



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB4028

Introduced 1/4/2021, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.8 new  
20 ILCS 605/605-1055 new

Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Establishes the COVID-19 Small Business Relief Program for specified purposes. Provides that from appropriations for the COVID-19 Small Business Relief Program from the State Coronavirus Urgent Remediation Emergency Fund, the Department of Commerce and Economic Opportunity shall provide financial assistance through grants, expense reimbursements, or subsidies to qualifying businesses or a qualified partner to cover expenses or losses incurred due to business interruptions caused by their forced closure or inability to carry out regular functions in an economically viable manner under Tier 3 of the Governor's Restoring Illinois plan. Provides for the adoption of rules. Provides for powers of the Department concerning the Program. Amends the Illinois Administrative Procedure Act to provide for the adoption of emergency rules. Defines terms. Effective immediately.

LRB101 23258 RJF 74407 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Administrative Procedure Act is  
5 amended by adding Section 5-45.8 as follows:

6 (5 ILCS 100/5-45.8 new)

7 Sec. 5-45.8. Emergency rulemaking; COVID-19 Small Business  
8 Relief Program. To provide for the expeditious and timely  
9 implementation of the COVID-19 Small Business Relief Program  
10 created under Section 605-1055 of the Department of Commerce  
11 and Economic Opportunity Law of the Civil Administrative Code  
12 of Illinois, emergency rules implementing the COVID-19 Small  
13 Business Relief Program may be adopted in accordance with  
14 Section 5-45 by the Department of Commerce and Economic  
15 Opportunity. The adoption of emergency rules authorized by  
16 Section 5-45 and this Section is deemed to be necessary for the  
17 public interest, safety, and welfare.

18 This Section is repealed on January 1, 2026.

19 Section 10. The Department of Commerce and Economic  
20 Opportunity Law of the Civil Administrative Code of Illinois is  
21 amended by adding Section 605-1055 as follows:

1 (20 ILCS 605/605-1055 new)

2 Sec. 605-1055. COVID-19 Small Business Relief Program.

3 (a) Purpose. The Department may receive, directly or  
4 indirectly, federal funds under the authority of legislation  
5 passed in response to the Coronavirus epidemic including, but  
6 not limited to, the Coronavirus Aid, Relief, and Economic  
7 Security Act, P.L. 116-136 (the CARES Act). Section 5001 of the  
8 CARES Act establishes the Coronavirus Relief Fund, which  
9 authorized the State to expend funds that are necessary to  
10 respond to the COVID-19 public health emergency. The financial  
11 support of qualifying businesses is a necessary expense under  
12 federal guidance for implementing Section 5001 of the CARES  
13 Act. Upon receipt or availability of such funds, and subject to  
14 appropriations for their use, the Department shall administer a  
15 program to provide financial assistance to qualifying  
16 businesses that have experienced interruption of business due  
17 to their forced closure or inability to carry out regular  
18 functions in an economically viable manner under Tier 3 of the  
19 Governor's Restoring Illinois plan. Support may be provided  
20 directly by the Department to qualifying businesses or in  
21 cooperation with a qualified partner. Financial assistance may  
22 include, but not be limited to grants, expense reimbursements,  
23 or subsidies.

24 (b) From appropriations for the COVID-19 Small Business  
25 Relief Program from the State Coronavirus Urgent Remediation  
26 Emergency Fund, the Department shall provide financial

1 assistance through grants, expense reimbursements, or  
2 subsidies to qualifying businesses or a qualified partner to  
3 cover expenses or losses incurred due to business interruptions  
4 caused by their forced closure or inability to carry out  
5 regular functions in an economically viable manner under Tier 3  
6 of the Governor's Restoring Illinois plan. All spending related  
7 to this program must be reimbursable by the Federal Coronavirus  
8 Relief Fund in accordance with Section 5001 of the federal  
9 CARES Act and any related federal guidance, or the provisions  
10 of any other federal source supporting the program.

11 (c) The Department may establish by rule administrative  
12 procedures for the grant Program, including any application  
13 procedures, grant agreements, certifications, payment  
14 methodologies, and other accountability measures that may be  
15 imposed upon participants in the Program. The emergency  
16 rulemaking process may be used to adopt the initial rules of  
17 the grant Program.

18 (d) The Department has the power to:

19 (1) provide grants, subsidies, and expense  
20 reimbursements to qualified businesses or, on behalf of  
21 qualified businesses, to qualified partners from  
22 appropriations to cover qualified businesses eligible  
23 costs or losses incurred due to their forced closure or  
24 inability to carry out regular functions in an economically  
25 viable manner under Tier 3 of the Governor's Restoring  
26 Illinois plan.

1           (2) enter into agreements, accept funds, issue grants,  
2           and engage in cooperation with agencies of the federal  
3           government, units of local government, financial  
4           institutions, and nonprofit organizations to carry out the  
5           purposes of this Program, and to use funds appropriated for  
6           the COVID-19 Small Business Relief Program;

7           (3) prepare forms for application, notification,  
8           contract, and other matters, and establish procedures and  
9           rules deemed necessary and appropriate to carry out the  
10          provisions of this Section; and

11          (4) provide staff, administration, and related support  
12          required to manage the COVID-19 Small Business Relief  
13          Program and pay for the staffing, administration, and  
14          related support.

15          (e) Definitions. As used in the Section:

16          "Qualified partner" means a financial institution or  
17          nonprofit organization with which the Department has entered  
18          into an agreement or contract to provide or incentivize  
19          assistance to qualifying businesses.

20          "Qualifying businesses" means a business that is  
21          experiencing business interruption due to its forced closure or  
22          inability to carry out regular functions in an economically  
23          viable manner under Tier 3 of the Governor's Restoring Illinois  
24          plan and is eligible for reimbursement as prescribed by Section  
25          601 (a) of the Social Security Act and added by Section 5001 of  
26          the CARES Act or other federal legislation addressing the

1 COVID-19 crisis.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.