



Sen. Pamela J. Althoff

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LRB099 18144 AMC 47499 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 Federal Workforce
17 Training Title III Social Security and Employment Fund and may
18 be used, subject to appropriation by the General Assembly, only
19 for the purpose of financing the maintenance and operation of
20 the automated federal job-training information systems ~~7~~
21 ~~except that any moneys that may be necessary to pay liabilities~~
22 ~~outstanding as of June 30, 2000 shall be deposited into the~~
23 ~~Federal Job Training Information Systems Revolving Fund.~~

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

1 (20 ILCS 605/605-805 rep.)

2 (20 ILCS 605/605-875 rep.)

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

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

8 (20 ILCS 611/45 new)

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 This Act is repealed on October 1, 2016.

10 (20 ILCS 662/45 rep.)

11 Section 5-25. The Local Planning Technical Assistance Act
12 is amended by repealing Section 45.

13 (20 ILCS 1305/10-30 rep.)

14 Section 5-30. The Department of Human Services Act is
15 amended by repealing Section 10-30.

16 Section 5-35. The Illinois Lottery Law is amended by
17 changing Sections 2, 7.2, 9, and 9.1 as follows:

18 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

19 Sec. 2. This Act is enacted to implement and establish
20 within the State a lottery to be conducted by the State through

1 the Department. The entire net proceeds of the Lottery are to
2 be used for the support of the State's Common School Fund,
3 except as provided in subsection (o) of Section 9.1 and
4 Sections ~~21.2~~, 21.5, 21.6, 21.7, 21.8, and 21.9. The General
5 Assembly finds that it is in the public interest for the
6 Department to conduct the functions of the Lottery with the
7 assistance of a private manager under a management agreement
8 overseen by the Department. The Department shall be accountable
9 to the General Assembly and the people of the State through a
10 comprehensive system of regulation, audits, reports, and
11 enduring operational oversight. The Department's ongoing
12 conduct of the Lottery through a management agreement with a
13 private manager shall act to promote and ensure the integrity,
14 security, honesty, and fairness of the Lottery's operation and
15 administration. It is the intent of the General Assembly that
16 the Department shall conduct the Lottery with the assistance of
17 a private manager under a management agreement at all times in
18 a manner consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1),
19 1953(b)(4).

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

21 (20 ILCS 1605/7.2) (from Ch. 120, par. 1157.2)

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

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

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

1 lottery;

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

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

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

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

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

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

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

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

1 deducting from total revenues the payments required by
2 paragraphs (i) and (ii) of this subsection.

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

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

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

11 (20 ILCS 1605/9) (from Ch. 120, par. 1159)

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

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

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

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

1 department, agency, or unit of the State government, and may
2 employ and compensate such consultants and technical
3 assistants as may be required and is otherwise permitted by
4 law.

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

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

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

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

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

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

1 shall promulgate such rules as may be appropriate to implement
2 the provisions of this Section.

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

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

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

1 Sec. 9.1. Private manager and management agreement.

2 (a) As used in this Section:

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

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

8 (1) Statements of qualifications.

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

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

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

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

1 Section.

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

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

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

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

1 for transfer of functions.

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

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

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

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

1 renewals.

2 (2) A provision specifying that the Department:

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

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

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

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

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

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

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

1 countermand that decision.

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

9 (6) (Blank).

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

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

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

24 (9) A requirement that so long as the private manager
25 complies with all the conditions of the agreement under the
26 oversight of the Department, the private manager shall have

1 the following duties and obligations with respect to the
2 management of the Lottery:

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

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

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

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

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

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

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

26 (11) A requirement that the private manager market the

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

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

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

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

19 (15) Cash reserves requirements.

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

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

26 (18) Procedures for amendment of the agreement.

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

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

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

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

26 (e) Notwithstanding any other law to the contrary, the

1 Department shall select a private manager through a competitive
2 request for qualifications process consistent with Section
3 20-35 of the Illinois Procurement Code, which shall take into
4 account:

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

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

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

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

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

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

1 contractor, or subcontractor. The request for proposals
2 offered by the Department on December 22, 2008 as
3 "LOT08GAMESYS" and reference number "22016176" is declared
4 void.

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

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

13 (2) The subject matter of the hearing.

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

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

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

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

1 have 14 calendar days to recommend to the Governor whether a
2 management agreement should be entered into with a particular
3 finalist. After reviewing the Department's recommendation, the
4 Governor may accept or reject the Department's recommendation,
5 and shall select a final offeror as the private manager by
6 publication of a notice in the Illinois Procurement Bulletin on
7 or before September 15, 2010. The Governor shall include in the
8 notice a detailed explanation and the reasons why the final
9 offeror is superior to other offerors and will provide
10 management services in a manner that best achieves the
11 objectives of this Section. The Governor shall also sign the
12 management agreement with the private manager.

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

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

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

1 property devoted to an essential public and governmental
2 function.

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

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

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

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

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

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

1 pending Department approval.

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

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

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

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

1 agreement with the Department.

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

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

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

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

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

1 Information Act; and

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

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

9 (20 ILCS 1605/21.2 rep.)

10 Section 5-40. The Illinois Lottery Law is amended by
11 repealing Section 21.2.

12 (20 ILCS 1705/21.2 rep.)

13 Section 5-45. The Mental Health and Developmental
14 Disabilities Administrative Act is amended by repealing
15 Section 21.2.

16 Section 5-50. The Department of Professional Regulation
17 Law of the Civil Administrative Code of Illinois is amended by
18 changing Section 2105-15 as follows:

19 (20 ILCS 2105/2105-15)

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

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

1 duties:

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

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

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

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

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

12 The Department shall issue a monthly disciplinary
13 report.

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

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

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

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

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

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

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

16 (8) To exchange with the Department of Healthcare and
17 Family Services information that may be necessary for the
18 enforcement of child support orders entered pursuant to the
19 Illinois Public Aid Code, the Illinois Marriage and
20 Dissolution of Marriage Act, the Non-Support of Spouse and
21 Children Act, the Non-Support Punishment Act, the Revised
22 Uniform Reciprocal Enforcement of Support Act, the Uniform
23 Interstate Family Support Act, the Illinois Parentage Act
24 of 1984, or the Illinois Parentage Act of 2015.
25 Notwithstanding any provisions in this Code to the
26 contrary, the Department of Professional Regulation shall

1 not be liable under any federal or State law to any person
2 for any disclosure of information to the Department of
3 Healthcare and Family Services (formerly Illinois
4 Department of Public Aid) under this paragraph (8) or for
5 any other action taken in good faith to comply with the
6 requirements of this paragraph (8).

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

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

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

1 date of the revocation.

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

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

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

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

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

26 (f) (Blank).

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

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

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

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

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

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

25 (i) Within 180 days after December 23, 2009 (the effective
26 date of Public Act 96-852), the Department shall promulgate

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

11 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,
12 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised
13 10-16-15.)

14 (20 ILCS 2310/2310-371 rep.)

15 (20 ILCS 2310/2310-392 rep.)

16 Section 5-55. The Department of Public Health Powers and
17 Duties Law of the Civil Administrative Code of Illinois is
18 amended by repealing Sections 2310-371 and 2310-392.

19 (20 ILCS 2605/2605-555 rep.)

20 Section 5-60. The Department of State Police Law of the
21 Civil Administrative Code of Illinois is amended by repealing
22 Section 2605-555.

23 Section 5-65. The Department of Veterans Affairs Act is

1 amended by changing Section 2b as follows:

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

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

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

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

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

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

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

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

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

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

16 (20 ILCS 3520/Act rep.)

17 Section 5-70. The Small Business Surety Bond Guaranty Act
18 is repealed.

19 (25 ILCS 130/4-4 rep.)

20 (25 ILCS 130/4-5 rep.)

21 (25 ILCS 130/4-6 rep.)

22 (25 ILCS 130/4-9 rep.)

23 Section 5-75. The Legislative Commission Reorganization
24 Act of 1984 is amended by repealing Sections 4-4, 4-5, 4-6, and

1 4-9.

2 Section 5-80. The State Finance Act is amended by
3 reenacting and changing Section 5.399 and by changing Section
4 6p-3 as follows:

5 (30 ILCS 105/5.399)

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

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

9 (30 ILCS 105/6p-3) (from Ch. 127, par. 142p3)

10 Sec. 6p-3. (a) The State Surplus Property Revolving Fund
11 shall be initially financed by a transfer of funds from the
12 General Revenue Fund. Thereafter all fees and other monies
13 received by the Department of Central Management Services from
14 the sale or transfer of surplus or transferable property
15 pursuant to the "State Property Control Act" and "An Act to
16 create and establish a State Agency for Federal Surplus
17 Property, to prescribe its powers, duties and functions",
18 approved August 2, 1965, as amended, shall be paid into the
19 State Surplus Property Revolving Fund. Except as provided in
20 paragraph (e) of this Section, the money in this fund shall be
21 used by the Department of Central Management Services as
22 reimbursement for expenditures incurred in relation to the sale
23 of surplus or transferable property.

1 (b) If at the end of the lapse period the balance in the
2 State Surplus Property Revolving Fund exceeds the amount of
3 \$1,000,000, all monies in excess of that amount shall be
4 transferred and deposited into the General Revenue Fund.

5 (c) Provided, however, that the fund established by this
6 Section shall contain a separate account for the deposit of all
7 proceeds resulting from the sale of Federal surplus property,
8 and the proceeds of this separate account shall be used solely
9 to reimburse the Department of Central Management Services for
10 expenditures incurred in relation to the sale of Federal
11 surplus property.

12 (d) Any funds on deposit in the State Agency for Surplus
13 Property Utilization Fund on the effective date of this
14 amendatory Act of 1983 shall be transferred to the Federal
15 account of the State Surplus Property Revolving Fund.

16 (e) (Blank). ~~Revenues received from the sale of wastepaper~~
17 ~~through paper recycling programs shall be placed into a~~
18 ~~separate account in the Fund and shall be used to offset costs~~
19 ~~to the Department of establishing and operating wastepaper~~
20 ~~recycling programs. At the end of each calendar quarter, any~~
21 ~~amounts in the separate account that have not been used or~~
22 ~~designated for use shall be transferred to the Paper and~~
23 ~~Printing Revolving Fund.~~

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

1 (30 ILCS 105/5.195 rep.)
2 (30 ILCS 105/5.204 rep.)
3 (30 ILCS 105/5.281 rep.)
4 (30 ILCS 105/5.378 rep.)
5 (30 ILCS 105/5.386 rep.)
6 (30 ILCS 105/5.428 rep.)
7 (30 ILCS 105/5.453 rep.)
8 (30 ILCS 105/5.459 rep.)
9 (30 ILCS 105/5.474 rep.)
10 (30 ILCS 105/5.528 rep.)
11 (30 ILCS 105/5.533 rep.)
12 (30 ILCS 105/5.535 rep.)
13 (30 ILCS 105/5.551 rep.)
14 (30 ILCS 105/5.555 rep.)
15 (30 ILCS 105/5.559 rep.)
16 (30 ILCS 105/5.575 rep.)
17 (30 ILCS 105/5.587 rep.)
18 (30 ILCS 105/5.588 rep.)
19 (30 ILCS 105/5.601 rep.)
20 (30 ILCS 105/5.602 rep.)
21 (30 ILCS 105/5.611 rep.)
22 (30 ILCS 105/5.636 rep.)
23 (30 ILCS 105/5.767 rep.)
24 (30 ILCS 105/6p rep.)
25 (30 ILCS 105/6q rep.)
26 (30 ILCS 105/6z-42 rep.)

1 (30 ILCS 105/6z-50 rep.)

2 (30 ILCS 105/6z-53 rep.)

3 (30 ILCS 105/8.7 rep.)

4 (30 ILCS 105/8.16 rep.)

5 (30 ILCS 105/8.51 rep.)

6 Section 5-85. The State Finance Act is amended by repealing
7 Sections 5.36, 5.195, 5.204, 5.281, 5.378, 5.386, 5.428, 5.453,
8 5.459, 5.474, 5.528, 5.533, 5.535, 5.551, 5.555, 5.559, 5.575,
9 5.587, 5.588, 5.601, 5.602, 5.611, 5.636, 5.767, 6p, 6q, 6z-42,
10 6z-50, 6z-53, 8.7, 8.16, and 8.51.

11 (35 ILCS 5/245 rep.)

12 (35 ILCS 5/507V rep.)

13 (35 ILCS 5/507X rep.)

14 (35 ILCS 5/507Z rep.)

15 (35 ILCS 5/507EE rep.)

16 (35 ILCS 5/507MM rep.)

17 (35 ILCS 5/507NN rep.)

18 (35 ILCS 5/507RR rep.)

19 (35 ILCS 5/507WW rep.)

20 Section 5-90. The Illinois Income Tax Act is amended by
21 repealing Sections 245, 507V, 507X, 507Z, 507EE, 507MM, 507NN,
22 507RR, and 507WW.

23 Section 5-95. The Use Tax Act is amended by changing
24 Section 9 as follows:

1 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

2 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
3 and trailers that are required to be registered with an agency
4 of this State, each retailer required or authorized to collect
5 the tax imposed by this Act shall pay to the Department the
6 amount of such tax (except as otherwise provided) at the time
7 when he is required to file his return for the period during
8 which such tax was collected, less a discount of 2.1% prior to
9 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
10 per calendar year, whichever is greater, which is allowed to
11 reimburse the retailer for expenses incurred in collecting the
12 tax, keeping records, preparing and filing returns, remitting
13 the tax and supplying data to the Department on request. In the
14 case of retailers who report and pay the tax on a transaction
15 by transaction basis, as provided in this Section, such
16 discount shall be taken with each such tax remittance instead
17 of when such retailer files his periodic return. The Department
18 may disallow the discount for retailers whose certificate of
19 registration is revoked at the time the return is filed, but
20 only if the Department's decision to revoke the certificate of
21 registration has become final. A retailer need not remit that
22 part of any tax collected by him to the extent that he is
23 required to remit and does remit the tax imposed by the
24 Retailers' Occupation Tax Act, with respect to the sale of the
25 same property.

1 Where such tangible personal property is sold under a
2 conditional sales contract, or under any other form of sale
3 wherein the payment of the principal sum, or a part thereof, is
4 extended beyond the close of the period for which the return is
5 filed, the retailer, in collecting the tax (except as to motor
6 vehicles, watercraft, aircraft, and trailers that are required
7 to be registered with an agency of this State), may collect for
8 each tax return period, only the tax applicable to that part of
9 the selling price actually received during such tax return
10 period.

11 Except as provided in this Section, on or before the
12 twentieth day of each calendar month, such retailer shall file
13 a return for the preceding calendar month. Such return shall be
14 filed on forms prescribed by the Department and shall furnish
15 such information as the Department may reasonably require.

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

23 1. The name of the seller;

24 2. The address of the principal place of business from
25 which he engages in the business of selling tangible
26 personal property at retail in this State;

1 3. The total amount of taxable receipts received by him
2 during the preceding calendar month from sales of tangible
3 personal property by him during such preceding calendar
4 month, including receipts from charge and time sales, but
5 less all deductions allowed by law;

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

8 5. The amount of tax due;

9 5-5. The signature of the taxpayer; and

10 6. Such other reasonable information as the Department
11 may require.

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

16 Beginning October 1, 1993, a taxpayer who has an average
17 monthly tax liability of \$150,000 or more shall make all
18 payments required by rules of the Department by electronic
19 funds transfer. Beginning October 1, 1994, a taxpayer who has
20 an average monthly tax liability of \$100,000 or more shall make
21 all payments required by rules of the Department by electronic
22 funds transfer. Beginning October 1, 1995, a taxpayer who has
23 an average monthly tax liability of \$50,000 or more shall make
24 all payments required by rules of the Department by electronic
25 funds transfer. Beginning October 1, 2000, a taxpayer who has
26 an annual tax liability of \$200,000 or more shall make all

1 payments required by rules of the Department by electronic
2 funds transfer. The term "annual tax liability" shall be the
3 sum of the taxpayer's liabilities under this Act, and under all
4 other State and local occupation and use tax laws administered
5 by the Department, for the immediately preceding calendar year.
6 The term "average monthly tax liability" means the sum of the
7 taxpayer's liabilities under this Act, and under all other
8 State and local occupation and use tax laws administered by the
9 Department, for the immediately preceding calendar year
10 divided by 12. Beginning on October 1, 2002, a taxpayer who has
11 a tax liability in the amount set forth in subsection (b) of
12 Section 2505-210 of the Department of Revenue Law shall make
13 all payments required by rules of the Department by electronic
14 funds transfer.

15 Before August 1 of each year beginning in 1993, the
16 Department shall notify all taxpayers required to make payments
17 by electronic funds transfer. All taxpayers required to make
18 payments by electronic funds transfer shall make those payments
19 for a minimum of one year beginning on October 1.

20 Any taxpayer not required to make payments by electronic
21 funds transfer may make payments by electronic funds transfer
22 with the permission of the Department.

23 All taxpayers required to make payment by electronic funds
24 transfer and any taxpayers authorized to voluntarily make
25 payments by electronic funds transfer shall make those payments
26 in the manner authorized by the Department.

1 The Department shall adopt such rules as are necessary to
2 effectuate a program of electronic funds transfer and the
3 requirements of this Section.

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

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

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

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

20 If any such payment provided for in this Section exceeds
21 the taxpayer's liabilities under this Act, the Retailers'
22 Occupation Tax Act, the Service Occupation Tax Act and the
23 Service Use Tax Act, as shown by an original monthly return,
24 the Department shall issue to the taxpayer a credit memorandum
25 no later than 30 days after the date of payment, which
26 memorandum may be submitted by the taxpayer to the Department

1 in payment of tax liability subsequently to be remitted by the
2 taxpayer to the Department or be assigned by the taxpayer to a
3 similar taxpayer under this Act, the Retailers' Occupation Tax
4 Act, the Service Occupation Tax Act or the Service Use Tax Act,
5 in accordance with reasonable rules and regulations to be
6 prescribed by the Department, except that if such excess
7 payment is shown on an original monthly return and is made
8 after December 31, 1986, no credit memorandum shall be issued,
9 unless requested by the taxpayer. If no such request is made,
10 the taxpayer may credit such excess payment against tax
11 liability subsequently to be remitted by the taxpayer to the
12 Department under this Act, the Retailers' Occupation Tax Act,
13 the Service Occupation Tax Act or the Service Use Tax Act, in
14 accordance with reasonable rules and regulations prescribed by
15 the Department. If the Department subsequently determines that
16 all or any part of the credit taken was not actually due to the
17 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
18 be reduced by 2.1% or 1.75% of the difference between the
19 credit taken and that actually due, and the taxpayer shall be
20 liable for penalties and interest on such difference.

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

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

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

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

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

22 In addition, with respect to motor vehicles, watercraft,
23 aircraft, and trailers that are required to be registered with
24 an agency of this State, every retailer selling this kind of
25 tangible personal property shall file, with the Department,
26 upon a form to be prescribed and supplied by the Department, a

1 separate return for each such item of tangible personal
2 property which the retailer sells, except that if, in the same
3 transaction, (i) a retailer of aircraft, watercraft, motor
4 vehicles or trailers transfers more than one aircraft,
5 watercraft, motor vehicle or trailer to another aircraft,
6 watercraft, motor vehicle or trailer retailer for the purpose
7 of resale or (ii) a retailer of aircraft, watercraft, motor
8 vehicles, or trailers transfers more than one aircraft,
9 watercraft, motor vehicle, or trailer to a purchaser for use as
10 a qualifying rolling stock as provided in Section 3-55 of this
11 Act, then that seller may report the transfer of all the
12 aircraft, watercraft, motor vehicles or trailers involved in
13 that transaction to the Department on the same uniform
14 invoice-transaction reporting return form. For purposes of
15 this Section, "watercraft" means a Class 2, Class 3, or Class 4
16 watercraft as defined in Section 3-2 of the Boat Registration
17 and Safety Act, a personal watercraft, or any boat equipped
18 with an inboard motor.

19 The transaction reporting return in the case of motor
20 vehicles or trailers that are required to be registered with an
21 agency of this State, shall be the same document as the Uniform
22 Invoice referred to in Section 5-402 of the Illinois Vehicle
23 Code and must show the name and address of the seller; the name
24 and address of the purchaser; the amount of the selling price
25 including the amount allowed by the retailer for traded-in
26 property, if any; the amount allowed by the retailer for the

1 traded-in tangible personal property, if any, to the extent to
2 which Section 2 of this Act allows an exemption for the value
3 of traded-in property; the balance payable after deducting such
4 trade-in allowance from the total selling price; the amount of
5 tax due from the retailer with respect to such transaction; the
6 amount of tax collected from the purchaser by the retailer on
7 such transaction (or satisfactory evidence that such tax is not
8 due in that particular instance, if that is claimed to be the
9 fact); the place and date of the sale; a sufficient
10 identification of the property sold; such other information as
11 is required in Section 5-402 of the Illinois Vehicle Code, and
12 such other information as the Department may reasonably
13 require.

14 The transaction reporting return in the case of watercraft
15 and aircraft must show the name and address of the seller; the
16 name and address of the purchaser; the amount of the selling
17 price including the amount allowed by the retailer for
18 traded-in property, if any; the amount allowed by the retailer
19 for the traded-in tangible personal property, if any, to the
20 extent to which Section 2 of this Act allows an exemption for
21 the value of traded-in property; the balance payable after
22 deducting such trade-in allowance from the total selling price;
23 the amount of tax due from the retailer with respect to such
24 transaction; the amount of tax collected from the purchaser by
25 the retailer on such transaction (or satisfactory evidence that
26 such tax is not due in that particular instance, if that is

1 claimed to be the fact); the place and date of the sale, a
2 sufficient identification of the property sold, and such other
3 information as the Department may reasonably require.

4 Such transaction reporting return shall be filed not later
5 than 20 days after the date of delivery of the item that is
6 being sold, but may be filed by the retailer at any time sooner
7 than that if he chooses to do so. The transaction reporting
8 return and tax remittance or proof of exemption from the tax
9 that is imposed by this Act may be transmitted to the
10 Department by way of the State agency with which, or State
11 officer with whom, the tangible personal property must be
12 titled or registered (if titling or registration is required)
13 if the Department and such agency or State officer determine
14 that this procedure will expedite the processing of
15 applications for title or registration.

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

1 certificate or other evidence of title or registration to such
2 tangible personal property.

3 No retailer's failure or refusal to remit tax under this
4 Act precludes a user, who has paid the proper tax to the
5 retailer, from obtaining his certificate of title or other
6 evidence of title or registration (if titling or registration
7 is required) upon satisfying the Department that such user has
8 paid the proper tax (if tax is due) to the retailer. The
9 Department shall adopt appropriate rules to carry out the
10 mandate of this paragraph.

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

1 same amount and in the same form in which it would be remitted
2 if the tax had been remitted to the Department by the retailer.

3 Where a retailer collects the tax with respect to the
4 selling price of tangible personal property which he sells and
5 the purchaser thereafter returns such tangible personal
6 property and the retailer refunds the selling price thereof to
7 the purchaser, such retailer shall also refund, to the
8 purchaser, the tax so collected from the purchaser. When filing
9 his return for the period in which he refunds such tax to the
10 purchaser, the retailer may deduct the amount of the tax so
11 refunded by him to the purchaser from any other use tax which
12 such retailer may be required to pay or remit to the
13 Department, as shown by such return, if the amount of the tax
14 to be deducted was previously remitted to the Department by
15 such retailer. If the retailer has not previously remitted the
16 amount of such tax to the Department, he is entitled to no
17 deduction under this Act upon refunding such tax to the
18 purchaser.

19 Any retailer filing a return under this Section shall also
20 include (for the purpose of paying tax thereon) the total tax
21 covered by such return upon the selling price of tangible
22 personal property purchased by him at retail from a retailer,
23 but as to which the tax imposed by this Act was not collected
24 from the retailer filing such return, and such retailer shall
25 remit the amount of such tax to the Department when filing such
26 return.

1 If experience indicates such action to be practicable, the
2 Department may prescribe and furnish a combination or joint
3 return which will enable retailers, who are required to file
4 returns hereunder and also under the Retailers' Occupation Tax
5 Act, to furnish all the return information required by both
6 Acts on the one form.

7 Where the retailer has more than one business registered
8 with the Department under separate registration under this Act,
9 such retailer may not file each return that is due as a single
10 return covering all such registered businesses, but shall file
11 separate returns for each such registered business.

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

22 Beginning January 1, 1990, each month the Department shall
23 pay into the County and Mass Transit District Fund 4% of the
24 net revenue realized for the preceding month from the 6.25%
25 general rate on the selling price of tangible personal property
26 which is purchased outside Illinois at retail from a retailer

1 and which is titled or registered by an agency of this State's
2 government.

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, 20% of the net revenue realized for
6 the preceding month from the 6.25% general rate on the selling
7 price of tangible personal property, other than tangible
8 personal property which is purchased outside Illinois at retail
9 from a retailer and which is titled or registered by an agency
10 of this State's government.

11 Beginning August 1, 2000, each month the Department shall
12 pay into the State and Local Sales Tax Reform Fund 100% of the
13 net revenue realized for the preceding month from the 1.25%
14 rate on the selling price of motor fuel and gasohol. Beginning
15 September 1, 2010, each month the Department shall pay into the
16 State and Local Sales Tax Reform Fund 100% of the net revenue
17 realized for the preceding month from the 1.25% rate on the
18 selling price of sales tax holiday items.

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

26 Beginning October 1, 2009, each month the Department shall

1 pay into the Capital Projects Fund an amount that is equal to
2 an amount estimated by the Department to represent 80% of the
3 net revenue realized for the preceding month from the sale of
4 candy, grooming and hygiene products, and soft drinks that had
5 been taxed at a rate of 1% prior to September 1, 2009 but that
6 are now taxed at 6.25%.

7 Beginning July 1, 2011, each month the Department shall pay
8 into the Clean Air Act ~~(CAA)~~ Permit Fund 80% of the net revenue
9 realized for the preceding month from the 6.25% general rate on
10 the selling price of sorbents used in Illinois in the process
11 of sorbent injection as used to comply with the Environmental
12 Protection Act or the federal Clean Air Act, but the total
13 payment into the Clean Air Act ~~(CAA)~~ Permit Fund under this Act
14 and the Retailers' Occupation Tax Act shall not exceed
15 \$2,000,000 in any fiscal year.

16 Beginning July 1, 2013, each month the Department shall pay
17 into the Underground Storage Tank Fund from the proceeds
18 collected under this Act, the Service Use Tax Act, the Service
19 Occupation Tax Act, and the Retailers' Occupation Tax Act an
20 amount equal to the average monthly deficit in the Underground
21 Storage Tank Fund during the prior year, as certified annually
22 by the Illinois Environmental Protection Agency, but the total
23 payment into the Underground Storage Tank Fund under this Act,
24 the Service Use Tax Act, the Service Occupation Tax Act, and
25 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
26 in any State fiscal year. As used in this paragraph, the

1 "average monthly deficit" shall be equal to the difference
2 between the average monthly claims for payment by the fund and
3 the average monthly revenues deposited into the fund, excluding
4 payments made pursuant to this paragraph.

5 Beginning July 1, 2015, of the remainder of the moneys
6 received by the Department under this Act, the Service Use Tax
7 Act, the Service Occupation Tax Act, and the Retailers'
8 Occupation Tax Act, each month the Department shall deposit
9 \$500,000 into the State Crime Laboratory Fund.

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

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

1 issued thereafter and all fees and costs payable with respect
2 thereto, all as certified by the Director of the Bureau of the
3 Budget (now Governor's Office of Management and Budget). If on
4 the last business day of any month in which Bonds are
5 outstanding pursuant to the Build Illinois Bond Act, the
6 aggregate of the moneys deposited in the Build Illinois Bond
7 Account in the Build Illinois Fund in such month shall be less
8 than the amount required to be transferred in such month from
9 the Build Illinois Bond Account to the Build Illinois Bond
10 Retirement and Interest Fund pursuant to Section 13 of the
11 Build Illinois Bond Act, an amount equal to such deficiency
12 shall be immediately paid from other moneys received by the
13 Department pursuant to the Tax Acts to the Build Illinois Fund;
14 provided, however, that any amounts paid to the Build Illinois
15 Fund in any fiscal year pursuant to this sentence shall be
16 deemed to constitute payments pursuant to clause (b) of the
17 preceding sentence and shall reduce the amount otherwise
18 payable for such fiscal year pursuant to clause (b) of the
19 preceding sentence. The moneys received by the Department
20 pursuant to this Act and required to be deposited into the
21 Build Illinois Fund are subject to the pledge, claim and charge
22 set forth in Section 12 of the Build Illinois Bond Act.

23 Subject to payment of amounts into the Build Illinois Fund
24 as provided in the preceding paragraph or in any amendment
25 thereto hereafter enacted, the following specified monthly
26 installment of the amount requested in the certificate of the

1 Chairman of the Metropolitan Pier and Exposition Authority
2 provided under Section 8.25f of the State Finance Act, but not
3 in excess of the sums designated as "Total Deposit", shall be
4 deposited in the aggregate from collections under Section 9 of
5 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
6 9 of the Service Occupation Tax Act, and Section 3 of the
7 Retailers' Occupation Tax Act into the McCormick Place
8 Expansion Project Fund in the specified fiscal years.

9	Fiscal Year	Total Deposit
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000
26	2009	132,000,000

1	2010	139,000,000
2	2011	146,000,000
3	2012	153,000,000
4	2013	161,000,000
5	2014	170,000,000
6	2015	179,000,000
7	2016	189,000,000
8	2017	199,000,000
9	2018	210,000,000
10	2019	221,000,000
11	2020	233,000,000
12	2021	246,000,000
13	2022	260,000,000
14	2023	275,000,000
15	2024	275,000,000
16	2025	275,000,000
17	2026	279,000,000
18	2027	292,000,000
19	2028	307,000,000
20	2029	322,000,000
21	2030	338,000,000
22	2031	350,000,000
23	2032	350,000,000

24 and
25 each fiscal year
26 thereafter that bonds

1 are outstanding under
2 Section 13.2 of the
3 Metropolitan Pier and
4 Exposition Authority Act,
5 but not after fiscal year 2060.

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

19 Subject to payment of amounts into the Build Illinois Fund
20 and the McCormick Place Expansion Project Fund pursuant to the
21 preceding paragraphs or in any amendments thereto hereafter
22 enacted, beginning July 1, 1993 and ending on September 30,
23 2013, the Department shall each month pay into the Illinois Tax
24 Increment Fund 0.27% of 80% of the net revenue realized for the
25 preceding month from the 6.25% general rate on the selling
26 price of tangible personal property.

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

14 Subject to payment of amounts into the Build Illinois Fund,
15 the McCormick Place Expansion Project Fund, the Illinois Tax
16 Increment Fund, and the Energy Infrastructure Fund pursuant to
17 the preceding paragraphs or in any amendments to this Section
18 hereafter enacted, beginning on the first day of the first
19 calendar month to occur on or after the effective date of this
20 amendatory Act of the 98th General Assembly, each month, from
21 the collections made under Section 9 of the Use Tax Act,
22 Section 9 of the Service Use Tax Act, Section 9 of the Service
23 Occupation Tax Act, and Section 3 of the Retailers' Occupation
24 Tax Act, the Department shall pay into the Tax Compliance and
25 Administration Fund, to be used, subject to appropriation, to
26 fund additional auditors and compliance personnel at the

1 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
2 the cash receipts collected during the preceding fiscal year by
3 the Audit Bureau of the Department under the Use Tax Act, the
4 Service Use Tax Act, the Service Occupation Tax Act, the
5 Retailers' Occupation Tax Act, and associated local occupation
6 and use taxes administered by the Department.

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

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

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

24 For greater simplicity of administration, manufacturers,
25 importers and wholesalers whose products are sold at retail in
26 Illinois by numerous retailers, and who wish to do so, may

1 assume the responsibility for accounting and paying to the
2 Department all tax accruing under this Act with respect to such
3 sales, if the retailers who are affected do not make written
4 objection to the Department to this arrangement.

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

8 Section 5-100. The Retailers' Occupation Tax Act is amended
9 by changing Section 3 as follows:

10 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

16 1. The name of the seller;

17 2. His residence address and the address of his
18 principal place of business and the address of the
19 principal place of business (if that is a different
20 address) from which he engages in the business of selling
21 tangible personal property at retail in this State;

22 3. Total amount of receipts received by him during the
23 preceding calendar month or quarter, as the case may be,
24 from sales of tangible personal property, and from services

1 furnished, by him during such preceding calendar month or
2 quarter;

3 4. Total amount received by him during the preceding
4 calendar month or quarter on charge and time sales of
5 tangible personal property, and from services furnished,
6 by him prior to the month or quarter for which the return
7 is filed;

8 5. Deductions allowed by law;

9 6. Gross receipts which were received by him during the
10 preceding calendar month or quarter and upon the basis of
11 which the tax is imposed;

12 7. The amount of credit provided in Section 2d of this
13 Act;

14 8. The amount of tax due;

15 9. The signature of the taxpayer; and

16 10. Such other reasonable information as the
17 Department may require.

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

22 Each return shall be accompanied by the statement of
23 prepaid tax issued pursuant to Section 2e for which credit is
24 claimed.

25 Prior to October 1, 2003, and on and after September 1,
26 2004 a retailer may accept a Manufacturer's Purchase Credit

1 certification from a purchaser in satisfaction of Use Tax as
2 provided in Section 3-85 of the Use Tax Act if the purchaser
3 provides the appropriate documentation as required by Section
4 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
5 certification, accepted by a retailer prior to October 1, 2003
6 and on and after September 1, 2004 as provided in Section 3-85
7 of the Use Tax Act, may be used by that retailer to satisfy
8 Retailers' Occupation Tax liability in the amount claimed in
9 the certification, not to exceed 6.25% of the receipts subject
10 to tax from a qualifying purchase. A Manufacturer's Purchase
11 Credit reported on any original or amended return filed under
12 this Act after October 20, 2003 for reporting periods prior to
13 September 1, 2004 shall be disallowed. Manufacturer's
14 Purchaser Credit reported on annual returns due on or after
15 January 1, 2005 will be disallowed for periods prior to
16 September 1, 2004. No Manufacturer's Purchase Credit may be
17 used after September 30, 2003 through August 31, 2004 to
18 satisfy any tax liability imposed under this Act, including any
19 audit liability.

20 The Department may require returns to be filed on a
21 quarterly basis. If so required, a return for each calendar
22 quarter shall be filed on or before the twentieth day of the
23 calendar month following the end of such calendar quarter. The
24 taxpayer shall also file a return with the Department for each
25 of the first two months of each calendar quarter, on or before
26 the twentieth day of the following calendar month, stating:

- 1 1. The name of the seller;
- 2 2. The address of the principal place of business from
3 which he engages in the business of selling tangible
4 personal property at retail in this State;
- 5 3. The total amount of taxable receipts received by him
6 during the preceding calendar month from sales of tangible
7 personal property by him during such preceding calendar
8 month, including receipts from charge and time sales, but
9 less all deductions allowed by law;
- 10 4. The amount of credit provided in Section 2d of this
11 Act;
- 12 5. The amount of tax due; and
- 13 6. Such other reasonable information as the Department
14 may require.

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

1 "alcoholic liquor" shall have the meaning prescribed in the
2 Liquor Control Act of 1934.

3 Beginning on October 1, 2003, every distributor, importing
4 distributor, and manufacturer of alcoholic liquor as defined in
5 the Liquor Control Act of 1934, shall file a statement with the
6 Department of Revenue, no later than the 10th day of the month
7 for the preceding month during which transactions occurred, by
8 electronic means, showing the total amount of gross receipts
9 from the sale of alcoholic liquor sold or distributed during
10 the preceding month to purchasers; identifying the purchaser to
11 whom it was sold or distributed; the purchaser's tax
12 registration number; and such other information reasonably
13 required by the Department. A distributor, importing
14 distributor, or manufacturer of alcoholic liquor must
15 personally deliver, mail, or provide by electronic means to
16 each retailer listed on the monthly statement a report
17 containing a cumulative total of that distributor's, importing
18 distributor's, or manufacturer's total sales of alcoholic
19 liquor to that retailer no later than the 10th day of the month
20 for the preceding month during which the transaction occurred.
21 The distributor, importing distributor, or manufacturer shall
22 notify the retailer as to the method by which the distributor,
23 importing distributor, or manufacturer will provide the sales
24 information. If the retailer is unable to receive the sales
25 information by electronic means, the distributor, importing
26 distributor, or manufacturer shall furnish the sales

1 information by personal delivery or by mail. For purposes of
2 this paragraph, the term "electronic means" includes, but is
3 not limited to, the use of a secure Internet website, e-mail,
4 or facsimile.

5 If a total amount of less than \$1 is payable, refundable or
6 creditable, such amount shall be disregarded if it is less than
7 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

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

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

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

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

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

22 Any amount which is required to be shown or reported on any
23 return or other document under this Act shall, if such amount
24 is not a whole-dollar amount, be increased to the nearest
25 whole-dollar amount in any case where the fractional part of a
26 dollar is 50 cents or more, and decreased to the nearest

1 whole-dollar amount where the fractional part of a dollar is
2 less than 50 cents.

3 If the retailer is otherwise required to file a monthly
4 return and if the retailer's average monthly tax liability to
5 the Department does not exceed \$200, the Department may
6 authorize his returns to be filed on a quarter annual basis,
7 with the return for January, February and March of a given year
8 being due by April 20 of such year; with the return for April,
9 May and June of a given year being due by July 20 of such year;
10 with the return for July, August and September of a given year
11 being due by October 20 of such year, and with the return for
12 October, November and December of a given year being due by
13 January 20 of the following year.

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

20 Such quarter annual and annual returns, as to form and
21 substance, shall be subject to the same requirements as monthly
22 returns.

23 Notwithstanding any other provision in this Act concerning
24 the time within which a retailer may file his return, in the
25 case of any retailer who ceases to engage in a kind of business
26 which makes him responsible for filing returns under this Act,

1 such retailer shall file a final return under this Act with the
2 Department not more than one month after discontinuing such
3 business.

4 Where the same person has more than one business registered
5 with the Department under separate registrations under this
6 Act, such person may not file each return that is due as a
7 single return covering all such registered businesses, but
8 shall file separate returns for each such registered business.

9 In addition, with respect to motor vehicles, watercraft,
10 aircraft, and trailers that are required to be registered with
11 an agency of this State, every retailer selling this kind of
12 tangible personal property shall file, with the Department,
13 upon a form to be prescribed and supplied by the Department, a
14 separate return for each such item of tangible personal
15 property which the retailer sells, except that if, in the same
16 transaction, (i) a retailer of aircraft, watercraft, motor
17 vehicles or trailers transfers more than one aircraft,
18 watercraft, motor vehicle or trailer to another aircraft,
19 watercraft, motor vehicle retailer or trailer retailer for the
20 purpose of resale or (ii) a retailer of aircraft, watercraft,
21 motor vehicles, or trailers transfers more than one aircraft,
22 watercraft, motor vehicle, or trailer to a purchaser for use as
23 a qualifying rolling stock as provided in Section 2-5 of this
24 Act, then that seller may report the transfer of all aircraft,
25 watercraft, motor vehicles or trailers involved in that
26 transaction to the Department on the same uniform

1 invoice-transaction reporting return form. For purposes of
2 this Section, "watercraft" means a Class 2, Class 3, or Class 4
3 watercraft as defined in Section 3-2 of the Boat Registration
4 and Safety Act, a personal watercraft, or any boat equipped
5 with an inboard motor.

6 Any retailer who sells only motor vehicles, watercraft,
7 aircraft, or trailers that are required to be registered with
8 an agency of this State, so that all retailers' occupation tax
9 liability is required to be reported, and is reported, on such
10 transaction reporting returns and who is not otherwise required
11 to file monthly or quarterly returns, need not file monthly or
12 quarterly returns. However, those retailers shall be required
13 to file returns on an annual basis.

14 The transaction reporting return, in the case of motor
15 vehicles or trailers that are required to be registered with an
16 agency of this State, shall be the same document as the Uniform
17 Invoice referred to in Section 5-402 of The Illinois Vehicle
18 Code and must show the name and address of the seller; the name
19 and address of the purchaser; the amount of the selling price
20 including the amount allowed by the retailer for traded-in
21 property, if any; the amount allowed by the retailer for the
22 traded-in tangible personal property, if any, to the extent to
23 which Section 1 of this Act allows an exemption for the value
24 of traded-in property; the balance payable after deducting such
25 trade-in allowance from the total selling price; the amount of
26 tax due from the retailer with respect to such transaction; the

1 amount of tax collected from the purchaser by the retailer on
2 such transaction (or satisfactory evidence that such tax is not
3 due in that particular instance, if that is claimed to be the
4 fact); the place and date of the sale; a sufficient
5 identification of the property sold; such other information as
6 is required in Section 5-402 of The Illinois Vehicle Code, and
7 such other information as the Department may reasonably
8 require.

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

25 Such transaction reporting return shall be filed not later
26 than 20 days after the day of delivery of the item that is

1 being sold, but may be filed by the retailer at any time sooner
2 than that if he chooses to do so. The transaction reporting
3 return and tax remittance or proof of exemption from the
4 Illinois use tax may be transmitted to the Department by way of
5 the State agency with which, or State officer with whom the
6 tangible personal property must be titled or registered (if
7 titling or registration is required) if the Department and such
8 agency or State officer determine that this procedure will
9 expedite the processing of applications for title or
10 registration.

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

24 No retailer's failure or refusal to remit tax under this
25 Act precludes a user, who has paid the proper tax to the
26 retailer, from obtaining his certificate of title or other

1 evidence of title or registration (if titling or registration
2 is required) upon satisfying the Department that such user has
3 paid the proper tax (if tax is due) to the retailer. The
4 Department shall adopt appropriate rules to carry out the
5 mandate of this paragraph.

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

24 Refunds made by the seller during the preceding return
25 period to purchasers, on account of tangible personal property
26 returned to the seller, shall be allowed as a deduction under

1 subdivision 5 of his monthly or quarterly return, as the case
2 may be, in case the seller had theretofore included the
3 receipts from the sale of such tangible personal property in a
4 return filed by him and had paid the tax imposed by this Act
5 with respect to such receipts.

6 Where the seller is a corporation, the return filed on
7 behalf of such corporation shall be signed by the president,
8 vice-president, secretary or treasurer or by the properly
9 accredited agent of such corporation.

10 Where the seller is a limited liability company, the return
11 filed on behalf of the limited liability company shall be
12 signed by a manager, member, or properly accredited agent of
13 the limited liability company.

14 Except as provided in this Section, the retailer filing the
15 return under this Section shall, at the time of filing such
16 return, pay to the Department the amount of tax imposed by this
17 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
18 on and after January 1, 1990, or \$5 per calendar year,
19 whichever is greater, which is allowed to reimburse the
20 retailer for the expenses incurred in keeping records,
21 preparing and filing returns, remitting the tax and supplying
22 data to the Department on request. Any prepayment made pursuant
23 to Section 2d of this Act shall be included in the amount on
24 which such 2.1% or 1.75% discount is computed. In the case of
25 retailers who report and pay the tax on a transaction by
26 transaction basis, as provided in this Section, such discount

1 shall be taken with each such tax remittance instead of when
2 such retailer files his periodic return. The Department may
3 disallow the discount for retailers whose certificate of
4 registration is revoked at the time the return is filed, but
5 only if the Department's decision to revoke the certificate of
6 registration has become final.

7 Before October 1, 2000, if the taxpayer's average monthly
8 tax liability to the Department under this Act, the Use Tax
9 Act, the Service Occupation Tax Act, and the Service Use Tax
10 Act, excluding any liability for prepaid sales tax to be
11 remitted in accordance with Section 2d of this Act, was \$10,000
12 or more during the preceding 4 complete calendar quarters, he
13 shall file a return with the Department each month by the 20th
14 day of the month next following the month during which such tax
15 liability is incurred and shall make payments to the Department
16 on or before the 7th, 15th, 22nd and last day of the month
17 during which such liability is incurred. On and after October
18 1, 2000, if the taxpayer's average monthly tax liability to the
19 Department under this Act, the Use Tax Act, the Service
20 Occupation Tax Act, and the Service Use Tax Act, excluding any
21 liability for prepaid sales tax to be remitted in accordance
22 with Section 2d of this Act, was \$20,000 or more during the
23 preceding 4 complete calendar quarters, he shall file a return
24 with the Department each month by the 20th day of the month
25 next following the month during which such tax liability is
26 incurred and shall make payment to the Department on or before

1 the 7th, 15th, 22nd and last day of the month during which such
2 liability is incurred. If the month during which such tax
3 liability is incurred began prior to January 1, 1985, each
4 payment shall be in an amount equal to 1/4 of the taxpayer's
5 actual liability for the month or an amount set by the
6 Department not to exceed 1/4 of the average monthly liability
7 of the taxpayer to the Department for the preceding 4 complete
8 calendar quarters (excluding the month of highest liability and
9 the month of lowest liability in such 4 quarter period). If the
10 month during which such tax liability is incurred begins on or
11 after January 1, 1985 and prior to January 1, 1987, each
12 payment shall be in an amount equal to 22.5% of the taxpayer's
13 actual liability for the month or 27.5% of the taxpayer's
14 liability for the same calendar month of the preceding year. If
15 the month during which such tax liability is incurred begins on
16 or after January 1, 1987 and prior to January 1, 1988, each
17 payment shall be in an amount equal to 22.5% of the taxpayer's
18 actual liability for the month or 26.25% of the taxpayer's
19 liability for the same calendar month of the preceding year. If
20 the month during which such tax liability is incurred begins on
21 or after January 1, 1988, and prior to January 1, 1989, or
22 begins on or after January 1, 1996, each payment shall be in an
23 amount equal to 22.5% of the taxpayer's actual liability for
24 the month or 25% of the taxpayer's liability for the same
25 calendar month of the preceding year. If the month during which
26 such tax liability is incurred begins on or after January 1,

1 1989, and prior to January 1, 1996, each payment shall be in an
2 amount equal to 22.5% of the taxpayer's actual liability for
3 the month or 25% of the taxpayer's liability for the same
4 calendar month of the preceding year or 100% of the taxpayer's
5 actual liability for the quarter monthly reporting period. The
6 amount of such quarter monthly payments shall be credited
7 against the final tax liability of the taxpayer's return for
8 that month. Before October 1, 2000, once applicable, the
9 requirement of the making of quarter monthly payments to the
10 Department by taxpayers having an average monthly tax liability
11 of \$10,000 or more as determined in the manner provided above
12 shall continue until such taxpayer's average monthly liability
13 to the Department during the preceding 4 complete calendar
14 quarters (excluding the month of highest liability and the
15 month of lowest liability) is less than \$9,000, or until such
16 taxpayer's average monthly liability to the Department as
17 computed for each calendar quarter of the 4 preceding complete
18 calendar quarter period is less than \$10,000. However, if a
19 taxpayer can show the Department that a substantial change in
20 the taxpayer's business has occurred which causes the taxpayer
21 to anticipate that his average monthly tax liability for the
22 reasonably foreseeable future will fall below the \$10,000
23 threshold stated above, then such taxpayer may petition the
24 Department for a change in such taxpayer's reporting status. On
25 and after October 1, 2000, once applicable, the requirement of
26 the making of quarter monthly payments to the Department by

1 taxpayers having an average monthly tax liability of \$20,000 or
2 more as determined in the manner provided above shall continue
3 until such taxpayer's average monthly liability to the
4 Department during the preceding 4 complete calendar quarters
5 (excluding the month of highest liability and the month of
6 lowest liability) is less than \$19,000 or until such taxpayer's
7 average monthly liability to the Department as computed for
8 each calendar quarter of the 4 preceding complete calendar
9 quarter period is less than \$20,000. However, if a taxpayer can
10 show the Department that a substantial change in the taxpayer's
11 business has occurred which causes the taxpayer to anticipate
12 that his average monthly tax liability for the reasonably
13 foreseeable future will fall below the \$20,000 threshold stated
14 above, then such taxpayer may petition the Department for a
15 change in such taxpayer's reporting status. The Department
16 shall change such taxpayer's reporting status unless it finds
17 that such change is seasonal in nature and not likely to be
18 long term. If any such quarter monthly payment is not paid at
19 the time or in the amount required by this Section, then the
20 taxpayer shall be liable for penalties and interest on the
21 difference between the minimum amount due as a payment and the
22 amount of such quarter monthly payment actually and timely
23 paid, except insofar as the taxpayer has previously made
24 payments for that month to the Department in excess of the
25 minimum payments previously due as provided in this Section.
26 The Department shall make reasonable rules and regulations to

1 govern the quarter monthly payment amount and quarter monthly
2 payment dates for taxpayers who file on other than a calendar
3 monthly basis.

4 The provisions of this paragraph apply before October 1,
5 2001. Without regard to whether a taxpayer is required to make
6 quarter monthly payments as specified above, any taxpayer who
7 is required by Section 2d of this Act to collect and remit
8 prepaid taxes and has collected prepaid taxes which average in
9 excess of \$25,000 per month during the preceding 2 complete
10 calendar quarters, shall file a return with the Department as
11 required by Section 2f and shall make payments to the
12 Department on or before the 7th, 15th, 22nd and last day of the
13 month during which such liability is incurred. If the month
14 during which such tax liability is incurred began prior to the
15 effective date of this amendatory Act of 1985, each payment
16 shall be in an amount not less than 22.5% of the taxpayer's
17 actual liability under Section 2d. If the month during which
18 such tax liability is incurred begins on or after January 1,
19 1986, each payment shall be in an amount equal to 22.5% of the
20 taxpayer's actual liability for the month or 27.5% of the
21 taxpayer's liability for the same calendar month of the
22 preceding calendar year. If the month during which such tax
23 liability is incurred begins on or after January 1, 1987, each
24 payment shall be in an amount equal to 22.5% of the taxpayer's
25 actual liability for the month or 26.25% of the taxpayer's
26 liability for the same calendar month of the preceding year.

1 The amount of such quarter monthly payments shall be credited
2 against the final tax liability of the taxpayer's return for
3 that month filed under this Section or Section 2f, as the case
4 may be. Once applicable, the requirement of the making of
5 quarter monthly payments to the Department pursuant to this
6 paragraph shall continue until such taxpayer's average monthly
7 prepaid tax collections during the preceding 2 complete
8 calendar quarters is \$25,000 or less. If any such quarter
9 monthly payment is not paid at the time or in the amount
10 required, the taxpayer shall be liable for penalties and
11 interest on such difference, except insofar as the taxpayer has
12 previously made payments for that month in excess of the
13 minimum payments previously due.

14 The provisions of this paragraph apply on and after October
15 1, 2001. Without regard to whether a taxpayer is required to
16 make quarter monthly payments as specified above, any taxpayer
17 who is required by Section 2d of this Act to collect and remit
18 prepaid taxes and has collected prepaid taxes that average in
19 excess of \$20,000 per month during the preceding 4 complete
20 calendar quarters shall file a return with the Department as
21 required by Section 2f and shall make payments to the
22 Department on or before the 7th, 15th, 22nd and last day of the
23 month during which the liability is incurred. Each payment
24 shall be in an amount equal to 22.5% of the taxpayer's actual
25 liability for the month or 25% of the taxpayer's liability for
26 the same calendar month of the preceding year. The amount of

1 the quarter monthly payments shall be credited against the
2 final tax liability of the taxpayer's return for that month
3 filed under this Section or Section 2f, as the case may be.
4 Once applicable, the requirement of the making of quarter
5 monthly payments to the Department pursuant to this paragraph
6 shall continue until the taxpayer's average monthly prepaid tax
7 collections during the preceding 4 complete calendar quarters
8 (excluding the month of highest liability and the month of
9 lowest liability) is less than \$19,000 or until such taxpayer's
10 average monthly liability to the Department as computed for
11 each calendar quarter of the 4 preceding complete calendar
12 quarters is less than \$20,000. If any such quarter monthly
13 payment is not paid at the time or in the amount required, the
14 taxpayer shall be liable for penalties and interest on such
15 difference, except insofar as the taxpayer has previously made
16 payments for that month in excess of the minimum payments
17 previously due.

18 If any payment provided for in this Section exceeds the
19 taxpayer's liabilities under this Act, the Use Tax Act, the
20 Service Occupation Tax Act and the Service Use Tax Act, as
21 shown on an original monthly return, the Department shall, if
22 requested by the taxpayer, issue to the taxpayer a credit
23 memorandum no later than 30 days after the date of payment. The
24 credit evidenced by such credit memorandum may be assigned by
25 the taxpayer to a similar taxpayer under this Act, the Use Tax
26 Act, the Service Occupation Tax Act or the Service Use Tax Act,

1 in accordance with reasonable rules and regulations to be
2 prescribed by the Department. If no such request is made, the
3 taxpayer may credit such excess payment against tax liability
4 subsequently to be remitted to the Department under this Act,
5 the Use Tax Act, the Service Occupation Tax Act or the Service
6 Use Tax Act, in accordance with reasonable rules and
7 regulations prescribed by the Department. If the Department
8 subsequently determined that all or any part of the credit
9 taken was not actually due to the taxpayer, the taxpayer's 2.1%
10 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
11 of the difference between the credit taken and that actually
12 due, and that taxpayer shall be liable for penalties and
13 interest on such difference.

14 If a retailer of motor fuel is entitled to a credit under
15 Section 2d of this Act which exceeds the taxpayer's liability
16 to the Department under this Act for the month which the
17 taxpayer is filing a return, the Department shall issue the
18 taxpayer a credit memorandum for the excess.

19 Beginning January 1, 1990, each month the Department shall
20 pay into the Local Government Tax Fund, a special fund in the
21 State treasury which is hereby created, the net revenue
22 realized for the preceding month from the 1% tax on sales of
23 food for human consumption which is to be consumed off the
24 premises where it is sold (other than alcoholic beverages, soft
25 drinks and food which has been prepared for immediate
26 consumption) and prescription and nonprescription medicines,

1 drugs, medical appliances and insulin, urine testing
2 materials, syringes and needles used by diabetics.

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

8 Beginning August 1, 2000, each month the Department shall
9 pay into the County and Mass Transit District Fund 20% of the
10 net revenue realized for the preceding month from the 1.25%
11 rate on the selling price of motor fuel and gasohol. Beginning
12 September 1, 2010, each month the Department shall pay into the
13 County and Mass Transit District Fund 20% of the net revenue
14 realized for the preceding month from the 1.25% rate on the
15 selling price of sales tax holiday items.

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

20 Beginning August 1, 2000, each month the Department shall
21 pay into the Local Government Tax Fund 80% of the net revenue
22 realized for the preceding month from the 1.25% rate on the
23 selling price of motor fuel and gasohol. Beginning September 1,
24 2010, each month the Department shall pay into the Local
25 Government Tax Fund 80% of the net revenue realized for the
26 preceding month from the 1.25% rate on the selling price of

1 sales tax holiday items.

2 Beginning October 1, 2009, each month the Department shall
3 pay into the Capital Projects Fund an amount that is equal to
4 an amount estimated by the Department to represent 80% of the
5 net revenue realized for the preceding month from the sale of
6 candy, grooming and hygiene products, and soft drinks that had
7 been taxed at a rate of 1% prior to September 1, 2009 but that
8 are now taxed at 6.25%.

9 Beginning July 1, 2011, each month the Department shall pay
10 into the Clean Air Act ~~(CAA)~~ Permit Fund 80% of the net revenue
11 realized for the preceding month from the 6.25% general rate on
12 the selling price of sorbents used in Illinois in the process
13 of sorbent injection as used to comply with the Environmental
14 Protection Act or the federal Clean Air Act, but the total
15 payment into the Clean Air Act ~~(CAA)~~ Permit Fund under this Act
16 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal
17 year.

18 Beginning July 1, 2013, each month the Department shall pay
19 into the Underground Storage Tank Fund from the proceeds
20 collected under this Act, the Use Tax Act, the Service Use Tax
21 Act, and the Service Occupation Tax Act an amount equal to the
22 average monthly deficit in the Underground Storage Tank Fund
23 during the prior year, as certified annually by the Illinois
24 Environmental Protection Agency, but the total payment into the
25 Underground Storage Tank Fund under this Act, the Use Tax Act,
26 the Service Use Tax Act, and the Service Occupation Tax Act

1 shall not exceed \$18,000,000 in any State fiscal year. As used
2 in this paragraph, the "average monthly deficit" shall be equal
3 to the difference between the average monthly claims for
4 payment by the fund and the average monthly revenues deposited
5 into the fund, excluding payments made pursuant to this
6 paragraph.

7 Beginning July 1, 2015, of the remainder of the moneys
8 received by the Department under the Use Tax Act, the Service
9 Use Tax Act, the Service Occupation Tax Act, and this Act, each
10 month the Department shall deposit \$500,000 into the State
11 Crime Laboratory Fund.

12 Of the remainder of the moneys received by the Department
13 pursuant to this Act, (a) 1.75% thereof shall be paid into the
14 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
15 and after July 1, 1989, 3.8% thereof shall be paid into the
16 Build Illinois Fund; provided, however, that if in any fiscal
17 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
18 may be, of the moneys received by the Department and required
19 to be paid into the Build Illinois Fund pursuant to this Act,
20 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
21 Act, and Section 9 of the Service Occupation Tax Act, such Acts
22 being hereinafter called the "Tax Acts" and such aggregate of
23 2.2% or 3.8%, as the case may be, of moneys being hereinafter
24 called the "Tax Act Amount", and (2) the amount transferred to
25 the Build Illinois Fund from the State and Local Sales Tax
26 Reform Fund shall be less than the Annual Specified Amount (as

1 hereinafter defined), an amount equal to the difference shall
2 be immediately paid into the Build Illinois Fund from other
3 moneys received by the Department pursuant to the Tax Acts; the
4 "Annual Specified Amount" means the amounts specified below for
5 fiscal years 1986 through 1993:

6	Fiscal Year	Annual Specified Amount
7	1986	\$54,800,000
8	1987	\$76,650,000
9	1988	\$80,480,000
10	1989	\$88,510,000
11	1990	\$115,330,000
12	1991	\$145,470,000
13	1992	\$182,730,000
14	1993	\$206,520,000;

15 and means the Certified Annual Debt Service Requirement (as
16 defined in Section 13 of the Build Illinois Bond Act) or the
17 Tax Act Amount, whichever is greater, for fiscal year 1994 and
18 each fiscal year thereafter; and further provided, that if on
19 the last business day of any month the sum of (1) the Tax Act
20 Amount required to be deposited into the Build Illinois Bond
21 Account in the Build Illinois Fund during such month and (2)
22 the amount transferred to the Build Illinois Fund from the
23 State and Local Sales Tax Reform Fund shall have been less than
24 1/12 of the Annual Specified Amount, an amount equal to the
25 difference shall be immediately paid into the Build Illinois
26 Fund from other moneys received by the Department pursuant to

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

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

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

Fiscal Year	Total Deposit
1993	\$0

1	1994	53,000,000
2	1995	58,000,000
3	1996	61,000,000
4	1997	64,000,000
5	1998	68,000,000
6	1999	71,000,000
7	2000	75,000,000
8	2001	80,000,000
9	2002	93,000,000
10	2003	99,000,000
11	2004	103,000,000
12	2005	108,000,000
13	2006	113,000,000
14	2007	119,000,000
15	2008	126,000,000
16	2009	132,000,000
17	2010	139,000,000
18	2011	146,000,000
19	2012	153,000,000
20	2013	161,000,000
21	2014	170,000,000
22	2015	179,000,000
23	2016	189,000,000
24	2017	199,000,000
25	2018	210,000,000
26	2019	221,000,000

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

14 and

15 each fiscal year

16 thereafter that bonds

17 are outstanding under

18 Section 13.2 of the

19 Metropolitan Pier and

20 Exposition Authority Act,

21 but not after fiscal year 2060.

22 Beginning July 20, 1993 and in each month of each fiscal
23 year thereafter, one-eighth of the amount requested in the
24 certificate of the Chairman of the Metropolitan Pier and
25 Exposition Authority for that fiscal year, less the amount
26 deposited into the McCormick Place Expansion Project Fund by

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

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

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

1 generating facility certified pursuant to Section 605-332 of
2 the Department of Commerce and Economic Opportunity Law of the
3 Civil Administrative Code of Illinois.

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

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, 75% thereof shall be paid into the State
25 Treasury and 25% shall be reserved in a special account and
26 used only for the transfer to the Common School Fund as part of

1 the monthly transfer from the General Revenue Fund in
2 accordance with Section 8a of the State Finance Act.

3 The Department may, upon separate written notice to a
4 taxpayer, require the taxpayer to prepare and file with the
5 Department on a form prescribed by the Department within not
6 less than 60 days after receipt of the notice an annual
7 information return for the tax year specified in the notice.
8 Such annual return to the Department shall include a statement
9 of gross receipts as shown by the retailer's last Federal
10 income tax return. If the total receipts of the business as
11 reported in the Federal income tax return do not agree with the
12 gross receipts reported to the Department of Revenue for the
13 same period, the retailer shall attach to his annual return a
14 schedule showing a reconciliation of the 2 amounts and the
15 reasons for the difference. The retailer's annual return to the
16 Department shall also disclose the cost of goods sold by the
17 retailer during the year covered by such return, opening and
18 closing inventories of such goods for such year, costs of goods
19 used from stock or taken from stock and given away by the
20 retailer during such year, payroll information of the
21 retailer's business during such year and any additional
22 reasonable information which the Department deems would be
23 helpful in determining the accuracy of the monthly, quarterly
24 or annual returns filed by such retailer as provided for in
25 this Section.

26 If the annual information return required by this Section

1 is not filed when and as required, the taxpayer shall be liable
2 as follows:

3 (i) Until January 1, 1994, the taxpayer shall be liable
4 for a penalty equal to 1/6 of 1% of the tax due from such
5 taxpayer under this Act during the period to be covered by
6 the annual return for each month or fraction of a month
7 until such return is filed as required, the penalty to be
8 assessed and collected in the same manner as any other
9 penalty provided for in this Act.

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

13 The chief executive officer, proprietor, owner or highest
14 ranking manager shall sign the annual return to certify the
15 accuracy of the information contained therein. Any person who
16 willfully signs the annual return containing false or
17 inaccurate information shall be guilty of perjury and punished
18 accordingly. The annual return form prescribed by the
19 Department shall include a warning that the person signing the
20 return may be liable for perjury.

21 The provisions of this Section concerning the filing of an
22 annual information return do not apply to a retailer who is not
23 required to file an income tax return with the United States
24 Government.

25 As soon as possible after the first day of each month, upon
26 certification of the Department of Revenue, the Comptroller

1 shall order transferred and the Treasurer shall transfer from
2 the General Revenue Fund to the Motor Fuel Tax Fund an amount
3 equal to 1.7% of 80% of the net revenue realized under this Act
4 for the second preceding month. Beginning April 1, 2000, this
5 transfer is no longer required and shall not be made.

6 Net revenue realized for a month shall be the revenue
7 collected by the State pursuant to this Act, less the amount
8 paid out during that month as refunds to taxpayers for
9 overpayment of liability.

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

17 Any person who promotes, organizes, provides retail
18 selling space for concessionaires or other types of sellers at
19 the Illinois State Fair, DuQuoin State Fair, county fairs,
20 local fairs, art shows, flea markets and similar exhibitions or
21 events, including any transient merchant as defined by Section
22 2 of the Transient Merchant Act of 1987, is required to file a
23 report with the Department providing the name of the merchant's
24 business, the name of the person or persons engaged in
25 merchant's business, the permanent address and Illinois
26 Retailers Occupation Tax Registration Number of the merchant,

1 the dates and location of the event and other reasonable
2 information that the Department may require. The report must be
3 filed not later than the 20th day of the month next following
4 the month during which the event with retail sales was held.
5 Any person who fails to file a report required by this Section
6 commits a business offense and is subject to a fine not to
7 exceed \$250.

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

1 their returns as otherwise required in this Section.

2 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
3 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
4 8-26-14; 99-352, eff. 8-12-15.)

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

7 (70 ILCS 1807/105)

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

16 If the Senate is in recess when the appointment is made, the
17 Governor shall make a temporary appointment until the next
18 meeting of the Senate. The county board chairmen of Tazewell,
19 Woodford, Peoria, Marshall, Mason, and Fulton Counties shall
20 each appoint one member of the Board with the advice and
21 consent of their respective county boards. Of the members
22 initially appointed, the 3 appointed by the Governor shall be
23 appointed for initial terms expiring June 1, 2009, and the 6
24 appointed by their county board chairmen shall be appointed for

1 initial terms expiring June 1, 2010. All vacancies shall be
2 filled in a like manner and with like regard to the place of
3 residence of the appointee. After the expiration of initial
4 terms, a successor shall hold office for the term of 6 years
5 beginning the first day of June of the year in which the term
6 of office commences. The Governor and the respective county
7 board chairmen shall certify their appointments to the
8 Secretary of State. Within 30 days after certification of
9 appointment, and before entering upon the duties of his office,
10 each member of the Board shall take and subscribe the
11 constitutional oath of office and file it in the office of the
12 Secretary of State.

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

14 (110 ILCS 805/2-16.05 rep.)

15 Section 5-110. The Public Community College Act is amended
16 by repealing Section 2-16.05.

17 Section 5-115. The Nursing Home Care Act is amended by
18 changing Section 3-310 as follows:

19 (210 ILCS 45/3-310) (from Ch. 111 1/2, par. 4153-310)

20 Sec. 3-310. All penalties shall be paid to the Department
21 within 10 days of receipt of notice of assessment or, if the
22 penalty is contested under Section 3-309, within 10 days of
23 receipt of the final decision, unless the decision is appealed

1 and the order is stayed by court order under Section 3-713. A
2 facility choosing to waive the right to a hearing under Section
3 3-309 shall submit a payment totaling 65% of the original fine
4 amount along with the written waiver. A penalty assessed under
5 this Act shall be collected by the Department and shall be
6 deposited with the State Treasurer into the Long Term Care
7 Monitor/Receiver Fund. If the person or facility against whom a
8 penalty has been assessed does not comply with a written demand
9 for payment within 30 days, the Director shall issue an order
10 to do any of the following:

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

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

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

23 With the approval of the federal centers for Medicaid and
24 Medicare services, the Director of Public Health shall set
25 aside 50% of the federal civil monetary penalties collected
26 each year to be used to award grants under the Equity in

1 Long-term Care Quality Act.

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

3 Section 5-120. The Physical Fitness Facility Medical
4 Emergency Preparedness Act is amended by changing Section 35 as
5 follows:

6 (210 ILCS 74/35)

7 Sec. 35. Penalties for violations.

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

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

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

23 (b) The Director may impose a civil monetary penalty under
24 this Section only after it provides the following to the

1 facility:

2 (1) Written notice of the alleged violation.

3 (2) Written notice of the facility's right to request
4 an administrative hearing on the question of the alleged
5 violation.

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

10 (4) A written decision from the Director, based on the
11 evidence introduced at the hearing and the hearing
12 examiner's recommendations, finding that the facility
13 violated this Act and imposing the civil penalty.

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

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

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

22 (235 ILCS 5/12-4 rep.)

23 Section 5-125. The Liquor Control Act of 1934 is amended by
24 repealing Section 12-4.

1 Section 5-130. The Illinois Public Aid Code is amended by
2 changing Section 12-5 as follows:

3 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

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

1 federal funds pursuant to the Immigration Reform and Control
2 Act of 1986 and may make necessary expenditures from monies
3 appropriated to it for operations, administration, and grants,
4 including payment to the Health Insurance Reserve Fund for
5 group insurance costs at the rate certified by the Department
6 of Central Management Services. All amounts received by the
7 Illinois Department pursuant to the Immigration Reform and
8 Control Act of 1986 shall be deposited in the Immigration
9 Reform and Control Fund. All amounts received into the
10 Immigration Reform and Control Fund as reimbursement for
11 expenditures from the General Revenue Fund shall be transferred
12 to the General Revenue Fund.

13 All grants received by the Illinois Department for programs
14 funded by the Federal Social Services Block Grant shall be
15 deposited in the Social Services Block Grant Fund. All funds
16 received into the Social Services Block Grant Fund as
17 reimbursement for expenditures from the General Revenue Fund
18 shall be transferred to the General Revenue Fund. All funds
19 received into the Social Services Block Grant fund for
20 reimbursement for expenditure out of the Local Initiative Fund
21 shall be transferred into the Local Initiative Fund. Any other
22 federal funds received into the Social Services Block Grant
23 Fund shall be transferred to the Special Purposes Trust Fund.
24 All federal funds received by the Illinois Department as
25 reimbursement for Employment and Training Programs for
26 expenditures made by the Illinois Department from grants,

1 gifts, or legacies as provided in Section 12-4.18 or made by an
2 entity other than the Illinois Department and all federal funds
3 received from the Emergency Contingency Fund for State
4 Temporary Assistance for Needy Families Programs established
5 by the American Recovery and Reinvestment Act of 2009 shall be
6 deposited into the Employment and Training Fund, ~~except that~~
7 ~~federal funds received as reimbursement as a result of the~~
8 ~~appropriation made for the costs of providing adult education~~
9 ~~to public assistance recipients under the "Adult Education,~~
10 ~~Public Assistance Fund"~~ shall be deposited into the General
11 Revenue Fund; ~~provided, however, that all funds, except those~~
12 ~~that are specified in an interagency agreement between the~~
13 ~~Illinois Community College Board and the Illinois Department,~~
14 ~~that are received by the Illinois Department as reimbursement~~
15 ~~under Title IV A of the Social Security Act for expenditures~~
16 ~~that are made by the Illinois Community College Board or any~~
17 ~~public community college of this State shall be credited to a~~
18 ~~special account that the State Treasurer shall establish and~~
19 ~~maintain within the Employment and Training Fund for the~~
20 ~~purpose of segregating the reimbursements received for~~
21 ~~expenditures made by those entities. As reimbursements are~~
22 ~~deposited into the Employment and Training Fund, the Illinois~~
23 ~~Department shall certify to the State Comptroller and State~~
24 ~~Treasurer the amount that is to be credited to the special~~
25 ~~account established within that Fund as a reimbursement for~~
26 ~~expenditures under Title IV A of the Social Security Act made~~

1 ~~by the Illinois Community College Board or any of the public~~
2 ~~community colleges. All amounts credited to the special account~~
3 ~~established and maintained within the Employment and Training~~
4 ~~Fund as provided in this Section shall be held for transfer to~~
5 ~~the TANF Opportunities Fund as provided in subsection (d) of~~
6 ~~Section 12-10.3, and shall not be transferred to any other fund~~
7 ~~or used for any other purpose.~~

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

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

1 Department pursuant to the Child Support Enforcement Program
2 established by Title IV-D of the Social Security Act shall be
3 deposited in the Child Support Enforcement Trust Fund as
4 required under Section 12-10.2 or in the Child Support
5 Administrative Fund as required under Section 12-10.2a of this
6 Code. ~~Any other federal funds received by the Illinois
7 Department for medical assistance program expenditures made
8 under Title XIX of the Social Security Act and Article V of
9 this Code that are required by Section 5-4.21 of this Code to
10 be paid into the Medicaid Provider for Persons with a
11 Developmental Disability Participation Fee Trust Fund shall be
12 deposited into the Medicaid Provider for Persons with a
13 Developmental Disability Participation Fee Trust Fund. Any
14 other federal funds received by the Illinois Department for
15 medical assistance program expenditures made under Title XIX of
16 the Social Security Act and Article V of this Code that are
17 required by Section 5-4.31 of this Code to be paid into the
18 Medicaid Long Term Care Provider Participation Fee Trust Fund
19 shall be deposited into the Medicaid Long Term Care Provider
20 Participation Fee Trust Fund. Any other federal funds received
21 by the Illinois Department for hospital inpatient, hospital
22 ambulatory care, and disproportionate share hospital
23 expenditures made under Title XIX of the Social Security Act
24 and Article V of this Code that are required by Section 14-2 of
25 this Code to be paid into the Hospital Services Trust Fund
26 shall be deposited into the Hospital Services Trust Fund. Any~~

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

1 Title XIX of the Social Security Act and Article V of this Code
2 shall be deposited into the Trauma Center Fund. Any other
3 federal funds received by the Illinois Department as
4 reimbursement for expenses for early intervention services
5 paid from the Early Intervention Services Revolving Fund shall
6 be deposited into that Fund.

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

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

1 Section 5-135. The Illinois Public Aid Code is amended by
2 repealing Section 5-16.4.

3 Section 5-140. The Energy Assistance Act is amended by
4 changing Section 13 as follows:

5 (305 ILCS 20/13)

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

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

8 (a) The Supplemental Low-Income Energy Assistance Fund is
9 hereby created as a special fund in the State Treasury. The
10 Supplemental Low-Income Energy Assistance Fund is authorized
11 to receive moneys from voluntary donations from individuals,
12 foundations, corporations, and other sources, moneys received
13 pursuant to Section 17, and, by statutory deposit, the moneys
14 collected pursuant to this Section. The Fund is also authorized
15 to receive voluntary donations from individuals, foundations,
16 corporations, and other sources, ~~as well as contributions made~~
17 ~~in accordance with Section 507MM of the Illinois Income Tax~~
18 ~~Act~~. Subject to appropriation, the Department shall use moneys
19 from the Supplemental Low-Income Energy Assistance Fund for
20 payments to electric or gas public utilities, municipal
21 electric or gas utilities, and electric cooperatives on behalf
22 of their customers who are participants in the program
23 authorized by Sections 4 and 18 of this Act, for the provision
24 of weatherization services and for administration of the

1 Supplemental Low-Income Energy Assistance Fund. The yearly
2 expenditures for weatherization may not exceed 10% of the
3 amount collected during the year pursuant to this Section. The
4 yearly administrative expenses of the Supplemental Low-Income
5 Energy Assistance Fund may not exceed 10% of the amount
6 collected during that year pursuant to this Section, except
7 when unspent funds from the Supplemental Low-Income Energy
8 Assistance Fund are reallocated from a previous year; any
9 unspent balance of the 10% administrative allowance may be
10 utilized for administrative expenses in the year they are
11 reallocated.

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

26 (1) \$0.48 per month on each account for residential

1 electric service;

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

4 (3) \$4.80 per month on each account for non-residential
5 electric service which had less than 10 megawatts of peak
6 demand during the previous calendar year;

7 (4) \$4.80 per month on each account for non-residential
8 gas service which had distributed to it less than 4,000,000
9 therms of gas during the previous calendar year;

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

13 (6) \$360 per month on each account for non-residential
14 gas service which had 4,000,000 or more therms of gas
15 distributed to it during the previous calendar year.

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

21 In addition, electric and gas utilities have committed, and
22 shall contribute, a one-time payment of \$22 million to the
23 Fund, within 10 days after the effective date of the tariffs
24 established pursuant to Sections 16-111.8 and 19-145 of the
25 Public Utilities Act to be used for the Department's cost of
26 implementing the programs described in Section 18 of this

1 amendatory Act of the 96th General Assembly, the Arrearage
2 Reduction Program described in Section 18, and the programs
3 described in Section 8-105 of the Public Utilities Act. If a
4 utility elects not to file a rider within 90 days after the
5 effective date of this amendatory Act of the 96th General
6 Assembly, then the contribution from such utility shall be made
7 no later than February 1, 2010.

8 (c) For purposes of this Section:

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

16 (2) "residential gas service" means gas utility
17 service for household purposes distributed to a dwelling of
18 2 or fewer units which is billed under a residential rate,
19 or gas utility service for household purposes distributed
20 to a dwelling unit or units which is billed under a
21 residential rate and is registered by a separate meter for
22 each dwelling unit;

23 (3) "non-residential electric service" means electric
24 utility service which is not residential electric service;
25 and

26 (4) "non-residential gas service" means gas utility

1 service which is not residential gas service.

2 (d) Within 30 days after the effective date of this
3 amendatory Act of the 96th General Assembly, each public
4 utility engaged in the delivery of electricity or the
5 distribution of natural gas shall file with the Illinois
6 Commerce Commission tariffs incorporating the Energy
7 Assistance Charge in other charges stated in such tariffs,
8 which shall become effective no later than the beginning of the
9 first billing cycle following such filing.

10 (e) The Energy Assistance Charge assessed by electric and
11 gas public utilities shall be considered a charge for public
12 utility service.

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

1 public utility, municipal utility, or electric cooperative may
2 elect either: (i) to apply such partial payments first to
3 amounts owed to the utility or cooperative for its services and
4 then to payment for the Energy Assistance Charge or (ii) to
5 apply such partial payments on a pro-rata basis between amounts
6 owed to the utility or cooperative for its services and to
7 payment for the Energy Assistance Charge.

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

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

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

24 (j) The Department of Commerce and Economic Opportunity may
25 establish such rules as it deems necessary to implement this
26 Section.

1 (k) The charges imposed by this Section shall only apply to
2 customers of municipal electric or gas utilities and electric
3 or gas cooperatives if the municipal electric or gas utility or
4 electric or gas cooperative makes an affirmative decision to
5 impose the charge. If a municipal electric or gas utility or an
6 electric cooperative makes an affirmative decision to impose
7 the charge provided by this Section, the municipal electric or
8 gas utility or electric cooperative shall inform the Department
9 of Revenue in writing of such decision when it begins to impose
10 the charge. If a municipal electric or gas utility or electric
11 or gas cooperative does not assess this charge, the Department
12 may not use funds from the Supplemental Low-Income Energy
13 Assistance Fund to provide benefits to its customers under the
14 program authorized by Section 4 of this Act.

15 In its use of federal funds under this Act, the Department
16 may not cause a disproportionate share of those federal funds
17 to benefit customers of systems which do not assess the charge
18 provided by this Section.

19 This Section is repealed effective December 31, 2018 unless
20 renewed by action of the General Assembly. The General Assembly
21 shall consider the results of the evaluations described in
22 Section 8 in its deliberations.

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

24 (305 ILCS 20/15 rep.)

25 Section 5-145. The Energy Assistance Act is amended by

1 repealing Section 15.

2 Section 5-150. The Environmental Protection Act is amended
3 by changing Section 39.5 as follows:

4 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

5 Sec. 39.5. Clean Air Act Permit Program.

6 1. Definitions. For purposes of this Section:

7 "Administrative permit amendment" means a permit revision
8 subject to subsection 13 of this Section.

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

12 "Affected States" for purposes of formal distribution of a
13 draft CAAPP permit to other States for comments prior to
14 issuance, means all States:

15 (1) Whose air quality may be affected by the source
16 covered by the draft permit and that are contiguous to
17 Illinois; or

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

19 "Affected unit for acid deposition" shall have the meaning
20 given to the term "affected unit" in the regulations
21 promulgated under Title IV of the Clean Air Act.

22 "Applicable Clean Air Act requirement" means all of the
23 following as they apply to emissions units in a source
24 (including regulations that have been promulgated or approved

1 by USEPA pursuant to the Clean Air Act which directly impose
2 requirements upon a source and other such federal requirements
3 which have been adopted by the Board. These may include
4 requirements and regulations which have future effective
5 compliance dates. Requirements and regulations will be exempt
6 if USEPA determines that such requirements need not be
7 contained in a Title V permit):

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

19 (2)(i) Any term or condition of any preconstruction
20 permits issued pursuant to regulations approved or
21 promulgated by USEPA under Title I of the Clean Air
22 Act, including Part C or D of the Clean Air Act.

23 (ii) Any term or condition as required pursuant to
24 Section 39.5 of any federally enforceable State
25 operating permit issued pursuant to regulations
26 approved or promulgated by USEPA under Title I of the

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

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

5 (4) Any standard or other requirement under Section 112
6 of the Clean Air Act, including any requirement concerning
7 accident prevention under Section 112(r)(7) of the Clean
8 Air Act.

9 (5) Any standard or other requirement of the acid rain
10 program under Title IV of the Clean Air Act or the
11 regulations promulgated thereunder.

12 (6) Any requirements established pursuant to Section
13 504(b) or Section 114(a)(3) of the Clean Air Act.

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

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

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

21 (10) Any standard or other requirement of the program
22 to control air pollution from Outer Continental Shelf
23 sources, under Section 328 of the Clean Air Act.

24 (11) Any standard or other requirement of the
25 regulations promulgated to protect stratospheric ozone
26 under Title VI of the Clean Air Act, unless USEPA has

1 determined that such requirements need not be contained in
2 a Title V permit.

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

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

14 "CAAPP" means the Clean Air Act Permit Program, developed
15 pursuant to Title V of the Clean Air Act.

16 "CAAPP application" means an application for a CAAPP
17 permit.

18 "CAAPP Permit" or "permit" (unless the context suggests
19 otherwise) means any permit issued, renewed, amended, modified
20 or revised pursuant to Title V of the Clean Air Act.

21 "CAAPP source" means any source for which the owner or
22 operator is required to obtain a CAAPP permit pursuant to
23 subsection 2 of this Section.

24 "Clean Air Act" means the Clean Air Act, as now and
25 hereafter amended, 42 U.S.C. 7401, et seq.

26 "Designated representative" has the meaning given to it in

1 Section 402(26) of the Clean Air Act and the regulations
2 promulgated thereunder, which state that the term "designated
3 representative" means a responsible person or official
4 authorized by the owner or operator of a unit to represent the
5 owner or operator in all matters pertaining to the holding,
6 transfer, or disposition of allowances allocated to a unit, and
7 the submission of and compliance with permits, permit
8 applications, and compliance plans for the unit.

9 "Draft CAAPP permit" means the version of a CAAPP permit
10 for which public notice and an opportunity for public comment
11 and hearing is offered by the Agency.

12 "Effective date of the CAAPP" means the date that USEPA
13 approves Illinois' CAAPP.

14 "Emission unit" means any part or activity of a stationary
15 source that emits or has the potential to emit any air
16 pollutant. This term is not meant to alter or affect the
17 definition of the term "unit" for purposes of Title IV of the
18 Clean Air Act.

19 "Federally enforceable" means enforceable by USEPA.

20 "Final permit action" means the Agency's granting with
21 conditions, refusal to grant, renewal of, or revision of a
22 CAAPP permit, the Agency's determination of incompleteness of a
23 submitted CAAPP application, or the Agency's failure to act on
24 an application for a permit, permit renewal, or permit revision
25 within the time specified in subsection 13, subsection 14, or
26 paragraph (j) of subsection 5 of this Section.

1 "General permit" means a permit issued to cover numerous
2 similar sources in accordance with subsection 11 of this
3 Section.

4 "Major source" means a source for which emissions of one or
5 more air pollutants meet the criteria for major status pursuant
6 to paragraph (c) of subsection 2 of this Section.

7 "Maximum achievable control technology" or "MACT" means
8 the maximum degree of reductions in emissions deemed achievable
9 under Section 112 of the Clean Air Act.

10 "Owner or operator" means any person who owns, leases,
11 operates, controls, or supervises a stationary source.

12 "Permit modification" means a revision to a CAAPP permit
13 that cannot be accomplished under the provisions for
14 administrative permit amendments under subsection 13 of this
15 Section.

16 "Permit revision" means a permit modification or
17 administrative permit amendment.

18 "Phase II" means the period of the national acid rain
19 program, established under Title IV of the Clean Air Act,
20 beginning January 1, 2000, and continuing thereafter.

21 "Phase II acid rain permit" means the portion of a CAAPP
22 permit issued, renewed, modified, or revised by the Agency
23 during Phase II for an affected source for acid deposition.

24 "Potential to emit" means the maximum capacity of a
25 stationary source to emit any air pollutant under its physical
26 and operational design. Any physical or operational limitation

1 on the capacity of a source to emit an air pollutant, including
2 air pollution control equipment and restrictions on hours of
3 operation or on the type or amount of material combusted,
4 stored, or processed, shall be treated as part of its design if
5 the limitation is enforceable by USEPA. This definition does
6 not alter or affect the use of this term for any other purposes
7 under the Clean Air Act, or the term "capacity factor" as used
8 in Title IV of the Clean Air Act or the regulations promulgated
9 thereunder.

10 "Preconstruction Permit" or "Construction Permit" means a
11 permit which is to be obtained prior to commencing or beginning
12 actual construction or modification of a source or emissions
13 unit.

14 "Proposed CAAPP permit" means the version of a CAAPP permit
15 that the Agency proposes to issue and forwards to USEPA for
16 review in compliance with applicable requirements of the Act
17 and regulations promulgated thereunder.

18 "Regulated air pollutant" means the following:

19 (1) Nitrogen oxides (NO_x) or any volatile organic
20 compound.

21 (2) Any pollutant for which a national ambient air
22 quality standard has been promulgated.

23 (3) Any pollutant that is subject to any standard
24 promulgated under Section 111 of the Clean Air Act.

25 (4) Any Class I or II substance subject to a standard
26 promulgated under or established by Title VI of the Clean

1 Air Act.

2 (5) Any pollutant subject to a standard promulgated
3 under Section 112 or other requirements established under
4 Section 112 of the Clean Air Act, including Sections
5 112(g), (j) and (r).

6 (i) Any pollutant subject to requirements under
7 Section 112(j) of the Clean Air Act. Any pollutant
8 listed under Section 112(b) for which the subject
9 source would be major shall be considered to be
10 regulated 18 months after the date on which USEPA was
11 required to promulgate an applicable standard pursuant
12 to Section 112(e) of the Clean Air Act, if USEPA fails
13 to promulgate such standard.

14 (ii) Any pollutant for which the requirements of
15 Section 112(g)(2) of the Clean Air Act have been met,
16 but only with respect to the individual source subject
17 to Section 112(g)(2) requirement.

18 (6) Greenhouse gases.

19 "Renewal" means the process by which a permit is reissued
20 at the end of its term.

21 "Responsible official" means one of the following:

22 (1) For a corporation: a president, secretary,
23 treasurer, or vice-president of the corporation in charge
24 of a principal business function, or any other person who
25 performs similar policy or decision-making functions for
26 the corporation, or a duly authorized representative of

1 such person if the representative is responsible for the
2 overall operation of one or more manufacturing,
3 production, or operating facilities applying for or
4 subject to a permit and either (i) the facilities employ
5 more than 250 persons or have gross annual sales or
6 expenditures exceeding \$25 million (in second quarter 1980
7 dollars), or (ii) the delegation of authority to such
8 representative is approved in advance by the Agency.

9 (2) For a partnership or sole proprietorship: a general
10 partner or the proprietor, respectively, or in the case of
11 a partnership in which all of the partners are
12 corporations, a duly authorized representative of the
13 partnership if the representative is responsible for the
14 overall operation of one or more manufacturing,
15 production, or operating facilities applying for or
16 subject to a permit and either (i) the facilities employ
17 more than 250 persons or have gross annual sales or
18 expenditures exceeding \$25 million (in second quarter 1980
19 dollars), or (ii) the delegation of authority to such
20 representative is approved in advance by the Agency.

21 (3) For a municipality, State, Federal, or other public
22 agency: either a principal executive officer or ranking
23 elected official. For the purposes of this part, a
24 principal executive officer of a Federal agency includes
25 the chief executive officer having responsibility for the
26 overall operations of a principal geographic unit of the

1 agency (e.g., a Regional Administrator of USEPA).

2 (4) For affected sources for acid deposition:

3 (i) The designated representative shall be the
4 "responsible official" in so far as actions,
5 standards, requirements, or prohibitions under Title
6 IV of the Clean Air Act or the regulations promulgated
7 thereunder are concerned.

8 (ii) The designated representative may also be the
9 "responsible official" for any other purposes with
10 respect to air pollution control.

11 "Section 502(b)(10) changes" means changes that contravene
12 express permit terms. "Section 502(b)(10) changes" do not
13 include changes that would violate applicable requirements or
14 contravene federally enforceable permit terms or conditions
15 that are monitoring (including test methods), recordkeeping,
16 reporting, or compliance certification requirements.

17 "Solid waste incineration unit" means a distinct operating
18 unit of any facility which combusts any solid waste material
19 from commercial or industrial establishments or the general
20 public (including single and multiple residences, hotels, and
21 motels). The term does not include incinerators or other units
22 required to have a permit under Section 3005 of the Solid Waste
23 Disposal Act. The term also does not include (A) materials
24 recovery facilities (including primary or secondary smelters)
25 which combust waste for the primary purpose of recovering
26 metals, (B) qualifying small power production facilities, as

1 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.
2 769(17)(C)), or qualifying cogeneration facilities, as defined
3 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.
4 796(18)(B)), which burn homogeneous waste (such as units which
5 burn tires or used oil, but not including refuse-derived fuel)
6 for the production of electric energy or in the case of
7 qualifying cogeneration facilities which burn homogeneous
8 waste for the production of electric energy and steam or forms
9 of useful energy (such as heat) which are used for industrial,
10 commercial, heating or cooling purposes, or (C) air curtain
11 incinerators provided that such incinerators only burn wood
12 wastes, yard waste and clean lumber and that such air curtain
13 incinerators comply with opacity limitations to be established
14 by the USEPA by rule.

15 "Source" means any stationary source (or any group of
16 stationary sources) that is located on one or more contiguous
17 or adjacent properties that are under common control of the
18 same person (or persons under common control) and that belongs
19 to a single major industrial grouping. For the purposes of
20 defining "source," a stationary source or group of stationary
21 sources shall be considered part of a single major industrial
22 grouping if all of the pollutant emitting activities at such
23 source or group of sources located on contiguous or adjacent
24 properties and under common control belong to the same Major
25 Group (i.e., all have the same two-digit code) as described in
26 the Standard Industrial Classification Manual, 1987, or such

1 pollutant emitting activities at a stationary source (or group
2 of stationary sources) located on contiguous or adjacent
3 properties and under common control constitute a support
4 facility. The determination as to whether any group of
5 stationary sources is located on contiguous or adjacent
6 properties, and/or is under common control, and/or whether the
7 pollutant emitting activities at such group of stationary
8 sources constitute a support facility shall be made on a case
9 by case basis.

10 "Stationary source" means any building, structure,
11 facility, or installation that emits or may emit any regulated
12 air pollutant or any pollutant listed under Section 112(b) of
13 the Clean Air Act, except those emissions resulting directly
14 from an internal combustion engine for transportation purposes
15 or from a nonroad engine or nonroad vehicle as defined in
16 Section 216 of the Clean Air Act.

17 "Subject to regulation" has the meaning given to it in 40
18 CFR 70.2, as now or hereafter amended.

19 "Support facility" means any stationary source (or group of
20 stationary sources) that conveys, stores, or otherwise assists
21 to a significant extent in the production of a principal
22 product at another stationary source (or group of stationary
23 sources). A support facility shall be considered to be part of
24 the same source as the stationary source (or group of
25 stationary sources) that it supports regardless of the 2-digit
26 Standard Industrial Classification code for the support

1 facility.

2 "USEPA" means the Administrator of the United States
3 Environmental Protection Agency (USEPA) or a person designated
4 by the Administrator.

5 1.1. Exclusion From the CAAPP.

6 a. An owner or operator of a source which determines
7 that the source could be excluded from the CAAPP may seek
8 such exclusion prior to the date that the CAAPP application
9 for the source is due but in no case later than 9 months
10 after the effective date of the CAAPP through the
11 imposition of federally enforceable conditions limiting
12 the "potential to emit" of the source to a level below the
13 major source threshold for that source as described in
14 paragraph (c) of subsection 2 of this Section, within a
15 State operating permit issued pursuant to subsection (a) of
16 Section 39 of this Act. After such date, an exclusion from
17 the CAAPP may be sought under paragraph (c) of subsection 3
18 of this Section.

19 b. An owner or operator of a source seeking exclusion
20 from the CAAPP pursuant to paragraph (a) of this subsection
21 must submit a permit application consistent with the
22 existing State permit program which specifically requests
23 such exclusion through the imposition of such federally
24 enforceable conditions.

25 c. Upon such request, if the Agency determines that the

1 owner or operator of a source has met the requirements for
2 exclusion pursuant to paragraph (a) of this subsection and
3 other applicable requirements for permit issuance under
4 subsection (a) of Section 39 of this Act, the Agency shall
5 issue a State operating permit for such source under
6 subsection (a) of Section 39 of this Act, as amended, and
7 regulations promulgated thereunder with federally
8 enforceable conditions limiting the "potential to emit" of
9 the source to a level below the major source threshold for
10 that source as described in paragraph (c) of subsection 2
11 of this Section.

12 d. The Agency shall provide an owner or operator of a
13 source which may be excluded from the CAAPP pursuant to
14 this subsection with reasonable notice that the owner or
15 operator may seek such exclusion.

16 e. The Agency shall provide such sources with the
17 necessary permit application forms.

18 2. Applicability.

19 a. Sources subject to this Section shall include:

20 i. Any major source as defined in paragraph (c) of
21 this subsection.

22 ii. Any source subject to a standard or other
23 requirements promulgated under Section 111 (New Source
24 Performance Standards) or Section 112 (Hazardous Air
25 Pollutants) of the Clean Air Act, except that a source

1 is not required to obtain a permit solely because it is
2 subject to regulations or requirements under Section
3 112(r) of the Clean Air Act.

4 iii. Any affected source for acid deposition, as
5 defined in subsection 1 of this Section.

6 iv. Any other source subject to this Section under
7 the Clean Air Act or regulations promulgated
8 thereunder, or applicable Board regulations.

9 b. Sources exempted from this Section shall include:

10 i. All sources listed in paragraph (a) of this
11 subsection that are not major sources, affected
12 sources for acid deposition or solid waste
13 incineration units required to obtain a permit
14 pursuant to Section 129(e) of the Clean Air Act, until
15 the source is required to obtain a CAAPP permit
16 pursuant to the Clean Air Act or regulations
17 promulgated thereunder.

18 ii. Nonmajor sources subject to a standard or other
19 requirements subsequently promulgated by USEPA under
20 Section 111 or 112 of the Clean Air Act that are
21 determined by USEPA to be exempt at the time a new
22 standard is promulgated.

23 iii. All sources and source categories that would
24 be required to obtain a permit solely because they are
25 subject to Part 60, Subpart AAA - Standards of
26 Performance for New Residential Wood Heaters (40 CFR

1 Part 60).

2 iv. All sources and source categories that would be
3 required to obtain a permit solely because they are
4 subject to Part 61, Subpart M - National Emission
5 Standard for Hazardous Air Pollutants for Asbestos,
6 Section 61.145 (40 CFR Part 61).

7 v. Any other source categories exempted by USEPA
8 regulations pursuant to Section 502(a) of the Clean Air
9 Act.

10 vi. Major sources of greenhouse gas emissions
11 required to obtain a CAAPP permit under this Section if
12 any of the following occurs:

13 (A) enactment of federal legislation depriving
14 the Administrator of the USEPA of authority to
15 regulate greenhouse gases under the Clean Air Act;

16 (B) the issuance of any opinion, ruling,
17 judgment, order, or decree by a federal court
18 depriving the Administrator of the USEPA of
19 authority to regulate greenhouse gases under the
20 Clean Air Act; or

21 (C) action by the President of the United
22 States or the President's authorized agent,
23 including the Administrator of the USEPA, to
24 repeal or withdraw the Greenhouse Gas Tailoring
25 Rule (75 Fed. Reg. 31514, June 3, 2010).

26 If any event listed in this subparagraph (vi)

1 occurs, CAAPP permits issued after such event shall not
2 impose permit terms or conditions addressing
3 greenhouse gases during the effectiveness of any event
4 listed in subparagraph (vi). If any event listed in
5 this subparagraph (vi) occurs, any owner or operator
6 with a CAAPP permit that includes terms or conditions
7 addressing greenhouse gases may elect to submit an
8 application to the Agency to address a revision or
9 repeal of such terms or conditions. If any owner or
10 operator submits such an application, the Agency shall
11 expeditiously process the permit application in
12 accordance with applicable laws and regulations.
13 Nothing in this subparagraph (vi) shall relieve an
14 owner or operator of a source from the requirement to
15 obtain a CAAPP permit for its emissions of regulated
16 air pollutants other than greenhouse gases, as
17 required by this Section.

18 c. For purposes of this Section the term "major source"
19 means any source that is:

20 i. A major source under Section 112 of the Clean
21 Air Act, which is defined as:

22 A. For pollutants other than radionuclides,
23 any stationary source or group of stationary
24 sources located within a contiguous area and under
25 common control that emits or has the potential to
26 emit, in the aggregate, 10 tons per year (tpy) or

1 more of any hazardous air pollutant which has been
2 listed pursuant to Section 112(b) of the Clean Air
3 Act, 25 tpy or more of any combination of such
4 hazardous air pollutants, or such lesser quantity
5 as USEPA may establish by rule. Notwithstanding
6 the preceding sentence, emissions from any oil or
7 gas exploration or production well (with its
8 associated equipment) and emissions from any
9 pipeline compressor or pump station shall not be
10 aggregated with emissions from other similar
11 units, whether or not such units are in a
12 contiguous area or under common control, to
13 determine whether such stations are major sources.

14 B. For radionuclides, "major source" shall
15 have the meaning specified by the USEPA by rule.

16 ii. A major stationary source of air pollutants, as
17 defined in Section 302 of the Clean Air Act, that
18 directly emits or has the potential to emit, 100 tpy or
19 more of any air pollutant subject to regulation
20 (including any major source of fugitive emissions of
21 any such pollutant, as determined by rule by USEPA).
22 For purposes of this subsection, "fugitive emissions"
23 means those emissions which could not reasonably pass
24 through a stack, chimney, vent, or other
25 functionally-equivalent opening. The fugitive
26 emissions of a stationary source shall not be

1 considered in determining whether it is a major
2 stationary source for the purposes of Section 302(j) of
3 the Clean Air Act, unless the source belongs to one of
4 the following categories of stationary source:

5 A. Coal cleaning plants (with thermal dryers).

6 B. Kraft pulp mills.

7 C. Portland cement plants.

8 D. Primary zinc smelters.

9 E. Iron and steel mills.

10 F. Primary aluminum ore reduction plants.

11 G. Primary copper smelters.

12 H. Municipal incinerators capable of charging
13 more than 250 tons of refuse per day.

14 I. Hydrofluoric, sulfuric, or nitric acid
15 plants.

16 J. Petroleum refineries.

17 K. Lime plants.

18 L. Phosphate rock processing plants.

19 M. Coke oven batteries.

20 N. Sulfur recovery plants.

21 O. Carbon black plants (furnace process).

22 P. Primary lead smelters.

23 Q. Fuel conversion plants.

24 R. Sintering plants.

25 S. Secondary metal production plants.

26 T. Chemical process plants.

1 U. Fossil-fuel boilers (or combination
2 thereof) totaling more than 250 million British
3 thermal units per hour heat input.

4 V. Petroleum storage and transfer units with a
5 total storage capacity exceeding 300,000 barrels.

6 W. Taconite ore processing plants.

7 X. Glass fiber processing plants.

8 Y. Charcoal production plants.

9 Z. Fossil fuel-fired steam electric plants of
10 more than 250 million British thermal units per
11 hour heat input.

12 AA. All other stationary source categories,
13 which as of August 7, 1980 are being regulated by a
14 standard promulgated under Section 111 or 112 of
15 the Clean Air Act.

16 BB. Any other stationary source category
17 designated by USEPA by rule.

18 iii. A major stationary source as defined in part D
19 of Title I of the Clean Air Act including:

20 A. For ozone nonattainment areas, sources with
21 the potential to emit 100 tons or more per year of
22 volatile organic compounds or oxides of nitrogen
23 in areas classified as "marginal" or "moderate",
24 50 tons or more per year in areas classified as
25 "serious", 25 tons or more per year in areas
26 classified as "severe", and 10 tons or more per

1 year in areas classified as "extreme"; except that
2 the references in this clause to 100, 50, 25, and
3 10 tons per year of nitrogen oxides shall not apply
4 with respect to any source for which USEPA has made
5 a finding, under Section 182(f)(1) or (2) of the
6 Clean Air Act, that requirements otherwise
7 applicable to such source under Section 182(f) of
8 the Clean Air Act do not apply. Such sources shall
9 remain subject to the major source criteria of
10 subparagraph (ii) of paragraph (c) of this
11 subsection.

12 B. For ozone transport regions established
13 pursuant to Section 184 of the Clean Air Act,
14 sources with the potential to emit 50 tons or more
15 per year of volatile organic compounds (VOCs).

16 C. For carbon monoxide nonattainment areas (1)
17 that are classified as "serious", and (2) in which
18 stationary sources contribute significantly to
19 carbon monoxide levels as determined under rules
20 issued by USEPA, sources with the potential to emit
21 50 tons or more per year of carbon monoxide.

22 D. For particulate matter (PM-10)
23 nonattainment areas classified as "serious",
24 sources with the potential to emit 70 tons or more
25 per year of PM-10.

1 3. Agency Authority To Issue CAAPP Permits and Federally
2 Enforceable State Operating Permits.

3 a. The Agency shall issue CAAPP permits under this
4 Section consistent with the Clean Air Act and regulations
5 promulgated thereunder and this Act and regulations
6 promulgated thereunder.

7 b. The Agency shall issue CAAPP permits for fixed terms
8 of 5 years, except CAAPP permits issued for solid waste
9 incineration units combusting municipal waste which shall
10 be issued for fixed terms of 12 years and except CAAPP
11 permits for affected sources for acid deposition which
12 shall be issued for initial terms to expire on December 31,
13 1999, and for fixed terms of 5 years thereafter.

14 c. The Agency shall have the authority to issue a State
15 operating permit for a source under subsection (a) of
16 Section 39 of this Act, as amended, and regulations
17 promulgated thereunder, which includes federally
18 enforceable conditions limiting the "potential to emit" of
19 the source to a level below the major source threshold for
20 that source as described in paragraph (c) of subsection 2
21 of this Section, thereby excluding the source from the
22 CAAPP, when requested by the applicant pursuant to
23 paragraph (u) of subsection 5 of this Section. The public
24 notice requirements of this Section applicable to CAAPP
25 permits shall also apply to the initial issuance of permits
26 under this paragraph.

1 d. For purposes of this Act, a permit issued by USEPA
2 under Section 505 of the Clean Air Act, as now and
3 hereafter amended, shall be deemed to be a permit issued by
4 the Agency pursuant to Section 39.5 of this Act.

5 4. Transition.

6 a. An owner or operator of a CAAPP source shall not be
7 required to renew an existing State operating permit for
8 any emission unit at such CAAPP source once a CAAPP
9 application timely submitted prior to expiration of the
10 State operating permit has been deemed complete. For
11 purposes other than permit renewal, the obligation upon the
12 owner or operator of a CAAPP source to obtain a State
13 operating permit is not removed upon submittal of the
14 complete CAAPP permit application. An owner or operator of
15 a CAAPP source seeking to make a modification to a source
16 prior to the issuance of its CAAPP permit shall be required
17 to obtain a construction permit, operating permit, or both
18 as required for such modification in accordance with the
19 State permit program under subsection (a) of Section 39 of
20 this Act, as amended, and regulations promulgated
21 thereunder. The application for such construction permit,
22 operating permit, or both shall be considered an amendment
23 to the CAAPP application submitted for such source.

24 b. An owner or operator of a CAAPP source shall
25 continue to operate in accordance with the terms and

1 conditions of its applicable State operating permit
2 notwithstanding the expiration of the State operating
3 permit until the source's CAAPP permit has been issued.

4 c. An owner or operator of a CAAPP source shall submit
5 its initial CAAPP application to the Agency no later than
6 12 months after the effective date of the CAAPP. The Agency
7 may request submittal of initial CAAPP applications during
8 this 12-month period according to a schedule set forth
9 within Agency procedures, however, in no event shall the
10 Agency require such submittal earlier than 3 months after
11 such effective date of the CAAPP. An owner or operator may
12 voluntarily submit its initial CAAPP application prior to
13 the date required within this paragraph or applicable
14 procedures, if any, subsequent to the date the Agency
15 submits the CAAPP to USEPA for approval.

16 d. The Agency shall act on initial CAAPP applications
17 in accordance with paragraph (j) of subsection 5 of this
18 Section.

19 e. For purposes of this Section, the term "initial
20 CAAPP application" shall mean the first CAAPP application
21 submitted for a source existing as of the effective date of
22 the CAAPP.

23 f. The Agency shall provide owners or operators of
24 CAAPP sources with at least 3 months advance notice of the
25 date on which their applications are required to be
26 submitted. In determining which sources shall be subject to

1 early submittal, the Agency shall include among its
2 considerations the complexity of the permit application,
3 and the burden that such early submittal will have on the
4 source.

5 g. The CAAPP permit shall upon becoming effective
6 supersede the State operating permit.

7 h. 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 5. Applications and Completeness.

12 a. An owner or operator of a CAAPP source shall submit
13 its complete CAAPP application consistent with the Act and
14 applicable regulations.

15 b. An owner or operator of a CAAPP source shall submit
16 a single complete CAAPP application covering all emission
17 units at that source.

18 c. To be deemed complete, a CAAPP application must
19 provide all information, as requested in Agency
20 application forms, sufficient to evaluate the subject
21 source and its application and to determine all applicable
22 requirements, pursuant to the Clean Air Act, and
23 regulations thereunder, this Act and regulations
24 thereunder. Such Agency application forms shall be
25 finalized and made available prior to the date on which any

1 CAAPP application is required.

2 d. An owner or operator of a CAAPP source shall submit,
3 as part of its complete CAAPP application, a compliance
4 plan, including a schedule of compliance, describing how
5 each emission unit will comply with all applicable
6 requirements. Any such schedule of compliance shall be
7 supplemental to, and shall not sanction noncompliance
8 with, the applicable requirements on which it is based.

9 e. Each submitted CAAPP application shall be certified
10 for truth, accuracy, and completeness by a responsible
11 official in accordance with applicable regulations.

12 f. The Agency shall provide notice to a CAAPP applicant
13 as to whether a submitted CAAPP application is complete.
14 Unless the Agency notifies the applicant of
15 incompleteness, within 60 days after receipt of the CAAPP
16 application, the application shall be deemed complete. The
17 Agency may request additional information as needed to make
18 the completeness determination. The Agency may to the
19 extent practicable provide the applicant with a reasonable
20 opportunity to correct deficiencies prior to a final
21 determination of completeness.

22 g. If after the determination of completeness the
23 Agency finds that additional information is necessary to
24 evaluate or take final action on the CAAPP application, the
25 Agency may request in writing such information from the
26 source with a reasonable deadline for response.

1 h. If the owner or operator of a CAAPP source submits a
2 timely and complete CAAPP application, the source's
3 failure to have a CAAPP permit shall not be a violation of
4 this Section until the Agency takes final action on the
5 submitted CAAPP application, provided, however, where the
6 applicant fails to submit the requested information under
7 paragraph (g) of this subsection 5 within the time frame
8 specified by the Agency, this protection shall cease to
9 apply.

10 i. Any applicant who fails to submit any relevant facts
11 necessary to evaluate the subject source and its CAAPP
12 application or who has submitted incorrect information in a
13 CAAPP application shall, upon becoming aware of such
14 failure or incorrect submittal, submit supplementary facts
15 or correct information to the Agency. In addition, an
16 applicant shall provide to the Agency additional
17 information as necessary to address any requirements which
18 become applicable to the source subsequent to the date the
19 applicant submitted its complete CAAPP application but
20 prior to release of the draft CAAPP permit.

21 j. The Agency shall issue or deny the CAAPP permit
22 within 18 months after the date of receipt of the complete
23 CAAPP application, with the following exceptions: (i)
24 permits for affected sources for acid deposition shall be
25 issued or denied within 6 months after receipt of a
26 complete application in accordance with subsection 17 of

1 this Section; (ii) the Agency shall act on initial CAAPP
2 applications within 24 months after the date of receipt of
3 the complete CAAPP application; (iii) the Agency shall act
4 on complete applications containing early reduction
5 demonstrations under Section 112(i)(5) of the Clean Air Act
6 within 9 months of receipt of the complete CAAPP
7 application.

8 Where the Agency does not take final action on the
9 permit within the required time period, the permit shall
10 not be deemed issued; rather, the failure to act shall be
11 treated as a final permit action for purposes of judicial
12 review pursuant to Sections 40.2 and 41 of this Act.

13 k. The submittal of a complete CAAPP application shall
14 not affect the requirement that any source have a
15 preconstruction permit under Title I of the Clean Air Act.

16 l. Unless a timely and complete renewal application has
17 been submitted consistent with this subsection, a CAAPP
18 source operating upon the expiration of its CAAPP permit
19 shall be deemed to be operating without a CAAPP permit.
20 Such operation is prohibited under this Act.

21 m. Permits being renewed shall be subject to the same
22 procedural requirements, including those for public
23 participation and federal review and objection, that apply
24 to original permit issuance.

25 n. For purposes of permit renewal, a timely application
26 is one that is submitted no less than 9 months prior to the

1 date of permit expiration.

2 o. The terms and conditions of a CAAPP permit shall
3 remain in effect until the issuance of a CAAPP renewal
4 permit provided a timely and complete CAAPP application has
5 been submitted.

6 p. The owner or operator of a CAAPP source seeking a
7 permit shield pursuant to paragraph (j) of subsection 7 of
8 this Section shall request such permit shield in the CAAPP
9 application regarding that source.

10 q. The Agency shall make available to the public all
11 documents submitted by the applicant to the Agency,
12 including each CAAPP application, compliance plan
13 (including the schedule of compliance), and emissions or
14 compliance monitoring report, with the exception of
15 information entitled to confidential treatment pursuant to
16 Section 7 of this Act.

17 r. The Agency shall use the standardized forms required
18 under Title IV of the Clean Air Act and regulations
19 promulgated thereunder for affected sources for acid
20 deposition.

21 s. An owner or operator of a CAAPP source may include
22 within its CAAPP application a request for permission to
23 operate during a startup, malfunction, or breakdown
24 consistent with applicable Board regulations.

25 t. An owner or operator of a CAAPP source, in order to
26 utilize the operational flexibility provided under

1 paragraph (l) of subsection 7 of this Section, must request
2 such use and provide the necessary information within its
3 CAAPP application.

4 u. An owner or operator of a CAAPP source which seeks
5 exclusion from the CAAPP through the imposition of
6 federally enforceable conditions, pursuant to paragraph
7 (c) of subsection 3 of this Section, must request such
8 exclusion within a CAAPP application submitted consistent
9 with this subsection on or after the date that the CAAPP
10 application for the source is due. Prior to such date, but
11 in no case later than 9 months after the effective date of
12 the CAAPP, such owner or operator may request the
13 imposition of federally enforceable conditions pursuant to
14 paragraph (b) of subsection 1.1 of this Section.

15 v. CAAPP applications shall contain accurate
16 information on allowable emissions to implement the fee
17 provisions of subsection 18 of this Section.

18 w. An owner or operator of a CAAPP source shall submit
19 within its CAAPP application emissions information
20 regarding all regulated air pollutants emitted at that
21 source consistent with applicable Agency procedures.
22 Emissions information regarding insignificant activities
23 or emission levels, as determined by the Agency pursuant to
24 Board regulations, may be submitted as a list within the
25 CAAPP application. The Agency shall propose regulations to
26 the Board defining insignificant activities or emission

1 levels, consistent with federal regulations, if any, no
2 later than 18 months after the effective date of this
3 amendatory Act of 1992, consistent with Section 112(n)(1)
4 of the Clean Air Act. The Board shall adopt final
5 regulations defining insignificant activities or emission
6 levels no later than 9 months after the date of the
7 Agency's proposal.

8 x. The owner or operator of a new CAAPP source shall
9 submit its complete CAAPP application consistent with this
10 subsection within 12 months after commencing operation of
11 such source. The owner or operator of an existing source
12 that has been excluded from the provisions of this Section
13 under subsection 1.1 or paragraph (c) of subsection 3 of
14 this Section and that becomes subject to the CAAPP solely
15 due to a change in operation at the source shall submit its
16 complete CAAPP application consistent with this subsection
17 at least 180 days before commencing operation in accordance
18 with the change in operation.

19 y. 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 6. Prohibitions.

24 a. It shall be unlawful for any person to violate any
25 terms or conditions of a permit issued under this Section,

1 to operate any CAAPP source except in compliance with a
2 permit issued by the Agency under this Section or to
3 violate any other applicable requirements. All terms and
4 conditions of a permit issued under this Section are
5 enforceable by USEPA and citizens under the Clean Air Act,
6 except those, if any, that are specifically designated as
7 not being federally enforceable in the permit pursuant to
8 paragraph (m) of subsection 7 of this Section.

9 b. After the applicable CAAPP permit or renewal
10 application submittal date, as specified in subsection 5 of
11 this Section, no person shall operate a CAAPP source
12 without a CAAPP permit unless the complete CAAPP permit or
13 renewal application for such source has been timely
14 submitted to the Agency.

15 c. No owner or operator of a CAAPP source shall cause
16 or threaten or allow the continued operation of an emission
17 source during malfunction or breakdown of the emission
18 source or related air pollution control equipment if such
19 operation would cause a violation of the standards or
20 limitations applicable to the source, unless the CAAPP
21 permit granted to the source provides for such operation
22 consistent with this Act and applicable Board regulations.

23 7. Permit Content.

24 a. All CAAPP permits shall contain emission
25 limitations and standards and other enforceable terms and

1 conditions, including but not limited to operational
2 requirements, and schedules for achieving compliance at
3 the earliest reasonable date, which are or will be required
4 to accomplish the purposes and provisions of this Act and
5 to assure compliance with all applicable requirements.

6 b. The Agency shall include among such conditions
7 applicable monitoring, reporting, record keeping and
8 compliance certification requirements, as authorized by
9 paragraphs (d), (e), and (f) of this subsection, that the
10 Agency deems necessary to assure compliance with the Clean
11 Air Act, the regulations promulgated thereunder, this Act,
12 and applicable Board regulations. When monitoring,
13 reporting, record keeping, and compliance certification
14 requirements are specified within the Clean Air Act,
15 regulations promulgated thereunder, this Act, or
16 applicable regulations, such requirements shall be
17 included within the CAAPP permit. The Board shall have
18 authority to promulgate additional regulations where
19 necessary to accomplish the purposes of the Clean Air Act,
20 this Act, and regulations promulgated thereunder.

21 c. The Agency shall assure, within such conditions, the
22 use of terms, test methods, units, averaging periods, and
23 other statistical conventions consistent with the
24 applicable emission limitations, standards, and other
25 requirements contained in the permit.

26 d. To meet the requirements of this subsection with

1 respect to monitoring, the permit shall:

2 i. Incorporate and identify all applicable
3 emissions monitoring and analysis procedures or test
4 methods required under the Clean Air Act, regulations
5 promulgated thereunder, this Act, and applicable Board
6 regulations, including any procedures and methods
7 promulgated by USEPA pursuant to Section 504(b) or
8 Section 114 (a) (3) of the Clean Air Act.

9 ii. Where the applicable requirement does not
10 require periodic testing or instrumental or
11 noninstrumental monitoring (which may consist of
12 recordkeeping designed to serve as monitoring),
13 require periodic monitoring sufficient to yield
14 reliable data from the relevant time period that is
15 representative of the source's compliance with the
16 permit, as reported pursuant to paragraph (f) of this
17 subsection. The Agency may determine that
18 recordkeeping requirements are sufficient to meet the
19 requirements of this subparagraph.

20 iii. As necessary, specify requirements concerning
21 the use, maintenance, and when appropriate,
22 installation of monitoring equipment or methods.

23 e. To meet the requirements of this subsection with
24 respect to record keeping, the permit shall incorporate and
25 identify all applicable recordkeeping requirements and
26 require, where applicable, the following:

1 i. Records of required monitoring information that
2 include the following:

3 A. The date, place and time of sampling or
4 measurements.

5 B. The date(s) analyses were performed.

6 C. The company or entity that performed the
7 analyses.

8 D. The analytical techniques or methods used.

9 E. The results of such analyses.

10 F. The operating conditions as existing at the
11 time of sampling or measurement.

12 ii. Retention of records of all monitoring data and
13 support information for a period of at least 5 years
14 from the date of the monitoring sample, measurement,
15 report, or application. Support information includes
16 all calibration and maintenance records, original
17 strip-chart recordings for continuous monitoring
18 instrumentation, and copies of all reports required by
19 the permit.

20 f. To meet the requirements of this subsection with
21 respect to reporting, the permit shall incorporate and
22 identify all applicable reporting requirements and require
23 the following:

24 i. Submittal of reports of any required monitoring
25 every 6 months. More frequent submittals may be
26 requested by the Agency if such submittals are

1 necessary to assure compliance with this Act or
2 regulations promulgated by the Board thereunder. All
3 instances of deviations from permit requirements must
4 be clearly identified in such reports. All required
5 reports must be certified by a responsible official
6 consistent with subsection 5 of this Section.

7 ii. Prompt reporting of deviations from permit
8 requirements, including those attributable to upset
9 conditions as defined in the permit, the probable cause
10 of such deviations, and any corrective actions or
11 preventive measures taken.

12 g. Each CAAPP permit issued under subsection 10 of this
13 Section shall include a condition prohibiting emissions
14 exceeding any allowances that the source lawfully holds
15 under Title IV of the Clean Air Act or the regulations
16 promulgated thereunder, consistent with subsection 17 of
17 this Section and applicable regulations, if any.

18 h. All CAAPP permits shall state that, where another
19 applicable requirement of the Clean Air Act is more
20 stringent than any applicable requirement of regulations
21 promulgated under Title IV of the Clean Air Act, both
22 provisions shall be incorporated into the permit and shall
23 be State and federally enforceable.

24 i. Each CAAPP permit issued under subsection 10 of this
25 Section shall include a severability clause to ensure the
26 continued validity of the various permit requirements in

1 the event of a challenge to any portions of the permit.

2 j. The following shall apply with respect to owners or
3 operators requesting a permit shield:

4 i. The Agency shall include in a CAAPP permit, when
5 requested by an applicant pursuant to paragraph (p) of
6 subsection 5 of this Section, a provision stating that
7 compliance with the conditions of the permit shall be
8 deemed compliance with applicable requirements which
9 are applicable as of the date of release of the
10 proposed permit, provided that:

11 A. The applicable requirement is specifically
12 identified within the permit; or

13 B. The Agency in acting on the CAAPP
14 application or revision determines in writing that
15 other requirements specifically identified are not
16 applicable to the source, and the permit includes
17 that determination or a concise summary thereof.

18 ii. The permit shall identify the requirements for
19 which the source is shielded. The shield shall not
20 extend to applicable requirements which are
21 promulgated after the date of release of the proposed
22 permit unless the permit has been modified to reflect
23 such new requirements.

24 iii. A CAAPP permit which does not expressly
25 indicate the existence of a permit shield shall not
26 provide such a shield.

1 iv. Nothing in this paragraph or in a CAAPP permit
2 shall alter or affect the following:

3 A. The provisions of Section 303 (emergency
4 powers) of the Clean Air Act, including USEPA's
5 authority under that section.

6 B. The liability of an owner or operator of a
7 source for any violation of applicable
8 requirements prior to or at the time of permit
9 issuance.

10 C. The applicable requirements of the acid
11 rain program consistent with Section 408(a) of the
12 Clean Air Act.

13 D. The ability of USEPA to obtain information
14 from a source pursuant to Section 114
15 (inspections, monitoring, and entry) of the Clean
16 Air Act.

17 k. Each CAAPP permit shall include an emergency
18 provision providing an affirmative defense of emergency to
19 an action brought for noncompliance with technology-based
20 emission limitations under a CAAPP permit if the following
21 conditions are met through properly signed,
22 contemporaneous operating logs, or other relevant
23 evidence:

24 i. An emergency occurred and the permittee can
25 identify the cause(s) of the emergency.

26 ii. The permitted facility was at the time being

1 properly operated.

2 iii. The permittee submitted notice of the
3 emergency to the Agency within 2 working days after the
4 time when emission limitations were exceeded due to the
5 emergency. This notice must contain a detailed
6 description of the emergency, any steps taken to
7 mitigate emissions, and corrective actions taken.

8 iv. During the period of the emergency the
9 permittee took all reasonable steps to minimize levels
10 of emissions that exceeded the emission limitations,
11 standards, or requirements in the permit.

12 For purposes of this subsection, "emergency" means any
13 situation arising from sudden and reasonably unforeseeable
14 events beyond the control of the source, such as an act of
15 God, that requires immediate corrective action to restore
16 normal operation, and that causes the source to exceed a
17 technology-based emission limitation under the permit, due
18 to unavoidable increases in emissions attributable to the
19 emergency. An emergency shall not include noncompliance to
20 the extent caused by improperly designed equipment, lack of
21 preventative maintenance, careless or improper operation,
22 or operation error.

23 In any enforcement proceeding, the permittee seeking
24 to establish the occurrence of an emergency has the burden
25 of proof. This provision is in addition to any emergency or
26 upset provision contained in any applicable requirement.

1 This provision does not relieve a permittee of any
2 reporting obligations under existing federal or state laws
3 or regulations.

4 1. The Agency shall include in each permit issued under
5 subsection 10 of this Section:

6 i. Terms and conditions for reasonably anticipated
7 operating scenarios identified by the source in its
8 application. The permit terms and conditions for each
9 such operating scenario shall meet all applicable
10 requirements and the requirements of this Section.

11 A. Under this subparagraph, the source must
12 record in a log at the permitted facility a record
13 of the scenario under which it is operating
14 contemporaneously with making a change from one
15 operating scenario to another.

16 B. The permit shield described in paragraph
17 (j) of subsection 7 of this Section shall extend to
18 all terms and conditions under each such operating
19 scenario.

20 ii. Where requested by an applicant, all terms and
21 conditions allowing for trading of emissions increases
22 and decreases between different emission units at the
23 CAAPP source, to the extent that the applicable
24 requirements provide for trading of such emissions
25 increases and decreases without a case-by-case
26 approval of each emissions trade. Such terms and

1 conditions:

2 A. Shall include all terms required under this
3 subsection to determine compliance;

4 B. Must meet all applicable requirements;

5 C. Shall extend the permit shield described in
6 paragraph (j) of subsection 7 of this Section to
7 all terms and conditions that allow such increases
8 and decreases in emissions.

9 m. The Agency shall specifically designate as not being
10 federally enforceable under the Clean Air Act any terms and
11 conditions included in the permit that are not specifically
12 required under the Clean Air Act or federal regulations
13 promulgated thereunder. Terms or conditions so designated
14 shall be subject to all applicable state requirements,
15 except the requirements of subsection 7 (other than this
16 paragraph, paragraph q of subsection 7, subsections 8
17 through 11, and subsections 13 through 16 of this Section.
18 The Agency shall, however, include such terms and
19 conditions in the CAAPP permit issued to the source.

20 n. Each CAAPP permit issued under subsection 10 of this
21 Section shall specify and reference the origin of and
22 authority for each term or condition, and identify any
23 difference in form as compared to the applicable
24 requirement upon which the term or condition is based.

25 o. Each CAAPP permit issued under subsection 10 of this
26 Section shall include provisions stating the following:

1 i. Duty to comply. The permittee must comply with
2 all terms and conditions of the CAAPP permit. Any
3 permit noncompliance constitutes a violation of the
4 Clean Air Act and the Act, and is grounds for any or
5 all of the following: enforcement action; permit
6 termination, revocation and reissuance, or
7 modification; or denial of a permit renewal
8 application.

9 ii. Need to halt or reduce activity not a defense.
10 It shall not be a defense for a permittee in an
11 enforcement action that it would have been necessary to
12 halt or reduce the permitted activity in order to
13 maintain compliance with the conditions of this
14 permit.

15 iii. Permit actions. The permit may be modified,
16 revoked, reopened, and reissued, or terminated for
17 cause in accordance with the applicable subsections of
18 Section 39.5 of this Act. The filing of a request by
19 the permittee for a permit modification, revocation
20 and reissuance, or termination, or of a notification of
21 planned changes or anticipated noncompliance does not
22 stay any permit condition.

23 iv. Property rights. The permit does not convey any
24 property rights of any sort, or any exclusive
25 privilege.

26 v. Duty to provide information. The permittee

1 shall furnish to the Agency within a reasonable time
2 specified by the Agency any information that the Agency
3 may request in writing to determine whether cause
4 exists for modifying, revoking and reissuing, or
5 terminating the permit or to determine compliance with
6 the permit. Upon request, the permittee shall also
7 furnish to the Agency copies of records required to be
8 kept by the permit or, for information claimed to be
9 confidential, the permittee may furnish such records
10 directly to USEPA along with a claim of
11 confidentiality.

12 vi. Duty to pay fees. The permittee must pay fees
13 to the Agency consistent with the fee schedule approved
14 pursuant to subsection 18 of this Section, and submit
15 any information relevant thereto.

16 vii. Emissions trading. No permit revision shall
17 be required for increases in emissions allowed under
18 any approved economic incentives, marketable permits,
19 emissions trading, and other similar programs or
20 processes for changes that are provided for in the
21 permit and that are authorized by the applicable
22 requirement.

23 p. Each CAAPP permit issued under subsection 10 of this
24 Section shall contain the following elements with respect
25 to compliance:

26 i. Compliance certification, testing, monitoring,

1 reporting, and record keeping requirements sufficient
2 to assure compliance with the terms and conditions of
3 the permit. Any document (including reports) required
4 by a CAAPP permit shall contain a certification by a
5 responsible official that meets the requirements of
6 subsection 5 of this Section and applicable
7 regulations.

8 ii. Inspection and entry requirements that
9 necessitate that, upon presentation of credentials and
10 other documents as may be required by law and in
11 accordance with constitutional limitations, the
12 permittee shall allow the Agency, or an authorized
13 representative to perform the following:

14 A. Enter upon the permittee's premises where a
15 CAAPP source is located or emissions-related
16 activity is conducted, or where records must be
17 kept under the conditions of the permit.

18 B. Have access to and copy, at reasonable
19 times, any records that must be kept under the
20 conditions of the permit.

21 C. Inspect at reasonable times any facilities,
22 equipment (including monitoring and air pollution
23 control equipment), practices, or operations
24 regulated or required under the permit.

25 D. Sample or monitor any substances or
26 parameters at any location:

1 1. As authorized by the Clean Air Act, at
2 reasonable times, for the purposes of assuring
3 compliance with the CAAPP permit or applicable
4 requirements; or

5 2. As otherwise authorized by this Act.

6 iii. A schedule of compliance consistent with
7 subsection 5 of this Section and applicable
8 regulations.

9 iv. Progress reports consistent with an applicable
10 schedule of compliance pursuant to paragraph (d) of
11 subsection 5 of this Section and applicable
12 regulations to be submitted semiannually, or more
13 frequently if the Agency determines that such more
14 frequent submittals are necessary for compliance with
15 the Act or regulations promulgated by the Board
16 thereunder. Such progress reports shall contain the
17 following:

18 A. Required dates for achieving the
19 activities, milestones, or compliance required by
20 the schedule of compliance and dates when such
21 activities, milestones or compliance were
22 achieved.

23 B. An explanation of why any dates in the
24 schedule of compliance were not or will not be met,
25 and any preventive or corrective measures adopted.

26 v. Requirements for compliance certification with

1 terms and conditions contained in the permit,
2 including emission limitations, standards, or work
3 practices. Permits shall include each of the
4 following:

5 A. The frequency (annually or more frequently
6 as specified in any applicable requirement or by
7 the Agency pursuant to written procedures) of
8 submissions of compliance certifications.

9 B. A means for assessing or monitoring the
10 compliance of the source with its emissions
11 limitations, standards, and work practices.

12 C. A requirement that the compliance
13 certification include the following:

14 1. The identification of each term or
15 condition contained in the permit that is the
16 basis of the certification.

17 2. The compliance status.

18 3. Whether compliance was continuous or
19 intermittent.

20 4. The method(s) used for determining the
21 compliance status of the source, both
22 currently and over the reporting period
23 consistent with subsection 7 of this Section.

24 D. A requirement that all compliance
25 certifications be submitted to USEPA as well as to
26 the Agency.

1 E. Additional requirements as may be specified
2 pursuant to Sections 114(a)(3) and 504(b) of the
3 Clean Air Act.

4 F. Other provisions as the Agency may require.

5 q. If the owner or operator of CAAPP source can
6 demonstrate in its CAAPP application, including an
7 application for a significant modification, that an
8 alternative emission limit would be equivalent to that
9 contained in the applicable Board regulations, the Agency
10 shall include the alternative emission limit in the CAAPP
11 permit, which shall supersede the emission limit set forth
12 in the applicable Board regulations, and shall include
13 conditions that insure that the resulting emission limit is
14 quantifiable, accountable, enforceable, and based on
15 replicable procedures.

16 8. Public Notice; Affected State Review.

17 a. The Agency shall provide notice to the public,
18 including an opportunity for public comment and a hearing,
19 on each draft CAAPP permit for issuance, renewal or
20 significant modification, subject to Section 7.1 and
21 subsection (a) of Section 7 of this Act.

22 b. The Agency shall prepare a draft CAAPP permit and a
23 statement that sets forth the legal and factual basis for
24 the draft CAAPP permit conditions, including references to
25 the applicable statutory or regulatory provisions. The
26 Agency shall provide this statement to any person who

1 requests it.

2 c. The Agency shall give notice of each draft CAAPP
3 permit to the applicant and to any affected State on or
4 before the time that the Agency has provided notice to the
5 public, except as otherwise provided in this Act.

6 d. The Agency, as part of its submittal of a proposed
7 permit to USEPA (or as soon as possible after the submittal
8 for minor permit modification procedures allowed under
9 subsection 14 of this Section), shall notify USEPA and any
10 affected State in writing of any refusal of the Agency to
11 accept all of the recommendations for the proposed permit
12 that an affected State submitted during the public or
13 affected State review period. The notice shall include the
14 Agency's reasons for not accepting the recommendations.
15 The Agency is not required to accept recommendations that
16 are not based on applicable requirements or the
17 requirements of this Section.

18 e. The Agency shall make available to the public any
19 CAAPP permit application, compliance plan (including the
20 schedule of compliance), CAAPP permit, and emissions or
21 compliance monitoring report. If an owner or operator of a
22 CAAPP source is required to submit information entitled to
23 protection from disclosure under Section 7.1 and
24 subsection (a) of Section 7 of this Act, the owner or
25 operator shall submit such information separately. The
26 requirements of Section 7.1 and subsection (a) of Section 7

1 of this Act shall apply to such information, which shall
2 not be included in a CAAPP permit unless required by law.
3 The contents of a CAAPP permit shall not be entitled to
4 protection under Section 7.1 and subsection (a) of Section
5 7 of this Act.

6 f. The Agency shall have the authority to adopt
7 procedural rules, in accordance with the Illinois
8 Administrative Procedure Act, as the Agency deems
9 necessary, to implement this subsection.

10 g. If requested by the permit applicant, the Agency
11 shall provide the permit applicant with a copy of the draft
12 CAAPP permit prior to any public review period. If
13 requested by the permit applicant, the Agency shall provide
14 the permit applicant with a copy of the final CAAPP permit
15 prior to issuance of the CAAPP permit.

16 9. USEPA Notice and Objection.

17 a. The Agency shall provide to USEPA for its review a
18 copy of each CAAPP application (including any application
19 for permit modification), statement of basis as provided in
20 paragraph (b) of subsection 8 of this Section, proposed
21 CAAPP permit, CAAPP permit, and, if the Agency does not
22 incorporate any affected State's recommendations on a
23 proposed CAAPP permit, a written statement of this decision
24 and its reasons for not accepting the recommendations,
25 except as otherwise provided in this Act or by agreement

1 with USEPA. To the extent practicable, the preceding
2 information shall be provided in computer readable format
3 compatible with USEPA's national database management
4 system.

5 b. The Agency shall not issue the proposed CAAPP permit
6 if USEPA objects in writing within 45 days after receipt of
7 the proposed CAAPP permit and all necessary supporting
8 information.

9 c. If USEPA objects in writing to the issuance of the
10 proposed CAAPP permit within the 45-day period, the Agency
11 shall respond in writing and may revise and resubmit the
12 proposed CAAPP permit in response to the stated objection,
13 to the extent supported by the record, within 90 days after
14 the date of the objection. Prior to submitting a revised
15 permit to USEPA, the Agency shall provide the applicant and
16 any person who participated in the public comment process,
17 pursuant to subsection 8 of this Section, with a 10-day
18 period to comment on any revision which the Agency is
19 proposing to make to the permit in response to USEPA's
20 objection in accordance with Agency procedures.

21 d. Any USEPA objection under this subsection,
22 according to the Clean Air Act, will include a statement of
23 reasons for the objection and a description of the terms
24 and conditions that must be in the permit, in order to
25 adequately respond to the objections. Grounds for a USEPA
26 objection include the failure of the Agency to: (1) submit

1 the items and notices required under this subsection; (2)
2 submit any other information necessary to adequately
3 review the proposed CAAPP permit; or (3) process the permit
4 under subsection 8 of this Section except for minor permit
5 modifications.

6 e. If USEPA does not object in writing to issuance of a
7 permit under this subsection, any person may petition USEPA
8 within 60 days after expiration of the 45-day review period
9 to make such objection.

10 f. If the permit has not yet been issued and USEPA
11 objects to the permit as a result of a petition, the Agency
12 shall not issue the permit until USEPA's objection has been
13 resolved. The Agency shall provide a 10-day comment period
14 in accordance with paragraph c of this subsection. A
15 petition does not, however, stay the effectiveness of a
16 permit or its requirements if the permit was issued after
17 expiration of the 45-day review period and prior to a USEPA
18 objection.

19 g. If the Agency has issued a permit after expiration
20 of the 45-day review period and prior to receipt of a USEPA
21 objection under this subsection in response to a petition
22 submitted pursuant to paragraph e of this subsection, the
23 Agency may, upon receipt of an objection from USEPA, revise
24 and resubmit the permit to USEPA pursuant to this
25 subsection after providing a 10-day comment period in
26 accordance with paragraph c of this subsection. If the

1 Agency fails to submit a revised permit in response to the
2 objection, USEPA shall modify, terminate or revoke the
3 permit. In any case, the source will not be in violation of
4 the requirement to have submitted a timely and complete
5 application.

6 h. The Agency shall have the authority to adopt
7 procedural rules, in accordance with the Illinois
8 Administrative Procedure Act, as the Agency deems
9 necessary, to implement this subsection.

10 10. Final Agency Action.

11 a. The Agency shall issue a CAAPP permit, permit
12 modification, or permit renewal if all of the following
13 conditions are met:

14 i. The applicant has submitted a complete and
15 certified application for a permit, permit
16 modification, or permit renewal consistent with
17 subsections 5 and 14 of this Section, as applicable,
18 and applicable regulations.

19 ii. The applicant has submitted with its complete
20 application an approvable compliance plan, including a
21 schedule for achieving compliance, consistent with
22 subsection 5 of this Section and applicable
23 regulations.

24 iii. The applicant has timely paid the fees
25 required pursuant to subsection 18 of this Section and

1 applicable regulations.

2 iv. The Agency has received a complete CAAPP
3 application and, if necessary, has requested and
4 received additional information from the applicant
5 consistent with subsection 5 of this Section and
6 applicable regulations.

7 v. The Agency has complied with all applicable
8 provisions regarding public notice and affected State
9 review consistent with subsection 8 of this Section and
10 applicable regulations.

11 vi. The Agency has provided a copy of each CAAPP
12 application, or summary thereof, pursuant to agreement
13 with USEPA and proposed CAAPP permit required under
14 subsection 9 of this Section to USEPA, and USEPA has
15 not objected to the issuance of the permit in
16 accordance with the Clean Air Act and 40 CFR Part 70.

17 b. The Agency shall have the authority to deny a CAAPP
18 permit, permit modification, or permit renewal if the
19 applicant has not complied with the requirements of
20 subparagraphs (i) through (iv) of paragraph (a) of this
21 subsection or if USEPA objects to its issuance.

22 c. i. Prior to denial of a CAAPP permit, permit
23 modification, or permit renewal under this Section,
24 the Agency shall notify the applicant of the possible
25 denial and the reasons for the denial.

26 ii. Within such notice, the Agency shall specify an

1 appropriate date by which the applicant shall
2 adequately respond to the Agency's notice. Such date
3 shall not exceed 15 days from the date the notification
4 is received by the applicant. The Agency may grant a
5 reasonable extension for good cause shown.

6 iii. Failure by the applicant to adequately
7 respond by the date specified in the notification or by
8 any granted extension date shall be grounds for denial
9 of the permit.

10 For purposes of obtaining judicial review under
11 Sections 40.2 and 41 of this Act, the Agency shall
12 provide to USEPA and each applicant, and, upon request,
13 to affected States, any person who participated in the
14 public comment process, and any other person who could
15 obtain judicial review under Sections 40.2 and 41 of
16 this Act, a copy of each CAAPP permit or notification
17 of denial pertaining to that party.

18 d. 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 11. General Permits.

23 a. The Agency may issue a general permit covering
24 numerous similar sources, except for affected sources for
25 acid deposition unless otherwise provided in regulations

1 promulgated under Title IV of the Clean Air Act.

2 b. The Agency shall identify, in any general permit,
3 criteria by which sources may qualify for the general
4 permit.

5 c. CAAPP sources that would qualify for a general
6 permit must apply for coverage under the terms of the
7 general permit or must apply for a CAAPP permit consistent
8 with subsection 5 of this Section and applicable
9 regulations.

10 d. The Agency shall comply with the public comment and
11 hearing provisions of this Section as well as the USEPA and
12 affected State review procedures prior to issuance of a
13 general permit.

14 e. When granting a subsequent request by a qualifying
15 CAAPP source for coverage under the terms of a general
16 permit, the Agency shall not be required to repeat the
17 public notice and comment procedures. The granting of such
18 request shall not be considered a final permit action for
19 purposes of judicial review.

20 f. The Agency may not issue a general permit to cover
21 any discrete emission unit at a CAAPP source if another
22 CAAPP permit covers emission units at the source.

23 g. 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 12. Operational Flexibility.

2 a. An owner or operator of a CAAPP source may make
3 changes at the CAAPP source without requiring a prior
4 permit revision, consistent with subparagraphs (i) through
5 (iii) of paragraph (a) of this subsection, so long as the
6 changes are not modifications under any provision of Title
7 I of the Clean Air Act and they do not exceed the emissions
8 allowable under the permit (whether expressed therein as a
9 rate of emissions or in terms of total emissions), provided
10 that the owner or operator of the CAAPP source provides
11 USEPA and the Agency with written notification as required
12 below in advance of the proposed changes, which shall be a
13 minimum of 7 days, unless otherwise provided by the Agency
14 in applicable regulations regarding emergencies. The owner
15 or operator of a CAAPP source and the Agency shall each
16 attach such notice to their copy of the relevant permit.

17 i. An owner or operator of a CAAPP source may make
18 Section 502 (b) (10) changes without a permit revision,
19 if the changes are not modifications under any
20 provision of Title I of the Clean Air Act and the
21 changes do not exceed the emissions allowable under the
22 permit (whether expressed therein as a rate of
23 emissions or in terms of total emissions).

24 A. For each such change, the written
25 notification required above shall include a brief

1 description of the change within the source, the
2 date on which the change will occur, any change in
3 emissions, and any permit term or condition that is
4 no longer applicable as a result of the change.

5 B. The permit shield described in paragraph
6 (j) of subsection 7 of this Section shall not apply
7 to any change made pursuant to this subparagraph.

8 ii. An owner or operator of a CAAPP source may
9 trade increases and decreases in emissions in the CAAPP
10 source, where the applicable implementation plan
11 provides for such emission trades without requiring a
12 permit revision. This provision is available in those
13 cases where the permit does not already provide for
14 such emissions trading.

15 A. Under this subparagraph (ii) of paragraph
16 (a) of this subsection, the written notification
17 required above shall include such information as
18 may be required by the provision in the applicable
19 implementation plan authorizing the emissions
20 trade, including at a minimum, when the proposed
21 changes will occur, a description of each such
22 change, any change in emissions, the permit
23 requirements with which the source will comply
24 using the emissions trading provisions of the
25 applicable implementation plan, and the pollutants
26 emitted subject to the emissions trade. The notice

1 shall also refer to the provisions in the
2 applicable implementation plan with which the
3 source will comply and provide for the emissions
4 trade.

5 B. The permit shield described in paragraph
6 (j) of subsection 7 of this Section shall not apply
7 to any change made pursuant to subparagraph (ii) of
8 paragraph (a) of this subsection. Compliance with
9 the permit requirements that the source will meet
10 using the emissions trade shall be determined
11 according to the requirements of the applicable
12 implementation plan authorizing the emissions
13 trade.

14 iii. If requested within a CAAPP application, the
15 Agency shall issue a CAAPP permit which contains terms
16 and conditions, including all terms required under
17 subsection 7 of this Section to determine compliance,
18 allowing for the trading of emissions increases and
19 decreases at the CAAPP source solely for the purpose of
20 complying with a federally-enforceable emissions cap
21 that is established in the permit independent of
22 otherwise applicable requirements. The owner or
23 operator of a CAAPP source shall include in its CAAPP
24 application proposed replicable procedures and permit
25 terms that ensure the emissions trades are
26 quantifiable and enforceable. The permit shall also

1 require compliance with all applicable requirements.

2 A. Under this subparagraph (iii) of paragraph
3 (a), the written notification required above shall
4 state when the change will occur and shall describe
5 the changes in emissions that will result and how
6 these increases and decreases in emissions will
7 comply with the terms and conditions of the permit.

8 B. The permit shield described in paragraph
9 (j) of subsection 7 of this Section shall extend to
10 terms and conditions that allow such increases and
11 decreases in emissions.

12 b. An owner or operator of a CAAPP source may make
13 changes that are not addressed or prohibited by the permit,
14 other than those which are subject to any requirements
15 under Title IV of the Clean Air Act or are modifications
16 under any provisions of Title I of the Clean Air Act,
17 without a permit revision, in accordance with the following
18 requirements:

19 (i) Each such change shall meet all applicable
20 requirements and shall not violate any existing permit
21 term or condition;

22 (ii) Sources must provide contemporaneous written
23 notice to the Agency and USEPA of each such change,
24 except for changes that qualify as insignificant under
25 provisions adopted by the Agency or the Board. Such
26 written notice shall describe each such change,

1 including the date, any change in emissions,
2 pollutants emitted, and any applicable requirement
3 that would apply as a result of the change;

4 (iii) The change shall not qualify for the shield
5 described in paragraph (j) of subsection 7 of this
6 Section; and

7 (iv) The permittee shall keep a record describing
8 changes made at the source that result in emissions of
9 a regulated air pollutant subject to an applicable
10 Clean Air Act requirement, but not otherwise regulated
11 under the permit, and the emissions resulting from
12 those changes.

13 c. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary to implement this subsection.

17 13. Administrative Permit Amendments.

18 a. The Agency shall take final action on a request for
19 an administrative permit amendment within 60 days after
20 receipt of the request. Neither notice nor an opportunity
21 for public and affected State comment shall be required for
22 the Agency to incorporate such revisions, provided it
23 designates the permit revisions as having been made
24 pursuant to this subsection.

25 b. The Agency shall submit a copy of the revised permit

1 to USEPA.

2 c. For purposes of this Section the term
3 "administrative permit amendment" shall be defined as a
4 permit revision that can accomplish one or more of the
5 changes described below:

6 i. Corrects typographical errors;

7 ii. Identifies a change in the name, address, or
8 phone number of any person identified in the permit, or
9 provides a similar minor administrative change at the
10 source;

11 iii. Requires more frequent monitoring or
12 reporting by the permittee;

13 iv. Allows for a change in ownership or operational
14 control of a source where the Agency determines that no
15 other change in the permit is necessary, provided that
16 a written agreement containing a specific date for
17 transfer of permit responsibility, coverage, and
18 liability between the current and new permittees has
19 been submitted to the Agency;

20 v. Incorporates into the CAAPP permit the
21 requirements from preconstruction review permits
22 authorized under a USEPA-approved program, provided
23 the program meets procedural and compliance
24 requirements substantially equivalent to those
25 contained in this Section;

26 vi. (Blank); or

1 vii. Any other type of change which USEPA has
2 determined as part of the approved CAAPP permit program
3 to be similar to those included in this subsection.

4 d. The Agency shall, upon taking final action granting
5 a request for an administrative permit amendment, allow
6 coverage by the permit shield in paragraph (j) of
7 subsection 7 of this Section for administrative permit
8 amendments made pursuant to subparagraph (v) of paragraph
9 (c) of this subsection which meet the relevant requirements
10 for significant permit modifications.

11 e. Permit revisions and modifications, including
12 administrative amendments and automatic amendments
13 (pursuant to Sections 408(b) and 403(d) of the Clean Air
14 Act or regulations promulgated thereunder), for purposes
15 of the acid rain portion of the permit shall be governed by
16 the regulations promulgated under Title IV of the Clean Air
17 Act. Owners or operators of affected sources for acid
18 deposition shall have the flexibility to amend their
19 compliance plans as provided in the regulations
20 promulgated under Title IV of the Clean Air Act.

21 f. The CAAPP source may implement the changes addressed
22 in the request for an administrative permit amendment
23 immediately upon submittal of the request.

24 g. 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 14. Permit Modifications.

3 a. Minor permit modification procedures.

4 i. The Agency shall review a permit modification
5 using the "minor permit" modification procedures only
6 for those permit modifications that:

7 A. Do not violate any applicable requirement;

8 B. Do not involve significant changes to
9 existing monitoring, reporting, or recordkeeping
10 requirements in the permit;

11 C. Do not require a case-by-case determination
12 of an emission limitation or other standard, or a
13 source-specific determination of ambient impacts,
14 or a visibility or increment analysis;

15 D. Do not seek to establish or change a permit
16 term or condition for which there is no
17 corresponding underlying requirement and which
18 avoids an applicable requirement to which the
19 source would otherwise be subject. Such terms and
20 conditions include:

21 1. A federally enforceable emissions cap
22 assumed to avoid classification as a
23 modification under any provision of Title I of
24 the Clean Air Act; and

25 2. An alternative emissions limit approved

1 pursuant to regulations promulgated under
2 Section 112(i)(5) of the Clean Air Act;

3 E. Are not modifications under any provision
4 of Title I of the Clean Air Act; and

5 F. Are not required to be processed as a
6 significant modification.

7 ii. Notwithstanding subparagraph (i) of paragraph
8 (a) and subparagraph (ii) of paragraph (b) of this
9 subsection, minor permit modification procedures may
10 be used for permit modifications involving the use of
11 economic incentives, marketable permits, emissions
12 trading, and other similar approaches, to the extent
13 that such minor permit modification procedures are
14 explicitly provided for in an applicable
15 implementation plan or in applicable requirements
16 promulgated by USEPA.

17 iii. An applicant requesting the use of minor
18 permit modification procedures shall meet the
19 requirements of subsection 5 of this Section and shall
20 include the 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 and applicable regulations, that the
2 proposed modification meets the criteria for use
3 of minor permit modification procedures and a
4 request that such procedures be used; and

5 D. Completed forms for the Agency to use to
6 notify USEPA and affected States as required under
7 subsections 8 and 9 of this Section.

8 iv. Within 5 working days after receipt of a
9 complete permit modification application, the Agency
10 shall notify USEPA and affected States of the requested
11 permit modification in accordance with subsections 8
12 and 9 of this Section. The Agency promptly shall send
13 any notice required under paragraph (d) of subsection 8
14 of this Section to USEPA.

15 v. The Agency may not issue a final permit
16 modification until after the 45-day review period for
17 USEPA or until USEPA has notified the Agency that USEPA
18 will not object to the issuance of the permit
19 modification, whichever comes first, although the
20 Agency can approve the permit modification prior to
21 that time. Within 90 days after the Agency's receipt of
22 an application under the minor permit modification
23 procedures or 15 days after the end of USEPA's 45-day
24 review period under subsection 9 of this Section,
25 whichever is later, the Agency shall:

26 A. Issue the permit modification as proposed;

1 B. Deny the permit modification application;

2 C. Determine that the requested modification
3 does not meet the minor permit modification
4 criteria and should be reviewed under the
5 significant modification procedures; or

6 D. Revise the draft permit modification and
7 transmit to USEPA the new proposed permit
8 modification as required by subsection 9 of this
9 Section.

10 vi. Any CAAPP source may make the change proposed
11 in its minor permit modification application
12 immediately after it files such application. After the
13 CAAPP source makes the change allowed by the preceding
14 sentence, and until the Agency takes any of the actions
15 specified in items (A) through (C) of subparagraph (v)
16 of paragraph (a) of this subsection, the source must
17 comply with both the applicable requirements governing
18 the change and the proposed permit terms and
19 conditions. During this time period, the source need
20 not comply with the existing permit terms and
21 conditions it seeks to modify. If the source fails to
22 comply with its proposed permit terms and conditions
23 during this time period, the existing permit terms and
24 conditions which it seeks to modify may be enforced
25 against it.

26 vii. The permit shield under paragraph (j) of

1 subsection 7 of this Section may not extend to minor
2 permit modifications.

3 viii. If a construction permit is required,
4 pursuant to subsection (a) of Section 39 of this Act
5 and regulations thereunder, for a change for which the
6 minor permit modification procedures are applicable,
7 the source may request that the processing of the
8 construction permit application be consolidated with
9 the processing of the application for the minor permit
10 modification. In such cases, the provisions of this
11 Section, including those within subsections 5, 8, and
12 9, shall apply and the Agency shall act on such
13 applications pursuant to subparagraph (v) of paragraph
14 (a) of subsection 14 of this Section. The source may
15 make the proposed change immediately after filing its
16 application for the minor permit modification. Nothing
17 in this subparagraph shall otherwise affect the
18 requirements and procedures applicable to construction
19 permits.

20 b. Group Processing of Minor Permit Modifications.

21 i. Where requested by an applicant within its
22 application, the Agency shall process groups of a
23 source's applications for certain modifications
24 eligible for minor permit modification processing in
25 accordance with the provisions of this paragraph (b).

26 ii. Permit modifications may be processed in

1 applications awaiting group processing, and a
2 determination of whether the requested
3 modification, aggregated with these other
4 applications, equals or exceeds the threshold set
5 under item (B) of subparagraph (ii) of paragraph
6 (b) of this subsection.

7 E. Certification, consistent with paragraph
8 (e) of subsection 5 of this Section, that the
9 source has notified USEPA of the proposed
10 modification. Such notification need only contain
11 a brief description of the requested modification.

12 F. Completed forms for the Agency to use to
13 notify USEPA and affected states as required under
14 subsections 8 and 9 of this Section.

15 iv. On a quarterly basis or within 5 business days
16 after receipt of an application demonstrating that the
17 aggregate of a source's pending applications equals or
18 exceeds the threshold level set forth within item (B)
19 of subparagraph (ii) of paragraph (b) of this
20 subsection, whichever is earlier, the Agency shall
21 promptly notify USEPA and affected States of the
22 requested permit modifications in accordance with
23 subsections 8 and 9 of this Section. The Agency shall
24 send any notice required under paragraph (d) of
25 subsection 8 of this Section to USEPA.

26 v. The provisions of subparagraph (v) of paragraph

1 (a) of this subsection shall apply to modifications
2 eligible for group processing, except that the Agency
3 shall take one of the actions specified in items (A)
4 through (D) of subparagraph (v) of paragraph (a) of
5 this subsection within 180 days after receipt of the
6 application or 15 days after the end of USEPA's 45-day
7 review period under subsection 9 of this Section,
8 whichever is later.

9 vi. The provisions of subparagraph (vi) of
10 paragraph (a) of this subsection shall apply to
11 modifications for group processing.

12 vii. The provisions of paragraph (j) of subsection
13 7 of this Section shall not apply to modifications
14 eligible for group processing.

15 c. Significant Permit Modifications.

16 i. Significant modification procedures shall be
17 used for applications requesting significant permit
18 modifications and for those applications that do not
19 qualify as either minor permit modifications or as
20 administrative permit amendments.

21 ii. Every significant change in existing
22 monitoring permit terms or conditions and every
23 relaxation of reporting or recordkeeping requirements
24 shall be considered significant. A modification shall
25 also be considered significant if in the judgment of
26 the Agency action on an application for modification

1 would require decisions to be made on technically
2 complex issues. Nothing herein shall be construed to
3 preclude the permittee from making changes consistent
4 with this Section that would render existing permit
5 compliance terms and conditions irrelevant.

6 iii. Significant permit modifications must meet
7 all the requirements of this Section, including those
8 for applications (including completeness review),
9 public participation, review by affected States, and
10 review by USEPA applicable to initial permit issuance
11 and permit renewal. The Agency shall take final action
12 on significant permit modifications within 9 months
13 after receipt of a complete application.

14 d. 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 15. Reopenings for Cause by the Agency.

19 a. Each issued CAAPP permit shall include provisions
20 specifying the conditions under which the permit will be
21 reopened prior to the expiration of the permit. Such
22 revisions shall be made as expeditiously as practicable. A
23 CAAPP permit shall be reopened and revised under any of the
24 following circumstances, in accordance with procedures
25 adopted by the Agency:

1 i. Additional requirements under the Clean Air Act
2 become applicable to a major CAAPP source for which 3
3 or more years remain on the original term of the
4 permit. Such a reopening shall be completed not later
5 than 18 months after the promulgation of the applicable
6 requirement. No such revision is required if the
7 effective date of the requirement is later than the
8 date on which the permit is due to expire.

9 ii. Additional requirements (including excess
10 emissions requirements) become applicable to an
11 affected source for acid deposition under the acid rain
12 program. Excess emissions offset plans shall be deemed
13 to be incorporated into the permit upon approval by
14 USEPA.

15 iii. The Agency or USEPA determines that the permit
16 contains a material mistake or that inaccurate
17 statements were made in establishing the emissions
18 standards, limitations, or other terms or conditions
19 of the permit.

20 iv. The Agency or USEPA determines that the permit
21 must be revised or revoked to assure compliance with
22 the applicable requirements.

23 b. In the event that the Agency determines that there
24 are grounds for revoking a CAAPP permit, for cause,
25 consistent with paragraph a of this subsection, it shall
26 file a petition before the Board setting forth the basis

1 for such revocation. In any such proceeding, the Agency
2 shall have the burden of establishing that the permit
3 should be revoked under the standards set forth in this Act
4 and the Clean Air Act. Any such proceeding shall be
5 conducted pursuant to the Board's procedures for
6 adjudicatory hearings and the Board shall render its
7 decision within 120 days of the filing of the petition. The
8 Agency shall take final action to revoke and reissue a
9 CAAPP permit consistent with the Board's order.

10 c. Proceedings regarding a reopened CAAPP permit shall
11 follow the same procedures as apply to initial permit
12 issuance and shall affect only those parts of the permit
13 for which cause to reopen exists.

14 d. Reopenings under paragraph (a) of this subsection
15 shall not be initiated before a notice of such intent is
16 provided to the CAAPP source by the Agency at least 30 days
17 in advance of the date that the permit is to be reopened,
18 except that the Agency may provide a shorter time period in
19 the case of an emergency.

20 e. The Agency shall have the authority to adopt
21 procedural rules, in accordance with the Illinois
22 Administrative Procedure Act, as the Agency deems
23 necessary, to implement this subsection.

24 16. Reopenings for Cause by USEPA.

25 a. When USEPA finds that cause exists to terminate,

1 modify, or revoke and reissue a CAAPP permit pursuant to
2 subsection 15 of this Section, and thereafter notifies the
3 Agency and the permittee of such finding in writing, the
4 Agency shall forward to USEPA and the permittee a proposed
5 determination of termination, modification, or revocation
6 and reissuance as appropriate, in accordance with
7 paragraph (b) of this subsection. The Agency's proposed
8 determination shall be in accordance with the record, the
9 Clean Air Act, regulations promulgated thereunder, this
10 Act and regulations promulgated thereunder. Such proposed
11 determination shall not affect the permit or constitute a
12 final permit action for purposes of this Act or the
13 Administrative Review Law. The Agency shall forward to
14 USEPA such proposed determination within 90 days after
15 receipt of the notification from USEPA. If additional time
16 is necessary to submit the proposed determination, the
17 Agency shall request a 90-day extension from USEPA and
18 shall submit the proposed determination within 180 days
19 after receipt of notification from USEPA.

20 b. i. Prior to the Agency's submittal to USEPA of a
21 proposed determination to terminate or revoke and
22 reissue the permit, the Agency shall file a petition
23 before the Board setting forth USEPA's objection, the
24 permit record, the Agency's proposed determination,
25 and the justification for its proposed determination.
26 The Board shall conduct a hearing pursuant to the rules

1 prescribed by Section 32 of this Act, and the burden of
2 proof shall be on the Agency.

3 ii. After due consideration of the written and oral
4 statements, the testimony and arguments that shall be
5 submitted at hearing, the Board shall issue and enter
6 an interim order for the proposed determination, which
7 shall set forth all changes, if any, required in the
8 Agency's proposed determination. The interim order
9 shall comply with the requirements for final orders as
10 set forth in Section 33 of this Act. Issuance of an
11 interim order by the Board under this paragraph,
12 however, shall not affect the permit status and does
13 not constitute a final action for purposes of this Act
14 or the Administrative Review Law.

15 iii. The Board shall cause a copy of its interim
16 order to be served upon all parties to the proceeding
17 as well as upon USEPA. The Agency shall submit the
18 proposed determination to USEPA in accordance with the
19 Board's Interim Order within 180 days after receipt of
20 the notification from USEPA.

21 c. USEPA shall review the proposed determination to
22 terminate, modify, or revoke and reissue the permit within
23 90 days after receipt.

24 i. When USEPA reviews the proposed determination
25 to terminate or revoke and reissue and does not object,
26 the Board shall, within 7 days after receipt of USEPA's

1 final approval, enter the interim order as a final
2 order. The final order may be appealed as provided by
3 Title XI of this Act. The Agency shall take final
4 action in accordance with the Board's final order.

5 ii. When USEPA reviews such proposed determination
6 to terminate or revoke and reissue and objects, the
7 Agency shall submit USEPA's objection and the Agency's
8 comments and recommendation on the objection to the
9 Board and permittee. The Board shall review its interim
10 order in response to USEPA's objection and the Agency's
11 comments and recommendation and issue a final order in
12 accordance with Sections 32 and 33 of this Act. The
13 Agency shall, within 90 days after receipt of such
14 objection, respond to USEPA's objection in accordance
15 with the Board's final order.

16 iii. When USEPA reviews such proposed
17 determination to modify and objects, the Agency shall,
18 within 90 days after receipt of the objection, resolve
19 the objection and modify the permit in accordance with
20 USEPA's objection, based upon the record, the Clean Air
21 Act, regulations promulgated thereunder, this Act, and
22 regulations promulgated thereunder.

23 d. If the Agency fails to submit the proposed
24 determination pursuant to paragraph a of this subsection or
25 fails to resolve any USEPA objection pursuant to paragraph
26 c of this subsection, USEPA will terminate, modify, or

1 revoke and reissue the permit.

2 e. 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 17. Title IV; Acid Rain Provisions.

7 a. The Agency shall act on initial CAAPP applications
8 for affected sources for acid deposition in accordance with
9 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 initial CAAPP permits to
13 the affected sources for acid deposition which shall become
14 effective no earlier than January 1, 1995, and which shall
15 terminate on December 31, 1999, in accordance with this
16 Section. Subsequent CAAPP permits issued to affected
17 sources for acid deposition shall be issued for a fixed
18 term of 5 years. Title IV of the Clean Air Act and
19 regulations promulgated thereunder, including but not
20 limited to 40 C.F.R. Part 72, as now or hereafter amended,
21 are applicable to and enforceable under this Act.

22 b. A designated representative of an affected source
23 for acid deposition shall submit a timely and complete
24 Phase II acid rain permit application and compliance plan
25 to the Agency, not later than January 1, 1996, that meets

1 the requirements of Titles IV and V of the Clean Air Act
2 and regulations. The Agency shall act on the Phase II acid
3 rain permit application and compliance plan in accordance
4 with this Section and Title V of the Clean Air Act and
5 regulations promulgated thereunder, except as modified by
6 Title IV of the Clean Air Act and regulations promulgated
7 thereunder. The Agency shall issue the Phase II acid rain
8 permit to an affected source for acid deposition no later
9 than December 31, 1997, which shall become effective on
10 January 1, 2000, in accordance with this Section, except as
11 modified by Title IV and regulations promulgated
12 thereunder; provided that the designated representative of
13 the source submitted a timely and complete Phase II permit
14 application and compliance plan to the Agency that meets
15 the requirements of Title IV and V of the Clean Air Act and
16 regulations.

17 c. Each Phase II acid rain permit issued in accordance
18 with this subsection shall have a fixed term of 5 years.
19 Except as provided in paragraph b above, the Agency shall
20 issue or deny a Phase II acid rain permit within 18 months
21 of receiving a complete Phase II permit application and
22 compliance plan.

23 d. A designated representative of a new unit, as
24 defined in Section 402 of the Clean Air Act, shall submit a
25 timely and complete Phase II acid rain permit application
26 and compliance plan that meets the requirements of Titles

1 IV and V of the Clean Air Act and its regulations. The
2 Agency shall act on the new unit's Phase II acid rain
3 permit application and compliance plan in accordance with
4 this Section and Title V of the Clean Air Act and its
5 regulations, except as modified by Title IV of the Clean
6 Air Act and its regulations. The Agency shall reopen the
7 new unit's CAAPP permit for cause to incorporate the
8 approved Phase II acid rain permit in accordance with this
9 Section. The Phase II acid rain permit for the new unit
10 shall become effective no later than the date required
11 under Title IV of the Clean Air Act and its regulations.

12 e. A designated representative of an affected source
13 for acid deposition shall submit a timely and complete
14 Title IV NOx permit application to the Agency, not later
15 than January 1, 1998, that meets the requirements of Titles
16 IV and V of the Clean Air Act and its regulations. The
17 Agency shall reopen the Phase II acid rain permit for cause
18 and incorporate the approved NOx provisions into the Phase
19 II acid rain permit not later than January 1, 1999, in
20 accordance with this Section, except as modified by Title
21 IV of the Clean Air Act and regulations promulgated
22 thereunder. Such reopening shall not affect the term of the
23 Phase II acid rain permit.

24 f. The designated representative of the affected
25 source for acid deposition shall renew the initial CAAPP
26 permit and Phase II acid rain permit in accordance with

1 this Section and Title V of the Clean Air Act and
2 regulations promulgated thereunder, except as modified by
3 Title IV of the Clean Air Act and regulations promulgated
4 thereunder.

5 g. In the case of an affected source for acid
6 deposition for which a complete Phase II acid rain permit
7 application and compliance plan are timely received under
8 this subsection, the complete permit application and
9 compliance plan, including amendments thereto, shall be
10 binding on the owner, operator and designated
11 representative, all affected units for acid deposition at
12 the affected source, and any other unit, as defined in
13 Section 402 of the Clean Air Act, governed by the Phase II
14 acid rain permit application and shall be enforceable as an
15 acid rain permit for purposes of Titles IV and V of the
16 Clean Air Act, from the date of submission of the acid rain
17 permit application until a Phase II acid rain permit is
18 issued or denied by the Agency.

19 h. The Agency shall not include or implement any
20 measure which would interfere with or modify the
21 requirements of Title IV of the Clean Air Act or
22 regulations promulgated thereunder.

23 i. Nothing in this Section shall be construed as
24 affecting allowances or USEPA's decision regarding an
25 excess emissions offset plan, as set forth in Title IV of
26 the Clean Air Act or regulations promulgated thereunder.

1 i. No permit revision shall be required for
2 increases in emissions that are authorized by
3 allowances acquired pursuant to the acid rain program,
4 provided that such increases do not require a permit
5 revision under any other applicable requirement.

6 ii. No limit shall be placed on the number of
7 allowances held by the source. The source may not,
8 however, use allowances as a defense to noncompliance
9 with any other applicable requirement.

10 iii. Any such allowance shall be accounted for
11 according to the procedures established in regulations
12 promulgated under Title IV of the Clean Air Act.

13 j. To the extent that the federal regulations
14 promulgated under Title IV, including but not limited to 40
15 C.F.R. Part 72, as now or hereafter amended, are
16 inconsistent with the federal regulations promulgated
17 under Title V, the federal regulations promulgated under
18 Title IV shall take precedence.

19 k. The USEPA may intervene as a matter of right in any
20 permit appeal involving a Phase II acid rain permit
21 provision or denial of a Phase II acid rain permit.

22 l. It is unlawful for any owner or operator to violate
23 any terms or conditions of a Phase II acid rain permit
24 issued under this subsection, to operate any affected
25 source for acid deposition except in compliance with a
26 Phase II acid rain permit issued by the Agency under this

1 subsection, or to violate any other applicable
2 requirements.

3 m. The designated representative of an affected source
4 for acid deposition shall submit to the Agency the data and
5 information submitted quarterly to USEPA, pursuant to 40
6 CFR 75.64, concurrently with the submission to USEPA. The
7 submission shall be in the same electronic format as
8 specified by USEPA.

9 n. The Agency shall act on any petition for exemption
10 of a new unit or retired unit, as those terms are defined
11 in Section 402 of the Clean Air Act, from the requirements
12 of the acid rain program in accordance with Title IV of the
13 Clean Air Act and its regulations.

14 o. 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 18. Fee Provisions.

19 a. A source subject to this Section or excluded under
20 subsection 1.1 or paragraph (c) of subsection 3 of this
21 Section, shall pay a fee as provided in this paragraph (a)
22 of subsection 18. However, a source that has been excluded
23 from the provisions of this Section under subsection 1.1 or
24 under paragraph (c) of subsection 3 of this Section because
25 the source emits less than 25 tons per year of any

1 combination of regulated air pollutants, except greenhouse
2 gases, shall pay fees in accordance with paragraph (1) of
3 subsection (b) of Section 9.6.

4 i. The fee for a source allowed to emit less than
5 100 tons per year of any combination of regulated air
6 pollutants, except greenhouse gases, shall be \$1,800
7 per year, and that fee shall increase, beginning
8 January 1, 2012, to \$2,150 per year.

9 ii. The fee for a source allowed to emit 100 tons
10 or more per year of any combination of regulated air
11 pollutants, except greenhouse gases and those
12 regulated air pollutants excluded in paragraph (f) of
13 this subsection 18, shall be as follows:

14 A. The Agency shall assess a fee of \$18 per
15 ton, per year for the allowable emissions of
16 regulated air pollutants subject to this
17 subparagraph (ii) of paragraph (a) of subsection
18 18, and that fee shall increase, beginning January
19 1, 2012, to \$21.50 per ton, per year. These fees
20 shall be used by the Agency and the Board to fund
21 the activities required by Title V of the Clean Air
22 Act including such activities as may be carried out
23 by other State or local agencies pursuant to
24 paragraph (d) of this subsection. The amount of
25 such fee shall be based on the information supplied
26 by the applicant in its complete CAAPP permit

1 application or in the CAAPP permit if the permit
2 has been granted and shall be determined by the
3 amount of emissions that the source is allowed to
4 emit annually, provided however, that the maximum
5 fee for a CAAPP permit under this subparagraph (ii)
6 of paragraph (a) of subsection 18 is \$250,000, and
7 increases, beginning January 1, 2012, to \$294,000.
8 Beginning January 1, 2012, the maximum fee under
9 this subparagraph (ii) of paragraph (a) of
10 subsection 18 for a source that has been excluded
11 under subsection 1.1 of this Section or under
12 paragraph (c) of subsection 3 of this Section is
13 \$4,112. The Agency shall provide as part of the
14 permit application form required under subsection
15 5 of this Section a separate fee calculation form
16 which will allow the applicant to identify the
17 allowable emissions and calculate the fee. In no
18 event shall the Agency raise the amount of
19 allowable emissions requested by the applicant
20 unless such increases are required to demonstrate
21 compliance with terms of a CAAPP permit.

22 Notwithstanding the above, any applicant may
23 seek a change in its permit which would result in
24 increases in allowable emissions due to an
25 increase in the hours of operation or production
26 rates of an emission unit or units and such a

1 change shall be consistent with the construction
2 permit requirements of the existing State permit
3 program, under subsection (a) of Section 39 of this
4 Act and applicable provisions of this Section.
5 Where a construction permit is required, the
6 Agency shall expeditiously grant such construction
7 permit and shall, if necessary, modify the CAAPP
8 permit based on the same application.

9 B. The applicant or permittee may pay the fee
10 annually or semiannually for those fees greater
11 than \$5,000. However, any applicant paying a fee
12 equal to or greater than \$100,000 shall pay the
13 full amount on July 1, for the subsequent fiscal
14 year, or pay 50% of the fee on July 1 and the
15 remaining 50% by the next January 1. The Agency may
16 change any annual billing date upon reasonable
17 notice, but shall prorate the new bill so that the
18 permittee or applicant does not pay more than its
19 required fees for the fee period for which payment
20 is made.

21 b. (Blank).

22 c. (Blank).

23 d. There is hereby created in the State Treasury a
24 special fund to be known as the Clean Air Act Permit Fund
25 (formerly known as the "CAA Permit Fund"). All Funds
26 collected by the Agency pursuant to this subsection shall

1 be deposited into the Fund. The General Assembly shall
2 appropriate monies from this Fund to the Agency and to the
3 Board to carry out their obligations under this Section.
4 The General Assembly may also authorize monies to be
5 granted by the Agency from this Fund to other State and
6 local agencies which perform duties related to the CAAPP.
7 Interest generated on the monies deposited in this Fund
8 shall be returned to the Fund.

9 e. The Agency shall have the authority to adopt
10 procedural rules, in accordance with the Illinois
11 Administrative Procedure Act, as the Agency deems
12 necessary to implement this subsection.

13 f. For purposes of this subsection, the term "regulated
14 air pollutant" shall have the meaning given to it under
15 subsection 1 of this Section but shall exclude the
16 following:

17 i. carbon monoxide;

18 ii. any Class I or II substance which is a
19 regulated air pollutant solely because it is listed
20 pursuant to Section 602 of the Clean Air Act; and

21 iii. any pollutant that is a regulated air
22 pollutant solely because it is subject to a standard or
23 regulation under Section 112(r) of the Clean Air Act
24 based on the emissions allowed in the permit effective
25 in that calendar year, at the time the applicable bill
26 is generated.

1 19. Air Toxics Provisions.

2 a. In the event that the USEPA fails to promulgate in a
3 timely manner a standard pursuant to Section 112(d) of the
4 Clean Air Act, the Agency shall have the authority to issue
5 permits, pursuant to Section 112(j) of the Clean Air Act
6 and regulations promulgated thereunder, which contain
7 emission limitations which are equivalent to the emission
8 limitations that would apply to a source if an emission
9 standard had been promulgated in a timely manner by USEPA
10 pursuant to Section 112(d). Provided, however, that the
11 owner or operator of a source shall have the opportunity to
12 submit to the Agency a proposed emission limitation which
13 it determines to be equivalent to the emission limitations
14 that would apply to such source if an emission standard had
15 been promulgated in a timely manner by USEPA. If the Agency
16 refuses to include the emission limitation proposed by the
17 owner or operator in a CAAPP permit, the owner or operator
18 may petition the Board to establish whether the emission
19 limitation proposal submitted by the owner or operator
20 provides for emission limitations which are equivalent to
21 the emission limitations that would apply to the source if
22 the emission standard had been promulgated by USEPA in a
23 timely manner. The Board shall determine whether the
24 emission limitation proposed by the owner or operator or an
25 alternative emission limitation proposed by the Agency

1 provides for the level of control required under Section
2 112 of the Clean Air Act, or shall otherwise establish an
3 appropriate emission limitation, pursuant to Section 112
4 of the Clean Air Act.

5 b. Any Board proceeding brought under paragraph (a) or
6 (e) of this subsection shall be conducted according to the
7 Board's procedures for adjudicatory hearings and the Board
8 shall render its decision within 120 days of the filing of
9 the petition. Any such decision shall be subject to review
10 pursuant to Section 41 of this Act. Where USEPA promulgates
11 an applicable emission standard prior to the issuance of
12 the CAAPP permit, the Agency shall include in the permit
13 the promulgated standard, provided that the source shall
14 have the compliance period provided under Section 112(i) of
15 the Clean Air Act. Where USEPA promulgates an applicable
16 standard subsequent to the issuance of the CAAPP permit,
17 the Agency shall revise such permit upon the next renewal
18 to reflect the promulgated standard, providing a
19 reasonable time for the applicable source to comply with
20 the standard, but no longer than 8 years after the date on
21 which the source is first required to comply with the
22 emissions limitation established under this subsection.

23 c. The Agency shall have the authority to implement and
24 enforce complete or partial emission standards promulgated
25 by USEPA pursuant to Section 112(d), and standards
26 promulgated by USEPA pursuant to Sections 112(f), 112(h),

1 112(m), and 112(n), and may accept delegation of authority
2 from USEPA to implement and enforce Section 112(l) and
3 requirements for the prevention and detection of
4 accidental releases pursuant to Section 112(r) of the Clean
5 Air Act.

6 d. The Agency shall have the authority to issue permits
7 pursuant to Section 112(i) (5) of the Clean Air Act.

8 e. The Agency has the authority to implement Section
9 112(g) of the Clean Air Act consistent with the Clean Air
10 Act and federal regulations promulgated thereunder. If the
11 Agency refuses to include the emission limitations
12 proposed in an application submitted by an owner or
13 operator for a case-by-case maximum achievable control
14 technology (MACT) determination, the owner or operator may
15 petition the Board to determine whether the emission
16 limitation proposed by the owner or operator or an
17 alternative emission limitation proposed by the Agency
18 provides for a level of control required by Section 112 of
19 the Clean Air Act, or to otherwise establish an appropriate
20 emission limitation under Section 112 of the Clean Air Act.

21 20. Small Business.

22 a. For purposes of this subsection:

23 "Program" is the Small Business Stationary Source
24 Technical and Environmental Compliance Assistance Program
25 created within this State pursuant to Section 507 of the

1 Clean Air Act and guidance promulgated thereunder, to
2 provide technical assistance and compliance information to
3 small business stationary sources;

4 "Small Business Assistance Program" is a component of
5 the Program responsible for providing sufficient
6 communications with small businesses through the
7 collection and dissemination of information to small
8 business stationary sources; and

9 "Small Business Stationary Source" means a stationary
10 source that:

11 1. is owned or operated by a person that employs
12 100 or fewer individuals;

13 2. is a small business concern as defined in the
14 "Small Business Act";

15 3. is not a major source as that term is defined in
16 subsection 2 of this Section;

17 4. does not emit 50 tons or more per year of any
18 regulated air pollutant, except greenhouse gases; and

19 5. emits less than 75 tons per year of all
20 regulated pollutants, except greenhouse gases.

21 b. The Agency shall adopt and submit to USEPA, after
22 reasonable notice and opportunity for public comment, as a
23 revision to the Illinois state implementation plan, plans
24 for establishing the Program.

25 c. The Agency shall have the authority to enter into
26 such contracts and agreements as the Agency deems necessary

1 to carry out the purposes of this subsection.

2 d. The Agency may establish such procedures as it may
3 deem necessary for the purposes of implementing and
4 executing its responsibilities under this subsection.

5 e. There shall be appointed a Small Business Ombudsman
6 (hereinafter in this subsection referred to as
7 "Ombudsman") to monitor the Small Business Assistance
8 Program. The Ombudsman shall be a nonpartisan designated
9 official, with the ability to independently assess whether
10 the goals of the Program are being met.

11 f. The State Ombudsman Office shall be located in an
12 existing Ombudsman office within the State or in any State
13 Department.

14 g. There is hereby created a State Compliance Advisory
15 Panel (hereinafter in this subsection referred to as
16 "Panel") for determining the overall effectiveness of the
17 Small Business Assistance Program within this State.

18 h. The selection of Panel members shall be by the
19 following method:

20 1. The Governor shall select two members who are
21 not owners or representatives of owners of small
22 business stationary sources to represent the general
23 public;

24 2. The Director of the Agency shall select one
25 member to represent the Agency; and

26 3. The State Legislature shall select four members

1 who are owners or representatives of owners of small
2 business stationary sources. Both the majority and
3 minority leadership in both Houses of the Legislature
4 shall appoint one member of the panel.

5 i. Panel members should serve without compensation but
6 will receive full reimbursement for expenses including
7 travel and per diem as authorized within this State.

8 j. The Panel shall select its own Chair by a majority
9 vote. The Chair may meet and consult with the Ombudsman and
10 the head of the Small Business Assistance Program in
11 planning the activities for the Panel.

12 21. Temporary Sources.

13 a. The Agency may issue a single permit authorizing
14 emissions from similar operations by the same source owner
15 or operator at multiple temporary locations, except for
16 sources which are affected sources for acid deposition
17 under Title IV of the Clean Air Act.

18 b. The applicant must demonstrate that the operation is
19 temporary and will involve at least one change of location
20 during the term of the permit.

21 c. Any such permit shall meet all applicable
22 requirements of this Section and applicable regulations,
23 and include conditions assuring compliance with all
24 applicable requirements at all authorized locations and
25 requirements that the owner or operator notify the Agency

1 at least 10 days in advance of each change in location.

2 22. Solid Waste Incineration Units.

3 a. A CAAPP permit for a solid waste incineration unit
4 combusting municipal waste subject to standards
5 promulgated under Section 129(e) of the Clean Air Act shall
6 be issued for a period of 12 years and shall be reviewed
7 every 5 years, unless the Agency requires more frequent
8 review through Agency procedures.

9 b. During the review in paragraph (a) of this
10 subsection, the Agency shall fully review the previously
11 submitted CAAPP permit application and corresponding
12 reports subsequently submitted to determine whether the
13 source is in compliance with all applicable requirements.

14 c. If the Agency determines that the source is not in
15 compliance with all applicable requirements it shall
16 revise the CAAPP permit as appropriate.

17 d. The Agency shall have the authority to adopt
18 procedural rules, in accordance with the Illinois
19 Administrative Procedure Act, as the Agency deems
20 necessary, to implement this subsection.

21 (Source: P.A. 99-380, eff. 8-17-15.)

22 (430 ILCS 55/4 rep.)

23 Section 5-155. The Hazardous Material Emergency Response
24 Reimbursement Act is amended by repealing Section 4.

1 Section 5-160. The Illinois Public Health and Safety Animal
2 Population Control Act is amended by changing Section 45 as
3 follows:

4 (510 ILCS 92/45)

5 Sec. 45. Pet Population Control Fund. The Pet Population
6 Control Fund is established as a special fund in the State
7 treasury. The moneys generated from the public safety fines
8 collected as provided in the Animal Control Act, from Pet
9 Friendly license plates under Section 3-653 of the Illinois
10 Vehicle Code, ~~from Section 507EE of the Illinois Income Tax~~
11 ~~Act,~~ and from voluntary contributions must be kept in the Fund
12 and shall be used only to sterilize and vaccinate dogs and cats
13 in this State pursuant to the program, to promote the
14 sterilization program, to educate the public about the
15 importance of spaying and neutering, and for reasonable
16 administrative and personnel costs related to the Fund.

17 (Source: P.A. 94-639, eff. 8-22-05.)

18 (605 ILCS 5/10-102.1 rep.)

19 Section 5-165. The Illinois Highway Code is amended by
20 repealing Section 10-102.1.

21 Section 5-170. The Unified Code of Corrections is amended
22 by changing Section 5-9-1.16 as follows:

1 (730 ILCS 5/5-9-1.16)

2 Sec. 5-9-1.16. Protective order violation fees.

3 (a) There shall be added to every penalty imposed in
4 sentencing for a violation of an order of protection under
5 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 an additional fee to be set in an amount
7 not less than \$200 to be imposed upon a plea of guilty or
8 finding of guilty resulting in a judgment of conviction.

9 (b) Such additional amount shall be assessed by the court
10 imposing sentence and shall be collected by the Circuit Clerk
11 in addition to the fine, if any, and costs in the case to be
12 used by the supervising authority in implementing the domestic
13 violence surveillance program. The clerk of the circuit court
14 shall pay all monies collected from this fee to the county
15 treasurer for deposit in the probation and court services fund
16 under Section 15.1 of the Probation and Probations Officers
17 Act.

18 (c) The supervising authority of a domestic violence
19 surveillance program under Section 5-8A-7 of this Act shall
20 assess a person either convicted of, or charged with, the
21 violation of an order of protection an additional fee to cover
22 the costs of providing the equipment used and the additional
23 supervision needed for such domestic violence surveillance
24 program. If the court finds that the fee would impose an undue
25 burden on the victim, the court may reduce or waive the fee.

1 The court shall order that the defendant may not use funds
2 belonging solely to the victim of the offense for payment of
3 the fee.

4 When the supervising authority is the court or the
5 probation and court services department, the fee shall be
6 collected by the circuit court clerk. The clerk of the circuit
7 court shall pay all monies collected from this fee and all
8 other required probation fees that are assessed to the county
9 treasurer for deposit in the probation and court services fund
10 under Section 15.1 of the Probation and Probations Officers
11 Act. In counties with a population of 2 million or more, when
12 the supervising authority is the court or the probation and
13 court services department, the fee shall be collected by the
14 supervising authority. In these counties, the supervising
15 authority shall pay all monies collected from this fee and all
16 other required probation fees that are assessed, to the county
17 treasurer for deposit in the probation and court services fund
18 under Section 15.1 of the Probation and Probation Officers Act.

19 When the supervising authority is the Department of
20 Corrections, the Department shall collect the fee for deposit
21 into the ~~Illinois~~ Department of Corrections Reimbursement and
22 Education Fund "~~fund~~". The Circuit Clerk shall retain 10% of
23 such penalty and deposit that percentage into the Circuit Court
24 Clerk Operation and Administrative Fund to cover the costs
25 incurred in administering and enforcing this Section.

26 (d) (Blank).

1 (e) (Blank).

2 (Source: P.A. 96-688, eff. 8-25-09; 96-1551, eff. 7-1-11;
3 97-1150, eff. 1-25-13.)

4 (820 ILCS 50/Act rep.)

5 Section 5-175. The Workplace Literacy Act is repealed.

6 ARTICLE 10.

7 WHISTLEBLOWER REWARD AND PROTECTION FUNDS

8 Section 10-5. The Public Corruption Profit Forfeiture Act
9 is amended by changing Section 10 as follows:

10 (5 ILCS 283/10)

11 Sec. 10. Penalties.

12 (a) A person who is convicted of a violation of any of the
13 following Sections, subsections, and clauses of the Criminal
14 Code of 1961 or the Criminal Code of 2012:

15 (1) clause (a)(6) of Section 12-6 (intimidation by a
16 public official),

17 (2) Section 33-1 (bribery),

18 (3) subsection (a) of Section 33E-7 (kickbacks), or

19 (4) Section 33C-4 or subsection (d) of Section 17-10.3
20 (fraudulently obtaining public moneys reserved for
21 disadvantaged business enterprises),

22 shall forfeit to the State of Illinois:

1 (A) any profits or proceeds and any property or
2 property interest he or she has acquired or maintained in
3 violation of any of the offenses listed in clauses (1)
4 through (4) of this subsection (a) that the court
5 determines, after a forfeiture hearing under subsection
6 (b) of this Section, to have been acquired or maintained as
7 a result of violating any of the offenses listed in clauses
8 (1) through (4) of this subsection (a); and

9 (B) any interest in, security of, claim against, or
10 property or contractual right of any kind affording a
11 source of influence over, any enterprise which he or she
12 has established, operated, controlled, conducted, or
13 participated in the conduct of, in violation of any of the
14 offenses listed in clauses (1) through (4) of this
15 subsection (a) that the court determines, after a
16 forfeiture hearing under subsection (b) of this Section, to
17 have been acquired or maintained as a result of violating
18 any of the offenses listed in clauses (1) through (4) of
19 this subsection (a) or used to facilitate a violation of
20 one of the offenses listed in clauses (1) through (4) of
21 this subsection (a).

22 (b) The court shall, upon petition by the Attorney General
23 or State's Attorney, at any time after the filing of an
24 information or return of an indictment, conduct a hearing to
25 determine whether any property or property interest is subject
26 to forfeiture under this Act. At the forfeiture hearing the

1 people shall have the burden of establishing, by a
2 preponderance of the evidence, that property or property
3 interests are subject to forfeiture under this Act. There is a
4 rebuttable presumption at such hearing that any property or
5 property interest of a person charged by information or
6 indictment with a violation of any of the offenses listed in
7 clauses (1) through (4) of subsection (a) of this Section or
8 who is convicted of a violation of any of the offenses listed
9 in clauses (1) through (4) of subsection (a) of this Section is
10 subject to forfeiture under this Section if the State
11 establishes by a preponderance of the evidence that:

12 (1) such property or property interest was acquired by
13 such person during the period of the violation of any of
14 the offenses listed in clauses (1) through (4) of
15 subsection (a) of this Section or within a reasonable time
16 after such period; and

17 (2) there was no likely source for such property or
18 property interest other than the violation of any of the
19 offenses listed in clauses (1) through (4) of subsection
20 (a) of this Section.

21 (c) In an action brought by the People of the State of
22 Illinois under this Act, wherein any restraining order,
23 injunction or prohibition or any other action in connection
24 with any property or property interest subject to forfeiture
25 under this Act is sought, the circuit court which shall preside
26 over the trial of the person or persons charged with any of the

1 offenses listed in clauses (1) through (4) of subsection (a) of
2 this Section shall first determine whether there is probable
3 cause to believe that the person or persons so charged have
4 committed a violation of any of the offenses listed in clauses
5 (1) through (4) of subsection (a) of this Section and whether
6 the property or property interest is subject to forfeiture
7 pursuant to this Act.

8 In order to make such a determination, prior to entering
9 any such order, the court shall conduct a hearing without a
10 jury, wherein the People shall establish that there is: (i)
11 probable cause that the person or persons so charged have
12 committed one of the offenses listed in clauses (1) through (4)
13 of subsection (a) of this Section and (ii) probable cause that
14 any property or property interest may be subject to forfeiture
15 pursuant to this Act. Such hearing may be conducted
16 simultaneously with a preliminary hearing, if the prosecution
17 is commenced by information or complaint, or by motion of the
18 People, at any stage in the proceedings. The court may accept a
19 finding of probable cause at a preliminary hearing following
20 the filing of a charge for violating one of the offenses listed
21 in clauses (1) through (4) of subsection (a) of this Section or
22 the return of an indictment by a grand jury charging one of the
23 offenses listed in clauses (1) through (4) of subsection (a) of
24 this Section as sufficient evidence of probable cause as
25 provided in item (i) above.

26 Upon such a finding, the circuit court shall enter such

1 restraining order, injunction or prohibition, or shall take
2 such other action in connection with any such property or
3 property interest subject to forfeiture under this Act, as is
4 necessary to insure that such property is not removed from the
5 jurisdiction of the court, concealed, destroyed or otherwise
6 disposed of by the owner of that property or property interest
7 prior to a forfeiture hearing under subsection (b) of this
8 Section. The Attorney General or State's Attorney shall file a
9 certified copy of such restraining order, injunction or other
10 prohibition with the recorder of deeds or registrar of titles
11 of each county where any such property of the defendant may be
12 located. No such injunction, restraining order or other
13 prohibition shall affect the rights of any bona fide purchaser,
14 mortgagee, judgment creditor or other lien holder arising prior
15 to the date of such filing.

16 The court may, at any time, upon verified petition by the
17 defendant, conduct a hearing to release all or portions of any
18 such property or interest which the court previously determined
19 to be subject to forfeiture or subject to any restraining
20 order, injunction, or prohibition or other action. The court
21 may release such property to the defendant for good cause shown
22 and within the sound discretion of the court.

23 (d) Prosecution under this Act may be commenced by the
24 Attorney General or a State's Attorney.

25 (e) Upon an order of forfeiture being entered pursuant to
26 subsection (b) of this Section, the court shall authorize the

1 Attorney General to seize any property or property interest
2 declared forfeited under this Act and under such terms and
3 conditions as the court shall deem proper. Any property or
4 property interest that has been the subject of an entered
5 restraining order, injunction or prohibition or any other
6 action filed under subsection (c) shall be forfeited unless the
7 claimant can show by a preponderance of the evidence that the
8 property or property interest has not been acquired or
9 maintained as a result of a violation of any of the offenses
10 listed in clauses (1) through (4) of subsection (a) of this
11 Section or has not been used to facilitate a violation of any
12 of the offenses listed in clauses (1) through (4) of subsection
13 (a) of this Section.

14 (f) The Attorney General or his or her designee is
15 authorized to sell all property forfeited and seized pursuant
16 to this Act, unless such property is required by law to be
17 destroyed or is harmful to the public, and, after the deduction
18 of all requisite expenses of administration and sale, shall
19 distribute the proceeds of such sale, along with any moneys
20 forfeited or seized, in accordance with subsection (g).

21 (g) All monies and the sale proceeds of all other property
22 forfeited and seized pursuant to this Act shall be distributed
23 as follows:

24 (1) An amount equal to 50% shall be distributed to the
25 unit of local government or other law enforcement agency
26 whose officers or employees conducted the investigation

1 into a violation of any of the offenses listed in clauses
2 (1) through (4) of subsection (a) of this Section and
3 caused the arrest or arrests and prosecution leading to the
4 forfeiture. Amounts distributed to units of local
5 government and law enforcement agencies shall be used for
6 enforcement of laws governing public corruption, or for
7 other law enforcement purposes. In the event, however, that
8 the investigation, arrest or arrests and prosecution
9 leading to the forfeiture were undertaken solely by a State
10 agency, the portion provided hereunder shall be paid into
11 the State Asset Forfeiture Fund in the State treasury to be
12 used by that State agency in accordance with law. If the
13 investigation, arrest or arrests and prosecution leading
14 to the forfeiture were undertaken by the Attorney General,
15 the portion provided hereunder shall be paid into the
16 Attorney General ~~General's~~ Whistleblower Reward and
17 Protection Fund in the State treasury to be used by the
18 Attorney General in accordance with law.

19 (2) An amount equal to 12.5% shall be distributed to
20 the county in which the prosecution resulting in the
21 forfeiture was instituted, deposited in a special fund in
22 the county treasury and appropriated to the State's
23 Attorney for use in accordance with law. If the prosecution
24 was conducted by the Attorney General, then the amount
25 provided under this subsection shall be paid into the
26 Attorney General ~~General's~~ Whistleblower Reward and

1 Protection Fund in the State treasury to be used by the
2 Attorney General in accordance with law.

3 (3) An amount equal to 12.5% shall be distributed to
4 the Office of the State's Attorneys Appellate Prosecutor
5 and deposited in the State's Attorneys Appellate
6 Prosecutor Anti-Corruption Fund, to be used by the Office
7 of the State's Attorneys Appellate Prosecutor for
8 additional expenses incurred in prosecuting appeals
9 arising under this Act. Any amounts remaining in the Fund
10 after all additional expenses have been paid shall be used
11 by the Office to reduce the participating county
12 contributions to the Office on a prorated basis as
13 determined by the board of governors of the Office of the
14 State's Attorneys Appellate Prosecutor based on the
15 populations of the participating counties. If the appeal is
16 to be conducted by the Attorney General, then the amount
17 provided under this subsection 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 (4) An amount equal to 25% shall be paid into the State
22 Asset Forfeiture Fund in the State treasury to be used by
23 the Department of State Police for the funding of the
24 investigation of public corruption activities. Any amounts
25 remaining in the Fund after full funding of such
26 investigations shall be used by the Department in

1 accordance with law to fund its other enforcement
2 activities.

3 (h) All moneys deposited pursuant to this Act in the State
4 Asset Forfeiture Fund shall, subject to appropriation, be used
5 by the Department of State Police in the manner set forth in
6 this Section. All moneys deposited pursuant to this Act in the
7 Attorney General ~~General's~~ Whistleblower Reward and Protection
8 Fund shall, subject to appropriation, be used by the Attorney
9 General for State law enforcement purposes and for the
10 performance of the duties of that office. All moneys deposited
11 pursuant to this Act in the State's Attorneys Appellate
12 Prosecutor Anti-Corruption Fund shall, subject to
13 appropriation, be used by the Office of the State's Attorneys
14 Appellate Prosecutor in the manner set forth in this Section.

15 (Source: P.A. 96-1019, eff. 1-1-11; 97-657, eff. 1-13-12;
16 97-1150, eff. 1-25-13.)

17 Section 10-10. The State Finance Act is amended by changing
18 Section 5.317 and by adding Sections 5.875 and 5.876 as
19 follows:

20 (30 ILCS 105/5.317) (from Ch. 127, par. 141.317)

21 Sec. 5.317. The State Whistleblower Reward and Protection
22 Fund.

23 (Source: P.A. 87-662; 87-895.)

1 (30 ILCS 105/5.875 new)

2 Sec. 5.875. The Attorney General Whistleblower Reward and
3 Protection Fund.

4 (30 ILCS 105/5.876 new)

5 Sec. 5.876. The State Police Whistleblower Reward and
6 Protection Fund.

7 Section 10-15. The Illinois False Claims Act is amended by
8 changing Section 8 as follows:

9 (740 ILCS 175/8) (from Ch. 127, par. 4108)

10 Sec. 8. Funds; Grants.

11 (a) There is hereby created the State Whistleblower Reward
12 and Protection Fund as a special fund in the State Treasury.
13 All proceeds of an action or settlement of a claim brought
14 under this Act shall be deposited in the Fund. Any attorneys'
15 fees, expenses, and costs paid by or awarded against any
16 defendant pursuant to Section 4 of this Act shall not be
17 considered part of the proceeds to be deposited in the Fund.

18 (b) Monies in the Fund shall be allocated, subject to
19 appropriation, as follows: One-sixth of the monies shall be
20 paid to the Attorney General Whistleblower Reward and
21 Protection Fund, hereby created as a special fund in the State
22 Treasury, and one-sixth of the monies shall be paid to the
23 ~~Department of State Police~~ Whistleblower Reward and Protection

1 Fund, hereby created as a special fund in the State Treasury,
2 for State law enforcement purposes. The remaining two-thirds of
3 the monies in the Fund shall be used for payment of awards to
4 Qui Tam plaintiffs and as otherwise specified in this Act, with
5 any remainder to the General Revenue Fund. The Attorney General
6 shall direct the State Treasurer to make disbursement of funds.
7 (Source: P.A. 96-1304, eff. 7-27-10.)

8 ARTICLE 15.

9 FUND-RELATED PROVISIONS

10 Section 15-5. The Children and Family Services Act is
11 amended by changing Sections 5b and 34.10 as follows:

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

13 Sec. 5b. Child Care and Development Fund; Department of
14 Human Services.

15 (a) Until October 1, 1998: The Child Care and Development
16 Fund is hereby created as a special fund in the State treasury.
17 Deposits to this fund shall consist of receipts from the
18 federal government under the Child Care and Development Block
19 Grant Program. Disbursements from the Child Care and
20 Development Fund shall be made by the Department of Human
21 Services in accordance with the guidelines established by the
22 federal government for the Child Care and Development Block
23 Grant Program, subject to appropriation by the General

1 Assembly.

2 (b) The Child Care and Development Fund is abolished on
3 October 1, 1998, and any balance remaining in the Fund on that
4 date shall be transferred to the Special Purposes Trust Fund
5 (now known as the DHS Special Purposes Trust Fund) described in
6 Section 12-10 of the Illinois Public Aid Code.

7 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

8 (20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)

9 Sec. 34.10. Home child care demonstration project;
10 conversion and renovation grants; Department of Human
11 Services.

12 (a) The legislature finds that the demand for quality child
13 care far outweighs the number of safe, quality spaces for our
14 children. The purpose of this Section is to increase the number
15 of child care providers by:

16 (1) developing a demonstration project to train
17 individuals to become home child care providers who are
18 able to establish and operate their own child care
19 facility; and

20 (2) providing grants to convert and renovate existing
21 facilities.

22 (b) The Department of Human Services may from
23 appropriations from the Child Care Development Block Grant
24 establish a demonstration project to train individuals to
25 become home child care providers who are able to establish and

1 operate their own home-based child care facilities. The
2 Department of Human Services is authorized to use funds for
3 this purpose from the child care and development funds
4 deposited into the DHS Special Purposes Trust Fund as described
5 in Section 12-10 of the Illinois Public Aid Code and, until
6 October 1, 1998, the Child Care and Development Fund created by
7 the 87th General Assembly. As an economic development program,
8 the project's focus is to foster individual self-sufficiency
9 through an entrepreneurial approach by the creation of new jobs
10 and opening of new small home-based child care businesses. The
11 demonstration project shall involve coordination among State
12 and county governments and the private sector, including but
13 not limited to: the community college system, the Departments
14 of Labor and Commerce and Economic Opportunity, the State Board
15 of Education, large and small private businesses, nonprofit
16 programs, unions, and child care providers in the State.

17 The Department shall submit:

18 (1) a progress report on the demonstration project to
19 the legislature by one year after the effective date of
20 this amendatory Act of 1991; and

21 (2) a final evaluation report on the demonstration
22 project, including findings and recommendations, to the
23 legislature by one year after the due date of the progress
24 report.

25 (c) The Department of Human Services may from
26 appropriations from the Child Care Development Block Grant

1 provide grants to family child care providers and center based
2 programs to convert and renovate existing facilities, to the
3 extent permitted by federal law, so additional family child
4 care homes and child care centers can be located in such
5 facilities.

6 (1) Applications for grants shall be made to the
7 Department and shall contain information as the Department
8 shall require by rule. Every applicant shall provide
9 assurance to the Department that:

10 (A) the facility to be renovated or improved shall
11 be used as family child care home or child care center
12 for a continuous period of at least 5 years;

13 (B) any family child care home or child care center
14 program located in a renovated or improved facility
15 shall be licensed by the Department;

16 (C) the program shall comply with applicable
17 federal and State laws prohibiting discrimination
18 against any person on the basis of race, color,
19 national origin, religion, creed, or sex;

20 (D) the grant shall not be used for purposes of
21 entertainment or perquisites;

22 (E) the applicant shall comply with any other
23 requirement the Department may prescribe to ensure
24 adherence to applicable federal, State, and county
25 laws;

26 (F) all renovations and improvements undertaken

1 with funds received under this Section shall comply
2 with all applicable State and county statutes and
3 ordinances including applicable building codes and
4 structural requirements of the Department; and

5 (G) the applicant shall indemnify and save
6 harmless the State and its officers, agents, and
7 employees from and against any and all claims arising
8 out of or resulting from the renovation and
9 improvements made with funds provided by this Section,
10 and, upon request of the Department, the applicant
11 shall procure sufficient insurance to provide that
12 indemnification.

13 (2) To receive a grant under this Section to convert an
14 existing facility into a family child care home or child
15 care center facility, the applicant shall:

16 (A) agree to make available to the Department of
17 Human Services all records it may have relating to the
18 operation of any family child care home and child care
19 center facility, and to allow State agencies to monitor
20 its compliance with the purpose of this Section;

21 (B) agree that, if the facility is to be altered or
22 improved, or is to be used by other groups, moneys
23 appropriated by this Section shall be used for
24 renovating or improving the facility only to the
25 proportionate extent that the floor space will be used
26 by the child care program; and

1 (C) establish, to the satisfaction of the
2 Department that sufficient funds are available for the
3 effective use of the facility for the purpose for which
4 it is being renovated or improved.

5 (3) In selecting applicants for funding, the
6 Department shall make every effort to ensure that family
7 child care home or child care center facilities are
8 equitably distributed throughout the State according to
9 demographic need. The Department shall give priority
10 consideration to rural/Downstate areas of the State that
11 are currently experiencing a shortage of child care
12 services.

13 (4) In considering applications for grants to renovate
14 or improve an existing facility used for the operations of
15 a family child care home or child care center, the
16 Department shall give preference to applications to
17 renovate facilities most in need of repair to address
18 safety and habitability concerns. No grant shall be
19 disbursed unless an agreement is entered into between the
20 applicant and the State, by and through the Department. The
21 agreement shall include the assurances and conditions
22 required by this Section and any other terms which the
23 Department may require.

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

25 Section 15-10. The State Finance Act is amended by

1 reenacting Sections 5.98, 5.136, 5.137, 5.189, 5.327, and 5.488
2 and by changing Sections 8g and 8h as follows:

3 (30 ILCS 105/5.98)

4 Sec. 5.98. The Real Estate License Administration Fund.

5 (Source: P.A. 83-191. Repealed by P.A. 85-1440.)

6 (30 ILCS 105/5.136)

7 Sec. 5.136. The Low-Level Radioactive Waste Facility
8 Development and Operation Fund.

9 (Source: P.A. 83-1362. Repealed by P.A. 85-1440.)

10 (30 ILCS 105/5.137)

11 Sec. 5.137. The Low-Level Radioactive Waste Facility
12 Closure, Post-Closure Care and Compensation Fund.

13 (Source: P.A. 83-1362. Repealed by P.A. 85-1440.)

14 (30 ILCS 105/5.189)

15 Sec. 5.189. The International and Promotional Fund.

16 (Source: P.A. 84-1308. Repealed by P.A. 85-1440.)

17 (30 ILCS 105/5.327)

18 Sec. 5.327. The Hospital Provider Fund.

19 (Source: P.A. 88-45. Repealed by P.A. 95-331, eff. 8-21-07.)

20 (30 ILCS 105/5.488)

1 Sec. 5.488. The Port Development Revolving Loan Fund.
2 (Source: P.A. 91-357, eff. 7-29-99. Repealed by P.A. 95-331,
3 eff. 8-21-07.)

4 (30 ILCS 105/8g)

5 Sec. 8g. Fund transfers.

6 (a) 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, the
9 State Comptroller shall direct and the State Treasurer shall
10 transfer the sum of \$10,000,000 from the General Revenue Fund
11 to the Motor Vehicle License Plate Fund created by Senate Bill
12 1028 of the 91st General Assembly.

13 (b) In addition to any other transfers that may be provided
14 for by law, as soon as may be practical after the effective
15 date of this amendatory Act of the 91st General Assembly, the
16 State Comptroller shall direct and the State Treasurer shall
17 transfer the sum of \$25,000,000 from the General Revenue Fund
18 to the Fund for Illinois' Future created by Senate Bill 1066 of
19 the 91st General Assembly.

20 (c) In addition to any other transfers that may be provided
21 for by law, on August 30 of each fiscal year's license period,
22 the Illinois Liquor Control Commission shall direct and the
23 State Comptroller and State Treasurer shall transfer from the
24 General Revenue Fund to the Youth Alcoholism and Substance
25 Abuse Prevention Fund an amount equal to the number of retail

1 liquor licenses issued for that fiscal year multiplied by \$50.

2 (d) The payments to programs required under subsection (d)
3 of Section 28.1 of the Illinois Horse Racing Act of 1975 shall
4 be made, pursuant to appropriation, from the special funds
5 referred to in the statutes cited in that subsection, rather
6 than directly from the General Revenue Fund.

7 Beginning January 1, 2000, on the first day of each month,
8 or as soon as may be practical thereafter, the State
9 Comptroller shall direct and the State Treasurer shall transfer
10 from the General Revenue Fund to each of the special funds from
11 which payments are to be made under subsection (d) of Section
12 28.1 ~~Section 28.1(d)~~ of the Illinois Horse Racing Act of 1975
13 an amount equal to 1/12 of the annual amount required for those
14 payments from that special fund, which annual amount shall not
15 exceed the annual amount for those payments from that special
16 fund for the calendar year 1998. The special funds to which
17 transfers shall be made under this subsection (d) include, but
18 are not necessarily limited to, the Agricultural Premium Fund;
19 the Metropolitan Exposition, Auditorium and Office Building
20 Fund; the Fair and Exposition Fund; the Illinois Standardbred
21 Breeders Fund; the Illinois Thoroughbred Breeders Fund; and the
22 Illinois Veterans' Rehabilitation Fund.

23 (e) In addition to any other transfers that may be provided
24 for by law, as soon as may be practical after the effective
25 date of this amendatory Act of the 91st General Assembly, but
26 in no event later than June 30, 2000, the State Comptroller

1 shall direct and the State Treasurer shall transfer the sum of
2 \$15,000,000 from the General Revenue Fund to the Fund for
3 Illinois' Future.

4 (f) In addition to any other transfers that may be provided
5 for by law, as soon as may be practical after the effective
6 date of this amendatory Act of the 91st General Assembly, but
7 in no event later than June 30, 2000, the State Comptroller
8 shall direct and the State Treasurer shall transfer the sum of
9 \$70,000,000 from the General Revenue Fund to the Long-Term Care
10 Provider Fund.

11 (f-1) In fiscal year 2002, in addition to any other
12 transfers that may be provided for by law, at the direction of
13 and upon notification from the Governor, the State Comptroller
14 shall direct and the State Treasurer shall transfer amounts not
15 exceeding a total of \$160,000,000 from the General Revenue Fund
16 to the Long-Term Care Provider Fund.

17 (g) In addition to any other transfers that may be provided
18 for by law, on July 1, 2001, or as soon thereafter as may be
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$1,200,000 from the General
21 Revenue Fund to the Violence Prevention Fund.

22 (h) In each of fiscal years 2002 through 2004, but not
23 thereafter, in addition to any other transfers that may be
24 provided for by law, the State Comptroller shall direct and the
25 State Treasurer shall transfer \$5,000,000 from the General
26 Revenue Fund to the Tourism Promotion Fund.

1 (i) On or after July 1, 2001 and until May 1, 2002, in
2 addition to any other transfers that may be provided for by
3 law, at the direction of and upon notification from the
4 Governor, the State Comptroller shall direct and the State
5 Treasurer shall transfer amounts not exceeding a total of
6 \$80,000,000 from the General Revenue Fund to the Tobacco
7 Settlement Recovery Fund. Any amounts so transferred shall be
8 re-transferred by the State Comptroller and the State Treasurer
9 from the Tobacco Settlement Recovery Fund to the General
10 Revenue Fund at the direction of and upon notification from the
11 Governor, but in any event on or before June 30, 2002.

12 (i-1) On or after July 1, 2002 and until May 1, 2003, in
13 addition to any other transfers that may be provided for by
14 law, 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 re-transferred 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, 2003.

23 (j) On or after July 1, 2001 and no later than June 30,
24 2002, in addition to any other transfers that may be provided
25 for by law, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not to exceed the following
2 sums into the Statistical Services Revolving Fund:

3	From the General Revenue Fund	\$8,450,000
4	From the Public Utility Fund	1,700,000
5	From the Transportation Regulatory Fund	2,650,000
6	From the Title III Social Security and	
7	Employment Fund	3,700,000
8	From the Professions Indirect Cost Fund	4,050,000
9	From the Underground Storage Tank Fund	550,000
10	From the Agricultural Premium Fund	750,000
11	From the State Pensions Fund	200,000
12	From the Road Fund	2,000,000
13	From the Health Facilities	
14	Planning Fund	1,000,000
15	From the Savings and Residential Finance	
16	Regulatory Fund	130,800
17	From the Appraisal Administration Fund	28,600
18	From the Pawnbroker Regulation Fund	3,600
19	From the Auction Regulation	
20	Administration Fund	35,800
21	From the Bank and Trust Company Fund.....	634,800
22	From the Real Estate License	
23	Administration Fund	313,600

24 (k) In addition to any other transfers that may be provided
25 for by law, as soon as may be practical after the effective
26 date of this amendatory Act of the 92nd General Assembly, the

1 State Comptroller shall direct and the State Treasurer shall
2 transfer the sum of \$2,000,000 from the General Revenue Fund to
3 the Teachers Health Insurance Security Fund.

4 (k-1) In addition to any other transfers that may be
5 provided for by law, on July 1, 2002, or as soon as may be
6 practical thereafter, the State Comptroller shall direct and
7 the State Treasurer shall transfer the sum of \$2,000,000 from
8 the General Revenue Fund to the Teachers Health Insurance
9 Security Fund.

10 (k-2) In addition to any other transfers that may be
11 provided for by law, on July 1, 2003, or as soon as may be
12 practical thereafter, the State Comptroller shall direct and
13 the State Treasurer shall transfer the sum of \$2,000,000 from
14 the General Revenue Fund to the Teachers Health Insurance
15 Security Fund.

16 (k-3) On or after July 1, 2002 and no later than June 30,
17 2003, in addition to any other transfers that may be provided
18 for by law, at the direction of and upon notification from the
19 Governor, the State Comptroller shall direct and the State
20 Treasurer shall transfer amounts not to exceed the following
21 sums into the Statistical Services Revolving Fund:

22	Appraisal Administration Fund	\$150,000
23	General Revenue Fund	10,440,000
24	Savings and Residential Finance	
25	Regulatory Fund	200,000
26	State Pensions Fund	100,000

1	Bank and Trust Company Fund	100,000
2	Professions Indirect Cost Fund	3,400,000
3	Public Utility Fund	2,081,200
4	Real Estate License Administration Fund	150,000
5	Title III Social Security and	
6	Employment Fund	1,000,000
7	Transportation Regulatory Fund	3,052,100
8	Underground Storage Tank Fund	50,000

9 (1) In addition to any other transfers that may be provided
10 for by law, on July 1, 2002, or as soon as may be practical
11 thereafter, the State Comptroller shall direct and the State
12 Treasurer shall transfer the sum of \$3,000,000 from the General
13 Revenue Fund to the Presidential Library and Museum Operating
14 Fund.

15 (m) In addition to any other transfers that may be provided
16 for by law, on July 1, 2002 and on the effective date of this
17 amendatory Act of the 93rd General Assembly, or as soon
18 thereafter as may be practical, the State Comptroller shall
19 direct and the State Treasurer shall transfer the sum of
20 \$1,200,000 from the General Revenue Fund to the Violence
21 Prevention Fund.

22 (n) In addition to any other transfers that may be provided
23 for by law, on July 1, 2003, or as soon thereafter as may be
24 practical, the State Comptroller shall direct and the State
25 Treasurer shall transfer the sum of \$6,800,000 from the General
26 Revenue Fund to the DHS Recoveries Trust Fund.

1 (o) On or after July 1, 2003, and no later than June 30,
2 2004, in addition to any other transfers that may be provided
3 for by law, at the direction of and upon notification from the
4 Governor, the State Comptroller shall direct and the State
5 Treasurer shall transfer amounts not to exceed the following
6 sums into the Vehicle Inspection Fund:

7 From the Underground Storage Tank Fund \$35,000,000.

8 (p) On or after July 1, 2003 and until May 1, 2004, in
9 addition to any other transfers that may be provided for by
10 law, at the direction of and upon notification from the
11 Governor, the State Comptroller shall direct and the State
12 Treasurer shall transfer amounts not exceeding a total of
13 \$80,000,000 from the General Revenue Fund to the Tobacco
14 Settlement Recovery Fund. Any amounts so transferred shall be
15 re-transferred from the Tobacco Settlement Recovery Fund to the
16 General Revenue Fund at the direction of and upon notification
17 from the Governor, but in any event on or before June 30, 2004.

18 (q) In addition to any other transfers that may be provided
19 for by law, on July 1, 2003, or as soon as may be practical
20 thereafter, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$5,000,000 from the General
22 Revenue Fund to the Illinois Military Family Relief Fund.

23 (r) In addition to any other transfers that may be provided
24 for by law, on July 1, 2003, or as soon as may be practical
25 thereafter, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$1,922,000 from the General

1 Revenue Fund to the Presidential Library and Museum Operating
2 Fund.

3 (s) In addition to any other transfers that may be provided
4 for by law, on or after July 1, 2003, the State Comptroller
5 shall direct and the State Treasurer shall transfer the sum of
6 \$4,800,000 from the Statewide Economic Development Fund to the
7 General Revenue Fund.

8 (t) In addition to any other transfers that may be provided
9 for by law, on or after July 1, 2003, the State Comptroller
10 shall direct and the State Treasurer shall transfer the sum of
11 \$50,000,000 from the General Revenue Fund to the Budget
12 Stabilization Fund.

13 (u) On or after July 1, 2004 and until May 1, 2005, in
14 addition to any other transfers that may be provided for by
15 law, 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 \$80,000,000 from the General Revenue Fund to the Tobacco
19 Settlement Recovery Fund. Any amounts so transferred shall be
20 retransferred by the State Comptroller and the State Treasurer
21 from the Tobacco Settlement Recovery Fund to the General
22 Revenue Fund at the direction of and upon notification from the
23 Governor, but in any event on or before June 30, 2005.

24 (v) In addition to any other transfers that may be provided
25 for by law, on July 1, 2004, or as soon thereafter as may be
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$1,200,000 from the General
2 Revenue Fund to the Violence Prevention Fund.

3 (w) In addition to any other transfers that may be provided
4 for by law, on July 1, 2004, or as soon thereafter as may be
5 practical, the State Comptroller shall direct and the State
6 Treasurer shall transfer the sum of \$6,445,000 from the General
7 Revenue Fund to the Presidential Library and Museum Operating
8 Fund.

9 (x) In addition to any other transfers that may be provided
10 for by law, on January 15, 2005, or as soon thereafter as may
11 be practical, the State Comptroller shall direct and the State
12 Treasurer shall transfer to the General Revenue Fund the
13 following sums:

14 From the State Crime Laboratory Fund, \$200,000;

15 From the State Police Wireless Service Emergency Fund,
16 \$200,000;

17 From the State Offender DNA Identification System
18 Fund, \$800,000; and

19 From the State Police Whistleblower Reward and
20 Protection Fund, \$500,000.

21 (y) Notwithstanding any other provision of law to the
22 contrary, in addition to any other transfers that may be
23 provided for by law on June 30, 2005, or as soon as may be
24 practical thereafter, the State Comptroller shall direct and
25 the State Treasurer shall transfer the remaining balance from
26 the designated funds into the General Revenue Fund and any

1 future deposits that would otherwise be made into these funds
2 must instead be made into the General Revenue Fund:

3 (1) the Keep Illinois Beautiful Fund;

4 (2) the Metropolitan Fair and Exposition Authority
5 Reconstruction Fund;

6 (3) the New Technology Recovery Fund;

7 (4) the Illinois Rural Bond Bank Trust Fund;

8 (5) the ISBE School Bus Driver Permit Fund;

9 (6) the Solid Waste Management Revolving Loan Fund;

10 (7) the State Postsecondary Review Program Fund;

11 (8) the Tourism Attraction Development Matching Grant
12 Fund;

13 (9) the Patent and Copyright Fund;

14 (10) the Credit Enhancement Development Fund;

15 (11) the Community Mental Health and Developmental
16 Disabilities Services Provider Participation Fee Trust
17 Fund;

18 (12) the Nursing Home Grant Assistance Fund;

19 (13) the By-product Material Safety Fund;

20 (14) the Illinois Student Assistance Commission Higher
21 EdNet Fund;

22 (15) the DORS State Project Fund;

23 (16) the School Technology Revolving Fund;

24 (17) the Energy Assistance Contribution Fund;

25 (18) the Illinois Building Commission Revolving Fund;

26 (19) the Illinois Aquaculture Development Fund;

1 (20) the Homelessness Prevention Fund;

2 (21) the DCFS Refugee Assistance Fund;

3 (22) the Illinois Century Network Special Purposes
4 Fund; and

5 (23) the Build Illinois Purposes Fund.

6 (z) In addition to any other transfers that may be provided
7 for by law, on July 1, 2005, or as soon as may be practical
8 thereafter, the State Comptroller shall direct and the State
9 Treasurer shall transfer the sum of \$1,200,000 from the General
10 Revenue Fund to the Violence Prevention Fund.

11 (aa) In addition to any other transfers that may be
12 provided for by law, on July 1, 2005, or as soon as may be
13 practical thereafter, the State Comptroller shall direct and
14 the State Treasurer shall transfer the sum of \$9,000,000 from
15 the General Revenue Fund to the Presidential Library and Museum
16 Operating Fund.

17 (bb) In addition to any other transfers that may be
18 provided for by law, on July 1, 2005, or as soon as may be
19 practical thereafter, the State Comptroller shall direct and
20 the State Treasurer shall transfer the sum of \$6,803,600 from
21 the General Revenue Fund to the Securities Audit and
22 Enforcement Fund.

23 (cc) In addition to any other transfers that may be
24 provided for by law, on or after July 1, 2005 and until May 1,
25 2006, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not exceeding a total of
2 \$80,000,000 from the General Revenue Fund to the Tobacco
3 Settlement Recovery Fund. Any amounts so transferred shall be
4 re-transferred by the State Comptroller and the State Treasurer
5 from the Tobacco Settlement Recovery Fund to the General
6 Revenue Fund at the direction of and upon notification from the
7 Governor, but in any event on or before June 30, 2006.

8 (dd) In addition to any other transfers that may be
9 provided for by law, on April 1, 2005, or as soon thereafter as
10 may be practical, at the direction of the Director of Public
11 Aid (now Director of Healthcare and Family Services), the State
12 Comptroller shall direct and the State Treasurer shall transfer
13 from the Public Aid Recoveries Trust Fund amounts not to exceed
14 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

15 (ee) Notwithstanding any other provision of law, on July 1,
16 2006, or as soon thereafter as practical, the State Comptroller
17 shall direct and the State Treasurer shall transfer the
18 remaining balance from the Illinois Civic Center Bond Fund to
19 the Illinois Civic Center Bond Retirement and Interest Fund.

20 (ff) In addition to any other transfers that may be
21 provided for by law, on and after July 1, 2006 and until June
22 30, 2007, at the direction of and upon notification from the
23 Director of the Governor's Office of Management and Budget, the
24 State Comptroller shall direct and the State Treasurer shall
25 transfer amounts not exceeding a total of \$1,900,000 from the
26 General Revenue Fund to the Illinois Capital Revolving Loan

1 Fund.

2 (gg) In addition to any other transfers that may be
 3 provided for by law, on and after July 1, 2006 and until May 1,
 4 2007, at the direction of and upon notification from the
 5 Governor, the State Comptroller shall direct and the State
 6 Treasurer shall transfer amounts not exceeding a total of
 7 \$80,000,000 from the General Revenue Fund to the Tobacco
 8 Settlement Recovery Fund. Any amounts so transferred shall be
 9 retransferred by the State Comptroller and the State Treasurer
 10 from the Tobacco Settlement Recovery Fund to the General
 11 Revenue Fund at the direction of and upon notification from the
 12 Governor, but in any event on or before June 30, 2007.

13 (hh) In addition to any other transfers that may be
 14 provided for by law, on and after July 1, 2006 and until June
 15 30, 2007, at the direction of and upon notification from the
 16 Governor, the State Comptroller shall direct and the State
 17 Treasurer shall transfer amounts from the Illinois Affordable
 18 Housing Trust Fund to the designated funds not exceeding the
 19 following amounts:

- 20 DCF's Children's Services Fund \$2,200,000
- 21 Department of Corrections Reimbursement
- 22 and Education Fund \$1,500,000
- 23 Supplemental Low-Income Energy
- 24 Assistance Fund \$75,000

25 (ii) In addition to any other transfers that may be
 26 provided for by law, on or before August 31, 2006, the Governor

1 and the State Comptroller may agree to transfer the surplus
2 cash balance from the General Revenue Fund to the Budget
3 Stabilization Fund and the Pension Stabilization Fund in equal
4 proportions. The determination of the amount of the surplus
5 cash balance shall be made by the Governor, with the
6 concurrence of the State Comptroller, after taking into account
7 the June 30, 2006 balances in the general funds and the actual
8 or estimated spending from the general funds during the lapse
9 period. Notwithstanding the foregoing, the maximum amount that
10 may be transferred under this subsection (ii) is \$50,000,000.

11 (jj) In addition to any other transfers that may be
12 provided for by law, on July 1, 2006, or as soon thereafter as
13 practical, the State Comptroller shall direct and the State
14 Treasurer shall transfer the sum of \$8,250,000 from the General
15 Revenue Fund to the Presidential Library and Museum Operating
16 Fund.

17 (kk) In addition to any other transfers that may be
18 provided for by law, on July 1, 2006, or as soon thereafter as
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$1,400,000 from the General
21 Revenue Fund to the Violence Prevention Fund.

22 (ll) In addition to any other transfers that may be
23 provided for by law, on the first day of each calendar quarter
24 of the fiscal year beginning July 1, 2006, or as soon
25 thereafter as practical, the State Comptroller shall direct and
26 the State Treasurer shall transfer from the General Revenue

1 Fund amounts equal to one-fourth of \$20,000,000 to the
2 Renewable Energy Resources Trust Fund.

3 (mm) In addition to any other transfers that may be
4 provided for by law, on July 1, 2006, or as soon thereafter as
5 practical, the State Comptroller shall direct and the State
6 Treasurer shall transfer the sum of \$1,320,000 from the General
7 Revenue Fund to the I-FLY Fund.

8 (nn) In addition to any other transfers that may be
9 provided for by law, on July 1, 2006, or as soon thereafter as
10 practical, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$3,000,000 from the General
12 Revenue Fund to the African-American HIV/AIDS Response Fund.

13 (oo) In addition to any other transfers that may be
14 provided for by law, on and after July 1, 2006 and until June
15 30, 2007, at the direction of and upon notification from the
16 Governor, the State Comptroller shall direct and the State
17 Treasurer shall transfer amounts identified as net receipts
18 from the sale of all or part of the Illinois Student Assistance
19 Commission loan portfolio from the Student Loan Operating Fund
20 to the General Revenue Fund. The maximum amount that may be
21 transferred pursuant to this Section is \$38,800,000. In
22 addition, no transfer may be made pursuant to this Section that
23 would have the effect of reducing the available balance in the
24 Student Loan Operating Fund to an amount less than the amount
25 remaining unexpended and unreserved from the total
26 appropriations from the Fund estimated to be expended for the

1 fiscal year. The State Treasurer and Comptroller shall transfer
2 the amounts designated under this Section as soon as may be
3 practical after receiving the direction to transfer from the
4 Governor.

5 (pp) 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 \$2,000,000 from the General
9 Revenue Fund to the Illinois Veterans Assistance Fund.

10 (qq) In addition to any other transfers that may be
11 provided for by law, on and after July 1, 2007 and until May 1,
12 2008, 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 retransferred by the State Comptroller and the State Treasurer
18 from the Tobacco Settlement Recovery Fund to the General
19 Revenue Fund at the direction of and upon notification from the
20 Governor, but in any event on or before June 30, 2008.

21 (rr) In addition to any other transfers that may be
22 provided for by law, on and after July 1, 2007 and until June
23 30, 2008, at the direction of and upon notification from the
24 Governor, the State Comptroller shall direct and the State
25 Treasurer shall transfer amounts from the Illinois Affordable
26 Housing Trust Fund to the designated funds not exceeding the

1 following amounts:

2 DCFS Children's Services Fund \$2,200,000
3 Department of Corrections Reimbursement
4 and Education Fund \$1,500,000
5 Supplemental Low-Income Energy
6 Assistance Fund..... \$75,000

7 (ss) In addition to any other transfers that may be
8 provided for by law, on July 1, 2007, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$8,250,000 from the General
11 Revenue Fund to the Presidential Library and Museum Operating
12 Fund.

13 (tt) In addition to any other transfers that may be
14 provided for by law, on July 1, 2007, or as soon thereafter as
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$1,400,000 from the General
17 Revenue Fund to the Violence Prevention Fund.

18 (uu) In addition to any other transfers that may be
19 provided for by law, on July 1, 2007, or as soon thereafter as
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$1,320,000 from the General
22 Revenue Fund to the I-FLY Fund.

23 (vv) In addition to any other transfers that may be
24 provided for by law, on July 1, 2007, or as soon thereafter as
25 practical, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$3,000,000 from the General

1 Revenue Fund to the African-American HIV/AIDS Response Fund.

2 (ww) In addition to any other transfers that may be
3 provided for by law, on July 1, 2007, or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$3,500,000 from the General
6 Revenue Fund to the Predatory Lending Database Program Fund.

7 (xx) In addition to any other transfers that may be
8 provided for by law, on July 1, 2007, 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 (yy) In addition to any other transfers that may be
13 provided for by law, on July 1, 2007, or as soon thereafter as
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$4,000,000 from the General
16 Revenue Fund to the Digital Divide Elimination Infrastructure
17 Fund.

18 (zz) In addition to any other transfers that may be
19 provided for by law, on July 1, 2008, or as soon thereafter as
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$5,000,000 from the General
22 Revenue Fund to the Digital Divide Elimination Fund.

23 (aaa) In addition to any other transfers that may be
24 provided for by law, on and after July 1, 2008 and until May 1,
25 2009, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not exceeding a total of
 2 \$80,000,000 from the General Revenue Fund to the Tobacco
 3 Settlement Recovery Fund. Any amounts so transferred shall be
 4 retransferred by the State Comptroller and the State Treasurer
 5 from the Tobacco Settlement Recovery Fund to the General
 6 Revenue Fund at the direction of and upon notification from the
 7 Governor, but in any event on or before June 30, 2009.

8 (bbb) In addition to any other transfers that may be
 9 provided for by law, on and after July 1, 2008 and until June
 10 30, 2009, at the direction of and upon notification from the
 11 Governor, the State Comptroller shall direct and the State
 12 Treasurer shall transfer amounts from the Illinois Affordable
 13 Housing Trust Fund to the designated funds not exceeding the
 14 following amounts:

- 15 DCFS Children's Services Fund \$2,200,000
- 16 Department of Corrections Reimbursement
- 17 and Education Fund \$1,500,000
- 18 Supplemental Low-Income Energy
- 19 Assistance Fund \$75,000

20 (ccc) 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 \$7,450,000 from the General
 24 Revenue Fund to the Presidential Library and Museum Operating
 25 Fund.

26 (ddd) In addition to any other transfers that may be

1 provided for by law, on July 1, 2008, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$1,400,000 from the General
4 Revenue Fund to the Violence Prevention Fund.

5 (eee) 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 \$5,000,000 from the General
9 Revenue Fund to the Digital Divide Elimination Fund.

10 (fff) In addition to any other transfers that may be
11 provided for by law, on and after July 1, 2009 and until May 1,
12 2010, 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 retransferred by the State Comptroller and the State Treasurer
18 from the Tobacco Settlement Recovery Fund to the General
19 Revenue Fund at the direction of and upon notification from the
20 Governor, but in any event on or before June 30, 2010.

21 (ggg) In addition to any other transfers that may be
22 provided for by law, on July 1, 2009, or as soon thereafter as
23 practical, the State Comptroller shall direct and the State
24 Treasurer shall transfer the sum of \$7,450,000 from the General
25 Revenue Fund to the Presidential Library and Museum Operating
26 Fund.

1 (hhh) In addition to any other transfers that may be
2 provided for by law, on July 1, 2009, or as soon thereafter as
3 practical, the State Comptroller shall direct and the State
4 Treasurer shall transfer the sum of \$1,400,000 from the General
5 Revenue Fund to the Violence Prevention Fund.

6 (iii) In addition to any other transfers that may be
7 provided for by law, on July 1, 2009, or as soon thereafter as
8 practical, the State Comptroller shall direct and the State
9 Treasurer shall transfer the sum of \$100,000 from the General
10 Revenue Fund to the Heartsaver AED Fund.

11 (jjj) In addition to any other transfers that may be
12 provided for by law, on and after July 1, 2009 and until June
13 30, 2010, at the direction of and upon notification from the
14 Governor, the State Comptroller shall direct and the State
15 Treasurer shall transfer amounts not exceeding a total of
16 \$17,000,000 from the General Revenue Fund to the DCFS
17 Children's Services Fund.

18 (lll) In addition to any other transfers that may be
19 provided for by law, on July 1, 2009, or as soon thereafter as
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$5,000,000 from the General
22 Revenue Fund to the Communications Revolving Fund.

23 (mmm) 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 \$9,700,000 from the General

1 Revenue Fund to the Senior Citizens Real Estate Deferred Tax
2 Revolving Fund.

3 (nnn) 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 \$565,000 from the FY09
7 Budget Relief Fund to the Horse Racing Fund.

8 (ooo) In addition to any other transfers that may be
9 provided 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 \$600,000 from the General
12 Revenue Fund to the Temporary Relocation Expenses Revolving
13 Fund.

14 (ppp) In addition to any other transfers that may be
15 provided for by law, on July 1, 2010, or as soon thereafter as
16 practical, the State Comptroller shall direct and the State
17 Treasurer shall transfer the sum of \$5,000,000 from the General
18 Revenue Fund to the Digital Divide Elimination Fund.

19 (qqq) In addition to any other transfers that may be
20 provided for by law, on and after July 1, 2010 and until May 1,
21 2011, at the direction of and upon notification from the
22 Governor, the State Comptroller shall direct and the State
23 Treasurer shall transfer amounts not exceeding a total of
24 \$80,000,000 from the General Revenue Fund to the Tobacco
25 Settlement Recovery Fund. Any amounts so transferred shall be
26 retransferred by the State Comptroller and the State Treasurer

1 from the Tobacco Settlement Recovery Fund to the General
2 Revenue Fund at the direction of and upon notification from the
3 Governor, but in any event on or before June 30, 2011.

4 (rrr) In addition to any other transfers that may be
5 provided for by law, on July 1, 2010, or as soon thereafter as
6 practical, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$6,675,000 from the General
8 Revenue Fund to the Presidential Library and Museum Operating
9 Fund.

10 (sss) In addition to any other transfers that may be
11 provided for by law, on July 1, 2010, or as soon thereafter as
12 practical, the State Comptroller shall direct and the State
13 Treasurer shall transfer the sum of \$1,400,000 from the General
14 Revenue Fund to the Violence Prevention Fund.

15 (ttt) In addition to any other transfers that may be
16 provided for by law, on July 1, 2010, or as soon thereafter as
17 practical, the State Comptroller shall direct and the State
18 Treasurer shall transfer the sum of \$100,000 from the General
19 Revenue Fund to the Heartsaver AED Fund.

20 (uuu) In addition to any other transfers that may be
21 provided for by law, on July 1, 2010, 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 (vvv) In addition to any other transfers that may be
26 provided for by law, on July 1, 2010, 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 Illinois Capital Revolving Loan Fund.

4 (www) In addition to any other transfers that may be
5 provided for by law, on July 1, 2010, or as soon thereafter as
6 practical, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$17,000,000 from the
8 General Revenue Fund to the DCFS Children's Services Fund.

9 (xxx) In addition to any other transfers that may be
10 provided for by law, on July 1, 2010, or as soon thereafter as
11 practical, the State Comptroller shall direct and the State
12 Treasurer shall transfer the sum of \$2,000,000 from the Digital
13 Divide Elimination Infrastructure Fund, of which \$1,000,000
14 shall go to the Workforce, Technology, and Economic Development
15 Fund and \$1,000,000 to the Public Utility Fund.

16 (yyy) In addition to any other transfers that may be
17 provided for by law, on and after July 1, 2011 and until May 1,
18 2012, at the direction of and upon notification from the
19 Governor, the State Comptroller shall direct and the State
20 Treasurer shall transfer amounts not exceeding a total of
21 \$80,000,000 from the General Revenue Fund to the Tobacco
22 Settlement Recovery Fund. Any amounts so transferred shall be
23 retransferred by the State Comptroller and the State Treasurer
24 from the Tobacco Settlement Recovery Fund to the General
25 Revenue Fund at the direction of and upon notification from the
26 Governor, but in any event on or before June 30, 2012.

1 (zzz) In addition to any other transfers that may be
2 provided for by law, on July 1, 2011, or as soon thereafter as
3 practical, the State Comptroller shall direct and the State
4 Treasurer shall transfer the sum of \$1,000,000 from the General
5 Revenue Fund to the Illinois Veterans Assistance Fund.

6 (aaaa) In addition to any other transfers that may be
7 provided for by law, on July 1, 2011, or as soon thereafter as
8 practical, the State Comptroller shall direct and the State
9 Treasurer shall transfer the sum of \$8,000,000 from the General
10 Revenue Fund to the Presidential Library and Museum Operating
11 Fund.

12 (bbbb) In addition to any other transfers that may be
13 provided for by law, on July 1, 2011, 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 (cccc) In addition to any other transfers that may be
18 provided for by law, on July 1, 2011, or as soon thereafter as
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$14,100,000 from the
21 General Revenue Fund to the State Garage Revolving Fund.

22 (dddd) In addition to any other transfers that may be
23 provided for by law, on July 1, 2011, or as soon thereafter as
24 practical, the State Comptroller shall direct and the State
25 Treasurer shall transfer the sum of \$4,000,000 from the General
26 Revenue Fund to the Digital Divide Elimination Fund.

1 (eeee) In addition to any other transfers that may be
2 provided for by law, on July 1, 2011, or as soon thereafter as
3 practical, the State Comptroller shall direct and the State
4 Treasurer shall transfer the sum of \$500,000 from the General
5 Revenue Fund to the Senior Citizens Real Estate Deferred Tax
6 Revolving Fund.

7 (Source: P.A. 96-45, eff. 7-15-09; 96-820, eff. 11-18-09;
8 96-959, eff. 7-1-10; 97-72, eff. 7-1-11; 97-641, eff.
9 12-19-11.)

10 (30 ILCS 105/8h)

11 Sec. 8h. Transfers to General Revenue Fund.

12 (a) Except as otherwise provided in this Section and
13 Section 8n of this Act, and notwithstanding any other State law
14 to the contrary, the Governor may, through June 30, 2007, from
15 time to time direct the State Treasurer and Comptroller to
16 transfer a specified sum from any fund held by the State
17 Treasurer to the General Revenue Fund in order to help defray
18 the State's operating costs for the fiscal year. The total
19 transfer under this Section from any fund in any fiscal year
20 shall not exceed the lesser of (i) 8% of the revenues to be
21 deposited into the fund during that fiscal year or (ii) an
22 amount that leaves a remaining fund balance of 25% of the July
23 1 fund balance of that fiscal year. In fiscal year 2005 only,
24 prior to calculating the July 1, 2004 final balances, the
25 Governor may calculate and direct the State Treasurer with the

1 Comptroller to transfer additional amounts determined by
2 applying the formula authorized in Public Act 93-839 to the
3 funds balances on July 1, 2003. No transfer may be made from a
4 fund under this Section that would have the effect of reducing
5 the available balance in the fund to an amount less than the
6 amount remaining unexpended and unreserved from the total
7 appropriation from that fund estimated to be expended for that
8 fiscal year. This Section does not apply to any funds that are
9 restricted by federal law to a specific use, to any funds in
10 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
11 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
12 Teacher Health Insurance Security Fund, the Voters' Guide Fund,
13 the Foreign Language Interpreter Fund, the Lawyers' Assistance
14 Program Fund, the Supreme Court Federal Projects Fund, the
15 Supreme Court Special State Projects Fund, the Supplemental
16 Low-Income Energy Assistance Fund, the Good Samaritan Energy
17 Trust Fund, the Low-Level Radioactive Waste Facility
18 Development and Operation Fund, the Horse Racing Equity Trust
19 Fund, the Metabolic Screening and Treatment Fund, or the
20 Hospital Basic Services Preservation Fund, or to any funds to
21 which Section 70-50 of the Nurse Practice Act applies. No
22 transfers may be made under this Section from the Pet
23 Population Control Fund. Notwithstanding any other provision
24 of this Section, for fiscal year 2004, the total transfer under
25 this Section from the Road Fund or the State Construction
26 Account Fund shall not exceed the lesser of (i) 5% of the

1 revenues to be deposited into the fund during that fiscal year
2 or (ii) 25% of the beginning balance in the fund. For fiscal
3 year 2005 through fiscal year 2007, no amounts may be
4 transferred under this Section from the Road Fund, the State
5 Construction Account Fund, the Criminal Justice Information
6 Systems Trust Fund, the Wireless Service Emergency Fund, or the
7 Mandatory Arbitration Fund.

8 In determining the available balance in a fund, the
9 Governor may include receipts, transfers into the fund, and
10 other resources anticipated to be available in the fund in that
11 fiscal year.

12 The State Treasurer and Comptroller shall transfer the
13 amounts designated under this Section as soon as may be
14 practicable after receiving the direction to transfer from the
15 Governor.

16 (a-5) Transfers directed to be made under this Section on
17 or before February 28, 2006 that are still pending on May 19,
18 2006 (the effective date of Public Act 94-774) shall be
19 redirected as provided in Section 8n of this Act.

20 (b) This Section does not apply to: (i) the Carolyn Adams
21 Ticket For The Cure Grant Fund; (ii) any fund established under
22 the Community Senior Services and Resources Act; or (iii) on or
23 after January 1, 2006 (the effective date of Public Act
24 94-511), the Child Labor and Day and Temporary Labor Services
25 Enforcement Fund.

26 (c) This Section does not apply to the Demutualization

1 Trust Fund established under the Uniform Disposition of
2 Unclaimed Property Act.

3 (d) This Section does not apply to moneys set aside in the
4 Illinois State Podiatric Disciplinary Fund for podiatric
5 scholarships and residency programs under the Podiatric
6 Scholarship and Residency Act.

7 (e) Subsection (a) does not apply to, and no transfer may
8 be made under this Section from, the Pension Stabilization
9 Fund.

10 (f) Subsection (a) does not apply to, and no transfer may
11 be made under this Section from, the Illinois Power Agency
12 Operations Fund, the Illinois Power Agency Facilities Fund, the
13 Illinois Power Agency Debt Service Fund, and the Illinois Power
14 Agency Trust Fund.

15 (g) This Section does not apply to the Veterans Service
16 Organization Reimbursement Fund.

17 (h) This Section does not apply to the Supreme Court
18 Historic Preservation Fund.

19 (i) This Section does not apply to, and no transfer may be
20 made under this Section from, the Money Follows the Person
21 Budget Transfer Fund.

22 (j) This Section does not apply to the Domestic Violence
23 Shelter and Service Fund.

24 (k) This Section does not apply to the Illinois Historic
25 Sites Fund and the Presidential Library and Museum Operating
26 Fund.

1 (1) This Section does not apply to the Trucking
2 Environmental and Education Fund.

3 (m) This Section does not apply to the Roadside Memorial
4 Fund.

5 (n) This Section does not apply to the Department of Human
6 Rights Special Fund.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-410, eff. 8-24-07;
8 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639, eff.
9 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08; 95-876,
10 eff. 8-21-08; 96-302, eff. 1-1-10; 96-450, eff. 8-14-09;
11 96-511, eff. 8-14-09; 96-576, eff. 8-18-09; 96-667, eff.
12 8-25-09; 96-786, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1290,
13 eff. 7-26-10.)

14 (30 ILCS 105/5.87 rep.)

15 (30 ILCS 105/5.121 rep.)

16 (30 ILCS 105/5.154 rep.)

17 (30 ILCS 105/5.181 rep.)

18 (30 ILCS 105/5.187 rep.)

19 (30 ILCS 105/5.200 rep.)

20 (30 ILCS 105/5.232 rep.)

21 (30 ILCS 105/5.296 rep.)

22 (30 ILCS 105/5.310 rep.)

23 (30 ILCS 105/5.333 rep.)

24 (30 ILCS 105/5.431 rep.)

25 (30 ILCS 105/5.461 rep.)

1 (30 ILCS 105/5.516 rep.)

2 (30 ILCS 105/5.520 rep.)

3 (30 ILCS 105/5.521 rep.)

4 (30 ILCS 105/5.600 rep.)

5 (30 ILCS 105/5.617 rep.)

6 (30 ILCS 105/5.717 rep.)

7 Section 15-15. The State Finance Act is amended by
8 repealing Sections 5.87, 5.121, 5.154, 5.181, 5.187, 5.200,
9 5.232, 5.296, 5.310, 5.333, 5.431, 5.461, 5.516, 5.520, 5.521,
10 5.600, 5.617, and 5.717.

11 Section 15-20. The Build Illinois Act is amended by
12 changing Sections 9-3 and 9-5.2 as follows:

13 (30 ILCS 750/9-3) (from Ch. 127, par. 2709-3)

14 Sec. 9-3. Powers and duties. The Department has the power:

15 (a) To make loans or equity investments to small
16 businesses, and to make loans or grants or investments to or
17 through financial intermediaries. The loans and investments
18 shall be made from appropriations from the Build Illinois Bond
19 Fund, Illinois Capital Revolving Loan Fund or Illinois Equity
20 ~~Revolving~~ Fund for the purpose of promoting the creation or
21 retention of jobs within small businesses or to modernize or
22 maintain competitiveness of firms in Illinois. The grants shall
23 be made from appropriations from the Build Illinois Bond Fund
24 or Illinois Capital Revolving Loan Fund for the purpose of

1 technical assistance.

2 (b) To make loans to or investments in businesses that have
3 received federal Phase I Small Business Innovation Research
4 grants as a bridge while awaiting federal Phase II Small
5 Business Innovation Research grant funds.

6 (c) To enter into interagency agreements, accept funds or
7 grants, and engage in cooperation with agencies of the federal
8 government, local units of government, universities, research
9 foundations, political subdivisions of the State, financial
10 intermediaries, and regional economic development corporations
11 or organizations for the purposes of carrying out this Article.

12 (d) To enter into contracts, financial intermediary
13 agreements, or any other agreements or contracts with financial
14 intermediaries necessary or desirable to further the purposes
15 of this Article. Any such agreement or contract may include,
16 without limitation, terms and provisions including, but not
17 limited to loan documentation, review and approval procedures,
18 organization and servicing rights, and default conditions.

19 (e) To fix, determine, charge and collect any premiums,
20 fees, charges, costs and expenses, including without
21 limitation, any application fees, commitment fees, program
22 fees, financing charges, collection fees, training fees, or
23 publication fees in connection with its activities under this
24 Article and to accept from any source any gifts, donations, or
25 contributions of money, property, labor, or other things of
26 value to be held, used, and applied to carry out the purposes

1 of this Article. All fees, charges, collections, gifts,
2 donations, or other contributions shall be deposited into the
3 Illinois Capital Revolving Loan Fund.

4 (f) To establish application, notification, contract, and
5 other forms, procedures, rules or regulations deemed necessary
6 and appropriate.

7 (g) To consent, subject to the provisions of any contract
8 with another person, whenever it deems it necessary or
9 desirable in the fulfillment of the purposes of this Article,
10 to the modification or restructuring of any financial
11 intermediary agreement, loan agreement or any equity
12 investment agreement to which the Department is a party.

13 (h) To take whatever actions are necessary or appropriate
14 to protect the State's interest in the event of bankruptcy,
15 default, foreclosure, or noncompliance with the terms and
16 conditions of financial assistance or participation provided
17 hereunder or to otherwise protect or affect the State's
18 interest, including the power to sell, dispose, lease or rent,
19 upon terms and conditions determined by the Director to be
20 appropriate, real or personal property which the Department may
21 receive as a result thereof.

22 (i) To deposit any "Qualified Securities" which have been
23 received by the Department as the result of any financial
24 intermediary agreement, loan, or equity investment agreement
25 executed in the carrying out of this Act, with the Office of
26 the State Treasurer and held by that office until agreement to

1 transfer such qualified security shall be certified by the
2 Director of Commerce and Economic Opportunity.

3 (j) To assist small businesses that seek to apply for
4 public or private capital in preparing the application and to
5 supply them with grant information, plans, reports,
6 assistance, or advice on development finance and to assist
7 financial intermediaries and participating lenders to build
8 capacity to make debt or equity investments through
9 conferences, workshops, seminars, publications, or any other
10 media.

11 (k) To provide for staff, administration, and related
12 support required to manage the programs authorized under this
13 Article and pay for staffing and administration from the
14 Illinois Capital Revolving Loan Fund, as appropriated by the
15 General Assembly. Administration responsibilities may include,
16 but are not limited to, research and identification of credit
17 disadvantaged groups; design of comprehensive statewide
18 capital access plans and programs addressing capital gap and
19 capital marketplace structure and information barriers;
20 direction, management, and control of specific projects; and
21 communicate and cooperation with public development finance
22 organizations and private debt and equity sources.

23 (l) To exercise such other powers as are necessary or
24 incidental to the foregoing.

25 (Source: P.A. 94-91, eff. 7-1-05.)

1 (30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

2 Sec. 9-5.2. Illinois Equity ~~Investment Revolving~~ Fund.

3 (a) There is created the Illinois Equity ~~Investment~~
4 ~~Revolving~~ Fund, ~~hereafter referred to in this Article as the~~
5 ~~"Equity Fund"~~ to be held as a separate fund within the State
6 Treasury. The purpose of the Illinois Equity Fund is to make
7 equity investments in Illinois. All financing will be done in
8 conjunction with participating lenders or other investors.
9 Investment proceeds may be directed to working capital expenses
10 associated with the introduction of new technical products or
11 services of individual business projects or may be used for
12 equity finance pools operated by intermediaries.

13 (b) There shall be deposited in the Illinois Equity Fund
14 such amounts, including but not limited to:

15 (i) All receipts including dividends, principal and
16 interest payments, royalties, or other return on
17 investment from any applicable loan made from the Illinois
18 Equity Fund, from direct appropriations by the General
19 Assembly from the Build Illinois Fund or the Build Illinois
20 Purposes Fund (now abolished), or from intermediary
21 agreements made from the Illinois Equity Fund entered into
22 by the Department;

23 (ii) All proceeds of assets of whatever nature received
24 by the Department as a result of default or delinquency
25 with respect to loan agreements made from the Illinois
26 Equity Fund, or from direct appropriations by the General

1 Assembly including proceeds from the sale, disposal, lease
2 or rental of real or personal property which the Department
3 may receive as a result thereof;

4 (iii) any appropriations, grants or gifts made to the
5 Illinois Equity Fund;

6 (iv) any income received from interest on investments
7 of moneys in the Illinois Equity Fund.

8 (c) The Treasurer may invest moneys in the Illinois Equity
9 Fund in securities constituting direct obligations of the
10 United States Government, or in obligations the principal of
11 and interest on which are guaranteed by the United States
12 Government, or in certificates of deposit of any State or
13 national bank which are fully secured by obligations guaranteed
14 as to principal and interest by the United States Government.

15 (Source: P.A. 94-91, eff. 7-1-05.)

16 Section 15-25. The Illinois Income Tax Act is amended by
17 changing Section 507L as follows:

18 (35 ILCS 5/507L)

19 Sec. 507L. Penny Severns Breast, ~~and~~ Cervical, and Ovarian
20 Cancer Research Fund checkoff. Beginning with taxable years
21 ending on December 31, 1999, the Department shall print on its
22 standard individual income tax form a provision indicating that
23 if the taxpayer wishes to contribute to the Penny Severns
24 Breast, ~~and~~ Cervical, and Ovarian Cancer Research Fund as

1 authorized by this amendatory Act of the 91st General Assembly,
2 he or she may do so by stating the amount of the contribution
3 (not less than \$1) on the return and that the contribution will
4 reduce the taxpayer's refund or increase the amount of the
5 payment to accompany the return. Failure to remit any amount of
6 increased payment shall reduce the contribution accordingly.
7 This Section shall not apply to an amended return.

8 (Source: P.A. 91-107, eff. 7-13-99.)

9 Section 15-30. The Illinois Municipal Code is amended by
10 changing Section 11-43-2 as follows:

11 (65 ILCS 5/11-43-2) (from Ch. 24, par. 11-43-2)

12 Sec. 11-43-2. Taxes levied by any municipality having a
13 population of 500,000 or more for general assistance for
14 persons in need thereof as provided in The Illinois Public Aid
15 Code, as now or hereafter amended, for each fiscal year shall
16 not exceed the rate of .10% upon the value of all property
17 therein as that property is equalized or assessed by the
18 Department of Revenue. Nor shall the rate produce in excess of
19 the amount needed in that municipality for general assistance
20 for persons in need thereof.

21 All money received from these taxes and moneys collected or
22 recovered by or in behalf of the municipality under The
23 Illinois Public Aid Code shall be used exclusively for the
24 furnishing of general assistance within the municipality; for

1 the payment of administrative costs thereof; and for the
2 payment of warrants issued against and in anticipation of the
3 general assistance taxes, and accrued interest thereon. Until
4 January 1, 1974, the treasurer of the municipality, shall pay
5 all moneys received from general assistance taxes and all the
6 moneys collected or recovered by or in behalf of the
7 municipality under The Illinois Public Aid Code into the
8 special fund in the county treasury established pursuant to
9 Section 12-21.14 of that Code. After December 31, 1973, but not
10 later than June 30, 1979, the treasurer of the municipality
11 shall pay all moneys received from general assistance taxes and
12 collections or recoveries directly into the Special Purposes
13 Trust Fund (now known as the DHS Special Purposes Trust Fund)
14 established by Section 12-10 of The Illinois Public Aid Code.
15 After June 30, 1979, moneys and funds designated by this
16 Section shall be paid into the General Revenue Fund as
17 reimbursement for appropriated funds disbursed.

18 Upon the filing with the county clerk of a certified copy
19 of an ordinance levying such taxes, the county clerk shall
20 extend the taxes upon the books of the collector of state and
21 county taxes within that municipality in the manner provided in
22 Section 8-3-1 for the extension of municipal taxes.

23 (Source: P.A. 92-111, eff. 1-1-02.)

24 Section 15-35. The Public Utilities Act is amended by
25 changing Section 13-703 as follows:

1 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

2 (Section scheduled to be repealed on July 1, 2017)

3 Sec. 13-703. (a) The Commission shall design and implement
4 a program whereby each telecommunications carrier providing
5 local exchange service shall provide a telecommunications
6 device capable of servicing the needs of those persons with a
7 hearing or speech disability together with a single party line,
8 at no charge additional to the basic exchange rate, to any
9 subscriber who is certified as having a hearing or speech
10 disability by a licensed physician, speech-language
11 pathologist, audiologist or a qualified State agency and to any
12 subscriber which is an organization serving the needs of those
13 persons with a hearing or speech disability as determined and
14 specified by the Commission pursuant to subsection (d).

15 (b) The Commission shall design and implement a program,
16 whereby each telecommunications carrier providing local
17 exchange service shall provide a telecommunications relay
18 system, using third party intervention to connect those persons
19 having a hearing or speech disability with persons of normal
20 hearing by way of intercommunications devices and the telephone
21 system, making available reasonable access to all phases of
22 public telephone service to persons who have a hearing or
23 speech disability. In order to design a telecommunications
24 relay system which will meet the requirements of those persons
25 with a hearing or speech disability available at a reasonable

1 cost, the Commission shall initiate an investigation and
2 conduct public hearings to determine the most cost-effective
3 method of providing telecommunications relay service to those
4 persons who have a hearing or speech disability when using
5 telecommunications devices and therein solicit the advice,
6 counsel, and physical assistance of Statewide nonprofit
7 consumer organizations that serve persons with hearing or
8 speech disabilities in such hearings and during the development
9 and implementation of the system. The Commission shall phase in
10 this program, on a geographical basis, as soon as is
11 practicable, but no later than June 30, 1990.

12 (c) The Commission shall establish a competitively neutral
13 rate recovery mechanism that establishes charges in an amount
14 to be determined by the Commission for each line of a
15 subscriber to allow telecommunications carriers providing
16 local exchange service to recover costs as they are incurred
17 under this Section. Beginning no later than April 1, 2016, and
18 on a yearly basis thereafter, the Commission shall initiate a
19 proceeding to establish the competitively neutral amount to be
20 charged or assessed to subscribers of telecommunications
21 carriers and wireless carriers, Interconnected VoIP service
22 providers, and consumers of prepaid wireless
23 telecommunications service in a manner consistent with this
24 subsection (c) and subsection (f) of this Section. The
25 Commission shall issue its order establishing the
26 competitively neutral amount to be charged or assessed to

1 subscribers of telecommunications carriers and wireless
2 carriers, Interconnected VoIP service providers, and
3 purchasers of prepaid wireless telecommunications service on
4 or prior to June 1 of each year, and such amount shall take
5 effect June 1 of each year.

6 Telecommunications carriers, wireless carriers,
7 Interconnected VoIP service providers, and sellers of prepaid
8 wireless telecommunications service shall have 60 days from the
9 date the Commission files its order to implement the new rate
10 established by the order.

11 (d) The Commission shall determine and specify those
12 organizations serving the needs of those persons having a
13 hearing or speech disability that shall receive a
14 telecommunications device and in which offices the equipment
15 shall be installed in the case of an organization having more
16 than one office. For the purposes of this Section,
17 "organizations serving the needs of those persons with hearing
18 or speech disabilities" means centers for independent living as
19 described in Section 12a of the Rehabilitation of Persons with
20 Disabilities Act and not-for-profit organizations whose
21 primary purpose is serving the needs of those persons with
22 hearing or speech disabilities. The Commission shall direct the
23 telecommunications carriers subject to its jurisdiction and
24 this Section to comply with its determinations and
25 specifications in this regard.

26 (e) As used in this Section:

1 "Prepaid wireless telecommunications service" has the
2 meaning given to that term under Section 10 of the Prepaid
3 Wireless 9-1-1 Surcharge Act.

4 "Retail transaction" has the meaning given to that term
5 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

6 "Seller" has the meaning given to that term under Section
7 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

8 "Telecommunications carrier providing local exchange
9 service" includes, without otherwise limiting the meaning of
10 the term, telecommunications carriers which are purely mutual
11 concerns, having no rates or charges for services, but paying
12 the operating expenses by assessment upon the members of such a
13 company and no other person.

14 "Wireless carrier" has the meaning given to that term under
15 Section 10 of the Wireless Emergency Telephone Safety Act.

16 (f) Interconnected VoIP service providers, sellers of
17 prepaid wireless telecommunications service, and wireless
18 carriers in Illinois shall collect and remit assessments
19 determined in accordance with this Section in a competitively
20 neutral manner in the same manner as a telecommunications
21 carrier providing local exchange service. However, the
22 assessment imposed on consumers of prepaid wireless
23 telecommunications service shall be collected by the seller
24 from the consumer and imposed per retail transaction as a
25 percentage of that retail transaction on all retail
26 transactions occurring in this State. The assessment on

1 subscribers of wireless carriers and consumers of prepaid
2 wireless telecommunications service shall not be imposed or
3 collected prior to June 1, 2016.

4 Sellers of prepaid wireless telecommunications service
5 shall remit the assessments to the Department of Revenue on the
6 same form and in the same manner which they remit the fee
7 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
8 the purposes of display on the consumers' receipts, the rates
9 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
10 Act and the assessment under this Section may be combined. In
11 administration and enforcement of this Section, the provisions
12 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
13 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
14 Section 15 and subsections (c) and (e) of Section 20 of the
15 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015
16 (the effective date of Public Act 99-6) ~~this amendatory Act of~~
17 ~~the 99th General Assembly~~, the seller shall be permitted to
18 deduct and retain 3% of the assessments that are collected by
19 the seller from consumers and that are remitted and timely
20 filed with the Department) that are not inconsistent with this
21 Section, shall apply, as far as practicable, to the subject
22 matter of this Section to the same extent as if those
23 provisions were included in this Section. The Department shall
24 deposit all assessments and penalties collected under this
25 Section into the Illinois Telecommunications Access
26 Corporation Fund, a special fund created in the State treasury.

1 On or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 amount available to the Commission for distribution out of the
4 Illinois Telecommunications Access Corporation Fund. The
5 amount certified shall be the amount (not including credit
6 memoranda) collected during the second preceding calendar
7 month by the Department, plus an amount the Department
8 determines is necessary to offset any amounts which were
9 erroneously paid to a different taxing body or fund. The amount
10 paid to the Illinois Telecommunications Access Corporation
11 Fund shall not include any amount equal to the amount of
12 refunds made during the second preceding calendar month by the
13 Department to retailers under this Section or any amount that
14 the Department determines is necessary to offset any amounts
15 which were payable to a different taxing body or fund but were
16 erroneously paid to the Illinois Telecommunications Access
17 Corporation Fund. The Commission shall distribute all the funds
18 to the Illinois Telecommunications Access Corporation and the
19 funds may only be used in accordance with the provisions of
20 this Section. The Department shall deduct 2% of all amounts
21 deposited in the Illinois Telecommunications Access
22 Corporation Fund during every year of remitted assessments. Of
23 the 2% deducted by the Department, one-half shall be
24 transferred into the Tax Compliance and Administration Fund to
25 reimburse the Department for its direct costs of administering
26 the collection and remittance of the assessment. The remaining

1 one-half shall be transferred into the Public Utility ~~Utilities~~
2 Fund to reimburse the Commission for its costs of distributing
3 to the Illinois Telecommunications Access Corporation the
4 amount certified by the Department for distribution. The amount
5 to be charged or assessed under subsections (c) and (f) is not
6 imposed on a provider or the consumer for wireless Lifeline
7 service where the consumer does not pay the provider for the
8 service. Where the consumer purchases from the provider
9 optional minutes, texts, or other services in addition to the
10 federally funded Lifeline benefit, a consumer must pay the
11 charge or assessment, and it must be collected by the seller
12 according to subsection (f).

13 Interconnected VoIP services shall not be considered an
14 intrastate telecommunications service for the purposes of this
15 Section in a manner inconsistent with federal law or Federal
16 Communications Commission regulation.

17 (g) The provisions of this Section are severable under
18 Section 1.31 of the Statute on Statutes.

19 (h) The Commission may adopt rules necessary to implement
20 this Section.

21 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised
22 10-21-15.)

23 Section 15-40. The Medical Practice Act of 1987 is amended
24 by changing Sections 2 and 22 as follows:

1 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

2 (Section scheduled to be repealed on December 31, 2016)

3 Sec. 2. Definitions. For purposes of this Act, the
4 following definitions shall have the following meanings,
5 except where the context requires otherwise:

6 "Act" means the Medical Practice Act of 1987.

7 "Address of record" means the designated address recorded
8 by the Department in the applicant's or licensee's application
9 file or license file as maintained by the Department's
10 licensure maintenance unit. It is the duty of the applicant or
11 licensee to inform the Department of any change of address and
12 those changes must be made either through the Department's
13 website or by contacting the Department.

14 "Chiropractic physician" means a person licensed to treat
15 human ailments without the use of drugs and without operative
16 surgery. Nothing in this Act shall be construed to prohibit a
17 chiropractic physician from providing advice regarding the use
18 of non-prescription products or from administering atmospheric
19 oxygen. Nothing in this Act shall be construed to authorize a
20 chiropractic physician to prescribe drugs.

21 "Department" means the Department of Financial and
22 Professional Regulation.

23 "Disciplinary Action" means revocation, suspension,
24 probation, supervision, practice modification, reprimand,
25 required education, fines or any other action taken by the
26 Department against a person holding a license.

1 "Disciplinary Board" means the Medical Disciplinary Board.

2 "Final Determination" means the governing body's final
3 action taken under the procedure followed by a health care
4 institution, or professional association or society, against
5 any person licensed under the Act in accordance with the bylaws
6 or rules and regulations of such health care institution, or
7 professional association or society.

8 "Fund" means the Illinois State Medical Disciplinary Fund.

9 "Impaired" means the inability to practice medicine with
10 reasonable skill and safety due to physical or mental
11 disabilities as evidenced by a written determination or written
12 consent based on clinical evidence including deterioration
13 through the aging process or loss of motor skill, or abuse of
14 drugs or alcohol, of sufficient degree to diminish a person's
15 ability to deliver competent patient care.

16 "Licensing Board" means the Medical Licensing Board.

17 "Physician" means a person licensed under the Medical
18 Practice Act to practice medicine in all of its branches or a
19 chiropractic physician.

20 "Professional Association" means an association or society
21 of persons licensed under this Act, and operating within the
22 State of Illinois, including but not limited to, medical
23 societies, osteopathic organizations, and chiropractic
24 organizations, but this term shall not be deemed to include
25 hospital medical staffs.

26 "Program of Care, Counseling, or Treatment" means a written

1 schedule of organized treatment, care, counseling, activities,
2 or education, satisfactory to the Disciplinary Board, designed
3 for the purpose of restoring an impaired person to a condition
4 whereby the impaired person can practice medicine with
5 reasonable skill and safety of a sufficient degree to deliver
6 competent patient care.

7 "Reinstate" means to change the status of a license from
8 inactive or nonrenewed status to active status.

9 "Restore" means to remove an encumbrance from a license due
10 to probation, suspension, or revocation.

11 "Secretary" means the Secretary of the Department of
12 Financial and Professional Regulation.

13 (Source: P.A. 97-462, eff. 8-19-11; 97-622, eff. 11-23-11;
14 98-1140, eff. 12-30-14.)

15 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

16 (Section scheduled to be repealed on December 31, 2016)

17 Sec. 22. Disciplinary action.

18 (A) The Department may revoke, suspend, place on probation,
19 reprimand, refuse to issue or renew, or take any other
20 disciplinary or non-disciplinary action as the Department may
21 deem proper with regard to the license or permit of any person
22 issued under this Act, including imposing fines not to exceed
23 \$10,000 for each violation, upon any of the following grounds:

24 (1) Performance of an elective abortion in any place,
25 locale, facility, or institution other than:

1 (a) a facility licensed pursuant to the Ambulatory
2 Surgical Treatment Center Act;

3 (b) an institution licensed under the Hospital
4 Licensing Act;

5 (c) an ambulatory surgical treatment center or
6 hospitalization or care facility maintained by the
7 State or any agency thereof, where such department or
8 agency has authority under law to establish and enforce
9 standards for the ambulatory surgical treatment
10 centers, hospitalization, or care facilities under its
11 management and control;

12 (d) ambulatory surgical treatment centers,
13 hospitalization or care facilities maintained by the
14 Federal Government; or

15 (e) ambulatory surgical treatment centers,
16 hospitalization or care facilities maintained by any
17 university or college established under the laws of
18 this State and supported principally by public funds
19 raised by taxation.

20 (2) Performance of an abortion procedure in a wilful
21 and wanton manner on a woman who was not pregnant at the
22 time the abortion procedure was performed.

23 (3) A plea of guilty or nolo contendere, finding of
24 guilt, jury verdict, or entry of judgment or sentencing,
25 including, but not limited to, convictions, preceding
26 sentences of supervision, conditional discharge, or first

1 offender probation, under the laws of any jurisdiction of
2 the United States of any crime that is a felony.

3 (4) Gross negligence in practice under this Act.

4 (5) Engaging in dishonorable, unethical or
5 unprofessional conduct of a character likely to deceive,
6 defraud or harm the public.

7 (6) Obtaining any fee by fraud, deceit, or
8 misrepresentation.

9 (7) Habitual or excessive use or abuse of drugs defined
10 in law as controlled substances, of alcohol, or of any
11 other substances which results in the inability to practice
12 with reasonable judgment, skill or safety.

13 (8) Practicing under a false or, except as provided by
14 law, an assumed name.

15 (9) Fraud or misrepresentation in applying for, or
16 procuring, a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (10) Making a false or misleading statement regarding
19 their skill or the efficacy or value of the medicine,
20 treatment, or remedy prescribed by them at their direction
21 in the treatment of any disease or other condition of the
22 body or mind.

23 (11) Allowing another person or organization to use
24 their license, procured under this Act, to practice.

25 (12) Adverse action taken by another state or
26 jurisdiction against a license or other authorization to

1 practice as a medical doctor, doctor of osteopathy, doctor
2 of osteopathic medicine or doctor of chiropractic, a
3 certified copy of the record of the action taken by the
4 other state or jurisdiction being prima facie evidence
5 thereof. This includes any adverse action taken by a State
6 or federal agency that prohibits a medical doctor, doctor
7 of osteopathy, doctor of osteopathic medicine, or doctor of
8 chiropractic from providing services to the agency's
9 participants.

10 (13) Violation of any provision of this Act or of the
11 Medical Practice Act prior to the repeal of that Act, or
12 violation of the rules, or a final administrative action of
13 the Secretary, after consideration of the recommendation
14 of the Disciplinary Board.

15 (14) Violation of the prohibition against fee
16 splitting in Section 22.2 of this Act.

17 (15) A finding by the Disciplinary Board that the
18 registrant after having his or her license placed on
19 probationary status or subjected to conditions or
20 restrictions violated the terms of the probation or failed
21 to comply with such terms or conditions.

22 (16) Abandonment of a patient.

23 (17) Prescribing, selling, administering,
24 distributing, giving or self-administering any drug
25 classified as a controlled substance (designated product)
26 or narcotic for other than medically accepted therapeutic

1 purposes.

2 (18) Promotion of the sale of drugs, devices,
3 appliances or goods provided for a patient in such manner
4 as to exploit the patient for financial gain of the
5 physician.

6 (19) Offering, undertaking or agreeing to cure or treat
7 disease by a secret method, procedure, treatment or
8 medicine, or the treating, operating or prescribing for any
9 human condition by a method, means or procedure which the
10 licensee refuses to divulge upon demand of the Department.

11 (20) Immoral conduct in the commission of any act
12 including, but not limited to, commission of an act of
13 sexual misconduct related to the licensee's practice.

14 (21) Wilfully making or filing false records or reports
15 in his or her practice as a physician, including, but not
16 limited to, false records to support claims against the
17 medical assistance program of the Department of Healthcare
18 and Family Services (formerly Department of Public Aid)
19 under the Illinois Public Aid Code.

20 (22) Wilful omission to file or record, or wilfully
21 impeding the filing or recording, or inducing another
22 person to omit to file or record, medical reports as
23 required by law, or wilfully failing to report an instance
24 of suspected abuse or neglect as required by law.

25 (23) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act, and
2 upon proof by clear and convincing evidence that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (24) Solicitation of professional patronage by any
7 corporation, agents or persons, or profiting from those
8 representing themselves to be agents of the licensee.

9 (25) Gross and wilful and continued overcharging for
10 professional services, including filing false statements
11 for collection of fees for which services are not rendered,
12 including, but not limited to, filing such false statements
13 for collection of monies for services not rendered from the
14 medical assistance program of the Department of Healthcare
15 and Family Services (formerly Department of Public Aid)
16 under the Illinois Public Aid Code.

17 (26) A pattern of practice or other behavior which
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 (27) Mental illness or disability which results in the
21 inability to practice under this Act with reasonable
22 judgment, skill or safety.

23 (28) Physical illness, including, but not limited to,
24 deterioration through the aging process, or loss of motor
25 skill which results in a physician's inability to practice
26 under this Act with reasonable judgment, skill or safety.

1 (29) Cheating on or attempt to subvert the licensing
2 examinations administered under this Act.

3 (30) Wilfully or negligently violating the
4 confidentiality between physician and patient except as
5 required by law.

6 (31) The use of any false, fraudulent, or deceptive
7 statement in any document connected with practice under
8 this Act.

9 (32) Aiding and abetting an individual not licensed
10 under this Act in the practice of a profession licensed
11 under this Act.

12 (33) Violating state or federal laws or regulations
13 relating to controlled substances, legend drugs, or
14 ephedra as defined in the Ephedra Prohibition Act.

15 (34) Failure to report to the Department any adverse
16 final action taken against them by another licensing
17 jurisdiction (any other state or any territory of the
18 United States or any foreign state or country), by any peer
19 review body, by any health care institution, by any
20 professional society or association related to practice
21 under this Act, by any governmental agency, by any law
22 enforcement agency, or by any court for acts or conduct
23 similar to acts or conduct which would constitute grounds
24 for action as defined in this Section.

25 (35) Failure to report to the Department surrender of a
26 license or authorization to practice as a medical doctor, a

1 doctor of osteopathy, a doctor of osteopathic medicine, or
2 doctor of chiropractic in another state or jurisdiction, or
3 surrender of membership on any medical staff or in any
4 medical or professional association or society, while
5 under disciplinary investigation by any of those
6 authorities or bodies, for acts or conduct similar to acts
7 or conduct which would constitute grounds for action as
8 defined in this Section.

9 (36) Failure to report to the Department any adverse
10 judgment, settlement, or award arising from a liability
11 claim related to acts or conduct similar to acts or conduct
12 which would constitute grounds for action as defined in
13 this Section.

14 (37) Failure to provide copies of medical records as
15 required by law.

16 (38) Failure to furnish the Department, its
17 investigators or representatives, relevant information,
18 legally requested by the Department after consultation
19 with the Chief Medical Coordinator or the Deputy Medical
20 Coordinator.

21 (39) Violating the Health Care Worker Self-Referral
22 Act.

23 (40) Willful failure to provide notice when notice is
24 required under the Parental Notice of Abortion Act of 1995.

25 (41) Failure to establish and maintain records of
26 patient care and treatment as required by this law.

1 (42) Entering into an excessive number of written
2 collaborative agreements with licensed advanced practice
3 nurses resulting in an inability to adequately
4 collaborate.

5 (43) Repeated failure to adequately collaborate with a
6 licensed advanced practice nurse.

7 (44) Violating the Compassionate Use of Medical
8 Cannabis Pilot Program Act.

9 (45) Entering into an excessive number of written
10 collaborative agreements with licensed prescribing
11 psychologists resulting in an inability to adequately
12 collaborate.

13 (46) Repeated failure to adequately collaborate with a
14 licensed prescribing psychologist.

15 Except for actions involving the ground numbered (26), all
16 proceedings to suspend, revoke, place on probationary status,
17 or take any other disciplinary action as the Department may
18 deem proper, with regard to a license on any of the foregoing
19 grounds, must be commenced within 5 years next after receipt by
20 the Department of a complaint alleging the commission of or
21 notice of the conviction order for any of the acts described
22 herein. Except for the grounds numbered (8), (9), (26), and
23 (29), no action shall be commenced more than 10 years after the
24 date of the incident or act alleged to have violated this
25 Section. For actions involving the ground numbered (26), a
26 pattern of practice or other behavior includes all incidents

1 alleged to be part of the pattern of practice or other behavior
2 that occurred, or a report pursuant to Section 23 of this Act
3 received, within the 10-year period preceding the filing of the
4 complaint. In the event of the settlement of any claim or cause
5 of action in favor of the claimant or the reduction to final
6 judgment of any civil action in favor of the plaintiff, such
7 claim, cause of action or civil action being grounded on the
8 allegation that a person licensed under this Act was negligent
9 in providing care, the Department shall have an additional
10 period of 2 years from the date of notification to the
11 Department under Section 23 of this Act of such settlement or
12 final judgment in which to investigate and commence formal
13 disciplinary proceedings under Section 36 of this Act, except
14 as otherwise provided by law. The time during which the holder
15 of the license was outside the State of Illinois shall not be
16 included within any period of time limiting the commencement of
17 disciplinary action by the Department.

18 The entry of an order or judgment by any circuit court
19 establishing that any person holding a license under this Act
20 is a person in need of mental treatment operates as a
21 suspension of that license. That person may resume their
22 practice only upon the entry of a Departmental order based upon
23 a finding by the Disciplinary Board that they have been
24 determined to be recovered from mental illness by the court and
25 upon the Disciplinary Board's recommendation that they be
26 permitted to resume their practice.

1 The Department may refuse to issue or take disciplinary
2 action concerning the license of any person who fails to file a
3 return, or to pay the tax, penalty or interest shown in a filed
4 return, or to pay any final assessment of tax, penalty or
5 interest, as required by any tax Act administered by the
6 Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied as determined by
8 the Illinois Department of Revenue.

9 The Department, upon the recommendation of the
10 Disciplinary Board, shall adopt rules which set forth standards
11 to be used in determining:

12 (a) when a person will be deemed sufficiently
13 rehabilitated to warrant the public trust;

14 (b) what constitutes dishonorable, unethical or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public;

17 (c) what constitutes immoral conduct in the commission
18 of any act, including, but not limited to, commission of an
19 act of sexual misconduct related to the licensee's
20 practice; and

21 (d) what constitutes gross negligence in the practice
22 of medicine.

23 However, no such rule shall be admissible into evidence in
24 any civil action except for review of a licensing or other
25 disciplinary action under this Act.

26 In enforcing this Section, the Disciplinary Board or the

1 Licensing Board, upon a showing of a possible violation, may
2 compel, in the case of the Disciplinary Board, any individual
3 who is licensed to practice under this Act or holds a permit to
4 practice under this Act, or, in the case of the Licensing
5 Board, any individual who has applied for licensure or a permit
6 pursuant to this Act, to submit to a mental or physical
7 examination and evaluation, or both, which may include a
8 substance abuse or sexual offender evaluation, as required by
9 the Licensing Board or Disciplinary Board and at the expense of
10 the Department. The Disciplinary Board or Licensing Board shall
11 specifically designate the examining physician licensed to
12 practice medicine in all of its branches or, if applicable, the
13 multidisciplinary team involved in providing the mental or
14 physical examination and evaluation, or both. The
15 multidisciplinary team shall be led by a physician licensed to
16 practice medicine in all of its branches and may consist of one
17 or more or a combination of physicians licensed to practice
18 medicine in all of its branches, licensed chiropractic
19 physicians, licensed clinical psychologists, licensed clinical
20 social workers, licensed clinical professional counselors, and
21 other professional and administrative staff. Any examining
22 physician or member of the multidisciplinary team may require
23 any person ordered to submit to an examination and evaluation
24 pursuant to this Section to submit to any additional
25 supplemental testing deemed necessary to complete any
26 examination or evaluation process, including, but not limited

1 to, blood testing, urinalysis, psychological testing, or
2 neuropsychological testing. The Disciplinary Board, the
3 Licensing Board, or the Department may order the examining
4 physician or any member of the multidisciplinary team to
5 provide to the Department, the Disciplinary Board, or the
6 Licensing Board any and all records, including business
7 records, that relate to the examination and evaluation,
8 including any supplemental testing performed. The Disciplinary
9 Board, the Licensing Board, or the Department may order the
10 examining physician or any member of the multidisciplinary team
11 to present testimony concerning this examination and
12 evaluation of the licensee, permit holder, or applicant,
13 including testimony concerning any supplemental testing or
14 documents relating to the examination and evaluation. No
15 information, report, record, or other documents in any way
16 related to the examination and evaluation shall be excluded by
17 reason of any common law or statutory privilege relating to
18 communication between the licensee, permit holder, or
19 applicant and the examining physician or any member of the
20 multidisciplinary team. No authorization is necessary from the
21 licensee, permit holder, or applicant ordered to undergo an
22 evaluation and examination for the examining physician or any
23 member of the multidisciplinary team to provide information,
24 reports, records, or other documents or to provide any
25 testimony regarding the examination and evaluation. The
26 individual to be examined may have, at his or her own expense,

1 another physician of his or her choice present during all
2 aspects of the examination. Failure of any individual to submit
3 to mental or physical examination and evaluation, or both, when
4 directed, shall result in an automatic suspension, without
5 hearing, until such time as the individual submits to the
6 examination. If the Disciplinary Board or Licensing Board finds
7 a physician unable to practice following an examination and
8 evaluation because of the reasons set forth in this Section,
9 the Disciplinary Board or Licensing Board shall require such
10 physician to submit to care, counseling, or treatment by
11 physicians, or other health care professionals, approved or
12 designated by the Disciplinary Board, as a condition for
13 issued, continued, reinstated, or renewed licensure to
14 practice. Any physician, whose license was granted pursuant to
15 Sections 9, 17, or 19 of this Act, or, continued, reinstated,
16 renewed, disciplined or supervised, subject to such terms,
17 conditions or restrictions who shall fail to comply with such
18 terms, conditions or restrictions, or to complete a required
19 program of care, counseling, or treatment, as determined by the
20 Chief Medical Coordinator or Deputy Medical Coordinators,
21 shall be referred to the Secretary for a determination as to
22 whether the licensee shall have their license suspended
23 immediately, pending a hearing by the Disciplinary Board. In
24 instances in which the Secretary immediately suspends a license
25 under this Section, a hearing upon such person's license must
26 be convened by the Disciplinary Board within 15 days after such

1 suspension and completed without appreciable delay. The
2 Disciplinary Board shall have the authority to review the
3 subject physician's record of treatment and counseling
4 regarding the impairment, to the extent permitted by applicable
5 federal statutes and regulations safeguarding the
6 confidentiality of medical records.

7 An individual licensed under this Act, affected under this
8 Section, shall be afforded an opportunity to demonstrate to the
9 Disciplinary Board that they can resume practice in compliance
10 with acceptable and prevailing standards under the provisions
11 of their license.

12 The Department may promulgate rules for the imposition of
13 fines in disciplinary cases, not to exceed \$10,000 for each
14 violation of this Act. Fines may be imposed in conjunction with
15 other forms of disciplinary action, but shall not be the
16 exclusive disposition of any disciplinary action arising out of
17 conduct resulting in death or injury to a patient. Any funds
18 collected from such fines shall be deposited in the Illinois
19 State Medical Disciplinary Fund.

20 All fines imposed under this Section shall be paid within
21 60 days after the effective date of the order imposing the fine
22 or in accordance with the terms set forth in the order imposing
23 the fine.

24 (B) The Department shall revoke the license or permit
25 issued under this Act to practice medicine or a chiropractic
26 physician who has been convicted a second time of committing

1 any felony under the Illinois Controlled Substances Act or the
2 Methamphetamine Control and Community Protection Act, or who
3 has been convicted a second time of committing a Class 1 felony
4 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
5 person whose license or permit is revoked under this subsection
6 B shall be prohibited from practicing medicine or treating
7 human ailments without the use of drugs and without operative
8 surgery.

9 (C) The Department shall not revoke, suspend, place on
10 probation, reprimand, refuse to issue or renew, or take any
11 other disciplinary or non-disciplinary action against the
12 license or permit issued under this Act to practice medicine to
13 a physician based solely upon the recommendation of the
14 physician to an eligible patient regarding, or prescription
15 for, or treatment with, an investigational drug, biological
16 product, or device.

17 (D) The Disciplinary Board shall recommend to the
18 Department civil penalties and any other appropriate
19 discipline in disciplinary cases when the Board finds that a
20 physician willfully performed an abortion with actual
21 knowledge that the person upon whom the abortion has been
22 performed is a minor or an incompetent person without notice as
23 required under the Parental Notice of Abortion Act of 1995.
24 Upon the Board's recommendation, the Department shall impose,
25 for the first violation, a civil penalty of \$1,000 and for a
26 second or subsequent violation, a civil penalty of \$5,000.

1 (Source: P.A. 98-601, eff. 12-30-13; 98-668, eff. 6-25-14;
2 98-1140, eff. 12-30-14; 99-270, eff. 1-1-16.)

3 Section 15-45. The Illinois Horse Racing Act of 1975 is
4 amended by changing Sections 28 and 40 as follows:

5 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

6 Sec. 28. Except as provided in subsection (g) of Section 27
7 of this Act, moneys collected shall be distributed according to
8 the provisions of this Section 28.

9 (a) Thirty per cent of the total of all monies received by
10 the State as privilege taxes shall be paid into the
11 Metropolitan Exposition, Auditorium and Office Building Fund
12 in the State Treasury.

13 (b) In addition, 4.5% of the total of all monies received
14 by the State as privilege taxes shall be paid into the State
15 treasury into a special Fund to be known as the Metropolitan
16 Exposition, Auditorium, and Office Building Fund.

17 (c) Fifty per cent of the total of all monies received by
18 the State as privilege taxes under the provisions of this Act
19 shall be paid into the Agricultural Premium Fund.

20 (d) Seven per cent of the total of all monies received by
21 the State as privilege taxes shall be paid into the Fair and
22 Exposition Fund in the State treasury; provided, however, that
23 when all bonds issued prior to July 1, 1984 by the Metropolitan
24 Fair and Exposition Authority shall have been paid or payment

1 shall have been provided for upon a refunding of those bonds,
2 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
3 month into the Build Illinois Fund, and the remainder into the
4 Fair and Exposition Fund. All excess monies shall be allocated
5 to the Department of Agriculture for distribution to county
6 fairs for premiums and rehabilitation as set forth in the
7 Agricultural Fair Act.

8 (e) The monies provided for in Section 30 shall be paid
9 into the Illinois Thoroughbred Breeders Fund.

10 (f) The monies provided for in Section 31 shall be paid
11 into the Illinois Standardbred Breeders Fund.

12 (g) Until January 1, 2000, that part representing 1/2 of
13 the total breakage in Thoroughbred, Harness, Appaloosa,
14 Arabian, and Quarter Horse racing in the State shall be paid
15 into the Illinois Race Track Improvement Fund as established in
16 Section 32.

17 (h) All other monies received by the Board under this Act
18 shall be paid into the Horse Racing Fund.

19 (i) The salaries of the Board members, secretary, stewards,
20 directors of mutuels, veterinarians, representatives,
21 accountants, clerks, stenographers, inspectors and other
22 employees of the Board, and all expenses of the Board incident
23 to the administration of this Act, including, but not limited
24 to, all expenses and salaries incident to the taking of saliva
25 and urine samples in accordance with the rules and regulations
26 of the Board shall be paid out of the Agricultural Premium

1 Fund.

2 (j) The Agricultural Premium Fund shall also be used:

3 (1) for the expenses of operating the Illinois State
4 Fair and the DuQuoin State Fair, including the payment of
5 prize money or premiums;

6 (2) for the distribution to county fairs, vocational
7 agriculture section fairs, agricultural societies, and
8 agricultural extension clubs in accordance with the
9 Agricultural Fair Act, as amended;

10 (3) for payment of prize monies and premiums awarded
11 and for expenses incurred in connection with the
12 International Livestock Exposition and the Mid-Continent
13 Livestock Exposition held in Illinois, which premiums, and
14 awards must be approved, and paid by the Illinois
15 Department of Agriculture;

16 (4) for personal service of county agricultural
17 advisors and county home advisors;

18 (5) for distribution to agricultural home economic
19 extension councils in accordance with "An Act in relation
20 to additional support and finance for the Agricultural and
21 Home Economic Extension Councils in the several counties in
22 this State and making an appropriation therefor", approved
23 July 24, 1967, as amended;

24 (6) for research on equine disease, including a
25 development center therefor;

26 (7) for training scholarships for study on equine

1 diseases to students at the University of Illinois College
2 of Veterinary Medicine;

3 (8) for the rehabilitation, repair and maintenance of
4 the Illinois and DuQuoin State Fair Grounds and the
5 structures and facilities thereon and the construction of
6 permanent improvements on such Fair Grounds, including
7 such structures, facilities and property located on such
8 State Fair Grounds which are under the custody and control
9 of the Department of Agriculture;

10 (9) for the expenses of the Department of Agriculture
11 under Section 5-530 of the Departments of State Government
12 Law (20 ILCS 5/5-530);

13 (10) for the expenses of the Department of Commerce and
14 Economic Opportunity under Sections 605-620, 605-625, and
15 605-630 of the Department of Commerce and Economic
16 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
17 605/605-630);

18 (11) for remodeling, expanding, and reconstructing
19 facilities destroyed by fire of any Fair and Exposition
20 Authority in counties with a population of 1,000,000 or
21 more inhabitants;

22 (12) for the purpose of assisting in the care and
23 general rehabilitation of veterans with disabilities of
24 any war and their surviving spouses and orphans;

25 (13) for expenses of the Department of State Police for
26 duties performed under this Act;

1 (14) for the Department of Agriculture for soil surveys
2 and soil and water conservation purposes;

3 (15) for the Department of Agriculture for grants to
4 the City of Chicago for conducting the Chicagofest;

5 (16) for the State Comptroller for grants and operating
6 expenses authorized by the Illinois Global Partnership
7 Act.

8 (k) To the extent that monies paid by the Board to the
9 Agricultural Premium Fund are in the opinion of the Governor in
10 excess of the amount necessary for the purposes herein stated,
11 the Governor shall notify the Comptroller and the State
12 Treasurer of such fact, who, upon receipt of such notification,
13 shall transfer such excess monies from the Agricultural Premium
14 Fund to the General Revenue Fund.

15 (Source: P.A. 99-143, eff. 7-27-15.)

16 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

17 Sec. 40. (a) The imposition of any fine or penalty provided
18 in this Act shall not preclude the Board in its rules and
19 regulations from imposing a fine or penalty for any other
20 action which, in the Board's discretion, is a detriment or
21 impediment to horse racing.

22 (b) The Director of Agriculture or his or her authorized
23 representative shall impose the following monetary penalties
24 and hold administrative hearings as required for failure to
25 submit the following applications, lists, or reports within the

1 time period, date or manner required by statute or rule or for
2 removing a foal from Illinois prior to inspection:

3 (1) late filing of a renewal application for offering
4 or standing stallion for service:

5 (A) if an application is submitted no more than 30
6 days late, \$50;

7 (B) if an application is submitted no more than 45
8 days late, \$150; or

9 (C) if an application is submitted more than 45
10 days late, if filing of the application is allowed
11 under an administrative hearing, \$250;

12 (2) late filing of list or report of mares bred:

13 (A) if a list or report is submitted no more than
14 30 days late, \$50;

15 (B) if a list or report is submitted no more than
16 60 days late \$150; or

17 (C) if a list or report is submitted more than 60
18 days late, if filing of the list or report is allowed
19 under an administrative hearing, \$250;

20 (3) filing an Illinois foaled thoroughbred mare status
21 report after December 31:

22 (A) if a report is submitted no more than 30 days
23 late, \$50;

24 (B) if a report is submitted no more than 90 days
25 late, \$150;

26 (C) if a report is submitted no more than 150 days

1 late, \$250; or

2 (D) if a report is submitted more than 150 days
3 late, if filing of the report is allowed under an
4 administrative hearing, \$500;

5 (4) late filing of application for foal eligibility
6 certificate:

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 90
10 days late, \$150;

11 (C) if an application is submitted no more than 150
12 days late, \$250; or

13 (D) if an application is submitted more than 150
14 days late, if filing of the application is allowed
15 under an administrative hearing, \$500;

16 (5) failure to report the intent to remove a foal from
17 Illinois prior to inspection, identification and
18 certification by a Department of Agriculture investigator,
19 \$50; and

20 (6) if a list or report of mares bred is incomplete,
21 \$50 per mare not included on the list or report.

22 Any person upon whom monetary penalties are imposed under
23 this Section 3 times within a 5 year period shall have any
24 further monetary penalties imposed at double the amounts set
25 forth above. All monies assessed and collected for violations
26 relating to thoroughbreds shall be paid into the Illinois

1 Thoroughbred Breeders Fund. All monies assessed and collected
2 for violations relating to standardbreds shall be paid into the
3 Illinois Standardbred Breeders Fund.

4 (Source: P.A. 87-397.)

5 Section 15-50. The Illinois Public Aid Code is amended by
6 changing Sections 5A-8, 12-5, 12-10, 12-11, and 12-21.14 as
7 follows:

8 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

9 Sec. 5A-8. Hospital Provider Fund.

10 (a) There is created in the State Treasury the Hospital
11 Provider Fund. Interest earned by the Fund shall be credited to
12 the Fund. The Fund shall not be used to replace any moneys
13 appropriated to the Medicaid program by the General Assembly.

14 (b) The Fund is created for the purpose of receiving moneys
15 in accordance with Section 5A-6 and disbursing moneys only for
16 the following purposes, notwithstanding any other provision of
17 law:

18 (1) For making payments to hospitals as required under
19 this Code, under the Children's Health Insurance Program
20 Act, under the Covering ALL KIDS Health Insurance Act, and
21 under the Long Term Acute Care Hospital Quality Improvement
22 Transfer Program Act.

23 (2) For the reimbursement of moneys collected by the
24 Illinois Department from hospitals or hospital providers

1 through error or mistake in performing the activities
2 authorized under this Code.

3 (3) For payment of administrative expenses incurred by
4 the Illinois Department or its agent in performing
5 activities under this Code, under the Children's Health
6 Insurance Program Act, under the Covering ALL KIDS Health
7 Insurance Act, and under the Long Term Acute Care Hospital
8 Quality Improvement Transfer Program Act.

9 (4) For payments of any amounts which are reimbursable
10 to the federal government for payments from this Fund which
11 are required to be paid by State warrant.

12 (5) For making transfers, as those transfers are
13 authorized in the proceedings authorizing debt under the
14 Short Term Borrowing Act, but transfers made under this
15 paragraph (5) shall not exceed the principal amount of debt
16 issued in anticipation of the receipt by the State of
17 moneys to be deposited into the Fund.

18 (6) For making transfers to any other fund in the State
19 treasury, but transfers made under this paragraph (6) shall
20 not exceed the amount transferred previously from that
21 other fund into the Hospital Provider Fund plus any
22 interest that would have been earned by that fund on the
23 monies that had been transferred.

24 (6.5) For making transfers to the Healthcare Provider
25 Relief Fund, except that transfers made under this
26 paragraph (6.5) shall not exceed \$60,000,000 in the

1 aggregate.

2 (7) For making transfers not exceeding the following
3 amounts, related to State fiscal years 2013 through 2018,
4 to the following designated funds:

5	Health and Human Services Medicaid Trust	
6	Fund	\$20,000,000
7	Long-Term Care Provider Fund	\$30,000,000
8	General Revenue Fund	\$80,000,000.

9 Transfers under this paragraph shall be made within 7 days
10 after the payments have been received pursuant to the
11 schedule of payments provided in subsection (a) of Section
12 5A-4.

13 (7.1) (Blank).

14 (7.5) (Blank).

15 (7.8) (Blank).

16 (7.9) (Blank).

17 (7.10) For State fiscal year 2014, for making transfers
18 of the moneys resulting from the assessment under
19 subsection (b-5) of Section 5A-2 and received from hospital
20 providers under Section 5A-4 and transferred into the
21 Hospital Provider Fund under Section 5A-6 to the designated
22 funds not exceeding the following amounts in that State
23 fiscal year:

24	<u>Healthcare</u> Health Care Provider	
25	Relief Fund.....	\$100,000,000

26 Transfers under this paragraph shall be made within 7

1 days after the payments have been received pursuant to the
2 schedule of payments provided in subsection (a) of Section
3 5A-4.

4 The additional amount of transfers in this paragraph
5 (7.10), authorized by Public Act 98-651, shall be made
6 within 10 State business days after June 16, 2014 (the
7 effective date of Public Act 98-651). That authority shall
8 remain in effect even if Public Act 98-651 does not become
9 law until State fiscal year 2015.

10 (7.10a) For State fiscal years 2015 through 2018, for
11 making transfers of the moneys resulting from the
12 assessment under subsection (b-5) of Section 5A-2 and
13 received from hospital providers under Section 5A-4 and
14 transferred into the Hospital Provider Fund under Section
15 5A-6 to the designated funds not exceeding the following
16 amounts related to each State fiscal year:

<u>Healthcare</u> Health Care Provider	
Relief Fund.....	\$50,000,000

19 Transfers under this paragraph shall be made within 7
20 days after the payments have been received pursuant to the
21 schedule of payments provided in subsection (a) of Section
22 5A-4.

23 (7.11) (Blank).

24 (7.12) For State fiscal year 2013, for increasing by
25 21/365ths the transfer of the moneys resulting from the
26 assessment under subsection (b-5) of Section 5A-2 and

1 received from hospital providers under Section 5A-4 for the
2 portion of State fiscal year 2012 beginning June 10, 2012
3 through June 30, 2012 and transferred into the Hospital
4 Provider Fund under Section 5A-6 to the designated funds
5 not exceeding the following amounts in that State fiscal
6 year:

7 Healthcare ~~Health Care~~ Provider

8 Relief Fund..... \$2,870,000

9 Since the federal Centers for Medicare and Medicaid
10 Services approval of the assessment authorized under
11 subsection (b-5) of Section 5A-2, received from hospital
12 providers under Section 5A-4 and the payment methodologies
13 to hospitals required under Section 5A-12.4 was not
14 received by the Department until State fiscal year 2014 and
15 since the Department made retroactive payments during
16 State fiscal year 2014 related to the referenced period of
17 June 2012, the transfer authority granted in this paragraph
18 (7.12) is extended through the date that is 10 State
19 business days after June 16, 2014 (the effective date of
20 Public Act 98-651).

21 (8) For making refunds to hospital providers pursuant
22 to Section 5A-10.

23 (9) For making payment to capitated managed care
24 organizations as described in subsections (s) and (t) of
25 Section 5A-12.2 of this Code.

26 Disbursements from the Fund, other than transfers

1 authorized under paragraphs (5) and (6) of this subsection,
2 shall be by warrants drawn by the State Comptroller upon
3 receipt of vouchers duly executed and certified by the Illinois
4 Department.

5 (c) The Fund shall consist of the following:

6 (1) All moneys collected or received by the Illinois
7 Department from the hospital provider assessment imposed
8 by this Article.

9 (2) All federal matching funds received by the Illinois
10 Department as a result of expenditures made by the Illinois
11 Department that are attributable to moneys deposited in the
12 Fund.

13 (3) Any interest or penalty levied in conjunction with
14 the administration of this Article.

15 (3.5) As applicable, proceeds from surety bond
16 payments payable to the Department as referenced in
17 subsection (s) of Section 5A-12.2 of this Code.

18 (4) Moneys transferred from another fund in the State
19 treasury.

20 (5) All other moneys received for the Fund from any
21 other source, including interest earned thereon.

22 (d) (Blank).

23 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
24 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 99-78, eff.
25 7-20-15.)

1 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

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

1 including payment to the Health Insurance Reserve Fund for
2 group insurance costs at the rate certified by the Department
3 of Central Management Services. All amounts received by the
4 Illinois Department pursuant to the Immigration Reform and
5 Control Act of 1986 shall be deposited in the Immigration
6 Reform and Control Fund. All amounts received into the
7 Immigration Reform and Control Fund as reimbursement for
8 expenditures from the General Revenue Fund shall be transferred
9 to the General Revenue Fund.

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

1 funds received as reimbursement as a result of the
2 appropriation made for the costs of providing adult education
3 to public assistance recipients under the "Adult Education,
4 Public Assistance Fund" shall be deposited into the General
5 Revenue Fund; provided, however, that all funds, except those
6 that are specified in an interagency agreement between the
7 Illinois Community College Board and the Illinois Department,
8 that are received by the Illinois Department as reimbursement
9 under Title IV-A of the Social Security Act for expenditures
10 that are made by the Illinois Community College Board or any
11 public community college of this State shall be credited to a
12 special account that the State Treasurer shall establish and
13 maintain within the Employment and Training Fund for the
14 purpose of segregating the reimbursements received for
15 expenditures made by those entities. As reimbursements are
16 deposited into the Employment and Training Fund, the Illinois
17 Department shall certify to the State Comptroller and State
18 Treasurer the amount that is to be credited to the special
19 account established within that Fund as a reimbursement for
20 expenditures under Title IV-A of the Social Security Act made
21 by the Illinois Community College Board or any of the public
22 community colleges. All amounts credited to the special account
23 established and maintained within the Employment and Training
24 Fund as provided in this Section shall be held for transfer to
25 the TANF Opportunities Fund as provided in subsection (d) of
26 Section 12-10.3, and shall not be transferred to any other fund

1 or used for any other purpose.

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

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

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

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

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

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

19 (305 ILCS 5/12-10) (from Ch. 23, par. 12-10)

20 Sec. 12-10. DHS Special Purposes Trust Fund; uses. The DHS
21 Special Purposes Trust Fund, to be held outside the State
22 Treasury by the State Treasurer as ex-officio custodian, shall
23 consist of (1) any federal grants received under Section 12-4.6
24 that are not required by Section 12-5 to be paid into the
25 General Revenue Fund or transferred into the Local Initiative

1 Fund under Section 12-10.1 or deposited in the Employment and
2 Training Fund under Section 12-10.3 or in the special account
3 established and maintained in that Fund as provided in that
4 Section; (2) grants, gifts or legacies of moneys or securities
5 received under Section 12-4.18; (3) grants received under
6 Section 12-4.19; and (4) funds for child care and development
7 services. Disbursements from this Fund shall be only for the
8 purposes authorized by the aforementioned Sections.

9 Disbursements from this Fund shall be by warrants drawn by
10 the State Comptroller on receipt of vouchers duly executed and
11 certified by the Illinois Department of Human Services,
12 including payment to the Health Insurance Reserve Fund for
13 group insurance costs at the rate certified by the Department
14 of Central Management Services.

15 All federal monies received as reimbursement for
16 expenditures from the General Revenue Fund, and which were made
17 for the purposes authorized for expenditures from the DHS
18 Special Purposes Trust Fund, shall be deposited by the
19 Department into the General Revenue Fund.

20 (Source: P.A. 90-587, eff. 7-1-98; 91-24, eff. 7-1-99.)

21 (305 ILCS 5/12-11) (from Ch. 23, par. 12-11)

22 Sec. 12-11. Deposits by State Treasurer. The State
23 Treasurer shall deposit moneys received by him as ex-officio
24 custodian of the Child Support Enforcement Trust Fund and the
25 DHS Special Purposes Trust Fund in banks or savings and loan

1 associations which have been approved by him as State
2 Depositories under the Deposit of State Moneys Act, and with
3 respect to such moneys shall be entitled to the same rights and
4 privileges as are provided by such Act with respect to moneys
5 in the treasury of the State of Illinois.

6 (Source: P.A. 90-255, eff. 1-1-98; 91-24, eff. 7-1-99.)

7 (305 ILCS 5/12-21.14) (from Ch. 23, par. 12-21.14)

8 Sec. 12-21.14. Requirements; review by Illinois
9 Department; allocations. The County Board of each county or a
10 duly appointed committee thereof, or any other county agency
11 designated by the County Board, shall by the last day of each
12 month submit to the Illinois Department an itemized statement
13 showing, for all local governmental units therein except a
14 city, village or incorporated town of more than 500,000
15 population, assistance furnished in the county under Article VI
16 of this Code during the previous month and the expenses for the
17 administration thereof, and the actual revenues available
18 through taxation by the local governmental units. If the
19 Illinois Department has reason to believe that the amounts
20 submitted by any county are excessive, it may require
21 appropriate officials of the county to appear before it and
22 substantiate the amounts to the satisfaction of the Department.

23 The Illinois Department shall review these amounts and
24 shall determine and allocate to the several counties the
25 amounts necessary to supplement local funds actually available

1 for public aid purposes. There shall be a yearly reconciliation
2 of amounts allocated to the local governmental units by the
3 Illinois Department to supplement local funds.

4 If, because of circumstances beyond the local governmental
5 unit's control, such as a sudden caseload increase or an
6 unexpected increase in the administrative expenses, a local
7 governmental unit has insufficient local funds actually
8 available to furnish assistance or pay administrative
9 expenses, the Illinois Department shall provide a special
10 allocation of funds to the local governmental unit to meet the
11 need. In calculating the need for a special allocation, the
12 Illinois Department shall take into consideration the amount of
13 funds legally available from the taxes levied by the local
14 governmental unit for public aid purposes and any available
15 unobligated balances.

16 If a local governmental unit has not received State funds
17 for public aid purposes for at least 84 consecutive months
18 immediately prior to its request for State funds, the Illinois
19 Department shall not consider as a legally available resource
20 of the governmental unit public aid funds, or the proceeds of
21 public aid taxes and tax anticipation warrants which may have
22 been transferred or expended during such period for other
23 purposes.

24 Except as hereinafter provided, State allocations shall be
25 paid to the County Treasurer for disbursement to local
26 governmental units as certified by the Illinois Department.

1 Until January 1, 1974, moneys allocated by the Illinois
2 Department for General Assistance purposes in a city, village
3 or incorporated town of more than 500,000 population and moneys
4 received from the Treasurer of the municipality from taxes
5 levied for General Assistance purposes in the municipality and
6 other moneys and funds designated in Section 11-43-2 of the
7 Illinois Municipal Code shall be paid into the special fund
8 established by the County Treasurer of the county in which the
9 municipality is located and retained for disbursement by the
10 Director of the County Department of Public Aid serving as
11 Supervisor of General Assistance for the municipality.

12 On January 1, 1974, or as soon thereafter as is feasible
13 but not later than January 1, 1975, the County Treasurer shall
14 transfer to the Special Purposes Trust Fund (now known as the
15 DHS Special Purposes Trust Fund) established by Section 12-10
16 of this Code all State and municipal moneys remaining in or due
17 to the special fund of the County Treasury. After December 31,
18 1973, but not later than June 30, 1979, State allocations and
19 municipal funds for General Assistance purposes in such a
20 municipality, and other moneys and funds designated by Section
21 11-43-2 of the Illinois Municipal Code, shall be paid into the
22 Special Purposes Trust Fund (now known as the DHS Special
23 Purposes Trust Fund) and disbursed as provided in Section
24 12-10. State and municipal moneys paid into the Special
25 Purposes Trust Fund (now known as the DHS Special Purposes
26 Trust Fund) under the foregoing provision shall be used

1 exclusively for (1) furnishing General Assistance within the
2 municipality; (2) the payment of administrative costs; and (3)
3 the payment of warrants issued against and in anticipation of
4 taxes levied by the municipality for General Assistance
5 purposes, and the accrued interest thereon. After June 30,
6 1979, moneys and funds designated by Section 11-43-2 of the
7 Illinois Municipal Code, shall be paid into the General Revenue
8 Fund as reimbursement for appropriated funds disbursed.

9 (Source: P.A. 92-111, eff. 1-1-02.)

10 Section 15-55. The Illinois Vehicle Code is amended by
11 changing Sections 2-119 and 6-118 as follows:

12 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

13 Sec. 2-119. Disposition of fees and taxes.

14 (a) All moneys received from Salvage Certificates shall be
15 deposited in the Common School Fund in the State Treasury.

16 (b) Of the money collected for each certificate of title,
17 duplicate certificate of title, and corrected certificate of
18 title:

19 (1) \$2.60 shall be deposited in the Park and
20 Conservation Fund;

21 (2) \$0.65 shall be deposited in the Illinois Fisheries
22 Management Fund;

23 (3) \$48 shall be disbursed under subsection (g) of this
24 Section;

1 (4) \$4 shall be deposited into the Motor Vehicle
2 License Plate Fund; and

3 (5) \$30 shall be deposited into the Capital Projects
4 Fund.

5 All remaining moneys collected for certificates of title,
6 and all moneys collected for filing of security interests,
7 shall be deposited in the General Revenue Fund.

8 The \$20 collected for each delinquent vehicle registration
9 renewal fee shall be deposited into the General Revenue Fund.

10 The moneys deposited in the Park and Conservation Fund
11 under this Section shall be used for the acquisition and
12 development of bike paths as provided for in Section 805-420 of
13 the Department of Natural Resources (Conservation) Law of the
14 Civil Administrative Code of Illinois. The moneys deposited
15 into the Park and Conservation Fund under this subsection shall
16 not be subject to administrative charges or chargebacks, unless
17 otherwise authorized by this Code.

18 If the balance in the Motor Vehicle License Plate Fund
19 exceeds \$40,000,000 on the last day of a calendar month, then
20 during the next calendar month, the \$4 that otherwise would be
21 deposited in that fund shall instead be deposited into the Road
22 Fund.

23 (c) All moneys collected for that portion of a driver's
24 license fee designated for driver education under Section 6-118
25 shall be placed in the Drivers ~~Driver~~ Education Fund in the
26 State Treasury.

1 (d) Of the moneys collected as a registration fee for each
2 motorcycle, motor driven cycle, and moped, 27% shall be
3 deposited in the Cycle Rider Safety Training Fund.

4 (e) (Blank).

5 (f) Of the total money collected for a commercial learner's
6 permit (CLP) or original or renewal issuance of a commercial
7 driver's license (CDL) pursuant to the Uniform Commercial
8 Driver's License Act (UCDLA): (i) \$6 of the total fee for an
9 original or renewal CDL, and \$6 of the total CLP fee when such
10 permit is issued to any person holding a valid Illinois
11 driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS
12 Trust Fund (Commercial Driver's License Information
13 System/American Association of Motor Vehicle Administrators
14 network/National Motor Vehicle Title Information Service Trust
15 Fund) and shall be used for the purposes provided in Section
16 6z-23 of the State Finance Act and (ii) \$20 of the total fee
17 for an original or renewal CDL or CLP shall be paid into the
18 Motor Carrier Safety Inspection Fund, which is hereby created
19 as a special fund in the State Treasury, to be used by the
20 Department of State Police, subject to appropriation, to hire
21 additional officers to conduct motor carrier safety
22 inspections pursuant to Chapter 18b of this Code.

23 (g) Of the moneys received by the Secretary of State as
24 registration fees or taxes, certificates of title, duplicate
25 certificates of title, corrected certificates of title, or as
26 payment of any other fee under this Code, when those moneys are

1 not otherwise distributed by this Code, 37% shall be deposited
2 into the State Construction Account Fund, and 63% shall be
3 deposited in the Road Fund. Moneys in the Road Fund shall be
4 used for the purposes provided in Section 8.3 of the State
5 Finance Act.

6 (h) (Blank).

7 (i) (Blank).

8 (j) (Blank).

9 (k) There is created in the State Treasury a special fund
10 to be known as the Secretary of State Special License Plate
11 Fund. Money deposited into the Fund shall, subject to
12 appropriation, be used by the Office of the Secretary of State
13 (i) to help defray plate manufacturing and plate processing
14 costs for the issuance and, when applicable, renewal of any new
15 or existing registration plates authorized under this Code and
16 (ii) for grants made by the Secretary of State to benefit
17 Illinois Veterans Home libraries.

18 (l) The Motor Vehicle Review Board Fund is created as a
19 special fund in the State Treasury. Moneys deposited into the
20 Fund under paragraph (7) of subsection (b) of Section 5-101 and
21 Section 5-109 shall, subject to appropriation, be used by the
22 Office of the Secretary of State to administer the Motor
23 Vehicle Review Board, including without limitation payment of
24 compensation and all necessary expenses incurred in
25 administering the Motor Vehicle Review Board under the Motor
26 Vehicle Franchise Act.

1 (m) Effective July 1, 1996, there is created in the State
2 Treasury a special fund to be known as the Family
3 Responsibility Fund. Moneys deposited into the Fund shall,
4 subject to appropriation, be used by the Office of the
5 Secretary of State for the purpose of enforcing the Family
6 Financial Responsibility Law.

7 (n) The Illinois Fire Fighters' Memorial Fund is created as
8 a special fund in the State Treasury. Moneys deposited into the
9 Fund shall, subject to appropriation, be used by the Office of
10 the State Fire Marshal for construction of the Illinois Fire
11 Fighters' Memorial to be located at the State Capitol grounds
12 in Springfield, Illinois. Upon the completion of the Memorial,
13 moneys in the Fund shall be used in accordance with Section
14 3-634.

15 (o) Of the money collected for each certificate of title
16 for all-terrain vehicles and off-highway motorcycles, \$17
17 shall be deposited into the Off-Highway Vehicle Trails Fund.

18 (p) For audits conducted on or after July 1, 2003 pursuant
19 to Section 2-124(d) of this Code, 50% of the money collected as
20 audit fees shall be deposited into the General Revenue Fund.

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 99-127, eff. 1-1-16.)

1 Sec. 6-118. Fees.

2 (a) The fee for licenses and permits under this Article is
3 as follows:

4	Original driver's license	\$30
5	Original or renewal driver's license	
6	issued to 18, 19 and 20 year olds	5
7	All driver's licenses for persons	
8	age 69 through age 80	5
9	All driver's licenses for persons	
10	age 81 through age 86	2
11	All driver's licenses for persons	
12	age 87 or older	0
13	Renewal driver's license (except for	
14	applicants ages 18, 19 and 20 or	
15	age 69 and older)	30
16	Original instruction permit issued to	
17	persons (except those age 69 and older)	
18	who do not hold or have not previously	
19	held an Illinois instruction permit or	
20	driver's license	20
21	Instruction permit issued to any person	
22	holding an Illinois driver's license	
23	who wishes a change in classifications,	
24	other than at the time of renewal	5
25	Any instruction permit issued to a person	
26	age 69 and older	5

1 Instruction permit issued to any person,
2 under age 69, not currently holding a
3 valid Illinois driver's license or
4 instruction permit but who has
5 previously been issued either document
6 in Illinois..... 10
7 Restricted driving permit 8
8 Monitoring device driving permit 8
9 Duplicate or corrected driver's license
10 or permit..... 5
11 Duplicate or corrected restricted
12 driving permit 5
13 Duplicate or corrected monitoring
14 device driving permit 5
15 Duplicate driver's license or permit issued to
16 an active-duty member of the
17 United States Armed Forces,
18 the member's spouse, or
19 the dependent children living
20 with the member 0
21 Original or renewal M or L endorsement..... 5

22 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

23 The fees for commercial driver licenses and permits
24 under Article V shall be as follows:

25 Commercial driver's license:

26 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund

1 (Commercial Driver's License Information
 2 System/American Association of Motor Vehicle
 3 Administrators network/National Motor Vehicle
 4 Title Information Service Trust Fund);
 5 \$20 for the Motor Carrier Safety Inspection Fund;
 6 \$10 for the driver's license;
 7 and \$24 for the CDL: \$60

8 Renewal commercial driver's license:

9 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
 10 \$20 for the Motor Carrier Safety Inspection Fund;
 11 \$10 for the driver's license; and
 12 \$24 for the CDL: \$60

13 Commercial learner's permit

14 issued to any person holding a valid
 15 Illinois driver's license for the
 16 purpose of changing to a
 17 CDL classification: \$6 for the
 18 CDLIS/AAMVAnet/NMVTIS Trust Fund;
 19 \$20 for the Motor Carrier
 20 Safety Inspection Fund; and
 21 \$24 for the CDL classification \$50

22 Commercial learner's permit

23 issued to any person holding a valid
 24 Illinois CDL for the purpose of
 25 making a change in a classification,
 26 endorsement or restriction \$5

1 CDL duplicate or corrected license \$5

2 In order to ensure the proper implementation of the Uniform
3 Commercial Driver License Act, Article V of this Chapter, the
4 Secretary of State is empowered to pro-rate the \$24 fee for the
5 commercial driver's license proportionate to the expiration
6 date of the applicant's Illinois driver's license.

7 The fee for any duplicate license or permit shall be waived
8 for any person who presents the Secretary of State's office
9 with a police report showing that his license or permit was
10 stolen.

11 The fee for any duplicate license or permit shall be waived
12 for any person age 60 or older whose driver's license or permit
13 has been lost or stolen.

14 No additional fee shall be charged for a driver's license,
15 or for a commercial driver's license, when issued to the holder
16 of an instruction permit for the same classification or type of
17 license who becomes eligible for such license.

18 (b) Any person whose license or privilege to operate a
19 motor vehicle in this State has been suspended or revoked under
20 Section 3-707, any provision of Chapter 6, Chapter 11, or
21 Section 7-205, 7-303, or 7-702 of the Family Financial
22 Responsibility Law of this Code, shall in addition to any other
23 fees required by this Code, pay a reinstatement fee as follows:

- 24 Suspension under Section 3-707 \$100
- 25 Suspension under Section 11-1431 \$100
- 26 Summary suspension under Section 11-501.1 \$250

1	Suspension under Section 11-501.9	\$250
2	Summary revocation under Section 11-501.1	\$500
3	Other suspension	\$70
4	Revocation	\$500

5 However, any person whose license or privilege to operate a
6 motor vehicle in this State has been suspended or revoked for a
7 second or subsequent time for a violation of Section 11-501,
8 11-501.1, or 11-501.9 of this Code or a similar provision of a
9 local ordinance or a similar out-of-state offense or Section
10 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
11 and each suspension or revocation was for a violation of
12 Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar
13 provision of a local ordinance or a similar out-of-state
14 offense or Section 9-3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 shall pay, in addition to any other fees
16 required by this Code, a reinstatement fee as follows:

17	Summary suspension under Section 11-501.1	\$500
18	Suspension under Section 11-501.9	\$500
19	Summary revocation under Section 11-501.1	\$500
20	Revocation	\$500

21 (c) All fees collected under the provisions of this Chapter
22 6 shall be disbursed under subsection (g) of Section 2-119 of
23 this Code, except as follows:

24 1. The following amounts shall be paid into the Drivers
25 ~~Driver~~ Education Fund:

26 (A) \$16 of the \$20 fee for an original driver's

1 instruction permit;

2 (B) \$5 of the \$30 fee for an original driver's
3 license;

4 (C) \$5 of the \$30 fee for a 4 year renewal driver's
5 license;

6 (D) \$4 of the \$8 fee for a restricted driving
7 permit; and

8 (E) \$4 of the \$8 fee for a monitoring device
9 driving permit.

10 2. \$30 of the \$250 fee for reinstatement of a license
11 summarily suspended under Section 11-501.1 or suspended
12 under Section 11-501.9 shall be deposited into the Drunk
13 and Drugged Driving Prevention Fund. However, for a person
14 whose license or privilege to operate a motor vehicle in
15 this State has been suspended or revoked for a second or
16 subsequent time for a violation of Section 11-501,
17 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
19 the \$500 fee for reinstatement of a license summarily
20 suspended under Section 11-501.1 or suspended under
21 Section 11-501.9, and \$190 of the \$500 fee for
22 reinstatement of a revoked license shall be deposited into
23 the Drunk and Drugged Driving Prevention Fund. \$190 of the
24 \$500 fee for reinstatement of a license summarily revoked
25 pursuant to Section 11-501.1 shall be deposited into the
26 Drunk and Drugged Driving Prevention Fund.

1 3. \$6 of the original or renewal fee for a commercial
2 driver's license and \$6 of the commercial learner's permit
3 fee when the permit is issued to any person holding a valid
4 Illinois driver's license, shall be paid into the
5 CDLIS/AAMVAnet/NMVTIS Trust Fund.

6 4. \$30 of the \$70 fee for reinstatement of a license
7 suspended under the Family Financial Responsibility Law
8 shall be paid into the Family Responsibility Fund.

9 5. The \$5 fee for each original or renewal M or L
10 endorsement shall be deposited into the Cycle Rider Safety
11 Training Fund.

12 6. \$20 of any original or renewal fee for a commercial
13 driver's license or commercial learner's permit shall be
14 paid into the Motor Carrier Safety Inspection Fund.

15 7. The following amounts shall be paid into the General
16 Revenue Fund:

17 (A) \$190 of the \$250 reinstatement fee for a
18 summary suspension under Section 11-501.1 or a
19 suspension under Section 11-501.9;

20 (B) \$40 of the \$70 reinstatement fee for any other
21 suspension provided in subsection (b) of this Section;
22 and

23 (C) \$440 of the \$500 reinstatement fee for a first
24 offense revocation and \$310 of the \$500 reinstatement
25 fee for a second or subsequent revocation.

26 8. Fees collected under paragraph (4) of subsection (d)

1 and subsection (h) of Section 6-205 of this Code;
2 subparagraph (C) of paragraph 3 of subsection (c) of
3 Section 6-206 of this Code; and paragraph (4) of subsection
4 (a) of Section 6-206.1 of this Code, shall be paid into the
5 funds set forth in those Sections.

6 (d) All of the proceeds of the additional fees imposed by
7 this amendatory Act of the 96th General Assembly shall be
8 deposited into the Capital Projects Fund.

9 (e) The additional fees imposed by this amendatory Act of
10 the 96th General Assembly shall become effective 90 days after
11 becoming law.

12 (f) As used in this Section, "active-duty member of the
13 United States Armed Forces" means a member of the Armed
14 Services or Reserve Forces of the United States or a member of
15 the Illinois National Guard who is called to active duty
16 pursuant to an executive order of the President of the United
17 States, an act of the Congress of the United States, or an
18 order of the Governor.

19 (Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section
20 10 of P.A. 99-414 for the effective date of changes made by
21 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;
22 98-1172, eff. 1-12-15; 99-127, eff. 1-1-16; 99-438, eff.
23 1-1-16; revised 10-19-15.)

24 Section 15-60. The Uniform Partnership Act (1997) is
25 amended by changing Section 108 as follows:

1 (805 ILCS 206/108)

2 Sec. 108. Fees.

3 (a) The Secretary of State shall charge and collect in
4 accordance with the provisions of this Act and rules
5 promulgated under its authority:

6 (1) fees for filing documents;

7 (2) miscellaneous charges; and

8 (3) fees for the sale of lists of filings and for
9 copies of any documents.

10 (b) The Secretary of State shall charge and collect:

11 (1) for furnishing a copy or certified copy of any
12 document, instrument, or paper relating to a registered
13 limited liability partnership, \$25;

14 (2) for the transfer of information by computer process
15 media to any purchaser, fees established by rule;

16 (3) for filing a statement of partnership authority,
17 \$25;

18 (4) for filing a statement of denial, \$25;

19 (5) for filing a statement of dissociation, \$25;

20 (6) for filing a statement of dissolution, \$100;

21 (7) for filing a statement of merger, \$100;

22 (8) for filing a statement of qualification for a
23 limited liability partnership organized under the laws of
24 this State, \$100 for each partner, but in no event shall
25 the fee be less than \$200 or exceed \$5,000;

1 (9) for filing a statement of foreign qualification,
2 \$500;

3 (10) for filing a renewal statement for a limited
4 liability partnership organized under the laws of this
5 State, \$100 for each partner, but in no event shall the fee
6 be less than \$200 or exceed \$5,000;

7 (11) for filing a renewal statement for a foreign
8 limited liability partnership, \$300;

9 (12) for filing an amendment or cancellation of a
10 statement, \$25;

11 (13) for filing a statement of withdrawal, \$100;

12 (14) for the purposes of changing the registered agent
13 name or registered office, or both, \$25;

14 (15) for filing an application for reinstatement,
15 \$200;

16 (16) for filing any other document, \$25.

17 (c) All fees collected pursuant to this Act shall be
18 deposited into the Division of Corporations Registered Limited
19 Liability Partnership Fund.

20 (d) There is hereby continued in the State treasury a
21 special fund to be known as the Division of Corporations
22 Registered Limited Liability Partnership Fund. Moneys
23 deposited into the Fund shall, subject to appropriation, be
24 used by the Business Services Division of the Office of the
25 Secretary of State to administer the responsibilities of the
26 Secretary of State under this Act. The balance of the Fund at

1 the end of any fiscal year shall not exceed \$200,000, and any
2 amount in excess thereof shall be transferred to the General
3 Revenue Fund.

4 (Source: P.A. 97-839, eff. 7-20-12.)

5 ARTICLE 20.

6 MANDATE RELIEF

7 Section 20-5. The Department of Commerce and Economic
8 Opportunity Law of the Civil Administrative Code of Illinois is
9 amended by changing Section 605-500 as follows:

10 (20 ILCS 605/605-500) (was 20 ILCS 605/46.13)

11 Sec. 605-500. Business Assistance Office. To create a
12 Business Assistance Office to do the following:

13 (1) Provide information to new and existing businesses for
14 all State government forms and applications and make this
15 information readily available through a business permit
16 center. The Office shall not assume any regulatory function.
17 All State agencies shall cooperate with the business permit
18 center to provide the necessary information, materials, and
19 assistance to enable the center to carry out its function in an
20 effective manner. Each agency shall designate an individual to
21 serve as liaison to the center to provide information and
22 materials and to respond to requests for assistance from
23 businesses.

1 (2) Provide technical and managerial assistance to
2 entrepreneurs and small businesses by (i) contracting with
3 local development organizations, chambers of commerce, and
4 industry or trade associations with technical and managerial
5 expertise located in the State, whenever possible, and (ii)
6 establishing a network of small business development centers
7 throughout the State.

8 (3) Assess the fiscal impact of proposed rules upon small
9 business and work with agencies in developing flexible
10 regulations through a regulatory review program.

11 (4) Provide detailed and comprehensive assistance to
12 businesses interested in obtaining federal or State government
13 contracts through a network of local procurement centers. The
14 Department shall make a special and continuing effort to assist
15 minority and female owned businesses, including but not limited
16 to the designation of special minority and female business
17 advocates, and shall make additional efforts to assist those
18 located in labor surplus areas. The Department shall, through
19 its network of local procurement centers, make every effort to
20 provide opportunities for small businesses to participate in
21 the procurement process. The Department shall utilize one or
22 more of the following techniques. These techniques are to be in
23 addition to any other procurement requirements imposed by
24 Public Act 83-1341 or by any other Act.

25 (A) Advance notice by the Department or other
26 appropriate State entity of possible procurement

1 opportunities should be made available to interested small
2 businesses.

3 (B) Publication of procurement opportunities in
4 publications likely to be obtained by small businesses.

5 (C) Direct notification, whenever the Department deems
6 it feasible, of interested small businesses.

7 (D) Conduct of public hearings and training sessions,
8 when possible, regarding State and federal government
9 procurement policies.

10 The Department of Central Management Services shall
11 cooperate with the Department in providing information on the
12 method and procedure by which a small business becomes involved
13 in the State or federal government procurement process.

14 (5) (Blank). ~~Study the total number of registrations,~~
15 ~~licenses, and reports that must be filed in order to do~~
16 ~~business in this State, seek input from the directors of all~~
17 ~~regulatory agencies, and submit a report on how this paperwork~~
18 ~~might be reduced to the Governor and the General Assembly no~~
19 ~~later than January 1, 1985.~~

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

21 (20 ILCS 605/605-40 rep.)

22 (20 ILCS 605/605-430 rep.)

23 (20 ILCS 605/605-825 rep.)

24 (20 ILCS 605/605-970 rep.)

25 Section 20-10. The Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of Illinois is
2 amended by repealing Sections 605-40, 605-430, 605-825, and
3 605-970.

4 Section 20-15. The Energy Conservation Act is amended by
5 changing Section 4 as follows:

6 (20 ILCS 1115/4) (from Ch. 96 1/2, par. 7604)

7 Sec. 4. Technical Assistance Programs.

8 (a) The Department of Commerce and Economic Opportunity may
9 ~~shall~~ provide technical assistance in the development of
10 thermal efficiency standards and lighting efficiency standards
11 to units of local government, upon request by such unit.

12 (b) The Department may ~~shall~~ provide technical assistance
13 in the development of a program for energy efficiency in
14 procurement to units of local government, upon request by such
15 unit.

16 (c) The Technical Assistance Programs provided in this
17 Section shall be supported by funds provided to the State
18 pursuant to the federal "Energy Policy and Conservation Act of
19 1975" or other federal acts that provide funds for energy
20 conservation efforts through the use of building codes.

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

22 (20 ILCS 1115/5 rep.)

23 Section 20-20. The Energy Conservation Act is amended by

1 repealing Section 5.

2 (20 ILCS 2305/8.3 rep.)

3 Section 20-25. The Department of Public Health Act is
4 amended by repealing Section 8.3.

5 (20 ILCS 2310/2310-80 rep.)

6 (20 ILCS 2310/2310-186 rep.)

7 (20 ILCS 2310/2310-210 rep.)

8 (20 ILCS 2310/2310-227 rep.)

9 (20 ILCS 2310/2310-235 rep.)

10 (20 ILCS 2310/2310-310 rep.)

11 (20 ILCS 2310/2310-353 rep.)

12 (20 ILCS 2310/2310-367 rep.)

13 (20 ILCS 2310/2310-372 rep.)

14 (20 ILCS 2310/2310-395 rep.)

15 (20 ILCS 2310/2310-445 rep.)

16 (20 ILCS 2310/2310-537 rep.)

17 Section 20-30. The Department of Public Health Powers and
18 Duties Law of the Civil Administrative Code of Illinois is
19 amended by repealing Sections 2310-80, 2310-186, 2310-210,
20 2310-227, 2310-235, 2310-310, 2310-353, 2310-367, 2310-372,
21 2310-395, 2310-445, and 2310-537.

22 (30 ILCS 342/Act rep.)

23 Section 20-35. The Medicaid Liability Liquidity Borrowing

1 Act is repealed.

2 (70 ILCS 1840/Act rep.)

3 Section 20-40. The Regional Port District Publicity Act is
4 repealed.

5 Section 20-45. The Family Practice Residency Act is amended
6 by changing Section 4 as follows:

7 (110 ILCS 935/4) (from Ch. 144, par. 1454)

8 Sec. 4. The Department may exercise ~~shall have~~ the powers
9 ~~and duties~~ indicated in Sections 4.01 through 4.12 of this Act.
10 (Source: P.A. 80-478.)

11 Section 20-50. The Residential Mortgage License Act of 1987
12 is amended by changing Section 3-2 as follows:

13 (205 ILCS 635/3-2) (from Ch. 17, par. 2323-2)

14 Sec. 3-2. Annual audit.

15 (a) At the licensee's fiscal year-end, but in no case more
16 than 12 months after the last audit conducted pursuant to this
17 Section, except as otherwise provided in this Section, it shall
18 be mandatory for each residential mortgage licensee to cause
19 its books and accounts to be audited by a certified public
20 accountant not connected with such licensee. The books and
21 records of all licensees under this Act shall be maintained on

1 an accrual basis. The audit must be sufficiently comprehensive
2 in scope to permit the expression of an opinion on the
3 financial statements, which must be prepared in accordance with
4 generally accepted accounting principles, and must be
5 performed in accordance with generally accepted auditing
6 standards. Notwithstanding the requirements of this
7 subsection, a licensee that is a subsidiary may submit audited
8 consolidated financial statements of its parent, intermediary
9 parent, or ultimate parent as long as the consolidated
10 statements are supported by consolidating statements which
11 include the licensee's financial statement. If the
12 consolidating statements are unaudited, the licensee's chief
13 financial officer shall attest to the licensee's financial
14 statements disclosed in the consolidating statements.

15 (b) As used herein, the term "expression of opinion"
16 includes either (1) an unqualified opinion, (2) a qualified
17 opinion, (3) a disclaimer of opinion, or (4) an adverse
18 opinion.

19 (c) If a qualified or adverse opinion is expressed or if an
20 opinion is disclaimed, the reasons therefore must be fully
21 explained. An opinion, qualified as to a scope limitation,
22 shall not be acceptable.

23 (d) The most recent audit report shall be filed with the
24 Commissioner within 90 days after the end of the licensee's
25 fiscal year, or with the Nationwide Mortgage Licensing System
26 and Registry, if applicable, pursuant to Mortgage Call Report

1 requirements. The report filed with the Commissioner shall be
2 certified by the certified public accountant conducting the
3 audit. The Commissioner may promulgate rules regarding late
4 audit reports.

5 (e) If any licensee required to make an audit shall fail to
6 cause an audit to be made, the Commissioner shall cause the
7 same to be made by a certified public accountant at the
8 licensee's expense. The Commissioner shall select such
9 certified public accountant by advertising for bids or by such
10 other fair and impartial means as he or she establishes by
11 regulation.

12 (f) In lieu of the audit or compilation financial statement
13 required by this Section, a licensee shall submit and the
14 Commissioner may accept any audit made in conformance with the
15 audit requirements of the U.S. Department of Housing and Urban
16 Development.

17 (g) (Blank). ~~With respect to licensees who solely broker~~
18 ~~residential mortgage loans as defined in subsection (c) of~~
19 ~~Section 1-4, instead of the audit required by this Section, the~~
20 ~~Commissioner may accept compilation financial statements~~
21 ~~prepared at least every 12 months, and the compilation~~
22 ~~financial statement must be submitted within 90 days after the~~
23 ~~end of the licensee's fiscal year, or with the Nationwide~~
24 ~~Mortgage Licensing System and Registry, if applicable,~~
25 ~~pursuant to Mortgage Call Report requirements. If a licensee~~
26 ~~under this Section fails to file a compilation as required, the~~

1 ~~Commissioner shall cause an audit of the licensee's books and~~
2 ~~accounts to be made by a certified public accountant at the~~
3 ~~licensee's expense. The Commissioner shall select the~~
4 ~~certified public accountant by advertising for bids or by such~~
5 ~~other fair and impartial means as he or she establishes by~~
6 ~~rule. A licensee who files false or misleading compilation~~
7 ~~financial statements is guilty of a business offense and shall~~
8 ~~be fined not less than \$5,000.~~

9 (h) The workpapers of the certified public accountants
10 employed by each licensee for purposes of this Section are to
11 be made available to the Commissioner or the Commissioner's
12 designee upon request and may be reproduced by the Commissioner
13 or the Commissioner's designee to enable to the Commissioner to
14 carry out the purposes of this Act.

15 (i) Notwithstanding any other provision of this Section, if
16 a licensee relying on subsection (g) of this Section causes its
17 books to be audited at any other time or causes its financial
18 statements to be reviewed, a complete copy of the audited or
19 reviewed financial statements shall be delivered to the
20 Commissioner at the time of the annual license renewal payment
21 following receipt by the licensee of the audited or reviewed
22 financial statements. All workpapers shall be made available to
23 the Commissioner upon request. The financial statements and
24 workpapers may be reproduced by the Commissioner or the
25 Commissioner's designee to carry out the purposes of this Act.

26 (Source: P.A. 97-813, eff. 7-13-12; 97-891, eff. 8-3-12;

1 98-463, eff. 8-16-13; 98-1081, eff. 1-1-15.)

2 (405 ILCS 80/Art. X rep.)

3 Section 20-55. The Developmental Disability and Mental
4 Disability Services Act is amended by repealing Article X.

5 Section 20-60. The Psychiatry Practice Incentive Act is
6 amended by changing Section 35 as follows:

7 (405 ILCS 100/35)

8 Sec. 35. Annual report. The Department may ~~shall~~ annually
9 report to the General Assembly and the Governor the results and
10 progress of all programs established under this Act ~~on or~~
11 ~~before March 15.~~

12 The annual report to the General Assembly and the Governor
13 must include the impact of programs established under this Act
14 on the ability of designated shortage areas to attract and
15 retain physicians and other health care personnel. The report
16 shall include recommendations to improve that ability.

17 The requirement for reporting to the General Assembly shall
18 be satisfied by filing copies of the report with the Speaker,
19 the Minority Leader, and the Clerk of the House of
20 Representatives and the President, the Minority Leader and the
21 Secretary of the Senate and the Legislative Research Unit, as
22 required by Section 3.1 of the General Assembly Organization
23 Act, and by filing such additional copies with the State

1 Government Report Distribution Center for the General Assembly
2 as is required under paragraph (t) of Section 7 of the State
3 Library Act.

4 (Source: P.A. 96-1411, eff. 1-1-11.)

5 Section 20-65. The Environmental Protection Act is amended
6 by changing Section 22.28 as follows:

7 (415 ILCS 5/22.28) (from Ch. 111 1/2, par. 1022.28)

8 Sec. 22.28. White goods.

9 (a) Beginning July 1, 1994, no person shall knowingly offer
10 for collection or collect white goods for the purpose of
11 disposal by landfilling unless the white good components have
12 been removed.

13 (b) Beginning July 1, 1994, no owner or operator of a
14 landfill shall accept any white goods for final disposal,
15 except that white goods may be accepted if:

16 (1) the landfill participates in the Industrial
17 Materials Exchange Service by communicating the
18 availability of white goods;

19 (2) prior to final disposal, any white good components
20 have been removed from the white goods; and

21 (3) if white good components are removed from the white
22 goods at the landfill, a site operating plan satisfying
23 this Act has been approved under the site operating permit
24 and the conditions of such operating plan are met.

1 (c) For the purposes of this Section:

2 (1) "White goods" shall include all discarded
3 refrigerators, ranges, water heaters, freezers, air
4 conditioners, humidifiers and other similar domestic and
5 commercial large appliances.

6 (2) "White good components" shall include:

7 (i) any chlorofluorocarbon refrigerant gas;

8 (ii) any electrical switch containing mercury;

9 (iii) any device that contains or may contain PCBs
10 in a closed system, such as a dielectric fluid for a
11 capacitor, ballast or other component; and

12 (iv) any fluorescent lamp that contains mercury.

13 (d) (Blank). ~~The Agency is authorized to provide financial~~
14 ~~assistance to units of local government from the Solid Waste~~
15 ~~Management Fund to plan for and implement programs to collect,~~
16 ~~transport and manage white goods. Units of local government may~~
17 ~~apply jointly for financial assistance under this Section.~~

18 ~~Applications for such financial assistance shall be~~
19 ~~submitted to the Agency and must provide a description of:~~

20 ~~(A) the area to be served by the program;~~

21 ~~(B) the white goods intended to be included in the~~
22 ~~program;~~

23 ~~(C) the methods intended to be used for collecting~~
24 ~~and receiving materials;~~

25 ~~(D) the property, buildings, equipment and~~
26 ~~personnel included in the program;~~

1 ~~(E) the public education systems to be used as part~~
2 ~~of the program;~~

3 ~~(F) the safety and security systems that will be~~
4 ~~used;~~

5 ~~(G) the intended processing methods for each white~~
6 ~~goods type;~~

7 ~~(H) the intended destination for final material~~
8 ~~handling location; and~~

9 ~~(I) any staging sites used to handle collected~~
10 ~~materials, the activities to be performed at such sites~~
11 ~~and the procedures for assuring removal of collected~~
12 ~~materials from such sites.~~

13 ~~The application may be amended to reflect changes in~~
14 ~~operating procedures, destinations for collected materials, or~~
15 ~~other factors.~~

16 ~~Financial assistance shall be awarded for a State fiscal~~
17 ~~year, and may be renewed, upon application, if the Agency~~
18 ~~approves the operation of the program.~~

19 (e) (Blank). ~~All materials collected or received under a~~
20 ~~program operated with financial assistance under this Section~~
21 ~~shall be recycled whenever possible. Treatment or disposal of~~
22 ~~collected materials are not eligible for financial assistance~~
23 ~~unless the applicant shows and the Agency approves which~~
24 ~~materials may be treated or disposed of under various~~
25 ~~conditions.~~

26 ~~Any revenue from the sale of materials collected under such~~

1 ~~a program shall be retained by the unit of local government and~~
2 ~~may be used only for the same purposes as the financial~~
3 ~~assistance under this Section.~~

4 (f) The Agency is authorized to adopt rules necessary or
5 appropriate to the administration of this Section.

6 (g) (Blank).

7 (Source: P.A. 91-798, eff. 7-9-00.)

8 (415 ILCS 5/22.53 rep.)

9 (415 ILCS 5/55.7a rep.)

10 Section 20-70. The Environmental Protection Act is amended
11 by repealing Sections 22.53 and 55.7a.

12 (415 ILCS 15/10.1 rep.)

13 Section 20-75. The Solid Waste Planning and Recycling Act
14 is amended by repealing Section 10.1.

15 (415 ILCS 20/7.4 rep.)

16 Section 20-80. The Illinois Solid Waste Management Act is
17 amended by repealing Section 7.4.

18 (415 ILCS 85/4 rep.)

19 (415 ILCS 85/6 rep.)

20 Section 20-85. The Toxic Pollution Prevention Act is
21 amended by repealing Sections 4 and 6.

1 (415 ILCS 90/Act rep.)

2 Section 20-90. The Household Hazardous Waste Collection
3 Program Act is repealed.

4 (420 ILCS 44/28 rep.)

5 Section 20-95. The Radon Industry Licensing Act is amended
6 by repealing Section 28.

7 Section 20-100. The Illinois Noxious Weed Law is amended by
8 changing Section 7 as follows:

9 (505 ILCS 100/7) (from Ch. 5, par. 957)

10 Sec. 7. Each Control Authority may ~~shall~~ carry out the
11 duties and responsibilities vested in it under this Act with
12 respect to land under its jurisdiction in accordance with rules
13 and regulations prescribed by the Department. Such duties may
14 ~~shall~~ include the establishment, under the general direction of
15 the Control Authority, of a coordinated program for control and
16 eradication of noxious weeds within the county.

17 A Control Authority may cooperate with any person in
18 carrying out its duties and responsibilities under this Act.

19 (Source: P.A. 77-1037.)

20 Section 20-105. The Unified Code of Corrections is amended
21 by changing Section 3-7-2 as follows:

1 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

2 Sec. 3-7-2. Facilities.

3 (a) All institutions and facilities of the Department shall
4 provide every committed person with access to toilet
5 facilities, barber facilities, bathing facilities at least
6 once each week, a library of legal materials and published
7 materials including newspapers and magazines approved by the
8 Director. A committed person may not receive any materials that
9 the Director deems pornographic.

10 (b) (Blank).

11 (c) All institutions and facilities of the Department shall
12 provide facilities for every committed person to leave his cell
13 for at least one hour each day unless the chief administrative
14 officer determines that it would be harmful or dangerous to the
15 security or safety of the institution or facility.

16 (d) All institutions and facilities of the Department shall
17 provide every committed person with a wholesome and nutritional
18 diet at regularly scheduled hours, drinking water, clothing
19 adequate for the season, bedding, soap and towels and medical
20 and dental care.

21 (e) All institutions and facilities of the Department shall
22 permit every committed person to send and receive an unlimited
23 number of uncensored letters, provided, however, that the
24 Director may order that mail be inspected and read for reasons
25 of the security, safety or morale of the institution or
26 facility.

1 (f) All of the institutions and facilities of the
2 Department shall permit every committed person to receive
3 visitors, except in case of abuse of the visiting privilege or
4 when the chief administrative officer determines that such
5 visiting would be harmful or dangerous to the security, safety
6 or morale of the institution or facility. The chief
7 administrative officer shall have the right to restrict
8 visitation to non-contact visits for reasons of safety,
9 security, and order, including, but not limited to, restricting
10 contact visits for committed persons engaged in gang activity.
11 No committed person in a super maximum security facility or on
12 disciplinary segregation is allowed contact visits. Any
13 committed person found in possession of illegal drugs or who
14 fails a drug test shall not be permitted contact visits for a
15 period of at least 6 months. Any committed person involved in
16 gang activities or found guilty of assault committed against a
17 Department employee shall not be permitted contact visits for a
18 period of at least 6 months. The Department shall offer every
19 visitor appropriate written information concerning HIV and
20 AIDS, including information concerning how to contact the
21 Illinois Department of Public Health for counseling
22 information. The Department shall develop the written
23 materials in consultation with the Department of Public Health.
24 The Department shall ensure that all such information and
25 materials are culturally sensitive and reflect cultural
26 diversity as appropriate. Implementation of the changes made to

1 this Section by this amendatory Act of the 94th General
2 Assembly is subject to appropriation.

3 (f-5) (Blank). ~~The Department shall establish a pilot~~
4 ~~program in one or more institutions or facilities of the~~
5 ~~Department to permit committed persons to remotely visit family~~
6 ~~members through interactive video conferences. The Department~~
7 ~~may enter into agreements with third party organizations to~~
8 ~~provide video conference facilities for family members of~~
9 ~~committed persons. The Department may determine who is a family~~
10 ~~member eligible to participate in the program and the~~
11 ~~conditions in which and times when the video conferences may be~~
12 ~~conducted. The Department may conduct such conferences as an~~
13 ~~alternative to transporting committed persons to facilities~~
14 ~~and institutions of the Department near the residences of~~
15 ~~family members of the committed persons.~~

16 ~~Beginning on October 1, 2010 and through October 1, 2012,~~
17 ~~the Department shall issue an annual report to the General~~
18 ~~Assembly regarding the implementation and effectiveness of the~~
19 ~~pilot program created by this subsection (f-5).~~

20 (g) All institutions and facilities of the Department shall
21 permit religious ministrations and sacraments to be available
22 to every committed person, but attendance at religious services
23 shall not be required.

24 (h) Within 90 days after December 31, 1996, the Department
25 shall prohibit the use of curtains, cell-coverings, or any
26 other matter or object that obstructs or otherwise impairs the

1 line of vision into a committed person's cell.

2 (Source: P.A. 96-869, eff. 1-21-10.)

3 Section 20-110. The Illinois Crime Reduction Act of 2009 is
4 amended by changing Section 15 as follows:

5 (730 ILCS 190/15)

6 Sec. 15. Adoption, validation, and utilization of an
7 assessment tool.

8 (a) Purpose. In order to determine appropriate punishment
9 or services which will protect public safety, it is necessary
10 for the State and local jurisdictions to adopt a common
11 assessment tool. Supervision and correctional programs are
12 most effective at reducing future crime when they accurately
13 assess offender risks, assets, and needs, and use these
14 assessment results to assign supervision levels and target
15 programs to criminogenic needs.

16 (b) After review of the plan issued by the Task Force
17 described in subsection (c), the Department of Corrections, the
18 Parole Division of the Department of Corrections, and the
19 Prisoner Review Board shall adopt policies, rules, and
20 regulations that within 3 years of the effective date of this
21 Act result in the adoption, validation, and utilization of a
22 statewide, standardized risk assessment tool across the
23 Illinois criminal justice system.

24 (c) (Blank). ~~The Governor's Office shall convene a Risks,~~

1 ~~Assets, and Needs Assessment Task Force to develop plans for~~
2 ~~the adoption, validation, and utilization of such an assessment~~
3 ~~tool. The Task Force shall include, but not be limited to,~~
4 ~~designees from the Department of Corrections who are~~
5 ~~responsible for parole services, a designee from the Cook~~
6 ~~County Adult Probation; a representative from a county~~
7 ~~probation office, a designee from DuPage County Adult~~
8 ~~Probation, a designee from Sangamon County Adult Probation; and~~
9 ~~designees from the Attorney General's Office, the Prisoner~~
10 ~~Review Board, the Illinois Criminal Justice Information~~
11 ~~Authority, the Sentencing Policy Advisory Council, the Cook~~
12 ~~County State's Attorney, a State's Attorney selected by the~~
13 ~~President of the Illinois State's Attorneys Association, the~~
14 ~~Cook County Public Defender, and the State Appellate Defender.~~

15 (c-5) (Blank). ~~The Department of Human Services shall~~
16 ~~provide administrative support for the Task Force.~~

17 (d) (Blank). ~~The Task Force's plans shall be released~~
18 ~~within one year of the effective date of this Act and shall at~~
19 ~~a minimum include:~~

20 ~~(1) A computerized method and design to allow each of~~
21 ~~the State and local agencies and branches of government~~
22 ~~which are part of the criminal justice system to share the~~
23 ~~results of the assessment. The recommendations for the~~
24 ~~automated system shall include cost estimates, a~~
25 ~~timetable, a plan to pay for the system and for sharing~~
26 ~~data across agencies and branches of government.~~

1 ~~(2) A selection of a common validated tool to be used~~
2 ~~across the system.~~

3 ~~(3) A description of the different points in the system~~
4 ~~at which the tool shall be used.~~

5 ~~(4) An implementation plan, including training and the~~
6 ~~selection of pilot sites to test the tool.~~

7 ~~(5) How often and in what intervals offenders will be~~
8 ~~reassessed.~~

9 ~~(6) How the results can be legally shared with~~
10 ~~non-governmental organizations that provide treatment and~~
11 ~~services to those under local supervision.~~

12 (Source: P.A. 96-761, eff. 1-1-10.)

13 Section 20-115. The Illinois Human Rights Act is amended by
14 changing Section 2-105 as follows:

15 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

16 Sec. 2-105. Equal Employment Opportunities; Affirmative
17 Action.

18 (A) Public Contracts. Every party to a public contract and
19 every eligible bidder shall:

20 (1) Refrain from unlawful discrimination and
21 discrimination based on citizenship status in employment
22 and undertake affirmative action to assure equality of
23 employment opportunity and eliminate the effects of past
24 discrimination;

1 (2) Comply with the procedures and requirements of the
2 Department's regulations concerning equal employment
3 opportunities and affirmative action;

4 (3) Provide such information, with respect to its
5 employees and applicants for employment, and assistance as
6 the Department may reasonably request;

7 (4) Have written sexual harassment policies that shall
8 include, at a minimum, the following information: (i) the
9 illegality of sexual harassment; (ii) the definition of
10 sexual harassment under State law; (iii) a description of
11 sexual harassment, utilizing examples; (iv) the vendor's
12 internal complaint process including penalties; (v) the
13 legal recourse, investigative and complaint process
14 available through the Department and the Commission; (vi)
15 directions on how to contact the Department and Commission;
16 and (vii) protection against retaliation as provided by
17 Section 6-101 of this Act. A copy of the policies shall be
18 provided to the Department upon request.

19 (B) State Agencies. Every State executive department,
20 State agency, board, commission, and instrumentality shall:

21 (1) Comply with the procedures and requirements of the
22 Department's regulations concerning equal employment
23 opportunities and affirmative action;

24 (2) Provide such information and assistance as the
25 Department may request.

26 (3) Establish, maintain, and carry out a continuing

1 affirmative action plan consistent with this Act and the
2 regulations of the Department designed to promote equal
3 opportunity for all State residents in every aspect of
4 agency personnel policy and practice. For purposes of these
5 affirmative action plans, the race and national origin
6 categories to be included in the plans are: American Indian
7 or Alaska Native, Asian, Black or African American,
8 Hispanic or Latino, Native Hawaiian or Other Pacific
9 Islander.

10 This plan shall include a current detailed status
11 report:

12 (a) indicating, by each position in State service,
13 the number, percentage, and average salary of
14 individuals employed by race, national origin, sex and
15 disability, and any other category that the Department
16 may require by rule;

17 (b) identifying all positions in which the
18 percentage of the people employed by race, national
19 origin, sex and disability, and any other category that
20 the Department may require by rule, is less than
21 four-fifths of the percentage of each of those
22 components in the State work force;

23 (c) specifying the goals and methods for
24 increasing the percentage by race, national origin,
25 sex and disability, and any other category that the
26 Department may require by rule, in State positions;

1 (d) indicating progress and problems toward
2 meeting equal employment opportunity goals, including,
3 if applicable, but not limited to, Department of
4 Central Management Services recruitment efforts,
5 publicity, promotions, and use of options designating
6 positions by linguistic abilities;

7 (e) establishing a numerical hiring goal for the
8 employment of qualified persons with disabilities in
9 the agency as a whole, to be based on the proportion of
10 people with work disabilities in the Illinois labor
11 force as reflected in the most recent employment data
12 made available by the United States Census Bureau
13 decennial Census.

14 (4) If the agency has 1000 or more employees, appoint a
15 full-time Equal Employment Opportunity officer, subject to
16 the Department's approval, whose duties shall include:

17 (a) Advising the head of the particular State
18 agency with respect to the preparation of equal
19 employment opportunity programs, procedures,
20 regulations, reports, and the agency's affirmative
21 action plan.

22 (b) Evaluating in writing each fiscal year the
23 sufficiency of the total agency program for equal
24 employment opportunity and reporting thereon to the
25 head of the agency with recommendations as to any
26 improvement or correction in recruiting, hiring or

1 promotion needed, including remedial or disciplinary
2 action with respect to managerial or supervisory
3 employees who have failed to cooperate fully or who are
4 in violation of the program.

5 (c) Making changes in recruitment, training and
6 promotion programs and in hiring and promotion
7 procedures designed to eliminate discriminatory
8 practices when authorized.

9 (d) Evaluating tests, employment policies,
10 practices and qualifications and reporting to the head
11 of the agency and to the Department any policies,
12 practices and qualifications that have unequal impact
13 by race, national origin as required by Department
14 rule, sex or disability or any other category that the
15 Department may require by rule, and to assist in the
16 recruitment of people in underrepresented
17 classifications. This function shall be performed in
18 cooperation with the State Department of Central
19 Management Services.

20 (e) Making any aggrieved employee or applicant for
21 employment aware of his or her remedies under this Act.

22 In any meeting, investigation, negotiation,
23 conference, or other proceeding between a State
24 employee and an Equal Employment Opportunity officer,
25 a State employee (1) who is not covered by a collective
26 bargaining agreement and (2) who is the complaining

1 party or the subject of such proceeding may be
2 accompanied, advised and represented by (1) an
3 attorney licensed to practice law in the State of
4 Illinois or (2) a representative of an employee
5 organization whose membership is composed of employees
6 of the State and of which the employee is a member. A
7 representative of an employee, other than an attorney,
8 may observe but may not actively participate, or advise
9 the State employee during the course of such meeting,
10 investigation, negotiation, conference or other
11 proceeding. Nothing in this Section shall be construed
12 to permit any person who is not licensed to practice
13 law in Illinois to deliver any legal services or
14 otherwise engage in any activities that would
15 constitute the unauthorized practice of law. Any
16 representative of an employee who is present with the
17 consent of the employee, shall not, during or after
18 termination of the relationship permitted by this
19 Section with the State employee, use or reveal any
20 information obtained during the course of the meeting,
21 investigation, negotiation, conference or other
22 proceeding without the consent of the complaining
23 party and any State employee who is the subject of the
24 proceeding and pursuant to rules and regulations
25 governing confidentiality of such information as
26 promulgated by the appropriate State agency.

1 Intentional or reckless disclosure of information in
2 violation of these confidentiality requirements shall
3 constitute a Class B misdemeanor.

4 (5) Establish, maintain and carry out a continuing
5 sexual harassment program that shall include the
6 following:

7 (a) Develop a written sexual harassment policy
8 that includes at a minimum the following information:
9 (i) the illegality of sexual harassment; (ii) the
10 definition of sexual harassment under State law; (iii)
11 a description of sexual harassment, utilizing
12 examples; (iv) the agency's internal complaint process
13 including penalties; (v) the legal recourse,
14 investigative and complaint process available through
15 the Department and the Commission; (vi) directions on
16 how to contact the Department and Commission; and (vii)
17 protection against retaliation as provided by Section
18 6-101 of this Act. The policy shall be reviewed
19 annually.

20 (b) Post in a prominent and accessible location and
21 distribute in a manner to assure notice to all agency
22 employees without exception the agency's sexual
23 harassment policy. Such documents may meet, but shall
24 not exceed, the 6th grade literacy level. Distribution
25 shall be effectuated within 90 days of the effective
26 date of this amendatory Act of 1992 and shall occur

1 annually thereafter.

2 (c) Provide training on sexual harassment
3 prevention and the agency's sexual harassment policy
4 as a component of all ongoing or new employee training
5 programs.

6 (6) Notify the Department 30 days before effecting any
7 layoff. Once notice is given, the following shall occur:

8 (a) No layoff may be effective earlier than 10
9 working days after notice to the Department, unless an
10 emergency layoff situation exists.

11 (b) The State executive department, State agency,
12 board, commission, or instrumentality in which the
13 layoffs are to occur must notify each employee targeted
14 for layoff, the employee's union representative (if
15 applicable), and the State Dislocated Worker Unit at
16 the Department of Commerce and Economic Opportunity.

17 (c) The State executive department, State agency,
18 board, commission, or instrumentality in which the
19 layoffs are to occur must conform to applicable
20 collective bargaining agreements.

21 (d) The State executive department, State agency,
22 board, commission, or instrumentality in which the
23 layoffs are to occur should notify each employee
24 targeted for layoff that transitional assistance may
25 be available to him or her under the Economic
26 Dislocation and Worker Adjustment Assistance Act

1 administered by the Department of Commerce and
2 Economic Opportunity. Failure to give such notice
3 shall not invalidate the layoff or postpone its
4 effective date.

5 As used in this subsection (B), "disability" shall be
6 defined in rules promulgated under the Illinois Administrative
7 Procedure Act.

8 (C) Civil Rights Violations. It is a civil rights violation
9 for any public contractor or eligible bidder to:

10 (1) fail to comply with the public contractor's or
11 eligible bidder's duty to refrain from unlawful
12 discrimination and discrimination based on citizenship
13 status in employment under subsection (A)(1) of this
14 Section; or

15 (2) fail to comply with the public contractor's or
16 eligible bidder's duties of affirmative action under
17 subsection (A) of this Section, provided however, that the
18 Department has notified the public contractor or eligible
19 bidder in writing by certified mail that the public
20 contractor or eligible bidder may not be in compliance with
21 affirmative action requirements of subsection (A). A
22 minimum of 60 days to comply with the requirements shall be
23 afforded to the public contractor or eligible bidder before
24 the Department may issue formal notice of non-compliance.

25 (D) As used in this Section:

26 (1) "American Indian or Alaska Native" means a person

1 having origins in any of the original peoples of North and
2 South America, including Central America, and who
3 maintains tribal affiliation or community attachment.

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

9 (3) "Black or African American" means a person having
10 origins in any of the black racial groups of Africa. Terms
11 such as "Haitian" or "Negro" can be used in addition to
12 "Black or African American".

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

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

19 (Source: P.A. 97-396, eff. 1-1-12.)

20 (815 ILCS 137/115 rep.)

21 Section 20-120. The High Risk Home Loan Act is amended by
22 repealing Section 115.

23 Section 20-125. The Unemployment Insurance Act is amended
24 by changing Section 1900 as follows:

1 (820 ILCS 405/1900) (from Ch. 48, par. 640)

2 Sec. 1900. Disclosure of information.

3 A. Except as provided in this Section, information obtained
4 from any individual or employing unit during the administration
5 of this Act shall:

6 1. be confidential,

7 2. not be published or open to public inspection,

8 3. not be used in any court in any pending action or
9 proceeding,

10 4. not be admissible in evidence in any action or
11 proceeding other than one arising out of this Act.

12 B. No finding, determination, decision, ruling or order
13 (including any finding of fact, statement or conclusion made
14 therein) issued pursuant to this Act shall be admissible or
15 used in evidence in any action other than one arising out of
16 this Act, nor shall it be binding or conclusive except as
17 provided in this Act, nor shall it constitute res judicata,
18 regardless of whether the actions were between the same or
19 related parties or involved the same facts.

20 C. Any officer or employee of this State, any officer or
21 employee of any entity authorized to obtain information
22 pursuant to this Section, and any agent of this State or of
23 such entity who, except with authority of the Director under
24 this Section, shall disclose information shall be guilty of a
25 Class B misdemeanor and shall be disqualified from holding any

1 appointment or employment by the State.

2 D. An individual or his duly authorized agent may be
3 supplied with information from records only to the extent
4 necessary for the proper presentation of his claim for benefits
5 or with his existing or prospective rights to benefits.
6 Discretion to disclose this information belongs solely to the
7 Director and is not subject to a release or waiver by the
8 individual. Notwithstanding any other provision to the
9 contrary, an individual or his or her duly authorized agent may
10 be supplied with a statement of the amount of benefits paid to
11 the individual during the 18 months preceding the date of his
12 or her request.

13 E. An employing unit may be furnished with information,
14 only if deemed by the Director as necessary to enable it to
15 fully discharge its obligations or safeguard its rights under
16 the Act. Discretion to disclose this information belongs solely
17 to the Director and is not subject to a release or waiver by
18 the employing unit.

19 F. The Director may furnish any information that he may
20 deem proper to any public officer or public agency of this or
21 any other State or of the federal government dealing with:

- 22 1. the administration of relief,
- 23 2. public assistance,
- 24 3. unemployment compensation,
- 25 4. a system of public employment offices,
- 26 5. wages and hours of employment, or

1 6. a public works program.

2 The Director may make available to the Illinois Workers'
3 Compensation Commission information regarding employers for
4 the purpose of verifying the insurance coverage required under
5 the Workers' Compensation Act and Workers' Occupational
6 Diseases Act.

7 G. The Director may disclose information submitted by the
8 State or any of its political subdivisions, municipal
9 corporations, instrumentalities, or school or community
10 college districts, except for information which specifically
11 identifies an individual claimant.

12 H. The Director shall disclose only that information
13 required to be disclosed under Section 303 of the Social
14 Security Act, as amended, including:

15 1. any information required to be given the United
16 States Department of Labor under Section 303(a)(6); and

17 2. the making available upon request to any agency of
18 the United States charged with the administration of public
19 works or assistance through public employment, the name,
20 address, ordinary occupation and employment status of each
21 recipient of unemployment compensation, and a statement of
22 such recipient's right to further compensation under such
23 law as required by Section 303(a)(7); and

24 3. records to make available to the Railroad Retirement
25 Board as required by Section 303(c)(1); and

26 4. information that will assure reasonable cooperation

1 with every agency of the United States charged with the
2 administration of any unemployment compensation law as
3 required by Section 303(c)(2); and

4 5. information upon request and on a reimbursable basis
5 to the United States Department of Agriculture and to any
6 State food stamp agency concerning any information
7 required to be furnished by Section 303(d); and

8 6. any wage information upon request and on a
9 reimbursable basis to any State or local child support
10 enforcement agency required by Section 303(e); and

11 7. any information required under the income
12 eligibility and verification system as required by Section
13 303(f); and

14 8. information that might be useful in locating an
15 absent parent or that parent's employer, establishing
16 paternity or establishing, modifying, or enforcing child
17 support orders for the purpose of a child support
18 enforcement program under Title IV of the Social Security
19 Act upon the request of and on a reimbursable basis to the
20 public agency administering the Federal Parent Locator
21 Service as required by Section 303(h); and

22 9. information, upon request, to representatives of
23 any federal, State or local governmental public housing
24 agency with respect to individuals who have signed the
25 appropriate consent form approved by the Secretary of
26 Housing and Urban Development and who are applying for or

1 participating in any housing assistance program
2 administered by the United States Department of Housing and
3 Urban Development as required by Section 303(i).

4 I. The Director, upon the request of a public agency of
5 Illinois, of the federal government or of any other state
6 charged with the investigation or enforcement of Section 10-5
7 of the Criminal Code of 2012 (or a similar federal law or
8 similar law of another State), may furnish the public agency
9 information regarding the individual specified in the request
10 as to:

- 11 1. the current or most recent home address of the
12 individual, and
- 13 2. the names and addresses of the individual's
14 employers.

15 J. Nothing in this Section shall be deemed to interfere
16 with the disclosure of certain records as provided for in
17 Section 1706 or with the right to make available to the
18 Internal Revenue Service of the United States Department of the
19 Treasury, or the Department of Revenue of the State of
20 Illinois, information obtained under this Act.

21 K. The Department shall make available to the Illinois
22 Student Assistance Commission, upon request, information in
23 the possession of the Department that may be necessary or
24 useful to the Commission in the collection of defaulted or
25 delinquent student loans which the Commission administers.

26 L. The Department shall make available to the State

1 Employees' Retirement System, the State Universities
2 Retirement System, the Teachers' Retirement System of the State
3 of Illinois, and the Department of Central Management Services,
4 Risk Management Division, upon request, information in the
5 possession of the Department that may be necessary or useful to
6 the System or the Risk Management Division for the purpose of
7 determining whether any recipient of a disability benefit from
8 the System or a workers' compensation benefit from the Risk
9 Management Division is gainfully employed.

10 M. This Section shall be applicable to the information
11 obtained in the administration of the State employment service,
12 except that the Director may publish or release general labor
13 market information and may furnish information that he may deem
14 proper to an individual, public officer or public agency of
15 this or any other State or the federal government (in addition
16 to those public officers or public agencies specified in this
17 Section) as he prescribes by Rule.

18 N. The Director may require such safeguards as he deems
19 proper to insure that information disclosed pursuant to this
20 Section is used only for the purposes set forth in this
21 Section.

22 O. Nothing in this Section prohibits communication with an
23 individual or entity through unencrypted e-mail or other
24 unencrypted electronic means as long as the communication does
25 not contain the individual's or entity's name in combination
26 with any one or more of the individual's or entity's social

1 security number; driver's license or State identification
2 number; account number or credit or debit card number; or any
3 required security code, access code, or password that would
4 permit access to further information pertaining to the
5 individual or entity.

6 P. (Blank). ~~Within 30 days after the effective date of this~~
7 ~~amendatory Act of 1993 and annually thereafter, the Department~~
8 ~~shall provide to the Department of Financial Institutions a~~
9 ~~list of individuals or entities that, for the most recently~~
10 ~~completed calendar year, report to the Department as paying~~
11 ~~wages to workers. The lists shall be deemed confidential and~~
12 ~~may not be disclosed to any other person.~~

13 Q. The Director shall make available to an elected federal
14 official the name and address of an individual or entity that
15 is located within the jurisdiction from which the official was
16 elected and that, for the most recently completed calendar
17 year, has reported to the Department as paying wages to
18 workers, where the information will be used in connection with
19 the official duties of the official and the official requests
20 the information in writing, specifying the purposes for which
21 it will be used. For purposes of this subsection, the use of
22 information in connection with the official duties of an
23 official does not include use of the information in connection
24 with the solicitation of contributions or expenditures, in
25 money or in kind, to or on behalf of a candidate for public or
26 political office or a political party or with respect to a

1 public question, as defined in Section 1-3 of the Election
2 Code, or in connection with any commercial solicitation. Any
3 elected federal official who, in submitting a request for
4 information covered by this subsection, knowingly makes a false
5 statement or fails to disclose a material fact, with the intent
6 to obtain the information for a purpose not authorized by this
7 subsection, shall be guilty of a Class B misdemeanor.

8 R. The Director may provide to any State or local child
9 support agency, upon request and on a reimbursable basis,
10 information that might be useful in locating an absent parent
11 or that parent's employer, establishing paternity, or
12 establishing, modifying, or enforcing child support orders.

13 S. The Department shall make available to a State's
14 Attorney of this State or a State's Attorney's investigator,
15 upon request, the current address or, if the current address is
16 unavailable, current employer information, if available, of a
17 victim of a felony or a witness to a felony or a person against
18 whom an arrest warrant is outstanding.

19 T. The Director shall make available to the Department of
20 State Police, a county sheriff's office, or a municipal police
21 department, upon request, any information concerning the
22 current address and place of employment or former places of
23 employment of a person who is required to register as a sex
24 offender under the Sex Offender Registration Act that may be
25 useful in enforcing the registration provisions of that Act.

26 U. The Director shall make information available to the

1 Department of Healthcare and Family Services and the Department
2 of Human Services for the purpose of determining eligibility
3 for public benefit programs authorized under the Illinois
4 Public Aid Code and related statutes administered by those
5 departments, for verifying sources and amounts of income, and
6 for other purposes directly connected with the administration
7 of those programs.

8 V. The Director shall make information available to the
9 State Board of Elections as may be required by an agreement the
10 State Board of Elections has entered into with a multi-state
11 voter registration list maintenance system.

12 (Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12;
13 97-1150, eff. 1-25-13; 98-1171, eff. 6-1-15.)

14 (820 ILCS 405/611.1 rep.)

15 Section 20-130. The Unemployment Insurance Act is amended
16 by repealing Section 611.1.

17 ARTICLE 99.

18 SEVERABILITY; EFFECTIVE DATE

19 Section 99-97. Severability. The provisions of this Act are
20 severable under Section 1.31 of the Statute on Statutes.

21 Section 99-99. Effective date. This Act takes effect upon
22 becoming law."