



Sen. Laura Ellman

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LRB102 10970 CPF 24892 a

1 AMENDMENT TO SENATE BILL 272

2 AMENDMENT NO. _____. Amend Senate Bill 272 by replacing
3 everything after the enacting clause with the following:

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 waterborne pathogens and can result in adverse health effects
10 and potentially lethal disease in at-risk populations. In
11 order to safeguard the health and safety of the people of this
12 State, the General Assembly finds it necessary to provide for
13 the promulgation of requirements for water management and
14 sampling programs in health care facilities and
15 authoritatively establish the registration and certification
16 of water quality professionals and contractors.

1 Section 10. Definitions. In this Act:

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

5 "Building water system" means a potable or nonpotable
6 water system in a building or on a building site, including,
7 but not limited to, a water supply system, decorative water
8 feature, evaporative cooler or condenser, whirlpool spa,
9 humidification system, and other aerosolizing water features.

10 "Control limits" means a maximum value, a minimum value,
11 or a range of values of a chemical or physical parameter
12 associated with a control measure that is monitored and
13 maintained to reduce the occurrence of hazardous conditions.
14 The Department may by rule establish control limits.

15 "Control measures" means disinfecting, heating, cooling,
16 filtering, flushing, or other means, methods, or procedures
17 used to maintain the physical, biological, or chemical
18 conditions of water within an established control limit.

19 "Control measures" includes treatment methods, technical and
20 physical processes, and procedures and activities or actions
21 that monitor or maintain physical, biological, or chemical
22 conditions of water to within control limits. Water management
23 teams shall establish control limits as a maximum value,
24 minimum value, or range of values for chemical, biological,
25 and physical parameters.

1 "Department" means the Department of Public Health.

2 "Health care facility" means a facility organized under
3 the University of Illinois Hospital Act or licensed under the
4 Ambulatory Surgical Treatment Center Act, Hospital Licensing
5 Act, Nursing Home Care Act, Assisted Living and Shared Housing
6 Act, or Community Mental Health Act.

7 "Immediate control measures" means preestablished actions
8 within a water management program intended to reduce potential
9 exposure to opportunistic waterborne pathogens to be
10 implemented when a building water system is thought to be a
11 source of opportunistic waterborne pathogen transmission.

12 "Immediate control measures" include, but are not limited to,
13 restricting operations of building water systems, installing
14 appropriate primary barriers to reduce the possibility of
15 exposures, halting new admissions, or temporarily closing an
16 affected building or area.

17 "Initial inspection" means an inspection conducted by the
18 Department to determine compliance with this Act and rules
19 adopted under this Act to assess the operation of a water
20 management program.

21 "Opportunistic waterborne pathogens" means organisms found
22 in water that are capable of causing disease in an at-risk
23 individual or population.

24 "Person" means any individual, group of individuals,
25 association, trust, partnership, limited liability company,
26 corporation, person doing business under an assumed name,

1 county, municipality, the State of Illinois, or any political
2 subdivision or department thereof, or any other entity.

3 "Subsequent inspection" means any inspection made by the
4 Department or an agent health department for the purpose of
5 responding to a substantiated complaint, complying with a
6 request by a health care facility or the agent health
7 department, or ensuring compliance with an order or request of
8 the Department. "Subsequent inspection" does not include
9 initial inspections performed by the Department.

10 Section 15. Water Quality Assurance Fund. The Water
11 Quality Assurance Fund is created as a special fund in the
12 State treasury. All funds generated under this Act shall be
13 deposited into the Fund and, subject to appropriation,
14 available to the Department for the implementation of this Act
15 and any rules adopted by the Department under this Act.

16 Section 20. Administration; rules.

17 (a) The Department shall implement, administer, and
18 enforce this Act and may adopt rules it deems necessary to do
19 so. In case of conflict between the Illinois Administrative
20 Procedure Act and this Act, the provisions of this Act shall
21 control, except that Section 5-35 of the Illinois
22 Administrative Procedure Act relating to procedures for
23 rulemaking does not apply to the adoption of any rule required
24 by federal law in connection with which the Department is

1 precluded by law from exercising any discretion. In preparing
2 rules under this Act, the Department may give consideration to
3 nationally recognized standards and guidelines.

4 (b) The Department may establish rules that specify the
5 laboratory method used to evaluate water for the presence of
6 bacteria capable of causing opportunistic infections. The
7 Department shall provide through its laboratories or ensure
8 through evaluation of commercially available providers the use
9 of appropriate laboratory test methods suitable for testing
10 samples for the presence of Legionella bacteria. The
11 Department's laboratory may collect fees for tests performed,
12 which shall be deposited into the Public Health Laboratory
13 Services Revolving Fund.

14 Section 25. Water management programs.

15 (a) A health care facility, or the owner of a building
16 containing a health care facility, shall develop and implement
17 a water management program to control the growth and spread of
18 opportunistic waterborne pathogens that, at a minimum, include
19 the following elements:

20 (1) Identification of persons on the water management
21 program team responsible for developing, updating,
22 implementing, and documenting actions designated by the
23 water management plan.

24 (2) Identification and description of all building
25 water systems within the building and on the building site

1 using text and process flow diagrams.

2 (3) A risk assessment identifying areas within
3 building water systems where conditions may promote the
4 growth and spread of opportunistic waterborne pathogens.

5 (4) Based on the risk assessment described in
6 paragraph (3), identification and description of control
7 locations where control measures should be applied and
8 maintained, including identification of control limits and
9 procedures for routinely monitoring water quality
10 parameters such as temperature or residual disinfectant
11 control locations.

12 (5) Conditions requiring implementation of
13 preestablished corrective actions when control limits are
14 not met or contingency responses and time frames for
15 execution of such actions, including, but not limited to,
16 implementation of appropriate immediate control measures
17 in the event of:

18 (A) culture analysis results identifying the
19 presence of opportunistic waterborne pathogens within
20 a building water system; or

21 (B) a determination by the Department or an agent
22 health department that one or more cases of disease or
23 illness are, or may be, caused by an opportunistic
24 waterborne pathogen and may be associated with a
25 building water system in the building or on the
26 premises of the health care facility.

1 (6) Establish verification and validation procedures
2 to initially and routinely confirm that the water
3 management program is being implemented as developed and
4 is effective at controlling the growth and spread of
5 opportunistic waterborne pathogens.

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

15 (b) In concert with the water management program, building
16 owners, representatives of building owners, tenants, or their
17 designees shall develop and implement a routine culture
18 sampling plan for all building water systems. Routine culture
19 sampling and analysis shall be conducted a minimum of once
20 every 6 months. Culture sampling plans shall include, at a
21 minimum, provisions for analysis of Legionella species by a
22 United States Centers for Disease Control and Prevention
23 Environmental Legionella Isolate Technique Evaluation (ELITE)
24 member laboratory. In addition to such routine culture
25 sampling, the Department may require a health care facility to
26 conduct additional culture sampling and analysis of building

1 water systems at locations, within a time frame, using
2 sampling methods described by the Department in response to:

3 (1) notification from the Department or an agent
4 health department that one or more cases of disease or
5 illness associated with opportunistic waterborne pathogens
6 are, or may be, associated with the health care facility;
7 or

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

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

17 (d) A health care facility shall develop communication
18 plans to notify patients, residents, staff, and visitors of
19 one or more cases of disease or illness associated with
20 opportunistic waterborne pathogens. When notified by the
21 Department or an agent health department that one or more
22 cases of disease or illness associated with the building or
23 site of the building, the health care facility shall provide
24 written notification within 48 hours to patients, residents,
25 staff, and legal guardians. Written notification may include,
26 but is not limited to, e-mail, text, or other written

1 communication consistent with the health care facility's
2 communication practices. The written notification must
3 include:

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

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

8 (3) immediate control measures implemented by the
9 water management team to prevent further cases;

10 (4) immediate appropriate disease surveillance efforts
11 to identify past or future cases; and

12 (5) a health care facility may state in the
13 notification that the cases reported are from an unknown
14 source when consistent with the Department or an agent
15 health department's investigation.

16 (e) After a health care facility has successfully
17 completed any remediation necessary under Section 30, as
18 demonstrated through environmental sampling, the Department or
19 an agent health department has confirmed that there are no
20 additional cases of disease or illness associated with an
21 outbreak, and the Department or agent health department has
22 concluded its investigation, the Department or agent health
23 department shall provide the health care facility with a dated
24 written certification that the health care facility is no
25 longer under an active investigation associated with the cases
26 of disease or illness referenced in subsection (b) and that

1 remediation under Section 30 has been successfully completed.

2 (f) Following written certification under paragraph (e),
3 in cases where the Department or an agent health department
4 makes a statement to the public identifying a health care
5 facility as being associated with one or more cases of disease
6 or illness from an opportunistic waterborne pathogen
7 referenced in paragraph (b), a statement shall be made by the
8 Department or the agent health department that the remediation
9 referenced in Section 30 has been completed and the Department
10 or agent health department is not aware of any additional
11 cases of disease or illness associated with the facility.

12 Section 30. Remediation of identified opportunistic
13 waterborne pathogens.

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

22 (b) When remediation activities include the use of
23 supplemental disinfectants, or other treatment that alters
24 biological, physical, or chemical characteristics of water to
25 control for opportunistic waterborne pathogens, then building

1 owners, representatives of building owners, tenants, or their
2 designees shall comply with the Environmental Protection Act,
3 the Illinois Groundwater Protection Act, and any rules adopted
4 under those Acts.

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

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

20 Section 35. Inspections. Subject to constitutional
21 limitations, the Department, by its representatives, or an
22 agent health department, after proper identification, may
23 enter at reasonable times upon private or public property for
24 the purpose of inspecting and investigating conditions
25 relating to the enforcement of this Act and rules adopted

1 under this Act. Written notice of all violations shall be
2 given to each person against whom a violation is alleged.

3 Section 40. Access to premises. It shall be the duty of
4 owners and operators of health care facilities and buildings
5 containing health care facilities to give the Department and
6 its authorized agents free access to such premises at all
7 reasonable times for the purpose of inspection.

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

11 Section 50. Certification and registration of water
12 management professionals and contractors.

13 (a) Any individual, business, or organization who offers
14 services relative to the development of water management
15 programs, building water sampling programs, or supplemental
16 treatment of building water systems for the control of
17 opportunistic waterborne pathogens shall be registered and
18 certified by the Department. Persons seeking registration and
19 certification under this Section shall apply for certification
20 pursuant to rules adopted by the Department. In preparing
21 rules for certification, the Department may consider
22 nationally recognized standards and guidelines.

23 (b) The Department may collect a reasonable fee to

1 register and certify water management professionals and
2 contractors. The fees shall be deposited into the Water
3 Quality Assurance Fund and used by the Department for the
4 activities prescribed in this Act.

5 (c) The Department shall adopt rules relating to the
6 issuance, renewal, or suspension of the certification of an
7 individual, business, or organization.

8 Section 55. Registration of building water systems at
9 health care facilities.

10 (a) A health care facility shall register with the
11 Department all building water systems. Such building water
12 systems shall be initially registered within 120 days after
13 the effective date of this Act. The registration shall be
14 collected on forms developed by the Department and shall
15 include, but not be limited to:

16 (1) the street address of the building in which the
17 building water system is located, with building
18 identification number, if any;

19 (2) the latitude and longitude of the location of the
20 building water system;

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

23 (4) the name of the manufacturer of the building water
24 system;

25 (5) the model number, if applicable, of the building

1 water system;

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

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

5 (8) whether the building water system operates
6 year-round or seasonally and, if seasonally, the start and
7 end date of operation;

8 (9) whether building water system disinfection is
9 maintained manually, through timed injection, or through
10 continuous delivery;

11 (10) whether maintenance is performed by in-house
12 personnel, by a contractor, or by a third party; if by a
13 contractor or third party, the name, address, telephone
14 number, and email address of the contractor or third
15 party;

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

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

20 (13) the type of disinfection.

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

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

25 (1) the date of the last Legionella culture sample
26 collection, the analysis results, and the date of

1 remediation actions taken under this Act;

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

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

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

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

22 Section 70. Agents of the Department. The Department may
23 designate a certified local health department as its agent for

1 purposes of carrying out this Act. An agent so designated may
2 charge fees for costs associated with enforcing this Act. If
3 the agent determines that it cannot perform an inspection
4 under this Act, the Department shall perform the inspection
5 and any applicable fees shall be payable to the Department and
6 the agent may not charge a fee. If the Department performs a
7 service or activity for the agent that the agent cannot
8 perform, the fee for the service or activity shall be paid to
9 the Department and not to the agent. In no case shall fees be
10 assessed by both the Department and an agent for the same
11 service or activity.

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

14 (30 ILCS 500/1-10)

15 Sec. 1-10. Application.

16 (a) This Code applies only to procurements for which
17 bidders, offerors, potential contractors, or contractors were
18 first solicited on or after July 1, 1998. This Code shall not
19 be construed to affect or impair any contract, or any
20 provision of a contract, entered into based on a solicitation
21 prior to the implementation date of this Code as described in
22 Article 99, including, but not limited to, any covenant
23 entered into with respect to any revenue bonds or similar
24 instruments. All procurements for which contracts are

1 solicited between the effective date of Articles 50 and 99 and
2 July 1, 1998 shall be substantially in accordance with this
3 Code and its intent.

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

7 (1) Contracts between the State and its political
8 subdivisions or other governments, or between State
9 governmental bodies, except as specifically provided in
10 this Code.

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

13 (3) Purchase of care, except as provided in Section
14 5-30.6 of the Illinois Public Aid Code and this Section.

15 (4) Hiring of an individual as employee and not as an
16 independent contractor, whether pursuant to an employment
17 code or policy or by contract directly with that
18 individual.

19 (5) Collective bargaining contracts.

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

1 contract.

2 (7) Contracts necessary to prepare for anticipated
3 litigation, enforcement actions, or investigations,
4 provided that the chief legal counsel to the Governor
5 shall give his or her prior approval when the procuring
6 agency is one subject to the jurisdiction of the Governor,
7 and provided that the chief legal counsel of any other
8 procuring entity subject to this Code shall give his or
9 her prior approval when the procuring entity is not one
10 subject to the jurisdiction of the Governor.

11 (8) (Blank).

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

14 (10) (Blank).

15 (11) Public-private agreements entered into according
16 to the procurement requirements of Section 20 of the
17 Public-Private Partnerships for Transportation Act and
18 design-build agreements entered into according to the
19 procurement requirements of Section 25 of the
20 Public-Private Partnerships for Transportation Act.

21 (12) Contracts for legal, financial, and other
22 professional and artistic services entered into on or
23 before December 31, 2018 by the Illinois Finance Authority
24 in which the State of Illinois is not obligated. Such
25 contracts shall be awarded through a competitive process
26 authorized by the Board of the Illinois Finance Authority

1 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
2 50-35, and 50-37 of this Code, as well as the final
3 approval by the Board of the Illinois Finance Authority of
4 the terms of the contract.

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

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

21 (14) Contracts for participation expenditures required
22 by a domestic or international trade show or exhibition of
23 an exhibitor, member, or sponsor.

24 (15) Contracts with a railroad or utility that
25 requires the State to reimburse the railroad or utilities
26 for the relocation of utilities for construction or other

1 public purpose. Contracts included within this paragraph
2 (15) shall include, but not be limited to, those
3 associated with: relocations, crossings, installations,
4 and maintenance. For the purposes of this paragraph (15),
5 "railroad" means any form of non-highway ground
6 transportation that runs on rails or electromagnetic
7 guideways and "utility" means: (1) public utilities as
8 defined in Section 3-105 of the Public Utilities Act, (2)
9 telecommunications carriers as defined in Section 13-202
10 of the Public Utilities Act, (3) electric cooperatives as
11 defined in Section 3.4 of the Electric Supplier Act, (4)
12 telephone or telecommunications cooperatives as defined in
13 Section 13-212 of the Public Utilities Act, (5) rural
14 water or waste water systems with 10,000 connections or
15 less, (6) a holder as defined in Section 21-201 of the
16 Public Utilities Act, and (7) municipalities owning or
17 operating utility systems consisting of public utilities
18 as that term is defined in Section 11-117-2 of the
19 Illinois Municipal Code.

20 (16) Procurement expenditures necessary for the
21 Department of Public Health to provide the delivery of
22 timely newborn screening services in accordance with the
23 Newborn Metabolic Screening Act.

24 (17) Procurement expenditures necessary for the
25 Department of Agriculture, the Department of Financial and
26 Professional Regulation, the Department of Human Services,

1 and the Department of Public Health to implement the
2 Compassionate Use of Medical Cannabis Program and Opioid
3 Alternative Pilot Program requirements and ensure access
4 to medical cannabis for patients with debilitating medical
5 conditions in accordance with the Compassionate Use of
6 Medical Cannabis Program Act.

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

1 Officer shall prescribe the form and content of the
2 notice. Each agency shall provide the Chief Procurement
3 Officer, on a monthly basis, in the form and content
4 prescribed by the Chief Procurement Officer, a report of
5 contracts that are related to the procurement of goods and
6 services identified in this subsection. At a minimum, this
7 report shall include the name of the contractor, a
8 description of the supply or service provided, the total
9 amount of the contract, the term of the contract, and the
10 exception to this Code utilized. A copy of any or all of
11 these contracts shall be made available to the Chief
12 Procurement Officer immediately upon request. The Chief
13 Procurement Officer shall submit a report to the Governor
14 and General Assembly no later than November 1 of each year
15 that includes, at a minimum, an annual summary of the
16 monthly information reported to the Chief Procurement
17 Officer. This exemption becomes inoperative 5 years after
18 June 25, 2019 (the effective date of Public Act 101-27)
19 ~~this amendatory Act of the 101st General Assembly.~~

20 (19) Procurement expenditures necessary for the
21 Department of Public Health to respond to an infectious
22 disease outbreak, including, but not limited to,
23 laboratory testing and environmental health investigation
24 supplies.

25 (20) Procurement expenditures necessary for a State
26 agency's facility to implement control recommendations

1 provided by the Department of Public Health in response to
2 an infectious disease outbreak, including, but not limited
3 to, plumbing, construction, or consultants to mitigate
4 environmental health hazards.

5 Notwithstanding any other provision of law, for contracts
6 entered into on or after October 1, 2017 under an exemption
7 provided in any paragraph of this subsection (b), except
8 paragraph (1), (2), or (5), each State agency shall post to the
9 appropriate procurement bulletin the name of the contractor, a
10 description of the supply or service provided, the total
11 amount of the contract, the term of the contract, and the
12 exception to the Code utilized. The chief procurement officer
13 shall submit a report to the Governor and General Assembly no
14 later than November 1 of each year that shall include, at a
15 minimum, an annual summary of the monthly information reported
16 to the chief procurement officer.

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

21 (d) Except for Section 20-160 and Article 50 of this Code,
22 and as expressly required by Section 9.1 of the Illinois
23 Lottery Law, the provisions of this Code do not apply to the
24 procurement process provided for under Section 9.1 of the
25 Illinois Lottery Law.

26 (e) This Code does not apply to the process used by the

1 Capital Development Board to retain a person or entity to
2 assist the Capital Development Board with its duties related
3 to the determination of costs of a clean coal SNG brownfield
4 facility, as defined by Section 1-10 of the Illinois Power
5 Agency Act, as required in subsection (h-3) of Section 9-220
6 of the Public Utilities Act, including calculating the range
7 of capital costs, the range of operating and maintenance
8 costs, or the sequestration costs or monitoring the
9 construction of clean coal SNG brownfield facility for the
10 full duration of construction.

11 (f) (Blank).

12 (g) (Blank).

13 (h) This Code does not apply to the process to procure or
14 contracts entered into in accordance with Sections 11-5.2 and
15 11-5.3 of the Illinois Public Aid Code.

16 (i) Each chief procurement officer may access records
17 necessary to review whether a contract, purchase, or other
18 expenditure is or is not subject to the provisions of this
19 Code, unless such records would be subject to attorney-client
20 privilege.

21 (j) This Code does not apply to the process used by the
22 Capital Development Board to retain an artist or work or works
23 of art as required in Section 14 of the Capital Development
24 Board Act.

25 (k) This Code does not apply to the process to procure
26 contracts, or contracts entered into, by the State Board of

1 Elections or the State Electoral Board for hearing officers
2 appointed pursuant to the Election Code.

3 (1) This Code does not apply to the processes used by the
4 Illinois Student Assistance Commission to procure supplies and
5 services paid for from the private funds of the Illinois
6 Prepaid Tuition Fund. As used in this subsection (1), "private
7 funds" means funds derived from deposits paid into the
8 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

9 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
10 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
11 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
12 9-17-19.)

13 Section 80. The State Finance Act is amended by adding
14 Section 5.938 as follows:

15 (30 ILCS 105/5.938 new)

16 Sec. 5.938. The Water Quality Assurance Fund.

17 Section 99. Effective date. This Act takes effect January
18 1, 2021."