



Sen. Pamela J. Althoff

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LRB099 18144 AMC 46341 a

1 AMENDMENT TO SENATE BILL 2884

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2884 by replacing  
3 everything after the enacting clause with the following:

4 "ARTICLE 5.  
5 AMENDATORY PROVISIONS

6 (20 ILCS 405/405-225 rep.)

7 Section 5-5. The Department of Central Management Services  
8 Law of the Civil Administrative Code of Illinois is amended by  
9 repealing Section 405-225.

10 Section 5-10. The Children and Family Services Act is  
11 amended by changing Section 5 as follows:

12 (20 ILCS 505/5) (from Ch. 23, par. 5005)

13 Sec. 5. Direct child welfare services; Department of  
14 Children and Family Services. To provide direct child welfare

1 services when not available through other public or private  
2 child care or program facilities.

3 (a) For purposes of this Section:

4 (1) "Children" means persons found within the State who  
5 are under the age of 18 years. The term also includes  
6 persons under age 21 who:

7 (A) were committed to the Department pursuant to  
8 the Juvenile Court Act or the Juvenile Court Act of  
9 1987, as amended, prior to the age of 18 and who  
10 continue under the jurisdiction of the court; or

11 (B) were accepted for care, service and training by  
12 the Department prior to the age of 18 and whose best  
13 interest in the discretion of the Department would be  
14 served by continuing that care, service and training  
15 because of severe emotional disturbances, physical  
16 disability, social adjustment or any combination  
17 thereof, or because of the need to complete an  
18 educational or vocational training program.

19 (2) "Homeless youth" means persons found within the  
20 State who are under the age of 19, are not in a safe and  
21 stable living situation and cannot be reunited with their  
22 families.

23 (3) "Child welfare services" means public social  
24 services which are directed toward the accomplishment of  
25 the following purposes:

26 (A) protecting and promoting the health, safety

1 and welfare of children, including homeless, dependent  
2 or neglected children;

3 (B) remedying, or assisting in the solution of  
4 problems which may result in, the neglect, abuse,  
5 exploitation or delinquency of children;

6 (C) preventing the unnecessary separation of  
7 children from their families by identifying family  
8 problems, assisting families in resolving their  
9 problems, and preventing the breakup of the family  
10 where the prevention of child removal is desirable and  
11 possible when the child can be cared for at home  
12 without endangering the child's health and safety;

13 (D) restoring to their families children who have  
14 been removed, by the provision of services to the child  
15 and the families when the child can be cared for at  
16 home without endangering the child's health and  
17 safety;

18 (E) placing children in suitable adoptive homes,  
19 in cases where restoration to the biological family is  
20 not safe, possible or appropriate;

21 (F) assuring safe and adequate care of children  
22 away from their homes, in cases where the child cannot  
23 be returned home or cannot be placed for adoption. At  
24 the time of placement, the Department shall consider  
25 concurrent planning, as described in subsection (1-1)  
26 of this Section so that permanency may occur at the

1 earliest opportunity. Consideration should be given so  
2 that if reunification fails or is delayed, the  
3 placement made is the best available placement to  
4 provide permanency for the child;

5 (G) (blank);

6 (H) (blank); and

7 (I) placing and maintaining children in facilities  
8 that provide separate living quarters for children  
9 under the age of 18 and for children 18 years of age  
10 and older, unless a child 18 years of age is in the  
11 last year of high school education or vocational  
12 training, in an approved individual or group treatment  
13 program, in a licensed shelter facility, or secure  
14 child care facility. The Department is not required to  
15 place or maintain children:

16 (i) who are in a foster home, or

17 (ii) who are persons with a developmental  
18 disability, as defined in the Mental Health and  
19 Developmental Disabilities Code, or

20 (iii) who are female children who are  
21 pregnant, pregnant and parenting or parenting, or

22 (iv) who are siblings, in facilities that  
23 provide separate living quarters for children 18  
24 years of age and older and for children under 18  
25 years of age.

26 (b) Nothing in this Section shall be construed to authorize

1 the expenditure of public funds for the purpose of performing  
2 abortions.

3 (c) The Department shall establish and maintain  
4 tax-supported child welfare services and extend and seek to  
5 improve voluntary services throughout the State, to the end  
6 that services and care shall be available on an equal basis  
7 throughout the State to children requiring such services.

8 (d) The Director may authorize advance disbursements for  
9 any new program initiative to any agency contracting with the  
10 Department. As a prerequisite for an advance disbursement, the  
11 contractor must post a surety bond in the amount of the advance  
12 disbursement and have a purchase of service contract approved  
13 by the Department. The Department may pay up to 2 months  
14 operational expenses in advance. The amount of the advance  
15 disbursement shall be prorated over the life of the contract or  
16 the remaining months of the fiscal year, whichever is less, and  
17 the installment amount shall then be deducted from future  
18 bills. Advance disbursement authorizations for new initiatives  
19 shall not be made to any agency after that agency has operated  
20 during 2 consecutive fiscal years. The requirements of this  
21 Section concerning advance disbursements shall not apply with  
22 respect to the following: payments to local public agencies for  
23 child day care services as authorized by Section 5a of this  
24 Act; and youth service programs receiving grant funds under  
25 Section 17a-4.

26 (e) (Blank).

1 (f) (Blank).

2 (g) The Department shall establish rules and regulations  
3 concerning its operation of programs designed to meet the goals  
4 of child safety and protection, family preservation, family  
5 reunification, and adoption, including but not limited to:

6 (1) adoption;

7 (2) foster care;

8 (3) family counseling;

9 (4) protective services;

10 (5) (blank);

11 (6) homemaker service;

12 (7) return of runaway children;

13 (8) (blank);

14 (9) placement under Section 5-7 of the Juvenile Court  
15 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile  
16 Court Act of 1987 in accordance with the federal Adoption  
17 Assistance and Child Welfare Act of 1980; and

18 (10) interstate services.

19 Rules and regulations established by the Department shall  
20 include provisions for training Department staff and the staff  
21 of Department grantees, through contracts with other agencies  
22 or resources, in alcohol and drug abuse screening techniques  
23 approved by the Department of Human Services, as a successor to  
24 the Department of Alcoholism and Substance Abuse, for the  
25 purpose of identifying children and adults who should be  
26 referred to an alcohol and drug abuse treatment program for

1 professional evaluation.

2 (h) If the Department finds that there is no appropriate  
3 program or facility within or available to the Department for a  
4 ward and that no licensed private facility has an adequate and  
5 appropriate program or none agrees to accept the ward, the  
6 Department shall create an appropriate individualized,  
7 program-oriented plan for such ward. The plan may be developed  
8 within the Department or through purchase of services by the  
9 Department to the extent that it is within its statutory  
10 authority to do.

11 (i) Service programs shall be available throughout the  
12 State and shall include but not be limited to the following  
13 services:

- 14 (1) case management;
- 15 (2) homemakers;
- 16 (3) counseling;
- 17 (4) parent education;
- 18 (5) day care; and
- 19 (6) emergency assistance and advocacy.

20 In addition, the following services may be made available  
21 to assess and meet the needs of children and families:

- 22 (1) comprehensive family-based services;
- 23 (2) assessments;
- 24 (3) respite care; and
- 25 (4) in-home health services.

26 The Department shall provide transportation for any of the

1 services it makes available to children or families or for  
2 which it refers children or families.

3 (j) The Department may provide categories of financial  
4 assistance and education assistance grants, and shall  
5 establish rules and regulations concerning the assistance and  
6 grants, to persons who adopt children with physical or mental  
7 disabilities, children who are older, or other hard-to-place  
8 children who (i) immediately prior to their adoption were legal  
9 wards of the Department or (ii) were determined eligible for  
10 financial assistance with respect to a prior adoption and who  
11 become available for adoption because the prior adoption has  
12 been dissolved and the parental rights of the adoptive parents  
13 have been terminated or because the child's adoptive parents  
14 have died. The Department may continue to provide financial  
15 assistance and education assistance grants for a child who was  
16 determined eligible for financial assistance under this  
17 subsection (j) in the interim period beginning when the child's  
18 adoptive parents died and ending with the finalization of the  
19 new adoption of the child by another adoptive parent or  
20 parents. The Department may also provide categories of  
21 financial assistance and education assistance grants, and  
22 shall establish rules and regulations for the assistance and  
23 grants, to persons appointed guardian of the person under  
24 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
25 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
26 who were wards of the Department for 12 months immediately



1 prior to the appointment of the guardian.

2 The amount of assistance may vary, depending upon the needs  
3 of the child and the adoptive parents, as set forth in the  
4 annual assistance agreement. Special purpose grants are  
5 allowed where the child requires special service but such costs  
6 may not exceed the amounts which similar services would cost  
7 the Department if it were to provide or secure them as guardian  
8 of the child.

9 Any financial assistance provided under this subsection is  
10 inalienable by assignment, sale, execution, attachment,  
11 garnishment, or any other remedy for recovery or collection of  
12 a judgment or debt.

13 (j-5) The Department shall not deny or delay the placement  
14 of a child for adoption if an approved family is available  
15 either outside of the Department region handling the case, or  
16 outside of the State of Illinois.

17 (k) The Department shall accept for care and training any  
18 child who has been adjudicated neglected or abused, or  
19 dependent committed to it pursuant to the Juvenile Court Act or  
20 the Juvenile Court Act of 1987.

21 (l) The Department shall offer family preservation  
22 services, as defined in Section 8.2 of the Abused and Neglected  
23 Child Reporting Act, to help families, including adoptive and  
24 extended families. Family preservation services shall be  
25 offered (i) to prevent the placement of children in substitute  
26 care when the children can be cared for at home or in the

1 custody of the person responsible for the children's welfare,  
2 (ii) to reunite children with their families, or (iii) to  
3 maintain an adoptive placement. Family preservation services  
4 shall only be offered when doing so will not endanger the  
5 children's health or safety. With respect to children who are  
6 in substitute care pursuant to the Juvenile Court Act of 1987,  
7 family preservation services shall not be offered if a goal  
8 other than those of subdivisions (A), (B), or (B-1) of  
9 subsection (2) of Section 2-28 of that Act has been set.  
10 Nothing in this paragraph shall be construed to create a  
11 private right of action or claim on the part of any individual  
12 or child welfare agency, except that when a child is the  
13 subject of an action under Article II of the Juvenile Court Act  
14 of 1987 and the child's service plan calls for services to  
15 facilitate achievement of the permanency goal, the court  
16 hearing the action under Article II of the Juvenile Court Act  
17 of 1987 may order the Department to provide the services set  
18 out in the plan, if those services are not provided with  
19 reasonable promptness and if those services are available.

20 The Department shall notify the child and his family of the  
21 Department's responsibility to offer and provide family  
22 preservation services as identified in the service plan. The  
23 child and his family shall be eligible for services as soon as  
24 the report is determined to be "indicated". The Department may  
25 offer services to any child or family with respect to whom a  
26 report of suspected child abuse or neglect has been filed,

1 prior to concluding its investigation under Section 7.12 of the  
2 Abused and Neglected Child Reporting Act. However, the child's  
3 or family's willingness to accept services shall not be  
4 considered in the investigation. The Department may also  
5 provide services to any child or family who is the subject of  
6 any report of suspected child abuse or neglect or may refer  
7 such child or family to services available from other agencies  
8 in the community, even if the report is determined to be  
9 unfounded, if the conditions in the child's or family's home  
10 are reasonably likely to subject the child or family to future  
11 reports of suspected child abuse or neglect. Acceptance of such  
12 services shall be voluntary. The Department may also provide  
13 services to any child or family after completion of a family  
14 assessment, as an alternative to an investigation, as provided  
15 under the "differential response program" provided for in  
16 subsection (a-5) of Section 7.4 of the Abused and Neglected  
17 Child Reporting Act.

18 The Department may, at its discretion except for those  
19 children also adjudicated neglected or dependent, accept for  
20 care and training any child who has been adjudicated addicted,  
21 as a truant minor in need of supervision or as a minor  
22 requiring authoritative intervention, under the Juvenile Court  
23 Act or the Juvenile Court Act of 1987, but no such child shall  
24 be committed to the Department by any court without the  
25 approval of the Department. On and after the effective date of  
26 this amendatory Act of the 98th General Assembly and before

1 January 1, 2017, a minor charged with a criminal offense under  
2 the Criminal Code of 1961 or the Criminal Code of 2012 or  
3 adjudicated delinquent shall not be placed in the custody of or  
4 committed to the Department by any court, except (i) a minor  
5 less than 16 years of age committed to the Department under  
6 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
7 for whom an independent basis of abuse, neglect, or dependency  
8 exists, which must be defined by departmental rule, or (iii) a  
9 minor for whom the court has granted a supplemental petition to  
10 reinstate wardship pursuant to subsection (2) of Section 2-33  
11 of the Juvenile Court Act of 1987. On and after January 1,  
12 2017, a minor charged with a criminal offense under the  
13 Criminal Code of 1961 or the Criminal Code of 2012 or  
14 adjudicated delinquent shall not be placed in the custody of or  
15 committed to the Department by any court, except (i) a minor  
16 less than 15 years of age committed to the Department under  
17 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor  
18 for whom an independent basis of abuse, neglect, or dependency  
19 exists, which must be defined by departmental rule, or (iii) a  
20 minor for whom the court has granted a supplemental petition to  
21 reinstate wardship pursuant to subsection (2) of Section 2-33  
22 of the Juvenile Court Act of 1987. An independent basis exists  
23 when the allegations or adjudication of abuse, neglect, or  
24 dependency do not arise from the same facts, incident, or  
25 circumstances which give rise to a charge or adjudication of  
26 delinquency.

1           As soon as is possible after August 7, 2009 (the effective  
2 date of Public Act 96-134), the Department shall develop and  
3 implement a special program of family preservation services to  
4 support intact, foster, and adoptive families who are  
5 experiencing extreme hardships due to the difficulty and stress  
6 of caring for a child who has been diagnosed with a pervasive  
7 developmental disorder if the Department determines that those  
8 services are necessary to ensure the health and safety of the  
9 child. The Department may offer services to any family whether  
10 or not a report has been filed under the Abused and Neglected  
11 Child Reporting Act. The Department may refer the child or  
12 family to services available from other agencies in the  
13 community if the conditions in the child's or family's home are  
14 reasonably likely to subject the child or family to future  
15 reports of suspected child abuse or neglect. Acceptance of  
16 these services shall be voluntary. The Department shall develop  
17 and implement a public information campaign to alert health and  
18 social service providers and the general public about these  
19 special family preservation services. The nature and scope of  
20 the services offered and the number of families served under  
21 the special program implemented under this paragraph shall be  
22 determined by the level of funding that the Department annually  
23 allocates for this purpose. The term "pervasive developmental  
24 disorder" under this paragraph means a neurological condition,  
25 including but not limited to, Asperger's Syndrome and autism,  
26 as defined in the most recent edition of the Diagnostic and

1 Statistical Manual of Mental Disorders of the American  
2 Psychiatric Association.

3 (1-1) The legislature recognizes that the best interests of  
4 the child require that the child be placed in the most  
5 permanent living arrangement as soon as is practically  
6 possible. To achieve this goal, the legislature directs the  
7 Department of Children and Family Services to conduct  
8 concurrent planning so that permanency may occur at the  
9 earliest opportunity. Permanent living arrangements may  
10 include prevention of placement of a child outside the home of  
11 the family when the child can be cared for at home without  
12 endangering the child's health or safety; reunification with  
13 the family, when safe and appropriate, if temporary placement  
14 is necessary; or movement of the child toward the most  
15 permanent living arrangement and permanent legal status.

16 When determining reasonable efforts to be made with respect  
17 to a child, as described in this subsection, and in making such  
18 reasonable efforts, the child's health and safety shall be the  
19 paramount concern.

20 When a child is placed in foster care, the Department shall  
21 ensure and document that reasonable efforts were made to  
22 prevent or eliminate the need to remove the child from the  
23 child's home. The Department must make reasonable efforts to  
24 reunify the family when temporary placement of the child occurs  
25 unless otherwise required, pursuant to the Juvenile Court Act  
26 of 1987. At any time after the dispositional hearing where the

1 Department believes that further reunification services would  
2 be ineffective, it may request a finding from the court that  
3 reasonable efforts are no longer appropriate. The Department is  
4 not required to provide further reunification services after  
5 such a finding.

6 A decision to place a child in substitute care shall be  
7 made with considerations of the child's health, safety, and  
8 best interests. At the time of placement, consideration should  
9 also be given so that if reunification fails or is delayed, the  
10 placement made is the best available placement to provide  
11 permanency for the child.

12 The Department shall adopt rules addressing concurrent  
13 planning for reunification and permanency. The Department  
14 shall consider the following factors when determining  
15 appropriateness of concurrent planning:

- 16 (1) the likelihood of prompt reunification;
- 17 (2) the past history of the family;
- 18 (3) the barriers to reunification being addressed by  
19 the family;
- 20 (4) the level of cooperation of the family;
- 21 (5) the foster parents' willingness to work with the  
22 family to reunite;
- 23 (6) the willingness and ability of the foster family to  
24 provide an adoptive home or long-term placement;
- 25 (7) the age of the child;
- 26 (8) placement of siblings.

1 (m) The Department may assume temporary custody of any  
2 child if:

3 (1) it has received a written consent to such temporary  
4 custody signed by the parents of the child or by the parent  
5 having custody of the child if the parents are not living  
6 together or by the guardian or custodian of the child if  
7 the child is not in the custody of either parent, or

8 (2) the child is found in the State and neither a  
9 parent, guardian nor custodian of the child can be located.

10 If the child is found in his or her residence without a parent,  
11 guardian, custodian or responsible caretaker, the Department  
12 may, instead of removing the child and assuming temporary  
13 custody, place an authorized representative of the Department  
14 in that residence until such time as a parent, guardian or  
15 custodian enters the home and expresses a willingness and  
16 apparent ability to ensure the child's health and safety and  
17 resume permanent charge of the child, or until a relative  
18 enters the home and is willing and able to ensure the child's  
19 health and safety and assume charge of the child until a  
20 parent, guardian or custodian enters the home and expresses  
21 such willingness and ability to ensure the child's safety and  
22 resume permanent charge. After a caretaker has remained in the  
23 home for a period not to exceed 12 hours, the Department must  
24 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
25 5-415 of the Juvenile Court Act of 1987.

26 The Department shall have the authority, responsibilities



1 and duties that a legal custodian of the child would have  
2 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
3 Act of 1987. Whenever a child is taken into temporary custody  
4 pursuant to an investigation under the Abused and Neglected  
5 Child Reporting Act, or pursuant to a referral and acceptance  
6 under the Juvenile Court Act of 1987 of a minor in limited  
7 custody, the Department, during the period of temporary custody  
8 and before the child is brought before a judicial officer as  
9 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
10 Court Act of 1987, shall have the authority, responsibilities  
11 and duties that a legal custodian of the child would have under  
12 subsection (9) of Section 1-3 of the Juvenile Court Act of  
13 1987.

14 The Department shall ensure that any child taken into  
15 custody is scheduled for an appointment for a medical  
16 examination.

17 A parent, guardian or custodian of a child in the temporary  
18 custody of the Department who would have custody of the child  
19 if he were not in the temporary custody of the Department may  
20 deliver to the Department a signed request that the Department  
21 surrender the temporary custody of the child. The Department  
22 may retain temporary custody of the child for 10 days after the  
23 receipt of the request, during which period the Department may  
24 cause to be filed a petition pursuant to the Juvenile Court Act  
25 of 1987. If a petition is so filed, the Department shall retain  
26 temporary custody of the child until the court orders

1 otherwise. If a petition is not filed within the 10 day period,  
2 the child shall be surrendered to the custody of the requesting  
3 parent, guardian or custodian not later than the expiration of  
4 the 10 day period, at which time the authority and duties of  
5 the Department with respect to the temporary custody of the  
6 child shall terminate.

7 (m-1) The Department may place children under 18 years of  
8 age in a secure child care facility licensed by the Department  
9 that cares for children who are in need of secure living  
10 arrangements for their health, safety, and well-being after a  
11 determination is made by the facility director and the Director  
12 or the Director's designate prior to admission to the facility  
13 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
14 This subsection (m-1) does not apply to a child who is subject  
15 to placement in a correctional facility operated pursuant to  
16 Section 3-15-2 of the Unified Code of Corrections, unless the  
17 child is a ward who was placed under the care of the Department  
18 before being subject to placement in a correctional facility  
19 and a court of competent jurisdiction has ordered placement of  
20 the child in a secure care facility.

21 (n) The Department may place children under 18 years of age  
22 in licensed child care facilities when in the opinion of the  
23 Department, appropriate services aimed at family preservation  
24 have been unsuccessful and cannot ensure the child's health and  
25 safety or are unavailable and such placement would be for their  
26 best interest. Payment for board, clothing, care, training and

1 supervision of any child placed in a licensed child care  
2 facility may be made by the Department, by the parents or  
3 guardians of the estates of those children, or by both the  
4 Department and the parents or guardians, except that no  
5 payments shall be made by the Department for any child placed  
6 in a licensed child care facility for board, clothing, care,  
7 training and supervision of such a child that exceed the  
8 average per capita cost of maintaining and of caring for a  
9 child in institutions for dependent or neglected children  
10 operated by the Department. However, such restriction on  
11 payments does not apply in cases where children require  
12 specialized care and treatment for problems of severe emotional  
13 disturbance, physical disability, social adjustment, or any  
14 combination thereof and suitable facilities for the placement  
15 of such children are not available at payment rates within the  
16 limitations set forth in this Section. All reimbursements for  
17 services delivered shall be absolutely inalienable by  
18 assignment, sale, attachment, garnishment or otherwise.

19 (n-1) The Department shall provide or authorize child  
20 welfare services, aimed at assisting minors to achieve  
21 sustainable self-sufficiency as independent adults, for any  
22 minor eligible for the reinstatement of wardship pursuant to  
23 subsection (2) of Section 2-33 of the Juvenile Court Act of  
24 1987, whether or not such reinstatement is sought or allowed,  
25 provided that the minor consents to such services and has not  
26 yet attained the age of 21. The Department shall have

1 responsibility for the development and delivery of services  
2 under this Section. An eligible youth may access services under  
3 this Section through the Department of Children and Family  
4 Services or by referral from the Department of Human Services.  
5 Youth participating in services under this Section shall  
6 cooperate with the assigned case manager in developing an  
7 agreement identifying the services to be provided and how the  
8 youth will increase skills to achieve self-sufficiency. A  
9 homeless shelter is not considered appropriate housing for any  
10 youth receiving child welfare services under this Section. The  
11 Department shall continue child welfare services under this  
12 Section to any eligible minor until the minor becomes 21 years  
13 of age, no longer consents to participate, or achieves  
14 self-sufficiency as identified in the minor's service plan. The  
15 Department of Children and Family Services shall create clear,  
16 readable notice of the rights of former foster youth to child  
17 welfare services under this Section and how such services may  
18 be obtained. The Department of Children and Family Services and  
19 the Department of Human Services shall disseminate this  
20 information statewide. The Department shall adopt regulations  
21 describing services intended to assist minors in achieving  
22 sustainable self-sufficiency as independent adults.

23 (o) The Department shall establish an administrative  
24 review and appeal process for children and families who request  
25 or receive child welfare services from the Department. Children  
26 who are wards of the Department and are placed by private child

1 welfare agencies, and foster families with whom those children  
2 are placed, shall be afforded the same procedural and appeal  
3 rights as children and families in the case of placement by the  
4 Department, including the right to an initial review of a  
5 private agency decision by that agency. The Department shall  
6 insure that any private child welfare agency, which accepts  
7 wards of the Department for placement, affords those rights to  
8 children and foster families. The Department shall accept for  
9 administrative review and an appeal hearing a complaint made by  
10 (i) a child or foster family concerning a decision following an  
11 initial review by a private child welfare agency or (ii) a  
12 prospective adoptive parent who alleges a violation of  
13 subsection (j-5) of this Section. An appeal of a decision  
14 concerning a change in the placement of a child shall be  
15 conducted in an expedited manner. A court determination that a  
16 current foster home placement is necessary and appropriate  
17 under Section 2-28 of the Juvenile Court Act of 1987 does not  
18 constitute a judicial determination on the merits of an  
19 administrative appeal, filed by a former foster parent,  
20 involving a change of placement decision.

21 (p) (Blank). ~~There is hereby created the Department of~~  
22 ~~Children and Family Services Emergency Assistance Fund from~~  
23 ~~which the Department may provide special financial assistance~~  
24 ~~to families which are in economic crisis when such assistance~~  
25 ~~is not available through other public or private sources and~~  
26 ~~the assistance is deemed necessary to prevent dissolution of~~

1 ~~the family unit or to reunite families which have been~~  
2 ~~separated due to child abuse and neglect. The Department shall~~  
3 ~~establish administrative rules specifying the criteria for~~  
4 ~~determining eligibility for and the amount and nature of~~  
5 ~~assistance to be provided. The Department may also enter into~~  
6 ~~written agreements with private and public social service~~  
7 ~~agencies to provide emergency financial services to families~~  
8 ~~referred by the Department. Special financial assistance~~  
9 ~~payments shall be available to a family no more than once~~  
10 ~~during each fiscal year and the total payments to a family may~~  
11 ~~not exceed \$500 during a fiscal year.~~

12 (q) The Department may receive and use, in their entirety,  
13 for the benefit of children any gift, donation or bequest of  
14 money or other property which is received on behalf of such  
15 children, or any financial benefits to which such children are  
16 or may become entitled while under the jurisdiction or care of  
17 the Department.

18 The Department shall set up and administer no-cost,  
19 interest-bearing accounts in appropriate financial  
20 institutions for children for whom the Department is legally  
21 responsible and who have been determined eligible for Veterans'  
22 Benefits, Social Security benefits, assistance allotments from  
23 the armed forces, court ordered payments, parental voluntary  
24 payments, Supplemental Security Income, Railroad Retirement  
25 payments, Black Lung benefits, or other miscellaneous  
26 payments. Interest earned by each account shall be credited to

1 the account, unless disbursed in accordance with this  
2 subsection.

3 In disbursing funds from children's accounts, the  
4 Department shall:

5 (1) Establish standards in accordance with State and  
6 federal laws for disbursing money from children's  
7 accounts. In all circumstances, the Department's  
8 "Guardianship Administrator" or his or her designee must  
9 approve disbursements from children's accounts. The  
10 Department shall be responsible for keeping complete  
11 records of all disbursements for each account for any  
12 purpose.

13 (2) Calculate on a monthly basis the amounts paid from  
14 State funds for the child's board and care, medical care  
15 not covered under Medicaid, and social services; and  
16 utilize funds from the child's account, as covered by  
17 regulation, to reimburse those costs. Monthly,  
18 disbursements from all children's accounts, up to 1/12 of  
19 \$13,000,000, shall be deposited by the Department into the  
20 General Revenue Fund and the balance over 1/12 of  
21 \$13,000,000 into the DCFS Children's Services Fund.

22 (3) Maintain any balance remaining after reimbursing  
23 for the child's costs of care, as specified in item (2).  
24 The balance shall accumulate in accordance with relevant  
25 State and federal laws and shall be disbursed to the child  
26 or his or her guardian, or to the issuing agency.

1           (r)     The     Department     shall     promulgate     regulations  
2     encouraging all adoption agencies to voluntarily forward to the  
3     Department or its agent names and addresses of all persons who  
4     have applied for and have been approved for adoption of a  
5     hard-to-place child or child with a disability and the names of  
6     such children who have not been placed for adoption. A list of  
7     such names and addresses shall be maintained by the Department  
8     or its agent, and coded lists which maintain the  
9     confidentiality of the person seeking to adopt the child and of  
10    the child shall be made available, without charge, to every  
11    adoption agency in the State to assist the agencies in placing  
12    such children for adoption. The Department may delegate to an  
13    agent its duty to maintain and make available such lists. The  
14    Department shall ensure that such agent maintains the  
15    confidentiality of the person seeking to adopt the child and of  
16    the child.

17           (s)    The Department of Children and Family Services may  
18    establish and implement a program to reimburse Department and  
19    private child welfare agency foster parents licensed by the  
20    Department of Children and Family Services for damages  
21    sustained by the foster parents as a result of the malicious or  
22    negligent acts of foster children, as well as providing third  
23    party coverage for such foster parents with regard to actions  
24    of foster children to other individuals. Such coverage will be  
25    secondary to the foster parent liability insurance policy, if  
26    applicable. The program shall be funded through appropriations



1 from the General Revenue Fund, specifically designated for such  
2 purposes.

3 (t) The Department shall perform home studies and  
4 investigations and shall exercise supervision over visitation  
5 as ordered by a court pursuant to the Illinois Marriage and  
6 Dissolution of Marriage Act or the Adoption Act only if:

7 (1) an order entered by an Illinois court specifically  
8 directs the Department to perform such services; and

9 (2) the court has ordered one or both of the parties to  
10 the proceeding to reimburse the Department for its  
11 reasonable costs for providing such services in accordance  
12 with Department rules, or has determined that neither party  
13 is financially able to pay.

14 The Department shall provide written notification to the  
15 court of the specific arrangements for supervised visitation  
16 and projected monthly costs within 60 days of the court order.  
17 The Department shall send to the court information related to  
18 the costs incurred except in cases where the court has  
19 determined the parties are financially unable to pay. The court  
20 may order additional periodic reports as appropriate.

21 (u) In addition to other information that must be provided,  
22 whenever the Department places a child with a prospective  
23 adoptive parent or parents or in a licensed foster home, group  
24 home, child care institution, or in a relative home, the  
25 Department shall provide to the prospective adoptive parent or  
26 parents or other caretaker:

1           (1) available detailed information concerning the  
2 child's educational and health history, copies of  
3 immunization records (including insurance and medical card  
4 information), a history of the child's previous  
5 placements, if any, and reasons for placement changes  
6 excluding any information that identifies or reveals the  
7 location of any previous caretaker;

8           (2) a copy of the child's portion of the client service  
9 plan, including any visitation arrangement, and all  
10 amendments or revisions to it as related to the child; and

11           (3) information containing details of the child's  
12 individualized educational plan when the child is  
13 receiving special education services.

14           The caretaker shall be informed of any known social or  
15 behavioral information (including, but not limited to,  
16 criminal background, fire setting, perpetuation of sexual  
17 abuse, destructive behavior, and substance abuse) necessary to  
18 care for and safeguard the children to be placed or currently  
19 in the home. The Department may prepare a written summary of  
20 the information required by this paragraph, which may be  
21 provided to the foster or prospective adoptive parent in  
22 advance of a placement. The foster or prospective adoptive  
23 parent may review the supporting documents in the child's file  
24 in the presence of casework staff. In the case of an emergency  
25 placement, casework staff shall at least provide known  
26 information verbally, if necessary, and must subsequently

1 provide the information in writing as required by this  
2 subsection.

3 The information described in this subsection shall be  
4 provided in writing. In the case of emergency placements when  
5 time does not allow prior review, preparation, and collection  
6 of written information, the Department shall provide such  
7 information as it becomes available. Within 10 business days  
8 after placement, the Department shall obtain from the  
9 prospective adoptive parent or parents or other caretaker a  
10 signed verification of receipt of the information provided.  
11 Within 10 business days after placement, the Department shall  
12 provide to the child's guardian ad litem a copy of the  
13 information provided to the prospective adoptive parent or  
14 parents or other caretaker. The information provided to the  
15 prospective adoptive parent or parents or other caretaker shall  
16 be reviewed and approved regarding accuracy at the supervisory  
17 level.

18 (u-5) Effective July 1, 1995, only foster care placements  
19 licensed as foster family homes pursuant to the Child Care Act  
20 of 1969 shall be eligible to receive foster care payments from  
21 the Department. Relative caregivers who, as of July 1, 1995,  
22 were approved pursuant to approved relative placement rules  
23 previously promulgated by the Department at 89 Ill. Adm. Code  
24 335 and had submitted an application for licensure as a foster  
25 family home may continue to receive foster care payments only  
26 until the Department determines that they may be licensed as a

1 foster family home or that their application for licensure is  
2 denied or until September 30, 1995, whichever occurs first.

3 (v) The Department shall access criminal history record  
4 information as defined in the Illinois Uniform Conviction  
5 Information Act and information maintained in the adjudicatory  
6 and dispositional record system as defined in Section 2605-355  
7 of the Department of State Police Law (20 ILCS 2605/2605-355)  
8 if the Department determines the information is necessary to  
9 perform its duties under the Abused and Neglected Child  
10 Reporting Act, the Child Care Act of 1969, and the Children and  
11 Family Services Act. The Department shall provide for  
12 interactive computerized communication and processing  
13 equipment that permits direct on-line communication with the  
14 Department of State Police's central criminal history data  
15 repository. The Department shall comply with all certification  
16 requirements and provide certified operators who have been  
17 trained by personnel from the Department of State Police. In  
18 addition, one Office of the Inspector General investigator  
19 shall have training in the use of the criminal history  
20 information access system and have access to the terminal. The  
21 Department of Children and Family Services and its employees  
22 shall abide by rules and regulations established by the  
23 Department of State Police relating to the access and  
24 dissemination of this information.

25 (v-1) Prior to final approval for placement of a child, the  
26 Department shall conduct a criminal records background check of

1 the prospective foster or adoptive parent, including  
2 fingerprint-based checks of national crime information  
3 databases. Final approval for placement shall not be granted if  
4 the record check reveals a felony conviction for child abuse or  
5 neglect, for spousal abuse, for a crime against children, or  
6 for a crime involving violence, including rape, sexual assault,  
7 or homicide, but not including other physical assault or  
8 battery, or if there is a felony conviction for physical  
9 assault, battery, or a drug-related offense committed within  
10 the past 5 years.

11 (v-2) Prior to final approval for placement of a child, the  
12 Department shall check its child abuse and neglect registry for  
13 information concerning prospective foster and adoptive  
14 parents, and any adult living in the home. If any prospective  
15 foster or adoptive parent or other adult living in the home has  
16 resided in another state in the preceding 5 years, the  
17 Department shall request a check of that other state's child  
18 abuse and neglect registry.

19 (w) Within 120 days of August 20, 1995 (the effective date  
20 of Public Act 89-392), the Department shall prepare and submit  
21 to the Governor and the General Assembly, a written plan for  
22 the development of in-state licensed secure child care  
23 facilities that care for children who are in need of secure  
24 living arrangements for their health, safety, and well-being.  
25 For purposes of this subsection, secure care facility shall  
26 mean a facility that is designed and operated to ensure that

1 all entrances and exits from the facility, a building or a  
2 distinct part of the building, are under the exclusive control  
3 of the staff of the facility, whether or not the child has the  
4 freedom of movement within the perimeter of the facility,  
5 building, or distinct part of the building. The plan shall  
6 include descriptions of the types of facilities that are needed  
7 in Illinois; the cost of developing these secure care  
8 facilities; the estimated number of placements; the potential  
9 cost savings resulting from the movement of children currently  
10 out-of-state who are projected to be returned to Illinois; the  
11 necessary geographic distribution of these facilities in  
12 Illinois; and a proposed timetable for development of such  
13 facilities.

14 (x) The Department shall conduct annual credit history  
15 checks to determine the financial history of children placed  
16 under its guardianship pursuant to the Juvenile Court Act of  
17 1987. The Department shall conduct such credit checks starting  
18 when a ward turns 12 years old and each year thereafter for the  
19 duration of the guardianship as terminated pursuant to the  
20 Juvenile Court Act of 1987. The Department shall determine if  
21 financial exploitation of the child's personal information has  
22 occurred. If financial exploitation appears to have taken place  
23 or is presently ongoing, the Department shall notify the proper  
24 law enforcement agency, the proper State's Attorney, or the  
25 Attorney General.

26 (y) Beginning on the effective date of this amendatory Act

1 of the 96th General Assembly, a child with a disability who  
2 receives residential and educational services from the  
3 Department shall be eligible to receive transition services in  
4 accordance with Article 14 of the School Code from the age of  
5 14.5 through age 21, inclusive, notwithstanding the child's  
6 residential services arrangement. For purposes of this  
7 subsection, "child with a disability" means a child with a  
8 disability as defined by the federal Individuals with  
9 Disabilities Education Improvement Act of 2004.

10 (z) The Department shall access criminal history record  
11 information as defined as "background information" in this  
12 subsection and criminal history record information as defined  
13 in the Illinois Uniform Conviction Information Act for each  
14 Department employee or Department applicant. Each Department  
15 employee or Department applicant shall submit his or her  
16 fingerprints to the Department of State Police in the form and  
17 manner prescribed by the Department of State Police. These  
18 fingerprints shall be checked against the fingerprint records  
19 now and hereafter filed in the Department of State Police and  
20 the Federal Bureau of Investigation criminal history records  
21 databases. The Department of State Police shall charge a fee  
22 for conducting the criminal history record check, which shall  
23 be deposited into the State Police Services Fund and shall not  
24 exceed the actual cost of the record check. The Department of  
25 State Police shall furnish, pursuant to positive  
26 identification, all Illinois conviction information to the

1 Department of Children and Family Services.

2 For purposes of this subsection:

3 "Background information" means all of the following:

4 (i) Upon the request of the Department of Children and  
5 Family Services, conviction information obtained from the  
6 Department of State Police as a result of a  
7 fingerprint-based criminal history records check of the  
8 Illinois criminal history records database and the Federal  
9 Bureau of Investigation criminal history records database  
10 concerning a Department employee or Department applicant.

11 (ii) Information obtained by the Department of  
12 Children and Family Services after performing a check of  
13 the Department of State Police's Sex Offender Database, as  
14 authorized by Section 120 of the Sex Offender Community  
15 Notification Law, concerning a Department employee or  
16 Department applicant.

17 (iii) Information obtained by the Department of  
18 Children and Family Services after performing a check of  
19 the Child Abuse and Neglect Tracking System (CANTS)  
20 operated and maintained by the Department.

21 "Department employee" means a full-time or temporary  
22 employee coded or certified within the State of Illinois  
23 Personnel System.

24 "Department applicant" means an individual who has  
25 conditional Department full-time or part-time work, a  
26 contractor, an individual used to replace or supplement staff,



1 an academic intern, a volunteer in Department offices or on  
2 Department contracts, a work-study student, an individual or  
3 entity licensed by the Department, or an unlicensed service  
4 provider who works as a condition of a contract or an agreement  
5 and whose work may bring the unlicensed service provider into  
6 contact with Department clients or client records.

7 (Source: P.A. 98-249, eff. 1-1-14; 98-570, eff. 8-27-13;  
8 98-756, eff. 7-16-14; 98-803, eff. 1-1-15; 99-143, eff.  
9 7-27-15.)

10 Section 5-15. The Department of Commerce and Economic  
11 Opportunity Law of the Civil Administrative Code of Illinois is  
12 amended by changing Section 605-800 as follows:

13 (20 ILCS 605/605-800) (was 20 ILCS 605/46.19a in part)

14 Sec. 605-800. Training grants for skills in critical  
15 demand.

16 (a) Grants to provide training in fields affected by  
17 critical demands for certain skills may be made as provided in  
18 this Section.

19 (b) The Director may make grants to eligible employers or  
20 to other eligible entities on behalf of employers as authorized  
21 in subsection (c) to provide training for employees in fields  
22 for which there are critical demands for certain skills. No  
23 participating employee may be an unauthorized alien, as defined  
24 in 8 U.S.C. 1324a.

1           (c) The Director may accept applications for training grant  
2 funds and grant requests from: (i) entities sponsoring  
3 multi-company eligible employee training projects as defined  
4 in subsection (d), including business associations, strategic  
5 business partnerships, institutions of secondary or higher  
6 education, large manufacturers for supplier network companies,  
7 federal Job Training Partnership Act administrative entities  
8 or grant recipients, and labor organizations when those  
9 projects will address common training needs identified by  
10 participating companies; and (ii) individual employers that  
11 are undertaking eligible employee training projects as defined  
12 in subsection (d), including intermediaries and training  
13 agents.

14           (d) The Director may make grants to eligible applicants as  
15 defined in subsection (c) for employee training projects that  
16 include, but need not be limited to, one or more of the  
17 following:

18           (1) Training programs in response to new or changing  
19 technology being introduced in the workplace.

20           (2) Job-linked training that offers special skills for  
21 career advancement or that is preparatory for, and leads  
22 directly to, jobs with definite career potential and  
23 long-term job security.

24           (3) Training necessary to implement total quality  
25 management or improvement or both management and  
26 improvement systems within the workplace.

1 (4) Training related to new machinery or equipment.

2 (5) Training of employees of companies that are  
3 expanding into new markets or expanding exports from  
4 Illinois.

5 (6) Basic, remedial, or both basic and remedial  
6 training of employees as a prerequisite for other  
7 vocational or technical skills training or as a condition  
8 for sustained employment.

9 (7) Self-employment training of the unemployed and  
10 underemployed with comprehensive, competency-based  
11 instructional programs and services, entrepreneurial  
12 education and training initiatives for youth and adult  
13 learners in cooperation with the Illinois Institute for  
14 Entrepreneurial Education, training and education,  
15 conferences, workshops, and best practice information for  
16 local program operators of entrepreneurial education and  
17 self-employment training programs.

18 (8) Other training activities or projects, or both  
19 training activities and projects, related to the support,  
20 development, or evaluation of job training programs,  
21 activities, and delivery systems, including training needs  
22 assessment and design.

23 (e) Grants shall be made on the terms and conditions that  
24 the Department shall determine. No grant made under subsection  
25 (d), however, shall exceed 50% of the direct costs of all  
26 approved training programs provided by the employer or the

1 employer's training agent or other entity as defined in  
2 subsection (c). Under this Section, allowable costs include,  
3 but are not limited to:

4 (1) Administrative costs of tracking, documenting,  
5 reporting, and processing training funds or project costs.

6 (2) Curriculum development.

7 (3) Wages and fringe benefits of employees.

8 (4) Training materials, including scrap product costs.

9 (5) Trainee travel expenses.

10 (6) Instructor costs, including wages, fringe  
11 benefits, tuition, and travel expenses.

12 (7) Rent, purchase, or lease of training equipment.

13 (8) Other usual and customary training costs.

14 (f) The Department may conduct on-site grant monitoring  
15 visits to verify trainee employment dates and wages and to  
16 ensure that the grantee's financial management system is  
17 structured to provide for accurate, current, and complete  
18 disclosure of the financial results of the grant program in  
19 accordance with all provisions, terms, and conditions  
20 contained in the grant contract. Each applicant must, on  
21 request by the Department, provide to the Department a  
22 notarized certification signed and dated by a duly authorized  
23 representative of the applicant, or that representative's  
24 authorized designee, certifying that all participating  
25 employees are employed at an Illinois facility and, for each  
26 participating employee, stating the employee's name and

1 providing either (i) the employee's social security number or  
2 (ii) a statement that the applicant has adequate written  
3 verification that the employee is employed at an Illinois  
4 facility. The Department may audit the accuracy of submissions.  
5 Applicants sponsoring multi-company training grant programs  
6 shall obtain information meeting the requirement of this  
7 subsection from each participating company and provide it to  
8 the Department upon request.

9 (g) The Director may establish and collect a schedule of  
10 charges from subgrantee entities and other system users under  
11 federal job-training programs for participating in and  
12 utilizing the Department's automated job-training program  
13 information systems if the systems and the necessary  
14 participation and utilization are requirements of the federal  
15 job-training programs. All monies collected pursuant to this  
16 subsection shall be deposited into the Title III Social  
17 Security and Employment Fund and may be used, subject to  
18 appropriation by the General Assembly, only for the purpose of  
19 financing the maintenance and operation of the automated  
20 federal job-training information systems ~~, except that any~~  
21 ~~moneys that may be necessary to pay liabilities outstanding as~~  
22 ~~of June 30, 2000 shall be deposited into the Federal~~  
23 ~~Job Training Information Systems Revolving Fund.~~

24 (Source: P.A. 96-171, eff. 8-10-09.)

1 (20 ILCS 605/605-524 rep.)

2 (20 ILCS 605/605-805 rep.)

3 (20 ILCS 605/605-875 rep.)

4 Section 5-16. The Department of Commerce and Economic  
5 Opportunity Law of the Civil Administrative Code of Illinois is  
6 amended by repealing Sections 605-416, 605-524, 605-805, and  
7 605-875.

8 Section 5-20. The Corporate Headquarters Relocation Act is  
9 amended by adding Section 45 as follows:

10 (20 ILCS 611/45 new)

11 Sec. 45. Repeal. This Act is repealed on October 1, 2016.

12 Section 5-25. The Illinois Emergency Employment  
13 Development Act is amended by changing Sections 2, 9, and 11 as  
14 follows:

15 (20 ILCS 630/2) (from Ch. 48, par. 2402)

16 Sec. 2. For the purposes of this Act, the following words  
17 have the meanings ascribed to them in this Section.

18 (a) "Advisory Committee" means the 21st Century Workforce  
19 Development Fund Advisory Committee, ~~established under the~~  
20 ~~21st Century Workforce Development Fund Act.~~

21 (b) "Coordinator" means the Illinois Emergency Employment  
22 Development Coordinator appointed under Section 3.

1 (c) "Department" means the Illinois Department of Commerce  
2 and Economic Opportunity.

3 (d) "Director" means the Director of Commerce and Economic  
4 Opportunity.

5 (e) "Eligible business" means a for-profit business.

6 (f) "Eligible employer" means an eligible nonprofit  
7 agency, or an eligible business.

8 (g) "Eligible job applicant" means a person who (1) has  
9 been a resident of this State for at least one year; and (2) is  
10 unemployed; and (3) is not receiving and is not qualified to  
11 receive unemployment compensation or workers' compensation;  
12 and (4) is determined by the employment administrator to be  
13 likely to be available for employment by an eligible employer  
14 for the duration of the job.

15 (h) "Eligible nonprofit agency" means an organization  
16 exempt from taxation under the Internal Revenue Code of 1954,  
17 Section 501(c)(3).

18 (i) "Employment administrator" means the administrative  
19 entity designated by the Coordinator, and approved by the  
20 Advisory Committee, to administer the provisions of this Act in  
21 each service delivery area. With approval of the Advisory  
22 Committee, the Coordinator may designate an administrative  
23 entity authorized under the Workforce Investment Act or  
24 private, public, or non-profit entities that have proven  
25 effectiveness in providing training, workforce development,  
26 and job placement services to low-income individuals.

1           (j) "Fringe benefits" means all non-salary costs for each  
2 person employed under the program, including, but not limited  
3 to, workers compensation, unemployment insurance, and health  
4 benefits, as would be provided to non-subsidized employees  
5 performing similar work.

6           (k) "Household" means a group of persons living at the same  
7 residence consisting of, at a maximum, spouses and the minor  
8 children of each.

9           (l) "Program" means the Illinois Emergency Employment  
10 Development Program created by this Act consisting of new job  
11 creation in the private sector.

12           (m) "Service delivery area" means an area designated as a  
13 Local Workforce Investment Area by the State.

14           (n) "Workforce Investment Act" means the federal Workforce  
15 Investment Act of 1998, any amendments to that Act, and any  
16 other applicable federal statutes.

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

18           (20 ILCS 630/9) (from Ch. 48, par. 2409)

19           Sec. 9. Eligible businesses.

20           (a) A business employer is an eligible employer if it  
21 enters into a written contract, signed and subscribed to under  
22 oath, with the employment administrator for its service  
23 delivery area containing assurances that:

24                 (1) funds received by a business shall be used only as  
25                 permitted under the program;



1           (2) the business has submitted a plan to the employment  
2 administrator (A) describing the duties and proposed  
3 compensation of each employee proposed to be hired under  
4 the program; and (B) demonstrating that with the funds  
5 provided under the program the business is likely to  
6 succeed and continue to employ persons hired under the  
7 program;

8           (3) the business will use funds exclusively for  
9 compensation and fringe benefits of eligible job  
10 applicants and will provide employees hired with these  
11 funds with fringe benefits and other terms and conditions  
12 of employment comparable to those provided to other  
13 employees of the business who do comparable work;

14           (4) the funds are necessary to allow the business to  
15 begin, or to employ additional people, but not to fill  
16 positions which would be filled even in the absence of  
17 funds from this program;

18           (5) the business will cooperate with the coordinator in  
19 collecting data to assess the result of the program; and

20           (6) the business is in compliance with all applicable  
21 affirmative action, fair labor, health, safety, and  
22 environmental standards.

23           (b) In allocating funds among eligible businesses, the  
24 employment administrator shall give priority to businesses  
25 which best satisfy the following criteria:

26           (1) have a high potential for growth and long-term job

1 creation;

2 (2) are labor intensive;

3 (3) make high use of local and State resources;

4 (4) are under ownership of women and minorities;

5 (4.5) meet the definition of a small business as  
6 defined in Section 5 of the Small Business Advisory Act;

7 (4.10) produce energy conserving materials or services  
8 or are involved in development of renewable sources of  
9 energy;

10 (5) have their primary places of business in the State;  
11 and

12 (6) intend to continue the employment of the eligible  
13 applicant for at least 6 months of unsubsidized employment.

14 (c) (Blank).

15 (d) A business receiving funds under this program shall  
16 repay 70% of the amount received for each eligible job  
17 applicant employed who does not continue in the employment of  
18 the business for at least 6 months beyond the subsidized period  
19 unless the employer dismisses an employee for good cause and  
20 works with the Employment Administrator to employ and train  
21 another person referred by the Employment Administrator. The  
22 Employment Administrator shall forward payments received under  
23 this subsection to the Coordinator on a monthly basis. The  
24 Coordinator shall deposit these payments into the General  
25 Revenue ~~Illinois 21st Century Workforce Development~~ Fund.

26 (Source: P.A. 97-581, eff. 8-26-11; 97-813, eff. 7-13-12.)

1 (20 ILCS 630/11)

2 Sec. 11. Illinois 21st Century Workforce Development Fund  
3 Advisory Committee.

4 (a) The 21st Century Workforce Development Fund Advisory  
5 Committee~~r~~ established under this Act as a continuation of the  
6 Advisory Committee created under the 21st Century Workforce  
7 Development Fund Act (now repealed) is continued under this  
8 Act. The Advisory Committee~~r~~ shall provide oversight to the  
9 Illinois Emergency Employment Development program. The  
10 Department is responsible for the administration and staffing  
11 of the Advisory Committee.

12 (b) The Advisory Committee shall meet at the call of the  
13 Coordinator to do the following:

14 (1) establish guidelines for the selection of  
15 Employment Administrators;

16 (2) review recommendations of the Coordinator and  
17 approve final selection of Employment Administrators;

18 (3) develop guidelines for the emergency employment  
19 development plans to be created by each Employment  
20 Administrator;

21 (4) review the emergency employment development plan  
22 submitted by the Employment Administrator of each service  
23 delivery area and approve satisfactory plans;

24 (5) ensure that the program is widely marketed to  
25 employers and eligible job seekers;

1 (6) set policy regarding disbursement of program  
2 funds; and

3 (7) review program quarterly reports and make  
4 recommendations for program improvements as needed.

5 (c) Membership. The Advisory Committee shall consist of 21  
6 persons. Co-chairs shall be appointed by the Governor with the  
7 requirement that one come from the public and one from the  
8 private sector.

9 (d) Eleven members shall be appointed by the Governor, and  
10 any of the 11 members appointed by the Governor may fill more  
11 than one of the following required categories:

12 (i) Four must be from communities outside of the City  
13 of Chicago.

14 (ii) At least one must be a member of a local workforce  
15 investment board (LWIB) in his or her community.

16 (iii) At least one must represent organized labor.

17 (iv) At least one must represent business or industry.

18 (v) At least one must represent a non-profit  
19 organization that provides workforce development or job  
20 training services.

21 (vi) At least one must represent a non-profit  
22 organization involved in workforce development policy,  
23 analysis, or research.

24 (vii) At least one must represent a non-profit  
25 organization involved in environmental policy, advocacy,  
26 or research.

1           (viii) At least one must represent a group that  
2           advocates for individuals with barriers to employment,  
3           including at-risk youth, formerly incarcerated  
4           individuals, and individuals living in poverty.

5           (e) The other 10 members shall be the following:

6           (i) The Director of Commerce and Economic Opportunity,  
7           or his or her designee who oversees workforce development  
8           services.

9           (ii) The Secretary of Human Services, or his or her  
10           designee who oversees human capital services.

11           (iii) The Director of Corrections, or his or her  
12           designee who oversees prisoner re-entry services.

13           (iv) The Director of the Environmental Protection  
14           Agency, or his or her designee who oversees contractor  
15           compliance.

16           (v) The Chairman of the Illinois Community College  
17           Board, or his or her designee who oversees technical and  
18           career education.

19           (vi) A representative of the Illinois Community  
20           College Board involved in energy education and sustainable  
21           practices, designated by the Board.

22           (vii) Four State legislators, one designated by the  
23           President of the Senate, one designated by the Speaker of  
24           the House, one designated by the Senate Minority Leader,  
25           and one designated by the House Minority Leader.

26           (f) Appointees under subsection (d) shall serve a 2-year

1 term and are eligible to be re-appointed one time. Members  
2 under subsection (e) shall serve ex officio or at the pleasure  
3 of the designating official, as applicable.

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

5 Section 5-30. The High Speed Internet Services and  
6 Information Technology Act is amended by changing Section 20 as  
7 follows:

8 (20 ILCS 661/20)

9 Sec. 20. Duties of the enlisted nonprofit organization.

10 (a) The high speed Internet deployment strategy and demand  
11 creation initiative to be performed by the nonprofit  
12 organization shall include, but not be limited to, the  
13 following actions:

14 (1) Create a geographic statewide inventory of high  
15 speed Internet service and other relevant broadband and  
16 information technology services. The inventory shall:

17 (A) identify geographic gaps in high speed  
18 Internet service through a method of GIS mapping of  
19 service availability and GIS analysis at the census  
20 block level;

21 (B) provide a baseline assessment of statewide  
22 high speed Internet deployment in terms of percentage  
23 of Illinois households with high speed Internet  
24 availability; and

1           (C) collect from Facilities-based Providers of  
2           Broadband Connections to End User Locations the  
3           information provided pursuant to the agreements  
4           entered into with the non-profit organization as of the  
5           effective date of this amendatory Act of the 96th  
6           General Assembly or similar information from  
7           Facilities-based Providers of Broadband Connections to  
8           End User Locations that do not have the agreements on  
9           said date.

10           For the purposes of item (C), "Facilities-based  
11           Providers of Broadband Connections to End User  
12           Locations" shall have the same meaning as that term is  
13           defined in Section 13-407 of the Public Utilities Act.

14           (2) Track and identify, through customer interviews  
15           and surveys and other publicly available sources,  
16           statewide residential and business adoption of high speed  
17           Internet, computers, and related information technology  
18           and any barriers to adoption.

19           (3) Build and facilitate in each county or designated  
20           region a local technology planning team with members  
21           representing a cross section of the community, including,  
22           but not limited to, representatives of business, K-12  
23           education, health care, libraries, higher education,  
24           community-based organizations, local government, tourism,  
25           parks and recreation, and agriculture. Each team shall  
26           benchmark technology use across relevant community

1 sectors, set goals for improved technology use within each  
2 sector, and develop a plan for achieving its goals, with  
3 specific recommendations for online application  
4 development and demand creation.

5 (4) Collaborate with high speed Internet providers and  
6 technology companies to encourage deployment and use,  
7 especially in underserved areas, by aggregating local  
8 demand, mapping analysis, and creating market intelligence  
9 to improve the business case for providers to deploy.

10 (5) Collaborate with the Department in developing a  
11 program to increase computer ownership and broadband  
12 access for disenfranchised populations across the State.  
13 The program may include grants to local community  
14 technology centers that provide technology training,  
15 promote computer ownership, and increase broadband access.

16 (6) Collaborate with the Department and the Illinois  
17 Commerce Commission regarding the collection of the  
18 information required by this Section to assist in  
19 monitoring and analyzing the broadband markets and the  
20 status of competition and deployment of broadband services  
21 to consumers in the State, including the format of  
22 information requested, provided the Commission enters into  
23 the proprietary and confidentiality agreements governing  
24 such information.

25 (b) The nonprofit organization may apply for federal grants  
26 consistent with the objectives of this Act.



1           (c) (Blank). ~~The Department of Commerce and Economic~~  
2 ~~Opportunity shall use the funds in the High Speed Internet~~  
3 ~~Services and Information Technology Fund to (1) provide grants~~  
4 ~~to the nonprofit organization enlisted under this Act and (2)~~  
5 ~~for any costs incurred by the Department to administer this~~  
6 ~~Act.~~

7           (d) The nonprofit organization shall have the power to  
8 obtain or to raise funds other than the grants received from  
9 the Department under this Act.

10          (e) The nonprofit organization and its Board of Directors  
11 shall exist separately and independently from the Department  
12 and any other governmental entity, but shall cooperate with  
13 other public or private entities it deems appropriate in  
14 carrying out its duties.

15          (f) Notwithstanding anything in this Act or any other Act  
16 to the contrary, any information that is designated  
17 confidential or proprietary by an entity providing the  
18 information to the nonprofit organization or any other entity  
19 to accomplish the objectives of this Act shall be deemed  
20 confidential, proprietary, and a trade secret and treated by  
21 the nonprofit organization or anyone else possessing the  
22 information as such and shall not be disclosed.

23          (g) The nonprofit organization shall provide a report to  
24 the Commission on Government Forecasting and Accountability on  
25 an annual basis for the first 3 complete State fiscal years  
26 following its enlistment.

1 (Source: P.A. 95-684, eff. 10-19-07; 96-927, eff. 6-15-10.)

2 (20 ILCS 661/30 rep.)

3 Section 5-35. The High Speed Internet Services and  
4 Information Technology Act is amended by repealing Section 30.

5 (20 ILCS 662/45 rep.)

6 Section 5-40. The Local Planning Technical Assistance Act  
7 is amended by repealing Section 45.

8 (20 ILCS 720/35 rep.)

9 Section 5-45. The Illinois Main Street Act is amended by  
10 repealing Section 35.

11 (20 ILCS 1305/10-6 rep.)

12 (20 ILCS 1305/10-30 rep.)

13 Section 5-50. The Department of Human Services Act is  
14 amended by repealing Sections 10-6 and 10-30.

15 Section 5-55. The Illinois Lottery Law is amended by  
16 changing Sections 2, 7.2, 9, and 9.1 as follows:

17 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

18 Sec. 2. This Act is enacted to implement and establish  
19 within the State a lottery to be conducted by the State through  
20 the Department. The entire net proceeds of the Lottery are to

1 be used for the support of the State's Common School Fund,  
2 except as provided in subsection (o) of Section 9.1 and  
3 Sections ~~21.2~~, 21.5, 21.6, 21.7, 21.8, and 21.9. The General  
4 Assembly finds that it is in the public interest for the  
5 Department to conduct the functions of the Lottery with the  
6 assistance of a private manager under a management agreement  
7 overseen by the Department. The Department shall be accountable  
8 to the General Assembly and the people of the State through a  
9 comprehensive system of regulation, audits, reports, and  
10 enduring operational oversight. The Department's ongoing  
11 conduct of the Lottery through a management agreement with a  
12 private manager shall act to promote and ensure the integrity,  
13 security, honesty, and fairness of the Lottery's operation and  
14 administration. It is the intent of the General Assembly that  
15 the Department shall conduct the Lottery with the assistance of  
16 a private manager under a management agreement at all times in  
17 a manner consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1),  
18 1953(b)(4).

19 (Source: P.A. 98-649, eff. 6-16-14.)

20 (20 ILCS 1605/7.2) (from Ch. 120, par. 1157.2)

21 Sec. 7.2. The rules and regulations of the Department may  
22 include, but shall not be limited to, the following:

23 (1) The types of lotteries to be conducted;

24 (2) The price, or prices, of tickets or shares in the  
25 lottery;

1           (3) The numbers and sizes of the prizes on the winning  
2 tickets or shares;

3           (4) The manner of selecting the winning tickets or shares;

4           (5) The manner of payment of prizes to the holders of  
5 winning tickets or shares;

6           (6) The frequency of the drawing or selections of winning  
7 tickets or shares, without limitation;

8           (7) Without limit to number, the type or types of locations  
9 at which tickets or shares may be sold;

10          (8) The method to be used in selling tickets or shares;

11          (9) The manner and amount of compensation, if any, to be  
12 paid licensed sales agents necessary to provide for the  
13 adequate availability of tickets or shares to prospective  
14 buyers and for the convenience of the public;

15          (10) The apportionment of the total revenues accruing from  
16 the sale of lottery tickets or shares and from all other  
17 sources among (i) the payment of prizes to the holders of  
18 winning tickets or shares, (ii) the payment of costs incurred  
19 in the operation and administration of the lottery, including  
20 the expenses of the Department and the costs resulting from any  
21 contract or contracts entered into for promotional,  
22 advertising or operational services or for the purchase or  
23 lease of lottery equipment and materials, and (iii) for monthly  
24 transfers to the Common School Fund. The net revenues accruing  
25 from the sale of lottery tickets shall be determined by  
26 deducting from total revenues the payments required by

1 paragraphs (i) and (ii) of this subsection.

2 (11) Such other matters necessary or desirable for the  
3 efficient and economical operation and administration of the  
4 lottery and for the convenience of the purchasers of tickets or  
5 shares and the holders of winning tickets or shares.

6 ~~Any rules and regulations of the Department with respect to~~  
7 ~~monthly transfers to the Common School Fund are subject to~~  
8 ~~Section 21.2.~~

9 (Source: P.A. 84-1128.)

10 (20 ILCS 1605/9) (from Ch. 120, par. 1159)

11 Sec. 9. The Director, as administrative head of the  
12 Department, shall direct and supervise all its administrative  
13 and technical activities. In addition to the duties imposed  
14 upon him elsewhere in this Act, it shall be the Director's  
15 duty:

16 a. To supervise and administer the operation of the lottery  
17 in accordance with the provisions of this Act or such rules and  
18 regulations of the Department adopted thereunder.

19 b. To attend meetings of the Board or to appoint a designee  
20 to attend in his stead.

21 c. To employ and direct such personnel in accord with the  
22 Personnel Code, as may be necessary to carry out the purposes  
23 of this Act. In addition, the Director may by agreement secure  
24 such services as he or she may deem necessary from any other  
25 department, agency, or unit of the State government, and may

1 employ and compensate such consultants and technical  
2 assistants as may be required and is otherwise permitted by  
3 law.

4 d. To license, in accordance with the provisions of  
5 Sections 10 and 10.1 of this Act and the rules and regulations  
6 of the Department adopted thereunder, as agents to sell lottery  
7 tickets such persons as in his opinion will best serve the  
8 public convenience and promote the sale of tickets or shares.  
9 The Director may require a bond from every licensed agent, in  
10 such amount as provided in the rules and regulations of the  
11 Department. Every licensed agent shall prominently display his  
12 license, or a copy thereof, as provided in the rules and  
13 regulations of the Department.

14 e. To suspend or revoke any license issued pursuant to this  
15 Act or the rules and regulations promulgated by the Department  
16 thereunder.

17 f. To confer regularly as necessary or desirable and not  
18 less than once every month with the Lottery Control Board on  
19 the operation and administration of the Lottery; to make  
20 available for inspection by the Board or any member of the  
21 Board, upon request, all books, records, files, and other  
22 information and documents of his office; to advise the Board  
23 and recommend such rules and regulations and such other matters  
24 as he deems necessary and advisable to improve the operation  
25 and administration of the lottery.

26 g. To enter into contracts for the operation of the

1 lottery, or any part thereof, and into contracts for the  
2 promotion of the lottery on behalf of the Department with any  
3 person, firm or corporation, to perform any of the functions  
4 provided for in this Act or the rules and regulations  
5 promulgated thereunder. The Department shall not expend State  
6 funds on a contractual basis for such functions unless those  
7 functions and expenditures are expressly authorized by the  
8 General Assembly.

9 h. To enter into an agreement or agreements with the  
10 management of state lotteries operated pursuant to the laws of  
11 other states for the purpose of creating and operating a  
12 multi-state lottery game wherein a separate and distinct prize  
13 pool would be combined to award larger prizes to the public  
14 than could be offered by the several state lotteries,  
15 individually. No tickets or shares offered in connection with a  
16 multi-state lottery game shall be sold within the State of  
17 Illinois, except those offered by and through the Department.  
18 No such agreement shall purport to pledge the full faith and  
19 credit of the State of Illinois, nor shall the Department  
20 expend State funds on a contractual basis in connection with  
21 any such game unless such expenditures are expressly authorized  
22 by the General Assembly, provided, however, that in the event  
23 of error or omission by the Illinois State Lottery in the  
24 conduct of the game, as determined by the multi-state game  
25 directors, the Department shall be authorized to pay a prize  
26 winner or winners the lesser of a disputed prize or \$1,000,000,

1 any such payment to be made solely from funds appropriated for  
2 game prize purposes. The Department shall be authorized to  
3 share in the ordinary operating expenses of any such  
4 multi-state lottery game, from funds appropriated by the  
5 General Assembly, and in the event the multi-state game control  
6 offices are physically located within the State of Illinois,  
7 the Department is authorized to advance start-up operating  
8 costs not to exceed \$150,000, subject to proportionate  
9 reimbursement of such costs by the other participating state  
10 lotteries. The Department shall be authorized to share  
11 proportionately in the costs of establishing a liability  
12 reserve fund from funds appropriated by the General Assembly.  
13 The Department is authorized to transfer prize award funds  
14 attributable to Illinois sales of multi-state lottery game  
15 tickets to the multi-state control office, or its designated  
16 depository, for deposit to such game pool account or accounts  
17 as may be established by the multi-state game directors, the  
18 records of which account or accounts shall be available at all  
19 times for inspection in an audit by the Auditor General of  
20 Illinois and any other auditors pursuant to the laws of the  
21 State of Illinois. No multi-state game prize awarded to a  
22 nonresident of Illinois, with respect to a ticket or share  
23 purchased in a state other than the State of Illinois, shall be  
24 deemed to be a prize awarded under this Act for the purpose of  
25 taxation under the Illinois Income Tax Act. The Department  
26 shall promulgate such rules as may be appropriate to implement



1 the provisions of this Section.

2 i. To make a continuous study and investigation of (1) the  
3 operation and the administration of similar laws which may be  
4 in effect in other states or countries, (2) any literature on  
5 the subject which from time to time may be published or  
6 available, (3) any Federal laws which may affect the operation  
7 of the lottery, and (4) the reaction of Illinois citizens to  
8 existing and potential features of the lottery with a view to  
9 recommending or effecting changes that will tend to serve the  
10 purposes of this Act.

11 j. To report monthly to the State Treasurer and the Lottery  
12 Control Board a full and complete statement of lottery  
13 revenues, prize disbursements and other expenses for each month  
14 and the amounts to be transferred to the Common School Fund  
15 pursuant to Section 7.2 ~~or such other funds as are otherwise~~  
16 ~~authorized by Section 21.2 of this Act,~~ and to make an annual  
17 report, which shall include a full and complete statement of  
18 lottery revenues, prize disbursements and other expenses, to  
19 the Governor and the Board. All reports required by this  
20 subsection shall be public and copies of all such reports shall  
21 be sent to the Speaker of the House, the President of the  
22 Senate, and the minority leaders of both houses.

23 (Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

24 (20 ILCS 1605/9.1)

25 Sec. 9.1. Private manager and management agreement.

1 (a) As used in this Section:

2 "Offeror" means a person or group of persons that responds  
3 to a request for qualifications under this Section.

4 "Request for qualifications" means all materials and  
5 documents prepared by the Department to solicit the following  
6 from offerors:

7 (1) Statements of qualifications.

8 (2) Proposals to enter into a management agreement,  
9 including the identity of any prospective vendor or vendors  
10 that the offeror intends to initially engage to assist the  
11 offeror in performing its obligations under the management  
12 agreement.

13 "Final offer" means the last proposal submitted by an  
14 offeror in response to the request for qualifications,  
15 including the identity of any prospective vendor or vendors  
16 that the offeror intends to initially engage to assist the  
17 offeror in performing its obligations under the management  
18 agreement.

19 "Final offeror" means the offeror ultimately selected by  
20 the Governor to be the private manager for the Lottery under  
21 subsection (h) of this Section.

22 (b) By September 15, 2010, the Governor shall select a  
23 private manager for the total management of the Lottery with  
24 integrated functions, such as lottery game design, supply of  
25 goods and services, and advertising and as specified in this  
26 Section.

1           (c) Pursuant to the terms of this subsection, the  
2 Department shall endeavor to expeditiously terminate the  
3 existing contracts in support of the Lottery in effect on the  
4 effective date of this amendatory Act of the 96th General  
5 Assembly in connection with the selection of the private  
6 manager. As part of its obligation to terminate these contracts  
7 and select the private manager, the Department shall establish  
8 a mutually agreeable timetable to transfer the functions of  
9 existing contractors to the private manager so that existing  
10 Lottery operations are not materially diminished or impaired  
11 during the transition. To that end, the Department shall do the  
12 following:

13           (1) where such contracts contain a provision  
14 authorizing termination upon notice, the Department shall  
15 provide notice of termination to occur upon the mutually  
16 agreed timetable for transfer of functions;

17           (2) upon the expiration of any initial term or renewal  
18 term of the current Lottery contracts, the Department shall  
19 not renew such contract for a term extending beyond the  
20 mutually agreed timetable for transfer of functions; or

21           (3) in the event any current contract provides for  
22 termination of that contract upon the implementation of a  
23 contract with the private manager, the Department shall  
24 perform all necessary actions to terminate the contract on  
25 the date that coincides with the mutually agreed timetable  
26 for transfer of functions.

1           If the contracts to support the current operation of the  
2 Lottery in effect on the effective date of this amendatory Act  
3 of the 96th General Assembly are not subject to termination as  
4 provided for in this subsection (c), then the Department may  
5 include a provision in the contract with the private manager  
6 specifying a mutually agreeable methodology for incorporation.

7           (c-5) The Department shall include provisions in the  
8 management agreement whereby the private manager shall, for a  
9 fee, and pursuant to a contract negotiated with the Department  
10 (the "Employee Use Contract"), utilize the services of current  
11 Department employees to assist in the administration and  
12 operation of the Lottery. The Department shall be the employer  
13 of all such bargaining unit employees assigned to perform such  
14 work for the private manager, and such employees shall be State  
15 employees, as defined by the Personnel Code. Department  
16 employees shall operate under the same employment policies,  
17 rules, regulations, and procedures, as other employees of the  
18 Department. In addition, neither historical representation  
19 rights under the Illinois Public Labor Relations Act, nor  
20 existing collective bargaining agreements, shall be disturbed  
21 by the management agreement with the private manager for the  
22 management of the Lottery.

23           (d) The management agreement with the private manager shall  
24 include all of the following:

25                 (1) A term not to exceed 10 years, including any  
26 renewals.

1 (2) A provision specifying that the Department:

2 (A) shall exercise actual control over all  
3 significant business decisions;

4 (A-5) has the authority to direct or countermand  
5 operating decisions by the private manager at any time;

6 (B) has ready access at any time to information  
7 regarding Lottery operations;

8 (C) has the right to demand and receive information  
9 from the private manager concerning any aspect of the  
10 Lottery operations at any time; and

11 (D) retains ownership of all trade names,  
12 trademarks, and intellectual property associated with  
13 the Lottery.

14 (3) A provision imposing an affirmative duty on the  
15 private manager to provide the Department with material  
16 information and with any information the private manager  
17 reasonably believes the Department would want to know to  
18 enable the Department to conduct the Lottery.

19 (4) A provision requiring the private manager to  
20 provide the Department with advance notice of any operating  
21 decision that bears significantly on the public interest,  
22 including, but not limited to, decisions on the kinds of  
23 games to be offered to the public and decisions affecting  
24 the relative risk and reward of the games being offered, so  
25 the Department has a reasonable opportunity to evaluate and  
26 countermand that decision.

1           (5) A provision providing for compensation of the  
2 private manager that may consist of, among other things, a  
3 fee for services and a performance based bonus as  
4 consideration for managing the Lottery, including terms  
5 that may provide the private manager with an increase in  
6 compensation if Lottery revenues grow by a specified  
7 percentage in a given year.

8           (6) (Blank).

9           (7) A provision requiring the deposit of all Lottery  
10 proceeds to be deposited into the State Lottery Fund except  
11 as otherwise provided in Section 20 of this Act.

12           (8) A provision requiring the private manager to locate  
13 its principal office within the State.

14           (8-5) A provision encouraging that at least 20% of the  
15 cost of contracts entered into for goods and services by  
16 the private manager in connection with its management of  
17 the Lottery, other than contracts with sales agents or  
18 technical advisors, be awarded to businesses that are a  
19 minority owned business, a female owned business, or a  
20 business owned by a person with disability, as those terms  
21 are defined in the Business Enterprise for Minorities,  
22 Females, and Persons with Disabilities Act.

23           (9) A requirement that so long as the private manager  
24 complies with all the conditions of the agreement under the  
25 oversight of the Department, the private manager shall have  
26 the following duties and obligations with respect to the

1 management of the Lottery:

2 (A) The right to use equipment and other assets  
3 used in the operation of the Lottery.

4 (B) The rights and obligations under contracts  
5 with retailers and vendors.

6 (C) The implementation of a comprehensive security  
7 program by the private manager.

8 (D) The implementation of a comprehensive system  
9 of internal audits.

10 (E) The implementation of a program by the private  
11 manager to curb compulsive gambling by persons playing  
12 the Lottery.

13 (F) A system for determining (i) the type of  
14 Lottery games, (ii) the method of selecting winning  
15 tickets, (iii) the manner of payment of prizes to  
16 holders of winning tickets, (iv) the frequency of  
17 drawings of winning tickets, (v) the method to be used  
18 in selling tickets, (vi) a system for verifying the  
19 validity of tickets claimed to be winning tickets,  
20 (vii) the basis upon which retailer commissions are  
21 established by the manager, and (viii) minimum  
22 payouts.

23 (10) A requirement that advertising and promotion must  
24 be consistent with Section 7.8a of this Act.

25 (11) A requirement that the private manager market the  
26 Lottery to those residents who are new, infrequent, or

1           lapsed players of the Lottery, especially those who are  
2           most likely to make regular purchases on the Internet as  
3           permitted by law.

4           (12) A code of ethics for the private manager's  
5           officers and employees.

6           (13) A requirement that the Department monitor and  
7           oversee the private manager's practices and take action  
8           that the Department considers appropriate to ensure that  
9           the private manager is in compliance with the terms of the  
10          management agreement, while allowing the manager, unless  
11          specifically prohibited by law or the management  
12          agreement, to negotiate and sign its own contracts with  
13          vendors.

14          (14) A provision requiring the private manager to  
15          periodically file, at least on an annual basis, appropriate  
16          financial statements in a form and manner acceptable to the  
17          Department.

18          (15) Cash reserves requirements.

19          (16) Procedural requirements for obtaining the prior  
20          approval of the Department when a management agreement or  
21          an interest in a management agreement is sold, assigned,  
22          transferred, or pledged as collateral to secure financing.

23          (17) Grounds for the termination of the management  
24          agreement by the Department or the private manager.

25          (18) Procedures for amendment of the agreement.

26          (19) A provision requiring the private manager to



1 engage in an open and competitive bidding process for any  
2 procurement having a cost in excess of \$50,000 that is not  
3 a part of the private manager's final offer. The process  
4 shall favor the selection of a vendor deemed to have  
5 submitted a proposal that provides the Lottery with the  
6 best overall value. The process shall not be subject to the  
7 provisions of the Illinois Procurement Code, unless  
8 specifically required by the management agreement.

9 (20) The transition of rights and obligations,  
10 including any associated equipment or other assets used in  
11 the operation of the Lottery, from the manager to any  
12 successor manager of the lottery, including the  
13 Department, following the termination of or foreclosure  
14 upon the management agreement.

15 (21) Right of use of copyrights, trademarks, and  
16 service marks held by the Department in the name of the  
17 State. The agreement must provide that any use of them by  
18 the manager shall only be for the purpose of fulfilling its  
19 obligations under the management agreement during the term  
20 of the agreement.

21 (22) The disclosure of any information requested by the  
22 Department to enable it to comply with the reporting  
23 requirements and information requests provided for under  
24 subsection (p) of this Section.

25 (e) Notwithstanding any other law to the contrary, the  
26 Department shall select a private manager through a competitive

1 request for qualifications process consistent with Section  
2 20-35 of the Illinois Procurement Code, which shall take into  
3 account:

4 (1) the offeror's ability to market the Lottery to  
5 those residents who are new, infrequent, or lapsed players  
6 of the Lottery, especially those who are most likely to  
7 make regular purchases on the Internet;

8 (2) the offeror's ability to address the State's  
9 concern with the social effects of gambling on those who  
10 can least afford to do so;

11 (3) the offeror's ability to provide the most  
12 successful management of the Lottery for the benefit of the  
13 people of the State based on current and past business  
14 practices or plans of the offeror; and

15 (4) the offeror's poor or inadequate past performance  
16 in servicing, equipping, operating or managing a lottery on  
17 behalf of Illinois, another State or foreign government and  
18 attracting persons who are not currently regular players of  
19 a lottery.

20 (f) The Department may retain the services of an advisor or  
21 advisors with significant experience in financial services or  
22 the management, operation, and procurement of goods, services,  
23 and equipment for a government-run lottery to assist in the  
24 preparation of the terms of the request for qualifications and  
25 selection of the private manager. Any prospective advisor  
26 seeking to provide services under this subsection (f) shall

1 disclose any material business or financial relationship  
2 during the past 3 years with any potential offeror, or with a  
3 contractor or subcontractor presently providing goods,  
4 services, or equipment to the Department to support the  
5 Lottery. The Department shall evaluate the material business or  
6 financial relationship of each prospective advisor. The  
7 Department shall not select any prospective advisor with a  
8 substantial business or financial relationship that the  
9 Department deems to impair the objectivity of the services to  
10 be provided by the prospective advisor. During the course of  
11 the advisor's engagement by the Department, and for a period of  
12 one year thereafter, the advisor shall not enter into any  
13 business or financial relationship with any offeror or any  
14 vendor identified to assist an offeror in performing its  
15 obligations under the management agreement. Any advisor  
16 retained by the Department shall be disqualified from being an  
17 offeror. The Department shall not include terms in the request  
18 for qualifications that provide a material advantage whether  
19 directly or indirectly to any potential offeror, or any  
20 contractor or subcontractor presently providing goods,  
21 services, or equipment to the Department to support the  
22 Lottery, including terms contained in previous responses to  
23 requests for proposals or qualifications submitted to  
24 Illinois, another State or foreign government when those terms  
25 are uniquely associated with a particular potential offeror,  
26 contractor, or subcontractor. The request for proposals

1 offered by the Department on December 22, 2008 as  
2 "LOT08GAMESYS" and reference number "22016176" is declared  
3 void.

4 (g) The Department shall select at least 2 offerors as  
5 finalists to potentially serve as the private manager no later  
6 than August 9, 2010. Upon making preliminary selections, the  
7 Department shall schedule a public hearing on the finalists'  
8 proposals and provide public notice of the hearing at least 7  
9 calendar days before the hearing. The notice must include all  
10 of the following:

11 (1) The date, time, and place of the hearing.

12 (2) The subject matter of the hearing.

13 (3) A brief description of the management agreement to  
14 be awarded.

15 (4) The identity of the offerors that have been  
16 selected as finalists to serve as the private manager.

17 (5) The address and telephone number of the Department.

18 (h) At the public hearing, the Department shall (i) provide  
19 sufficient time for each finalist to present and explain its  
20 proposal to the Department and the Governor or the Governor's  
21 designee, including an opportunity to respond to questions  
22 posed by the Department, Governor, or designee and (ii) allow  
23 the public and non-selected offerors to comment on the  
24 presentations. The Governor or a designee shall attend the  
25 public hearing. After the public hearing, the Department shall  
26 have 14 calendar days to recommend to the Governor whether a

1 management agreement should be entered into with a particular  
2 finalist. After reviewing the Department's recommendation, the  
3 Governor may accept or reject the Department's recommendation,  
4 and shall select a final offeror as the private manager by  
5 publication of a notice in the Illinois Procurement Bulletin on  
6 or before September 15, 2010. The Governor shall include in the  
7 notice a detailed explanation and the reasons why the final  
8 offeror is superior to other offerors and will provide  
9 management services in a manner that best achieves the  
10 objectives of this Section. The Governor shall also sign the  
11 management agreement with the private manager.

12 (i) Any action to contest the private manager selected by  
13 the Governor under this Section must be brought within 7  
14 calendar days after the publication of the notice of the  
15 designation of the private manager as provided in subsection  
16 (h) of this Section.

17 (j) The Lottery shall remain, for so long as a private  
18 manager manages the Lottery in accordance with provisions of  
19 this Act, a Lottery conducted by the State, and the State shall  
20 not be authorized to sell or transfer the Lottery to a third  
21 party.

22 (k) Any tangible personal property used exclusively in  
23 connection with the lottery that is owned by the Department and  
24 leased to the private manager shall be owned by the Department  
25 in the name of the State and shall be considered to be public  
26 property devoted to an essential public and governmental

1 function.

2 (l) The Department may exercise any of its powers under  
3 this Section or any other law as necessary or desirable for the  
4 execution of the Department's powers under this Section.

5 (m) Neither this Section nor any management agreement  
6 entered into under this Section prohibits the General Assembly  
7 from authorizing forms of gambling that are not in direct  
8 competition with the Lottery.

9 (n) The private manager shall be subject to a complete  
10 investigation in the third, seventh, and tenth years of the  
11 agreement (if the agreement is for a 10-year term) by the  
12 Department in cooperation with the Auditor General to determine  
13 whether the private manager has complied with this Section and  
14 the management agreement. The private manager shall bear the  
15 cost of an investigation or reinvestigation of the private  
16 manager under this subsection.

17 (o) The powers conferred by this Section are in addition  
18 and supplemental to the powers conferred by any other law. If  
19 any other law or rule is inconsistent with this Section,  
20 including, but not limited to, provisions of the Illinois  
21 Procurement Code, then this Section controls as to any  
22 management agreement entered into under this Section. This  
23 Section and any rules adopted under this Section contain full  
24 and complete authority for a management agreement between the  
25 Department and a private manager. No law, procedure,  
26 proceeding, publication, notice, consent, approval, order, or

1 act by the Department or any other officer, Department, agency,  
2 or instrumentality of the State or any political subdivision is  
3 required for the Department to enter into a management  
4 agreement under this Section. This Section contains full and  
5 complete authority for the Department to approve any contracts  
6 entered into by a private manager with a vendor providing  
7 goods, services, or both goods and services to the private  
8 manager under the terms of the management agreement, including  
9 subcontractors of such vendors.

10 Upon receipt of a written request from the Chief  
11 Procurement Officer, the Department shall provide to the Chief  
12 Procurement Officer a complete and un-redacted copy of the  
13 management agreement or any contract that is subject to the  
14 Department's approval authority under this subsection (o). The  
15 Department shall provide a copy of the agreement or contract to  
16 the Chief Procurement Officer in the time specified by the  
17 Chief Procurement Officer in his or her written request, but no  
18 later than 5 business days after the request is received by the  
19 Department. The Chief Procurement Officer must retain any  
20 portions of the management agreement or of any contract  
21 designated by the Department as confidential, proprietary, or  
22 trade secret information in complete confidence pursuant to  
23 subsection (g) of Section 7 of the Freedom of Information Act.  
24 The Department shall also provide the Chief Procurement Officer  
25 with reasonable advance written notice of any contract that is  
26 pending Department approval.

1           Notwithstanding any other provision of this Section to the  
2 contrary, the Chief Procurement Officer shall adopt  
3 administrative rules, including emergency rules, to establish  
4 a procurement process to select a successor private manager if  
5 a private management agreement has been terminated. The  
6 selection process shall at a minimum take into account the  
7 criteria set forth in items (1) through (4) of subsection (e)  
8 of this Section and may include provisions consistent with  
9 subsections (f), (g), (h), and (i) of this Section. The Chief  
10 Procurement Officer shall also implement and administer the  
11 adopted selection process upon the termination of a private  
12 management agreement. The Department, after the Chief  
13 Procurement Officer certifies that the procurement process has  
14 been followed in accordance with the rules adopted under this  
15 subsection (o), shall select a final offeror as the private  
16 manager and sign the management agreement with the private  
17 manager.

18           Except as provided in Sections ~~21.2~~, 21.5, 21.6, 21.7,  
19 21.8, and 21.9, the Department shall distribute all proceeds of  
20 lottery tickets and shares sold in the following priority and  
21 manner:

22           (1) The payment of prizes and retailer bonuses.

23           (2) The payment of costs incurred in the operation and  
24 administration of the Lottery, including the payment of  
25 sums due to the private manager under the management  
26 agreement with the Department.



1           (3) On the last day of each month or as soon thereafter  
2 as possible, the State Comptroller shall direct and the  
3 State Treasurer shall transfer from the State Lottery Fund  
4 to the Common School Fund an amount that is equal to the  
5 proceeds transferred in the corresponding month of fiscal  
6 year 2009, as adjusted for inflation, to the Common School  
7 Fund.

8           (4) On or before the last day of each fiscal year,  
9 deposit any remaining proceeds, subject to payments under  
10 items (1), (2), and (3) into the Capital Projects Fund each  
11 fiscal year.

12           (p) The Department shall be subject to the following  
13 reporting and information request requirements:

14           (1) the Department shall submit written quarterly  
15 reports to the Governor and the General Assembly on the  
16 activities and actions of the private manager selected  
17 under this Section;

18           (2) upon request of the Chief Procurement Officer, the  
19 Department shall promptly produce information related to  
20 the procurement activities of the Department and the  
21 private manager requested by the Chief Procurement  
22 Officer; the Chief Procurement Officer must retain  
23 confidential, proprietary, or trade secret information  
24 designated by the Department in complete confidence  
25 pursuant to subsection (g) of Section 7 of the Freedom of  
26 Information Act; and

1           (3) at least 30 days prior to the beginning of the  
2           Department's fiscal year, the Department shall prepare an  
3           annual written report on the activities of the private  
4           manager selected under this Section and deliver that report  
5           to the Governor and General Assembly.

6           (Source: P.A. 97-464, eff. 8-19-11; 98-463, eff. 8-16-13;  
7           98-649, eff. 6-16-14.)

8           (20 ILCS 1605/21.2 rep.)

9           Section 5-60. The Illinois Lottery Law is amended by  
10          repealing Section 21.2.

11          (20 ILCS 1705/21.2 rep.)

12          Section 5-65. The Mental Health and Developmental  
13          Disabilities Administrative Act is amended by repealing  
14          Section 21.2.

15          Section 5-70. The Department of Professional Regulation  
16          Law of the Civil Administrative Code of Illinois is amended by  
17          changing Section 2105-15 as follows:

18          (20 ILCS 2105/2105-15)

19          Sec. 2105-15. General powers and duties.

20          (a) The Department has, subject to the provisions of the  
21          Civil Administrative Code of Illinois, the following powers and  
22          duties:

1           (1) To authorize examinations in English to ascertain  
2 the qualifications and fitness of applicants to exercise  
3 the profession, trade, or occupation for which the  
4 examination is held.

5           (2) To prescribe rules and regulations for a fair and  
6 wholly impartial method of examination of candidates to  
7 exercise the respective professions, trades, or  
8 occupations.

9           (3) To pass upon the qualifications of applicants for  
10 licenses, certificates, and authorities, whether by  
11 examination, by reciprocity, or by endorsement.

12           (4) To prescribe rules and regulations defining, for  
13 the respective professions, trades, and occupations, what  
14 shall constitute a school, college, or university, or  
15 department of a university, or other institution,  
16 reputable and in good standing, and to determine the  
17 reputability and good standing of a school, college, or  
18 university, or department of a university, or other  
19 institution, reputable and in good standing, by reference  
20 to a compliance with those rules and regulations; provided,  
21 that no school, college, or university, or department of a  
22 university, or other institution that refuses admittance  
23 to applicants solely on account of race, color, creed, sex,  
24 sexual orientation, or national origin shall be considered  
25 reputable and in good standing.

26           (5) To conduct hearings on proceedings to revoke,

1 suspend, refuse to renew, place on probationary status, or  
2 take other disciplinary action as authorized in any  
3 licensing Act administered by the Department with regard to  
4 licenses, certificates, or authorities of persons  
5 exercising the respective professions, trades, or  
6 occupations and to revoke, suspend, refuse to renew, place  
7 on probationary status, or take other disciplinary action  
8 as authorized in any licensing Act administered by the  
9 Department with regard to those licenses, certificates, or  
10 authorities.

11 The Department shall issue a monthly disciplinary  
12 report.

13 The Department shall deny any license or renewal  
14 authorized by the Civil Administrative Code of Illinois to  
15 any person who has defaulted on an educational loan or  
16 scholarship provided by or guaranteed by the Illinois  
17 Student Assistance Commission or any governmental agency  
18 of this State; however, the Department may issue a license  
19 or renewal if the aforementioned persons have established a  
20 satisfactory repayment record as determined by the  
21 Illinois Student Assistance Commission or other  
22 appropriate governmental agency of this State.  
23 Additionally, beginning June 1, 1996, any license issued by  
24 the Department may be suspended or revoked if the  
25 Department, after the opportunity for a hearing under the  
26 appropriate licensing Act, finds that the licensee has

1 failed to make satisfactory repayment to the Illinois  
2 Student Assistance Commission for a delinquent or  
3 defaulted loan. For the purposes of this Section,  
4 "satisfactory repayment record" shall be defined by rule.

5 The Department shall refuse to issue or renew a license  
6 to, or shall suspend or revoke a license of, any person  
7 who, after receiving notice, fails to comply with a  
8 subpoena or warrant relating to a paternity or child  
9 support proceeding. However, the Department may issue a  
10 license or renewal upon compliance with the subpoena or  
11 warrant.

12 The Department, without further process or hearings,  
13 shall revoke, suspend, or deny any license or renewal  
14 authorized by the Civil Administrative Code of Illinois to  
15 a person who is certified by the Department of Healthcare  
16 and Family Services (formerly Illinois Department of  
17 Public Aid) as being more than 30 days delinquent in  
18 complying with a child support order or who is certified by  
19 a court as being in violation of the Non-Support Punishment  
20 Act for more than 60 days. The Department may, however,  
21 issue a license or renewal if the person has established a  
22 satisfactory repayment record as determined by the  
23 Department of Healthcare and Family Services (formerly  
24 Illinois Department of Public Aid) or if the person is  
25 determined by the court to be in compliance with the  
26 Non-Support Punishment Act. The Department may implement

1           this paragraph as added by Public Act 89-6 through the use  
2           of emergency rules in accordance with Section 5-45 of the  
3           Illinois Administrative Procedure Act. For purposes of the  
4           Illinois Administrative Procedure Act, the adoption of  
5           rules to implement this paragraph shall be considered an  
6           emergency and necessary for the public interest, safety,  
7           and welfare.

8           (6) To transfer jurisdiction of any realty under the  
9           control of the Department to any other department of the  
10          State Government or to acquire or accept federal lands when  
11          the transfer, acquisition, or acceptance is advantageous  
12          to the State and is approved in writing by the Governor.

13          (7) To formulate rules and regulations necessary for  
14          the enforcement of any Act administered by the Department.

15          (8) To exchange with the Department of Healthcare and  
16          Family Services information that may be necessary for the  
17          enforcement of child support orders entered pursuant to the  
18          Illinois Public Aid Code, the Illinois Marriage and  
19          Dissolution of Marriage Act, the Non-Support of Spouse and  
20          Children Act, the Non-Support Punishment Act, the Revised  
21          Uniform Reciprocal Enforcement of Support Act, the Uniform  
22          Interstate Family Support Act, the Illinois Parentage Act  
23          of 1984, or the Illinois Parentage Act of 2015.  
24          Notwithstanding any provisions in this Code to the  
25          contrary, the Department of Professional Regulation shall  
26          not be liable under any federal or State law to any person

1 for any disclosure of information to the Department of  
2 Healthcare and Family Services (formerly Illinois  
3 Department of Public Aid) under this paragraph (8) or for  
4 any other action taken in good faith to comply with the  
5 requirements of this paragraph (8).

6 (8.5) To accept continuing education credit for  
7 mandated reporter training on how to recognize and report  
8 child abuse offered by the Department of Children and  
9 Family Services and completed by any person who holds a  
10 professional license issued by the Department and who is a  
11 mandated reporter under the Abused and Neglected Child  
12 Reporting Act. The Department shall adopt any rules  
13 necessary to implement this paragraph.

14 (9) To perform other duties prescribed by law.

15 (a-5) Except in cases involving default on an educational  
16 loan or scholarship provided by or guaranteed by the Illinois  
17 Student Assistance Commission or any governmental agency of  
18 this State or in cases involving delinquency in complying with  
19 a child support order or violation of the Non-Support  
20 Punishment Act and notwithstanding anything that may appear in  
21 any individual licensing Act or administrative rule, no person  
22 or entity whose license, certificate, or authority has been  
23 revoked as authorized in any licensing Act administered by the  
24 Department may apply for restoration of that license,  
25 certification, or authority until 3 years after the effective  
26 date of the revocation.

1           (b) (Blank). ~~The Department may, when a fee is payable to~~  
2 ~~the Department for a wall certificate of registration provided~~  
3 ~~by the Department of Central Management Services, require that~~  
4 ~~portion of the payment for printing and distribution costs be~~  
5 ~~made directly or through the Department to the Department of~~  
6 ~~Central Management Services for deposit into the Paper and~~  
7 ~~Printing Revolving Fund. The remainder shall be deposited into~~  
8 ~~the General Revenue Fund.~~

9           (c) For the purpose of securing and preparing evidence, and  
10 for the purchase of controlled substances, professional  
11 services, and equipment necessary for enforcement activities,  
12 recoupment of investigative costs, and other activities  
13 directed at suppressing the misuse and abuse of controlled  
14 substances, including those activities set forth in Sections  
15 504 and 508 of the Illinois Controlled Substances Act, the  
16 Director and agents appointed and authorized by the Director  
17 may expend sums from the Professional Regulation Evidence Fund  
18 that the Director deems necessary from the amounts appropriated  
19 for that purpose. Those sums may be advanced to the agent when  
20 the Director deems that procedure to be in the public interest.  
21 Sums for the purchase of controlled substances, professional  
22 services, and equipment necessary for enforcement activities  
23 and other activities as set forth in this Section shall be  
24 advanced to the agent who is to make the purchase from the  
25 Professional Regulation Evidence Fund on vouchers signed by the  
26 Director. The Director and those agents are authorized to



1 maintain one or more commercial checking accounts with any  
2 State banking corporation or corporations organized under or  
3 subject to the Illinois Banking Act for the deposit and  
4 withdrawal of moneys to be used for the purposes set forth in  
5 this Section; provided, that no check may be written nor any  
6 withdrawal made from any such account except upon the written  
7 signatures of 2 persons designated by the Director to write  
8 those checks and make those withdrawals. Vouchers for those  
9 expenditures must be signed by the Director. All such  
10 expenditures shall be audited by the Director, and the audit  
11 shall be submitted to the Department of Central Management  
12 Services for approval.

13 (d) Whenever the Department is authorized or required by  
14 law to consider some aspect of criminal history record  
15 information for the purpose of carrying out its statutory  
16 powers and responsibilities, then, upon request and payment of  
17 fees in conformance with the requirements of Section 2605-400  
18 of the Department of State Police Law (20 ILCS 2605/2605-400),  
19 the Department of State Police is authorized to furnish,  
20 pursuant to positive identification, the information contained  
21 in State files that is necessary to fulfill the request.

22 (e) The provisions of this Section do not apply to private  
23 business and vocational schools as defined by Section 15 of the  
24 Private Business and Vocational Schools Act of 2012.

25 (f) (Blank).

26 (g) Notwithstanding anything that may appear in any

1 individual licensing statute or administrative rule, the  
2 Department shall deny any license application or renewal  
3 authorized under any licensing Act administered by the  
4 Department to any person who has failed to file a return, or to  
5 pay the tax, penalty, or interest shown in a filed return, or  
6 to pay any final assessment of tax, penalty, or interest, as  
7 required by any tax Act administered by the Illinois Department  
8 of Revenue, until such time as the requirement of any such tax  
9 Act are satisfied; however, the Department may issue a license  
10 or renewal if the person has established a satisfactory  
11 repayment record as determined by the Illinois Department of  
12 Revenue. For the purpose of this Section, "satisfactory  
13 repayment record" shall be defined by rule.

14 In addition, a complaint filed with the Department by the  
15 Illinois Department of Revenue that includes a certification,  
16 signed by its Director or designee, attesting to the amount of  
17 the unpaid tax liability or the years for which a return was  
18 not filed, or both, is prima facie evidence of the licensee's  
19 failure to comply with the tax laws administered by the  
20 Illinois Department of Revenue. Upon receipt of that  
21 certification, the Department shall, without a hearing,  
22 immediately suspend all licenses held by the licensee.  
23 Enforcement of the Department's order shall be stayed for 60  
24 days. The Department shall provide notice of the suspension to  
25 the licensee by mailing a copy of the Department's order by  
26 certified and regular mail to the licensee's last known address

1 as registered with the Department. The notice shall advise the  
2 licensee that the suspension shall be effective 60 days after  
3 the issuance of the Department's order unless the Department  
4 receives, from the licensee, a request for a hearing before the  
5 Department to dispute the matters contained in the order.

6 Any suspension imposed under this subsection (g) shall be  
7 terminated by the Department upon notification from the  
8 Illinois Department of Revenue that the licensee is in  
9 compliance with all tax laws administered by the Illinois  
10 Department of Revenue.

11 The Department may promulgate rules for the administration  
12 of this subsection (g).

13 (h) The Department may grant the title "Retired", to be  
14 used immediately adjacent to the title of a profession  
15 regulated by the Department, to eligible retirees. For  
16 individuals licensed under the Medical Practice Act of 1987,  
17 the title "Retired" may be used in the profile required by the  
18 Patients' Right to Know Act. The use of the title "Retired"  
19 shall not constitute representation of current licensure,  
20 registration, or certification. Any person without an active  
21 license, registration, or certificate in a profession that  
22 requires licensure, registration, or certification shall not  
23 be permitted to practice that profession.

24 (i) Within 180 days after December 23, 2009 (the effective  
25 date of Public Act 96-852), the Department shall promulgate  
26 rules which permit a person with a criminal record, who seeks a

1 license or certificate in an occupation for which a criminal  
2 record is not expressly a per se bar, to apply to the  
3 Department for a non-binding, advisory opinion to be provided  
4 by the Board or body with the authority to issue the license or  
5 certificate as to whether his or her criminal record would bar  
6 the individual from the licensure or certification sought,  
7 should the individual meet all other licensure requirements  
8 including, but not limited to, the successful completion of the  
9 relevant examinations.

10 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,  
11 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised  
12 10-16-15.)

13 (20 ILCS 2310/2310-260 rep.)

14 (20 ILCS 2310/2310-352 rep.)

15 (20 ILCS 2310/2310-357 rep.)

16 (20 ILCS 2310/2310-358 rep.)

17 (20 ILCS 2310/2310-359 rep.)

18 (20 ILCS 2310/2310-361 rep.)

19 (20 ILCS 2310/2310-371 rep.)

20 (20 ILCS 2310/2310-392 rep.)

21 (20 ILCS 2310/2310-399 rep.)

22 (20 ILCS 2310/2310-403 rep.)

23 (20 ILCS 2310/2310-612 rep.)

24 Section 5-75. The Department of Public Health Powers and  
25 Duties Law of the Civil Administrative Code of Illinois is

1 amended by repealing Sections 2310-260, 2310-352, 2310-357,  
2 2310-358, 2310-359, 2310-361, 2310-371, 2310-392, 2310-399,  
3 2310-403, and 2310-612.

4 (20 ILCS 2605/2605-555 rep.)

5 Section 5-80. The Department of State Police Law of the  
6 Civil Administrative Code of Illinois is amended by repealing  
7 Section 2605-555.

8 Section 5-85. The Department of Veterans Affairs Act is  
9 amended by changing Sections 2 and 2b as follows:

10 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

11 Sec. 2. Powers and duties. The Department shall have the  
12 following powers and duties:

13 To perform such acts at the request of any veteran, or his  
14 or her spouse, surviving spouse or dependents as shall be  
15 reasonably necessary or reasonably incident to obtaining or  
16 endeavoring to obtain for the requester any advantage, benefit  
17 or emolument accruing or due to such person under any law of  
18 the United States, the State of Illinois or any other state or  
19 governmental agency by reason of the service of such veteran,  
20 and in pursuance thereof shall:

21 (1) Contact veterans, their survivors and dependents  
22 and advise them of the benefits of state and federal laws  
23 and assist them in obtaining such benefits;

1           (2) Establish field offices and direct the activities  
2 of the personnel assigned to such offices;

3           (3) Create and maintain a volunteer field force; the  
4 volunteer field force may include representatives from the  
5 following without limitation: educational institutions,  
6 labor organizations, veterans organizations, employers,  
7 churches, and farm organizations; the volunteer field  
8 force may not process federal veterans assistance claims;

9           (4) Conduct informational and training services;

10          (5) Conduct educational programs through newspapers,  
11 periodicals, social media, television, and radio for the  
12 specific purpose of disseminating information affecting  
13 veterans and their dependents;

14          (6) Coordinate the services and activities of all state  
15 departments having services and resources affecting  
16 veterans and their dependents;

17          (7) Encourage and assist in the coordination of  
18 agencies within counties giving service to veterans and  
19 their dependents;

20          (8) Cooperate with veterans organizations and other  
21 governmental agencies;

22          (9) Make, alter, amend and promulgate reasonable rules  
23 and procedures for the administration of this Act;

24          (10) Make and publish annual reports to the Governor  
25 regarding the administration and general operation of the  
26 Department;

1 (11) (Blank); and

2 (12) (Blank).

3 The Department may accept and hold on behalf of the State,  
4 if for the public interest, a grant, gift, devise or bequest of  
5 money or property to the Department made for the general  
6 benefit of Illinois veterans, including the conduct of  
7 informational and training services by the Department and other  
8 authorized purposes of the Department. The Department shall  
9 cause each grant, gift, devise or bequest to be kept as a  
10 distinct fund and shall invest such funds in the manner  
11 provided by the Public Funds Investment Act, as now or  
12 hereafter amended, and shall make such reports as may be  
13 required by the Comptroller concerning what funds are so held  
14 and the manner in which such funds are invested. The Department  
15 may make grants from these funds for the general benefit of  
16 Illinois veterans. Grants from these funds, except for the  
17 funds established under Sections 2.01a and 2.03, shall be  
18 subject to appropriation.

19 ~~The Department has the power to make grants, from funds~~  
20 ~~appropriated from the Korean War Veterans National Museum and~~  
21 ~~Library Fund, to private organizations for the benefit of the~~  
22 ~~Korean War Veterans National Museum and Library.~~

23 The Department has the power to make grants, from funds  
24 appropriated from the Illinois Military Family Relief Fund, for  
25 benefits authorized under the Survivors Compensation Act.

26 (Source: P.A. 99-314, eff. 8-7-15.)

1 (20 ILCS 2805/2b) (from Ch. 126 1/2, par. 67b)

2 Sec. 2b. Persian Gulf Conflict compensation ~~Veterans Fund.~~

3 (a) (Blank). ~~There is created within the State Treasury a~~  
4 ~~fund to be known as the Persian Gulf Conflict Veterans Fund.~~  
5 ~~All moneys received from any income tax checkoff for the~~  
6 ~~Persian Gulf Conflict Veterans Fund as provided in Section 507H~~  
7 ~~of the Illinois Income Tax Act shall be deposited into the~~  
8 ~~fund.~~

9 (b) ~~All moneys in the Persian Gulf Conflict Veterans Fund,~~  
10 ~~together with any other excess amounts appropriated for bonus~~  
11 ~~payments to war veterans and peacetime crisis survivors as~~  
12 ~~allocated by the Department, shall be used to compensate~~  
13 ~~persons who served on active duty with the armed forces of the~~  
14 ~~United States on or after August 2, 1990.~~ Every person who  
15 served in the Persian Gulf Conflict is entitled to receive  
16 compensation of \$100, payable from funds appropriated for the  
17 payments of bonuses to veterans, if the person:

18 (1) was a resident of Illinois for at least 12 months  
19 immediately preceding his or her period of service;

20 (2) is still in active service, is honorably separated  
21 or discharged from the service, has been furloughed to a  
22 reserve, or has been retired; and

23 (3) has received the Southwest Asia Service Medal for  
24 service in the Persian Gulf Conflict.

25 (c) The widow or widower, child or children, mother,



1 father, person standing in loco parentis, brothers and sisters,  
2 in the order named, of any deceased person shall be paid the  
3 compensation that the deceased person would be entitled to  
4 receive under subsection (b) of this Act. Where the deceased  
5 person would have qualified for compensation under subsection  
6 (b) except for his or her death and his or her death was  
7 connected with that service and resulted from that service  
8 during the time specified in subsection (b), his or her  
9 survivors, in the order named in this subsection, shall be paid  
10 10 times the amount the deceased person would have received  
11 under subsection (b).

12 (d) The Department shall establish rules and regulations to  
13 govern the provisions of this Section.

14 (Source: P.A. 87-119; 87-895; 88-11.)

15 (20 ILCS 2805/25 rep.)

16 Section 5-90. The Department of Veterans Affairs Act is  
17 amended by repealing Section 25.

18 (20 ILCS 3520/Act rep.)

19 Section 5-95. The Small Business Surety Bond Guaranty Act  
20 is repealed.

21 (20 ILCS 3981/Act rep.)

22 Section 5-100. The Illinois Laboratory Advisory Committee  
23 Act is repealed.

1 (25 ILCS 130/4-4 rep.)

2 (25 ILCS 130/4-5 rep.)

3 (25 ILCS 130/4-6 rep.)

4 (25 ILCS 130/4-9 rep.)

5 Section 5-105. The Legislative Commission Reorganization  
6 Act of 1984 is amended by repealing Sections 4-4, 4-5, 4-6, and  
7 4-9.

8 Section 5-110. The State Finance Act is amended by  
9 reenacting and changing Section 5.399 and by changing Section  
10 6p-3 as follows:

11 (30 ILCS 105/5.399)

12 Sec. 5.399. Clean Air Act ~~CAA~~ Permit Fund.

13 (Source: P.A. 89-235, eff. 8-4-95. Repealed by P.A. 95-331,  
14 eff. 8-21-07.)

15 (30 ILCS 105/6p-3) (from Ch. 127, par. 142p3)

16 Sec. 6p-3. (a) The State Surplus Property Revolving Fund  
17 shall be initially financed by a transfer of funds from the  
18 General Revenue Fund. Thereafter all fees and other monies  
19 received by the Department of Central Management Services from  
20 the sale or transfer of surplus or transferable property  
21 pursuant to the "State Property Control Act" and "An Act to  
22 create and establish a State Agency for Federal Surplus

1 Property, to prescribe its powers, duties and functions",  
2 approved August 2, 1965, as amended, shall be paid into the  
3 State Surplus Property Revolving Fund. Except as provided in  
4 paragraph (e) of this Section, the money in this fund shall be  
5 used by the Department of Central Management Services as  
6 reimbursement for expenditures incurred in relation to the sale  
7 of surplus or transferable property.

8 (b) If at the end of the lapse period the balance in the  
9 State Surplus Property Revolving Fund exceeds the amount of  
10 \$1,000,000, all monies in excess of that amount shall be  
11 transferred and deposited into the General Revenue Fund.

12 (c) Provided, however, that the fund established by this  
13 Section shall contain a separate account for the deposit of all  
14 proceeds resulting from the sale of Federal surplus property,  
15 and the proceeds of this separate account shall be used solely  
16 to reimburse the Department of Central Management Services for  
17 expenditures incurred in relation to the sale of Federal  
18 surplus property.

19 (d) Any funds on deposit in the State Agency for Surplus  
20 Property Utilization Fund on the effective date of this  
21 amendatory Act of 1983 shall be transferred to the Federal  
22 account of the State Surplus Property Revolving Fund.

23 (e) (Blank). ~~Revenues received from the sale of wastepaper~~  
24 ~~through paper recycling programs shall be placed into a~~  
25 ~~separate account in the Fund and shall be used to offset costs~~  
26 ~~to the Department of establishing and operating wastepaper~~

1 ~~recycling programs. At the end of each calendar quarter, any~~  
2 ~~amounts in the separate account that have not been used or~~  
3 ~~designated for use shall be transferred to the Paper and~~  
4 ~~Printing Revolving Fund.~~

5 (Source: P.A. 97-722, eff. 6-29-12.)

6 (30 ILCS 105/5.36 rep.)

7 (30 ILCS 105/5.95 rep.)

8 (30 ILCS 105/5.172 rep.)

9 (30 ILCS 105/5.195 rep.)

10 (30 ILCS 105/5.204 rep.)

11 (30 ILCS 105/5.281 rep.)

12 (30 ILCS 105/5.298 rep.)

13 (30 ILCS 105/5.378 rep.)

14 (30 ILCS 105/5.386 rep.)

15 (30 ILCS 105/5.428 rep.)

16 (30 ILCS 105/5.438 rep.)

17 (30 ILCS 105/5.453 rep.)

18 (30 ILCS 105/5.459 rep.)

19 (30 ILCS 105/5.460 rep.)

20 (30 ILCS 105/5.474 rep.)

21 (30 ILCS 105/5.528 rep.)

22 (30 ILCS 105/5.533 rep.)

23 (30 ILCS 105/5.535 rep.)

24 (30 ILCS 105/5.536 rep.)

25 (30 ILCS 105/5.551 rep.)

- 1 (30 ILCS 105/5.554 rep.)
- 2 (30 ILCS 105/5.555 rep.)
- 3 (30 ILCS 105/5.559 rep.)
- 4 (30 ILCS 105/5.575 rep.)
- 5 (30 ILCS 105/5.587 rep.)
- 6 (30 ILCS 105/5.588 rep.)
- 7 (30 ILCS 105/5.595 rep.)
- 8 (30 ILCS 105/5.599 rep.)
- 9 (30 ILCS 105/5.601 rep.)
- 10 (30 ILCS 105/5.602 rep.)
- 11 (30 ILCS 105/5.606 rep.)
- 12 (30 ILCS 105/5.611 rep.)
- 13 (30 ILCS 105/5.624 rep.)
- 14 (30 ILCS 105/5.636 rep.)
- 15 (30 ILCS 105/5.639 rep.)
- 16 (30 ILCS 105/5.647 rep.)
- 17 (30 ILCS 105/5.651 rep.)
- 18 (30 ILCS 105/5.658 rep.)
- 19 (30 ILCS 105/5.660 rep.)
- 20 (30 ILCS 105/5.665 rep.)
- 21 (30 ILCS 105/5.687 rep.)
- 22 (30 ILCS 105/5.696 rep.)
- 23 (30 ILCS 105/5.702 rep.)
- 24 (30 ILCS 105/5.721 rep.)
- 25 (30 ILCS 105/5.725 rep.)
- 26 (30 ILCS 105/5.738 rep.)

- 1 (30 ILCS 105/5.744 rep.)
- 2 (30 ILCS 105/5.748 rep.)
- 3 (30 ILCS 105/5.752 rep.)
- 4 (30 ILCS 105/5.767 rep.)
- 5 (30 ILCS 105/5.784 rep.)
- 6 (30 ILCS 105/5.785 rep.)
- 7 (30 ILCS 105/5.793 rep.)
- 8 (30 ILCS 105/5.802 rep.)
- 9 (30 ILCS 105/5.807 rep.)
- 10 (30 ILCS 105/6a-5 rep.)
- 11 (30 ILCS 105/6b-3 rep.)
- 12 (30 ILCS 105/6p rep.)
- 13 (30 ILCS 105/6p-6 rep.)
- 14 (30 ILCS 105/6q rep.)
- 15 (30 ILCS 105/6z-42 rep.)
- 16 (30 ILCS 105/6z-50 rep.)
- 17 (30 ILCS 105/6z-53 rep.)
- 18 (30 ILCS 105/6z-76 rep.)
- 19 (30 ILCS 105/6z-80 rep.)
- 20 (30 ILCS 105/6z-84 rep.)
- 21 (30 ILCS 105/6z-89 rep.)
- 22 (30 ILCS 105/6z-90 rep.)
- 23 (30 ILCS 105/8.7 rep.)
- 24 (30 ILCS 105/8.16 rep.)
- 25 (30 ILCS 105/8.32 rep.)
- 26 (30 ILCS 105/8.51 rep.)

1           Section 5-115. The State Finance Act is amended by  
2   repealing Sections 5.36, 5.95, 5.172, 5.195, 5.204, 5.281,  
3   5.298, 5.378, 5.386, 5.428, 5.438, 5.453, 5.459, 5.460, 5.474,  
4   5.528, 5.533, 5.535, 5.536, 5.551, 5.554, 5.555, 5.559, 5.575,  
5   5.587, 5.588, 5.595, 5.599, 5.601, 5.602, 5.606, 5.611, 5.624,  
6   5.636, 5.639, 5.647, 5.651, 5.658, 5.660, 5.665, 5.687, 5.696,  
7   5.702, 5.721, 5.725, 5.738, 5.744, 5.748, 5.752, 5.767, 5.784,  
8   5.785, 5.793, 5.802, 5.807, 6a-5, 6b-3, 6p, 6p-6, 6q, 6z-42,  
9   6z-50, 6z-53, 6z-76, 6z-80, 6z-84, 6z-89, 6z-90, 8.7, 8.16,  
10   8.32, and 8.51.

11           (30 ILCS 787/Act rep.)

12           Section 5-120. The 21st Century Workforce Development Fund  
13   Act is repealed.

14           (35 ILCS 5/245 rep.)

15           (35 ILCS 5/507V rep.)

16           (35 ILCS 5/507W rep.)

17           (35 ILCS 5/507X rep.)

18           (35 ILCS 5/507Z rep.)

19           (35 ILCS 5/507AA rep.)

20           (35 ILCS 5/507BB rep.)

21           (35 ILCS 5/507CC rep.)

22           (35 ILCS 5/507EE rep.)

23           (35 ILCS 5/507HH rep.)

24           (35 ILCS 5/507II rep.)

1 (35 ILCS 5/507KK rep.)

2 (35 ILCS 5/507LL rep.)

3 (35 ILCS 5/507MM rep.)

4 (35 ILCS 5/507NN rep.)

5 (35 ILCS 5/507PP rep.)

6 (35 ILCS 5/507RR rep.)

7 (35 ILCS 5/507TT rep.)

8 (35 ILCS 5/507UU rep.)

9 (35 ILCS 5/507VV rep.)

10 (35 ILCS 5/507WW rep.)

11 Section 5-125. The Illinois Income Tax Act is amended by  
12 repealing Sections 245, 507V, 507W, 507X, 507Z, 507AA, 507BB,  
13 507CC, 507EE, 507HH, 507II, 507KK, 507LL, 507MM, 507NN, 507PP,  
14 507RR, 507TT, 507UU, 507VV, and 507WW.

15 Section 5-130. The Use Tax Act is amended by changing  
16 Section 9 as follows:

17 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

18 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
19 and trailers that are required to be registered with an agency  
20 of this State, each retailer required or authorized to collect  
21 the tax imposed by this Act shall pay to the Department the  
22 amount of such tax (except as otherwise provided) at the time  
23 when he is required to file his return for the period during  
24 which such tax was collected, less a discount of 2.1% prior to



1 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
2 per calendar year, whichever is greater, which is allowed to  
3 reimburse the retailer for expenses incurred in collecting the  
4 tax, keeping records, preparing and filing returns, remitting  
5 the tax and supplying data to the Department on request. In the  
6 case of retailers who report and pay the tax on a transaction  
7 by transaction basis, as provided in this Section, such  
8 discount shall be taken with each such tax remittance instead  
9 of when such retailer files his periodic return. The Department  
10 may disallow the discount for retailers whose certificate of  
11 registration is revoked at the time the return is filed, but  
12 only if the Department's decision to revoke the certificate of  
13 registration has become final. A retailer need not remit that  
14 part of any tax collected by him to the extent that he is  
15 required to remit and does remit the tax imposed by the  
16 Retailers' Occupation Tax Act, with respect to the sale of the  
17 same property.

18 Where such tangible personal property is sold under a  
19 conditional sales contract, or under any other form of sale  
20 wherein the payment of the principal sum, or a part thereof, is  
21 extended beyond the close of the period for which the return is  
22 filed, the retailer, in collecting the tax (except as to motor  
23 vehicles, watercraft, aircraft, and trailers that are required  
24 to be registered with an agency of this State), may collect for  
25 each tax return period, only the tax applicable to that part of  
26 the selling price actually received during such tax return

1 period.

2 Except as provided in this Section, on or before the  
3 twentieth day of each calendar month, such retailer shall file  
4 a return for the preceding calendar month. Such return shall be  
5 filed on forms prescribed by the Department and shall furnish  
6 such information as the Department may reasonably require.

7 The Department may require returns to be filed on a  
8 quarterly basis. If so required, a return for each calendar  
9 quarter shall be filed on or before the twentieth day of the  
10 calendar month following the end of such calendar quarter. The  
11 taxpayer shall also file a return with the Department for each  
12 of the first two months of each calendar quarter, on or before  
13 the twentieth day of the following calendar month, stating:

14 1. The name of the seller;

15 2. The address of the principal place of business from  
16 which he engages in the business of selling tangible  
17 personal property at retail in this State;

18 3. The total amount of taxable receipts received by him  
19 during the preceding calendar month from sales of tangible  
20 personal property by him during such preceding calendar  
21 month, including receipts from charge and time sales, but  
22 less all deductions allowed by law;

23 4. The amount of credit provided in Section 2d of this  
24 Act;

25 5. The amount of tax due;

26 5-5. The signature of the taxpayer; and

1           6. Such other reasonable information as the Department  
2           may require.

3           If a taxpayer fails to sign a return within 30 days after  
4           the proper notice and demand for signature by the Department,  
5           the return shall be considered valid and any amount shown to be  
6           due on the return shall be deemed assessed.

7           Beginning October 1, 1993, a taxpayer who has an average  
8           monthly tax liability of \$150,000 or more shall make all  
9           payments required by rules of the Department by electronic  
10          funds transfer. Beginning October 1, 1994, a taxpayer who has  
11          an average monthly tax liability of \$100,000 or more shall make  
12          all payments required by rules of the Department by electronic  
13          funds transfer. Beginning October 1, 1995, a taxpayer who has  
14          an average monthly tax liability of \$50,000 or more shall make  
15          all payments required by rules of the Department by electronic  
16          funds transfer. Beginning October 1, 2000, a taxpayer who has  
17          an annual tax liability of \$200,000 or more shall make all  
18          payments required by rules of the Department by electronic  
19          funds transfer. The term "annual tax liability" shall be the  
20          sum of the taxpayer's liabilities under this Act, and under all  
21          other State and local occupation and use tax laws administered  
22          by the Department, for the immediately preceding calendar year.  
23          The term "average monthly tax liability" means the sum of the  
24          taxpayer's liabilities under this Act, and under all other  
25          State and local occupation and use tax laws administered by the  
26          Department, for the immediately preceding calendar year

1 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
2 a tax liability in the amount set forth in subsection (b) of  
3 Section 2505-210 of the Department of Revenue Law shall make  
4 all payments required by rules of the Department by electronic  
5 funds transfer.

6 Before August 1 of each year beginning in 1993, the  
7 Department shall notify all taxpayers required to make payments  
8 by electronic funds transfer. All taxpayers required to make  
9 payments by electronic funds transfer shall make those payments  
10 for a minimum of one year beginning on October 1.

11 Any taxpayer not required to make payments by electronic  
12 funds transfer may make payments by electronic funds transfer  
13 with the permission of the Department.

14 All taxpayers required to make payment by electronic funds  
15 transfer and any taxpayers authorized to voluntarily make  
16 payments by electronic funds transfer shall make those payments  
17 in the manner authorized by the Department.

18 The Department shall adopt such rules as are necessary to  
19 effectuate a program of electronic funds transfer and the  
20 requirements of this Section.

21 Before October 1, 2000, if the taxpayer's average monthly  
22 tax liability to the Department under this Act, the Retailers'  
23 Occupation Tax Act, the Service Occupation Tax Act, the Service  
24 Use Tax Act was \$10,000 or more during the preceding 4 complete  
25 calendar quarters, he shall file a return with the Department  
26 each month by the 20th day of the month next following the

1 month during which such tax liability is incurred and shall  
2 make payments to the Department on or before the 7th, 15th,  
3 22nd and last day of the month during which such liability is  
4 incurred. On and after October 1, 2000, if the taxpayer's  
5 average monthly tax liability to the Department under this Act,  
6 the Retailers' Occupation Tax Act, the Service Occupation Tax  
7 Act, and the Service Use Tax Act was \$20,000 or more during the  
8 preceding 4 complete calendar quarters, he shall file a return  
9 with the Department each month by the 20th day of the month  
10 next following the month during which such tax liability is  
11 incurred and shall make payment to the Department on or before  
12 the 7th, 15th, 22nd and last day of the month during which such  
13 liability is incurred. If the month during which such tax  
14 liability is incurred began prior to January 1, 1985, each  
15 payment shall be in an amount equal to 1/4 of the taxpayer's  
16 actual liability for the month or an amount set by the  
17 Department not to exceed 1/4 of the average monthly liability  
18 of the taxpayer to the Department for the preceding 4 complete  
19 calendar quarters (excluding the month of highest liability and  
20 the month of lowest liability in such 4 quarter period). If the  
21 month during which such tax liability is incurred begins on or  
22 after January 1, 1985, and prior to January 1, 1987, each  
23 payment shall be in an amount equal to 22.5% of the taxpayer's  
24 actual liability for the month or 27.5% of the taxpayer's  
25 liability for the same calendar month of the preceding year. If  
26 the month during which such tax liability is incurred begins on

1 or after January 1, 1987, and prior to January 1, 1988, each  
2 payment shall be in an amount equal to 22.5% of the taxpayer's  
3 actual liability for the month or 26.25% of the taxpayer's  
4 liability for the same calendar month of the preceding year. If  
5 the month during which such tax liability is incurred begins on  
6 or after January 1, 1988, and prior to January 1, 1989, or  
7 begins on or after January 1, 1996, each payment shall be in an  
8 amount equal to 22.5% of the taxpayer's actual liability for  
9 the month or 25% of the taxpayer's liability for the same  
10 calendar month of the preceding year. If the month during which  
11 such tax liability is incurred begins on or after January 1,  
12 1989, and prior to January 1, 1996, each payment shall be in an  
13 amount equal to 22.5% of the taxpayer's actual liability for  
14 the month or 25% of the taxpayer's liability for the same  
15 calendar month of the preceding year or 100% of the taxpayer's  
16 actual liability for the quarter monthly reporting period. The  
17 amount of such quarter monthly payments shall be credited  
18 against the final tax liability of the taxpayer's return for  
19 that month. Before October 1, 2000, once applicable, the  
20 requirement of the making of quarter monthly payments to the  
21 Department shall continue until such taxpayer's average  
22 monthly liability to the Department during the preceding 4  
23 complete calendar quarters (excluding the month of highest  
24 liability and the month of lowest liability) is less than  
25 \$9,000, or until such taxpayer's average monthly liability to  
26 the Department as computed for each calendar quarter of the 4

1 preceding complete calendar quarter period is less than  
2 \$10,000. However, if a taxpayer can show the Department that a  
3 substantial change in the taxpayer's business has occurred  
4 which causes the taxpayer to anticipate that his average  
5 monthly tax liability for the reasonably foreseeable future  
6 will fall below the \$10,000 threshold stated above, then such  
7 taxpayer may petition the Department for change in such  
8 taxpayer's reporting status. On and after October 1, 2000, once  
9 applicable, the requirement of the making of quarter monthly  
10 payments to the Department shall continue until such taxpayer's  
11 average monthly liability to the Department during the  
12 preceding 4 complete calendar quarters (excluding the month of  
13 highest liability and the month of lowest liability) is less  
14 than \$19,000 or until such taxpayer's average monthly liability  
15 to the Department as computed for each calendar quarter of the  
16 4 preceding complete calendar quarter period is less than  
17 \$20,000. However, if a taxpayer can show the Department that a  
18 substantial change in the taxpayer's business has occurred  
19 which causes the taxpayer to anticipate that his average  
20 monthly tax liability for the reasonably foreseeable future  
21 will fall below the \$20,000 threshold stated above, then such  
22 taxpayer may petition the Department for a change in such  
23 taxpayer's reporting status. The Department shall change such  
24 taxpayer's reporting status unless it finds that such change is  
25 seasonal in nature and not likely to be long term. If any such  
26 quarter monthly payment is not paid at the time or in the

1 amount required by this Section, then the taxpayer shall be  
2 liable for penalties and interest on the difference between the  
3 minimum amount due and the amount of such quarter monthly  
4 payment actually and timely paid, except insofar as the  
5 taxpayer has previously made payments for that month to the  
6 Department in excess of the minimum payments previously due as  
7 provided in this Section. The Department shall make reasonable  
8 rules and regulations to govern the quarter monthly payment  
9 amount and quarter monthly payment dates for taxpayers who file  
10 on other than a calendar monthly basis.

11 If any such payment provided for in this Section exceeds  
12 the taxpayer's liabilities under this Act, the Retailers'  
13 Occupation Tax Act, the Service Occupation Tax Act and the  
14 Service Use Tax Act, as shown by an original monthly return,  
15 the Department shall issue to the taxpayer a credit memorandum  
16 no later than 30 days after the date of payment, which  
17 memorandum may be submitted by the taxpayer to the Department  
18 in payment of tax liability subsequently to be remitted by the  
19 taxpayer to the Department or be assigned by the taxpayer to a  
20 similar taxpayer under this Act, the Retailers' Occupation Tax  
21 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
22 in accordance with reasonable rules and regulations to be  
23 prescribed by the Department, except that if such excess  
24 payment is shown on an original monthly return and is made  
25 after December 31, 1986, no credit memorandum shall be issued,  
26 unless requested by the taxpayer. If no such request is made,



1 the taxpayer may credit such excess payment against tax  
2 liability subsequently to be remitted by the taxpayer to the  
3 Department under this Act, the Retailers' Occupation Tax Act,  
4 the Service Occupation Tax Act or the Service Use Tax Act, in  
5 accordance with reasonable rules and regulations prescribed by  
6 the Department. If the Department subsequently determines that  
7 all or any part of the credit taken was not actually due to the  
8 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
9 be reduced by 2.1% or 1.75% of the difference between the  
10 credit taken and that actually due, and the taxpayer shall be  
11 liable for penalties and interest on such difference.

12 If the retailer is otherwise required to file a monthly  
13 return and if the retailer's average monthly tax liability to  
14 the Department does not exceed \$200, the Department may  
15 authorize his returns to be filed on a quarter annual basis,  
16 with the return for January, February, and March of a given  
17 year being due by April 20 of such year; with the return for  
18 April, May and June of a given year being due by July 20 of such  
19 year; with the return for July, August and September of a given  
20 year being due by October 20 of such year, and with the return  
21 for October, November and December of a given year being due by  
22 January 20 of the following year.

23 If the retailer is otherwise required to file a monthly or  
24 quarterly return and if the retailer's average monthly tax  
25 liability to the Department does not exceed \$50, the Department  
26 may authorize his returns to be filed on an annual basis, with

1 the return for a given year being due by January 20 of the  
2 following year.

3 Such quarter annual and annual returns, as to form and  
4 substance, shall be subject to the same requirements as monthly  
5 returns.

6 Notwithstanding any other provision in this Act concerning  
7 the time within which a retailer may file his return, in the  
8 case of any retailer who ceases to engage in a kind of business  
9 which makes him responsible for filing returns under this Act,  
10 such retailer shall file a final return under this Act with the  
11 Department not more than one month after discontinuing such  
12 business.

13 In addition, with respect to motor vehicles, watercraft,  
14 aircraft, and trailers that are required to be registered with  
15 an agency of this State, every retailer selling this kind of  
16 tangible personal property shall file, with the Department,  
17 upon a form to be prescribed and supplied by the Department, a  
18 separate return for each such item of tangible personal  
19 property which the retailer sells, except that if, in the same  
20 transaction, (i) a retailer of aircraft, watercraft, motor  
21 vehicles or trailers transfers more than one aircraft,  
22 watercraft, motor vehicle or trailer to another aircraft,  
23 watercraft, motor vehicle or trailer retailer for the purpose  
24 of resale or (ii) a retailer of aircraft, watercraft, motor  
25 vehicles, or trailers transfers more than one aircraft,  
26 watercraft, motor vehicle, or trailer to a purchaser for use as

1 a qualifying rolling stock as provided in Section 3-55 of this  
2 Act, then that seller may report the transfer of all the  
3 aircraft, watercraft, motor vehicles or trailers involved in  
4 that transaction to the Department on the same uniform  
5 invoice-transaction reporting return form. For purposes of  
6 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
7 watercraft as defined in Section 3-2 of the Boat Registration  
8 and Safety Act, a personal watercraft, or any boat equipped  
9 with an inboard motor.

10 The transaction reporting return in the case of motor  
11 vehicles or trailers that are required to be registered with an  
12 agency of this State, shall be the same document as the Uniform  
13 Invoice referred to in Section 5-402 of the Illinois Vehicle  
14 Code and must show the name and address of the seller; the name  
15 and address of the purchaser; the amount of the selling price  
16 including the amount allowed by the retailer for traded-in  
17 property, if any; the amount allowed by the retailer for the  
18 traded-in tangible personal property, if any, to the extent to  
19 which Section 2 of this Act allows an exemption for the value  
20 of traded-in property; the balance payable after deducting such  
21 trade-in allowance from the total selling price; the amount of  
22 tax due from the retailer with respect to such transaction; the  
23 amount of tax collected from the purchaser by the retailer on  
24 such transaction (or satisfactory evidence that such tax is not  
25 due in that particular instance, if that is claimed to be the  
26 fact); the place and date of the sale; a sufficient

1 identification of the property sold; such other information as  
2 is required in Section 5-402 of the Illinois Vehicle Code, and  
3 such other information as the Department may reasonably  
4 require.

5 The transaction reporting return in the case of watercraft  
6 and aircraft must show the name and address of the seller; the  
7 name and address of the purchaser; the amount of the selling  
8 price including the amount allowed by the retailer for  
9 traded-in property, if any; the amount allowed by the retailer  
10 for the traded-in tangible personal property, if any, to the  
11 extent to which Section 2 of this Act allows an exemption for  
12 the value of traded-in property; the balance payable after  
13 deducting such trade-in allowance from the total selling price;  
14 the amount of tax due from the retailer with respect to such  
15 transaction; the amount of tax collected from the purchaser by  
16 the retailer on such transaction (or satisfactory evidence that  
17 such tax is not due in that particular instance, if that is  
18 claimed to be the fact); the place and date of the sale, a  
19 sufficient identification of the property sold, and such other  
20 information as the Department may reasonably require.

21 Such transaction reporting return shall be filed not later  
22 than 20 days after the date of delivery of the item that is  
23 being sold, but may be filed by the retailer at any time sooner  
24 than that if he chooses to do so. The transaction reporting  
25 return and tax remittance or proof of exemption from the tax  
26 that is imposed by this Act may be transmitted to the

1 Department by way of the State agency with which, or State  
2 officer with whom, the tangible personal property must be  
3 titled or registered (if titling or registration is required)  
4 if the Department and such agency or State officer determine  
5 that this procedure will expedite the processing of  
6 applications for title or registration.

7 With each such transaction reporting return, the retailer  
8 shall remit the proper amount of tax due (or shall submit  
9 satisfactory evidence that the sale is not taxable if that is  
10 the case), to the Department or its agents, whereupon the  
11 Department shall issue, in the purchaser's name, a tax receipt  
12 (or a certificate of exemption if the Department is satisfied  
13 that the particular sale is tax exempt) which such purchaser  
14 may submit to the agency with which, or State officer with  
15 whom, he must title or register the tangible personal property  
16 that is involved (if titling or registration is required) in  
17 support of such purchaser's application for an Illinois  
18 certificate or other evidence of title or registration to such  
19 tangible personal property.

20 No retailer's failure or refusal to remit tax under this  
21 Act precludes a user, who has paid the proper tax to the  
22 retailer, from obtaining his certificate of title or other  
23 evidence of title or registration (if titling or registration  
24 is required) upon satisfying the Department that such user has  
25 paid the proper tax (if tax is due) to the retailer. The  
26 Department shall adopt appropriate rules to carry out the

1 mandate of this paragraph.

2       If the user who would otherwise pay tax to the retailer  
3 wants the transaction reporting return filed and the payment of  
4 tax or proof of exemption made to the Department before the  
5 retailer is willing to take these actions and such user has not  
6 paid the tax to the retailer, such user may certify to the fact  
7 of such delay by the retailer, and may (upon the Department  
8 being satisfied of the truth of such certification) transmit  
9 the information required by the transaction reporting return  
10 and the remittance for tax or proof of exemption directly to  
11 the Department and obtain his tax receipt or exemption  
12 determination, in which event the transaction reporting return  
13 and tax remittance (if a tax payment was required) shall be  
14 credited by the Department to the proper retailer's account  
15 with the Department, but without the 2.1% or 1.75% discount  
16 provided for in this Section being allowed. When the user pays  
17 the tax directly to the Department, he shall pay the tax in the  
18 same amount and in the same form in which it would be remitted  
19 if the tax had been remitted to the Department by the retailer.

20       Where a retailer collects the tax with respect to the  
21 selling price of tangible personal property which he sells and  
22 the purchaser thereafter returns such tangible personal  
23 property and the retailer refunds the selling price thereof to  
24 the purchaser, such retailer shall also refund, to the  
25 purchaser, the tax so collected from the purchaser. When filing  
26 his return for the period in which he refunds such tax to the

1 purchaser, the retailer may deduct the amount of the tax so  
2 refunded by him to the purchaser from any other use tax which  
3 such retailer may be required to pay or remit to the  
4 Department, as shown by such return, if the amount of the tax  
5 to be deducted was previously remitted to the Department by  
6 such retailer. If the retailer has not previously remitted the  
7 amount of such tax to the Department, he is entitled to no  
8 deduction under this Act upon refunding such tax to the  
9 purchaser.

10 Any retailer filing a return under this Section shall also  
11 include (for the purpose of paying tax thereon) the total tax  
12 covered by such return upon the selling price of tangible  
13 personal property purchased by him at retail from a retailer,  
14 but as to which the tax imposed by this Act was not collected  
15 from the retailer filing such return, and such retailer shall  
16 remit the amount of such tax to the Department when filing such  
17 return.

18 If experience indicates such action to be practicable, the  
19 Department may prescribe and furnish a combination or joint  
20 return which will enable retailers, who are required to file  
21 returns hereunder and also under the Retailers' Occupation Tax  
22 Act, to furnish all the return information required by both  
23 Acts on the one form.

24 Where the retailer has more than one business registered  
25 with the Department under separate registration under this Act,  
26 such retailer may not file each return that is due as a single

1 return covering all such registered businesses, but shall file  
2 separate returns for each such registered business.

3 Beginning January 1, 1990, each month the Department shall  
4 pay into the State and Local Sales Tax Reform Fund, a special  
5 fund in the State Treasury which is hereby created, the net  
6 revenue realized for the preceding month from the 1% tax on  
7 sales of food for human consumption which is to be consumed off  
8 the premises where it is sold (other than alcoholic beverages,  
9 soft drinks and food which has been prepared for immediate  
10 consumption) and prescription and nonprescription medicines,  
11 drugs, medical appliances and insulin, urine testing  
12 materials, syringes and needles used by diabetics.

13 Beginning January 1, 1990, each month the Department shall  
14 pay into the County and Mass Transit District Fund 4% of the  
15 net revenue realized for the preceding month from the 6.25%  
16 general rate on the selling price of tangible personal property  
17 which is purchased outside Illinois at retail from a retailer  
18 and which is titled or registered by an agency of this State's  
19 government.

20 Beginning January 1, 1990, each month the Department shall  
21 pay into the State and Local Sales Tax Reform Fund, a special  
22 fund in the State Treasury, 20% of the net revenue realized for  
23 the preceding month from the 6.25% general rate on the selling  
24 price of tangible personal property, other than tangible  
25 personal property which is purchased outside Illinois at retail  
26 from a retailer and which is titled or registered by an agency



1 of this State's government.

2 Beginning August 1, 2000, each month the Department shall  
3 pay into the State and Local Sales Tax Reform Fund 100% of the  
4 net revenue realized for the preceding month from the 1.25%  
5 rate on the selling price of motor fuel and gasohol. Beginning  
6 September 1, 2010, each month the Department shall pay into the  
7 State and Local Sales Tax Reform Fund 100% of the net revenue  
8 realized for the preceding month from the 1.25% rate on the  
9 selling price of sales tax holiday items.

10 Beginning January 1, 1990, each month the Department shall  
11 pay into the Local Government Tax Fund 16% of the net revenue  
12 realized for the preceding month from the 6.25% general rate on  
13 the selling price of tangible personal property which is  
14 purchased outside Illinois at retail from a retailer and which  
15 is titled or registered by an agency of this State's  
16 government.

17 Beginning October 1, 2009, each month the Department shall  
18 pay into the Capital Projects Fund an amount that is equal to  
19 an amount estimated by the Department to represent 80% of the  
20 net revenue realized for the preceding month from the sale of  
21 candy, grooming and hygiene products, and soft drinks that had  
22 been taxed at a rate of 1% prior to September 1, 2009 but that  
23 are now taxed at 6.25%.

24 Beginning July 1, 2011, each month the Department shall pay  
25 into the Clean Air Act ~~(CAA)~~ Permit Fund 80% of the net revenue  
26 realized for the preceding month from the 6.25% general rate on

1 the selling price of sorbents used in Illinois in the process  
2 of sorbent injection as used to comply with the Environmental  
3 Protection Act or the federal Clean Air Act, but the total  
4 payment into the Clean Air Act ~~(CAA)~~ Permit Fund under this Act  
5 and the Retailers' Occupation Tax Act shall not exceed  
6 \$2,000,000 in any fiscal year.

7 Beginning July 1, 2013, each month the Department shall pay  
8 into the Underground Storage Tank Fund from the proceeds  
9 collected under this Act, the Service Use Tax Act, the Service  
10 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
11 amount equal to the average monthly deficit in the Underground  
12 Storage Tank Fund during the prior year, as certified annually  
13 by the Illinois Environmental Protection Agency, but the total  
14 payment into the Underground Storage Tank Fund under this Act,  
15 the Service Use Tax Act, the Service Occupation Tax Act, and  
16 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
17 in any State fiscal year. As used in this paragraph, the  
18 "average monthly deficit" shall be equal to the difference  
19 between the average monthly claims for payment by the fund and  
20 the average monthly revenues deposited into the fund, excluding  
21 payments made pursuant to this paragraph.

22 Beginning July 1, 2015, of the remainder of the moneys  
23 received by the Department under this Act, the Service Use Tax  
24 Act, the Service Occupation Tax Act, and the Retailers'  
25 Occupation Tax Act, each month the Department shall deposit  
26 \$500,000 into the State Crime Laboratory Fund.

1           Of the remainder of the moneys received by the Department  
2 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
3 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
4 and after July 1, 1989, 3.8% thereof shall be paid into the  
5 Build Illinois Fund; provided, however, that if in any fiscal  
6 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
7 may be, of the moneys received by the Department and required  
8 to be paid into the Build Illinois Fund pursuant to Section 3  
9 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
10 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
11 Service Occupation Tax Act, such Acts being hereinafter called  
12 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
13 may be, of moneys being hereinafter called the "Tax Act  
14 Amount", and (2) the amount transferred to the Build Illinois  
15 Fund from the State and Local Sales Tax Reform Fund shall be  
16 less than the Annual Specified Amount (as defined in Section 3  
17 of the Retailers' Occupation Tax Act), an amount equal to the  
18 difference shall be immediately paid into the Build Illinois  
19 Fund from other moneys received by the Department pursuant to  
20 the Tax Acts; and further provided, that if on the last  
21 business day of any month the sum of (1) the Tax Act Amount  
22 required to be deposited into the Build Illinois Bond Account  
23 in the Build Illinois Fund during such month and (2) the amount  
24 transferred during such month to the Build Illinois Fund from  
25 the State and Local Sales Tax Reform Fund shall have been less  
26 than 1/12 of the Annual Specified Amount, an amount equal to

1 the difference shall be immediately paid into the Build  
2 Illinois Fund from other moneys received by the Department  
3 pursuant to the Tax Acts; and, further provided, that in no  
4 event shall the payments required under the preceding proviso  
5 result in aggregate payments into the Build Illinois Fund  
6 pursuant to this clause (b) for any fiscal year in excess of  
7 the greater of (i) the Tax Act Amount or (ii) the Annual  
8 Specified Amount for such fiscal year; and, further provided,  
9 that the amounts payable into the Build Illinois Fund under  
10 this clause (b) shall be payable only until such time as the  
11 aggregate amount on deposit under each trust indenture securing  
12 Bonds issued and outstanding pursuant to the Build Illinois  
13 Bond Act is sufficient, taking into account any future  
14 investment income, to fully provide, in accordance with such  
15 indenture, for the defeasance of or the payment of the  
16 principal of, premium, if any, and interest on the Bonds  
17 secured by such indenture and on any Bonds expected to be  
18 issued thereafter and all fees and costs payable with respect  
19 thereto, all as certified by the Director of the Bureau of the  
20 Budget (now Governor's Office of Management and Budget). If on  
21 the last business day of any month in which Bonds are  
22 outstanding pursuant to the Build Illinois Bond Act, the  
23 aggregate of the moneys deposited in the Build Illinois Bond  
24 Account in the Build Illinois Fund in such month shall be less  
25 than the amount required to be transferred in such month from  
26 the Build Illinois Bond Account to the Build Illinois Bond

1 Retirement and Interest Fund pursuant to Section 13 of the  
2 Build Illinois Bond Act, an amount equal to such deficiency  
3 shall be immediately paid from other moneys received by the  
4 Department pursuant to the Tax Acts to the Build Illinois Fund;  
5 provided, however, that any amounts paid to the Build Illinois  
6 Fund in any fiscal year pursuant to this sentence shall be  
7 deemed to constitute payments pursuant to clause (b) of the  
8 preceding sentence and shall reduce the amount otherwise  
9 payable for such fiscal year pursuant to clause (b) of the  
10 preceding sentence. The moneys received by the Department  
11 pursuant to this Act and required to be deposited into the  
12 Build Illinois Fund are subject to the pledge, claim and charge  
13 set forth in Section 12 of the Build Illinois Bond Act.

14 Subject to payment of amounts into the Build Illinois Fund  
15 as provided in the preceding paragraph or in any amendment  
16 thereto hereafter enacted, the following specified monthly  
17 installment of the amount requested in the certificate of the  
18 Chairman of the Metropolitan Pier and Exposition Authority  
19 provided under Section 8.25f of the State Finance Act, but not  
20 in excess of the sums designated as "Total Deposit", shall be  
21 deposited in the aggregate from collections under Section 9 of  
22 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
23 9 of the Service Occupation Tax Act, and Section 3 of the  
24 Retailers' Occupation Tax Act into the McCormick Place  
25 Expansion Project Fund in the specified fiscal years.

26 Fiscal Year Total Deposit

1	1993	\$0
2	1994	53,000,000
3	1995	58,000,000
4	1996	61,000,000
5	1997	64,000,000
6	1998	68,000,000
7	1999	71,000,000
8	2000	75,000,000
9	2001	80,000,000
10	2002	93,000,000
11	2003	99,000,000
12	2004	103,000,000
13	2005	108,000,000
14	2006	113,000,000
15	2007	119,000,000
16	2008	126,000,000
17	2009	132,000,000
18	2010	139,000,000
19	2011	146,000,000
20	2012	153,000,000
21	2013	161,000,000
22	2014	170,000,000
23	2015	179,000,000
24	2016	189,000,000
25	2017	199,000,000
26	2018	210,000,000

1	2019	221,000,000
2	2020	233,000,000
3	2021	246,000,000
4	2022	260,000,000
5	2023	275,000,000
6	2024	275,000,000
7	2025	275,000,000
8	2026	279,000,000
9	2027	292,000,000
10	2028	307,000,000
11	2029	322,000,000
12	2030	338,000,000
13	2031	350,000,000
14	2032	350,000,000

15 and

16 each fiscal year  
17 thereafter that bonds  
18 are outstanding under  
19 Section 13.2 of the  
20 Metropolitan Pier and  
21 Exposition Authority Act,  
22 but not after fiscal year 2060.

23 Beginning July 20, 1993 and in each month of each fiscal  
24 year thereafter, one-eighth of the amount requested in the  
25 certificate of the Chairman of the Metropolitan Pier and  
26 Exposition Authority for that fiscal year, less the amount

1 deposited into the McCormick Place Expansion Project Fund by  
2 the State Treasurer in the respective month under subsection  
3 (g) of Section 13 of the Metropolitan Pier and Exposition  
4 Authority Act, plus cumulative deficiencies in the deposits  
5 required under this Section for previous months and years,  
6 shall be deposited into the McCormick Place Expansion Project  
7 Fund, until the full amount requested for the fiscal year, but  
8 not in excess of the amount specified above as "Total Deposit",  
9 has been deposited.

10 Subject to payment of amounts into the Build Illinois Fund  
11 and the McCormick Place Expansion Project Fund pursuant to the  
12 preceding paragraphs or in any amendments thereto hereafter  
13 enacted, beginning July 1, 1993 and ending on September 30,  
14 2013, the Department shall each month pay into the Illinois Tax  
15 Increment Fund 0.27% of 80% of the net revenue realized for the  
16 preceding month from the 6.25% general rate on the selling  
17 price of tangible personal property.

18 Subject to payment of amounts into the Build Illinois Fund  
19 and the McCormick Place Expansion Project Fund pursuant to the  
20 preceding paragraphs or in any amendments thereto hereafter  
21 enacted, beginning with the receipt of the first report of  
22 taxes paid by an eligible business and continuing for a 25-year  
23 period, the Department shall each month pay into the Energy  
24 Infrastructure Fund 80% of the net revenue realized from the  
25 6.25% general rate on the selling price of Illinois-mined coal  
26 that was sold to an eligible business. For purposes of this



1 paragraph, the term "eligible business" means a new electric  
2 generating facility certified pursuant to Section 605-332 of  
3 the Department of Commerce and Economic Opportunity Law of the  
4 Civil Administrative Code of Illinois.

5 Subject to payment of amounts into the Build Illinois Fund,  
6 the McCormick Place Expansion Project Fund, the Illinois Tax  
7 Increment Fund, and the Energy Infrastructure Fund pursuant to  
8 the preceding paragraphs or in any amendments to this Section  
9 hereafter enacted, beginning on the first day of the first  
10 calendar month to occur on or after the effective date of this  
11 amendatory Act of the 98th General Assembly, each month, from  
12 the collections made under Section 9 of the Use Tax Act,  
13 Section 9 of the Service Use Tax Act, Section 9 of the Service  
14 Occupation Tax Act, and Section 3 of the Retailers' Occupation  
15 Tax Act, the Department shall pay into the Tax Compliance and  
16 Administration Fund, to be used, subject to appropriation, to  
17 fund additional auditors and compliance personnel at the  
18 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
19 the cash receipts collected during the preceding fiscal year by  
20 the Audit Bureau of the Department under the Use Tax Act, the  
21 Service Use Tax Act, the Service Occupation Tax Act, the  
22 Retailers' Occupation Tax Act, and associated local occupation  
23 and use taxes administered by the Department.

24 Of the remainder of the moneys received by the Department  
25 pursuant to this Act, 75% thereof shall be paid into the State  
26 Treasury and 25% shall be reserved in a special account and

1 used only for the transfer to the Common School Fund as part of  
2 the monthly transfer from the General Revenue Fund in  
3 accordance with Section 8a of the State Finance Act.

4 As soon as possible after the first day of each month, upon  
5 certification of the Department of Revenue, the Comptroller  
6 shall order transferred and the Treasurer shall transfer from  
7 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
8 equal to 1.7% of 80% of the net revenue realized under this Act  
9 for the second preceding month. Beginning April 1, 2000, this  
10 transfer is no longer required and shall not be made.

11 Net revenue realized for a month shall be the revenue  
12 collected by the State pursuant to this Act, less the amount  
13 paid out during that month as refunds to taxpayers for  
14 overpayment of liability.

15 For greater simplicity of administration, manufacturers,  
16 importers and wholesalers whose products are sold at retail in  
17 Illinois by numerous retailers, and who wish to do so, may  
18 assume the responsibility for accounting and paying to the  
19 Department all tax accruing under this Act with respect to such  
20 sales, if the retailers who are affected do not make written  
21 objection to the Department to this arrangement.

22 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
23 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.  
24 8-26-14; 99-352, eff. 8-12-15.)

25 Section 5-135. The Retailers' Occupation Tax Act is amended

1 by changing Section 3 as follows:

2 (35 ILCS 120/3) (from Ch. 120, par. 442)

3 Sec. 3. Except as provided in this Section, on or before  
4 the twentieth day of each calendar month, every person engaged  
5 in the business of selling tangible personal property at retail  
6 in this State during the preceding calendar month shall file a  
7 return with the Department, stating:

8 1. The name of the seller;

9 2. His residence address and the address of his  
10 principal place of business and the address of the  
11 principal place of business (if that is a different  
12 address) from which he engages in the business of selling  
13 tangible personal property at retail in this State;

14 3. Total amount of receipts received by him during the  
15 preceding calendar month or quarter, as the case may be,  
16 from sales of tangible personal property, and from services  
17 furnished, by him during such preceding calendar month or  
18 quarter;

19 4. Total amount received by him during the preceding  
20 calendar month or quarter on charge and time sales of  
21 tangible personal property, and from services furnished,  
22 by him prior to the month or quarter for which the return  
23 is filed;

24 5. Deductions allowed by law;

25 6. Gross receipts which were received by him during the

1 preceding calendar month or quarter and upon the basis of  
2 which the tax is imposed;

3 7. The amount of credit provided in Section 2d of this  
4 Act;

5 8. The amount of tax due;

6 9. The signature of the taxpayer; and

7 10. Such other reasonable information as the  
8 Department may require.

9 If a taxpayer fails to sign a return within 30 days after  
10 the proper notice and demand for signature by the Department,  
11 the return shall be considered valid and any amount shown to be  
12 due on the return shall be deemed assessed.

13 Each return shall be accompanied by the statement of  
14 prepaid tax issued pursuant to Section 2e for which credit is  
15 claimed.

16 Prior to October 1, 2003, and on and after September 1,  
17 2004 a retailer may accept a Manufacturer's Purchase Credit  
18 certification from a purchaser in satisfaction of Use Tax as  
19 provided in Section 3-85 of the Use Tax Act if the purchaser  
20 provides the appropriate documentation as required by Section  
21 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
22 certification, accepted by a retailer prior to October 1, 2003  
23 and on and after September 1, 2004 as provided in Section 3-85  
24 of the Use Tax Act, may be used by that retailer to satisfy  
25 Retailers' Occupation Tax liability in the amount claimed in  
26 the certification, not to exceed 6.25% of the receipts subject

1 to tax from a qualifying purchase. A Manufacturer's Purchase  
2 Credit reported on any original or amended return filed under  
3 this Act after October 20, 2003 for reporting periods prior to  
4 September 1, 2004 shall be disallowed. Manufacturer's  
5 Purchaser Credit reported on annual returns due on or after  
6 January 1, 2005 will be disallowed for periods prior to  
7 September 1, 2004. No Manufacturer's Purchase Credit may be  
8 used after September 30, 2003 through August 31, 2004 to  
9 satisfy any tax liability imposed under this Act, including any  
10 audit liability.

11 The Department may require returns to be filed on a  
12 quarterly basis. If so required, a return for each calendar  
13 quarter shall be filed on or before the twentieth day of the  
14 calendar month following the end of such calendar quarter. The  
15 taxpayer shall also file a return with the Department for each  
16 of the first two months of each calendar quarter, on or before  
17 the twentieth day of the following calendar month, stating:

18 1. The name of the seller;

19 2. The address of the principal place of business from  
20 which he engages in the business of selling tangible  
21 personal property at retail in this State;

22 3. The total amount of taxable receipts received by him  
23 during the preceding calendar month from sales of tangible  
24 personal property by him during such preceding calendar  
25 month, including receipts from charge and time sales, but  
26 less all deductions allowed by law;

1           4. The amount of credit provided in Section 2d of this  
2           Act;

3           5. The amount of tax due; and

4           6. Such other reasonable information as the Department  
5           may require.

6           Beginning on October 1, 2003, any person who is not a  
7           licensed distributor, importing distributor, or manufacturer,  
8           as defined in the Liquor Control Act of 1934, but is engaged in  
9           the business of selling, at retail, alcoholic liquor shall file  
10          a statement with the Department of Revenue, in a format and at  
11          a time prescribed by the Department, showing the total amount  
12          paid for alcoholic liquor purchased during the preceding month  
13          and such other information as is reasonably required by the  
14          Department. The Department may adopt rules to require that this  
15          statement be filed in an electronic or telephonic format. Such  
16          rules may provide for exceptions from the filing requirements  
17          of this paragraph. For the purposes of this paragraph, the term  
18          "alcoholic liquor" shall have the meaning prescribed in the  
19          Liquor Control Act of 1934.

20          Beginning on October 1, 2003, every distributor, importing  
21          distributor, and manufacturer of alcoholic liquor as defined in  
22          the Liquor Control Act of 1934, shall file a statement with the  
23          Department of Revenue, no later than the 10th day of the month  
24          for the preceding month during which transactions occurred, by  
25          electronic means, showing the total amount of gross receipts  
26          from the sale of alcoholic liquor sold or distributed during

1 the preceding month to purchasers; identifying the purchaser to  
2 whom it was sold or distributed; the purchaser's tax  
3 registration number; and such other information reasonably  
4 required by the Department. A distributor, importing  
5 distributor, or manufacturer of alcoholic liquor must  
6 personally deliver, mail, or provide by electronic means to  
7 each retailer listed on the monthly statement a report  
8 containing a cumulative total of that distributor's, importing  
9 distributor's, or manufacturer's total sales of alcoholic  
10 liquor to that retailer no later than the 10th day of the month  
11 for the preceding month during which the transaction occurred.  
12 The distributor, importing distributor, or manufacturer shall  
13 notify the retailer as to the method by which the distributor,  
14 importing distributor, or manufacturer will provide the sales  
15 information. If the retailer is unable to receive the sales  
16 information by electronic means, the distributor, importing  
17 distributor, or manufacturer shall furnish the sales  
18 information by personal delivery or by mail. For purposes of  
19 this paragraph, the term "electronic means" includes, but is  
20 not limited to, the use of a secure Internet website, e-mail,  
21 or facsimile.

22 If a total amount of less than \$1 is payable, refundable or  
23 creditable, such amount shall be disregarded if it is less than  
24 50 cents and shall be increased to \$1 if it is 50 cents or more.

25 Beginning October 1, 1993, a taxpayer who has an average  
26 monthly tax liability of \$150,000 or more shall make all

1 payments required by rules of the Department by electronic  
2 funds transfer. Beginning October 1, 1994, a taxpayer who has  
3 an average monthly tax liability of \$100,000 or more shall make  
4 all payments required by rules of the Department by electronic  
5 funds transfer. Beginning October 1, 1995, a taxpayer who has  
6 an average monthly tax liability of \$50,000 or more shall make  
7 all payments required by rules of the Department by electronic  
8 funds transfer. Beginning October 1, 2000, a taxpayer who has  
9 an annual tax liability of \$200,000 or more shall make all  
10 payments required by rules of the Department by electronic  
11 funds transfer. The term "annual tax liability" shall be the  
12 sum of the taxpayer's liabilities under this Act, and under all  
13 other State and local occupation and use tax laws administered  
14 by the Department, for the immediately preceding calendar year.  
15 The term "average monthly tax liability" shall be the sum of  
16 the taxpayer's liabilities under this Act, and under all other  
17 State and local occupation and use tax laws administered by the  
18 Department, for the immediately preceding calendar year  
19 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
20 a tax liability in the amount set forth in subsection (b) of  
21 Section 2505-210 of the Department of Revenue Law shall make  
22 all payments required by rules of the Department by electronic  
23 funds transfer.

24 Before August 1 of each year beginning in 1993, the  
25 Department shall notify all taxpayers required to make payments  
26 by electronic funds transfer. All taxpayers required to make



1 payments by electronic funds transfer shall make those payments  
2 for a minimum of one year beginning on October 1.

3 Any taxpayer not required to make payments by electronic  
4 funds transfer may make payments by electronic funds transfer  
5 with the permission of the Department.

6 All taxpayers required to make payment by electronic funds  
7 transfer and any taxpayers authorized to voluntarily make  
8 payments by electronic funds transfer shall make those payments  
9 in the manner authorized by the Department.

10 The Department shall adopt such rules as are necessary to  
11 effectuate a program of electronic funds transfer and the  
12 requirements of this Section.

13 Any amount which is required to be shown or reported on any  
14 return or other document under this Act shall, if such amount  
15 is not a whole-dollar amount, be increased to the nearest  
16 whole-dollar amount in any case where the fractional part of a  
17 dollar is 50 cents or more, and decreased to the nearest  
18 whole-dollar amount where the fractional part of a dollar is  
19 less than 50 cents.

20 If the retailer is otherwise required to file a monthly  
21 return and if the retailer's average monthly tax liability to  
22 the Department does not exceed \$200, the Department may  
23 authorize his returns to be filed on a quarter annual basis,  
24 with the return for January, February and March of a given year  
25 being due by April 20 of such year; with the return for April,  
26 May and June of a given year being due by July 20 of such year;

1 with the return for July, August and September of a given year  
2 being due by October 20 of such year, and with the return for  
3 October, November and December of a given year being due by  
4 January 20 of the following year.

5 If the retailer is otherwise required to file a monthly or  
6 quarterly return and if the retailer's average monthly tax  
7 liability with the Department does not exceed \$50, the  
8 Department may authorize his returns to be filed on an annual  
9 basis, with the return for a given year being due by January 20  
10 of the following year.

11 Such quarter annual and annual returns, as to form and  
12 substance, shall be subject to the same requirements as monthly  
13 returns.

14 Notwithstanding any other provision in this Act concerning  
15 the time within which a retailer may file his return, in the  
16 case of any retailer who ceases to engage in a kind of business  
17 which makes him responsible for filing returns under this Act,  
18 such retailer shall file a final return under this Act with the  
19 Department not more than one month after discontinuing such  
20 business.

21 Where the same person has more than one business registered  
22 with the Department under separate registrations under this  
23 Act, such person may not file each return that is due as a  
24 single return covering all such registered businesses, but  
25 shall file separate returns for each such registered business.

26 In addition, with respect to motor vehicles, watercraft,

1 aircraft, and trailers that are required to be registered with  
2 an agency of this State, every retailer selling this kind of  
3 tangible personal property shall file, with the Department,  
4 upon a form to be prescribed and supplied by the Department, a  
5 separate return for each such item of tangible personal  
6 property which the retailer sells, except that if, in the same  
7 transaction, (i) a retailer of aircraft, watercraft, motor  
8 vehicles or trailers transfers more than one aircraft,  
9 watercraft, motor vehicle or trailer to another aircraft,  
10 watercraft, motor vehicle retailer or trailer retailer for the  
11 purpose of resale or (ii) a retailer of aircraft, watercraft,  
12 motor vehicles, or trailers transfers more than one aircraft,  
13 watercraft, motor vehicle, or trailer to a purchaser for use as  
14 a qualifying rolling stock as provided in Section 2-5 of this  
15 Act, then that seller may report the transfer of all aircraft,  
16 watercraft, motor vehicles or trailers involved in that  
17 transaction to the Department on the same uniform  
18 invoice-transaction reporting return form. For purposes of  
19 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
20 watercraft as defined in Section 3-2 of the Boat Registration  
21 and Safety Act, a personal watercraft, or any boat equipped  
22 with an inboard motor.

23 Any retailer who sells only motor vehicles, watercraft,  
24 aircraft, or trailers that are required to be registered with  
25 an agency of this State, so that all retailers' occupation tax  
26 liability is required to be reported, and is reported, on such

1 transaction reporting returns and who is not otherwise required  
2 to file monthly or quarterly returns, need not file monthly or  
3 quarterly returns. However, those retailers shall be required  
4 to file returns on an annual basis.

5 The transaction reporting return, in the case of motor  
6 vehicles or trailers that are required to be registered with an  
7 agency of this State, shall be the same document as the Uniform  
8 Invoice referred to in Section 5-402 of The Illinois Vehicle  
9 Code and must show the name and address of the seller; the name  
10 and address of the purchaser; the amount of the selling price  
11 including the amount allowed by the retailer for traded-in  
12 property, if any; the amount allowed by the retailer for the  
13 traded-in tangible personal property, if any, to the extent to  
14 which Section 1 of this Act allows an exemption for the value  
15 of traded-in property; the balance payable after deducting such  
16 trade-in allowance from the total selling price; the amount of  
17 tax due from the retailer with respect to such transaction; the  
18 amount of tax collected from the purchaser by the retailer on  
19 such transaction (or satisfactory evidence that such tax is not  
20 due in that particular instance, if that is claimed to be the  
21 fact); the place and date of the sale; a sufficient  
22 identification of the property sold; such other information as  
23 is required in Section 5-402 of The Illinois Vehicle Code, and  
24 such other information as the Department may reasonably  
25 require.

26 The transaction reporting return in the case of watercraft

1 or aircraft must show the name and address of the seller; the  
2 name and address of the purchaser; the amount of the selling  
3 price including the amount allowed by the retailer for  
4 traded-in property, if any; the amount allowed by the retailer  
5 for the traded-in tangible personal property, if any, to the  
6 extent to which Section 1 of this Act allows an exemption for  
7 the value of traded-in property; the balance payable after  
8 deducting such trade-in allowance from the total selling price;  
9 the amount of tax due from the retailer with respect to such  
10 transaction; the amount of tax collected from the purchaser by  
11 the retailer on such transaction (or satisfactory evidence that  
12 such tax is not due in that particular instance, if that is  
13 claimed to be the fact); the place and date of the sale, a  
14 sufficient identification of the property sold, and such other  
15 information as the Department may reasonably require.

16 Such transaction reporting return shall be filed not later  
17 than 20 days after the day of delivery of the item that is  
18 being sold, but may be filed by the retailer at any time sooner  
19 than that if he chooses to do so. The transaction reporting  
20 return and tax remittance or proof of exemption from the  
21 Illinois use tax may be transmitted to the Department by way of  
22 the State agency with which, or State officer with whom the  
23 tangible personal property must be titled or registered (if  
24 titling or registration is required) if the Department and such  
25 agency or State officer determine that this procedure will  
26 expedite the processing of applications for title or

1 registration.

2 With each such transaction reporting return, the retailer  
3 shall remit the proper amount of tax due (or shall submit  
4 satisfactory evidence that the sale is not taxable if that is  
5 the case), to the Department or its agents, whereupon the  
6 Department shall issue, in the purchaser's name, a use tax  
7 receipt (or a certificate of exemption if the Department is  
8 satisfied that the particular sale is tax exempt) which such  
9 purchaser may submit to the agency with which, or State officer  
10 with whom, he must title or register the tangible personal  
11 property that is involved (if titling or registration is  
12 required) in support of such purchaser's application for an  
13 Illinois certificate or other evidence of title or registration  
14 to such tangible personal property.

15 No retailer's failure or refusal to remit tax under this  
16 Act precludes a user, who has paid the proper tax to the  
17 retailer, from obtaining his certificate of title or other  
18 evidence of title or registration (if titling or registration  
19 is required) upon satisfying the Department that such user has  
20 paid the proper tax (if tax is due) to the retailer. The  
21 Department shall adopt appropriate rules to carry out the  
22 mandate of this paragraph.

23 If the user who would otherwise pay tax to the retailer  
24 wants the transaction reporting return filed and the payment of  
25 the tax or proof of exemption made to the Department before the  
26 retailer is willing to take these actions and such user has not

1 paid the tax to the retailer, such user may certify to the fact  
2 of such delay by the retailer and may (upon the Department  
3 being satisfied of the truth of such certification) transmit  
4 the information required by the transaction reporting return  
5 and the remittance for tax or proof of exemption directly to  
6 the Department and obtain his tax receipt or exemption  
7 determination, in which event the transaction reporting return  
8 and tax remittance (if a tax payment was required) shall be  
9 credited by the Department to the proper retailer's account  
10 with the Department, but without the 2.1% or 1.75% discount  
11 provided for in this Section being allowed. When the user pays  
12 the tax directly to the Department, he shall pay the tax in the  
13 same amount and in the same form in which it would be remitted  
14 if the tax had been remitted to the Department by the retailer.

15 Refunds made by the seller during the preceding return  
16 period to purchasers, on account of tangible personal property  
17 returned to the seller, shall be allowed as a deduction under  
18 subdivision 5 of his monthly or quarterly return, as the case  
19 may be, in case the seller had theretofore included the  
20 receipts from the sale of such tangible personal property in a  
21 return filed by him and had paid the tax imposed by this Act  
22 with respect to such receipts.

23 Where the seller is a corporation, the return filed on  
24 behalf of such corporation shall be signed by the president,  
25 vice-president, secretary or treasurer or by the properly  
26 accredited agent of such corporation.

1           Where the seller is a limited liability company, the return  
2 filed on behalf of the limited liability company shall be  
3 signed by a manager, member, or properly accredited agent of  
4 the limited liability company.

5           Except as provided in this Section, the retailer filing the  
6 return under this Section shall, at the time of filing such  
7 return, pay to the Department the amount of tax imposed by this  
8 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
9 on and after January 1, 1990, or \$5 per calendar year,  
10 whichever is greater, which is allowed to reimburse the  
11 retailer for the expenses incurred in keeping records,  
12 preparing and filing returns, remitting the tax and supplying  
13 data to the Department on request. Any prepayment made pursuant  
14 to Section 2d of this Act shall be included in the amount on  
15 which such 2.1% or 1.75% discount is computed. In the case of  
16 retailers who report and pay the tax on a transaction by  
17 transaction basis, as provided in this Section, such discount  
18 shall be taken with each such tax remittance instead of when  
19 such retailer files his periodic return. The Department may  
20 disallow the discount for retailers whose certificate of  
21 registration is revoked at the time the return is filed, but  
22 only if the Department's decision to revoke the certificate of  
23 registration has become final.

24           Before October 1, 2000, if the taxpayer's average monthly  
25 tax liability to the Department under this Act, the Use Tax  
26 Act, the Service Occupation Tax Act, and the Service Use Tax



1 Act, excluding any liability for prepaid sales tax to be  
2 remitted in accordance with Section 2d of this Act, was \$10,000  
3 or more during the preceding 4 complete calendar quarters, he  
4 shall file a return with the Department each month by the 20th  
5 day of the month next following the month during which such tax  
6 liability is incurred and shall make payments to the Department  
7 on or before the 7th, 15th, 22nd and last day of the month  
8 during which such liability is incurred. On and after October  
9 1, 2000, if the taxpayer's average monthly tax liability to the  
10 Department under this Act, the Use Tax Act, the Service  
11 Occupation Tax Act, and the Service Use Tax Act, excluding any  
12 liability for prepaid sales tax to be remitted in accordance  
13 with Section 2d of this Act, was \$20,000 or more during the  
14 preceding 4 complete calendar quarters, he shall file a return  
15 with the Department each month by the 20th day of the month  
16 next following the month during which such tax liability is  
17 incurred and shall make payment to the Department on or before  
18 the 7th, 15th, 22nd and last day of the month during which such  
19 liability is incurred. If the month during which such tax  
20 liability is incurred began prior to January 1, 1985, each  
21 payment shall be in an amount equal to 1/4 of the taxpayer's  
22 actual liability for the month or an amount set by the  
23 Department not to exceed 1/4 of the average monthly liability  
24 of the taxpayer to the Department for the preceding 4 complete  
25 calendar quarters (excluding the month of highest liability and  
26 the month of lowest liability in such 4 quarter period). If the

1 month during which such tax liability is incurred begins on or  
2 after January 1, 1985 and prior to January 1, 1987, each  
3 payment shall be in an amount equal to 22.5% of the taxpayer's  
4 actual liability for the month or 27.5% of the taxpayer's  
5 liability for the same calendar month of the preceding year. If  
6 the month during which such tax liability is incurred begins on  
7 or after January 1, 1987 and prior to January 1, 1988, each  
8 payment shall be in an amount equal to 22.5% of the taxpayer's  
9 actual liability for the month or 26.25% of the taxpayer's  
10 liability for the same calendar month of the preceding year. If  
11 the month during which such tax liability is incurred begins on  
12 or after January 1, 1988, and prior to January 1, 1989, or  
13 begins on or after January 1, 1996, each payment shall be in an  
14 amount equal to 22.5% of the taxpayer's actual liability for  
15 the month or 25% of the taxpayer's liability for the same  
16 calendar month of the preceding year. If the month during which  
17 such tax liability is incurred begins on or after January 1,  
18 1989, and prior to January 1, 1996, each payment shall be in an  
19 amount equal to 22.5% of the taxpayer's actual liability for  
20 the month or 25% of the taxpayer's liability for the same  
21 calendar month of the preceding year or 100% of the taxpayer's  
22 actual liability for the quarter monthly reporting period. The  
23 amount of such quarter monthly payments shall be credited  
24 against the final tax liability of the taxpayer's return for  
25 that month. Before October 1, 2000, once applicable, the  
26 requirement of the making of quarter monthly payments to the

1 Department by taxpayers having an average monthly tax liability  
2 of \$10,000 or more as determined in the manner provided above  
3 shall continue until such taxpayer's average monthly liability  
4 to the Department during the preceding 4 complete calendar  
5 quarters (excluding the month of highest liability and the  
6 month of lowest liability) is less than \$9,000, or until such  
7 taxpayer's average monthly liability to the Department as  
8 computed for each calendar quarter of the 4 preceding complete  
9 calendar quarter period is less than \$10,000. However, if a  
10 taxpayer can show the Department that a substantial change in  
11 the taxpayer's business has occurred which causes the taxpayer  
12 to anticipate that his average monthly tax liability for the  
13 reasonably foreseeable future will fall below the \$10,000  
14 threshold stated above, then such taxpayer may petition the  
15 Department for a change in such taxpayer's reporting status. On  
16 and after October 1, 2000, once applicable, the requirement of  
17 the making of quarter monthly payments to the Department by  
18 taxpayers having an average monthly tax liability of \$20,000 or  
19 more as determined in the manner provided above shall continue  
20 until such taxpayer's average monthly liability to the  
21 Department during the preceding 4 complete calendar quarters  
22 (excluding the month of highest liability and the month of  
23 lowest liability) is less than \$19,000 or until such taxpayer's  
24 average monthly liability to the Department as computed for  
25 each calendar quarter of the 4 preceding complete calendar  
26 quarter period is less than \$20,000. However, if a taxpayer can

1 show the Department that a substantial change in the taxpayer's  
2 business has occurred which causes the taxpayer to anticipate  
3 that his average monthly tax liability for the reasonably  
4 foreseeable future will fall below the \$20,000 threshold stated  
5 above, then such taxpayer may petition the Department for a  
6 change in such taxpayer's reporting status. The Department  
7 shall change such taxpayer's reporting status unless it finds  
8 that such change is seasonal in nature and not likely to be  
9 long term. If any such quarter monthly payment is not paid at  
10 the time or in the amount required by this Section, then the  
11 taxpayer shall be liable for penalties and interest on the  
12 difference between the minimum amount due as a payment and the  
13 amount of such quarter monthly payment actually and timely  
14 paid, except insofar as the taxpayer has previously made  
15 payments for that month to the Department in excess of the  
16 minimum payments previously due as provided in this Section.  
17 The Department shall make reasonable rules and regulations to  
18 govern the quarter monthly payment amount and quarter monthly  
19 payment dates for taxpayers who file on other than a calendar  
20 monthly basis.

21 The provisions of this paragraph apply before October 1,  
22 2001. Without regard to whether a taxpayer is required to make  
23 quarter monthly payments as specified above, any taxpayer who  
24 is required by Section 2d of this Act to collect and remit  
25 prepaid taxes and has collected prepaid taxes which average in  
26 excess of \$25,000 per month during the preceding 2 complete

1 calendar quarters, shall file a return with the Department as  
2 required by Section 2f and shall make payments to the  
3 Department on or before the 7th, 15th, 22nd and last day of the  
4 month during which such liability is incurred. If the month  
5 during which such tax liability is incurred began prior to the  
6 effective date of this amendatory Act of 1985, each payment  
7 shall be in an amount not less than 22.5% of the taxpayer's  
8 actual liability under Section 2d. If the month during which  
9 such tax liability is incurred begins on or after January 1,  
10 1986, each payment shall be in an amount equal to 22.5% of the  
11 taxpayer's actual liability for the month or 27.5% of the  
12 taxpayer's liability for the same calendar month of the  
13 preceding calendar year. If the month during which such tax  
14 liability is incurred begins on or after January 1, 1987, each  
15 payment shall be in an amount equal to 22.5% of the taxpayer's  
16 actual liability for the month or 26.25% of the taxpayer's  
17 liability for the same calendar month of the preceding year.  
18 The amount of such quarter monthly payments shall be credited  
19 against the final tax liability of the taxpayer's return for  
20 that month filed under this Section or Section 2f, as the case  
21 may be. Once applicable, the requirement of the making of  
22 quarter monthly payments to the Department pursuant to this  
23 paragraph shall continue until such taxpayer's average monthly  
24 prepaid tax collections during the preceding 2 complete  
25 calendar quarters is \$25,000 or less. If any such quarter  
26 monthly payment is not paid at the time or in the amount

1 required, the taxpayer shall be liable for penalties and  
2 interest on such difference, except insofar as the taxpayer has  
3 previously made payments for that month in excess of the  
4 minimum payments previously due.

5 The provisions of this paragraph apply on and after October  
6 1, 2001. Without regard to whether a taxpayer is required to  
7 make quarter monthly payments as specified above, any taxpayer  
8 who is required by Section 2d of this Act to collect and remit  
9 prepaid taxes and has collected prepaid taxes that average in  
10 excess of \$20,000 per month during the preceding 4 complete  
11 calendar quarters shall file a return with the Department as  
12 required by Section 2f and shall make payments to the  
13 Department on or before the 7th, 15th, 22nd and last day of the  
14 month during which the liability is incurred. Each payment  
15 shall be in an amount equal to 22.5% of the taxpayer's actual  
16 liability for the month or 25% of the taxpayer's liability for  
17 the same calendar month of the preceding year. The amount of  
18 the quarter monthly payments shall be credited against the  
19 final tax liability of the taxpayer's return for that month  
20 filed under this Section or Section 2f, as the case may be.  
21 Once applicable, the requirement of the making of quarter  
22 monthly payments to the Department pursuant to this paragraph  
23 shall continue until the taxpayer's average monthly prepaid tax  
24 collections during the preceding 4 complete calendar quarters  
25 (excluding the month of highest liability and the month of  
26 lowest liability) is less than \$19,000 or until such taxpayer's

1 average monthly liability to the Department as computed for  
2 each calendar quarter of the 4 preceding complete calendar  
3 quarters is less than \$20,000. If any such quarter monthly  
4 payment is not paid at the time or in the amount required, the  
5 taxpayer shall be liable for penalties and interest on such  
6 difference, except insofar as the taxpayer has previously made  
7 payments for that month in excess of the minimum payments  
8 previously due.

9 If any payment provided for in this Section exceeds the  
10 taxpayer's liabilities under this Act, the Use Tax Act, the  
11 Service Occupation Tax Act and the Service Use Tax Act, as  
12 shown on an original monthly return, the Department shall, if  
13 requested by the taxpayer, issue to the taxpayer a credit  
14 memorandum no later than 30 days after the date of payment. The  
15 credit evidenced by such credit memorandum may be assigned by  
16 the taxpayer to a similar taxpayer under this Act, the Use Tax  
17 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
18 in accordance with reasonable rules and regulations to be  
19 prescribed by the Department. If no such request is made, the  
20 taxpayer may credit such excess payment against tax liability  
21 subsequently to be remitted to the Department under this Act,  
22 the Use Tax Act, the Service Occupation Tax Act or the Service  
23 Use Tax Act, in accordance with reasonable rules and  
24 regulations prescribed by the Department. If the Department  
25 subsequently determined that all or any part of the credit  
26 taken was not actually due to the taxpayer, the taxpayer's 2.1%

1 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
2 of the difference between the credit taken and that actually  
3 due, and that taxpayer shall be liable for penalties and  
4 interest on such difference.

5 If a retailer of motor fuel is entitled to a credit under  
6 Section 2d of this Act which exceeds the taxpayer's liability  
7 to the Department under this Act for the month which the  
8 taxpayer is filing a return, the Department shall issue the  
9 taxpayer a credit memorandum for the excess.

10 Beginning January 1, 1990, each month the Department shall  
11 pay into the Local Government Tax Fund, a special fund in the  
12 State treasury which is hereby created, the net revenue  
13 realized for the preceding month from the 1% tax on sales of  
14 food for human consumption which is to be consumed off the  
15 premises where it is sold (other than alcoholic beverages, soft  
16 drinks and food which has been prepared for immediate  
17 consumption) and prescription and nonprescription medicines,  
18 drugs, medical appliances and insulin, urine testing  
19 materials, syringes and needles used by diabetics.

20 Beginning January 1, 1990, each month the Department shall  
21 pay into the County and Mass Transit District Fund, a special  
22 fund in the State treasury which is hereby created, 4% of the  
23 net revenue realized for the preceding month from the 6.25%  
24 general rate.

25 Beginning August 1, 2000, each month the Department shall  
26 pay into the County and Mass Transit District Fund 20% of the



1 net revenue realized for the preceding month from the 1.25%  
2 rate on the selling price of motor fuel and gasohol. Beginning  
3 September 1, 2010, each month the Department shall pay into the  
4 County and Mass Transit District Fund 20% of the net revenue  
5 realized for the preceding month from the 1.25% rate on the  
6 selling price of sales tax holiday items.

7 Beginning January 1, 1990, each month the Department shall  
8 pay into the Local Government Tax Fund 16% of the net revenue  
9 realized for the preceding month from the 6.25% general rate on  
10 the selling price of tangible personal property.

11 Beginning August 1, 2000, each month the Department shall  
12 pay into the Local Government Tax Fund 80% of the net revenue  
13 realized for the preceding month from the 1.25% rate on the  
14 selling price of motor fuel and gasohol. Beginning September 1,  
15 2010, each month the Department shall pay into the Local  
16 Government Tax Fund 80% of the net revenue realized for the  
17 preceding month from the 1.25% rate on the selling price of  
18 sales tax holiday items.

19 Beginning October 1, 2009, each month the Department shall  
20 pay into the Capital Projects Fund an amount that is equal to  
21 an amount estimated by the Department to represent 80% of the  
22 net revenue realized for the preceding month from the sale of  
23 candy, grooming and hygiene products, and soft drinks that had  
24 been taxed at a rate of 1% prior to September 1, 2009 but that  
25 are now taxed at 6.25%.

26 Beginning July 1, 2011, each month the Department shall pay

1 into the Clean Air Act ~~(CAA)~~ Permit Fund 80% of the net revenue  
2 realized for the preceding month from the 6.25% general rate on  
3 the selling price of sorbents used in Illinois in the process  
4 of sorbent injection as used to comply with the Environmental  
5 Protection Act or the federal Clean Air Act, but the total  
6 payment into the Clean Air Act ~~(CAA)~~ Permit Fund under this Act  
7 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal  
8 year.

9 Beginning July 1, 2013, each month the Department shall pay  
10 into the Underground Storage Tank Fund from the proceeds  
11 collected under this Act, the Use Tax Act, the Service Use Tax  
12 Act, and the Service Occupation Tax Act an amount equal to the  
13 average monthly deficit in the Underground Storage Tank Fund  
14 during the prior year, as certified annually by the Illinois  
15 Environmental Protection Agency, but the total payment into the  
16 Underground Storage Tank Fund under this Act, the Use Tax Act,  
17 the Service Use Tax Act, and the Service Occupation Tax Act  
18 shall not exceed \$18,000,000 in any State fiscal year. As used  
19 in this paragraph, the "average monthly deficit" shall be equal  
20 to the difference between the average monthly claims for  
21 payment by the fund and the average monthly revenues deposited  
22 into the fund, excluding payments made pursuant to this  
23 paragraph.

24 Beginning July 1, 2015, of the remainder of the moneys  
25 received by the Department under the Use Tax Act, the Service  
26 Use Tax Act, the Service Occupation Tax Act, and this Act, each

1 month the Department shall deposit \$500,000 into the State  
2 Crime Laboratory Fund.

3 Of the remainder of the moneys received by the Department  
4 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
5 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
6 and after July 1, 1989, 3.8% thereof shall be paid into the  
7 Build Illinois Fund; provided, however, that if in any fiscal  
8 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
9 may be, of the moneys received by the Department and required  
10 to be paid into the Build Illinois Fund pursuant to this Act,  
11 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
12 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
13 being hereinafter called the "Tax Acts" and such aggregate of  
14 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
15 called the "Tax Act Amount", and (2) the amount transferred to  
16 the Build Illinois Fund from the State and Local Sales Tax  
17 Reform Fund shall be less than the Annual Specified Amount (as  
18 hereinafter defined), an amount equal to the difference shall  
19 be immediately paid into the Build Illinois Fund from other  
20 moneys received by the Department pursuant to the Tax Acts; the  
21 "Annual Specified Amount" means the amounts specified below for  
22 fiscal years 1986 through 1993:

23	Fiscal Year	Annual Specified Amount
24	1986	\$54,800,000
25	1987	\$76,650,000
26	1988	\$80,480,000

1	1989	\$88,510,000
2	1990	\$115,330,000
3	1991	\$145,470,000
4	1992	\$182,730,000
5	1993	\$206,520,000;

6 and means the Certified Annual Debt Service Requirement (as  
7 defined in Section 13 of the Build Illinois Bond Act) or the  
8 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
9 each fiscal year thereafter; and further provided, that if on  
10 the last business day of any month the sum of (1) the Tax Act  
11 Amount required to be deposited into the Build Illinois Bond  
12 Account in the Build Illinois Fund during such month and (2)  
13 the amount transferred to the Build Illinois Fund from the  
14 State and Local Sales Tax Reform Fund shall have been less than  
15 1/12 of the Annual Specified Amount, an amount equal to the  
16 difference shall be immediately paid into the Build Illinois  
17 Fund from other moneys received by the Department pursuant to  
18 the Tax Acts; and, further provided, that in no event shall the  
19 payments required under the preceding proviso result in  
20 aggregate payments into the Build Illinois Fund pursuant to  
21 this clause (b) for any fiscal year in excess of the greater of  
22 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
23 such fiscal year. The amounts payable into the Build Illinois  
24 Fund under clause (b) of the first sentence in this paragraph  
25 shall be payable only until such time as the aggregate amount  
26 on deposit under each trust indenture securing Bonds issued and

1 outstanding pursuant to the Build Illinois Bond Act is  
2 sufficient, taking into account any future investment income,  
3 to fully provide, in accordance with such indenture, for the  
4 defeasance of or the payment of the principal of, premium, if  
5 any, and interest on the Bonds secured by such indenture and on  
6 any Bonds expected to be issued thereafter and all fees and  
7 costs payable with respect thereto, all as certified by the  
8 Director of the Bureau of the Budget (now Governor's Office of  
9 Management and Budget). If on the last business day of any  
10 month in which Bonds are outstanding pursuant to the Build  
11 Illinois Bond Act, the aggregate of moneys deposited in the  
12 Build Illinois Bond Account in the Build Illinois Fund in such  
13 month shall be less than the amount required to be transferred  
14 in such month from the Build Illinois Bond Account to the Build  
15 Illinois Bond Retirement and Interest Fund pursuant to Section  
16 13 of the Build Illinois Bond Act, an amount equal to such  
17 deficiency shall be immediately paid from other moneys received  
18 by the Department pursuant to the Tax Acts to the Build  
19 Illinois Fund; provided, however, that any amounts paid to the  
20 Build Illinois Fund in any fiscal year pursuant to this  
21 sentence shall be deemed to constitute payments pursuant to  
22 clause (b) of the first sentence of this paragraph and shall  
23 reduce the amount otherwise payable for such fiscal year  
24 pursuant to that clause (b). The moneys received by the  
25 Department pursuant to this Act and required to be deposited  
26 into the Build Illinois Fund are subject to the pledge, claim

1 and charge set forth in Section 12 of the Build Illinois Bond  
2 Act.

3 Subject to payment of amounts into the Build Illinois Fund  
4 as provided in the preceding paragraph or in any amendment  
5 thereto hereafter enacted, the following specified monthly  
6 installment of the amount requested in the certificate of the  
7 Chairman of the Metropolitan Pier and Exposition Authority  
8 provided under Section 8.25f of the State Finance Act, but not  
9 in excess of sums designated as "Total Deposit", shall be  
10 deposited in the aggregate from collections under Section 9 of  
11 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
12 9 of the Service Occupation Tax Act, and Section 3 of the  
13 Retailers' Occupation Tax Act into the McCormick Place  
14 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
15		
16	1993	\$0
17	1994	53,000,000
18	1995	58,000,000
19	1996	61,000,000
20	1997	64,000,000
21	1998	68,000,000
22	1999	71,000,000
23	2000	75,000,000
24	2001	80,000,000
25	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023	275,000,000
22	2024	275,000,000
23	2025	275,000,000
24	2026	279,000,000
25	2027	292,000,000
26	2028	307,000,000

1	2029	322,000,000
2	2030	338,000,000
3	2031	350,000,000
4	2032	350,000,000

5 and

6 each fiscal year

7 thereafter that bonds

8 are outstanding under

9 Section 13.2 of the

10 Metropolitan Pier and

11 Exposition Authority Act,

12 but not after fiscal year 2060.

13 Beginning July 20, 1993 and in each month of each fiscal  
14 year thereafter, one-eighth of the amount requested in the  
15 certificate of the Chairman of the Metropolitan Pier and  
16 Exposition Authority for that fiscal year, less the amount  
17 deposited into the McCormick Place Expansion Project Fund by  
18 the State Treasurer in the respective month under subsection  
19 (g) of Section 13 of the Metropolitan Pier and Exposition  
20 Authority Act, plus cumulative deficiencies in the deposits  
21 required under this Section for previous months and years,  
22 shall be deposited into the McCormick Place Expansion Project  
23 Fund, until the full amount requested for the fiscal year, but  
24 not in excess of the amount specified above as "Total Deposit",  
25 has been deposited.

26 Subject to payment of amounts into the Build Illinois Fund



1 and the McCormick Place Expansion Project Fund pursuant to the  
2 preceding paragraphs or in any amendments thereto hereafter  
3 enacted, beginning July 1, 1993 and ending on September 30,  
4 2013, the Department shall each month pay into the Illinois Tax  
5 Increment Fund 0.27% of 80% of the net revenue realized for the  
6 preceding month from the 6.25% general rate on the selling  
7 price of tangible personal property.

8 Subject to payment of amounts into the Build Illinois Fund  
9 and the McCormick Place Expansion Project Fund pursuant to the  
10 preceding paragraphs or in any amendments thereto hereafter  
11 enacted, beginning with the receipt of the first report of  
12 taxes paid by an eligible business and continuing for a 25-year  
13 period, the Department shall each month pay into the Energy  
14 Infrastructure Fund 80% of the net revenue realized from the  
15 6.25% general rate on the selling price of Illinois-mined coal  
16 that was sold to an eligible business. For purposes of this  
17 paragraph, the term "eligible business" means a new electric  
18 generating facility certified pursuant to Section 605-332 of  
19 the Department of Commerce and Economic Opportunity Law of the  
20 Civil Administrative Code of Illinois.

21 Subject to payment of amounts into the Build Illinois Fund,  
22 the McCormick Place Expansion Project Fund, the Illinois Tax  
23 Increment Fund, and the Energy Infrastructure Fund pursuant to  
24 the preceding paragraphs or in any amendments to this Section  
25 hereafter enacted, beginning on the first day of the first  
26 calendar month to occur on or after the effective date of this

1 amendatory Act of the 98th General Assembly, each month, from  
2 the collections made under Section 9 of the Use Tax Act,  
3 Section 9 of the Service Use Tax Act, Section 9 of the Service  
4 Occupation Tax Act, and Section 3 of the Retailers' Occupation  
5 Tax Act, the Department shall pay into the Tax Compliance and  
6 Administration Fund, to be used, subject to appropriation, to  
7 fund additional auditors and compliance personnel at the  
8 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
9 the cash receipts collected during the preceding fiscal year by  
10 the Audit Bureau of the Department under the Use Tax Act, the  
11 Service Use Tax Act, the Service Occupation Tax Act, the  
12 Retailers' Occupation Tax Act, and associated local occupation  
13 and use taxes administered by the Department.

14 Of the remainder of the moneys received by the Department  
15 pursuant to this Act, 75% thereof shall be paid into the State  
16 Treasury and 25% shall be reserved in a special account and  
17 used only for the transfer to the Common School Fund as part of  
18 the monthly transfer from the General Revenue Fund in  
19 accordance with Section 8a of the State Finance Act.

20 The Department may, upon separate written notice to a  
21 taxpayer, require the taxpayer to prepare and file with the  
22 Department on a form prescribed by the Department within not  
23 less than 60 days after receipt of the notice an annual  
24 information return for the tax year specified in the notice.  
25 Such annual return to the Department shall include a statement  
26 of gross receipts as shown by the retailer's last Federal

1 income tax return. If the total receipts of the business as  
2 reported in the Federal income tax return do not agree with the  
3 gross receipts reported to the Department of Revenue for the  
4 same period, the retailer shall attach to his annual return a  
5 schedule showing a reconciliation of the 2 amounts and the  
6 reasons for the difference. The retailer's annual return to the  
7 Department shall also disclose the cost of goods sold by the  
8 retailer during the year covered by such return, opening and  
9 closing inventories of such goods for such year, costs of goods  
10 used from stock or taken from stock and given away by the  
11 retailer during such year, payroll information of the  
12 retailer's business during such year and any additional  
13 reasonable information which the Department deems would be  
14 helpful in determining the accuracy of the monthly, quarterly  
15 or annual returns filed by such retailer as provided for in  
16 this Section.

17 If the annual information return required by this Section  
18 is not filed when and as required, the taxpayer shall be liable  
19 as follows:

20 (i) Until January 1, 1994, the taxpayer shall be liable  
21 for a penalty equal to  $\frac{1}{6}$  of 1% of the tax due from such  
22 taxpayer under this Act during the period to be covered by  
23 the annual return for each month or fraction of a month  
24 until such return is filed as required, the penalty to be  
25 assessed and collected in the same manner as any other  
26 penalty provided for in this Act.

1           (ii) On and after January 1, 1994, the taxpayer shall  
2           be liable for a penalty as described in Section 3-4 of the  
3           Uniform Penalty and Interest Act.

4           The chief executive officer, proprietor, owner or highest  
5           ranking manager shall sign the annual return to certify the  
6           accuracy of the information contained therein. Any person who  
7           willfully signs the annual return containing false or  
8           inaccurate information shall be guilty of perjury and punished  
9           accordingly. The annual return form prescribed by the  
10          Department shall include a warning that the person signing the  
11          return may be liable for perjury.

12          The provisions of this Section concerning the filing of an  
13          annual information return do not apply to a retailer who is not  
14          required to file an income tax return with the United States  
15          Government.

16          As soon as possible after the first day of each month, upon  
17          certification of the Department of Revenue, the Comptroller  
18          shall order transferred and the Treasurer shall transfer from  
19          the General Revenue Fund to the Motor Fuel Tax Fund an amount  
20          equal to 1.7% of 80% of the net revenue realized under this Act  
21          for the second preceding month. Beginning April 1, 2000, this  
22          transfer is no longer required and shall not be made.

23          Net revenue realized for a month shall be the revenue  
24          collected by the State pursuant to this Act, less the amount  
25          paid out during that month as refunds to taxpayers for  
26          overpayment of liability.

1           For greater simplicity of administration, manufacturers,  
2           importers and wholesalers whose products are sold at retail in  
3           Illinois by numerous retailers, and who wish to do so, may  
4           assume the responsibility for accounting and paying to the  
5           Department all tax accruing under this Act with respect to such  
6           sales, if the retailers who are affected do not make written  
7           objection to the Department to this arrangement.

8           Any person who promotes, organizes, provides retail  
9           selling space for concessionaires or other types of sellers at  
10          the Illinois State Fair, DuQuoin State Fair, county fairs,  
11          local fairs, art shows, flea markets and similar exhibitions or  
12          events, including any transient merchant as defined by Section  
13          2 of the Transient Merchant Act of 1987, is required to file a  
14          report with the Department providing the name of the merchant's  
15          business, the name of the person or persons engaged in  
16          merchant's business, the permanent address and Illinois  
17          Retailers Occupation Tax Registration Number of the merchant,  
18          the dates and location of the event and other reasonable  
19          information that the Department may require. The report must be  
20          filed not later than the 20th day of the month next following  
21          the month during which the event with retail sales was held.  
22          Any person who fails to file a report required by this Section  
23          commits a business offense and is subject to a fine not to  
24          exceed \$250.

25          Any person engaged in the business of selling tangible  
26          personal property at retail as a concessionaire or other type

1 of seller at the Illinois State Fair, county fairs, art shows,  
2 flea markets and similar exhibitions or events, or any  
3 transient merchants, as defined by Section 2 of the Transient  
4 Merchant Act of 1987, may be required to make a daily report of  
5 the amount of such sales to the Department and to make a daily  
6 payment of the full amount of tax due. The Department shall  
7 impose this requirement when it finds that there is a  
8 significant risk of loss of revenue to the State at such an  
9 exhibition or event. Such a finding shall be based on evidence  
10 that a substantial number of concessionaires or other sellers  
11 who are not residents of Illinois will be engaging in the  
12 business of selling tangible personal property at retail at the  
13 exhibition or event, or other evidence of a significant risk of  
14 loss of revenue to the State. The Department shall notify  
15 concessionaires and other sellers affected by the imposition of  
16 this requirement. In the absence of notification by the  
17 Department, the concessionaires and other sellers shall file  
18 their returns as otherwise required in this Section.

19 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
20 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.  
21 8-26-14; 99-352, eff. 8-12-15.)

22 (65 ILCS 120/Act rep.)

23 Section 5-140. The 2016 Olympic and Paralympic Games Act is  
24 repealed.

1 Section 5-145. The Heart of Illinois Regional Port District  
2 Act is amended by changing Section 105 as follows:

3 (70 ILCS 1807/105)

4 Sec. 105. Board; appointments; terms of office;  
5 certification and oath. The Governor, by and with the advice  
6 and consent of the Senate, shall appoint 3 members of the  
7 Board. Of the 3 members appointed by the Governor, at least one  
8 must be a member of a labor organization, which, for the  
9 purposes of this Section, means an organization of workers  
10 established to bargain collectively on behalf of their member  
11 workers ~~as defined in Section 3 of the Workplace Literacy Act.~~

12 If the Senate is in recess when the appointment is made, the  
13 Governor shall make a temporary appointment until the next  
14 meeting of the Senate. The county board chairmen of Tazewell,  
15 Woodford, Peoria, Marshall, Mason, and Fulton Counties shall  
16 each appoint one member of the Board with the advice and  
17 consent of their respective county boards. Of the members  
18 initially appointed, the 3 appointed by the Governor shall be  
19 appointed for initial terms expiring June 1, 2009, and the 6  
20 appointed by their county board chairmen shall be appointed for  
21 initial terms expiring June 1, 2010. All vacancies shall be  
22 filled in a like manner and with like regard to the place of  
23 residence of the appointee. After the expiration of initial  
24 terms, a successor shall hold office for the term of 6 years  
25 beginning the first day of June of the year in which the term

1 of office commences. The Governor and the respective county  
2 board chairmen shall certify their appointments to the  
3 Secretary of State. Within 30 days after certification of  
4 appointment, and before entering upon the duties of his office,  
5 each member of the Board shall take and subscribe the  
6 constitutional oath of office and file it in the office of the  
7 Secretary of State.

8 (Source: P.A. 93-262, eff. 7-22-03.)

9 (110 ILCS 805/2-16.05 rep.)

10 Section 5-150. The Public Community College Act is amended  
11 by repealing Section 2-16.05.

12 Section 5-155. The Nursing Home Care Act is amended by  
13 changing Section 3-310 as follows:

14 (210 ILCS 45/3-310) (from Ch. 111 1/2, par. 4153-310)

15 Sec. 3-310. All penalties shall be paid to the Department  
16 within 10 days of receipt of notice of assessment or, if the  
17 penalty is contested under Section 3-309, within 10 days of  
18 receipt of the final decision, unless the decision is appealed  
19 and the order is stayed by court order under Section 3-713. A  
20 facility choosing to waive the right to a hearing under Section  
21 3-309 shall submit a payment totaling 65% of the original fine  
22 amount along with the written waiver. A penalty assessed under  
23 this Act shall be collected by the Department and shall be



1 deposited with the State Treasurer into the Long Term Care  
2 Monitor/Receiver Fund. If the person or facility against whom a  
3 penalty has been assessed does not comply with a written demand  
4 for payment within 30 days, the Director shall issue an order  
5 to do any of the following:

6 (1) Direct the State Treasurer or Comptroller to deduct  
7 the amount of the fine from amounts otherwise due from the  
8 State for the penalty, ~~including any payments to be made~~  
9 ~~from the Medicaid Long Term Care Provider Participation Fee~~  
10 ~~Trust Fund established under Section 5-4.31 of the Illinois~~  
11 ~~Public Aid Code,~~ and remit that amount to the Department;

12 (2) Add the amount of the penalty to the facility's  
13 licensing fee; if the licensee refuses to make the payment  
14 at the time of application for renewal of its license, the  
15 license shall not be renewed; or

16 (3) Bring an action in circuit court to recover the  
17 amount of the penalty.

18 With the approval of the federal centers for Medicaid and  
19 Medicare services, the Director of Public Health shall set  
20 aside 50% of the federal civil monetary penalties collected  
21 each year to be used to award grants under the Equity in  
22 Long-term Care Quality Act.

23 (Source: P.A. 96-1372, eff. 7-29-10.)

24 Section 5-160. The Physical Fitness Facility Medical  
25 Emergency Preparedness Act is amended by changing Section 35 as

1 follows:

2 (210 ILCS 74/35)

3 Sec. 35. Penalties for violations.

4 (a) If a physical fitness facility violates this Act by (i)  
5 failing to adopt or implement a plan for responding to medical  
6 emergencies under Section 10 or (ii) failing to have on the  
7 premises an AED or trained AED user as required under  
8 subsection (a) or (b) of Section 15, the Director may issue to  
9 the facility a written administrative warning without monetary  
10 penalty for the initial violation. The facility may reply to  
11 the Department with written comments concerning the facility's  
12 remedial response to the warning. For subsequent violations,  
13 the Director may impose a civil monetary penalty against the  
14 facility as follows:

15 (1) At least \$1,500 but less than \$2,000 for a second  
16 violation.

17 (2) At least \$2,000 for a third or subsequent  
18 violation.

19 (b) The Director may impose a civil monetary penalty under  
20 this Section only after it provides the following to the  
21 facility:

22 (1) Written notice of the alleged violation.

23 (2) Written notice of the facility's right to request  
24 an administrative hearing on the question of the alleged  
25 violation.

1           (3) An opportunity to present evidence, orally or in  
2 writing or both, on the question of the alleged violation  
3 before an impartial hearing examiner appointed by the  
4 Director.

5           (4) A written decision from the Director, based on the  
6 evidence introduced at the hearing and the hearing  
7 examiner's recommendations, finding that the facility  
8 violated this Act and imposing the civil penalty.

9           (c) The Attorney General may bring an action in the circuit  
10 court to enforce the collection of a monetary penalty imposed  
11 under this Section.

12           (d) The fines shall be deposited into the General Revenue  
13 Fund ~~Physical Fitness Facility Medical Emergency Preparedness~~  
14 ~~Fund to be appropriated to the Department, together with any~~  
15 ~~other amounts, for the costs of administering this Act.~~

16 (Source: P.A. 93-910, eff. 1-1-05.)

17 (235 ILCS 5/12-4 rep.)

18 Section 5-165. The Liquor Control Act of 1934 is amended by  
19 repealing Section 12-4.

20 Section 5-170. The Illinois Public Aid Code is amended by  
21 changing Section 12-5 as follows:

22 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

23 Sec. 12-5. Appropriations; uses; federal grants; report to

1 General Assembly. From the sums appropriated by the General  
2 Assembly, the Illinois Department shall order for payment by  
3 warrant from the State Treasury grants for public aid under  
4 Articles III, IV, and V, including grants for funeral and  
5 burial expenses, and all costs of administration of the  
6 Illinois Department and the County Departments relating  
7 thereto. Moneys appropriated to the Illinois Department for  
8 public aid under Article VI may be used, with the consent of  
9 the Governor, to co-operate with federal, State, and local  
10 agencies in the development of work projects designed to  
11 provide suitable employment for persons receiving public aid  
12 under Article VI. The Illinois Department, with the consent of  
13 the Governor, may be the agent of the State for the receipt and  
14 disbursement of federal funds or commodities for public aid  
15 purposes under Article VI and for related purposes in which the  
16 co-operation of the Illinois Department is sought by the  
17 federal government, and, in connection therewith, may make  
18 necessary expenditures from moneys appropriated for public aid  
19 under any Article of this Code and for administration. The  
20 Illinois Department, with the consent of the Governor, may be  
21 the agent of the State for the receipt and disbursement of  
22 federal funds pursuant to the Immigration Reform and Control  
23 Act of 1986 and may make necessary expenditures from monies  
24 appropriated to it for operations, administration, and grants,  
25 including payment to the Health Insurance Reserve Fund for  
26 group insurance costs at the rate certified by the Department

1 of Central Management Services. All amounts received by the  
2 Illinois Department pursuant to the Immigration Reform and  
3 Control Act of 1986 shall be deposited in the Immigration  
4 Reform and Control Fund. All amounts received into the  
5 Immigration Reform and Control Fund as reimbursement for  
6 expenditures from the General Revenue Fund shall be transferred  
7 to the General Revenue Fund.

8 All grants received by the Illinois Department for programs  
9 funded by the Federal Social Services Block Grant shall be  
10 deposited in the Social Services Block Grant Fund. All funds  
11 received into the Social Services Block Grant Fund as  
12 reimbursement for expenditures from the General Revenue Fund  
13 shall be transferred to the General Revenue Fund. All funds  
14 received into the Social Services Block Grant fund for  
15 reimbursement for expenditure out of the Local Initiative Fund  
16 shall be transferred into the Local Initiative Fund. Any other  
17 federal funds received into the Social Services Block Grant  
18 Fund shall be transferred to the Special Purposes Trust Fund.  
19 All federal funds received by the Illinois Department as  
20 reimbursement for Employment and Training Programs for  
21 expenditures made by the Illinois Department from grants,  
22 gifts, or legacies as provided in Section 12-4.18 or made by an  
23 entity other than the Illinois Department and all federal funds  
24 received from the Emergency Contingency Fund for State  
25 Temporary Assistance for Needy Families Programs established  
26 by the American Recovery and Reinvestment Act of 2009 shall be

1 deposited into the Employment and Training Fund, ~~except that~~  
2 ~~federal funds received as reimbursement as a result of the~~  
3 ~~appropriation made for the costs of providing adult education~~  
4 ~~to public assistance recipients under the "Adult Education,~~  
5 ~~Public Assistance Fund" shall be deposited into the General~~  
6 ~~Revenue Fund; provided, however, that all funds, except those~~  
7 ~~that are specified in an interagency agreement between the~~  
8 ~~Illinois Community College Board and the Illinois Department,~~  
9 ~~that are received by the Illinois Department as reimbursement~~  
10 ~~under Title IV-A of the Social Security Act for expenditures~~  
11 ~~that are made by the Illinois Community College Board or any~~  
12 ~~public community college of this State shall be credited to a~~  
13 ~~special account that the State Treasurer shall establish and~~  
14 ~~maintain within the Employment and Training Fund for the~~  
15 ~~purpose of segregating the reimbursements received for~~  
16 ~~expenditures made by those entities. As reimbursements are~~  
17 ~~deposited into the Employment and Training Fund, the Illinois~~  
18 ~~Department shall certify to the State Comptroller and State~~  
19 ~~Treasurer the amount that is to be credited to the special~~  
20 ~~account established within that Fund as a reimbursement for~~  
21 ~~expenditures under Title IV-A of the Social Security Act made~~  
22 ~~by the Illinois Community College Board or any of the public~~  
23 ~~community colleges. All amounts credited to the special account~~  
24 ~~established and maintained within the Employment and Training~~  
25 ~~Fund as provided in this Section shall be held for transfer to~~  
26 ~~the TANF Opportunities Fund as provided in subsection (d) of~~

1 ~~Section 12-10.3, and shall not be transferred to any other fund~~  
2 ~~or used for any other purpose.~~

3 Eighty percent of the federal financial participation  
4 funds received by the Illinois Department under the Title IV-A  
5 Emergency Assistance program as reimbursement for expenditures  
6 made from the Illinois Department of Children and Family  
7 Services appropriations for the costs of providing services in  
8 behalf of Department of Children and Family Services clients  
9 shall be deposited into the DCFS Children's Services Fund.

10 All federal funds, except those covered by the foregoing 3  
11 paragraphs, received as reimbursement for expenditures from  
12 the General Revenue Fund shall be deposited in the General  
13 Revenue Fund for administrative and distributive expenditures  
14 properly chargeable by federal law or regulation to aid  
15 programs established under Articles III through XII and Titles  
16 IV, XVI, XIX and XX of the Federal Social Security Act. Any  
17 other federal funds received by the Illinois Department under  
18 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
19 Section 12-10 of this Code to be paid into the Special Purposes  
20 Trust Fund shall be deposited into the Special Purposes Trust  
21 Fund. Any other federal funds received by the Illinois  
22 Department pursuant to the Child Support Enforcement Program  
23 established by Title IV-D of the Social Security Act shall be  
24 deposited in the Child Support Enforcement Trust Fund as  
25 required under Section 12-10.2 or in the Child Support  
26 Administrative Fund as required under Section 12-10.2a of this

1 Code. ~~Any other federal funds received by the Illinois~~  
2 ~~Department for medical assistance program expenditures made~~  
3 ~~under Title XIX of the Social Security Act and Article V of~~  
4 ~~this Code that are required by Section 5-4.21 of this Code to~~  
5 ~~be paid into the Medicaid Provider for Persons with a~~  
6 ~~Developmental Disability Participation Fee Trust Fund shall be~~  
7 ~~deposited into the Medicaid Provider for Persons with a~~  
8 ~~Developmental Disability Participation Fee Trust Fund. Any~~  
9 ~~other federal funds received by the Illinois Department for~~  
10 ~~medical assistance program expenditures made under Title XIX of~~  
11 ~~the Social Security Act and Article V of this Code that are~~  
12 ~~required by Section 5-4.31 of this Code to be paid into the~~  
13 ~~Medicaid Long Term Care Provider Participation Fee Trust Fund~~  
14 ~~shall be deposited into the Medicaid Long Term Care Provider~~  
15 ~~Participation Fee Trust Fund. Any other federal funds received~~  
16 ~~by the Illinois Department for hospital inpatient, hospital~~  
17 ~~ambulatory care, and disproportionate share hospital~~  
18 ~~expenditures made under Title XIX of the Social Security Act~~  
19 ~~and Article V of this Code that are required by Section 14-2 of~~  
20 ~~this Code to be paid into the Hospital Services Trust Fund~~  
21 ~~shall be deposited into the Hospital Services Trust Fund. Any~~  
22 other federal funds received by the Illinois Department for  
23 expenditures made under Title XIX of the Social Security Act  
24 and Articles V and VI of this Code that are required by Section  
25 15-2 of this Code to be paid into the County Provider Trust  
26 Fund shall be deposited into the County Provider Trust Fund.



1 Any other federal funds received by the Illinois Department for  
2 hospital inpatient, hospital ambulatory care, and  
3 disproportionate share hospital expenditures made under Title  
4 XIX of the Social Security Act and Article V of this Code that  
5 are required by Section 5A-8 of this Code to be paid into the  
6 Hospital Provider Fund shall be deposited into the Hospital  
7 Provider Fund. Any other federal funds received by the Illinois  
8 Department for medical assistance program expenditures made  
9 under Title XIX of the Social Security Act and Article V of  
10 this Code that are required by Section 5B-8 of this Code to be  
11 paid into the Long-Term Care Provider Fund shall be deposited  
12 into the Long-Term Care Provider Fund. Any other federal funds  
13 received by the Illinois Department for medical assistance  
14 program expenditures made under Title XIX of the Social  
15 Security Act and Article V of this Code that are required by  
16 Section 5C-7 of this Code to be paid into the Care Provider  
17 Fund for Persons with a Developmental Disability shall be  
18 deposited into the Care Provider Fund for Persons with a  
19 Developmental Disability. Any other federal funds received by  
20 the Illinois Department for trauma center adjustment payments  
21 that are required by Section 5-5.03 of this Code and made under  
22 Title XIX of the Social Security Act and Article V of this Code  
23 shall be deposited into the Trauma Center Fund. Any other  
24 federal funds received by the Illinois Department as  
25 reimbursement for expenses for early intervention services  
26 paid from the Early Intervention Services Revolving Fund shall

1 be deposited into that Fund.

2 The Illinois Department shall report to the General  
3 Assembly at the end of each fiscal quarter the amount of all  
4 funds received and paid into the Social Service Block Grant  
5 Fund and the Local Initiative Fund and the expenditures and  
6 transfers of such funds for services, programs and other  
7 purposes authorized by law. Such report shall be filed with the  
8 Speaker, Minority Leader and Clerk of the House, with the  
9 President, Minority Leader and Secretary of the Senate, with  
10 the Chairmen of the House and Senate Appropriations Committees,  
11 the House Human Resources Committee and the Senate Public  
12 Health, Welfare and Corrections Committee, or the successor  
13 standing Committees of each as provided by the rules of the  
14 House and Senate, respectively, with the Legislative Research  
15 Unit and with the State Government Report Distribution Center  
16 for the General Assembly as is required under paragraph (t) of  
17 Section 7 of the State Library Act shall be deemed sufficient  
18 to comply with this Section.

19 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

20 (305 ILCS 5/5-16.4 rep.)

21 Section 5-175. The Illinois Public Aid Code is amended by  
22 repealing Section 5-16.4.

23 Section 5-180. The Energy Assistance Act is amended by  
24 changing Section 13 as follows:

1 (305 ILCS 20/13)

2 (Section scheduled to be repealed on December 31, 2018)

3 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

4 (a) The Supplemental Low-Income Energy Assistance Fund is  
5 hereby created as a special fund in the State Treasury. The  
6 Supplemental Low-Income Energy Assistance Fund is authorized  
7 to receive moneys from voluntary donations from individuals,  
8 foundations, corporations, and other sources, moneys received  
9 pursuant to Section 17, and, by statutory deposit, the moneys  
10 collected pursuant to this Section. The Fund is also authorized  
11 to receive voluntary donations from individuals, foundations,  
12 corporations, and other sources, ~~as well as contributions made~~  
13 ~~in accordance with Section 507MM of the Illinois Income Tax~~  
14 ~~Act~~. Subject to appropriation, the Department shall use moneys  
15 from the Supplemental Low-Income Energy Assistance Fund for  
16 payments to electric or gas public utilities, municipal  
17 electric or gas utilities, and electric cooperatives on behalf  
18 of their customers who are participants in the program  
19 authorized by Sections 4 and 18 of this Act, for the provision  
20 of weatherization services and for administration of the  
21 Supplemental Low-Income Energy Assistance Fund. The yearly  
22 expenditures for weatherization may not exceed 10% of the  
23 amount collected during the year pursuant to this Section. The  
24 yearly administrative expenses of the Supplemental Low-Income  
25 Energy Assistance Fund may not exceed 10% of the amount

1 collected during that year pursuant to this Section, except  
2 when unspent funds from the Supplemental Low-Income Energy  
3 Assistance Fund are reallocated from a previous year; any  
4 unspent balance of the 10% administrative allowance may be  
5 utilized for administrative expenses in the year they are  
6 reallocated.

7 (b) Notwithstanding the provisions of Section 16-111 of the  
8 Public Utilities Act but subject to subsection (k) of this  
9 Section, each public utility, electric cooperative, as defined  
10 in Section 3.4 of the Electric Supplier Act, and municipal  
11 utility, as referenced in Section 3-105 of the Public Utilities  
12 Act, that is engaged in the delivery of electricity or the  
13 distribution of natural gas within the State of Illinois shall,  
14 effective January 1, 1998, assess each of its customer accounts  
15 a monthly Energy Assistance Charge for the Supplemental  
16 Low-Income Energy Assistance Fund. The delivering public  
17 utility, municipal electric or gas utility, or electric or gas  
18 cooperative for a self-assessing purchaser remains subject to  
19 the collection of the fee imposed by this Section. The monthly  
20 charge shall be as follows:

21 (1) \$0.48 per month on each account for residential  
22 electric service;

23 (2) \$0.48 per month on each account for residential gas  
24 service;

25 (3) \$4.80 per month on each account for non-residential  
26 electric service which had less than 10 megawatts of peak

1 demand during the previous calendar year;

2 (4) \$4.80 per month on each account for non-residential  
3 gas service which had distributed to it less than 4,000,000  
4 therms of gas during the previous calendar year;

5 (5) \$360 per month on each account for non-residential  
6 electric service which had 10 megawatts or greater of peak  
7 demand during the previous calendar year; and

8 (6) \$360 per month on each account for non-residential  
9 gas service which had 4,000,000 or more therms of gas  
10 distributed to it during the previous calendar year.

11 The incremental change to such charges imposed by this  
12 amendatory Act of the 96th General Assembly shall not (i) be  
13 used for any purpose other than to directly assist customers  
14 and (ii) be applicable to utilities serving less than 100,000  
15 customers in Illinois on January 1, 2009.

16 In addition, electric and gas utilities have committed, and  
17 shall contribute, a one-time payment of \$22 million to the  
18 Fund, within 10 days after the effective date of the tariffs  
19 established pursuant to Sections 16-111.8 and 19-145 of the  
20 Public Utilities Act to be used for the Department's cost of  
21 implementing the programs described in Section 18 of this  
22 amendatory Act of the 96th General Assembly, the Arrearage  
23 Reduction Program described in Section 18, and the programs  
24 described in Section 8-105 of the Public Utilities Act. If a  
25 utility elects not to file a rider within 90 days after the  
26 effective date of this amendatory Act of the 96th General

1 Assembly, then the contribution from such utility shall be made  
2 no later than February 1, 2010.

3 (c) For purposes of this Section:

4 (1) "residential electric service" means electric  
5 utility service for household purposes delivered to a  
6 dwelling of 2 or fewer units which is billed under a  
7 residential rate, or electric utility service for  
8 household purposes delivered to a dwelling unit or units  
9 which is billed under a residential rate and is registered  
10 by a separate meter for each dwelling unit;

11 (2) "residential gas service" means gas utility  
12 service for household purposes distributed to a dwelling of  
13 2 or fewer units which is billed under a residential rate,  
14 or gas utility service for household purposes distributed  
15 to a dwelling unit or units which is billed under a  
16 residential rate and is registered by a separate meter for  
17 each dwelling unit;

18 (3) "non-residential electric service" means electric  
19 utility service which is not residential electric service;  
20 and

21 (4) "non-residential gas service" means gas utility  
22 service which is not residential gas service.

23 (d) Within 30 days after the effective date of this  
24 amendatory Act of the 96th General Assembly, each public  
25 utility engaged in the delivery of electricity or the  
26 distribution of natural gas shall file with the Illinois

1 Commerce Commission tariffs incorporating the Energy  
2 Assistance Charge in other charges stated in such tariffs,  
3 which shall become effective no later than the beginning of the  
4 first billing cycle following such filing.

5 (e) The Energy Assistance Charge assessed by electric and  
6 gas public utilities shall be considered a charge for public  
7 utility service.

8 (f) By the 20th day of the month following the month in  
9 which the charges imposed by the Section were collected, each  
10 public utility, municipal utility, and electric cooperative  
11 shall remit to the Department of Revenue all moneys received as  
12 payment of the Energy Assistance Charge on a return prescribed  
13 and furnished by the Department of Revenue showing such  
14 information as the Department of Revenue may reasonably  
15 require; provided, however, that a utility offering an  
16 Arrearage Reduction Program pursuant to Section 18 of this Act  
17 shall be entitled to net those amounts necessary to fund and  
18 recover the costs of such Program as authorized by that Section  
19 that is no more than the incremental change in such Energy  
20 Assistance Charge authorized by this amendatory Act of the 96th  
21 General Assembly. If a customer makes a partial payment, a  
22 public utility, municipal utility, or electric cooperative may  
23 elect either: (i) to apply such partial payments first to  
24 amounts owed to the utility or cooperative for its services and  
25 then to payment for the Energy Assistance Charge or (ii) to  
26 apply such partial payments on a pro-rata basis between amounts

1 owed to the utility or cooperative for its services and to  
2 payment for the Energy Assistance Charge.

3 (g) The Department of Revenue shall deposit into the  
4 Supplemental Low-Income Energy Assistance Fund all moneys  
5 remitted to it in accordance with subsection (f) of this  
6 Section; provided, however, that the amounts remitted by each  
7 utility shall be used to provide assistance to that utility's  
8 customers. The utilities shall coordinate with the Department  
9 to establish an equitable and practical methodology for  
10 implementing this subsection (g) beginning with the 2010  
11 program year.

12 (h) On or before December 31, 2002, the Department shall  
13 prepare a report for the General Assembly on the expenditure of  
14 funds appropriated from the Low-Income Energy Assistance Block  
15 Grant Fund for the program authorized under Section 4 of this  
16 Act.

17 (i) The Department of Revenue may establish such rules as  
18 it deems necessary to implement this Section.

19 (j) The Department of Commerce and Economic Opportunity may  
20 establish such rules as it deems necessary to implement this  
21 Section.

22 (k) The charges imposed by this Section shall only apply to  
23 customers of municipal electric or gas utilities and electric  
24 or gas cooperatives if the municipal electric or gas utility or  
25 electric or gas cooperative makes an affirmative decision to  
26 impose the charge. If a municipal electric or gas utility or an



1 electric cooperative makes an affirmative decision to impose  
2 the charge provided by this Section, the municipal electric or  
3 gas utility or electric cooperative shall inform the Department  
4 of Revenue in writing of such decision when it begins to impose  
5 the charge. If a municipal electric or gas utility or electric  
6 or gas cooperative does not assess this charge, the Department  
7 may not use funds from the Supplemental Low-Income Energy  
8 Assistance Fund to provide benefits to its customers under the  
9 program authorized by Section 4 of this Act.

10 In its use of federal funds under this Act, the Department  
11 may not cause a disproportionate share of those federal funds  
12 to benefit customers of systems which do not assess the charge  
13 provided by this Section.

14 This Section is repealed effective December 31, 2018 unless  
15 renewed by action of the General Assembly. The General Assembly  
16 shall consider the results of the evaluations described in  
17 Section 8 in its deliberations.

18 (Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16.)

19 (305 ILCS 20/15 rep.)

20 Section 5-185. The Energy Assistance Act is amended by  
21 repealing Section 15.

22 Section 5-190. The Housing Authorities Act is amended by  
23 changing Section 32 as follows:

1 (310 ILCS 10/32) (from Ch. 67 1/2, par. 27e)

2 Sec. 32. An Authority created pursuant to this Act may be  
3 dissolved and its corporate status terminated in the following  
4 manner: whenever the commissioners of an Authority adopt a  
5 resolution to the effect that it has completed all projects  
6 undertaken by it, or that it has undertaken no project and has  
7 no project in contemplation, and that it has no other duties to  
8 perform in its area of operation, it shall submit a certified  
9 copy thereof to the governing body of the area of operation for  
10 which it was initially created. If the governing body concurs  
11 therein, it shall adopt an ordinance or resolution in support  
12 thereof and transmit a certified copy thereof, together with  
13 the certified copy of the resolution of the Authority, to the  
14 Department. The Department shall audit the financial records of  
15 the Authority and if the Authority has not been the recipient  
16 of funds from the State of Illinois, or if it has received such  
17 funds and fully expended the same in the exercise of its  
18 statutory powers, and if no judicial action is then pending in  
19 which the Authority, or the Commissioners thereof in their  
20 official capacity, is a party, and if the Authority is not a  
21 party to any unexecuted contract or agreement, oral or written,  
22 in which a monetary claim may be asserted against it by any  
23 person, firm or corporation, it shall issue a Certificate of  
24 Dissolution, attested by the Director of the Department, and  
25 file the same for record in the office of the recorder in the  
26 county in which the Authority is located.

1           If the Authority has in its possession or title public  
2 funds which are or have been derived from grants made by the  
3 State of Illinois, or any real or personal property acquired by  
4 such state funds, and if no judicial action is pending or  
5 contractual claims outstanding against such Authority as above  
6 provided, the Department shall require the Authority to  
7 transfer such funds to it, and to sell and liquidate its  
8 interest in such real or personal property at a fair value to  
9 be fixed by the Department and pay the proceeds thereof to the  
10 Department. Upon compliance with such direction, the  
11 Department shall issue, and file for recording, a Certificate  
12 of Dissolution in the manner above provided. ~~All moneys~~  
13 ~~received by the Department from the Authority shall forthwith~~  
14 ~~be paid into the Housing Fund as provided in Section 46.1 of~~  
15 ~~the "State Housing Act".~~

16           An Authority shall be deemed legally dissolved upon the  
17 filing of the Certificate of Dissolution in the Office of the  
18 recorder as herein provided. Such dissolution shall not affect  
19 or impair the validity of any deed of conveyance theretofore  
20 executed and delivered by the Authority. The dissolution of an  
21 Authority shall not be a bar to the establishment of a new  
22 Authority for the same area of operation in the manner provided  
23 by Section 3 of this Act.

24           (Source: P.A. 83-358.)

25           Section 5-195. The Housing Development and Construction

1 Act is amended by changing Section 9a as follows:

2 (310 ILCS 20/9a) (from Ch. 67 1/2, par. 61a)

3 Sec. 9a. In the event that any housing authority or land  
4 clearance commission has failed or refused to initiate any  
5 project or projects for which it has received grants of State  
6 funds under the provisions of this Act or "An Act to promote  
7 the improvement of housing," approved July 26, 1945, and the  
8 Department of Commerce and Economic Opportunity, upon the basis  
9 of an investigation, is convinced that such housing authority  
10 or land clearance commission is unable or unwilling to proceed  
11 thereon, the Department may direct the housing authority or  
12 land clearance commission to transfer to the Department the  
13 balance of the State funds then in the possession of such  
14 agency, and upon failure to do so within thirty days after such  
15 demand, the Department shall institute a civil action for the  
16 recovery thereof, which action shall be maintained by the  
17 Attorney General of the State of Illinois or the state's  
18 attorney of the county in which the housing authority or land  
19 clearance commission has its area of operation.

20 Any officer or member of any such housing authority or land  
21 clearance commission who refuses to comply with the demand of  
22 the Department of Commerce and Economic Opportunity for the  
23 transfer of State funds as herein provided shall be guilty of a  
24 Class A misdemeanor.

25 ~~All State funds recovered by the Department of Commerce and~~

1 ~~Economic Opportunity pursuant to this section shall forthwith~~  
2 ~~be paid into the State Housing Fund in the State Treasury.~~

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

4 (315 ILCS 5/25a rep.)

5 Section 5-200. The Blighted Areas Redevelopment Act of 1947  
6 is amended by repealing Section 25a.

7 Section 5-205. The Older Adult Services Act is amended by  
8 changing Section 30 as follows:

9 (320 ILCS 42/30)

10 Sec. 30. Nursing home conversion program.

11 (a) The Department of Public Health, in collaboration with  
12 the Department on Aging and the Department of Healthcare and  
13 Family Services, shall establish a nursing home conversion  
14 program. Start-up grants, pursuant to subsections (l) and (m)  
15 of this Section, shall be made available to nursing homes as  
16 appropriations permit as an incentive to reduce certified beds,  
17 retrofit, and retool operations to meet new service delivery  
18 expectations and demands.

19 (b) Grant moneys shall be made available for capital and  
20 other costs related to: (1) the conversion of all or a part of  
21 a nursing home to an assisted living establishment or a special  
22 program or unit for persons with Alzheimer's disease or related  
23 disorders licensed under the Assisted Living and Shared Housing

1 Act or a supportive living facility established under Section  
2 5-5.01a of the Illinois Public Aid Code; (2) the conversion of  
3 multi-resident bedrooms in the facility into single-occupancy  
4 rooms; and (3) the development of any of the services  
5 identified in a priority service plan that can be provided by a  
6 nursing home within the confines of a nursing home or  
7 transportation services. Grantees shall be required to provide  
8 a minimum of a 20% match toward the total cost of the project.

9 (c) Nothing in this Act shall prohibit the co-location of  
10 services or the development of multifunctional centers under  
11 subsection (f) of Section 20, including a nursing home offering  
12 community-based services or a community provider establishing  
13 a residential facility.

14 (d) A certified nursing home with at least 50% of its  
15 resident population having their care paid for by the Medicaid  
16 program is eligible to apply for a grant under this Section.

17 (e) Any nursing home receiving a grant under this Section  
18 shall reduce the number of certified nursing home beds by a  
19 number equal to or greater than the number of beds being  
20 converted for one or more of the permitted uses under item (1)  
21 or (2) of subsection (b). The nursing home shall retain the  
22 Certificate of Need for its nursing and sheltered care beds  
23 that were converted for 15 years. If the beds are reinstated by  
24 the provider or its successor in interest, the provider shall  
25 pay to the fund from which the grant was awarded, on an  
26 amortized basis, the amount of the grant. The Department shall

1 establish, by rule, the bed reduction methodology for nursing  
2 homes that receive a grant pursuant to item (3) of subsection  
3 (b).

4 (f) Any nursing home receiving a grant under this Section  
5 shall agree that, for a minimum of 10 years after the date that  
6 the grant is awarded, a minimum of 50% of the nursing home's  
7 resident population shall have their care paid for by the  
8 Medicaid program. If the nursing home provider or its successor  
9 in interest ceases to comply with the requirement set forth in  
10 this subsection, the provider shall pay to the fund from which  
11 the grant was awarded, on an amortized basis, the amount of the  
12 grant.

13 (g) Before awarding grants, the Department of Public Health  
14 shall seek recommendations from the Department on Aging and the  
15 Department of Healthcare and Family Services. The Department of  
16 Public Health shall attempt to balance the distribution of  
17 grants among geographic regions, and among small and large  
18 nursing homes. The Department of Public Health shall develop,  
19 by rule, the criteria for the award of grants based upon the  
20 following factors:

21 (1) the unique needs of older adults (including those  
22 with moderate and low incomes), caregivers, and providers  
23 in the geographic area of the State the grantee seeks to  
24 serve;

25 (2) whether the grantee proposes to provide services in  
26 a priority service area;

1           (3) the extent to which the conversion or transition  
2 will result in the reduction of certified nursing home beds  
3 in an area with excess beds;

4           (4) the compliance history of the nursing home; and

5           (5) any other relevant factors identified by the  
6 Department, including standards of need.

7           (h) A conversion funded in whole or in part by a grant  
8 under this Section must not:

9           (1) diminish or reduce the quality of services  
10 available to nursing home residents;

11           (2) force any nursing home resident to involuntarily  
12 accept home-based or community-based services instead of  
13 nursing home services;

14           (3) diminish or reduce the supply and distribution of  
15 nursing home services in any community below the level of  
16 need, as defined by the Department by rule; or

17           (4) cause undue hardship on any person who requires  
18 nursing home care.

19           (i) The Department shall prescribe, by rule, the grant  
20 application process. At a minimum, every application must  
21 include:

22           (1) the type of grant sought;

23           (2) a description of the project;

24           (3) the objective of the project;

25           (4) the likelihood of the project meeting identified  
26 needs;



1           (5) the plan for financing, administration, and  
2 evaluation of the project;

3           (6) the timetable for implementation;

4           (7) the roles and capabilities of responsible  
5 individuals and organizations;

6           (8) documentation of collaboration with other service  
7 providers, local community government leaders, and other  
8 stakeholders, other providers, and any other stakeholders  
9 in the community;

10          (9) documentation of community support for the  
11 project, including support by other service providers,  
12 local community government leaders, and other  
13 stakeholders;

14          (10) the total budget for the project;

15          (11) the financial condition of the applicant; and

16          (12) any other application requirements that may be  
17 established by the Department by rule.

18          (j) A conversion project funded in whole or in part by a  
19 grant under this Section is exempt from the requirements of the  
20 Illinois Health Facilities Planning Act. The Department of  
21 Public Health, however, shall send to the Health Facilities and  
22 Services Review Board a copy of each grant award made under  
23 this Section.

24          (k) Applications for grants are public information, except  
25 that nursing home financial condition and any proprietary data  
26 shall be classified as nonpublic data.

1 (1) The Department of Public Health may award grants from  
2 the Long Term Care Civil Money Penalties Fund established under  
3 Section 1919(h) (2) (A) (ii) of the Social Security Act and 42 CFR  
4 488.422(g) if the award meets federal requirements.

5 (m) (Blank). ~~The Nursing Home Conversion Fund is created as  
6 a special fund in the State treasury. Moneys appropriated by  
7 the General Assembly or transferred from other sources for the  
8 purposes of this Section shall be deposited into the Fund. All  
9 interest earned on moneys in the fund shall be credited to the  
10 fund. Moneys contained in the fund shall be used to support the  
11 purposes of this Section.~~

12 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;  
13 96-758, eff. 8-25-09; 96-1000, eff. 7-2-10.)

14 Section 5-210. The Illinois Prescription Drug Discount  
15 Program Act is amended by adding Sections 55 and 60 as follows:

16 (320 ILCS 55/55 new)

17 Sec. 55. Unexpended funds. Notwithstanding any other  
18 provision of law, in addition to any other transfers that may  
19 be provided by law, on July 1, 2016, or as soon thereafter as  
20 practical, the State Comptroller shall direct and the State  
21 Treasurer shall transfer the remaining balance from the  
22 Illinois Prescription Drug Discount Program Fund into the  
23 General Revenue Fund. Upon completion of the transfers, the  
24 Illinois Prescription Drug Discount Program Fund is dissolved,

1 and any future deposits due to that Fund and any outstanding  
2 obligations or liabilities of that Fund pass to the General  
3 Revenue Fund.

4 (320 ILCS 55/60 new)

5 Sec. 60. Repeal. This Act is repealed on October 1, 2016.

6 Section 5-215. The Environmental Protection Act is amended  
7 by changing Section 39.5 as follows:

8 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

9 Sec. 39.5. Clean Air Act Permit Program.

10 1. Definitions. For purposes of this Section:

11 "Administrative permit amendment" means a permit revision  
12 subject to subsection 13 of this Section.

13 "Affected source for acid deposition" means a source that  
14 includes one or more affected units under Title IV of the Clean  
15 Air Act.

16 "Affected States" for purposes of formal distribution of a  
17 draft CAAPP permit to other States for comments prior to  
18 issuance, means all States:

19 (1) Whose air quality may be affected by the source  
20 covered by the draft permit and that are contiguous to  
21 Illinois; or

22 (2) That are within 50 miles of the source.

23 "Affected unit for acid deposition" shall have the meaning

1 given to the term "affected unit" in the regulations  
2 promulgated under Title IV of the Clean Air Act.

3 "Applicable Clean Air Act requirement" means all of the  
4 following as they apply to emissions units in a source  
5 (including regulations that have been promulgated or approved  
6 by USEPA pursuant to the Clean Air Act which directly impose  
7 requirements upon a source and other such federal requirements  
8 which have been adopted by the Board. These may include  
9 requirements and regulations which have future effective  
10 compliance dates. Requirements and regulations will be exempt  
11 if USEPA determines that such requirements need not be  
12 contained in a Title V permit):

13 (1) Any standard or other requirement provided for in  
14 the applicable state implementation plan approved or  
15 promulgated by USEPA under Title I of the Clean Air Act  
16 that implements the relevant requirements of the Clean Air  
17 Act, including any revisions to the state Implementation  
18 Plan promulgated in 40 CFR Part 52, Subparts A and O and  
19 other subparts applicable to Illinois. For purposes of this  
20 paragraph (1) of this definition, "any standard or other  
21 requirement" means only such standards or requirements  
22 directly enforceable against an individual source under  
23 the Clean Air Act.

24 (2) (i) Any term or condition of any preconstruction  
25 permits issued pursuant to regulations approved or  
26 promulgated by USEPA under Title I of the Clean Air

1 Act, including Part C or D of the Clean Air Act.

2 (ii) Any term or condition as required pursuant to  
3 Section 39.5 of any federally enforceable State  
4 operating permit issued pursuant to regulations  
5 approved or promulgated by USEPA under Title I of the  
6 Clean Air Act, including Part C or D of the Clean Air  
7 Act.

8 (3) Any standard or other requirement under Section 111  
9 of the Clean Air Act, including Section 111(d).

10 (4) Any standard or other requirement under Section 112  
11 of the Clean Air Act, including any requirement concerning  
12 accident prevention under Section 112(r)(7) of the Clean  
13 Air Act.

14 (5) Any standard or other requirement of the acid rain  
15 program under Title IV of the Clean Air Act or the  
16 regulations promulgated thereunder.

17 (6) Any requirements established pursuant to Section  
18 504(b) or Section 114(a)(3) of the Clean Air Act.

19 (7) Any standard or other requirement governing solid  
20 waste incineration, under Section 129 of the Clean Air Act.

21 (8) Any standard or other requirement for consumer and  
22 commercial products, under Section 183(e) of the Clean Air  
23 Act.

24 (9) Any standard or other requirement for tank vessels,  
25 under Section 183(f) of the Clean Air Act.

26 (10) Any standard or other requirement of the program

1 to control air pollution from Outer Continental Shelf  
2 sources, under Section 328 of the Clean Air Act.

3 (11) Any standard or other requirement of the  
4 regulations promulgated to protect stratospheric ozone  
5 under Title VI of the Clean Air Act, unless USEPA has  
6 determined that such requirements need not be contained in  
7 a Title V permit.

8 (12) Any national ambient air quality standard or  
9 increment or visibility requirement under Part C of Title I  
10 of the Clean Air Act, but only as it would apply to  
11 temporary sources permitted pursuant to Section 504(e) of  
12 the Clean Air Act.

13 "Applicable requirement" means all applicable Clean Air  
14 Act requirements and any other standard, limitation, or other  
15 requirement contained in this Act or regulations promulgated  
16 under this Act as applicable to sources of air contaminants  
17 (including requirements that have future effective compliance  
18 dates).

19 "CAAPP" means the Clean Air Act Permit Program, developed  
20 pursuant to Title V of the Clean Air Act.

21 "CAAPP application" means an application for a CAAPP  
22 permit.

23 "CAAPP Permit" or "permit" (unless the context suggests  
24 otherwise) means any permit issued, renewed, amended, modified  
25 or revised pursuant to Title V of the Clean Air Act.

26 "CAAPP source" means any source for which the owner or

1 operator is required to obtain a CAAPP permit pursuant to  
2 subsection 2 of this Section.

3 "Clean Air Act" means the Clean Air Act, as now and  
4 hereafter amended, 42 U.S.C. 7401, et seq.

5 "Designated representative" has the meaning given to it in  
6 Section 402(26) of the Clean Air Act and the regulations  
7 promulgated thereunder, which state that the term "designated  
8 representative" means a responsible person or official  
9 authorized by the owner or operator of a unit to represent the  
10 owner or operator in all matters pertaining to the holding,  
11 transfer, or disposition of allowances allocated to a unit, and  
12 the submission of and compliance with permits, permit  
13 applications, and compliance plans for the unit.

14 "Draft CAAPP permit" means the version of a CAAPP permit  
15 for which public notice and an opportunity for public comment  
16 and hearing is offered by the Agency.

17 "Effective date of the CAAPP" means the date that USEPA  
18 approves Illinois' CAAPP.

19 "Emission unit" means any part or activity of a stationary  
20 source that emits or has the potential to emit any air  
21 pollutant. This term is not meant to alter or affect the  
22 definition of the term "unit" for purposes of Title IV of the  
23 Clean Air Act.

24 "Federally enforceable" means enforceable by USEPA.

25 "Final permit action" means the Agency's granting with  
26 conditions, refusal to grant, renewal of, or revision of a

1 CAAPP permit, the Agency's determination of incompleteness of a  
2 submitted CAAPP application, or the Agency's failure to act on  
3 an application for a permit, permit renewal, or permit revision  
4 within the time specified in subsection 13, subsection 14, or  
5 paragraph (j) of subsection 5 of this Section.

6 "General permit" means a permit issued to cover numerous  
7 similar sources in accordance with subsection 11 of this  
8 Section.

9 "Major source" means a source for which emissions of one or  
10 more air pollutants meet the criteria for major status pursuant  
11 to paragraph (c) of subsection 2 of this Section.

12 "Maximum achievable control technology" or "MACT" means  
13 the maximum degree of reductions in emissions deemed achievable  
14 under Section 112 of the Clean Air Act.

15 "Owner or operator" means any person who owns, leases,  
16 operates, controls, or supervises a stationary source.

17 "Permit modification" means a revision to a CAAPP permit  
18 that cannot be accomplished under the provisions for  
19 administrative permit amendments under subsection 13 of this  
20 Section.

21 "Permit revision" means a permit modification or  
22 administrative permit amendment.

23 "Phase II" means the period of the national acid rain  
24 program, established under Title IV of the Clean Air Act,  
25 beginning January 1, 2000, and continuing thereafter.

26 "Phase II acid rain permit" means the portion of a CAAPP



1 permit issued, renewed, modified, or revised by the Agency  
2 during Phase II for an affected source for acid deposition.

3 "Potential to emit" means the maximum capacity of a  
4 stationary source to emit any air pollutant under its physical  
5 and operational design. Any physical or operational limitation  
6 on the capacity of a source to emit an air pollutant, including  
7 air pollution control equipment and restrictions on hours of  
8 operation or on the type or amount of material combusted,  
9 stored, or processed, shall be treated as part of its design if  
10 the limitation is enforceable by USEPA. This definition does  
11 not alter or affect the use of this term for any other purposes  
12 under the Clean Air Act, or the term "capacity factor" as used  
13 in Title IV of the Clean Air Act or the regulations promulgated  
14 thereunder.

15 "Preconstruction Permit" or "Construction Permit" means a  
16 permit which is to be obtained prior to commencing or beginning  
17 actual construction or modification of a source or emissions  
18 unit.

19 "Proposed CAAPP permit" means the version of a CAAPP permit  
20 that the Agency proposes to issue and forwards to USEPA for  
21 review in compliance with applicable requirements of the Act  
22 and regulations promulgated thereunder.

23 "Regulated air pollutant" means the following:

24 (1) Nitrogen oxides (NO<sub>x</sub>) or any volatile organic  
25 compound.

26 (2) Any pollutant for which a national ambient air

1 quality standard has been promulgated.

2 (3) Any pollutant that is subject to any standard  
3 promulgated under Section 111 of the Clean Air Act.

4 (4) Any Class I or II substance subject to a standard  
5 promulgated under or established by Title VI of the Clean  
6 Air Act.

7 (5) Any pollutant subject to a standard promulgated  
8 under Section 112 or other requirements established under  
9 Section 112 of the Clean Air Act, including Sections  
10 112(g), (j) and (r).

11 (i) Any pollutant subject to requirements under  
12 Section 112(j) of the Clean Air Act. Any pollutant  
13 listed under Section 112(b) for which the subject  
14 source would be major shall be considered to be  
15 regulated 18 months after the date on which USEPA was  
16 required to promulgate an applicable standard pursuant  
17 to Section 112(e) of the Clean Air Act, if USEPA fails  
18 to promulgate such standard.

19 (ii) Any pollutant for which the requirements of  
20 Section 112(g)(2) of the Clean Air Act have been met,  
21 but only with respect to the individual source subject  
22 to Section 112(g)(2) requirement.

23 (6) Greenhouse gases.

24 "Renewal" means the process by which a permit is reissued  
25 at the end of its term.

26 "Responsible official" means one of the following:

1           (1) For a corporation: a president, secretary,  
2 treasurer, or vice-president of the corporation in charge  
3 of a principal business function, or any other person who  
4 performs similar policy or decision-making functions for  
5 the corporation, or a duly authorized representative of  
6 such person if the representative is responsible for the  
7 overall operation of one or more manufacturing,  
8 production, or operating facilities applying for or  
9 subject to a permit and either (i) the facilities employ  
10 more than 250 persons or have gross annual sales or  
11 expenditures exceeding \$25 million (in second quarter 1980  
12 dollars), or (ii) the delegation of authority to such  
13 representative is approved in advance by the Agency.

14           (2) For a partnership or sole proprietorship: a general  
15 partner or the proprietor, respectively, or in the case of  
16 a partnership in which all of the partners are  
17 corporations, a duly authorized representative of the  
18 partnership if the representative is responsible for the  
19 overall operation of one or more manufacturing,  
20 production, or operating facilities applying for or  
21 subject to a permit and either (i) the facilities employ  
22 more than 250 persons or have gross annual sales or  
23 expenditures exceeding \$25 million (in second quarter 1980  
24 dollars), or (ii) the delegation of authority to such  
25 representative is approved in advance by the Agency.

26           (3) For a municipality, State, Federal, or other public

1 agency: either a principal executive officer or ranking  
2 elected official. For the purposes of this part, a  
3 principal executive officer of a Federal agency includes  
4 the chief executive officer having responsibility for the  
5 overall operations of a principal geographic unit of the  
6 agency (e.g., a Regional Administrator of USEPA).

7 (4) For affected sources for acid deposition:

8 (i) The designated representative shall be the  
9 "responsible official" in so far as actions,  
10 standards, requirements, or prohibitions under Title  
11 IV of the Clean Air Act or the regulations promulgated  
12 thereunder are concerned.

13 (ii) The designated representative may also be the  
14 "responsible official" for any other purposes with  
15 respect to air pollution control.

16 "Section 502(b)(10) changes" means changes that contravene  
17 express permit terms. "Section 502(b)(10) changes" do not  
18 include changes that would violate applicable requirements or  
19 contravene federally enforceable permit terms or conditions  
20 that are monitoring (including test methods), recordkeeping,  
21 reporting, or compliance certification requirements.

22 "Solid waste incineration unit" means a distinct operating  
23 unit of any facility which combusts any solid waste material  
24 from commercial or industrial establishments or the general  
25 public (including single and multiple residences, hotels, and  
26 motels). The term does not include incinerators or other units

1 required to have a permit under Section 3005 of the Solid Waste  
2 Disposal Act. The term also does not include (A) materials  
3 recovery facilities (including primary or secondary smelters)  
4 which combust waste for the primary purpose of recovering  
5 metals, (B) qualifying small power production facilities, as  
6 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.  
7 769(17)(C)), or qualifying cogeneration facilities, as defined  
8 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.  
9 796(18)(B)), which burn homogeneous waste (such as units which  
10 burn tires or used oil, but not including refuse-derived fuel)  
11 for the production of electric energy or in the case of  
12 qualifying cogeneration facilities which burn homogeneous  
13 waste for the production of electric energy and steam or forms  
14 of useful energy (such as heat) which are used for industrial,  
15 commercial, heating or cooling purposes, or (C) air curtain  
16 incinerators provided that such incinerators only burn wood  
17 wastes, yard waste and clean lumber and that such air curtain  
18 incinerators comply with opacity limitations to be established  
19 by the USEPA by rule.

20 "Source" means any stationary source (or any group of  
21 stationary sources) that is located on one or more contiguous  
22 or adjacent properties that are under common control of the  
23 same person (or persons under common control) and that belongs  
24 to a single major industrial grouping. For the purposes of  
25 defining "source," a stationary source or group of stationary  
26 sources shall be considered part of a single major industrial

1 grouping if all of the pollutant emitting activities at such  
2 source or group of sources located on contiguous or adjacent  
3 properties and under common control belong to the same Major  
4 Group (i.e., all have the same two-digit code) as described in  
5 the Standard Industrial Classification Manual, 1987, or such  
6 pollutant emitting activities at a stationary source (or group  
7 of stationary sources) located on contiguous or adjacent  
8 properties and under common control constitute a support  
9 facility. The determination as to whether any group of  
10 stationary sources is located on contiguous or adjacent  
11 properties, and/or is under common control, and/or whether the  
12 pollutant emitting activities at such group of stationary  
13 sources constitute a support facility shall be made on a case  
14 by case basis.

15 "Stationary source" means any building, structure,  
16 facility, or installation that emits or may emit any regulated  
17 air pollutant or any pollutant listed under Section 112(b) of  
18 the Clean Air Act, except those emissions resulting directly  
19 from an internal combustion engine for transportation purposes  
20 or from a nonroad engine or nonroad vehicle as defined in  
21 Section 216 of the Clean Air Act.

22 "Subject to regulation" has the meaning given to it in 40  
23 CFR 70.2, as now or hereafter amended.

24 "Support facility" means any stationary source (or group of  
25 stationary sources) that conveys, stores, or otherwise assists  
26 to a significant extent in the production of a principal

1 product at another stationary source (or group of stationary  
2 sources). A support facility shall be considered to be part of  
3 the same source as the stationary source (or group of  
4 stationary sources) that it supports regardless of the 2-digit  
5 Standard Industrial Classification code for the support  
6 facility.

7 "USEPA" means the Administrator of the United States  
8 Environmental Protection Agency (USEPA) or a person designated  
9 by the Administrator.

10 1.1. Exclusion From the CAAPP.

11 a. An owner or operator of a source which determines  
12 that the source could be excluded from the CAAPP may seek  
13 such exclusion prior to the date that the CAAPP application  
14 for the source is due but in no case later than 9 months  
15 after the effective date of the CAAPP through the  
16 imposition of federally enforceable conditions limiting  
17 the "potential to emit" of the source to a level below the  
18 major source threshold for that source as described in  
19 paragraph (c) of subsection 2 of this Section, within a  
20 State operating permit issued pursuant to subsection (a) of  
21 Section 39 of this Act. After such date, an exclusion from  
22 the CAAPP may be sought under paragraph (c) of subsection 3  
23 of this Section.

24 b. An owner or operator of a source seeking exclusion  
25 from the CAAPP pursuant to paragraph (a) of this subsection

1 must submit a permit application consistent with the  
2 existing State permit program which specifically requests  
3 such exclusion through the imposition of such federally  
4 enforceable conditions.

5 c. Upon such request, if the Agency determines that the  
6 owner or operator of a source has met the requirements for  
7 exclusion pursuant to paragraph (a) of this subsection and  
8 other applicable requirements for permit issuance under  
9 subsection (a) of Section 39 of this Act, the Agency shall  
10 issue a State operating permit for such source under  
11 subsection (a) of Section 39 of this Act, as amended, and  
12 regulations promulgated thereunder with federally  
13 enforceable conditions limiting the "potential to emit" of  
14 the source to a level below the major source threshold for  
15 that source as described in paragraph (c) of subsection 2  
16 of this Section.

17 d. The Agency shall provide an owner or operator of a  
18 source which may be excluded from the CAAPP pursuant to  
19 this subsection with reasonable notice that the owner or  
20 operator may seek such exclusion.

21 e. The Agency shall provide such sources with the  
22 necessary permit application forms.

## 23 2. Applicability.

24 a. Sources subject to this Section shall include:

25 i. Any major source as defined in paragraph (c) of



1           this subsection.

2           ii. Any source subject to a standard or other  
3 requirements promulgated under Section 111 (New Source  
4 Performance Standards) or Section 112 (Hazardous Air  
5 Pollutants) of the Clean Air Act, except that a source  
6 is not required to obtain a permit solely because it is  
7 subject to regulations or requirements under Section  
8 112(r) of the Clean Air Act.

9           iii. Any affected source for acid deposition, as  
10 defined in subsection 1 of this Section.

11           iv. Any other source subject to this Section under  
12 the Clean Air Act or regulations promulgated  
13 thereunder, or applicable Board regulations.

14           b. Sources exempted from this Section shall include:

15           i. All sources listed in paragraph (a) of this  
16 subsection that are not major sources, affected  
17 sources for acid deposition or solid waste  
18 incineration units required to obtain a permit  
19 pursuant to Section 129(e) of the Clean Air Act, until  
20 the source is required to obtain a CAAPP permit  
21 pursuant to the Clean Air Act or regulations  
22 promulgated thereunder.

23           ii. Nonmajor sources subject to a standard or other  
24 requirements subsequently promulgated by USEPA under  
25 Section 111 or 112 of the Clean Air Act that are  
26 determined by USEPA to be exempt at the time a new

1 standard is promulgated.

2 iii. All sources and source categories that would  
3 be required to obtain a permit solely because they are  
4 subject to Part 60, Subpart AAA - Standards of  
5 Performance for New Residential Wood Heaters (40 CFR  
6 Part 60).

7 iv. All sources and source categories that would be  
8 required to obtain a permit solely because they are  
9 subject to Part 61, Subpart M - National Emission  
10 Standard for Hazardous Air Pollutants for Asbestos,  
11 Section 61.145 (40 CFR Part 61).

12 v. Any other source categories exempted by USEPA  
13 regulations pursuant to Section 502(a) of the Clean Air  
14 Act.

15 vi. Major sources of greenhouse gas emissions  
16 required to obtain a CAAPP permit under this Section if  
17 any of the following occurs:

18 (A) enactment of federal legislation depriving  
19 the Administrator of the USEPA of authority to  
20 regulate greenhouse gases under the Clean Air Act;

21 (B) the issuance of any opinion, ruling,  
22 judgment, order, or decree by a federal court  
23 depriving the Administrator of the USEPA of  
24 authority to regulate greenhouse gases under the  
25 Clean Air Act; or

26 (C) action by the President of the United

1 States or the President's authorized agent,  
2 including the Administrator of the USEPA, to  
3 repeal or withdraw the Greenhouse Gas Tailoring  
4 Rule (75 Fed. Reg. 31514, June 3, 2010).

5 If any event listed in this subparagraph (vi)  
6 occurs, CAAPP permits issued after such event shall not  
7 impose permit terms or conditions addressing  
8 greenhouse gases during the effectiveness of any event  
9 listed in subparagraph (vi). If any event listed in  
10 this subparagraph (vi) occurs, any owner or operator  
11 with a CAAPP permit that includes terms or conditions  
12 addressing greenhouse gases may elect to submit an  
13 application to the Agency to address a revision or  
14 repeal of such terms or conditions. If any owner or  
15 operator submits such an application, the Agency shall  
16 expeditiously process the permit application in  
17 accordance with applicable laws and regulations.  
18 Nothing in this subparagraph (vi) shall relieve an  
19 owner or operator of a source from the requirement to  
20 obtain a CAAPP permit for its emissions of regulated  
21 air pollutants other than greenhouse gases, as  
22 required by this Section.

23 c. For purposes of this Section the term "major source"  
24 means any source that is:

25 i. A major source under Section 112 of the Clean  
26 Air Act, which is defined as:

1           A. For pollutants other than radionuclides,  
2           any stationary source or group of stationary  
3           sources located within a contiguous area and under  
4           common control that emits or has the potential to  
5           emit, in the aggregate, 10 tons per year (tpy) or  
6           more of any hazardous air pollutant which has been  
7           listed pursuant to Section 112(b) of the Clean Air  
8           Act, 25 tpy or more of any combination of such  
9           hazardous air pollutants, or such lesser quantity  
10          as USEPA may establish by rule. Notwithstanding  
11          the preceding sentence, emissions from any oil or  
12          gas exploration or production well (with its  
13          associated equipment) and emissions from any  
14          pipeline compressor or pump station shall not be  
15          aggregated with emissions from other similar  
16          units, whether or not such units are in a  
17          contiguous area or under common control, to  
18          determine whether such stations are major sources.

19          B. For radionuclides, "major source" shall  
20          have the meaning specified by the USEPA by rule.

21          ii. A major stationary source of air pollutants, as  
22          defined in Section 302 of the Clean Air Act, that  
23          directly emits or has the potential to emit, 100 tpy or  
24          more of any air pollutant subject to regulation  
25          (including any major source of fugitive emissions of  
26          any such pollutant, as determined by rule by USEPA).

1 For purposes of this subsection, "fugitive emissions"  
2 means those emissions which could not reasonably pass  
3 through a stack, chimney, vent, or other  
4 functionally-equivalent opening. The fugitive  
5 emissions of a stationary source shall not be  
6 considered in determining whether it is a major  
7 stationary source for the purposes of Section 302(j) of  
8 the Clean Air Act, unless the source belongs to one of  
9 the following categories of stationary source:

- 10 A. Coal cleaning plants (with thermal dryers).
- 11 B. Kraft pulp mills.
- 12 C. Portland cement plants.
- 13 D. Primary zinc smelters.
- 14 E. Iron and steel mills.
- 15 F. Primary aluminum ore reduction plants.
- 16 G. Primary copper smelters.
- 17 H. Municipal incinerators capable of charging  
18 more than 250 tons of refuse per day.
- 19 I. Hydrofluoric, sulfuric, or nitric acid  
20 plants.
- 21 J. Petroleum refineries.
- 22 K. Lime plants.
- 23 L. Phosphate rock processing plants.
- 24 M. Coke oven batteries.
- 25 N. Sulfur recovery plants.
- 26 O. Carbon black plants (furnace process).

1 P. Primary lead smelters.

2 Q. Fuel conversion plants.

3 R. Sintering plants.

4 S. Secondary metal production plants.

5 T. Chemical process plants.

6 U. Fossil-fuel boilers (or combination  
7 thereof) totaling more than 250 million British  
8 thermal units per hour heat input.

9 V. Petroleum storage and transfer units with a  
10 total storage capacity exceeding 300,000 barrels.

11 W. Taconite ore processing plants.

12 X. Glass fiber processing plants.

13 Y. Charcoal production plants.

14 Z. Fossil fuel-fired steam electric plants of  
15 more than 250 million British thermal units per  
16 hour heat input.

17 AA. All other stationary source categories,  
18 which as of August 7, 1980 are being regulated by a  
19 standard promulgated under Section 111 or 112 of  
20 the Clean Air Act.

21 BB. Any other stationary source category  
22 designated by USEPA by rule.

23 iii. A major stationary source as defined in part D  
24 of Title I of the Clean Air Act including:

25 A. For ozone nonattainment areas, sources with  
26 the potential to emit 100 tons or more per year of

1 volatile organic compounds or oxides of nitrogen  
2 in areas classified as "marginal" or "moderate",  
3 50 tons or more per year in areas classified as  
4 "serious", 25 tons or more per year in areas  
5 classified as "severe", and 10 tons or more per  
6 year in areas classified as "extreme"; except that  
7 the references in this clause to 100, 50, 25, and  
8 10 tons per year of nitrogen oxides shall not apply  
9 with respect to any source for which USEPA has made  
10 a finding, under Section 182(f)(1) or (2) of the  
11 Clean Air Act, that requirements otherwise  
12 applicable to such source under Section 182(f) of  
13 the Clean Air Act do not apply. Such sources shall  
14 remain subject to the major source criteria of  
15 subparagraph (ii) of paragraph (c) of this  
16 subsection.

17 B. For ozone transport regions established  
18 pursuant to Section 184 of the Clean Air Act,  
19 sources with the potential to emit 50 tons or more  
20 per year of volatile organic compounds (VOCs).

21 C. For carbon monoxide nonattainment areas (1)  
22 that are classified as "serious", and (2) in which  
23 stationary sources contribute significantly to  
24 carbon monoxide levels as determined under rules  
25 issued by USEPA, sources with the potential to emit  
26 50 tons or more per year of carbon monoxide.

1           D.     For     particulate     matter     (PM-10)  
2           nonattainment areas classified as "serious",  
3           sources with the potential to emit 70 tons or more  
4           per year of PM-10.

5           3. Agency Authority To Issue CAAPP Permits and Federally  
6     Enforceable State Operating Permits.

7           a. The Agency shall issue CAAPP permits under this  
8     Section consistent with the Clean Air Act and regulations  
9     promulgated thereunder and this Act and regulations  
10    promulgated thereunder.

11          b. The Agency shall issue CAAPP permits for fixed terms  
12    of 5 years, except CAAPP permits issued for solid waste  
13    incineration units combusting municipal waste which shall  
14    be issued for fixed terms of 12 years and except CAAPP  
15    permits for affected sources for acid deposition which  
16    shall be issued for initial terms to expire on December 31,  
17    1999, and for fixed terms of 5 years thereafter.

18          c. The Agency shall have the authority to issue a State  
19    operating permit for a source under subsection (a) of  
20    Section 39 of this Act, as amended, and regulations  
21    promulgated thereunder, which includes federally  
22    enforceable conditions limiting the "potential to emit" of  
23    the source to a level below the major source threshold for  
24    that source as described in paragraph (c) of subsection 2  
25    of this Section, thereby excluding the source from the



1 CAAPP, when requested by the applicant pursuant to  
2 paragraph (u) of subsection 5 of this Section. The public  
3 notice requirements of this Section applicable to CAAPP  
4 permits shall also apply to the initial issuance of permits  
5 under this paragraph.

6 d. For purposes of this Act, a permit issued by USEPA  
7 under Section 505 of the Clean Air Act, as now and  
8 hereafter amended, shall be deemed to be a permit issued by  
9 the Agency pursuant to Section 39.5 of this Act.

10 4. Transition.

11 a. An owner or operator of a CAAPP source shall not be  
12 required to renew an existing State operating permit for  
13 any emission unit at such CAAPP source once a CAAPP  
14 application timely submitted prior to expiration of the  
15 State operating permit has been deemed complete. For  
16 purposes other than permit renewal, the obligation upon the  
17 owner or operator of a CAAPP source to obtain a State  
18 operating permit is not removed upon submittal of the  
19 complete CAAPP permit application. An owner or operator of  
20 a CAAPP source seeking to make a modification to a source  
21 prior to the issuance of its CAAPP permit shall be required  
22 to obtain a construction permit, operating permit, or both  
23 as required for such modification in accordance with the  
24 State permit program under subsection (a) of Section 39 of  
25 this Act, as amended, and regulations promulgated

1           thereunder. The application for such construction permit,  
2           operating permit, or both shall be considered an amendment  
3           to the CAAPP application submitted for such source.

4           b. An owner or operator of a CAAPP source shall  
5           continue to operate in accordance with the terms and  
6           conditions of its applicable State operating permit  
7           notwithstanding the expiration of the State operating  
8           permit until the source's CAAPP permit has been issued.

9           c. An owner or operator of a CAAPP source shall submit  
10          its initial CAAPP application to the Agency no later than  
11          12 months after the effective date of the CAAPP. The Agency  
12          may request submittal of initial CAAPP applications during  
13          this 12-month period according to a schedule set forth  
14          within Agency procedures, however, in no event shall the  
15          Agency require such submittal earlier than 3 months after  
16          such effective date of the CAAPP. An owner or operator may  
17          voluntarily submit its initial CAAPP application prior to  
18          the date required within this paragraph or applicable  
19          procedures, if any, subsequent to the date the Agency  
20          submits the CAAPP to USEPA for approval.

21          d. The Agency shall act on initial CAAPP applications  
22          in accordance with paragraph (j) of subsection 5 of this  
23          Section.

24          e. For purposes of this Section, the term "initial  
25          CAAPP application" shall mean the first CAAPP application  
26          submitted for a source existing as of the effective date of

1 the CAAPP.

2 f. The Agency shall provide owners or operators of  
3 CAAPP sources with at least 3 months advance notice of the  
4 date on which their applications are required to be  
5 submitted. In determining which sources shall be subject to  
6 early submittal, the Agency shall include among its  
7 considerations the complexity of the permit application,  
8 and the burden that such early submittal will have on the  
9 source.

10 g. The CAAPP permit shall upon becoming effective  
11 supersede the State operating permit.

12 h. The Agency shall have the authority to adopt  
13 procedural rules, in accordance with the Illinois  
14 Administrative Procedure Act, as the Agency deems  
15 necessary, to implement this subsection.

16 5. Applications and Completeness.

17 a. An owner or operator of a CAAPP source shall submit  
18 its complete CAAPP application consistent with the Act and  
19 applicable regulations.

20 b. An owner or operator of a CAAPP source shall submit  
21 a single complete CAAPP application covering all emission  
22 units at that source.

23 c. To be deemed complete, a CAAPP application must  
24 provide all information, as requested in Agency  
25 application forms, sufficient to evaluate the subject

1 source and its application and to determine all applicable  
2 requirements, pursuant to the Clean Air Act, and  
3 regulations thereunder, this Act and regulations  
4 thereunder. Such Agency application forms shall be  
5 finalized and made available prior to the date on which any  
6 CAAPP application is required.

7 d. An owner or operator of a CAAPP source shall submit,  
8 as part of its complete CAAPP application, a compliance  
9 plan, including a schedule of compliance, describing how  
10 each emission unit will comply with all applicable  
11 requirements. Any such schedule of compliance shall be  
12 supplemental to, and shall not sanction noncompliance  
13 with, the applicable requirements on which it is based.

14 e. Each submitted CAAPP application shall be certified  
15 for truth, accuracy, and completeness by a responsible  
16 official in accordance with applicable regulations.

17 f. The Agency shall provide notice to a CAAPP applicant  
18 as to whether a submitted CAAPP application is complete.  
19 Unless the Agency notifies the applicant of  
20 incompleteness, within 60 days after receipt of the CAAPP  
21 application, the application shall be deemed complete. The  
22 Agency may request additional information as needed to make  
23 the completeness determination. The Agency may to the  
24 extent practicable provide the applicant with a reasonable  
25 opportunity to correct deficiencies prior to a final  
26 determination of completeness.

1           g. If after the determination of completeness the  
2 Agency finds that additional information is necessary to  
3 evaluate or take final action on the CAAPP application, the  
4 Agency may request in writing such information from the  
5 source with a reasonable deadline for response.

6           h. If the owner or operator of a CAAPP source submits a  
7 timely and complete CAAPP application, the source's  
8 failure to have a CAAPP permit shall not be a violation of  
9 this Section until the Agency takes final action on the  
10 submitted CAAPP application, provided, however, where the  
11 applicant fails to submit the requested information under  
12 paragraph (g) of this subsection 5 within the time frame  
13 specified by the Agency, this protection shall cease to  
14 apply.

15           i. Any applicant who fails to submit any relevant facts  
16 necessary to evaluate the subject source and its CAAPP  
17 application or who has submitted incorrect information in a  
18 CAAPP application shall, upon becoming aware of such  
19 failure or incorrect submittal, submit supplementary facts  
20 or correct information to the Agency. In addition, an  
21 applicant shall provide to the Agency additional  
22 information as necessary to address any requirements which  
23 become applicable to the source subsequent to the date the  
24 applicant submitted its complete CAAPP application but  
25 prior to release of the draft CAAPP permit.

26           j. The Agency shall issue or deny the CAAPP permit

1 within 18 months after the date of receipt of the complete  
2 CAAPP application, with the following exceptions: (i)  
3 permits for affected sources for acid deposition shall be  
4 issued or denied within 6 months after receipt of a  
5 complete application in accordance with subsection 17 of  
6 this Section; (ii) the Agency shall act on initial CAAPP  
7 applications within 24 months after the date of receipt of  
8 the complete CAAPP application; (iii) the Agency shall act  
9 on complete applications containing early reduction  
10 demonstrations under Section 112(i)(5) of the Clean Air Act  
11 within 9 months of receipt of the complete CAAPP  
12 application.

13 Where the Agency does not take final action on the  
14 permit within the required time period, the permit shall  
15 not be deemed issued; rather, the failure to act shall be  
16 treated as a final permit action for purposes of judicial  
17 review pursuant to Sections 40.2 and 41 of this Act.

18 k. The submittal of a complete CAAPP application shall  
19 not affect the requirement that any source have a  
20 preconstruction permit under Title I of the Clean Air Act.

21 1. Unless a timely and complete renewal application has  
22 been submitted consistent with this subsection, a CAAPP  
23 source operating upon the expiration of its CAAPP permit  
24 shall be deemed to be operating without a CAAPP permit.  
25 Such operation is prohibited under this Act.

26 m. Permits being renewed shall be subject to the same

1 procedural requirements, including those for public  
2 participation and federal review and objection, that apply  
3 to original permit issuance.

4 n. For purposes of permit renewal, a timely application  
5 is one that is submitted no less than 9 months prior to the  
6 date of permit expiration.

7 o. The terms and conditions of a CAAPP permit shall  
8 remain in effect until the issuance of a CAAPP renewal  
9 permit provided a timely and complete CAAPP application has  
10 been submitted.

11 p. The owner or operator of a CAAPP source seeking a  
12 permit shield pursuant to paragraph (j) of subsection 7 of  
13 this Section shall request such permit shield in the CAAPP  
14 application regarding that source.

15 q. The Agency shall make available to the public all  
16 documents submitted by the applicant to the Agency,  
17 including each CAAPP application, compliance plan  
18 (including the schedule of compliance), and emissions or  
19 compliance monitoring report, with the exception of  
20 information entitled to confidential treatment pursuant to  
21 Section 7 of this Act.

22 r. The Agency shall use the standardized forms required  
23 under Title IV of the Clean Air Act and regulations  
24 promulgated thereunder for affected sources for acid  
25 deposition.

26 s. An owner or operator of a CAAPP source may include

1 within its CAAPP application a request for permission to  
2 operate during a startup, malfunction, or breakdown  
3 consistent with applicable Board regulations.

4 t. An owner or operator of a CAAPP source, in order to  
5 utilize the operational flexibility provided under  
6 paragraph (1) of subsection 7 of this Section, must request  
7 such use and provide the necessary information within its  
8 CAAPP application.

9 u. An owner or operator of a CAAPP source which seeks  
10 exclusion from the CAAPP through the imposition of  
11 federally enforceable conditions, pursuant to paragraph  
12 (c) of subsection 3 of this Section, must request such  
13 exclusion within a CAAPP application submitted consistent  
14 with this subsection on or after the date that the CAAPP  
15 application for the source is due. Prior to such date, but  
16 in no case later than 9 months after the effective date of  
17 the CAAPP, such owner or operator may request the  
18 imposition of federally enforceable conditions pursuant to  
19 paragraph (b) of subsection 1.1 of this Section.

20 v. CAAPP applications shall contain accurate  
21 information on allowable emissions to implement the fee  
22 provisions of subsection 18 of this Section.

23 w. An owner or operator of a CAAPP source shall submit  
24 within its CAAPP application emissions information  
25 regarding all regulated air pollutants emitted at that  
26 source consistent with applicable Agency procedures.



1 Emissions information regarding insignificant activities  
2 or emission levels, as determined by the Agency pursuant to  
3 Board regulations, may be submitted as a list within the  
4 CAAPP application. The Agency shall propose regulations to  
5 the Board defining insignificant activities or emission  
6 levels, consistent with federal regulations, if any, no  
7 later than 18 months after the effective date of this  
8 amendatory Act of 1992, consistent with Section 112(n)(1)  
9 of the Clean Air Act. The Board shall adopt final  
10 regulations defining insignificant activities or emission  
11 levels no later than 9 months after the date of the  
12 Agency's proposal.

13 x. The owner or operator of a new CAAPP source shall  
14 submit its complete CAAPP application consistent with this  
15 subsection within 12 months after commencing operation of  
16 such source. The owner or operator of an existing source  
17 that has been excluded from the provisions of this Section  
18 under subsection 1.1 or paragraph (c) of subsection 3 of  
19 this Section and that becomes subject to the CAAPP solely  
20 due to a change in operation at the source shall submit its  
21 complete CAAPP application consistent with this subsection  
22 at least 180 days before commencing operation in accordance  
23 with the change in operation.

24 y. The Agency shall have the authority to adopt  
25 procedural rules, in accordance with the Illinois  
26 Administrative Procedure Act, as the Agency deems

1 necessary to implement this subsection.

2 6. Prohibitions.

3 a. It shall be unlawful for any person to violate any  
4 terms or conditions of a permit issued under this Section,  
5 to operate any CAAPP source except in compliance with a  
6 permit issued by the Agency under this Section or to  
7 violate any other applicable requirements. All terms and  
8 conditions of a permit issued under this Section are  
9 enforceable by USEPA and citizens under the Clean Air Act,  
10 except those, if any, that are specifically designated as  
11 not being federally enforceable in the permit pursuant to  
12 paragraph (m) of subsection 7 of this Section.

13 b. After the applicable CAAPP permit or renewal  
14 application submittal date, as specified in subsection 5 of  
15 this Section, no person shall operate a CAAPP source  
16 without a CAAPP permit unless the complete CAAPP permit or  
17 renewal application for such source has been timely  
18 submitted to the Agency.

19 c. No owner or operator of a CAAPP source shall cause  
20 or threaten or allow the continued operation of an emission  
21 source during malfunction or breakdown of the emission  
22 source or related air pollution control equipment if such  
23 operation would cause a violation of the standards or  
24 limitations applicable to the source, unless the CAAPP  
25 permit granted to the source provides for such operation

1 consistent with this Act and applicable Board regulations.

2 7. Permit Content.

3 a. All CAAPP permits shall contain emission  
4 limitations and standards and other enforceable terms and  
5 conditions, including but not limited to operational  
6 requirements, and schedules for achieving compliance at  
7 the earliest reasonable date, which are or will be required  
8 to accomplish the purposes and provisions of this Act and  
9 to assure compliance with all applicable requirements.

10 b. The Agency shall include among such conditions  
11 applicable monitoring, reporting, record keeping and  
12 compliance certification requirements, as authorized by  
13 paragraphs (d), (e), and (f) of this subsection, that the  
14 Agency deems necessary to assure compliance with the Clean  
15 Air Act, the regulations promulgated thereunder, this Act,  
16 and applicable Board regulations. When monitoring,  
17 reporting, record keeping, and compliance certification  
18 requirements are specified within the Clean Air Act,  
19 regulations promulgated thereunder, this Act, or  
20 applicable regulations, such requirements shall be  
21 included within the CAAPP permit. The Board shall have  
22 authority to promulgate additional regulations where  
23 necessary to accomplish the purposes of the Clean Air Act,  
24 this Act, and regulations promulgated thereunder.

25 c. The Agency shall assure, within such conditions, the

1 use of terms, test methods, units, averaging periods, and  
2 other statistical conventions consistent with the  
3 applicable emission limitations, standards, and other  
4 requirements contained in the permit.

5 d. To meet the requirements of this subsection with  
6 respect to monitoring, the permit shall:

7 i. Incorporate and identify all applicable  
8 emissions monitoring and analysis procedures or test  
9 methods required under the Clean Air Act, regulations  
10 promulgated thereunder, this Act, and applicable Board  
11 regulations, including any procedures and methods  
12 promulgated by USEPA pursuant to Section 504(b) or  
13 Section 114 (a) (3) of the Clean Air Act.

14 ii. Where the applicable requirement does not  
15 require periodic testing or instrumental or  
16 noninstrumental monitoring (which may consist of  
17 recordkeeping designed to serve as monitoring),  
18 require periodic monitoring sufficient to yield  
19 reliable data from the relevant time period that is  
20 representative of the source's compliance with the  
21 permit, as reported pursuant to paragraph (f) of this  
22 subsection. The Agency may determine that  
23 recordkeeping requirements are sufficient to meet the  
24 requirements of this subparagraph.

25 iii. As necessary, specify requirements concerning  
26 the use, maintenance, and when appropriate,

1 installation of monitoring equipment or methods.

2 e. To meet the requirements of this subsection with  
3 respect to record keeping, the permit shall incorporate and  
4 identify all applicable recordkeeping requirements and  
5 require, where applicable, the following:

6 i. Records of required monitoring information that  
7 include the following:

8 A. The date, place and time of sampling or  
9 measurements.

10 B. The date(s) analyses were performed.

11 C. The company or entity that performed the  
12 analyses.

13 D. The analytical techniques or methods used.

14 E. The results of such analyses.

15 F. The operating conditions as existing at the  
16 time of sampling or measurement.

17 ii. Retention of records of all monitoring data and  
18 support information for a period of at least 5 years  
19 from the date of the monitoring sample, measurement,  
20 report, or application. Support information includes  
21 all calibration and maintenance records, original  
22 strip-chart recordings for continuous monitoring  
23 instrumentation, and copies of all reports required by  
24 the permit.

25 f. To meet the requirements of this subsection with  
26 respect to reporting, the permit shall incorporate and

1 identify all applicable reporting requirements and require  
2 the following:

3 i. Submittal of reports of any required monitoring  
4 every 6 months. More frequent submittals may be  
5 requested by the Agency if such submittals are  
6 necessary to assure compliance with this Act or  
7 regulations promulgated by the Board thereunder. All  
8 instances of deviations from permit requirements must  
9 be clearly identified in such reports. All required  
10 reports must be certified by a responsible official  
11 consistent with subsection 5 of this Section.

12 ii. Prompt reporting of deviations from permit  
13 requirements, including those attributable to upset  
14 conditions as defined in the permit, the probable cause  
15 of such deviations, and any corrective actions or  
16 preventive measures taken.

17 g. Each CAAPP permit issued under subsection 10 of this  
18 Section shall include a condition prohibiting emissions  
19 exceeding any allowances that the source lawfully holds  
20 under Title IV of the Clean Air Act or the regulations  
21 promulgated thereunder, consistent with subsection 17 of  
22 this Section and applicable regulations, if any.

23 h. All CAAPP permits shall state that, where another  
24 applicable requirement of the Clean Air Act is more  
25 stringent than any applicable requirement of regulations  
26 promulgated under Title IV of the Clean Air Act, both

1 provisions shall be incorporated into the permit and shall  
2 be State and federally enforceable.

3 i. Each CAAPP permit issued under subsection 10 of this  
4 Section shall include a severability clause to ensure the  
5 continued validity of the various permit requirements in  
6 the event of a challenge to any portions of the permit.

7 j. The following shall apply with respect to owners or  
8 operators requesting a permit shield:

9 i. The Agency shall include in a CAAPP permit, when  
10 requested by an applicant pursuant to paragraph (p) of  
11 subsection 5 of this Section, a provision stating that  
12 compliance with the conditions of the permit shall be  
13 deemed compliance with applicable requirements which  
14 are applicable as of the date of release of the  
15 proposed permit, provided that:

16 A. The applicable requirement is specifically  
17 identified within the permit; or

18 B. The Agency in acting on the CAAPP  
19 application or revision determines in writing that  
20 other requirements specifically identified are not  
21 applicable to the source, and the permit includes  
22 that determination or a concise summary thereof.

23 ii. The permit shall identify the requirements for  
24 which the source is shielded. The shield shall not  
25 extend to applicable requirements which are  
26 promulgated after the date of release of the proposed

1 permit unless the permit has been modified to reflect  
2 such new requirements.

3 iii. A CAAPP permit which does not expressly  
4 indicate the existence of a permit shield shall not  
5 provide such a shield.

6 iv. Nothing in this paragraph or in a CAAPP permit  
7 shall alter or affect the following:

8 A. The provisions of Section 303 (emergency  
9 powers) of the Clean Air Act, including USEPA's  
10 authority under that section.

11 B. The liability of an owner or operator of a  
12 source for any violation of applicable  
13 requirements prior to or at the time of permit  
14 issuance.

15 C. The applicable requirements of the acid  
16 rain program consistent with Section 408(a) of the  
17 Clean Air Act.

18 D. The ability of USEPA to obtain information  
19 from a source pursuant to Section 114  
20 (inspections, monitoring, and entry) of the Clean  
21 Air Act.

22 k. Each CAAPP permit shall include an emergency  
23 provision providing an affirmative defense of emergency to  
24 an action brought for noncompliance with technology-based  
25 emission limitations under a CAAPP permit if the following  
26 conditions are met through properly signed,



1 contemporaneous operating logs, or other relevant  
2 evidence:

3 i. An emergency occurred and the permittee can  
4 identify the cause(s) of the emergency.

5 ii. The permitted facility was at the time being  
6 properly operated.

7 iii. The permittee submitted notice of the  
8 emergency to the Agency within 2 working days after the  
9 time when emission limitations were exceeded due to the  
10 emergency. This notice must contain a detailed  
11 description of the emergency, any steps taken to  
12 mitigate emissions, and corrective actions taken.

13 iv. During the period of the emergency the  
14 permittee took all reasonable steps to minimize levels  
15 of emissions that exceeded the emission limitations,  
16 standards, or requirements in the permit.

17 For purposes of this subsection, "emergency" means any  
18 situation arising from sudden and reasonably unforeseeable  
19 events beyond the control of the source, such as an act of  
20 God, that requires immediate corrective action to restore  
21 normal operation, and that causes the source to exceed a  
22 technology-based emission limitation under the permit, due  
23 to unavoidable increases in emissions attributable to the  
24 emergency. An emergency shall not include noncompliance to  
25 the extent caused by improperly designed equipment, lack of  
26 preventative maintenance, careless or improper operation,

1 or operation error.

2 In any enforcement proceeding, the permittee seeking  
3 to establish the occurrence of an emergency has the burden  
4 of proof. This provision is in addition to any emergency or  
5 upset provision contained in any applicable requirement.  
6 This provision does not relieve a permittee of any  
7 reporting obligations under existing federal or state laws  
8 or regulations.

9 1. The Agency shall include in each permit issued under  
10 subsection 10 of this Section:

11 i. Terms and conditions for reasonably anticipated  
12 operating scenarios identified by the source in its  
13 application. The permit terms and conditions for each  
14 such operating scenario shall meet all applicable  
15 requirements and the requirements of this Section.

16 A. Under this subparagraph, the source must  
17 record in a log at the permitted facility a record  
18 of the scenario under which it is operating  
19 contemporaneously with making a change from one  
20 operating scenario to another.

21 B. The permit shield described in paragraph  
22 (j) of subsection 7 of this Section shall extend to  
23 all terms and conditions under each such operating  
24 scenario.

25 ii. Where requested by an applicant, all terms and  
26 conditions allowing for trading of emissions increases

1           and decreases between different emission units at the  
2           CAAPP source, to the extent that the applicable  
3           requirements provide for trading of such emissions  
4           increases and decreases without a case-by-case  
5           approval of each emissions trade. Such terms and  
6           conditions:

7                   A. Shall include all terms required under this  
8                   subsection to determine compliance;

9                   B. Must meet all applicable requirements;

10                  C. Shall extend the permit shield described in  
11                  paragraph (j) of subsection 7 of this Section to  
12                  all terms and conditions that allow such increases  
13                  and decreases in emissions.

14           m. The Agency shall specifically designate as not being  
15           federally enforceable under the Clean Air Act any terms and  
16           conditions included in the permit that are not specifically  
17           required under the Clean Air Act or federal regulations  
18           promulgated thereunder. Terms or conditions so designated  
19           shall be subject to all applicable state requirements,  
20           except the requirements of subsection 7 (other than this  
21           paragraph, paragraph q of subsection 7, subsections 8  
22           through 11, and subsections 13 through 16 of this Section.  
23           The Agency shall, however, include such terms and  
24           conditions in the CAAPP permit issued to the source.

25           n. Each CAAPP permit issued under subsection 10 of this  
26           Section shall specify and reference the origin of and

1 authority for each term or condition, and identify any  
2 difference in form as compared to the applicable  
3 requirement upon which the term or condition is based.

4 o. Each CAAPP permit issued under subsection 10 of this  
5 Section shall include provisions stating the following:

6 i. Duty to comply. The permittee must comply with  
7 all terms and conditions of the CAAPP permit. Any  
8 permit noncompliance constitutes a violation of the  
9 Clean Air Act and the Act, and is grounds for any or  
10 all of the following: enforcement action; permit  
11 termination, revocation and reissuance, or  
12 modification; or denial of a permit renewal  
13 application.

14 ii. Need to halt or reduce activity not a defense.  
15 It shall not be a defense for a permittee in an  
16 enforcement action that it would have been necessary to  
17 halt or reduce the permitted activity in order to  
18 maintain compliance with the conditions of this  
19 permit.

20 iii. Permit actions. The permit may be modified,  
21 revoked, reopened, and reissued, or terminated for  
22 cause in accordance with the applicable subsections of  
23 Section 39.5 of this Act. The filing of a request by  
24 the permittee for a permit modification, revocation  
25 and reissuance, or termination, or of a notification of  
26 planned changes or anticipated noncompliance does not

1 stay any permit condition.

2 iv. Property rights. The permit does not convey any  
3 property rights of any sort, or any exclusive  
4 privilege.

5 v. Duty to provide information. The permittee  
6 shall furnish to the Agency within a reasonable time  
7 specified by the Agency any information that the Agency  
8 may request in writing to determine whether cause  
9 exists for modifying, revoking and reissuing, or  
10 terminating the permit or to determine compliance with  
11 the permit. Upon request, the permittee shall also  
12 furnish to the Agency copies of records required to be  
13 kept by the permit or, for information claimed to be  
14 confidential, the permittee may furnish such records  
15 directly to USEPA along with a claim of  
16 confidentiality.

17 vi. Duty to pay fees. The permittee must pay fees  
18 to the Agency consistent with the fee schedule approved  
19 pursuant to subsection 18 of this Section, and submit  
20 any information relevant thereto.

21 vii. Emissions trading. No permit revision shall  
22 be required for increases in emissions allowed under  
23 any approved economic incentives, marketable permits,  
24 emissions trading, and other similar programs or  
25 processes for changes that are provided for in the  
26 permit and that are authorized by the applicable

1 requirement.

2 p. Each CAAPP permit issued under subsection 10 of this  
3 Section shall contain the following elements with respect  
4 to compliance:

5 i. Compliance certification, testing, monitoring,  
6 reporting, and record keeping requirements sufficient  
7 to assure compliance with the terms and conditions of  
8 the permit. Any document (including reports) required  
9 by a CAAPP permit shall contain a certification by a  
10 responsible official that meets the requirements of  
11 subsection 5 of this Section and applicable  
12 regulations.

13 ii. Inspection and entry requirements that  
14 necessitate that, upon presentation of credentials and  
15 other documents as may be required by law and in  
16 accordance with constitutional limitations, the  
17 permittee shall allow the Agency, or an authorized  
18 representative to perform the following:

19 A. Enter upon the permittee's premises where a  
20 CAAPP source is located or emissions-related  
21 activity is conducted, or where records must be  
22 kept under the conditions of the permit.

23 B. Have access to and copy, at reasonable  
24 times, any records that must be kept under the  
25 conditions of the permit.

26 C. Inspect at reasonable times any facilities,

1 equipment (including monitoring and air pollution  
2 control equipment), practices, or operations  
3 regulated or required under the permit.

4 D. Sample or monitor any substances or  
5 parameters at any location:

6 1. As authorized by the Clean Air Act, at  
7 reasonable times, for the purposes of assuring  
8 compliance with the CAAPP permit or applicable  
9 requirements; or

10 2. As otherwise authorized by this Act.

11 iii. A schedule of compliance consistent with  
12 subsection 5 of this Section and applicable  
13 regulations.

14 iv. Progress reports consistent with an applicable  
15 schedule of compliance pursuant to paragraph (d) of  
16 subsection 5 of this Section and applicable  
17 regulations to be submitted semiannually, or more  
18 frequently if the Agency determines that such more  
19 frequent submittals are necessary for compliance with  
20 the Act or regulations promulgated by the Board  
21 thereunder. Such progress reports shall contain the  
22 following:

23 A. Required dates for achieving the  
24 activities, milestones, or compliance required by  
25 the schedule of compliance and dates when such  
26 activities, milestones or compliance were

1 achieved.

2 B. An explanation of why any dates in the  
3 schedule of compliance were not or will not be met,  
4 and any preventive or corrective measures adopted.

5 v. Requirements for compliance certification with  
6 terms and conditions contained in the permit,  
7 including emission limitations, standards, or work  
8 practices. Permits shall include each of the  
9 following:

10 A. The frequency (annually or more frequently  
11 as specified in any applicable requirement or by  
12 the Agency pursuant to written procedures) of  
13 submissions of compliance certifications.

14 B. A means for assessing or monitoring the  
15 compliance of the source with its emissions  
16 limitations, standards, and work practices.

17 C. A requirement that the compliance  
18 certification include the following:

19 1. The identification of each term or  
20 condition contained in the permit that is the  
21 basis of the certification.

22 2. The compliance status.

23 3. Whether compliance was continuous or  
24 intermittent.

25 4. The method(s) used for determining the  
26 compliance status of the source, both





1           b. The Agency shall prepare a draft CAAPP permit and a  
2 statement that sets forth the legal and factual basis for  
3 the draft CAAPP permit conditions, including references to  
4 the applicable statutory or regulatory provisions. The  
5 Agency shall provide this statement to any person who  
6 requests it.

7           c. The Agency shall give notice of each draft CAAPP  
8 permit to the applicant and to any affected State on or  
9 before the time that the Agency has provided notice to the  
10 public, except as otherwise provided in this Act.

11           d. The Agency, as part of its submittal of a proposed  
12 permit to USEPA (or as soon as possible after the submittal  
13 for minor permit modification procedures allowed under  
14 subsection 14 of this Section), shall notify USEPA and any  
15 affected State in writing of any refusal of the Agency to  
16 accept all of the recommendations for the proposed permit  
17 that an affected State submitted during the public or  
18 affected State review period. The notice shall include the  
19 Agency's reasons for not accepting the recommendations.  
20 The Agency is not required to accept recommendations that  
21 are not based on applicable requirements or the  
22 requirements of this Section.

23           e. The Agency shall make available to the public any  
24 CAAPP permit application, compliance plan (including the  
25 schedule of compliance), CAAPP permit, and emissions or  
26 compliance monitoring report. If an owner or operator of a

1 CAAPP source is required to submit information entitled to  
2 protection from disclosure under Section 7.1 and  
3 subsection (a) of Section 7 of this Act, the owner or  
4 operator shall submit such information separately. The  
5 requirements of Section 7.1 and subsection (a) of Section 7  
6 of this Act shall apply to such information, which shall  
7 not be included in a CAAPP permit unless required by law.  
8 The contents of a CAAPP permit shall not be entitled to  
9 protection under Section 7.1 and subsection (a) of Section  
10 7 of this Act.

11 f. The Agency shall have the authority to adopt  
12 procedural rules, in accordance with the Illinois  
13 Administrative Procedure Act, as the Agency deems  
14 necessary, to implement this subsection.

15 g. If requested by the permit applicant, the Agency  
16 shall provide the permit applicant with a copy of the draft  
17 CAAPP permit prior to any public review period. If  
18 requested by the permit applicant, the Agency shall provide  
19 the permit applicant with a copy of the final CAAPP permit  
20 prior to issuance of the CAAPP permit.

21 9. USEPA Notice and Objection.

22 a. The Agency shall provide to USEPA for its review a  
23 copy of each CAAPP application (including any application  
24 for permit modification), statement of basis as provided in  
25 paragraph (b) of subsection 8 of this Section, proposed

1 CAAPP permit, CAAPP permit, and, if the Agency does not  
2 incorporate any affected State's recommendations on a  
3 proposed CAAPP permit, a written statement of this decision  
4 and its reasons for not accepting the recommendations,  
5 except as otherwise provided in this Act or by agreement  
6 with USEPA. To the extent practicable, the preceding  
7 information shall be provided in computer readable format  
8 compatible with USEPA's national database management  
9 system.

10 b. The Agency shall not issue the proposed CAAPP permit  
11 if USEPA objects in writing within 45 days after receipt of  
12 the proposed CAAPP permit and all necessary supporting  
13 information.

14 c. If USEPA objects in writing to the issuance of the  
15 proposed CAAPP permit within the 45-day period, the Agency  
16 shall respond in writing and may revise and resubmit the  
17 proposed CAAPP permit in response to the stated objection,  
18 to the extent supported by the record, within 90 days after  
19 the date of the objection. Prior to submitting a revised  
20 permit to USEPA, the Agency shall provide the applicant and  
21 any person who participated in the public comment process,  
22 pursuant to subsection 8 of this Section, with a 10-day  
23 period to comment on any revision which the Agency is  
24 proposing to make to the permit in response to USEPA's  
25 objection in accordance with Agency procedures.

26 d. Any USEPA objection under this subsection,

1 according to the Clean Air Act, will include a statement of  
2 reasons for the objection and a description of the terms  
3 and conditions that must be in the permit, in order to  
4 adequately respond to the objections. Grounds for a USEPA  
5 objection include the failure of the Agency to: (1) submit  
6 the items and notices required under this subsection; (2)  
7 submit any other information necessary to adequately  
8 review the proposed CAAPP permit; or (3) process the permit  
9 under subsection 8 of this Section except for minor permit  
10 modifications.

11 e. If USEPA does not object in writing to issuance of a  
12 permit under this subsection, any person may petition USEPA  
13 within 60 days after expiration of the 45-day review period  
14 to make such objection.

15 f. If the permit has not yet been issued and USEPA  
16 objects to the permit as a result of a petition, the Agency  
17 shall not issue the permit until USEPA's objection has been  
18 resolved. The Agency shall provide a 10-day comment period  
19 in accordance with paragraph c of this subsection. A  
20 petition does not, however, stay the effectiveness of a  
21 permit or its requirements if the permit was issued after  
22 expiration of the 45-day review period and prior to a USEPA  
23 objection.

24 g. If the Agency has issued a permit after expiration  
25 of the 45-day review period and prior to receipt of a USEPA  
26 objection under this subsection in response to a petition

1 submitted pursuant to paragraph e of this subsection, the  
2 Agency may, upon receipt of an objection from USEPA, revise  
3 and resubmit the permit to USEPA pursuant to this  
4 subsection after providing a 10-day comment period in  
5 accordance with paragraph c of this subsection. If the  
6 Agency fails to submit a revised permit in response to the  
7 objection, USEPA shall modify, terminate or revoke the  
8 permit. In any case, the source will not be in violation of  
9 the requirement to have submitted a timely and complete  
10 application.

11 h. The Agency shall have the authority to adopt  
12 procedural rules, in accordance with the Illinois  
13 Administrative Procedure Act, as the Agency deems  
14 necessary, to implement this subsection.

15 10. Final Agency Action.

16 a. The Agency shall issue a CAAPP permit, permit  
17 modification, or permit renewal if all of the following  
18 conditions are met:

19 i. The applicant has submitted a complete and  
20 certified application for a permit, permit  
21 modification, or permit renewal consistent with  
22 subsections 5 and 14 of this Section, as applicable,  
23 and applicable regulations.

24 ii. The applicant has submitted with its complete  
25 application an approvable compliance plan, including a

1 schedule for achieving compliance, consistent with  
2 subsection 5 of this Section and applicable  
3 regulations.

4 iii. The applicant has timely paid the fees  
5 required pursuant to subsection 18 of this Section and  
6 applicable regulations.

7 iv. The Agency has received a complete CAAPP  
8 application and, if necessary, has requested and  
9 received additional information from the applicant  
10 consistent with subsection 5 of this Section and  
11 applicable regulations.

12 v. The Agency has complied with all applicable  
13 provisions regarding public notice and affected State  
14 review consistent with subsection 8 of this Section and  
15 applicable regulations.

16 vi. The Agency has provided a copy of each CAAPP  
17 application, or summary thereof, pursuant to agreement  
18 with USEPA and proposed CAAPP permit required under  
19 subsection 9 of this Section to USEPA, and USEPA has  
20 not objected to the issuance of the permit in  
21 accordance with the Clean Air Act and 40 CFR Part 70.

22 b. The Agency shall have the authority to deny a CAAPP  
23 permit, permit modification, or permit renewal if the  
24 applicant has not complied with the requirements of  
25 subparagraphs (i) through (iv) of paragraph (a) of this  
26 subsection or if USEPA objects to its issuance.

1           c. i. Prior to denial of a CAAPP permit, permit  
2           modification, or permit renewal under this Section,  
3           the Agency shall notify the applicant of the possible  
4           denial and the reasons for the denial.

5           ii. Within such notice, the Agency shall specify an  
6           appropriate date by which the applicant shall  
7           adequately respond to the Agency's notice. Such date  
8           shall not exceed 15 days from the date the notification  
9           is received by the applicant. The Agency may grant a  
10          reasonable extension for good cause shown.

11          iii. Failure by the applicant to adequately  
12          respond by the date specified in the notification or by  
13          any granted extension date shall be grounds for denial  
14          of the permit.

15          For purposes of obtaining judicial review under  
16          Sections 40.2 and 41 of this Act, the Agency shall  
17          provide to USEPA and each applicant, and, upon request,  
18          to affected States, any person who participated in the  
19          public comment process, and any other person who could  
20          obtain judicial review under Sections 40.2 and 41 of  
21          this Act, a copy of each CAAPP permit or notification  
22          of denial pertaining to that party.

23          d. The Agency shall have the authority to adopt  
24          procedural rules, in accordance with the Illinois  
25          Administrative Procedure Act, as the Agency deems  
26          necessary, to implement this subsection.



1 11. General Permits.

2 a. The Agency may issue a general permit covering  
3 numerous similar sources, except for affected sources for  
4 acid deposition unless otherwise provided in regulations  
5 promulgated under Title IV of the Clean Air Act.

6 b. The Agency shall identify, in any general permit,  
7 criteria by which sources may qualify for the general  
8 permit.

9 c. CAAPP sources that would qualify for a general  
10 permit must apply for coverage under the terms of the  
11 general permit or must apply for a CAAPP permit consistent  
12 with subsection 5 of this Section and applicable  
13 regulations.

14 d. The Agency shall comply with the public comment and  
15 hearing provisions of this Section as well as the USEPA and  
16 affected State review procedures prior to issuance of a  
17 general permit.

18 e. When granting a subsequent request by a qualifying  
19 CAAPP source for coverage under the terms of a general  
20 permit, the Agency shall not be required to repeat the  
21 public notice and comment procedures. The granting of such  
22 request shall not be considered a final permit action for  
23 purposes of judicial review.

24 f. The Agency may not issue a general permit to cover  
25 any discrete emission unit at a CAAPP source if another

1 CAAPP permit covers emission units at the source.

2 g. The Agency shall have the authority to adopt  
3 procedural rules, in accordance with the Illinois  
4 Administrative Procedure Act, as the Agency deems  
5 necessary, to implement this subsection.

6 12. Operational Flexibility.

7 a. An owner or operator of a CAAPP source may make  
8 changes at the CAAPP source without requiring a prior  
9 permit revision, consistent with subparagraphs (i) through  
10 (iii) of paragraph (a) of this subsection, so long as the  
11 changes are not modifications under any provision of Title  
12 I of the Clean Air Act and they do not exceed the emissions  
13 allowable under the permit (whether expressed therein as a  
14 rate of emissions or in terms of total emissions), provided  
15 that the owner or operator of the CAAPP source provides  
16 USEPA and the Agency with written notification as required  
17 below in advance of the proposed changes, which shall be a  
18 minimum of 7 days, unless otherwise provided by the Agency  
19 in applicable regulations regarding emergencies. The owner  
20 or operator of a CAAPP source and the Agency shall each  
21 attach such notice to their copy of the relevant permit.

22 i. An owner or operator of a CAAPP source may make  
23 Section 502 (b) (10) changes without a permit revision,  
24 if the changes are not modifications under any  
25 provision of Title I of the Clean Air Act and the

1 changes do not exceed the emissions allowable under the  
2 permit (whether expressed therein as a rate of  
3 emissions or in terms of total emissions).

4 A. For each such change, the written  
5 notification required above shall include a brief  
6 description of the change within the source, the  
7 date on which the change will occur, any change in  
8 emissions, and any permit term or condition that is  
9 no longer applicable as a result of the change.

10 B. The permit shield described in paragraph  
11 (j) of subsection 7 of this Section shall not apply  
12 to any change made pursuant to this subparagraph.

13 ii. An owner or operator of a CAAPP source may  
14 trade increases and decreases in emissions in the CAAPP  
15 source, where the applicable implementation plan  
16 provides for such emission trades without requiring a  
17 permit revision. This provision is available in those  
18 cases where the permit does not already provide for  
19 such emissions trading.

20 A. Under this subparagraph (ii) of paragraph  
21 (a) of this subsection, the written notification  
22 required above shall include such information as  
23 may be required by the provision in the applicable  
24 implementation plan authorizing the emissions  
25 trade, including at a minimum, when the proposed  
26 changes will occur, a description of each such

1 change, any change in emissions, the permit  
2 requirements with which the source will comply  
3 using the emissions trading provisions of the  
4 applicable implementation plan, and the pollutants  
5 emitted subject to the emissions trade. The notice  
6 shall also refer to the provisions in the  
7 applicable implementation plan with which the  
8 source will comply and provide for the emissions  
9 trade.

10 B. The permit shield described in paragraph  
11 (j) of subsection 7 of this Section shall not apply  
12 to any change made pursuant to subparagraph (ii) of  
13 paragraph (a) of this subsection. Compliance with  
14 the permit requirements that the source will meet  
15 using the emissions trade shall be determined  
16 according to the requirements of the applicable  
17 implementation plan authorizing the emissions  
18 trade.

19 iii. If requested within a CAAPP application, the  
20 Agency shall issue a CAAPP permit which contains terms  
21 and conditions, including all terms required under  
22 subsection 7 of this Section to determine compliance,  
23 allowing for the trading of emissions increases and  
24 decreases at the CAAPP source solely for the purpose of  
25 complying with a federally-enforceable emissions cap  
26 that is established in the permit independent of

1 otherwise applicable requirements. The owner or  
2 operator of a CAAPP source shall include in its CAAPP  
3 application proposed replicable procedures and permit  
4 terms that ensure the emissions trades are  
5 quantifiable and enforceable. The permit shall also  
6 require compliance with all applicable requirements.

7 A. Under this subparagraph (iii) of paragraph  
8 (a), the written notification required above shall  
9 state when the change will occur and shall describe  
10 the changes in emissions that will result and how  
11 these increases and decreases in emissions will  
12 comply with the terms and conditions of the permit.

13 B. The permit shield described in paragraph  
14 (j) of subsection 7 of this Section shall extend to  
15 terms and conditions that allow such increases and  
16 decreases in emissions.

17 b. An owner or operator of a CAAPP source may make  
18 changes that are not addressed or prohibited by the permit,  
19 other than those which are subject to any requirements  
20 under Title IV of the Clean Air Act or are modifications  
21 under any provisions of Title I of the Clean Air Act,  
22 without a permit revision, in accordance with the following  
23 requirements:

24 (i) Each such change shall meet all applicable  
25 requirements and shall not violate any existing permit  
26 term or condition;

1           (ii) Sources must provide contemporaneous written  
2 notice to the Agency and USEPA of each such change,  
3 except for changes that qualify as insignificant under  
4 provisions adopted by the Agency or the Board. Such  
5 written notice shall describe each such change,  
6 including the date, any change in emissions,  
7 pollutants emitted, and any applicable requirement  
8 that would apply as a result of the change;

9           (iii) The change shall not qualify for the shield  
10 described in paragraph (j) of subsection 7 of this  
11 Section; and

12           (iv) The permittee shall keep a record describing  
13 changes made at the source that result in emissions of  
14 a regulated air pollutant subject to an applicable  
15 Clean Air Act requirement, but not otherwise regulated  
16 under the permit, and the emissions resulting from  
17 those changes.

18           c. The Agency shall have the authority to adopt  
19 procedural rules, in accordance with the Illinois  
20 Administrative Procedure Act, as the Agency deems  
21 necessary to implement this subsection.

22           13. Administrative Permit Amendments.

23           a. The Agency shall take final action on a request for  
24 an administrative permit amendment within 60 days after  
25 receipt of the request. Neither notice nor an opportunity

1 for public and affected State comment shall be required for  
2 the Agency to incorporate such revisions, provided it  
3 designates the permit revisions as having been made  
4 pursuant to this subsection.

5 b. The Agency shall submit a copy of the revised permit  
6 to USEPA.

7 c. For purposes of this Section the term  
8 "administrative permit amendment" shall be defined as a  
9 permit revision that can accomplish one or more of the  
10 changes described below:

11 i. Corrects typographical errors;

12 ii. Identifies a change in the name, address, or  
13 phone number of any person identified in the permit, or  
14 provides a similar minor administrative change at the  
15 source;

16 iii. Requires more frequent monitoring or  
17 reporting by the permittee;

18 iv. Allows for a change in ownership or operational  
19 control of a source where the Agency determines that no  
20 other change in the permit is necessary, provided that  
21 a written agreement containing a specific date for  
22 transfer of permit responsibility, coverage, and  
23 liability between the current and new permittees has  
24 been submitted to the Agency;

25 v. Incorporates into the CAAPP permit the  
26 requirements from preconstruction review permits

1 authorized under a USEPA-approved program, provided  
2 the program meets procedural and compliance  
3 requirements substantially equivalent to those  
4 contained in this Section;

5 vi. (Blank); or

6 vii. Any other type of change which USEPA has  
7 determined as part of the approved CAAPP permit program  
8 to be similar to those included in this subsection.

9 d. The Agency shall, upon taking final action granting  
10 a request for an administrative permit amendment, allow  
11 coverage by the permit shield in paragraph (j) of  
12 subsection 7 of this Section for administrative permit  
13 amendments made pursuant to subparagraph (v) of paragraph  
14 (c) of this subsection which meet the relevant requirements  
15 for significant permit modifications.

16 e. Permit revisions and modifications, including  
17 administrative amendments and automatic amendments  
18 (pursuant to Sections 408(b) and 403(d) of the Clean Air  
19 Act or regulations promulgated thereunder), for purposes  
20 of the acid rain portion of the permit shall be governed by  
21 the regulations promulgated under Title IV of the Clean Air  
22 Act. Owners or operators of affected sources for acid  
23 deposition shall have the flexibility to amend their  
24 compliance plans as provided in the regulations  
25 promulgated under Title IV of the Clean Air Act.

26 f. The CAAPP source may implement the changes addressed



1 in the request for an administrative permit amendment  
2 immediately upon submittal of the request.

3 g. The Agency shall have the authority to adopt  
4 procedural rules, in accordance with the Illinois  
5 Administrative Procedure Act, as the Agency deems  
6 necessary, to implement this subsection.

7 14. Permit Modifications.

8 a. Minor permit modification procedures.

9 i. The Agency shall review a permit modification  
10 using the "minor permit" modification procedures only  
11 for those permit modifications that:

12 A. Do not violate any applicable requirement;

13 B. Do not involve significant changes to  
14 existing monitoring, reporting, or recordkeeping  
15 requirements in the permit;

16 C. Do not require a case-by-case determination  
17 of an emission limitation or other standard, or a  
18 source-specific determination of ambient impacts,  
19 or a visibility or increment analysis;

20 D. Do not seek to establish or change a permit  
21 term or condition for which there is no  
22 corresponding underlying requirement and which  
23 avoids an applicable requirement to which the  
24 source would otherwise be subject. Such terms and  
25 conditions include:

1           1. A federally enforceable emissions cap  
2           assumed to avoid classification as a  
3           modification under any provision of Title I of  
4           the Clean Air Act; and

5           2. An alternative emissions limit approved  
6           pursuant to regulations promulgated under  
7           Section 112(i)(5) of the Clean Air Act;

8           E. Are not modifications under any provision  
9           of Title I of the Clean Air Act; and

10          F. Are not required to be processed as a  
11          significant modification.

12          ii. Notwithstanding subparagraph (i) of paragraph  
13          (a) and subparagraph (ii) of paragraph (b) of this  
14          subsection, minor permit modification procedures may  
15          be used for permit modifications involving the use of  
16          economic incentives, marketable permits, emissions  
17          trading, and other similar approaches, to the extent  
18          that such minor permit modification procedures are  
19          explicitly provided for in an applicable  
20          implementation plan or in applicable requirements  
21          promulgated by USEPA.

22          iii. An applicant requesting the use of minor  
23          permit modification procedures shall meet the  
24          requirements of subsection 5 of this Section and shall  
25          include the following in its application:

26          A. A description of the change, the emissions

1 resulting from the change, and any new applicable  
2 requirements that will apply if the change occurs;

3 B. The source's suggested draft permit;

4 C. Certification by a responsible official,  
5 consistent with paragraph (e) of subsection 5 of  
6 this Section and applicable regulations, that the  
7 proposed modification meets the criteria for use  
8 of minor permit modification procedures and a  
9 request that such procedures be used; and

10 D. Completed forms for the Agency to use to  
11 notify USEPA and affected States as required under  
12 subsections 8 and 9 of this Section.

13 iv. Within 5 working days after receipt of a  
14 complete permit modification application, the Agency  
15 shall notify USEPA and affected States of the requested  
16 permit modification in accordance with subsections 8  
17 and 9 of this Section. The Agency promptly shall send  
18 any notice required under paragraph (d) of subsection 8  
19 of this Section to USEPA.

20 v. The Agency may not issue a final permit  
21 modification until after the 45-day review period for  
22 USEPA or until USEPA has notified the Agency that USEPA  
23 will not object to the issuance of the permit  
24 modification, whichever comes first, although the  
25 Agency can approve the permit modification prior to  
26 that time. Within 90 days after the Agency's receipt of

1 an application under the minor permit modification  
2 procedures or 15 days after the end of USEPA's 45-day  
3 review period under subsection 9 of this Section,  
4 whichever is later, the Agency shall:

5 A. Issue the permit modification as proposed;

6 B. Deny the permit modification application;

7 C. Determine that the requested modification  
8 does not meet the minor permit modification  
9 criteria and should be reviewed under the  
10 significant modification procedures; or

11 D. Revise the draft permit modification and  
12 transmit to USEPA the new proposed permit  
13 modification as required by subsection 9 of this  
14 Section.

15 vi. Any CAAPP source may make the change proposed  
16 in its minor permit modification application  
17 immediately after it files such application. After the  
18 CAAPP source makes the change allowed by the preceding  
19 sentence, and until the Agency takes any of the actions  
20 specified in items (A) through (C) of subparagraph (v)  
21 of paragraph (a) of this subsection, the source must  
22 comply with both the applicable requirements governing  
23 the change and the proposed permit terms and  
24 conditions. During this time period, the source need  
25 not comply with the existing permit terms and  
26 conditions it seeks to modify. If the source fails to

1           comply with its proposed permit terms and conditions  
2           during this time period, the existing permit terms and  
3           conditions which it seeks to modify may be enforced  
4           against it.

5           vii. The permit shield under paragraph (j) of  
6           subsection 7 of this Section may not extend to minor  
7           permit modifications.

8           viii. If a construction permit is required,  
9           pursuant to subsection (a) of Section 39 of this Act  
10          and regulations thereunder, for a change for which the  
11          minor permit modification procedures are applicable,  
12          the source may request that the processing of the  
13          construction permit application be consolidated with  
14          the processing of the application for the minor permit  
15          modification. In such cases, the provisions of this  
16          Section, including those within subsections 5, 8, and  
17          9, shall apply and the Agency shall act on such  
18          applications pursuant to subparagraph (v) of paragraph  
19          (a) of subsection 14 of this Section. The source may  
20          make the proposed change immediately after filing its  
21          application for the minor permit modification. Nothing  
22          in this subparagraph shall otherwise affect the  
23          requirements and procedures applicable to construction  
24          permits.

25          b. Group Processing of Minor Permit Modifications.

26                i. Where requested by an applicant within its

1 application, the Agency shall process groups of a  
2 source's applications for certain modifications  
3 eligible for minor permit modification processing in  
4 accordance with the provisions of this paragraph (b).

5 ii. Permit modifications may be processed in  
6 accordance with the procedures for group processing,  
7 for those modifications:

8 A. Which meet the criteria for minor permit  
9 modification procedures under subparagraph (i) of  
10 paragraph (a) of subsection 14 of this Section; and

11 B. That collectively are below 10 percent of  
12 the emissions allowed by the permit for the  
13 emissions unit for which change is requested, 20  
14 percent of the applicable definition of major  
15 source set forth in subsection 2 of this Section,  
16 or 5 tons per year, whichever is least.

17 iii. An applicant requesting the use of group  
18 processing procedures shall meet the requirements of  
19 subsection 5 of this Section and shall include the  
20 following in its application:

21 A. A description of the change, the emissions  
22 resulting from the change, and any new applicable  
23 requirements that will apply if the change occurs.

24 B. The source's suggested draft permit.

25 C. Certification by a responsible official  
26 consistent with paragraph (e) of subsection 5 of

1           this Section, that the proposed modification meets  
2           the criteria for use of group processing  
3           procedures and a request that such procedures be  
4           used.

5           D. A list of the source's other pending  
6           applications awaiting group processing, and a  
7           determination of whether the requested  
8           modification, aggregated with these other  
9           applications, equals or exceeds the threshold set  
10          under item (B) of subparagraph (ii) of paragraph  
11          (b) of this subsection.

12          E. Certification, consistent with paragraph  
13          (e) of subsection 5 of this Section, that the  
14          source has notified USEPA of the proposed  
15          modification. Such notification need only contain  
16          a brief description of the requested modification.

17          F. Completed forms for the Agency to use to  
18          notify USEPA and affected states as required under  
19          subsections 8 and 9 of this Section.

20          iv. On a quarterly basis or within 5 business days  
21          after receipt of an application demonstrating that the  
22          aggregate of a source's pending applications equals or  
23          exceeds the threshold level set forth within item (B)  
24          of subparagraph (ii) of paragraph (b) of this  
25          subsection, whichever is earlier, the Agency shall  
26          promptly notify USEPA and affected States of the

1 requested permit modifications in accordance with  
2 subsections 8 and 9 of this Section. The Agency shall  
3 send any notice required under paragraph (d) of  
4 subsection 8 of this Section to USEPA.

5 v. The provisions of subparagraph (v) of paragraph  
6 (a) of this subsection shall apply to modifications  
7 eligible for group processing, except that the Agency  
8 shall take one of the actions specified in items (A)  
9 through (D) of subparagraph (v) of paragraph (a) of  
10 this subsection within 180 days after receipt of the  
11 application or 15 days after the end of USEPA's 45-day  
12 review period under subsection 9 of this Section,  
13 whichever is later.

14 vi. The provisions of subparagraph (vi) of  
15 paragraph (a) of this subsection shall apply to  
16 modifications for group processing.

17 vii. The provisions of paragraph (j) of subsection  
18 7 of this Section shall not apply to modifications  
19 eligible for group processing.

20 c. Significant Permit Modifications.

21 i. Significant modification procedures shall be  
22 used for applications requesting significant permit  
23 modifications and for those applications that do not  
24 qualify as either minor permit modifications or as  
25 administrative permit amendments.

26 ii. Every significant change in existing



1 monitoring permit terms or conditions and every  
2 relaxation of reporting or recordkeeping requirements  
3 shall be considered significant. A modification shall  
4 also be considered significant if in the judgment of  
5 the Agency action on an application for modification  
6 would require decisions to be made on technically  
7 complex issues. Nothing herein shall be construed to  
8 preclude the permittee from making changes consistent  
9 with this Section that would render existing permit  
10 compliance terms and conditions irrelevant.

11 iii. Significant permit modifications must meet  
12 all the requirements of this Section, including those  
13 for applications (including completeness review),  
14 public participation, review by affected States, and  
15 review by USEPA applicable to initial permit issuance  
16 and permit renewal. The Agency shall take final action  
17 on significant permit modifications within 9 months  
18 after receipt of a complete application.

19 d. The Agency shall have the authority to adopt  
20 procedural rules, in accordance with the Illinois  
21 Administrative Procedure Act, as the Agency deems  
22 necessary, to implement this subsection.

23 15. Reopenings for Cause by the Agency.

24 a. Each issued CAAPP permit shall include provisions  
25 specifying the conditions under which the permit will be

1 reopened prior to the expiration of the permit. Such  
2 revisions shall be made as expeditiously as practicable. A  
3 CAAPP permit shall be reopened and revised under any of the  
4 following circumstances, in accordance with procedures  
5 adopted by the Agency:

6 i. Additional requirements under the Clean Air Act  
7 become applicable to a major CAAPP source for which 3  
8 or more years remain on the original term of the  
9 permit. Such a reopening shall be completed not later  
10 than 18 months after the promulgation of the applicable  
11 requirement. No such revision is required if the  
12 effective date of the requirement is later than the  
13 date on which the permit is due to expire.

14 ii. Additional requirements (including excess  
15 emissions requirements) become applicable to an  
16 affected source for acid deposition under the acid rain  
17 program. Excess emissions offset plans shall be deemed  
18 to be incorporated into the permit upon approval by  
19 USEPA.

20 iii. The Agency or USEPA determines that the permit  
21 contains a material mistake or that inaccurate  
22 statements were made in establishing the emissions  
23 standards, limitations, or other terms or conditions  
24 of the permit.

25 iv. The Agency or USEPA determines that the permit  
26 must be revised or revoked to assure compliance with

1           the applicable requirements.

2           b. In the event that the Agency determines that there  
3 are grounds for revoking a CAAPP permit, for cause,  
4 consistent with paragraph a of this subsection, it shall  
5 file a petition before the Board setting forth the basis  
6 for such revocation. In any such proceeding, the Agency  
7 shall have the burden of establishing that the permit  
8 should be revoked under the standards set forth in this Act  
9 and the Clean Air Act. Any such proceeding shall be  
10 conducted pursuant to the Board's procedures for  
11 adjudicatory hearings and the Board shall render its  
12 decision within 120 days of the filing of the petition. The  
13 Agency shall take final action to revoke and reissue a  
14 CAAPP permit consistent with the Board's order.

15           c. Proceedings regarding a reopened CAAPP permit shall  
16 follow the same procedures as apply to initial permit  
17 issuance and shall affect only those parts of the permit  
18 for which cause to reopen exists.

19           d. Reopenings under paragraph (a) of this subsection  
20 shall not be initiated before a notice of such intent is  
21 provided to the CAAPP source by the Agency at least 30 days  
22 in advance of the date that the permit is to be reopened,  
23 except that the Agency may provide a shorter time period in  
24 the case of an emergency.

25           e. The Agency shall have the authority to adopt  
26 procedural rules, in accordance with the Illinois

1 Administrative Procedure Act, as the Agency deems  
2 necessary, to implement this subsection.

3 16. Reopenings for Cause by USEPA.

4 a. When USEPA finds that cause exists to terminate,  
5 modify, or revoke and reissue a CAAPP permit pursuant to  
6 subsection 15 of this Section, and thereafter notifies the  
7 Agency and the permittee of such finding in writing, the  
8 Agency shall forward to USEPA and the permittee a proposed  
9 determination of termination, modification, or revocation  
10 and reissuance as appropriate, in accordance with  
11 paragraph (b) of this subsection. The Agency's proposed  
12 determination shall be in accordance with the record, the  
13 Clean Air Act, regulations promulgated thereunder, this  
14 Act and regulations promulgated thereunder. Such proposed  
15 determination shall not affect the permit or constitute a  
16 final permit action for purposes of this Act or the  
17 Administrative Review Law. The Agency shall forward to  
18 USEPA such proposed determination within 90 days after  
19 receipt of the notification from USEPA. If additional time  
20 is necessary to submit the proposed determination, the  
21 Agency shall request a 90-day extension from USEPA and  
22 shall submit the proposed determination within 180 days  
23 after receipt of notification from USEPA.

24 b. i. Prior to the Agency's submittal to USEPA of a  
25 proposed determination to terminate or revoke and

1 reissue the permit, the Agency shall file a petition  
2 before the Board setting forth USEPA's objection, the  
3 permit record, the Agency's proposed determination,  
4 and the justification for its proposed determination.  
5 The Board shall conduct a hearing pursuant to the rules  
6 prescribed by Section 32 of this Act, and the burden of  
7 proof shall be on the Agency.

8 ii. After due consideration of the written and oral  
9 statements, the testimony and arguments that shall be  
10 submitted at hearing, the Board shall issue and enter  
11 an interim order for the proposed determination, which  
12 shall set forth all changes, if any, required in the  
13 Agency's proposed determination. The interim order  
14 shall comply with the requirements for final orders as  
15 set forth in Section 33 of this Act. Issuance of an  
16 interim order by the Board under this paragraph,  
17 however, shall not affect the permit status and does  
18 not constitute a final action for purposes of this Act  
19 or the Administrative Review Law.

20 iii. The Board shall cause a copy of its interim  
21 order to be served upon all parties to the proceeding  
22 as well as upon USEPA. The Agency shall submit the  
23 proposed determination to USEPA in accordance with the  
24 Board's Interim Order within 180 days after receipt of  
25 the notification from USEPA.

26 c. USEPA shall review the proposed determination to

1 terminate, modify, or revoke and reissue the permit within  
2 90 days after receipt.

3 i. When USEPA reviews the proposed determination  
4 to terminate or revoke and reissue and does not object,  
5 the Board shall, within 7 days after receipt of USEPA's  
6 final approval, enter the interim order as a final  
7 order. The final order may be appealed as provided by  
8 Title XI of this Act. The Agency shall take final  
9 action in accordance with the Board's final order.

10 ii. When USEPA reviews such proposed determination  
11 to terminate or revoke and reissue and objects, the  
12 Agency shall submit USEPA's objection and the Agency's  
13 comments and recommendation on the objection to the  
14 Board and permittee. The Board shall review its interim  
15 order in response to USEPA's objection and the Agency's  
16 comments and recommendation and issue a final order in  
17 accordance with Sections 32 and 33 of this Act. The  
18 Agency shall, within 90 days after receipt of such  
19 objection, respond to USEPA's objection in accordance  
20 with the Board's final order.

21 iii. When USEPA reviews such proposed  
22 determination to modify and objects, the Agency shall,  
23 within 90 days after receipt of the objection, resolve  
24 the objection and modify the permit in accordance with  
25 USEPA's objection, based upon the record, the Clean Air  
26 Act, regulations promulgated thereunder, this Act, and

1 regulations promulgated thereunder.

2 d. If the Agency fails to submit the proposed  
3 determination pursuant to paragraph a of this subsection or  
4 fails to resolve any USEPA objection pursuant to paragraph  
5 c of this subsection, USEPA will terminate, modify, or  
6 revoke and reissue the permit.

7 e. The Agency shall have the authority to adopt  
8 procedural rules, in accordance with the Illinois  
9 Administrative Procedure Act, as the Agency deems  
10 necessary, to implement this subsection.

11 17. Title IV; Acid Rain Provisions.

12 a. The Agency shall act on initial CAAPP applications  
13 for affected sources for acid deposition in accordance with  
14 this Section and Title V of the Clean Air Act and  
15 regulations promulgated thereunder, except as modified by  
16 Title IV of the Clean Air Act and regulations promulgated  
17 thereunder. The Agency shall issue initial CAAPP permits to  
18 the affected sources for acid deposition which shall become  
19 effective no earlier than January 1, 1995, and which shall  
20 terminate on December 31, 1999, in accordance with this  
21 Section. Subsequent CAAPP permits issued to affected  
22 sources for acid deposition shall be issued for a fixed  
23 term of 5 years. Title IV of the Clean Air Act and  
24 regulations promulgated thereunder, including but not  
25 limited to 40 C.F.R. Part 72, as now or hereafter amended,

1 are applicable to and enforceable under this Act.

2 b. A designated representative of an affected source  
3 for acid deposition shall submit a timely and complete  
4 Phase II acid rain permit application and compliance plan  
5 to the Agency, not later than January 1, 1996, that meets  
6 the requirements of Titles IV and V of the Clean Air Act  
7 and regulations. The Agency shall act on the Phase II acid  
8 rain permit application and compliance plan in accordance  
9 with this Section and Title V of the Clean Air Act and  
10 regulations promulgated thereunder, except as modified by  
11 Title IV of the Clean Air Act and regulations promulgated  
12 thereunder. The Agency shall issue the Phase II acid rain  
13 permit to an affected source for acid deposition no later  
14 than December 31, 1997, which shall become effective on  
15 January 1, 2000, in accordance with this Section, except as  
16 modified by Title IV and regulations promulgated  
17 thereunder; provided that the designated representative of  
18 the source submitted a timely and complete Phase II permit  
19 application and compliance plan to the Agency that meets  
20 the requirements of Title IV and V of the Clean Air Act and  
21 regulations.

22 c. Each Phase II acid rain permit issued in accordance  
23 with this subsection shall have a fixed term of 5 years.  
24 Except as provided in paragraph b above, the Agency shall  
25 issue or deny a Phase II acid rain permit within 18 months  
26 of receiving a complete Phase II permit application and



1 compliance plan.

2 d. A designated representative of a new unit, as  
3 defined in Section 402 of the Clean Air Act, shall submit a  
4 timely and complete Phase II acid rain permit application  
5 and compliance plan that meets the requirements of Titles  
6 IV and V of the Clean Air Act and its regulations. The  
7 Agency shall act on the new unit's Phase II acid rain  
8 permit application and compliance plan in accordance with  
9 this Section and Title V of the Clean Air Act and its  
10 regulations, except as modified by Title IV of the Clean  
11 Air Act and its regulations. The Agency shall reopen the  
12 new unit's CAAPP permit for cause to incorporate the  
13 approved Phase II acid rain permit in accordance with this  
14 Section. The Phase II acid rain permit for the new unit  
15 shall become effective no later than the date required  
16 under Title IV of the Clean Air Act and its regulations.

17 e. A designated representative of an affected source  
18 for acid deposition shall submit a timely and complete  
19 Title IV NOx permit application to the Agency, not later  
20 than January 1, 1998, that meets the requirements of Titles  
21 IV and V of the Clean Air Act and its regulations. The  
22 Agency shall reopen the Phase II acid rain permit for cause  
23 and incorporate the approved NOx provisions into the Phase  
24 II acid rain permit not later than January 1, 1999, in  
25 accordance with this Section, except as modified by Title  
26 IV of the Clean Air Act and regulations promulgated

1           thereunder. Such reopening shall not affect the term of the  
2           Phase II acid rain permit.

3           f. The designated representative of the affected  
4           source for acid deposition shall renew the initial CAAPP  
5           permit and Phase II acid rain permit in accordance with  
6           this Section and Title V of the Clean Air Act and  
7           regulations promulgated thereunder, except as modified by  
8           Title IV of the Clean Air Act and regulations promulgated  
9           thereunder.

10          g. In the case of an affected source for acid  
11          deposition for which a complete Phase II acid rain permit  
12          application and compliance plan are timely received under  
13          this subsection, the complete permit application and  
14          compliance plan, including amendments thereto, shall be  
15          binding on the owner, operator and designated  
16          representative, all affected units for acid deposition at  
17          the affected source, and any other unit, as defined in  
18          Section 402 of the Clean Air Act, governed by the Phase II  
19          acid rain permit application and shall be enforceable as an  
20          acid rain permit for purposes of Titles IV and V of the  
21          Clean Air Act, from the date of submission of the acid rain  
22          permit application until a Phase II acid rain permit is  
23          issued or denied by the Agency.

24          h. The Agency shall not include or implement any  
25          measure which would interfere with or modify the  
26          requirements of Title IV of the Clean Air Act or

1 regulations promulgated thereunder.

2 i. Nothing in this Section shall be construed as  
3 affecting allowances or USEPA's decision regarding an  
4 excess emissions offset plan, as set forth in Title IV of  
5 the Clean Air Act or regulations promulgated thereunder.

6 i. No permit revision shall be required for  
7 increases in emissions that are authorized by  
8 allowances acquired pursuant to the acid rain program,  
9 provided that such increases do not require a permit  
10 revision under any other applicable requirement.

11 ii. No limit shall be placed on the number of  
12 allowances held by the source. The source may not,  
13 however, use allowances as a defense to noncompliance  
14 with any other applicable requirement.

15 iii. Any such allowance shall be accounted for  
16 according to the procedures established in regulations  
17 promulgated under Title IV of the Clean Air Act.

18 j. To the extent that the federal regulations  
19 promulgated under Title IV, including but not limited to 40  
20 C.F.R. Part 72, as now or hereafter amended, are  
21 inconsistent with the federal regulations promulgated  
22 under Title V, the federal regulations promulgated under  
23 Title IV shall take precedence.

24 k. The USEPA may intervene as a matter of right in any  
25 permit appeal involving a Phase II acid rain permit  
26 provision or denial of a Phase II acid rain permit.

1           l. It is unlawful for any owner or operator to violate  
2 any terms or conditions of a Phase II acid rain permit  
3 issued under this subsection, to operate any affected  
4 source for acid deposition except in compliance with a  
5 Phase II acid rain permit issued by the Agency under this  
6 subsection, or to violate any other applicable  
7 requirements.

8           m. The designated representative of an affected source  
9 for acid deposition shall submit to the Agency the data and  
10 information submitted quarterly to USEPA, pursuant to 40  
11 CFR 75.64, concurrently with the submission to USEPA. The  
12 submission shall be in the same electronic format as  
13 specified by USEPA.

14           n. The Agency shall act on any petition for exemption  
15 of a new unit or retired unit, as those terms are defined  
16 in Section 402 of the Clean Air Act, from the requirements  
17 of the acid rain program in accordance with Title IV of the  
18 Clean Air Act and its regulations.

19           o. The Agency shall have the authority to adopt  
20 procedural rules, in accordance with the Illinois  
21 Administrative Procedure Act, as the Agency deems  
22 necessary to implement this subsection.

23           18. Fee Provisions.

24           a. A source subject to this Section or excluded under  
25 subsection 1.1 or paragraph (c) of subsection 3 of this

1 Section, shall pay a fee as provided in this paragraph (a)  
2 of subsection 18. However, a source that has been excluded  
3 from the provisions of this Section under subsection 1.1 or  
4 under paragraph (c) of subsection 3 of this Section because  
5 the source emits less than 25 tons per year of any  
6 combination of regulated air pollutants, except greenhouse  
7 gases, shall pay fees in accordance with paragraph (1) of  
8 subsection (b) of Section 9.6.

9 i. The fee for a source allowed to emit less than  
10 100 tons per year of any combination of regulated air  
11 pollutants, except greenhouse gases, shall be \$1,800  
12 per year, and that fee shall increase, beginning  
13 January 1, 2012, to \$2,150 per year.

14 ii. The fee for a source allowed to emit 100 tons  
15 or more per year of any combination of regulated air  
16 pollutants, except greenhouse gases and those  
17 regulated air pollutants excluded in paragraph (f) of  
18 this subsection 18, shall be as follows:

19 A. The Agency shall assess a fee of \$18 per  
20 ton, per year for the allowable emissions of  
21 regulated air pollutants subject to this  
22 subparagraph (ii) of paragraph (a) of subsection  
23 18, and that fee shall increase, beginning January  
24 1, 2012, to \$21.50 per ton, per year. These fees  
25 shall be used by the Agency and the Board to fund  
26 the activities required by Title V of the Clean Air

1 Act including such activities as may be carried out  
2 by other State or local agencies pursuant to  
3 paragraph (d) of this subsection. The amount of  
4 such fee shall be based on the information supplied  
5 by the applicant in its complete CAAPP permit  
6 application or in the CAAPP permit if the permit  
7 has been granted and shall be determined by the  
8 amount of emissions that the source is allowed to  
9 emit annually, provided however, that the maximum  
10 fee for a CAAPP permit under this subparagraph (ii)  
11 of paragraph (a) of subsection 18 is \$250,000, and  
12 increases, beginning January 1, 2012, to \$294,000.  
13 Beginning January 1, 2012, the maximum fee under  
14 this subparagraph (ii) of paragraph (a) of  
15 subsection 18 for a source that has been excluded  
16 under subsection 1.1 of this Section or under  
17 paragraph (c) of subsection 3 of this Section is  
18 \$4,112. The Agency shall provide as part of the  
19 permit application form required under subsection  
20 5 of this Section a separate fee calculation form  
21 which will allow the applicant to identify the  
22 allowable emissions and calculate the fee. In no  
23 event shall the Agency raise the amount of  
24 allowable emissions requested by the applicant  
25 unless such increases are required to demonstrate  
26 compliance with terms of a CAAPP permit.

1           Notwithstanding the above, any applicant may  
2           seek a change in its permit which would result in  
3           increases in allowable emissions due to an  
4           increase in the hours of operation or production  
5           rates of an emission unit or units and such a  
6           change shall be consistent with the construction  
7           permit requirements of the existing State permit  
8           program, under subsection (a) of Section 39 of this  
9           Act and applicable provisions of this Section.  
10          Where a construction permit is required, the  
11          Agency shall expeditiously grant such construction  
12          permit and shall, if necessary, modify the CAAPP  
13          permit based on the same application.

14           B. The applicant or permittee may pay the fee  
15           annually or semiannually for those fees greater  
16           than \$5,000. However, any applicant paying a fee  
17           equal to or greater than \$100,000 shall pay the  
18           full amount on July 1, for the subsequent fiscal  
19           year, or pay 50% of the fee on July 1 and the  
20           remaining 50% by the next January 1. The Agency may  
21           change any annual billing date upon reasonable  
22           notice, but shall prorate the new bill so that the  
23           permittee or applicant does not pay more than its  
24           required fees for the fee period for which payment  
25           is made.

26          b. (Blank).

1 c. (Blank).

2 d. There is hereby created in the State Treasury a  
3 special fund to be known as the Clean Air Act Permit Fund  
4 (formerly known as the "CAA Permit Fund)". All Funds  
5 collected by the Agency pursuant to this subsection shall  
6 be deposited into the Fund. The General Assembly shall  
7 appropriate monies from this Fund to the Agency and to the  
8 Board to carry out their obligations under this Section.  
9 The General Assembly may also authorize monies to be  
10 granted by the Agency from this Fund to other State and  
11 local agencies which perform duties related to the CAAPP.  
12 Interest generated on the monies deposited in this Fund  
13 shall be returned to the Fund.

14 e. The Agency shall have the authority to adopt  
15 procedural rules, in accordance with the Illinois  
16 Administrative Procedure Act, as the Agency deems  
17 necessary to implement this subsection.

18 f. For purposes of this subsection, the term "regulated  
19 air pollutant" shall have the meaning given to it under  
20 subsection 1 of this Section but shall exclude the  
21 following:

22 i. carbon monoxide;

23 ii. any Class I or II substance which is a  
24 regulated air pollutant solely because it is listed  
25 pursuant to Section 602 of the Clean Air Act; and

26 iii. any pollutant that is a regulated air



1 pollutant solely because it is subject to a standard or  
2 regulation under Section 112(r) of the Clean Air Act  
3 based on the emissions allowed in the permit effective  
4 in that calendar year, at the time the applicable bill  
5 is generated.

6 19. Air Toxics Provisions.

7 a. In the event that the USEPA fails to promulgate in a  
8 timely manner a standard pursuant to Section 112(d) of the  
9 Clean Air Act, the Agency shall have the authority to issue  
10 permits, pursuant to Section 112(j) of the Clean Air Act  
11 and regulations promulgated thereunder, which contain  
12 emission limitations which are equivalent to the emission  
13 limitations that would apply to a source if an emission  
14 standard had been promulgated in a timely manner by USEPA  
15 pursuant to Section 112(d). Provided, however, that the  
16 owner or operator of a source shall have the opportunity to  
17 submit to the Agency a proposed emission limitation which  
18 it determines to be equivalent to the emission limitations  
19 that would apply to such source if an emission standard had  
20 been promulgated in a timely manner by USEPA. If the Agency  
21 refuses to include the emission limitation proposed by the  
22 owner or operator in a CAAPP permit, the owner or operator  
23 may petition the Board to establish whether the emission  
24 limitation proposal submitted by the owner or operator  
25 provides for emission limitations which are equivalent to

1 the emission limitations that would apply to the source if  
2 the emission standard had been promulgated by USEPA in a  
3 timely manner. The Board shall determine whether the  
4 emission limitation proposed by the owner or operator or an  
5 alternative emission limitation proposed by the Agency  
6 provides for the level of control required under Section  
7 112 of the Clean Air Act, or shall otherwise establish an  
8 appropriate emission limitation, pursuant to Section 112  
9 of the Clean Air Act.

10 b. Any Board proceeding brought under paragraph (a) or  
11 (e) of this subsection shall be conducted according to the  
12 Board's procedures for adjudicatory hearings and the Board  
13 shall render its decision within 120 days of the filing of  
14 the petition. Any such decision shall be subject to review  
15 pursuant to Section 41 of this Act. Where USEPA promulgates  
16 an applicable emission standard prior to the issuance of  
17 the CAAPP permit, the Agency shall include in the permit  
18 the promulgated standard, provided that the source shall  
19 have the compliance period provided under Section 112(i) of  
20 the Clean Air Act. Where USEPA promulgates an applicable  
21 standard subsequent to the issuance of the CAAPP permit,  
22 the Agency shall revise such permit upon the next renewal  
23 to reflect the promulgated standard, providing a  
24 reasonable time for the applicable source to comply with  
25 the standard, but no longer than 8 years after the date on  
26 which the source is first required to comply with the

1 emissions limitation established under this subsection.

2 c. The Agency shall have the authority to implement and  
3 enforce complete or partial emission standards promulgated  
4 by USEPA pursuant to Section 112(d), and standards  
5 promulgated by USEPA pursuant to Sections 112(f), 112(h),  
6 112(m), and 112(n), and may accept delegation of authority  
7 from USEPA to implement and enforce Section 112(l) and  
8 requirements for the prevention and detection of  
9 accidental releases pursuant to Section 112(r) of the Clean  
10 Air Act.

11 d. The Agency shall have the authority to issue permits  
12 pursuant to Section 112(i) (5) of the Clean Air Act.

13 e. The Agency has the authority to implement Section  
14 112(g) of the Clean Air Act consistent with the Clean Air  
15 Act and federal regulations promulgated thereunder. If the  
16 Agency refuses to include the emission limitations  
17 proposed in an application submitted by an owner or  
18 operator for a case-by-case maximum achievable control  
19 technology (MACT) determination, the owner or operator may  
20 petition the Board to determine whether the emission  
21 limitation proposed by the owner or operator or an  
22 alternative emission limitation proposed by the Agency  
23 provides for a level of control required by Section 112 of  
24 the Clean Air Act, or to otherwise establish an appropriate  
25 emission limitation under Section 112 of the Clean Air Act.

1           20. Small Business.

2           a. For purposes of this subsection:

3           "Program" is the Small Business Stationary Source  
4           Technical and Environmental Compliance Assistance Program  
5           created within this State pursuant to Section 507 of the  
6           Clean Air Act and guidance promulgated thereunder, to  
7           provide technical assistance and compliance information to  
8           small business stationary sources;

9           "Small Business Assistance Program" is a component of  
10          the Program responsible for providing sufficient  
11          communications with small businesses through the  
12          collection and dissemination of information to small  
13          business stationary sources; and

14          "Small Business Stationary Source" means a stationary  
15          source that:

16               1. is owned or operated by a person that employs  
17               100 or fewer individuals;

18               2. is a small business concern as defined in the  
19               "Small Business Act";

20               3. is not a major source as that term is defined in  
21               subsection 2 of this Section;

22               4. does not emit 50 tons or more per year of any  
23               regulated air pollutant, except greenhouse gases; and

24               5. emits less than 75 tons per year of all  
25               regulated pollutants, except greenhouse gases.

26          b. The Agency shall adopt and submit to USEPA, after

1 reasonable notice and opportunity for public comment, as a  
2 revision to the Illinois state implementation plan, plans  
3 for establishing the Program.

4 c. The Agency shall have the authority to enter into  
5 such contracts and agreements as the Agency deems necessary  
6 to carry out the purposes of this subsection.

7 d. The Agency may establish such procedures as it may  
8 deem necessary for the purposes of implementing and  
9 executing its responsibilities under this subsection.

10 e. There shall be appointed a Small Business Ombudsman  
11 (hereinafter in this subsection referred to as  
12 "Ombudsman") to monitor the Small Business Assistance  
13 Program. The Ombudsman shall be a nonpartisan designated  
14 official, with the ability to independently assess whether  
15 the goals of the Program are being met.

16 f. The State Ombudsman Office shall be located in an  
17 existing Ombudsman office within the State or in any State  
18 Department.

19 g. There is hereby created a State Compliance Advisory  
20 Panel (hereinafter in this subsection referred to as  
21 "Panel") for determining the overall effectiveness of the  
22 Small Business Assistance Program within this State.

23 h. The selection of Panel members shall be by the  
24 following method:

- 25 1. The Governor shall select two members who are  
26 not owners or representatives of owners of small

1 business stationary sources to represent the general  
2 public;

3 2. The Director of the Agency shall select one  
4 member to represent the Agency; and

5 3. The State Legislature shall select four members  
6 who are owners or representatives of owners of small  
7 business stationary sources. Both the majority and  
8 minority leadership in both Houses of the Legislature  
9 shall appoint one member of the panel.

10 i. Panel members should serve without compensation but  
11 will receive full reimbursement for expenses including  
12 travel and per diem as authorized within this State.

13 j. The Panel shall select its own Chair by a majority  
14 vote. The Chair may meet and consult with the Ombudsman and  
15 the head of the Small Business Assistance Program in  
16 planning the activities for the Panel.

17 21. Temporary Sources.

18 a. The Agency may issue a single permit authorizing  
19 emissions from similar operations by the same source owner  
20 or operator at multiple temporary locations, except for  
21 sources which are affected sources for acid deposition  
22 under Title IV of the Clean Air Act.

23 b. The applicant must demonstrate that the operation is  
24 temporary and will involve at least one change of location  
25 during the term of the permit.

1           c. Any such permit shall meet all applicable  
2 requirements of this Section and applicable regulations,  
3 and include conditions assuring compliance with all  
4 applicable requirements at all authorized locations and  
5 requirements that the owner or operator notify the Agency  
6 at least 10 days in advance of each change in location.

7           22. Solid Waste Incineration Units.

8           a. A CAAPP permit for a solid waste incineration unit  
9 combusting municipal waste subject to standards  
10 promulgated under Section 129(e) of the Clean Air Act shall  
11 be issued for a period of 12 years and shall be reviewed  
12 every 5 years, unless the Agency requires more frequent  
13 review through Agency procedures.

14           b. During the review in paragraph (a) of this  
15 subsection, the Agency shall fully review the previously  
16 submitted CAAPP permit application and corresponding  
17 reports subsequently submitted to determine whether the  
18 source is in compliance with all applicable requirements.

19           c. If the Agency determines that the source is not in  
20 compliance with all applicable requirements it shall  
21 revise the CAAPP permit as appropriate.

22           d. The Agency shall have the authority to adopt  
23 procedural rules, in accordance with the Illinois  
24 Administrative Procedure Act, as the Agency deems  
25 necessary, to implement this subsection.

1 (Source: P.A. 99-380, eff. 8-17-15.)

2 Section 5-220. The Cigarette Fire Safety Standard Act is  
3 amended by changing Section 45 as follows:

4 (425 ILCS 8/45)

5 Sec. 45. Penalties, ~~Cigarette Fire Safety Standard Act~~  
6 ~~Fund.~~

7 (a) Any manufacturer, wholesale dealer, agent, or other  
8 person or entity who knowingly sells cigarettes wholesale in  
9 violation of item (3) of subsection (a) of Section 10 of this  
10 Act shall be subject to a civil penalty not to exceed \$10,000  
11 for each sale of the cigarettes. Any retail dealer who  
12 knowingly sells cigarettes in violation of Section 10 of this  
13 Act shall be subject to the following: (i) a civil penalty not  
14 to exceed \$500 for each sale or offer for sale of cigarettes,  
15 provided that the total number of cigarettes sold or offered  
16 for sale in such sale does not exceed 1,000 cigarettes; (ii) a  
17 civil penalty not to exceed \$1,000 for each sale or offer for  
18 sale of the cigarettes, provided that the total number of  
19 cigarettes sold or offered for sale in such sale exceeds 1,000  
20 cigarettes.

21 (b) In addition to any penalty prescribed by law, any  
22 corporation, partnership, sole proprietor, limited  
23 partnership, or association engaged in the manufacture of  
24 cigarettes that knowingly makes a false certification pursuant



1 to Section 30 of this Act shall be subject to a civil penalty  
2 not to exceed \$10,000 for each false certification.

3 (c) Upon discovery by the Office of the State Fire Marshal,  
4 the Department of Revenue, the Office of the Attorney General,  
5 or a law enforcement agency that any person offers, possesses  
6 for sale, or has made a sale of cigarettes in violation of  
7 Section 10 of this Act, the Office of the State Fire Marshal,  
8 the Department of Revenue, the Office of the Attorney General,  
9 or the law enforcement agency may seize those cigarettes  
10 possessed in violation of this Act.

11 (d) The Cigarette Fire Safety Standard Act Fund is  
12 established as a special fund in the State treasury. The Fund  
13 shall consist of all moneys recovered by the Attorney General  
14 from the assessment of civil penalties authorized by this  
15 Section. The moneys in the Fund shall, in addition to any  
16 moneys made available for such purpose, be available, subject  
17 to appropriation, to the Office of the State Fire Marshal for  
18 the purpose of fire safety and prevention programs.

19 (e) Notwithstanding any other provision of law, in addition  
20 to any other transfers that may be provided by law, on July 1,  
21 2016, or as soon thereafter as practical, the State Comptroller  
22 shall direct and the State Treasurer shall transfer the  
23 remaining balance from the Cigarette Fire Safety Standard Act  
24 Fund into the General Revenue Fund. Upon completion of the  
25 transfers, the Cigarette Fire Safety Standard Act Fund is  
26 dissolved, and any future deposits due to that Fund and any

1 outstanding obligations or liabilities of that Fund pass to the  
2 General Revenue Fund.

3 (Source: P.A. 94-775, eff. 1-1-08.)

4 (430 ILCS 55/4 rep.)

5 Section 5-225. The Hazardous Material Emergency Response  
6 Reimbursement Act is amended by repealing Section 4.

7 Section 5-230. The Illinois Public Health and Safety Animal  
8 Population Control Act is amended by changing Section 45 as  
9 follows:

10 (510 ILCS 92/45)

11 Sec. 45. Pet Population Control Fund. The Pet Population  
12 Control Fund is established as a special fund in the State  
13 treasury. The moneys generated from the public safety fines  
14 collected as provided in the Animal Control Act, from Pet  
15 Friendly license plates under Section 3-653 of the Illinois  
16 Vehicle Code, ~~from Section 507EE of the Illinois Income Tax~~  
17 ~~Act,~~ and from voluntary contributions must be kept in the Fund  
18 and shall be used only to sterilize and vaccinate dogs and cats  
19 in this State pursuant to the program, to promote the  
20 sterilization program, to educate the public about the  
21 importance of spaying and neutering, and for reasonable  
22 administrative and personnel costs related to the Fund.

23 (Source: P.A. 94-639, eff. 8-22-05.)

1 (605 ILCS 5/10-102.1 rep.)

2 Section 5-235. The Illinois Highway Code is amended by  
3 repealing Section 10-102.1.

4 (625 ILCS 5/12-601.2 rep.)

5 Section 5-240. The Illinois Vehicle Code is amended by  
6 repealing Section 12-601.2.

7 Section 5-245. The Gang Crime Witness Protection Act of  
8 2013 is amended by changing Section 20 as follows:

9 (725 ILCS 173/20)

10 Sec. 20. Gang Crime Witness Protection Program Fund. There  
11 is created in the State Treasury the Gang Crime Witness  
12 Protection Program Fund into which shall be deposited  
13 appropriated funds, grants, or other funds made available to  
14 the Illinois Criminal Justice Information Authority to assist  
15 State's Attorneys and the Attorney General in protecting  
16 victims and witnesses who are aiding in the prosecution of  
17 perpetrators of gang crime, and appropriate related persons.  
18 ~~Within 30 days after the effective date of this Act, all moneys~~  
19 ~~in the Gang Crime Witness Protection Fund shall be transferred~~  
20 ~~into the Gang Crime Witness Protection Program Fund.~~

21 (Source: P.A. 98-58, eff. 7-8-13.)

1           Section 5-250. The Unified Code of Corrections is amended  
2 by changing Section 5-9-1.16 as follows:

3           (730 ILCS 5/5-9-1.16)

4           Sec. 5-9-1.16. Protective order violation fees.

5           (a) There shall be added to every penalty imposed in  
6 sentencing for a violation of an order of protection under  
7 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012 an additional fee to be set in an amount  
9 not less than \$200 to be imposed upon a plea of guilty or  
10 finding of guilty resulting in a judgment of conviction.

11           (b) Such additional amount shall be assessed by the court  
12 imposing sentence and shall be collected by the Circuit Clerk  
13 in addition to the fine, if any, and costs in the case to be  
14 used by the supervising authority in implementing the domestic  
15 violence surveillance program. The clerk of the circuit court  
16 shall pay all monies collected from this fee to the county  
17 treasurer for deposit in the probation and court services fund  
18 under Section 15.1 of the Probation and Probations Officers  
19 Act.

20           (c) The supervising authority of a domestic violence  
21 surveillance program under Section 5-8A-7 of this Act shall  
22 assess a person either convicted of, or charged with, the  
23 violation of an order of protection an additional fee to cover  
24 the costs of providing the equipment used and the additional  
25 supervision needed for such domestic violence surveillance

1 program. If the court finds that the fee would impose an undue  
2 burden on the victim, the court may reduce or waive the fee.  
3 The court shall order that the defendant may not use funds  
4 belonging solely to the victim of the offense for payment of  
5 the fee.

6 When the supervising authority is the court or the  
7 probation and court services department, the fee shall be  
8 collected by the circuit court clerk. The clerk of the circuit  
9 court shall pay all monies collected from this fee and all  
10 other required probation fees that are assessed to the county  
11 treasurer for deposit in the probation and court services fund  
12 under Section 15.1 of the Probation and Probations Officers  
13 Act. In counties with a population of 2 million or more, when  
14 the supervising authority is the court or the probation and  
15 court services department, the fee shall be collected by the  
16 supervising authority. In these counties, the supervising  
17 authority shall pay all monies collected from this fee and all  
18 other required probation fees that are assessed, to the county  
19 treasurer for deposit in the probation and court services fund  
20 under Section 15.1 of the Probation and Probation Officers Act.

21 When the supervising authority is the Department of  
22 Corrections, the Department shall collect the fee for deposit  
23 into the ~~Illinois~~ Department of Corrections Reimbursement and  
24 Education Fund ~~"fund"~~. The Circuit Clerk shall retain 10% of  
25 such penalty and deposit that percentage into the Circuit Court  
26 Clerk Operation and Administrative Fund to cover the costs

1 incurred in administering and enforcing this Section.

2 (d) (Blank).

3 (e) (Blank).

4 (Source: P.A. 96-688, eff. 8-25-09; 96-1551, eff. 7-1-11;  
5 97-1150, eff. 1-25-13.)

6 (820 ILCS 50/Act rep.)

7 Section 5-255. The Workplace Literacy Act is repealed.

8 ARTICLE 10.

9 WHISTLEBLOWER REWARD AND PROTECTION FUNDS

10 Section 10-5. The Public Corruption Profit Forfeiture Act  
11 is amended by changing Section 10 as follows:

12 (5 ILCS 283/10)

13 Sec. 10. Penalties.

14 (a) A person who is convicted of a violation of any of the  
15 following Sections, subsections, and clauses of the Criminal  
16 Code of 1961 or the Criminal Code of 2012:

17 (1) clause (a)(6) of Section 12-6 (intimidation by a  
18 public official),

19 (2) Section 33-1 (bribery),

20 (3) subsection (a) of Section 33E-7 (kickbacks), or

21 (4) Section 33C-4 or subsection (d) of Section 17-10.3  
22 (fraudulently obtaining public moneys reserved for

1           disadvantaged business enterprises),  
2 shall forfeit to the State of Illinois:

3           (A) any profits or proceeds and any property or  
4 property interest he or she has acquired or maintained in  
5 violation of any of the offenses listed in clauses (1)  
6 through (4) of this subsection (a) that the court  
7 determines, after a forfeiture hearing under subsection  
8 (b) of this Section, to have been acquired or maintained as  
9 a result of violating any of the offenses listed in clauses  
10 (1) through (4) of this subsection (a); and

11           (B) any interest in, security of, claim against, or  
12 property or contractual right of any kind affording a  
13 source of influence over, any enterprise which he or she  
14 has established, operated, controlled, conducted, or  
15 participated in the conduct of, in violation of any of the  
16 offenses listed in clauses (1) through (4) of this  
17 subsection (a) that the court determines, after a  
18 forfeiture hearing under subsection (b) of this Section, to  
19 have been acquired or maintained as a result of violating  
20 any of the offenses listed in clauses (1) through (4) of  
21 this subsection (a) or used to facilitate a violation of  
22 one of the offenses listed in clauses (1) through (4) of  
23 this subsection (a).

24           (b) The court shall, upon petition by the Attorney General  
25 or State's Attorney, at any time after the filing of an  
26 information or return of an indictment, conduct a hearing to

1 determine whether any property or property interest is subject  
2 to forfeiture under this Act. At the forfeiture hearing the  
3 people shall have the burden of establishing, by a  
4 preponderance of the evidence, that property or property  
5 interests are subject to forfeiture under this Act. There is a  
6 rebuttable presumption at such hearing that any property or  
7 property interest of a person charged by information or  
8 indictment with a violation of any of the offenses listed in  
9 clauses (1) through (4) of subsection (a) of this Section or  
10 who is convicted of a violation of any of the offenses listed  
11 in clauses (1) through (4) of subsection (a) of this Section is  
12 subject to forfeiture under this Section if the State  
13 establishes by a preponderance of the evidence that:

14 (1) such property or property interest was acquired by  
15 such person during the period of the violation of any of  
16 the offenses listed in clauses (1) through (4) of  
17 subsection (a) of this Section or within a reasonable time  
18 after such period; and

19 (2) there was no likely source for such property or  
20 property interest other than the violation of any of the  
21 offenses listed in clauses (1) through (4) of subsection  
22 (a) of this Section.

23 (c) In an action brought by the People of the State of  
24 Illinois under this Act, wherein any restraining order,  
25 injunction or prohibition or any other action in connection  
26 with any property or property interest subject to forfeiture



1 under this Act is sought, the circuit court which shall preside  
2 over the trial of the person or persons charged with any of the  
3 offenses listed in clauses (1) through (4) of subsection (a) of  
4 this Section shall first determine whether there is probable  
5 cause to believe that the person or persons so charged have  
6 committed a violation of any of the offenses listed in clauses  
7 (1) through (4) of subsection (a) of this Section and whether  
8 the property or property interest is subject to forfeiture  
9 pursuant to this Act.

10 In order to make such a determination, prior to entering  
11 any such order, the court shall conduct a hearing without a  
12 jury, wherein the People shall establish that there is: (i)  
13 probable cause that the person or persons so charged have  
14 committed one of the offenses listed in clauses (1) through (4)  
15 of subsection (a) of this Section and (ii) probable cause that  
16 any property or property interest may be subject to forfeiture  
17 pursuant to this Act. Such hearing may be conducted  
18 simultaneously with a preliminary hearing, if the prosecution  
19 is commenced by information or complaint, or by motion of the  
20 People, at any stage in the proceedings. The court may accept a  
21 finding of probable cause at a preliminary hearing following  
22 the filing of a charge for violating one of the offenses listed  
23 in clauses (1) through (4) of subsection (a) of this Section or  
24 the return of an indictment by a grand jury charging one of the  
25 offenses listed in clauses (1) through (4) of subsection (a) of  
26 this Section as sufficient evidence of probable cause as

1 provided in item (i) above.

2       Upon such a finding, the circuit court shall enter such  
3 restraining order, injunction or prohibition, or shall take  
4 such other action in connection with any such property or  
5 property interest subject to forfeiture under this Act, as is  
6 necessary to insure that such property is not removed from the  
7 jurisdiction of the court, concealed, destroyed or otherwise  
8 disposed of by the owner of that property or property interest  
9 prior to a forfeiture hearing under subsection (b) of this  
10 Section. The Attorney General or State's Attorney shall file a  
11 certified copy of such restraining order, injunction or other  
12 prohibition with the recorder of deeds or registrar of titles  
13 of each county where any such property of the defendant may be  
14 located. No such injunction, restraining order or other  
15 prohibition shall affect the rights of any bona fide purchaser,  
16 mortgagee, judgment creditor or other lien holder arising prior  
17 to the date of such filing.

18       The court may, at any time, upon verified petition by the  
19 defendant, conduct a hearing to release all or portions of any  
20 such property or interest which the court previously determined  
21 to be subject to forfeiture or subject to any restraining  
22 order, injunction, or prohibition or other action. The court  
23 may release such property to the defendant for good cause shown  
24 and within the sound discretion of the court.

25       (d) Prosecution under this Act may be commenced by the  
26 Attorney General or a State's Attorney.

1           (e) Upon an order of forfeiture being entered pursuant to  
2 subsection (b) of this Section, the court shall authorize the  
3 Attorney General to seize any property or property interest  
4 declared forfeited under this Act and under such terms and  
5 conditions as the court shall deem proper. Any property or  
6 property interest that has been the subject of an entered  
7 restraining order, injunction or prohibition or any other  
8 action filed under subsection (c) shall be forfeited unless the  
9 claimant can show by a preponderance of the evidence that the  
10 property or property interest has not been acquired or  
11 maintained as a result of a violation of any of the offenses  
12 listed in clauses (1) through (4) of subsection (a) of this  
13 Section or has not been used to facilitate a violation of any  
14 of the offenses listed in clauses (1) through (4) of subsection  
15 (a) of this Section.

16           (f) The Attorney General or his or her designee is  
17 authorized to sell all property forfeited and seized pursuant  
18 to this Act, unless such property is required by law to be  
19 destroyed or is harmful to the public, and, after the deduction  
20 of all requisite expenses of administration and sale, shall  
21 distribute the proceeds of such sale, along with any moneys  
22 forfeited or seized, in accordance with subsection (g).

23           (g) All monies and the sale proceeds of all other property  
24 forfeited and seized pursuant to this Act shall be distributed  
25 as follows:

26           (1) An amount equal to 50% shall be distributed to the

1 unit of local government or other law enforcement agency  
2 whose officers or employees conducted the investigation  
3 into a violation of any of the offenses listed in clauses  
4 (1) through (4) of subsection (a) of this Section and  
5 caused the arrest or arrests and prosecution leading to the  
6 forfeiture. Amounts distributed to units of local  
7 government and law enforcement agencies shall be used for  
8 enforcement of laws governing public corruption, or for  
9 other law enforcement purposes. In the event, however, that  
10 the investigation, arrest or arrests and prosecution  
11 leading to the forfeiture were undertaken solely by a State  
12 agency, the portion provided hereunder shall be paid into  
13 the State Asset Forfeiture Fund in the State treasury to be  
14 used by that State agency in accordance with law. If the  
15 investigation, arrest or arrests and prosecution leading  
16 to the forfeiture were undertaken by the Attorney General,  
17 the portion provided hereunder shall be paid into the  
18 Attorney General ~~General's~~ Whistleblower Reward and  
19 Protection Fund in the State treasury to be used by the  
20 Attorney General in accordance with law.

21 (2) An amount equal to 12.5% shall be distributed to  
22 the county in which the prosecution resulting in the  
23 forfeiture was instituted, deposited in a special fund in  
24 the county treasury and appropriated to the State's  
25 Attorney for use in accordance with law. If the prosecution  
26 was conducted by the Attorney General, then the amount

1 provided under this subsection shall be paid into the  
2 Attorney General ~~General's~~ Whistleblower Reward and  
3 Protection Fund in the State treasury to be used by the  
4 Attorney General in accordance with law.

5 (3) An amount equal to 12.5% shall be distributed to  
6 the Office of the State's Attorneys Appellate Prosecutor  
7 and deposited in the State's Attorneys Appellate  
8 Prosecutor Anti-Corruption Fund, to be used by the Office  
9 of the State's Attorneys Appellate Prosecutor for  
10 additional expenses incurred in prosecuting appeals  
11 arising under this Act. Any amounts remaining in the Fund  
12 after all additional expenses have been paid shall be used  
13 by the Office to reduce the participating county  
14 contributions to the Office on a prorated basis as  
15 determined by the board of governors of the Office of the  
16 State's Attorneys Appellate Prosecutor based on the  
17 populations of the participating counties. If the appeal is  
18 to be conducted by the Attorney General, then the amount  
19 provided under this subsection shall be paid into the  
20 Attorney General ~~General's~~ Whistleblower Reward and  
21 Protection Fund in the State treasury to be used by the  
22 Attorney General in accordance with law.

23 (4) An amount equal to 25% shall be paid into the State  
24 Asset Forfeiture Fund in the State treasury to be used by  
25 the Department of State Police for the funding of the  
26 investigation of public corruption activities. Any amounts

1 remaining in the Fund after full funding of such  
2 investigations shall be used by the Department in  
3 accordance with law to fund its other enforcement  
4 activities.

5 (h) All moneys deposited pursuant to this Act in the State  
6 Asset Forfeiture Fund shall, subject to appropriation, be used  
7 by the Department of State Police in the manner set forth in  
8 this Section. All moneys deposited pursuant to this Act in the  
9 Attorney General ~~General's~~ Whistleblower Reward and Protection  
10 Fund shall, subject to appropriation, be used by the Attorney  
11 General for State law enforcement purposes and for the  
12 performance of the duties of that office. All moneys deposited  
13 pursuant to this Act in the State's Attorneys Appellate  
14 Prosecutor Anti-Corruption Fund shall, subject to  
15 appropriation, be used by the Office of the State's Attorneys  
16 Appellate Prosecutor in the manner set forth in this Section.  
17 (Source: P.A. 96-1019, eff. 1-1-11; 97-657, eff. 1-13-12;  
18 97-1150, eff. 1-25-13.)

19 Section 10-10. The State Finance Act is amended by changing  
20 Section 5.317 and by adding Sections 5.875 and 5.876 as  
21 follows:

22 (30 ILCS 105/5.317) (from Ch. 127, par. 141.317)

23 Sec. 5.317. The State Whistleblower Reward and Protection  
24 Fund.

1 (Source: P.A. 87-662; 87-895.)

2 (30 ILCS 105/5.875 new)

3 Sec. 5.875. The Attorney General Whistleblower Reward and  
4 Protection Fund.

5 (30 ILCS 105/5.876 new)

6 Sec. 5.876. The State Police Whistleblower Reward and  
7 Protection Fund.

8 Section 10-15. The Illinois False Claims Act is amended by  
9 changing Section 8 as follows:

10 (740 ILCS 175/8) (from Ch. 127, par. 4108)

11 Sec. 8. Funds; Grants.

12 (a) There is hereby created the State Whistleblower Reward  
13 and Protection Fund as a special fund in the State Treasury.  
14 All proceeds of an action or settlement of a claim brought  
15 under this Act shall be deposited in the Fund. Any attorneys'  
16 fees, expenses, and costs paid by or awarded against any  
17 defendant pursuant to Section 4 of this Act shall not be  
18 considered part of the proceeds to be deposited in the Fund.

19 (b) Monies in the Fund shall be allocated, subject to  
20 appropriation, as follows: One-sixth of the monies shall be  
21 paid to the Attorney General Whistleblower Reward and  
22 Protection Fund, hereby created as a special fund in the State

1 Treasury, and one-sixth of the monies shall be paid to the  
2 ~~Department of State Police~~ Whistleblower Reward and Protection  
3 Fund, hereby created as a special fund in the State Treasury,  
4 for State law enforcement purposes. The remaining two-thirds of  
5 the monies in the Fund shall be used for payment of awards to  
6 Qui Tam plaintiffs and as otherwise specified in this Act, with  
7 any remainder to the General Revenue Fund. The Attorney General  
8 shall direct the State Treasurer to make disbursement of funds.  
9 (Source: P.A. 96-1304, eff. 7-27-10.)

10 ARTICLE 15.

11 FUND-RELATED PROVISIONS

12 Section 15-5. The Children and Family Services Act is  
13 amended by changing Sections 5b and 34.10 as follows:

14 (20 ILCS 505/5b) (from Ch. 23, par. 5005b)

15 Sec. 5b. Child Care and Development Fund; Department of  
16 Human Services.

17 (a) Until October 1, 1998: The Child Care and Development  
18 Fund is hereby created as a special fund in the State treasury.  
19 Deposits to this fund shall consist of receipts from the  
20 federal government under the Child Care and Development Block  
21 Grant Program. Disbursements from the Child Care and  
22 Development Fund shall be made by the Department of Human  
23 Services in accordance with the guidelines established by the



1 federal government for the Child Care and Development Block  
2 Grant Program, subject to appropriation by the General  
3 Assembly.

4 (b) The Child Care and Development Fund is abolished on  
5 October 1, 1998, and any balance remaining in the Fund on that  
6 date shall be transferred to the Special Purposes Trust Fund  
7 (now known as the DHS Special Purposes Trust Fund) described in  
8 Section 12-10 of the Illinois Public Aid Code.

9 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

10 (20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)

11 Sec. 34.10. Home child care demonstration project;  
12 conversion and renovation grants; Department of Human  
13 Services.

14 (a) The legislature finds that the demand for quality child  
15 care far outweighs the number of safe, quality spaces for our  
16 children. The purpose of this Section is to increase the number  
17 of child care providers by:

18 (1) developing a demonstration project to train  
19 individuals to become home child care providers who are  
20 able to establish and operate their own child care  
21 facility; and

22 (2) providing grants to convert and renovate existing  
23 facilities.

24 (b) The Department of Human Services may from  
25 appropriations from the Child Care Development Block Grant

1 establish a demonstration project to train individuals to  
2 become home child care providers who are able to establish and  
3 operate their own home-based child care facilities. The  
4 Department of Human Services is authorized to use funds for  
5 this purpose from the child care and development funds  
6 deposited into the DHS Special Purposes Trust Fund as described  
7 in Section 12-10 of the Illinois Public Aid Code and, until  
8 October 1, 1998, the Child Care and Development Fund created by  
9 the 87th General Assembly. As an economic development program,  
10 the project's focus is to foster individual self-sufficiency  
11 through an entrepreneurial approach by the creation of new jobs  
12 and opening of new small home-based child care businesses. The  
13 demonstration project shall involve coordination among State  
14 and county governments and the private sector, including but  
15 not limited to: the community college system, the Departments  
16 of Labor and Commerce and Economic Opportunity, the State Board  
17 of Education, large and small private businesses, nonprofit  
18 programs, unions, and child care providers in the State.

19 The Department shall submit:

20 (1) a progress report on the demonstration project to  
21 the legislature by one year after the effective date of  
22 this amendatory Act of 1991; and

23 (2) a final evaluation report on the demonstration  
24 project, including findings and recommendations, to the  
25 legislature by one year after the due date of the progress  
26 report.

1           (c) The Department of Human Services may from  
2 appropriations from the Child Care Development Block Grant  
3 provide grants to family child care providers and center based  
4 programs to convert and renovate existing facilities, to the  
5 extent permitted by federal law, so additional family child  
6 care homes and child care centers can be located in such  
7 facilities.

8           (1) Applications for grants shall be made to the  
9 Department and shall contain information as the Department  
10 shall require by rule. Every applicant shall provide  
11 assurance to the Department that:

12                   (A) the facility to be renovated or improved shall  
13 be used as family child care home or child care center  
14 for a continuous period of at least 5 years;

15                   (B) any family child care home or child care center  
16 program located in a renovated or improved facility  
17 shall be licensed by the Department;

18                   (C) the program shall comply with applicable  
19 federal and State laws prohibiting discrimination  
20 against any person on the basis of race, color,  
21 national origin, religion, creed, or sex;

22                   (D) the grant shall not be used for purposes of  
23 entertainment or perquisites;

24                   (E) the applicant shall comply with any other  
25 requirement the Department may prescribe to ensure  
26 adherence to applicable federal, State, and county

1 laws;

2 (F) all renovations and improvements undertaken  
3 with funds received under this Section shall comply  
4 with all applicable State and county statutes and  
5 ordinances including applicable building codes and  
6 structural requirements of the Department; and

7 (G) the applicant shall indemnify and save  
8 harmless the State and its officers, agents, and  
9 employees from and against any and all claims arising  
10 out of or resulting from the renovation and  
11 improvements made with funds provided by this Section,  
12 and, upon request of the Department, the applicant  
13 shall procure sufficient insurance to provide that  
14 indemnification.

15 (2) To receive a grant under this Section to convert an  
16 existing facility into a family child care home or child  
17 care center facility, the applicant shall:

18 (A) agree to make available to the Department of  
19 Human Services all records it may have relating to the  
20 operation of any family child care home and child care  
21 center facility, and to allow State agencies to monitor  
22 its compliance with the purpose of this Section;

23 (B) agree that, if the facility is to be altered or  
24 improved, or is to be used by other groups, moneys  
25 appropriated by this Section shall be used for  
26 renovating or improving the facility only to the

1           proportionate extent that the floor space will be used  
2           by the child care program; and

3           (C) establish, to the satisfaction of the  
4           Department that sufficient funds are available for the  
5           effective use of the facility for the purpose for which  
6           it is being renovated or improved.

7           (3) In selecting applicants for funding, the  
8           Department shall make every effort to ensure that family  
9           child care home or child care center facilities are  
10          equitably distributed throughout the State according to  
11          demographic need. The Department shall give priority  
12          consideration to rural/Downstate areas of the State that  
13          are currently experiencing a shortage of child care  
14          services.

15          (4) In considering applications for grants to renovate  
16          or improve an existing facility used for the operations of  
17          a family child care home or child care center, the  
18          Department shall give preference to applications to  
19          renovate facilities most in need of repair to address  
20          safety and habitability concerns. No grant shall be  
21          disbursed unless an agreement is entered into between the  
22          applicant and the State, by and through the Department. The  
23          agreement shall include the assurances and conditions  
24          required by this Section and any other terms which the  
25          Department may require.

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

1           Section 15-10. The State Finance Act is amended by  
2 reenacting Sections 5.98, 5.136, 5.137, 5.189, 5.327, and 5.488  
3 and by changing Sections 8g and 8h as follows:

4           (30 ILCS 105/5.98)

5           Sec. 5.98. The Real Estate License Administration Fund.

6           (Source: P.A. 83-191. Repealed by P.A. 85-1440.)

7           (30 ILCS 105/5.136)

8           Sec. 5.136. The Low-Level Radioactive Waste Facility  
9 Development and Operation Fund.

10          (Source: P.A. 83-1362. Repealed by P.A. 85-1440.)

11          (30 ILCS 105/5.137)

12          Sec. 5.137. The Low-Level Radioactive Waste Facility  
13 Closure, Post-Closure Care and Compensation Fund.

14          (Source: P.A. 83-1362. Repealed by P.A. 85-1440.)

15          (30 ILCS 105/5.189)

16          Sec. 5.189. The International and Promotional Fund.

17          (Source: P.A. 84-1308. Repealed by P.A. 85-1440.)

18          (30 ILCS 105/5.327)

19          Sec. 5.327. The Hospital Provider Fund.

20          (Source: P.A. 88-45. Repealed by P.A. 95-331, eff. 8-21-07.)

1 (30 ILCS 105/5.488)

2 Sec. 5.488. The Port Development Revolving Loan Fund.

3 (Source: P.A. 91-357, eff. 7-29-99. Repealed by P.A. 95-331,  
4 eff. 8-21-07.)

5 (30 ILCS 105/8g)

6 Sec. 8g. Fund transfers.

7 (a) In addition to any other transfers that may be provided  
8 for by law, as soon as may be practical after the effective  
9 date of this amendatory Act of the 91st General Assembly, the  
10 State Comptroller shall direct and the State Treasurer shall  
11 transfer the sum of \$10,000,000 from the General Revenue Fund  
12 to the Motor Vehicle License Plate Fund created by Senate Bill  
13 1028 of the 91st General Assembly.

14 (b) In addition to any other transfers that may be provided  
15 for by law, as soon as may be practical after the effective  
16 date of this amendatory Act of the 91st General Assembly, the  
17 State Comptroller shall direct and the State Treasurer shall  
18 transfer the sum of \$25,000,000 from the General Revenue Fund  
19 to the Fund for Illinois' Future created by Senate Bill 1066 of  
20 the 91st General Assembly.

21 (c) In addition to any other transfers that may be provided  
22 for by law, on August 30 of each fiscal year's license period,  
23 the Illinois Liquor Control Commission shall direct and the  
24 State Comptroller and State Treasurer shall transfer from the

1 General Revenue Fund to the Youth Alcoholism and Substance  
2 Abuse Prevention Fund an amount equal to the number of retail  
3 liquor licenses issued for that fiscal year multiplied by \$50.

4 (d) The payments to programs required under subsection (d)  
5 of Section 28.1 of the Illinois Horse Racing Act of 1975 shall  
6 be made, pursuant to appropriation, from the special funds  
7 referred to in the statutes cited in that subsection, rather  
8 than directly from the General Revenue Fund.

9 Beginning January 1, 2000, on the first day of each month,  
10 or as soon as may be practical thereafter, the State  
11 Comptroller shall direct and the State Treasurer shall transfer  
12 from the General Revenue Fund to each of the special funds from  
13 which payments are to be made under subsection (d) of Section  
14 28.1 ~~Section 28.1(d)~~ of the Illinois Horse Racing Act of 1975  
15 an amount equal to 1/12 of the annual amount required for those  
16 payments from that special fund, which annual amount shall not  
17 exceed the annual amount for those payments from that special  
18 fund for the calendar year 1998. The special funds to which  
19 transfers shall be made under this subsection (d) include, but  
20 are not necessarily limited to, the Agricultural Premium Fund;  
21 the Metropolitan Exposition, Auditorium and Office Building  
22 Fund; the Fair and Exposition Fund; the Illinois Standardbred  
23 Breeders Fund; the Illinois Thoroughbred Breeders Fund; and the  
24 Illinois Veterans' Rehabilitation Fund.

25 (e) In addition to any other transfers that may be provided  
26 for by law, as soon as may be practical after the effective



1 date of this amendatory Act of the 91st General Assembly, but  
2 in no event later than June 30, 2000, the State Comptroller  
3 shall direct and the State Treasurer shall transfer the sum of  
4 \$15,000,000 from the General Revenue Fund to the Fund for  
5 Illinois' Future.

6 (f) In addition to any other transfers that may be provided  
7 for by law, as soon as may be practical after the effective  
8 date of this amendatory Act of the 91st General Assembly, but  
9 in no event later than June 30, 2000, the State Comptroller  
10 shall direct and the State Treasurer shall transfer the sum of  
11 \$70,000,000 from the General Revenue Fund to the Long-Term Care  
12 Provider Fund.

13 (f-1) In fiscal year 2002, in addition to any other  
14 transfers that may be provided for by law, at the direction of  
15 and upon notification from the Governor, the State Comptroller  
16 shall direct and the State Treasurer shall transfer amounts not  
17 exceeding a total of \$160,000,000 from the General Revenue Fund  
18 to the Long-Term Care Provider Fund.

19 (g) In addition to any other transfers that may be provided  
20 for by law, on July 1, 2001, or as soon thereafter as may be  
21 practical, the State Comptroller shall direct and the State  
22 Treasurer shall transfer the sum of \$1,200,000 from the General  
23 Revenue Fund to the Violence Prevention Fund.

24 (h) In each of fiscal years 2002 through 2004, but not  
25 thereafter, in addition to any other transfers that may be  
26 provided for by law, the State Comptroller shall direct and the

1 State Treasurer shall transfer \$5,000,000 from the General  
2 Revenue Fund to the Tourism Promotion Fund.

3 (i) On or after July 1, 2001 and until May 1, 2002, in  
4 addition to any other transfers that may be provided for by  
5 law, at the direction of and upon notification from the  
6 Governor, the State Comptroller shall direct and the State  
7 Treasurer shall transfer amounts not exceeding a total of  
8 \$80,000,000 from the General Revenue Fund to the Tobacco  
9 Settlement Recovery Fund. Any amounts so transferred shall be  
10 re-transferred by the State Comptroller and the State Treasurer  
11 from the Tobacco Settlement Recovery Fund to the General  
12 Revenue Fund at the direction of and upon notification from the  
13 Governor, but in any event on or before June 30, 2002.

14 (i-1) On or after July 1, 2002 and until May 1, 2003, in  
15 addition to any other transfers that may be provided for by  
16 law, at the direction of and upon notification from the  
17 Governor, the State Comptroller shall direct and the State  
18 Treasurer shall transfer amounts not exceeding a total of  
19 \$80,000,000 from the General Revenue Fund to the Tobacco  
20 Settlement Recovery Fund. Any amounts so transferred shall be  
21 re-transferred by the State Comptroller and the State Treasurer  
22 from the Tobacco Settlement Recovery Fund to the General  
23 Revenue Fund at the direction of and upon notification from the  
24 Governor, but in any event on or before June 30, 2003.

25 (j) On or after July 1, 2001 and no later than June 30,  
26 2002, in addition to any other transfers that may be provided

1 for by law, at the direction of and upon notification from the  
 2 Governor, the State Comptroller shall direct and the State  
 3 Treasurer shall transfer amounts not to exceed the following  
 4 sums into the Statistical Services Revolving Fund:

5	From the General Revenue Fund .....	\$8,450,000
6	From the Public Utility Fund .....	1,700,000
7	From the Transportation Regulatory Fund .....	2,650,000
8	From the Title III Social Security and	
9	Employment Fund .....	3,700,000
10	From the Professions Indirect Cost Fund .....	4,050,000
11	From the Underground Storage Tank Fund .....	550,000
12	From the Agricultural Premium Fund .....	750,000
13	From the State Pensions Fund .....	200,000
14	From the Road Fund .....	2,000,000
15	From the Health Facilities	
16	Planning Fund .....	1,000,000
17	From the Savings and Residential Finance	
18	Regulatory Fund .....	130,800
19	From the Appraisal Administration Fund .....	28,600
20	From the Pawnbroker Regulation Fund .....	3,600
21	From the Auction Regulation	
22	Administration Fund .....	35,800
23	From the Bank and Trust Company Fund.....	634,800
24	From the Real Estate License	
25	Administration Fund .....	313,600

26 (k) In addition to any other transfers that may be provided

1 for by law, as soon as may be practical after the effective  
 2 date of this amendatory Act of the 92nd General Assembly, the  
 3 State Comptroller shall direct and the State Treasurer shall  
 4 transfer the sum of \$2,000,000 from the General Revenue Fund to  
 5 the Teachers Health Insurance Security Fund.

6 (k-1) In addition to any other transfers that may be  
 7 provided for by law, on July 1, 2002, or as soon as may be  
 8 practical thereafter, the State Comptroller shall direct and  
 9 the State Treasurer shall transfer the sum of \$2,000,000 from  
 10 the General Revenue Fund to the Teachers Health Insurance  
 11 Security Fund.

12 (k-2) In addition to any other transfers that may be  
 13 provided for by law, on July 1, 2003, or as soon as may be  
 14 practical thereafter, the State Comptroller shall direct and  
 15 the State Treasurer shall transfer the sum of \$2,000,000 from  
 16 the General Revenue Fund to the Teachers Health Insurance  
 17 Security Fund.

18 (k-3) On or after July 1, 2002 and no later than June 30,  
 19 2003, in addition to any other transfers that may be provided  
 20 for by law, at the direction of and upon notification from the  
 21 Governor, the State Comptroller shall direct and the State  
 22 Treasurer shall transfer amounts not to exceed the following  
 23 sums into the Statistical Services Revolving Fund:

24	Appraisal Administration Fund .....	\$150,000
25	General Revenue Fund .....	10,440,000
26	Savings and Residential Finance	

1	Regulatory Fund .....	200,000
2	State Pensions Fund .....	100,000
3	Bank and Trust Company Fund .....	100,000
4	Professions Indirect Cost Fund .....	3,400,000
5	Public Utility Fund .....	2,081,200
6	Real Estate License Administration Fund .....	150,000
7	Title III Social Security and	
8	Employment Fund .....	1,000,000
9	Transportation Regulatory Fund .....	3,052,100
10	Underground Storage Tank Fund .....	50,000

11 (l) In addition to any other transfers that may be provided  
 12 for by law, on July 1, 2002, or as soon as may be practical  
 13 thereafter, the State Comptroller shall direct and the State  
 14 Treasurer shall transfer the sum of \$3,000,000 from the General  
 15 Revenue Fund to the Presidential Library and Museum Operating  
 16 Fund.

17 (m) In addition to any other transfers that may be provided  
 18 for by law, on July 1, 2002 and on the effective date of this  
 19 amendatory Act of the 93rd General Assembly, or as soon  
 20 thereafter as may be practical, the State Comptroller shall  
 21 direct and the State Treasurer shall transfer the sum of  
 22 \$1,200,000 from the General Revenue Fund to the Violence  
 23 Prevention Fund.

24 (n) In addition to any other transfers that may be provided  
 25 for by law, on July 1, 2003, or as soon thereafter as may be  
 26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$6,800,000 from the General  
2 Revenue Fund to the DHS Recoveries Trust Fund.

3 (o) On or after July 1, 2003, and no later than June 30,  
4 2004, in addition to any other transfers that may be provided  
5 for by law, at the direction of and upon notification from the  
6 Governor, the State Comptroller shall direct and the State  
7 Treasurer shall transfer amounts not to exceed the following  
8 sums into the Vehicle Inspection Fund:

9 From the Underground Storage Tank Fund ..... \$35,000,000.

10 (p) On or after July 1, 2003 and until May 1, 2004, in  
11 addition to any other transfers that may be provided for by  
12 law, at the direction of and upon notification from the  
13 Governor, the State Comptroller shall direct and the State  
14 Treasurer shall transfer amounts not exceeding a total of  
15 \$80,000,000 from the General Revenue Fund to the Tobacco  
16 Settlement Recovery Fund. Any amounts so transferred shall be  
17 re-transferred from the Tobacco Settlement Recovery Fund to the  
18 General Revenue Fund at the direction of and upon notification  
19 from the Governor, but in any event on or before June 30, 2004.

20 (q) In addition to any other transfers that may be provided  
21 for by law, on July 1, 2003, or as soon as may be practical  
22 thereafter, the State Comptroller shall direct and the State  
23 Treasurer shall transfer the sum of \$5,000,000 from the General  
24 Revenue Fund to the Illinois Military Family Relief Fund.

25 (r) In addition to any other transfers that may be provided  
26 for by law, on July 1, 2003, or as soon as may be practical

1 thereafter, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$1,922,000 from the General  
3 Revenue Fund to the Presidential Library and Museum Operating  
4 Fund.

5 (s) In addition to any other transfers that may be provided  
6 for by law, on or after July 1, 2003, the State Comptroller  
7 shall direct and the State Treasurer shall transfer the sum of  
8 \$4,800,000 from the Statewide Economic Development Fund to the  
9 General Revenue Fund.

10 (t) In addition to any other transfers that may be provided  
11 for by law, on or after July 1, 2003, the State Comptroller  
12 shall direct and the State Treasurer shall transfer the sum of  
13 \$50,000,000 from the General Revenue Fund to the Budget  
14 Stabilization Fund.

15 (u) On or after July 1, 2004 and until May 1, 2005, in  
16 addition to any other transfers that may be provided for by  
17 law, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts not exceeding a total of  
20 \$80,000,000 from the General Revenue Fund to the Tobacco  
21 Settlement Recovery Fund. Any amounts so transferred shall be  
22 retransferred by the State Comptroller and the State Treasurer  
23 from the Tobacco Settlement Recovery Fund to the General  
24 Revenue Fund at the direction of and upon notification from the  
25 Governor, but in any event on or before June 30, 2005.

26 (v) In addition to any other transfers that may be provided

1 for by law, on July 1, 2004, or as soon thereafter as may be  
2 practical, the State Comptroller shall direct and the State  
3 Treasurer shall transfer the sum of \$1,200,000 from the General  
4 Revenue Fund to the Violence Prevention Fund.

5 (w) In addition to any other transfers that may be provided  
6 for by law, on July 1, 2004, or as soon thereafter as may be  
7 practical, the State Comptroller shall direct and the State  
8 Treasurer shall transfer the sum of \$6,445,000 from the General  
9 Revenue Fund to the Presidential Library and Museum Operating  
10 Fund.

11 (x) In addition to any other transfers that may be provided  
12 for by law, on January 15, 2005, or as soon thereafter as may  
13 be practical, the State Comptroller shall direct and the State  
14 Treasurer shall transfer to the General Revenue Fund the  
15 following sums:

16 From the State Crime Laboratory Fund, \$200,000;

17 From the State Police Wireless Service Emergency Fund,  
18 \$200,000;

19 From the State Offender DNA Identification System  
20 Fund, \$800,000; and

21 From the State Police Whistleblower Reward and  
22 Protection Fund, \$500,000.

23 (y) Notwithstanding any other provision of law to the  
24 contrary, in addition to any other transfers that may be  
25 provided for by law on June 30, 2005, or as soon as may be  
26 practical thereafter, the State Comptroller shall direct and



1 the State Treasurer shall transfer the remaining balance from  
2 the designated funds into the General Revenue Fund and any  
3 future deposits that would otherwise be made into these funds  
4 must instead be made into the General Revenue Fund:

5 (1) the Keep Illinois Beautiful Fund;

6 (2) the Metropolitan Fair and Exposition Authority  
7 Reconstruction Fund;

8 (3) the New Technology Recovery Fund;

9 (4) the Illinois Rural Bond Bank Trust Fund;

10 (5) the ISBE School Bus Driver Permit Fund;

11 (6) the Solid Waste Management Revolving Loan Fund;

12 (7) the State Postsecondary Review Program Fund;

13 (8) the Tourism Attraction Development Matching Grant  
14 Fund;

15 (9) the Patent and Copyright Fund;

16 (10) the Credit Enhancement Development Fund;

17 (11) the Community Mental Health and Developmental  
18 Disabilities Services Provider Participation Fee Trust  
19 Fund;

20 (12) the Nursing Home Grant Assistance Fund;

21 (13) the By-product Material Safety Fund;

22 (14) the Illinois Student Assistance Commission Higher  
23 EdNet Fund;

24 (15) the DORS State Project Fund;

25 (16) the School Technology Revolving Fund;

26 (17) the Energy Assistance Contribution Fund;

- 1           (18) the Illinois Building Commission Revolving Fund;  
2           (19) the Illinois Aquaculture Development Fund;  
3           (20) the Homelessness Prevention Fund;  
4           (21) the DCFS Refugee Assistance Fund;  
5           (22) the Illinois Century Network Special Purposes  
6           Fund; and  
7           (23) the Build Illinois Purposes Fund.

8           (z) In addition to any other transfers that may be provided  
9           for by law, on July 1, 2005, or as soon as may be practical  
10          thereafter, the State Comptroller shall direct and the State  
11          Treasurer shall transfer the sum of \$1,200,000 from the General  
12          Revenue Fund to the Violence Prevention Fund.

13          (aa) In addition to any other transfers that may be  
14          provided for by law, on July 1, 2005, or as soon as may be  
15          practical thereafter, the State Comptroller shall direct and  
16          the State Treasurer shall transfer the sum of \$9,000,000 from  
17          the General Revenue Fund to the Presidential Library and Museum  
18          Operating Fund.

19          (bb) In addition to any other transfers that may be  
20          provided for by law, on July 1, 2005, or as soon as may be  
21          practical thereafter, the State Comptroller shall direct and  
22          the State Treasurer shall transfer the sum of \$6,803,600 from  
23          the General Revenue Fund to the Securities Audit and  
24          Enforcement Fund.

25          (cc) In addition to any other transfers that may be  
26          provided for by law, on or after July 1, 2005 and until May 1,

1 2006, at the direction of and upon notification from the  
2 Governor, the State Comptroller shall direct and the State  
3 Treasurer shall transfer amounts not exceeding a total of  
4 \$80,000,000 from the General Revenue Fund to the Tobacco  
5 Settlement Recovery Fund. Any amounts so transferred shall be  
6 re-transferred by the State Comptroller and the State Treasurer  
7 from the Tobacco Settlement Recovery Fund to the General  
8 Revenue Fund at the direction of and upon notification from the  
9 Governor, but in any event on or before June 30, 2006.

10 (dd) In addition to any other transfers that may be  
11 provided for by law, on April 1, 2005, or as soon thereafter as  
12 may be practical, at the direction of the Director of Public  
13 Aid (now Director of Healthcare and Family Services), the State  
14 Comptroller shall direct and the State Treasurer shall transfer  
15 from the Public Aid Recoveries Trust Fund amounts not to exceed  
16 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

17 (ee) Notwithstanding any other provision of law, on July 1,  
18 2006, or as soon thereafter as practical, the State Comptroller  
19 shall direct and the State Treasurer shall transfer the  
20 remaining balance from the Illinois Civic Center Bond Fund to  
21 the Illinois Civic Center Bond Retirement and Interest Fund.

22 (ff) In addition to any other transfers that may be  
23 provided for by law, on and after July 1, 2006 and until June  
24 30, 2007, at the direction of and upon notification from the  
25 Director of the Governor's Office of Management and Budget, the  
26 State Comptroller shall direct and the State Treasurer shall

1 transfer amounts not exceeding a total of \$1,900,000 from the  
2 General Revenue Fund to the Illinois Capital Revolving Loan  
3 Fund.

4 (gg) In addition to any other transfers that may be  
5 provided for by law, on and after July 1, 2006 and until May 1,  
6 2007, at the direction of and upon notification from the  
7 Governor, the State Comptroller shall direct and the State  
8 Treasurer shall transfer amounts not exceeding a total of  
9 \$80,000,000 from the General Revenue Fund to the Tobacco  
10 Settlement Recovery Fund. Any amounts so transferred shall be  
11 retransferred by the State Comptroller and the State Treasurer  
12 from the Tobacco Settlement Recovery Fund to the General  
13 Revenue Fund at the direction of and upon notification from the  
14 Governor, but in any event on or before June 30, 2007.

15 (hh) In addition to any other transfers that may be  
16 provided for by law, on and after July 1, 2006 and until June  
17 30, 2007, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts from the Illinois Affordable  
20 Housing Trust Fund to the designated funds not exceeding the  
21 following amounts:

22	DCFS Children's Services Fund .....	\$2,200,000
23	Department of Corrections Reimbursement	
24	and Education Fund .....	\$1,500,000
25	Supplemental Low-Income Energy	
26	Assistance Fund .....	\$75,000

1           (ii) In addition to any other transfers that may be  
2 provided for by law, on or before August 31, 2006, the Governor  
3 and the State Comptroller may agree to transfer the surplus  
4 cash balance from the General Revenue Fund to the Budget  
5 Stabilization Fund and the Pension Stabilization Fund in equal  
6 proportions. The determination of the amount of the surplus  
7 cash balance shall be made by the Governor, with the  
8 concurrence of the State Comptroller, after taking into account  
9 the June 30, 2006 balances in the general funds and the actual  
10 or estimated spending from the general funds during the lapse  
11 period. Notwithstanding the foregoing, the maximum amount that  
12 may be transferred under this subsection (ii) is \$50,000,000.

13           (jj) In addition to any other transfers that may be  
14 provided for by law, on July 1, 2006, or as soon thereafter as  
15 practical, the State Comptroller shall direct and the State  
16 Treasurer shall transfer the sum of \$8,250,000 from the General  
17 Revenue Fund to the Presidential Library and Museum Operating  
18 Fund.

19           (kk) In addition to any other transfers that may be  
20 provided for by law, on July 1, 2006, or as soon thereafter as  
21 practical, the State Comptroller shall direct and the State  
22 Treasurer shall transfer the sum of \$1,400,000 from the General  
23 Revenue Fund to the Violence Prevention Fund.

24           (ll) In addition to any other transfers that may be  
25 provided for by law, on the first day of each calendar quarter  
26 of the fiscal year beginning July 1, 2006, or as soon

1 thereafter as practical, the State Comptroller shall direct and  
2 the State Treasurer shall transfer from the General Revenue  
3 Fund amounts equal to one-fourth of \$20,000,000 to the  
4 Renewable Energy Resources Trust Fund.

5 (mm) In addition to any other transfers that may be  
6 provided for by law, on July 1, 2006, or as soon thereafter as  
7 practical, the State Comptroller shall direct and the State  
8 Treasurer shall transfer the sum of \$1,320,000 from the General  
9 Revenue Fund to the I-FLY Fund.

10 (nn) In addition to any other transfers that may be  
11 provided for by law, on July 1, 2006, or as soon thereafter as  
12 practical, the State Comptroller shall direct and the State  
13 Treasurer shall transfer the sum of \$3,000,000 from the General  
14 Revenue Fund to the African-American HIV/AIDS Response Fund.

15 (oo) In addition to any other transfers that may be  
16 provided for by law, on and after July 1, 2006 and until June  
17 30, 2007, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts identified as net receipts  
20 from the sale of all or part of the Illinois Student Assistance  
21 Commission loan portfolio from the Student Loan Operating Fund  
22 to the General Revenue Fund. The maximum amount that may be  
23 transferred pursuant to this Section is \$38,800,000. In  
24 addition, no transfer may be made pursuant to this Section that  
25 would have the effect of reducing the available balance in the  
26 Student Loan Operating Fund to an amount less than the amount

1 remaining unexpended and unreserved from the total  
2 appropriations from the Fund estimated to be expended for the  
3 fiscal year. The State Treasurer and Comptroller shall transfer  
4 the amounts designated under this Section as soon as may be  
5 practical after receiving the direction to transfer from the  
6 Governor.

7 (pp) In addition to any other transfers that may be  
8 provided for by law, on July 1, 2006, or as soon thereafter as  
9 practical, the State Comptroller shall direct and the State  
10 Treasurer shall transfer the sum of \$2,000,000 from the General  
11 Revenue Fund to the Illinois Veterans Assistance Fund.

12 (qq) In addition to any other transfers that may be  
13 provided for by law, on and after July 1, 2007 and until May 1,  
14 2008, at the direction of and upon notification from the  
15 Governor, the State Comptroller shall direct and the State  
16 Treasurer shall transfer amounts not exceeding a total of  
17 \$80,000,000 from the General Revenue Fund to the Tobacco  
18 Settlement Recovery Fund. Any amounts so transferred shall be  
19 retransferred by the State Comptroller and the State Treasurer  
20 from the Tobacco Settlement Recovery Fund to the General  
21 Revenue Fund at the direction of and upon notification from the  
22 Governor, but in any event on or before June 30, 2008.

23 (rr) In addition to any other transfers that may be  
24 provided for by law, on and after July 1, 2007 and until June  
25 30, 2008, at the direction of and upon notification from the  
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts from the Illinois Affordable  
2 Housing Trust Fund to the designated funds not exceeding the  
3 following amounts:

- 4 DCFS Children's Services Fund ..... \$2,200,000
- 5 Department of Corrections Reimbursement
- 6 and Education Fund ..... \$1,500,000
- 7 Supplemental Low-Income Energy
- 8 Assistance Fund..... \$75,000

9 (ss) In addition to any other transfers that may be  
10 provided for by law, on July 1, 2007, or as soon thereafter as  
11 practical, the State Comptroller shall direct and the State  
12 Treasurer shall transfer the sum of \$8,250,000 from the General  
13 Revenue Fund to the Presidential Library and Museum Operating  
14 Fund.

15 (tt) In addition to any other transfers that may be  
16 provided for by law, on July 1, 2007, or as soon thereafter as  
17 practical, the State Comptroller shall direct and the State  
18 Treasurer shall transfer the sum of \$1,400,000 from the General  
19 Revenue Fund to the Violence Prevention Fund.

20 (uu) In addition to any other transfers that may be  
21 provided for by law, on July 1, 2007, or as soon thereafter as  
22 practical, the State Comptroller shall direct and the State  
23 Treasurer shall transfer the sum of \$1,320,000 from the General  
24 Revenue Fund to the I-FLY Fund.

25 (vv) In addition to any other transfers that may be  
26 provided for by law, on July 1, 2007, or as soon thereafter as



1 practical, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$3,000,000 from the General  
3 Revenue Fund to the African-American HIV/AIDS Response Fund.

4 (ww) In addition to any other transfers that may be  
5 provided for by law, on July 1, 2007, or as soon thereafter as  
6 practical, the State Comptroller shall direct and the State  
7 Treasurer shall transfer the sum of \$3,500,000 from the General  
8 Revenue Fund to the Predatory Lending Database Program Fund.

9 (xx) In addition to any other transfers that may be  
10 provided for by law, on July 1, 2007, or as soon thereafter as  
11 practical, the State Comptroller shall direct and the State  
12 Treasurer shall transfer the sum of \$5,000,000 from the General  
13 Revenue Fund to the Digital Divide Elimination Fund.

14 (yy) In addition to any other transfers that may be  
15 provided for by law, on July 1, 2007, or as soon thereafter as  
16 practical, the State Comptroller shall direct and the State  
17 Treasurer shall transfer the sum of \$4,000,000 from the General  
18 Revenue Fund to the Digital Divide Elimination Infrastructure  
19 Fund.

20 (zz) In addition to any other transfers that may be  
21 provided for by law, on July 1, 2008, or as soon thereafter as  
22 practical, the State Comptroller shall direct and the State  
23 Treasurer shall transfer the sum of \$5,000,000 from the General  
24 Revenue Fund to the Digital Divide Elimination Fund.

25 (aaa) In addition to any other transfers that may be  
26 provided for by law, on and after July 1, 2008 and until May 1,

1 2009, at the direction of and upon notification from the  
 2 Governor, the State Comptroller shall direct and the State  
 3 Treasurer shall transfer amounts not exceeding a total of  
 4 \$80,000,000 from the General Revenue Fund to the Tobacco  
 5 Settlement Recovery Fund. Any amounts so transferred shall be  
 6 retransferred by the State Comptroller and the State Treasurer  
 7 from the Tobacco Settlement Recovery Fund to the General  
 8 Revenue Fund at the direction of and upon notification from the  
 9 Governor, but in any event on or before June 30, 2009.

10 (bbb) In addition to any other transfers that may be  
 11 provided for by law, on and after July 1, 2008 and until June  
 12 30, 2009, at the direction of and upon notification from the  
 13 Governor, the State Comptroller shall direct and the State  
 14 Treasurer shall transfer amounts from the Illinois Affordable  
 15 Housing Trust Fund to the designated funds not exceeding the  
 16 following amounts:

- 17 DCFS Children's Services Fund ..... \$2,200,000
- 18 Department of Corrections Reimbursement
- 19 and Education Fund ..... \$1,500,000
- 20 Supplemental Low-Income Energy
- 21 Assistance Fund..... \$75,000

22 (ccc) In addition to any other transfers that may be  
 23 provided for by law, on July 1, 2008, or as soon thereafter as  
 24 practical, the State Comptroller shall direct and the State  
 25 Treasurer shall transfer the sum of \$7,450,000 from the General  
 26 Revenue Fund to the Presidential Library and Museum Operating

1 Fund.

2 (ddd) In addition to any other transfers that may be  
3 provided for by law, on July 1, 2008, or as soon thereafter as  
4 practical, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$1,400,000 from the General  
6 Revenue Fund to the Violence Prevention Fund.

7 (eee) In addition to any other transfers that may be  
8 provided for by law, on July 1, 2009, or as soon thereafter as  
9 practical, the State Comptroller shall direct and the State  
10 Treasurer shall transfer the sum of \$5,000,000 from the General  
11 Revenue Fund to the Digital Divide Elimination Fund.

12 (fff) In addition to any other transfers that may be  
13 provided for by law, on and after July 1, 2009 and until May 1,  
14 2010, at the direction of and upon notification from the  
15 Governor, the State Comptroller shall direct and the State  
16 Treasurer shall transfer amounts not exceeding a total of  
17 \$80,000,000 from the General Revenue Fund to the Tobacco  
18 Settlement Recovery Fund. Any amounts so transferred shall be  
19 retransferred by the State Comptroller and the State Treasurer  
20 from the Tobacco Settlement Recovery Fund to the General  
21 Revenue Fund at the direction of and upon notification from the  
22 Governor, but in any event on or before June 30, 2010.

23 (ggg) In addition to any other transfers that may be  
24 provided for by law, on July 1, 2009, or as soon thereafter as  
25 practical, the State Comptroller shall direct and the State  
26 Treasurer shall transfer the sum of \$7,450,000 from the General

1 Revenue Fund to the Presidential Library and Museum Operating  
2 Fund.

3 (hhh) In addition to any other transfers that may be  
4 provided for by law, on July 1, 2009, or as soon thereafter as  
5 practical, the State Comptroller shall direct and the State  
6 Treasurer shall transfer the sum of \$1,400,000 from the General  
7 Revenue Fund to the Violence Prevention Fund.

8 (iii) In addition to any other transfers that may be  
9 provided for by law, on July 1, 2009, or as soon thereafter as  
10 practical, the State Comptroller shall direct and the State  
11 Treasurer shall transfer the sum of \$100,000 from the General  
12 Revenue Fund to the Heartsaver AED Fund.

13 (jjj) In addition to any other transfers that may be  
14 provided for by law, on and after July 1, 2009 and until June  
15 30, 2010, at the direction of and upon notification from the  
16 Governor, the State Comptroller shall direct and the State  
17 Treasurer shall transfer amounts not exceeding a total of  
18 \$17,000,000 from the General Revenue Fund to the DCFS  
19 Children's Services Fund.

20 (lll) In addition to any other transfers that may be  
21 provided for by law, on July 1, 2009, or as soon thereafter as  
22 practical, the State Comptroller shall direct and the State  
23 Treasurer shall transfer the sum of \$5,000,000 from the General  
24 Revenue Fund to the Communications Revolving Fund.

25 (mmm) In addition to any other transfers that may be  
26 provided for by law, on July 1, 2009, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$9,700,000 from the General  
3 Revenue Fund to the Senior Citizens Real Estate Deferred Tax  
4 Revolving Fund.

5 (nnn) In addition to any other transfers that may be  
6 provided for by law, on July 1, 2009, or as soon thereafter as  
7 practical, the State Comptroller shall direct and the State  
8 Treasurer shall transfer the sum of \$565,000 from the FY09  
9 Budget Relief Fund to the Horse Racing Fund.

10 (ooo) In addition to any other transfers that may be  
11 provided by law, on July 1, 2009, or as soon thereafter as  
12 practical, the State Comptroller shall direct and the State  
13 Treasurer shall transfer the sum of \$600,000 from the General  
14 Revenue Fund to the Temporary Relocation Expenses Revolving  
15 Fund.

16 (ppp) In addition to any other transfers that may be  
17 provided for by law, on July 1, 2010, or as soon thereafter as  
18 practical, the State Comptroller shall direct and the State  
19 Treasurer shall transfer the sum of \$5,000,000 from the General  
20 Revenue Fund to the Digital Divide Elimination Fund.

21 (qqq) In addition to any other transfers that may be  
22 provided for by law, on and after July 1, 2010 and until May 1,  
23 2011, at the direction of and upon notification from the  
24 Governor, the State Comptroller shall direct and the State  
25 Treasurer shall transfer amounts not exceeding a total of  
26 \$80,000,000 from the General Revenue Fund to the Tobacco

1 Settlement Recovery Fund. Any amounts so transferred shall be  
2 retransferred by the State Comptroller and the State Treasurer  
3 from the Tobacco Settlement Recovery Fund to the General  
4 Revenue Fund at the direction of and upon notification from the  
5 Governor, but in any event on or before June 30, 2011.

6 (rrr) In addition to any other transfers that may be  
7 provided for by law, on July 1, 2010, or as soon thereafter as  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$6,675,000 from the General  
10 Revenue Fund to the Presidential Library and Museum Operating  
11 Fund.

12 (sss) In addition to any other transfers that may be  
13 provided for by law, on July 1, 2010, or as soon thereafter as  
14 practical, the State Comptroller shall direct and the State  
15 Treasurer shall transfer the sum of \$1,400,000 from the General  
16 Revenue Fund to the Violence Prevention Fund.

17 (ttt) In addition to any other transfers that may be  
18 provided for by law, on July 1, 2010, or as soon thereafter as  
19 practical, the State Comptroller shall direct and the State  
20 Treasurer shall transfer the sum of \$100,000 from the General  
21 Revenue Fund to the Heartsaver AED Fund.

22 (uuu) In addition to any other transfers that may be  
23 provided for by law, on July 1, 2010, or as soon thereafter as  
24 practical, the State Comptroller shall direct and the State  
25 Treasurer shall transfer the sum of \$5,000,000 from the General  
26 Revenue Fund to the Communications Revolving Fund.

1           (vvv) In addition to any other transfers that may be  
2 provided for by law, on July 1, 2010, or as soon thereafter as  
3 practical, the State Comptroller shall direct and the State  
4 Treasurer shall transfer the sum of \$3,000,000 from the General  
5 Revenue Fund to the Illinois Capital Revolving Loan Fund.

6           (www) In addition to any other transfers that may be  
7 provided for by law, on July 1, 2010, or as soon thereafter as  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$17,000,000 from the  
10 General Revenue Fund to the DCFS Children's Services Fund.

11           (xxx) In addition to any other transfers that may be  
12 provided for by law, on July 1, 2010, or as soon thereafter as  
13 practical, the State Comptroller shall direct and the State  
14 Treasurer shall transfer the sum of \$2,000,000 from the Digital  
15 Divide Elimination Infrastructure Fund, of which \$1,000,000  
16 shall go to the Workforce, Technology, and Economic Development  
17 Fund and \$1,000,000 to the Public Utility Fund.

18           (yyy) In addition to any other transfers that may be  
19 provided for by law, on and after July 1, 2011 and until May 1,  
20 2012, at the direction of and upon notification from the  
21 Governor, the State Comptroller shall direct and the State  
22 Treasurer shall transfer amounts not exceeding a total of  
23 \$80,000,000 from the General Revenue Fund to the Tobacco  
24 Settlement Recovery Fund. Any amounts so transferred shall be  
25 retransferred by the State Comptroller and the State Treasurer  
26 from the Tobacco Settlement Recovery Fund to the General

1 Revenue Fund at the direction of and upon notification from the  
2 Governor, but in any event on or before June 30, 2012.

3 (zzz) In addition to any other transfers that may be  
4 provided for by law, on July 1, 2011, or as soon thereafter as  
5 practical, the State Comptroller shall direct and the State  
6 Treasurer shall transfer the sum of \$1,000,000 from the General  
7 Revenue Fund to the Illinois Veterans Assistance Fund.

8 (aaaa) In addition to any other transfers that may be  
9 provided for by law, on July 1, 2011, or as soon thereafter as  
10 practical, the State Comptroller shall direct and the State  
11 Treasurer shall transfer the sum of \$8,000,000 from the General  
12 Revenue Fund to the Presidential Library and Museum Operating  
13 Fund.

14 (bbbb) In addition to any other transfers that may be  
15 provided for by law, on July 1, 2011, or as soon thereafter as  
16 practical, the State Comptroller shall direct and the State  
17 Treasurer shall transfer the sum of \$1,400,000 from the General  
18 Revenue Fund to the Violence Prevention Fund.

19 (cccc) In addition to any other transfers that may be  
20 provided for by law, on July 1, 2011, or as soon thereafter as  
21 practical, the State Comptroller shall direct and the State  
22 Treasurer shall transfer the sum of \$14,100,000 from the  
23 General Revenue Fund to the State Garage Revolving Fund.

24 (dddd) In addition to any other transfers that may be  
25 provided for by law, on July 1, 2011, or as soon thereafter as  
26 practical, the State Comptroller shall direct and the State



1 Treasurer shall transfer the sum of \$4,000,000 from the General  
2 Revenue Fund to the Digital Divide Elimination Fund.

3 (eeee) In addition to any other transfers that may be  
4 provided for by law, on July 1, 2011, or as soon thereafter as  
5 practical, the State Comptroller shall direct and the State  
6 Treasurer shall transfer the sum of \$500,000 from the General  
7 Revenue Fund to the Senior Citizens Real Estate Deferred Tax  
8 Revolving Fund.

9 (Source: P.A. 96-45, eff. 7-15-09; 96-820, eff. 11-18-09;  
10 96-959, eff. 7-1-10; 97-72, eff. 7-1-11; 97-641, eff.  
11 12-19-11.)

12 (30 ILCS 105/8h)

13 Sec. 8h. Transfers to General Revenue Fund.

14 (a) Except as otherwise provided in this Section and  
15 Section 8n of this Act, and notwithstanding any other State law  
16 to the contrary, the Governor may, through June 30, 2007, from  
17 time to time direct the State Treasurer and Comptroller to  
18 transfer a specified sum from any fund held by the State  
19 Treasurer to the General Revenue Fund in order to help defray  
20 the State's operating costs for the fiscal year. The total  
21 transfer under this Section from any fund in any fiscal year  
22 shall not exceed the lesser of (i) 8% of the revenues to be  
23 deposited into the fund during that fiscal year or (ii) an  
24 amount that leaves a remaining fund balance of 25% of the July  
25 1 fund balance of that fiscal year. In fiscal year 2005 only,

1 prior to calculating the July 1, 2004 final balances, the  
2 Governor may calculate and direct the State Treasurer with the  
3 Comptroller to transfer additional amounts determined by  
4 applying the formula authorized in Public Act 93-839 to the  
5 funds balances on July 1, 2003. No transfer may be made from a  
6 fund under this Section that would have the effect of reducing  
7 the available balance in the fund to an amount less than the  
8 amount remaining unexpended and unreserved from the total  
9 appropriation from that fund estimated to be expended for that  
10 fiscal year. This Section does not apply to any funds that are  
11 restricted by federal law to a specific use, to any funds in  
12 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
13 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
14 Teacher Health Insurance Security Fund, the Voters' Guide Fund,  
15 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
16 Program Fund, the Supreme Court Federal Projects Fund, the  
17 Supreme Court Special State Projects Fund, the Supplemental  
18 Low-Income Energy Assistance Fund, the Good Samaritan Energy  
19 Trust Fund, the Low-Level Radioactive Waste Facility  
20 Development and Operation Fund, the Horse Racing Equity Trust  
21 Fund, the Metabolic Screening and Treatment Fund, or the  
22 Hospital Basic Services Preservation Fund, or to any funds to  
23 which Section 70-50 of the Nurse Practice Act applies. No  
24 transfers may be made under this Section from the Pet  
25 Population Control Fund. Notwithstanding any other provision  
26 of this Section, for fiscal year 2004, the total transfer under

1 this Section from the Road Fund or the State Construction  
2 Account Fund shall not exceed the lesser of (i) 5% of the  
3 revenues to be deposited into the fund during that fiscal year  
4 or (ii) 25% of the beginning balance in the fund. For fiscal  
5 year 2005 through fiscal year 2007, no amounts may be  
6 transferred under this Section from the Road Fund, the State  
7 Construction Account Fund, the Criminal Justice Information  
8 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
9 Mandatory Arbitration Fund.

10 In determining the available balance in a fund, the  
11 Governor may include receipts, transfers into the fund, and  
12 other resources anticipated to be available in the fund in that  
13 fiscal year.

14 The State Treasurer and Comptroller shall transfer the  
15 amounts designated under this Section as soon as may be  
16 practicable after receiving the direction to transfer from the  
17 Governor.

18 (a-5) Transfers directed to be made under this Section on  
19 or before February 28, 2006 that are still pending on May 19,  
20 2006 (the effective date of Public Act 94-774) shall be  
21 redirected as provided in Section 8n of this Act.

22 (b) This Section does not apply to: (i) the Carolyn Adams  
23 Ticket For The Cure Grant Fund; (ii) any fund established under  
24 the Community Senior Services and Resources Act; or (iii) on or  
25 after January 1, 2006 (the effective date of Public Act  
26 94-511), the Child Labor and Day and Temporary Labor Services

1 Enforcement Fund.

2 (c) This Section does not apply to the Demutualization  
3 Trust Fund established under the Uniform Disposition of  
4 Unclaimed Property Act.

5 (d) This Section does not apply to moneys set aside in the  
6 Illinois State Podiatric Disciplinary Fund for podiatric  
7 scholarships and residency programs under the Podiatric  
8 Scholarship and Residency Act.

9 (e) Subsection (a) does not apply to, and no transfer may  
10 be made under this Section from, the Pension Stabilization  
11 Fund.

12 (f) Subsection (a) does not apply to, and no transfer may  
13 be made under this Section from, the Illinois Power Agency  
14 Operations Fund, the Illinois Power Agency Facilities Fund, the  
15 Illinois Power Agency Debt Service Fund, and the Illinois Power  
16 Agency Trust Fund.

17 (g) This Section does not apply to the Veterans Service  
18 Organization Reimbursement Fund.

19 (h) This Section does not apply to the Supreme Court  
20 Historic Preservation Fund.

21 (i) This Section does not apply to, and no transfer may be  
22 made under this Section from, the Money Follows the Person  
23 Budget Transfer Fund.

24 (j) This Section does not apply to the Domestic Violence  
25 Shelter and Service Fund.

26 (k) This Section does not apply to the Illinois Historic

1 Sites Fund and the Presidential Library and Museum Operating  
2 Fund.

3 (l) This Section does not apply to the Trucking  
4 Environmental and Education Fund.

5 (m) This Section does not apply to the Roadside Memorial  
6 Fund.

7 (n) This Section does not apply to the Department of Human  
8 Rights Special Fund.

9 (Source: P.A. 95-331, eff. 8-21-07; 95-410, eff. 8-24-07;  
10 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639, eff.  
11 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08; 95-876,  
12 eff. 8-21-08; 96-302, eff. 1-1-10; 96-450, eff. 8-14-09;  
13 96-511, eff. 8-14-09; 96-576, eff. 8-18-09; 96-667, eff.  
14 8-25-09; 96-786, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1290,  
15 eff. 7-26-10.)

16 (30 ILCS 105/5.87 rep.)

17 (30 ILCS 105/5.121 rep.)

18 (30 ILCS 105/5.154 rep.)

19 (30 ILCS 105/5.181 rep.)

20 (30 ILCS 105/5.187 rep.)

21 (30 ILCS 105/5.200 rep.)

22 (30 ILCS 105/5.232 rep.)

23 (30 ILCS 105/5.296 rep.)

24 (30 ILCS 105/5.310 rep.)

25 (30 ILCS 105/5.333 rep.)

1 (30 ILCS 105/5.431 rep.)

2 (30 ILCS 105/5.461 rep.)

3 (30 ILCS 105/5.516 rep.)

4 (30 ILCS 105/5.520 rep.)

5 (30 ILCS 105/5.521 rep.)

6 (30 ILCS 105/5.600 rep.)

7 (30 ILCS 105/5.617 rep.)

8 (30 ILCS 105/5.717 rep.)

9 Section 15-15. The State Finance Act is amended by  
10 repealing Sections 5.87, 5.121, 5.154, 5.181, 5.187, 5.200,  
11 5.232, 5.296, 5.310, 5.333, 5.431, 5.461, 5.516, 5.520, 5.521,  
12 5.600, 5.617, and 5.717.

13 Section 15-20. The Build Illinois Act is amended by  
14 changing Sections 9-3 and 9-5.2 as follows:

15 (30 ILCS 750/9-3) (from Ch. 127, par. 2709-3)

16 Sec. 9-3. Powers and duties. The Department has the power:

17 (a) To make loans or equity investments to small  
18 businesses, and to make loans or grants or investments to or  
19 through financial intermediaries. The loans and investments  
20 shall be made from appropriations from the Build Illinois Bond  
21 Fund, Illinois Capital Revolving Loan Fund or Illinois Equity  
22 ~~Revolving~~ Fund for the purpose of promoting the creation or  
23 retention of jobs within small businesses or to modernize or  
24 maintain competitiveness of firms in Illinois. The grants shall

1 be made from appropriations from the Build Illinois Bond Fund  
2 or Illinois Capital Revolving Loan Fund for the purpose of  
3 technical assistance.

4 (b) To make loans to or investments in businesses that have  
5 received federal Phase I Small Business Innovation Research  
6 grants as a bridge while awaiting federal Phase II Small  
7 Business Innovation Research grant funds.

8 (c) To enter into interagency agreements, accept funds or  
9 grants, and engage in cooperation with agencies of the federal  
10 government, local units of government, universities, research  
11 foundations, political subdivisions of the State, financial  
12 intermediaries, and regional economic development corporations  
13 or organizations for the purposes of carrying out this Article.

14 (d) To enter into contracts, financial intermediary  
15 agreements, or any other agreements or contracts with financial  
16 intermediaries necessary or desirable to further the purposes  
17 of this Article. Any such agreement or contract may include,  
18 without limitation, terms and provisions including, but not  
19 limited to loan documentation, review and approval procedures,  
20 organization and servicing rights, and default conditions.

21 (e) To fix, determine, charge and collect any premiums,  
22 fees, charges, costs and expenses, including without  
23 limitation, any application fees, commitment fees, program  
24 fees, financing charges, collection fees, training fees, or  
25 publication fees in connection with its activities under this  
26 Article and to accept from any source any gifts, donations, or

1 contributions of money, property, labor, or other things of  
2 value to be held, used, and applied to carry out the purposes  
3 of this Article. All fees, charges, collections, gifts,  
4 donations, or other contributions shall be deposited into the  
5 Illinois Capital Revolving Loan Fund.

6 (f) To establish application, notification, contract, and  
7 other forms, procedures, rules or regulations deemed necessary  
8 and appropriate.

9 (g) To consent, subject to the provisions of any contract  
10 with another person, whenever it deems it necessary or  
11 desirable in the fulfillment of the purposes of this Article,  
12 to the modification or restructuring of any financial  
13 intermediary agreement, loan agreement or any equity  
14 investment agreement to which the Department is a party.

15 (h) To take whatever actions are necessary or appropriate  
16 to protect the State's interest in the event of bankruptcy,  
17 default, foreclosure, or noncompliance with the terms and  
18 conditions of financial assistance or participation provided  
19 hereunder or to otherwise protect or affect the State's  
20 interest, including the power to sell, dispose, lease or rent,  
21 upon terms and conditions determined by the Director to be  
22 appropriate, real or personal property which the Department may  
23 receive as a result thereof.

24 (i) To deposit any "Qualified Securities" which have been  
25 received by the Department as the result of any financial  
26 intermediary agreement, loan, or equity investment agreement



1 executed in the carrying out of this Act, with the Office of  
2 the State Treasurer and held by that office until agreement to  
3 transfer such qualified security shall be certified by the  
4 Director of Commerce and Economic Opportunity.

5 (j) To assist small businesses that seek to apply for  
6 public or private capital in preparing the application and to  
7 supply them with grant information, plans, reports,  
8 assistance, or advice on development finance and to assist  
9 financial intermediaries and participating lenders to build  
10 capacity to make debt or equity investments through  
11 conferences, workshops, seminars, publications, or any other  
12 media.

13 (k) To provide for staff, administration, and related  
14 support required to manage the programs authorized under this  
15 Article and pay for staffing and administration from the  
16 Illinois Capital Revolving Loan Fund, as appropriated by the  
17 General Assembly. Administration responsibilities may include,  
18 but are not limited to, research and identification of credit  
19 disadvantaged groups; design of comprehensive statewide  
20 capital access plans and programs addressing capital gap and  
21 capital marketplace structure and information barriers;  
22 direction, management, and control of specific projects; and  
23 communicate and cooperation with public development finance  
24 organizations and private debt and equity sources.

25 (l) To exercise such other powers as are necessary or  
26 incidental to the foregoing.

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

2 (30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

3 Sec. 9-5.2. Illinois Equity ~~Investment Revolving~~ Fund.

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

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

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

24 (ii) All proceeds of assets of whatever nature received  
25 by the Department as a result of default or delinquency

1 with respect to loan agreements made from the Illinois  
2 Equity Fund, or from direct appropriations by the General  
3 Assembly including proceeds from the sale, disposal, lease  
4 or rental of real or personal property which the Department  
5 may receive as a result thereof;

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

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

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

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

18 Section 15-25. The Illinois Income Tax Act is amended by  
19 changing Section 507L as follows:

20 (35 ILCS 5/507L)

21 Sec. 507L. Penny Severns Breast, ~~and~~ Cervical, and Ovarian  
22 Cancer Research Fund checkoff. Beginning with taxable years  
23 ending on December 31, 1999, the Department shall print on its  
24 standard individual income tax form a provision indicating that

1 if the taxpayer wishes to contribute to the Penny Severns  
2 Breast, ~~and~~ Cervical, and Ovarian Cancer Research Fund as  
3 authorized by this amendatory Act of the 91st General Assembly,  
4 he or she may do so by stating the amount of the contribution  
5 (not less than \$1) on the return and that the contribution will  
6 reduce the taxpayer's refund or increase the amount of the  
7 payment to accompany the return. Failure to remit any amount of  
8 increased payment shall reduce the contribution accordingly.  
9 This Section shall not apply to an amended return.

10 (Source: P.A. 91-107, eff. 7-13-99.)

11 Section 15-30. The Illinois Municipal Code is amended by  
12 changing Section 11-43-2 as follows:

13 (65 ILCS 5/11-43-2) (from Ch. 24, par. 11-43-2)

14 Sec. 11-43-2. Taxes levied by any municipality having a  
15 population of 500,000 or more for general assistance for  
16 persons in need thereof as provided in The Illinois Public Aid  
17 Code, as now or hereafter amended, for each fiscal year shall  
18 not exceed the rate of .10% upon the value of all property  
19 therein as that property is equalized or assessed by the  
20 Department of Revenue. Nor shall the rate produce in excess of  
21 the amount needed in that municipality for general assistance  
22 for persons in need thereof.

23 All money received from these taxes and moneys collected or  
24 recovered by or in behalf of the municipality under The

1 Illinois Public Aid Code shall be used exclusively for the  
2 furnishing of general assistance within the municipality; for  
3 the payment of administrative costs thereof; and for the  
4 payment of warrants issued against and in anticipation of the  
5 general assistance taxes, and accrued interest thereon. Until  
6 January 1, 1974, the treasurer of the municipality, shall pay  
7 all moneys received from general assistance taxes and all the  
8 moneys collected or recovered by or in behalf of the  
9 municipality under The Illinois Public Aid Code into the  
10 special fund in the county treasury established pursuant to  
11 Section 12-21.14 of that Code. After December 31, 1973, but not  
12 later than June 30, 1979, the treasurer of the municipality  
13 shall pay all moneys received from general assistance taxes and  
14 collections or recoveries directly into the Special Purposes  
15 Trust Fund (now known as the DHS Special Purposes Trust Fund)  
16 established by Section 12-10 of The Illinois Public Aid Code.  
17 After June 30, 1979, moneys and funds designated by this  
18 Section shall be paid into the General Revenue Fund as  
19 reimbursement for appropriated funds disbursed.

20 Upon the filing with the county clerk of a certified copy  
21 of an ordinance levying such taxes, the county clerk shall  
22 extend the taxes upon the books of the collector of state and  
23 county taxes within that municipality in the manner provided in  
24 Section 8-3-1 for the extension of municipal taxes.

25 (Source: P.A. 92-111, eff. 1-1-02.)

1           Section 15-35. The Public Utilities Act is amended by  
2 changing Section 13-703 as follows:

3           (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

4           (Section scheduled to be repealed on July 1, 2017)

5           Sec. 13-703. (a) The Commission shall design and implement  
6 a program whereby each telecommunications carrier providing  
7 local exchange service shall provide a telecommunications  
8 device capable of servicing the needs of those persons with a  
9 hearing or speech disability together with a single party line,  
10 at no charge additional to the basic exchange rate, to any  
11 subscriber who is certified as having a hearing or speech  
12 disability by a licensed physician, speech-language  
13 pathologist, audiologist or a qualified State agency and to any  
14 subscriber which is an organization serving the needs of those  
15 persons with a hearing or speech disability as determined and  
16 specified by the Commission pursuant to subsection (d).

17           (b) The Commission shall design and implement a program,  
18 whereby each telecommunications carrier providing local  
19 exchange service shall provide a telecommunications relay  
20 system, using third party intervention to connect those persons  
21 having a hearing or speech disability with persons of normal  
22 hearing by way of intercommunications devices and the telephone  
23 system, making available reasonable access to all phases of  
24 public telephone service to persons who have a hearing or  
25 speech disability. In order to design a telecommunications

1 relay system which will meet the requirements of those persons  
2 with a hearing or speech disability available at a reasonable  
3 cost, the Commission shall initiate an investigation and  
4 conduct public hearings to determine the most cost-effective  
5 method of providing telecommunications relay service to those  
6 persons who have a hearing or speech disability when using  
7 telecommunications devices and therein solicit the advice,  
8 counsel, and physical assistance of Statewide nonprofit  
9 consumer organizations that serve persons with hearing or  
10 speech disabilities in such hearings and during the development  
11 and implementation of the system. The Commission shall phase in  
12 this program, on a geographical basis, as soon as is  
13 practicable, but no later than June 30, 1990.

14 (c) The Commission shall establish a competitively neutral  
15 rate recovery mechanism that establishes charges in an amount  
16 to be determined by the Commission for each line of a  
17 subscriber to allow telecommunications carriers providing  
18 local exchange service to recover costs as they are incurred  
19 under this Section. Beginning no later than April 1, 2016, and  
20 on a yearly basis thereafter, the Commission shall initiate a  
21 proceeding to establish the competitively neutral amount to be  
22 charged or assessed to subscribers of telecommunications  
23 carriers and wireless carriers, Interconnected VoIP service  
24 providers, and consumers of prepaid wireless  
25 telecommunications service in a manner consistent with this  
26 subsection (c) and subsection (f) of this Section. The

1 Commission shall issue its order establishing the  
2 competitively neutral amount to be charged or assessed to  
3 subscribers of telecommunications carriers and wireless  
4 carriers, Interconnected VoIP service providers, and  
5 purchasers of prepaid wireless telecommunications service on  
6 or prior to June 1 of each year, and such amount shall take  
7 effect June 1 of each year.

8 Telecommunications carriers, wireless carriers,  
9 Interconnected VoIP service providers, and sellers of prepaid  
10 wireless telecommunications service shall have 60 days from the  
11 date the Commission files its order to implement the new rate  
12 established by the order.

13 (d) The Commission shall determine and specify those  
14 organizations serving the needs of those persons having a  
15 hearing or speech disability that shall receive a  
16 telecommunications device and in which offices the equipment  
17 shall be installed in the case of an organization having more  
18 than one office. For the purposes of this Section,  
19 "organizations serving the needs of those persons with hearing  
20 or speech disabilities" means centers for independent living as  
21 described in Section 12a of the Rehabilitation of Persons with  
22 Disabilities Act and not-for-profit organizations whose  
23 primary purpose is serving the needs of those persons with  
24 hearing or speech disabilities. The Commission shall direct the  
25 telecommunications carriers subject to its jurisdiction and  
26 this Section to comply with its determinations and



1 specifications in this regard.

2 (e) As used in this Section:

3 "Prepaid wireless telecommunications service" has the  
4 meaning given to that term under Section 10 of the Prepaid  
5 Wireless 9-1-1 Surcharge Act.

6 "Retail transaction" has the meaning given to that term  
7 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

8 "Seller" has the meaning given to that term under Section  
9 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

10 "Telecommunications carrier providing local exchange  
11 service" includes, without otherwise limiting the meaning of  
12 the term, telecommunications carriers which are purely mutual  
13 concerns, having no rates or charges for services, but paying  
14 the operating expenses by assessment upon the members of such a  
15 company and no other person.

16 "Wireless carrier" has the meaning given to that term under  
17 Section 10 of the Wireless Emergency Telephone Safety Act.

18 (f) Interconnected VoIP service providers, sellers of  
19 prepaid wireless telecommunications service, and wireless  
20 carriers in Illinois shall collect and remit assessments  
21 determined in accordance with this Section in a competitively  
22 neutral manner in the same manner as a telecommunications  
23 carrier providing local exchange service. However, the  
24 assessment imposed on consumers of prepaid wireless  
25 telecommunications service shall be collected by the seller  
26 from the consumer and imposed per retail transaction as a

1 percentage of that retail transaction on all retail  
2 transactions occurring in this State. The assessment on  
3 subscribers of wireless carriers and consumers of prepaid  
4 wireless telecommunications service shall not be imposed or  
5 collected prior to June 1, 2016.

6 Sellers of prepaid wireless telecommunications service  
7 shall remit the assessments to the Department of Revenue on the  
8 same form and in the same manner which they remit the fee  
9 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For  
10 the purposes of display on the consumers' receipts, the rates  
11 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge  
12 Act and the assessment under this Section may be combined. In  
13 administration and enforcement of this Section, the provisions  
14 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge  
15 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of  
16 Section 15 and subsections (c) and (e) of Section 20 of the  
17 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015  
18 (the effective date of Public Act 99-6) ~~this amendatory Act of~~  
19 ~~the 99th General Assembly~~, the seller shall be permitted to  
20 deduct and retain 3% of the assessments that are collected by  
21 the seller from consumers and that are remitted and timely  
22 filed with the Department) that are not inconsistent with this  
23 Section, shall apply, as far as practicable, to the subject  
24 matter of this Section to the same extent as if those  
25 provisions were included in this Section. The Department shall  
26 deposit all assessments and penalties collected under this

1 Section into the Illinois Telecommunications Access  
2 Corporation Fund, a special fund created in the State treasury.  
3 On or before the 25th day of each calendar month, the  
4 Department shall prepare and certify to the Comptroller the  
5 amount available to the Commission for distribution out of the  
6 Illinois Telecommunications Access Corporation Fund. The  
7 amount certified shall be the amount (not including credit  
8 memoranda) collected during the second preceding calendar  
9 month by the Department, plus an amount the Department  
10 determines is necessary to offset any amounts which were  
11 erroneously paid to a different taxing body or fund. The amount  
12 paid to the Illinois Telecommunications Access Corporation  
13 Fund shall not include any amount equal to the amount of  
14 refunds made during the second preceding calendar month by the  
15 Department to retailers under this Section or any amount that  
16 the Department determines is necessary to offset any amounts  
17 which were payable to a different taxing body or fund but were  
18 erroneously paid to the Illinois Telecommunications Access  
19 Corporation Fund. The Commission shall distribute all the funds  
20 to the Illinois Telecommunications Access Corporation and the  
21 funds may only be used in accordance with the provisions of  
22 this Section. The Department shall deduct 2% of all amounts  
23 deposited in the Illinois Telecommunications Access  
24 Corporation Fund during every year of remitted assessments. Of  
25 the 2% deducted by the Department, one-half shall be  
26 transferred into the Tax Compliance and Administration Fund to

1 reimburse the Department for its direct costs of administering  
2 the collection and remittance of the assessment. The remaining  
3 one-half shall be transferred into the Public Utility ~~Utilities~~  
4 Fund to reimburse the Commission for its costs of distributing  
5 to the Illinois Telecommunications Access Corporation the  
6 amount certified by the Department for distribution. The amount  
7 to be charged or assessed under subsections (c) and (f) is not  
8 imposed on a provider or the consumer for wireless Lifeline  
9 service where the consumer does not pay the provider for the  
10 service. Where the consumer purchases from the provider  
11 optional minutes, texts, or other services in addition to the  
12 federally funded Lifeline benefit, a consumer must pay the  
13 charge or assessment, and it must be collected by the seller  
14 according to subsection (f).

15 Interconnected VoIP services shall not be considered an  
16 intrastate telecommunications service for the purposes of this  
17 Section in a manner inconsistent with federal law or Federal  
18 Communications Commission regulation.

19 (g) The provisions of this Section are severable under  
20 Section 1.31 of the Statute on Statutes.

21 (h) The Commission may adopt rules necessary to implement  
22 this Section.

23 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised  
24 10-21-15.)

25 Section 15-40. The Medical Practice Act of 1987 is amended

1 by changing Sections 2 and 22 as follows:

2 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

3 (Section scheduled to be repealed on December 31, 2016)

4 Sec. 2. Definitions. For purposes of this Act, the  
5 following definitions shall have the following meanings,  
6 except where the context requires otherwise:

7 "Act" means the Medical Practice Act of 1987.

8 "Address of record" means the designated address recorded  
9 by the Department in the applicant's or licensee's application  
10 file or license file as maintained by the Department's  
11 licensure maintenance unit. It is the duty of the applicant or  
12 licensee to inform the Department of any change of address and  
13 those changes must be made either through the Department's  
14 website or by contacting the Department.

15 "Chiropractic physician" means a person licensed to treat  
16 human ailments without the use of drugs and without operative  
17 surgery. Nothing in this Act shall be construed to prohibit a  
18 chiropractic physician from providing advice regarding the use  
19 of non-prescription products or from administering atmospheric  
20 oxygen. Nothing in this Act shall be construed to authorize a  
21 chiropractic physician to prescribe drugs.

22 "Department" means the Department of Financial and  
23 Professional Regulation.

24 "Disciplinary Action" means revocation, suspension,  
25 probation, supervision, practice modification, reprimand,

1 required education, fines or any other action taken by the  
2 Department against a person holding a license.

3 "Disciplinary Board" means the Medical Disciplinary Board.

4 "Final Determination" means the governing body's final  
5 action taken under the procedure followed by a health care  
6 institution, or professional association or society, against  
7 any person licensed under the Act in accordance with the bylaws  
8 or rules and regulations of such health care institution, or  
9 professional association or society.

10 "Fund" means the Illinois State Medical Disciplinary Fund.

11 "Impaired" means the inability to practice medicine with  
12 reasonable skill and safety due to physical or mental  
13 disabilities as evidenced by a written determination or written  
14 consent based on clinical evidence including deterioration  
15 through the aging process or loss of motor skill, or abuse of  
16 drugs or alcohol, of sufficient degree to diminish a person's  
17 ability to deliver competent patient care.

18 "Licensing Board" means the Medical Licensing Board.

19 "Physician" means a person licensed under the Medical  
20 Practice Act to practice medicine in all of its branches or a  
21 chiropractic physician.

22 "Professional Association" means an association or society  
23 of persons licensed under this Act, and operating within the  
24 State of Illinois, including but not limited to, medical  
25 societies, osteopathic organizations, and chiropractic  
26 organizations, but this term shall not be deemed to include

1 hospital medical staffs.

2 "Program of Care, Counseling, or Treatment" means a written  
3 schedule of organized treatment, care, counseling, activities,  
4 or education, satisfactory to the Disciplinary Board, designed  
5 for the purpose of restoring an impaired person to a condition  
6 whereby the impaired person can practice medicine with  
7 reasonable skill and safety of a sufficient degree to deliver  
8 competent patient care.

9 "Reinstate" means to change the status of a license from  
10 inactive or nonrenewed status to active status.

11 "Restore" means to remove an encumbrance from a license due  
12 to probation, suspension, or revocation.

13 "Secretary" means the Secretary of the Department of  
14 Financial and Professional Regulation.

15 (Source: P.A. 97-462, eff. 8-19-11; 97-622, eff. 11-23-11;  
16 98-1140, eff. 12-30-14.)

17 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

18 (Section scheduled to be repealed on December 31, 2016)

19 Sec. 22. Disciplinary action.

20 (A) The Department may revoke, suspend, place on probation,  
21 reprimand, refuse to issue or renew, or take any other  
22 disciplinary or non-disciplinary action as the Department may  
23 deem proper with regard to the license or permit of any person  
24 issued under this Act, including imposing fines not to exceed  
25 \$10,000 for each violation, upon any of the following grounds:

1           (1) Performance of an elective abortion in any place,  
2           locale, facility, or institution other than:

3                   (a) a facility licensed pursuant to the Ambulatory  
4                   Surgical Treatment Center Act;

5                   (b) an institution licensed under the Hospital  
6                   Licensing Act;

7                   (c) an ambulatory surgical treatment center or  
8                   hospitalization or care facility maintained by the  
9                   State or any agency thereof, where such department or  
10                  agency has authority under law to establish and enforce  
11                  standards for the ambulatory surgical treatment  
12                  centers, hospitalization, or care facilities under its  
13                  management and control;

14                  (d) ambulatory surgical treatment centers,  
15                  hospitalization or care facilities maintained by the  
16                  Federal Government; or

17                  (e) ambulatory surgical treatment centers,  
18                  hospitalization or care facilities maintained by any  
19                  university or college established under the laws of  
20                  this State and supported principally by public funds  
21                  raised by taxation.

22           (2) Performance of an abortion procedure in a wilful  
23           and wanton manner on a woman who was not pregnant at the  
24           time the abortion procedure was performed.

25           (3) A plea of guilty or nolo contendere, finding of  
26           guilt, jury verdict, or entry of judgment or sentencing,



1 including, but not limited to, convictions, preceding  
2 sentences of supervision, conditional discharge, or first  
3 offender probation, under the laws of any jurisdiction of  
4 the United States of any crime that is a felony.

5 (4) Gross negligence in practice under this Act.

6 (5) Engaging in dishonorable, unethical or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud or harm the public.

9 (6) Obtaining any fee by fraud, deceit, or  
10 misrepresentation.

11 (7) Habitual or excessive use or abuse of drugs defined  
12 in law as controlled substances, of alcohol, or of any  
13 other substances which results in the inability to practice  
14 with reasonable judgment, skill or safety.

15 (8) Practicing under a false or, except as provided by  
16 law, an assumed name.

17 (9) Fraud or misrepresentation in applying for, or  
18 procuring, a license under this Act or in connection with  
19 applying for renewal of a license under this Act.

20 (10) Making a false or misleading statement regarding  
21 their skill or the efficacy or value of the medicine,  
22 treatment, or remedy prescribed by them at their direction  
23 in the treatment of any disease or other condition of the  
24 body or mind.

25 (11) Allowing another person or organization to use  
26 their license, procured under this Act, to practice.

1           (12) Adverse action taken by another state or  
2 jurisdiction against a license or other authorization to  
3 practice as a medical doctor, doctor of osteopathy, doctor  
4 of osteopathic medicine or doctor of chiropractic, a  
5 certified copy of the record of the action taken by the  
6 other state or jurisdiction being prima facie evidence  
7 thereof. This includes any adverse action taken by a State  
8 or federal agency that prohibits a medical doctor, doctor  
9 of osteopathy, doctor of osteopathic medicine, or doctor of  
10 chiropractic from providing services to the agency's  
11 participants.

12           (13) Violation of any provision of this Act or of the  
13 Medical Practice Act prior to the repeal of that Act, or  
14 violation of the rules, or a final administrative action of  
15 the Secretary, after consideration of the recommendation  
16 of the Disciplinary Board.

17           (14) Violation of the prohibition against fee  
18 splitting in Section 22.2 of this Act.

19           (15) A finding by the Disciplinary Board that the  
20 registrant after having his or her license placed on  
21 probationary status or subjected to conditions or  
22 restrictions violated the terms of the probation or failed  
23 to comply with such terms or conditions.

24           (16) Abandonment of a patient.

25           (17) Prescribing, selling, administering,  
26 distributing, giving or self-administering any drug

1           classified as a controlled substance (designated product)  
2           or narcotic for other than medically accepted therapeutic  
3           purposes.

4           (18) Promotion of the sale of drugs, devices,  
5           appliances or goods provided for a patient in such manner  
6           as to exploit the patient for financial gain of the  
7           physician.

8           (19) Offering, undertaking or agreeing to cure or treat  
9           disease by a secret method, procedure, treatment or  
10          medicine, or the treating, operating or prescribing for any  
11          human condition by a method, means or procedure which the  
12          licensee refuses to divulge upon demand of the Department.

13          (20) Immoral conduct in the commission of any act  
14          including, but not limited to, commission of an act of  
15          sexual misconduct related to the licensee's practice.

16          (21) Wilfully making or filing false records or reports  
17          in his or her practice as a physician, including, but not  
18          limited to, false records to support claims against the  
19          medical assistance program of the Department of Healthcare  
20          and Family Services (formerly Department of Public Aid)  
21          under the Illinois Public Aid Code.

22          (22) Wilful omission to file or record, or wilfully  
23          impeding the filing or recording, or inducing another  
24          person to omit to file or record, medical reports as  
25          required by law, or wilfully failing to report an instance  
26          of suspected abuse or neglect as required by law.

1           (23) Being named as a perpetrator in an indicated  
2 report by the Department of Children and Family Services  
3 under the Abused and Neglected Child Reporting Act, and  
4 upon proof by clear and convincing evidence that the  
5 licensee has caused a child to be an abused child or  
6 neglected child as defined in the Abused and Neglected  
7 Child Reporting Act.

8           (24) Solicitation of professional patronage by any  
9 corporation, agents or persons, or profiting from those  
10 representing themselves to be agents of the licensee.

11           (25) Gross and wilful and continued overcharging for  
12 professional services, including filing false statements  
13 for collection of fees for which services are not rendered,  
14 including, but not limited to, filing such false statements  
15 for collection of monies for services not rendered from the  
16 medical assistance program of the Department of Healthcare  
17 and Family Services (formerly Department of Public Aid)  
18 under the Illinois Public Aid Code.

19           (26) A pattern of practice or other behavior which  
20 demonstrates incapacity or incompetence to practice under  
21 this Act.

22           (27) Mental illness or disability which results in the  
23 inability to practice under this Act with reasonable  
24 judgment, skill or safety.

25           (28) Physical illness, including, but not limited to,  
26 deterioration through the aging process, or loss of motor

1 skill which results in a physician's inability to practice  
2 under this Act with reasonable judgment, skill or safety.

3 (29) Cheating on or attempt to subvert the licensing  
4 examinations administered under this Act.

5 (30) Wilfully or negligently violating the  
6 confidentiality between physician and patient except as  
7 required by law.

8 (31) The use of any false, fraudulent, or deceptive  
9 statement in any document connected with practice under  
10 this Act.

11 (32) Aiding and abetting an individual not licensed  
12 under this Act in the practice of a profession licensed  
13 under this Act.

14 (33) Violating state or federal laws or regulations  
15 relating to controlled substances, legend drugs, or  
16 ephedra as defined in the Ephedra Prohibition Act.

17 (34) Failure to report to the Department any adverse  
18 final action taken against them by another licensing  
19 jurisdiction (any other state or any territory of the  
20 United States or any foreign state or country), by any peer  
21 review body, by any health care institution, by any  
22 professional society or association related to practice  
23 under this Act, by any governmental agency, by any law  
24 enforcement agency, or by any court for acts or conduct  
25 similar to acts or conduct which would constitute grounds  
26 for action as defined in this Section.

1           (35) Failure to report to the Department surrender of a  
2 license or authorization to practice as a medical doctor, a  
3 doctor of osteopathy, a doctor of osteopathic medicine, or  
4 doctor of chiropractic in another state or jurisdiction, or  
5 surrender of membership on any medical staff or in any  
6 medical or professional association or society, while  
7 under disciplinary investigation by any of those  
8 authorities or bodies, for acts or conduct similar to acts  
9 or conduct which would constitute grounds for action as  
10 defined in this Section.

11           (36) Failure to report to the Department any adverse  
12 judgment, settlement, or award arising from a liability  
13 claim related to acts or conduct similar to acts or conduct  
14 which would constitute grounds for action as defined in  
15 this Section.

16           (37) Failure to provide copies of medical records as  
17 required by law.

18           (38) Failure to furnish the Department, its  
19 investigators or representatives, relevant information,  
20 legally requested by the Department after consultation  
21 with the Chief Medical Coordinator or the Deputy Medical  
22 Coordinator.

23           (39) Violating the Health Care Worker Self-Referral  
24 Act.

25           (40) Willful failure to provide notice when notice is  
26 required under the Parental Notice of Abortion Act of 1995.

1           (41) Failure to establish and maintain records of  
2 patient care and treatment as required by this law.

3           (42) Entering into an excessive number of written  
4 collaborative agreements with licensed advanced practice  
5 nurses resulting in an inability to adequately  
6 collaborate.

7           (43) Repeated failure to adequately collaborate with a  
8 licensed advanced practice nurse.

9           (44) Violating the Compassionate Use of Medical  
10 Cannabis Pilot Program Act.

11           (45) Entering into an excessive number of written  
12 collaborative agreements with licensed prescribing  
13 psychologists resulting in an inability to adequately  
14 collaborate.

15           (46) Repeated failure to adequately collaborate with a  
16 licensed prescribing psychologist.

17           Except for actions involving the ground numbered (26), all  
18 proceedings to suspend, revoke, place on probationary status,  
19 or take any other disciplinary action as the Department may  
20 deem proper, with regard to a license on any of the foregoing  
21 grounds, must be commenced within 5 years next after receipt by  
22 the Department of a complaint alleging the commission of or  
23 notice of the conviction order for any of the acts described  
24 herein. Except for the grounds numbered (8), (9), (26), and  
25 (29), no action shall be commenced more than 10 years after the  
26 date of the incident or act alleged to have violated this

1 Section. For actions involving the ground numbered (26), a  
2 pattern of practice or other behavior includes all incidents  
3 alleged to be part of the pattern of practice or other behavior  
4 that occurred, or a report pursuant to Section 23 of this Act  
5 received, within the 10-year period preceding the filing of the  
6 complaint. In the event of the settlement of any claim or cause  
7 of action in favor of the claimant or the reduction to final  
8 judgment of any civil action in favor of the plaintiff, such  
9 claim, cause of action or civil action being grounded on the  
10 allegation that a person licensed under this Act was negligent  
11 in providing care, the Department shall have an additional  
12 period of 2 years from the date of notification to the  
13 Department under Section 23 of this Act of such settlement or  
14 final judgment in which to investigate and commence formal  
15 disciplinary proceedings under Section 36 of this Act, except  
16 as otherwise provided by law. The time during which the holder  
17 of the license was outside the State of Illinois shall not be  
18 included within any period of time limiting the commencement of  
19 disciplinary action by the Department.

20 The entry of an order or judgment by any circuit court  
21 establishing that any person holding a license under this Act  
22 is a person in need of mental treatment operates as a  
23 suspension of that license. That person may resume their  
24 practice only upon the entry of a Departmental order based upon  
25 a finding by the Disciplinary Board that they have been  
26 determined to be recovered from mental illness by the court and



1 upon the Disciplinary Board's recommendation that they be  
2 permitted to resume their practice.

3 The Department may refuse to issue or take disciplinary  
4 action concerning the license of any person who fails to file a  
5 return, or to pay the tax, penalty or interest shown in a filed  
6 return, or to pay any final assessment of tax, penalty or  
7 interest, as required by any tax Act administered by the  
8 Illinois Department of Revenue, until such time as the  
9 requirements of any such tax Act are satisfied as determined by  
10 the Illinois Department of Revenue.

11 The Department, upon the recommendation of the  
12 Disciplinary Board, shall adopt rules which set forth standards  
13 to be used in determining:

14 (a) when a person will be deemed sufficiently  
15 rehabilitated to warrant the public trust;

16 (b) what constitutes dishonorable, unethical or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public;

19 (c) what constitutes immoral conduct in the commission  
20 of any act, including, but not limited to, commission of an  
21 act of sexual misconduct related to the licensee's  
22 practice; and

23 (d) what constitutes gross negligence in the practice  
24 of medicine.

25 However, no such rule shall be admissible into evidence in  
26 any civil action except for review of a licensing or other

1 disciplinary action under this Act.

2 In enforcing this Section, the Disciplinary Board or the  
3 Licensing Board, upon a showing of a possible violation, may  
4 compel, in the case of the Disciplinary Board, any individual  
5 who is licensed to practice under this Act or holds a permit to  
6 practice under this Act, or, in the case of the Licensing  
7 Board, any individual who has applied for licensure or a permit  
8 pursuant to this Act, to submit to a mental or physical  
9 examination and evaluation, or both, which may include a  
10 substance abuse or sexual offender evaluation, as required by  
11 the Licensing Board or Disciplinary Board and at the expense of  
12 the Department. The Disciplinary Board or Licensing Board shall  
13 specifically designate the examining physician licensed to  
14 practice medicine in all of its branches or, if applicable, the  
15 multidisciplinary team involved in providing the mental or  
16 physical examination and evaluation, or both. The  
17 multidisciplinary team shall be led by a physician licensed to  
18 practice medicine in all of its branches and may consist of one  
19 or more or a combination of physicians licensed to practice  
20 medicine in all of its branches, licensed chiropractic  
21 physicians, licensed clinical psychologists, licensed clinical  
22 social workers, licensed clinical professional counselors, and  
23 other professional and administrative staff. Any examining  
24 physician or member of the multidisciplinary team may require  
25 any person ordered to submit to an examination and evaluation  
26 pursuant to this Section to submit to any additional

1 supplemental testing deemed necessary to complete any  
2 examination or evaluation process, including, but not limited  
3 to, blood testing, urinalysis, psychological testing, or  
4 neuropsychological testing. The Disciplinary Board, the  
5 Licensing Board, or the Department may order the examining  
6 physician or any member of the multidisciplinary team to  
7 provide to the Department, the Disciplinary Board, or the  
8 Licensing Board any and all records, including business  
9 records, that relate to the examination and evaluation,  
10 including any supplemental testing performed. The Disciplinary  
11 Board, the Licensing Board, or the Department may order the  
12 examining physician or any member of the multidisciplinary team  
13 to present testimony concerning this examination and  
14 evaluation of the licensee, permit holder, or applicant,  
15 including testimony concerning any supplemental testing or  
16 documents relating to the examination and evaluation. No  
17 information, report, record, or other documents in any way  
18 related to the examination and evaluation shall be excluded by  
19 reason of any common law or statutory privilege relating to  
20 communication between the licensee, permit holder, or  
21 applicant and the examining physician or any member of the  
22 multidisciplinary team. No authorization is necessary from the  
23 licensee, permit holder, or applicant ordered to undergo an  
24 evaluation and examination for the examining physician or any  
25 member of the multidisciplinary team to provide information,  
26 reports, records, or other documents or to provide any

1 testimony regarding the examination and evaluation. The  
2 individual to be examined may have, at his or her own expense,  
3 another physician of his or her choice present during all  
4 aspects of the examination. Failure of any individual to submit  
5 to mental or physical examination and evaluation, or both, when  
6 directed, shall result in an automatic suspension, without  
7 hearing, until such time as the individual submits to the  
8 examination. If the Disciplinary Board or Licensing Board finds  
9 a physician unable to practice following an examination and  
10 evaluation because of the reasons set forth in this Section,  
11 the Disciplinary Board or Licensing Board shall require such  
12 physician to submit to care, counseling, or treatment by  
13 physicians, or other health care professionals, approved or  
14 designated by the Disciplinary Board, as a condition for  
15 issued, continued, reinstated, or renewed licensure to  
16 practice. Any physician, whose license was granted pursuant to  
17 Sections 9, 17, or 19 of this Act, or, continued, reinstated,  
18 renewed, disciplined or supervised, subject to such terms,  
19 conditions or restrictions who shall fail to comply with such  
20 terms, conditions or restrictions, or to complete a required  
21 program of care, counseling, or treatment, as determined by the  
22 Chief Medical Coordinator or Deputy Medical Coordinators,  
23 shall be referred to the Secretary for a determination as to  
24 whether the licensee shall have their license suspended  
25 immediately, pending a hearing by the Disciplinary Board. In  
26 instances in which the Secretary immediately suspends a license

1 under this Section, a hearing upon such person's license must  
2 be convened by the Disciplinary Board within 15 days after such  
3 suspension and completed without appreciable delay. The  
4 Disciplinary Board shall have the authority to review the  
5 subject physician's record of treatment and counseling  
6 regarding the impairment, to the extent permitted by applicable  
7 federal statutes and regulations safeguarding the  
8 confidentiality of medical records.

9 An individual licensed under this Act, affected under this  
10 Section, shall be afforded an opportunity to demonstrate to the  
11 Disciplinary Board that they can resume practice in compliance  
12 with acceptable and prevailing standards under the provisions  
13 of their license.

14 The Department may promulgate rules for the imposition of  
15 fines in disciplinary cases, not to exceed \$10,000 for each  
16 violation of this Act. Fines may be imposed in conjunction with  
17 other forms of disciplinary action, but shall not be the  
18 exclusive disposition of any disciplinary action arising out of  
19 conduct resulting in death or injury to a patient. Any funds  
20 collected from such fines shall be deposited in the Illinois  
21 State Medical Disciplinary Fund.

22 All fines imposed under this Section shall be paid within  
23 60 days after the effective date of the order imposing the fine  
24 or in accordance with the terms set forth in the order imposing  
25 the fine.

26 (B) The Department shall revoke the license or permit

1 issued under this Act to practice medicine or a chiropractic  
2 physician who has been convicted a second time of committing  
3 any felony under the Illinois Controlled Substances Act or the  
4 Methamphetamine Control and Community Protection Act, or who  
5 has been convicted a second time of committing a Class 1 felony  
6 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
7 person whose license or permit is revoked under this subsection  
8 B shall be prohibited from practicing medicine or treating  
9 human ailments without the use of drugs and without operative  
10 surgery.

11 (C) The Department shall not revoke, suspend, place on  
12 probation, reprimand, refuse to issue or renew, or take any  
13 other disciplinary or non-disciplinary action against the  
14 license or permit issued under this Act to practice medicine to  
15 a physician based solely upon the recommendation of the  
16 physician to an eligible patient regarding, or prescription  
17 for, or treatment with, an investigational drug, biological  
18 product, or device.

19 (D) The Disciplinary Board shall recommend to the  
20 Department civil penalties and any other appropriate  
21 discipline in disciplinary cases when the Board finds that a  
22 physician willfully performed an abortion with actual  
23 knowledge that the person upon whom the abortion has been  
24 performed is a minor or an incompetent person without notice as  
25 required under the Parental Notice of Abortion Act of 1995.  
26 Upon the Board's recommendation, the Department shall impose,

1 for the first violation, a civil penalty of \$1,000 and for a  
2 second or subsequent violation, a civil penalty of \$5,000.

3 (Source: P.A. 98-601, eff. 12-30-13; 98-668, eff. 6-25-14;  
4 98-1140, eff. 12-30-14; 99-270, eff. 1-1-16.)

5 Section 15-45. The Illinois Horse Racing Act of 1975 is  
6 amended by changing Sections 28 and 40 as follows:

7 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

8 Sec. 28. Except as provided in subsection (g) of Section 27  
9 of this Act, moneys collected shall be distributed according to  
10 the provisions of this Section 28.

11 (a) Thirty per cent of the total of all monies received by  
12 the State as privilege taxes shall be paid into the  
13 Metropolitan Exposition, Auditorium and Office Building Fund  
14 in the State Treasury.

15 (b) In addition, 4.5% of the total of all monies received  
16 by the State as privilege taxes shall be paid into the State  
17 treasury into a special Fund to be known as the Metropolitan  
18 Exposition, Auditorium, and Office Building Fund.

19 (c) Fifty per cent of the total of all monies received by  
20 the State as privilege taxes under the provisions of this Act  
21 shall be paid into the Agricultural Premium Fund.

22 (d) Seven per cent of the total of all monies received by  
23 the State as privilege taxes shall be paid into the Fair and  
24 Exposition Fund in the State treasury; provided, however, that

1 when all bonds issued prior to July 1, 1984 by the Metropolitan  
2 Fair and Exposition Authority shall have been paid or payment  
3 shall have been provided for upon a refunding of those bonds,  
4 thereafter 1/12 of \$1,665,662 of such monies shall be paid each  
5 month into the Build Illinois Fund, and the remainder into the  
6 Fair and Exposition Fund. All excess monies shall be allocated  
7 to the Department of Agriculture for distribution to county  
8 fairs for premiums and rehabilitation as set forth in the  
9 Agricultural Fair Act.

10 (e) The monies provided for in Section 30 shall be paid  
11 into the Illinois Thoroughbred Breeders Fund.

12 (f) The monies provided for in Section 31 shall be paid  
13 into the Illinois Standardbred Breeders Fund.

14 (g) Until January 1, 2000, that part representing 1/2 of  
15 the total breakage in Thoroughbred, Harness, Appaloosa,  
16 Arabian, and Quarter Horse racing in the State shall be paid  
17 into the Illinois Race Track Improvement Fund as established in  
18 Section 32.

19 (h) All other monies received by the Board under this Act  
20 shall be paid into the Horse Racing Fund.

21 (i) The salaries of the Board members, secretary, stewards,  
22 directors of mutuels, veterinarians, representatives,  
23 accountants, clerks, stenographers, inspectors and other  
24 employees of the Board, and all expenses of the Board incident  
25 to the administration of this Act, including, but not limited  
26 to, all expenses and salaries incident to the taking of saliva



1 and urine samples in accordance with the rules and regulations  
2 of the Board shall be paid out of the Agricultural Premium  
3 Fund.

4 (j) The Agricultural Premium Fund shall also be used:

5 (1) for the expenses of operating the Illinois State  
6 Fair and the DuQuoin State Fair, including the payment of  
7 prize money or premiums;

8 (2) for the distribution to county fairs, vocational  
9 agriculture section fairs, agricultural societies, and  
10 agricultural extension clubs in accordance with the  
11 Agricultural Fair Act, as amended;

12 (3) for payment of prize monies and premiums awarded  
13 and for expenses incurred in connection with the  
14 International Livestock Exposition and the Mid-Continent  
15 Livestock Exposition held in Illinois, which premiums, and  
16 awards must be approved, and paid by the Illinois  
17 Department of Agriculture;

18 (4) for personal service of county agricultural  
19 advisors and county home advisors;

20 (5) for distribution to agricultural home economic  
21 extension councils in accordance with "An Act in relation  
22 to additional support and finance for the Agricultural and  
23 Home Economic Extension Councils in the several counties in  
24 this State and making an appropriation therefor", approved  
25 July 24, 1967, as amended;

26 (6) for research on equine disease, including a

1 development center therefor;

2 (7) for training scholarships for study on equine  
3 diseases to students at the University of Illinois College  
4 of Veterinary Medicine;

5 (8) for the rehabilitation, repair and maintenance of  
6 the Illinois and DuQuoin State Fair Grounds and the  
7 structures and facilities thereon and the construction of  
8 permanent improvements on such Fair Grounds, including  
9 such structures, facilities and property located on such  
10 State Fair Grounds which are under the custody and control  
11 of the Department of Agriculture;

12 (9) for the expenses of the Department of Agriculture  
13 under Section 5-530 of the Departments of State Government  
14 Law (20 ILCS 5/5-530);

15 (10) for the expenses of the Department of Commerce and  
16 Economic Opportunity under Sections 605-620, 605-625, and  
17 605-630 of the Department of Commerce and Economic  
18 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and  
19 605/605-630);

20 (11) for remodeling, expanding, and reconstructing  
21 facilities destroyed by fire of any Fair and Exposition  
22 Authority in counties with a population of 1,000,000 or  
23 more inhabitants;

24 (12) for the purpose of assisting in the care and  
25 general rehabilitation of veterans with disabilities of  
26 any war and their surviving spouses and orphans;

1           (13) for expenses of the Department of State Police for  
2           duties performed under this Act;

3           (14) for the Department of Agriculture for soil surveys  
4           and soil and water conservation purposes;

5           (15) for the Department of Agriculture for grants to  
6           the City of Chicago for conducting the Chicagofest;

7           (16) for the State Comptroller for grants and operating  
8           expenses authorized by the Illinois Global Partnership  
9           Act.

10          (k) To the extent that monies paid by the Board to the  
11          Agricultural Premium Fund are in the opinion of the Governor in  
12          excess of the amount necessary for the purposes herein stated,  
13          the Governor shall notify the Comptroller and the State  
14          Treasurer of such fact, who, upon receipt of such notification,  
15          shall transfer such excess monies from the Agricultural Premium  
16          Fund to the General Revenue Fund.

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

18          (230 ILCS 5/40) (from Ch. 8, par. 37-40)

19          Sec. 40. (a) The imposition of any fine or penalty provided  
20          in this Act shall not preclude the Board in its rules and  
21          regulations from imposing a fine or penalty for any other  
22          action which, in the Board's discretion, is a detriment or  
23          impediment to horse racing.

24          (b) The Director of Agriculture or his or her authorized  
25          representative shall impose the following monetary penalties

1 and hold administrative hearings as required for failure to  
2 submit the following applications, lists, or reports within the  
3 time period, date or manner required by statute or rule or for  
4 removing a foal from Illinois prior to inspection:

5 (1) late filing of a renewal application for offering  
6 or standing stallion for service:

7 (A) if an application is submitted no more than 30  
8 days late, \$50;

9 (B) if an application is submitted no more than 45  
10 days late, \$150; or

11 (C) if an application is submitted more than 45  
12 days late, if filing of the application is allowed  
13 under an administrative hearing, \$250;

14 (2) late filing of list or report of mares bred:

15 (A) if a list or report is submitted no more than  
16 30 days late, \$50;

17 (B) if a list or report is submitted no more than  
18 60 days late \$150; or

19 (C) if a list or report is submitted more than 60  
20 days late, if filing of the list or report is allowed  
21 under an administrative hearing, \$250;

22 (3) filing an Illinois foaled thoroughbred mare status  
23 report after December 31:

24 (A) if a report is submitted no more than 30 days  
25 late, \$50;

26 (B) if a report is submitted no more than 90 days

1 late, \$150;

2 (C) if a report is submitted no more than 150 days  
3 late, \$250; or

4 (D) if a report is submitted more than 150 days  
5 late, if filing of the report is allowed under an  
6 administrative hearing, \$500;

7 (4) late filing of application for foal eligibility  
8 certificate:

9 (A) if an application is submitted no more than 30  
10 days late, \$50;

11 (B) if an application is submitted no more than 90  
12 days late, \$150;

13 (C) if an application is submitted no more than 150  
14 days late, \$250; or

15 (D) if an application is submitted more than 150  
16 days late, if filing of the application is allowed  
17 under an administrative hearing, \$500;

18 (5) failure to report the intent to remove a foal from  
19 Illinois prior to inspection, identification and  
20 certification by a Department of Agriculture investigator,  
21 \$50; and

22 (6) if a list or report of mares bred is incomplete,  
23 \$50 per mare not included on the list or report.

24 Any person upon whom monetary penalties are imposed under  
25 this Section 3 times within a 5 year period shall have any  
26 further monetary penalties imposed at double the amounts set

1 forth above. All monies assessed and collected for violations  
2 relating to thoroughbreds shall be paid into the Illinois  
3 Thoroughbred Breeders Fund. All monies assessed and collected  
4 for violations relating to standardbreds shall be paid into the  
5 Illinois Standardbred Breeders Fund.

6 (Source: P.A. 87-397.)

7 Section 15-50. The Illinois Public Aid Code is amended by  
8 changing Sections 5A-8, 12-5, 12-10, 12-11, and 12-21.14 as  
9 follows:

10 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

11 Sec. 5A-8. Hospital Provider Fund.

12 (a) There is created in the State Treasury the Hospital  
13 Provider Fund. Interest earned by the Fund shall be credited to  
14 the Fund. The Fund shall not be used to replace any moneys  
15 appropriated to the Medicaid program by the General Assembly.

16 (b) The Fund is created for the purpose of receiving moneys  
17 in accordance with Section 5A-6 and disbursing moneys only for  
18 the following purposes, notwithstanding any other provision of  
19 law:

20 (1) For making payments to hospitals as required under  
21 this Code, under the Children's Health Insurance Program  
22 Act, under the Covering ALL KIDS Health Insurance Act, and  
23 under the Long Term Acute Care Hospital Quality Improvement  
24 Transfer Program Act.

1           (2) For the reimbursement of moneys collected by the  
2 Illinois Department from hospitals or hospital providers  
3 through error or mistake in performing the activities  
4 authorized under this Code.

5           (3) For payment of administrative expenses incurred by  
6 the Illinois Department or its agent in performing  
7 activities under this Code, under the Children's Health  
8 Insurance Program Act, under the Covering ALL KIDS Health  
9 Insurance Act, and under the Long Term Acute Care Hospital  
10 Quality Improvement Transfer Program Act.

11           (4) For payments of any amounts which are reimbursable  
12 to the federal government for payments from this Fund which  
13 are required to be paid by State warrant.

14           (5) For making transfers, as those transfers are  
15 authorized in the proceedings authorizing debt under the  
16 Short Term Borrowing Act, but transfers made under this  
17 paragraph (5) shall not exceed the principal amount of debt  
18 issued in anticipation of the receipt by the State of  
19 moneys to be deposited into the Fund.

20           (6) For making transfers to any other fund in the State  
21 treasury, but transfers made under this paragraph (6) shall  
22 not exceed the amount transferred previously from that  
23 other fund into the Hospital Provider Fund plus any  
24 interest that would have been earned by that fund on the  
25 monies that had been transferred.

26           (6.5) For making transfers to the Healthcare Provider

1 Relief Fund, except that transfers made under this  
2 paragraph (6.5) shall not exceed \$60,000,000 in the  
3 aggregate.

4 (7) For making transfers not exceeding the following  
5 amounts, related to State fiscal years 2013 through 2018,  
6 to the following designated funds:

7	Health and Human Services Medicaid Trust	
8	Fund .....	\$20,000,000
9	Long-Term Care Provider Fund .....	\$30,000,000
10	General Revenue Fund .....	\$80,000,000.

11 Transfers under this paragraph shall be made within 7 days  
12 after the payments have been received pursuant to the  
13 schedule of payments provided in subsection (a) of Section  
14 5A-4.

15 (7.1) (Blank).

16 (7.5) (Blank).

17 (7.8) (Blank).

18 (7.9) (Blank).

19 (7.10) For State fiscal year 2014, for making transfers  
20 of the moneys resulting from the assessment under  
21 subsection (b-5) of Section 5A-2 and received from hospital  
22 providers under Section 5A-4 and transferred into the  
23 Hospital Provider Fund under Section 5A-6 to the designated  
24 funds not exceeding the following amounts in that State  
25 fiscal year:

26 Healthcare ~~Health-Care~~ Provider



1 Relief Fund..... \$100,000,000

2 Transfers under this paragraph shall be made within 7  
3 days after the payments have been received pursuant to the  
4 schedule of payments provided in subsection (a) of Section  
5 5A-4.

6 The additional amount of transfers in this paragraph  
7 (7.10), authorized by Public Act 98-651, shall be made  
8 within 10 State business days after June 16, 2014 (the  
9 effective date of Public Act 98-651). That authority shall  
10 remain in effect even if Public Act 98-651 does not become  
11 law until State fiscal year 2015.

12 (7.10a) For State fiscal years 2015 through 2018, for  
13 making transfers of the moneys resulting from the  
14 assessment under subsection (b-5) of Section 5A-2 and  
15 received from hospital providers under Section 5A-4 and  
16 transferred into the Hospital Provider Fund under Section  
17 5A-6 to the designated funds not exceeding the following  
18 amounts related to each State fiscal year:

19 Healthcare ~~Health-Care~~ Provider

20 Relief Fund..... \$50,000,000

21 Transfers under this paragraph shall be made within 7  
22 days after the payments have been received pursuant to the  
23 schedule of payments provided in subsection (a) of Section  
24 5A-4.

25 (7.11) (Blank).

26 (7.12) For State fiscal year 2013, for increasing by

1           21/365ths the transfer of the moneys resulting from the  
 2           assessment under subsection (b-5) of Section 5A-2 and  
 3           received from hospital providers under Section 5A-4 for the  
 4           portion of State fiscal year 2012 beginning June 10, 2012  
 5           through June 30, 2012 and transferred into the Hospital  
 6           Provider Fund under Section 5A-6 to the designated funds  
 7           not exceeding the following amounts in that State fiscal  
 8           year:

9                           Healthcare ~~Health Care~~ Provider

10                           Relief Fund..... \$2,870,000

11           Since the federal Centers for Medicare and Medicaid  
 12           Services approval of the assessment authorized under  
 13           subsection (b-5) of Section 5A-2, received from hospital  
 14           providers under Section 5A-4 and the payment methodologies  
 15           to hospitals required under Section 5A-12.4 was not  
 16           received by the Department until State fiscal year 2014 and  
 17           since the Department made retroactive payments during  
 18           State fiscal year 2014 related to the referenced period of  
 19           June 2012, the transfer authority granted in this paragraph  
 20           (7.12) is extended through the date that is 10 State  
 21           business days after June 16, 2014 (the effective date of  
 22           Public Act 98-651).

23           (8) For making refunds to hospital providers pursuant  
 24           to Section 5A-10.

25           (9) For making payment to capitated managed care  
 26           organizations as described in subsections (s) and (t) of

1 Section 5A-12.2 of this Code.

2 Disbursements from the Fund, other than transfers  
3 authorized under paragraphs (5) and (6) of this subsection,  
4 shall be by warrants drawn by the State Comptroller upon  
5 receipt of vouchers duly executed and certified by the Illinois  
6 Department.

7 (c) The Fund shall consist of the following:

8 (1) All moneys collected or received by the Illinois  
9 Department from the hospital provider assessment imposed  
10 by this Article.

11 (2) All federal matching funds received by the Illinois  
12 Department as a result of expenditures made by the Illinois  
13 Department that are attributable to moneys deposited in the  
14 Fund.

15 (3) Any interest or penalty levied in conjunction with  
16 the administration of this Article.

17 (3.5) As applicable, proceeds from surety bond  
18 payments payable to the Department as referenced in  
19 subsection (s) of Section 5A-12.2 of this Code.

20 (4) Moneys transferred from another fund in the State  
21 treasury.

22 (5) All other moneys received for the Fund from any  
23 other source, including interest earned thereon.

24 (d) (Blank).

25 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
26 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 99-78, eff.

1 7-20-15.)

2 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

3 Sec. 12-5. Appropriations; uses; federal grants; report to  
4 General Assembly. From the sums appropriated by the General  
5 Assembly, the Illinois Department shall order for payment by  
6 warrant from the State Treasury grants for public aid under  
7 Articles III, IV, and V, including grants for funeral and  
8 burial expenses, and all costs of administration of the  
9 Illinois Department and the County Departments relating  
10 thereto. Moneys appropriated to the Illinois Department for  
11 public aid under Article VI may be used, with the consent of  
12 the Governor, to co-operate with federal, State, and local  
13 agencies in the development of work projects designed to  
14 provide suitable employment for persons receiving public aid  
15 under Article VI. The Illinois Department, with the consent of  
16 the Governor, may be the agent of the State for the receipt and  
17 disbursement of federal funds or commodities for public aid  
18 purposes under Article VI and for related purposes in which the  
19 co-operation of the Illinois Department is sought by the  
20 federal government, and, in connection therewith, may make  
21 necessary expenditures from moneys appropriated for public aid  
22 under any Article of this Code and for administration. The  
23 Illinois Department, with the consent of the Governor, may be  
24 the agent of the State for the receipt and disbursement of  
25 federal funds pursuant to the Immigration Reform and Control

1 Act of 1986 and may make necessary expenditures from monies  
2 appropriated to it for operations, administration, and grants,  
3 including payment to the Health Insurance Reserve Fund for  
4 group insurance costs at the rate certified by the Department  
5 of Central Management Services. All amounts received by the  
6 Illinois Department pursuant to the Immigration Reform and  
7 Control Act of 1986 shall be deposited in the Immigration  
8 Reform and Control Fund. All amounts received into the  
9 Immigration Reform and Control Fund as reimbursement for  
10 expenditures from the General Revenue Fund shall be transferred  
11 to the General Revenue Fund.

12 All grants received by the Illinois Department for programs  
13 funded by the Federal Social Services Block Grant shall be  
14 deposited in the Social Services Block Grant Fund. All funds  
15 received into the Social Services Block Grant Fund as  
16 reimbursement for expenditures from the General Revenue Fund  
17 shall be transferred to the General Revenue Fund. All funds  
18 received into the Social Services Block Grant fund for  
19 reimbursement for expenditure out of the Local Initiative Fund  
20 shall be transferred into the Local Initiative Fund. Any other  
21 federal funds received into the Social Services Block Grant  
22 Fund shall be transferred to the DHS Special Purposes Trust  
23 Fund. All federal funds received by the Illinois Department as  
24 reimbursement for Employment and Training Programs for  
25 expenditures made by the Illinois Department from grants,  
26 gifts, or legacies as provided in Section 12-4.18 or made by an

1 entity other than the Illinois Department shall be deposited  
2 into the Employment and Training Fund, except that federal  
3 funds received as reimbursement as a result of the  
4 appropriation made for the costs of providing adult education  
5 to public assistance recipients under the "Adult Education,  
6 Public Assistance Fund" shall be deposited into the General  
7 Revenue Fund; provided, however, that all funds, except those  
8 that are specified in an interagency agreement between the  
9 Illinois Community College Board and the Illinois Department,  
10 that are received by the Illinois Department as reimbursement  
11 under Title IV-A of the Social Security Act for expenditures  
12 that are made by the Illinois Community College Board or any  
13 public community college of this State shall be credited to a  
14 special account that the State Treasurer shall establish and  
15 maintain within the Employment and Training Fund for the  
16 purpose of segregating the reimbursements received for  
17 expenditures made by those entities. As reimbursements are  
18 deposited into the Employment and Training Fund, the Illinois  
19 Department shall certify to the State Comptroller and State  
20 Treasurer the amount that is to be credited to the special  
21 account established within that Fund as a reimbursement for  
22 expenditures under Title IV-A of the Social Security Act made  
23 by the Illinois Community College Board or any of the public  
24 community colleges. All amounts credited to the special account  
25 established and maintained within the Employment and Training  
26 Fund as provided in this Section shall be held for transfer to

1 the TANF Opportunities Fund as provided in subsection (d) of  
2 Section 12-10.3, and shall not be transferred to any other fund  
3 or used for any other purpose.

4 Eighty percent of the federal financial participation  
5 funds received by the Illinois Department under the Title IV-A  
6 Emergency Assistance program as reimbursement for expenditures  
7 made from the Illinois Department of Children and Family  
8 Services appropriations for the costs of providing services in  
9 behalf of Department of Children and Family Services clients  
10 shall be deposited into the DCFS Children's Services Fund.

11 All federal funds, except those covered by the foregoing 3  
12 paragraphs, received as reimbursement for expenditures from  
13 the General Revenue Fund shall be deposited in the General  
14 Revenue Fund for administrative and distributive expenditures  
15 properly chargeable by federal law or regulation to aid  
16 programs established under Articles III through XII and Titles  
17 IV, XVI, XIX and XX of the Federal Social Security Act. Any  
18 other federal funds received by the Illinois Department under  
19 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
20 Section 12-10 of this Code to be paid into the DHS Special  
21 Purposes Trust Fund shall be deposited into the DHS Special  
22 Purposes Trust Fund. Any other federal funds received by the  
23 Illinois Department pursuant to the Child Support Enforcement  
24 Program established by Title IV-D of the Social Security Act  
25 shall be deposited in the Child Support Enforcement Trust Fund  
26 as required under Section 12-10.2 or in the Child Support

1 Administrative Fund as required under Section 12-10.2a of this  
2 Code. Any other federal funds received by the Illinois  
3 Department for medical assistance program expenditures made  
4 under Title XIX of the Social Security Act and Article V of  
5 this Code that are required by Section 5-4.21 of this Code to  
6 be paid into the Medicaid Provider for Persons with a  
7 Developmental Disability Participation Fee Trust Fund shall be  
8 deposited into the Medicaid Provider for Persons with a  
9 Developmental Disability Participation Fee Trust Fund. Any  
10 other federal funds received by the Illinois Department for  
11 medical assistance program expenditures made under Title XIX of  
12 the Social Security Act and Article V of this Code that are  
13 required by Section 5-4.31 of this Code to be paid into the  
14 Medicaid Long Term Care Provider Participation Fee Trust Fund  
15 shall be deposited into the Medicaid Long Term Care Provider  
16 Participation Fee Trust Fund. Any other federal funds received  
17 by the Illinois Department for hospital inpatient, hospital  
18 ambulatory care, and disproportionate share hospital  
19 expenditures made under Title XIX of the Social Security Act  
20 and Article V of this Code that are required by Section 14-2 of  
21 this Code to be paid into the Hospital Services Trust Fund  
22 shall be deposited into the Hospital Services Trust Fund. Any  
23 other federal funds received by the Illinois Department for  
24 expenditures made under Title XIX of the Social Security Act  
25 and Articles V and VI of this Code that are required by Section  
26 15-2 of this Code to be paid into the County Provider Trust



1 Fund shall be deposited into the County Provider Trust Fund.  
2 Any other federal funds received by the Illinois Department for  
3 hospital inpatient, hospital ambulatory care, and  
4 disproportionate share hospital expenditures made under Title  
5 XIX of the Social Security Act and Article V of this Code that  
6 are required by Section 5A-8 of this Code to be paid into the  
7 Hospital Provider Fund shall be deposited into the Hospital  
8 Provider Fund. Any other federal funds received by the Illinois  
9 Department for medical assistance program expenditures made  
10 under Title XIX of the Social Security Act and Article V of  
11 this Code that are required by Section 5B-8 of this Code to be  
12 paid into the Long-Term Care Provider Fund shall be deposited  
13 into the Long-Term Care Provider Fund. Any other federal funds  
14 received by the Illinois Department for medical assistance  
15 program expenditures made under Title XIX of the Social  
16 Security Act and Article V of this Code that are required by  
17 Section 5C-7 of this Code to be paid into the Care Provider  
18 Fund for Persons with a Developmental Disability shall be  
19 deposited into the Care Provider Fund for Persons with a  
20 Developmental Disability. Any other federal funds received by  
21 the Illinois Department for trauma center adjustment payments  
22 that are required by Section 5-5.03 of this Code and made under  
23 Title XIX of the Social Security Act and Article V of this Code  
24 shall be deposited into the Trauma Center Fund. Any other  
25 federal funds received by the Illinois Department as  
26 reimbursement for expenses for early intervention services

1 paid from the Early Intervention Services Revolving Fund shall  
2 be deposited into that Fund.

3 The Illinois Department shall report to the General  
4 Assembly at the end of each fiscal quarter the amount of all  
5 funds received and paid into the Social Services ~~Service~~ Block  
6 Grant Fund and the Local Initiative Fund and the expenditures  
7 and transfers of such funds for services, programs and other  
8 purposes authorized by law. Such report shall be filed with the  
9 Speaker, Minority Leader and Clerk of the House, with the  
10 President, Minority Leader and Secretary of the Senate, with  
11 the Chairmen of the House and Senate Appropriations Committees,  
12 the House Human Resources Committee and the Senate Public  
13 Health, Welfare and Corrections Committee, or the successor  
14 standing Committees of each as provided by the rules of the  
15 House and Senate, respectively, with the Legislative Research  
16 Unit and with the State Government Report Distribution Center  
17 for the General Assembly as is required under paragraph (t) of  
18 Section 7 of the State Library Act shall be deemed sufficient  
19 to comply with this Section.

20 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

21 (305 ILCS 5/12-10) (from Ch. 23, par. 12-10)

22 Sec. 12-10. DHS Special Purposes Trust Fund; uses. The DHS  
23 Special Purposes Trust Fund, to be held outside the State  
24 Treasury by the State Treasurer as ex-officio custodian, shall  
25 consist of (1) any federal grants received under Section 12-4.6

1 that are not required by Section 12-5 to be paid into the  
2 General Revenue Fund or transferred into the Local Initiative  
3 Fund under Section 12-10.1 or deposited in the Employment and  
4 Training Fund under Section 12-10.3 or in the special account  
5 established and maintained in that Fund as provided in that  
6 Section; (2) grants, gifts or legacies of moneys or securities  
7 received under Section 12-4.18; (3) grants received under  
8 Section 12-4.19; and (4) funds for child care and development  
9 services. Disbursements from this Fund shall be only for the  
10 purposes authorized by the aforementioned Sections.

11 Disbursements from this Fund shall be by warrants drawn by  
12 the State Comptroller on receipt of vouchers duly executed and  
13 certified by the Illinois Department of Human Services,  
14 including payment to the Health Insurance Reserve Fund for  
15 group insurance costs at the rate certified by the Department  
16 of Central Management Services.

17 All federal monies received as reimbursement for  
18 expenditures from the General Revenue Fund, and which were made  
19 for the purposes authorized for expenditures from the DHS  
20 Special Purposes Trust Fund, shall be deposited by the  
21 Department into the General Revenue Fund.

22 (Source: P.A. 90-587, eff. 7-1-98; 91-24, eff. 7-1-99.)

23 (305 ILCS 5/12-11) (from Ch. 23, par. 12-11)

24 Sec. 12-11. Deposits by State Treasurer. The State  
25 Treasurer shall deposit moneys received by him as ex-officio

1     custodian of the Child Support Enforcement Trust Fund and the  
2     DHS Special Purposes Trust Fund in banks or savings and loan  
3     associations which have been approved by him as State  
4     Depositaries under the Deposit of State Moneys Act, and with  
5     respect to such moneys shall be entitled to the same rights and  
6     privileges as are provided by such Act with respect to moneys  
7     in the treasury of the State of Illinois.

8     (Source: P.A. 90-255, eff. 1-1-98; 91-24, eff. 7-1-99.)

9             (305 ILCS 5/12-21.14) (from Ch. 23, par. 12-21.14)

10            Sec. 12-21.14. Requirements; review by Illinois  
11     Department; allocations. The County Board of each county or a  
12     duly appointed committee thereof, or any other county agency  
13     designated by the County Board, shall by the last day of each  
14     month submit to the Illinois Department an itemized statement  
15     showing, for all local governmental units therein except a  
16     city, village or incorporated town of more than 500,000  
17     population, assistance furnished in the county under Article VI  
18     of this Code during the previous month and the expenses for the  
19     administration thereof, and the actual revenues available  
20     through taxation by the local governmental units. If the  
21     Illinois Department has reason to believe that the amounts  
22     submitted by any county are excessive, it may require  
23     appropriate officials of the county to appear before it and  
24     substantiate the amounts to the satisfaction of the Department.

25            The Illinois Department shall review these amounts and

1 shall determine and allocate to the several counties the  
2 amounts necessary to supplement local funds actually available  
3 for public aid purposes. There shall be a yearly reconciliation  
4 of amounts allocated to the local governmental units by the  
5 Illinois Department to supplement local funds.

6 If, because of circumstances beyond the local governmental  
7 unit's control, such as a sudden caseload increase or an  
8 unexpected increase in the administrative expenses, a local  
9 governmental unit has insufficient local funds actually  
10 available to furnish assistance or pay administrative  
11 expenses, the Illinois Department shall provide a special  
12 allocation of funds to the local governmental unit to meet the  
13 need. In calculating the need for a special allocation, the  
14 Illinois Department shall take into consideration the amount of  
15 funds legally available from the taxes levied by the local  
16 governmental unit for public aid purposes and any available  
17 unobligated balances.

18 If a local governmental unit has not received State funds  
19 for public aid purposes for at least 84 consecutive months  
20 immediately prior to its request for State funds, the Illinois  
21 Department shall not consider as a legally available resource  
22 of the governmental unit public aid funds, or the proceeds of  
23 public aid taxes and tax anticipation warrants which may have  
24 been transferred or expended during such period for other  
25 purposes.

26 Except as hereinafter provided, State allocations shall be

1 paid to the County Treasurer for disbursement to local  
2 governmental units as certified by the Illinois Department.  
3 Until January 1, 1974, moneys allocated by the Illinois  
4 Department for General Assistance purposes in a city, village  
5 or incorporated town of more than 500,000 population and moneys  
6 received from the Treasurer of the municipality from taxes  
7 levied for General Assistance purposes in the municipality and  
8 other moneys and funds designated in Section 11-43-2 of the  
9 Illinois Municipal Code shall be paid into the special fund  
10 established by the County Treasurer of the county in which the  
11 municipality is located and retained for disbursement by the  
12 Director of the County Department of Public Aid serving as  
13 Supervisor of General Assistance for the municipality.

14 On January 1, 1974, or as soon thereafter as is feasible  
15 but not later than January 1, 1975, the County Treasurer shall  
16 transfer to the Special Purposes Trust Fund (now known as the  
17 DHS Special Purposes Trust Fund) established by Section 12-10  
18 of this Code all State and municipal moneys remaining in or due  
19 to the special fund of the County Treasury. After December 31,  
20 1973, but not later than June 30, 1979, State allocations and  
21 municipal funds for General Assistance purposes in such a  
22 municipality, and other moneys and funds designated by Section  
23 11-43-2 of the Illinois Municipal Code, shall be paid into the  
24 Special Purposes Trust Fund (now known as the DHS Special  
25 Purposes Trust Fund) and disbursed as provided in Section  
26 12-10. State and municipal moneys paid into the Special

1 Purposes Trust Fund (now known as the DHS Special Purposes  
2 Trust Fund) under the foregoing provision shall be used  
3 exclusively for (1) furnishing General Assistance within the  
4 municipality; (2) the payment of administrative costs; and (3)  
5 the payment of warrants issued against and in anticipation of  
6 taxes levied by the municipality for General Assistance  
7 purposes, and the accrued interest thereon. After June 30,  
8 1979, moneys and funds designated by Section 11-43-2 of the  
9 Illinois Municipal Code, shall be paid into the General Revenue  
10 Fund as reimbursement for appropriated funds disbursed.

11 (Source: P.A. 92-111, eff. 1-1-02.)

12 Section 15-55. The Illinois Vehicle Code is amended by  
13 changing Sections 2-119 and 6-118 as follows:

14 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

15 Sec. 2-119. Disposition of fees and taxes.

16 (a) All moneys received from Salvage Certificates shall be  
17 deposited in the Common School Fund in the State Treasury.

18 (b) Of the money collected for each certificate of title,  
19 duplicate certificate of title, and corrected certificate of  
20 title:

21 (1) \$2.60 shall be deposited in the Park and  
22 Conservation Fund;

23 (2) \$0.65 shall be deposited in the Illinois Fisheries  
24 Management Fund;

1           (3) \$48 shall be disbursed under subsection (g) of this  
2           Section;

3           (4) \$4 shall be deposited into the Motor Vehicle  
4           License Plate Fund; and

5           (5) \$30 shall be deposited into the Capital Projects  
6           Fund.

7           All remaining moneys collected for certificates of title,  
8           and all moneys collected for filing of security interests,  
9           shall be deposited in the General Revenue Fund.

10          The \$20 collected for each delinquent vehicle registration  
11          renewal fee shall be deposited into the General Revenue Fund.

12          The moneys deposited in the Park and Conservation Fund  
13          under this Section shall be used for the acquisition and  
14          development of bike paths as provided for in Section 805-420 of  
15          the Department of Natural Resources (Conservation) Law of the  
16          Civil Administrative Code of Illinois. The moneys deposited  
17          into the Park and Conservation Fund under this subsection shall  
18          not be subject to administrative charges or chargebacks, unless  
19          otherwise authorized by this Code.

20          If the balance in the Motor Vehicle License Plate Fund  
21          exceeds \$40,000,000 on the last day of a calendar month, then  
22          during the next calendar month, the \$4 that otherwise would be  
23          deposited in that fund shall instead be deposited into the Road  
24          Fund.

25          (c) All moneys collected for that portion of a driver's  
26          license fee designated for driver education under Section 6-118



1 shall be placed in the Drivers ~~Driver~~ Education Fund in the  
2 State Treasury.

3 (d) Of the moneys collected as a registration fee for each  
4 motorcycle, motor driven cycle, and moped, 27% shall be  
5 deposited in the Cycle Rider Safety Training Fund.

6 (e) (Blank).

7 (f) Of the total money collected for a commercial learner's  
8 permit (CLP) or original or renewal issuance of a commercial  
9 driver's license (CDL) pursuant to the Uniform Commercial  
10 Driver's License Act (UCDLA): (i) \$6 of the total fee for an  
11 original or renewal CDL, and \$6 of the total CLP fee when such  
12 permit is issued to any person holding a valid Illinois  
13 driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS  
14 Trust Fund (Commercial Driver's License Information  
15 System/American Association of Motor Vehicle Administrators  
16 network/National Motor Vehicle Title Information Service Trust  
17 Fund) and shall be used for the purposes provided in Section  
18 6z-23 of the State Finance Act and (ii) \$20 of the total fee  
19 for an original or renewal CDL or CLP shall be paid into the  
20 Motor Carrier Safety Inspection Fund, which is hereby created  
21 as a special fund in the State Treasury, to be used by the  
22 Department of State Police, subject to appropriation, to hire  
23 additional officers to conduct motor carrier safety  
24 inspections pursuant to Chapter 18b of this Code.

25 (g) Of the moneys received by the Secretary of State as  
26 registration fees or taxes, certificates of title, duplicate

1 certificates of title, corrected certificates of title, or as  
2 payment of any other fee under this Code, when those moneys are  
3 not otherwise distributed by this Code, 37% shall be deposited  
4 into the State Construction Account Fund, and 63% shall be  
5 deposited in the Road Fund. Moneys in the Road Fund shall be  
6 used for the purposes provided in Section 8.3 of the State  
7 Finance Act.

8 (h) (Blank).

9 (i) (Blank).

10 (j) (Blank).

11 (k) There is created in the State Treasury a special fund  
12 to be known as the Secretary of State Special License Plate  
13 Fund. Money deposited into the Fund shall, subject to  
14 appropriation, be used by the Office of the Secretary of State  
15 (i) to help defray plate manufacturing and plate processing  
16 costs for the issuance and, when applicable, renewal of any new  
17 or existing registration plates authorized under this Code and  
18 (ii) for grants made by the Secretary of State to benefit  
19 Illinois Veterans Home libraries.

20 (l) The Motor Vehicle Review Board Fund is created as a  
21 special fund in the State Treasury. Moneys deposited into the  
22 Fund under paragraph (7) of subsection (b) of Section 5-101 and  
23 Section 5-109 shall, subject to appropriation, be used by the  
24 Office of the Secretary of State to administer the Motor  
25 Vehicle Review Board, including without limitation payment of  
26 compensation and all necessary expenses incurred in

1 administering the Motor Vehicle Review Board under the Motor  
2 Vehicle Franchise Act.

3 (m) Effective July 1, 1996, there is created in the State  
4 Treasury a special fund to be known as the Family  
5 Responsibility Fund. Moneys deposited into the Fund shall,  
6 subject to appropriation, be used by the Office of the  
7 Secretary of State for the purpose of enforcing the Family  
8 Financial Responsibility Law.

9 (n) The Illinois Fire Fighters' Memorial Fund is created as  
10 a special fund in the State Treasury. Moneys deposited into the  
11 Fund shall, subject to appropriation, be used by the Office of  
12 the State Fire Marshal for construction of the Illinois Fire  
13 Fighters' Memorial to be located at the State Capitol grounds  
14 in Springfield, Illinois. Upon the completion of the Memorial,  
15 moneys in the Fund shall be used in accordance with Section  
16 3-634.

17 (o) Of the money collected for each certificate of title  
18 for all-terrain vehicles and off-highway motorcycles, \$17  
19 shall be deposited into the Off-Highway Vehicle Trails Fund.

20 (p) For audits conducted on or after July 1, 2003 pursuant  
21 to Section 2-124(d) of this Code, 50% of the money collected as  
22 audit fees shall be deposited into the General Revenue Fund.

23 (Source: P.A. 98-176 (See Section 10 of P.A. 98-722 and Section  
24 10 of P.A. 99-414 for the effective date of changes made by  
25 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;  
26 99-127, eff. 1-1-16.)

1 (625 ILCS 5/6-118)

2 Sec. 6-118. Fees.

3 (a) The fee for licenses and permits under this Article is  
4 as follows:

5 Original driver's license ..... \$30

6 Original or renewal driver's license

7 issued to 18, 19 and 20 year olds ..... 5

8 All driver's licenses for persons

9 age 69 through age 80 ..... 5

10 All driver's licenses for persons

11 age 81 through age 86 ..... 2

12 All driver's licenses for persons

13 age 87 or older ..... 0

14 Renewal driver's license (except for

15 applicants ages 18, 19 and 20 or

16 age 69 and older) ..... 30

17 Original instruction permit issued to

18 persons (except those age 69 and older)

19 who do not hold or have not previously

20 held an Illinois instruction permit or

21 driver's license ..... 20

22 Instruction permit issued to any person

23 holding an Illinois driver's license

24 who wishes a change in classifications,

25 other than at the time of renewal ..... 5

1 Any instruction permit issued to a person  
2 age 69 and older ..... 5  
3 Instruction permit issued to any person,  
4 under age 69, not currently holding a  
5 valid Illinois driver's license or  
6 instruction permit but who has  
7 previously been issued either document  
8 in Illinois ..... 10  
9 Restricted driving permit ..... 8  
10 Monitoring device driving permit ..... 8  
11 Duplicate or corrected driver's license  
12 or permit ..... 5  
13 Duplicate or corrected restricted  
14 driving permit ..... 5  
15 Duplicate or corrected monitoring  
16 device driving permit ..... 5  
17 Duplicate driver's license or permit issued to  
18 an active-duty member of the  
19 United States Armed Forces,  
20 the member's spouse, or  
21 the dependent children living  
22 with the member ..... 0  
23 Original or renewal M or L endorsement ..... 5

24 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

25 The fees for commercial driver licenses and permits  
26 under Article V shall be as follows:

1 Commercial driver's license:

2 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund

3 (Commercial Driver's License Information

4 System/American Association of Motor Vehicle

5 Administrators network/National Motor Vehicle

6 Title Information Service Trust Fund);

7 \$20 for the Motor Carrier Safety Inspection Fund;

8 \$10 for the driver's license;

9 and \$24 for the CDL: ..... \$60

10 Renewal commercial driver's license:

11 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;

12 \$20 for the Motor Carrier Safety Inspection Fund;

13 \$10 for the driver's license; and

14 \$24 for the CDL: ..... \$60

15 Commercial learner's permit

16 issued to any person holding a valid

17 Illinois driver's license for the

18 purpose of changing to a

19 CDL classification: \$6 for the

20 CDLIS/AAMVAnet/NMVTIS Trust Fund;

21 \$20 for the Motor Carrier

22 Safety Inspection Fund; and

23 \$24 for the CDL classification ..... \$50

24 Commercial learner's permit

25 issued to any person holding a valid

26 Illinois CDL for the purpose of

1           making a change in a classification,  
 2           endorsement or restriction ..... \$5  
 3        CDL duplicate or corrected license ..... \$5

4        In order to ensure the proper implementation of the Uniform  
 5        Commercial Driver License Act, Article V of this Chapter, the  
 6        Secretary of State is empowered to pro-rate the \$24 fee for the  
 7        commercial driver's license proportionate to the expiration  
 8        date of the applicant's Illinois driver's license.

9        The fee for any duplicate license or permit shall be waived  
 10       for any person who presents the Secretary of State's office  
 11       with a police report showing that his license or permit was  
 12       stolen.

13       The fee for any duplicate license or permit shall be waived  
 14       for any person age 60 or older whose driver's license or permit  
 15       has been lost or stolen.

16       No additional fee shall be charged for a driver's license,  
 17       or for a commercial driver's license, when issued to the holder  
 18       of an instruction permit for the same classification or type of  
 19       license who becomes eligible for such license.

20       (b) Any person whose license or privilege to operate a  
 21       motor vehicle in this State has been suspended or revoked under  
 22       Section 3-707, any provision of Chapter 6, Chapter 11, or  
 23       Section 7-205, 7-303, or 7-702 of the Family Financial  
 24       Responsibility Law of this Code, shall in addition to any other  
 25       fees required by this Code, pay a reinstatement fee as follows:

26       Suspension under Section 3-707 ..... \$100

1	Suspension under Section 11-1431 .....	\$100
2	Summary suspension under Section 11-501.1 .....	\$250
3	Suspension under Section 11-501.9 .....	\$250
4	Summary revocation under Section 11-501.1 .....	\$500
5	Other suspension .....	\$70
6	Revocation .....	\$500

7       However, any person whose license or privilege to operate a  
8 motor vehicle in this State has been suspended or revoked for a  
9 second or subsequent time for a violation of Section 11-501,  
10 11-501.1, or 11-501.9 of this Code or a similar provision of a  
11 local ordinance or a similar out-of-state offense or Section  
12 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012  
13 and each suspension or revocation was for a violation of  
14 Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar  
15 provision of a local ordinance or a similar out-of-state  
16 offense or Section 9-3 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012 shall pay, in addition to any other fees  
18 required by this Code, a reinstatement fee as follows:

19	Summary suspension under Section 11-501.1 .....	\$500
20	Suspension under Section 11-501.9 .....	\$500
21	Summary revocation under Section 11-501.1 .....	\$500
22	Revocation .....	\$500

23       (c) All fees collected under the provisions of this Chapter  
24 6 shall be disbursed under subsection (g) of Section 2-119 of  
25 this Code, except as follows:

- 26       1. The following amounts shall be paid into the Drivers



1       ~~Driver~~ Education Fund:

2               (A) \$16 of the \$20 fee for an original driver's  
3       instruction permit;

4               (B) \$5 of the \$30 fee for an original driver's  
5       license;

6               (C) \$5 of the \$30 fee for a 4 year renewal driver's  
7       license;

8               (D) \$4 of the \$8 fee for a restricted driving  
9       permit; and

10              (E) \$4 of the \$8 fee for a monitoring device  
11       driving permit.

12              2. \$30 of the \$250 fee for reinstatement of a license  
13       summarily suspended under Section 11-501.1 or suspended  
14       under Section 11-501.9 shall be deposited into the Drunk  
15       and Drugged Driving Prevention Fund. However, for a person  
16       whose license or privilege to operate a motor vehicle in  
17       this State has been suspended or revoked for a second or  
18       subsequent time for a violation of Section 11-501,  
19       11-501.1, or 11-501.9 of this Code or Section 9-3 of the  
20       Criminal Code of 1961 or the Criminal Code of 2012, \$190 of  
21       the \$500 fee for reinstatement of a license summarily  
22       suspended under Section 11-501.1 or suspended under  
23       Section 11-501.9, and \$190 of the \$500 fee for  
24       reinstatement of a revoked license shall be deposited into  
25       the Drunk and Drugged Driving Prevention Fund. \$190 of the  
26       \$500 fee for reinstatement of a license summarily revoked

1           pursuant to Section 11-501.1 shall be deposited into the  
2           Drunk and Drugged Driving Prevention Fund.

3           3. \$6 of the original or renewal fee for a commercial  
4           driver's license and \$6 of the commercial learner's permit  
5           fee when the permit is issued to any person holding a valid  
6           Illinois driver's license, shall be paid into the  
7           CDLIS/AAMVAnet/NMVTIS Trust Fund.

8           4. \$30 of the \$70 fee for reinstatement of a license  
9           suspended under the Family Financial Responsibility Law  
10          shall be paid into the Family Responsibility Fund.

11          5. The \$5 fee for each original or renewal M or L  
12          endorsement shall be deposited into the Cycle Rider Safety  
13          Training Fund.

14          6. \$20 of any original or renewal fee for a commercial  
15          driver's license or commercial learner's permit shall be  
16          paid into the Motor Carrier Safety Inspection Fund.

17          7. The following amounts shall be paid into the General  
18          Revenue Fund:

19                (A) \$190 of the \$250 reinstatement fee for a  
20                summary suspension under Section 11-501.1 or a  
21                suspension under Section 11-501.9;

22                (B) \$40 of the \$70 reinstatement fee for any other  
23                suspension provided in subsection (b) of this Section;  
24                and

25                (C) \$440 of the \$500 reinstatement fee for a first  
26                offense revocation and \$310 of the \$500 reinstatement

1 fee for a second or subsequent revocation.

2 8. Fees collected under paragraph (4) of subsection (d)  
3 and subsection (h) of Section 6-205 of this Code;  
4 subparagraph (C) of paragraph 3 of subsection (c) of  
5 Section 6-206 of this Code; and paragraph (4) of subsection  
6 (a) of Section 6-206.1 of this Code, shall be paid into the  
7 funds set forth in those Sections.

8 (d) All of the proceeds of the additional fees imposed by  
9 this amendatory Act of the 96th General Assembly shall be  
10 deposited into the Capital Projects Fund.

11 (e) The additional fees imposed by this amendatory Act of  
12 the 96th General Assembly shall become effective 90 days after  
13 becoming law.

14 (f) As used in this Section, "active-duty member of the  
15 United States Armed Forces" means a member of the Armed  
16 Services or Reserve Forces of the United States or a member of  
17 the Illinois National Guard who is called to active duty  
18 pursuant to an executive order of the President of the United  
19 States, an act of the Congress of the United States, or an  
20 order of the Governor.

21 (Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section  
22 10 of P.A. 99-414 for the effective date of changes made by  
23 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;  
24 98-1172, eff. 1-12-15; 99-127, eff. 1-1-16; 99-438, eff.  
25 1-1-16; revised 10-19-15.)

1           Section 15-60. The Uniform Partnership Act (1997) is  
2 amended by changing Section 108 as follows:

3           (805 ILCS 206/108)

4           Sec. 108. Fees.

5           (a) The Secretary of State shall charge and collect in  
6 accordance with the provisions of this Act and rules  
7 promulgated under its authority:

8                 (1) fees for filing documents;

9                 (2) miscellaneous charges; and

10                (3) fees for the sale of lists of filings and for  
11 copies of any documents.

12           (b) The Secretary of State shall charge and collect:

13                 (1) for furnishing a copy or certified copy of any  
14 document, instrument, or paper relating to a registered  
15 limited liability partnership, \$25;

16                 (2) for the transfer of information by computer process  
17 media to any purchaser, fees established by rule;

18                 (3) for filing a statement of partnership authority,  
19 \$25;

20                 (4) for filing a statement of denial, \$25;

21                 (5) for filing a statement of dissociation, \$25;

22                 (6) for filing a statement of dissolution, \$100;

23                 (7) for filing a statement of merger, \$100;

24                 (8) for filing a statement of qualification for a  
25 limited liability partnership organized under the laws of

1 this State, \$100 for each partner, but in no event shall  
2 the fee be less than \$200 or exceed \$5,000;

3 (9) for filing a statement of foreign qualification,  
4 \$500;

5 (10) for filing a renewal statement for a limited  
6 liability partnership organized under the laws of this  
7 State, \$100 for each partner, but in no event shall the fee  
8 be less than \$200 or exceed \$5,000;

9 (11) for filing a renewal statement for a foreign  
10 limited liability partnership, \$300;

11 (12) for filing an amendment or cancellation of a  
12 statement, \$25;

13 (13) for filing a statement of withdrawal, \$100;

14 (14) for the purposes of changing the registered agent  
15 name or registered office, or both, \$25;

16 (15) for filing an application for reinstatement,  
17 \$200;

18 (16) for filing any other document, \$25.

19 (c) All fees collected pursuant to this Act shall be  
20 deposited into the Division of Corporations Registered Limited  
21 Liability Partnership Fund.

22 (d) There is hereby continued in the State treasury a  
23 special fund to be known as the Division of Corporations  
24 Registered Limited Liability Partnership Fund. Moneys  
25 deposited into the Fund shall, subject to appropriation, be  
26 used by the Business Services Division of the Office of the

1 Secretary of State to administer the responsibilities of the  
2 Secretary of State under this Act. The balance of the Fund at  
3 the end of any fiscal year shall not exceed \$200,000, and any  
4 amount in excess thereof shall be transferred to the General  
5 Revenue Fund.

6 (Source: P.A. 97-839, eff. 7-20-12.)

7 ARTICLE 20.

8 MANDATE RELIEF

9 Section 20-5. The State Budget Law of the Civil  
10 Administrative Code of Illinois is amended by changing Section  
11 50-5 as follows:

12 (15 ILCS 20/50-5)

13 Sec. 50-5. Governor to submit State budget.

14 (a) The Governor shall, as soon as possible and not later  
15 than the second Wednesday in March in 2010 (March 10, 2010),  
16 the third Wednesday in February in 2011, the fourth Wednesday  
17 in February in 2012 (February 22, 2012), the first Wednesday in  
18 March in 2013 (March 6, 2013), the fourth Wednesday in March in  
19 2014 (March 26, 2014), and the third Wednesday in February of  
20 each year thereafter, except as otherwise provided in this  
21 Section, submit a State budget, embracing therein the amounts  
22 recommended by the Governor to be appropriated to the  
23 respective departments, offices, and institutions, and for all

1 other public purposes, the estimated revenues from taxation,  
2 and the estimated revenues from sources other than taxation.  
3 Except with respect to the capital development provisions of  
4 the State budget, beginning with the revenue estimates prepared  
5 for fiscal year 2012, revenue estimates shall be based solely  
6 on: (i) revenue sources (including non-income resources),  
7 rates, and levels that exist as of the date of the submission  
8 of the State budget for the fiscal year and (ii) revenue  
9 sources (including non-income resources), rates, and levels  
10 that have been passed by the General Assembly as of the date of  
11 the submission of the State budget for the fiscal year and that  
12 are authorized to take effect in that fiscal year. Except with  
13 respect to the capital development provisions of the State  
14 budget, the Governor shall determine available revenue, deduct  
15 the cost of essential government services, including, but not  
16 limited to, pension payments and debt service, and assign a  
17 percentage of the remaining revenue to each statewide  
18 prioritized goal, as established in Section 50-25 of this Law,  
19 taking into consideration the proposed goals set forth in the  
20 report of the Commission established under that Section. The  
21 Governor shall also demonstrate how spending priorities for the  
22 fiscal year fulfill those statewide goals. The amounts  
23 recommended by the Governor for appropriation to the respective  
24 departments, offices and institutions shall be formulated  
25 according to each department's, office's, and institution's  
26 ability to effectively deliver services that meet the

1 established statewide goals. The amounts relating to  
2 particular functions and activities shall be further  
3 formulated in accordance with the object classification  
4 specified in Section 13 of the State Finance Act. In addition,  
5 the amounts recommended by the Governor for appropriation shall  
6 take into account each State agency's effectiveness in  
7 achieving its prioritized goals for the previous fiscal year,  
8 as set forth in Section 50-25 of this Law, giving priority to  
9 agencies and programs that have demonstrated a focus on the  
10 prevention of waste and the maximum yield from resources.

11 Beginning in fiscal year 2011 and until the effective date  
12 of this amendatory Act of the 99th General Assembly, the  
13 Governor shall distribute written quarterly financial reports  
14 on operating funds, which may include general, State, or  
15 federal funds and may include funds related to agencies that  
16 have significant impacts on State operations, and budget  
17 statements on all appropriated funds to the General Assembly  
18 and the State Comptroller. The reports shall be submitted no  
19 later than 45 days after the last day of each quarter of the  
20 fiscal year and shall be posted on the Governor's Office of  
21 Management and Budget's website on the same day. The reports  
22 shall be prepared and presented for each State agency and on a  
23 statewide level in an executive summary format that may  
24 include, for the fiscal year to date, individual itemizations  
25 for each significant revenue type as well as itemizations of  
26 expenditures and obligations, by agency, with an appropriate



1 level of detail. The reports shall include a calculation of the  
2 actual total budget surplus or deficit for the fiscal year to  
3 date. The Governor shall also present periodic budget addresses  
4 throughout the fiscal year at the invitation of the General  
5 Assembly.

6 The Governor shall not propose expenditures and the General  
7 Assembly shall not enact appropriations that exceed the  
8 resources estimated to be available, as provided in this  
9 Section. Appropriations may be adjusted during the fiscal year  
10 by means of one or more supplemental appropriation bills if any  
11 State agency either fails to meet or exceeds the goals set  
12 forth in Section 50-25 of this Law.

13 For the purposes of Article VIII, Section 2 of the 1970  
14 Illinois Constitution, the State budget for the following funds  
15 shall be prepared on the basis of revenue and expenditure  
16 measurement concepts that are in concert with generally  
17 accepted accounting principles for governments:

- 18 (1) General Revenue Fund.
- 19 (2) Common School Fund.
- 20 (3) Educational Assistance Fund.
- 21 (4) Road Fund.
- 22 (5) Motor Fuel Tax Fund.
- 23 (6) Agricultural Premium Fund.

24 These funds shall be known as the "budgeted funds". The  
25 revenue estimates used in the State budget for the budgeted  
26 funds shall include the estimated beginning fund balance, plus

1 revenues estimated to be received during the budgeted year,  
2 plus the estimated receipts due the State as of June 30 of the  
3 budgeted year that are expected to be collected during the  
4 lapse period following the budgeted year, minus the receipts  
5 collected during the first 2 months of the budgeted year that  
6 became due to the State in the year before the budgeted year.  
7 Revenues shall also include estimated federal reimbursements  
8 associated with the recognition of Section 25 of the State  
9 Finance Act liabilities. For any budgeted fund for which  
10 current year revenues are anticipated to exceed expenditures,  
11 the surplus shall be considered to be a resource available for  
12 expenditure in the budgeted fiscal year.

13 Expenditure estimates for the budgeted funds included in  
14 the State budget shall include the costs to be incurred by the  
15 State for the budgeted year, to be paid in the next fiscal  
16 year, excluding costs paid in the budgeted year which were  
17 carried over from the prior year, where the payment is  
18 authorized by Section 25 of the State Finance Act. For any  
19 budgeted fund for which expenditures are expected to exceed  
20 revenues in the current fiscal year, the deficit shall be  
21 considered as a use of funds in the budgeted fiscal year.

22 Revenues and expenditures shall also include transfers  
23 between funds that are based on revenues received or costs  
24 incurred during the budget year.

25 Appropriations for expenditures shall also include all  
26 anticipated statutory continuing appropriation obligations

1 that are expected to be incurred during the budgeted fiscal  
2 year.

3 By March 15 of each year, the Commission on Government  
4 Forecasting and Accountability shall prepare revenue and fund  
5 transfer estimates in accordance with the requirements of this  
6 Section and report those estimates to the General Assembly and  
7 the Governor.

8 For all funds other than the budgeted funds, the proposed  
9 expenditures shall not exceed funds estimated to be available  
10 for the fiscal year as shown in the budget. Appropriation for a  
11 fiscal year shall not exceed funds estimated by the General  
12 Assembly to be available during that year.

13 (b) By February 24, 2010, the Governor must file a written  
14 report with the Secretary of the Senate and the Clerk of the  
15 House of Representatives containing the following:

16 (1) for fiscal year 2010, the revenues for all budgeted  
17 funds, both actual to date and estimated for the full  
18 fiscal year;

19 (2) for fiscal year 2010, the expenditures for all  
20 budgeted funds, both actual to date and estimated for the  
21 full fiscal year;

22 (3) for fiscal year 2011, the estimated revenues for  
23 all budgeted funds, including without limitation the  
24 affordable General Revenue Fund appropriations, for the  
25 full fiscal year; and

26 (4) for fiscal year 2011, an estimate of the

1           anticipated liabilities for all budgeted funds, including  
2           without limitation the affordable General Revenue Fund  
3           appropriations, debt service on bonds issued, and the  
4           State's contributions to the pension systems, for the full  
5           fiscal year.

6           Between July 1 and August 31 of each fiscal year, the  
7           members of the General Assembly and members of the public may  
8           make written budget recommendations to the Governor.

9           Beginning with budgets prepared for fiscal year 2013, the  
10          budgets submitted by the Governor and appropriations made by  
11          the General Assembly for all executive branch State agencies  
12          must adhere to a method of budgeting where each priority must  
13          be justified each year according to merit rather than according  
14          to the amount appropriated for the preceding year.

15          (Source: P.A. 97-669, eff. 1-13-12; 97-813, eff. 7-13-12; 98-2,  
16          eff. 2-19-13; 98-626, eff. 2-5-14.)

17                 (15 ILCS 20/50-7 rep.)

18          Section 20-10. The State Budget Law of the Civil  
19          Administrative Code of Illinois is amended by repealing Section  
20          50-7.

21          Section 20-15. The Department of Commerce and Economic  
22          Opportunity Law of the Civil Administrative Code of Illinois is  
23          amended by changing Sections 605-500, 605-940, and 605-945 as  
24          follows:

1 (20 ILCS 605/605-500) (was 20 ILCS 605/46.13)

2 Sec. 605-500. Business Assistance Office. To create a  
3 Business Assistance Office to do the following:

4 (1) Provide information to new and existing businesses for  
5 all State government forms and applications and make this  
6 information readily available through a business permit  
7 center. The Office shall not assume any regulatory function.  
8 All State agencies shall cooperate with the business permit  
9 center to provide the necessary information, materials, and  
10 assistance to enable the center to carry out its function in an  
11 effective manner. Each agency shall designate an individual to  
12 serve as liaison to the center to provide information and  
13 materials and to respond to requests for assistance from  
14 businesses.

15 (2) Provide technical and managerial assistance to  
16 entrepreneurs and small businesses by (i) contracting with  
17 local development organizations, chambers of commerce, and  
18 industry or trade associations with technical and managerial  
19 expertise located in the State, whenever possible, and (ii)  
20 establishing a network of small business development centers  
21 throughout the State.

22 (3) Assess the fiscal impact of proposed rules upon small  
23 business and work with agencies in developing flexible  
24 regulations through a regulatory review program.

25 (4) Provide detailed and comprehensive assistance to

1 businesses interested in obtaining federal or State government  
2 contracts through a network of local procurement centers. The  
3 Department shall make a special and continuing effort to assist  
4 minority and female owned businesses, including but not limited  
5 to the designation of special minority and female business  
6 advocates, and shall make additional efforts to assist those  
7 located in labor surplus areas. The Department shall, through  
8 its network of local procurement centers, make every effort to  
9 provide opportunities for small businesses to participate in  
10 the procurement process. The Department shall utilize one or  
11 more of the following techniques. These techniques are to be in  
12 addition to any other procurement requirements imposed by  
13 Public Act 83-1341 or by any other Act.

14 (A) Advance notice by the Department or other  
15 appropriate State entity of possible procurement  
16 opportunities should be made available to interested small  
17 businesses.

18 (B) Publication of procurement opportunities in  
19 publications likely to be obtained by small businesses.

20 (C) Direct notification, whenever the Department deems  
21 it feasible, of interested small businesses.

22 (D) Conduct of public hearings and training sessions,  
23 when possible, regarding State and federal government  
24 procurement policies.

25 The Department of Central Management Services shall  
26 cooperate with the Department in providing information on the

1 method and procedure by which a small business becomes involved  
2 in the State or federal government procurement process.

3 (5) (Blank). ~~Study the total number of registrations,~~  
4 ~~licenses, and reports that must be filed in order to do~~  
5 ~~business in this State, seek input from the directors of all~~  
6 ~~regulatory agencies, and submit a report on how this paperwork~~  
7 ~~might be reduced to the Governor and the General Assembly no~~  
8 ~~later than January 1, 1985.~~

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

10 (20 ILCS 605/605-940) (was 20 ILCS 605/46.37)

11 Sec. 605-940. Clearing house for local government  
12 problems; aid with financial and administrative matters. The  
13 Department may ~~shall~~ provide for a central clearing house for  
14 information concerning local government problems and various  
15 solutions to those problems and may ~~shall~~ assist and aid local  
16 governments of the State in matters relating to budgets, fiscal  
17 procedures, and administration. In performing this  
18 responsibility the Department shall have the power ~~and duty~~ to  
19 do the following:

20 (1) Maintain communication with all local governments  
21 and assist them, at their request, to improve their  
22 administrative procedures and to facilitate improved local  
23 government and development.

24 (2) Assemble and disseminate information concerning  
25 State and federal programs, grants, gifts, and subsidies

1 available to local governments and to provide counsel and  
2 technical services and other assistance in applying for  
3 those programs, grants, gifts, and subsidies.

4 (3) Assist in coordinating activities by obtaining  
5 information, on forms provided by the Department or by  
6 receipt of proposals and applications, concerning State  
7 and federal assisted programs, grants, gifts, and  
8 subsidies applied for and received by all local  
9 governments.

10 (4) Provide direct consultative services to local  
11 governments upon request and provide staff services to  
12 special commissions, the Governor, or the General Assembly  
13 or its committees.

14 (5) Render advice and assistance with respect to the  
15 establishment and maintenance of programs for the training  
16 of local government officials and other personnel.

17 (6) Act as the official State agency for the receipt  
18 and distribution of federal funds that are or may be  
19 provided to the State on a flat grant basis for  
20 distribution to local governments or in the event federal  
21 law requires a State agency to implement programs affecting  
22 local governments and for State funds that are or may be  
23 provided for the use of local governments unless otherwise  
24 provided by law.

25 (7) Administer laws relating to local government  
26 affairs as the General Assembly may direct.



1           (8) Provide all advice and assistance to improve local  
2 government administration, ensure the economical and  
3 efficient provision of local government services, and make  
4 the Civil Administrative Code of Illinois effective.

5           (9) Give advice and counsel on fiscal problems of local  
6 governments of the State to those local governments.

7           (10) Prepare uniform budgetary forms for use by the  
8 local governments of the State.

9           (11) Assist and advise the local governments of the  
10 State in matters pertaining to budgets, appropriation  
11 requests and ordinances, the determination of property tax  
12 levies and rates, and other matters of a financial nature.

13           (12) Be a repository for financial reports and  
14 statements required by law of local governments of the  
15 State, and publish financial summaries of those reports and  
16 statements.

17           (13) (Blank).

18           (14) Prepare proposals and advise on the investment of  
19 idle local government funds.

20           (15) Administer the program of grants, loans, and loan  
21 guarantees under the federal Public Works and Economic  
22 Development Act of 1965, 42 U.S.C. 3121 and following, and  
23 receive and disburse State and federal funds provided for  
24 that program and moneys received as repayments of loans  
25 made under the program.

26           (16) After January 1, 1985, upon the request of local

1 governments, prepare and provide model financial statement  
2 forms designed to communicate to taxpayers, service  
3 consumers, voters, government employees, and news media,  
4 in a non-technical manner, all significant financial  
5 information regarding a particular local government, and  
6 to prepare and provide to local governments a summary of  
7 local governments' obligations concerning the adoption of  
8 an annual operating budget. The summary shall be set forth  
9 in a non-technical manner and shall be designed principally  
10 for distribution to, and the use of, taxpayers, service  
11 consumers, voters, government employees, and news media.

12 (Source: P.A. 91-239, eff. 1-1-00; 91-583, eff. 1-1-00; 92-16,  
13 eff. 6-28-01.)

14 (20 ILCS 605/605-945) (was 20 ILCS 605/46.38)

15 Sec. 605-945. Development of safe and decent housing. The  
16 Department shall foster the development of safe and decent  
17 housing for Illinois citizens and shall perform all duties  
18 provided by law. In performing this responsibility the  
19 Department shall have the power ~~and duty~~ to do the following:

20 (1) Coordinate and, wherever provided by law,  
21 supervise or administer the several programs of State and  
22 federal assistance and grants related to housing and urban  
23 renewal, including but not limited to housing,  
24 redevelopment, urban renewal, urban planning assistance,  
25 building codes, building code enforcement, housing codes,

1 housing code enforcement, area development, revitalization  
2 of central city cores, mass transportation, public works,  
3 and community facilities, and furnish technical assistance  
4 on any program of housing and urban renewal.

5 (2) Exercise the rights, powers, and duties provided in  
6 sub-paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9),  
7 (10), and (12) of Section 605-115.

8 (3) Perform other duties that may be necessary to  
9 implement applicable law and to ensure orderly  
10 administration of the Department.

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

12 (20 ILCS 605/605-40 rep.)

13 (20 ILCS 605/605-425 rep.)

14 (20 ILCS 605/605-430 rep.)

15 (20 ILCS 605/605-825 rep.)

16 (20 ILCS 605/605-970 rep.)

17 Section 20-20. The Department of Commerce and Economic  
18 Opportunity Law of the Civil Administrative Code of Illinois is  
19 amended by repealing Sections 605-40, 605-425, 605-430,  
20 605-825, and 605-970.

21 Section 20-25. The Family Farm Assistance Act is amended by  
22 changing Section 25 as follows:

23 (20 ILCS 660/25) (from Ch. 5, par. 2725)

1           Sec. 25. Powers; duties. The Department has the following  
2 powers and duties:

3           (a) The Department may ~~shall~~ establish and coordinate a  
4 Farm Family Assistance Program.

5           (b) The Department may ~~shall~~ establish guidelines to  
6 identify farmers, farm families, and farm workers who are  
7 eligible for the program.

8           (c) The Department may ~~shall~~ identify and assess the needs  
9 of eligible farmers, farm families, and farm workers and may  
10 ~~shall~~ coordinate or provide reemployment services such as  
11 outreach, counseling, vocational assessment, classroom  
12 training, on-the-job training, job search assistance,  
13 placement, supportive services, and follow-up, so that the  
14 farmers may remain in farming or find other employment if  
15 farming is no longer an option.

16           (d) The Department may adopt, amend, or repeal such rules  
17 and regulations as may be necessary to administer this Act.

18           (Source: P.A. 87-170.)

19           Section 20-30. The Energy Conservation Act is amended by  
20 changing Section 4 as follows:

21           (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

22           Sec. 4. Technical Assistance Programs.

23           (a) The Department of Commerce and Economic Opportunity may  
24 ~~shall~~ provide technical assistance in the development of

1 thermal efficiency standards and lighting efficiency standards  
2 to units of local government, upon request by such unit.

3 (b) The Department may ~~shall~~ provide technical assistance  
4 in the development of a program for energy efficiency in  
5 procurement to units of local government, upon request by such  
6 unit.

7 (c) The Technical Assistance Programs provided in this  
8 Section shall be supported by funds provided to the State  
9 pursuant to the federal "Energy Policy and Conservation Act of  
10 1975" or other federal acts that provide funds for energy  
11 conservation efforts through the use of building codes.

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

13 (20 ILCS 1115/5 rep.)

14 Section 20-35. The Energy Conservation Act is amended by  
15 repealing Section 5.

16 (20 ILCS 2305/8.3 rep.)

17 Section 20-40. The Department of Public Health Act is  
18 amended by repealing Section 8.3.

19 (20 ILCS 2310/2310-80 rep.)

20 (20 ILCS 2310/2310-186 rep.)

21 (20 ILCS 2310/2310-210 rep.)

22 (20 ILCS 2310/2310-227 rep.)

23 (20 ILCS 2310/2310-235 rep.)

1 (20 ILCS 2310/2310-310 rep.)

2 (20 ILCS 2310/2310-353 rep.)

3 (20 ILCS 2310/2310-367 rep.)

4 (20 ILCS 2310/2310-372 rep.)

5 (20 ILCS 2310/2310-395 rep.)

6 (20 ILCS 2310/2310-445 rep.)

7 (20 ILCS 2310/2310-537 rep.)

8 Section 20-45. The Department of Public Health Powers and  
9 Duties Law of the Civil Administrative Code of Illinois is  
10 amended by repealing Sections 2310-80, 2310-186, 2310-210,  
11 2310-227, 2310-235, 2310-310, 2310-353, 2310-367, 2310-372,  
12 2310-395, 2310-445, and 2310-537.

13 Section 20-50. The Governor's Office of Management and  
14 Budget Act is amended by changing Sections 7.1 and 7.3 as  
15 follows:

16 (20 ILCS 3005/7.1)

17 Sec. 7.1. Transparency in finance. Upon request by the  
18 President of the Senate, the Speaker of the House of  
19 Representatives, or the Minority Leaders of the Senate and  
20 House of Representatives, the Office shall provide a summary of  
21 all formal presentations submitted by the Office to credit  
22 rating agencies or potential investors in State bonds. Within  
23 20 ~~10~~ business days after the submission of State financial  
24 information to credit rating agencies or potential investors in

1 State bonds, a summary of the submitted information shall be  
2 provided to the legislative leaders and posted on the Office's  
3 website. Notwithstanding any provision to the contrary, the  
4 Office shall not release any information that is not subject to  
5 disclosure under the Freedom of Information Act.

6 (Source: P.A. 96-555, eff. 8-18-09.)

7 (20 ILCS 3005/7.3)

8 Sec. 7.3. Annual economic and fiscal policy report. No  
9 later than the 3rd business day in January of each year, the  
10 Governor's Office of Management and Budget shall submit an  
11 economic and fiscal policy report to the General Assembly. The  
12 report must outline the long-term economic and fiscal policy  
13 objectives of the State, the economic and fiscal policy  
14 intentions for the upcoming fiscal year, and the economic and  
15 fiscal policy intentions for the following 2 fiscal years. The  
16 report must highlight the total level of revenue, expenditure,  
17 deficit or surplus, and debt with respect to each of the  
18 reporting categories. The report must be posted on the Office's  
19 Internet website ~~and allow members of the public to post~~  
20 ~~comments concerning the report.~~

21 (Source: P.A. 98-692, eff. 7-1-14.)

22 Section 20-55. The Capital Spending Accountability Law is  
23 amended by changing Section 805 as follows:

1 (20 ILCS 3020/805)

2 Sec. 805. Reports on capital spending. No later than 45  
3 days following the end ~~On the first day~~ of each quarterly  
4 period in each fiscal year, the Governor's Office of Management  
5 and Budget shall provide to the Comptroller, the Treasurer, the  
6 President and the Minority Leader of the Senate, and the  
7 Speaker and the Minority Leader of the House of Representatives  
8 a report on the status of all capital projects in the State.  
9 The report may be provided in both written and electronic  
10 format. The report must include all of the following:

11 (1) A brief description or stated purpose of each  
12 capital project where applicable (as referred to in this  
13 Section, "project").

14 (2) The amount and source of funds (whether from bond  
15 funds or other revenues) appropriated for each project,  
16 organized into categories including roads, mass transit,  
17 schools, environment, civic centers and other categories  
18 as applicable (as referred to in this Section, "category or  
19 categories"), with subtotals for each category.

20 (3) The date the appropriation bill relating to each  
21 project was signed by the Governor, organized into  
22 categories.

23 (4) The date the written release of the Governor for  
24 each project was submitted to the Comptroller or is  
25 projected to be submitted and, if a release for any project  
26 has not been submitted within 6 months after its



1 appropriation became law, an explanation why the project  
2 has not yet been released, all organized into categories.

3 (5) The amount of expenditures to date by the State  
4 relating to each project and estimated amount of total  
5 State expenditures and proposed schedule of future State  
6 expenditures relating to each project, all organized into  
7 categories.

8 (6) A timeline for completion of each project,  
9 including the dates, if applicable, of execution by the  
10 State of any grant agreement, any required engineering or  
11 design work or environmental approvals, and the estimated  
12 or actual dates of the start and completion of  
13 construction, all organized into categories. Any  
14 substantial variances on any project from this reported  
15 timeline must be explained in the next quarterly report.

16 (7) A summary report of the status of all projects,  
17 including the amount of undisbursed funds intended to be  
18 held or used in the next quarter.

19 (Source: P.A. 98-692, eff. 7-1-14.)

20 (20 ILCS 3310/75 rep.)

21 Section 20-60. The Nuclear Safety Law of 2004 is amended by  
22 repealing Section 75.

23 (20 ILCS 3405/20 rep.)

24 Section 20-65. The Historic Preservation Agency Act is

1 amended by repealing Section 20.

2 (20 ILCS 3953/Act rep.)

3 Section 20-70. The Government Buildings Energy Cost  
4 Reduction Act of 1991 is repealed.

5 Section 20-75. The Local Legacy Act is amended by changing  
6 Section 15 as follows:

7 (20 ILCS 3988/15)

8 Sec. 15. The Local Legacy Board. The Local Legacy Board is  
9 created to administer the Program under this Act. The  
10 membership of the Board shall be composed of the Director of  
11 Natural Resources, the Director of Historic Preservation, and  
12 the Director of Agriculture, or their respective designees. The  
13 Board must choose a Chairperson to serve for 2 years on a  
14 rotating basis. All members must be present for the Board to  
15 conduct official business. The Departments must each furnish  
16 technical support to the Board.

17 The Board has those powers necessary to carry out the  
18 purposes of this Act, including, without limitation, the power  
19 to:

20 (1) employ agents and employees necessary to carry out  
21 the purposes of this Act and fix their compensation,  
22 benefits, terms, and conditions of employment;

23 (2) adopt, alter and use a corporate seal;

1           (3) have an audit made of the accounts of any grantee  
2           or any person or entity that receives funding under this  
3           Act;

4           (4) enforce the terms of any grant made under this Act,  
5           whether in law or equity, or by any other legal means;

6           (5) prepare and submit a budget and request for  
7           appropriations for the necessary and contingent operating  
8           expenses of the Board; and

9           (6) receive and accept, from any source, aid or  
10          contributions of money, property, labor, or other items of  
11          value for furtherance of any of its purposes, subject to  
12          any conditions not inconsistent with this Act or with the  
13          laws of this State pertaining to those contributions,  
14          including, but not limited to, gifts, guarantees, or grants  
15          from any department, agency, or instrumentality of the  
16          United States of America.

17          The Board may ~~must~~ adopt any rules, regulations,  
18          guidelines, and directives necessary to implement the Act,  
19          including guidelines for designing inventories so that they  
20          will be compatible with each other.

21          The Board must submit a report to the General Assembly and  
22          the Governor by January 1, 2005 and every 2 years thereafter  
23          regarding progress made towards accomplishing the purposes of  
24          this Act, except that beginning on the effective date of this  
25          amendatory Act of the 99th General Assembly, the Board shall  
26          submit a report only if significant progress has been made

1 since the previous report.

2 (Source: P.A. 93-328, eff. 1-1-04.)

3 (30 ILCS 342/Act rep.)

4 Section 20-80. The Medicaid Liability Liquidity Borrowing  
5 Act is repealed.

6 (70 ILCS 1840/Act rep.)

7 Section 20-90. The Regional Port District Publicity Act is  
8 repealed.

9 Section 20-95. The Family Practice Residency Act is amended  
10 by changing Section 4 as follows:

11 (110 ILCS 935/4) (from Ch. 144, par. 1454)

12 Sec. 4. The Department may exercise ~~shall have~~ the powers  
13 ~~and duties~~ indicated in Sections 4.01 through 4.12 of this Act.

14 (Source: P.A. 80-478.)

15 (110 ILCS 935/4.08 rep.)

16 Section 20-100. The Family Practice Residency Act is  
17 amended by repealing Section 4.08.

18 Section 20-105. The Residential Mortgage License Act of  
19 1987 is amended by changing Section 3-2 as follows:

1 (205 ILCS 635/3-2) (from Ch. 17, par. 2323-2)

2 Sec. 3-2. Annual audit.

3 (a) At the licensee's fiscal year-end, but in no case more  
4 than 12 months after the last audit conducted pursuant to this  
5 Section, except as otherwise provided in this Section, it shall  
6 be mandatory for each residential mortgage licensee to cause  
7 its books and accounts to be audited by a certified public  
8 accountant not connected with such licensee. The books and  
9 records of all licensees under this Act shall be maintained on  
10 an accrual basis. The audit must be sufficiently comprehensive  
11 in scope to permit the expression of an opinion on the  
12 financial statements, which must be prepared in accordance with  
13 generally accepted accounting principles, and must be  
14 performed in accordance with generally accepted auditing  
15 standards. Notwithstanding the requirements of this  
16 subsection, a licensee that is a subsidiary may submit audited  
17 consolidated financial statements of its parent, intermediary  
18 parent, or ultimate parent as long as the consolidated  
19 statements are supported by consolidating statements which  
20 include the licensee's financial statement. If the  
21 consolidating statements are unaudited, the licensee's chief  
22 financial officer shall attest to the licensee's financial  
23 statements disclosed in the consolidating statements.

24 (b) As used herein, the term "expression of opinion"  
25 includes either (1) an unqualified opinion, (2) a qualified  
26 opinion, (3) a disclaimer of opinion, or (4) an adverse

1 opinion.

2 (c) If a qualified or adverse opinion is expressed or if an  
3 opinion is disclaimed, the reasons therefore must be fully  
4 explained. An opinion, qualified as to a scope limitation,  
5 shall not be acceptable.

6 (d) The most recent audit report shall be filed with the  
7 Commissioner within 90 days after the end of the licensee's  
8 fiscal year, or with the Nationwide Mortgage Licensing System  
9 and Registry, if applicable, pursuant to Mortgage Call Report  
10 requirements. The report filed with the Commissioner shall be  
11 certified by the certified public accountant conducting the  
12 audit. The Commissioner may promulgate rules regarding late  
13 audit reports.

14 (e) If any licensee required to make an audit shall fail to  
15 cause an audit to be made, the Commissioner shall cause the  
16 same to be made by a certified public accountant at the  
17 licensee's expense. The Commissioner shall select such  
18 certified public accountant by advertising for bids or by such  
19 other fair and impartial means as he or she establishes by  
20 regulation.

21 (f) In lieu of the audit or compilation financial statement  
22 required by this Section, a licensee shall submit and the  
23 Commissioner may accept any audit made in conformance with the  
24 audit requirements of the U.S. Department of Housing and Urban  
25 Development.

26 (g) (Blank). ~~With respect to licensees who solely broker~~

1 ~~residential mortgage loans as defined in subsection (e) of~~  
2 ~~Section 1-4, instead of the audit required by this Section, the~~  
3 ~~Commissioner may accept compilation financial statements~~  
4 ~~prepared at least every 12 months, and the compilation~~  
5 ~~financial statement must be submitted within 90 days after the~~  
6 ~~end of the licensee's fiscal year, or with the Nationwide~~  
7 ~~Mortgage Licensing System and Registry, if applicable,~~  
8 ~~pursuant to Mortgage Call Report requirements. If a licensee~~  
9 ~~under this Section fails to file a compilation as required, the~~  
10 ~~Commissioner shall cause an audit of the licensee's books and~~  
11 ~~accounts to be made by a certified public accountant at the~~  
12 ~~licensee's expense. The Commissioner shall select the~~  
13 ~~certified public accountant by advertising for bids or by such~~  
14 ~~other fair and impartial means as he or she establishes by~~  
15 ~~rule. A licensee who files false or misleading compilation~~  
16 ~~financial statements is guilty of a business offense and shall~~  
17 ~~be fined not less than \$5,000.~~

18 (h) The workpapers of the certified public accountants  
19 employed by each licensee for purposes of this Section are to  
20 be made available to the Commissioner or the Commissioner's  
21 designee upon request and may be reproduced by the Commissioner  
22 or the Commissioner's designee to enable to the Commissioner to  
23 carry out the purposes of this Act.

24 (i) Notwithstanding any other provision of this Section, if  
25 a licensee relying on subsection (g) of this Section causes its  
26 books to be audited at any other time or causes its financial

1 statements to be reviewed, a complete copy of the audited or  
2 reviewed financial statements shall be delivered to the  
3 Commissioner at the time of the annual license renewal payment  
4 following receipt by the licensee of the audited or reviewed  
5 financial statements. All workpapers shall be made available to  
6 the Commissioner upon request. The financial statements and  
7 workpapers may be reproduced by the Commissioner or the  
8 Commissioner's designee to carry out the purposes of this Act.

9 (Source: P.A. 97-813, eff. 7-13-12; 97-891, eff. 8-3-12;  
10 98-463, eff. 8-16-13; 98-1081, eff. 1-1-15.)

11 Section 20-110. The Illinois Public Aid Code is amended by  
12 changing Section 11-5.4 as follows:

13 (305 ILCS 5/11-5.4)

14 Sec. 11-5.4. Expedited long-term care eligibility  
15 determination and enrollment.

16 (a) An expedited long-term care eligibility determination  
17 and enrollment system shall be established to reduce long-term  
18 care determinations to 90 days or fewer by July 1, 2014 and  
19 streamline the long-term care enrollment process.  
20 Establishment of the system shall be a joint venture of the  
21 Department of Human Services and Healthcare and Family Services  
22 and the Department on Aging. The Governor shall name a lead  
23 agency no later than 30 days after the effective date of this  
24 amendatory Act of the 98th General Assembly to assume



1 responsibility for the full implementation of the  
2 establishment and maintenance of the system. Project outcomes  
3 shall include an enhanced eligibility determination tracking  
4 system accessible to providers and a centralized application  
5 review and eligibility determination with all applicants  
6 reviewed within 90 days of receipt by the State of a complete  
7 application. If the Department of Healthcare and Family  
8 Services' Office of the Inspector General determines that there  
9 is a likelihood that a non-allowable transfer of assets has  
10 occurred, and the facility in which the applicant resides is  
11 notified, an extension of up to 90 days shall be permissible.  
12 On or before December 31, 2015, a streamlined application and  
13 enrollment process shall be put in place based on the following  
14 principles:

15 (1) Minimize the burden on applicants by collecting  
16 only the data necessary to determine eligibility for  
17 medical services, long-term care services, and spousal  
18 impoverishment offset.

19 (2) Integrate online data sources to simplify the  
20 application process by reducing the amount of information  
21 needed to be entered and to expedite eligibility  
22 verification.

23 (3) Provide online prompts to alert the applicant that  
24 information is missing or not complete.

25 (b) The Department shall, on or before July 1, 2014, assess  
26 the feasibility of incorporating all information needed to

1 determine eligibility for long-term care services, including  
2 asset transfer and spousal impoverishment financials, into the  
3 State's integrated eligibility system identifying all  
4 resources needed and reasonable timeframes for achieving the  
5 specified integration.

6 (c) The lead agency shall file interim reports with the  
7 Chairs and Minority Spokespersons of the House and Senate Human  
8 Services Committees no later than September 1, 2013 and on  
9 February 1, 2014. The Department of Healthcare and Family  
10 Services shall include in the annual Medicaid report for State  
11 Fiscal Year 2014 and every fiscal year thereafter information  
12 concerning implementation of the provisions of this Section.

13 (d) No later than August 1, 2014, the Auditor General shall  
14 report to the General Assembly concerning the extent to which  
15 the timeframes specified in this Section have been met and the  
16 extent to which State staffing levels are adequate to meet the  
17 requirements of this Section.

18 (e) The Department of Healthcare and Family Services, the  
19 Department of Human Services, and the Department on Aging shall  
20 take the following steps to achieve federally established  
21 timeframes for eligibility determinations for Medicaid and  
22 long-term care benefits and shall work toward the federal goal  
23 of real time determinations:

24 (1) The Departments shall review, in collaboration  
25 with representatives of affected providers, all forms and  
26 procedures currently in use, federal guidelines either

1 suggested or mandated, and staff deployment by September  
2 30, 2014 to identify additional measures that can improve  
3 long-term care eligibility processing and make adjustments  
4 where possible.

5 (2) No later than June 30, 2014, the Department of  
6 Healthcare and Family Services shall issue vouchers for  
7 advance payments not to exceed \$50,000,000 to nursing  
8 facilities with significant outstanding Medicaid liability  
9 associated with services provided to residents with  
10 Medicaid applications pending and residents facing the  
11 greatest delays. Each facility with an advance payment  
12 shall state in writing whether its own recoupment schedule  
13 will be in 3 or 6 equal monthly installments, as long as  
14 all advances are recouped by June 30, 2015.

15 (3) The Department of Healthcare and Family Services'  
16 Office of Inspector General and the Department of Human  
17 Services shall immediately forgo resource review and  
18 review of transfers during the relevant look-back period  
19 for applications that were submitted prior to September 1,  
20 2013. An applicant who applied prior to September 1, 2013,  
21 who was denied for failure to cooperate in providing  
22 required information, and whose application was  
23 incorrectly reviewed under the wrong look-back period  
24 rules may request review and correction of the denial based  
25 on this subsection. If found eligible upon review, such  
26 applicants shall be retroactively enrolled.

1           (4) As soon as practicable, the Department of  
2           Healthcare and Family Services shall implement policies  
3           and promulgate rules to simplify financial eligibility  
4           verification in the following instances: (A) for  
5           applicants or recipients who are receiving Supplemental  
6           Security Income payments or who had been receiving such  
7           payments at the time they were admitted to a nursing  
8           facility and (B) for applicants or recipients with verified  
9           income at or below 100% of the federal poverty level when  
10          the declared value of their countable resources is no  
11          greater than the allowable amounts pursuant to Section 5-2  
12          of this Code for classes of eligible persons for whom a  
13          resource limit applies. Such simplified verification  
14          policies shall apply to community cases as well as  
15          long-term care cases.

16          (5) As soon as practicable, but not later than July 1,  
17          2014, the Department of Healthcare and Family Services and  
18          the Department of Human Services shall jointly begin a  
19          special enrollment project by using simplified eligibility  
20          verification policies and by redeploying caseworkers  
21          trained to handle long-term care cases to prioritize those  
22          cases, until the backlog is eliminated and processing time  
23          is within 90 days. This project shall apply to applications  
24          for long-term care received by the State on or before May  
25          15, 2014.

26          (6) As soon as practicable, but not later than

1           September 1, 2014, the Department on Aging shall make  
2           available to long-term care facilities and community  
3           providers upon request, through an electronic method, the  
4           information contained within the Interagency Certification  
5           of Screening Results completed by the pre-screener, in a  
6           form and manner acceptable to the Department of Human  
7           Services.

8           (7) Effective 30 days after the completion of 3  
9           regionally based trainings, nursing facilities shall  
10          submit all applications for medical assistance online via  
11          the Application for Benefits Eligibility (ABE) website.  
12          This requirement shall extend to scanning and uploading  
13          with the online application any required additional forms  
14          such as the Long Term Care Facility Notification and the  
15          Additional Financial Information for Long Term Care  
16          Applicants as well as scanned copies of any supporting  
17          documentation. Long-term care facility admission documents  
18          must be submitted as required in Section 5-5 of this Code.  
19          No local Department of Human Services office shall refuse  
20          to accept an electronically filed application.

21          (8) Notwithstanding any other provision of this Code,  
22          the Department of Human Services and the Department of  
23          Healthcare and Family Services' Office of the Inspector  
24          General shall, upon request, allow an applicant additional  
25          time to submit information and documents needed as part of  
26          a review of available resources or resources transferred

1 during the look-back period. The initial extension shall  
2 not exceed 30 days. A second extension of 30 days may be  
3 granted upon request. Any request for information issued by  
4 the State to an applicant shall include the following: an  
5 explanation of the information required and the date by  
6 which the information must be submitted; a statement that  
7 failure to respond in a timely manner can result in denial  
8 of the application; a statement that the applicant or the  
9 facility in the name of the applicant may seek an  
10 extension; and the name and contact information of a  
11 caseworker in case of questions. Any such request for  
12 information shall also be sent to the facility. In deciding  
13 whether to grant an extension, the Department of Human  
14 Services or the Department of Healthcare and Family  
15 Services' Office of the Inspector General shall take into  
16 account what is in the best interest of the applicant. The  
17 time limits for processing an application shall be tolled  
18 during the period of any extension granted under this  
19 subsection.

20 (9) The Department of Human Services and the Department  
21 of Healthcare and Family Services must jointly compile data  
22 on pending applications, denials, appeals, and  
23 redeterminations into a quarterly ~~monthly~~ report, which  
24 shall be posted on each Department's website for the  
25 purposes of monitoring long-term care eligibility  
26 processing. The report must specify the number of

1 applications and redeterminations pending long-term care  
2 eligibility determination and admission and the number of  
3 appeals of denials in the following categories:

4 (A) Length of time applications, redeterminations,  
5 and appeals are pending - 0 to 90 days, 91 days to 180  
6 days, 181 days to 12 months, over 12 months to 18  
7 months, over 18 months to 24 months, and over 24  
8 months.

9 (B) Percentage of applications and  
10 redeterminations pending in the Department of Human  
11 Services' Family Community Resource Centers, in the  
12 Department of Human Services' long-term care hubs,  
13 with the Department of Healthcare and Family Services'  
14 Office of Inspector General, and those applications  
15 which are being tolled due to requests for extension of  
16 time for additional information.

17 (C) Status of pending applications, denials,  
18 appeals, and redeterminations.

19 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;  
20 99-153, eff. 7-28-15.)

21 (405 ILCS 80/Art. X rep.)

22 Section 20-115. The Developmental Disability and Mental  
23 Disability Services Act is amended by repealing Article X.

24 Section 20-120. The Psychiatry Practice Incentive Act is

1 amended by changing Section 35 as follows:

2 (405 ILCS 100/35)

3 Sec. 35. Annual report. The Department may ~~shall~~ annually  
4 report to the General Assembly and the Governor the results and  
5 progress of all programs established under this Act ~~on or~~  
6 ~~before March 15.~~

7 The annual report to the General Assembly and the Governor  
8 must include the impact of programs established under this Act  
9 on the ability of designated shortage areas to attract and  
10 retain physicians and other health care personnel. The report  
11 shall include recommendations to improve that ability.

12 The requirement for reporting to the General Assembly shall  
13 be satisfied by filing copies of the report with the Speaker,  
14 the Minority Leader, and the Clerk of the House of  
15 Representatives and the President, the Minority Leader and the  
16 Secretary of the Senate and the Legislative Research Unit, as  
17 required by Section 3.1 of the General Assembly Organization  
18 Act, and by filing such additional copies with the State  
19 Government Report Distribution Center for the General Assembly  
20 as is required under paragraph (t) of Section 7 of the State  
21 Library Act.

22 (Source: P.A. 96-1411, eff. 1-1-11.)

23 Section 20-125. The Environmental Protection Act is  
24 amended by changing Sections 17.7 and 22.28 as follows:



1 (415 ILCS 5/17.7) (from Ch. 111 1/2, par. 1017.7)

2 Sec. 17.7. Community water supply testing fee.

3 (a) The Agency shall collect an annual nonrefundable  
4 testing fee from each community water supply for participating  
5 in the laboratory fee program for analytical services to  
6 determine compliance with contaminant levels specified in  
7 State or federal drinking water regulations. A community water  
8 supply may commit to participation in the laboratory fee  
9 program. If the community water supply makes such a commitment,  
10 it shall commit for a period consistent with the participation  
11 requirements established by the Agency and the Community Water  
12 Supply Testing Council (Council). If a community water supply  
13 elects not to participate, it must annually notify the Agency  
14 in writing of its decision not to participate in the laboratory  
15 fee program.

16 (b) The Agency shall determine the fee for participating in  
17 the laboratory fee program for analytical services. The Agency  
18 may establish multi-year participation requirements for  
19 community water supplies and establish fees accordingly. The  
20 Agency shall base its annual fee determination upon the actual  
21 and anticipated costs for testing under State and federal  
22 drinking water regulations and the associated administrative  
23 costs of the Agency and the Council.

24 (c) Community water supplies that choose not to participate  
25 in the laboratory fee program or do not pay the fees shall have

1 the duty to analyze all drinking water samples as required by  
2 State or federal safe drinking water regulations established  
3 after the federal Safe Drinking Water Act Amendments of 1986.

4 (d) There is hereby created in the State Treasury an  
5 interest-bearing special fund to be known as the Community  
6 Water Supply Laboratory Fund. All fees collected by the Agency  
7 under this Section shall be deposited into this Fund and shall  
8 be used for no other purpose except those established in this  
9 Section. In addition to any monies appropriated from the  
10 General Revenue Fund, monies in the Fund shall be appropriated  
11 to the Agency in amounts deemed necessary for laboratory  
12 testing of samples from community water supplies, and for the  
13 associated administrative expenses of the Agency and the  
14 Council.

15 (e) The Agency is authorized to adopt reasonable and  
16 necessary rules for the administration of this Section. The  
17 Agency shall submit the proposed rules for review by the  
18 Council before submission of the rulemaking for the First  
19 Notice under Section 5-40 of the Illinois Administrative  
20 Procedure Act.

21 (f) (Blank). ~~The Director shall establish a Community Water~~  
22 ~~Supply Testing Council, consisting of 5 persons who are elected~~  
23 ~~municipal officials, 5 persons representing community water~~  
24 ~~supplies, one person representing the engineering profession,~~  
25 ~~one person representing investor owned utilities, one person~~  
26 ~~representing the Illinois Association of Environmental~~

1 ~~Laboratories, and 2 persons representing municipalities and~~  
2 ~~community water supplies on a statewide basis, all appointed by~~  
3 ~~the Director. Beginning in 1994, the Director shall appoint the~~  
4 ~~following to the Council: (i) 2 elected municipal officials, 2~~  
5 ~~community water supply representatives, and 1 investor owned~~  
6 ~~utility representative, each for a one year term; (ii) 2~~  
7 ~~elected municipal officials and 2 community water supply~~  
8 ~~representatives, each for a 2 year term; and (iii) one elected~~  
9 ~~municipal official, one community water supply representative,~~  
10 ~~one person representing the engineering profession, and 2~~  
11 ~~persons representing municipalities and community water~~  
12 ~~supplies on a statewide basis, each for a 3 year term. As soon~~  
13 ~~as possible after the effective date of this amendatory Act of~~  
14 ~~the 92nd General Assembly, the Director shall appoint one~~  
15 ~~person representing the Illinois Association of Environmental~~  
16 ~~Laboratories to a term of 3 years. Thereafter, the Director~~  
17 ~~shall appoint successors in each position to 3 year terms. In~~  
18 ~~case of a vacancy, the Director may appoint a successor to fill~~  
19 ~~the remaining term of the vacancy. Members of the Council shall~~  
20 ~~serve until a successor is appointed by the Director. The~~  
21 ~~Council shall select from its members a chairperson and such~~  
22 ~~other officers as it deems necessary. The Council shall meet at~~  
23 ~~the call of the Director or the Chairperson of the Council. The~~  
24 ~~Agency shall provide the Council with such supporting services~~  
25 ~~as the Director and the Chairperson may designate, and members~~  
26 ~~shall be reimbursed for ordinary and necessary expenses~~

1 ~~incurred in the performance of their duties. The Council shall~~  
2 ~~have the following duties:~~

3 ~~(1) to hold regular and special meetings at a time and~~  
4 ~~place designated by the Director or the Chairperson of the~~  
5 ~~Council;~~

6 ~~(2) to consider appropriate means for long term~~  
7 ~~financial support of water supply testing, and to make~~  
8 ~~recommendations to the Agency regarding a preferred~~  
9 ~~approach;~~

10 ~~(3) to review and evaluate the financial implications~~  
11 ~~of current and future federal requirements for monitoring~~  
12 ~~of public water supplies;~~

13 ~~(4) to review and evaluate management and financial~~  
14 ~~audit reports related to the testing program, and to make~~  
15 ~~recommendations regarding the Agency's efforts to~~  
16 ~~implement the fee system and testing provided for by this~~  
17 ~~Section;~~

18 ~~(5) to require an external audit as may be deemed~~  
19 ~~necessary by the Council; and~~

20 ~~(6) to conduct such other activities as may be deemed~~  
21 ~~appropriate by the Director.~~

22 (Source: P.A. 97-220, eff. 7-28-11.)

23 (415 ILCS 5/22.28) (from Ch. 111 1/2, par. 1022.28)

24 Sec. 22.28. White goods.

25 (a) Beginning July 1, 1994, no person shall knowingly offer

1 for collection or collect white goods for the purpose of  
2 disposal by landfilling unless the white good components have  
3 been removed.

4 (b) Beginning July 1, 1994, no owner or operator of a  
5 landfill shall accept any white goods for final disposal,  
6 except that white goods may be accepted if:

7 (1) the landfill participates in the Industrial  
8 Materials Exchange Service by communicating the  
9 availability of white goods;

10 (2) prior to final disposal, any white good components  
11 have been removed from the white goods; and

12 (3) if white good components are removed from the white  
13 goods at the landfill, a site operating plan satisfying  
14 this Act has been approved under the site operating permit  
15 and the conditions of such operating plan are met.

16 (c) For the purposes of this Section:

17 (1) "White goods" shall include all discarded  
18 refrigerators, ranges, water heaters, freezers, air  
19 conditioners, humidifiers and other similar domestic and  
20 commercial large appliances.

21 (2) "White good components" shall include:

22 (i) any chlorofluorocarbon refrigerant gas;

23 (ii) any electrical switch containing mercury;

24 (iii) any device that contains or may contain PCBs  
25 in a closed system, such as a dielectric fluid for a  
26 capacitor, ballast or other component; and

1 (iv) any fluorescent lamp that contains mercury.

2 (d) (Blank). ~~The Agency is authorized to provide financial~~  
3 ~~assistance to units of local government from the Solid Waste~~  
4 ~~Management Fund to plan for and implement programs to collect,~~  
5 ~~transport and manage white goods. Units of local government may~~  
6 ~~apply jointly for financial assistance under this Section.~~

7 ~~Applications for such financial assistance shall be~~  
8 ~~submitted to the Agency and must provide a description of:~~

9 ~~(A) the area to be served by the program;~~

10 ~~(B) the white goods intended to be included in the~~  
11 ~~program;~~

12 ~~(C) the methods intended to be used for collecting~~  
13 ~~and receiving materials;~~

14 ~~(D) the property, buildings, equipment and~~  
15 ~~personnel included in the program;~~

16 ~~(E) the public education systems to be used as part~~  
17 ~~of the program;~~

18 ~~(F) the safety and security systems that will be~~  
19 ~~used;~~

20 ~~(G) the intended processing methods for each white~~  
21 ~~goods type;~~

22 ~~(H) the intended destination for final material~~  
23 ~~handling location; and~~

24 ~~(I) any staging sites used to handle collected~~  
25 ~~materials, the activities to be performed at such sites~~  
26 ~~and the procedures for assuring removal of collected~~

1 ~~materials from such sites.~~

2 ~~The application may be amended to reflect changes in~~  
3 ~~operating procedures, destinations for collected materials, or~~  
4 ~~other factors.~~

5 ~~Financial assistance shall be awarded for a State fiscal~~  
6 ~~year, and may be renewed, upon application, if the Agency~~  
7 ~~approves the operation of the program.~~

8 (e) (Blank). ~~All materials collected or received under a~~  
9 ~~program operated with financial assistance under this Section~~  
10 ~~shall be recycled whenever possible. Treatment or disposal of~~  
11 ~~collected materials are not eligible for financial assistance~~  
12 ~~unless the applicant shows and the Agency approves which~~  
13 ~~materials may be treated or disposed of under various~~  
14 ~~conditions.~~

15 ~~Any revenue from the sale of materials collected under such~~  
16 ~~a program shall be retained by the unit of local government and~~  
17 ~~may be used only for the same purposes as the financial~~  
18 ~~assistance under this Section.~~

19 (f) The Agency is authorized to adopt rules necessary or  
20 appropriate to the administration of this Section.

21 (g) (Blank).

22 (Source: P.A. 91-798, eff. 7-9-00.)

23 (415 ILCS 5/22.53 rep.)

24 (415 ILCS 5/55.7a rep.)

25 Section 20-130. The Environmental Protection Act is

1 amended by repealing Sections 22.53 and 55.7a.

2 (415 ILCS 15/10.1 rep.)

3 Section 20-135. The Solid Waste Planning and Recycling Act  
4 is amended by repealing Section 10.1.

5 (415 ILCS 20/7.4 rep.)

6 Section 20-140. The Illinois Solid Waste Management Act is  
7 amended by repealing Section 7.4.

8 (415 ILCS 85/4 rep.)

9 (415 ILCS 85/6 rep.)

10 Section 20-145. The Toxic Pollution Prevention Act is  
11 amended by repealing Sections 4 and 6.

12 (415 ILCS 90/Act rep.)

13 Section 20-150. The Household Hazardous Waste Collection  
14 Program Act is repealed.

15 (420 ILCS 44/28 rep.)

16 Section 20-155. The Radon Industry Licensing Act is amended  
17 by repealing Section 28.

18 Section 20-160. The Illinois Noxious Weed Law is amended by  
19 changing Section 7 as follows:



1 (505 ILCS 100/7) (from Ch. 5, par. 957)

2 Sec. 7. Each Control Authority may ~~shall~~ carry out the  
3 duties and responsibilities vested in it under this Act with  
4 respect to land under its jurisdiction in accordance with rules  
5 and regulations prescribed by the Department. Such duties may  
6 ~~shall~~ include the establishment, under the general direction of  
7 the Control Authority, of a coordinated program for control and  
8 eradication of noxious weeds within the county.

9 A Control Authority may cooperate with any person in  
10 carrying out its duties and responsibilities under this Act.

11 (Source: P.A. 77-1037.)

12 Section 20-165. The Unified Code of Corrections is amended  
13 by changing Sections 3-5-3 and 3-7-2 as follows:

14 (730 ILCS 5/3-5-3) (from Ch. 38, par. 1003-5-3)

15 Sec. 3-5-3. Annual and other Reports.

16 (a) (Blank). ~~The Director shall make an annual report to~~  
17 ~~the Governor and General Assembly concerning persons committed~~  
18 ~~to the Department, its institutions, facilities and programs,~~  
19 ~~of all moneys expended and received, and on what accounts~~  
20 ~~expended and received. The report shall include the ethnic and~~  
21 ~~racial background data, not identifiable to an individual, of~~  
22 ~~all persons committed to the Department, its institutions,~~  
23 ~~facilities, and programs.~~

24 (b) (Blank).

1 (c) The Director may require such reports from division  
2 administrators, chief administrative officers and other  
3 personnel as he deems necessary for the administration of the  
4 Department.

5 (d) (Blank).

6 (Source: P.A. 97-800, eff. 7-13-12; 98-528, eff. 1-1-15.)

7 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

8 Sec. 3-7-2. Facilities.

9 (a) All institutions and facilities of the Department shall  
10 provide every committed person with access to toilet  
11 facilities, barber facilities, bathing facilities at least  
12 once each week, a library of legal materials and published  
13 materials including newspapers and magazines approved by the  
14 Director. A committed person may not receive any materials that  
15 the Director deems pornographic.

16 (b) (Blank).

17 (c) All institutions and facilities of the Department shall  
18 provide facilities for every committed person to leave his cell  
19 for at least one hour each day unless the chief administrative  
20 officer determines that it would be harmful or dangerous to the  
21 security or safety of the institution or facility.

22 (d) All institutions and facilities of the Department shall  
23 provide every committed person with a wholesome and nutritional  
24 diet at regularly scheduled hours, drinking water, clothing  
25 adequate for the season, bedding, soap and towels and medical

1 and dental care.

2 (e) All institutions and facilities of the Department shall  
3 permit every committed person to send and receive an unlimited  
4 number of uncensored letters, provided, however, that the  
5 Director may order that mail be inspected and read for reasons  
6 of the security, safety or morale of the institution or  
7 facility.

8 (f) All of the institutions and facilities of the  
9 Department shall permit every committed person to receive  
10 visitors, except in case of abuse of the visiting privilege or  
11 when the chief administrative officer determines that such  
12 visiting would be harmful or dangerous to the security, safety  
13 or morale of the institution or facility. The chief  
14 administrative officer shall have the right to restrict  
15 visitation to non-contact visits for reasons of safety,  
16 security, and order, including, but not limited to, restricting  
17 contact visits for committed persons engaged in gang activity.  
18 No committed person in a super maximum security facility or on  
19 disciplinary segregation is allowed contact visits. Any  
20 committed person found in possession of illegal drugs or who  
21 fails a drug test shall not be permitted contact visits for a  
22 period of at least 6 months. Any committed person involved in  
23 gang activities or found guilty of assault committed against a  
24 Department employee shall not be permitted contact visits for a  
25 period of at least 6 months. The Department shall offer every  
26 visitor appropriate written information concerning HIV and

1 AIDS, including information concerning how to contact the  
2 Illinois Department of Public Health for counseling  
3 information. The Department shall develop the written  
4 materials in consultation with the Department of Public Health.  
5 The Department shall ensure that all such information and  
6 materials are culturally sensitive and reflect cultural  
7 diversity as appropriate. Implementation of the changes made to  
8 this Section by this amendatory Act of the 94th General  
9 Assembly is subject to appropriation.

10 (f-5) (Blank). ~~The Department shall establish a pilot~~  
11 ~~program in one or more institutions or facilities of the~~  
12 ~~Department to permit committed persons to remotely visit family~~  
13 ~~members through interactive video conferences. The Department~~  
14 ~~may enter into agreements with third party organizations to~~  
15 ~~provide video conference facilities for family members of~~  
16 ~~committed persons. The Department may determine who is a family~~  
17 ~~member eligible to participate in the program and the~~  
18 ~~conditions in which and times when the video conferences may be~~  
19 ~~conducted. The Department may conduct such conferences as an~~  
20 ~~alternative to transporting committed persons to facilities~~  
21 ~~and institutions of the Department near the residences of~~  
22 ~~family members of the committed persons.~~

23 ~~Beginning on October 1, 2010 and through October 1, 2012,~~  
24 ~~the Department shall issue an annual report to the General~~  
25 ~~Assembly regarding the implementation and effectiveness of the~~  
26 ~~pilot program created by this subsection (f-5).~~

1 (g) All institutions and facilities of the Department shall  
2 permit religious ministrations and sacraments to be available  
3 to every committed person, but attendance at religious services  
4 shall not be required.

5 (h) Within 90 days after December 31, 1996, the Department  
6 shall prohibit the use of curtains, cell-coverings, or any  
7 other matter or object that obstructs or otherwise impairs the  
8 line of vision into a committed person's cell.

9 (Source: P.A. 96-869, eff. 1-21-10.)

10 (730 ILCS 5/5-8-1.3 rep.)

11 Section 20-170. The Unified Code of Corrections is amended  
12 by repealing Section 5-8-1.3.

13 Section 20-175. The Illinois Crime Reduction Act of 2009 is  
14 amended by changing Section 15 as follows:

15 (730 ILCS 190/15)

16 Sec. 15. Adoption, validation, and utilization of an  
17 assessment tool.

18 (a) Purpose. In order to determine appropriate punishment  
19 or services which will protect public safety, it is necessary  
20 for the State and local jurisdictions to adopt a common  
21 assessment tool. Supervision and correctional programs are  
22 most effective at reducing future crime when they accurately  
23 assess offender risks, assets, and needs, and use these

1 assessment results to assign supervision levels and target  
2 programs to criminogenic needs.

3 (b) After review of the plan issued by the Task Force  
4 described in subsection (c), the Department of Corrections, the  
5 Parole Division of the Department of Corrections, and the  
6 Prisoner Review Board shall adopt policies, rules, and  
7 regulations that within 3 years of the effective date of this  
8 Act result in the adoption, validation, and utilization of a  
9 statewide, standardized risk assessment tool across the  
10 Illinois criminal justice system.

11 (c) (Blank). ~~The Governor's Office shall convene a Risks,~~  
12 ~~Assets, and Needs Assessment Task Force to develop plans for~~  
13 ~~the adoption, validation, and utilization of such an assessment~~  
14 ~~tool. The Task Force shall include, but not be limited to,~~  
15 ~~designees from the Department of Corrections who are~~  
16 ~~responsible for parole services, a designee from the Cook~~  
17 ~~County Adult Probation; a representative from a county~~  
18 ~~probation office, a designee from DuPage County Adult~~  
19 ~~Probation, a designee from Sangamon County Adult Probation; and~~  
20 ~~designees from the Attorney General's Office, the Prisoner~~  
21 ~~Review Board, the Illinois Criminal Justice Information~~  
22 ~~Authority, the Sentencing Policy Advisory Council, the Cook~~  
23 ~~County State's Attorney, a State's Attorney selected by the~~  
24 ~~President of the Illinois State's Attorneys Association, the~~  
25 ~~Cook County Public Defender, and the State Appellate Defender.~~

26 (c-5) (Blank). ~~The Department of Human Services shall~~

1 ~~provide administrative support for the Task Force.~~

2 (d) (Blank). ~~The Task Force's plans shall be released~~  
3 ~~within one year of the effective date of this Act and shall at~~  
4 ~~a minimum include:~~

5 ~~(1) A computerized method and design to allow each of~~  
6 ~~the State and local agencies and branches of government~~  
7 ~~which are part of the criminal justice system to share the~~  
8 ~~results of the assessment. The recommendations for the~~  
9 ~~automated system shall include cost estimates, a~~  
10 ~~timetable, a plan to pay for the system and for sharing~~  
11 ~~data across agencies and branches of government.~~

12 ~~(2) A selection of a common validated tool to be used~~  
13 ~~across the system.~~

14 ~~(3) A description of the different points in the system~~  
15 ~~at which the tool shall be used.~~

16 ~~(4) An implementation plan, including training and the~~  
17 ~~selection of pilot sites to test the tool.~~

18 ~~(5) How often and in what intervals offenders will be~~  
19 ~~reassessed.~~

20 ~~(6) How the results can be legally shared with~~  
21 ~~non-governmental organizations that provide treatment and~~  
22 ~~services to those under local supervision.~~

23 (Source: P.A. 96-761, eff. 1-1-10.)

24 Section 20-180. The Illinois Human Rights Act is amended by  
25 changing Section 2-105 as follows:

1 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)  
2 Sec. 2-105. Equal Employment Opportunities; Affirmative  
3 Action.

4 (A) Public Contracts. Every party to a public contract and  
5 every eligible bidder shall:

6 (1) Refrain from unlawful discrimination and  
7 discrimination based on citizenship status in employment  
8 and undertake affirmative action to assure equality of  
9 employment opportunity and eliminate the effects of past  
10 discrimination;

11 (2) Comply with the procedures and requirements of the  
12 Department's regulations concerning equal employment  
13 opportunities and affirmative action;

14 (3) Provide such information, with respect to its  
15 employees and applicants for employment, and assistance as  
16 the Department may reasonably request;

17 (4) Have written sexual harassment policies that shall  
18 include, at a minimum, the following information: (i) the  
19 illegality of sexual harassment; (ii) the definition of  
20 sexual harassment under State law; (iii) a description of  
21 sexual harassment, utilizing examples; (iv) the vendor's  
22 internal complaint process including penalties; (v) the  
23 legal recourse, investigative and complaint process  
24 available through the Department and the Commission; (vi)  
25 directions on how to contact the Department and Commission;



1 and (vii) protection against retaliation as provided by  
2 Section 6-101 of this Act. A copy of the policies shall be  
3 provided to the Department upon request.

4 (B) State Agencies. Every State executive department,  
5 State agency, board, commission, and instrumentality shall:

6 (1) Comply with the procedures and requirements of the  
7 Department's regulations concerning equal employment  
8 opportunities and affirmative action;

9 (2) Provide such information and assistance as the  
10 Department may request.

11 (3) Establish, maintain, and carry out a continuing  
12 affirmative action plan consistent with this Act and the  
13 regulations of the Department designed to promote equal  
14 opportunity for all State residents in every aspect of  
15 agency personnel policy and practice. For purposes of these  
16 affirmative action plans, the race and national origin  
17 categories to be included in the plans are: American Indian  
18 or Alaska Native, Asian, Black or African American,  
19 Hispanic or Latino, Native Hawaiian or Other Pacific  
20 Islander.

21 This plan shall include a current detailed status  
22 report:

23 (a) indicating, by each position in State service,  
24 the number, percentage, and average salary of  
25 individuals employed by race, national origin, sex and  
26 disability, and any other category that the Department

1           may require by rule;

2           (b) identifying all positions in which the  
3           percentage of the people employed by race, national  
4           origin, sex and disability, and any other category that  
5           the Department may require by rule, is less than  
6           four-fifths of the percentage of each of those  
7           components in the State work force;

8           (c) specifying the goals and methods for  
9           increasing the percentage by race, national origin,  
10          sex and disability, and any other category that the  
11          Department may require by rule, in State positions;

12          (d) indicating progress and problems toward  
13          meeting equal employment opportunity goals, including,  
14          if applicable, but not limited to, Department of  
15          Central Management Services recruitment efforts,  
16          publicity, promotions, and use of options designating  
17          positions by linguistic abilities;

18          (e) establishing a numerical hiring goal for the  
19          employment of qualified persons with disabilities in  
20          the agency as a whole, to be based on the proportion of  
21          people with work disabilities in the Illinois labor  
22          force as reflected in the most recent employment data  
23          made available by the United States Census Bureau  
24          ~~decennial Census~~.

25          (4) If the agency has 1000 or more employees, appoint a  
26          full-time Equal Employment Opportunity officer, subject to

1 the Department's approval, whose duties shall include:

2 (a) Advising the head of the particular State  
3 agency with respect to the preparation of equal  
4 employment opportunity programs, procedures,  
5 regulations, reports, and the agency's affirmative  
6 action plan.

7 (b) Evaluating in writing each fiscal year the  
8 sufficiency of the total agency program for equal  
9 employment opportunity and reporting thereon to the  
10 head of the agency with recommendations as to any  
11 improvement or correction in recruiting, hiring or  
12 promotion needed, including remedial or disciplinary  
13 action with respect to managerial or supervisory  
14 employees who have failed to cooperate fully or who are  
15 in violation of the program.

16 (c) Making changes in recruitment, training and  
17 promotion programs and in hiring and promotion  
18 procedures designed to eliminate discriminatory  
19 practices when authorized.

20 (d) Evaluating tests, employment policies,  
21 practices and qualifications and reporting to the head  
22 of the agency and to the Department any policies,  
23 practices and qualifications that have unequal impact  
24 by race, national origin as required by Department  
25 rule, sex or disability or any other category that the  
26 Department may require by rule, and to assist in the

1 recruitment of people in underrepresented  
2 classifications. This function shall be performed in  
3 cooperation with the State Department of Central  
4 Management Services.

5 (e) Making any aggrieved employee or applicant for  
6 employment aware of his or her remedies under this Act.

7 In any meeting, investigation, negotiation,  
8 conference, or other proceeding between a State  
9 employee and an Equal Employment Opportunity officer,  
10 a State employee (1) who is not covered by a collective  
11 bargaining agreement and (2) who is the complaining  
12 party or the subject of such proceeding may be  
13 accompanied, advised and represented by (1) an  
14 attorney licensed to practice law in the State of  
15 Illinois or (2) a representative of an employee  
16 organization whose membership is composed of employees  
17 of the State and of which the employee is a member. A  
18 representative of an employee, other than an attorney,  
19 may observe but may not actively participate, or advise  
20 the State employee during the course of such meeting,  
21 investigation, negotiation, conference or other  
22 proceeding. Nothing in this Section shall be construed  
23 to permit any person who is not licensed to practice  
24 law in Illinois to deliver any legal services or  
25 otherwise engage in any activities that would  
26 constitute the unauthorized practice of law. Any

1 representative of an employee who is present with the  
2 consent of the employee, shall not, during or after  
3 termination of the relationship permitted by this  
4 Section with the State employee, use or reveal any  
5 information obtained during the course of the meeting,  
6 investigation, negotiation, conference or other  
7 proceeding without the consent of the complaining  
8 party and any State employee who is the subject of the  
9 proceeding and pursuant to rules and regulations  
10 governing confidentiality of such information as  
11 promulgated by the appropriate State agency.  
12 Intentional or reckless disclosure of information in  
13 violation of these confidentiality requirements shall  
14 constitute a Class B misdemeanor.

15 (5) Establish, maintain and carry out a continuing  
16 sexual harassment program that shall include the  
17 following:

18 (a) Develop a written sexual harassment policy  
19 that includes at a minimum the following information:  
20 (i) the illegality of sexual harassment; (ii) the  
21 definition of sexual harassment under State law; (iii)  
22 a description of sexual harassment, utilizing  
23 examples; (iv) the agency's internal complaint process  
24 including penalties; (v) the legal recourse,  
25 investigative and complaint process available through  
26 the Department and the Commission; (vi) directions on

1           how to contact the Department and Commission; and (vii)  
2           protection against retaliation as provided by Section  
3           6-101 of this Act. The policy shall be reviewed  
4           annually.

5           (b) Post in a prominent and accessible location and  
6           distribute in a manner to assure notice to all agency  
7           employees without exception the agency's sexual  
8           harassment policy. Such documents may meet, but shall  
9           not exceed, the 6th grade literacy level. Distribution  
10          shall be effectuated within 90 days of the effective  
11          date of this amendatory Act of 1992 and shall occur  
12          annually thereafter.

13          (c) Provide training on sexual harassment  
14          prevention and the agency's sexual harassment policy  
15          as a component of all ongoing or new employee training  
16          programs.

17          (6) Notify the Department 30 days before effecting any  
18          layoff. Once notice is given, the following shall occur:

19               (a) No layoff may be effective earlier than 10  
20               working days after notice to the Department, unless an  
21               emergency layoff situation exists.

22               (b) The State executive department, State agency,  
23               board, commission, or instrumentality in which the  
24               layoffs are to occur must notify each employee targeted  
25               for layoff, the employee's union representative (if  
26               applicable), and the State Dislocated Worker Unit at

1 the Department of Commerce and Economic Opportunity.

2 (c) The State executive department, State agency,  
3 board, commission, or instrumentality in which the  
4 layoffs are to occur must conform to applicable  
5 collective bargaining agreements.

6 (d) The State executive department, State agency,  
7 board, commission, or instrumentality in which the  
8 layoffs are to occur should notify each employee  
9 targeted for layoff that transitional assistance may  
10 be available to him or her under the Economic  
11 Dislocation and Worker Adjustment Assistance Act  
12 administered by the Department of Commerce and  
13 Economic Opportunity. Failure to give such notice  
14 shall not invalidate the layoff or postpone its  
15 effective date.

16 As used in this subsection (B), "disability" shall be  
17 defined in rules promulgated under the Illinois Administrative  
18 Procedure Act.

19 (C) Civil Rights Violations. It is a civil rights violation  
20 for any public contractor or eligible bidder to:

21 (1) fail to comply with the public contractor's or  
22 eligible bidder's duty to refrain from unlawful  
23 discrimination and discrimination based on citizenship  
24 status in employment under subsection (A)(1) of this  
25 Section; or

26 (2) fail to comply with the public contractor's or

1 eligible bidder's duties of affirmative action under  
2 subsection (A) of this Section, provided however, that the  
3 Department has notified the public contractor or eligible  
4 bidder in writing by certified mail that the public  
5 contractor or eligible bidder may not be in compliance with  
6 affirmative action requirements of subsection (A). A  
7 minimum of 60 days to comply with the requirements shall be  
8 afforded to the public contractor or eligible bidder before  
9 the Department may issue formal notice of non-compliance.

10 (D) As used in this Section:

11 (1) "American Indian or Alaska Native" means a person  
12 having origins in any of the original peoples of North and  
13 South America, including Central America, and who  
14 maintains tribal affiliation or community attachment.

15 (2) "Asian" means a person having origins in any of the  
16 original peoples of the Far East, Southeast Asia, or the  
17 Indian subcontinent, including, but not limited to,  
18 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
19 the Philippine Islands, Thailand, and Vietnam.

20 (3) "Black or African American" means a person having  
21 origins in any of the black racial groups of Africa. Terms  
22 such as "Haitian" or "Negro" can be used in addition to  
23 "Black or African American".

24 (4) "Hispanic or Latino" means a person of Cuban,  
25 Mexican, Puerto Rican, South or Central American, or other  
26 Spanish culture or origin, regardless of race.



1           (5) "Native Hawaiian or Other Pacific Islander" means a  
2           person having origins in any of the original peoples of  
3           Hawaii, Guam, Samoa, or other Pacific Islands.

4           (Source: P.A. 97-396, eff. 1-1-12.)

5           (775 ILCS 20/Act rep.)

6           Section 20-185. The Defense Contract Employment  
7           Discrimination Act is repealed.

8           (815 ILCS 137/115 rep.)

9           Section 20-190. The High Risk Home Loan Act is amended by  
10          repealing Section 115.

11          Section 20-195. The Workers' Compensation Act is amended by  
12          changing Section 9 as follows:

13          (820 ILCS 305/9) (from Ch. 48, par. 138.9)

14          Sec. 9. Any employer or employee or beneficiary who shall  
15          desire to have such compensation, or any unpaid part thereof,  
16          paid in a lump sum, may petition the Commission, asking that  
17          such compensation be so paid. If, upon proper notice to the  
18          interested parties and a proper showing made before such  
19          Commission or any member thereof, it appears to the best  
20          interest of the parties that such compensation be so paid, the  
21          Commission may order the commutation of the compensation to an  
22          equivalent lump sum, which commutation shall be an amount which

1 will equal the total sum of the probable future payments  
2 capitalized at their present value upon the basis of interest  
3 calculated at the maximum rate of interest payable by member  
4 banks of the Federal Reserve System on passbook savings  
5 deposits as published in Regulation Q or its successor or, if  
6 Regulation Q or its successor is repealed, then the rate in  
7 effect on the date of repeal. Prior to approval of any pro se  
8 Settlement Contract Lump Sum Petition, the Commission or an  
9 Arbitrator thereof shall determine if the unrepresented  
10 employee, if present, is able to read and communicate in  
11 English. If not, it shall be the responsibility of the employee  
12 to provided his or her own ~~Commission to provide a qualified,~~  
13 ~~independent~~ interpreter at the time such Petition is heard,  
14 ~~unless the employee has provided his or her own interpreter.~~

15 In cases indicating complete disability no petition for a  
16 commutation to a lump sum basis shall be entertained by the  
17 Commission until after the expiration of 6 months from the date  
18 of the injury.

19 Where necessary, upon proper application being made, a  
20 guardian or administrator, as the case may be, may be appointed  
21 for any person under disability who may be entitled to any such  
22 compensation and an employer bound by the terms of this Act and  
23 liable to pay such compensation, may petition for the  
24 appointment of the public administrator, or guardian, where no  
25 legal representative has been appointed or is acting for such  
26 party or parties so under disability.

1           The payment of compensation in a lump sum to the employee  
2           in his or her lifetime upon order of the Commission, shall  
3           extinguish and bar all claims for compensation for death if the  
4           compensation paid in a lump sum represents a compromise of a  
5           dispute on any question other than the extent of disability.

6           Subject to the provisions herein above in this paragraph  
7           contained, where no dispute exists as to the fact that the  
8           accident arose out of and in the course of the employment and  
9           where such accident results in death or in the amputation of  
10          any member or in the enucleation of an eye, then and in such  
11          case the arbitrator or Commission may, upon the petition of  
12          either the employer or the employee, enter an award providing  
13          for the payment of compensation for such death or injury in  
14          accordance with the provisions of Section 7 or paragraph (e) of  
15          Section 8 of this Act.

16          (Source: P.A. 98-40, eff. 6-28-13.)

17           Section 20-200. The Unemployment Insurance Act is amended  
18           by changing Section 1900 as follows:

19           (820 ILCS 405/1900) (from Ch. 48, par. 640)

20           Sec. 1900. Disclosure of information.

21           A. Except as provided in this Section, information obtained  
22           from any individual or employing unit during the administration  
23           of this Act shall:

24           1. be confidential,

1           2. not be published or open to public inspection,  
2           3. not be used in any court in any pending action or  
3 proceeding,

4           4. not be admissible in evidence in any action or  
5 proceeding other than one arising out of this Act.

6           B. No finding, determination, decision, ruling or order  
7 (including any finding of fact, statement or conclusion made  
8 therein) issued pursuant to this Act shall be admissible or  
9 used in evidence in any action other than one arising out of  
10 this Act, nor shall it be binding or conclusive except as  
11 provided in this Act, nor shall it constitute res judicata,  
12 regardless of whether the actions were between the same or  
13 related parties or involved the same facts.

14           C. Any officer or employee of this State, any officer or  
15 employee of any entity authorized to obtain information  
16 pursuant to this Section, and any agent of this State or of  
17 such entity who, except with authority of the Director under  
18 this Section, shall disclose information shall be guilty of a  
19 Class B misdemeanor and shall be disqualified from holding any  
20 appointment or employment by the State.

21           D. An individual or his duly authorized agent may be  
22 supplied with information from records only to the extent  
23 necessary for the proper presentation of his claim for benefits  
24 or with his existing or prospective rights to benefits.  
25 Discretion to disclose this information belongs solely to the  
26 Director and is not subject to a release or waiver by the

1 individual. Notwithstanding any other provision to the  
2 contrary, an individual or his or her duly authorized agent may  
3 be supplied with a statement of the amount of benefits paid to  
4 the individual during the 18 months preceding the date of his  
5 or her request.

6 E. An employing unit may be furnished with information,  
7 only if deemed by the Director as necessary to enable it to  
8 fully discharge its obligations or safeguard its rights under  
9 the Act. Discretion to disclose this information belongs solely  
10 to the Director and is not subject to a release or waiver by  
11 the employing unit.

12 F. The Director may furnish any information that he may  
13 deem proper to any public officer or public agency of this or  
14 any other State or of the federal government dealing with:

- 15 1. the administration of relief,
- 16 2. public assistance,
- 17 3. unemployment compensation,
- 18 4. a system of public employment offices,
- 19 5. wages and hours of employment, or
- 20 6. a public works program.

21 The Director may make available to the Illinois Workers'  
22 Compensation Commission information regarding employers for  
23 the purpose of verifying the insurance coverage required under  
24 the Workers' Compensation Act and Workers' Occupational  
25 Diseases Act.

26 G. The Director may disclose information submitted by the

1 State or any of its political subdivisions, municipal  
2 corporations, instrumentalities, or school or community  
3 college districts, except for information which specifically  
4 identifies an individual claimant.

5 H. The Director shall disclose only that information  
6 required to be disclosed under Section 303 of the Social  
7 Security Act, as amended, including:

8 1. any information required to be given the United  
9 States Department of Labor under Section 303(a) (6); and

10 2. the making available upon request to any agency of  
11 the United States charged with the administration of public  
12 works or assistance through public employment, the name,  
13 address, ordinary occupation and employment status of each  
14 recipient of unemployment compensation, and a statement of  
15 such recipient's right to further compensation under such  
16 law as required by Section 303(a) (7); and

17 3. records to make available to the Railroad Retirement  
18 Board as required by Section 303(c) (1); and

19 4. information that will assure reasonable cooperation  
20 with every agency of the United States charged with the  
21 administration of any unemployment compensation law as  
22 required by Section 303(c) (2); and

23 5. information upon request and on a reimbursable basis  
24 to the United States Department of Agriculture and to any  
25 State food stamp agency concerning any information  
26 required to be furnished by Section 303(d); and

1           6. any wage information upon request and on a  
2 reimbursable basis to any State or local child support  
3 enforcement agency required by Section 303(e); and

4           7. any information required under the income  
5 eligibility and verification system as required by Section  
6 303(f); and

7           8. information that might be useful in locating an  
8 absent parent or that parent's employer, establishing  
9 paternity or establishing, modifying, or enforcing child  
10 support orders for the purpose of a child support  
11 enforcement program under Title IV of the Social Security  
12 Act upon the request of and on a reimbursable basis to the  
13 public agency administering the Federal Parent Locator  
14 Service as required by Section 303(h); and

15           9. information, upon request, to representatives of  
16 any federal, State or local governmental public housing  
17 agency with respect to individuals who have signed the  
18 appropriate consent form approved by the Secretary of  
19 Housing and Urban Development and who are applying for or  
20 participating in any housing assistance program  
21 administered by the United States Department of Housing and  
22 Urban Development as required by Section 303(i).

23           I. The Director, upon the request of a public agency of  
24 Illinois, of the federal government or of any other state  
25 charged with the investigation or enforcement of Section 10-5  
26 of the Criminal Code of 2012 (or a similar federal law or

1 similar law of another State), may furnish the public agency  
2 information regarding the individual specified in the request  
3 as to:

4 1. the current or most recent home address of the  
5 individual, and

6 2. the names and addresses of the individual's  
7 employers.

8 J. Nothing in this Section shall be deemed to interfere  
9 with the disclosure of certain records as provided for in  
10 Section 1706 or with the right to make available to the  
11 Internal Revenue Service of the United States Department of the  
12 Treasury, or the Department of Revenue of the State of  
13 Illinois, information obtained under this Act.

14 K. The Department shall make available to the Illinois  
15 Student Assistance Commission, upon request, information in  
16 the possession of the Department that may be necessary or  
17 useful to the Commission in the collection of defaulted or  
18 delinquent student loans which the Commission administers.

19 L. The Department shall make available to the State  
20 Employees' Retirement System, the State Universities  
21 Retirement System, the Teachers' Retirement System of the State  
22 of Illinois, and the Department of Central Management Services,  
23 Risk Management Division, upon request, information in the  
24 possession of the Department that may be necessary or useful to  
25 the System or the Risk Management Division for the purpose of  
26 determining whether any recipient of a disability benefit from



1 the System or a workers' compensation benefit from the Risk  
2 Management Division is gainfully employed.

3 M. This Section shall be applicable to the information  
4 obtained in the administration of the State employment service,  
5 except that the Director may publish or release general labor  
6 market information and may furnish information that he may deem  
7 proper to an individual, public officer or public agency of  
8 this or any other State or the federal government (in addition  
9 to those public officers or public agencies specified in this  
10 Section) as he prescribes by Rule.

11 N. The Director may require such safeguards as he deems  
12 proper to insure that information disclosed pursuant to this  
13 Section is used only for the purposes set forth in this  
14 Section.

15 O. Nothing in this Section prohibits communication with an  
16 individual or entity through unencrypted e-mail or other  
17 unencrypted electronic means as long as the communication does  
18 not contain the individual's or entity's name in combination  
19 with any one or more of the individual's or entity's social  
20 security number; driver's license or State identification  
21 number; account number or credit or debit card number; or any  
22 required security code, access code, or password that would  
23 permit access to further information pertaining to the  
24 individual or entity.

25 P. (Blank). ~~Within 30 days after the effective date of this~~  
26 ~~amendatory Act of 1993 and annually thereafter, the Department~~

1 ~~shall provide to the Department of Financial Institutions a~~  
2 ~~list of individuals or entities that, for the most recently~~  
3 ~~completed calendar year, report to the Department as paying~~  
4 ~~wages to workers. The lists shall be deemed confidential and~~  
5 ~~may not be disclosed to any other person.~~

6 Q. The Director shall make available to an elected federal  
7 official the name and address of an individual or entity that  
8 is located within the jurisdiction from which the official was  
9 elected and that, for the most recently completed calendar  
10 year, has reported to the Department as paying wages to  
11 workers, where the information will be used in connection with  
12 the official duties of the official and the official requests  
13 the information in writing, specifying the purposes for which  
14 it will be used. For purposes of this subsection, the use of  
15 information in connection with the official duties of an  
16 official does not include use of the information in connection  
17 with the solicitation of contributions or expenditures, in  
18 money or in kind, to or on behalf of a candidate for public or  
19 political office or a political party or with respect to a  
20 public question, as defined in Section 1-3 of the Election  
21 Code, or in connection with any commercial solicitation. Any  
22 elected federal official who, in submitting a request for  
23 information covered by this subsection, knowingly makes a false  
24 statement or fails to disclose a material fact, with the intent  
25 to obtain the information for a purpose not authorized by this  
26 subsection, shall be guilty of a Class B misdemeanor.

1           R. The Director may provide to any State or local child  
2 support agency, upon request and on a reimbursable basis,  
3 information that might be useful in locating an absent parent  
4 or that parent's employer, establishing paternity, or  
5 establishing, modifying, or enforcing child support orders.

6           S. The Department shall make available to a State's  
7 Attorney of this State or a State's Attorney's investigator,  
8 upon request, the current address or, if the current address is  
9 unavailable, current employer information, if available, of a  
10 victim of a felony or a witness to a felony or a person against  
11 whom an arrest warrant is outstanding.

12           T. The Director shall make available to the Department of  
13 State Police, a county sheriff's office, or a municipal police  
14 department, upon request, any information concerning the  
15 current address and place of employment or former places of  
16 employment of a person who is required to register as a sex  
17 offender under the Sex Offender Registration Act that may be  
18 useful in enforcing the registration provisions of that Act.

19           U. The Director shall make information available to the  
20 Department of Healthcare and Family Services and the Department  
21 of Human Services for the purpose of determining eligibility  
22 for public benefit programs authorized under the Illinois  
23 Public Aid Code and related statutes administered by those  
24 departments, for verifying sources and amounts of income, and  
25 for other purposes directly connected with the administration  
26 of those programs.

