



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0272

Introduced 2/17/2021, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 500/1-10
30 ILCS 105/5.935 new

Creates the Water Quality Assurance Act. Provides that new and existing health care facilities and buildings containing health care facilities shall develop and implement water management programs with specified elements to control the growth and spread of opportunistic pathogens. Requires specified persons to develop and implement a routine culture sampling plan for all building water systems. Requires health care facilities to perform remediation of identified opportunistic pathogens. Provides that the Department of Public Health or agent health departments may enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the Act. Requires health care facilities to register with the Department all building water systems within 120 days of the Act's effective date and to provide specified information. Contains other provisions. Establishes the Water Quality Assurance Fund as a special fund in the State treasury and makes a conforming change in the State Finance Act. Provides that the Department of Public Health shall implement, administer, and enforce the Act and may adopt rules it deems necessary to do so. Amends the Illinois Procurement Code. Provides that the Code shall not apply to procurement expenditures necessary for the Department to respond to an infectious disease outbreak response or to procurement expenditures that are necessary for a State agency's facility to implement critical recommendations provided by the Department in response to an infectious disease outbreak. Effective January 1, 2022.

LRB102 10970 CPF 16302 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the Water
5 Quality Assurance Act.

6 Section 5. Purpose. It has been established by scientific
7 evidence that improper management of building water systems
8 may cause or contribute to the proliferation of opportunistic
9 pathogens and can result in adverse health effects and
10 potentially lethal disease in at-risk populations. In order to
11 safeguard the health and safety of the people of this State,
12 the General Assembly finds it necessary to provide for the
13 promulgation of requirements for water management and sampling
14 programs in health care facilities and authoritatively
15 establish the registration and certification of water quality
16 professionals and contractors.

17 Section 10. Definitions. In this Act:

18 "Agent health department" means a certified local health
19 department that the Department has designated as its agent for
20 making inspections and investigations under Section 70.

21 "Building water system" means a potable or nonpotable
22 water system in a building or on a building site, including,

1 but not limited to, a water supply system, decorative water
2 feature, evaporative cooler or condenser, whirlpool spa,
3 humidification system, and other aerosolizing water features.

4 "Control measures" means disinfecting, heating, cooling,
5 filtering, flushing, or other means, methods, or procedures
6 used to maintain the physical, biological, or chemical
7 conditions of water within an established critical limit.

8 "Control measures" includes treatment methods, technical and
9 physical processes, and procedures and activities or actions
10 that monitor or maintain physical, biological, or chemical
11 conditions of water to within critical limits. Water
12 management teams shall establish critical limits as a maximum
13 value, minimum value, or range of values for chemical,
14 biological, and physical parameters.

15 "Department" means the Department of Public Health.

16 "Health care facility" means a facility licensed under the
17 Ambulatory Surgical Treatment Center Act, Hospital Licensing
18 Act, Nursing Home Care Act, Assisted Living and Shared Housing
19 Act, or Community Mental Health Act.

20 "Immediate control measures" means preestablished actions
21 within a water management program intended to reduce potential
22 exposure to opportunistic pathogens to be implemented when a
23 building water system is thought to be a source of
24 opportunistic pathogen transmission. "Immediate control
25 measures" include, but are not limited to, restricting
26 operations of building water systems, installing appropriate

1 primary barriers to reduce the possibility of exposures,
2 halting new admissions, or temporarily closing an affected
3 building or area.

4 "Initial inspection" means an inspection conducted by the
5 Department to determine compliance with this Act and rules
6 adopted under this Act to assess the operation of a water
7 management program.

8 "Opportunistic pathogens" means organisms capable of
9 causing disease in an at-risk individual or population.

10 "Person" means any individual, group of individuals,
11 association, trust, partnership, limited liability company,
12 corporation, person doing business under an assumed name,
13 county, municipality, the State of Illinois, or any political
14 subdivision or department thereof, or any other entity.

15 "Subsequent inspection" means any inspection made by the
16 Department or an agent health department for the purpose of
17 responding to a substantiated complaint, complying with a
18 request by a health care facility or the agent health
19 department, or ensuring compliance with an order or request of
20 the Department. "Subsequent inspection" does not include
21 initial inspections performed by the Department.

22 Section 15. Water Quality Assurance Fund. The Water
23 Quality Assurance Fund is created as a special fund in the
24 State treasury. All funds generated under this Act shall be
25 deposited into the Fund and, subject to appropriation,

1 available to the Department for the implementation of this Act
2 and any rules adopted by the Department under this Act.

3 Section 20. Administration; rules.

4 (a) The Department shall implement, administer, and
5 enforce this Act and may adopt rules it deems necessary to do
6 so. In case of conflict between the Illinois Administrative
7 Procedure Act and this Act, the provisions of this Act shall
8 control, except that Section 5-35 of the Illinois
9 Administrative Procedure Act relating to procedures for
10 rulemaking does not apply to the adoption of any rule required
11 by federal law in connection with which the Department is
12 precluded by law from exercising any discretion.

13 (b) The Department may establish rules that specify the
14 laboratory method used to evaluate water for the presence of
15 bacteria capable of causing opportunistic infections. The
16 Department shall provide through its laboratories or ensure
17 through evaluation of commercially available providers the use
18 of appropriate laboratory test methods suitable for testing
19 samples for the presence of Legionella bacteria. The
20 Department's laboratory may collect fees for tests performed,
21 which shall be deposited into the Public Health Laboratory
22 Services Revolving Fund.

23 Section 25. Water management programs.

24 (a) A health care facility, or a building containing a

1 health care facility, shall develop and implement a water
2 management program to control the growth and spread of
3 opportunistic pathogens that, at a minimum, include the
4 following elements:

5 (1) Identification of persons on the water management
6 program team responsible for developing, updating,
7 implementing, and documenting actions designated by the
8 water management plan.

9 (2) Identification and description of all building
10 water systems within the building and on the building site
11 using text and process flow diagrams.

12 (3) A hazard analysis identifying areas within
13 building plumbing systems where conditions may promote the
14 growth and spread of opportunistic pathogens.

15 (4) Based on the hazard analysis described in
16 paragraph (3), identify and describe control measures to
17 be maintained.

18 (5) Conditions requiring implementation of
19 preestablished contingency responses and time frames for
20 execution of such actions, including, but not limited to,
21 implementation of appropriate immediate control measures
22 in the event of:

23 (A) culture analysis results identifying the
24 presence of opportunistic pathogens within a building
25 water system; or

26 (B) a determination by the Department or an agent

1 health department that one or more cases of disease or
2 illness are, or may be, caused by an opportunistic
3 pathogen and may be associated with the health care
4 facility.

5 (6) Establish validation procedures to initially and
6 routinely confirm that the water management program is
7 being implemented as developed and is effective at
8 controlling the growth and spread of opportunistic
9 pathogens.

10 (7) Procedures identifying records of actions and
11 activities of the water management program and water
12 management team. Records may include, but are not limited
13 to, documentation of corrective actions, maintenance, logs
14 of water quality monitoring or water management
15 activities, and laboratory results of sampling performed.
16 Such records shall be maintained for at least 3 years and
17 shall be made available upon request by the Department or
18 an agent health department.

19 (b) In concert with the water management program, building
20 owners, representatives of building owners, tenants, or their
21 designees shall develop and implement a routine culture
22 sampling plan for all building water systems. Routine culture
23 sampling and analysis shall be conducted a minimum of once
24 every 6 months. Culture sampling plans shall include, at a
25 minimum, provisions for analysis of Legionella species by a
26 United States Centers for Disease Control and Prevention

1 Environmental Legionella Isolate Technique Evaluation (ELITE)
2 member laboratory. In addition to such routine culture
3 sampling, the Department may require a health care facility to
4 conduct additional culture sampling and analysis of building
5 water systems at locations, within a time frame, using
6 sampling methods described by the Department in response to:

7 (1) notification from the Department or an agent
8 health department that one or more cases of disease or
9 illness associated with opportunistic pathogens are, or
10 may be, associated with the health care facility; or

11 (2) any other conditions specified by the Department.

12 (c) If the Department determines that a water management
13 program does not include appropriate immediate control
14 measures or if a water management program's immediate control
15 measures are deemed ineffective or inappropriate by the
16 Department, the Department may direct the facility to
17 immediately implement immediate control measures as
18 appropriate to reduce transmission of opportunistic pathogens.

19 (d) A health care facility shall develop communication
20 plans to notify patients, residents, staff, and visitors of
21 one or more cases of disease or illness associated with
22 opportunistic pathogens. When notified by the Department or an
23 agent health department that one or more cases of disease or
24 illness associated with the building or site of the building,
25 the health care facility shall distribute written notification
26 within 48 hours to patients, residents, staff, and legal

1 guardians. The written notification must include:

2 (1) notification of the disease and the number of
3 cases associated with the health care facility;

4 (2) actions taken by the water management team in
5 response to the case or cases;

6 (3) immediate control measures implemented by the
7 water management team to prevent further cases; and

8 (4) immediate appropriate disease surveillance efforts
9 to identify past or future cases.

10 Section 30. Remediation of identified opportunistic
11 pathogens.

12 (a) When the presence of opportunistic pathogens is
13 detected by culture sampling programs or through environmental
14 investigations of disease or illness associated with
15 opportunistic pathogens at a health care facility, the health
16 care facility shall take actions to remediate possible
17 environmental sources. Such actions shall be documented and
18 records shall be made available to the Department in
19 accordance with this Act.

20 (b) When remediation activities include the use of
21 supplemental disinfectants, or other treatment that alters
22 biological, physical, or chemical characteristics of water to
23 control for opportunistic pathogens, then building owners,
24 representatives of building owners, tenants, or their
25 designees shall comply with the Environmental Protection Act,

1 the Illinois Groundwater Protection Act, and any rules adopted
2 under those Acts.

3 (c) A health care facility using disinfectants to provide
4 supplemental disinfectant by temporary injection or other
5 means that does not include the installation of equipment
6 shall notify the Department in writing at least 48 hours prior
7 to the treatment in accordance with rules adopted under this
8 Act. Upon notification, the Department may require a health
9 care facility to establish and implement immediate measures
10 prior to the event to protect patients during the remediation
11 activities.

12 (d) Any supplemental disinfectant, equipment, or treatment
13 used to remediate opportunistic pathogens shall be certified
14 for its intended use and purpose by one or more approved
15 agencies listed in rules adopted by the Department for
16 efficacy in achieving its listed use and purpose.

17 Section 35. Inspections. Subject to constitutional
18 limitations, the Department, by its representatives, or an
19 agent health department, after proper identification, may
20 enter at reasonable times upon private or public property for
21 the purpose of inspecting and investigating conditions
22 relating to the enforcement of this Act and rules adopted
23 under this Act. Written notice of all violations shall be
24 given to each person against whom a violation is alleged.

1 Section 40. Access to premises. It shall be the duty of the
2 owners, operators, and licensees of swimming facilities to
3 give the Department and its authorized agents free access to
4 such premises at all reasonable times for the purpose of
5 inspection.

6 Section 45. Fee schedule. A fee schedule for fees assessed
7 by the Department for a health care facility shall be
8 established by rules adopted by the Department.

9 Section 50. Certification and registration of water
10 management professionals and contractors.

11 (a) Any individual, business, or organization who offers
12 services relative to the development of water management
13 programs, building water sampling programs, or supplemental
14 treatment of building water systems for the control of
15 opportunistic pathogens shall be registered and certified by
16 the Department. Persons seeking registration and certification
17 under this Section shall apply for certification pursuant to
18 rules adopted by the Department.

19 (b) The Department may collect a reasonable fee to
20 register and certify water management professionals and
21 contractors. The fees shall be deposited into the Water
22 Quality Assurance Fund and used by the Department for the
23 activities prescribed in this Act.

24 (c) The Department shall adopt rules relating to the

1 issuance, renewal, or suspension of the certification of an
2 individual, business, or organization.

3 Section 55. Registration at health care facilities.

4 (a) A health care facility shall register with the
5 Department all building water systems. Such building water
6 systems shall be initially registered within 120 days after
7 the effective date of this Act. The registration shall be
8 collected on forms developed by the Department and shall
9 include, but not be limited to:

10 (1) the street address of the building in which the
11 building water system is located, with building
12 identification number, if any;

13 (2) the latitude and longitude of the location of the
14 building water system;

15 (3) the name, address, telephone number, and email of
16 the owner and operator of the building water system;

17 (4) the name of the manufacturer of the building water
18 system;

19 (5) the model number, if applicable, of the building
20 water system;

21 (6) the building water system volume, inclusive of all
22 piping, basin, and sump;

23 (7) the intended use of the building water system;

24 (8) whether the building water system operates
25 year-round or seasonally and, if seasonally, the start and

1 end date of operation;

2 (9) whether building water system disinfection is
3 maintained manually, through timed injection, or through
4 continuous delivery;

5 (10) whether maintenance is performed by in-house
6 personnel, by a contractor, or by a third party; if by a
7 contractor or third party, the name, address, telephone
8 number, and email address of the contractor or third
9 party;

10 (11) whether any drift eliminators or controls are
11 installed and operated;

12 (12) the year the components of the building water
13 system were placed into service; and

14 (13) the type of disinfection.

15 (b) A health care facility shall register with the
16 Department in writing within 7 days after ownership of the
17 building water system changes.

18 (c) A health care facility shall report to the Department:

19 (1) the date of the last Legionella culture sample
20 collection, the analysis results, and the date of
21 remediation actions taken under this Act;

22 (2) the date of removal or permanent discontinued use
23 of the components of the building water system, if
24 applicable; and

25 (3) other information as determined by the Department.

1 Section 60. Civil enforcement. The Department may impose
2 administrative civil penalties for violations of this Act and
3 rules adopted under this Act. The State's Attorney of the
4 county in which the violation occurred, or the Attorney
5 General, shall bring actions for collection of penalties
6 imposed under this Section in the name of the People of the
7 State of Illinois. The State's Attorney or Attorney General
8 may, in addition to other remedies provided in this Act, bring
9 an action (i) for an injunction to restrain the violation,
10 (ii) to impose civil penalties if no penalty has been imposed
11 by the Department, or (iii) to enjoin the operation of any such
12 person or health care facility.

13 Section 65. Civil penalties. Any person who violates any
14 provision of this Act or any rule adopted under this Act shall,
15 in addition to any other penalty provided in this Act, be
16 subject to a civil penalty of \$100 per day per violation.

17 Section 70. Agents of the Department. The Department may
18 designate a certified local health department as its agent for
19 purposes of carrying out this Act. An agent so designated may
20 charge fees for costs associated with enforcing this Act. If
21 the agent determines that it cannot perform an inspection
22 under this Act, the Department shall perform the inspection
23 and any applicable fees shall be payable to the Department and
24 the agent may not charge a fee. If the Department performs a

1 service or activity for the agent that the agent cannot
2 perform, the fee for the service or activity shall be paid to
3 the Department and not to the agent. In no case shall fees be
4 assessed by both the Department and an agent for the same
5 service or activity.

6 Section 75. The Illinois Procurement Code is amended by
7 changing Section 1-10 as follows:

8 (30 ILCS 500/1-10)

9 Sec. 1-10. Application.

10 (a) This Code applies only to procurements for which
11 bidders, offerors, potential contractors, or contractors were
12 first solicited on or after July 1, 1998. This Code shall not
13 be construed to affect or impair any contract, or any
14 provision of a contract, entered into based on a solicitation
15 prior to the implementation date of this Code as described in
16 Article 99, including, but not limited to, any covenant
17 entered into with respect to any revenue bonds or similar
18 instruments. All procurements for which contracts are
19 solicited between the effective date of Articles 50 and 99 and
20 July 1, 1998 shall be substantially in accordance with this
21 Code and its intent.

22 (b) This Code shall apply regardless of the source of the
23 funds with which the contracts are paid, including federal
24 assistance moneys. This Code shall not apply to:

1 (1) Contracts between the State and its political
2 subdivisions or other governments, or between State
3 governmental bodies, except as specifically provided in
4 this Code.

5 (2) Grants, except for the filing requirements of
6 Section 20-80.

7 (3) Purchase of care, except as provided in Section
8 5-30.6 of the Illinois Public Aid Code and this Section.

9 (4) Hiring of an individual as employee and not as an
10 independent contractor, whether pursuant to an employment
11 code or policy or by contract directly with that
12 individual.

13 (5) Collective bargaining contracts.

14 (6) Purchase of real estate, except that notice of
15 this type of contract with a value of more than \$25,000
16 must be published in the Procurement Bulletin within 10
17 calendar days after the deed is recorded in the county of
18 jurisdiction. The notice shall identify the real estate
19 purchased, the names of all parties to the contract, the
20 value of the contract, and the effective date of the
21 contract.

22 (7) Contracts necessary to prepare for anticipated
23 litigation, enforcement actions, or investigations,
24 provided that the chief legal counsel to the Governor
25 shall give his or her prior approval when the procuring
26 agency is one subject to the jurisdiction of the Governor,

1 and provided that the chief legal counsel of any other
2 procuring entity subject to this Code shall give his or
3 her prior approval when the procuring entity is not one
4 subject to the jurisdiction of the Governor.

5 (8) (Blank).

6 (9) Procurement expenditures by the Illinois
7 Conservation Foundation when only private funds are used.

8 (10) (Blank).

9 (11) Public-private agreements entered into according
10 to the procurement requirements of Section 20 of the
11 Public-Private Partnerships for Transportation Act and
12 design-build agreements entered into according to the
13 procurement requirements of Section 25 of the
14 Public-Private Partnerships for Transportation Act.

15 (12) Contracts for legal, financial, and other
16 professional and artistic services entered into on or
17 before December 31, 2018 by the Illinois Finance Authority
18 in which the State of Illinois is not obligated. Such
19 contracts shall be awarded through a competitive process
20 authorized by the Board of the Illinois Finance Authority
21 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
22 50-35, and 50-37 of this Code, as well as the final
23 approval by the Board of the Illinois Finance Authority of
24 the terms of the contract.

25 (13) Contracts for services, commodities, and
26 equipment to support the delivery of timely forensic

1 science services in consultation with and subject to the
2 approval of the Chief Procurement Officer as provided in
3 subsection (d) of Section 5-4-3a of the Unified Code of
4 Corrections, except for the requirements of Sections
5 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
6 Code; however, the Chief Procurement Officer may, in
7 writing with justification, waive any certification
8 required under Article 50 of this Code. For any contracts
9 for services which are currently provided by members of a
10 collective bargaining agreement, the applicable terms of
11 the collective bargaining agreement concerning
12 subcontracting shall be followed.

13 On and after January 1, 2019, this paragraph (13),
14 except for this sentence, is inoperative.

15 (14) Contracts for participation expenditures required
16 by a domestic or international trade show or exhibition of
17 an exhibitor, member, or sponsor.

18 (15) Contracts with a railroad or utility that
19 requires the State to reimburse the railroad or utilities
20 for the relocation of utilities for construction or other
21 public purpose. Contracts included within this paragraph
22 (15) shall include, but not be limited to, those
23 associated with: relocations, crossings, installations,
24 and maintenance. For the purposes of this paragraph (15),
25 "railroad" means any form of non-highway ground
26 transportation that runs on rails or electromagnetic

1 guideways and "utility" means: (1) public utilities as
2 defined in Section 3-105 of the Public Utilities Act, (2)
3 telecommunications carriers as defined in Section 13-202
4 of the Public Utilities Act, (3) electric cooperatives as
5 defined in Section 3.4 of the Electric Supplier Act, (4)
6 telephone or telecommunications cooperatives as defined in
7 Section 13-212 of the Public Utilities Act, (5) rural
8 water or waste water systems with 10,000 connections or
9 less, (6) a holder as defined in Section 21-201 of the
10 Public Utilities Act, and (7) municipalities owning or
11 operating utility systems consisting of public utilities
12 as that term is defined in Section 11-117-2 of the
13 Illinois Municipal Code.

14 (16) Procurement expenditures necessary for the
15 Department of Public Health to provide the delivery of
16 timely newborn screening services in accordance with the
17 Newborn Metabolic Screening Act.

18 (17) Procurement expenditures necessary for the
19 Department of Agriculture, the Department of Financial and
20 Professional Regulation, the Department of Human Services,
21 and the Department of Public Health to implement the
22 Compassionate Use of Medical Cannabis Program and Opioid
23 Alternative Pilot Program requirements and ensure access
24 to medical cannabis for patients with debilitating medical
25 conditions in accordance with the Compassionate Use of
26 Medical Cannabis Program Act.

1 (18) This Code does not apply to any procurements
2 necessary for the Department of Agriculture, the
3 Department of Financial and Professional Regulation, the
4 Department of Human Services, the Department of Commerce
5 and Economic Opportunity, and the Department of Public
6 Health to implement the Cannabis Regulation and Tax Act if
7 the applicable agency has made a good faith determination
8 that it is necessary and appropriate for the expenditure
9 to fall within this exemption and if the process is
10 conducted in a manner substantially in accordance with the
11 requirements of Sections 20-160, 25-60, 30-22, 50-5,
12 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
13 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
14 Section 50-35, compliance applies only to contracts or
15 subcontracts over \$100,000. Notice of each contract
16 entered into under this paragraph (18) that is related to
17 the procurement of goods and services identified in
18 paragraph (1) through (9) of this subsection shall be
19 published in the Procurement Bulletin within 14 calendar
20 days after contract execution. The Chief Procurement
21 Officer shall prescribe the form and content of the
22 notice. Each agency shall provide the Chief Procurement
23 Officer, on a monthly basis, in the form and content
24 prescribed by the Chief Procurement Officer, a report of
25 contracts that are related to the procurement of goods and
26 services identified in this subsection. At a minimum, this

1 report shall include the name of the contractor, a
2 description of the supply or service provided, the total
3 amount of the contract, the term of the contract, and the
4 exception to this Code utilized. A copy of any or all of
5 these contracts shall be made available to the Chief
6 Procurement Officer immediately upon request. The Chief
7 Procurement Officer shall submit a report to the Governor
8 and General Assembly no later than November 1 of each year
9 that includes, at a minimum, an annual summary of the
10 monthly information reported to the Chief Procurement
11 Officer. This exemption becomes inoperative 5 years after
12 June 25, 2019 (the effective date of Public Act 101-27)
13 ~~this amendatory Act of the 101st General Assembly.~~

14 (19) Procurement expenditures necessary for the
15 Department of Public Health to respond to an infectious
16 disease outbreak, including, but not limited to,
17 laboratory testing and environmental health investigation
18 supplies.

19 (20) Procurement expenditures necessary for a State
20 agency's facility to implement critical recommendations
21 provided by the Department of Public Health in response to
22 an infectious disease outbreak, including, but not limited
23 to, plumbing, construction, or consultants to mitigate
24 environmental health hazards.

25 Notwithstanding any other provision of law, for contracts
26 entered into on or after October 1, 2017 under an exemption

1 provided in any paragraph of this subsection (b), except
2 paragraph (1), (2), or (5), each State agency shall post to the
3 appropriate procurement bulletin the name of the contractor, a
4 description of the supply or service provided, the total
5 amount of the contract, the term of the contract, and the
6 exception to the Code utilized. The chief procurement officer
7 shall submit a report to the Governor and General Assembly no
8 later than November 1 of each year that shall include, at a
9 minimum, an annual summary of the monthly information reported
10 to the chief procurement officer.

11 (c) This Code does not apply to the electric power
12 procurement process provided for under Section 1-75 of the
13 Illinois Power Agency Act and Section 16-111.5 of the Public
14 Utilities Act.

15 (d) Except for Section 20-160 and Article 50 of this Code,
16 and as expressly required by Section 9.1 of the Illinois
17 Lottery Law, the provisions of this Code do not apply to the
18 procurement process provided for under Section 9.1 of the
19 Illinois Lottery Law.

20 (e) This Code does not apply to the process used by the
21 Capital Development Board to retain a person or entity to
22 assist the Capital Development Board with its duties related
23 to the determination of costs of a clean coal SNG brownfield
24 facility, as defined by Section 1-10 of the Illinois Power
25 Agency Act, as required in subsection (h-3) of Section 9-220
26 of the Public Utilities Act, including calculating the range

1 of capital costs, the range of operating and maintenance
2 costs, or the sequestration costs or monitoring the
3 construction of clean coal SNG brownfield facility for the
4 full duration of construction.

5 (f) (Blank).

6 (g) (Blank).

7 (h) This Code does not apply to the process to procure or
8 contracts entered into in accordance with Sections 11-5.2 and
9 11-5.3 of the Illinois Public Aid Code.

10 (i) Each chief procurement officer may access records
11 necessary to review whether a contract, purchase, or other
12 expenditure is or is not subject to the provisions of this
13 Code, unless such records would be subject to attorney-client
14 privilege.

15 (j) This Code does not apply to the process used by the
16 Capital Development Board to retain an artist or work or works
17 of art as required in Section 14 of the Capital Development
18 Board Act.

19 (k) This Code does not apply to the process to procure
20 contracts, or contracts entered into, by the State Board of
21 Elections or the State Electoral Board for hearing officers
22 appointed pursuant to the Election Code.

23 (l) This Code does not apply to the processes used by the
24 Illinois Student Assistance Commission to procure supplies and
25 services paid for from the private funds of the Illinois
26 Prepaid Tuition Fund. As used in this subsection (l), "private

1 funds" means funds derived from deposits paid into the
2 Illinois Prepaid Tuition Trust Fund and the earnings thereon.
3 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
4 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
5 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
6 9-17-19.)

7 Section 80. The State Finance Act is amended by adding
8 Section 5.935 as follows:

9 (30 ILCS 105/5.935 new)

10 Sec. 5.935. The Water Quality Assurance Fund.

11 Section 99. Effective date. This Act takes effect January
12 1, 2022.