

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 ARTICLE 5. STATE GOVERNMENT-AGENCY MANDATES

5 (20 ILCS 1110/7 rep.)

6 (20 ILCS 1110/8 rep.)

7 (20 ILCS 1110/9 rep.)

8 (20 ILCS 1110/10 rep.)

9 (20 ILCS 1110/11 rep.)

10 (20 ILCS 1110/12 rep.)

11 (20 ILCS 1110/13 rep.)

12 (20 ILCS 1110/14 rep.)

13 (20 ILCS 1110/15 rep.)

14 (20 ILCS 1110/16 rep.)

15 (20 ILCS 1110/17 rep.)

16 Section 5-5. The Illinois Coal and Energy Development Bond
17 Act is amended by repealing Sections 7, 8, 9, 10, 11, 12, 13,
18 14, 15, 16, and 17.

19 Section 5-10. The Department of Human Services Act is
20 amended by changing Section 1-17 as follows:

21 (20 ILCS 1305/1-17)

1 Sec. 1-17. Inspector General.

2 (a) Nature and purpose. It is the express intent of the
3 General Assembly to ensure the health, safety, and financial
4 condition of individuals receiving services in this State due
5 to mental illness, developmental disability, or both by
6 protecting those persons from acts of abuse, neglect, or both
7 by service providers. To that end, the Office of the Inspector
8 General for the Department of Human Services is created to
9 investigate and report upon allegations of the abuse, neglect,
10 or financial exploitation of individuals receiving services
11 within mental health facilities, developmental disabilities
12 facilities, and community agencies operated, licensed, funded,
13 or certified by the Department of Human Services, but not
14 licensed or certified by any other State agency.

15 (b) Definitions. The following definitions apply to this
16 Section:

17 ~~"Adult student with a disability" means an adult student,~~
18 ~~age 18 through 21, inclusive, with an Individual Education~~
19 ~~Program, other than a resident of a facility licensed by the~~
20 ~~Department of Children and Family Services in accordance with~~
21 ~~the Child Care Act of 1969. For purposes of this definition,~~
22 ~~"through age 21, inclusive", means through the day before the~~
23 ~~student's 22nd birthday.~~

24 "Agency" or "community agency" means (i) a community
25 agency licensed, funded, or certified by the Department, but
26 not licensed or certified by any other human services agency

1 of the State, to provide mental health service or
2 developmental disabilities service, or (ii) a program
3 licensed, funded, or certified by the Department, but not
4 licensed or certified by any other human services agency of
5 the State, to provide mental health service or developmental
6 disabilities service.

7 "Aggravating circumstance" means a factor that is
8 attendant to a finding and that tends to compound or increase
9 the culpability of the accused.

10 "Allegation" means an assertion, complaint, suspicion, or
11 incident involving any of the following conduct by an
12 employee, facility, or agency against an individual or
13 individuals: mental abuse, physical abuse, sexual abuse,
14 neglect, or financial exploitation.

15 "Day" means working day, unless otherwise specified.

16 "Deflection" means a situation in which an individual is
17 presented for admission to a facility or agency, and the
18 facility staff or agency staff do not admit the individual.
19 "Deflection" includes triage, redirection, and denial of
20 admission.

21 "Department" means the Department of Human Services.

22 "Developmental disability" means "developmental
23 disability" as defined in the Mental Health and Developmental
24 Disabilities Code.

25 "Egregious neglect" means a finding of neglect as
26 determined by the Inspector General that (i) represents a

1 gross failure to adequately provide for, or a callused
2 indifference to, the health, safety, or medical needs of an
3 individual and (ii) results in an individual's death or other
4 serious deterioration of an individual's physical condition or
5 mental condition.

6 "Employee" means any person who provides services at the
7 facility or agency on-site or off-site. The service
8 relationship can be with the individual or with the facility
9 or agency. Also, "employee" includes any employee or
10 contractual agent of the Department of Human Services or the
11 community agency involved in providing or monitoring or
12 administering mental health or developmental disability
13 services. This includes but is not limited to: owners,
14 operators, payroll personnel, contractors, subcontractors, and
15 volunteers.

16 "Facility" or "State-operated facility" means a mental
17 health facility or developmental disabilities facility
18 operated by the Department.

19 "Financial exploitation" means taking unjust advantage of
20 an individual's assets, property, or financial resources
21 through deception, intimidation, or conversion for the
22 employee's, facility's, or agency's own advantage or benefit.

23 "Finding" means the Office of Inspector General's
24 determination regarding whether an allegation is
25 substantiated, unsubstantiated, or unfounded.

26 "Health Care Worker Registry" or "Registry" means the

1 Health Care Worker Registry under the Health Care Worker
2 Background Check Act.

3 "Individual" means any person receiving mental health
4 service, developmental disabilities service, or both from a
5 facility or agency, while either on-site or off-site.

6 "Mental abuse" means the use of demeaning, intimidating,
7 or threatening words, signs, gestures, or other actions by an
8 employee about an individual and in the presence of an
9 individual or individuals that results in emotional distress
10 or maladaptive behavior, or could have resulted in emotional
11 distress or maladaptive behavior, for any individual present.

12 "Mental illness" means "mental illness" as defined in the
13 Mental Health and Developmental Disabilities Code.

14 "Mentally ill" means having a mental illness.

15 "Mitigating circumstance" means a condition that (i) is
16 attendant to a finding, (ii) does not excuse or justify the
17 conduct in question, but (iii) may be considered in evaluating
18 the severity of the conduct, the culpability of the accused,
19 or both the severity of the conduct and the culpability of the
20 accused.

21 "Neglect" means an employee's, agency's, or facility's
22 failure to provide adequate medical care, personal care, or
23 maintenance and that, as a consequence, (i) causes an
24 individual pain, injury, or emotional distress, (ii) results
25 in either an individual's maladaptive behavior or the
26 deterioration of an individual's physical condition or mental

1 condition, or (iii) places the individual's health or safety
2 at substantial risk.

3 "Person with a developmental disability" means a person
4 having a developmental disability.

5 "Physical abuse" means an employee's non-accidental and
6 inappropriate contact with an individual that causes bodily
7 harm. "Physical abuse" includes actions that cause bodily harm
8 as a result of an employee directing an individual or person to
9 physically abuse another individual.

10 "Recommendation" means an admonition, separate from a
11 finding, that requires action by the facility, agency, or
12 Department to correct a systemic issue, problem, or deficiency
13 identified during an investigation.

14 "Required reporter" means any employee who suspects,
15 witnesses, or is informed of an allegation of any one or more
16 of the following: mental abuse, physical abuse, sexual abuse,
17 neglect, or financial exploitation.

18 "Secretary" means the Chief Administrative Officer of the
19 Department.

20 "Sexual abuse" means any sexual contact or intimate
21 physical contact between an employee and an individual,
22 including an employee's coercion or encouragement of an
23 individual to engage in sexual behavior that results in sexual
24 contact, intimate physical contact, sexual behavior, or
25 intimate physical behavior. Sexual abuse also includes (i) an
26 employee's actions that result in the sending or showing of

1 sexually explicit images to an individual via computer,
2 cellular phone, electronic mail, portable electronic device,
3 or other media with or without contact with the individual or
4 (ii) an employee's posting of sexually explicit images of an
5 individual online or elsewhere whether or not there is contact
6 with the individual.

7 "Sexually explicit images" includes, but is not limited
8 to, any material which depicts nudity, sexual conduct, or
9 sado-masochistic abuse, or which contains explicit and
10 detailed verbal descriptions or narrative accounts of sexual
11 excitement, sexual conduct, or sado-masochistic abuse.

12 "Substantiated" means there is a preponderance of the
13 evidence to support the allegation.

14 "Unfounded" means there is no credible evidence to support
15 the allegation.

16 "Unsubstantiated" means there is credible evidence, but
17 less than a preponderance of evidence to support the
18 allegation.

19 (c) Appointment. The Governor shall appoint, and the
20 Senate shall confirm, an Inspector General. The Inspector
21 General shall be appointed for a term of 4 years and shall
22 function within the Department of Human Services and report to
23 the Secretary and the Governor.

24 (d) Operation and appropriation. The Inspector General
25 shall function independently within the Department with
26 respect to the operations of the Office, including the

1 performance of investigations and issuance of findings and
2 recommendations. The appropriation for the Office of Inspector
3 General shall be separate from the overall appropriation for
4 the Department.

5 (e) Powers and duties. The Inspector General shall
6 investigate reports of suspected mental abuse, physical abuse,
7 sexual abuse, neglect, or financial exploitation of
8 individuals in any mental health or developmental disabilities
9 facility or agency and shall have authority to take immediate
10 action to prevent any one or more of the following from
11 happening to individuals under its jurisdiction: mental abuse,
12 physical abuse, sexual abuse, neglect, or financial
13 exploitation. Upon written request of an agency of this State,
14 the Inspector General may assist another agency of the State
15 in investigating reports of the abuse, neglect, or abuse and
16 neglect of persons with mental illness, persons with
17 developmental disabilities, or persons with both. To comply
18 with the requirements of subsection (k) of this Section, the
19 Inspector General shall also review all reportable deaths for
20 which there is no allegation of abuse or neglect. Nothing in
21 this Section shall preempt any duties of the Medical Review
22 Board set forth in the Mental Health and Developmental
23 Disabilities Code. The Inspector General shall have no
24 authority to investigate alleged violations of the State
25 Officials and Employees Ethics Act. Allegations of misconduct
26 under the State Officials and Employees Ethics Act shall be

1 referred to the Office of the Governor's Executive Inspector
2 General for investigation.

3 (f) Limitations. The Inspector General shall not conduct
4 an investigation within an agency or facility if that
5 investigation would be redundant to or interfere with an
6 investigation conducted by another State agency. The Inspector
7 General shall have no supervision over, or involvement in, the
8 routine programmatic, licensing, funding, or certification
9 operations of the Department. Nothing in this subsection
10 limits investigations by the Department that may otherwise be
11 required by law or that may be necessary in the Department's
12 capacity as central administrative authority responsible for
13 the operation of the State's mental health and developmental
14 disabilities facilities.

15 (g) Rulemaking authority. The Inspector General shall
16 promulgate rules establishing minimum requirements for
17 reporting allegations as well as for initiating, conducting,
18 and completing investigations based upon the nature of the
19 allegation or allegations. The rules shall clearly establish
20 that if 2 or more State agencies could investigate an
21 allegation, the Inspector General shall not conduct an
22 investigation that would be redundant to, or interfere with,
23 an investigation conducted by another State agency. The rules
24 shall further clarify the method and circumstances under which
25 the Office of Inspector General may interact with the
26 licensing, funding, or certification units of the Department

1 in preventing further occurrences of mental abuse, physical
2 abuse, sexual abuse, neglect, egregious neglect, and financial
3 exploitation.

4 (h) Training programs. The Inspector General shall (i)
5 establish a comprehensive program to ensure that every person
6 authorized to conduct investigations receives ongoing training
7 relative to investigation techniques, communication skills,
8 and the appropriate means of interacting with persons
9 receiving treatment for mental illness, developmental
10 disability, or both mental illness and developmental
11 disability, and (ii) establish and conduct periodic training
12 programs for facility and agency employees concerning the
13 prevention and reporting of any one or more of the following:
14 mental abuse, physical abuse, sexual abuse, neglect, egregious
15 neglect, or financial exploitation. The Inspector General
16 shall further ensure (i) every person authorized to conduct
17 investigations at community agencies receives ongoing training
18 in Title 59, Parts 115, 116, and 119 of the Illinois
19 Administrative Code, and (ii) every person authorized to
20 conduct investigations shall receive ongoing training in Title
21 59, Part 50 of the Illinois Administrative Code. Nothing in
22 this Section shall be deemed to prevent the Office of
23 Inspector General from conducting any other training as
24 determined by the Inspector General to be necessary or
25 helpful.

26 (i) Duty to cooperate.

1 (1) The Inspector General shall at all times be
2 granted access to any facility or agency for the purpose
3 of investigating any allegation, conducting unannounced
4 site visits, monitoring compliance with a written
5 response, or completing any other statutorily assigned
6 duty. The Inspector General shall conduct unannounced site
7 visits to each facility at least annually for the purpose
8 of reviewing and making recommendations on systemic issues
9 relative to preventing, reporting, investigating, and
10 responding to all of the following: mental abuse, physical
11 abuse, sexual abuse, neglect, egregious neglect, or
12 financial exploitation.

13 (2) Any employee who fails to cooperate with an Office
14 of the Inspector General investigation is in violation of
15 this Act. Failure to cooperate with an investigation
16 includes, but is not limited to, any one or more of the
17 following: (i) creating and transmitting a false report to
18 the Office of the Inspector General hotline, (ii)
19 providing false information to an Office of the Inspector
20 General Investigator during an investigation, (iii)
21 colluding with other employees to cover up evidence, (iv)
22 colluding with other employees to provide false
23 information to an Office of the Inspector General
24 investigator, (v) destroying evidence, (vi) withholding
25 evidence, or (vii) otherwise obstructing an Office of the
26 Inspector General investigation. Additionally, any

1 employee who, during an unannounced site visit or written
2 response compliance check, fails to cooperate with
3 requests from the Office of the Inspector General is in
4 violation of this Act.

5 (j) Subpoena powers. The Inspector General shall have the
6 power to subpoena witnesses and compel the production of all
7 documents and physical evidence relating to his or her
8 investigations and any hearings authorized by this Act. This
9 subpoena power shall not extend to persons or documents of a
10 labor organization or its representatives insofar as the
11 persons are acting in a representative capacity to an employee
12 whose conduct is the subject of an investigation or the
13 documents relate to that representation. Any person who
14 otherwise fails to respond to a subpoena or who knowingly
15 provides false information to the Office of the Inspector
16 General by subpoena during an investigation is guilty of a
17 Class A misdemeanor.

18 (k) Reporting allegations and deaths.

19 (1) Allegations. If an employee witnesses, is told of,
20 or has reason to believe an incident of mental abuse,
21 physical abuse, sexual abuse, neglect, or financial
22 exploitation has occurred, the employee, agency, or
23 facility shall report the allegation by phone to the
24 Office of the Inspector General hotline according to the
25 agency's or facility's procedures, but in no event later
26 than 4 hours after the initial discovery of the incident,

1 allegation, or suspicion of any one or more of the
2 following: mental abuse, physical abuse, sexual abuse,
3 neglect, or financial exploitation. A required reporter as
4 defined in subsection (b) of this Section who knowingly or
5 intentionally fails to comply with these reporting
6 requirements is guilty of a Class A misdemeanor.

7 (2) Deaths. Absent an allegation, a required reporter
8 shall, within 24 hours after initial discovery, report by
9 phone to the Office of the Inspector General hotline each
10 of the following:

11 (i) Any death of an individual occurring within 14
12 calendar days after discharge or transfer of the
13 individual from a residential program or facility.

14 (ii) Any death of an individual occurring within
15 24 hours after deflection from a residential program
16 or facility.

17 (iii) Any other death of an individual occurring
18 at an agency or facility or at any Department-funded
19 site.

20 (3) Retaliation. It is a violation of this Act for any
21 employee or administrator of an agency or facility to take
22 retaliatory action against an employee who acts in good
23 faith in conformance with his or her duties as a required
24 reporter.

25 (1) Reporting to law enforcement. ~~(1)~~ Reporting criminal
26 acts. Within 24 hours after determining that there is credible

1 evidence indicating that a criminal act may have been
2 committed or that special expertise may be required in an
3 investigation, the Inspector General shall notify the Illinois
4 State Police or other appropriate law enforcement authority,
5 or ensure that such notification is made. The Illinois State
6 Police shall investigate any report from a State-operated
7 facility indicating a possible murder, sexual assault, or
8 other felony by an employee. All investigations conducted by
9 the Inspector General shall be conducted in a manner designed
10 to ensure the preservation of evidence for possible use in a
11 criminal prosecution.

12 ~~(2) Reporting allegations of adult students with~~
13 ~~disabilities. Upon receipt of a reportable allegation~~
14 ~~regarding an adult student with a disability, the~~
15 ~~Department's Office of the Inspector General shall~~
16 ~~determine whether the allegation meets the criteria for~~
17 ~~the Domestic Abuse Program under the Abuse of Adults with~~
18 ~~Disabilities Intervention Act. If the allegation is~~
19 ~~reportable to that program, the Office of the Inspector~~
20 ~~General shall initiate an investigation. If the allegation~~
21 ~~is not reportable to the Domestic Abuse Program, the~~
22 ~~Office of the Inspector General shall make an expeditious~~
23 ~~referral to the respective law enforcement entity. If the~~
24 ~~alleged victim is already receiving services from the~~
25 ~~Department, the Office of the Inspector General shall also~~
26 ~~make a referral to the respective Department of Human~~

1 ~~Services' Division or Bureau.~~

2 (m) Investigative reports. Upon completion of an
3 investigation, the Office of Inspector General shall issue an
4 investigative report identifying whether the allegations are
5 substantiated, unsubstantiated, or unfounded. Within 10
6 business days after the transmittal of a completed
7 investigative report substantiating an allegation, finding an
8 allegation is unsubstantiated, or if a recommendation is made,
9 the Inspector General shall provide the investigative report
10 on the case to the Secretary and to the director of the
11 facility or agency where any one or more of the following
12 occurred: mental abuse, physical abuse, sexual abuse, neglect,
13 egregious neglect, or financial exploitation. The director of
14 the facility or agency shall be responsible for maintaining
15 the confidentiality of the investigative report consistent
16 with State and federal law. In a substantiated case, the
17 investigative report shall include any mitigating or
18 aggravating circumstances that were identified during the
19 investigation. If the case involves substantiated neglect, the
20 investigative report shall also state whether egregious
21 neglect was found. An investigative report may also set forth
22 recommendations. All investigative reports prepared by the
23 Office of the Inspector General shall be considered
24 confidential and shall not be released except as provided by
25 the law of this State or as required under applicable federal
26 law. Unsubstantiated and unfounded reports shall not be

1 disclosed except as allowed under Section 6 of the Abused and
2 Neglected Long Term Care Facility Residents Reporting Act. Raw
3 data used to compile the investigative report shall not be
4 subject to release unless required by law or a court order.
5 "Raw data used to compile the investigative report" includes,
6 but is not limited to, any one or more of the following: the
7 initial complaint, witness statements, photographs,
8 investigator's notes, police reports, or incident reports. If
9 the allegations are substantiated, the victim, the victim's
10 guardian, and the accused shall be provided with a redacted
11 copy of the investigative report. Death reports where there
12 was no allegation of abuse or neglect shall only be released
13 pursuant to applicable State or federal law or a valid court
14 order. Unredacted investigative reports, as well as raw data,
15 may be shared with a local law enforcement entity, a State's
16 Attorney's office, or a county coroner's office upon written
17 request.

18 (n) Written responses, clarification requests, and
19 reconsideration requests.

20 (1) Written responses. Within 30 calendar days from
21 receipt of a substantiated investigative report or an
22 investigative report which contains recommendations,
23 absent a reconsideration request, the facility or agency
24 shall file a written response that addresses, in a concise
25 and reasoned manner, the actions taken to: (i) protect the
26 individual; (ii) prevent recurrences; and (iii) eliminate

1 the problems identified. The response shall include the
2 implementation and completion dates of such actions. If
3 the written response is not filed within the allotted 30
4 calendar day period, the Secretary shall determine the
5 appropriate corrective action to be taken.

6 (2) Requests for clarification. The facility, agency,
7 victim or guardian, or the subject employee may request
8 that the Office of Inspector General clarify the finding
9 or findings for which clarification is sought.

10 (3) Requests for reconsideration. The facility,
11 agency, victim or guardian, or the subject employee may
12 request that the Office of the Inspector General
13 reconsider the finding or findings or the recommendations.
14 A request for reconsideration shall be subject to a
15 multi-layer review and shall include at least one reviewer
16 who did not participate in the investigation or approval
17 of the original investigative report. After the
18 multi-layer review process has been completed, the
19 Inspector General shall make the final determination on
20 the reconsideration request. The investigation shall be
21 reopened if the reconsideration determination finds that
22 additional information is needed to complete the
23 investigative record.

24 (o) Disclosure of the finding by the Inspector General.
25 The Inspector General shall disclose the finding of an
26 investigation to the following persons: (i) the Governor, (ii)

1 the Secretary, (iii) the director of the facility or agency,
2 (iv) the alleged victims and their guardians, (v) the
3 complainant, and (vi) the accused. This information shall
4 include whether the allegations were deemed substantiated,
5 unsubstantiated, or unfounded.

6 (p) Secretary review. Upon review of the Inspector
7 General's investigative report and any agency's or facility's
8 written response, the Secretary shall accept or reject the
9 written response and notify the Inspector General of that
10 determination. The Secretary may further direct that other
11 administrative action be taken, including, but not limited to,
12 any one or more of the following: (i) additional site visits,
13 (ii) training, (iii) provision of technical assistance
14 relative to administrative needs, licensure, or certification,
15 or (iv) the imposition of appropriate sanctions.

16 (q) Action by facility or agency. Within 30 days of the
17 date the Secretary approves the written response or directs
18 that further administrative action be taken, the facility or
19 agency shall provide an implementation report to the Inspector
20 General that provides the status of the action taken. The
21 facility or agency shall be allowed an additional 30 days to
22 send notice of completion of the action or to send an updated
23 implementation report. If the action has not been completed
24 within the additional 30-day period, the facility or agency
25 shall send updated implementation reports every 60 days until
26 completion. The Inspector General shall conduct a review of

1 any implementation plan that takes more than 120 days after
2 approval to complete, and shall monitor compliance through a
3 random review of approved written responses, which may
4 include, but are not limited to: (i) site visits, (ii)
5 telephone contact, and (iii) requests for additional
6 documentation evidencing compliance.

7 (r) Sanctions. Sanctions, if imposed by the Secretary
8 under Subdivision (p)(iv) of this Section, shall be designed
9 to prevent further acts of mental abuse, physical abuse,
10 sexual abuse, neglect, egregious neglect, or financial
11 exploitation or some combination of one or more of those acts
12 at a facility or agency, and may include any one or more of the
13 following:

14 (1) Appointment of on-site monitors.

15 (2) Transfer or relocation of an individual or
16 individuals.

17 (3) Closure of units.

18 (4) Termination of any one or more of the following:

19 (i) Department licensing, (ii) funding, or (iii)
20 certification.

21 The Inspector General may seek the assistance of the
22 Illinois Attorney General or the office of any State's
23 Attorney in implementing sanctions.

24 (s) Health Care Worker Registry.

25 (1) Reporting to the Registry. The Inspector General
26 shall report to the Department of Public Health's Health

1 Care Worker Registry, a public registry, the identity and
2 finding of each employee of a facility or agency against
3 whom there is a final investigative report containing a
4 substantiated allegation of physical or sexual abuse,
5 financial exploitation, or egregious neglect of an
6 individual.

7 (2) Notice to employee. Prior to reporting the name of
8 an employee, the employee shall be notified of the
9 Department's obligation to report and shall be granted an
10 opportunity to request an administrative hearing, the sole
11 purpose of which is to determine if the substantiated
12 finding warrants reporting to the Registry. Notice to the
13 employee shall contain a clear and concise statement of
14 the grounds on which the report to the Registry is based,
15 offer the employee an opportunity for a hearing, and
16 identify the process for requesting such a hearing. Notice
17 is sufficient if provided by certified mail to the
18 employee's last known address. If the employee fails to
19 request a hearing within 30 days from the date of the
20 notice, the Inspector General shall report the name of the
21 employee to the Registry. Nothing in this subdivision
22 (s)(2) shall diminish or impair the rights of a person who
23 is a member of a collective bargaining unit under the
24 Illinois Public Labor Relations Act or under any other
25 federal labor statute.

26 (3) Registry hearings. If the employee requests an

1 administrative hearing, the employee shall be granted an
2 opportunity to appear before an administrative law judge
3 to present reasons why the employee's name should not be
4 reported to the Registry. The Department shall bear the
5 burden of presenting evidence that establishes, by a
6 preponderance of the evidence, that the substantiated
7 finding warrants reporting to the Registry. After
8 considering all the evidence presented, the administrative
9 law judge shall make a recommendation to the Secretary as
10 to whether the substantiated finding warrants reporting
11 the name of the employee to the Registry. The Secretary
12 shall render the final decision. The Department and the
13 employee shall have the right to request that the
14 administrative law judge consider a stipulated disposition
15 of these proceedings.

16 (4) Testimony at Registry hearings. A person who makes
17 a report or who investigates a report under this Act shall
18 testify fully in any judicial proceeding resulting from
19 such a report, as to any evidence of abuse or neglect, or
20 the cause thereof. No evidence shall be excluded by reason
21 of any common law or statutory privilege relating to
22 communications between the alleged perpetrator of abuse or
23 neglect, or the individual alleged as the victim in the
24 report, and the person making or investigating the report.
25 Testimony at hearings is exempt from the confidentiality
26 requirements of subsection (f) of Section 10 of the Mental

1 Health and Developmental Disabilities Confidentiality Act.

2 (5) Employee's rights to collateral action. No
3 reporting to the Registry shall occur and no hearing shall
4 be set or proceed if an employee notifies the Inspector
5 General in writing, including any supporting
6 documentation, that he or she is formally contesting an
7 adverse employment action resulting from a substantiated
8 finding by complaint filed with the Illinois Civil Service
9 Commission, or which otherwise seeks to enforce the
10 employee's rights pursuant to any applicable collective
11 bargaining agreement. If an action taken by an employer
12 against an employee as a result of a finding of physical
13 abuse, sexual abuse, or egregious neglect is overturned
14 through an action filed with the Illinois Civil Service
15 Commission or under any applicable collective bargaining
16 agreement and if that employee's name has already been
17 sent to the Registry, the employee's name shall be removed
18 from the Registry.

19 (6) Removal from Registry. At any time after the
20 report to the Registry, but no more than once in any
21 12-month period, an employee may petition the Department
22 in writing to remove his or her name from the Registry.
23 Upon receiving notice of such request, the Inspector
24 General shall conduct an investigation into the petition.
25 Upon receipt of such request, an administrative hearing
26 will be set by the Department. At the hearing, the

1 employee shall bear the burden of presenting evidence that
2 establishes, by a preponderance of the evidence, that
3 removal of the name from the Registry is in the public
4 interest. The parties may jointly request that the
5 administrative law judge consider a stipulated disposition
6 of these proceedings.

7 (t) Review of Administrative Decisions. The Department
8 shall preserve a record of all proceedings at any formal
9 hearing conducted by the Department involving Health Care
10 Worker Registry hearings. Final administrative decisions of
11 the Department are subject to judicial review pursuant to
12 provisions of the Administrative Review Law.

13 (u) Quality Care Board. There is created, within the
14 Office of the Inspector General, a Quality Care Board to be
15 composed of 7 members appointed by the Governor with the
16 advice and consent of the Senate. One of the members shall be
17 designated as chairman by the Governor. Of the initial
18 appointments made by the Governor, 4 Board members shall each
19 be appointed for a term of 4 years and 3 members shall each be
20 appointed for a term of 2 years. Upon the expiration of each
21 member's term, a successor shall be appointed for a term of 4
22 years. In the case of a vacancy in the office of any member,
23 the Governor shall appoint a successor for the remainder of
24 the unexpired term.

25 Members appointed by the Governor shall be qualified by
26 professional knowledge or experience in the area of law,

1 investigatory techniques, or in the area of care of the
2 mentally ill or care of persons with developmental
3 disabilities. Two members appointed by the Governor shall be
4 persons with a disability or parents of persons with a
5 disability. Members shall serve without compensation, but
6 shall be reimbursed for expenses incurred in connection with
7 the performance of their duties as members.

8 The Board shall meet quarterly, and may hold other
9 meetings on the call of the chairman. Four members shall
10 constitute a quorum allowing the Board to conduct its
11 business. The Board may adopt rules and regulations it deems
12 necessary to govern its own procedures.

13 The Board shall monitor and oversee the operations,
14 policies, and procedures of the Inspector General to ensure
15 the prompt and thorough investigation of allegations of
16 neglect and abuse. In fulfilling these responsibilities, the
17 Board may do the following:

18 (1) Provide independent, expert consultation to the
19 Inspector General on policies and protocols for
20 investigations of alleged abuse, neglect, or both abuse
21 and neglect.

22 (2) Review existing regulations relating to the
23 operation of facilities.

24 (3) Advise the Inspector General as to the content of
25 training activities authorized under this Section.

26 (4) Recommend policies concerning methods for

1 improving the intergovernmental relationships between the
2 Office of the Inspector General and other State or federal
3 offices.

4 (v) Annual report. The Inspector General shall provide to
5 the General Assembly and the Governor, no later than January 1
6 of each year, a summary of reports and investigations made
7 under this Act for the prior fiscal year with respect to
8 individuals receiving mental health or developmental
9 disabilities services. The report shall detail the imposition
10 of sanctions, if any, and the final disposition of any
11 corrective or administrative action directed by the Secretary.
12 The summaries shall not contain any confidential or
13 identifying information of any individual, but shall include
14 objective data identifying any trends in the number of
15 reported allegations, the timeliness of the Office of the
16 Inspector General's investigations, and their disposition, for
17 each facility and Department-wide, for the most recent 3-year
18 time period. The report shall also identify, by facility, the
19 staff-to-patient ratios taking account of direct care staff
20 only. The report shall also include detailed recommended
21 administrative actions and matters for consideration by the
22 General Assembly.

23 (w) Program audit. The Auditor General shall conduct a
24 program audit of the Office of the Inspector General on an
25 as-needed basis, as determined by the Auditor General. The
26 audit shall specifically include the Inspector General's

1 compliance with the Act and effectiveness in investigating
2 reports of allegations occurring in any facility or agency.
3 The Auditor General shall conduct the program audit according
4 to the provisions of the Illinois State Auditing Act and shall
5 report its findings to the General Assembly no later than
6 January 1 following the audit period.

7 (x) Nothing in this Section shall be construed to mean
8 that an individual is a victim of abuse or neglect because of
9 health care services appropriately provided or not provided by
10 health care professionals.

11 (y) Nothing in this Section shall require a facility,
12 including its employees, agents, medical staff members, and
13 health care professionals, to provide a service to an
14 individual in contravention of that individual's stated or
15 implied objection to the provision of that service on the
16 ground that that service conflicts with the individual's
17 religious beliefs or practices, nor shall the failure to
18 provide a service to an individual be considered abuse under
19 this Section if the individual has objected to the provision
20 of that service based on his or her religious beliefs or
21 practices.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

23 (20 ILCS 2712/Act rep.)

24 Section 5-15. The Broadband Access on Passenger Rail Law
25 is repealed.

1 (20 ILCS 3930/7.6 rep.)

2 Section 5-20. The Illinois Criminal Justice Information
3 Act is amended by repealing Section 7.6.

4 Section 5-25. The Illinois Future of Work Act is amended
5 by changing Section 20 as follows:

6 (20 ILCS 4103/20)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 20. Report; dissolution.

9 (a) The Illinois Future of Work Task Force shall issue a
10 report based upon its findings in the course of performing its
11 duties and responsibilities specified under Section 10. The
12 report shall be written by an independent authority with
13 subject matter expertise on the future of work.

14 (b) The Illinois Future of Work Task Force shall submit
15 its final report to the Governor and the General Assembly no
16 later than June ~~May~~ 1, 2022, and is dissolved upon the filing
17 of its report.

18 (Source: P.A. 102-407, eff. 8-19-21.)

19 (20 ILCS 5035/Act rep.)

20 Section 5-30. The Illinois Human Services Commission Act
21 is repealed.

1 (205 ILCS 405/3.2 rep.)

2 Section 5-35. The Currency Exchange Act is amended by
3 repealing Section 3.2.

4 Section 5-40. The Grain Code is amended by changing
5 Section 30-25 as follows:

6 (240 ILCS 40/30-25)

7 Sec. 30-25. Grain Insurance Reserve Fund. Upon payment in
8 full of all money that has been transferred to the Fund prior
9 to June 30, 2003 from the General Revenue Fund as provided for
10 under subsection (h) of Section 25-20, the State of Illinois
11 shall, subject to appropriation, remit \$2,000,000 to the
12 Corporation to be held in a separate and discrete account to be
13 used to the extent the assets in the Fund are insufficient to
14 satisfy claimants as payment of their claims become due as set
15 forth in subsection (h) of Section 25-20. The remittance of
16 the \$2,000,000 reserve shall be made to the Corporation within
17 60 days of payment in full of all money transferred to the Fund
18 as set forth above in this Section 30-25. All income received
19 by the Reserve Fund shall be deposited in the Fund within 35
20 days of the end of each calendar quarter.

21 (Source: P.A. 93-225, eff. 7-21-03.)

22 Section 5-45. The Community Services Act is amended by
23 changing Section 4 as follows:

1 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

2 Sec. 4. Financing for community services.

3 (a) The Department of Human Services is authorized to
4 provide financial reimbursement to eligible private service
5 providers, corporations, local government entities or
6 voluntary associations for the provision of services to
7 persons with mental illness, persons with a developmental
8 disability, and persons with substance use disorders who are
9 living in the community for the purpose of achieving the goals
10 of this Act.

11 The Department shall utilize the following funding
12 mechanisms for community services:

13 (1) Purchase of Care Contracts: services purchased on
14 a predetermined fee per unit of service basis from private
15 providers or governmental entities. Fee per service rates
16 are set by an established formula which covers some
17 portion of personnel, supplies, and other allowable costs,
18 and which makes some allowance for geographic variations
19 in costs as well as for additional program components.

20 (2) Grants: sums of money which the Department grants
21 to private providers or governmental entities pursuant to
22 the grant recipient's agreement to provide certain
23 services, as defined by departmental grant guidelines, to
24 an approximate number of service recipients. Grant levels
25 are set through consideration of personnel, supply and

1 other allowable costs, as well as other funds available to
2 the program.

3 (3) Other Funding Arrangements: funding mechanisms may
4 be established on a pilot basis in order to examine the
5 feasibility of alternative financing arrangements for the
6 provision of community services.

7 The Department shall establish and maintain an equitable
8 system of payment which allows providers to improve persons
9 with disabilities' capabilities for independence and reduces
10 their reliance on State-operated services.

11 For services classified as entitlement services under
12 federal law or guidelines, caps may not be placed on the total
13 amount of payment a provider may receive in a fiscal year and
14 the Department shall not require that a portion of the
15 payments due be made in a subsequent fiscal year based on a
16 yearly payment cap.

17 (b) (Blank). ~~The Governor shall create a commission by~~
18 ~~September 1, 2009, or as soon thereafter as possible, to~~
19 ~~review funding methodologies, identify gaps in funding,~~
20 ~~identify revenue, and prioritize use of that revenue for~~
21 ~~community developmental disability services, mental health~~
22 ~~services, alcohol and substance abuse services, rehabilitation~~
23 ~~services, and early intervention services. The Office of the~~
24 ~~Governor shall provide staff support for the commission.~~

25 (c) (Blank). ~~The first meeting of the commission shall be~~
26 ~~held within the first month after the creation and appointment~~

1 ~~of the commission, and a final report summarizing the~~
2 ~~commission's recommendations must be issued within 12 months~~
3 ~~after the first meeting, and no later than September 1, 2010,~~
4 ~~to the Governor and the General Assembly.~~

5 (d) (Blank). ~~The commission shall have the following 13~~
6 ~~voting members:~~

7 ~~(A) one member of the House of Representatives,~~
8 ~~appointed by the Speaker of the House of Representatives;~~

9 ~~(B) one member of the House of Representatives,~~
10 ~~appointed by the House Minority Leader;~~

11 ~~(C) one member of the Senate, appointed by the~~
12 ~~President of the Senate;~~

13 ~~(D) one member of the Senate, appointed by the Senate~~
14 ~~Minority Leader;~~

15 ~~(E) one person with a developmental disability, or a~~
16 ~~family member or guardian of such a person, appointed by~~
17 ~~the Governor;~~

18 ~~(F) one person with a mental illness, or a family~~
19 ~~member or guardian of such a person, appointed by the~~
20 ~~Governor;~~

21 ~~(G) two persons from unions that represent employees~~
22 ~~of community providers that serve people with~~
23 ~~developmental disabilities, mental illness, and alcohol~~
24 ~~and substance abuse disorders, appointed by the Governor;~~
25 ~~and~~

26 ~~(H) five persons from statewide associations that~~

1 ~~represent community providers that provide residential,~~
2 ~~day training, and other developmental disability services,~~
3 ~~mental health services, alcohol and substance abuse~~
4 ~~services, rehabilitation services, or early intervention~~
5 ~~services, or any combination of those, appointed by the~~
6 ~~Governor.~~

7 ~~The commission shall also have the following ex officio,~~
8 ~~nonvoting members:~~

9 ~~(I) the Director of the Governor's Office of~~
10 ~~Management and Budget or his or her designee;~~

11 ~~(J) the Chief Financial Officer of the Department of~~
12 ~~Human Services or his or her designee;~~

13 ~~(K) the Administrator of the Department of Healthcare~~
14 ~~and Family Services Division of Finance or his or her~~
15 ~~designee;~~

16 ~~(L) the Director of the Department of Human Services~~
17 ~~Division of Developmental Disabilities or his or her~~
18 ~~designee;~~

19 ~~(M) the Director of the Department of Human Services~~
20 ~~Division of Mental Health or his or her designee; and~~

21 ~~(N) the Director of the Department of Human Services~~
22 ~~Division of Alcoholism and Substance Abuse or his or her~~
23 ~~designee.~~

24 (e) The funding methodologies must reflect economic
25 factors inherent in providing services and supports, recognize
26 individual disability needs, and consider geographic

1 differences, transportation costs, required staffing ratios,
2 and mandates not currently funded.

3 (f) In accepting Department funds, providers shall
4 recognize their responsibility to be accountable to the
5 Department and the State for the delivery of services which
6 are consistent with the philosophies and goals of this Act and
7 the rules and regulations promulgated under it.

8 (Source: P.A. 100-759, eff. 1-1-19.)

9 ARTICLE 10. DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

10 Section 10-5. The Department of Commerce and Economic
11 Opportunity Law of the Civil Administrative Code of Illinois
12 is amended by changing Sections 605-300, 605-615, and 605-680
13 as follows:

14 (20 ILCS 605/605-300) (was 20 ILCS 605/46.2)

15 Sec. 605-300. Economic and business development plans;
16 Illinois Business Development Council. ~~(a)~~ Economic
17 development plans. The Department shall develop a strategic
18 economic development plan for the State by July 1, 2014. By no
19 later than July 1, 2015, and by July 1 annually thereafter, the
20 Department shall make modifications to the plan as
21 modifications are warranted by changes in economic conditions
22 or by other factors, including changes in policy. In addition
23 to the annual modification, the plan shall be reviewed and

1 redeveloped in full every 5 years. In the development of the
2 annual economic development plan, the Department shall consult
3 with representatives of the private sector, other State
4 agencies, academic institutions, local economic development
5 organizations, local governments, and not-for-profit
6 organizations. The annual economic development plan shall set
7 specific, measurable, attainable, relevant, and time-sensitive
8 goals and shall include a focus on areas of high unemployment
9 or poverty.

10 The term "economic development" shall be construed broadly
11 by the Department and may include, but is not limited to, job
12 creation, job retention, tax base enhancements, development of
13 human capital, workforce productivity, critical
14 infrastructure, regional competitiveness, social inclusion,
15 standard of living, environmental sustainability, energy
16 independence, quality of life, the effective use of financial
17 incentives, the utilization of public private partnerships
18 where appropriate, and other metrics determined by the
19 Department.

20 The plan shall be based on relevant economic data, focus
21 on economic development as prescribed by this Section, and
22 emphasize strategies to retain and create jobs.

23 The plan shall identify and develop specific strategies
24 for utilizing the assets of regions within the State defined
25 as counties and municipalities or other political subdivisions
26 in close geographical proximity that share common economic

1 traits such as commuting zones, labor market areas, or other
2 economically integrated characteristics.

3 If the plan includes strategies that have a fiscal impact
4 on the Department or any other agency, the plan shall include a
5 detailed description of the estimated fiscal impact of such
6 strategies.

7 Prior to publishing the plan in its final form, the
8 Department shall allow for a reasonable time for public input.

9 The Department shall transmit copies of the economic
10 development plan to the Governor and the General Assembly no
11 later than July 1, 2014, and by July 1 annually thereafter. The
12 plan and its corresponding modifications shall be published
13 and made available to the public in both paper and electronic
14 media, on the Department's website, and by any other method
15 that the Department deems appropriate.

16 The Department shall annually submit legislation to
17 implement the strategic economic development plan or
18 modifications to the strategic economic development plan to
19 the Governor, the President and Minority Leader of the Senate,
20 and the Speaker and the Minority Leader of the House of
21 Representatives. The legislation shall be in the form of one
22 or more substantive bills drafted by the Legislative Reference
23 Bureau.

24 ~~(b) Business development plans; Illinois Business~~
25 ~~Development Council.~~

26 ~~(1) There is created the Illinois Business Development~~

1 ~~Council, hereinafter referred to as the Council. The~~
2 ~~Council shall consist of the Director, who shall serve as~~
3 ~~co-chairperson, and 12 voting members who shall be~~
4 ~~appointed by the Governor with the advice and consent of~~
5 ~~the Senate.~~

6 ~~(A) The voting members of the Council shall~~
7 ~~include one representative from each of the following~~
8 ~~businesses and groups: small business, coal,~~
9 ~~healthcare, large manufacturing, small or specialized~~
10 ~~manufacturing, agriculture, high technology or applied~~
11 ~~science, local economic development entities, private~~
12 ~~sector organized labor, a local or state business~~
13 ~~association or chamber of commerce.~~

14 ~~(B) There shall be 2 at large voting members who~~
15 ~~reside within areas of high unemployment within~~
16 ~~counties or municipalities that have had an annual~~
17 ~~average unemployment rate of at least 120% of the~~
18 ~~State's annual average unemployment rate as reported~~
19 ~~by the Department of Employment Security for the 5~~
20 ~~years preceding the date of appointment.~~

21 ~~(2) All appointments shall be made in a geographically~~
22 ~~diverse manner.~~

23 ~~(3) For the initial appointments to the Council, 6~~
24 ~~voting members shall be appointed to serve a 2-year term~~
25 ~~and 6 voting members shall be appointed to serve a 4-year~~
26 ~~term. Thereafter, all appointments shall be for terms of 4~~

1 ~~years. The initial term of voting members shall commence~~
2 ~~on the first Wednesday in February 2014. Thereafter, the~~
3 ~~terms of voting members shall commence on the first~~
4 ~~Wednesday in February, except in the case of an~~
5 ~~appointment to fill a vacancy. Vacancies occurring among~~
6 ~~the members shall be filled in the same manner as the~~
7 ~~original appointment for the remainder of the unexpired~~
8 ~~term. For a vacancy occurring when the Senate is not in~~
9 ~~session, the Governor may make a temporary appointment~~
10 ~~until the next meeting of the Senate when a person shall be~~
11 ~~nominated to fill the office, and, upon confirmation by~~
12 ~~the Senate, he or she shall hold office during the~~
13 ~~remainder of the term. A vacancy in membership does not~~
14 ~~impair the ability of a quorum to exercise all rights and~~
15 ~~perform all duties of the Council. A member is eligible~~
16 ~~for reappointment.~~

17 ~~(4) Members shall serve without compensation, but may~~
18 ~~be reimbursed for necessary expenses incurred in the~~
19 ~~performance of their duties from funds appropriated for~~
20 ~~that purpose.~~

21 ~~(5) In addition, the following shall serve as ex~~
22 ~~officio, non-voting members of the Council in order to~~
23 ~~provide specialized advice and support to the Council: the~~
24 ~~Secretary of Transportation, or his or her designee; the~~
25 ~~Director of Employment Security, or his or her designee;~~
26 ~~the Executive Director of the Illinois Finance Authority,~~

1 ~~or his or her designee; the Director of Agriculture, or~~
2 ~~his or her designee; the Director of Revenue, or his or her~~
3 ~~designee; the Director of Labor, or his or her designee;~~
4 ~~and the Director of the Environmental Protection Agency,~~
5 ~~or his or her designee. Ex officio members shall provide~~
6 ~~staff and technical assistance to the Council when~~
7 ~~appropriate.~~

8 ~~(6) In addition to the Director, the voting members~~
9 ~~shall elect a co chairperson.~~

10 ~~(7) The Council shall meet at least twice annually and~~
11 ~~at such other times as the co chairpersons or any 5 voting~~
12 ~~members consider necessary. Seven voting members shall~~
13 ~~constitute a quorum of the Council.~~

14 ~~(8) The Department shall provide staff assistance to~~
15 ~~the Council.~~

16 ~~(9) The Council shall provide the Department relevant~~
17 ~~information in a timely manner pursuant to its duties as~~
18 ~~enumerated in this Section that can be used by the~~
19 ~~Department to enhance the State's strategic economic~~
20 ~~development plan.~~

21 ~~(10) The Council shall:~~

22 ~~(A) Develop an overall strategic business~~
23 ~~development plan for the State of Illinois and update~~
24 ~~the plan at least annually; that plan shall include,~~
25 ~~without limitation, (i) an assessment of the economic~~
26 ~~development practices of states that border Illinois~~

1 ~~and (ii) recommendations for best practices with~~
2 ~~respect to economic development, business incentives,~~
3 ~~business attraction, and business retention for~~
4 ~~counties in Illinois that border at least one other~~
5 ~~state.~~

6 ~~(B) Develop business marketing plans for the State~~
7 ~~of Illinois to effectively solicit new company~~
8 ~~investment and existing business expansion. Insofar as~~
9 ~~allowed under the Illinois Procurement Code, and~~
10 ~~subject to appropriations made by the General Assembly~~
11 ~~for such purposes, the Council may assist the~~
12 ~~Department in the procurement of outside vendors to~~
13 ~~carry out such marketing plans.~~

14 ~~(C) Seek input from local economic development~~
15 ~~officials to develop specific strategies to~~
16 ~~effectively link State and local business development~~
17 ~~and marketing efforts focusing on areas of high~~
18 ~~unemployment or poverty.~~

19 ~~(D) Provide the Department with advice on~~
20 ~~strategic business development and business marketing~~
21 ~~for the State of Illinois.~~

22 ~~(E) Provide the Department research and recommend~~
23 ~~best practices for developing investment tools for~~
24 ~~business attraction and retention.~~

25 (Source: P.A. 98-397, eff. 8-16-13; 98-756, eff. 7-16-14;
26 98-888, eff. 8-15-14.)

1 (20 ILCS 605/605-615) (was 20 ILCS 605/46.19e)

2 Sec. 605-615. Assistance with exports. The Department
3 shall have the following duties and responsibilities in regard
4 to the Civil Administrative Code of Illinois:

5 (1) To establish or cosponsor mentoring conferences,
6 utilizing experienced manufacturing exporters, to explain and
7 provide information to prospective export manufacturers and
8 businesses concerning the process of exporting to both
9 domestic and international opportunities.

10 (2) To provide technical assistance to prospective export
11 manufacturers and businesses seeking to establish domestic and
12 international export opportunities.

13 (3) To coordinate with the Department's Small Business
14 Development Centers to link buyers with prospective export
15 manufacturers and businesses.

16 (4) To promote, both domestically and abroad, products
17 made in Illinois in order to inform consumers and buyers of
18 their high quality standards and craftsmanship.

19 (5) To provide technical assistance toward establishment
20 of export trade corporations in the private sector.

21 (6) To develop an electronic database ~~data base~~ to compile
22 information on international trade and investment activities
23 in Illinois companies, ~~provide access to research and business~~
24 ~~opportunities through external data bases, and connect this~~
25 ~~data base through international communication systems with~~

1 ~~appropriate domestic and worldwide networks users.~~

2 (7) To collect and distribute to foreign commercial
3 libraries directories, catalogs, brochures, and other
4 information of value to foreign businesses considering doing
5 business in this State.

6 (8) To establish an export finance awareness program to
7 provide information to banking organizations about methods
8 used by banks to provide financing for businesses engaged in
9 exporting and about other State and federal programs to
10 promote and expedite export financing.

11 (9) To undertake a survey of Illinois' businesses to
12 identify exportable products and the businesses interested in
13 exporting.

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

16 (20 ILCS 605/605-680)

17 Sec. 605-680. Illinois goods and services website.

18 (a) The Department, in consultation with the Department of
19 Innovation and Technology, must establish and maintain an
20 Internet website devoted to the marketing of Illinois goods
21 and services by linking potential purchasers with producers of
22 goods and services who are located in the State.

23 (b) The Department must, subject to appropriation,
24 advertise the website to encourage inclusion of producers on
25 the website and to encourage the use of the website by

1 potential purchasers.

2 (Source: P.A. 100-611, eff. 7-20-18.)

3 (20 ILCS 605/605-1040 rep.)

4 Section 10-10. The Department of Commerce and Economic
5 Opportunity Law of the Civil Administrative Code of Illinois
6 is amended by repealing Section 605-1040.

7 Section 10-15. The Illinois Main Street Act is amended by
8 changing Sections 15, 20, 25, and 30 as follows:

9 (20 ILCS 720/15)

10 Sec. 15. Illinois Main Street Program. The Illinois Main
11 Street Program is created, subject to appropriation, within
12 the Department. In order to implement the Illinois Main Street
13 Program, the Department may ~~shall~~ do all of the following:

14 (1) Provide assistance to municipalities designated as
15 Main Street Communities, municipalities interested in
16 becoming designated through the program, and businesses,
17 property owners, organizations, and municipalities
18 undertaking a comprehensive downtown or neighborhood
19 commercial district revitalization initiative and
20 management strategy. Assistance may include, but is not
21 limited to, initial site evaluations and assessments,
22 training for local programs, training for local program
23 staff, site visits and assessments by technical

1 specialists, local program design assistance and
2 evaluation, and continued local program on-site
3 assistance.

4 (2) To the extent funds are made available, provide
5 financial assistance to municipalities or local
6 organizations to assist in initial downtown or
7 neighborhood commercial district revitalization program
8 specialized training, specific project feasibility
9 studies, market studies, and design assistance.

10 (3) Operate the Illinois Main Street Program in
11 accordance with the plan developed by the Department.

12 (4) Consider other factors the Department deems
13 necessary for the implementation of this Act.

14 (Source: P.A. 97-573, eff. 8-25-11.)

15 (20 ILCS 720/20)

16 Sec. 20. Main Street Community designation.

17 (a) The Department may ~~shall~~ adopt criteria for the
18 designation of a Main Street Community. In establishing the
19 criteria, the Department shall consider all of the following:

20 (1) The degree of interest and commitment to
21 comprehensive downtown or neighborhood commercial district
22 revitalization and, where applicable, historic
23 preservation by both the public and private sectors.

24 (2) The evidence of potential private sector
25 investment in the downtown or neighborhood commercial

1 district.

2 (3) Where applicable, a downtown or neighborhood
3 commercial district with sufficient historic fabric to
4 become a foundation for an enhanced community image.

5 (4) The capacity of the organization to undertake a
6 comprehensive program and the financial commitment to
7 implement a long-term downtown or neighborhood commercial
8 district revitalization program that includes a commitment
9 to employ a professional program manager.

10 (5) The National Main Street Center's criteria for
11 designating official main street municipalities.

12 (6) Other factors the Department deems necessary for
13 the designation of a local program.

14 (b) Illinois Main Street shall designate local downtown or
15 neighborhood commercial district revitalization programs and
16 official local main street programs.

17 (c) The Department must approve all local downtown or
18 neighborhood commercial district revitalization program
19 boundaries. The boundaries of a local downtown or neighborhood
20 commercial district revitalization program are typically
21 defined using the pedestrian core of a traditional commercial
22 district.

23 (Source: P.A. 97-573, eff. 8-25-11.)

24 (20 ILCS 720/25)

25 Sec. 25. Illinois Main Street Plan. The Department may

1 ~~shall~~, in consultation with the Lieutenant Governor, develop a
2 plan for the Illinois Main Street Program. The plan shall
3 describe:

4 (1) the objectives and strategies of the Illinois Main
5 Street Program;

6 (2) how the Illinois Main Street Program will be
7 coordinated with existing federal, state, local, and
8 private sector business development and historic
9 preservation efforts;

10 (3) the means by which private investment will be
11 solicited and employed;

12 (4) the methods of selecting and providing assistance
13 to participating local programs; and

14 (5) a means to solicit private contributions for State
15 and local operations of the Illinois Main Street Program.

16 (Source: P.A. 97-573, eff. 8-25-11.)

17 (20 ILCS 720/30)

18 Sec. 30. Role of the Lieutenant Governor. The Lieutenant
19 Governor shall, subject to appropriation, be the Ambassador of
20 the Illinois Main Street Program. The Department shall,
21 subject to appropriation, advise and consult with the
22 Lieutenant Governor on the activities of the Illinois Main
23 Street Program. The Lieutenant Governor, with the assistance
24 of the Department, shall, subject to appropriation, promote
25 and encourage the success of the Illinois Main Street Program.

1 (Source: P.A. 97-573, eff. 8-25-11.)

2 Section 10-20. The Outdoor Recreation Resources Act is
3 amended by changing Sections 2 and 2a as follows:

4 (20 ILCS 860/2) (from Ch. 105, par. 532)

5 Sec. 2. The Department of Natural Resources is authorized
6 to have prepared, ~~with the Department of Commerce and Economic~~
7 ~~Opportunity,~~ and to maintain and keep up to date ~~up to date~~ a
8 comprehensive plan for the development of the outdoor
9 recreation resources of the State.

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

11 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

12 Sec. 2a. The Department of Natural Resources is authorized
13 to have prepared ~~with the Department of Commerce and Economic~~
14 ~~Opportunity~~ and to maintain and keep up to date a
15 comprehensive plan for the preservation of the historically
16 significant properties and interests of the State.

17 (Source: P.A. 100-695, eff. 8-3-18; 101-81, eff. 7-12-19.)

18 (20 ILCS 3953/15 rep.)

19 (20 ILCS 3953/20 rep.)

20 Section 10-25. The Government Buildings Energy Cost
21 Reduction Act of 1991 is amended by repealing Sections 15 and
22 20.

1 Section 10-30. The Eliminate the Digital Divide Law is
2 amended by changing Section 5-30 as follows:

3 (30 ILCS 780/5-30)

4 Sec. 5-30. Community Technology Center Grant Program.

5 (a) Subject to appropriation, the Department shall
6 administer the Community Technology Center Grant Program under
7 which the Department shall make grants in accordance with this
8 Article for planning, establishment, administration, and
9 expansion of Community Technology Centers and for assisting
10 public hospitals, libraries, and park districts in eliminating
11 the digital divide. The purposes of the grants shall include,
12 but not be limited to, volunteer recruitment and management,
13 training and instruction, infrastructure, and related goods
14 and services, including case management, administration,
15 personal information management, and outcome-tracking tools
16 and software for the purposes of reporting to the Department
17 and for enabling participation in digital government and
18 consumer services programs, for Community Technology Centers
19 and public hospitals, libraries, and park districts. No
20 Community Technology Center may receive a grant of more than
21 \$75,000 under this Section in a particular fiscal year.

22 (b) Public hospitals, libraries, park districts, and State
23 educational agencies, local educational agencies, institutions
24 of higher education, senior citizen homes, and other public

1 and private nonprofit or for-profit agencies and organizations
2 are eligible to receive grants under this Program, provided
3 that a local educational agency or public or private
4 educational agency or organization must, in order to be
5 eligible to receive grants under this Program, provide
6 computer access and educational services using information
7 technology to the public at one or more of its educational
8 buildings or facilities at least 12 hours each week. A group of
9 eligible entities is also eligible to receive a grant if the
10 group follows the procedures for group applications in 34 CFR
11 75.127-129 of the Education Department General Administrative
12 Regulations.

13 To be eligible to apply for a grant, a Community
14 Technology Center must serve a community in which not less
15 than 40% of the students are eligible for a free or reduced
16 price lunch under the national school lunch program or in
17 which not less than 30% of the students are eligible for a free
18 lunch under the national school lunch program; however, if
19 funding is insufficient to approve all grant applications for
20 a particular fiscal year, the Department may impose a higher
21 minimum percentage threshold for that fiscal year.
22 Determinations of communities and determinations of the
23 percentage of students in a community who are eligible for a
24 free or reduced price lunch under the national school lunch
25 program shall be in accordance with rules adopted by the
26 Department.

1 Any entities that have received a Community Technology
2 Center grant under the federal Community Technology Centers
3 Program are also eligible to apply for grants under this
4 Program.

5 The Department shall provide assistance to Community
6 Technology Centers in making those determinations for purposes
7 of applying for grants.

8 The Department shall encourage Community Technology
9 Centers to participate in public and private computer hardware
10 equipment recycling initiatives that provide computers at
11 reduced or no cost to low-income families, including programs
12 authorized by the State Property Control Act. On an annual
13 basis, the Department must provide the Director of Central
14 Management Services with a list of Community Technology
15 Centers that have applied to the Department for funding as
16 potential recipients of surplus State-owned computer hardware
17 equipment under programs authorized by the State Property
18 Control Act.

19 (c) Grant applications shall be submitted to the
20 Department on a schedule of one or more deadlines established
21 by the Department by rule.

22 (d) The Department shall adopt rules setting forth the
23 required form and contents of grant applications.

24 (e) (Blank). ~~There is created the Digital Divide~~
25 ~~Elimination Advisory Committee. The advisory committee shall~~
26 ~~consist of 7 members appointed one each by the Governor, the~~

1 ~~President of the Senate, the Senate Minority Leader, the~~
2 ~~Speaker of the House, and the House Minority Leader, and 2~~
3 ~~appointed by the Director of Commerce and Economic~~
4 ~~Opportunity, one of whom shall be a representative of the~~
5 ~~telecommunications industry and one of whom shall represent~~
6 ~~community technology centers. The members of the advisory~~
7 ~~committee shall receive no compensation for their services as~~
8 ~~members of the advisory committee but may be reimbursed for~~
9 ~~their actual expenses incurred in serving on the advisory~~
10 ~~committee. The Digital Divide Elimination Advisory Committee~~
11 ~~shall advise the Department in establishing criteria and~~
12 ~~priorities for identifying recipients of grants under this~~
13 ~~Act. The advisory committee shall obtain advice from the~~
14 ~~technology industry regarding current technological standards.~~
15 ~~The advisory committee shall seek any available federal~~
16 ~~funding.~~

17 (f) (Blank). ~~There is created the Digital Divide~~
18 ~~Elimination Working Group. The Working Group shall consist of~~
19 ~~the Director of Commerce and Economic Opportunity, or his or~~
20 ~~her designee, the Director of Central Management Services, or~~
21 ~~his or her designee, and the Executive Director of the~~
22 ~~Illinois Commerce Commission, or his or her designee. The~~
23 ~~Director of Commerce and Economic Opportunity, or his or her~~
24 ~~designee, shall serve as chair of the Working Group. The~~
25 ~~Working Group shall consult with the members of the Digital~~
26 ~~Divide Elimination Advisory Committee and may consult with~~

1 ~~various groups including, but not limited to,~~
2 ~~telecommunications providers, telecommunications related~~
3 ~~technology producers and service providers, community~~
4 ~~technology providers, community and consumer organizations,~~
5 ~~businesses and business organizations, and federal government~~
6 ~~agencies.~~

7 (g) Duties of the Digital Divide Elimination Working Group
8 include all of the following:

9 (1) Undertaking a thorough review of grant programs
10 available through the federal government, local agencies,
11 telecommunications providers, and business and charitable
12 entities for the purpose of identifying appropriate
13 sources of revenues for the Digital Divide Elimination
14 Fund and attempting to update available grants on a
15 regular basis.

16 (2) Researching and cataloging programs designed to
17 advance digital literacy and computer access that are
18 available through the federal government, local agencies,
19 telecommunications providers, and business and charitable
20 entities and attempting to update available programs on a
21 regular basis.

22 (3) Presenting the information compiled from items (1)
23 and (2) to the Department of Commerce and Economic
24 Opportunity, which shall serve as a single point of
25 contact for applying for funding for the Digital Divide
26 Elimination Fund and for distributing information to the

1 public regarding all programs designed to advance digital
2 literacy and computer access.

3 (Source: P.A. 94-734, eff. 4-28-06; 95-740, eff. 1-1-09.)

4 Section 10-35. The Illinois Groundwater Protection Act is
5 amended by changing Section 4 as follows:

6 (415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

7 Sec. 4. Interagency Coordinating Committee on Groundwater.

8 (a) There shall be established within State government an
9 interagency committee which shall be known as the Interagency
10 Coordinating Committee on Groundwater. The Committee shall be
11 composed of the Director, or his designee, of the following
12 agencies:

13 (1) The Illinois Environmental Protection Agency, who
14 shall chair the Committee.

15 (2) The Illinois Department of Natural Resources.

16 (3) The Illinois Department of Public Health.

17 (4) The Office of Mines and Minerals within the
18 Department of Natural Resources.

19 (5) The Office of the State Fire Marshal.

20 (6) The Division of Water Resources of the Department
21 of Natural Resources.

22 (7) The Illinois Department of Agriculture.

23 (8) The Illinois Emergency Management Agency.

24 (9) The Illinois Department of Nuclear Safety.

1 ~~(10) The Illinois Department of Commerce and Economic~~
2 ~~Opportunity.~~

3 (b) The Committee shall meet not less than twice each
4 calendar year and shall:

5 (1) Review and coordinate the State's policy on
6 groundwater protection.

7 (2) Review and evaluate State laws, regulations and
8 procedures that relate to groundwater protection.

9 (3) Review and evaluate the status of the State's
10 efforts to improve the quality of the groundwater and of
11 the State enforcement efforts for protection of the
12 groundwater and make recommendations on improving the
13 State efforts to protect the groundwater.

14 (4) Recommend procedures for better coordination among
15 State groundwater programs and with local programs related
16 to groundwater protection.

17 (5) Review and recommend procedures to coordinate the
18 State's response to specific incidents of groundwater
19 pollution and coordinate dissemination of information
20 between agencies responsible for the State's response.

21 (6) Make recommendations for and prioritize the
22 State's groundwater research needs.

23 (7) Review, coordinate and evaluate groundwater data
24 collection and analysis.

25 (8) Beginning on January 1, 1990, report biennially to
26 the Governor and the General Assembly on groundwater

1 quality, quantity, and the State's enforcement efforts.

2 (c) The Chairman of the Committee shall propose a
3 groundwater protection regulatory agenda for consideration by
4 the Committee and the Council. The principal purpose of the
5 agenda shall be to systematically consider the groundwater
6 protection aspects of relevant federal and State regulatory
7 programs and to identify any areas where improvements may be
8 warranted. To the extent feasible, the agenda may also serve
9 to facilitate a more uniform and coordinated approach toward
10 protection of groundwaters in Illinois. Upon adoption of the
11 final agenda by the Committee, the Chairman of the Committee
12 shall assign a lead agency and any support agencies to prepare
13 a regulatory assessment report for each item on the agenda.
14 Each regulatory assessment report shall specify the nature of
15 the groundwater protection provisions being implemented and
16 shall evaluate the results achieved therefrom. Special
17 attention shall be given to any preventive measures being
18 utilized for protection of groundwaters. The reports shall be
19 completed in a timely manner. After review and consideration
20 by the Committee, the reports shall become the basis for
21 recommending further legislative or regulatory action.

22 (d) No later than January 1, 1992, the Interagency
23 Coordinating Committee on Groundwater shall provide a
24 comprehensive status report to the Governor and the General
25 Assembly concerning implementation of this Act.

26 (e) The Committee shall consider findings and

1 recommendations that are provided by the Council, and respond
2 in writing regarding such matters. The Chairman of the
3 Committee shall designate a liaison person to serve as a
4 facilitator of communications with the Council.

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

6 ARTICLE 15. SCHOOL CODE

7 Section 15-5. The School Code is amended by changing
8 Sections 1B-8, 1F-25, 1F-90, 2-3.146, 10-21.9, and 34-18.5 as
9 follows:

10 (105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

11 Sec. 1B-8. There is created in the State Treasury a
12 special fund to be known as the School District Emergency
13 Financial Assistance Fund (the "Fund"). The School District
14 Emergency Financial Assistance Fund shall consist of
15 appropriations, loan repayments, grants from the federal
16 government, and donations from any public or private source.
17 Moneys in the Fund may be appropriated only to the Illinois
18 Finance Authority and the State Board for those purposes
19 authorized under this Article and Articles 1F and 1H of this
20 Code. The appropriation may be allocated and expended by the
21 State Board for contractual services to provide technical
22 assistance or consultation to school districts to assess their
23 financial condition and to Financial Oversight Panels that

1 petition for emergency financial assistance grants. The
2 Illinois Finance Authority may provide loans to school
3 districts which are the subject of an approved petition for
4 emergency financial assistance under Section 1B-4, ~~1F-62,~~ or
5 1H-65 of this Code. Neither the State Board of Education nor
6 the Illinois Finance Authority may collect any fees for
7 providing these services.

8 From the amount allocated to each such school district
9 under this Article the State Board shall identify a sum
10 sufficient to cover all approved costs of the Financial
11 Oversight Panel established for the respective school
12 district. If the State Board and State Superintendent of
13 Education have not approved emergency financial assistance in
14 conjunction with the appointment of a Financial Oversight
15 Panel, the Panel's approved costs shall be paid from
16 deductions from the district's general State aid or
17 evidence-based funding.

18 The Financial Oversight Panel may prepare and file with
19 the State Superintendent a proposal for emergency financial
20 assistance for the school district and for its operations
21 budget. No expenditures from the Fund shall be authorized by
22 the State Superintendent until he or she has approved the
23 request of the Panel, either as submitted or in such lesser
24 amount determined by the State Superintendent.

25 The maximum amount of an emergency financial assistance
26 loan which may be allocated to any school district under this

1 Article, including moneys necessary for the operations of the
2 Panel, shall not exceed \$4,000 times the number of pupils
3 enrolled in the school district during the school year ending
4 June 30 prior to the date of approval by the State Board of the
5 petition for emergency financial assistance, as certified to
6 the local board and the Panel by the State Superintendent. An
7 emergency financial assistance grant shall not exceed \$1,000
8 times the number of such pupils. A district may receive both a
9 loan and a grant.

10 The payment of an emergency State financial assistance
11 grant or loan shall be subject to appropriation by the General
12 Assembly. Payment of the emergency State financial assistance
13 loan is subject to the applicable provisions of the Illinois
14 Finance Authority Act. Emergency State financial assistance
15 allocated and paid to a school district under this Article may
16 be applied to any fund or funds from which the local board of
17 education of that district is authorized to make expenditures
18 by law.

19 Any emergency financial assistance grant proposed by the
20 Financial Oversight Panel and approved by the State
21 Superintendent may be paid in its entirety during the initial
22 year of the Panel's existence or spread in equal or declining
23 amounts over a period of years not to exceed the period of the
24 Panel's existence. An emergency financial assistance loan
25 proposed by the Financial Oversight Panel and approved by the
26 Illinois Finance Authority may be paid in its entirety during

1 the initial year of the Panel's existence or spread in equal or
2 declining amounts over a period of years not to exceed the
3 period of the Panel's existence. All loans made by the
4 Illinois Finance Authority for a school district shall be
5 required to be repaid, with simple interest over the term of
6 the loan at a rate equal to 50% of the one-year Constant
7 Maturity Treasury (CMT) yield as last published by the Board
8 of Governors of the Federal Reserve System before the date on
9 which the district's loan is approved by the Illinois Finance
10 Authority, not later than the date the Financial Oversight
11 Panel ceases to exist. The Panel shall establish and the
12 Illinois Finance Authority shall approve the terms and
13 conditions, including the schedule, of repayments. The
14 schedule shall provide for repayments commencing July 1 of
15 each year or upon each fiscal year's receipt of moneys from a
16 tax levy for emergency financial assistance. Repayment shall
17 be incorporated into the annual budget of the school district
18 and may be made from any fund or funds of the district in which
19 there are moneys available. An emergency financial assistance
20 loan to the Panel or district shall not be considered part of
21 the calculation of a district's debt for purposes of the
22 limitation specified in Section 19-1 of this Code. Default on
23 repayment is subject to the Illinois Grant Funds Recovery Act.
24 When moneys are repaid as provided herein they shall not be
25 made available to the local board for further use as emergency
26 financial assistance under this Article at any time

1 thereafter. All repayments required to be made by a school
2 district shall be received by the State Board and deposited in
3 the School District Emergency Financial Assistance Fund.

4 In establishing the terms and conditions for the repayment
5 obligation of the school district the Panel shall annually
6 determine whether a separate local property tax levy is
7 required. The board of any school district with a tax rate for
8 educational purposes for the prior year of less than 120% of
9 the maximum rate for educational purposes authorized by
10 Section 17-2 shall provide for a separate tax levy for
11 emergency financial assistance repayment purposes. Such tax
12 levy shall not be subject to referendum approval. The amount
13 of the levy shall be equal to the amount necessary to meet the
14 annual repayment obligations of the district as established by
15 the Panel, or 20% of the amount levied for educational
16 purposes for the prior year, whichever is less. However, no
17 district shall be required to levy the tax if the district's
18 operating tax rate as determined under Section 18-8, 18-8.05,
19 or 18-8.15 exceeds 200% of the district's tax rate for
20 educational purposes for the prior year.

21 (Source: P.A. 100-465, eff. 8-31-17.)

22 (105 ILCS 5/1F-25)

23 (This Section scheduled to be repealed in accordance with 105
24 ILCS 5/1F-165)

25 Sec. 1F-25. General powers. The purposes of the Authority

1 shall be to exercise financial control over the district and
2 to furnish financial assistance so that the district can
3 provide public education within the district's jurisdiction
4 while permitting the district to meet its obligations to its
5 creditors and the holders of its debt. Except as expressly
6 limited by this Article, the Authority shall have all powers
7 granted to a voluntary or involuntary Financial Oversight
8 Panel and to a Financial Administrator under Article 1B of
9 this Code and all other powers necessary to meet its
10 responsibilities and to carry out its purposes and the
11 purposes of this Article, including without limitation all of
12 the following powers, provided that the Authority shall have
13 no power to terminate any employee without following the
14 statutory procedures for such terminations set forth in this
15 Code:

16 (1) To sue and to be sued.

17 (2) To make, cancel, modify, and execute contracts,
18 leases, subleases, and all other instruments or agreements
19 necessary or convenient for the exercise of the powers and
20 functions granted by this Article, subject to Section
21 1F-45 of this Code. The Authority may at a regular or
22 special meeting find that the district has insufficient or
23 inadequate funds with respect to any contract, other than
24 collective bargaining agreements.

25 (3) To purchase real or personal property necessary or
26 convenient for its purposes; to execute and deliver deeds

1 for real property held in its own name; and to sell, lease,
2 or otherwise dispose of such of its property as, in the
3 judgment of the Authority, is no longer necessary for its
4 purposes.

5 (4) To appoint officers, agents, and employees of the
6 Authority, including a chief executive officer, a chief
7 fiscal officer, and a chief educational officer; to define
8 their duties and qualifications; and to fix their
9 compensation and employee benefits.

10 (5) To transfer to the district such sums of money as
11 are not required for other purposes.

12 (6) To borrow money, including without limitation
13 accepting State loans, and to issue obligations pursuant
14 to this Article; to fund, refund, or advance refund the
15 same; to provide for the rights of the holders of its
16 obligations; and to repay any advances.

17 (6.5) To levy all property tax levies that otherwise
18 could be levied by the district, ~~and to make levies~~
19 ~~pursuant to Section 1F-62 of this Code.~~ This levy or
20 levies shall be exempt from the Truth in Taxation Law and
21 the Cook County Truth in Taxation Law.

22 (7) Subject to the provisions of any contract with or
23 for the benefit of the holders of its obligations, to
24 purchase or redeem its obligations.

25 (8) To procure all necessary goods and services for
26 the Authority in compliance with the purchasing laws and

1 requirements applicable to the district.

2 (9) To do any and all things necessary or convenient
3 to carry out its purposes and exercise the powers given to
4 it by this Article.

5 (10) To recommend annexation, consolidation,
6 dissolution, or reorganization of the district, in whole
7 or in part, to the State Board if in the Authority's
8 judgment the circumstances so require. No such proposal
9 for annexation, consolidation, dissolution, or
10 reorganization shall occur unless the Authority and the
11 school boards of all other districts directly affected by
12 the annexation, consolidation, dissolution, or
13 reorganization have each approved by majority vote the
14 annexation, consolidation, dissolution, or
15 reorganization. Notwithstanding any other law to the
16 contrary, upon approval of the proposal by the State
17 Board, the State Board and all other affected entities
18 shall forthwith implement the proposal. When a dissolution
19 and annexation becomes effective for purposes of
20 administration and attendance, the positions of teachers
21 in contractual continued service in the district being
22 dissolved shall be transferred to the annexing district or
23 districts, pursuant to the provisions of Section 24-12 of
24 this Code. In the event that the territory is added to 2 or
25 more districts, the decision on which positions shall be
26 transferred to which annexing districts shall be made by

1 giving consideration to the proportionate percentage of
2 pupils transferred and the annexing districts' staffing
3 needs, and the transfer of teachers in contractual
4 continued service into positions shall be based upon the
5 request of those teachers in contractual continued service
6 in order of seniority in the dissolving district. The
7 status of all teachers in contractual continued service
8 transferred to an annexing district shall not be lost, and
9 the board of the annexing district is subject to this Code
10 with respect to teachers in contractual continued service
11 who are transferred in the same manner as if the person
12 were the annexing district's employee and had been its
13 employee during the time the person was actually employed
14 by the board of the dissolving district from which the
15 position was transferred.

16 (Source: P.A. 92-855, eff. 12-6-02.)

17 (105 ILCS 5/1F-90)

18 (This Section scheduled to be repealed in accordance with 105
19 ILCS 5/1F-165)

20 Sec. 1F-90. Tax anticipation warrants. An Authority shall
21 have the same power to issue tax anticipation warrants as a
22 school board under Section 17-16 of this Code. Tax
23 anticipation warrants are considered borrowing from sources
24 other than the State ~~and are subject to Section 1F-62 of this~~
25 Code.

1 (Source: P.A. 92-855, eff. 12-6-02.)

2 (105 ILCS 5/2-3.146)

3 Sec. 2-3.146. Severely overcrowded schools grant program.

4 There is created a grant program, subject to appropriation,

5 for severely overcrowded schools. The State Board of Education

6 shall administer the program. Grant funds may be used for

7 purposes of relieving overcrowding. In order for a school

8 district to be eligible for a grant under this Section, (i) the

9 main administrative office of the district must be located in

10 a city of 85,000 or more in population, according to the 2000

11 U.S. Census, and (ii) the school district must have a

12 district-wide percentage of low-income students of 70% or

13 more, as identified by the 2005-2006 School Report Cards

14 published by the State Board of Education, ~~and (iii) the~~

15 ~~school district must not be eligible for a fast growth grant~~

16 ~~under Section 18-8.10 of this Code.~~ The State Board of

17 Education shall distribute the funds on a proportional basis

18 with no single district receiving more than 75% of the funds in

19 any given year. The State Board of Education may adopt rules as

20 needed for the implementation and distribution of grants under

21 this Section.

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

23 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

24 Sec. 10-21.9. Criminal history records checks and checks

1 of the Statewide Sex Offender Database and Statewide Murderer
2 and Violent Offender Against Youth Database.

3 (a) Licensed and nonlicensed applicants for employment
4 with a school district, except school bus driver applicants,
5 are required as a condition of employment to authorize a
6 fingerprint-based criminal history records check to determine
7 if such applicants have been convicted of any disqualifying,
8 enumerated criminal or drug offenses in subsection (c) of this
9 Section or have been convicted, within 7 years of the
10 application for employment with the school district, of any
11 other felony under the laws of this State or of any offense
12 committed or attempted in any other state or against the laws
13 of the United States that, if committed or attempted in this
14 State, would have been punishable as a felony under the laws of
15 this State. Authorization for the check shall be furnished by
16 the applicant to the school district, except that if the
17 applicant is a substitute teacher seeking employment in more
18 than one school district, a teacher seeking concurrent
19 part-time employment positions with more than one school
20 district (as a reading specialist, special education teacher
21 or otherwise), or an educational support personnel employee
22 seeking employment positions with more than one district, any
23 such district may require the applicant to furnish
24 authorization for the check to the regional superintendent of
25 the educational service region in which are located the school
26 districts in which the applicant is seeking employment as a

1 substitute or concurrent part-time teacher or concurrent
2 educational support personnel employee. Upon receipt of this
3 authorization, the school district or the appropriate regional
4 superintendent, as the case may be, shall submit the
5 applicant's name, sex, race, date of birth, social security
6 number, fingerprint images, and other identifiers, as
7 prescribed by the Illinois State Police, to the Illinois State
8 Police. The regional superintendent submitting the requisite
9 information to the Illinois State Police shall promptly notify
10 the school districts in which the applicant is seeking
11 employment as a substitute or concurrent part-time teacher or
12 concurrent educational support personnel employee that the
13 check of the applicant has been requested. The Illinois State
14 Police and the Federal Bureau of Investigation shall furnish,
15 pursuant to a fingerprint-based criminal history records
16 check, records of convictions, forever and hereinafter, until
17 expunged, to the president of the school board for the school
18 district that requested the check, or to the regional
19 superintendent who requested the check. The Illinois State
20 Police shall charge the school district or the appropriate
21 regional superintendent a fee for conducting such check, which
22 fee shall be deposited in the State Police Services Fund and
23 shall not exceed the cost of the inquiry; and the applicant
24 shall not be charged a fee for such check by the school
25 district or by the regional superintendent, except that those
26 applicants seeking employment as a substitute teacher with a

1 school district may be charged a fee not to exceed the cost of
2 the inquiry. Subject to appropriations for these purposes, the
3 State Superintendent of Education shall reimburse school
4 districts and regional superintendents for fees paid to obtain
5 criminal history records checks under this Section.

6 (a-5) The school district or regional superintendent shall
7 further perform a check of the Statewide Sex Offender
8 Database, as authorized by the Sex Offender Community
9 Notification Law, for each applicant. The check of the
10 Statewide Sex Offender Database must be conducted by the
11 school district or regional superintendent once for every 5
12 years that an applicant remains employed by the school
13 district.

14 (a-6) The school district or regional superintendent shall
15 further perform a check of the Statewide Murderer and Violent
16 Offender Against Youth Database, as authorized by the Murderer
17 and Violent Offender Against Youth Community Notification Law,
18 for each applicant. The check of the Murderer and Violent
19 Offender Against Youth Database must be conducted by the
20 school district or regional superintendent once for every 5
21 years that an applicant remains employed by the school
22 district.

23 (b) Any information concerning the record of convictions
24 obtained by the president of the school board or the regional
25 superintendent shall be confidential and may only be
26 transmitted to the superintendent of the school district or

1 his designee, the appropriate regional superintendent if the
2 check was requested by the school district, the presidents of
3 the appropriate school boards if the check was requested from
4 the Illinois State Police by the regional superintendent, the
5 State Board of Education and a school district as authorized
6 under subsection (b-5), the State Superintendent of Education,
7 the State Educator Preparation and Licensure Board, any other
8 person necessary to the decision of hiring the applicant for
9 employment, or for clarification purposes the Illinois State
10 Police or Statewide Sex Offender Database, or both. A copy of
11 the record of convictions obtained from the Illinois State
12 Police shall be provided to the applicant for employment. Upon
13 the check of the Statewide Sex Offender Database or Statewide
14 Murderer and Violent Offender Against Youth Database, the
15 school district or regional superintendent shall notify an
16 applicant as to whether or not the applicant has been
17 identified in the Database. If a check of an applicant for
18 employment as a substitute or concurrent part-time teacher or
19 concurrent educational support personnel employee in more than
20 one school district was requested by the regional
21 superintendent, and the Illinois State Police upon a check
22 ascertains that the applicant has not been convicted of any of
23 the enumerated criminal or drug offenses in subsection (c) of
24 this Section or has not been convicted, within 7 years of the
25 application for employment with the school district, of any
26 other felony under the laws of this State or of any offense

1 committed or attempted in any other state or against the laws
2 of the United States that, if committed or attempted in this
3 State, would have been punishable as a felony under the laws of
4 this State and so notifies the regional superintendent and if
5 the regional superintendent upon a check ascertains that the
6 applicant has not been identified in the Sex Offender Database
7 or Statewide Murderer and Violent Offender Against Youth
8 Database, then the regional superintendent shall issue to the
9 applicant a certificate evidencing that as of the date
10 specified by the Illinois State Police the applicant has not
11 been convicted of any of the enumerated criminal or drug
12 offenses in subsection (c) of this Section or has not been
13 convicted, within 7 years of the application for employment
14 with the school district, of any other felony under the laws of
15 this State or of any offense committed or attempted in any
16 other state or against the laws of the United States that, if
17 committed or attempted in this State, would have been
18 punishable as a felony under the laws of this State and
19 evidencing that as of the date that the regional
20 superintendent conducted a check of the Statewide Sex Offender
21 Database or Statewide Murderer and Violent Offender Against
22 Youth Database, the applicant has not been identified in the
23 Database. The school board of any school district may rely on
24 the certificate issued by any regional superintendent to that
25 substitute teacher, concurrent part-time teacher, or
26 concurrent educational support personnel employee or may

1 initiate its own criminal history records check of the
2 applicant through the Illinois State Police and its own check
3 of the Statewide Sex Offender Database or Statewide Murderer
4 and Violent Offender Against Youth Database as provided in
5 this Section. Any unauthorized release of confidential
6 information may be a violation of Section 7 of the Criminal
7 Identification Act.

8 (b-5) If a criminal history records check or check of the
9 Statewide Sex Offender Database or Statewide Murderer and
10 Violent Offender Against Youth Database is performed by a
11 regional superintendent for an applicant seeking employment as
12 a substitute teacher with a school district, the regional
13 superintendent may disclose to the State Board of Education
14 whether the applicant has been issued a certificate under
15 subsection (b) based on those checks. If the State Board
16 receives information on an applicant under this subsection,
17 then it must indicate in the Educator Licensure Information
18 System for a 90-day period that the applicant has been issued
19 or has not been issued a certificate.

20 (c) No school board shall knowingly employ a person who
21 has been convicted of any offense that would subject him or her
22 to license suspension or revocation pursuant to Section 21B-80
23 of this Code, except as provided under subsection (b) of
24 Section 21B-80. Further, no school board shall knowingly
25 employ a person who has been found to be the perpetrator of
26 sexual or physical abuse of any minor under 18 years of age

1 pursuant to proceedings under Article II of the Juvenile Court
2 Act of 1987. As a condition of employment, each school board
3 must consider the status of a person who has been issued an
4 indicated finding of abuse or neglect of a child by the
5 Department of Children and Family Services under the Abused
6 and Neglected Child Reporting Act or by a child welfare agency
7 of another jurisdiction.

8 (d) No school board shall knowingly employ a person for
9 whom a criminal history records check and a Statewide Sex
10 Offender Database check have not been initiated.

11 (e) Within 10 days after a superintendent, regional office
12 of education, or entity that provides background checks of
13 license holders to public schools receives information of a
14 pending criminal charge against a license holder for an
15 offense set forth in Section 21B-80 of this Code, the
16 superintendent, regional office of education, or entity must
17 notify the State Superintendent of Education of the pending
18 criminal charge.

19 If permissible by federal or State law, no later than 15
20 business days after receipt of a record of conviction or of
21 checking the Statewide Murderer and Violent Offender Against
22 Youth Database or the Statewide Sex Offender Database and
23 finding a registration, the superintendent of the employing
24 school board or the applicable regional superintendent shall,
25 in writing, notify the State Superintendent of Education of
26 any license holder who has been convicted of a crime set forth

1 in Section 21B-80 of this Code. Upon receipt of the record of a
2 conviction of or a finding of child abuse by a holder of any
3 license issued pursuant to Article 21B or Section 34-8.1 ~~or~~
4 ~~34-83~~ of this ~~the School~~ Code, the State Superintendent of
5 Education may initiate licensure suspension and revocation
6 proceedings as authorized by law. If the receipt of the record
7 of conviction or finding of child abuse is received within 6
8 months after the initial grant of or renewal of a license, the
9 State Superintendent of Education may rescind the license
10 holder's license.

11 (e-5) The superintendent of the employing school board
12 shall, in writing, notify the State Superintendent of
13 Education and the applicable regional superintendent of
14 schools of any license holder whom he or she has reasonable
15 cause to believe has committed an intentional act of abuse or
16 neglect with the result of making a child an abused child or a
17 neglected child, as defined in Section 3 of the Abused and
18 Neglected Child Reporting Act, and that act resulted in the
19 license holder's dismissal or resignation from the school
20 district. This notification must be submitted within 30 days
21 after the dismissal or resignation and must include the
22 Illinois Educator Identification Number (IEIN) of the license
23 holder and a brief description of the misconduct alleged. The
24 license holder must also be contemporaneously sent a copy of
25 the notice by the superintendent. All correspondence,
26 documentation, and other information so received by the

1 regional superintendent of schools, the State Superintendent
2 of Education, the State Board of Education, or the State
3 Educator Preparation and Licensure Board under this subsection
4 (e-5) is confidential and must not be disclosed to third
5 parties, except (i) as necessary for the State Superintendent
6 of Education or his or her designee to investigate and
7 prosecute pursuant to Article 21B of this Code, (ii) pursuant
8 to a court order, (iii) for disclosure to the license holder or
9 his or her representative, or (iv) as otherwise provided in
10 this Article and provided that any such information admitted
11 into evidence in a hearing is exempt from this confidentiality
12 and non-disclosure requirement. Except for an act of willful
13 or wanton misconduct, any superintendent who provides
14 notification as required in this subsection (e-5) shall have
15 immunity from any liability, whether civil or criminal or that
16 otherwise might result by reason of such action.

17 (f) After January 1, 1990 the provisions of this Section
18 shall apply to all employees of persons or firms holding
19 contracts with any school district including, but not limited
20 to, food service workers, school bus drivers and other
21 transportation employees, who have direct, daily contact with
22 the pupils of any school in such district. For purposes of
23 criminal history records checks and checks of the Statewide
24 Sex Offender Database on employees of persons or firms holding
25 contracts with more than one school district and assigned to
26 more than one school district, the regional superintendent of

1 the educational service region in which the contracting school
2 districts are located may, at the request of any such school
3 district, be responsible for receiving the authorization for a
4 criminal history records check prepared by each such employee
5 and submitting the same to the Illinois State Police and for
6 conducting a check of the Statewide Sex Offender Database for
7 each employee. Any information concerning the record of
8 conviction and identification as a sex offender of any such
9 employee obtained by the regional superintendent shall be
10 promptly reported to the president of the appropriate school
11 board or school boards.

12 (f-5) Upon request of a school or school district, any
13 information obtained by a school district pursuant to
14 subsection (f) of this Section within the last year must be
15 made available to the requesting school or school district.

16 (g) Prior to the commencement of any student teaching
17 experience or required internship (which is referred to as
18 student teaching in this Section) in the public schools, a
19 student teacher is required to authorize a fingerprint-based
20 criminal history records check. Authorization for and payment
21 of the costs of the check must be furnished by the student
22 teacher to the school district where the student teaching is
23 to be completed. Upon receipt of this authorization and
24 payment, the school district shall submit the student
25 teacher's name, sex, race, date of birth, social security
26 number, fingerprint images, and other identifiers, as

1 prescribed by the Illinois State Police, to the Illinois State
2 Police. The Illinois State Police and the Federal Bureau of
3 Investigation shall furnish, pursuant to a fingerprint-based
4 criminal history records check, records of convictions,
5 forever and hereinafter, until expunged, to the president of
6 the school board for the school district that requested the
7 check. The Illinois State Police shall charge the school
8 district a fee for conducting the check, which fee must not
9 exceed the cost of the inquiry and must be deposited into the
10 State Police Services Fund. The school district shall further
11 perform a check of the Statewide Sex Offender Database, as
12 authorized by the Sex Offender Community Notification Law, and
13 of the Statewide Murderer and Violent Offender Against Youth
14 Database, as authorized by the Murderer and Violent Offender
15 Against Youth Registration Act, for each student teacher. No
16 school board may knowingly allow a person to student teach for
17 whom a criminal history records check, a Statewide Sex
18 Offender Database check, and a Statewide Murderer and Violent
19 Offender Against Youth Database check have not been completed
20 and reviewed by the district.

21 A copy of the record of convictions obtained from the
22 Illinois State Police must be provided to the student teacher.
23 Any information concerning the record of convictions obtained
24 by the president of the school board is confidential and may
25 only be transmitted to the superintendent of the school
26 district or his or her designee, the State Superintendent of

1 Education, the State Educator Preparation and Licensure Board,
2 or, for clarification purposes, the Illinois State Police or
3 the Statewide Sex Offender Database or Statewide Murderer and
4 Violent Offender Against Youth Database. Any unauthorized
5 release of confidential information may be a violation of
6 Section 7 of the Criminal Identification Act.

7 No school board shall knowingly allow a person to student
8 teach who has been convicted of any offense that would subject
9 him or her to license suspension or revocation pursuant to
10 subsection (c) of Section 21B-80 of this Code, except as
11 provided under subsection (b) of Section 21B-80. Further, no
12 school board shall allow a person to student teach if he or she
13 has been found to be the perpetrator of sexual or physical
14 abuse of a minor under 18 years of age pursuant to proceedings
15 under Article II of the Juvenile Court Act of 1987. Each school
16 board must consider the status of a person to student teach who
17 has been issued an indicated finding of abuse or neglect of a
18 child by the Department of Children and Family Services under
19 the Abused and Neglected Child Reporting Act or by a child
20 welfare agency of another jurisdiction.

21 (h) (Blank).

22 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
23 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
24 1-1-22; revised 10-6-21.)

25 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

1 Sec. 34-18.5. Criminal history records checks and checks
2 of the Statewide Sex Offender Database and Statewide Murderer
3 and Violent Offender Against Youth Database.

4 (a) Licensed and nonlicensed applicants for employment
5 with the school district are required as a condition of
6 employment to authorize a fingerprint-based criminal history
7 records check to determine if such applicants have been
8 convicted of any disqualifying, enumerated criminal or drug
9 offense in subsection (c) of this Section or have been
10 convicted, within 7 years of the application for employment
11 with the school district, of any other felony under the laws of
12 this State or of any offense committed or attempted in any
13 other state or against the laws of the United States that, if
14 committed or attempted in this State, would have been
15 punishable as a felony under the laws of this State.
16 Authorization for the check shall be furnished by the
17 applicant to the school district, except that if the applicant
18 is a substitute teacher seeking employment in more than one
19 school district, or a teacher seeking concurrent part-time
20 employment positions with more than one school district (as a
21 reading specialist, special education teacher or otherwise),
22 or an educational support personnel employee seeking
23 employment positions with more than one district, any such
24 district may require the applicant to furnish authorization
25 for the check to the regional superintendent of the
26 educational service region in which are located the school

1 districts in which the applicant is seeking employment as a
2 substitute or concurrent part-time teacher or concurrent
3 educational support personnel employee. Upon receipt of this
4 authorization, the school district or the appropriate regional
5 superintendent, as the case may be, shall submit the
6 applicant's name, sex, race, date of birth, social security
7 number, fingerprint images, and other identifiers, as
8 prescribed by the Illinois State Police, to the Illinois State
9 Police. The regional superintendent submitting the requisite
10 information to the Illinois State Police shall promptly notify
11 the school districts in which the applicant is seeking
12 employment as a substitute or concurrent part-time teacher or
13 concurrent educational support personnel employee that the
14 check of the applicant has been requested. The Illinois State
15 Police and the Federal Bureau of Investigation shall furnish,
16 pursuant to a fingerprint-based criminal history records
17 check, records of convictions, forever and hereinafter, until
18 expunged, to the president of the school board for the school
19 district that requested the check, or to the regional
20 superintendent who requested the check. The Illinois State
21 Police shall charge the school district or the appropriate
22 regional superintendent a fee for conducting such check, which
23 fee shall be deposited in the State Police Services Fund and
24 shall not exceed the cost of the inquiry; and the applicant
25 shall not be charged a fee for such check by the school
26 district or by the regional superintendent. Subject to

1 appropriations for these purposes, the State Superintendent of
2 Education shall reimburse the school district and regional
3 superintendent for fees paid to obtain criminal history
4 records checks under this Section.

5 (a-5) The school district or regional superintendent shall
6 further perform a check of the Statewide Sex Offender
7 Database, as authorized by the Sex Offender Community
8 Notification Law, for each applicant. The check of the
9 Statewide Sex Offender Database must be conducted by the
10 school district or regional superintendent once for every 5
11 years that an applicant remains employed by the school
12 district.

13 (a-6) The school district or regional superintendent shall
14 further perform a check of the Statewide Murderer and Violent
15 Offender Against Youth Database, as authorized by the Murderer
16 and Violent Offender Against Youth Community Notification Law,
17 for each applicant. The check of the Murderer and Violent
18 Offender Against Youth Database must be conducted by the
19 school district or regional superintendent once for every 5
20 years that an applicant remains employed by the school
21 district.

22 (b) Any information concerning the record of convictions
23 obtained by the president of the board of education or the
24 regional superintendent shall be confidential and may only be
25 transmitted to the general superintendent of the school
26 district or his designee, the appropriate regional

1 superintendent if the check was requested by the board of
2 education for the school district, the presidents of the
3 appropriate board of education or school boards if the check
4 was requested from the Illinois State Police by the regional
5 superintendent, the State Board of Education and the school
6 district as authorized under subsection (b-5), the State
7 Superintendent of Education, the State Educator Preparation
8 and Licensure Board or any other person necessary to the
9 decision of hiring the applicant for employment. A copy of the
10 record of convictions obtained from the Illinois State Police
11 shall be provided to the applicant for employment. Upon the
12 check of the Statewide Sex Offender Database or Statewide
13 Murderer and Violent Offender Against Youth Database, the
14 school district or regional superintendent shall notify an
15 applicant as to whether or not the applicant has been
16 identified in the Database. If a check of an applicant for
17 employment as a substitute or concurrent part-time teacher or
18 concurrent educational support personnel employee in more than
19 one school district was requested by the regional
20 superintendent, and the Illinois State Police upon a check
21 ascertains that the applicant has not been convicted of any of
22 the enumerated criminal or drug offenses in subsection (c) of
23 this Section or has not been convicted, within 7 years of the
24 application for employment with the school district, of any
25 other felony under the laws of this State or of any offense
26 committed or attempted in any other state or against the laws

1 of the United States that, if committed or attempted in this
2 State, would have been punishable as a felony under the laws of
3 this State and so notifies the regional superintendent and if
4 the regional superintendent upon a check ascertains that the
5 applicant has not been identified in the Sex Offender Database
6 or Statewide Murderer and Violent Offender Against Youth
7 Database, then the regional superintendent shall issue to the
8 applicant a certificate evidencing that as of the date
9 specified by the Illinois State Police the applicant has not
10 been convicted of any of the enumerated criminal or drug
11 offenses in subsection (c) of this Section or has not been
12 convicted, within 7 years of the application for employment
13 with the school district, of any other felony under the laws of
14 this State or of any offense committed or attempted in any
15 other state or against the laws of the United States that, if
16 committed or attempted in this State, would have been
17 punishable as a felony under the laws of this State and
18 evidencing that as of the date that the regional
19 superintendent conducted a check of the Statewide Sex Offender
20 Database or Statewide Murderer and Violent Offender Against
21 Youth Database, the applicant has not been identified in the
22 Database. The school board of any school district may rely on
23 the certificate issued by any regional superintendent to that
24 substitute teacher, concurrent part-time teacher, or
25 concurrent educational support personnel employee or may
26 initiate its own criminal history records check of the

1 applicant through the Illinois State Police and its own check
2 of the Statewide Sex Offender Database or Statewide Murderer
3 and Violent Offender Against Youth Database as provided in
4 this Section. Any unauthorized release of confidential
5 information may be a violation of Section 7 of the Criminal
6 Identification Act.

7 (b-5) If a criminal history records check or check of the
8 Statewide Sex Offender Database or Statewide Murderer and
9 Violent Offender Against Youth Database is performed by a
10 regional superintendent for an applicant seeking employment as
11 a substitute teacher with the school district, the regional
12 superintendent may disclose to the State Board of Education
13 whether the applicant has been issued a certificate under
14 subsection (b) based on those checks. If the State Board
15 receives information on an applicant under this subsection,
16 then it must indicate in the Educator Licensure Information
17 System for a 90-day period that the applicant has been issued
18 or has not been issued a certificate.

19 (c) The board of education shall not knowingly employ a
20 person who has been convicted of any offense that would
21 subject him or her to license suspension or revocation
22 pursuant to Section 21B-80 of this Code, except as provided
23 under subsection (b) of 21B-80. Further, the board of
24 education shall not knowingly employ a person who has been
25 found to be the perpetrator of sexual or physical abuse of any
26 minor under 18 years of age pursuant to proceedings under

1 Article II of the Juvenile Court Act of 1987. As a condition of
2 employment, the board of education must consider the status of
3 a person who has been issued an indicated finding of abuse or
4 neglect of a child by the Department of Children and Family
5 Services under the Abused and Neglected Child Reporting Act or
6 by a child welfare agency of another jurisdiction.

7 (d) The board of education shall not knowingly employ a
8 person for whom a criminal history records check and a
9 Statewide Sex Offender Database check have not been initiated.

10 (e) Within 10 days after the general superintendent of
11 schools, a regional office of education, or an entity that
12 provides background checks of license holders to public
13 schools receives information of a pending criminal charge
14 against a license holder for an offense set forth in Section
15 21B-80 of this Code, the superintendent, regional office of
16 education, or entity must notify the State Superintendent of
17 Education of the pending criminal charge.

18 No later than 15 business days after receipt of a record of
19 conviction or of checking the Statewide Murderer and Violent
20 Offender Against Youth Database or the Statewide Sex Offender
21 Database and finding a registration, the general
22 superintendent of schools or the applicable regional
23 superintendent shall, in writing, notify the State
24 Superintendent of Education of any license holder who has been
25 convicted of a crime set forth in Section 21B-80 of this Code.
26 Upon receipt of the record of a conviction of or a finding of

1 child abuse by a holder of any license issued pursuant to
2 Article 21B or Section 34-8.1 ~~or 34-83~~ of this Code, the State
3 Superintendent of Education may initiate licensure suspension
4 and revocation proceedings as authorized by law. If the
5 receipt of the record of conviction or finding of child abuse
6 is received within 6 months after the initial grant of or
7 renewal of a license, the State Superintendent of Education
8 may rescind the license holder's license.

9 (e-5) The general superintendent of schools shall, in
10 writing, notify the State Superintendent of Education of any
11 license holder whom he or she has reasonable cause to believe
12 has committed an intentional act of abuse or neglect with the
13 result of making a child an abused child or a neglected child,
14 as defined in Section 3 of the Abused and Neglected Child
15 Reporting Act, and that act resulted in the license holder's
16 dismissal or resignation from the school district and must
17 include the Illinois Educator Identification Number (IEIN) of
18 the license holder and a brief description of the misconduct
19 alleged. This notification must be submitted within 30 days
20 after the dismissal or resignation. The license holder must
21 also be contemporaneously sent a copy of the notice by the
22 superintendent. All correspondence, documentation, and other
23 information so received by the State Superintendent of
24 Education, the State Board of Education, or the State Educator
25 Preparation and Licensure Board under this subsection (e-5) is
26 confidential and must not be disclosed to third parties,

1 except (i) as necessary for the State Superintendent of
2 Education or his or her designee to investigate and prosecute
3 pursuant to Article 21B of this Code, (ii) pursuant to a court
4 order, (iii) for disclosure to the license holder or his or her
5 representative, or (iv) as otherwise provided in this Article
6 and provided that any such information admitted into evidence
7 in a hearing is exempt from this confidentiality and
8 non-disclosure requirement. Except for an act of willful or
9 wanton misconduct, any superintendent who provides
10 notification as required in this subsection (e-5) shall have
11 immunity from any liability, whether civil or criminal or that
12 otherwise might result by reason of such action.

13 (f) After March 19, 1990, the provisions of this Section
14 shall apply to all employees of persons or firms holding
15 contracts with any school district including, but not limited
16 to, food service workers, school bus drivers and other
17 transportation employees, who have direct, daily contact with
18 the pupils of any school in such district. For purposes of
19 criminal history records checks and checks of the Statewide
20 Sex Offender Database on employees of persons or firms holding
21 contracts with more than one school district and assigned to
22 more than one school district, the regional superintendent of
23 the educational service region in which the contracting school
24 districts are located may, at the request of any such school
25 district, be responsible for receiving the authorization for a
26 criminal history records check prepared by each such employee

1 and submitting the same to the Illinois State Police and for
2 conducting a check of the Statewide Sex Offender Database for
3 each employee. Any information concerning the record of
4 conviction and identification as a sex offender of any such
5 employee obtained by the regional superintendent shall be
6 promptly reported to the president of the appropriate school
7 board or school boards.

8 (f-5) Upon request of a school or school district, any
9 information obtained by the school district pursuant to
10 subsection (f) of this Section within the last year must be
11 made available to the requesting school or school district.

12 (g) Prior to the commencement of any student teaching
13 experience or required internship (which is referred to as
14 student teaching in this Section) in the public schools, a
15 student teacher is required to authorize a fingerprint-based
16 criminal history records check. Authorization for and payment
17 of the costs of the check must be furnished by the student
18 teacher to the school district. Upon receipt of this
19 authorization and payment, the school district shall submit
20 the student teacher's name, sex, race, date of birth, social
21 security number, fingerprint images, and other identifiers, as
22 prescribed by the Illinois State Police, to the Illinois State
23 Police. The Illinois State Police and the Federal Bureau of
24 Investigation shall furnish, pursuant to a fingerprint-based
25 criminal history records check, records of convictions,
26 forever and hereinafter, until expunged, to the president of

1 the board. The Illinois State Police shall charge the school
2 district a fee for conducting the check, which fee must not
3 exceed the cost of the inquiry and must be deposited into the
4 State Police Services Fund. The school district shall further
5 perform a check of the Statewide Sex Offender Database, as
6 authorized by the Sex Offender Community Notification Law, and
7 of the Statewide Murderer and Violent Offender Against Youth
8 Database, as authorized by the Murderer and Violent Offender
9 Against Youth Registration Act, for each student teacher. The
10 board may not knowingly allow a person to student teach for
11 whom a criminal history records check, a Statewide Sex
12 Offender Database check, and a Statewide Murderer and Violent
13 Offender Against Youth Database check have not been completed
14 and reviewed by the district.

15 A copy of the record of convictions obtained from the
16 Illinois State Police must be provided to the student teacher.
17 Any information concerning the record of convictions obtained
18 by the president of the board is confidential and may only be
19 transmitted to the general superintendent of schools or his or
20 her designee, the State Superintendent of Education, the State
21 Educator Preparation and Licensure Board, or, for
22 clarification purposes, the Illinois State Police or the
23 Statewide Sex Offender Database or Statewide Murderer and
24 Violent Offender Against Youth Database. Any unauthorized
25 release of confidential information may be a violation of
26 Section 7 of the Criminal Identification Act.

1 The board may not knowingly allow a person to student
2 teach who has been convicted of any offense that would subject
3 him or her to license suspension or revocation pursuant to
4 subsection (c) of Section 21B-80 of this Code, except as
5 provided under subsection (b) of Section 21B-80. Further, the
6 board may not allow a person to student teach if he or she has
7 been found to be the perpetrator of sexual or physical abuse of
8 a minor under 18 years of age pursuant to proceedings under
9 Article II of the Juvenile Court Act of 1987. The board must
10 consider the status of a person to student teach who has been
11 issued an indicated finding of abuse or neglect of a child by
12 the Department of Children and Family Services under the
13 Abused and Neglected Child Reporting Act or by a child welfare
14 agency of another jurisdiction.

15 (h) (Blank).

16 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
17 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
18 1-1-22; revised 10-18-21.)

19 (105 ILCS 5/1F-62 rep.)

20 (105 ILCS 5/2-3.33a rep.)

21 (105 ILCS 5/2-3.128 rep.)

22 (105 ILCS 5/18-8.10 rep.)

23 (105 ILCS 5/21-5e rep.)

24 (105 ILCS 5/34-83 rep.)

25 Section 15-10. The School Code is amended by repealing

1 Sections 1F-62, 2-3.33a, 2-3.128, 18-8.10, 21-5e, and 34-83.

2 Section 15-15. The Illinois Educational Labor Relations
3 Act is amended by changing Section 2 as follows:

4 (115 ILCS 5/2) (from Ch. 48, par. 1702)

5 Sec. 2. Definitions. As used in this Act:

6 (a) "Educational employer" or "employer" means the
7 governing body of a public school district, including the
8 governing body of a charter school established under Article
9 27A of the School Code or of a contract school or contract
10 turnaround school established under paragraph 30 of Section
11 34-18 of the School Code, combination of public school
12 districts, including the governing body of joint agreements of
13 any type formed by 2 or more school districts, public
14 community college district or State college or university, a
15 subcontractor of instructional services of a school district
16 (other than a school district organized under Article 34 of
17 the School Code), combination of school districts, charter
18 school established under Article 27A of the School Code, or
19 contract school or contract turnaround school established
20 under paragraph 30 of Section 34-18 of the School Code, an
21 Independent Authority created under Section 2-3.25f-5 of the
22 School Code, and any State agency whose major function is
23 providing educational services. "Educational employer" or
24 "employer" does not include (1) a Financial Oversight Panel

1 created pursuant to Section 1A-8 of the School Code due to a
2 district violating a financial plan or (2) an approved
3 nonpublic special education facility that contracts with a
4 school district or combination of school districts to provide
5 special education services pursuant to Section 14-7.02 of the
6 School Code, but does include a School Finance Authority
7 created under Article 1E or 1F of the School Code and a
8 Financial Oversight Panel created under Article 1B or 1H of
9 the School Code. The change made by this amendatory Act of the
10 96th General Assembly to this paragraph (a) to make clear that
11 the governing body of a charter school is an "educational
12 employer" is declaratory of existing law.

13 (b) "Educational employee" or "employee" means any
14 individual, excluding supervisors, managerial, confidential,
15 short term employees, student, and part-time academic
16 employees of community colleges employed full or part time by
17 an educational employer, but shall not include elected
18 officials and appointees of the Governor with the advice and
19 consent of the Senate, firefighters as defined by subsection
20 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
21 and peace officers employed by a State university. For the
22 purposes of this Act, part-time academic employees of
23 community colleges shall be defined as those employees who
24 provide less than 3 credit hours of instruction per academic
25 semester. In this subsection (b), the term "student" does not
26 include graduate students who are research assistants

1 primarily performing duties that involve research, graduate
2 assistants primarily performing duties that are
3 pre-professional, graduate students who are teaching
4 assistants primarily performing duties that involve the
5 delivery and support of instruction, or any other graduate
6 assistants.

7 (c) "Employee organization" or "labor organization" means
8 an organization of any kind in which membership includes
9 educational employees, and which exists for the purpose, in
10 whole or in part, of dealing with employers concerning
11 grievances, employee-employer disputes, wages, rates of pay,
12 hours of employment, or conditions of work, but shall not
13 include any organization which practices discrimination in
14 membership because of race, color, creed, age, gender,
15 national origin or political affiliation.

16 (d) "Exclusive representative" means the labor
17 organization which has been designated by the Illinois
18 Educational Labor Relations Board as the representative of the
19 majority of educational employees in an appropriate unit, or
20 recognized by an educational employer prior to January 1, 1984
21 as the exclusive representative of the employees in an
22 appropriate unit or, after January 1, 1984, recognized by an
23 employer upon evidence that the employee organization has been
24 designated as the exclusive representative by a majority of
25 the employees in an appropriate unit.

26 (e) "Board" means the Illinois Educational Labor Relations

1 Board.

2 (f) "Regional Superintendent" means the regional
3 superintendent of schools provided for in Articles 3 and 3A of
4 The School Code.

5 (g) "Supervisor" means any individual having authority in
6 the interests of the employer to hire, transfer, suspend, lay
7 off, recall, promote, discharge, reward or discipline other
8 employees within the appropriate bargaining unit and adjust
9 their grievances, or to effectively recommend such action if
10 the exercise of such authority is not of a merely routine or
11 clerical nature but requires the use of independent judgment.
12 The term "supervisor" includes only those individuals who
13 devote a preponderance of their employment time to such
14 exercising authority.

15 (h) "Unfair labor practice" or "unfair practice" means any
16 practice prohibited by Section 14 of this Act.

17 (i) "Person" includes an individual, educational employee,
18 educational employer, legal representative, or employee
19 organization.

20 (j) "Wages" means salaries or other forms of compensation
21 for services rendered.

22 (k) "Professional employee" means, in the case of a public
23 community college, State college or university, State agency
24 whose major function is providing educational services, the
25 Illinois School for the Deaf, and the Illinois School for the
26 Visually Impaired, (1) any employee engaged in work (i)

1 predominantly intellectual and varied in character as opposed
2 to routine mental, manual, mechanical, or physical work; (ii)
3 involving the consistent exercise of discretion and judgment
4 in its performance; (iii) of such character that the output
5 produced or the result accomplished cannot be standardized in
6 relation to a given period of time; and (iv) requiring
7 knowledge of an advanced type in a field of science or learning
8 customarily acquired by a prolonged course of specialized
9 intellectual instruction and study in an institution of higher
10 learning or a hospital, as distinguished from a general
11 academic education or from an apprenticeship or from training
12 in the performance of routine mental, manual, or physical
13 processes; or (2) any employee, who (i) has completed the
14 courses of specialized intellectual instruction and study
15 described in clause (iv) of paragraph (1) of this subsection,
16 and (ii) is performing related work under the supervision of a
17 professional person to qualify himself or herself to become a
18 professional as defined in paragraph (1).

19 (l) "Professional employee" means, in the case of any
20 public school district, or combination of school districts
21 pursuant to joint agreement, any employee who has a
22 certificate issued under Article 21 ~~or Section 34-83~~ of the
23 School Code, ~~as now or hereafter amended.~~

24 (m) "Unit" or "bargaining unit" means any group of
25 employees for which an exclusive representative is selected.

26 (n) "Confidential employee" means an employee, who (i) in

1 the regular course of his or her duties, assists and acts in a
2 confidential capacity to persons who formulate, determine and
3 effectuate management policies with regard to labor relations
4 or who (ii) in the regular course of his or her duties has
5 access to information relating to the effectuation or review
6 of the employer's collective bargaining policies.

7 (o) "Managerial employee" means an individual who is
8 engaged predominantly in executive and management functions
9 and is charged with the responsibility of directing the
10 effectuation of such management policies and practices.

11 (p) "Craft employee" means a skilled journeyman, craft
12 person, and his or her apprentice or helper.

13 (q) "Short-term employee" is an employee who is employed
14 for less than 2 consecutive calendar quarters during a
15 calendar year and who does not have a reasonable expectation
16 that he or she will be rehired by the same employer for the
17 same service in a subsequent calendar year. Nothing in this
18 subsection shall affect the employee status of individuals who
19 were covered by a collective bargaining agreement on the
20 effective date of this amendatory Act of 1991.

21 (Source: P.A. 101-380, eff. 1-1-20.)

22 ARTICLE 20. FINANCE-VARIOUS

23 Section 20-5. The State Employees Group Insurance Act of
24 1971 is amended by changing Section 11 as follows:

1 (5 ILCS 375/11) (from Ch. 127, par. 531)

2 Sec. 11. The amount of contribution in any fiscal year
3 from funds other than the General Revenue Fund or the Road Fund
4 shall be at the same contribution rate as the General Revenue
5 Fund or the Road Fund, ~~except that in State Fiscal Year 2009 no~~
6 ~~contributions shall be required from the FY09 Budget Relief~~
7 ~~Fund.~~ Contributions and payments for life insurance shall be
8 deposited in the Group Insurance Premium Fund. Contributions
9 and payments for health coverages and other benefits shall be
10 deposited in the Health Insurance Reserve Fund. Federal funds
11 which are available for cooperative extension purposes shall
12 also be charged for the contributions which are made for
13 retired employees formerly employed in the Cooperative
14 Extension Service. In the case of departments or any division
15 thereof receiving a fraction of its requirements for
16 administration from the Federal Government, the contributions
17 hereunder shall be such fraction of the amount determined
18 under the provisions hereof and the remainder shall be
19 contributed by the State.

20 Every department which has members paid from funds other
21 than the General Revenue Fund, ~~or other than the FY09 Budget~~
22 ~~Relief Fund in State Fiscal Year 2009,~~ shall cooperate with
23 the Department of Central Management Services and the
24 Governor's Office of Management and Budget in order to assure
25 that the specified proportion of the State's cost for group

1 life insurance, the program of health benefits and other
2 employee benefits is paid by such funds; except that
3 contributions under this Act need not be paid from any other
4 fund where both the Director of Central Management Services
5 and the Director of the Governor's Office of Management and
6 Budget have designated in writing that the necessary
7 contributions are included in the General Revenue Fund
8 contribution amount.

9 Universities having employees who are totally compensated
10 out of the following funds:

- 11 (1) Income Funds;
- 12 (2) Local auxiliary funds; and
- 13 (3) the Agricultural Premium Fund

14 shall not be required to submit such contribution for such
15 employees.

16 For each person covered under this Act whose eligibility
17 for such coverage is based upon the person's status as the
18 recipient of a benefit under the Illinois Pension Code, which
19 benefit is based in whole or in part upon service with the Toll
20 Highway Authority, the Authority shall annually contribute a
21 pro rata share of the State's cost for the benefits of that
22 person.

23 (Source: P.A. 94-793, eff. 5-19-06; 95-1000, eff. 10-7-08.)

24 Section 20-10. The Department of Transportation Law of the
25 Civil Administrative Code of Illinois is amended by changing

1 Section 2705-255 as follows:

2 (20 ILCS 2705/2705-255) (was 20 ILCS 2705/49.14)

3 Sec. 2705-255. Appropriations from Build Illinois Bond
4 Fund ~~and Build Illinois Purposes Fund~~. Any expenditure of
5 funds by the Department for interchanges, for access roads to
6 and from any State or local highway in Illinois, or for other
7 transportation capital improvements related to an economic
8 development project pursuant to appropriations to the
9 Department from the Build Illinois Bond Fund ~~and the Build
10 Illinois Purposes Fund~~ shall be used for funding improvements
11 related to existing or planned scientific, research,
12 manufacturing, or industrial development or expansion in
13 Illinois. In addition, the Department may use those funds to
14 encourage and maximize public and private participation in
15 those improvements. The Department shall consult with the
16 Department of Commerce and Economic Opportunity prior to
17 expending any funds for those purposes pursuant to
18 appropriations from the Build Illinois Bond Fund ~~and the Build
19 Illinois Purposes Fund~~.

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

21 Section 20-15. The Illinois Motor Vehicle Theft Prevention
22 and Insurance Verification Act is amended by changing Section
23 8.6 as follows:

1 (20 ILCS 4005/8.6)

2 Sec. 8.6. State Police Training and Academy Fund; Law
3 Enforcement Training Fund. Before April 1 of each year, each
4 insurer engaged in writing private passenger motor vehicle
5 insurance coverage that is included in Class 2 and Class 3 of
6 Section 4 of the Illinois Insurance Code, as a condition of its
7 authority to transact business in this State, shall collect
8 and remit to the Department of Insurance an amount equal to \$4,
9 or a lesser amount determined by the Illinois Law Enforcement
10 Training Standards Board by rule, multiplied by the insurer's
11 total earned car years of private passenger motor vehicle
12 insurance policies providing physical damage insurance
13 coverage written in this State during the preceding calendar
14 year. Of the amounts collected under this Section, the
15 Department of Insurance shall deposit 10% into the State
16 Police Training and Academy Fund and 90% into the Law
17 Enforcement Training Fund.

18 (Source: P.A. 102-16, eff. 6-17-21.)

19 Section 20-20. The State Finance Act is amended by
20 changing Sections 6z-75, 6z-126, 8.20, 8.25, 8.27, 8.33, and
21 8f and by adding Sections 5.970, 5.971, 5.972, 5.973, 5.974,
22 5.975, and 5.976 as follows:

23 (30 ILCS 105/5.970 new)

24 Sec. 5.970. The Aeronautics Fund.

1 (30 ILCS 105/5.971 new)

2 Sec. 5.971. The Emergency Planning and Training Fund.

3 (30 ILCS 105/5.972 new)

4 Sec. 5.972. The ISAC Accounts Receivable Fund.

5 (30 ILCS 105/5.973 new)

6 Sec. 5.973. The Motor Fuel and Petroleum Standards Fund.

7 (30 ILCS 105/5.974 new)

8 Sec. 5.974. The State Small Business Credit Initiative
9 Fund.

10 (30 ILCS 105/5.975 new)

11 Sec. 5.975. The Public Pension Regulation Fund.

12 (30 ILCS 105/5.976 new)

13 Sec. 5.976. The Vehicle Inspection Fund.

14 (30 ILCS 105/6z-75)

15 Sec. 6z-75. The Illinois Power Agency Trust Fund.

16 (a) Creation. The Illinois Power Agency Trust Fund is
17 created as a special fund in the State treasury. The State
18 Treasurer shall be the custodian of the Fund. Amounts in the
19 Fund, both principal and interest not appropriated, shall be

1 invested as provided by law.

2 (b) Funding and investment.

3 (1) The Illinois Power Agency Trust Fund may accept,
4 receive, and administer any grants, loans, or other funds
5 made available to it by any source. Any such funds
6 received by the Fund shall not be considered income, but
7 shall be added to the principal of the Fund.

8 (2) The investments of the Fund shall be managed by
9 the Illinois State Board of Investment, for the purpose of
10 obtaining a total return on investments for the long term,
11 as provided for under Article 22A of the Illinois Pension
12 Code.

13 (c) Investment proceeds. Subject to the provisions of
14 subsection (d) of this Section, the General Assembly may
15 annually appropriate from the Illinois Power Agency Trust Fund
16 to the Illinois Power Agency Operations Fund an amount
17 calculated not to exceed 90% of the prior fiscal year's annual
18 investment income earned by the Fund to the Illinois Power
19 Agency. Any investment income not appropriated by the General
20 Assembly in a given fiscal year shall be added to the principal
21 of the Fund, and thereafter considered a part thereof and not
22 subject to appropriation as income earned by the Fund.

23 (d) Expenditures.

24 (1) During Fiscal Year 2008 and Fiscal Year 2009, the
25 General Assembly shall not appropriate any of the
26 investment income earned by the Illinois Power Agency

1 Trust Fund to the Illinois Power Agency.

2 (2) During Fiscal Year 2010 and Fiscal Year 2011, the
3 General Assembly shall appropriate a portion of the
4 investment income earned by the Illinois Power Agency
5 Trust Fund to repay to the General Revenue Fund of the
6 State of Illinois those amounts, if any, appropriated from
7 the General Revenue Fund for the operation of the Illinois
8 Power Agency during Fiscal Year 2008 and Fiscal Year 2009,
9 so that at the end of Fiscal Year 2011, the entire amount,
10 if any, appropriated from the General Revenue Fund for the
11 operation of the Illinois Power Agency during Fiscal Year
12 2008 and Fiscal Year 2009 will be repaid in full to the
13 General Revenue Fund.

14 (3) In Fiscal Year 2012 and thereafter, the General
15 Assembly shall consider the need to balance its
16 appropriations from the investment income earned by the
17 Fund with the need to provide for the growth of the
18 principal of the Illinois Power Agency Trust Fund in order
19 to ensure that the Fund is able to produce sufficient
20 investment income to fund the operations of the Illinois
21 Power Agency in future years.

22 (4) If the Illinois Power Agency shall cease
23 operations, then, unless otherwise provided for by law or
24 appropriation, the principal and any investment income
25 earned by the Fund shall be transferred into the
26 Supplemental Low-Income Energy Assistance ~~Program (LIHEAP)~~

1 Fund ~~under Section 13 of the Energy Assistance Act of~~
2 ~~1989.~~

3 (e) Implementation. The provisions of this Section shall
4 not be operative until the Illinois Power Agency Trust Fund
5 has accumulated a principal balance of \$25,000,000.

6 (Source: P.A. 99-536, eff. 7-8-16.)

7 (30 ILCS 105/6z-126)

8 Sec. 6z-126. Law Enforcement Training Fund. The Law
9 Enforcement Training Fund is hereby created as a special fund
10 in the State treasury. Moneys in the Fund shall consist of: (i)
11 90% of the revenue from increasing the insurance producer
12 license fees, as provided under subsection (a-5) of Section
13 500-135 of the Illinois Insurance Code; and (ii) 90% of the
14 moneys collected from auto insurance policy fees under Section
15 8.6 of the Illinois Motor Vehicle Theft Prevention and
16 Insurance Verification Act. This Fund shall be used by the
17 Illinois Law Enforcement Training ~~and~~ Standards Board to fund
18 law enforcement certification compliance and the development
19 and provision of basic courses by Board-approved academics,
20 and in-service courses by approved academies.

21 (Source: P.A. 102-16, eff. 6-17-21.)

22 (30 ILCS 105/8.20) (from Ch. 127, par. 144.20)

23 Sec. 8.20. Appropriations for the ordinary and contingent
24 expenses of the Illinois Liquor Control Commission shall be

1 paid from the Dram Shop Fund. ~~Beginning June 30, 1990 and on~~
2 ~~June 30 of each subsequent year through June 29, 2003, any~~
3 ~~balance over \$5,000,000 remaining in the Dram Shop Fund shall~~
4 ~~be credited to State liquor licensees and applied against~~
5 ~~their fees for State liquor licenses for the following year.~~
6 ~~The amount credited to each licensee shall be a proportion of~~
7 ~~the balance in the Dram Shop Fund that is the same as the~~
8 ~~proportion of the license fee paid by the licensee under~~
9 ~~Section 5-3 of the Liquor Control Act of 1934, as now or~~
10 ~~hereafter amended, for the period in which the balance was~~
11 ~~accumulated to the aggregate fees paid by all licensees during~~
12 ~~that period.~~

13 ~~In addition to any other permitted use of moneys in the~~
14 ~~Fund, and notwithstanding any restriction on the use of the~~
15 ~~Fund, moneys in the Dram Shop Fund may be transferred to the~~
16 ~~General Revenue Fund as authorized by Public Act 87-14. The~~
17 ~~General Assembly finds that an excess of moneys existed in the~~
18 ~~Fund on July 30, 1991, and the Governor's order of July 30,~~
19 ~~1991, requesting the Comptroller and Treasurer to transfer an~~
20 ~~amount from the Fund to the General Revenue Fund is hereby~~
21 ~~validated.~~

22 (Source: P.A. 93-22, eff. 6-20-03.)

23 (30 ILCS 105/8.25) (from Ch. 127, par. 144.25)

24 Sec. 8.25. Build Illinois Fund; uses.

25 (A) All moneys in the Build Illinois Fund shall be

1 transferred, appropriated, and used only for the purposes
2 authorized by and subject to the limitations and conditions
3 prescribed by this Section. There are established the
4 following accounts in the Build Illinois Fund: the McCormick
5 Place Account, the Build Illinois Bond Account, the Build
6 Illinois Purposes Account, the Park and Conservation Fund
7 Account, and the Tourism Advertising and Promotion Account.
8 Amounts deposited into the Build Illinois Fund consisting of
9 1.55% before July 1, 1986, and 1.75% on and after July 1, 1986,
10 of moneys received by the Department of Revenue under Section
11 9 of the Use Tax Act, Section 9 of the Service Use Tax Act,
12 Section 9 of the Service Occupation Tax Act, and Section 3 of
13 the Retailers' Occupation Tax Act, and all amounts deposited
14 therein under Section 28 of the Illinois Horse Racing Act of
15 1975, Section 4.05 of the Chicago World's Fair - 1992
16 Authority Act, and Sections 3 and 6 of the Hotel Operators'
17 Occupation Tax Act, shall be credited initially to the
18 McCormick Place Account and all other amounts deposited into
19 the Build Illinois Fund shall be credited initially to the
20 Build Illinois Bond Account. Of the amounts initially so
21 credited to the McCormick Place Account in each month, the
22 amount that is to be transferred in that month to the
23 Metropolitan Fair and Exposition Authority Improvement Bond
24 Fund, as provided below, shall remain credited to the
25 McCormick Place Account, and all amounts initially so credited
26 in that month in excess thereof shall next be credited to the

1 Build Illinois Bond Account. Of the amounts credited to the
2 Build Illinois Bond Account in each month, the amount that is
3 to be transferred in that month to the Build Illinois Bond
4 Retirement and Interest Fund, as provided below, shall remain
5 credited to the Build Illinois Bond Account, and all amounts
6 so credited in each month in excess thereof shall next be
7 credited monthly to the other accounts in the following order
8 of priority: first, to the Build Illinois Purposes Account,
9 ~~(a) 1/12, or in the case of fiscal year 1986, 1/9, of the~~
10 ~~fiscal year amounts authorized to be transferred to the Build~~
11 ~~Illinois Purposes Fund as provided below~~ plus ~~(b)~~ any
12 cumulative deficiency in those transfers for prior months;
13 second, 1/12 of \$10,000,000, plus any cumulative deficiency in
14 those transfers for prior months, to the Park and Conservation
15 Fund Account; and third, to the General Revenue Fund in the
16 State Treasury all amounts that remain in the Build Illinois
17 Fund on the last day of each month and are not credited to any
18 account in that Fund.

19 Transfers from the McCormick Place Account in the Build
20 Illinois Fund shall be made as follows:

21 Beginning with fiscal year 1985 and continuing for each
22 fiscal year thereafter, the Metropolitan Pier and Exposition
23 Authority shall annually certify to the State Comptroller and
24 State Treasurer the amount necessary and required during the
25 fiscal year with respect to which the certification is made to
26 pay the debt service requirements (including amounts to be

1 paid with respect to arrangements to provide additional
2 security or liquidity) on all outstanding bonds and notes,
3 including refunding bonds (herein collectively referred to as
4 bonds) of issues in the aggregate amount (excluding the amount
5 of any refunding bonds issued by that Authority after January
6 1, 1986) of not more than \$312,500,000 issued after July 1,
7 1984, by that Authority for the purposes specified in Sections
8 10.1 and 13.1 of the Metropolitan Pier and Exposition
9 Authority Act. In each month of the fiscal year in which there
10 are bonds outstanding with respect to which the annual
11 certification is made, the Comptroller shall order transferred
12 and the Treasurer shall transfer from the McCormick Place
13 Account in the Build Illinois Fund to the Metropolitan Fair
14 and Exposition Authority Improvement Bond Fund an amount equal
15 to 150% of the certified amount for that fiscal year divided by
16 the number of months during that fiscal year in which bonds of
17 the Authority are outstanding, plus any cumulative deficiency
18 in those transfers for prior months; provided, that the
19 maximum amount that may be so transferred in fiscal year 1985
20 shall not exceed \$15,000,000 or a lesser sum as is actually
21 necessary and required to pay the debt service requirements
22 for that fiscal year after giving effect to net operating
23 revenues of that Authority available for that purpose as
24 certified by that Authority, and provided further that the
25 maximum amount that may be so transferred in fiscal year 1986
26 shall not exceed \$30,000,000 and in each fiscal year

1 thereafter shall not exceed \$33,500,000 in any fiscal year or
2 a lesser sum as is actually necessary and required to pay the
3 debt service requirements for that fiscal year after giving
4 effect to net operating revenues of that Authority available
5 for that purpose as certified by that Authority.

6 When an amount equal to 100% of the aggregate amount of
7 principal and interest in each fiscal year with respect to
8 bonds issued after July 1, 1984, that by their terms are
9 payable from the Metropolitan Fair and Exposition Authority
10 Improvement Bond Fund, including under sinking fund
11 requirements, has been so paid and deficiencies in reserves
12 established from bond proceeds shall have been remedied, and
13 at the time that those amounts have been transferred to the
14 Authority as provided in Section 13.1 of the Metropolitan Pier
15 and Exposition Authority Act, the remaining moneys, if any,
16 deposited and to be deposited during each fiscal year to the
17 Metropolitan Fair and Exposition Authority Improvement Bond
18 Fund shall be transferred to the Metropolitan Fair and
19 Exposition Authority Completion Note Subordinate Fund.

20 Transfers from the Build Illinois Bond Account in the
21 Build Illinois Fund shall be made as follows:

22 Beginning with fiscal year 1986 and continuing for each
23 fiscal year thereafter so long as limited obligation bonds of
24 the State issued under the Build Illinois Bond Act remain
25 outstanding, the Comptroller shall order transferred and the
26 Treasurer shall transfer in each month, commencing in October,

1 1985, on the last day of that month, from the Build Illinois
 2 Bond Account to the Build Illinois Bond Retirement and
 3 Interest Fund in the State Treasury the amount required to be
 4 so transferred in that month under Section 13 of the Build
 5 Illinois Bond Act.

6 ~~Transfers from the remaining accounts in the Build~~
 7 ~~Illinois Fund shall be made in the following amounts and in the~~
 8 ~~following order of priority:~~

9 ~~Beginning with fiscal year 1986 and continuing each fiscal~~
 10 ~~year thereafter, as soon as practicable after the first day of~~
 11 ~~each month, commencing in October, 1985, the Comptroller shall~~
 12 ~~order transferred and the Treasurer shall transfer from the~~
 13 ~~Build Illinois Purposes Account in the Build Illinois Fund to~~
 14 ~~the Build Illinois Purposes Fund 1/12th (or in the case of~~
 15 ~~fiscal year 1986 1/9) of the amounts specified below for the~~
 16 ~~following fiscal years:~~

Fiscal Year	Amount
1986	\$35,000,000
1987	\$45,000,000
1988	\$50,000,000
1989	\$55,000,000
1990	\$55,000,000
1991	\$50,000,000
1992	\$16,200,000
1993	\$16,200,000

26 ~~plus any cumulative deficiency in those transfers for prior~~

1 ~~months.~~

2 As soon as may be practicable after the first day of each
3 month beginning after July 1, 1984, the Comptroller shall
4 order transferred and the Treasurer shall transfer from the
5 Park and Conservation Fund Account in the Build Illinois Fund
6 to the Park and Conservation Fund 1/12 of \$10,000,000, plus
7 any cumulative deficiency in those transfers for prior months,
8 for conservation and park purposes as enumerated in Section
9 805-420 of the Department of Natural Resources (Conservation)
10 Law (20 ILCS 805/805-420), and to pay the debt service
11 requirements on all outstanding bonds of an issue in the
12 aggregate amount of not more than \$40,000,000 issued after
13 January 1, 1985, by the State of Illinois for the purposes
14 specified in Section 3(c) of the Capital Development Bond Act
15 of 1972, or for the same purposes as specified in any other
16 State general obligation bond Act enacted after November 1,
17 1984. Transfers from the Park and Conservation Fund to the
18 Capital Development Bond Retirement and Interest Fund to pay
19 those debt service requirements shall be made in accordance
20 with Section 8.25b of this Act.

21 All funds remaining in the Build Illinois Fund on the last
22 day of any month and not credited to any account in that Fund
23 shall be transferred by the State Treasurer to the General
24 Revenue Fund.

25 (B) For the purpose of this Section, "cumulative
26 deficiency" shall include all deficiencies in those transfers

1 that have occurred since July 1, 1984, as specified in
2 subsection (A) of this Section.

3 (C) In addition to any other permitted use of moneys in the
4 Fund, and notwithstanding any restriction on the use of the
5 Fund, moneys in the Park and Conservation Fund may be
6 transferred to the General Revenue Fund as authorized by
7 Public Act 87-14. The General Assembly finds that an excess of
8 moneys existed in the Fund on July 30, 1991, and the Governor's
9 order of July 30, 1991, requesting the Comptroller and
10 Treasurer to transfer an amount from the Fund to the General
11 Revenue Fund is hereby validated.

12 (D) (Blank).

13 (Source: P.A. 90-26, eff. 7-1-97; 90-372, eff. 7-1-98; 90-655,
14 eff. 7-30-98; 91-239, eff. 1-1-00.)

15 (30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

16 Sec. 8.27. All receipts from federal financial
17 participation in the Foster Care and Adoption Services program
18 under Title IV-E of the federal Social Security Act, including
19 receipts for related indirect costs, shall be deposited in the
20 DCFS Children's Services Fund.

21 Beginning on July 20, 2010 (the effective date of Public
22 Act 96-1127) ~~this amendatory Act of the 96th General Assembly,~~
23 any funds paid to the State by the federal government under
24 Title XIX and Title XXI of the Social Security Act for child
25 welfare services delivered by community mental health

1 providers, certified and paid as Medicaid providers by the
2 Department of Children and Family Services, for child welfare
3 services relating to Medicaid-eligible clients and families
4 served consistent with the purposes of the Department of
5 Children and Family Services, including services delivered as
6 a result of the conversion of such providers from a
7 comprehensive rate to a fee-for-service payment methodology,
8 and any subsequent revenue maximization initiatives performed
9 by such providers, and any interest earned thereon, shall be
10 deposited directly into the DCFS Children's Services Fund.
11 Such funds shall be used for the provision of child welfare
12 services provided to eligible individuals identified by the
13 Department of Children and Family Services. Child welfare
14 services are defined in Section 5 of the Children and Family
15 Services Act ~~(20 ILCS 505/5)~~.

16 ~~Eighty percent of the federal funds received by the~~
17 ~~Illinois Department of Human Services under the Title IV A~~
18 ~~Emergency Assistance program as reimbursement for expenditures~~
19 ~~made from the Illinois Department of Children and Family~~
20 ~~Services appropriations for the costs of services in behalf of~~
21 ~~Department of Children and Family Services clients shall be~~
22 ~~deposited into the DCFS Children's Services Fund.~~

23 All receipts from federal financial participation in the
24 Child Welfare Services program under Title IV-B of the federal
25 Social Security Act, including receipts for related indirect
26 costs, shall be deposited into the DCFS Children's Services

1 Fund for those moneys received as reimbursement for services
2 provided on or after July 1, 1994.

3 ~~In addition, as soon as may be practicable after the first~~
4 ~~day of November, 1994, the Department of Children and Family~~
5 ~~Services shall request the Comptroller to order transferred~~
6 ~~and the Treasurer shall transfer the unexpended balance of the~~
7 ~~Child Welfare Services Fund to the DCFS Children's Services~~
8 ~~Fund. Upon completion of the transfer, the Child Welfare~~
9 ~~Services Fund will be considered dissolved and any outstanding~~
10 ~~obligations or liabilities of that fund will pass to the DCFS~~
11 ~~Children's Services Fund.~~

12 For services provided on or after July 1, 2007, all
13 federal funds received pursuant to the John H. Chafee Foster
14 Care Independence Program shall be deposited into the DCFS
15 Children's Services Fund.

16 Except as otherwise provided in this Section, moneys in
17 the Fund may be used by the Department, pursuant to
18 appropriation by the General Assembly, for the ordinary and
19 contingent expenses of the Department.

20 ~~In fiscal year 1988 and in each fiscal year thereafter~~
21 ~~through fiscal year 2000, the Comptroller shall order~~
22 ~~transferred and the Treasurer shall transfer an amount of~~
23 ~~\$16,100,000 from the DCFS Children's Services Fund to the~~
24 ~~General Revenue Fund in the following manner: As soon as may be~~
25 ~~practicable after the 15th day of September, December, March~~
26 ~~and June, the Comptroller shall order transferred and the~~

1 ~~Treasurer shall transfer, to the extent that funds are~~
2 ~~available, 1/4 of \$16,100,000, plus any cumulative~~
3 ~~deficiencies in such transfers for prior transfer dates during~~
4 ~~such fiscal year. In no event shall any such transfer reduce~~
5 ~~the available balance in the DCFS Children's Services Fund~~
6 ~~below \$350,000.~~

7 In accordance with subsection (g) of Section 5 of the
8 Children and Family Services Act, disbursements from
9 individual children's accounts shall be deposited into the
10 DCFS Children's Services Fund.

11 Receipts from public and unsolicited private grants, fees
12 for training, and royalties earned from the publication of
13 materials owned by or licensed to the Department of Children
14 and Family Services shall be deposited into the DCFS
15 Children's Services Fund.

16 ~~As soon as may be practical after September 1, 2005, upon~~
17 ~~the request of the Department of Children and Family Services,~~
18 ~~the Comptroller shall order transferred and the Treasurer~~
19 ~~shall transfer the unexpended balance of the Department of~~
20 ~~Children and Family Services Training Fund into the DCFS~~
21 ~~Children's Services Fund. Upon completion of the transfer, the~~
22 ~~Department of Children and Family Services Training Fund is~~
23 ~~dissolved and any outstanding obligations or liabilities of~~
24 ~~that Fund pass to the DCFS Children's Services Fund.~~

25 (Source: P.A. 95-707, eff. 1-11-08; 96-1127, eff. 7-20-10.)

1 (30 ILCS 105/8.33) (from Ch. 127, par. 144.33)

2 Sec. 8.33. Expenses incident to leasing or use of State
3 facilities. ~~(a) All expenses incident to the leasing or use of~~
4 ~~the State facilities listed in Section 405-315 of the~~
5 ~~Department of Central Management Services Law (20 ILCS~~
6 ~~405/405-315) for lease or use terms not exceeding 30 days in~~
7 ~~length shall be payable from the Facilities Management Special~~
8 ~~Events Revolving Fund. Such expenses Expenses incident to the~~
9 ~~lease or use of the State facilities listed in Section 405-315~~
10 ~~of the Department of Central Management Services Law (20 ILCS~~
11 ~~405/405-315) shall include expenditures for additional~~
12 ~~commodities, equipment, furniture, improvements, personal~~
13 ~~services or other expenses required by the Department of~~
14 ~~Central Management Services to make such facilities available~~
15 ~~to the public and State employees.~~

16 ~~(b) The Special Events Revolving Fund shall cease to exist~~
17 ~~on October 1, 2005. Any balance in the Fund as of that date~~
18 ~~shall be transferred to the Facilities Management Revolving~~
19 ~~Fund. Any moneys that otherwise would be paid into the Fund on~~
20 ~~or after that date shall be deposited into the Facilities~~
21 ~~Management Revolving Fund. Any disbursements on or after that~~
22 ~~date that otherwise would be made from the Fund shall be made~~
23 ~~from the Facilities Management Revolving Fund.~~

24 (Source: P.A. 94-91, eff. 7-1-05.)

25 (30 ILCS 105/8f)

1 Sec. 8f. Public Pension Regulation Fund. The Public
2 Pension Regulation Fund is created as a special fund in the
3 State Treasury. Except as otherwise provided in the Illinois
4 Pension Code, all money received by the ~~Department of~~
5 ~~Financial and Professional Regulation, as successor to the~~
6 Illinois Department of Insurance, under the Illinois Pension
7 Code shall be paid into the Fund. The State Treasurer promptly
8 shall invest the money in the Fund, and all earnings that
9 accrue on the money in the Fund shall be credited to the Fund.
10 No money may be transferred from this Fund to any other fund.
11 The General Assembly may make appropriations from this Fund
12 for the ordinary and contingent expenses of the Public Pension
13 Division of the Illinois Department of Insurance.

14 (Source: P.A. 94-91, eff. 7-1-05; 95-950, eff. 8-29-08.)

15 Section 20-25. The Build Illinois Bond Act is amended by
16 changing Section 2 as follows:

17 (30 ILCS 425/2) (from Ch. 127, par. 2802)

18 Sec. 2. Authorization for Bonds. The State of Illinois is
19 authorized to issue, sell and provide for the retirement of
20 limited obligation bonds, notes and other evidences of
21 indebtedness of the State of Illinois in the total principal
22 amount of \$9,484,681,100 herein called "Bonds". ~~Such~~
23 ~~authorized amount of Bonds shall be reduced from time to time~~
24 ~~by amounts, if any, which are equal to the moneys received by~~

1 ~~the Department of Revenue in any fiscal year pursuant to~~
2 ~~Section 3-1001 of the "Illinois Vehicle Code", as amended, in~~
3 ~~excess of the Annual Specified Amount (as defined in Section 3~~
4 ~~of the "Retailers' Occupation Tax Act", as amended) and~~
5 ~~transferred at the end of such fiscal year from the General~~
6 ~~Revenue Fund to the Build Illinois Purposes Fund (now~~
7 ~~abolished) as provided in Section 3-1001 of said Code;~~
8 ~~provided, however, that no such reduction shall affect the~~
9 ~~validity or enforceability of any Bonds issued prior to such~~
10 ~~reduction.~~ Such amount of authorized Bonds shall be exclusive
11 of any refunding Bonds issued pursuant to Section 15 of this
12 Act and exclusive of any Bonds issued pursuant to this Section
13 which are redeemed, purchased, advance refunded, or defeased
14 in accordance with paragraph (f) of Section 4 of this Act.
15 Bonds shall be issued for the categories and specific purposes
16 expressed in Section 4 of this Act.

17 (Source: P.A. 101-30, eff. 6-28-19.)

18 Section 20-30. The Build Illinois Act is amended by
19 changing Sections 9-4.2, 9-5.2, and 23-1 as follows:

20 (30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

21 Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

22 (a) There is hereby created the Illinois Capital Revolving
23 Loan Fund, hereafter referred to in this Article as the
24 "Capital Fund" to be held as a separate fund within the State

1 Treasury.

2 The purpose of the Capital Fund is to finance intermediary
3 agreements, administration, technical assistance agreements,
4 loans, grants, or investments in Illinois. In addition, funds
5 may be used for a one time transfer in fiscal year 1994, not to
6 exceed the amounts appropriated, to the Public Infrastructure
7 Construction Loan Revolving Fund for grants and loans pursuant
8 to the Public Infrastructure Loan and Grant Program Act.
9 Investments, administration, grants, and financial aid shall
10 be used for the purposes set for in this Article. Loan
11 financing will be in the form of loan agreements pursuant to
12 the terms and conditions set forth in this Article. All loans
13 shall be conditioned on the project receiving financing from
14 participating lenders or other investors. Loan proceeds shall
15 be available for project costs, except for debt refinancing.

16 (b) There shall be deposited in the Capital Fund such
17 amounts, including but not limited to:

18 (i) All receipts, including dividends, principal and
19 interest payments and royalties, from any applicable loan,
20 intermediary, or technical assistance agreement made from
21 the Capital Fund or from direct appropriations from the
22 Build Illinois Bond Fund ~~or the Build Illinois Purposes~~
23 ~~Fund (now abolished)~~ or the General Revenue Fund by the
24 General Assembly entered into by the Department;

25 (ii) All proceeds of assets of whatever nature
26 received by the Department as a result of default or

1 delinquency with respect to loan agreements made from the
2 Capital Fund or from direct appropriations by the General
3 Assembly, including proceeds from the sale, disposal,
4 lease or rental of real or personal property which the
5 Department may receive as a result thereof;

6 (iii) Any appropriations, grants or gifts made to the
7 Capital Fund;

8 (iv) Any income received from interest on investments
9 of moneys in the Capital Fund;

10 (v) All moneys resulting from the collection of
11 premiums, fees, charges, costs, and expenses in connection
12 with the Capital Fund as described in subsection (e) of
13 Section 9-3.

14 (c) The Treasurer may invest moneys in the Capital Fund in
15 securities constituting obligations of the United States
16 Government, or in obligations the principal of and interest on
17 which are guaranteed by the United States Government, in
18 obligations the principal of and interest on which are
19 guaranteed by the United States Government, or in certificates
20 of deposit of any State or national bank which are fully
21 secured by obligations guaranteed as to principal and interest
22 by the United States Government.

23 (Source: P.A. 100-377, eff. 8-25-17.)

24 (30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

25 Sec. 9-5.2. Illinois Equity Fund.

1 (a) There is created the Illinois Equity Fund, to be held
2 as a separate fund within the State Treasury. The purpose of
3 the Illinois Equity Fund is to make equity investments in
4 Illinois. All financing will be done in conjunction with
5 participating lenders or other investors. Investment proceeds
6 may be directed to working capital expenses associated with
7 the introduction of new technical products or services of
8 individual business projects or may be used for equity finance
9 pools operated by intermediaries.

10 (b) There shall be deposited in the Illinois Equity Fund
11 such amounts, including but not limited to:

12 (i) All receipts including dividends, principal and
13 interest payments, royalties, or other return on
14 investment from any applicable loan made from the Illinois
15 Equity Fund, from direct appropriations by the General
16 Assembly from the Build Illinois Fund ~~or the Build~~
17 ~~Illinois Purposes Fund (now abolished),~~ or from
18 intermediary agreements made from the Illinois Equity Fund
19 entered into by the Department;

20 (ii) All proceeds of assets of whatever nature
21 received by the Department as a result of default or
22 delinquency with respect to loan agreements made from the
23 Illinois Equity Fund, or from direct appropriations by the
24 General Assembly including proceeds from the sale,
25 disposal, lease or rental of real or personal property
26 which the Department may receive as a result thereof;

1 (iii) any appropriations, grants or gifts made to the
2 Illinois Equity Fund;

3 (iv) any income received from interest on investments
4 of moneys in the Illinois Equity Fund.

5 (c) The Treasurer may invest moneys in the Illinois Equity
6 Fund in securities constituting direct obligations of the
7 United States Government, or in obligations the principal of
8 and interest on which are guaranteed by the United States
9 Government, or in certificates of deposit of any State or
10 national bank which are fully secured by obligations
11 guaranteed as to principal and interest by the United States
12 Government.

13 (Source: P.A. 99-933, eff. 1-27-17.)

14 (30 ILCS 750/23-1) (from Ch. 127, par. 2723-1)

15 Sec. 23-1. Wages of laborers, mechanics and other workers
16 employed on all "public works" projects undertaken pursuant to
17 contracts financed with appropriations from the Build Illinois
18 Bond Fund ~~or the Build Illinois Purposes Fund~~ shall be subject
19 to the provisions of the Prevailing Wage Act.

20 (Source: P.A. 86-1475.)

21 Section 20-35. The Police and Community Relations
22 Improvement Act is amended by changing Section 1-10 as
23 follows:

1 (50 ILCS 727/1-10)

2 Sec. 1-10. Investigation of officer-involved deaths;
3 requirements.

4 (a) Each law enforcement agency shall have a written
5 policy regarding the investigation of officer-involved deaths
6 that involve a law enforcement officer employed by that law
7 enforcement agency.

8 (b) Each officer-involved death investigation shall be
9 conducted by at least 2 investigators, or an entity or agency
10 comprised of at least 2 investigators, one of whom is the lead
11 investigator. The lead investigator shall be a person
12 certified by the Illinois Law Enforcement Training Standards
13 Board as a Lead Homicide Investigator, or similar training
14 approved by the Illinois Law Enforcement Training Standards
15 Board or the Illinois State Police, or similar training
16 provided at an Illinois Law Enforcement Training Standards
17 Board certified school. No investigator involved in the
18 investigation may be employed by the law enforcement agency
19 that employs the officer involved in the officer-involved
20 death, unless the investigator is employed by the Illinois
21 State Police and is not assigned to the same division or unit
22 as the officer involved in the death.

23 (c) In addition to the requirements of subsection (b) of
24 this Section, if the officer-involved death being investigated
25 involves a motor vehicle accident, at least one investigator
26 shall be certified by the Illinois Law Enforcement Training

1 Standards Board as a Crash Reconstruction Specialist, or
2 similar training approved by the Illinois Law Enforcement
3 Training Standards Board or the Illinois State Police, or
4 similar training provided at an Illinois Law Enforcement
5 Training Standards Board certified school. Notwithstanding the
6 requirements of subsection (b) of this Section, the policy for
7 a law enforcement agency, when the officer-involved death
8 being investigated involves a motor vehicle collision, may
9 allow the use of an investigator who is employed by that law
10 enforcement agency and who is certified by the Illinois Law
11 Enforcement Training Standards Board as a Crash Reconstruction
12 Specialist, or similar training approved by the Illinois Law
13 Enforcement Training ~~and~~ Standards Board, or similar certified
14 training approved by the Illinois State Police, or similar
15 training provided at an Illinois Law Enforcement Training ~~and~~
16 Standards Board certified school.

17 (d) The investigators conducting the investigation shall,
18 in an expeditious manner, provide a complete report to the
19 State's Attorney of the county in which the officer-involved
20 death occurred.

21 (e) If the State's Attorney, or a designated special
22 prosecutor, determines there is no basis to prosecute the law
23 enforcement officer involved in the officer-involved death, or
24 if the law enforcement officer is not otherwise charged or
25 indicted, the investigators shall publicly release a report.

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 Section 20-40. The Fair and Exposition Authority
2 Reconstruction Act is amended by changing Section 8 as
3 follows:

4 (70 ILCS 215/8) (from Ch. 85, par. 1250.8)

5 Sec. 8. Appropriations may be made from time to time by the
6 General Assembly to the Metropolitan Pier and Exposition
7 Authority for the payment of principal and interest of bonds
8 of the Authority issued under the provisions of this Act and
9 for any other lawful purpose of the Authority. Any and all of
10 the funds so received shall be kept separate and apart from any
11 and all other funds of the Authority. ~~After there has been paid~~
12 ~~into the Metropolitan Fair and Exposition Authority~~
13 ~~Reconstruction Fund in the State Treasury sufficient money,~~
14 ~~pursuant to this Section and Sections 2 and 29 of the Cigarette~~
15 ~~Tax Act, to retire all bonds payable from that Fund, the taxes~~
16 ~~derived from Section 28 of the Illinois Horse Racing Act of~~
17 ~~1975 which were required to be paid into that Fund pursuant to~~
18 ~~that Act shall thereafter be paid into the General Revenue~~
19 ~~Fund in the State Treasury.~~

20 (Source: P.A. 102-16, eff. 6-17-21.)

21 Section 20-45. The Higher Education Student Assistance Act
22 is amended by changing Section 52 as follows:

1 (110 ILCS 947/52)

2 Sec. 52. Golden Apple Scholars of Illinois Program; Golden
3 Apple Foundation for Excellence in Teaching.

4 (a) In this Section, "Foundation" means the Golden Apple
5 Foundation for Excellence in Teaching, a registered 501(c)(3)
6 not-for-profit corporation.

7 (a-2) In order to encourage academically talented Illinois
8 students, especially minority students, to pursue teaching
9 careers, especially in teacher shortage disciplines (which
10 shall be defined to include early childhood education) or at
11 hard-to-staff schools (as defined by the Commission in
12 consultation with the State Board of Education), to provide
13 those students with the crucial mentoring, guidance, and
14 in-service support that will significantly increase the
15 likelihood that they will complete their full teaching
16 commitments and elect to continue teaching in targeted
17 disciplines and hard-to-staff schools, and to ensure that
18 students in this State will continue to have access to a pool
19 of highly-qualified teachers, each qualified student shall be
20 awarded a Golden Apple Scholars of Illinois Program
21 scholarship to any Illinois institution of higher learning.
22 The Commission shall administer the Golden Apple Scholars of
23 Illinois Program, which shall be managed by the Foundation
24 pursuant to the terms of a grant agreement meeting the
25 requirements of Section 4 of the Illinois Grant Funds Recovery
26 Act.

1 (a-3) For purposes of this Section, a qualified student
2 shall be a student who meets the following qualifications:

3 (1) is a resident of this State and a citizen or
4 eligible noncitizen of the United States;

5 (2) is a high school graduate or a person who has
6 received a high school equivalency certificate;

7 (3) is enrolled or accepted, on at least a half-time
8 basis, at an institution of higher learning;

9 (4) is pursuing a postsecondary course of study
10 leading to initial certification or pursuing additional
11 course work needed to gain State Board of Education
12 approval to teach, including alternative teacher
13 licensure; and

14 (5) is a participant in programs managed by and is
15 approved to receive a scholarship from the Foundation.

16 (a-5) (Blank).

17 (b) (Blank).

18 (b-5) Funds designated for the Golden Apple Scholars of
19 Illinois Program shall be used by the Commission for the
20 payment of scholarship assistance under this Section or for
21 the award of grant funds, subject to the Illinois Grant Funds
22 Recovery Act, to the Foundation. Subject to appropriation,
23 awards of grant funds to the Foundation shall be made on an
24 annual basis and following an application for grant funds by
25 the Foundation.

26 (b-10) Each year, the Foundation shall include in its

1 application to the Commission for grant funds an estimate of
2 the amount of scholarship assistance to be provided to
3 qualified students during the grant period. Any amount of
4 appropriated funds exceeding the estimated amount of
5 scholarship assistance may be awarded by the Commission to the
6 Foundation for management expenses expected to be incurred by
7 the Foundation in providing the mentoring, guidance, and
8 in-service supports that will increase the likelihood that
9 qualified students will complete their teaching commitments
10 and elect to continue teaching in hard-to-staff schools. If
11 the estimate of the amount of scholarship assistance described
12 in the Foundation's application is less than the actual amount
13 required for the award of scholarship assistance to qualified
14 students, the Foundation shall be responsible for using
15 awarded grant funds to ensure all qualified students receive
16 scholarship assistance under this Section.

17 (b-15) All grant funds not expended or legally obligated
18 within the time specified in a grant agreement between the
19 Foundation and the Commission shall be returned to the
20 Commission within 45 days. Any funds legally obligated by the
21 end of a grant agreement shall be liquidated within 45 days or
22 otherwise returned to the Commission within 90 days after the
23 end of the grant agreement that resulted in the award of grant
24 funds.

25 (c) Each scholarship awarded under this Section shall be
26 in an amount sufficient to pay the tuition and fees and room

1 and board costs of the Illinois institution of higher learning
2 at which the recipient is enrolled, up to an annual maximum of
3 \$5,000; except that in the case of a recipient who does not
4 reside on-campus at the institution of higher learning at
5 which he or she is enrolled, the amount of the scholarship
6 shall be sufficient to pay tuition and fee expenses and a
7 commuter allowance, up to an annual maximum of \$5,000. All
8 scholarship funds distributed in accordance with this Section
9 shall be paid to the institution on behalf of recipients.

10 (d) The total amount of scholarship assistance awarded by
11 the Commission under this Section to an individual in any
12 given fiscal year, when added to other financial assistance
13 awarded to that individual for that year, shall not exceed the
14 cost of attendance at the institution of higher learning at
15 which the student is enrolled. In any academic year for which a
16 qualified student under this Section accepts financial
17 assistance through any other teacher scholarship program
18 administered by the Commission, a qualified student shall not
19 be eligible for scholarship assistance awarded under this
20 Section.

21 (e) A recipient may receive up to 8 semesters or 12
22 quarters of scholarship assistance under this Section.
23 Scholarship funds are applicable toward 2 semesters or 3
24 quarters of enrollment each academic year.

25 (f) All applications for scholarship assistance to be
26 awarded under this Section shall be made to the Foundation in a

1 form determined by the Foundation. Each year, the Foundation
2 shall notify the Commission of the individuals awarded
3 scholarship assistance under this Section. Each year, at least
4 30% of the Golden Apple Scholars of Illinois Program
5 scholarships shall be awarded to students residing in counties
6 having a population of less than 500,000.

7 (g) (Blank).

8 (h) The Commission shall administer the payment of
9 scholarship assistance provided through the Golden Apple
10 Scholars of Illinois Program and shall make all necessary and
11 proper rules not inconsistent with this Section for the
12 effective implementation of this Section.

13 (i) Prior to receiving scholarship assistance for any
14 academic year, each recipient of a scholarship awarded under
15 this Section shall be required by the Foundation to sign an
16 agreement under which the recipient pledges that, within the
17 2-year period following the termination of the academic
18 program for which the recipient was awarded a scholarship, the
19 recipient: (i) shall begin teaching for a period of not less
20 than 5 years, (ii) shall fulfill this teaching obligation at a
21 nonprofit Illinois public, private, or parochial preschool or
22 an Illinois public elementary or secondary school that
23 qualifies for teacher loan cancellation under Section
24 465(a)(2)(A) of the federal Higher Education Act of 1965 (20
25 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed
26 eligible for fulfilling the teaching commitment as designated

1 by the Foundation, and (iii) shall, upon request of the
2 Foundation, provide the Foundation with evidence that he or
3 she is fulfilling or has fulfilled the terms of the teaching
4 agreement provided for in this subsection. Upon request, the
5 Foundation shall provide evidence of teacher fulfillment to
6 the Commission.

7 (j) If a recipient of a scholarship awarded under this
8 Section fails to fulfill the teaching obligation set forth in
9 subsection (i) of this Section, the Commission shall require
10 the recipient to repay the amount of the scholarships
11 received, prorated according to the fraction of the teaching
12 obligation not completed, plus interest at a rate of 5% and if
13 applicable, reasonable collection fees. Payments received by
14 the Commission under this subsection (j) shall be remitted to
15 the State Comptroller for deposit into the General Revenue
16 Fund, except that that portion of a recipient's repayment that
17 equals the amount in expenses that the Commission has
18 reasonably incurred in attempting collection from that
19 recipient shall be remitted to the State Comptroller for
20 deposit into the ISAC Commission's Accounts Receivable Fund, a
21 special fund in the State treasury.

22 (k) A recipient of a scholarship awarded by the Foundation
23 under this Section shall not be considered to have failed to
24 fulfill the teaching obligations of the agreement entered into
25 pursuant to subsection (i) if the recipient (i) enrolls on a
26 full-time basis as a graduate student in a course of study

1 related to the field of teaching at an institution of higher
2 learning; (ii) is serving as a member of the armed services of
3 the United States; (iii) is a person with a temporary total
4 disability, as established by sworn affidavit of a qualified
5 physician; (iv) is seeking and unable to find full-time
6 employment as a teacher at a school that satisfies the
7 criteria set forth in subsection (i) and is able to provide
8 evidence of that fact; (v) is taking additional courses, on at
9 least a half-time basis, needed to obtain certification as a
10 teacher in Illinois; (vi) is fulfilling teaching requirements
11 associated with other programs administered by the Commission
12 and cannot concurrently fulfill them under this Section in a
13 period of time equal to the length of the teaching obligation;
14 or (vii) is participating in a program established under
15 Executive Order 10924 of the President of the United States or
16 the federal National Community Service Act of 1990 (42 U.S.C.
17 12501 et seq.). Any such extension of the period during which
18 the teaching requirement must be fulfilled shall be subject to
19 limitations of duration as established by the Commission.

20 (l) A recipient who fails to fulfill the teaching
21 obligations of the agreement entered into pursuant to
22 subsection (i) of this Section shall repay the amount of
23 scholarship assistance awarded to them under this Section
24 within 10 years.

25 (m) Annually, at a time determined by the Commission in
26 consultation with the Foundation, the Foundation shall submit

1 a report to assist the Commission in monitoring the
2 Foundation's performance of grant activities. The report shall
3 describe the following:

4 (1) the Foundation's anticipated expenditures for the
5 next fiscal year;

6 (2) the number of qualified students receiving
7 scholarship assistance at each institution of higher
8 learning where a qualified student was enrolled under this
9 Section during the previous fiscal year;

10 (3) the total monetary value of scholarship funds paid
11 to each institution of higher learning at which a
12 qualified student was enrolled during the previous fiscal
13 year;

14 (4) the number of scholarship recipients who completed
15 a baccalaureate degree during the previous fiscal year;

16 (5) the number of scholarship recipients who fulfilled
17 their teaching obligation during the previous fiscal year;

18 (6) the number of scholarship recipients who failed to
19 fulfill their teaching obligation during the previous
20 fiscal year;

21 (7) the number of scholarship recipients granted an
22 extension described in subsection (k) of this Section
23 during the previous fiscal year;

24 (8) the number of scholarship recipients required to
25 repay scholarship assistance in accordance with subsection
26 (j) of this Section during the previous fiscal year;

1 (9) the number of scholarship recipients who
2 successfully repaid scholarship assistance in full during
3 the previous fiscal year;

4 (10) the number of scholarship recipients who
5 defaulted on their obligation to repay scholarship
6 assistance during the previous fiscal year;

7 (11) the amount of scholarship assistance subject to
8 collection in accordance with subsection (j) of this
9 Section at the end of the previous fiscal year;

10 (12) the amount of collected funds to be remitted to
11 the Comptroller in accordance with subsection (j) of this
12 Section at the end of the previous fiscal year; and

13 (13) other information that the Commission may
14 reasonably request.

15 (n) Nothing in this Section shall affect the rights of the
16 Commission to collect moneys owed to it by recipients of
17 scholarship assistance through the Illinois Future Teacher
18 Corps Program, repealed by Public Act 98-533 ~~this amendatory~~
19 ~~Act of the 98th General Assembly.~~

20 (o) The Auditor General shall prepare an annual audit of
21 the operations and finances of the Golden Apple Scholars of
22 Illinois Program. This audit shall be provided to the
23 Governor, General Assembly, and the Commission.

24 (p) The suspension of grant making authority found in
25 Section 4.2 of the Illinois Grant Funds Recovery Act shall not
26 apply to grants made pursuant to this Section.

1 (Source: P.A. 98-533, eff. 8-23-13; 98-718, eff. 1-1-15;
2 99-143, eff. 7-27-15.)

3 Section 20-50. The Nurse Educator Assistance Act is
4 amended by changing Section 15-30 as follows:

5 (110 ILCS 967/15-30)

6 Sec. 15-30. Repayment upon default; exception.

7 (a) If a recipient of a scholarship awarded under this
8 Section fails to fulfill the work agreement required under the
9 program, the Commission shall require the recipient to repay
10 the amount of the scholarship or scholarships received,
11 prorated according to the fraction of the work agreement not
12 completed, plus interest at a rate of 5% and, if applicable,
13 reasonable collection fees.

14 (b) Payments received by the Commission under this Section
15 shall be remitted to the State Comptroller for deposit into
16 the General Revenue Fund, except that that portion of a
17 recipient's repayment that equals the amount in expenses that
18 the Commission has reasonably incurred in attempting
19 collection from that recipient shall be remitted to the State
20 Comptroller for deposit into the ISAC ~~Commission's~~ Accounts
21 Receivable Fund.

22 (c) A recipient of a scholarship awarded by the Commission
23 under the program shall not be in violation of the agreement
24 entered into pursuant to this Article if the recipient is (i)

1 serving as a member of the armed services of the United States,
2 (ii) a person with a temporary total disability, as
3 established by a sworn affidavit of a qualified physician,
4 (iii) seeking and unable to find full-time employment as a
5 nursing educator and is able to provide evidence of that fact,
6 or (iv) taking additional courses, on at least a half-time
7 basis, related to nursing education. Any extension of the
8 period during which the work requirement must be fulfilled
9 shall be subject to limitations of duration established by the
10 Commission.

11 (Source: P.A. 99-143, eff. 7-27-15.)

12 Section 20-55. The Solid Waste Site Operator Certification
13 Law is amended by changing Section 1011 as follows:

14 (225 ILCS 230/1011) (from Ch. 111, par. 7861)

15 Sec. 1011. Fees.

16 (a) Fees for the issuance or renewal of a Solid Waste Site
17 Operator Certificate shall be as follows:

18 (1) (A) \$400 for issuance or renewal for Class A Solid
19 Waste Site Operators; (B) \$200 for issuance or renewal for
20 Class B Solid Waste Site Operators; and (C) \$100 for
21 issuance or renewal for special waste endorsements.

22 (2) If the fee for renewal is not paid within the grace
23 period the above fees for renewal shall each be increased
24 by \$50.

1 (b) ~~All Before the effective date of this amendatory Act~~
2 ~~of the 98th General Assembly, all fees collected by the Agency~~
3 ~~under this Section shall be deposited into the Hazardous Waste~~
4 ~~Occupational Licensing Fund. The Agency is authorized to use~~
5 ~~moneys in the Hazardous Waste Occupational Licensing Fund to~~
6 ~~perform its functions, powers, and duties under this Section.~~
7 ~~On and after the effective date of this amendatory Act of the~~
8 ~~98th General Assembly, all fees collected by the Agency under~~
9 this Section shall be deposited into the Environmental
10 Protection Permit and Inspection Fund to be used in accordance
11 with the provisions of subsection (a) of Section 22.8 of the
12 Environmental Protection Act.

13 (Source: P.A. 98-692, eff. 7-1-14; 98-822, eff. 8-1-14.)

14 Section 20-60. The Illinois Public Aid Code is amended by
15 changing Section 12-10.7 as follows:

16 (305 ILCS 5/12-10.7)

17 Sec. 12-10.7. The Health and Human Services Medicaid Trust
18 Fund. ~~(a)~~ The Health and Human Services Medicaid Trust Fund
19 shall consist of (i) moneys appropriated or transferred into
20 the Fund, pursuant to statute, (ii) federal financial
21 participation moneys received pursuant to expenditures from
22 the Fund, and (iii) the interest earned on moneys in the Fund.
23 ~~(b)~~ Subject to appropriation, the moneys in the Fund shall be
24 used by a State agency for such purposes as that agency may, by

1 the appropriation language, be directed.

2 ~~(c) 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 Health~~
6 ~~and Human Services Medicaid Trust Fund to the Human Services~~
7 ~~Priority Capital Program Fund.~~

8 ~~(d) In addition to any other transfers that may be~~
9 ~~provided for by law, on July 1, 2008, or as soon thereafter as~~
10 ~~practical, the State Comptroller shall direct and the State~~
11 ~~Treasurer shall transfer the sum of \$3,500,000 from the Health~~
12 ~~and Human Services Medicaid Trust Fund to the Human Services~~
13 ~~Priority Capital Program Fund.~~

14 (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08.)

15 Section 20-65. The Energy Assistance Act is amended by
16 changing Section 10 as follows:

17 (305 ILCS 20/10) (from Ch. 111 2/3, par. 1410)

18 Sec. 10. Energy Assistance Funds.

19 ~~(a) The AFDC Energy Assistance Fund is hereby created as a~~
20 ~~special fund in the State Treasury.~~

21 ~~The AFDC Energy Assistance Fund is authorized to receive~~
22 ~~whether by appropriation, transfer, statutory deposit or fund~~
23 ~~transfer, all amounts appropriated from State funds to the~~
24 ~~Department of Human Services (acting as successor to the~~

1 ~~Illinois Department of Public Aid under the Department of~~
2 ~~Human Services Act) specifically for energy assistance~~
3 ~~payments for persons and families receiving assistance~~
4 ~~pursuant to Section 4-1 of the Illinois Public Aid Code and~~
5 ~~subsection (c) of Section 6 of this Act, and any~~
6 ~~administrative expense related thereto.~~

7 ~~(b) Subject to appropriation by the General Assembly, the~~
8 ~~Department is authorized to expend monies from the AFDC Energy~~
9 ~~Assistance Fund for the following purposes:~~

10 ~~----- (1) for energy assistance payments to or on behalf of~~
11 ~~individuals or families who receive assistance pursuant to~~
12 ~~Section 4-1 of The Illinois Public Aid Code in accordance~~
13 ~~with the provisions of Section 6 of this Act; and~~

14 ~~----- (2) for the necessary and contingent expenses of the~~
15 ~~Department incurred in the administration of that portion~~
16 ~~of the Act described in paragraph (1) of this subsection.~~

17 ~~(c) The AFDC Energy Assistance Fund shall be inoperative~~
18 ~~after September 30, 1991.~~

19 ~~(d) Subject to appropriations made by the General~~
20 ~~Assembly, the Department is authorized to expend monies from~~
21 ~~the Low Income Home Energy Assistance Block Grant Fund for the~~
22 ~~purpose of providing assistance pursuant to Section 6 of this~~
23 ~~Act.~~

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

25 Section 20-70. The Environmental Protection Act is amended

1 by changing Sections 4, 9.9, and 22.8 as follows:

2 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

3 Sec. 4. Environmental Protection Agency; establishment;
4 duties.

5 (a) There is established in the Executive Branch of the
6 State Government an agency to be known as the Environmental
7 Protection Agency. This Agency shall be under the supervision
8 and direction of a Director who shall be appointed by the
9 Governor with the advice and consent of the Senate. The term of
10 office of the Director shall expire on the third Monday of
11 January in odd numbered years, provided that he or she shall
12 hold office until a successor is appointed and has qualified.
13 For terms ending before December 31, 2019, the Director shall
14 receive an annual salary as set by the Compensation Review
15 Board. For terms beginning after January 18, 2019 (the
16 effective date of Public Act 100-1179) ~~this amendatory Act of~~
17 ~~the 100th General Assembly~~, the Director's annual salary shall
18 be an amount equal to 15% more than the Director's annual
19 salary as of December 31, 2018. The calculation of the 2018
20 salary base for this adjustment shall not include any cost of
21 living adjustments, as authorized by Senate Joint Resolution
22 192 of the 86th General Assembly, for the period beginning
23 July 1, 2009 to June 30, 2019. Beginning July 1, 2019 and each
24 July 1 thereafter, the Director shall receive an increase in
25 salary based on a cost of living adjustment as authorized by

1 Senate Joint Resolution 192 of the 86th General Assembly. The
2 Director, in accord with the Personnel Code, shall employ and
3 direct such personnel, and shall provide for such laboratory
4 and other facilities, as may be necessary to carry out the
5 purposes of this Act. In addition, the Director may by
6 agreement secure such services as he or she may deem necessary
7 from any other department, agency, or unit of the State
8 Government, and may employ and compensate such consultants and
9 technical assistants as may be required.

10 (b) The Agency shall have the duty to collect and
11 disseminate such information, acquire such technical data, and
12 conduct such experiments as may be required to carry out the
13 purposes of this Act, including ascertainment of the quantity
14 and nature of discharges from any contaminant source and data
15 on those sources, and to operate and arrange for the operation
16 of devices for the monitoring of environmental quality.

17 (c) The Agency shall have authority to conduct a program
18 of continuing surveillance and of regular or periodic
19 inspection of actual or potential contaminant or noise
20 sources, of public water supplies, and of refuse disposal
21 sites.

22 (d) In accordance with constitutional limitations, the
23 Agency shall have authority to enter at all reasonable times
24 upon any private or public property for the purpose of:

25 (1) Inspecting and investigating to ascertain possible
26 violations of this Act, any rule or regulation adopted

1 under this Act, any permit or term or condition of a
2 permit, or any Board order; or

3 (2) In accordance with the provisions of this Act,
4 taking whatever preventive or corrective action, including
5 but not limited to removal or remedial action, that is
6 necessary or appropriate whenever there is a release or a
7 substantial threat of a release of (A) a hazardous
8 substance or pesticide or (B) petroleum from an
9 underground storage tank.

10 (e) The Agency shall have the duty to investigate
11 violations of this Act, any rule or regulation adopted under
12 this Act, any permit or term or condition of a permit, or any
13 Board order; to issue administrative citations as provided in
14 Section 31.1 of this Act; and to take such summary enforcement
15 action as is provided for by Section 34 of this Act.

16 (f) The Agency shall appear before the Board in any
17 hearing upon a petition for variance or time-limited water
18 quality standard, the denial of a permit, or the validity or
19 effect of a rule or regulation of the Board, and shall have the
20 authority to appear before the Board in any hearing under the
21 Act.

22 (g) The Agency shall have the duty to administer, in
23 accord with Title X of this Act, such permit and certification
24 systems as may be established by this Act or by regulations
25 adopted thereunder. The Agency may enter into written
26 delegation agreements with any department, agency, or unit of

1 State or local government under which all or portions of this
2 duty may be delegated for public water supply storage and
3 transport systems, sewage collection and transport systems,
4 air pollution control sources with uncontrolled emissions of
5 100 tons per year or less and application of algicides to
6 waters of the State. Such delegation agreements will require
7 that the work to be performed thereunder will be in accordance
8 with Agency criteria, subject to Agency review, and shall
9 include such financial and program auditing by the Agency as
10 may be required.

11 (h) The Agency shall have authority to require the
12 submission of complete plans and specifications from any
13 applicant for a permit required by this Act or by regulations
14 thereunder, and to require the submission of such reports
15 regarding actual or potential violations of this Act, any rule
16 or regulation adopted under this Act, any permit or term or
17 condition of a permit, or any Board order, as may be necessary
18 for the purposes of this Act.

19 (i) The Agency shall have authority to make
20 recommendations to the Board for the adoption of regulations
21 under Title VII of the Act.

22 (j) The Agency shall have the duty to represent the State
23 of Illinois in any and all matters pertaining to plans,
24 procedures, or negotiations for interstate compacts or other
25 governmental arrangements relating to environmental
26 protection.

1 (k) The Agency shall have the authority to accept,
2 receive, and administer on behalf of the State any grants,
3 gifts, loans, indirect cost reimbursements, or other funds
4 made available to the State from any source for purposes of
5 this Act or for air or water pollution control, public water
6 supply, solid waste disposal, noise abatement, or other
7 environmental protection activities, surveys, or programs. Any
8 federal funds received by the Agency pursuant to this
9 subsection shall be deposited in a trust fund with the State
10 Treasurer and held and disbursed by him in accordance with
11 Treasurer as Custodian of Funds Act, provided that such monies
12 shall be used only for the purposes for which they are
13 contributed and any balance remaining shall be returned to the
14 contributor.

15 The Agency is authorized to promulgate such regulations
16 and enter into such contracts as it may deem necessary for
17 carrying out the provisions of this subsection.

18 (1) The Agency is hereby designated as water pollution
19 agency for the state for all purposes of the Federal Water
20 Pollution Control Act, as amended; as implementing agency for
21 the State for all purposes of the Safe Drinking Water Act,
22 Public Law 93-523, as now or hereafter amended, except Section
23 1425 of that Act; as air pollution agency for the state for all
24 purposes of the Clean Air Act of 1970, Public Law 91-604,
25 approved December 31, 1970, as amended; and as solid waste
26 agency for the state for all purposes of the Solid Waste

1 Disposal Act, Public Law 89-272, approved October 20, 1965,
2 and amended by the Resource Recovery Act of 1970, Public Law
3 91-512, approved October 26, 1970, as amended, and amended by
4 the Resource Conservation and Recovery Act of 1976, (P.L.
5 94-580) approved October 21, 1976, as amended; as noise
6 control agency for the state for all purposes of the Noise
7 Control Act of 1972, Public Law 92-574, approved October 27,
8 1972, as amended; and as implementing agency for the State for
9 all purposes of the Comprehensive Environmental Response,
10 Compensation, and Liability Act of 1980 (P.L. 96-510), as
11 amended; and otherwise as pollution control agency for the
12 State pursuant to federal laws integrated with the foregoing
13 laws, for financing purposes or otherwise. The Agency is
14 hereby authorized to take all action necessary or appropriate
15 to secure to the State the benefits of such federal Acts,
16 provided that the Agency shall transmit to the United States
17 without change any standards adopted by the Pollution Control
18 Board pursuant to Section 5(c) of this Act. This subsection
19 (1) of Section 4 shall not be construed to bar or prohibit the
20 Environmental Protection Trust Fund Commission from accepting,
21 receiving, and administering on behalf of the State any
22 grants, gifts, loans or other funds for which the Commission
23 is eligible pursuant to the Environmental Protection Trust
24 Fund Act. The Agency is hereby designated as the State agency
25 for all purposes of administering the requirements of Section
26 313 of the federal Emergency Planning and Community

1 Right-to-Know Act of 1986.

2 Any municipality, sanitary district, or other political
3 subdivision, or any Agency of the State or interstate Agency,
4 which makes application for loans or grants under such federal
5 Acts shall notify the Agency of such application; the Agency
6 may participate in proceedings under such federal Acts.

7 (m) The Agency shall have authority, consistent with
8 Section 5(c) and other provisions of this Act, and for
9 purposes of Section 303(e) of the Federal Water Pollution
10 Control Act, as now or hereafter amended, to engage in
11 planning processes and activities and to develop plans in
12 cooperation with units of local government, state agencies and
13 officers, and other appropriate persons in connection with the
14 jurisdiction or duties of each such unit, agency, officer or
15 person. Public hearings shall be held on the planning process,
16 at which any person shall be permitted to appear and be heard,
17 pursuant to procedural regulations promulgated by the Agency.

18 (n) In accordance with the powers conferred upon the
19 Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act,
20 the Agency shall have authority to establish and enforce
21 minimum standards for the operation of laboratories relating
22 to analyses and laboratory tests for air pollution, water
23 pollution, noise emissions, contaminant discharges onto land
24 and sanitary, chemical, and mineral quality of water
25 distributed by a public water supply. The Agency may enter
26 into formal working agreements with other departments or

1 agencies of state government under which all or portions of
2 this authority may be delegated to the cooperating department
3 or agency.

4 (o) The Agency shall have the authority to issue
5 certificates of competency to persons and laboratories meeting
6 the minimum standards established by the Agency in accordance
7 with Section 4(n) of this Act and to promulgate and enforce
8 regulations relevant to the issuance and use of such
9 certificates. The Agency may enter into formal working
10 agreements with other departments or agencies of state
11 government under which all or portions of this authority may
12 be delegated to the cooperating department or agency.

13 (p) Except as provided in Section 17.7, the Agency shall
14 have the duty to analyze samples as required from each public
15 water supply to determine compliance with the contaminant
16 levels specified by the Pollution Control Board. The maximum
17 number of samples which the Agency shall be required to
18 analyze for microbiological quality shall be 6 per month, but
19 the Agency may, at its option, analyze a larger number each
20 month for any supply. Results of sample analyses for
21 additional required bacteriological testing, turbidity,
22 residual chlorine and radionuclides are to be provided to the
23 Agency in accordance with Section 19. Owners of water supplies
24 may enter into agreements with the Agency to provide for
25 reduced Agency participation in sample analyses.

26 (q) The Agency shall have the authority to provide notice

1 to any person who may be liable pursuant to Section 22.2(f) of
2 this Act for a release or a substantial threat of a release of
3 a hazardous substance or pesticide. Such notice shall include
4 the identified response action and an opportunity for such
5 person to perform the response action.

6 (r) The Agency may enter into written delegation
7 agreements with any unit of local government under which it
8 may delegate all or portions of its inspecting, investigating
9 and enforcement functions. Such delegation agreements shall
10 require that work performed thereunder be in accordance with
11 Agency criteria and subject to Agency review. Notwithstanding
12 any other provision of law to the contrary, no unit of local
13 government shall be liable for any injury resulting from the
14 exercise of its authority pursuant to such a delegation
15 agreement unless the injury is proximately caused by the
16 willful and wanton negligence of an agent or employee of the
17 unit of local government, and any policy of insurance coverage
18 issued to a unit of local government may provide for the denial
19 of liability and the nonpayment of claims based upon injuries
20 for which the unit of local government is not liable pursuant
21 to this subsection (r).

22 (s) The Agency shall have authority to take whatever
23 preventive or corrective action is necessary or appropriate,
24 including but not limited to expenditure of monies
25 appropriated from the Build Illinois Bond Fund ~~and the Build~~
26 ~~Illinois Purposes Fund~~ for removal or remedial action,

1 whenever any hazardous substance or pesticide is released or
2 there is a substantial threat of such a release into the
3 environment. The State, the Director, and any State employee
4 shall be indemnified for any damages or injury arising out of
5 or resulting from any action taken under this subsection. The
6 Director of the Agency is authorized to enter into such
7 contracts and agreements as are necessary to carry out the
8 Agency's duties under this subsection.

9 (t) The Agency shall have authority to distribute grants,
10 subject to appropriation by the General Assembly, to units of
11 local government for financing and construction of wastewater
12 facilities in both incorporated and unincorporated areas. With
13 respect to all monies appropriated from the Build Illinois
14 Bond Fund ~~and the Build Illinois Purposes Fund~~ for wastewater
15 facility grants, the Agency shall make distributions in
16 conformity with the rules and regulations established pursuant
17 to the Anti-Pollution Bond Act, as now or hereafter amended.

18 (u) Pursuant to the Illinois Administrative Procedure Act,
19 the Agency shall have the authority to adopt such rules as are
20 necessary or appropriate for the Agency to implement Section
21 31.1 of this Act.

22 (v) (Blank.)

23 (w) Neither the State, nor the Director, nor the Board,
24 nor any State employee shall be liable for any damages or
25 injury arising out of or resulting from any action taken under
26 subsection (s).

1 (x)(1) The Agency shall have authority to distribute
2 grants, subject to appropriation by the General Assembly, to
3 units of local government for financing and construction of
4 public water supply facilities. With respect to all monies
5 appropriated from the Build Illinois Bond Fund ~~or the Build~~
6 ~~Illinois Purposes Fund~~ for public water supply grants, such
7 grants shall be made in accordance with rules promulgated by
8 the Agency. Such rules shall include a requirement for a local
9 match of 30% of the total project cost for projects funded
10 through such grants.

11 (2) The Agency shall not terminate a grant to a unit of
12 local government for the financing and construction of public
13 water supply facilities unless and until the Agency adopts
14 rules that set forth precise and complete standards, pursuant
15 to Section 5-20 of the Illinois Administrative Procedure Act,
16 for the termination of such grants. The Agency shall not make
17 determinations on whether specific grant conditions are
18 necessary to ensure the integrity of a project or on whether
19 subagreements shall be awarded, with respect to grants for the
20 financing and construction of public water supply facilities,
21 unless and until the Agency adopts rules that set forth
22 precise and complete standards, pursuant to Section 5-20 of
23 the Illinois Administrative Procedure Act, for making such
24 determinations. The Agency shall not issue a stop-work order
25 in relation to such grants unless and until the Agency adopts
26 precise and complete standards, pursuant to Section 5-20 of

1 the Illinois Administrative Procedure Act, for determining
2 whether to issue a stop-work order.

3 (y) The Agency shall have authority to release any person
4 from further responsibility for preventive or corrective
5 action under this Act following successful completion of
6 preventive or corrective action undertaken by such person upon
7 written request by the person.

8 (z) To the extent permitted by any applicable federal law
9 or regulation, for all work performed for State construction
10 projects which are funded in whole or in part by a capital
11 infrastructure bill enacted by the 96th General Assembly by
12 sums appropriated to the Environmental Protection Agency, at
13 least 50% of the total labor hours must be performed by actual
14 residents of the State of Illinois. For purposes of this
15 subsection, "actual residents of the State of Illinois" means
16 persons domiciled in the State of Illinois. The Department of
17 Labor shall promulgate rules providing for the enforcement of
18 this subsection.

19 (aa) The Agency may adopt rules requiring the electronic
20 submission of any information required to be submitted to the
21 Agency pursuant to any State or federal law or regulation or
22 any court or Board order. Any rules adopted under this
23 subsection (aa) must include, but are not limited to,
24 identification of the information to be submitted
25 electronically.

26 (Source: P.A. 99-937, eff. 2-24-17; 100-1179, eff. 1-18-19.)

1 (415 ILCS 5/9.9)

2 Sec. 9.9. Nitrogen oxides trading system.

3 (a) The General Assembly finds:

4 (1) That USEPA has issued a Final Rule published in
5 the Federal Register on October 27, 1998, entitled
6 "Finding of Significant Contribution and Rulemaking for
7 Certain States in the Ozone Transport Assessment Group
8 Region for Purposes of Reducing Regional Transport of
9 Ozone", hereinafter referred to as the "NOx SIP Call",
10 compliance with which will require reducing emissions of
11 nitrogen oxides ("NOx");

12 (2) That reducing emissions of NOx in the State helps
13 the State to meet the national ambient air quality
14 standard for ozone;

15 (3) That emissions trading is a cost-effective means
16 of obtaining reductions of NOx emissions.

17 (b) The Agency shall propose and the Board shall adopt
18 regulations to implement an interstate NOx trading program
19 (hereinafter referred to as the "NOx Trading Program") as
20 provided for in 40 CFR Part 96, including incorporation by
21 reference of appropriate provisions of 40 CFR Part 96 and
22 regulations to address 40 CFR Section 96.4(b), Section
23 96.55(c), Subpart E, and Subpart I. In addition, the Agency
24 shall propose and the Board shall adopt regulations to
25 implement NOx emission reduction programs for cement kilns and

1 stationary internal combustion engines.

2 (c) Allocations of NOx allowances to large electric
3 generating units ("EGUs") and large non-electric generating
4 units ("non-EGUs"), as defined by 40 CFR Part 96.4(a), shall
5 not exceed the State's trading budget for those source
6 categories to be included in the State Implementation Plan for
7 NOx.

8 (d) In adopting regulations to implement the NOx Trading
9 Program, the Board shall:

10 (1) assure that the economic impact and technical
11 feasibility of NOx emissions reductions under the NOx
12 Trading Program are considered relative to the traditional
13 regulatory control requirements in the State for EGUs and
14 non-EGUs;

15 (2) provide that emission units, as defined in Section
16 39.5(1) of this Act, may opt into the NOx Trading Program;

17 (3) provide for voluntary reductions of NOx emissions
18 from emission units, as defined in Section 39.5(1) of this
19 Act, not otherwise included under paragraph (c) or (d)(2)
20 of this Section to provide additional allowances to EGUs
21 and non-EGUs to be allocated by the Agency. The
22 regulations shall further provide that such voluntary
23 reductions are verifiable, quantifiable, permanent, and
24 federally enforceable;

25 (4) provide that the Agency allocate to non-EGUs
26 allowances that are designated in the rule, unless the

1 Agency has been directed to transfer the allocations to
2 another unit subject to the requirements of the NOx
3 Trading Program, and that upon shutdown of a non-EGU, the
4 unit may transfer or sell the NOx allowances that are
5 allocated to such unit;

6 (5) provide that the Agency shall set aside annually a
7 number of allowances, not to exceed 5% of the total EGU
8 trading budget, to be made available to new EGUs; and

9 (6) provide that those EGUs that commence commercial
10 operation, as defined in 40 CFR Section 96.2, at a time
11 that is more than half way through the control period in
12 2003 shall return to the Agency any allowances that were
13 issued to it by the Agency and were not used for compliance
14 in 2004.

15 (d-5) The Agency may sell NOx allowances to sources in
16 Illinois that are subject to 35 Ill. Adm. Code 217, either
17 Subpart U or W, as follows:

18 (1) any unearned Early Reduction Credits set aside for
19 non-EGUs under 35 Ill. Adm. Code 217, Subpart U, but only
20 to those sources that make qualifying early reductions of
21 NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the
22 source did not receive an allocation thereunder. If the
23 Agency receives requests to purchase more ERCs than are
24 available for sale, allowances shall be offered for sale
25 to qualifying sources on a pro-rata basis;

26 (2) any remaining Early Reduction Credits allocated

1 under 35 Ill. Adm. Code 217, Subpart U or W, that could not
2 be allocated on a pro-rata, whole allowance basis, but
3 only to those sources that made qualifying early
4 reductions of NOx in 2003 pursuant to 35 Ill. Adm. Code 217
5 for which the source did not receive an allocation;

6 (3) any allowances under 35 Ill. Adm. Code 217,
7 Subpart W, that remain after each 3-year allocation period
8 that could not be allocated on a pro-rata, whole allowance
9 basis pursuant to the provisions of Subpart W; and

10 (4) any allowances requested from the New Source Set
11 Aside for those sources that commenced operation, as
12 defined in 40 CFR Section 96.2, on or after January 1,
13 2004.

14 (d-10) The selling price for ERC allowances shall be 70%
15 of the market price index for 2005 NOx allowances, determined
16 by the Agency as follows:

17 (1) using the mean of 2 or more published market price
18 indexes for the 2005 NOx allowances as of October 6, 2003;
19 or

20 (2) if there are not 2 published market price indexes
21 for 2005 NOx allowances as of October 6, 2003, the Agency
22 may use any reasonable indication of market price.

23 (e) The Agency may adopt procedural rules, as necessary,
24 to implement the regulations promulgated by the Board pursuant
25 to subsections (b) and (d) and to implement subsections (d-5),
26 (d-10), (i), and (j) of this Section.

1 (f) Notwithstanding any provisions in subparts T, U, and W
2 of Section 217 of Title 35 of the Illinois Administrative Code
3 to the contrary, compliance with the regulations promulgated
4 by the Board pursuant to subsections (b) and (d) of this
5 Section is required by May 31, 2004.

6 (g) To the extent that a court of competent jurisdiction
7 finds a provision of 40 CFR Part 96 invalid, the corresponding
8 Illinois provision shall be stayed until such provision of 40
9 CFR Part 96 is found to be valid or is re-promulgated. To the
10 extent that USEPA or any court of competent jurisdiction stays
11 the applicability of any provision of the NOx SIP Call to any
12 person or circumstance relating to Illinois, during the period
13 of that stay, the effectiveness of the corresponding Illinois
14 provision shall be stayed. To the extent that the invalidity
15 of the particular requirement or application does not affect
16 other provisions or applications of the NOx SIP Call pursuant
17 to 40 CFR 51.121 or the NOx trading program pursuant to 40 CFR
18 Part 96 or 40 CFR Part 97, this Section, and rules or
19 regulations promulgated hereunder, will be given effect
20 without the invalid provisions or applications.

21 (h) Notwithstanding any other provision of this Act, any
22 source or other authorized person that participates in the NOx
23 Trading Program shall be eligible to exchange NOx allowances
24 with other sources in accordance with this Section and with
25 regulations promulgated by the Board or the Agency.

26 (i) (Blank). ~~There is hereby created within the State~~

1 ~~Treasury an interest-bearing special fund to be known as the~~
2 ~~NOx Trading System Fund. Moneys generated from the sale of NOx~~
3 ~~allowances from the New Source Set Aside or the sale of~~
4 ~~allowances pursuant to subsection (d-5) of this Section shall~~
5 ~~be deposited into the Fund. This Fund shall be used and~~
6 ~~administered by the Agency for the purposes stated below:~~

7 ~~(1) To accept funds from persons who purchase NOx~~
8 ~~allowances from the New Source Set Aside from the Agency;~~

9 ~~(2) To disburse the proceeds of the sale of the NOx~~
10 ~~allowances from the New Source Set Aside, to the extent~~
11 ~~that proceeds remain after the Agency has recouped the~~
12 ~~reasonable costs incurred by the Agency in the~~
13 ~~administration of the NOx SIP Call Program, pro-rata to~~
14 ~~the owners or operators of the EGUs that received~~
15 ~~allowances from the Agency but not from the Agency's New~~
16 ~~Source Set Aside, in accordance with regulations that may~~
17 ~~be promulgated by the Agency; and~~

18 ~~(3) To finance the reasonable costs incurred by the~~
19 ~~Agency in the administration of the NOx SIP Call Program.~~

20 (j) Moneys generated from the sale of early reduction
21 credits shall be deposited into the Clean Air Act Permit Fund
22 created pursuant to Section 39.5(18)(d) of this Act, and the
23 proceeds shall be used and administered by the Agency to
24 finance the costs associated with the Clean Air Act Permit
25 Program.

26 (Source: P.A. 92-12, eff. 7-1-01; 92-279, eff. 8-7-01; 93-669,

1 eff. 3-19-04.)

2 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

3 Sec. 22.8. Environmental Protection Permit and Inspection
4 Fund.

5 (a) There is hereby created in the State Treasury a
6 special fund to be known as the Environmental Protection
7 Permit and Inspection Fund. All fees collected by the Agency
8 pursuant to this Section, Section 9.6, 12.2, 16.1, 56.4, 56.5,
9 56.6, and subsection (f) of Section 5 of this Act, or pursuant
10 to Section 22 of the Public Water Supply Operations Act or
11 Section 1011 of the Solid Waste Site Operator Certification
12 Law, as well as funds collected under subsection (b.5) of
13 Section 42 of this Act, shall be deposited into the Fund. In
14 addition to any monies appropriated from the General Revenue
15 Fund, monies in the Fund shall be appropriated by the General
16 Assembly to the Agency in amounts deemed necessary for
17 manifest, permit, and inspection activities and for performing
18 its functions, powers, and duties under the Solid Waste Site
19 Operator Certification Law.

20 The General Assembly may appropriate monies in the Fund
21 deemed necessary for Board regulatory and adjudicatory
22 proceedings.

23 (a-5) (Blank). ~~As soon as practicable after the effective~~
24 ~~date of this amendatory Act of the 98th General Assembly, but~~
25 ~~no later than January 1, 2014, the State Comptroller shall~~

1 ~~direct and the State Treasurer shall transfer all monies in~~
2 ~~the Industrial Hygiene Regulatory and Enforcement Fund to the~~
3 ~~Environmental Protection Permit and Inspection Fund to be used~~
4 ~~in accordance with the terms of the Environmental Protection~~
5 ~~Permit and Inspection Fund.~~

6 (a-6) (Blank). ~~As soon as practicable after the effective~~
7 ~~date of this amendatory Act of the 98th General Assembly, but~~
8 ~~no later than December 31, 2014, the State Comptroller shall~~
9 ~~order the transfer of, and the State Treasurer shall transfer,~~
10 ~~all moneys in the Hazardous Waste Occupational Licensing Fund~~
11 ~~into the Environmental Protection Permit and Inspection Fund~~
12 ~~to be used in accordance with the terms of the Environmental~~
13 ~~Protection Permit and Inspection Fund.~~

14 (b) The Agency shall collect from the owner or operator of
15 any of the following types of hazardous waste disposal sites
16 or management facilities which require a RCRA permit under
17 subsection (f) of Section 21 of this Act, or a UIC permit under
18 subsection (g) of Section 12 of this Act, an annual fee in the
19 amount of:

20 (1) \$35,000 (\$70,000 beginning in 2004) for a
21 hazardous waste disposal site receiving hazardous waste if
22 the hazardous waste disposal site is located off the site
23 where such waste was produced;

24 (2) \$9,000 (\$18,000 beginning in 2004) for a hazardous
25 waste disposal site receiving hazardous waste if the
26 hazardous waste disposal site is located on the site where

1 such waste was produced;

2 (3) \$7,000 (\$14,000 beginning in 2004) for a hazardous
3 waste disposal site receiving hazardous waste if the
4 hazardous waste disposal site is an underground injection
5 well;

6 (4) \$2,000 (\$4,000 beginning in 2004) for a hazardous
7 waste management facility treating hazardous waste by
8 incineration;

9 (5) \$1,000 (\$2,000 beginning in 2004) for a hazardous
10 waste management facility treating hazardous waste by a
11 method, technique or process other than incineration;

12 (6) \$1,000 (\$2,000 beginning in 2004) for a hazardous
13 waste management facility storing hazardous waste in a
14 surface impoundment or pile;

15 (7) \$250 (\$500 beginning in 2004) for a hazardous
16 waste management facility storing hazardous waste other
17 than in a surface impoundment or pile; and

18 (8) Beginning in 2004, \$500 for a large quantity
19 hazardous waste generator required to submit an annual or
20 biennial report for hazardous waste generation.

21 (c) Where two or more operational units are located within
22 a single hazardous waste disposal site, the Agency shall
23 collect from the owner or operator of such site an annual fee
24 equal to the highest fee imposed by subsection (b) of this
25 Section upon any single operational unit within the site.

26 (d) The fee imposed upon a hazardous waste disposal site

1 under this Section shall be the exclusive permit and
2 inspection fee applicable to hazardous waste disposal at such
3 site, provided that nothing in this Section shall be construed
4 to diminish or otherwise affect any fee imposed upon the owner
5 or operator of a hazardous waste disposal site by Section
6 22.2.

7 (e) The Agency shall establish procedures, no later than
8 December 1, 1984, relating to the collection of the hazardous
9 waste disposal site fees authorized by this Section. Such
10 procedures shall include, but not be limited to the time and
11 manner of payment of fees to the Agency, which shall be
12 quarterly, payable at the beginning of each quarter for
13 hazardous waste disposal site fees. Annual fees required under
14 paragraph (7) of subsection (b) of this Section shall
15 accompany the annual report required by Board regulations for
16 the calendar year for which the report applies.

17 (f) For purposes of this Section, a hazardous waste
18 disposal site consists of one or more of the following
19 operational units:

20 (1) a landfill receiving hazardous waste for disposal;

21 (2) a waste pile or surface impoundment, receiving
22 hazardous waste, in which residues which exhibit any of
23 the characteristics of hazardous waste pursuant to Board
24 regulations are reasonably expected to remain after
25 closure;

26 (3) a land treatment facility receiving hazardous

1 waste; or

2 (4) a well injecting hazardous waste.

3 (g) The Agency shall assess a fee for each manifest
4 provided by the Agency. For manifests provided on or after
5 January 1, 1989 but before July 1, 2003, the fee shall be \$1
6 per manifest. For manifests provided on or after July 1, 2003,
7 the fee shall be \$3 per manifest.

8 (Source: P.A. 98-78, eff. 7-15-13; 98-692, eff. 7-1-14;
9 98-822, eff. 8-1-14.)

10 Section 20-75. The Toxic Pollution Prevention Act is
11 amended by changing Section 5 as follows:

12 (415 ILCS 85/5) (from Ch. 111 1/2, par. 7955)

13 Sec. 5. Toxic Pollution Prevention Assistance Program.
14 There is hereby established a Toxic Pollution Prevention
15 Assistance Program at the Illinois Sustainable Technology
16 Center. The Center may establish cooperative programs with
17 public and private colleges and universities designed to
18 augment the implementation of this Section. The Center may
19 establish fees, tuition, or other financial charges for
20 participation in the Assistance Program. ~~These monies shall be~~
21 ~~deposited in the Toxic Pollution Prevention Fund established~~
22 ~~in Section 7 of this Act.~~ Through the Assistance Program, the
23 Center:

24 (1) Shall provide general information about and

1 actively publicize the advantages of and developments in
2 toxic pollution prevention and sustainability practices.

3 (2) May establish courses, seminars, conferences and
4 other events, and reports, updates, guides and other
5 publications and other means of providing technical
6 information for industries, local governments and citizens
7 concerning toxic pollution prevention strategies, and may,
8 as appropriate, work in cooperation with the Agency.

9 (3) Shall engage in research on toxic pollution
10 prevention methods. Such research shall include
11 assessments of the impact of adopting toxic pollution
12 prevention methods on the environment, the public health,
13 and worker exposure, and assessments of the impact on
14 profitability and employment within affected industries.

15 (4) Shall provide on-site technical consulting, to the
16 extent practicable, to help facilities to identify
17 opportunities for toxic pollution prevention, and to
18 develop comprehensive toxic pollution prevention plans
19 that would include water, energy, and solid waste. To be
20 eligible for such consulting, the owner or operator of a
21 facility must agree to allow information regarding the
22 results of such consulting to be shared with the public,
23 provided that the identity of the facility shall be made
24 available only with its consent, and trade secret
25 information shall remain protected.

26 (5) May sponsor pilot projects in cooperation with the

1 Agency, or an institute of higher education to develop and
2 demonstrate innovative technologies and methods for toxic
3 pollution prevention and sustainable development. The
4 results of all such projects shall be available for use by
5 the public, but trade secret information shall remain
6 protected.

7 (6) May award grants for activities that further the
8 purposes of this Act, including but not limited to the
9 following:

10 (A) grants to not-for-profit organizations to
11 establish free or low-cost technical assistance or
12 educational programs to supplement the toxic pollution
13 prevention activities of the Center;

14 (B) grants to assist trade associations, business
15 organizations, labor organizations and educational
16 institutions in developing training materials to
17 foster toxic pollution prevention; and

18 (C) grants to assist industry, business
19 organizations, labor organizations, education
20 institutions and industrial hygienists to identify,
21 evaluate and implement toxic pollution prevention
22 measures and alternatives through audits, plans and
23 programs.

24 The Center may establish criteria and terms for such
25 grants, including a requirement that a grantee provide
26 matching funds. Grant money awarded under this Section may

1 not be spent for capital improvements or equipment.

2 In determining whether to award a grant, the Center
3 shall consider at least the following:

4 (i) the potential of the project to prevent
5 pollution;

6 (ii) the likelihood that the project will develop
7 techniques or processes that will minimize the
8 transfer of pollution from one environmental medium to
9 another;

10 (iii) the extent to which information to be
11 developed through the project will be applicable to
12 other persons in the State; and

13 (iv) the willingness of the grant applicant to
14 assist the Center in disseminating information about
15 the pollution prevention methods to be developed
16 through the project.

17 (7) Shall establish and operate a State information
18 clearinghouse that assembles, catalogues and disseminates
19 information about toxic pollution prevention and available
20 consultant services. Such clearinghouse shall include a
21 computer database containing information on managerial,
22 technical and operational approaches to achieving toxic
23 pollution prevention. The computer database must be
24 maintained on a system designed to enable businesses,
25 governmental agencies and the general public readily to
26 obtain information specific to production technologies,

1 materials, operations and products. A business shall not
2 be required to submit to the clearinghouse any information
3 that is a trade secret.

4 (8) May contract with an established institution of
5 higher education to assist the Center in carrying out the
6 provisions of this Section. The assistance provided by
7 such an institution may include, but need not be limited
8 to:

9 (A) engineering field internships to assist
10 industries in identifying toxic pollution prevention
11 opportunities;

12 (B) development of a toxic pollution prevention
13 curriculum for students and faculty; and

14 (C) applied toxic pollution prevention and
15 recycling research.

16 (9) Shall emphasize assistance to businesses that have
17 inadequate technical and financial resources to obtain
18 information and to assess and implement toxic pollution
19 prevention methods.

20 (10) Shall publish a biannual report on its toxic
21 pollution prevention and sustainable development
22 activities, achievements, identified problems and future
23 goals.

24 (Source: P.A. 98-346, eff. 8-14-13.)

25 Section 20-80. The Illinois Endangered Species Protection

1 Act is amended by changing Section 10 as follows:

2 (520 ILCS 10/10) (from Ch. 8, par. 340)

3 Sec. 10. The Endangered and Threatened Species Program
4 shall be located within the Department ~~of Conservation~~. All
5 fines collected under this Act shall be paid to the State
6 Treasurer and deposited in the Illinois Wildlife Preservation
7 ~~Nongame Wildlife Conservation~~ Fund.

8 (Source: P.A. 84-1065.)

9 Section 20-85. The Illinois Vehicle Code is amended by
10 changing Section 11-1429 as follows:

11 (625 ILCS 5/11-1429)

12 Sec. 11-1429. Excessive idling.

13 (a) The purpose of this law is to protect public health and
14 the environment by reducing emissions while conserving fuel
15 and maintaining adequate rest and safety of all drivers of
16 diesel vehicles.

17 (b) As used in this Section, "affected areas" means the
18 counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison,
19 St. Clair, and Monroe and the townships of Aux Sable and Goose
20 Lake in Grundy County and the township of Oswego in Kendall
21 County.

22 (c) A person that operates a motor vehicle operating on
23 diesel fuel in an affected area may not cause or allow the

1 motor vehicle, when it is not in motion, to idle for more than
2 a total of 10 minutes within any 60 minute period, except under
3 the following circumstances:

4 (1) the motor vehicle has a Gross Vehicle Weight
5 Rating of less than 8,000 pounds;

6 (2) the motor vehicle idles while forced to remain
7 motionless because of on-highway traffic, an official
8 traffic control device or signal, or at the direction of a
9 law enforcement official;

10 (3) the motor vehicle idles when operating defrosters,
11 heaters, air conditioners, or other equipment solely to
12 prevent a safety or health emergency;

13 (4) a police, fire, ambulance, public safety, other
14 emergency or law enforcement motor vehicle, or any motor
15 vehicle used in an emergency capacity, idles while in an
16 emergency or training mode and not for the convenience of
17 the vehicle operator;

18 (5) the primary propulsion engine idles for
19 maintenance, servicing, repairing, or diagnostic purposes
20 if idling is necessary for such activity;

21 (6) a motor vehicle idles as part of a government
22 inspection to verify that all equipment is in good working
23 order, provided idling is required as part of the
24 inspection;

25 (7) when idling of the motor vehicle is required to
26 operate auxiliary equipment to accomplish the intended use

1 of the vehicle (such as loading, unloading, mixing, or
2 processing cargo; controlling cargo temperature;
3 construction operations; lumbering operations; oil or gas
4 well servicing; or farming operations), provided that this
5 exemption does not apply when the vehicle is idling solely
6 for cabin comfort or to operate non-essential equipment
7 such as air conditioning, heating, microwave ovens, or
8 televisions;

9 (8) an armored motor vehicle idles when a person
10 remains inside the vehicle to guard the contents, or while
11 the vehicle is being loaded or unloaded;

12 (9) a bus idles a maximum of 15 minutes in any 60
13 minute period to maintain passenger comfort while
14 non-driver passengers are on board;

15 (10) if the motor vehicle has a sleeping berth, when
16 the operator is occupying the vehicle during a rest or
17 sleep period and idling of the vehicle is required to
18 operate air conditioning or heating;

19 (11) when the motor vehicle idles due to mechanical
20 difficulties over which the operator has no control;

21 (12) the motor vehicle is used as airport ground
22 support equipment, including, but not limited to, motor
23 vehicles operated on the air side of the airport terminal
24 to service or supply aircraft;

25 (13) the motor vehicle is (i) a bus owned by a public
26 transit authority and (ii) being operated on a designated

1 bus route or on a street or highway between designated bus
2 routes for the provision of public transportation;

3 (14) the motor vehicle is an implement of husbandry
4 exempt from registration under subdivision A(2) of Section
5 3-402 of this Code;

6 (15) the motor vehicle is owned by an electric utility
7 and is operated for electricity generation or hydraulic
8 pressure to power equipment necessary in the restoration,
9 repair, modification or installation of electric utility
10 service;

11 (16) the outdoor temperature is less than 32 degrees
12 Fahrenheit or greater than 80 degrees Fahrenheit; or

13 (17) the motor vehicle idles while being operated by a
14 remote starter system.

15 (d) When the outdoor temperature is 32 degrees Fahrenheit
16 or higher and 80 degrees Fahrenheit or lower, a person who
17 operates a motor vehicle operating on diesel fuel in an
18 affected area may not cause or allow the motor vehicle to idle
19 for a period greater than 30 minutes in any 60 minute period
20 while waiting to weigh, load, or unload cargo or freight,
21 unless the vehicle is in a line of vehicles that regularly and
22 periodically moves forward.

23 (e) This Section does not prohibit the operation of an
24 auxiliary power unit or generator set as an alternative to
25 idling the main engine of a motor vehicle operating on diesel
26 fuel.

1 (f) This Section does not apply to the owner of a motor
2 vehicle rented or leased to another entity or person operating
3 the vehicle.

4 (g) Any person convicted of any violation of this Section
5 is guilty of a petty offense and shall be fined \$90 for the
6 first conviction and \$500 for a second or subsequent
7 conviction within any 12 month period.

8 (h) Fines; distribution. All fines and all penalties
9 collected under this Section shall be deposited in the State
10 Treasury and shall be distributed as follows: (i) \$50 for the
11 first conviction and \$150 for a second or subsequent
12 conviction within any 12 month period under this Section shall
13 be deposited into the State's General Revenue Fund; (ii) \$20
14 for the first conviction and \$262.50 for a second or
15 subsequent conviction within any 12 month period under this
16 Section shall be distributed to the law enforcement agency
17 that issued the citation; and (iii) \$20 for the first
18 conviction and \$87.50 for a second or subsequent conviction
19 within any 12 month period under this Section shall be
20 deposited into the Vehicle Inspection ~~Trucking Environmental~~
21 ~~and Education~~ Fund.

22 (i) (Blank). ~~The Trucking Environmental and Education Fund~~
23 ~~is created as a special fund in the State Treasury. All money~~
24 ~~deposited into the Trucking Environmental and Education Fund~~
25 ~~shall be paid, subject to appropriation by the General~~
26 ~~Assembly, to the Illinois Environmental Protection Agency for~~

1 ~~the purpose of educating the trucking industry on air~~
2 ~~pollution and preventative measures specifically related to~~
3 ~~idling. Any interest earned on deposits into the Fund shall~~
4 ~~remain in the Fund and be used for the purposes set forth in~~
5 ~~this subsection. Notwithstanding any other law to the~~
6 ~~contrary, the Fund is not subject to administrative charges or~~
7 ~~charge backs that would in any way transfer moneys from the~~
8 ~~Fund into any other fund of the State.~~

9 (j) Notwithstanding any other provision of this Section, a
10 person who operates a motor vehicle with a gross vehicle
11 weight rating of 8,000 pounds or more operating on diesel fuel
12 on property that (i) offers paid parking services to vehicle
13 owners, (ii) does not involve fuel dispensing, and (iii) is
14 located in an affected area within a county of over 3 million
15 residents but outside of a municipality of over 2 million
16 residents may not cause or allow the motor vehicle, when it is
17 not in motion, to idle for more than a total of 10 minutes
18 within any 60-minute period under any circumstances if the
19 vehicle is within 200 feet of a residential area. This Section
20 may be enforced by either the law enforcement agency having
21 jurisdiction over the residential area or the law enforcement
22 agency having jurisdiction over the property on which the
23 violation took place. This subsection does not apply to:

24 (1) school buses;

25 (2) waste hauling vehicles;

26 (3) facilities operated by the Department of

1 Transportation;

2 (4) vehicles owned by a public utility and operated to
3 power equipment necessary in the restoration, repair,
4 modification, or installation of a utility service; or

5 (5) ambulances.

6 (Source: P.A. 100-435, eff. 8-25-17; 101-319, eff. 1-1-20.)

7 Section 20-90. The Unified Code of Corrections is amended
8 by changing Section 5-9-1.8 as follows:

9 (730 ILCS 5/5-9-1.8)

10 Sec. 5-9-1.8. Child pornography fines. Beginning July 1,
11 2006, 100% of the fines in excess of \$10,000 collected for
12 violations of Section 11-20.1 of the Criminal Code of 1961 or
13 the Criminal Code of 2012 shall be deposited into the Child
14 Abuse Prevention Fund ~~that is created in the State Treasury.~~
15 Moneys in the Fund resulting from the fines shall be for the
16 use of the Department of Children and Family Services for
17 grants to private entities giving treatment and counseling to
18 victims of child sexual abuse.

19 ~~Notwithstanding any other provision of law, in addition to~~
20 ~~any other transfers that may be provided by law, on July 1,~~
21 ~~2006, or as soon thereafter as practical, the State~~
22 ~~Comptroller shall direct and the State Treasurer shall~~
23 ~~transfer the remaining balance from the Child Sexual Abuse~~
24 ~~Fund into the Child Abuse Prevention Fund. Upon completion of~~

1 ~~the transfer, the Child Sexual Abuse Fund is dissolved, and~~
2 ~~any future deposits due to that Fund and any outstanding~~
3 ~~obligations or liabilities of the Fund pass to the Child Abuse~~
4 ~~Prevention Fund.~~

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 Section 20-95. The Franchise Tax and License Fee Amnesty
7 Act of 2007 is amended by changing Section 5-10 as follows:

8 (805 ILCS 8/5-10)

9 Sec. 5-10. Amnesty program. The Secretary shall establish
10 an amnesty program for all taxpayers owing any franchise tax
11 or license fee imposed by Article XV of the Business
12 Corporation Act of 1983. The amnesty program shall be for a
13 period from February 1, 2008 through March 15, 2008. The
14 amnesty program shall also be for a period between October 1,
15 2019 and November 15, 2019, and shall apply to franchise tax or
16 license fee liabilities for any tax period ending after March
17 15, 2008 and on or before June 30, 2019. The amnesty program
18 shall provide that, upon payment by a taxpayer of all
19 franchise taxes and license fees due from that taxpayer to the
20 State of Illinois for any taxable period, the Secretary shall
21 abate and not seek to collect any interest or penalties that
22 may be applicable, and the Secretary shall not seek civil or
23 criminal prosecution for any taxpayer for the period of time
24 for which amnesty has been granted to the taxpayer. Failure to

1 pay all taxes due to the State for a taxable period shall not
2 invalidate any amnesty granted under this Act with respect to
3 the taxes paid pursuant to the amnesty program. Amnesty shall
4 be granted only if all amnesty conditions are satisfied by the
5 taxpayer. Amnesty shall not be granted to taxpayers who are a
6 party to any criminal investigation or to any civil or
7 criminal litigation that is pending in any circuit court or
8 appellate court or the Supreme Court of this State for
9 nonpayment, delinquency, or fraud in relation to any franchise
10 tax or license fee imposed by Article XV of the Business
11 Corporation Act of 1983. Voluntary payments made under this
12 Act shall be made by check, guaranteed remittance, or ACH
13 debit. The Secretary shall adopt rules as necessary to
14 implement the provisions of this Act. Except as otherwise
15 provided in this Section, all money collected under this Act
16 that would otherwise be deposited into the General Revenue
17 Fund shall be deposited into the General Revenue Fund. Two
18 percent of all money collected under this Act shall be
19 deposited by the State Treasurer into the Department of
20 Business Services Special Operations Fund and, subject to
21 appropriation, shall be used by the Secretary to cover costs
22 associated with the administration of this Act.

23 (Source: P.A. 101-9, eff. 6-5-19; 101-604, eff. 12-13-19.)

24 Section 20-100. The Consumer Fraud and Deceptive Business
25 Practices Act is amended by changing Section 7 as follows:

1 (815 ILCS 505/7) (from Ch. 121 1/2, par. 267)

2 Sec. 7. Injunctive relief; restitution; and civil
3 penalties.

4 (a) Whenever the Attorney General or a State's Attorney
5 has reason to believe that any person is using, has used, or is
6 about to use any method, act or practice declared by this Act
7 to be unlawful, and that proceedings would be in the public
8 interest, he or she may bring an action in the name of the
9 People of the State against such person to restrain by
10 preliminary or permanent injunction the use of such method,
11 act or practice. The Court, in its discretion, may exercise
12 all powers necessary, including but not limited to:
13 injunction; revocation, forfeiture or suspension of any
14 license, charter, franchise, certificate or other evidence of
15 authority of any person to do business in this State;
16 appointment of a receiver; dissolution of domestic
17 corporations or association suspension or termination of the
18 right of foreign corporations or associations to do business
19 in this State; and restitution.

20 (b) In addition to the remedies provided herein, the
21 Attorney General or State's Attorney may request and the Court
22 may impose a civil penalty in a sum not to exceed \$50,000
23 against any person found by the Court to have engaged in any
24 method, act or practice declared unlawful under this Act. In
25 the event the court finds the method, act or practice to have

1 been entered into with the intent to defraud, the court has the
2 authority to impose a civil penalty in a sum not to exceed
3 \$50,000 per violation.

4 (c) In addition to any other civil penalty provided in
5 this Section, if a person is found by the court to have engaged
6 in any method, act, or practice declared unlawful under this
7 Act, and the violation was committed against a person 65 years
8 of age or older, the court may impose an additional civil
9 penalty not to exceed \$10,000 for each violation.

10 A civil penalty imposed under this subsection (c) shall be
11 paid to the State Treasurer who shall deposit the money in the
12 State treasury in a special fund designated the Department on
13 Aging State Projects ~~Elderly Victim~~ Fund. The Treasurer shall
14 deposit such moneys into the Fund monthly. All of the moneys
15 deposited into the Fund shall be appropriated to the
16 Department on Aging for grants to senior centers in Illinois.

17 An award of restitution under subsection (a) has priority
18 over a civil penalty imposed by the court under this
19 subsection.

20 In determining whether to impose a civil penalty under
21 this subsection and the amount of any penalty, the court shall
22 consider the following:

23 (1) Whether the defendant's conduct was in willful
24 disregard of the rights of the person 65 years of age or
25 older.

26 (2) Whether the defendant knew or should have known

1 that the defendant's conduct was directed to a person 65
2 years of age or older.

3 (3) Whether the person 65 years of age or older was
4 substantially more vulnerable to the defendant's conduct
5 because of age, poor health, infirmity, impaired
6 understanding, restricted mobility, or disability, than
7 other persons.

8 (4) Any other factors the court deems appropriate.

9 (d) This Section applies if: (i) a court orders a party to
10 make payments to the Attorney General and the payments are to
11 be used for the operations of the Office of the Attorney
12 General or (ii) a party agrees, in an Assurance of Voluntary
13 Compliance under this Act, to make payments to the Attorney
14 General for the operations of the Office of the Attorney
15 General.

16 (e) Moneys paid under any of the conditions described in
17 subsection (d) shall be deposited into the Attorney General
18 Court Ordered and Voluntary Compliance Payment Projects Fund,
19 which is created as a special fund in the State Treasury.
20 Moneys in the Fund shall be used, subject to appropriation,
21 for the performance of any function pertaining to the exercise
22 of the duties of the Attorney General including but not
23 limited to enforcement of any law of this State and conducting
24 public education programs; however, any moneys in the Fund
25 that are required by the court or by an agreement to be used
26 for a particular purpose shall be used for that purpose.

1 (Source: P.A. 93-246, eff. 7-22-03.)

2 ARTICLE 25. FINANCE-SPECIAL FUNDS REPEAL

3 (20 ILCS 690/Act rep.)

4 Section 25-5. The Rural Diversification Act is repealed.

5 (20 ILCS 1305/10-20 rep.)

6 Section 25-10. The Department of Human Services Act is
7 amended by repealing Section 10-20.

8 (20 ILCS 2310/2310-370 rep.)

9 Section 25-15. The Department of Public Health Powers and
10 Duties Law of the Civil Administrative Code of Illinois is
11 amended by repealing Section 2310-370.

12 (20 ILCS 2705/2705-610 rep.)

13 Section 25-20. The Department of Transportation Law of the
14 Civil Administrative Code of Illinois is amended by repealing
15 Section 2705-610.

16 (20 ILCS 3930/9.2 rep.)

17 Section 25-25. The Illinois Criminal Justice Information
18 Act is amended by repealing Section 9.2.

19 (30 ILCS 105/5.216 rep.)

- 1 (30 ILCS 105/5.480 rep.)
- 2 (30 ILCS 105/5.502 rep.)
- 3 (30 ILCS 105/5.524 rep.)
- 4 (30 ILCS 105/5.578 rep.)
- 5 (30 ILCS 105/5.638 rep.)
- 6 (30 ILCS 105/5.655 rep.)
- 7 (30 ILCS 105/5.662 rep.)
- 8 (30 ILCS 105/5.718 rep.)
- 9 (30 ILCS 105/5.732 rep.)
- 10 (30 ILCS 105/5.838 rep.)
- 11 (30 ILCS 105/5.917 rep.)
- 12 (30 ILCS 105/5.923 rep.)
- 13 (30 ILCS 105/5.925 rep.)
- 14 (30 ILCS 105/6y rep.)
- 15 (30 ILCS 105/6z-68 rep.)
- 16 (30 ILCS 105/6z-71 rep.)
- 17 (30 ILCS 105/8.8b rep.)
- 18 (30 ILCS 105/8.23 rep.)
- 19 (30 ILCS 105/8.25b rep.)
- 20 (30 ILCS 105/8.25d rep.)
- 21 (30 ILCS 105/8.41 rep.)
- 22 (30 ILCS 105/8.42 rep.)
- 23 (30 ILCS 105/8.43 rep.)
- 24 (30 ILCS 105/8.44 rep.)
- 25 (30 ILCS 105/8.45 rep.)
- 26 (30 ILCS 105/8.46 rep.)

- 1 (30 ILCS 105/8.47 rep.)
- 2 (30 ILCS 105/8.48 rep.)
- 3 (30 ILCS 105/8.49 rep.)
- 4 (30 ILCS 105/8.50 rep.)
- 5 (30 ILCS 105/8.52 rep.)
- 6 (30 ILCS 105/8.55 rep.)
- 7 (30 ILCS 105/8d rep.)
- 8 (30 ILCS 105/8e rep.)
- 9 (30 ILCS 105/8h rep.)
- 10 (30 ILCS 105/8i rep.)
- 11 (30 ILCS 105/8m rep.)
- 12 (30 ILCS 105/8n rep.)
- 13 (30 ILCS 105/8o rep.)
- 14 (30 ILCS 105/9.07 rep.)
- 15 (30 ILCS 105/8r rep.)
- 16 (30 ILCS 105/14.2 rep.)
- 17 (30 ILCS 105/24.12 rep.)
- 18 (30 ILCS 105/24.13 rep.)
- 19 (30 ILCS 105/25.2 rep.)
- 20 (30 ILCS 105/25.5 rep.)

21 Section 25-30. The State Finance Act is amended by
22 repealing Sections 5.216, 5.480, 5.502, 5.524, 5.578, 5.638,
23 5.655, 5.662, 5.718, 5.732, 5.838, 5.917, 5.923, 5.925, 6y,
24 6z-68, 6z-71, 8.8b, 8.23, 8.25b, 8.25d, 8.41, 8.42, 8.43,
25 8.44, 8.45, 8.46, 8.47, 8.48, 8.49, 8.50, 8.52, 8.55, 8d, 8e,
26 8h, 8i, 8m, 8n, 8o, 9.07, 8r, 14.2, 24.12, 24.13, 25.2, and

1 25.5.

2 (30 ILCS 605/8.2 rep.)

3 Section 25-35. The State Property Control Act is amended
4 by repealing Section 8.2.

5 (30 ILCS 750/Art. 3 rep.)

6 Section 25-40. The Build Illinois Act is amended by
7 repealing Article 3.

8 (415 ILCS 85/7 rep.)

9 Section 25-45. The Toxic Pollution Prevention Act is
10 amended by repealing Section 7.

11 (430 ILCS 65/5.1 rep.)

12 Section 25-50. The Firearm Owners Identification Card Act
13 is amended by repealing Section 5.1.

14 ARTICLE 30. COMMUNITY CARE PROGRAM

15 Section 30-5. The Illinois Act on the Aging is amended by
16 changing Section 4.02 as follows:

17 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

18 Sec. 4.02. Community Care Program. The Department shall
19 establish a program of services to prevent unnecessary

1 institutionalization of persons age 60 and older in need of
2 long term care or who are established as persons who suffer
3 from Alzheimer's disease or a related disorder under the
4 Alzheimer's Disease Assistance Act, thereby enabling them to
5 remain in their own homes or in other living arrangements.
6 Such preventive services, which may be coordinated with other
7 programs for the aged and monitored by area agencies on aging
8 in cooperation with the Department, may include, but are not
9 limited to, any or all of the following:

10 (a) (blank);

11 (b) (blank);

12 (c) home care aide services;

13 (d) personal assistant services;

14 (e) adult day services;

15 (f) home-delivered meals;

16 (g) education in self-care;

17 (h) personal care services;

18 (i) adult day health services;

19 (j) habilitation services;

20 (k) respite care;

21 (k-5) community reintegration services;

22 (k-6) flexible senior services;

23 (k-7) medication management;

24 (k-8) emergency home response;

25 (l) other nonmedical social services that may enable
26 the person to become self-supporting; or

1 (m) clearinghouse for information provided by senior
2 citizen home owners who want to rent rooms to or share
3 living space with other senior citizens.

4 The Department shall establish eligibility standards for
5 such services. In determining the amount and nature of
6 services for which a person may qualify, consideration shall
7 not be given to the value of cash, property or other assets
8 held in the name of the person's spouse pursuant to a written
9 agreement dividing marital property into equal but separate
10 shares or pursuant to a transfer of the person's interest in a
11 home to his spouse, provided that the spouse's share of the
12 marital property is not made available to the person seeking
13 such services.

14 Beginning January 1, 2008, the Department shall require as
15 a condition of eligibility that all new financially eligible
16 applicants apply for and enroll in medical assistance under
17 Article V of the Illinois Public Aid Code in accordance with
18 rules promulgated by the Department.

19 The Department shall, in conjunction with the Department
20 of Public Aid (now Department of Healthcare and Family
21 Services), seek appropriate amendments under Sections 1915 and
22 1924 of the Social Security Act. The purpose of the amendments
23 shall be to extend eligibility for home and community based
24 services under Sections 1915 and 1924 of the Social Security
25 Act to persons who transfer to or for the benefit of a spouse
26 those amounts of income and resources allowed under Section

1 1924 of the Social Security Act. Subject to the approval of
2 such amendments, the Department shall extend the provisions of
3 Section 5-4 of the Illinois Public Aid Code to persons who, but
4 for the provision of home or community-based services, would
5 require the level of care provided in an institution, as is
6 provided for in federal law. Those persons no longer found to
7 be eligible for receiving noninstitutional services due to
8 changes in the eligibility criteria shall be given 45 days
9 notice prior to actual termination. Those persons receiving
10 notice of termination may contact the Department and request
11 the determination be appealed at any time during the 45 day
12 notice period. The target population identified for the
13 purposes of this Section are persons age 60 and older with an
14 identified service need. Priority shall be given to those who
15 are at imminent risk of institutionalization. The services
16 shall be provided to eligible persons age 60 and older to the
17 extent that the cost of the services together with the other
18 personal maintenance expenses of the persons are reasonably
19 related to the standards established for care in a group
20 facility appropriate to the person's condition. These
21 non-institutional services, pilot projects or experimental
22 facilities may be provided as part of or in addition to those
23 authorized by federal law or those funded and administered by
24 the Department of Human Services. The Departments of Human
25 Services, Healthcare and Family Services, Public Health,
26 Veterans' Affairs, and Commerce and Economic Opportunity and

1 other appropriate agencies of State, federal and local
2 governments shall cooperate with the Department on Aging in
3 the establishment and development of the non-institutional
4 services. The Department shall require an annual audit from
5 all personal assistant and home care aide vendors contracting
6 with the Department under this Section. The annual audit shall
7 assure that each audited vendor's procedures are in compliance
8 with Department's financial reporting guidelines requiring an
9 administrative and employee wage and benefits cost split as
10 defined in administrative rules. The audit is a public record
11 under the Freedom of Information Act. The Department shall
12 execute, relative to the nursing home prescreening project,
13 written inter-agency agreements with the Department of Human
14 Services and the Department of Healthcare and Family Services,
15 to effect the following: (1) intake procedures and common
16 eligibility criteria for those persons who are receiving
17 non-institutional services; and (2) the establishment and
18 development of non-institutional services in areas of the
19 State where they are not currently available or are
20 undeveloped. On and after July 1, 1996, all nursing home
21 prescreenings for individuals 60 years of age or older shall
22 be conducted by the Department.

23 As part of the Department on Aging's routine training of
24 case managers and case manager supervisors, the Department may
25 include information on family futures planning for persons who
26 are age 60 or older and who are caregivers of their adult

1 children with developmental disabilities. The content of the
2 training shall be at the Department's discretion.

3 The Department is authorized to establish a system of
4 recipient copayment for services provided under this Section,
5 such copayment to be based upon the recipient's ability to pay
6 but in no case to exceed the actual cost of the services
7 provided. Additionally, any portion of a person's income which
8 is equal to or less than the federal poverty standard shall not
9 be considered by the Department in determining the copayment.
10 The level of such copayment shall be adjusted whenever
11 necessary to reflect any change in the officially designated
12 federal poverty standard.

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

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

16 The Department shall increase the effectiveness of the
17 existing Community Care Program by:

18 (1) ensuring that in-home services included in the
19 care plan are available on evenings and weekends;

20 (2) ensuring that care plans contain the services that
21 eligible participants need based on the number of days in
22 a month, not limited to specific blocks of time, as
23 identified by the comprehensive assessment tool selected
24 by the Department for use statewide, not to exceed the
25 total monthly service cost maximum allowed for each
26 service; the Department shall develop administrative rules

1 to implement this item (2);

2 (3) ensuring that the participants have the right to
3 choose the services contained in their care plan and to
4 direct how those services are provided, based on
5 administrative rules established by the Department;

6 (4) ensuring that the determination of need tool is
7 accurate in determining the participants' level of need;
8 to achieve this, the Department, in conjunction with the
9 Older Adult Services Advisory Committee, shall institute a
10 study of the relationship between the Determination of
11 Need scores, level of need, service cost maximums, and the
12 development and utilization of service plans no later than
13 May 1, 2008; findings and recommendations shall be
14 presented to the Governor and the General Assembly no
15 later than January 1, 2009; recommendations shall include
16 all needed changes to the service cost maximums schedule
17 and additional covered services;

18 (5) ensuring that homemakers can provide personal care
19 services that may or may not involve contact with clients,
20 including but not limited to:

21 (A) bathing;

22 (B) grooming;

23 (C) toileting;

24 (D) nail care;

25 (E) transferring;

26 (F) respiratory services;

1 (G) exercise; or

2 (H) positioning;

3 (6) ensuring that homemaker program vendors are not
4 restricted from hiring homemakers who are family members
5 of clients or recommended by clients; the Department may
6 not, by rule or policy, require homemakers who are family
7 members of clients or recommended by clients to accept
8 assignments in homes other than the client;

9 (7) ensuring that the State may access maximum federal
10 matching funds by seeking approval for the Centers for
11 Medicare and Medicaid Services for modifications to the
12 State's home and community based services waiver and
13 additional waiver opportunities, including applying for
14 enrollment in the Balance Incentive Payment Program by May
15 1, 2013, in order to maximize federal matching funds; this
16 shall include, but not be limited to, modification that
17 reflects all changes in the Community Care Program
18 services and all increases in the services cost maximum;

19 (8) ensuring that the determination of need tool
20 accurately reflects the service needs of individuals with
21 Alzheimer's disease and related dementia disorders;

22 (9) ensuring that services are authorized accurately
23 and consistently for the Community Care Program (CCP); the
24 Department shall implement a Service Authorization policy
25 directive; the purpose shall be to ensure that eligibility
26 and services are authorized accurately and consistently in

1 the CCP program; the policy directive shall clarify
2 service authorization guidelines to Care Coordination
3 Units and Community Care Program providers no later than
4 May 1, 2013;

5 (10) working in conjunction with Care Coordination
6 Units, the Department of Healthcare and Family Services,
7 the Department of Human Services, Community Care Program
8 providers, and other stakeholders to make improvements to
9 the Medicaid claiming processes and the Medicaid
10 enrollment procedures or requirements as needed,
11 including, but not limited to, specific policy changes or
12 rules to improve the up-front enrollment of participants
13 in the Medicaid program and specific policy changes or
14 rules to insure more prompt submission of bills to the
15 federal government to secure maximum federal matching
16 dollars as promptly as possible; the Department on Aging
17 shall have at least 3 meetings with stakeholders by
18 January 1, 2014 in order to address these improvements;

19 (11) requiring home care service providers to comply
20 with the rounding of hours worked provisions under the
21 federal Fair Labor Standards Act (FLSA) and as set forth
22 in 29 CFR 785.48(b) by May 1, 2013;

23 (12) implementing any necessary policy changes or
24 promulgating any rules, no later than January 1, 2014, to
25 assist the Department of Healthcare and Family Services in
26 moving as many participants as possible, consistent with

1 federal regulations, into coordinated care plans if a care
2 coordination plan that covers long term care is available
3 in the recipient's area; and

4 (13) maintaining fiscal year 2014 rates at the same
5 level established on January 1, 2013.

6 By January 1, 2009 or as soon after the end of the Cash and
7 Counseling Demonstration Project as is practicable, the
8 Department may, based on its evaluation of the demonstration
9 project, promulgate rules concerning personal assistant
10 services, to include, but need not be limited to,
11 qualifications, employment screening, rights under fair labor
12 standards, training, fiduciary agent, and supervision
13 requirements. All applicants shall be subject to the
14 provisions of the Health Care Worker Background Check Act.

15 The Department shall develop procedures to enhance
16 availability of services on evenings, weekends, and on an
17 emergency basis to meet the respite needs of caregivers.
18 Procedures shall be developed to permit the utilization of
19 services in successive blocks of 24 hours up to the monthly
20 maximum established by the Department. Workers providing these
21 services shall be appropriately trained.

22 Beginning on the effective date of this amendatory Act of
23 1991, no person may perform chore/housekeeping and home care
24 aide services under a program authorized by this Section
25 unless that person has been issued a certificate of
26 pre-service to do so by his or her employing agency.

1 Information gathered to effect such certification shall
2 include (i) the person's name, (ii) the date the person was
3 hired by his or her current employer, and (iii) the training,
4 including dates and levels. Persons engaged in the program
5 authorized by this Section before the effective date of this
6 amendatory Act of 1991 shall be issued a certificate of all
7 pre- and in-service training from his or her employer upon
8 submitting the necessary information. The employing agency
9 shall be required to retain records of all staff pre- and
10 in-service training, and shall provide such records to the
11 Department upon request and upon termination of the employer's
12 contract with the Department. In addition, the employing
13 agency is responsible for the issuance of certifications of
14 in-service training completed to their employees.

15 The Department is required to develop a system to ensure
16 that persons working as home care aides and personal
17 assistants receive increases in their wages when the federal
18 minimum wage is increased by requiring vendors to certify that
19 they are meeting the federal minimum wage statute for home
20 care aides and personal assistants. An employer that cannot
21 ensure that the minimum wage increase is being given to home
22 care aides and personal assistants shall be denied any
23 increase in reimbursement costs.

24 The Community Care Program Advisory Committee is created
25 in the Department on Aging. The Director shall appoint
26 individuals to serve in the Committee, who shall serve at

1 their own expense. Members of the Committee must abide by all
2 applicable ethics laws. The Committee shall advise the
3 Department on issues related to the Department's program of
4 services to prevent unnecessary institutionalization. The
5 Committee shall meet on a bi-monthly basis and shall serve to
6 identify and advise the Department on present and potential
7 issues affecting the service delivery network, the program's
8 clients, and the Department and to recommend solution
9 strategies. Persons appointed to the Committee shall be
10 appointed on, but not limited to, their own and their agency's
11 experience with the program, geographic representation, and
12 willingness to serve. The Director shall appoint members to
13 the Committee to represent provider, advocacy, policy
14 research, and other constituencies committed to the delivery
15 of high quality home and community-based services to older
16 adults. Representatives shall be appointed to ensure
17 representation from community care providers including, but
18 not limited to, adult day service providers, homemaker
19 providers, case coordination and case management units,
20 emergency home response providers, statewide trade or labor
21 unions that represent home care aides and direct care staff,
22 area agencies on aging, adults over age 60, membership
23 organizations representing older adults, and other
24 organizational entities, providers of care, or individuals
25 with demonstrated interest and expertise in the field of home
26 and community care as determined by the Director.

1 Nominations may be presented from any agency or State
2 association with interest in the program. The Director, or his
3 or her designee, shall serve as the permanent co-chair of the
4 advisory committee. One other co-chair shall be nominated and
5 approved by the members of the committee on an annual basis.
6 Committee members' terms of appointment shall be for 4 years
7 with one-quarter of the appointees' terms expiring each year.
8 A member shall continue to serve until his or her replacement
9 is named. The Department shall fill vacancies that have a
10 remaining term of over one year, and this replacement shall
11 occur through the annual replacement of expiring terms. The
12 Director shall designate Department staff to provide technical
13 assistance and staff support to the committee. Department
14 representation shall not constitute membership of the
15 committee. All Committee papers, issues, recommendations,
16 reports, and meeting memoranda are advisory only. The
17 Director, or his or her designee, shall make a written report,
18 as requested by the Committee, regarding issues before the
19 Committee.

20 The Department on Aging and the Department of Human
21 Services shall cooperate in the development and submission of
22 an annual report on programs and services provided under this
23 Section. Such joint report shall be filed with the Governor
24 and the General Assembly on or before September 30 each year.

25 The requirement for reporting to the General Assembly
26 shall be satisfied by filing copies of the report as required

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

5 Those persons previously found eligible for receiving
6 non-institutional services whose services were discontinued
7 under the Emergency Budget Act of Fiscal Year 1992, and who do
8 not meet the eligibility standards in effect on or after July
9 1, 1992, shall remain ineligible on and after July 1, 1992.
10 Those persons previously not required to cost-share and who
11 were required to cost-share effective March 1, 1992, shall
12 continue to meet cost-share requirements on and after July 1,
13 1992. Beginning July 1, 1992, all clients will be required to
14 meet eligibility, cost-share, and other requirements and will
15 have services discontinued or altered when they fail to meet
16 these requirements.

17 For the purposes of this Section, "flexible senior
18 services" refers to services that require one-time or periodic
19 expenditures including, but not limited to, respite care, home
20 modification, assistive technology, housing assistance, and
21 transportation.

22 The Department shall implement an electronic service
23 verification based on global positioning systems or other
24 cost-effective technology for the Community Care Program no
25 later than January 1, 2014.

26 The Department shall require, as a condition of

1 eligibility, enrollment in the medical assistance program
2 under Article V of the Illinois Public Aid Code (i) beginning
3 August 1, 2013, if the Auditor General has reported that the
4 Department has failed to comply with the reporting
5 requirements of Section 2-27 of the Illinois State Auditing
6 Act; or (ii) beginning June 1, 2014, if the Auditor General has
7 reported that the Department has not undertaken the required
8 actions listed in the report required by subsection (a) of
9 Section 2-27 of the Illinois State Auditing Act.

10 The Department shall delay Community Care Program services
11 until an applicant is determined eligible for medical
12 assistance under Article V of the Illinois Public Aid Code (i)
13 beginning August 1, 2013, if the Auditor General has reported
14 that the Department has failed to comply with the reporting
15 requirements of Section 2-27 of the Illinois State Auditing
16 Act; or (ii) beginning June 1, 2014, if the Auditor General has
17 reported that the Department has not undertaken the required
18 actions listed in the report required by subsection (a) of
19 Section 2-27 of the Illinois State Auditing Act.

20 The Department shall implement co-payments for the
21 Community Care Program at the federally allowable maximum
22 level (i) beginning August 1, 2013, if the Auditor General has
23 reported that the Department has failed to comply with the
24 reporting requirements of Section 2-27 of the Illinois State
25 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor
26 General has reported that the Department has not undertaken

1 the required actions listed in the report required by
2 subsection (a) of Section 2-27 of the Illinois State Auditing
3 Act.

4 The Department shall continue to provide other Community
5 Care Program reports as required by statute.

6 ~~The Department shall provide a bi monthly report on the~~
7 ~~progress of the Community Care Program reforms set forth in~~
8 ~~this amendatory Act of the 98th General Assembly to the~~
9 ~~Governor, the Speaker of the House of Representatives, the~~
10 ~~Minority Leader of the House of Representatives, the President~~
11 ~~of the Senate, and the Minority Leader of the Senate.~~

12 The Department shall conduct a quarterly review of Care
13 Coordination Unit performance and adherence to service
14 guidelines. The quarterly review shall be reported to the
15 Speaker of the House of Representatives, the Minority Leader
16 of the House of Representatives, the President of the Senate,
17 and the Minority Leader of the Senate. The Department shall
18 collect and report longitudinal data on the performance of
19 each care coordination unit. Nothing in this paragraph shall
20 be construed to require the Department to identify specific
21 care coordination units.

22 In regard to community care providers, failure to comply
23 with Department on Aging policies shall be cause for
24 disciplinary action, including, but not limited to,
25 disqualification from serving Community Care Program clients.
26 Each provider, upon submission of any bill or invoice to the

1 Department for payment for services rendered, shall include a
2 notarized statement, under penalty of perjury pursuant to
3 Section 1-109 of the Code of Civil Procedure, that the
4 provider has complied with all Department policies.

5 The Director of the Department on Aging shall make
6 information available to the State Board of Elections as may
7 be required by an agreement the State Board of Elections has
8 entered into with a multi-state voter registration list
9 maintenance system.

10 Within 30 days after July 6, 2017 (the effective date of
11 Public Act 100-23), rates shall be increased to \$18.29 per
12 hour, for the purpose of increasing, by at least \$.72 per hour,
13 the wages paid by those vendors to their employees who provide
14 homemaker services. The Department shall pay an enhanced rate
15 under the Community Care Program to those in-home service
16 provider agencies that offer health insurance coverage as a
17 benefit to their direct service worker employees consistent
18 with the mandates of Public Act 95-713. For State fiscal years
19 2018 and 2019, the enhanced rate shall be \$1.77 per hour. The
20 rate shall be adjusted using actuarial analysis based on the
21 cost of care, but shall not be set below \$1.77 per hour. The
22 Department shall adopt rules, including emergency rules under
23 subsections (y) and (bb) of Section 5-45 of the Illinois
24 Administrative Procedure Act, to implement the provisions of
25 this paragraph.

26 The General Assembly finds it necessary to authorize an

1 aggressive Medicaid enrollment initiative designed to maximize
2 federal Medicaid funding for the Community Care Program which
3 produces significant savings for the State of Illinois. The
4 Department on Aging shall establish and implement a Community
5 Care Program Medicaid Initiative. Under the Initiative, the
6 Department on Aging shall, at a minimum: (i) provide an
7 enhanced rate to adequately compensate care coordination units
8 to enroll eligible Community Care Program clients into
9 Medicaid; (ii) use recommendations from a stakeholder
10 committee on how best to implement the Initiative; and (iii)
11 establish requirements for State agencies to make enrollment
12 in the State's Medical Assistance program easier for seniors.

13 The Community Care Program Medicaid Enrollment Oversight
14 Subcommittee is created as a subcommittee of the Older Adult
15 Services Advisory Committee established in Section 35 of the
16 Older Adult Services Act to make recommendations on how best
17 to increase the number of medical assistance recipients who
18 are enrolled in the Community Care Program. The Subcommittee
19 shall consist of all of the following persons who must be
20 appointed within 30 days after the effective date of this
21 amendatory Act of the 100th General Assembly:

22 (1) The Director of Aging, or his or her designee, who
23 shall serve as the chairperson of the Subcommittee.

24 (2) One representative of the Department of Healthcare
25 and Family Services, appointed by the Director of
26 Healthcare and Family Services.

1 (3) One representative of the Department of Human
2 Services, appointed by the Secretary of Human Services.

3 (4) One individual representing a care coordination
4 unit, appointed by the Director of Aging.

5 (5) One individual from a non-governmental statewide
6 organization that advocates for seniors, appointed by the
7 Director of Aging.

8 (6) One individual representing Area Agencies on
9 Aging, appointed by the Director of Aging.

10 (7) One individual from a statewide association
11 dedicated to Alzheimer's care, support, and research,
12 appointed by the Director of Aging.

13 (8) One individual from an organization that employs
14 persons who provide services under the Community Care
15 Program, appointed by the Director of Aging.

16 (9) One member of a trade or labor union representing
17 persons who provide services under the Community Care
18 Program, appointed by the Director of Aging.

19 (10) One member of the Senate, who shall serve as
20 co-chairperson, appointed by the President of the Senate.

21 (11) One member of the Senate, who shall serve as
22 co-chairperson, appointed by the Minority Leader of the
23 Senate.

24 (12) One member of the House of Representatives, who
25 shall serve as co-chairperson, appointed by the Speaker of
26 the House of Representatives.

1 (13) One member of the House of Representatives, who
2 shall serve as co-chairperson, appointed by the Minority
3 Leader of the House of Representatives.

4 (14) One individual appointed by a labor organization
5 representing frontline employees at the Department of
6 Human Services.

7 The Subcommittee shall provide oversight to the Community
8 Care Program Medicaid Initiative and shall meet quarterly. At
9 each Subcommittee meeting the Department on Aging shall
10 provide the following data sets to the Subcommittee: (A) the
11 number of Illinois residents, categorized by planning and
12 service area, who are receiving services under the Community
13 Care Program and are enrolled in the State's Medical
14 Assistance Program; (B) the number of Illinois residents,
15 categorized by planning and service area, who are receiving
16 services under the Community Care Program, but are not
17 enrolled in the State's Medical Assistance Program; and (C)
18 the number of Illinois residents, categorized by planning and
19 service area, who are receiving services under the Community
20 Care Program and are eligible for benefits under the State's
21 Medical Assistance Program, but are not enrolled in the
22 State's Medical Assistance Program. In addition to this data,
23 the Department on Aging shall provide the Subcommittee with
24 plans on how the Department on Aging will reduce the number of
25 Illinois residents who are not enrolled in the State's Medical
26 Assistance Program but who are eligible for medical assistance

1 benefits. The Department on Aging shall enroll in the State's
2 Medical Assistance Program those Illinois residents who
3 receive services under the Community Care Program and are
4 eligible for medical assistance benefits but are not enrolled
5 in the State's Medicaid Assistance Program. The data provided
6 to the Subcommittee shall be made available to the public via
7 the Department on Aging's website.

8 The Department on Aging, with the involvement of the
9 Subcommittee, shall collaborate with the Department of Human
10 Services and the Department of Healthcare and Family Services
11 on how best to achieve the responsibilities of the Community
12 Care Program Medicaid Initiative.

13 The Department on Aging, the Department of Human Services,
14 and the Department of Healthcare and Family Services shall
15 coordinate and implement a streamlined process for seniors to
16 access benefits under the State's Medical Assistance Program.

17 The Subcommittee shall collaborate with the Department of
18 Human Services on the adoption of a uniform application
19 submission process. The Department of Human Services and any
20 other State agency involved with processing the medical
21 assistance application of any person enrolled in the Community
22 Care Program shall include the appropriate care coordination
23 unit in all communications related to the determination or
24 status of the application.

25 The Community Care Program Medicaid Initiative shall
26 provide targeted funding to care coordination units to help

1 seniors complete their applications for medical assistance
2 benefits. On and after July 1, 2019, care coordination units
3 shall receive no less than \$200 per completed application,
4 which rate may be included in a bundled rate for initial intake
5 services when Medicaid application assistance is provided in
6 conjunction with the initial intake process for new program
7 participants.

8 The Community Care Program Medicaid Initiative shall cease
9 operation 5 years after the effective date of this amendatory
10 Act of the 100th General Assembly, after which the
11 Subcommittee shall dissolve.

12 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
13 100-1148, eff. 12-10-18; 101-10, eff. 6-5-19.)

14 ARTICLE 35. OCCUPATIONAL STANDARDS

15 Section 35-5. The Employee Washroom Act is amended by
16 adding Section 0.05 as follows:

17 (820 ILCS 230/0.05 new)

18 Sec. 0.05. Federal regulations; operation of Act.

19 (a) Except as provided in subsection (b), Sections 1
20 through 5 of this Act are inoperative on and after the
21 effective date of this amendatory Act of the 102nd General
22 Assembly.

23 (b) If at any time the Occupational Safety and Health

1 standard at 29 CFR 1910.141 is repealed or revoked, the
2 Director of Labor shall adopt a rule setting forth a
3 determination that this Act should be reviewed and reinstated
4 in order to protect the health and safety of Illinois'
5 workers. On the date such a rule is adopted, this Act shall
6 again become operative.

7 Section 35-10. The Work Under Compressed Air Act is
8 amended by adding Section 1.5 as follows:

9 (820 ILCS 245/1.5 new)

10 Sec. 1.5. Federal regulations; operation of Act.

11 (a) Except as provided in subsection (b), Sections 1
12 through 6 of this Act are inoperative on and after the
13 effective date of this amendatory Act of the 102nd General
14 Assembly.

15 (b) If at any time the Safety and Health Regulations for
16 Construction standards at 29 CFR 1926.800 through 29 CFR
17 1926.804 are repealed or revoked, the Director of Labor shall
18 adopt a rule setting forth a determination that this Act
19 should be reviewed and reinstated, in whole or in part, in
20 order to protect the health and safety of Illinois' workers.
21 On the date such a rule is adopted, this Act shall again become
22 operative.

23 Section 35-15. The Underground Sewer Employee Safety Act

1 is amended by changing Section 1 and by adding Section 0.05 as
2 follows:

3 (820 ILCS 250/0.05 new)

4 Sec. 0.05. Federal regulations; operation of Act.

5 (a) Except as provided in subsection (b), Sections 1
6 through 6 of this Act are inoperative on and after the
7 effective date of this amendatory Act of the 102nd General
8 Assembly.

9 (b) If at any time the Occupational Safety and Health
10 standards at 29 CFR 1910.120, 29 CFR 1910.146 or the Safety and
11 Health Regulations for Construction standards 29 CFR 1926.1201
12 through 29 CFR 1926.1213 are repealed or revoked, the Director
13 of Labor shall adopt a rule setting forth a determination that
14 this Act should be reviewed and reinstated, in whole or in
15 part, in order to protect the health and safety of Illinois'
16 workers. On the date such a rule is adopted, this Act shall
17 again become operative.

18 (820 ILCS 250/1) (from Ch. 48, par. 1101)

19 Sec. 1. This Act shall apply to all employers engaged in
20 any occupation, business or enterprise in this State,
21 including the State of Illinois and its political
22 subdivisions, ~~except that in the event of a conflict between~~
23 ~~this Act and any other Federal or State law or regulation~~
24 ~~concerning health and safety of employees, such other law or~~

1 ~~regulation shall control.~~

2 (Source: P.A. 81-772.)

3 Section 35-20. The Toxic Substances Disclosure to
4 Employees Act is amended by changing Section 1.5 as follows:

5 (820 ILCS 255/1.5)

6 Sec. 1.5. Federal regulations; operation of Act.

7 (a) Except as provided in subsection (b), Sections 2
8 through 17 of this Act are inoperative on and after the
9 effective date of this amendatory Act of the 102nd ~~95th~~
10 General Assembly, ~~and the Department of Labor shall instead~~
11 ~~enforce the Occupational Safety and Health Administration~~
12 ~~Hazard Communication standards at 29 CFR 1910.1200, as~~
13 ~~amended.~~

14 (b) If at any time the Occupational Safety and Health
15 Administration Hazard Communication standard at 29 CFR
16 1910.1200 is repealed or revoked, the Director of Labor shall
17 adopt a rule setting forth a determination that this Act
18 should be reviewed and reinstated in order to protect the
19 health and safety of Illinois' ~~public sector~~ workers. On the
20 date such a rule is adopted, this Act shall again become
21 operative.

22 (Source: P.A. 95-623, eff. 9-17-07.)

23

ARTICLE 40. HEALTH CARE

1 (110 ILCS 330/8a rep.)

2 Section 40-5. The University of Illinois Hospital Act is
3 amended by repealing Section 8a.

4 (110 ILCS 340/Act rep.)

5 Section 40-10. The University of Illinois Gerontological
6 Committee Act is repealed.

7 (110 ILCS 430/Act rep.)

8 Section 40-15. The Illinois Health Policy Center Act is
9 repealed.

10 Section 40-20. The Health in All Policies Act is amended
11 by changing Section 10 as follows:

12 (410 ILCS 155/10)

13 Sec. 10. Workgroup.

14 (a) The University of Illinois at Chicago School of Public
15 Health, in consultation with the Department of Public Health,
16 shall convene a workgroup to review legislation and make new
17 policy recommendations relating to the health of residents of
18 the State.

19 (b) The workgroup shall examine the following:

20 (1) The health of residents of the State, to the
21 extent necessary to carry out the requirements of this

1 Act.

2 (2) Ways for units of local government and State
3 agencies to collaborate in implementing policies that will
4 positively impact the health of residents of the State.

5 (3) The impact of the following on the health of
6 residents of the State:

7 (A) Access to safe and affordable housing.

8 (B) Educational attainment.

9 (C) Opportunities for employment.

10 (D) Economic stability.

11 (E) Inclusion, diversity, and equity in the
12 workplace.

13 (F) Barriers to career success and promotion in
14 the workplace.

15 (G) Access to transportation and mobility.

16 (H) Social justice.

17 (I) Environmental factors.

18 (J) Public safety, including the impact of crime,
19 citizen unrest, the criminal justice system, and
20 governmental policies that affect individuals who are
21 in prison or released from prison.

22 (c) The workgroup, using a health in all policies
23 framework, shall perform the following:

24 (1) Review and make recommendations regarding how
25 health considerations may be incorporated into the
26 decision-making processes of government agencies and

1 private stakeholders who interact with government
2 agencies.

3 (2) Foster collaboration among units of local
4 government and State agencies.

5 (3) Develop laws and policies to improve health and
6 reduce health inequities.

7 (4) Make recommendations regarding how to implement
8 laws and policies to improve health and reduce health
9 inequities.

10 (d) The workgroup shall consist of the following members:

11 (1) The Secretary of Human Services, or the
12 Secretary's designee.

13 (2) The Secretary of Transportation, or the
14 Secretary's designee.

15 (3) The Director of the Illinois Environmental
16 Protection Agency, or the Director's designee.

17 (4) The Director of Agriculture, or the Director's
18 designee.

19 (5) The Director of Labor, or the Director's designee.

20 (6) The Director of Public Health, or the Director's
21 designee.

22 (7) One representative of a statewide public health
23 association.

24 (8) One administrator of a Federally Qualified Health
25 Center.

26 (9) One administrator of a public health department

1 local to the University of Illinois at Chicago.

2 (10) One representative of an association representing
3 hospitals and health systems.

4 (11) The Director of Healthcare and Family Services,
5 or the Director's designee.

6 (12) The State Superintendent of Education, or the
7 Superintendent's designee.

8 (13) The Director of Corrections, or the Director's
9 designee.

10 (14) The Chair of the Criminal Justice Information
11 Authority, or the Chair's designee.

12 (15) The Director of Commerce and Economic
13 Opportunity, or the Director's designee.

14 (16) The Director of Aging, or the Director's
15 designee.

16 (17) One representative of the Office of the Governor
17 appointed by the Governor.

18 (18) One representative of a local health department
19 located in a county with a population of less than
20 3,000,000.

21 (19) One representative of a statewide public health
22 institute representing multisector public health system
23 stakeholders.

24 (20) Two representatives of organizations that
25 represent minority populations in public health.

26 (21) One representative of a statewide organization

1 representing physicians licensed to practice medicine in
2 all its branches.

3 (e) To the extent practicable, the members of the
4 workgroup shall reflect the geographic, racial, ethnic,
5 cultural, and gender diversity of the State.

6 (f) Workgroup members shall serve without compensation.

7 (g) A State agency or entity shall, in a timely manner,
8 provide information in response to requests for information
9 submitted by the workgroup, except where that information is
10 otherwise prohibited from disclosure or dissemination by
11 federal or State law, rules or regulations implementing
12 federal or State law, or a court order.

13 (h) The Department of Public Health shall provide
14 administrative and other support to the workgroup.

15 (i) The workgroup shall meet at least twice a year and at
16 other times as it deems appropriate. The workgroup shall
17 prepare a report that summarizes its work and makes
18 recommendations resulting from its study. On an annual basis,
19 the University of Illinois at Chicago School of Public Health,
20 in consultation with the Department of Public Health and
21 members of the workgroup, shall determine a focus area for the
22 report. Focus areas may include, but are not limited to, the
23 areas designated in subsection (b) of Section 10. The
24 workgroup shall submit the report of its findings and
25 recommendations to the General Assembly by December 31, 2022
26 ~~2020~~ and by December 31 of each year thereafter. The annual

1 report and recommendations shall be shared with the Department
2 of Public Health and the State Board of Health and shall be
3 considered in the development of the State Health Improvement
4 Plan every 5 years.

5 (Source: P.A. 101-250, eff. 1-1-20.)

6 ARTICLE 45. ILLINOIS IMMIGRANT IMPACT TASK FORCE REPORT

7 Section 45-5. The Illinois Immigrant Impact Task Force Act
8 is amended by changing Section 5 as follows:

9 (20 ILCS 5156/5)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 5. Illinois Immigrant Impact Task Force.

12 (a) There is hereby established the Illinois Immigrant
13 Impact Task Force.

14 (b) The Task Force shall consist of 27 members appointed
15 as follows:

16 (1) one member appointed by the President of the
17 Senate;

18 (2) one member appointed by the Speaker of the House
19 of Representatives;

20 (3) one member appointed by the Minority Leader of the
21 Senate;

22 (4) one member appointed by the Minority Leader of the
23 House of Representatives;

- 1 (5) one representative of the Governor's Office;
- 2 (6) one representative of the Governor's Office of
3 Management and Budget;
- 4 (7) one representative of the Lieutenant Governor's
5 Office;
- 6 (8) the Executive Director of the Illinois Housing
7 Development Authority or his or her designee;
- 8 (9) the Secretary of Human Services or his or her
9 designee;
- 10 (10) the Director on Aging or his or her designee;
- 11 (11) the Director of Commerce and Economic Opportunity
12 or his or her designee;
- 13 (12) the Director of Children and Family Services or
14 his or her designee;
- 15 (13) the Director of Public Health or his or her
16 designee;
- 17 (14) the Director of Healthcare and Family Services or
18 his or her designee;
- 19 (15) the Director of Human Rights or his or her
20 designee;
- 21 (16) the Director of Employment Security or his or her
22 designee;
- 23 (17) the Director of Juvenile Justice or his or her
24 designee;
- 25 (18) the Director of Corrections or his or her
26 designee;

1 (19) the Executive Director of the Illinois Criminal
2 Justice Information Authority or his or her designee;

3 (20) the Chairman of the State Board of Education or
4 his or her designee;

5 (21) the Chairman of the Board of Higher Education or
6 his or her designee;

7 (22) the Chairman of the Illinois Community College
8 Board or his or her designee; and

9 (23) five representatives from organizations offering
10 aid or services to immigrants, appointed by the Governor.

11 (c) The Task Force shall convene as soon as practicable
12 after the effective date of this Act, and shall hold at least 6
13 meetings. Members of the Task Force shall serve without
14 compensation. The Department of Human Services, in
15 consultation with any other State agency relevant to the issue
16 of immigration in this State, shall provide administrative and
17 other support to the Task Force.

18 (d) The Task Force shall examine the following issues:

19 (1) what the State of Illinois is currently doing to
20 proactively help immigrant communities in this State,
21 including whether such persons are receiving help to
22 become citizens, receiving help to become business owners,
23 and receiving aid for educational purposes;

24 (2) what can the State do going forward to improve
25 relations between the State and immigrant communities in
26 this State;

1 (3) what is the status of immigrant communities from
2 urban, suburban, and rural areas of this State, and
3 whether adequate support and resources have been provided
4 to these communities;

5 (4) the extent to which immigrants in this State are
6 being discriminated against;

7 (5) whether the laws specifically intended to benefit
8 immigrant populations in this State are actually having a
9 beneficial effect;

10 (6) the practices and procedures of the federal
11 Immigration and Customs Enforcement agency within this
12 State;

13 (7) the use and condition of detention centers in this
14 State;

15 (8) all contracts in Illinois entered into with United
16 States Immigration and Customs Enforcement, including
17 contracts with private detention centers, the Illinois
18 State Police, and the Secretary of State's Office,
19 Division of Motor Vehicles;

20 (9) the impact of the COVID-19 pandemic on immigrant
21 communities, including health impact rates, employment
22 rates, housing, small businesses, and community
23 development;

24 (10) the disbursement of funds received by different
25 agencies that went to immigrant communities;

26 (11) language access programs and their impact on

1 helping immigrant communities better interact with State
2 agencies, and whether existing language access programs
3 are effective in helping immigrant communities interact
4 with the State. The Task Force shall also examine whether
5 all State agencies provide language access for non-English
6 speakers, and which agencies and in what regions of the
7 State is there a lack of language access that creates
8 barriers for non-English dominant speakers from accessing
9 support from the State;

10 (12) the extent to which disparities in access to
11 technology exist in immigrant communities and whether they
12 lead to educational, financial, and other disadvantages;
13 and

14 (13) the extent to which State programs intended for
15 vulnerable populations such as victims of trafficking,
16 crime, and abuse are being implemented or need to be
17 implemented.

18 (e) The Task Force shall report its findings and
19 recommendations based upon its examination of issues under
20 subsection (d) to the Governor and the General Assembly on or
21 before December 31, 2022 ~~May 31, 2022~~.

22 (Source: P.A. 102-236, eff. 8-2-21.)

23 ARTICLE 99. EFFECTIVE DATE

24 Section 99-99. Effective date. This Act takes effect upon
25 becoming law.