

AN ACT concerning government.

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

Section 5. The Civil Administrative Code of Illinois is amended by changing Sections 5-310, 5-315, 5-320, 5-325, 5-330, 5-335, 5-340, 5-345, 5-350, 5-355, 5-360, 5-362, 5-365, 5-370, 5-375, 5-385, 5-390, 5-395, 5-400, 5-405, 5-410, 5-415, and 5-420 as follows:

(20 ILCS 5/5-310) (was 20 ILCS 5/9.21)

Sec. 5-310. In the Department on Aging. The Director of Aging shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-315) (was 20 ILCS 5/9.02)

Sec. 5-315. In the Department of Agriculture. The Director of Agriculture shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Agriculture shall receive an annual salary ~~as set by the Governor from time to time or~~ as

set by the Compensation Review Board,~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-320) (was 20 ILCS 5/9.19)

Sec. 5-320. In the Department of Central Management Services. The Director of Central Management Services shall receive an annual salary as set ~~by the Governor from time to time or an amount set~~ by the Compensation Review Board,~~whichever is greater.~~

Each Assistant Director of Central Management Services shall receive an annual salary as set ~~by the Governor from time to time or an amount set~~ by the Compensation Review Board,~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-325) (was 20 ILCS 5/9.16)

Sec. 5-325. In the Department of Children and Family Services. The Director of Children and Family Services shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board,~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-330) (was 20 ILCS 5/9.18)

Sec. 5-330. In the Department of Commerce and Economic Opportunity. The Director of Commerce and Economic Opportunity shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Commerce and Economic Opportunity shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

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

(20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

Sec. 5-335. In the Department of Corrections. The Director of Corrections shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Corrections - Adult Division shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 94-696, eff. 6-1-06.)

(20 ILCS 5/5-340) (was 20 ILCS 5/9.30)

Sec. 5-340. In the Department of Employment Security. The Director of Employment Security shall receive an annual salary

~~ef as set by the Governor from time to time or an amount set by the Compensation Review Board, whichever is greater.~~

Each member of the Board of Review shall receive \$15,000.  
(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-345) (was 20 ILCS 5/9.15)

Sec. 5-345. In the Department of Financial Institutions. The Director of Financial Institutions shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Financial Institutions shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-350) (was 20 ILCS 5/9.24)

Sec. 5-350. In the Department of Human Rights. The Director of Human Rights shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-355) (was 20 ILCS 5/9.05a)

Sec. 5-355. In the Department of Human Services. The Secretary of Human Services shall receive an annual salary as set ~~by the Governor from time to time or such other amount as may be set~~ by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Secretaries of Human Services shall each receive an annual salary as set ~~by the Governor from time to time or such other amount as may be set~~ by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-360) (was 20 ILCS 5/9.10)

Sec. 5-360. In the Department of Insurance. The Director of Insurance shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Insurance shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-362)

Sec. 5-362. In the Department of Juvenile Justice. The

Director of Juvenile Justice shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 94-696, eff. 6-1-06.)

(20 ILCS 5/5-365) (was 20 ILCS 5/9.03)

Sec. 5-365. In the Department of Labor. The Director of Labor shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Labor shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Chief Factory Inspector shall receive \$24,700 from the third Monday in January, 1979 to the third Monday in January, 1980, and \$25,000 thereafter, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of Safety Inspection and Education shall receive \$27,500, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of Women's and Children's Employment shall receive \$22,000 from the third Monday in January, 1979 to the third Monday in January, 1980, and \$22,500 thereafter, or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-370) (was 20 ILCS 5/9.31)

Sec. 5-370. In the Department of the Lottery. The Director of the Lottery shall receive an annual salary as set ~~by the Governor from time to time or an amount set~~ by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-375) (was 20 ILCS 5/9.09)

Sec. 5-375. In the Department of Natural Resources. The Director of Natural Resources shall continue to receive the annual salary set by law for the Director of Conservation until January 20, 1997. Beginning on that date, the Director of Natural Resources shall receive an annual salary as set ~~by the Governor from time to time or the amount set~~ by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Natural Resources shall continue to receive the annual salary set by law for the Assistant Director of Conservation until January 20, 1997. Beginning on that date, the Assistant Director of Natural Resources shall receive an annual salary as set ~~by the Governor from time to time or the amount set~~ by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-385) (was 20 ILCS 5/9.25)

Sec. 5-385. In the Department of Nuclear Safety. The Director of Nuclear Safety shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-390) (was 20 ILCS 5/9.08)

Sec. 5-390. In the Department of Professional Regulation. The Director of Professional Regulation shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-395) (was 20 ILCS 5/9.17)

Sec. 5-395. In the Department of Healthcare and Family Services. The Director of Healthcare and Family Services shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Healthcare and Family Services shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever~~

~~is greater.~~

(Source: P.A. 95-331, eff. 8-21-07.)

(20 ILCS 5/5-400) (was 20 ILCS 5/9.07)

Sec. 5-400. In the Department of Public Health. The Director of Public Health shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Public Health shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-405) (was 20 ILCS 5/9.12)

Sec. 5-405. In the Department of Revenue. The Director of Revenue shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Revenue shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 91-798, eff. 7-9-00.)

(20 ILCS 5/5-410) (was 20 ILCS 5/9.11)

Sec. 5-410. In the Department of State Police. The Director of State Police shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of State Police shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-415) (was 20 ILCS 5/9.05)

Sec. 5-415. In the Department of Transportation. The Secretary of Transportation shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Secretary of Transportation shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(20 ILCS 5/5-420) (was 20 ILCS 5/9.22)

Sec. 5-420. In the Department of Veterans' Affairs. The Director of Veterans' Affairs shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater.~~

The Assistant Director of Veterans' Affairs shall receive an annual salary ~~as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.~~

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

Section 10. The Military Code of Illinois is amended by changing Section 17 as follows:

(20 ILCS 1805/17) (from Ch. 129, par. 220.17)

Sec. 17. The Adjutant General and the Assistant Adjutants General shall give their entire time to their military duties. The Adjutant General shall receive an annual salary ~~as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater,~~ and each Assistant Adjutant General shall receive an annual salary ~~as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. If set by the Governor, those annual salaries may not exceed 85% of the Governor's annual salary.~~

(Source: P.A. 91-25, eff. 6-9-99.)

Section 15. The State Fire Marshal Act is amended by changing Section 1 as follows:

(20 ILCS 2905/1) (from Ch. 127 1/2, par. 1)

Sec. 1. There is hereby created the Office of the State

Fire Marshal, hereinafter referred to as the Office.

The Office shall be under an executive director who shall be appointed by the Governor with the advice and consent of the Senate.

The executive director of the Office shall be known as the State Fire Marshal and shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater. If set by the Governor, the annual salary may not exceed 85% of the annual salary of the Governor.~~

The Office of the State Fire Marshal shall have a division that shall assume the duties of the Division of Fire Prevention, Department of Law Enforcement, and a division that shall assume the duties of Illinois Fire Protection Personnel Standards and Education Commission. Each division shall be headed by a division manager who shall be employed by the Fire Marshal, subject to the Personnel Code, and shall be responsible to the Fire Marshal.

(Source: P.A. 94-178, eff. 1-1-06.)

Section 20. The Office of Banks and Real Estate Act is amended by changing Section 1 as follows:

(20 ILCS 3205/1) (from Ch. 17, par. 451)

Sec. 1. Salary.

(a) The Commissioner of Banks and Trust Companies shall

receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater,~~ payable in equal monthly installments. The First Deputy Commissioner shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater,~~ and the other deputy commissioners shall receive an annual salary of \$38,000, or as set by the Compensation Review Board, whichever is greater, each payable in equal monthly installments. ~~If set by the Governor, those annual salaries may not exceed 85% of the Governor's annual salary.~~

(b) The Commissioner of the Office of Banks and Real Estate shall receive the annual salary provided by law for the Commissioner of Banks and Trust Companies until the General Assembly or the Compensation Review Board establishes a salary for the Commissioner of the Office of Banks and Real Estate. The First Deputy Commissioner and Deputy Commissioners of the Office of Banks and Real Estate shall receive the annual salaries provided by law for the First Deputy Commissioner and Deputy Commissioners of Banks and Trust Companies, respectively, until the General Assembly or the Compensation Review Board establishes salaries for the First Deputy Commissioner and Deputy Commissioners of the Office of Banks and Real Estate.

(Source: P.A. 91-25, eff. 6-9-99.)

Section 25. The Illinois Emergency Management Agency Act is amended by changing Section 5 as follows:

(20 ILCS 3305/5) (from Ch. 127, par. 1055)

Sec. 5. Illinois Emergency Management Agency.

(a) There is created within the executive branch of the State Government an Illinois Emergency Management Agency and a Director of the Illinois Emergency Management Agency, herein called the "Director" who shall be the head thereof. The Director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a successor is appointed and has qualified; except that the term of the first Director appointed under this Act shall expire on the third Monday in January, 1989. The Director shall not hold any other remunerative public office. The Director shall receive an annual salary as set ~~by the Governor from time to time or the amount set by the Compensation Review Board, whichever is higher. If set by the Governor, the Director's annual salary may not exceed 85% of the Governor's annual salary.~~

(b) The Illinois Emergency Management Agency shall obtain, under the provisions of the Personnel Code, technical, clerical, stenographic and other administrative personnel, and may make expenditures within the appropriation therefor as may be necessary to carry out the purpose of this Act. The agency

created by this Act is intended to be a successor to the agency created under the Illinois Emergency Services and Disaster Agency Act of 1975 and the personnel, equipment, records, and appropriations of that agency are transferred to the successor agency as of the effective date of this Act.

(c) The Director, subject to the direction and control of the Governor, shall be the executive head of the Illinois Emergency Management Agency and the State Emergency Response Commission and shall be responsible under the direction of the Governor, for carrying out the program for emergency management of this State. The Director shall also maintain liaison and cooperate with the emergency management organizations of this State and other states and of the federal government.

(d) The Illinois Emergency Management Agency shall take an integral part in the development and revision of political subdivision emergency operations plans prepared under paragraph (f) of Section 10. To this end it shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to the emergency services and disaster agencies. These personnel shall consult with emergency services and disaster agencies on a regular basis and shall make field examinations of the areas, circumstances, and conditions that particular political subdivision emergency operations plans are intended to apply.

(e) The Illinois Emergency Management Agency and political subdivisions shall be encouraged to form an emergency

management advisory committee composed of private and public personnel representing the emergency management phases of mitigation, preparedness, response, and recovery. The Local Emergency Planning Committee, as created under the Illinois Emergency Planning and Community Right to Know Act, shall serve as an advisory committee to the emergency services and disaster agency or agencies serving within the boundaries of that Local Emergency Planning Committee planning district for:

(1) the development of emergency operations plan provisions for hazardous chemical emergencies; and

(2) the assessment of emergency response capabilities related to hazardous chemical emergencies.

(f) The Illinois Emergency Management Agency shall:

(1) Coordinate the overall emergency management program of the State.

(2) Cooperate with local governments, the federal government and any public or private agency or entity in achieving any purpose of this Act and in implementing emergency management programs for mitigation, preparedness, response, and recovery.

(2.5) Develop a comprehensive emergency preparedness and response plan for any nuclear accident in accordance with Section 65 of the Department of Nuclear Safety Law of 2004 (20 ILCS 3310) and in development of the Illinois Nuclear Safety Preparedness program in accordance with Section 8 of the Illinois Nuclear Safety Preparedness Act.

(2.6) Coordinate with the Department of Public Health with respect to planning for and responding to public health emergencies.

(3) Prepare, for issuance by the Governor, executive orders, proclamations, and regulations as necessary or appropriate in coping with disasters.

(4) Promulgate rules and requirements for political subdivision emergency operations plans that are not inconsistent with and are at least as stringent as applicable federal laws and regulations.

(5) Review and approve, in accordance with Illinois Emergency Management Agency rules, emergency operations plans for those political subdivisions required to have an emergency services and disaster agency pursuant to this Act.

(5.5) Promulgate rules and requirements for the political subdivision emergency management exercises, including, but not limited to, exercises of the emergency operations plans.

(5.10) Review, evaluate, and approve, in accordance with Illinois Emergency Management Agency rules, political subdivision emergency management exercises for those political subdivisions required to have an emergency services and disaster agency pursuant to this Act.

(6) Determine requirements of the State and its political subdivisions for food, clothing, and other

necessities in event of a disaster.

(7) Establish a register of persons with types of emergency management training and skills in mitigation, preparedness, response, and recovery.

(8) Establish a register of government and private response resources available for use in a disaster.

(9) Expand the Earthquake Awareness Program and its efforts to distribute earthquake preparedness materials to schools, political subdivisions, community groups, civic organizations, and the media. Emphasis will be placed on those areas of the State most at risk from an earthquake. Maintain the list of all school districts, hospitals, airports, power plants, including nuclear power plants, lakes, dams, emergency response facilities of all types, and all other major public or private structures which are at the greatest risk of damage from earthquakes under circumstances where the damage would cause subsequent harm to the surrounding communities and residents.

(10) Disseminate all information, completely and without delay, on water levels for rivers and streams and any other data pertaining to potential flooding supplied by the Division of Water Resources within the Department of Natural Resources to all political subdivisions to the maximum extent possible.

(11) Develop agreements, if feasible, with medical supply and equipment firms to supply resources as are

necessary to respond to an earthquake or any other disaster as defined in this Act. These resources will be made available upon notifying the vendor of the disaster. Payment for the resources will be in accordance with Section 7 of this Act. The Illinois Department of Public Health shall determine which resources will be required and requested.

(11.5) In coordination with the Department of State Police, develop and implement a community outreach program to promote awareness among the State's parents and children of child abduction prevention and response.

(12) Out of funds appropriated for these purposes, award capital and non-capital grants to Illinois hospitals or health care facilities located outside of a city with a population in excess of 1,000,000 to be used for purposes that include, but are not limited to, preparing to respond to mass casualties and disasters, maintaining and improving patient safety and quality of care, and protecting the confidentiality of patient information. No single grant for a capital expenditure shall exceed \$300,000. No single grant for a non-capital expenditure shall exceed \$100,000. In awarding such grants, preference shall be given to hospitals that serve a significant number of Medicaid recipients, but do not qualify for disproportionate share hospital adjustment payments under the Illinois Public Aid Code. To receive such a grant, a

hospital or health care facility must provide funding of at least 50% of the cost of the project for which the grant is being requested. In awarding such grants the Illinois Emergency Management Agency shall consider the recommendations of the Illinois Hospital Association.

(13) Do all other things necessary, incidental or appropriate for the implementation of this Act.

(Source: P.A. 93-249, eff. 7-22-03; 93-310, eff. 7-23-03; 94-334, eff. 1-1-06.)

Section 30. The Nuclear Safety Law of 2004 is amended by changing Section 45 as follows:

(20 ILCS 3310/45)

Sec. 45. Appointment of Assistant Director. The Assistant Director shall be an officer appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a successor is appointed and has qualified; except that the first Assistant Director under this Act shall be the Director of Nuclear Safety. The Assistant Director shall not hold any other remunerative public office. The Assistant Director shall receive an annual salary as set ~~by the Governor from time to time or the amount set~~ by the Compensation Review Board, ~~whichever is higher. If set by the Governor, the Assistant Director's annual salary may not exceed~~

~~85% of the Governor's annual salary.~~

(Source: P.A. 93-1029, eff. 8-25-04.)

Section 35. The Compensation Review Act is amended by adding Sections 2.1, 3.1, and 5.6 as follows:

(25 ILCS 120/2.1 new)

Sec. 2.1. "Set by Compensation Review Board"; meaning. If salary or compensation is provided by law as set by the Compensation Review Board, then that means the salary or compensation in effect on the effective date of this amendatory Act of the 96th General Assembly and as provided in Section 5.6 of the Compensation Review Act.

(25 ILCS 120/3.1 new)

Sec. 3.1. FY10 furlough days. During the fiscal year beginning on July 1, 2009, every member of the General Assembly is mandatorily required to forfeit 4 days of compensation. The State Comptroller shall deduct the equivalent of 1/365th of the annual salary of each member from the compensation of that member in each of the first 4 months of the fiscal year.

(25 ILCS 120/5.6 new)

Sec. 5.6. FY10 COLA's prohibited. Notwithstanding any former or current provision of this Act, any other law, any report of the Compensation Review Board, or any resolution of

the General Assembly to the contrary, members of the General Assembly, State's attorneys, other than the county supplement, the elected constitutional officers of State government, and certain appointed officers of State government, including members of State departments, agencies, boards, and commissions whose annual compensation was recommended or determined by the Compensation Review Board, are prohibited from receiving and shall not receive any increase in compensation that would otherwise apply based on a cost of living adjustment, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for or during the fiscal year beginning July 1, 2009. That cost of living adjustment shall apply again in the fiscal year beginning July 1, 2010 and thereafter.

(25 ILCS 120/2 rep.)

(25 ILCS 120/3 rep.)

(25 ILCS 120/4 rep.)

(25 ILCS 120/5 rep.)

(25 ILCS 120/6 rep.)

Section 40. The Compensation Review Act is amended by repealing Sections 2, 3, 4, 5, and 6.

Section 45. The Environmental Protection Act is amended by changing Section 4 as follows:

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

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

(a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years, provided that he or she shall hold office until a successor is appointed and has qualified. The Director shall receive an annual salary ~~as set by the Governor from time to time or~~ as set by the Compensation Review Board, ~~whichever is greater. If set by the Governor, the Director's annual salary may not exceed 85% of the Governor's annual salary.~~ The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.

(b) The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the

purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

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

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

(1) Inspecting and investigating to ascertain possible violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; or

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

(e) The Agency shall have the duty to investigate violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; to issue administrative citations as provided in

Section 31.1 of this Act; and to take such summary enforcement action as is provided for by Section 34 of this Act.

(f) The Agency shall appear before the Board in any hearing upon a petition for variance, the denial of a permit, or the validity or effect of a rule or regulation of the Board, and shall have the authority to appear before the Board in any hearing under the Act.

(g) The Agency shall have the duty to administer, in accord with Title X of this Act, such permit and certification systems as may be established by this Act or by regulations adopted thereunder. The Agency may enter into written delegation agreements with any department, agency, or unit of State or local government under which all or portions of this duty may be delegated for public water supply storage and transport systems, sewage collection and transport systems, air pollution control sources with uncontrolled emissions of 100 tons per year or less and application of algicides to waters of the State. Such delegation agreements will require that the work to be performed thereunder will be in accordance with Agency criteria, subject to Agency review, and shall include such financial and program auditing by the Agency as may be required.

(h) The Agency shall have authority to require the submission of complete plans and specifications from any applicant for a permit required by this Act or by regulations thereunder, and to require the submission of such reports

regarding actual or potential violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, as may be necessary for the purposes of this Act.

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

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

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

The Agency is authorized to promulgate such regulations and

enter into such contracts as it may deem necessary for carrying out the provisions of this subsection.

(1) The Agency is hereby designated as water pollution agency for the state for all purposes of the Federal Water Pollution Control Act, as amended; as implementing agency for the State for all purposes of the Safe Drinking Water Act, Public Law 93-523, as now or hereafter amended, except Section 1425 of that Act; as air pollution agency for the state for all purposes of the Clean Air Act of 1970, Public Law 91-604, approved December 31, 1970, as amended; and as solid waste agency for the state for all purposes of the Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, and amended by the Resource Recovery Act of 1970, Public Law 91-512, approved October 26, 1970, as amended, and amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) approved October 21, 1976, as amended; as noise control agency for the state for all purposes of the Noise Control Act of 1972, Public Law 92-574, approved October 27, 1972, as amended; and as implementing agency for the State for all purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended; and otherwise as pollution control agency for the State pursuant to federal laws integrated with the foregoing laws, for financing purposes or otherwise. The Agency is hereby authorized to take all action necessary or appropriate to secure to the State the benefits of such federal Acts, provided

that the Agency shall transmit to the United States without change any standards adopted by the Pollution Control Board pursuant to Section 5(c) of this Act. This subsection (1) of Section 4 shall not be construed to bar or prohibit the Environmental Protection Trust Fund Commission from accepting, receiving, and administering on behalf of the State any grants, gifts, loans or other funds for which the Commission is eligible pursuant to the Environmental Protection Trust Fund Act. The Agency is hereby designated as the State agency for all purposes of administering the requirements of Section 313 of the federal Emergency Planning and Community Right-to-Know Act of 1986.

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

(m) The Agency shall have authority, consistent with Section 5(c) and other provisions of this Act, and for purposes of Section 303(e) of the Federal Water Pollution Control Act, as now or hereafter amended, to engage in planning processes and activities and to develop plans in cooperation with units of local government, state agencies and officers, and other appropriate persons in connection with the jurisdiction or duties of each such unit, agency, officer or person. Public hearings shall be held on the planning process, at which any

person shall be permitted to appear and be heard, pursuant to procedural regulations promulgated by the Agency.

(n) In accordance with the powers conferred upon the Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the Agency shall have authority to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land and sanitary, chemical, and mineral quality of water distributed by a public water supply. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

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

(p) Except as provided in Section 17.7, the Agency shall have the duty to analyze samples as required from each public water supply to determine compliance with the contaminant levels specified by the Pollution Control Board. The maximum

number of samples which the Agency shall be required to analyze for microbiological quality shall be 6 per month, but the Agency may, at its option, analyze a larger number each month for any supply. Results of sample analyses for additional required bacteriological testing, turbidity, residual chlorine and radionuclides are to be provided to the Agency in accordance with Section 19. Owners of water supplies may enter into agreements with the Agency to provide for reduced Agency participation in sample analyses.

(q) The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance or pesticide. Such notice shall include the identified response action and an opportunity for such person to perform the response action.

(r) The Agency may enter into written delegation agreements with any unit of local government under which it may delegate all or portions of its inspecting, investigating and enforcement functions. Such delegation agreements shall require that work performed thereunder be in accordance with Agency criteria and subject to Agency review. Notwithstanding any other provision of law to the contrary, no unit of local government shall be liable for any injury resulting from the exercise of its authority pursuant to such a delegation agreement unless the injury is proximately caused by the willful and wanton negligence of an agent or employee of the

unit of local government, and any policy of insurance coverage issued to a unit of local government may provide for the denial of liability and the nonpayment of claims based upon injuries for which the unit of local government is not liable pursuant to this subsection (r).

(s) The Agency shall have authority to take whatever preventive or corrective action is necessary or appropriate, including but not limited to expenditure of monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for removal or remedial action, whenever any hazardous substance or pesticide is released or there is a substantial threat of such a release into the environment. The State, the Director, and any State employee shall be indemnified for any damages or injury arising out of or resulting from any action taken under this subsection. The Director of the Agency is authorized to enter into such contracts and agreements as are necessary to carry out the Agency's duties under this subsection.

(t) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, for financing and construction of municipal wastewater facilities. With respect to all monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for wastewater facility grants, the Agency shall make distributions in conformity with the rules and regulations established pursuant to the Anti-Pollution Bond Act, as now or hereafter amended.

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

(v) (Blank.)

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

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

(2) The Agency shall not terminate a grant to a unit of local government for the financing and construction of public water supply facilities unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for the termination of such grants. The Agency shall not make determinations on whether specific

grant conditions are necessary to ensure the integrity of a project or on whether subagreements shall be awarded, with respect to grants for the financing and construction of public water supply facilities, unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for making such determinations. The Agency shall not issue a stop-work order in relation to such grants unless and until the Agency adopts precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for determining whether to issue a stop-work order.

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

(Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03.)

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