Revenue,
12 the Office of the State Comptroller, and the Illinois Workers'
13 Compensation Commission who shall be obliged to check such
14 employer or entity's compliance with their laws, utilizing
15 their own definitions, standards, and procedures.

16 (Source: P.A. 95-26, eff. 1-1-08.)

17 Section 350. The Workers' Compensation Act is amended by
18 changing Sections 8 and 26.1 as follows:

19 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

20 Sec. 8. The amount of compensation which shall be paid to
21 the employee for an accidental injury not resulting in death
22 is:

23 (a) The employer shall provide and pay the negotiated rate,
24 if applicable, or the lesser of the health care provider's

1 actual charges or according to a fee schedule, subject to
2 Section 8.2, in effect at the time the service was rendered for
3 all the necessary first aid, medical and surgical services, and
4 all necessary medical, surgical and hospital services
5 thereafter incurred, limited, however, to that which is
6 reasonably required to cure or relieve from the effects of the
7 accidental injury, even if a health care provider sells,
8 transfers, or otherwise assigns an account receivable for
9 procedures, treatments, or services covered under this Act. If
10 the employer does not dispute payment of first aid, medical,
11 surgical, and hospital services, the employer shall make such
12 payment to the provider on behalf of the employee. The employer
13 shall also pay for treatment, instruction and training
14 necessary for the physical, mental and vocational
15 rehabilitation of the employee, including all maintenance
16 costs and expenses incidental thereto. If as a result of the
17 injury the employee is unable to be self-sufficient the
18 employer shall further pay for such maintenance or
19 institutional care as shall be required.

20 The employee may at any time elect to secure his own
21 physician, surgeon and hospital services at the employer's
22 expense, or,

23 Upon agreement between the employer and the employees, or
24 the employees' exclusive representative, and subject to the
25 approval of the Illinois Workers' Compensation Commission, the
26 employer shall maintain a list of physicians, to be known as a

1 Panel of Physicians, who are accessible to the employees. The
2 employer shall post this list in a place or places easily
3 accessible to his employees. The employee shall have the right
4 to make an alternative choice of physician from such Panel if
5 he is not satisfied with the physician first selected. If, due
6 to the nature of the injury or its occurrence away from the
7 employer's place of business, the employee is unable to make a
8 selection from the Panel, the selection process from the Panel
9 shall not apply. The physician selected from the Panel may
10 arrange for any consultation, referral or other specialized
11 medical services outside the Panel at the employer's expense.
12 Provided that, in the event the Commission shall find that a
13 doctor selected by the employee is rendering improper or
14 inadequate care, the Commission may order the employee to
15 select another doctor certified or qualified in the medical
16 field for which treatment is required. If the employee refuses
17 to make such change the Commission may relieve the employer of
18 his obligation to pay the doctor's charges from the date of
19 refusal to the date of compliance.

20 Any vocational rehabilitation counselors who provide
21 service under this Act shall have appropriate certifications
22 which designate the counselor as qualified to render opinions
23 relating to vocational rehabilitation. Vocational
24 rehabilitation may include, but is not limited to, counseling
25 for job searches, supervising a job search program, and
26 vocational retraining including education at an accredited

1 learning institution. The employee or employer may petition to
2 the Commission to decide disputes relating to vocational
3 rehabilitation and the Commission shall resolve any such
4 dispute, including payment of the vocational rehabilitation
5 program by the employer.

6 The maintenance benefit shall not be less than the
7 temporary total disability rate determined for the employee. In
8 addition, maintenance shall include costs and expenses
9 incidental to the vocational rehabilitation program.

10 When the employee is working light duty on a part-time
11 basis or full-time basis and earns less than he or she would be
12 earning if employed in the full capacity of the job or jobs,
13 then the employee shall be entitled to temporary partial
14 disability benefits. Temporary partial disability benefits
15 shall be equal to two-thirds of the difference between the
16 average amount that the employee would be able to earn in the
17 full performance of his or her duties in the occupation in
18 which he or she was engaged at the time of accident and the
19 gross amount which he or she is earning in the modified job
20 provided to the employee by the employer or in any other job
21 that the employee is working.

22 Every hospital, physician, surgeon or other person
23 rendering treatment or services in accordance with the
24 provisions of this Section shall upon written request furnish
25 full and complete reports thereof to, and permit their records
26 to be copied by, the employer, the employee or his dependents,

1 as the case may be, or any other party to any proceeding for
2 compensation before the Commission, or their attorneys.

3 Notwithstanding the foregoing, the employer's liability to
4 pay for such medical services selected by the employee shall be
5 limited to:

6 (1) all first aid and emergency treatment; plus

7 (2) all medical, surgical and hospital services
8 provided by the physician, surgeon or hospital initially
9 chosen by the employee or by any other physician,
10 consultant, expert, institution or other provider of
11 services recommended by said initial service provider or
12 any subsequent provider of medical services in the chain of
13 referrals from said initial service provider; plus

14 (3) all medical, surgical and hospital services
15 provided by any second physician, surgeon or hospital
16 subsequently chosen by the employee or by any other
17 physician, consultant, expert, institution or other
18 provider of services recommended by said second service
19 provider or any subsequent provider of medical services in
20 the chain of referrals from said second service provider.
21 Thereafter the employer shall select and pay for all
22 necessary medical, surgical and hospital treatment and the
23 employee may not select a provider of medical services at
24 the employer's expense unless the employer agrees to such
25 selection. At any time the employee may obtain any medical
26 treatment he desires at his own expense. This paragraph

1 shall not affect the duty to pay for rehabilitation
2 referred to above.

3 (4) The following shall apply for injuries occurring on
4 or after June 28, 2011 (the effective date of Public Act
5 97-18) and only when an employer has an approved preferred
6 provider program pursuant to Section 8.1a on the date the
7 employee sustained his or her accidental injuries:

8 (A) The employer shall, in writing, on a form
9 promulgated by the Commission, inform the employee of
10 the preferred provider program;

11 (B) Subsequent to the report of an injury by an
12 employee, the employee may choose in writing at any
13 time to decline the preferred provider program, in
14 which case that would constitute one of the two choices
15 of medical providers to which the employee is entitled
16 under subsection (a) (2) or (a) (3); and

17 (C) Prior to the report of an injury by an
18 employee, when an employee chooses non-emergency
19 treatment from a provider not within the preferred
20 provider program, that would constitute the employee's
21 one choice of medical providers to which the employee
22 is entitled under subsection (a) (2) or (a) (3).

23 When an employer and employee so agree in writing, nothing
24 in this Act prevents an employee whose injury or disability has
25 been established under this Act, from relying in good faith, on
26 treatment by prayer or spiritual means alone, in accordance

1 with the tenets and practice of a recognized church or
2 religious denomination, by a duly accredited practitioner
3 thereof, and having nursing services appropriate therewith,
4 without suffering loss or diminution of the compensation
5 benefits under this Act. However, the employee shall submit to
6 all physical examinations required by this Act. The cost of
7 such treatment and nursing care shall be paid by the employee
8 unless the employer agrees to make such payment.

9 Where the accidental injury results in the amputation of an
10 arm, hand, leg or foot, or the enucleation of an eye, or the
11 loss of any of the natural teeth, the employer shall furnish an
12 artificial of any such members lost or damaged in accidental
13 injury arising out of and in the course of employment, and
14 shall also furnish the necessary braces in all proper and
15 necessary cases. In cases of the loss of a member or members by
16 amputation, the employer shall, whenever necessary, maintain
17 in good repair, refit or replace the artificial limbs during
18 the lifetime of the employee. Where the accidental injury
19 accompanied by physical injury results in damage to a denture,
20 eye glasses or contact eye lenses, or where the accidental
21 injury results in damage to an artificial member, the employer
22 shall replace or repair such denture, glasses, lenses, or
23 artificial member.

24 The furnishing by the employer of any such services or
25 appliances is not an admission of liability on the part of the
26 employer to pay compensation.

1 The furnishing of any such services or appliances or the
2 servicing thereof by the employer is not the payment of
3 compensation.

4 (b) If the period of temporary total incapacity for work
5 lasts more than 3 working days, weekly compensation as
6 hereinafter provided shall be paid beginning on the 4th day of
7 such temporary total incapacity and continuing as long as the
8 total temporary incapacity lasts. In cases where the temporary
9 total incapacity for work continues for a period of 14 days or
10 more from the day of the accident compensation shall commence
11 on the day after the accident.

12 1. The compensation rate for temporary total
13 incapacity under this paragraph (b) of this Section shall
14 be equal to 66 2/3% of the employee's average weekly wage
15 computed in accordance with Section 10, provided that it
16 shall be not less than 66 2/3% of the sum of the Federal
17 minimum wage under the Fair Labor Standards Act, or the
18 Illinois minimum wage under the Minimum Wage Law, whichever
19 is more, multiplied by 40 hours. This percentage rate shall
20 be increased by 10% for each spouse and child, not to
21 exceed 100% of the total minimum wage calculation,
22 nor exceed the employee's average weekly wage computed in
23 accordance with the provisions of Section 10, whichever is
24 less.

25 2. The compensation rate in all cases other than for
26 temporary total disability under this paragraph (b), and

1 other than for serious and permanent disfigurement under
2 paragraph (c) and other than for permanent partial
3 disability under subparagraph (2) of paragraph (d) or under
4 paragraph (e), of this Section shall be equal to 66 2/3% of
5 the employee's average weekly wage computed in accordance
6 with the provisions of Section 10, provided that it shall
7 be not less than 66 2/3% of the sum of the Federal minimum
8 wage under the Fair Labor Standards Act, or the Illinois
9 minimum wage under the Minimum Wage Law, whichever is more,
10 multiplied by 40 hours. This percentage rate shall be
11 increased by 10% for each spouse and child, not to exceed
12 100% of the total minimum wage calculation,
13 nor exceed the employee's average weekly wage computed in
14 accordance with the provisions of Section 10, whichever is
15 less.

16 2.1. The compensation rate in all cases of serious and
17 permanent disfigurement under paragraph (c) and of
18 permanent partial disability under subparagraph (2) of
19 paragraph (d) or under paragraph (e) of this Section shall
20 be equal to 60% of the employee's average weekly wage
21 computed in accordance with the provisions of Section 10,
22 provided that it shall be not less than 66 2/3% of the sum
23 of the Federal minimum wage under the Fair Labor Standards
24 Act, or the Illinois minimum wage under the Minimum Wage
25 Law, whichever is more, multiplied by 40 hours. This
26 percentage rate shall be increased by 10% for each spouse

1 and child, not to exceed 100% of the total minimum wage
2 calculation,
3 nor exceed the employee's average weekly wage computed in
4 accordance with the provisions of Section 10, whichever is
5 less.

6 3. As used in this Section the term "child" means a
7 child of the employee including any child legally adopted
8 before the accident or whom at the time of the accident the
9 employee was under legal obligation to support or to whom
10 the employee stood in loco parentis, and who at the time of
11 the accident was under 18 years of age and not emancipated.
12 The term "children" means the plural of "child".

13 4. All weekly compensation rates provided under
14 subparagraphs 1, 2 and 2.1 of this paragraph (b) of this
15 Section shall be subject to the following limitations:

16 The maximum weekly compensation rate from July 1, 1975,
17 except as hereinafter provided, shall be 100% of the
18 State's average weekly wage in covered industries under the
19 Unemployment Insurance Act, that being the wage that most
20 closely approximates the State's average weekly wage.

21 The maximum weekly compensation rate, for the period
22 July 1, 1984, through June 30, 1987, except as hereinafter
23 provided, shall be \$293.61. Effective July 1, 1987 and on
24 July 1 of each year thereafter the maximum weekly
25 compensation rate, except as hereinafter provided, shall
26 be determined as follows: if during the preceding 12 month

1 period there shall have been an increase in the State's
2 average weekly wage in covered industries under the
3 Unemployment Insurance Act, the weekly compensation rate
4 shall be proportionately increased by the same percentage
5 as the percentage of increase in the State's average weekly
6 wage in covered industries under the Unemployment
7 Insurance Act during such period.

8 The maximum weekly compensation rate, for the period
9 January 1, 1981 through December 31, 1983, except as
10 hereinafter provided, shall be 100% of the State's average
11 weekly wage in covered industries under the Unemployment
12 Insurance Act in effect on January 1, 1981. Effective
13 January 1, 1984 and on January 1, of each year thereafter
14 the maximum weekly compensation rate, except as
15 hereinafter provided, shall be determined as follows: if
16 during the preceding 12 month period there shall have been
17 an increase in the State's average weekly wage in covered
18 industries under the Unemployment Insurance Act, the
19 weekly compensation rate shall be proportionately
20 increased by the same percentage as the percentage of
21 increase in the State's average weekly wage in covered
22 industries under the Unemployment Insurance Act during
23 such period.

24 From July 1, 1977 and thereafter such maximum weekly
25 compensation rate in death cases under Section 7, and
26 permanent total disability cases under paragraph (f) or

1 subparagraph 18 of paragraph (3) of this Section and for
2 temporary total disability under paragraph (b) of this
3 Section and for amputation of a member or enucleation of an
4 eye under paragraph (e) of this Section shall be increased
5 to 133-1/3% of the State's average weekly wage in covered
6 industries under the Unemployment Insurance Act.

7 For injuries occurring on or after February 1, 2006,
8 the maximum weekly benefit under paragraph (d)1 of this
9 Section shall be 100% of the State's average weekly wage in
10 covered industries under the Unemployment Insurance Act.

11 4.1. Any provision herein to the contrary
12 notwithstanding, the weekly compensation rate for
13 compensation payments under subparagraph 18 of paragraph
14 (e) of this Section and under paragraph (f) of this Section
15 and under paragraph (a) of Section 7 and for amputation of
16 a member or enucleation of an eye under paragraph (e) of
17 this Section, shall in no event be less than 50% of the
18 State's average weekly wage in covered industries under the
19 Unemployment Insurance Act.

20 4.2. Any provision to the contrary notwithstanding,
21 the total compensation payable under Section 7 shall not
22 exceed the greater of \$500,000 or 25 years.

23 5. For the purpose of this Section this State's average
24 weekly wage in covered industries under the Unemployment
25 Insurance Act on July 1, 1975 is hereby fixed at \$228.16
26 per week and the computation of compensation rates shall be

1 based on the aforesaid average weekly wage until modified
2 as hereinafter provided.

3 6. The Department of Employment Security (now
4 Workforce Development) of the State shall on or before the
5 first day of December, 1977, and on or before the first day
6 of June, 1978, and on the first day of each December and
7 June of each year thereafter, publish the State's average
8 weekly wage in covered industries under the Unemployment
9 Insurance Act and the Illinois Workers' Compensation
10 Commission shall on the 15th day of January, 1978 and on
11 the 15th day of July, 1978 and on the 15th day of each
12 January and July of each year thereafter, post and publish
13 the State's average weekly wage in covered industries under
14 the Unemployment Insurance Act as last determined and
15 published by the Department of Employment Security (now
16 Workforce Development). The amount when so posted and
17 published shall be conclusive and shall be applicable as
18 the basis of computation of compensation rates until the
19 next posting and publication as aforesaid.

20 7. The payment of compensation by an employer or his
21 insurance carrier to an injured employee shall not
22 constitute an admission of the employer's liability to pay
23 compensation.

24 (c) For any serious and permanent disfigurement to the
25 hand, head, face, neck, arm, leg below the knee or the chest
26 above the axillary line, the employee is entitled to

1 compensation for such disfigurement, the amount determined by
2 agreement at any time or by arbitration under this Act, at a
3 hearing not less than 6 months after the date of the accidental
4 injury, which amount shall not exceed 150 weeks (if the
5 accidental injury occurs on or after the effective date of this
6 amendatory Act of the 94th General Assembly but before February
7 1, 2006) or 162 weeks (if the accidental injury occurs on or
8 after February 1, 2006) at the applicable rate provided in
9 subparagraph 2.1 of paragraph (b) of this Section.

10 No compensation is payable under this paragraph where
11 compensation is payable under paragraphs (d), (e) or (f) of
12 this Section.

13 A duly appointed member of a fire department in a city, the
14 population of which exceeds 500,000 according to the last
15 federal or State census, is eligible for compensation under
16 this paragraph only where such serious and permanent
17 disfigurement results from burns.

18 (d) 1. If, after the accidental injury has been sustained,
19 the employee as a result thereof becomes partially
20 incapacitated from pursuing his usual and customary line of
21 employment, he shall, except in cases compensated under the
22 specific schedule set forth in paragraph (e) of this Section,
23 receive compensation for the duration of his disability,
24 subject to the limitations as to maximum amounts fixed in
25 paragraph (b) of this Section, equal to 66-2/3% of the
26 difference between the average amount which he would be able to

1 earn in the full performance of his duties in the occupation in
2 which he was engaged at the time of the accident and the
3 average amount which he is earning or is able to earn in some
4 suitable employment or business after the accident. For
5 accidental injuries that occur on or after September 1, 2011,
6 an award for wage differential under this subsection shall be
7 effective only until the employee reaches the age of 67 or 5
8 years from the date the award becomes final, whichever is
9 later.

10 2. If, as a result of the accident, the employee sustains
11 serious and permanent injuries not covered by paragraphs (c)
12 and (e) of this Section or having sustained injuries covered by
13 the aforesaid paragraphs (c) and (e), he shall have sustained
14 in addition thereto other injuries which injuries do not
15 incapacitate him from pursuing the duties of his employment but
16 which would disable him from pursuing other suitable
17 occupations, or which have otherwise resulted in physical
18 impairment; or if such injuries partially incapacitate him from
19 pursuing the duties of his usual and customary line of
20 employment but do not result in an impairment of earning
21 capacity, or having resulted in an impairment of earning
22 capacity, the employee elects to waive his right to recover
23 under the foregoing subparagraph 1 of paragraph (d) of this
24 Section then in any of the foregoing events, he shall receive
25 in addition to compensation for temporary total disability
26 under paragraph (b) of this Section, compensation at the rate

1 provided in subparagraph 2.1 of paragraph (b) of this Section
2 for that percentage of 500 weeks that the partial disability
3 resulting from the injuries covered by this paragraph bears to
4 total disability. If the employee shall have sustained a
5 fracture of one or more vertebra or fracture of the skull, the
6 amount of compensation allowed under this Section shall be not
7 less than 6 weeks for a fractured skull and 6 weeks for each
8 fractured vertebra, and in the event the employee shall have
9 sustained a fracture of any of the following facial bones:
10 nasal, lachrymal, vomer, zygoma, maxilla, palatine or
11 mandible, the amount of compensation allowed under this Section
12 shall be not less than 2 weeks for each such fractured bone,
13 and for a fracture of each transverse process not less than 3
14 weeks. In the event such injuries shall result in the loss of a
15 kidney, spleen or lung, the amount of compensation allowed
16 under this Section shall be not less than 10 weeks for each
17 such organ. Compensation awarded under this subparagraph 2
18 shall not take into consideration injuries covered under
19 paragraphs (c) and (e) of this Section and the compensation
20 provided in this paragraph shall not affect the employee's
21 right to compensation payable under paragraphs (b), (c) and (e)
22 of this Section for the disabilities therein covered.

23 (e) For accidental injuries in the following schedule, the
24 employee shall receive compensation for the period of temporary
25 total incapacity for work resulting from such accidental
26 injury, under subparagraph 1 of paragraph (b) of this Section,

1 and shall receive in addition thereto compensation for a
2 further period for the specific loss herein mentioned, but
3 shall not receive any compensation under any other provisions
4 of this Act. The following listed amounts apply to either the
5 loss of or the permanent and complete loss of use of the member
6 specified, such compensation for the length of time as follows:

7 1. Thumb-

8 70 weeks if the accidental injury occurs on or
9 after the effective date of this amendatory Act of the
10 94th General Assembly but before February 1, 2006.

11 76 weeks if the accidental injury occurs on or
12 after February 1, 2006.

13 2. First, or index finger-

14 40 weeks if the accidental injury occurs on or
15 after the effective date of this amendatory Act of the
16 94th General Assembly but before February 1, 2006.

17 43 weeks if the accidental injury occurs on or
18 after February 1, 2006.

19 3. Second, or middle finger-

20 35 weeks if the accidental injury occurs on or
21 after the effective date of this amendatory Act of the
22 94th General Assembly but before February 1, 2006.

23 38 weeks if the accidental injury occurs on or
24 after February 1, 2006.

25 4. Third, or ring finger-

26 25 weeks if the accidental injury occurs on or

1 after the effective date of this amendatory Act of the
2 94th General Assembly but before February 1, 2006.

3 27 weeks if the accidental injury occurs on or
4 after February 1, 2006.

5 5. Fourth, or little finger-

6 20 weeks if the accidental injury occurs on or
7 after the effective date of this amendatory Act of the
8 94th General Assembly but before February 1, 2006.

9 22 weeks if the accidental injury occurs on or
10 after February 1, 2006.

11 6. Great toe-

12 35 weeks if the accidental injury occurs on or
13 after the effective date of this amendatory Act of the
14 94th General Assembly but before February 1, 2006.

15 38 weeks if the accidental injury occurs on or
16 after February 1, 2006.

17 7. Each toe other than great toe-

18 12 weeks if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 94th General Assembly but before February 1, 2006.

21 13 weeks if the accidental injury occurs on or
22 after February 1, 2006.

23 8. The loss of the first or distal phalanx of the thumb
24 or of any finger or toe shall be considered to be equal to
25 the loss of one-half of such thumb, finger or toe and the
26 compensation payable shall be one-half of the amount above

1 specified. The loss of more than one phalanx shall be
2 considered as the loss of the entire thumb, finger or toe.
3 In no case shall the amount received for more than one
4 finger exceed the amount provided in this schedule for the
5 loss of a hand.

6 9. Hand-

7 190 weeks if the accidental injury occurs on or
8 after the effective date of this amendatory Act of the
9 94th General Assembly but before February 1, 2006.

10 205 weeks if the accidental injury occurs on or
11 after February 1, 2006.

12 190 weeks if the accidental injury occurs on or
13 after June 28, 2011 (the effective date of Public Act
14 97-18) and if the accidental injury involves carpal
15 tunnel syndrome due to repetitive or cumulative
16 trauma, in which case the permanent partial disability
17 shall not exceed 15% loss of use of the hand, except
18 for cause shown by clear and convincing evidence and in
19 which case the award shall not exceed 30% loss of use
20 of the hand.

21 The loss of 2 or more digits, or one or more phalanges
22 of 2 or more digits, of a hand may be compensated on the
23 basis of partial loss of use of a hand, provided, further,
24 that the loss of 4 digits, or the loss of use of 4 digits,
25 in the same hand shall constitute the complete loss of a
26 hand.

1 10. Arm-

2 235 weeks if the accidental injury occurs on or
3 after the effective date of this amendatory Act of the
4 94th General Assembly but before February 1, 2006.

5 253 weeks if the accidental injury occurs on or
6 after February 1, 2006.

7 Where an accidental injury results in the amputation of
8 an arm below the elbow, such injury shall be compensated as
9 a loss of an arm. Where an accidental injury results in the
10 amputation of an arm above the elbow, compensation for an
11 additional 15 weeks (if the accidental injury occurs on or
12 after the effective date of this amendatory Act of the 94th
13 General Assembly but before February 1, 2006) or an
14 additional 17 weeks (if the accidental injury occurs on or
15 after February 1, 2006) shall be paid, except where the
16 accidental injury results in the amputation of an arm at
17 the shoulder joint, or so close to shoulder joint that an
18 artificial arm cannot be used, or results in the
19 disarticulation of an arm at the shoulder joint, in which
20 case compensation for an additional 65 weeks (if the
21 accidental injury occurs on or after the effective date of
22 this amendatory Act of the 94th General Assembly but before
23 February 1, 2006) or an additional 70 weeks (if the
24 accidental injury occurs on or after February 1, 2006)
25 shall be paid.

26 11. Foot-

1 155 weeks if the accidental injury occurs on or
2 after the effective date of this amendatory Act of the
3 94th General Assembly but before February 1, 2006.

4 167 weeks if the accidental injury occurs on or
5 after February 1, 2006.

6 12. Leg-

7 200 weeks if the accidental injury occurs on or
8 after the effective date of this amendatory Act of the
9 94th General Assembly but before February 1, 2006.

10 215 weeks if the accidental injury occurs on or
11 after February 1, 2006.

12 Where an accidental injury results in the amputation of
13 a leg below the knee, such injury shall be compensated as
14 loss of a leg. Where an accidental injury results in the
15 amputation of a leg above the knee, compensation for an
16 additional 25 weeks (if the accidental injury occurs on or
17 after the effective date of this amendatory Act of the 94th
18 General Assembly but before February 1, 2006) or an
19 additional 27 weeks (if the accidental injury occurs on or
20 after February 1, 2006) shall be paid, except where the
21 accidental injury results in the amputation of a leg at the
22 hip joint, or so close to the hip joint that an artificial
23 leg cannot be used, or results in the disarticulation of a
24 leg at the hip joint, in which case compensation for an
25 additional 75 weeks (if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the 94th

1 General Assembly but before February 1, 2006) or an
2 additional 81 weeks (if the accidental injury occurs on or
3 after February 1, 2006) shall be paid.

4 13. Eye-

5 150 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 94th General Assembly but before February 1, 2006.

8 162 weeks if the accidental injury occurs on or
9 after February 1, 2006.

10 Where an accidental injury results in the enucleation
11 of an eye, compensation for an additional 10 weeks (if the
12 accidental injury occurs on or after the effective date of
13 this amendatory Act of the 94th General Assembly but before
14 February 1, 2006) or an additional 11 weeks (if the
15 accidental injury occurs on or after February 1, 2006)
16 shall be paid.

17 14. Loss of hearing of one ear-

18 50 weeks if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 94th General Assembly but before February 1, 2006.

21 54 weeks if the accidental injury occurs on or
22 after February 1, 2006.

23 Total and permanent loss of hearing of both ears-

24 200 weeks if the accidental injury occurs on or
25 after the effective date of this amendatory Act of the
26 94th General Assembly but before February 1, 2006.

1 215 weeks if the accidental injury occurs on or
2 after February 1, 2006.

3 15. Testicle-

4 50 weeks if the accidental injury occurs on or
5 after the effective date of this amendatory Act of the
6 94th General Assembly but before February 1, 2006.

7 54 weeks if the accidental injury occurs on or
8 after February 1, 2006.

9 Both testicles-

10 150 weeks if the accidental injury occurs on or
11 after the effective date of this amendatory Act of the
12 94th General Assembly but before February 1, 2006.

13 162 weeks if the accidental injury occurs on or
14 after February 1, 2006.

15 16. For the permanent partial loss of use of a member
16 or sight of an eye, or hearing of an ear, compensation
17 during that proportion of the number of weeks in the
18 foregoing schedule provided for the loss of such member or
19 sight of an eye, or hearing of an ear, which the partial
20 loss of use thereof bears to the total loss of use of such
21 member, or sight of eye, or hearing of an ear.

22 (a) Loss of hearing for compensation purposes
23 shall be confined to the frequencies of 1,000, 2,000
24 and 3,000 cycles per second. Loss of hearing ability
25 for frequency tones above 3,000 cycles per second are
26 not to be considered as constituting disability for

1 hearing.

2 (b) The percent of hearing loss, for purposes of
3 the determination of compensation claims for
4 occupational deafness, shall be calculated as the
5 average in decibels for the thresholds of hearing for
6 the frequencies of 1,000, 2,000 and 3,000 cycles per
7 second. Pure tone air conduction audiometric
8 instruments, approved by nationally recognized
9 authorities in this field, shall be used for measuring
10 hearing loss. If the losses of hearing average 30
11 decibels or less in the 3 frequencies, such losses of
12 hearing shall not then constitute any compensable
13 hearing disability. If the losses of hearing average 85
14 decibels or more in the 3 frequencies, then the same
15 shall constitute and be total or 100% compensable
16 hearing loss.

17 (c) In measuring hearing impairment, the lowest
18 measured losses in each of the 3 frequencies shall be
19 added together and divided by 3 to determine the
20 average decibel loss. For every decibel of loss
21 exceeding 30 decibels an allowance of 1.82% shall be
22 made up to the maximum of 100% which is reached at 85
23 decibels.

24 (d) If a hearing loss is established to have
25 existed on July 1, 1975 by audiometric testing the
26 employer shall not be liable for the previous loss so

1 established nor shall he be liable for any loss for
2 which compensation has been paid or awarded.

3 (e) No consideration shall be given to the question
4 of whether or not the ability of an employee to
5 understand speech is improved by the use of a hearing
6 aid.

7 (f) No claim for loss of hearing due to industrial
8 noise shall be brought against an employer or allowed
9 unless the employee has been exposed for a period of
10 time sufficient to cause permanent impairment to noise
11 levels in excess of the following:

12 Sound Level DBA

13	Slow Response	Hours Per Day
14	90	8
15	92	6
16	95	4
17	97	3
18	100	2
19	102	1-1/2
20	105	1
21	110	1/2
22	115	1/4

23 This subparagraph (f) shall not be applied in cases of
24 hearing loss resulting from trauma or explosion.

25 17. In computing the compensation to be paid to any
26 employee who, before the accident for which he claims

1 compensation, had before that time sustained an injury
2 resulting in the loss by amputation or partial loss by
3 amputation of any member, including hand, arm, thumb or
4 fingers, leg, foot or any toes, such loss or partial loss
5 of any such member shall be deducted from any award made
6 for the subsequent injury. For the permanent loss of use or
7 the permanent partial loss of use of any such member or the
8 partial loss of sight of an eye, for which compensation has
9 been paid, then such loss shall be taken into consideration
10 and deducted from any award for the subsequent injury.

11 18. The specific case of loss of both hands, both arms,
12 or both feet, or both legs, or both eyes, or of any two
13 thereof, or the permanent and complete loss of the use
14 thereof, constitutes total and permanent disability, to be
15 compensated according to the compensation fixed by
16 paragraph (f) of this Section. These specific cases of
17 total and permanent disability do not exclude other cases.

18 Any employee who has previously suffered the loss or
19 permanent and complete loss of the use of any of such
20 members, and in a subsequent independent accident loses
21 another or suffers the permanent and complete loss of the
22 use of any one of such members the employer for whom the
23 injured employee is working at the time of the last
24 independent accident is liable to pay compensation only for
25 the loss or permanent and complete loss of the use of the
26 member occasioned by the last independent accident.

1 19. In a case of specific loss and the subsequent death
2 of such injured employee from other causes than such injury
3 leaving a widow, widower, or dependents surviving before
4 payment or payment in full for such injury, then the amount
5 due for such injury is payable to the widow or widower and,
6 if there be no widow or widower, then to such dependents,
7 in the proportion which such dependency bears to total
8 dependency.

9 Beginning July 1, 1980, and every 6 months thereafter, the
10 Commission shall examine the Second Injury Fund and when, after
11 deducting all advances or loans made to such Fund, the amount
12 therein is \$500,000 then the amount required to be paid by
13 employers pursuant to paragraph (f) of Section 7 shall be
14 reduced by one-half. When the Second Injury Fund reaches the
15 sum of \$600,000 then the payments shall cease entirely.
16 However, when the Second Injury Fund has been reduced to
17 \$400,000, payment of one-half of the amounts required by
18 paragraph (f) of Section 7 shall be resumed, in the manner
19 herein provided, and when the Second Injury Fund has been
20 reduced to \$300,000, payment of the full amounts required by
21 paragraph (f) of Section 7 shall be resumed, in the manner
22 herein provided. The Commission shall make the changes in
23 payment effective by general order, and the changes in payment
24 become immediately effective for all cases coming before the
25 Commission thereafter either by settlement agreement or final
26 order, irrespective of the date of the accidental injury.

1 On August 1, 1996 and on February 1 and August 1 of each
2 subsequent year, the Commission shall examine the special fund
3 designated as the "Rate Adjustment Fund" and when, after
4 deducting all advances or loans made to said fund, the amount
5 therein is \$4,000,000, the amount required to be paid by
6 employers pursuant to paragraph (f) of Section 7 shall be
7 reduced by one-half. When the Rate Adjustment Fund reaches the
8 sum of \$5,000,000 the payment therein shall cease entirely.
9 However, when said Rate Adjustment Fund has been reduced to
10 \$3,000,000 the amounts required by paragraph (f) of Section 7
11 shall be resumed in the manner herein provided.

12 (f) In case of complete disability, which renders the
13 employee wholly and permanently incapable of work, or in the
14 specific case of total and permanent disability as provided in
15 subparagraph 18 of paragraph (e) of this Section, compensation
16 shall be payable at the rate provided in subparagraph 2 of
17 paragraph (b) of this Section for life.

18 An employee entitled to benefits under paragraph (f) of
19 this Section shall also be entitled to receive from the Rate
20 Adjustment Fund provided in paragraph (f) of Section 7 of the
21 supplementary benefits provided in paragraph (g) of this
22 Section 8.

23 If any employee who receives an award under this paragraph
24 afterwards returns to work or is able to do so, and earns or is
25 able to earn as much as before the accident, payments under
26 such award shall cease. If such employee returns to work, or is

1 able to do so, and earns or is able to earn part but not as much
2 as before the accident, such award shall be modified so as to
3 conform to an award under paragraph (d) of this Section. If
4 such award is terminated or reduced under the provisions of
5 this paragraph, such employees have the right at any time
6 within 30 months after the date of such termination or
7 reduction to file petition with the Commission for the purpose
8 of determining whether any disability exists as a result of the
9 original accidental injury and the extent thereof.

10 Disability as enumerated in subdivision 18, paragraph (e)
11 of this Section is considered complete disability.

12 If an employee who had previously incurred loss or the
13 permanent and complete loss of use of one member, through the
14 loss or the permanent and complete loss of the use of one hand,
15 one arm, one foot, one leg, or one eye, incurs permanent and
16 complete disability through the loss or the permanent and
17 complete loss of the use of another member, he shall receive,
18 in addition to the compensation payable by the employer and
19 after such payments have ceased, an amount from the Second
20 Injury Fund provided for in paragraph (f) of Section 7, which,
21 together with the compensation payable from the employer in
22 whose employ he was when the last accidental injury was
23 incurred, will equal the amount payable for permanent and
24 complete disability as provided in this paragraph of this
25 Section.

26 The custodian of the Second Injury Fund provided for in

1 paragraph (f) of Section 7 shall be joined with the employer as
2 a party respondent in the application for adjustment of claim.
3 The application for adjustment of claim shall state briefly and
4 in general terms the approximate time and place and manner of
5 the loss of the first member.

6 In its award the Commission or the Arbitrator shall
7 specifically find the amount the injured employee shall be
8 weekly paid, the number of weeks compensation which shall be
9 paid by the employer, the date upon which payments begin out of
10 the Second Injury Fund provided for in paragraph (f) of Section
11 7 of this Act, the length of time the weekly payments continue,
12 the date upon which the pension payments commence and the
13 monthly amount of the payments. The Commission shall 30 days
14 after the date upon which payments out of the Second Injury
15 Fund have begun as provided in the award, and every month
16 thereafter, prepare and submit to the State Comptroller a
17 voucher for payment for all compensation accrued to that date
18 at the rate fixed by the Commission. The State Comptroller
19 shall draw a warrant to the injured employee along with a
20 receipt to be executed by the injured employee and returned to
21 the Commission. The endorsed warrant and receipt is a full and
22 complete acquittance to the Commission for the payment out of
23 the Second Injury Fund. No other appropriation or warrant is
24 necessary for payment out of the Second Injury Fund. The Second
25 Injury Fund is appropriated for the purpose of making payments
26 according to the terms of the awards.

1 As of July 1, 1980 to July 1, 1982, all claims against and
2 obligations of the Second Injury Fund shall become claims
3 against and obligations of the Rate Adjustment Fund to the
4 extent there is insufficient money in the Second Injury Fund to
5 pay such claims and obligations. In that case, all references
6 to "Second Injury Fund" in this Section shall also include the
7 Rate Adjustment Fund.

8 (g) Every award for permanent total disability entered by
9 the Commission on and after July 1, 1965 under which
10 compensation payments shall become due and payable after the
11 effective date of this amendatory Act, and every award for
12 death benefits or permanent total disability entered by the
13 Commission on and after the effective date of this amendatory
14 Act shall be subject to annual adjustments as to the amount of
15 the compensation rate therein provided. Such adjustments shall
16 first be made on July 15, 1977, and all awards made and entered
17 prior to July 1, 1975 and on July 15 of each year thereafter.
18 In all other cases such adjustment shall be made on July 15 of
19 the second year next following the date of the entry of the
20 award and shall further be made on July 15 annually thereafter.
21 If during the intervening period from the date of the entry of
22 the award, or the last periodic adjustment, there shall have
23 been an increase in the State's average weekly wage in covered
24 industries under the Unemployment Insurance Act, the weekly
25 compensation rate shall be proportionately increased by the
26 same percentage as the percentage of increase in the State's

1 average weekly wage in covered industries under the
2 Unemployment Insurance Act. The increase in the compensation
3 rate under this paragraph shall in no event bring the total
4 compensation rate to an amount greater than the prevailing
5 maximum rate at the time that the annual adjustment is made.
6 Such increase shall be paid in the same manner as herein
7 provided for payments under the Second Injury Fund to the
8 injured employee, or his dependents, as the case may be, out of
9 the Rate Adjustment Fund provided in paragraph (f) of Section 7
10 of this Act. Payments shall be made at the same intervals as
11 provided in the award or, at the option of the Commission, may
12 be made in quarterly payment on the 15th day of January, April,
13 July and October of each year. In the event of a decrease in
14 such average weekly wage there shall be no change in the then
15 existing compensation rate. The within paragraph shall not
16 apply to cases where there is disputed liability and in which a
17 compromise lump sum settlement between the employer and the
18 injured employee, or his dependents, as the case may be, has
19 been duly approved by the Illinois Workers' Compensation
20 Commission.

21 Provided, that in cases of awards entered by the Commission
22 for injuries occurring before July 1, 1975, the increases in
23 the compensation rate adjusted under the foregoing provision of
24 this paragraph (g) shall be limited to increases in the State's
25 average weekly wage in covered industries under the
26 Unemployment Insurance Act occurring after July 1, 1975.

1 For every accident occurring on or after July 20, 2005 but
2 before the effective date of this amendatory Act of the 94th
3 General Assembly (Senate Bill 1283 of the 94th General
4 Assembly), the annual adjustments to the compensation rate in
5 awards for death benefits or permanent total disability, as
6 provided in this Act, shall be paid by the employer. The
7 adjustment shall be made by the employer on July 15 of the
8 second year next following the date of the entry of the award
9 and shall further be made on July 15 annually thereafter. If
10 during the intervening period from the date of the entry of the
11 award, or the last periodic adjustment, there shall have been
12 an increase in the State's average weekly wage in covered
13 industries under the Unemployment Insurance Act, the employer
14 shall increase the weekly compensation rate proportionately by
15 the same percentage as the percentage of increase in the
16 State's average weekly wage in covered industries under the
17 Unemployment Insurance Act. The increase in the compensation
18 rate under this paragraph shall in no event bring the total
19 compensation rate to an amount greater than the prevailing
20 maximum rate at the time that the annual adjustment is made. In
21 the event of a decrease in such average weekly wage there shall
22 be no change in the then existing compensation rate. Such
23 increase shall be paid by the employer in the same manner and
24 at the same intervals as the payment of compensation in the
25 award. This paragraph shall not apply to cases where there is
26 disputed liability and in which a compromise lump sum

1 settlement between the employer and the injured employee, or
2 his or her dependents, as the case may be, has been duly
3 approved by the Illinois Workers' Compensation Commission.

4 The annual adjustments for every award of death benefits or
5 permanent total disability involving accidents occurring
6 before July 20, 2005 and accidents occurring on or after the
7 effective date of this amendatory Act of the 94th General
8 Assembly (Senate Bill 1283 of the 94th General Assembly) shall
9 continue to be paid from the Rate Adjustment Fund pursuant to
10 this paragraph and Section 7(f) of this Act.

11 (h) In case death occurs from any cause before the total
12 compensation to which the employee would have been entitled has
13 been paid, then in case the employee leaves any widow, widower,
14 child, parent (or any grandchild, grandparent or other lineal
15 heir or any collateral heir dependent at the time of the
16 accident upon the earnings of the employee to the extent of 50%
17 or more of total dependency) such compensation shall be paid to
18 the beneficiaries of the deceased employee and distributed as
19 provided in paragraph (g) of Section 7.

20 (h-1) In case an injured employee is under legal disability
21 at the time when any right or privilege accrues to him or her
22 under this Act, a guardian may be appointed pursuant to law,
23 and may, on behalf of such person under legal disability, claim
24 and exercise any such right or privilege with the same effect
25 as if the employee himself or herself had claimed or exercised
26 the right or privilege. No limitations of time provided by this

1 Act run so long as the employee who is under legal disability
2 is without a conservator or guardian.

3 (i) In case the injured employee is under 16 years of age
4 at the time of the accident and is illegally employed, the
5 amount of compensation payable under paragraphs (b), (c), (d),
6 (e) and (f) of this Section is increased 50%.

7 However, where an employer has on file an employment
8 certificate issued pursuant to the Child Labor Law or work
9 permit issued pursuant to the Federal Fair Labor Standards Act,
10 as amended, or a birth certificate properly and duly issued,
11 such certificate, permit or birth certificate is conclusive
12 evidence as to the age of the injured minor employee for the
13 purposes of this Section.

14 Nothing herein contained repeals or amends the provisions
15 of the Child Labor Law relating to the employment of minors
16 under the age of 16 years.

17 (j) 1. In the event the injured employee receives benefits,
18 including medical, surgical or hospital benefits under any
19 group plan covering non-occupational disabilities contributed
20 to wholly or partially by the employer, which benefits should
21 not have been payable if any rights of recovery existed under
22 this Act, then such amounts so paid to the employee from any
23 such group plan as shall be consistent with, and limited to,
24 the provisions of paragraph 2 hereof, shall be credited to or
25 against any compensation payment for temporary total
26 incapacity for work or any medical, surgical or hospital

1 benefits made or to be made under this Act. In such event, the
2 period of time for giving notice of accidental injury and
3 filing application for adjustment of claim does not commence to
4 run until the termination of such payments. This paragraph does
5 not apply to payments made under any group plan which would
6 have been payable irrespective of an accidental injury under
7 this Act. Any employer receiving such credit shall keep such
8 employee safe and harmless from any and all claims or
9 liabilities that may be made against him by reason of having
10 received such payments only to the extent of such credit.

11 Any excess benefits paid to or on behalf of a State
12 employee by the State Employees' Retirement System under
13 Article 14 of the Illinois Pension Code on a death claim or
14 disputed disability claim shall be credited against any
15 payments made or to be made by the State of Illinois to or on
16 behalf of such employee under this Act, except for payments for
17 medical expenses which have already been incurred at the time
18 of the award. The State of Illinois shall directly reimburse
19 the State Employees' Retirement System to the extent of such
20 credit.

21 2. Nothing contained in this Act shall be construed to give
22 the employer or the insurance carrier the right to credit for
23 any benefits or payments received by the employee other than
24 compensation payments provided by this Act, and where the
25 employee receives payments other than compensation payments,
26 whether as full or partial salary, group insurance benefits,

1 bonuses, annuities or any other payments, the employer or
2 insurance carrier shall receive credit for each such payment
3 only to the extent of the compensation that would have been
4 payable during the period covered by such payment.

5 3. The extension of time for the filing of an Application
6 for Adjustment of Claim as provided in paragraph 1 above shall
7 not apply to those cases where the time for such filing had
8 expired prior to the date on which payments or benefits
9 enumerated herein have been initiated or resumed. Provided
10 however that this paragraph 3 shall apply only to cases wherein
11 the payments or benefits hereinabove enumerated shall be
12 received after July 1, 1969.

13 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11; 97-813,
14 eff. 7-13-12.)

15 (820 ILCS 305/26.1)

16 Sec. 26.1. Misclassification of employees as independent
17 contractors. The Department of Labor, the Department of
18 Workforce Development ~~Employment Security~~, the Department of
19 Revenue, the Office of the State Comptroller, and the Illinois
20 Workers' Compensation Commission shall cooperate under the
21 Employee Classification Act by sharing information concerning
22 any suspected misclassification by an employer or entity, as
23 defined in the Employee Classification Act, of one or more
24 employees as independent contractors.

25 (Source: P.A. 95-26, eff. 1-1-08.)

1 Section 355. The Unemployment Insurance Act is amended by
2 changing Sections 201, 702, 801, 1003, 1403, 1500, 1511,
3 1511.1, 1700, 1703, 1704.1, 1705, 1800, 2100, 2101, 2103, 2302,
4 2405, and 2600 as follows:

5 (820 ILCS 405/201) (from Ch. 48, par. 311)

6 Sec. 201. "Director" means the Director of Workforce
7 Development ~~the Department of Employment Security,~~ and
8 "Department" means the Department of Workforce Development
9 ~~Employment Security.~~

10 (Source: P.A. 83-1503.)

11 (820 ILCS 405/702) (from Ch. 48, par. 452)

12 Sec. 702. Determinations. The claims adjudicator shall for
13 each week with respect to which the claimant claims benefits or
14 waiting period credit, make a "determination" which shall state
15 whether or not the claimant is eligible for such benefits or
16 waiting period credit and the sum to be paid the claimant with
17 respect to such week. The claims adjudicator shall promptly
18 notify the claimant and such employing unit as shall, within
19 the time and in the manner prescribed by the Director, have
20 filed a sufficient allegation that the claimant is ineligible
21 to receive benefits or waiting period credit for said week, of
22 his "determination" and the reasons therefor. The Director may,
23 by rule adopted with the advice and aid of the Workforce

1 Development ~~Employment Security~~ Advisory Board, require that
2 an employing unit with 50 or more individuals in its employ
3 during the prior calendar year, or an entity representing 5 or
4 more employing units during the prior calendar year, file an
5 allegation of ineligibility electronically in a manner
6 prescribed by the Director. In making his "determination," the
7 claims adjudicator shall give consideration to the
8 information, if any, contained in the employing unit's
9 allegation, whether or not the allegation is sufficient. The
10 claims adjudicator shall deem an employing unit's allegation
11 sufficient only if it contains a reason or reasons therefor
12 (other than general conclusions of law, and statements such as
13 "not actively seeking work" or "not available for work" shall
14 be deemed, for this purpose, to be conclusions of law). If the
15 claims adjudicator deems an allegation insufficient, he shall
16 make a decision accordingly, and shall notify the employing
17 unit of such decision and the reasons therefor. Such decision
18 may be appealed by the employing unit to a Referee within the
19 time limits prescribed by Section 800 for appeal from a
20 "determination". Any such appeal, and any appeal from the
21 Referee's decision thereon, shall be governed by the applicable
22 provisions of Sections 801, 803, 804 and 805.

23 (Source: P.A. 97-621, eff. 11-18-11.)

24 (820 ILCS 405/801) (from Ch. 48, par. 471)

25 Sec. 801. Decision of referee or director.

1 A. Unless such appeal is withdrawn, a Referee or the
2 Director, as the case may be, shall afford the parties
3 reasonable opportunity for a fair hearing. At any hearing, the
4 record of the claimant's registration for work, or of the
5 claimant's certification that, during the week or weeks
6 affected by the hearing, he was able to work, available for
7 work, and actively seeking work, or any document in the files
8 of the Department of Workforce Development ~~Employment Security~~
9 submitted to it by any of the parties, shall be a part of the
10 record, and shall be competent evidence bearing upon the
11 issues. The failure of the claimant or other party to appear at
12 a hearing, unless he is the appellant, shall not preclude a
13 decision in his favor if, on the basis of all the information
14 in the record, he is entitled to such decision. The Referee or
15 the Director, as the case may be, shall affirm, modify, or set
16 aside the claims adjudicator's "finding" or "determination,"
17 or both, as the case may be, or may remand the case, in whole or
18 in part, to the claims adjudicator, and, in such event, shall
19 state the questions requiring further consideration, and give
20 such other instructions as may be necessary. The parties shall
21 be duly notified of such decision, together with the reasons
22 therefor. The decision of the Referee shall be final, unless,
23 within 30 calendar days after the date of mailing of such
24 decision, further appeal to the Board of Review is initiated
25 pursuant to Section 803.

26 B. Except as otherwise provided in this subsection, the

1 Director may by regulation allow the Referee, upon the request
2 of a party for good cause shown, before or after the Referee
3 issues his decision, to reopen the record to take additional
4 evidence or to reconsider the Referee's decision or both to
5 reopen the record and reconsider the Referee's decision. Where
6 the Referee issues a decision, he shall not reconsider his
7 decision or reopen the record to take additional evidence after
8 an appeal of the decision is initiated pursuant to Section 803
9 or if the request is made more than 30 calendar days, or fewer
10 days if prescribed by the Director, after the date of mailing
11 of the Referee's decision. The allowance or denial of a request
12 to reopen the record, where the request is made before the
13 Referee issues a decision, is not separately appealable but may
14 be raised as part of the appeal of the Referee's decision. The
15 allowance of a request to reconsider is not separately
16 appealable but may be raised as part of the appeal of the
17 Referee's reconsidered decision. A party may appeal the denial
18 of a timely request to reconsider a decision within 30 calendar
19 days after the date of mailing of notice of such denial, and
20 any such appeal shall constitute a timely appeal of both the
21 denial of the request to reconsider and the Referee's decision.
22 Whenever reference is made in this Act to the Referee's
23 decision, the term "decision" includes a reconsidered decision
24 under this subsection.

25 (Source: P.A. 88-655, eff. 9-16-94.)

1 (820 ILCS 405/1003) (from Ch. 48, par. 503)

2 Sec. 1003. Depositions. The deposition of any witness
3 residing within or without the State may be taken at the
4 instance of any claims adjudicator, Referee, member of the
5 Board of Review, field auditor, Director's representative, or
6 any of the parties to any proceeding arising under the
7 provisions of this Act in the manner prescribed by law for the
8 taking of like depositions in civil cases in the courts of this
9 State. The Director may, at the request of any such person,
10 issue a dedimus potestatem or commission under the seal of the
11 Department of Workforce Development ~~Employment Security~~ in the
12 same manner as the proper clerk's office is authorized to issue
13 such dedimus potestatem or commission under the seal of the
14 court in connection with any matter pending in the circuit
15 courts of this State.

16 (Source: P.A. 83-1503.)

17 (820 ILCS 405/1403) (from Ch. 48, par. 553)

18 Sec. 1403. Financing benefits paid to state employees.
19 Benefits paid to individuals with respect to whom this State or
20 any of its wholly owned instrumentalities is the last employer
21 as provided in Section 1502.1 shall be financed by
22 appropriations to the Department of Workforce Development
23 ~~Employment Security~~.

24 The State Treasurer shall be liable on his general official
25 bond for the faithful performance of his duties with regard to

1 such moneys as may come into his hands by virtue of this
2 Section. Such liability on his official bond shall exist in
3 addition to the liability upon any separate bond given by him.
4 All sums recovered for losses sustained by the clearing account
5 herein described shall be deposited therein.

6 In lieu of contributions required of other employers under
7 this Act, the State Treasurer shall transfer to and deposit in
8 the clearing account an amount equal to 100% of regular
9 benefits, including dependents' allowances, and 100% of
10 extended benefits, including dependents' allowances paid to an
11 individual, but only if the State: (a) is the last employer as
12 provided in Section 1502.1 and (b) paid, to the individual
13 receiving benefits, wages for insured work during his base
14 period. If the State meets the requirements of (a) but not (b),
15 it shall be required to make payments in an amount equal to 50%
16 of regular benefits, including dependents' allowances, and 50%
17 of extended benefits, including dependents' allowances, paid
18 to an individual.

19 On and after July 1, 2005, transfers to the clearing
20 account pursuant to this Section shall be made directly from
21 such funds and accounts as the appropriations to the Department
22 authorize, as designated by the Director. On July 1, 2005, or
23 as soon thereafter as may be reasonably practicable, all
24 remaining funds in the State Employees' Unemployment Benefit
25 Fund shall be transferred to the clearing account, and, upon
26 the transfer of those funds, the State Employees' Unemployment

1 Benefit Fund is abolished.

2 The Director shall ascertain the amount to be so
3 transferred and deposited by the State Treasurer as soon as
4 practicable after the end of each calendar quarter. The
5 provisions of paragraphs 4 and 5 of Section 1404B shall be
6 applicable to a determination of the amount to be so
7 transferred and deposited. Such deposit shall be made by the
8 State Treasurer at such times and in such manner as the
9 Director may determine and direct.

10 Every department, institution, agency and instrumentality
11 of the State of Illinois shall make available to the Director
12 such information with respect to any individual who has
13 performed insured work for it as the Director may find
14 practicable and necessary for the determination of such
15 individual's rights under this Act. Each such department,
16 institution, agency and instrumentality shall file such
17 reports with the Director as he may by regulation prescribe.

18 (Source: P.A. 94-233, eff. 7-14-05.)

19 (820 ILCS 405/1500) (from Ch. 48, par. 570)

20 Sec. 1500. Rate of contribution.

21 A. For the six months' period beginning July 1, 1937, and
22 for each of the calendar years 1938 to 1959, inclusive, each
23 employer shall pay contributions on wages at the percentages
24 specified in or determined in accordance with the provisions of
25 this Act as amended and in effect on July 11, 1957.

1 B. For the calendar years 1960 through 1983, each employer
2 shall pay contributions equal to 2.7 percent with respect to
3 wages for insured work paid during each such calendar year,
4 except that the contribution rate of each employer who has
5 incurred liability for the payment of contributions within each
6 of the three calendar years immediately preceding the calendar
7 year for which a rate is being determined, shall be determined
8 as provided in Sections 1501 to 1507, inclusive.

9 For the calendar year 1984 and each calendar year
10 thereafter, each employer shall pay contributions at a
11 percentage rate equal to the greatest of 2.7%, or 2.7%
12 multiplied by the current adjusted State experience factor, as
13 determined for each calendar year by the Director in accordance
14 with the provisions of Sections 1504 and 1505, or the average
15 contribution rate for his major classification in the Standard
16 Industrial Code, or another classification sanctioned by the
17 United States Department of Labor and prescribed by the
18 Director by rule, with respect to wages for insured work paid
19 during such year. The Director of Employment Security (now
20 Workforce Development) shall determine for calendar year 1984
21 and each calendar year thereafter by a method pursuant to
22 adopted rules each individual employer's industrial code and
23 the average contribution rate for each major classification in
24 the Standard Industrial Code, or each other classification
25 sanctioned by the United States Department of Labor and
26 prescribed by the Director by rule. Notwithstanding the

1 preceding provisions of this paragraph, the contribution rate
2 for calendar years 1984, 1985 and 1986 of each employer who has
3 incurred liability for the payment of contributions within each
4 of the two calendar years immediately preceding the calendar
5 year for which a rate is being determined, and the contribution
6 rate for calendar year 1987 and each calendar year thereafter
7 of each employer who has incurred liability for the payment of
8 contributions within each of the three calendar years
9 immediately preceding the calendar year for which a rate is
10 being determined shall be determined as provided in Sections
11 1501 to 1507.1, inclusive. Provided, however, that the
12 contribution rate for calendar years 1989 and 1990 of each
13 employer who has had experience with the risk of unemployment
14 for at least 13 consecutive months ending June 30 of the
15 preceding calendar year shall be a rate determined in
16 accordance with this Section or a rate determined as if it had
17 been calculated in accordance with Sections 1501 through 1507,
18 inclusive, whichever is greater, except that for purposes of
19 calculating the benefit wage ratio as provided in Section 1503,
20 such benefit wage ratio shall be a percentage equal to the
21 total of benefit wages for the 12 consecutive calendar month
22 period ending on the above preceding June 30, divided by the
23 total wages for insured work subject to the payment of
24 contributions under Sections 234, 235 and 245 for the same
25 period and provided, further, however, that the contribution
26 rate for calendar year 1991 and for each calendar year

1 thereafter of each employer who has had experience with the
2 risk of unemployment for at least 13 consecutive months ending
3 June 30 of the preceding calendar year shall be a rate
4 determined in accordance with this Section or a rate determined
5 as if it had been calculated in accordance with Sections 1501
6 through 1507.1, inclusive, whichever is greater, except that
7 for purposes of calculating the benefit ratio as provided in
8 Section 1503.1, such benefit ratio shall be a percentage equal
9 to the total of benefit charges for the 12 consecutive calendar
10 month period ending on the above preceding June 30, multiplied
11 by the benefit conversion factor applicable to such year,
12 divided by the total wages for insured work subject to the
13 payment of contributions under Sections 234, 235 and 245 for
14 the same period.

15 C. Except as expressly provided in this Act, the provisions
16 of Sections 1500 to 1510, inclusive, do not apply to any
17 nonprofit organization for any period with respect to which it
18 does not incur liability for the payment of contributions by
19 reason of having elected to make payments in lieu of
20 contributions, or to any political subdivision or municipal
21 corporation for any period with respect to which it is not
22 subject to payments in lieu of contributions under the
23 provisions of paragraph 1 of Section 302C by reason of having
24 elected to make payments in lieu of contributions under
25 paragraph 2 of that Section or to any governmental entity
26 referred to in clause (B) of Section 211.1. Wages paid to an

1 individual which are subject to contributions under Section
2 1405 A, or on the basis of which benefits are paid to him which
3 are subject to payment in lieu of contributions under Sections
4 1403, 1404, or 1405 B, or under paragraph 2 of Section 302C,
5 shall not become benefit wages or benefit charges under the
6 provisions of Sections 1501 or 1501.1, respectively, except for
7 purposes of determining a rate of contribution for 1984 and
8 each calendar year thereafter for any governmental entity
9 referred to in clause (B) of Section 211.1 which does not elect
10 to make payments in lieu of contributions.

11 D. If an employer's business is closed solely because of
12 the entrance of one or more of the owners, partners, officers,
13 or the majority stockholder into the armed forces of the United
14 States, or of any of its allies, or of the United Nations, and,
15 if the business is resumed within two years after the discharge
16 or release of such person or persons from active duty in the
17 armed forces, the employer will be deemed to have incurred
18 liability for the payment of contributions continuously
19 throughout such period. Such an employer, for the purposes of
20 Section 1506.1, will be deemed to have paid contributions upon
21 wages for insured work during the applicable period specified
22 in Section 1503 on or before the date designated therein,
23 provided that no wages became benefit wages during the
24 applicable period specified in Section 1503.

25 (Source: P.A. 94-301, eff. 1-1-06.)

1 (820 ILCS 405/1511) (from Ch. 48, par. 581)

2 Sec. 1511. Study of experience rating. The Workforce
3 Development ~~Employment Security~~ Advisory Board, created by
4 Section 5-540 of the Departments of State Government Law (20
5 ILCS 5/5-540), is hereby authorized and directed to study and
6 examine the present provisions of this Act providing for
7 experience rating, in order to determine whether the rates of
8 contribution will operate to replenish the amount of benefits
9 paid and to determine the effect of experience rating upon
10 labor and industry in this State.

11 The Board shall submit its findings and recommendations
12 based thereon to the General Assembly. The Board may employ
13 such experts and assistants as may be necessary to carry out
14 the provisions of this Section. All expenses incurred in the
15 making of this study, including the preparation and submission
16 of its findings and recommendations, shall be paid in the same
17 manner as is provided for the payment of costs of
18 administration of this Act.

19 (Source: P.A. 90-372, eff. 7-1-98; 91-239, eff. 1-1-00.)

20 (820 ILCS 405/1511.1)

21 Sec. 1511.1. Effects of 2004 Solvency Legislation. The
22 Workforce Development ~~Employment Security~~ Advisory Board shall
23 hold public hearings on the progress toward meeting the Trust
24 Fund solvency projections made in accordance with this
25 amendatory Act of the 93d General Assembly. The hearings shall

1 also consider issues related to benefit eligibility, benefit
2 levels, employer contributions, and future trust fund solvency
3 goals. The Board shall, in accordance with its operating
4 resolutions, approve and report findings from the hearings to
5 the Illinois General Assembly by April 1, 2007. A copy of the
6 findings shall be available to the public on the Department's
7 website.

8 (Source: P.A. 93-634, eff. 1-1-04.)

9 (820 ILCS 405/1700) (from Ch. 48, par. 610)

10 Sec. 1700. Duties and powers of Director. It shall be the
11 duty of the Director to administer this Act. To effect such
12 administration, there is created the Department of Workforce
13 Development ~~Employment Security~~, under the supervision and
14 direction of a Director of Employment Security. The Department
15 of Workforce Development ~~Employment Security~~ shall administer
16 programs for unemployment compensation and a State employment
17 service. The Director shall determine all questions of general
18 policy, promulgate rules and regulations and be responsible for
19 the administration of this Act.

20 (Source: P.A. 84-26.)

21 (820 ILCS 405/1703) (from Ch. 48, par. 613)

22 Sec. 1703. Advisory councils.

23 The Director may appoint local or industry advisory
24 councils, composed in each case of an equal number of employer

1 representatives and employee representatives who may fairly be
2 regarded as such because of their vocation, employment, or
3 affiliations, and of such members representing the general
4 public as the Director may designate. The Workforce Development
5 ~~Employment Security~~ Advisory Board and the local councils
6 appointed by the Director pursuant to this Section shall aid
7 the Director in formulating policies and discussing problems
8 related to the administration of this Act and in assuring
9 impartiality and freedom from political influence in the
10 solution of such problems. The Workforce Development
11 ~~Employment Security~~ Advisory Board and such local advisory
12 councils shall serve without compensation, but shall be
13 reimbursed for any necessary expenses.

14 (Source: P.A. 76-1063.)

15 (820 ILCS 405/1704.1) (from Ch. 48, par. 614.1)

16 Sec. 1704.1. Earnfare Program.

17 (a) The Department of Workforce Development ~~Employment~~
18 ~~Security~~ shall cooperate and enter into or continue any
19 necessary agreements with the Department of Human Services
20 (acting as successor to the Department of Public Aid under the
21 Department of Human Services Act) to advertise and promote the
22 Earnfare Program to all employers, recruit public and private
23 employers to participate in the Earnfare Program, refer
24 recruited employers to the Department of Human Services for
25 contract negotiations, and to notify the Department of Human

1 Services of available job listings as they occur.

2 (b) The Department of Human Services will furnish terminals
3 or terminal access of its Job Listings to community based
4 organizations in the most cost effective manner to both.

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

6 (820 ILCS 405/1705) (from Ch. 48, par. 615)

7 Sec. 1705. Employment offices; State employment service.

8 The Director shall create as many employment districts and
9 establish and maintain as many State employment offices as he
10 or she deems necessary to carry out the provisions of this Act.

11 All such offices and agencies so created and established shall
12 constitute the State employment service within the meaning of
13 this Act. The Department of Workforce Development ~~Employment~~

14 ~~Security~~ and the Director thereof may continue to be the State
15 agency for cooperation with the United States Employment
16 Service under an Act of Congress entitled "An Act to provide

17 for the establishment of a national employment system and for
18 cooperation with the States in the promotion of such system,
19 and for other purposes," approved June 6, 1933, as amended.

20 The Director may cooperate with or enter into agreements
21 with the Railroad Retirement Board with respect to the
22 establishment, maintenance, and use of free employment service
23 facilities. For the purpose of establishing and maintaining
24 free public employment offices, the Director is authorized to
25 enter into agreements with the Railroad Retirement Board, or

1 any other agency of the United States charged with the
2 administration of an unemployment compensation law, or with any
3 political subdivision of this State, and as a part of any such
4 agreement the Director may accept moneys, services, or quarters
5 as a contribution, to be treated in the same manner as funds
6 received pursuant to Section 2103.

7 Pursuant to Sections 4-6.2, 5-16.2, and 6-50.2 of the
8 general election law of the State, the Director shall make
9 unemployment offices available for use as temporary places of
10 registration. Registration within the offices shall be in the
11 most public, orderly, and convenient portions thereof, and
12 Sections 4-3, 5-3, and 11-4 of the general election law
13 relative to the attendance of police officers during the
14 conduct of registration shall apply. Registration under this
15 Section shall be made in the manner provided by Sections 4-8,
16 4-10, 5-7, 5-9, 6-34, 6-35, and 6-37 of the general election
17 law. Employees of the Department in those offices are eligible
18 to serve as deputy registrars.

19 (Source: P.A. 97-621, eff. 11-18-11.)

20 (820 ILCS 405/1800) (from Ch. 48, par. 630)

21 Sec. 1800. Records and reports required of employing units
22 - Inspection. Each employing unit shall keep such true and
23 accurate records with respect to services performed for it as
24 may be required by the rules and regulations of the Director
25 promulgated pursuant to the provisions of this Act. Such

1 records together with such other books and documents as may be
2 necessary to verify the entries in such records shall be open
3 to inspection by the Director or his authorized representative
4 at any reasonable time and as often as may be necessary. Every
5 employer who is delinquent in the payment of contributions
6 shall also permit the Director or his representative to enter
7 upon his premises, inspect his books and records, and inventory
8 his personal property and rights thereto, for the purpose of
9 ascertaining and listing the personal property owned by such
10 employer which is subject to the lien created by this Act in
11 favor of the Director of Workforce Development ~~Employment~~
12 ~~Security~~. Each employing unit which has paid no contributions
13 for employment in any calendar year shall, prior to January 30
14 of the succeeding calendar year, file with the Director, on
15 forms to be furnished by the Director at the request of such
16 employing unit, a report of its employment experience for such
17 periods as the Director shall designate on such forms, together
18 with such other information as the Director shall require on
19 such forms, for the purpose of determining the liability of
20 such employing unit for the payment of contributions; in
21 addition, every newly created employing unit shall file such
22 report with the Director within 30 days of the date upon which
23 it commences business. The Director, the Board of Review, or
24 any Referee may require from any employing unit any sworn or
25 unsworn reports concerning such records as he or the Board of
26 Review deems necessary for the effective administration of this

1 Act, and every such employing unit or person shall fully,
2 correctly, and promptly furnish the Director all information
3 required by him to carry out the purposes and provisions of
4 this Act.

5 (Source: P.A. 83-1503.)

6 (820 ILCS 405/2100) (from Ch. 48, par. 660)

7 Sec. 2100. Handling of funds - Bond - Accounts.

8 A. All contributions and payments in lieu of contributions
9 collected under this Act, including but not limited to fund
10 building receipts and receipts attributable to the surcharge
11 established pursuant to Section 1506.5, together with any
12 interest thereon; all penalties collected pursuant to this Act;
13 any property or securities acquired through the use thereof;
14 all moneys advanced to this State's account in the unemployment
15 trust fund pursuant to the provisions of Title XII of the
16 Social Security Act, as amended; all moneys directed for
17 transfer from the Master Bond Fund or the Title XII Interest
18 Fund to this State's account in the unemployment trust fund;
19 all moneys received from the Federal government as
20 reimbursements pursuant to Section 204 of the Federal-State
21 Extended Unemployment Compensation Act of 1970, as amended; all
22 moneys credited to this State's account in the unemployment
23 trust fund pursuant to Section 903 of the Federal Social
24 Security Act, as amended; all administrative fees collected
25 from individuals pursuant to Section 900 or from employing

1 units pursuant to Section 2206.1; and all earnings of such
2 property or securities and any interest earned upon any such
3 moneys shall be paid or turned over to the Department and held
4 by the Director, as ex-officio custodian of the clearing
5 account, the unemployment trust fund account and the benefit
6 account, and by the State Treasurer, as ex-officio custodian of
7 the special administrative account, separate and apart from all
8 public moneys or funds of this State, as hereinafter provided.
9 Such moneys shall be administered by the Director exclusively
10 for the purposes of this Act.

11 No such moneys shall be paid or expended except upon the
12 direction of the Director in accordance with such regulations
13 as he shall prescribe pursuant to the provisions of this Act.

14 The State Treasurer shall be liable on his general official
15 bond for the faithful performance of his duties in connection
16 with the moneys in the special administrative account provided
17 for under this Act. Such liability on his official bond shall
18 exist in addition to the liability upon any separate bond given
19 by him. All sums recovered for losses sustained by the account
20 shall be deposited in that account.

21 The Director shall be liable on his general official bond
22 for the faithful performance of his duties in connection with
23 the moneys in the clearing account, the benefit account and
24 unemployment trust fund account provided for under this Act.
25 Such liability on his official bond shall exist in addition to
26 the liability upon any separate bond given by him. All sums

1 recovered for losses sustained by any one of the accounts shall
2 be deposited in the account that sustained such loss.

3 The Treasurer shall maintain for such moneys a special
4 administrative account. The Director shall maintain for such
5 moneys 3 separate accounts: a clearing account, a benefit
6 account, and an unemployment trust fund account. All moneys
7 payable under this Act (except moneys requisitioned from this
8 State's account in the unemployment trust fund and deposited in
9 the benefit account and moneys directed for deposit into the
10 Special Programs Fund provided for under Section 2107),
11 including but not limited to moneys directed for transfer from
12 the Master Bond Fund or the Title XII Interest Fund to this
13 State's account in the unemployment trust fund, upon receipt
14 thereof, shall be immediately deposited in the clearing
15 account; provided, however, that, except as is otherwise
16 provided in this Section, interest and penalties shall not be
17 deemed a part of the clearing account but shall be transferred
18 immediately upon clearance thereof to the special
19 administrative account; further provided that an amount not to
20 exceed \$90,000,000 in payments attributable to the surcharge
21 established pursuant to Section 1506.5, including any interest
22 thereon, shall not be deemed a part of the clearing account but
23 shall be transferred immediately upon clearance thereof to the
24 Title XII Interest Fund.

25 After clearance thereof, all other moneys in the clearing
26 account shall be immediately deposited by the Director with the

1 Secretary of the Treasury of the United States of America to
2 the credit of the account of this State in the unemployment
3 trust fund, established and maintained pursuant to the Federal
4 Social Security Act, as amended, except fund building receipts,
5 which shall be deposited into the Master Bond Fund. The benefit
6 account shall consist of all moneys requisitioned from this
7 State's account in the unemployment trust fund. The moneys in
8 the benefit account shall be expended in accordance with
9 regulations prescribed by the Director and solely for the
10 payment of benefits, refunds of contributions, interest and
11 penalties under the provisions of the Act, the payment of
12 health insurance in accordance with Section 410 of this Act,
13 and the transfer or payment of funds to any Federal or State
14 agency pursuant to reciprocal arrangements entered into by the
15 Director under the provisions of Section 2700E, except that
16 moneys credited to this State's account in the unemployment
17 trust fund pursuant to Section 903 of the Federal Social
18 Security Act, as amended, shall be used exclusively as provided
19 in subsection B. For purposes of this Section only, to the
20 extent allowed by applicable legal requirements, the payment of
21 benefits includes but is not limited to the payment of
22 principal on any bonds issued pursuant to the Illinois
23 Unemployment Insurance Trust Fund Financing Act, exclusive of
24 any interest or administrative expenses in connection with the
25 bonds. The Director shall, from time to time, requisition from
26 the unemployment trust fund such amounts, not exceeding the

1 amounts standing to the State's account therein, as he deems
2 necessary solely for the payment of such benefits, refunds, and
3 funds, for a reasonable future period. The Director, as
4 ex-officio custodian of the benefit account, which shall be
5 kept separate and apart from all other public moneys, shall
6 issue payment of such benefits, refunds, health insurance and
7 funds solely from the moneys so received into the benefit
8 account. However, after January 1, 1987, no payment shall be
9 drawn on such benefit account unless at the time of drawing
10 there is sufficient money in the account to make the payment.
11 The Director shall retain in the clearing account an amount of
12 interest and penalties equal to the amount of interest and
13 penalties to be refunded from the benefit account. After
14 clearance thereof, the amount so retained shall be immediately
15 deposited by the Director, as are all other moneys in the
16 clearing account, with the Secretary of the Treasury of the
17 United States. If, at any time, an insufficient amount of
18 interest and penalties is available for retention in the
19 clearing account, no refund of interest or penalties shall be
20 made from the benefit account until a sufficient amount is
21 available for retention and is so retained, or until the State
22 Treasurer, upon the direction of the Director, transfers to the
23 Director a sufficient amount from the special administrative
24 account, for immediate deposit in the benefit account.

25 Any balance of moneys requisitioned from the unemployment
26 trust fund which remains unclaimed or unpaid in the benefit

1 account after the expiration of the period for which such sums
2 were requisitioned shall either be deducted from estimates of
3 and may be utilized for authorized expenditures during
4 succeeding periods, or, in the discretion of the Director,
5 shall be redeposited with the Secretary of the Treasury of the
6 United States to the credit of the State's account in the
7 unemployment trust fund.

8 Moneys in the clearing, benefit and special administrative
9 accounts shall not be commingled with other State funds but
10 they shall be deposited as required by law and maintained in
11 separate accounts on the books of a savings and loan
12 association or bank.

13 No bank or savings and loan association shall receive
14 public funds as permitted by this Section, unless it has
15 complied with the requirements established pursuant to Section
16 6 of "An Act relating to certain investments of public funds by
17 public agencies", approved July 23, 1943, as now or hereafter
18 amended.

19 B. Moneys credited to the account of this State in the
20 unemployment trust fund by the Secretary of the Treasury of the
21 United States pursuant to Section 903 of the Social Security
22 Act may be requisitioned from this State's account and used as
23 authorized by Section 903. Any interest required to be paid on
24 advances under Title XII of the Social Security Act shall be
25 paid in a timely manner and shall not be paid, directly or
26 indirectly, by an equivalent reduction in contributions or

1 payments in lieu of contributions from amounts in this State's
2 account in the unemployment trust fund. Such moneys may be
3 requisitioned and used for the payment of expenses incurred for
4 the administration of this Act, but only pursuant to a specific
5 appropriation by the General Assembly and only if the expenses
6 are incurred and the moneys are requisitioned after the
7 enactment of an appropriation law which:

8 1. Specifies the purpose or purposes for which such
9 moneys are appropriated and the amount or amounts
10 appropriated therefor;

11 2. Limits the period within which such moneys may be
12 obligated to a period ending not more than 2 years after
13 the date of the enactment of the appropriation law; and

14 3. Limits the amount which may be obligated during any
15 fiscal year to an amount which does not exceed the amount
16 by which (a) the aggregate of the amounts transferred to
17 the account of this State pursuant to Section 903 of the
18 Social Security Act exceeds (b) the aggregate of the
19 amounts used by this State pursuant to this Act and charged
20 against the amounts transferred to the account of this
21 State.

22 For purposes of paragraph (3) above, amounts obligated for
23 administrative purposes pursuant to an appropriation shall be
24 chargeable against transferred amounts at the exact time the
25 obligation is entered into. The appropriation, obligation, and
26 expenditure or other disposition of money appropriated under

1 this subsection shall be accounted for in accordance with
2 standards established by the United States Secretary of Labor.

3 Moneys appropriated as provided herein for the payment of
4 expenses of administration shall be requisitioned by the
5 Director as needed for the payment of obligations incurred
6 under such appropriation. Upon requisition, such moneys shall
7 be deposited with the State Treasurer, who shall hold such
8 moneys, as ex-officio custodian thereof, in accordance with the
9 requirements of Section 2103 and, upon the direction of the
10 Director, shall make payments therefrom pursuant to such
11 appropriation. Moneys so deposited shall, until expended,
12 remain a part of the unemployment trust fund and, if any will
13 not be expended, shall be returned promptly to the account of
14 this State in the unemployment trust fund.

15 C. The Governor is authorized to apply to the United States
16 Secretary of Labor for an advance or advances to this State's
17 account in the unemployment trust fund pursuant to the
18 conditions set forth in Title XII of the Federal Social
19 Security Act, as amended. The amount of any such advance may be
20 repaid from this State's account in the unemployment trust
21 fund.

22 D. The Director shall annually on or before the first day
23 of March report in writing to the Workforce Development
24 ~~Employment Security~~ Advisory Board concerning the deposits
25 into and expenditures from this State's account in the
26 Unemployment Trust Fund.

1 (Source: P.A. 97-1, eff. 3-31-11; 97-621, eff. 11-18-11;
2 97-791, eff. 1-1-13.)

3 (820 ILCS 405/2101) (from Ch. 48, par. 661)

4 Sec. 2101. Special administrative account. Except as
5 provided in Section 2100, all interest and penalties collected
6 pursuant to this Act shall be deposited in the special
7 administrative account. The amount in this account in excess of
8 \$100,000 on the close of business of the last day of each
9 calendar quarter shall be immediately transferred to this
10 State's account in the unemployment trust fund. However,
11 subject to Section 2101.1, such funds shall not be transferred
12 where it is determined by the Director that it is necessary to
13 accumulate funds in the account in order to have sufficient
14 funds to pay interest that may become due under the terms of
15 Section 1202 (b) of the Federal Social Security Act, as
16 amended, upon advances made to the Illinois Unemployment
17 Insurance Trust Fund under Title XII of the Federal Social
18 Security Act or where it is determined by the Director that it
19 is necessary to accumulate funds in the special administrative
20 account in order to have sufficient funds to expend for any
21 other purpose authorized by this Section. The moneys available
22 in the special administrative account shall be expended upon
23 the direction of the Director whenever it appears to him that
24 such expenditure is necessary for:

25 A. 1. The proper administration of this Act and no Federal

1 funds are available for the specific purpose for which such
2 expenditure is to be made, provided the moneys are not
3 substituted for appropriations from Federal funds, which in the
4 absence of such moneys would be available and provided the
5 monies are appropriated by the General Assembly.

6 2. The proper administration of this Act for which purpose
7 appropriations from Federal funds have been requested but not
8 yet received, provided the special administrative account will
9 be reimbursed upon receipt of the requested Federal
10 appropriation.

11 B. To the extent possible, the repayment to the fund
12 established for financing the cost of administration of this
13 Act of moneys found by the Secretary of Labor of the United
14 States of America, or other appropriate Federal agency, to have
15 been lost or expended for purposes other than, or in amounts in
16 excess of, those found necessary by the Secretary of Labor, or
17 other appropriate Federal agency, for the administration of
18 this Act.

19 C. The payment of refunds or adjustments of interest or
20 penalties, paid pursuant to Sections 901 or 2201.

21 D. The payment of interest on refunds of erroneously paid
22 contributions, penalties and interest pursuant to Section
23 2201.1.

24 E. The payment or transfer of interest or penalties to any
25 Federal or State agency, pursuant to reciprocal arrangements
26 entered into by the Director under the provisions of Section

1 2700E.

2 F. The payment of any costs incurred, pursuant to Section
3 1700.1.

4 G. Beginning January 1, 1989, for the payment for the legal
5 services authorized by subsection B of Section 802, up to
6 \$1,000,000 per year for the representation of the individual
7 claimants and up to \$1,000,000 per year for the representation
8 of "small employers".

9 H. The payment of any fees for collecting past due
10 contributions, payments in lieu of contributions, penalties,
11 and interest shall be paid (without an appropriation) from
12 interest and penalty monies received from collection agents
13 that have contracted with the Department under Section 2206 to
14 collect such amounts, provided however, that the amount of such
15 payment shall not exceed the amount of past due interest and
16 penalty collected.

17 I. The payment of interest that may become due under the
18 terms of Section 1202 (b) of the Federal Social Security Act,
19 as amended, for advances made to the Illinois Unemployment
20 Insurance Trust Fund.

21 The Director shall annually on or before the first day of
22 March report in writing to the Workforce Development ~~Employment~~
23 ~~Security~~ Advisory Board concerning the expenditures made from
24 the special administrative account and the purposes for which
25 funds are being accumulated.

26 If Federal legislation is enacted which will permit the use

1 by the Director of some part of the contributions collected or
2 to be collected under this Act, for the financing of
3 expenditures incurred in the proper administration of this Act,
4 then, upon the availability of such contributions for such
5 purpose, the provisions of this Section shall be inoperative
6 and interest and penalties collected pursuant to this Act shall
7 be deposited in and be deemed a part of the clearing account.
8 In the event of the enactment of the foregoing Federal
9 legislation, and within 90 days after the date upon which
10 contributions become available for expenditure for costs of
11 administration, the total amount in the special administrative
12 account shall be transferred to the clearing account, and after
13 clearance thereof shall be deposited with the Secretary of the
14 Treasury of the United States of America to the credit of the
15 account of this State in the unemployment trust fund,
16 established and maintained pursuant to the Federal Social
17 Security Act, as amended.

18 (Source: P.A. 94-1083, eff. 1-19-07.)

19 (820 ILCS 405/2103) (from Ch. 48, par. 663)

20 Sec. 2103. Unemployment compensation administration and
21 other workforce development costs. All moneys received by the
22 State or by the Department from any source for the financing of
23 the cost of administration of this Act, including all federal
24 moneys allotted or apportioned to the State or to the
25 Department for that purpose, including moneys received

1 directly or indirectly from the federal government under the
2 Job Training Partnership Act, and including moneys received
3 from the Railroad Retirement Board as compensation for services
4 or facilities supplied to said Board, or any moneys made
5 available by this State or its political subdivisions and
6 matched by moneys granted to this State pursuant to the
7 provisions of the Wagner-Peyser Act, shall be received and held
8 by the State Treasurer as ex-officio custodian thereof,
9 separate and apart from all other State moneys, in the Title
10 III Social Security and Employment Fund, and such funds shall
11 be distributed or expended upon the direction of the Director
12 and, except money received pursuant to the last paragraph of
13 Section 2100B, shall be distributed or expended solely for the
14 purposes and in the amounts found necessary by the Secretary of
15 Labor of the United States of America, or other appropriate
16 federal agency, for the proper and efficient administration of
17 this Act. Notwithstanding any provision of this Section, all
18 money requisitioned and deposited with the State Treasurer
19 pursuant to the last paragraph of Section 2100B shall remain
20 part of the unemployment trust fund and shall be used only in
21 accordance with the conditions specified in the last paragraph
22 of Section 2100B.

23 If any moneys received from the Secretary of Labor, or
24 other appropriate federal agency, under Title III of the Social
25 Security Act, or any moneys granted to this State pursuant to
26 the provisions of the Wagner-Peyser Act, or any moneys made

1 available by this State or its political subdivisions and
2 matched by moneys granted to this State pursuant to the
3 provisions of the Wagner-Peyser Act, are found by the Secretary
4 of Labor, or other appropriate Federal agency, because of any
5 action or contingency, to have been lost or expended for
6 purposes other than, or in amounts in excess of, those found
7 necessary, by the Secretary of Labor, or other appropriate
8 Federal agency, for the proper administration of this Act, it
9 is the policy of this State that such moneys shall be replaced
10 by moneys appropriated for such purpose from the general funds
11 of this State for expenditure as provided in the first
12 paragraph of this Section. The Director shall report to the
13 Governor's Office of Management and Budget, in the same manner
14 as is provided generally for the submission by State
15 Departments of financial requirements for the ensuing fiscal
16 year, and the Governor shall include in his budget report to
17 the next regular session of the General Assembly, the amount
18 required for such replacement.

19 Moneys in the Title III Social Security and Employment Fund
20 shall not be commingled with other State funds, but they shall
21 be deposited as required by law and maintained in a separate
22 account on the books of a savings and loan association or bank.

23 The State Treasurer shall be liable on his general official
24 bond for the faithful performance of his duties as custodian of
25 all moneys in the Title III Social Security and Employment
26 Fund. Such liability on his official bond shall exist in

1 addition to the liability upon any separate bond given by him.
2 All sums recovered for losses sustained by the fund herein
3 described shall be deposited therein.

4 Upon the effective date of this amendatory Act of 1987
5 (January 1, 1988), the Comptroller shall transfer all
6 unobligated funds from the Job Training Fund into the Title III
7 Social Security and Employment Fund.

8 On September 1, 2000, or as soon thereafter as may be
9 reasonably practicable, the State Comptroller shall transfer
10 all unobligated moneys from the Job Training Partnership Fund
11 into the Title III Social Security and Employment Fund. The
12 moneys transferred pursuant to this amendatory Act may be used
13 or expended for purposes consistent with the conditions under
14 which those moneys were received by the State.

15 Beginning on the effective date of this amendatory Act of
16 the 91st General Assembly, all moneys that would otherwise be
17 deposited into the Job Training Partnership Fund shall instead
18 be deposited into the Title III Social Security and Employment
19 Fund, to be used for purposes consistent with the conditions
20 under which those moneys are received by the State, except that
21 any moneys that may be necessary to pay liabilities outstanding
22 as of June 30, 2000 shall be deposited into the Job Training
23 Partnership Fund.

24 On September 1, 2014, or as soon thereafter as may be
25 reasonably practicable, the State Comptroller shall certify
26 and the State Treasurer shall transfer all unobligated moneys

1 in the Federal Workforce Training Fund to the Title III Social
2 Security and Employment Fund. The moneys transferred pursuant
3 to this paragraph may be used for purposes consistent with the
4 conditions under which those moneys were received by the State.

5 On and after January 1, 2015 all moneys that would
6 otherwise be deposited into the Federal Workforce Training Fund
7 shall be deposited into the Title III Social Security and
8 Employment Fund, to be used for purposes consistent with the
9 conditions under which those moneys were received by the State,
10 except that any moneys that may be necessary to pay liabilities
11 outstanding as of January 1, 2015 that would otherwise be
12 payable from the Federal Workforce Training Fund shall be
13 deposited into the Federal Workforce Training Fund.

14 (Source: P.A. 97-791, eff. 1-1-13.)

15 (820 ILCS 405/2302) (from Ch. 48, par. 702)

16 Sec. 2302. Admissibility of certified copies. A copy of any
17 document or record on file with the Director certified to be a
18 true copy by the Director, or the Commissioner of Unemployment
19 Compensation, under the seal of the Department of Workforce
20 Development ~~Employment Security~~, shall be admissible in
21 evidence at any hearing conducted pursuant to the provisions of
22 this Act and in all judicial proceedings, in the same manner as
23 are public documents.

24 (Source: P.A. 83-1503.)

1 (820 ILCS 405/2405)

2 Sec. 2405. Process; failure to file reports or make
3 payments. The process available to the Department of Revenue
4 pursuant to Section 3-7 of the Uniform Penalty and Interest Act
5 with respect to an unpaid trust tax, interest, or penalties
6 shall be available to the Department of Workforce Development
7 ~~Employment Security~~ with respect to unpaid contributions,
8 payments in lieu of contributions, penalties, and interest due
9 pursuant to this Act where any officer or employee of the
10 employer who has the control, supervision, or responsibility of
11 filing wage or contribution reports and making payment of
12 contributions or payments in lieu of contributions pursuant to
13 this Act willfully fails to file the report or make the payment
14 or willfully attempts in any other manner to evade or defeat a
15 liability pursuant to this Act. For purposes of this Section,
16 references to the Department or Director of Revenue in Section
17 3-7 of the Uniform Penalty and Interest Act shall be deemed to
18 be references to the Department or Director of Workforce
19 Development ~~Employment Security~~. Procedures for protest and
20 review of a notice of penalty liability under this Section
21 shall be the same as those prescribed for protest and review of
22 a determination and assessment under Section 2200.

23 (Source: P.A. 97-621, eff. 11-18-11.)

24 (820 ILCS 405/2600) (from Ch. 48, par. 750)

25 Sec. 2600. Every assignee, receiver, trustee in

1 bankruptcy, liquidator, administrator, executor, sheriff,
2 mortgagee, conditional vendor, or any other person who shall
3 sell substantially all of (A) the business, or (B) the stock of
4 goods, or (C) the furniture or fixtures, or (D) the machinery
5 and equipment, or (E) the goodwill of any employing unit shall,
6 at least 7 days prior to the date of such sale, notify the
7 Director of the name and address of the person conducting such
8 sale, the date, the place and the terms of such sale and a
9 description of the property to be sold. Any assignee, receiver,
10 trustee in bankruptcy, liquidator, administrator, executor,
11 sheriff, mortgagee, conditional vendor, or any other person who
12 shall fail to observe the requirements of this section shall be
13 personally responsible for all loss in contributions,
14 penalties and interest attributable to such failure to notify
15 the Director as herein provided.

16 Any employing unit which shall, outside the usual course of
17 its business, sell or transfer substantially all or any one of
18 the classes of its assets hereinabove enumerated and shall
19 cease to own said business, shall, within 10 days after such
20 sale or transfer, file such reports as the Director shall
21 prescribe and pay the contributions, interest and penalties
22 required by this Act with respect to wages for employment up to
23 the date of said sale or transfer. The purchaser or transferee
24 shall withhold sufficient of the purchase money to cover the
25 amount of all contributions, interest and penalties due and
26 unpaid by the seller or transferor or, if the payment of money

1 is not involved, shall withhold the performance of the
2 condition that constitutes the consideration for the transfer,
3 until such time as the seller shall produce a receipt from the
4 Director showing that the contributions, interest and
5 penalties have been paid or a certificate that no
6 contributions, interest or penalties are due. If the seller or
7 transferor shall fail to pay such contributions within the 10
8 days specified, then the purchaser or transferee shall pay the
9 money so withheld to the Director of Workforce Development
10 ~~Employment Security~~. If such seller or transferor shall fail to
11 pay the aforementioned contributions, interest or penalties
12 within the 10 days and said purchaser or transferee shall
13 either fail to withhold such purchase money as above required
14 or fail to pay the same to the Director immediately after the
15 expiration of 10 days from the date of such sale as above
16 required, or shall fail to withhold the performance of the
17 condition that constitutes the consideration for the transfer
18 in cases where the payment of money is not involved or is not
19 the sole consideration, such purchaser or transferee shall be
20 personally liable to the Director for the payment to the
21 Director of the contributions, interest and penalties incurred
22 by the seller or transferor up to the amount of the reasonable
23 value of the property acquired by him.

24 Any person who shall acquire any property or rights thereto
25 which at the time of such acquisition is subject to a valid
26 lien in favor of the Director shall be personally liable to the

1 Director for a sum equal to the amount of contributions secured
2 by such lien but not to exceed the reasonable value of such
3 property acquired by him.

4 (Source: P.A. 83-1503.)

5 (20 ILCS 605/605-750 rep.)

6 Section 375. The Department of Commerce and Economic
7 Opportunity Law of the Civil Administrative Code of Illinois is
8 amended by repealing Section 605-750.

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

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

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