



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1768

Introduced 2/17/2021, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

20 ILCS 1305/10-25
20 ILCS 3020/805
30 ILCS 105/5k
110 ILCS 49/15
730 ILCS 5/5-4-3a

Amends the Department of Human Services Act. Removes a requirement that the Department of Human Services must report quarterly to the Governor and the General Assembly on certain expenditures under the WIC nutrition program. Amends the Capital Spending Accountability Law. Provides that reports on capital spending are due on or before the forty-fifth day after the end of each quarter (currently, the first day of each quarter). Amends the State Finance Act to eliminate a report on certain transfers. Amends the Higher Education Veterans Service Act to eliminate a requirement that certain survey results must be posted on an Internet website. Amends the Unified Code of Corrections concerning the DNA testing backlog. Effective immediately.

LRB102 13432 HLH 18776 b

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 Department of Human Services Act is amended
5 by changing Section 10-25 as follows:

6 (20 ILCS 1305/10-25)

7 Sec. 10-25. Women, Infants, and Children Nutrition
8 Program.

9 (a) The Department shall participate in the Women, Infants
10 and Children Nutrition program of the federal government to
11 the maximum extent permitted by the federal appropriation and
12 allocation to the State of Illinois. In order to efficiently
13 process electronically issued WIC benefits, the Department may
14 use an account held outside of the state treasury for the
15 deposit and issuance of WIC benefits. ~~The Department shall~~
16 ~~report quarterly to the Governor and the General Assembly the~~
17 ~~status of obligations and expenditures of the WIC nutrition~~
18 ~~program appropriation and make recommendations on actions~~
19 ~~necessary to expend all available federal funds.~~ Other
20 appropriations and funds from any public or private source in
21 addition to federal funds may be used by the Department for the
22 purpose of maximum participation in the WIC nutrition program.

23 (b) The Department shall maintain a drug abuse education

1 program for participants in the Women, Infants and Children
2 Nutrition Program. The program shall include but need not be
3 limited to (1) the provision of information concerning the
4 dangers of drug abuse and (2) the referral of participants who
5 are suspected drug abusers to drug abuse clinics, treatment
6 programs, counselors or other drug abuse treatment providers.

7 (c) The Department shall cooperate with the Department of
8 Public Health for purposes of the smoking cessation program
9 for participants in the Women, Infants and Children Nutrition
10 Program maintained by the Department of Public Health under
11 Section 2310-435 of the Department of Public Health Powers and
12 Duties Law (20 ILCS 2310/2310-435).

13 (d) The Department may contract with any bank as defined
14 by the Illinois Banking Act to redeem bank drafts issued by the
15 Department under the United States Department of Agriculture
16 Special Supplemental Food Program for Women, Infants and
17 Children (WIC). Any bank with which the Department has entered
18 into a contract to redeem bank drafts may receive, pursuant to
19 an appropriation to the Department, an initial advance and
20 periodic payment of funds for the Women, Infants and Children
21 Program in amounts determined by the Secretary.
22 Notwithstanding any other law, such funds shall be retained in
23 a separate account by the bank. Any interest earned by monies
24 in such account shall accrue to the USDA Women, Infants and
25 Children Fund and shall be used exclusively for the redemption
26 of bank drafts issued by the Department. WIC program food

1 funds received by the bank from the Department shall be used
2 exclusively for the redemption of bank drafts. The bank shall
3 not use such food funds, or interest accrued thereon, for any
4 other purpose including, but not limited to, reimbursement of
5 administrative expenses or payments of administrative fees due
6 the bank pursuant to its contract or contracts with the
7 Department.

8 Such initial and periodic payments by the Department to
9 the bank shall be effected, pursuant to an appropriation, in
10 an amount needed for the redemption of bank drafts issued by
11 the Department under the United States Department of
12 Agriculture Special Supplemental Food Program for Women,
13 Infants and Children in any initial or succeeding period. The
14 State Comptroller shall, upon presentation by the Secretary of
15 adequate certification of funds needed for redemption of bank
16 drafts, promptly draw a warrant payable to the bank for
17 deposit to the separate account of the bank. Such
18 certification may be in magnetic tape or computer output form,
19 indicating the amount of the total payment made by the bank for
20 the redemption of bank drafts from funds provided to the bank
21 under this Section.

22 The separate account of the bank established under this
23 Section, any payments to that account, and the use of such
24 account and funds shall be subject to (1) audit by the
25 Department or a private contractor authorized by the
26 Department to conduct audits, including but not limited to

1 such audits as may be required by State law, (2) audit by the
2 federal government or a private contractor authorized by the
3 federal government, and (3) post audit pursuant to the
4 Illinois State Auditing Act.

5 (e) The Department may include a program of lactation
6 support services as part of the benefits and services provided
7 for pregnant and breast feeding participants in the Women,
8 Infants and Children Nutrition Program. The program may
9 include payment for breast pumps, breast shields, or any
10 supply deemed essential for the successful maintenance of
11 lactation, as well as lactation specialists who are registered
12 nurses, licensed dietitians, or persons who have successfully
13 completed a lactation management training program.

14 (f) The Department shall coordinate the operation of the
15 Women, Infants and Children program with the Medicaid program
16 by interagency agreement whereby each program provides
17 information about the services offered by the other to
18 applicants for services.

19 (Source: P.A. 101-636, eff. 6-10-20.)

20 Section 10. The Capital Spending Accountability Law is
21 amended by changing Section 805 as follows:

22 (20 ILCS 3020/805)

23 Sec. 805. Reports on capital spending. On or before the
24 forty-fifth day after the end ~~first day of~~ each quarterly

1 period in each fiscal year, the Governor's Office of
2 Management and Budget shall provide to the Comptroller, the
3 Treasurer, the President and the Minority Leader of the
4 Senate, and the Speaker and the Minority Leader of the House of
5 Representatives a report on the status of all capital projects
6 in the State. The report may be provided in both written and
7 electronic format. The report must include all of the
8 following:

9 (1) A brief description or stated purpose of each
10 capital project where applicable (as referred to in this
11 Section, "project").

12 (2) The amount and source of funds (whether from bond
13 funds or other revenues) appropriated for each project,
14 organized into categories including roads, mass transit,
15 schools, environment, civic centers and other categories
16 as applicable (as referred to in this Section, "category
17 or categories"), with subtotals for each category.

18 (3) The date the appropriation bill relating to each
19 project was signed by the Governor, organized into
20 categories.

21 (4) The date the written release of the Governor for
22 each project was submitted to the Comptroller or is
23 projected to be submitted and, if a release for any
24 project has not been submitted within 6 months after its
25 appropriation became law, an explanation why the project
26 has not yet been released, all organized into categories.

1 (5) The amount of expenditures to date by the State
2 relating to each project and estimated amount of total
3 State expenditures and proposed schedule of future State
4 expenditures relating to each project, all organized into
5 categories.

6 (6) A timeline for completion of each project,
7 including the dates, if applicable, of execution by the
8 State of any grant agreement, any required engineering or
9 design work or environmental approvals, and the estimated
10 or actual dates of the start and completion of
11 construction, all organized into categories. Any
12 substantial variances on any project from this reported
13 timeline must be explained in the next quarterly report.

14 (7) A summary report of the status of all projects,
15 including the amount of undisbursed funds intended to be
16 held or used in the next quarter.

17 (Source: P.A. 98-692, eff. 7-1-14.)

18 Section 15. The State Finance Act is amended by changing
19 Section 5k as follows:

20 (30 ILCS 105/5k)

21 Sec. 5k. Cash flow borrowing and general funds liquidity;
22 FY15.

23 (a) In order to meet cash flow deficits and to maintain
24 liquidity in the General Revenue Fund and the Health Insurance

1 Reserve Fund, on and after July 1, 2014 and through June 30,
2 2015, the State Treasurer and the State Comptroller shall make
3 transfers to the General Revenue Fund and the Health Insurance
4 Reserve Fund, as directed by the Governor, out of special
5 funds of the State, to the extent allowed by federal law. No
6 such transfer may reduce the cumulative balance of all of the
7 special funds of the State to an amount less than the total
8 debt service payable during the 12 months immediately
9 following the date of the transfer on any bonded indebtedness
10 of the State and any certificates issued under the Short Term
11 Borrowing Act. At no time shall the outstanding total
12 transfers made from the special funds of the State to the
13 General Revenue Fund and the Health Insurance Reserve Fund
14 under this Section exceed \$650,000,000; once the amount of
15 \$650,000,000 has been transferred from the special funds of
16 the State to the General Revenue Fund and the Health Insurance
17 Reserve Fund, additional transfers may be made from the
18 special funds of the State to the General Revenue Fund and the
19 Health Insurance Reserve Fund under this Section only to the
20 extent that moneys have first been re-transferred from the
21 General Revenue Fund and the Health Insurance Reserve Fund to
22 those special funds of the State. Notwithstanding any other
23 provision of this Section, no such transfer may be made from
24 any special fund that is exclusively collected by or
25 appropriated to any other constitutional officer without the
26 written approval of that constitutional officer.

1 (b) If moneys have been transferred to the General Revenue
2 Fund and the Health Insurance Reserve Fund pursuant to
3 subsection (a) of this Section, this amendatory Act of the
4 98th General Assembly shall constitute the continuing
5 authority for and direction to the State Treasurer and State
6 Comptroller to reimburse the funds of origin from the General
7 Revenue Fund by transferring to the funds of origin, at such
8 times and in such amounts as directed by the Governor when
9 necessary to support appropriated expenditures from the funds,
10 an amount equal to that transferred from them plus any
11 interest that would have accrued thereon had the transfer not
12 occurred. When any of the funds from which moneys have been
13 transferred pursuant to subsection (a) have insufficient cash
14 from which the State Comptroller may make expenditures
15 properly supported by appropriations from the fund, then the
16 State Treasurer and State Comptroller shall transfer from the
17 General Revenue Fund to the fund only such amount as is
18 immediately necessary to satisfy outstanding expenditure
19 obligations on a timely basis.

20 (c) (Blank). ~~On the first day of each quarterly period in~~
21 ~~each fiscal year, until such time as a report indicates that~~
22 ~~all moneys borrowed and interest pursuant to this Section have~~
23 ~~been repaid, the Governor's Office of Management and Budget~~
24 ~~shall provide to the President and the Minority Leader of the~~
25 ~~Senate, the Speaker and the Minority Leader of the House of~~
26 ~~Representatives, and the Commission on Government Forecasting~~

1 ~~and Accountability a report on all transfers made pursuant to~~
2 ~~this Section in the prior quarterly period. The report must be~~
3 ~~provided in electronic format. The report must include all of~~
4 ~~the following:~~

5 ~~(1) The date each transfer was made.~~

6 ~~(2) The amount of each transfer.~~

7 ~~(3) In the case of a transfer from the General Revenue~~
8 ~~Fund to a fund of origin pursuant to subsection (b) of this~~
9 ~~Section, the amount of interest being paid to the fund of~~
10 ~~origin.~~

11 ~~(4) The end of day balance of the fund of origin, the~~
12 ~~General Revenue Fund and the Health Insurance Reserve Fund~~
13 ~~on the date the transfer was made.~~

14 (Source: P.A. 98-682, eff. 6-30-14; 99-523, eff. 6-30-16.)

15 Section 20. The Higher Education Veterans Service Act is
16 amended by changing Section 15 as follows:

17 (110 ILCS 49/15)

18 Sec. 15. Survey; coordinator; best practices report; best
19 efforts.

20 (a) All public colleges and universities shall, within 60
21 days after the effective date of this Act, conduct a survey of
22 the services and programs that are provided for veterans,
23 active duty military personnel, and their families, at each of
24 their respective campuses. This survey shall enumerate and

1 fully describe the service or program that is available, the
2 number of veterans or active duty personnel using the service
3 or program, an estimated range for potential use within a
4 5-year and 10-year period, information on the location of the
5 service or program, and how its administrators may be
6 contacted. The survey shall indicate the manner or manners in
7 which a student veteran may avail himself or herself of the
8 program's services. This survey must be made available to all
9 veterans matriculating at the college or university in the
10 form of an orientation-related guidebook.

11 Each public college and university shall make the survey
12 available on the homepage of all campus Internet links as soon
13 as practical after the completion of the survey. As soon as
14 possible after the completion of the survey, each public
15 college and university shall provide a copy of its survey to
16 the following:

- 17 (1) the Board of Higher Education;
- 18 (2) the Department of Veterans' Affairs;
- 19 (3) the President and Minority Leader of the Senate
20 and the Speaker and Minority Leader of the House of
21 Representatives; and
- 22 (4) the Governor.

23 (b) Each public college and university shall, at its
24 discretion, (i) appoint, within 6 months after the effective
25 date of this Act, an existing employee or (ii) hire a new
26 employee to serve as a Coordinator of Veterans and Military

1 Personnel Student Services on each campus of the college or
2 university that has an onsite, daily, full-time student
3 headcount above 1,000 students.

4 The Coordinator of Veterans and Military Personnel Student
5 Services shall be an ombudsperson serving the specific needs
6 of student veterans and military personnel and their families
7 and shall serve as an advocate before the administration of
8 the college or university for the needs of student veterans.
9 The college or university shall enable the Coordinator of
10 Veterans and Military Personnel Student Services to
11 communicate directly with the senior executive administration
12 of the college or university periodically. The college or
13 university shall retain unfettered discretion to determine the
14 organizational management structure of its institution.

15 In addition to any responsibilities the college or
16 university may assign, the Coordinator of Veterans and
17 Military Personnel Student Services shall make its best
18 efforts to create a centralized source for student veterans
19 and military personnel to learn how to receive all benefit
20 programs and services for which they are eligible.

21 Each college and university campus that is required to
22 have a Coordinator of Veterans and Military Personnel Student
23 Services shall regularly and conspicuously advertise the
24 office location and phone number of and Internet access to
25 the Coordinator of Veterans and Military Personnel Student
26 Services, along with a brief summary of the manner in which he

1 or she can assist student veterans. The advertisement shall
2 include, but is not necessarily limited to, the following:

3 (1) advertisements on each campus' Internet home page;
4 and

5 (2) any promotional mailings for student application.

6 The Coordinator of Veterans and Military Personnel Student
7 Services shall facilitate other campus offices with the
8 promotion of programs and services that are available.

9 (c) Upon receipt of all of the surveys under subsection
10 (a) of this Section, the Board of Higher Education and the
11 Department of Veterans' Affairs shall conduct a joint review
12 of the surveys ~~and post, on any Internet home page they may~~
13 ~~operate, a link to each survey as posted on the Internet~~
14 ~~website for the college or university.~~ Upon receipt of all of
15 the surveys, the Office of the Governor, through its military
16 affairs advisors, shall similarly conduct a review of the
17 surveys ~~and post the surveys on its Internet website.~~
18 Following its review of the surveys, the Office of the
19 Governor shall submit an evaluation report to each college and
20 university offering suggestions and insight on the conduct of
21 student veteran-related policies and programs.

22 (d) The Board of Higher Education and the Department of
23 Veterans' Affairs may issue a best practices report to
24 highlight those programs and services that are most beneficial
25 to veterans and active duty military personnel. The report
26 shall contain a fiscal needs assessment in conjunction with

1 any program recommendations.

2 (e) Each college and university campus that is required to
3 have a Coordinator of Veterans and Military Personnel Student
4 Services under subsection (b) of this Section shall make its
5 best efforts to create academic and social programs and
6 services for veterans and active duty military personnel that
7 will provide reasonable opportunities for academic performance
8 and success.

9 Each public college and university shall make its best
10 efforts to determine how its online educational curricula can
11 be expanded or altered to serve the needs of student veterans
12 and currently-deployed military, including a determination of
13 whether and to what extent the public colleges and
14 universities can share existing technologies to improve the
15 online curricula of peer institutions, provided such efforts
16 are both practically and economically feasible.

17 (Source: P.A. 96-133, eff. 8-7-09; revised 7-16-19.)

18 Section 25. The Unified Code of Corrections is amended by
19 changing Section 5-4-3a as follows:

20 (730 ILCS 5/5-4-3a)

21 Sec. 5-4-3a. DNA testing backlog accountability.

22 (a) On or before August 1 of each year, the Department of
23 State Police shall report to the Governor and both houses of
24 the General Assembly the following information:

1 (1) the extent of the backlog of cases awaiting
2 testing or awaiting DNA analysis by that Department,
3 including but not limited to those tests conducted under
4 Section 5-4-3, as of June 30 of the previous fiscal year,
5 with the backlog being defined as all cases awaiting
6 forensic testing whether in the physical custody of the
7 State Police or in the physical custody of local law
8 enforcement, provided that the State Police have written
9 notice of any evidence in the physical custody of local
10 law enforcement prior to June 1 of that year; and

11 (2) what measures have been and are being taken to
12 reduce that backlog and the estimated costs or
13 expenditures in doing so.

14 (b) The information reported under this Section shall be
15 made available to the public, at the time it is reported, on
16 the official web site of the Department of State Police.

17 (c) Beginning January 1, 2016, the Department of State
18 Police shall quarterly report on the status of the processing
19 of ~~forensic~~ biology ~~and DNA evidence~~ submitted to the
20 Department of State Police Laboratory for analysis. The report
21 shall be submitted to the Governor and the General Assembly,
22 and shall be posted on the Department of State Police website.
23 The report shall include the following for each State Police
24 Laboratory location and any laboratory to which the Department
25 of State Police has outsourced evidence for testing:

26 (1) For ~~forensic~~ biology submissions, report both

1 total assignments ~~case~~ and sexual assault or abuse
2 assignment ~~case~~ (as defined by the Sexual Assault Evidence
3 Submission Act) figures for:

4 (A) The number of ~~cases~~ received in the preceding
5 quarter.

6 (B) The number of assignments ~~cases~~ completed in
7 the preceding quarter.

8 (C) The number of assignments ~~cases~~ waiting
9 analysis.

10 (D) The number of assignments ~~cases~~ sent for
11 outsourcing.

12 (E) The number of assignments ~~cases~~ waiting
13 analysis that were received within the past 30 days.

14 (F) The number of assignments ~~cases~~ waiting
15 analysis that were received 31 to 90 days prior.

16 (G) The number of assignments ~~cases~~ waiting
17 analysis that were received 91 to 180 days prior.

18 (H) The number of assignments ~~cases~~ waiting
19 analysis that were received 181 to 365 days prior.

20 (I) The number of assignments ~~cases~~ waiting
21 analysis that were received more than 365 days prior.

22 (J) (Blank). ~~The number of cases forwarded for DNA~~
23 ~~analyses.~~

24 (2) (Blank). ~~For DNA submissions, report both total~~
25 ~~case and sexual assault or abuse case (as defined by the~~
26 ~~Sexual Assault Evidence Submission Act) figures for:~~

1 ~~(A) The number of cases received in the preceding~~
2 ~~quarter.~~

3 ~~(B) The number of cases completed in the preceding~~
4 ~~quarter.~~

5 ~~(C) The number of cases waiting analysis.~~

6 ~~(D) The number of cases sent for outsourcing.~~

7 ~~(E) The number of cases waiting analysis that were~~
8 ~~received within the past 30 days.~~

9 ~~(F) The number of cases waiting analysis that were~~
10 ~~received 31 to 90 days prior.~~

11 ~~(G) The number of cases waiting analysis that were~~
12 ~~received 91 to 180 days prior.~~

13 ~~(H) The number of cases waiting analysis that were~~
14 ~~received 181 to 365 days prior.~~

15 ~~(I) The number of cases waiting analysis that were~~
16 ~~received more than 365 days prior.~~

17 (3) For all other categories of testing (e.g., drug
18 chemistry, firearms/toolmark, footwear/tire track, latent
19 prints, toxicology, and trace chemistry analysis):

20 (A) The number of assignments ~~cases~~ received in
21 the preceding quarter.

22 (B) The number of assignments ~~cases~~ completed in
23 the preceding quarter.

24 (C) The number of assignments ~~cases~~ waiting
25 analysis.

26 (4) For the Combined DNA Index System (CODIS), report

1 both total assignment ~~case~~ and sexual assault or abuse
2 assignment ~~case~~ (as defined by the Sexual Assault Evidence
3 Submission Act) figures for subparagraphs (D), (E), and
4 (F) of this paragraph (4):

5 (A) The number of new offender samples received in
6 the preceding quarter.

7 (B) The number of offender samples uploaded to
8 CODIS in the preceding quarter.

9 (C) The number of offender samples awaiting
10 analysis.

11 (D) The number of unknown DNA case profiles
12 uploaded to CODIS in the preceding quarter.

13 (E) The number of CODIS hits in the preceding
14 quarter.

15 (F) The number of forensic evidence submissions
16 submitted to confirm a previously reported CODIS hit.

17 (5) For each category of testing, report the number of
18 trained forensic scientists and the number of forensic
19 scientists in training.

20 As used in this subsection (c), "completed" means
21 completion of both the analysis of the evidence and the
22 provision of the results to the submitting law enforcement
23 agency.

24 (d) The provisions of this subsection (d), other than this
25 sentence, are inoperative on and after January 1, 2019 or 2
26 years after the effective date of this amendatory Act of the

1 99th General Assembly, whichever is later. In consultation
2 with and subject to the approval of the Chief Procurement
3 Officer, the Department of State Police may obtain contracts
4 for services, commodities, and equipment to assist in the
5 timely completion of ~~forensic~~ biology, ~~DNA~~, drug chemistry,
6 firearms/toolmark, footwear/tire track, latent prints,
7 toxicology, microscopy, trace chemistry, and Combined DNA
8 Index System (CODIS) analysis. Contracts to support the
9 delivery of timely forensic science services are not subject
10 to the provisions of the Illinois Procurement Code, except for
11 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
12 that Code, provided that the Chief Procurement Officer may, in
13 writing with justification, waive any certification required
14 under Article 50 of the Illinois Procurement Code. For any
15 contracts for services which are currently provided by members
16 of a collective bargaining agreement, the applicable terms of
17 the collective bargaining agreement concerning subcontracting
18 shall be followed.

19 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.