



Sen. Christopher Belt

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10100HB2685sam003

LRB101 09685 RJF 74543 a

1 AMENDMENT TO HOUSE BILL 2685

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2685 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Economic  
5 Equity Act.

6 Article 1.

7 Section 1-1. Short title. This Act may be cited as the  
8 Employee Background Fairness Act.

9 Section 1-5. Definitions. As used in this Act:

10 "Adverse action" means to fail or refuse to hire an  
11 applicant, to discharge or to not promote any employee, or to  
12 classify employees in a way that would deprive or tend to  
13 deprive any individual of employment opportunities.

14 "Applicant" means a person pursuing employment with an

1 employer.

2 "Conviction" means a judgment of conviction or sentence  
3 entered upon a plea of guilty or upon a verdict or finding of  
4 guilty of a criminal offense, rendered by a legally constituted  
5 jury or by a court in a case without a jury. For purposes of  
6 this Act, an order of supervision or qualified probation, as  
7 defined by Section 5.2 of the Criminal Identification Act, that  
8 has been discharged or dismissed shall not be deemed a  
9 conviction.

10 "Criminal history record information" means records of  
11 arrest, complaint, indictment, or any disposition arising  
12 therefrom.

13 "Criminal history report" means any written, oral, or other  
14 communication of information that includes criminal history  
15 record information about a natural person, produced by law  
16 enforcement or police agencies, courts, a consumer reporting  
17 agency, or an employment screening agency or business.

18 "Direct relationship" means a consideration of whether the  
19 employment position offers the opportunity for the same or a  
20 similar offense to occur and whether circumstances leading to  
21 the conduct for which the person was convicted will recur in  
22 the employment position.

23 "Employee" means an individual who receives compensation  
24 for performing services for an employer under an express or  
25 implied contract of hire.

26 "Employer" means an individual or entity that permits one

1 or more individuals to work, accepts applications for  
2 employment, or is an agent of an employer.

3 "Employment" means any occupation or vocation, including,  
4 but not limited to, temporary or seasonal work, work through a  
5 temporary or other employment agency, or any form of vocational  
6 or educational training program for which an individual  
7 receives compensation for performing services for an employer  
8 under an express or implied contract for hire.

9 Section 1-10. Use of criminal history record information.

10 (a) An employer may not base an adverse action, in whole or  
11 in part, against an employee or applicant, based on criminal  
12 history record information without adhering to the  
13 requirements of this Act. Unless authorized by law, no inquiry  
14 or adverse action may be taken, based in whole or in part on:

15 (1) an arrest not leading to conviction;

16 (2) participation in or completion of a diversion or a  
17 deferral of judgment program;

18 (3) a conviction that has been vacated or ordered  
19 expunged, sealed, or impounded by a court;

20 (4) an adjudication or other information regarding a  
21 matter processed through the juvenile court system; or

22 (5) information pertaining to an offense other than a  
23 felony or misdemeanor.

24 (b) Before taking any adverse action based, in whole in  
25 part, on criminal history record information, the employer or

1 the employer's agent shall provide the applicant or employee a  
2 written notice that includes:

3 (1) a copy of any criminal history report about the  
4 individual obtained by the employer;

5 (2) the specific conviction or convictions that have a  
6 direct relationship to the employment sought or for which  
7 there is a federal, State, or local law prohibiting the  
8 employer from employing or placing the applicant or  
9 employee;

10 (3) a clear statement informing the applicant or  
11 employee that he or she may provide information to the  
12 employer that:

13 (A) the criminal history record information is  
14 inaccurate;

15 (B) the criminal history information is prohibited  
16 from inquiry or consideration under Section (a); or

17 (C) there are mitigating circumstances that  
18 demonstrate the individual's fitness for the position  
19 including, but not limited to, activities since the  
20 date of the offense and evidence of rehabilitation.

21 An employee or applicant has a period of not less than 7  
22 days from the date of notice within which the applicant or  
23 employee may provide to the employer information concerning  
24 rehabilitation and mitigating circumstances.

25 (c) An employer shall conduct a good faith, individualized  
26 assessment of any information provided by the applicant or

1 employee before taking a final adverse action. This assessment  
2 shall include any evidence of mitigation or rehabilitation  
3 since the conviction or evidence about the accuracy of criminal  
4 history record information provided by the applicant or  
5 employee.

6 (d) An employer must hold the position sought by the  
7 applicant or employee open until the individual provides  
8 additional information and the review of that information under  
9 subsection (c) or until the period of time to provide  
10 additional information under subsection (c) has passed if no  
11 information is provided. At or before the time the employer  
12 fills the position, the employer must provide the applicant or  
13 employee with a final written determination that includes the  
14 following:

- 15 (1) a statement of the employer's final determination;  
16 (2) a description of an appeal process, if any; and  
17 (3) the earliest date, if any, when the individual may  
18 reapply for the position.

19 Section 1-15. Retaliatory or discriminatory acts. A person  
20 shall not retaliate or discriminate against an applicant or  
21 employee because the person has done or was about to do any of  
22 the following:

- 23 (1) File a complaint under this Act.  
24 (2) Testify, assist, or participate in an  
25 investigation, proceeding, or action concerning a

1 violation of this Act.

2 (3) Oppose a violation of this Act.

3 Section 1-20. Waiver. An employer shall not require an  
4 applicant or employee to waive any right under this Act. An  
5 agreement by an applicant or employee to waive any right under  
6 this Act is invalid and unenforceable.

7 Section 1-25. Remedies for violation of the Act. An  
8 applicant or employee denied employment or discharged from  
9 employment because of his or her criminal history in violation  
10 of this Act may recover from the employer in a civil action:

11 (1) damages in the amount of \$2,000 or actual damages,  
12 whichever is greater;

13 (2) costs and such reasonable attorney's fees as may be  
14 allowed by the court; and

15 (3) any other relief as may be appropriate, including  
16 punitive damages.

17 Section 1-30. Civil immunity. Except for willful or wanton  
18 misconduct or when required by law, an employer shall not be  
19 civilly liable for failure to consider criminal history record  
20 information of an applicant or employee or for limiting its  
21 inquiry into an applicant's or employee's criminal history  
22 pursuant to this Act.

1 Article 10.

2 Section 10-5. The Business Enterprise for Minorities,  
3 Women, and Persons with Disabilities Act is amended by changing  
4 Section 4 as follows:

5 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

6 (Section scheduled to be repealed on June 30, 2024)

7 Sec. 4. Award of State contracts.

8 (a) Except as provided in subsection (b), not less than 30%  
9 ~~20%~~ of the total dollar amount of State contracts, as defined  
10 by the Secretary of the Council and approved by the Council,  
11 shall be established as an aspirational goal to be awarded to  
12 businesses owned by minorities, women, and persons with  
13 disabilities; provided, however, that of the total amount of  
14 all State contracts awarded to businesses owned by minorities,  
15 women, and persons with disabilities pursuant to this Section,  
16 contracts representing at least 16% ~~11%~~ shall be awarded to  
17 businesses owned by minorities, contracts representing at  
18 least 10% ~~7%~~ shall be awarded to women-owned businesses, and  
19 contracts representing at least 4% ~~2%~~ shall be awarded to  
20 businesses owned by persons with disabilities.

21 (a-5) In addition to the aspirational goals in awarding  
22 State contracts set under subsection (a), the Department of  
23 Central Management Services shall by rule further establish  
24 committed diversity aspirational goals for State contracts

1 awarded to businesses owned by minorities, women, and persons  
2 with disabilities. Such efforts shall include, but not be  
3 limited to, further concerted outreach efforts to businesses  
4 owned by minorities, women, and persons with disabilities.

5 The above percentage relates to the total dollar amount of  
6 State contracts during each State fiscal year, calculated by  
7 examining independently each type of contract for each agency  
8 or public institutions of higher education which lets such  
9 contracts. Only that percentage of arrangements which  
10 represents the participation of businesses owned by  
11 minorities, women, and persons with disabilities on such  
12 contracts shall be included. State contracts subject to the  
13 requirements of this Act shall include the requirement that  
14 only expenditures to businesses owned by minorities, women, and  
15 persons with disabilities that perform a commercially useful  
16 function may be counted toward the goals set forth by this Act.  
17 Contracts shall include a definition of "commercially useful  
18 function" that is consistent with 49 CFR 26.55(c).

19 (b) Not less than 20% of the total dollar amount of State  
20 construction contracts is established as an aspirational goal  
21 to be awarded to businesses owned by minorities, women, and  
22 persons with disabilities; provided that, contracts  
23 representing at least 11% of the total dollar amount of State  
24 construction contracts shall be awarded to businesses owned by  
25 minorities; contracts representing at least 7% of the total  
26 dollar amount of State construction contracts shall be awarded



1 to women-owned businesses; and contracts representing at least  
2 2% of the total dollar amount of State construction contracts  
3 shall be awarded to businesses owned by persons with  
4 disabilities.

5 (c) (Blank).

6 (d) Within one year after April 28, 2009 (the effective  
7 date of Public Act 96-8), the Department of Central Management  
8 Services shall conduct a social scientific study that measures  
9 the impact of discrimination on minority and women business  
10 development in Illinois. Within 18 months after April 28, 2009  
11 (the effective date of Public Act 96-8), the Department shall  
12 issue a report of its findings and any recommendations on  
13 whether to adjust the goals for minority and women  
14 participation established in this Act. Copies of this report  
15 and the social scientific study shall be filed with the  
16 Governor and the General Assembly.

17 By December 1, 2020, the Department of Central Management  
18 Services shall conduct a new social scientific study that  
19 measures the impact of discrimination on minority and women  
20 business development in Illinois. By June 1, 2022, the  
21 Department shall issue a report of its findings and any  
22 recommendations on whether to adjust the goals for minority and  
23 women participation established in this Act. Copies of this  
24 report and the social scientific study shall be filed with the  
25 Governor, ~~the Advisory Board,~~ and the General Assembly. By  
26 December 1, 2022, the Department of Central Management Services

1 Business Enterprise Program shall develop a model for social  
2 scientific disparity study sourcing for local governmental  
3 units to adapt and implement to address regional disparities in  
4 public procurement.

5 (e) Except as permitted under this Act or as otherwise  
6 mandated by federal law or regulation, those who submit bids or  
7 proposals for State contracts subject to the provisions of this  
8 Act, whose bids or proposals are successful and include a  
9 utilization plan but that fail to meet the goals set forth in  
10 subsection (b) of this Section, shall be notified of that  
11 deficiency and shall be afforded a period not to exceed 10  
12 calendar days from the date of notification to cure that  
13 deficiency in the bid or proposal. The deficiency in the bid or  
14 proposal may only be cured by contracting with additional  
15 subcontractors who are owned by minorities or women. Any  
16 increase in cost to a contract for the addition of a  
17 subcontractor to cure a bid's deficiency shall not affect the  
18 bid price, shall not be used in the request for an exemption in  
19 this Act, and in no case shall an identified subcontractor with  
20 a certification made pursuant to this Act be terminated from  
21 the contract without the written consent of the State agency or  
22 public institution of higher education entering into the  
23 contract.

24 (f) Non-construction solicitations that include Business  
25 Enterprise Program participation goals shall require bidders  
26 and offerors to include utilization plans. Utilization plans

1 are due at the time of bid or offer submission. Failure to  
2 complete and include a utilization plan, including  
3 documentation demonstrating good faith effort when requesting  
4 a waiver, shall render the bid or offer non-responsive.

5 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;  
6 101-601, eff. 1-1-20; revised 10-26-20.)

7 Article 20.

8 Section 20-5. The Illinois Public Labor Relations Act is  
9 amended by adding Section 9.5 as follows:

10 (5 ILCS 315/9.5 new)

11 Sec. 9.5. Labor organization diverse membership. Any labor  
12 organization that is selected as the exclusive representative  
13 of the employees of a bargaining unit and subject to the  
14 provisions of this Act shall take actions to establish and  
15 maintain membership that includes Descendants of American  
16 Slavery that is proportionate to the percentage of such persons  
17 who are residents of this State, and shall report those actions  
18 to the Business Enterprise Council for Minorities, Women, and  
19 Persons with Disabilities. For the purposes of this Section,  
20 "Descendants of American Slavery" means a person as described  
21 within the meaning of "minority person" under Section 2 of the  
22 Business Enterprise for Minorities, Women, and Persons with  
23 Disabilities Act.

1 Section 20-10. The Business Enterprise for Minorities,  
2 Women, and Persons with Disabilities Act is amended by changing  
3 Sections 2, 4, 4f, 6, 7, and 8f as follows:

4 (30 ILCS 575/2)

5 (Section scheduled to be repealed on June 30, 2024)

6 Sec. 2. Definitions.

7 (A) For the purpose of this Act, the following terms shall  
8 have the following definitions:

9 (1) "Minority person" shall mean a person who is a  
10 citizen or lawful permanent resident of the United States  
11 and who is any of the following:

12 (a) American Indian or Alaska Native (a person  
13 having origins in any of the original peoples of North  
14 and South America, including Central America, and who  
15 maintains tribal affiliation or community attachment).

16 (b) Asian (a person having origins in any of the  
17 original peoples of the Far East, Southeast Asia, or  
18 the Indian subcontinent, including, but not limited  
19 to, Cambodia, China, India, Japan, Korea, Malaysia,  
20 Pakistan, the Philippine Islands, Thailand, and  
21 Vietnam).

22 (c) Black or African American (a person having  
23 origins in any of the black racial groups of Africa).

24 (c-5) Descendant of American Slavery (a person

1           having direct ancestral lineage to victims of slavery  
2           in the United States of America).

3           (d) Hispanic or Latino (a person of Cuban, Mexican,  
4           Puerto Rican, South or Central American, or other  
5           Spanish culture or origin, regardless of race).

6           (e) Native Hawaiian or Other Pacific Islander (a  
7           person having origins in any of the original peoples of  
8           Hawaii, Guam, Samoa, or other Pacific Islands).

9           (2) "Woman" shall mean a person who is a citizen or  
10          lawful permanent resident of the United States and who is  
11          of the female gender.

12          (2.05) "Person with a disability" means a person who is  
13          a citizen or lawful resident of the United States and is a  
14          person qualifying as a person with a disability under  
15          subdivision (2.1) of this subsection (A).

16          (2.1) "Person with a disability" means a person with a  
17          severe physical or mental disability that:

18               (a) results from:

19               amputation,

20               arthritis,

21               autism,

22               blindness,

23               burn injury,

24               cancer,

25               cerebral palsy,

26               Crohn's disease,

1           cystic fibrosis,  
2           deafness,  
3           head injury,  
4           heart disease,  
5           hemiplegia,  
6           hemophilia,  
7           respiratory or pulmonary dysfunction,  
8           an intellectual disability,  
9           mental illness,  
10          multiple sclerosis,  
11          muscular dystrophy,  
12          musculoskeletal disorders,  
13          neurological disorders, including stroke and  
14          epilepsy,  
15          paraplegia,  
16          quadriplegia and other spinal cord conditions,  
17          sickle cell anemia,  
18          ulcerative colitis,  
19          specific learning disabilities, or  
20          end stage renal failure disease; and

21           (b) substantially limits one or more of the  
22          person's major life activities.

23          Another disability or combination of disabilities may  
24          also be considered as a severe disability for the purposes  
25          of item (a) of this subdivision (2.1) if it is determined  
26          by an evaluation of rehabilitation potential to cause a

1 comparable degree of substantial functional limitation  
2 similar to the specific list of disabilities listed in item  
3 (a) of this subdivision (2.1).

4 (3) "Minority-owned business" means a business which  
5 is at least 51% owned by one or more minority persons, or  
6 in the case of a corporation, at least 51% of the stock in  
7 which is owned by one or more minority persons; and the  
8 management and daily business operations of which are  
9 controlled by one or more of the minority individuals who  
10 own it.

11 (4) "Women-owned business" means a business which is at  
12 least 51% owned by one or more women, or, in the case of a  
13 corporation, at least 51% of the stock in which is owned by  
14 one or more women; and the management and daily business  
15 operations of which are controlled by one or more of the  
16 women who own it.

17 (4.1) "Business owned by a person with a disability"  
18 means a business that is at least 51% owned by one or more  
19 persons with a disability and the management and daily  
20 business operations of which are controlled by one or more  
21 of the persons with disabilities who own it. A  
22 not-for-profit agency for persons with disabilities that  
23 is exempt from taxation under Section 501 of the Internal  
24 Revenue Code of 1986 is also considered a "business owned  
25 by a person with a disability".

26 (4.2) "Council" means the Business Enterprise Council

1 for Minorities, Women, and Persons with Disabilities  
2 created under Section 5 of this Act.

3 (5) "State contracts" means all contracts entered into  
4 by the State, any agency or department thereof, or any  
5 public institution of higher education, including  
6 community college districts, regardless of the source of  
7 the funds with which the contracts are paid, which are not  
8 subject to federal reimbursement. "State contracts" does  
9 not include contracts awarded by a retirement system,  
10 pension fund, or investment board subject to Section  
11 1-109.1 of the Illinois Pension Code. This definition shall  
12 control over any existing definition under this Act or  
13 applicable administrative rule.

14 "State construction contracts" means all State  
15 contracts entered into by a State agency or public  
16 institution of higher education for the repair,  
17 remodeling, renovation or construction of a building or  
18 structure, or for the construction or maintenance of a  
19 highway defined in Article 2 of the Illinois Highway Code.

20 (6) "State agencies" shall mean all departments,  
21 officers, boards, commissions, institutions and bodies  
22 politic and corporate of the State, but does not include  
23 the Board of Trustees of the University of Illinois, the  
24 Board of Trustees of Southern Illinois University, the  
25 Board of Trustees of Chicago State University, the Board of  
26 Trustees of Eastern Illinois University, the Board of



1 Trustees of Governors State University, the Board of  
2 Trustees of Illinois State University, the Board of  
3 Trustees of Northeastern Illinois University, the Board of  
4 Trustees of Northern Illinois University, the Board of  
5 Trustees of Western Illinois University, municipalities or  
6 other local governmental units, or other State  
7 constitutional officers.

8 (7) "Public institutions of higher education" means  
9 the University of Illinois, Southern Illinois University,  
10 Chicago State University, Eastern Illinois University,  
11 Governors State University, Illinois State University,  
12 Northeastern Illinois University, Northern Illinois  
13 University, Western Illinois University, the public  
14 community colleges of the State, and any other public  
15 universities, colleges, and community colleges now or  
16 hereafter established or authorized by the General  
17 Assembly.

18 (8) "Certification" means a determination made by the  
19 Council or by one delegated authority from the Council to  
20 make certifications, or by a State agency with statutory  
21 authority to make such a certification, that a business  
22 entity is a business owned by a minority, woman, or person  
23 with a disability for whatever purpose. A business owned  
24 and controlled by women shall be certified as a  
25 "woman-owned business". A business owned and controlled by  
26 women who are also minorities shall be certified as both a

1 "women-owned business" and a "minority-owned business".

2 (9) "Control" means the exclusive or ultimate and sole  
3 control of the business including, but not limited to,  
4 capital investment and all other financial matters,  
5 property, acquisitions, contract negotiations, legal  
6 matters, officer-director-employee selection and  
7 comprehensive hiring, operating responsibilities,  
8 cost-control matters, income and dividend matters,  
9 financial transactions and rights of other shareholders or  
10 joint partners. Control shall be real, substantial and  
11 continuing, not pro forma. Control shall include the power  
12 to direct or cause the direction of the management and  
13 policies of the business and to make the day-to-day as well  
14 as major decisions in matters of policy, management and  
15 operations. Control shall be exemplified by possessing the  
16 requisite knowledge and expertise to run the particular  
17 business and control shall not include simple majority or  
18 absentee ownership.

19 (10) "Business" means a business that has annual gross  
20 sales of less than \$75,000,000 as evidenced by the federal  
21 income tax return of the business. A firm with gross sales  
22 in excess of this cap may apply to the Council for  
23 certification for a particular contract if the firm can  
24 demonstrate that the contract would have significant  
25 impact on businesses owned by minorities, women, or persons  
26 with disabilities as suppliers or subcontractors or in

1 employment of minorities, women, or persons with  
2 disabilities.

3 (11) "Utilization plan" means a form and additional  
4 documentations included in all bids or proposals that  
5 demonstrates a vendor's proposed utilization of vendors  
6 certified by the Business Enterprise Program to meet the  
7 targeted goal. The utilization plan shall demonstrate that  
8 the Vendor has either: (1) met the entire contract goal or  
9 (2) requested a full or partial waiver and made good faith  
10 efforts towards meeting the goal.

11 (12) "Business Enterprise Program" means the Business  
12 Enterprise Program of the Department of Central Management  
13 Services.

14 (B) When a business is owned at least 51% by any  
15 combination of minority persons, women, or persons with  
16 disabilities, even though none of the 3 classes alone holds at  
17 least a 51% interest, the ownership requirement for purposes of  
18 this Act is considered to be met. The certification category  
19 for the business is that of the class holding the largest  
20 ownership interest in the business. If 2 or more classes have  
21 equal ownership interests, the certification category shall be  
22 determined by the business.

23 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20.)

24 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

25 (Section scheduled to be repealed on June 30, 2024)

1           Sec. 4. Award of State contracts.

2           (a) Except as provided in subsections ~~subsection~~ (b) and  
3 (b-5), not less than 20% of the total dollar amount of State  
4 contracts, as defined by the Secretary of the Council and  
5 approved by the Council, shall be established as an  
6 aspirational goal to be awarded to businesses owned by  
7 minorities, women, and persons with disabilities; provided,  
8 however, that of the total amount of all State contracts  
9 awarded to businesses owned by minorities, women, and persons  
10 with disabilities pursuant to this Section, contracts  
11 representing at least 11% shall be awarded to businesses owned  
12 by minorities, contracts representing at least 7% shall be  
13 awarded to women-owned businesses, and contracts representing  
14 at least 2% shall be awarded to businesses owned by persons  
15 with disabilities.

16           The above percentage relates to the total dollar amount of  
17 State contracts during each State fiscal year, calculated by  
18 examining independently each type of contract for each agency  
19 or public institutions of higher education which lets such  
20 contracts. Only that percentage of arrangements which  
21 represents the participation of businesses owned by  
22 minorities, women, and persons with disabilities on such  
23 contracts shall be included. State contracts subject to the  
24 requirements of this Act shall include the requirement that  
25 only expenditures to businesses owned by minorities, women, and  
26 persons with disabilities that perform a commercially useful

1 function may be counted toward the goals set forth by this Act.  
2 Contracts shall include a definition of "commercially useful  
3 function" that is consistent with 49 CFR 26.55(c).

4 (b) Except as provided in subsection (b-5), not ~~Not~~ less  
5 than 20% of the total dollar amount of State construction  
6 contracts is established as an aspirational goal to be awarded  
7 to businesses owned by minorities, women, and persons with  
8 disabilities; provided that, contracts representing at least  
9 11% of the total dollar amount of State construction contracts  
10 shall be awarded to businesses owned by minorities; contracts  
11 representing at least 7% of the total dollar amount of State  
12 construction contracts shall be awarded to women-owned  
13 businesses; and contracts representing at least 2% of the total  
14 dollar amount of State construction contracts shall be awarded  
15 to businesses owned by persons with disabilities.

16 (b-5) Notwithstanding the provisions of subsections (a)  
17 and (b), it shall be established as an aspirational goal to  
18 award State contracts to businesses owned by Descendants of  
19 American Slavery in a total dollar amount that is proportionate  
20 to the percentage of such persons who are residents of this  
21 State.

22 Those who submit bids or proposals for State contracts  
23 subject to the provisions of this Act, whose bids or proposals  
24 are successful, but that fail to meet the goals set forth in  
25 this subsection (b-5), shall be notified of that deficiency and  
26 shall be afforded a period not to exceed 10 calendar days from

1 the date of notification to cure that deficiency in the bid or  
2 proposal. The deficiency in the bid or proposal may only be  
3 cured by contracting with additional subcontractors who are  
4 owned by Descendants of American Slavery. Any increase in cost  
5 to a contract for the addition of a subcontractor to cure a  
6 bid's deficiency shall not affect the bid price, shall not be  
7 used in the request for an exemption in this Act, and in no  
8 case shall an identified subcontractor with a certification  
9 made pursuant to this Act be terminated from the contract  
10 without the written consent of the State agency or public  
11 institution of higher education entering into the contract.

12 A contractor submitting bids or proposals for State  
13 contracts subject to the provisions of this Act shall submit a  
14 plan to the Council outlining its efforts to utilize  
15 subcontractors owned by Descendants of American Slavery for the  
16 purposes of fulfilling the goals and requirements established  
17 under this Act.

18 (c) (Blank).

19 (d) Within one year after April 28, 2009 (the effective  
20 date of Public Act 96-8), the Department of Central Management  
21 Services shall conduct a social scientific study that measures  
22 the impact of discrimination on minority and women business  
23 development in Illinois. Within 18 months after April 28, 2009  
24 (the effective date of Public Act 96-8), the Department shall  
25 issue a report of its findings and any recommendations on  
26 whether to adjust the goals for minority and women

1 participation established in this Act. Copies of this report  
2 and the social scientific study shall be filed with the  
3 Governor and the General Assembly.

4 By December 1, 2020, the Department of Central Management  
5 Services shall conduct a new social scientific study that  
6 measures the impact of discrimination on minority and women  
7 business development in Illinois. By June 1, 2022, the  
8 Department shall issue a report of its findings and any  
9 recommendations on whether to adjust the goals for minority and  
10 women participation established in this Act. Copies of this  
11 report and the social scientific study shall be filed with the  
12 Governor, ~~the Advisory Board,~~ and the General Assembly. By  
13 December 1, 2022, the Department of Central Management Services  
14 Business Enterprise Program shall develop a model for social  
15 scientific disparity study sourcing for local governmental  
16 units to adapt and implement to address regional disparities in  
17 public procurement.

18 (e) Except as permitted under this Act or as otherwise  
19 mandated by federal law or regulation, those who submit bids or  
20 proposals for State contracts subject to the provisions of this  
21 Act, whose bids or proposals are successful and include a  
22 utilization plan but that fail to meet the goals set forth in  
23 subsection (b) of this Section, shall be notified of that  
24 deficiency and shall be afforded a period not to exceed 10  
25 calendar days from the date of notification to cure that  
26 deficiency in the bid or proposal. The deficiency in the bid or

1 proposal may only be cured by contracting with additional  
2 subcontractors who are owned by minorities or women. Any  
3 increase in cost to a contract for the addition of a  
4 subcontractor to cure a bid's deficiency shall not affect the  
5 bid price, shall not be used in the request for an exemption in  
6 this Act, and in no case shall an identified subcontractor with  
7 a certification made pursuant to this Act be terminated from  
8 the contract without the written consent of the State agency or  
9 public institution of higher education entering into the  
10 contract.

11 (f) Non-construction solicitations that include Business  
12 Enterprise Program participation goals shall require bidders  
13 and offerors to include utilization plans. Utilization plans  
14 are due at the time of bid or offer submission. Failure to  
15 complete and include a utilization plan, including  
16 documentation demonstrating good faith effort when requesting  
17 a waiver, shall render the bid or offer non-responsive.

18 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;  
19 101-601, eff. 1-1-20; revised 10-26-20.)

20 (30 ILCS 575/4f)

21 (Section scheduled to be repealed on June 30, 2024)

22 Sec. 4f. Award of State contracts.

23 (1) It is hereby declared to be the public policy of the  
24 State of Illinois to promote and encourage each State agency  
25 and public institution of higher education to use businesses



1 owned by minorities, women, and persons with disabilities in  
2 the area of goods and services, including, but not limited to,  
3 insurance services, investment management services,  
4 information technology services, accounting services,  
5 architectural and engineering services, and legal services.  
6 Furthermore, each State agency and public institution of higher  
7 education shall utilize such firms to the greatest extent  
8 feasible within the bounds of financial and fiduciary prudence,  
9 and take affirmative steps to remove any barriers to the full  
10 participation of such firms in the procurement and contracting  
11 opportunities afforded.

12 (a) When a State agency or public institution of higher  
13 education, other than a community college, awards a  
14 contract for insurance services, for each State agency or  
15 public institution of higher education, it shall be the  
16 aspirational goal to use insurance brokers owned by  
17 minorities, women, and persons with disabilities as  
18 defined by this Act, for not less than 20% of the total  
19 annual premiums or fees; provided that, contracts  
20 representing at least 11% of the total annual premiums or  
21 fees shall be awarded to businesses owned by minorities;  
22 contracts representing at least 7% of the total annual  
23 premiums or fees shall be awarded to women-owned  
24 businesses; and contracts representing at least 2% of the  
25 total annual premiums or fees shall be awarded to  
26 businesses owned by persons with disabilities.

1           (a-5) Notwithstanding subsection (a), when a State  
2           agency or public institution of higher education awards a  
3           contract for insurance services, for each State agency or  
4           public institution of higher education, it shall be the  
5           aspirational goal to use insurance brokers owned by  
6           Descendants of American Slavery in a percentage of the  
7           total annual premiums or fees that is proportionate to the  
8           percentage of such persons who are residents of this State.

9           (b) When a State agency or public institution of higher  
10          education, other than a community college, awards a  
11          contract for investment services, for each State agency or  
12          public institution of higher education, it shall be the  
13          aspirational goal to use emerging investment managers  
14          owned by minorities, women, and persons with disabilities  
15          as defined by this Act, for not less than 20% of the total  
16          funds under management; provided that, contracts  
17          representing at least 11% of the total funds under  
18          management shall be awarded to businesses owned by  
19          minorities; contracts representing at least 7% of the total  
20          funds under management shall be awarded to women-owned  
21          businesses; and contracts representing at least 2% of the  
22          total funds under management shall be awarded to businesses  
23          owned by persons with disabilities. Furthermore, it is the  
24          aspirational goal that not less than 20% of the direct  
25          asset managers of the State funds be minorities, women, and  
26          persons with disabilities.

1           (b-5) Notwithstanding subsection (b), when a State  
2           agency or public institution of higher education awards a  
3           contract for investment services, for each State agency or  
4           public institution of higher education, it shall be the  
5           aspirational goal to use emerging investment managers  
6           owned by Descendants of American Slavery in a percentage of  
7           the total funds under management that is proportionate to  
8           the percentage of such persons who are residents of this  
9           State.

10           (c) When a State agency or public institution of higher  
11           education, other than a community college, awards  
12           contracts for information technology services, accounting  
13           services, architectural and engineering services, and  
14           legal services, for each State agency and public  
15           institution of higher education, it shall be the  
16           aspirational goal to use such firms owned by minorities,  
17           women, and persons with disabilities as defined by this Act  
18           and lawyers who are minorities, women, and persons with  
19           disabilities as defined by this Act, for not less than 20%  
20           of the total dollar amount of State contracts; provided  
21           that, contracts representing at least 11% of the total  
22           dollar amount of State contracts shall be awarded to  
23           businesses owned by minorities or minority lawyers;  
24           contracts representing at least 7% of the total dollar  
25           amount of State contracts shall be awarded to women-owned  
26           businesses or women who are lawyers; and contracts

1 representing at least 2% of the total dollar amount of  
2 State contracts shall be awarded to businesses owned by  
3 persons with disabilities or persons with disabilities who  
4 are lawyers.

5 (c-5) Notwithstanding subsection (c), when a State  
6 agency or public institution of higher education awards  
7 contracts for information technology services, accounting  
8 services, architectural and engineering services, and  
9 legal services, for each State agency or public institution  
10 of higher education, it shall be the aspirational goal to  
11 use such firms owned by Descendants of American Slavery and  
12 lawyers who are Descendants of American Slavery in a  
13 percentage of the total dollar amount of State contracts  
14 that is proportionate to the percentage of such persons who  
15 are residents of this State.

16 (d) When a community college awards a contract for  
17 insurance services, investment services, information  
18 technology services, accounting services, architectural  
19 and engineering services, and legal services, it shall be  
20 the aspirational goal of each community college to use  
21 businesses owned by minorities, women, and persons with  
22 disabilities as defined in this Act for not less than 20%  
23 of the total amount spent on contracts for these services  
24 collectively; provided that, contracts representing at  
25 least 11% of the total amount spent on contracts for these  
26 services shall be awarded to businesses owned by

1 minorities; contracts representing at least 7% of the total  
2 amount spent on contracts for these services shall be  
3 awarded to women-owned businesses; and contracts  
4 representing at least 2% of the total amount spent on  
5 contracts for these services shall be awarded to businesses  
6 owned by persons with disabilities. When a community  
7 college awards contracts for investment services,  
8 contracts awarded to investment managers who are not  
9 emerging investment managers as defined in this Act shall  
10 not be considered businesses owned by minorities, women, or  
11 persons with disabilities for the purposes of this Section.

12 (2) As used in this Section:

13 "Accounting services" means the measurement,  
14 processing and communication of financial information  
15 about economic entities including, but is not limited to,  
16 financial accounting, management accounting, auditing,  
17 cost containment and auditing services, taxation and  
18 accounting information systems.

19 "Architectural and engineering services" means  
20 professional services of an architectural or engineering  
21 nature, or incidental services, that members of the  
22 architectural and engineering professions, and individuals  
23 in their employ, may logically or justifiably perform,  
24 including studies, investigations, surveying and mapping,  
25 tests, evaluations, consultations, comprehensive planning,  
26 program management, conceptual designs, plans and

1 specifications, value engineering, construction phase  
2 services, soils engineering, drawing reviews, preparation  
3 of operating and maintenance manuals, and other related  
4 services.

5 "Emerging investment manager" means an investment  
6 manager or claims consultant having assets under  
7 management below \$10 billion or otherwise adjudicating  
8 claims.

9 "Information technology services" means, but is not  
10 limited to, specialized technology-oriented solutions by  
11 combining the processes and functions of software,  
12 hardware, networks, telecommunications, web designers,  
13 cloud developing resellers, and electronics.

14 "Insurance broker" means an insurance brokerage firm,  
15 claims administrator, or both, that procures, places all  
16 lines of insurance, or administers claims with annual  
17 premiums or fees of at least \$5,000,000 but not more than  
18 \$10,000,000.

19 "Legal services" means work performed by a lawyer  
20 including, but not limited to, contracts in anticipation of  
21 litigation, enforcement actions, or investigations.

22 (3) Each State agency and public institution of higher  
23 education shall adopt policies that identify its plan and  
24 implementation procedures for increasing the use of service  
25 firms owned by minorities, women, and persons with  
26 disabilities.

1           (4) Except as provided in subsection (5), the Council shall  
2 file no later than March 1 of each year an annual report to the  
3 Governor, the Bureau on Apprenticeship Programs, and the  
4 General Assembly. The report filed with the General Assembly  
5 shall be filed as required in Section 3.1 of the General  
6 Assembly Organization Act. This report shall: (i) identify the  
7 service firms used by each State agency and public institution  
8 of higher education, (ii) identify the actions it has  
9 undertaken to increase the use of service firms owned by  
10 minorities, women, and persons with disabilities, including  
11 encouraging non-minority-owned firms to use other service  
12 firms owned by minorities, women, and persons with disabilities  
13 as subcontractors when the opportunities arise, (iii) state any  
14 recommendations made by the Council to each State agency and  
15 public institution of higher education to increase  
16 participation by the use of service firms owned by minorities,  
17 women, and persons with disabilities, and (iv) include the  
18 following:

19           (A) For insurance services: the names of the insurance  
20 brokers or claims consultants used, the total of risk  
21 managed by each State agency and public institution of  
22 higher education by insurance brokers, the total  
23 commissions, fees paid, or both, the lines or insurance  
24 policies placed, and the amount of premiums placed; and the  
25 percentage of the risk managed by insurance brokers, the  
26 percentage of total commission, fees paid, or both, the

1 lines or insurance policies placed, and the amount of  
2 premiums placed with each by the insurance brokers owned by  
3 minorities, women, and persons with disabilities by each  
4 State agency and public institution of higher education.

5 (B) For investment management services: the names of  
6 the investment managers used, the total funds under  
7 management of investment managers; the total commissions,  
8 fees paid, or both; the total and percentage of funds under  
9 management of emerging investment managers owned by  
10 minorities, women, and persons with disabilities,  
11 including the total and percentage of total commissions,  
12 fees paid, or both by each State agency and public  
13 institution of higher education.

14 (C) The names of service firms, the percentage and  
15 total dollar amount paid for professional services by  
16 category by each State agency and public institution of  
17 higher education.

18 (D) The names of service firms, the percentage and  
19 total dollar amount paid for services by category to firms  
20 owned by minorities, women, and persons with disabilities  
21 by each State agency and public institution of higher  
22 education.

23 (E) The total number of contracts awarded for services  
24 by category and the total number of contracts awarded to  
25 firms owned by minorities, women, and persons with  
26 disabilities by each State agency and public institution of



1 higher education.

2 (5) For community college districts, the Business  
3 Enterprise Council shall only report the following information  
4 for each community college district: (i) the name of the  
5 community colleges in the district, (ii) the name and contact  
6 information of a person at each community college appointed to  
7 be the single point of contact for vendors owned by minorities,  
8 women, or persons with disabilities, (iii) the policy of the  
9 community college district concerning certified vendors, (iv)  
10 the certifications recognized by the community college  
11 district for determining whether a business is owned or  
12 controlled by a minority, woman, or person with a disability,  
13 (v) outreach efforts conducted by the community college  
14 district to increase the use of certified vendors, (vi) the  
15 total expenditures by the community college district in the  
16 prior fiscal year in the divisions of work specified in  
17 paragraphs (a), (b), and (c) of subsection (1) of this Section  
18 and the amount paid to certified vendors in those divisions of  
19 work, and (vii) the total number of contracts entered into for  
20 the divisions of work specified in paragraphs (a), (b), and (c)  
21 of subsection (1) of this Section and the total number of  
22 contracts awarded to certified vendors providing these  
23 services to the community college district. The Business  
24 Enterprise Council shall not make any utilization reports under  
25 this Act for community college districts for Fiscal Year 2015  
26 and Fiscal Year 2016, but shall make the report required by

1 this subsection for Fiscal Year 2017 and for each fiscal year  
2 thereafter. The Business Enterprise Council shall report the  
3 information in items (i), (ii), (iii), and (iv) of this  
4 subsection beginning in September of 2016. The Business  
5 Enterprise Council may collect the data needed to make its  
6 report from the Illinois Community College Board.

7 (6) The status of the utilization of services shall be  
8 discussed at each of the regularly scheduled Business  
9 Enterprise Council meetings. Time shall be allotted for the  
10 Council to receive, review, and discuss the progress of the use  
11 of service firms owned by minorities, women, and persons with  
12 disabilities by each State agency and public institution of  
13 higher education; and any evidence regarding past or present  
14 racial, ethnic, or gender-based discrimination which directly  
15 impacts a State agency or public institution of higher  
16 education contracting with such firms. If after reviewing such  
17 evidence the Council finds that there is or has been such  
18 discrimination against a specific group, race or sex, the  
19 Council shall establish sheltered markets or adjust existing  
20 sheltered markets tailored to address the Council's specific  
21 findings for the divisions of work specified in paragraphs (a),  
22 (b), and (c) of subsection (1) of this Section.

23 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

24 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

25 (Section scheduled to be repealed on June 30, 2024)

1           Sec. 6. Agency compliance plans. Each State agency and  
2 public institutions of higher education under the jurisdiction  
3 of this Act shall file with the Council an annual compliance  
4 plan which shall outline the goals of the State agency or  
5 public institutions of higher education for contracting with  
6 businesses owned by minorities, women, and persons with  
7 disabilities for the then current fiscal year, the manner in  
8 which the agency intends to reach these goals and a timetable  
9 for reaching these goals. The Council shall review and approve  
10 the plan of each State agency and public institutions of higher  
11 education and may reject any plan that does not comply with  
12 this Act or any rules or regulations promulgated pursuant to  
13 this Act.

14           (a) The compliance plan shall also include, but not be  
15 limited to, (1) a policy statement, signed by the State agency  
16 or public institution of higher education head, expressing a  
17 commitment to encourage the use of businesses owned by  
18 minorities, women, and persons with disabilities, (2) the  
19 designation of the liaison officer provided for in Section 5 of  
20 this Act, (3) procedures to distribute to potential contractors  
21 and vendors the list of all businesses legitimately classified  
22 as businesses owned by minorities, women, and persons with  
23 disabilities and so certified under this Act, (4) procedures to  
24 set separate contract goals on specific prime contracts and  
25 purchase orders with subcontracting possibilities based upon  
26 the type of work or services and subcontractor availability,

1 (5) procedures to assure that contractors and vendors make good  
2 faith efforts to meet contract goals, (6) procedures for  
3 contract goal exemption, modification and waiver, and (7) the  
4 delineation of separate contract goals for businesses owned by  
5 minorities, women, and persons with disabilities.

6 (b) Approval of the compliance plans shall include such  
7 delegation of responsibilities to the requesting State agency  
8 or public institution of higher education as the Council deems  
9 necessary and appropriate to fulfill the purpose of this Act.  
10 Such responsibilities may include, but need not be limited to  
11 those outlined in subsections (1), (2) and (3) of Section 7,  
12 paragraph (a) of Section 8, and Section 8a of this Act.

13 (c) Each State agency and public institution of higher  
14 education under the jurisdiction of this Act shall file with  
15 the Council an annual report of its utilization of businesses  
16 owned by minorities, women, and persons with disabilities  
17 during the preceding fiscal year including lapse period  
18 spending and a mid-fiscal year report of its utilization to  
19 date for the then current fiscal year. The reports shall  
20 include a self-evaluation of the efforts of the State agency or  
21 public institution of higher education to meet its goals under  
22 the Act.

23 (d) Notwithstanding any provisions to the contrary in this  
24 Act, any State agency or public institution of higher education  
25 which administers a construction program, for which federal law  
26 or regulations establish standards and procedures for the

1 utilization of minority-owned and women-owned businesses and  
2 disadvantaged businesses, shall implement a disadvantaged  
3 business enterprise program to include minority-owned and  
4 women-owned businesses and disadvantaged businesses, using the  
5 federal standards and procedures for the establishment of goals  
6 and utilization procedures for the State-funded, as well as the  
7 federally assisted, portions of the program. In such cases,  
8 these goals shall not exceed those established pursuant to the  
9 relevant federal statutes or regulations. Notwithstanding the  
10 provisions of Section 8b, the Illinois Department of  
11 Transportation is authorized to establish sheltered markets  
12 for the State-funded portions of the program consistent with  
13 federal law and regulations. Additionally, a compliance plan  
14 which is filed by such State agency or public institution of  
15 higher education pursuant to this Act, which incorporates  
16 equivalent terms and conditions of its federally-approved  
17 compliance plan, shall be deemed approved under this Act.

18 (e) Each State agency and public institution of higher  
19 education under the jurisdiction of this Act shall include,  
20 along with the compliance plan filed with the Council under  
21 this Section, an annual plan of action to specifically rectify  
22 the disparity between the representation of Descendants of  
23 American Slavery in State contracts compared to the percentage  
24 of such persons who are residents of this State. The plan of  
25 action shall outline actions to be taken by the State agency to  
26 increase representation of Descendants of American Slavery in

1 State contracting, and include the percentage of contracts  
2 entered into between the State agency and businesses owned by  
3 Descendants of American Slavery.

4 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

5 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

6 (Section scheduled to be repealed on June 30, 2024)

7 Sec. 7. Exemptions; waivers; publication of data.

8 (1) Individual contract exemptions. The Council, at the  
9 written request of the affected agency, public institution of  
10 higher education, or recipient of a grant or loan of State  
11 funds of \$250,000 or more complying with Section 45 of the  
12 State Finance Act, may permit an individual contract or  
13 contract package, (related contracts being bid or awarded  
14 simultaneously for the same project or improvements) be made  
15 wholly or partially exempt from State contracting goals for  
16 businesses owned by minorities, women, and persons with  
17 disabilities prior to the advertisement for bids or  
18 solicitation of proposals whenever there has been a  
19 determination, reduced to writing and based on the best  
20 information available at the time of the determination, that  
21 there is an insufficient number of businesses owned by  
22 minorities, women, and persons with disabilities to ensure  
23 adequate competition and an expectation of reasonable prices on  
24 bids or proposals solicited for the individual contract or  
25 contract package in question. Any such exemptions shall be

1 given by the Council to the Bureau on Apprenticeship Programs.

2 (a) Written request for contract exemption. A written  
3 request for an individual contract exemption must include,  
4 but is not limited to, the following:

5 (i) a list of eligible businesses owned by  
6 minorities, women, and persons with disabilities;

7 (ii) a clear demonstration that the number of  
8 eligible businesses identified in subparagraph (i)  
9 above is insufficient to ensure adequate competition;

10 (iii) the difference in cost between the contract  
11 proposals being offered by businesses owned by  
12 minorities, women, and persons with disabilities and  
13 the agency or public institution of higher education's  
14 expectations of reasonable prices on bids or proposals  
15 within that class; and

16 (iv) a list of eligible businesses owned by  
17 minorities, women, and persons with disabilities that  
18 the contractor has used in the current and prior fiscal  
19 years.

20 (b) Determination. The Council's determination  
21 concerning an individual contract exemption must consider,  
22 at a minimum, the following:

23 (i) the justification for the requested exemption,  
24 including whether diligent efforts were undertaken to  
25 identify and solicit eligible businesses owned by  
26 minorities, women, and persons with disabilities;

1           (ii) the total number of exemptions granted to the  
2           affected agency, public institution of higher  
3           education, or recipient of a grant or loan of State  
4           funds of \$250,000 or more complying with Section 45 of  
5           the State Finance Act that have been granted by the  
6           Council in the current and prior fiscal years; and

7           (iii) the percentage of contracts awarded by the  
8           agency or public institution of higher education to  
9           eligible businesses owned by minorities, women, and  
10          persons with disabilities in the current and prior  
11          fiscal years.

12          (2) Class exemptions.

13           (a) Creation. The Council, at the written request of  
14          the affected agency or public institution of higher  
15          education, may permit an entire class of contracts be made  
16          exempt from State contracting goals for businesses owned by  
17          minorities, women, and persons with disabilities whenever  
18          there has been a determination, reduced to writing and  
19          based on the best information available at the time of the  
20          determination, that there is an insufficient number of  
21          qualified businesses owned by minorities, women, and  
22          persons with disabilities to ensure adequate competition  
23          and an expectation of reasonable prices on bids or  
24          proposals within that class. Any such exemption shall be  
25          given by the Council to the Bureau on Apprenticeship  
26          Programs.



1 (a-1) Written request for class exemption. A written  
2 request for a class exemption must include, but is not  
3 limited to, the following:

4 (i) a list of eligible businesses owned by  
5 minorities, women, and persons with disabilities;

6 (ii) a clear demonstration that the number of  
7 eligible businesses identified in subparagraph (i)  
8 above is insufficient to ensure adequate competition;

9 (iii) the difference in cost between the contract  
10 proposals being offered by eligible businesses owned  
11 by minorities, women, and persons with disabilities  
12 and the agency or public institution of higher  
13 education's expectations of reasonable prices on bids  
14 or proposals within that class; and

15 (iv) the number of class exemptions the affected  
16 agency or public institution of higher education  
17 requested in the current and prior fiscal years.

18 (a-2) Determination. The Council's determination  
19 concerning class exemptions must consider, at a minimum,  
20 the following:

21 (i) the justification for the requested exemption,  
22 including whether diligent efforts were undertaken to  
23 identify and solicit eligible businesses owned by  
24 minorities, women, and persons with disabilities;

25 (ii) the total number of class exemptions granted  
26 to the requesting agency or public institution of

1 higher education that have been granted by the Council  
2 in the current and prior fiscal years; and

3 (iii) the percentage of contracts awarded by the  
4 agency or public institution of higher education to  
5 eligible businesses owned by minorities, women, and  
6 persons with disabilities the current and prior fiscal  
7 years.

8 (b) Limitation. Any such class exemption shall not be  
9 permitted for a period of more than one year at a time.

10 (3) Waivers. Where a particular contract requires a  
11 contractor to meet a goal established pursuant to this Act, the  
12 contractor shall have the right to request a waiver from such  
13 requirements. Except as otherwise provided in this Section, the  
14 ~~The~~ Council shall grant the waiver where the contractor  
15 demonstrates that there has been made a good faith effort to  
16 comply with the goals for participation by businesses owned by  
17 minorities, women, and persons with disabilities. Any such  
18 waiver shall also be transmitted in writing to the Bureau on  
19 Apprenticeship Programs.

20 (a) Request for waiver. A contractor's request for a  
21 waiver under this subsection (3) must include, but is not  
22 limited to, the following, if available:

23 (i) a list of eligible businesses owned by  
24 minorities, women, and persons with disabilities that  
25 pertain to the class of contracts in the requested  
26 waiver;

1           (ii) a clear demonstration that the number of  
2 eligible businesses identified in subparagraph (i)  
3 above is insufficient to ensure competition;

4           (iii) the difference in cost between the contract  
5 proposals being offered by businesses owned by  
6 minorities, women, and persons with disabilities and  
7 the agency or the public institution of higher  
8 education's expectations of reasonable prices on bids  
9 or proposals within that class; and

10          (iv) a list of businesses owned by minorities,  
11 women, and persons with disabilities that the  
12 contractor has used in the current and prior fiscal  
13 years.

14          (b) Determination. The Council's determination  
15 concerning waivers must include following:

16           (i) the justification for the requested waiver,  
17 including whether the requesting contractor made a  
18 good faith effort to identify and solicit eligible  
19 businesses owned by minorities, women, and persons  
20 with disabilities;

21           (ii) the total number of waivers the contractor has  
22 been granted by the Council in the current and prior  
23 fiscal years;

24           (iii) the percentage of contracts awarded by the  
25 agency or public institution of higher education to  
26 eligible businesses owned by minorities, women, and

1 persons with disabilities in the current and prior  
2 fiscal years; and

3 (iv) the contractor's use of businesses owned by  
4 minorities, women, and persons with disabilities in  
5 the current and prior fiscal years.

6 (c) Contract value. Any waiver request submitted under  
7 this Section for which the contract has a total dollar  
8 amount valued between \$100,000 and \$999,000 must be  
9 approved by the Council. Any contract request submitted  
10 under this Section for which the contract has a total  
11 dollar amount valued at \$1,000,000 or more must be approved  
12 by the General Assembly.

13 (3.5) (Blank).

14 (4) Conflict with other laws. In the event that any State  
15 contract, which otherwise would be subject to the provisions of  
16 this Act, is or becomes subject to federal laws or regulations  
17 which conflict with the provisions of this Act or actions of  
18 the State taken pursuant hereto, the provisions of the federal  
19 laws or regulations shall apply and the contract shall be  
20 interpreted and enforced accordingly.

21 (5) Each chief procurement officer, as defined in the  
22 Illinois Procurement Code, shall maintain on his or her  
23 official Internet website a database of the following: (i)  
24 waivers granted under this Section with respect to contracts  
25 under his or her jurisdiction; (ii) a State agency or public  
26 institution of higher education's written request for an

1 exemption of an individual contract or an entire class of  
2 contracts; and (iii) the Council's written determination  
3 granting or denying a request for an exemption of an individual  
4 contract or an entire class of contracts. The database, which  
5 shall be updated periodically as necessary, shall be searchable  
6 by contractor name and by contracting State agency.

7 (6) Each chief procurement officer, as defined by the  
8 Illinois Procurement Code, shall maintain on its website a list  
9 of all firms that have been prohibited from bidding, offering,  
10 or entering into a contract with the State of Illinois as a  
11 result of violations of this Act.

12 Each public notice required by law of the award of a State  
13 contract shall include for each bid or offer submitted for that  
14 contract the following: (i) the bidder's or offeror's name,  
15 (ii) the bid amount, (iii) the name or names of the certified  
16 firms identified in the bidder's or offeror's submitted  
17 utilization plan, and (iv) the bid's amount and percentage of  
18 the contract awarded to businesses owned by minorities, women,  
19 and persons with disabilities identified in the utilization  
20 plan.

21 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;  
22 101-601, eff. 1-1-20.)

23 (30 ILCS 575/8f)

24 (Section scheduled to be repealed on June 30, 2024)

25 Sec. 8f. Annual report. The Council shall file no later

1 than March 1 of each year, an annual report that shall detail  
2 the level of achievement toward the goals specified in this Act  
3 over the 3 most recent fiscal years. The annual report shall  
4 include, but need not be limited to the following:

5 (1) a summary detailing expenditures subject to the  
6 goals, the actual goals specified, and the goals attained  
7 by each State agency and public institution of higher  
8 education;

9 (2) a summary of the number of contracts awarded and  
10 the average contract amount by each State agency and public  
11 institution of higher education;

12 (3) an analysis of the level of overall goal  
13 achievement concerning purchases from minority-owned  
14 businesses, women-owned businesses, and businesses owned  
15 by persons with disabilities;

16 (4) an analysis of the number of businesses owned by  
17 minorities, women, and persons with disabilities that are  
18 certified under the program as well as the number of those  
19 businesses that received State procurement contracts; ~~and~~

20 (5) a summary of the number of contracts awarded to  
21 businesses with annual gross sales of less than \$1,000,000;  
22 of \$1,000,000 or more, but less than \$5,000,000; of  
23 \$5,000,000 or more, but less than \$10,000,000; and of  
24 \$10,000,000 or more; and

25 (6) a summary detailing the disparity between the  
26 representation of Descendants of American Slavery in State



1 publicly or via an electronic procurement system in the  
2 presence of one or more witnesses at the time and place  
3 designated in the request for proposals, but proposals shall be  
4 opened in a manner to avoid disclosure of contents to competing  
5 offerors during the process of negotiation. A record of  
6 proposals shall be prepared and shall be open for public  
7 inspection after contract award.

8 (e) Evaluation factors. The requests for proposals shall  
9 state the relative importance of price and other evaluation  
10 factors. Proposals shall be submitted in 2 parts: the first,  
11 ~~covering items except price;~~ and the second, commitment to  
12 diversity; and the third, all other items. Each part of all  
13 proposals shall be evaluated and ranked independently of the  
14 other parts of all proposals. The results of the evaluation of  
15 all 3 parts shall be used in ranking of proposals ~~covering~~  
16 ~~price.~~ ~~The first part of all proposals shall be evaluated and~~  
17 ~~ranked independently of the second part of all proposals.~~

18 (e-5) Method of scoring.

19 (1) The point scoring methodology for competitive  
20 sealed proposals shall provide points for commitment to  
21 diversity. Those points shall be equivalent to 20% of the  
22 points assigned to the third part of the proposal, all  
23 other items.

24 (2) Factors to be considered in the award of these  
25 points shall be set by rule by the applicable chief  
26 procurement officer and may include, but are not limited



1       to:

2               (A) whether or how well the respondent, on the  
3               solicitation being evaluated, met the goal of  
4               contracting or subcontracting with businesses owned by  
5               women, minorities, or persons with disabilities;

6               (B) whether the respondent, on the solicitation  
7               being evaluated, assisted businesses owned by women,  
8               minorities, or persons with disabilities in obtaining  
9               lines of credit, insurance, necessary equipment,  
10              supplies, materials, or related assistance or  
11              services;

12              (C) the percentage of prior year revenues of the  
13              respondent that involve businesses owned by women,  
14              minorities, or persons with disabilities;

15              (D) whether the respondent has a written supplier  
16              diversity program, including, but not limited to, use  
17              of diversity vendors in the supply chain and a training  
18              or mentoring program with businesses owned by women,  
19              minorities, or persons with disabilities; and

20              (E) the percentage of members of the respondent's  
21              governing board, senior executives, and managers who  
22              are women, minorities, or persons with disabilities.

23              (3) If any State agency or public institution of higher  
24              education contract is eligible to be paid for or  
25              reimbursed, in whole or in part, with federal-aid funds,  
26              grants, or loans, and the provisions of this subsection

1       (e-5) would result in the loss of those federal-aid funds,  
2       grants, or loans, then the contract is exempt from the  
3       provisions of this Section in order to remain eligible for  
4       those federal-aid funds, grants, or loans. For the purposes  
5       of this subsection (e-5):

6               "Manager" means a person who controls or administers  
7               all or part of a company or similar organization.

8               "Minorities" has the same meaning as "minority person"  
9               under Section 2 of the Business Enterprise for Minorities,  
10              Women, and Persons with Disabilities Act.

11              "Persons with disabilities" has the same meaning as  
12              "person with a disability" under Section 2 of the Business  
13              Enterprise for Minorities, Women, and Persons with  
14              Disabilities Act.

15              "Senior executive" means the chief executive officer,  
16              chief operating officer, chief financial officer, or  
17              anyone else in charge of a principal business unit or  
18              function.

19              "Women" has the same meaning as "woman" under Section 2  
20              of the Business Enterprise for Minorities, Women, and  
21              Persons with Disabilities Act.

22       (f) Discussion with responsible offerors and revisions of  
23       offers or proposals. As provided in the request for proposals  
24       and under rules, discussions may be conducted with responsible  
25       offerors who submit offers or proposals determined to be  
26       reasonably susceptible of being selected for award for the

1 purpose of clarifying and assuring full understanding of and  
2 responsiveness to the solicitation requirements. Those  
3 offerors shall be accorded fair and equal treatment with  
4 respect to any opportunity for discussion and revision of  
5 proposals. Revisions may be permitted after submission and  
6 before award for the purpose of obtaining best and final  
7 offers. In conducting discussions there shall be no disclosure  
8 of any information derived from proposals submitted by  
9 competing offerors. If information is disclosed to any offeror,  
10 it shall be provided to all competing offerors.

11 (g) Award. Awards shall be made to the responsible offeror  
12 whose proposal is determined in writing to be the most  
13 advantageous to the State, taking into consideration price and  
14 the evaluation factors set forth in the request for proposals.  
15 The contract file shall contain the basis on which the award is  
16 made.

17 (Source: P.A. 100-43, eff. 8-9-17.)

18 (30 ILCS 500/20-60)

19 Sec. 20-60. Duration of contracts.

20 (a) Maximum duration. A contract may be entered into for  
21 any period of time deemed to be in the best interests of the  
22 State but not exceeding 10 years inclusive, beginning January  
23 1, 2010, of proposed contract renewals. Third parties may lease  
24 State-owned dark fiber networks for any period of time deemed  
25 to be in the best interest of the State, but not exceeding 20

1 years. The length of a lease for real property or capital  
2 improvements shall be in accordance with the provisions of  
3 Section 40-25. The length of energy conservation program  
4 contracts or energy savings contracts or leases shall be in  
5 accordance with the provisions of Section 25-45. A contract for  
6 bond or mortgage insurance awarded by the Illinois Housing  
7 Development Authority, however, may be entered into for any  
8 period of time less than or equal to the maximum period of time  
9 that the subject bond or mortgage may remain outstanding.

10 (b) Subject to appropriation. All contracts made or entered  
11 into shall recite that they are subject to termination and  
12 cancellation in any year for which the General Assembly fails  
13 to make an appropriation to make payments under the terms of  
14 the contract.

15 (c) The chief procurement officer shall file a proposed  
16 extension or renewal of a contract with the Procurement Policy  
17 Board prior to entering into any extension or renewal if the  
18 cost associated with the extension or renewal exceeds \$249,999.  
19 The Procurement Policy Board may object to the proposed  
20 extension or renewal within 30 calendar days and require a  
21 hearing before the Board prior to entering into the extension  
22 or renewal. If the Procurement Policy Board does not object  
23 within 30 calendar days or takes affirmative action to  
24 recommend the extension or renewal, the chief procurement  
25 officer may enter into the extension or renewal of a contract.  
26 This subsection does not apply to any emergency procurement,

1 any procurement under Article 40, or any procurement exempted  
2 by Section 1-10(b) of this Code. If any State agency contract  
3 is paid for in whole or in part with federal-aid funds, grants,  
4 or loans and the provisions of this subsection would result in  
5 the loss of those federal-aid funds, grants, or loans, then the  
6 contract is exempt from the provisions of this subsection in  
7 order to remain eligible for those federal-aid funds, grants,  
8 or loans, and the State agency shall file notice of this  
9 exemption with the Procurement Policy Board prior to entering  
10 into the proposed extension or renewal. Nothing in this  
11 subsection permits a chief procurement officer to enter into an  
12 extension or renewal in violation of subsection (a). By August  
13 1 each year, the Procurement Policy Board shall file a report  
14 with the General Assembly identifying for the previous fiscal  
15 year (i) the proposed extensions or renewals that were filed  
16 with the Board and whether the Board objected and (ii) the  
17 contracts exempt from this subsection.

18 (d) Notwithstanding the provisions of subsection (a) of  
19 this Section, the Department of Innovation and Technology may  
20 enter into leases for dark fiber networks for any period of  
21 time deemed to be in the best interests of the State but not  
22 exceeding 20 years inclusive. The Department of Innovation and  
23 Technology may lease dark fiber networks from third parties  
24 only for the primary purpose of providing services (i) to the  
25 offices of Governor, Lieutenant Governor, Attorney General,  
26 Secretary of State, Comptroller, or Treasurer and State

1 agencies, as defined under Section 5-15 of the Civil  
2 Administrative Code of Illinois or (ii) for anchor  
3 institutions, as defined in Section 7 of the Illinois Century  
4 Network Act. Dark fiber network lease contracts shall be  
5 subject to all other provisions of this Code and any applicable  
6 rules or requirements, including, but not limited to,  
7 publication of lease solicitations, use of standard State  
8 contracting terms and conditions, and approval of vendor  
9 certifications and financial disclosures.

10 (e) As used in this Section, "dark fiber network" means a  
11 network of fiber optic cables laid but currently unused by a  
12 third party that the third party is leasing for use as network  
13 infrastructure.

14 (f) No vendor shall be eligible for renewal of a contract  
15 when that vendor has failed to meet the goals agreed to in the  
16 vendor's utilization plan unless the State agency has  
17 determined that the vendor made good faith efforts toward  
18 meeting the contract goals and has issued a waiver or that  
19 vendor is not otherwise excused from compliance by the chief  
20 procurement officer in consultation with the purchasing State  
21 Agency. The form and content of the waiver shall be prescribed  
22 by each chief procurement officer who shall maintain on his or  
23 her official website a database of waivers granted under this  
24 Section with respect to contracts under his or her  
25 jurisdiction. The database shall be updated periodically and  
26 shall be searchable by contractor name and by contracting State

1 agency or public institution of higher education.

2 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;  
3 101-81, eff. 7-12-19.)

4 (30 ILCS 500/35-30)

5 Sec. 35-30. Awards.

6 (a) All State contracts for professional and artistic  
7 services, except as provided in this Section, shall be awarded  
8 using the competitive request for proposal process outlined in  
9 this Section.The scoring for requests for proposals shall  
10 include the commitment to diversity factors and methodology  
11 described in subsection (e-5) of Section 20-15.

12 (b) For each contract offered, the chief procurement  
13 officer, State purchasing officer, or his or her designee shall  
14 use the appropriate standard solicitation forms available from  
15 the chief procurement officer for matters other than  
16 construction or the higher education chief procurement  
17 officer.

18 (c) Prepared forms shall be submitted to the chief  
19 procurement officer for matters other than construction or the  
20 higher education chief procurement officer, whichever is  
21 appropriate, for publication in its Illinois Procurement  
22 Bulletin and circulation to the chief procurement officer for  
23 matters other than construction or the higher education chief  
24 procurement officer's list of prequalified vendors. Notice of  
25 the offer or request for proposal shall appear at least 14

1 calendar days before the response to the offer is due.

2 (d) All interested respondents shall return their  
3 responses to the chief procurement officer for matters other  
4 than construction or the higher education chief procurement  
5 officer, whichever is appropriate, which shall open and record  
6 them. The chief procurement officer for matters other than  
7 construction or higher education chief procurement officer  
8 then shall forward the responses, together with any information  
9 it has available about the qualifications and other State work  
10 of the respondents.

11 (e) After evaluation, ranking, and selection, the  
12 responsible chief procurement officer, State purchasing  
13 officer, or his or her designee shall notify the chief  
14 procurement officer for matters other than construction or the  
15 higher education chief procurement officer, whichever is  
16 appropriate, of the successful respondent and shall forward a  
17 copy of the signed contract for the chief procurement officer  
18 for matters other than construction or higher education chief  
19 procurement officer's file. The chief procurement officer for  
20 matters other than construction or higher education chief  
21 procurement officer shall publish the names of the responsible  
22 procurement decision-maker, the agency letting the contract,  
23 the successful respondent, a contract reference, and value of  
24 the let contract in the next appropriate volume of the Illinois  
25 Procurement Bulletin.

26 (f) For all professional and artistic contracts with



1 annualized value that exceeds \$100,000, evaluation and ranking  
2 by price are required. Any chief procurement officer or State  
3 purchasing officer, but not their designees, may select a  
4 respondent other than the lowest respondent by price. In any  
5 case, when the contract exceeds the \$100,000 threshold and the  
6 lowest respondent is not selected, the chief procurement  
7 officer or the State purchasing officer shall forward together  
8 with the contract notice of who the low respondent by price was  
9 and a written decision as to why another was selected to the  
10 chief procurement officer for matters other than construction  
11 or the higher education chief procurement officer, whichever is  
12 appropriate. The chief procurement officer for matters other  
13 than construction or higher education chief procurement  
14 officer shall publish as provided in subsection (e) of Section  
15 35-30, but shall include notice of the chief procurement  
16 officer's or State purchasing officer's written decision.

17 (g) The chief procurement officer for matters other than  
18 construction and higher education chief procurement officer  
19 may each refine, but not contradict, this Section by  
20 promulgating rules for submission to the Procurement Policy  
21 Board and then to the Joint Committee on Administrative Rules.  
22 Any refinement shall be based on the principles and procedures  
23 of the federal Architect-Engineer Selection Law, Public Law  
24 92-582 Brooks Act, and the Architectural, Engineering, and Land  
25 Surveying Qualifications Based Selection Act; except that  
26 pricing shall be an integral part of the selection process.

1 (Source: P.A. 100-43, eff. 8-9-17.)

2 (30 ILCS 500/50-85 new)

3 Sec. 50-85. Diversity training.(a) Each chief procurement  
4 officer, State purchasing officer, procurement compliance  
5 monitor, applicable support staff of each chief procurement  
6 officer, State agency purchasing and contracting staff, those  
7 identified under subsection (c) of Section 5-45 of the State  
8 Officials and Employees Ethics Act who have the authority to  
9 participate personally and substantially in the award of State  
10 contracts, and any other State agency staff with substantial  
11 procurement and contracting responsibilities as determined by  
12 the chief procurement officer, in consultation with the State  
13 agency, shall complete annual training for diversity and  
14 inclusion. Each chief procurement officer shall prescribe the  
15 program of diversity and inclusion training appropriate for  
16 each chief procurement officer's jurisdiction.

17 Section 25-10. The Business Enterprise for Minorities,  
18 Women, and Persons with Disabilities Act is amended by changing  
19 Sections 4f and 6 as follows:

20 (30 ILCS 575/4f)

21 (Section scheduled to be repealed on June 30, 2024)

22 Sec. 4f. Award of State contracts.

23 (1) It is hereby declared to be the public policy of the

1 State of Illinois to promote and encourage each State agency  
2 and public institution of higher education to use businesses  
3 owned by minorities, women, and persons with disabilities in  
4 the area of goods and services, including, but not limited to,  
5 insurance services, investment management services,  
6 information technology services, accounting services,  
7 architectural and engineering services, and legal services.  
8 Furthermore, each State agency and public institution of higher  
9 education shall utilize such firms to the greatest extent  
10 feasible within the bounds of financial and fiduciary prudence,  
11 and take affirmative steps to remove any barriers to the full  
12 participation of such firms in the procurement and contracting  
13 opportunities afforded.

14 (a) When a State agency or public institution of higher  
15 education, other than a community college, awards a  
16 contract for insurance services, for each State agency or  
17 public institution of higher education, it shall be the  
18 aspirational goal to use insurance brokers owned by  
19 minorities, women, and persons with disabilities as  
20 defined by this Act, for not less than 20% of the total  
21 annual premiums or fees; provided that, contracts  
22 representing at least 11% of the total annual premiums or  
23 fees shall be awarded to businesses owned by minorities;  
24 contracts representing at least 7% of the total annual  
25 premiums or fees shall be awarded to women-owned  
26 businesses; and contracts representing at least 2% of the

1 total annual premiums or fees shall be awarded to  
2 businesses owned by persons with disabilities.

3 (b) When a State agency or public institution of higher  
4 education, other than a community college, awards a  
5 contract for investment services, for each State agency or  
6 public institution of higher education, it shall be the  
7 aspirational goal to use emerging investment managers  
8 owned by minorities, women, and persons with disabilities  
9 as defined by this Act, for not less than 20% of the total  
10 funds under management; provided that, contracts  
11 representing at least 11% of the total funds under  
12 management shall be awarded to businesses owned by  
13 minorities; contracts representing at least 7% of the total  
14 funds under management shall be awarded to women-owned  
15 businesses; and contracts representing at least 2% of the  
16 total funds under management shall be awarded to businesses  
17 owned by persons with disabilities. Furthermore, it is the  
18 aspirational goal that not less than 20% of the direct  
19 asset managers of the State funds be minorities, women, and  
20 persons with disabilities.

21 (c) When a State agency or public institution of higher  
22 education, other than a community college, awards  
23 contracts for information technology services, accounting  
24 services, architectural and engineering services, and  
25 legal services, for each State agency and public  
26 institution of higher education, it shall be the

1 aspirational goal to use such firms owned by minorities,  
2 women, and persons with disabilities as defined by this Act  
3 and lawyers who are minorities, women, and persons with  
4 disabilities as defined by this Act, for not less than 20%  
5 of the total dollar amount of State contracts; provided  
6 that, contracts representing at least 11% of the total  
7 dollar amount of State contracts shall be awarded to  
8 businesses owned by minorities or minority lawyers;  
9 contracts representing at least 7% of the total dollar  
10 amount of State contracts shall be awarded to women-owned  
11 businesses or women who are lawyers; and contracts  
12 representing at least 2% of the total dollar amount of  
13 State contracts shall be awarded to businesses owned by  
14 persons with disabilities or persons with disabilities who  
15 are lawyers.

16 (d) When a community college awards a contract for  
17 insurance services, investment services, information  
18 technology services, accounting services, architectural  
19 and engineering services, and legal services, it shall be  
20 the aspirational goal of each community college to use  
21 businesses owned by minorities, women, and persons with  
22 disabilities as defined in this Act for not less than 20%  
23 of the total amount spent on contracts for these services  
24 collectively; provided that, contracts representing at  
25 least 11% of the total amount spent on contracts for these  
26 services shall be awarded to businesses owned by

1 minorities; contracts representing at least 7% of the total  
2 amount spent on contracts for these services shall be  
3 awarded to women-owned businesses; and contracts  
4 representing at least 2% of the total amount spent on  
5 contracts for these services shall be awarded to businesses  
6 owned by persons with disabilities. When a community  
7 college awards contracts for investment services,  
8 contracts awarded to investment managers who are not  
9 emerging investment managers as defined in this Act shall  
10 not be considered businesses owned by minorities, women, or  
11 persons with disabilities for the purposes of this Section.

12 (e) When a State agency or public institution of higher  
13 education issues competitive solicitations and the award  
14 history for a service or supply category shows awards to a  
15 class of business owners that are underrepresented, the  
16 Council shall determine the reason for the disparity and  
17 shall identify potential and appropriate methods to  
18 minimize or eliminate the cause for the disparity.

19 If any State agency or public institution of higher  
20 education contract is eligible to be paid for or  
21 reimbursed, in whole or in part, with federal-aid funds,  
22 grants, or loans, and the provisions of this paragraph (e)  
23 would result in the loss of those federal-aid funds,  
24 grants, or loans, then the contract is exempt from the  
25 provisions of this paragraph (e) in order to remain  
26 eligible for those federal-aid funds, grants, or loans.

1 (2) As used in this Section:

2 "Accounting services" means the measurement,  
3 processing and communication of financial information  
4 about economic entities including, but is not limited to,  
5 financial accounting, management accounting, auditing,  
6 cost containment and auditing services, taxation and  
7 accounting information systems.

8 "Architectural and engineering services" means  
9 professional services of an architectural or engineering  
10 nature, or incidental services, that members of the  
11 architectural and engineering professions, and individuals  
12 in their employ, may logically or justifiably perform,  
13 including studies, investigations, surveying and mapping,  
14 tests, evaluations, consultations, comprehensive planning,  
15 program management, conceptual designs, plans and  
16 specifications, value engineering, construction phase  
17 services, soils engineering, drawing reviews, preparation  
18 of operating and maintenance manuals, and other related  
19 services.

20 "Emerging investment manager" means an investment  
21 manager or claims consultant having assets under  
22 management below \$10 billion or otherwise adjudicating  
23 claims.

24 "Information technology services" means, but is not  
25 limited to, specialized technology-oriented solutions by  
26 combining the processes and functions of software,

1 hardware, networks, telecommunications, web designers,  
2 cloud developing resellers, and electronics.

3 "Insurance broker" means an insurance brokerage firm,  
4 claims administrator, or both, that procures, places all  
5 lines of insurance, or administers claims with annual  
6 premiums or fees of at least \$5,000,000 but not more than  
7 \$10,000,000.

8 "Legal services" means work performed by a lawyer  
9 including, but not limited to, contracts in anticipation of  
10 litigation, enforcement actions, or investigations.

11 (3) Each State agency and public institution of higher  
12 education shall adopt policies that identify its plan and  
13 implementation procedures for increasing the use of service  
14 firms owned by minorities, women, and persons with  
15 disabilities.

16 (4) Except as provided in subsection (5), the Council shall  
17 file no later than March 1 of each year an annual report to the  
18 Governor, the Bureau on Apprenticeship Programs, and the  
19 General Assembly. The report filed with the General Assembly  
20 shall be filed as required in Section 3.1 of the General  
21 Assembly Organization Act. This report shall: (i) identify the  
22 service firms used by each State agency and public institution  
23 of higher education, (ii) identify the actions it has  
24 undertaken to increase the use of service firms owned by  
25 minorities, women, and persons with disabilities, including  
26 encouraging non-minority-owned firms to use other service



1 firms owned by minorities, women, and persons with disabilities  
2 as subcontractors when the opportunities arise, (iii) state any  
3 recommendations made by the Council to each State agency and  
4 public institution of higher education to increase  
5 participation by the use of service firms owned by minorities,  
6 women, and persons with disabilities, and (iv) include the  
7 following:

8 (A) For insurance services: the names of the insurance  
9 brokers or claims consultants used, the total of risk  
10 managed by each State agency and public institution of  
11 higher education by insurance brokers, the total  
12 commissions, fees paid, or both, the lines or insurance  
13 policies placed, and the amount of premiums placed; and the  
14 percentage of the risk managed by insurance brokers, the  
15 percentage of total commission, fees paid, or both, the  
16 lines or insurance policies placed, and the amount of  
17 premiums placed with each by the insurance brokers owned by  
18 minorities, women, and persons with disabilities by each  
19 State agency and public institution of higher education.

20 (B) For investment management services: the names of  
21 the investment managers used, the total funds under  
22 management of investment managers; the total commissions,  
23 fees paid, or both; the total and percentage of funds under  
24 management of emerging investment managers owned by  
25 minorities, women, and persons with disabilities,  
26 including the total and percentage of total commissions,

1 fees paid, or both by each State agency and public  
2 institution of higher education.

3 (C) The names of service firms, the percentage and  
4 total dollar amount paid for professional services by  
5 category by each State agency and public institution of  
6 higher education.

7 (D) The names of service firms, the percentage and  
8 total dollar amount paid for services by category to firms  
9 owned by minorities, women, and persons with disabilities  
10 by each State agency and public institution of higher  
11 education.

12 (E) The total number of contracts awarded for services  
13 by category and the total number of contracts awarded to  
14 firms owned by minorities, women, and persons with  
15 disabilities by each State agency and public institution of  
16 higher education.

17 (5) For community college districts, the Business  
18 Enterprise Council shall only report the following information  
19 for each community college district: (i) the name of the  
20 community colleges in the district, (ii) the name and contact  
21 information of a person at each community college appointed to  
22 be the single point of contact for vendors owned by minorities,  
23 women, or persons with disabilities, (iii) the policy of the  
24 community college district concerning certified vendors, (iv)  
25 the certifications recognized by the community college  
26 district for determining whether a business is owned or

1 controlled by a minority, woman, or person with a disability,  
2 (v) outreach efforts conducted by the community college  
3 district to increase the use of certified vendors, (vi) the  
4 total expenditures by the community college district in the  
5 prior fiscal year in the divisions of work specified in  
6 paragraphs (a), (b), and (c) of subsection (1) of this Section  
7 and the amount paid to certified vendors in those divisions of  
8 work, and (vii) the total number of contracts entered into for  
9 the divisions of work specified in paragraphs (a), (b), and (c)  
10 of subsection (1) of this Section and the total number of  
11 contracts awarded to certified vendors providing these  
12 services to the community college district. The Business  
13 Enterprise Council shall not make any utilization reports under  
14 this Act for community college districts for Fiscal Year 2015  
15 and Fiscal Year 2016, but shall make the report required by  
16 this subsection for Fiscal Year 2017 and for each fiscal year  
17 thereafter. The Business Enterprise Council shall report the  
18 information in items (i), (ii), (iii), and (iv) of this  
19 subsection beginning in September of 2016. The Business  
20 Enterprise Council may collect the data needed to make its  
21 report from the Illinois Community College Board.

22 (6) The status of the utilization of services shall be  
23 discussed at each of the regularly scheduled Business  
24 Enterprise Council meetings. Time shall be allotted for the  
25 Council to receive, review, and discuss the progress of the use  
26 of service firms owned by minorities, women, and persons with

1 disabilities by each State agency and public institution of  
2 higher education; and any evidence regarding past or present  
3 racial, ethnic, or gender-based discrimination which directly  
4 impacts a State agency or public institution of higher  
5 education contracting with such firms. If after reviewing such  
6 evidence the Council finds that there is or has been such  
7 discrimination against a specific group, race or sex, the  
8 Council shall establish sheltered markets or adjust existing  
9 sheltered markets tailored to address the Council's specific  
10 findings for the divisions of work specified in paragraphs (a),  
11 (b), and (c) of subsection (1) of this Section.

12 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

13 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

14 (Section scheduled to be repealed on June 30, 2024)

15 Sec. 6. Agency compliance plans. Each State agency and  
16 public institutions of higher education under the jurisdiction  
17 of this Act shall file with the Council an annual compliance  
18 plan which shall outline the goals of the State agency or  
19 public institutions of higher education for contracting with  
20 businesses owned by minorities, women, and persons with  
21 disabilities for the then current fiscal year, the manner in  
22 which the agency intends to reach these goals and a timetable  
23 for reaching these goals. The Council shall review and approve  
24 the plan of each State agency and public institutions of higher  
25 education and may reject any plan that does not comply with

1 this Act or any rules or regulations promulgated pursuant to  
2 this Act.

3 (a) The compliance plan shall also include, but not be  
4 limited to, (1) a policy statement, signed by the State agency  
5 or public institution of higher education head, expressing a  
6 commitment to encourage the use of businesses owned by  
7 minorities, women, and persons with disabilities, (2) the  
8 designation of the liaison officer provided for in Section 5 of  
9 this Act, (3) procedures to distribute to potential contractors  
10 and vendors the list of all businesses legitimately classified  
11 as businesses owned by minorities, women, and persons with  
12 disabilities and so certified under this Act, (4) procedures to  
13 set separate contract goals on specific prime contracts and  
14 purchase orders with subcontracting possibilities based upon  
15 the type of work or services and subcontractor availability,  
16 (5) procedures to assure that contractors and vendors make good  
17 faith efforts to meet contract goals, (6) procedures for  
18 contract goal exemption, modification and waiver, and (7) the  
19 delineation of separate contract goals for businesses owned by  
20 minorities, women, and persons with disabilities.

21 (b) Approval of the compliance plans shall include such  
22 delegation of responsibilities to the requesting State agency  
23 or public institution of higher education as the Council deems  
24 necessary and appropriate to fulfill the purpose of this Act.  
25 Such responsibilities may include, but need not be limited to  
26 those outlined in subsections (1), (2) and (3) of Section 7,

1 paragraph (a) of Section 8, and Section 8a of this Act.

2 (c) Each State agency and public institution of higher  
3 education under the jurisdiction of this Act shall file with  
4 the Council an annual report of its utilization of businesses  
5 owned by minorities, women, and persons with disabilities  
6 during the preceding fiscal year including lapse period  
7 spending and a mid-fiscal year report of its utilization to  
8 date for the then current fiscal year. The reports shall  
9 include a self-evaluation of the efforts of the State agency or  
10 public institution of higher education to meet its goals under  
11 the Act, as well as a plan to increase the diversity of the  
12 vendors engaged in contracts with the State agency or public  
13 institution of higher education, with a particular focus on the  
14 most underrepresented in contract awards.

15 (d) Notwithstanding any provisions to the contrary in this  
16 Act, any State agency or public institution of higher education  
17 which administers a construction program, for which federal law  
18 or regulations establish standards and procedures for the  
19 utilization of minority-owned and women-owned businesses and  
20 disadvantaged businesses, shall implement a disadvantaged  
21 business enterprise program to include minority-owned and  
22 women-owned businesses and disadvantaged businesses, using the  
23 federal standards and procedures for the establishment of goals  
24 and utilization procedures for the State-funded, as well as the  
25 federally assisted, portions of the program. In such cases,  
26 these goals shall not exceed those established pursuant to the

1 relevant federal statutes or regulations. Notwithstanding the  
2 provisions of Section 8b, the Illinois Department of  
3 Transportation is authorized to establish sheltered markets  
4 for the State-funded portions of the program consistent with  
5 federal law and regulations. Additionally, a compliance plan  
6 which is filed by such State agency or public institution of  
7 higher education pursuant to this Act, which incorporates  
8 equivalent terms and conditions of its federally-approved  
9 compliance plan, shall be deemed approved under this Act.

10 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

11 Article 30.

12 Section 30-5. The Farmer Equity Act is amended by adding  
13 Section 25 as follows:

14 (505 ILCS 72/25 new)

15 Sec. 25. Disparity study; report.

16 (a) The Department shall conduct a study and use the data  
17 collected to determine economic and other disparities  
18 associated with farm ownership and farm operations in this  
19 State. The study shall focus primarily on identifying and  
20 comparing economic, land ownership, education, and other  
21 related differences between African American farmers and white  
22 farmers, but may include data collected in regards to farmers  
23 from other socially disadvantaged groups. The study shall

1 collect, compare, and analyze data relating to disparities or  
2 differences in farm operations for the following areas:

3 (1) Farm ownership and the size or acreage of the  
4 farmland owned compared to the number of farmers who are  
5 farm tenants.

6 (2) The distribution of farm-related generated income  
7 and wealth.

8 (3) The accessibility and availability to grants,  
9 loans, commodity subsidies, and other financial  
10 assistance.

11 (4) Access to technical assistance programs and  
12 mechanization.

13 (5) Participation in continuing education, outreach,  
14 or other agriculturally related services or programs.

15 (6) Interest in farming by young or beginning farmers.

16 (b) The Department shall submit a report of study to the  
17 Governor and General Assembly on or before January 1, 2022. The  
18 report shall be made available on the Department's Internet  
19 website.

20 Article 35.

21 Section 35-5. The Cannabis Regulation and Tax Act is  
22 amended by adding Section 10-45 as follows:

23 (410 ILCS 705/10-45 new)



1       Sec. 10-45. Cannabis Equity Commission.

2       (a) The Cannabis Equity Commission is created and shall  
3 reflect the diversity of the State of Illinois, including  
4 geographic, racial, and ethnic diversity. The Cannabis Equity  
5 Commission shall be responsible for the following:

6           (1) Ensuring that equity goals in the Illinois cannabis  
7 industry, as stated in Section 10-40, are met.

8           (2) Overseeing implementation, from a social equity  
9 point of view, of the original intentions of the General  
10 Assembly in passing this Act.

11           (3) Tracking and analyzing minorities in the  
12 marketplace.

13           (4) Ensuring that revenue is being invested properly  
14 into R3 areas under Section 10-40.

15           (5) Recommending changes to make the law more equitable  
16 to communities harmed the most by the war on drugs.

17           (6) Maintaining oversight of social equity programs  
18 and application processes under this Act, including a  
19 review of persons who approve applications.

20           (7) Create standards to protect true social equity  
21 applicants from predatory businesses.

22       (b) The Cannabis Equity Commission's ex officio members  
23 shall, within 4 months after the effective date of this  
24 amendatory Act of the 101st General Assembly, convene the  
25 Commission to appoint a full Cannabis Equity Commission and  
26 oversee, provide guidance to, and develop an administrative

1 structure for the Cannabis Equity Commission. The ex officio  
2 members are:

3 (1) The Lieutenant Governor, or his or her designee,  
4 who shall serve as chair.

5 (2) The Attorney General, or his or her designee.

6 (3) The Director of Commerce and Economic Opportunity,  
7 or his or her designee.

8 (4) The Director of Public Health, or his or her  
9 designee.

10 (5) The Director of Corrections, or his or her  
11 designee.

12 (6) The Director of Juvenile Justice, or his or her  
13 designee.

14 (7) The Director of Children and Family Services, or  
15 his or her designee.

16 (8) The Executive Director of the Illinois Criminal  
17 Justice Information Authority, or his or her designee.

18 (9) The Director of Employment Security, or his or her  
19 designee.

20 (10) The Secretary of Human Services, or his or her  
21 designee.

22 (11) A member of the Senate, designated by the  
23 President of the Senate.

24 (12) A member of the House of Representatives,  
25 designated by the Speaker of the House of Representatives.

26 (13) A member of the Senate, designated by the Minority

1 Leader of the Senate.

2 (14) A member of the House of Representatives,  
3 designated by the Minority Leader of the House of  
4 Representatives.

5 (c) Within 90 days after the ex officio members convene,  
6 the following members shall be appointed to the Commission by  
7 the chair:

8 (1) Eight public officials of municipal geographic  
9 jurisdictions in the State, or their designees.

10 (2) Four community-based providers or community  
11 development organization representatives who provide  
12 services to treat violence and address the social  
13 determinants of health, or promote community investment,  
14 including, but not limited to, services such as job  
15 placement and training, educational services, workforce  
16 development programming, and wealth building. No more than  
17 2 community-based organization representatives shall work  
18 primarily in Cook County. At least one of the  
19 community-based providers shall have expertise in  
20 providing services to an immigrant population.

21 (3) Two experts in the field of violence reduction.

22 (4) One male who has previously been incarcerated and  
23 is over the age of 24 at the time of appointment.

24 (5) One female who has previously been incarcerated and  
25 is over the age of 24 at the time of appointment.

26 (6) Two individuals who have previously been

1 incarcerated and are between the ages of 17 and 24 at the  
2 time of appointment.

3 As used in this subsection (c), "an individual who has been  
4 previously incarcerated" has the same meaning as defined in  
5 paragraph (2) of subsection (e) of Section 10-40.

6 Article 40.

7 Section 40-5. The Department of Commerce and Economic  
8 Opportunity Law of the Civil Administrative Code of Illinois is  
9 amended by adding Section 605-1055 as follows:

10 (20 ILCS 605/605-1055 new)

11 Sec. 605-1055. Illinois SBIR/STTR Matching Funds Program.

12 (a) There is established the Illinois Small Business  
13 Innovation Research (SBIR) and Small Business Technology  
14 Transfer (STTR) Matching Funds Program to be administered by  
15 the Department. In order to foster job creation and economic  
16 development in the State, the Department may make grants to  
17 eligible businesses to match funds received by the business as  
18 an SBIR or STTR Phase I award and to encourage businesses to  
19 apply for Phase II awards.

20 (b) In order to be eligible for a grant under this Section,  
21 a business must satisfy all of the following conditions:

22 (1) The business must be a for-profit, Illinois-based  
23 business. For the purposes of this Section, an

1 Illinois-based business is one that has its principal place  
2 of business in this State;

3 (2) The business must have received an SBIR/STTR Phase  
4 I award from a participating federal agency in response to  
5 a specific federal solicitation. To receive the full match,  
6 the business must also have submitted a final Phase I  
7 report, demonstrated that the sponsoring agency has  
8 interest in the Phase II proposal, and submitted a Phase II  
9 proposal to the agency.

10 (3) The business must satisfy all federal SBIR/STTR  
11 requirements.

12 (4) The business shall not receive concurrent funding  
13 support from other sources that duplicates the purpose of  
14 this Section.

15 (5) The business must certify that at least 51% of the  
16 research described in the federal SBIR/STTR Phase II  
17 proposal will be conducted in this State and that the  
18 business will remain an Illinois-based business for the  
19 duration of the SBIR/STTR Phase II project.

20 (6) The business must demonstrate its ability to  
21 conduct research in its SBIR/STTR Phase II proposal.

22 (c) The Department may award grants to match the funds  
23 received by a business through an SBIR/STTR Phase I proposal up  
24 to a maximum of \$50,000. Seventy-five percent of the total  
25 grant shall be remitted to the business upon receipt of the  
26 SBIR/STTR Phase I award and application for funds under this

1 Section. Twenty-five percent of the total grant shall be  
2 remitted to the business upon submission by the business of the  
3 Phase II application to the funding agency and acceptance of  
4 the Phase I report by the funding agency. A business may  
5 receive only one grant under this Section per year. A business  
6 may receive only one grant under this Section with respect to  
7 each federal proposal submission. Over its lifetime, a business  
8 may receive a maximum of 5 awards under this Section.

9 (d) A business shall apply, under oath, to the Department  
10 for a grant under this Section on a form prescribed by the  
11 Department that includes at least all of the following:

12 (1) the name of the business, the form of business  
13 organization under which it is operated, and the names and  
14 addresses of the principals or management of the business;

15 (2) an acknowledgment of receipt of the Phase I report  
16 and Phase II proposal by the relevant federal agency; and

17 (3) any other information necessary for the Department  
18 to evaluate the application.

19 Article 45.

20 Section 45-5. The Department of Central Management  
21 Services Law of the Civil Administrative Code of Illinois is  
22 amended by adding Section 405-535 as follows:

23 (20 ILCS 405/405-535 new)

1       Sec. 405-535. African Descent-Citizens Reparations  
2 Commission.

3       (a) The African Descent-Citizens Reparations Commission is  
4 hereby established within the Department of Central Management  
5 Services.

6       (b) The Commission shall include the following members:

7           (1) the Governor or his or her designee;

8           (2) one member of the House of Representatives  
9 appointed by the Speaker of the House of Representatives;

10          (3) one member of the Senate appointed by the President  
11 of the Senate;

12          (4) one member of the House of Representatives  
13 appointed by the Minority leader of the House of  
14 Representatives;

15          (5) one member of the Senate appointed by the Minority  
16 leader of the Senate;

17          (6) three representatives of a national coalition that  
18 supports reparations for African Americans appointed by  
19 the Governor; and

20          (7) ten members of the public appointed by the  
21 Governor, at least 8 of whom are African American  
22 descendants of slavery.

23       (c) Appointment of members to the Commission shall be made  
24 within 60 days after the effective date of this amendatory Act  
25 of the 101st General Assembly, with the first meeting of the  
26 Commission to be held at a reasonable period of time

1 thereafter. The Chairperson of the Commission shall be elected  
2 from among the members during the first meeting. Members of the  
3 Commission shall serve without compensation, but may be  
4 reimbursed for travel expenses. The 10 members of the public  
5 appointed by the Governor shall be from diverse backgrounds,  
6 including businesspersons and persons without high school  
7 diplomas.

8 (d) Administrative support and staffing for the Commission  
9 shall be provided by the Department of Central Management  
10 Services. Any State agency under the jurisdiction of the  
11 Governor shall provide testimony and documents as directed by  
12 the Department.

13 (e) The Commission shall perform the following duties:

14 (1) work to ensure equity, equality, and parity for  
15 African American descendants of slavery mired in poverty;

16 (2) develop and implement measures to ensure equity,  
17 equality, and parity for African American descendants of  
18 slavery;

19 (3) hold hearings to discuss the implementation of  
20 measures to ensure equity, equality, and parity for African  
21 American descendants of slavery;

22 (4) educate the public on reparations for African  
23 American descendants of slavery;

24 (5) report to the General Assembly information and  
25 findings regarding the work of the Commission under this  
26 Section and the feasibility of reparations for Illinois



1 African American descendants of slavery, including any  
2 recommendations on the subject; and

3 (6) discuss and perform actions regarding the  
4 following issues:

5 (i) Preservation of African American neighborhoods  
6 and communities through investment in business  
7 development, home ownership, and affordable housing at  
8 the median income of each neighborhood, with a full  
9 range of housing services and strengthening of  
10 institutions, which shall include, without limitation,  
11 schools, parks, and community centers.

12 (ii) Building and development of a Vocational  
13 Training Center for People of African  
14 Descent-Citizens, with satellite centers throughout  
15 the State, to address the racial disparity in the  
16 building trades and the de-skilling of African  
17 American labor through the historic discrimination in  
18 the building trade unions. The Center shall also have  
19 departments for legitimate activities in the informal  
20 economy and apprenticeship.

21 (iii) Ensuring proportional economic  
22 representation in all State contracts, including  
23 reviews and updates of the State procurement and  
24 contracting requirements and procedures with the  
25 express goal of increasing the number of African  
26 American vendors and contracts for services to an

1 equitable level reflecting their population in the  
2 State.

3 (iv) Creation and enforcement of an Illinois  
4 Slavery Era Disclosure Bill mandating that in addition  
5 to disclosure, an affidavit must be submitted entitled  
6 "Statement of Financial Reparations" that has been  
7 negotiated between the Commission established under  
8 this Section and a corporation or institution that  
9 disclosed ties to the enslavement or injury of people  
10 of African descent in the United States of America.

11 (f) Beginning January 1, 2022, and for each year  
12 thereafter, the Commission shall submit a report regarding its  
13 actions and any information as required under this Section to  
14 the Governor and the General Assembly. The report of the  
15 Commission shall also be made available to the public on the  
16 Internet website of the Department of Central Management  
17 Services.

18 Article 50.

19 Section 50-5. The Deposit of State Moneys Act is amended by  
20 changing Section 22.5 as follows:

21 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

22 (For force and effect of certain provisions, see Section 90  
23 of P.A. 94-79)

1           Sec. 22.5. Permitted investments. The State Treasurer may,  
2 with the approval of the Governor, invest and reinvest any  
3 State money in the treasury which is not needed for current  
4 expenditures due or about to become due, in obligations of the  
5 United States government or its agencies or of National  
6 Mortgage Associations established by or under the National  
7 Housing Act, 12 U.S.C. 1701 et seq., or in mortgage  
8 participation certificates representing undivided interests in  
9 specified, first-lien conventional residential Illinois  
10 mortgages that are underwritten, insured, guaranteed, or  
11 purchased by the Federal Home Loan Mortgage Corporation or in  
12 Affordable Housing Program Trust Fund Bonds or Notes as defined  
13 in and issued pursuant to the Illinois Housing Development Act.  
14 All such obligations shall be considered as cash and may be  
15 delivered over as cash by a State Treasurer to his successor.

16           The State Treasurer may, with the approval of the Governor,  
17 purchase any state bonds with any money in the State Treasury  
18 that has been set aside and held for the payment of the  
19 principal of and interest on the bonds. The bonds shall be  
20 considered as cash and may be delivered over as cash by the  
21 State Treasurer to his successor.

22           The State Treasurer may, with the approval of the Governor,  
23 invest or reinvest any State money in the treasury that is not  
24 needed for current expenditure due or about to become due, or  
25 any money in the State Treasury that has been set aside and  
26 held for the payment of the principal of and the interest on

1 any State bonds, in shares, withdrawable accounts, and  
2 investment certificates of savings and building and loan  
3 associations, incorporated under the laws of this State or any  
4 other state or under the laws of the United States; provided,  
5 however, that investments may be made only in those savings and  
6 loan or building and loan associations the shares and  
7 withdrawable accounts or other forms of investment securities  
8 of which are insured by the Federal Deposit Insurance  
9 Corporation.

10 The State Treasurer may not invest State money in any  
11 savings and loan or building and loan association unless a  
12 commitment by the savings and loan (or building and loan)  
13 association, executed by the president or chief executive  
14 officer of that association, is submitted in the following  
15 form:

16 The ..... Savings and Loan (or Building  
17 and Loan) Association pledges not to reject arbitrarily  
18 mortgage loans for residential properties within any  
19 specific part of the community served by the savings and  
20 loan (or building and loan) association because of the  
21 location of the property. The savings and loan (or building  
22 and loan) association also pledges to make loans available  
23 on low and moderate income residential property throughout  
24 the community within the limits of its legal restrictions  
25 and prudent financial practices.

26 The State Treasurer may, with the approval of the Governor,

1 invest or reinvest any State money in the treasury that is not  
2 needed for current expenditures due or about to become due, or  
3 any money in the State Treasury that has been set aside and  
4 held for the payment of the principal of and interest on any  
5 State bonds, in bonds issued by counties or municipal  
6 corporations of the State of Illinois.

7 The State Treasurer may invest or reinvest up to 5% of the  
8 College Savings Pool Administrative Trust Fund, the Illinois  
9 Public Treasurer Investment Pool (IPTIP) Administrative Trust  
10 Fund, and the State Treasurer's Administrative Fund that is not  
11 needed for current expenditures due or about to become due, in  
12 common or preferred stocks of publicly traded corporations,  
13 partnerships, or limited liability companies, organized in the  
14 United States, with assets exceeding \$500,000,000 if: (i) the  
15 purchases do not exceed 1% of the corporation's or the limited  
16 liability company's outstanding common and preferred stock;  
17 (ii) no more than 10% of the total funds are invested in any  
18 one publicly traded corporation, partnership, or limited  
19 liability company; and (iii) the corporation or the limited  
20 liability company has not been placed on the list of restricted  
21 companies by the Illinois Investment Policy Board under Section  
22 1-110.16 of the Illinois Pension Code.

23 The State Treasurer may, with the approval of the Governor,  
24 invest or reinvest any State money in the Treasury which is not  
25 needed for current expenditure, due or about to become due, or  
26 any money in the State Treasury which has been set aside and

1 held for the payment of the principal of and the interest on  
2 any State bonds, in participations in loans, the principal of  
3 which participation is fully guaranteed by an agency or  
4 instrumentality of the United States government; provided,  
5 however, that such loan participations are represented by  
6 certificates issued only by banks which are incorporated under  
7 the laws of this State or any other state or under the laws of  
8 the United States, and such banks, but not the loan  
9 participation certificates, are insured by the Federal Deposit  
10 Insurance Corporation.

11 Whenever the total amount of vouchers presented to the  
12 Comptroller under Section 9 of the State Comptroller Act  
13 exceeds the funds available in the General Revenue Fund by  
14 \$1,000,000,000 or more, then the State Treasurer may invest any  
15 State money in the Treasury, other than money in the General  
16 Revenue Fund, Health Insurance Reserve Fund, Attorney General  
17 Court Ordered and Voluntary Compliance Payment Projects Fund,  
18 Attorney General Whistleblower Reward and Protection Fund, and  
19 Attorney General's State Projects and Court Ordered  
20 Distribution Fund, which is not needed for current  
21 expenditures, due or about to become due, or any money in the  
22 State Treasury which has been set aside and held for the  
23 payment of the principal of and the interest on any State bonds  
24 with the Office of the Comptroller in order to enable the  
25 Comptroller to pay outstanding vouchers. At any time, and from  
26 time to time outstanding, such investment shall not be greater

1 than \$2,000,000,000. Such investment shall be deposited into  
2 the General Revenue Fund or Health Insurance Reserve Fund as  
3 determined by the Comptroller. Such investment shall be repaid  
4 by the Comptroller with an interest rate tied to the London  
5 Interbank Offered Rate (LIBOR) or the Federal Funds Rate or an  
6 equivalent market established variable rate, but in no case  
7 shall such interest rate exceed the lesser of the penalty rate  
8 established under the State Prompt Payment Act or the timely  
9 pay interest rate under Section 368a of the Illinois Insurance  
10 Code. The State Treasurer and the Comptroller shall enter into  
11 an intergovernmental agreement to establish procedures for  
12 such investments, which market established variable rate to  
13 which the interest rate for the investments should be tied, and  
14 other terms which the State Treasurer and Comptroller  
15 reasonably believe to be mutually beneficial concerning these  
16 investments by the State Treasurer. The State Treasurer and  
17 Comptroller shall also enter into a written agreement for each  
18 such investment that specifies the period of the investment,  
19 the payment interval, the interest rate to be paid, the funds  
20 in the Treasury from which the Treasurer will draw the  
21 investment, and other terms upon which the State Treasurer and  
22 Comptroller mutually agree. Such investment agreements shall  
23 be public records and the State Treasurer shall post the terms  
24 of all such investment agreements on the State Treasurer's  
25 official website. In compliance with the intergovernmental  
26 agreement, the Comptroller shall order and the State Treasurer

1 shall transfer amounts sufficient for the payment of principal  
2 and interest invested by the State Treasurer with the Office of  
3 the Comptroller under this paragraph from the General Revenue  
4 Fund or the Health Insurance Reserve Fund to the respective  
5 funds in the Treasury from which the State Treasurer drew the  
6 investment. Public Act 100-1107 shall constitute an  
7 irrevocable and continuing authority for all amounts necessary  
8 for the payment of principal and interest on the investments  
9 made with the Office of the Comptroller by the State Treasurer  
10 under this paragraph, and the irrevocable and continuing  
11 authority for and direction to the Comptroller and Treasurer to  
12 make the necessary transfers.

13 The State Treasurer may, with the approval of the Governor,  
14 invest or reinvest any State money in the Treasury that is not  
15 needed for current expenditure, due or about to become due, or  
16 any money in the State Treasury that has been set aside and  
17 held for the payment of the principal of and the interest on  
18 any State bonds, in any of the following:

19 (1) Bonds, notes, certificates of indebtedness,  
20 Treasury bills, or other securities now or hereafter issued  
21 that are guaranteed by the full faith and credit of the  
22 United States of America as to principal and interest.

23 (2) Bonds, notes, debentures, or other similar  
24 obligations of the United States of America, its agencies,  
25 and instrumentalities.

26 (2.5) Bonds, notes, debentures, or other similar



1 obligations of a foreign government, other than the  
2 Republic of the Sudan, that are guaranteed by the full  
3 faith and credit of that government as to principal and  
4 interest, but only if the foreign government has not  
5 defaulted and has met its payment obligations in a timely  
6 manner on all similar obligations for a period of at least  
7 25 years immediately before the time of acquiring those  
8 obligations.

9 (3) Interest-bearing savings accounts,  
10 interest-bearing certificates of deposit, interest-bearing  
11 time deposits, or any other investments constituting  
12 direct obligations of any bank as defined by the Illinois  
13 Banking Act.

14 (4) Interest-bearing accounts, certificates of  
15 deposit, or any other investments constituting direct  
16 obligations of any savings and loan associations  
17 incorporated under the laws of this State or any other  
18 state or under the laws of the United States.

19 (5) Dividend-bearing share accounts, share certificate  
20 accounts, or class of share accounts of a credit union  
21 chartered under the laws of this State or the laws of the  
22 United States; provided, however, the principal office of  
23 the credit union must be located within the State of  
24 Illinois.

25 (6) Bankers' acceptances of banks whose senior  
26 obligations are rated in the top 2 rating categories by 2

1 national rating agencies and maintain that rating during  
2 the term of the investment.

3 (7) Short-term obligations of either corporations or  
4 limited liability companies organized in the United States  
5 with assets exceeding \$500,000,000 if (i) the obligations  
6 are rated at the time of purchase at one of the 3 highest  
7 classifications established by at least 2 standard rating  
8 services and mature not later than 270 days from the date  
9 of purchase, (ii) the purchases do not exceed 10% of the  
10 corporation's or the limited liability company's  
11 outstanding obligations, (iii) no more than one-third of  
12 the public agency's funds are invested in short-term  
13 obligations of either corporations or limited liability  
14 companies, and (iv) the corporation or the limited  
15 liability company has not been placed on the list of  
16 restricted companies by the Illinois Investment Policy  
17 Board under Section 1-110.16 of the Illinois Pension Code.

18 (7.5) Obligations of either corporations or limited  
19 liability companies organized in the United States, that  
20 have a significant presence in this State, with assets  
21 exceeding \$500,000,000 if: (i) the obligations are rated at  
22 the time of purchase at one of the 3 highest  
23 classifications established by at least 2 standard rating  
24 services and mature more than 270 days, but less than 10  
25 years, from the date of purchase; (ii) the purchases do not  
26 exceed 10% of the corporation's or the limited liability

1 company's outstanding obligations; (iii) no more than  
2 one-third of the public agency's funds are invested in such  
3 obligations of corporations or limited liability  
4 companies; and (iv) the corporation or the limited  
5 liability company has not been placed on the list of  
6 restricted companies by the Illinois Investment Policy  
7 Board under Section 1-110.16 of the Illinois Pension Code.

8 (8) Money market mutual funds registered under the  
9 Investment Company Act of 1940.

10 (9) The Public Treasurers' Investment Pool created  
11 under Section 17 of the State Treasurer Act or in a fund  
12 managed, operated, and administered by a bank.

13 (10) Repurchase agreements of government securities  
14 having the meaning set out in the Government Securities Act  
15 of 1986, as now or hereafter amended or succeeded, subject  
16 to the provisions of that Act and the regulations issued  
17 thereunder.

18 (11) Investments made in accordance with the  
19 Technology Development Act.

20 (12) Investments made in accordance with the Student  
21 Investment Account Act.

22 (13) Investments constituting direct obligations of a  
23 community development financial institution, which is  
24 certified by the United States Treasury Community  
25 Development Financial Institutions Fund and is operating  
26 in the State of Illinois.

1           (14) Investments constituting direct obligations of a  
2           minority depository institution, as designated by the  
3           Federal Deposit Insurance Corporation, that is operating  
4           in the State of Illinois.

5           For purposes of this Section, "agencies" of the United  
6           States Government includes:

7           (i) the federal land banks, federal intermediate  
8           credit banks, banks for cooperatives, federal farm credit  
9           banks, or any other entity authorized to issue debt  
10          obligations under the Farm Credit Act of 1971 (12 U.S.C.  
11          2001 et seq.) and Acts amendatory thereto;

12          (ii) the federal home loan banks and the federal home  
13          loan mortgage corporation;

14          (iii) the Commodity Credit Corporation; and

15          (iv) any other agency created by Act of Congress.

16          The Treasurer may, with the approval of the Governor, lend  
17          any securities acquired under this Act. However, securities may  
18          be lent under this Section only in accordance with Federal  
19          Financial Institution Examination Council guidelines and only  
20          if the securities are collateralized at a level sufficient to  
21          assure the safety of the securities, taking into account market  
22          value fluctuation. The securities may be collateralized by cash  
23          or collateral acceptable under Sections 11 and 11.1.

24          (Source: P.A. 100-1107, eff. 8-27-18; 101-81, eff. 7-12-19;  
25          101-206, eff. 8-2-19; 101-586, eff. 8-26-19; revised 9-25-19.)

1 Article 60.

2 Section 60-5. The Environmental Protection Act is amended  
3 by adding Section 40.4 as follows:

4 (415 ILCS 5/40.4 new)

5 Sec. 40.4. Environmental justice communities; community  
6 and environmental impact assessment; notification of  
7 applicants; community benefits agreements.

8 (a) The Agency shall ensure that possible adverse economic,  
9 social, and environmental effects on environmental justice  
10 communities relating to any permit or permit renewal have been  
11 fully considered prior to publishing a draft permit or permit  
12 renewal for public comment, and that the final decision on the  
13 permit or permit renewal is made in the best overall public  
14 interest.

15 Any person seeking a permit or permit renewal shall first  
16 submit to the Agency information necessary for the Agency to  
17 determine if the permitted activity will adversely impact an  
18 environmental justice community.

19 (b) Any person or entity seeking a permit or permit renewal  
20 in an environmental justice community shall give public notice  
21 to the residents of the community of the following:

22 (1) The person or entity's permit or permit renewal  
23 application.

24 (2) The procedures allowing residents to file comments

1       on the application with the Agency.

2           (3) The date, time, and place of a community meeting  
3       for the purpose of informing the surrounding community of  
4       the permit application and for taking comments and  
5       questions. The meeting shall not be held less than 30 days  
6       following publication of the notice.

7       Community residents shall have 90 days following the  
8       community meeting to submit comments to the Agency.

9           (c) A permit applicant for permitted activity sited in an  
10       environmental justice community shall enter into a community  
11       benefits agreement with the unit of local government in whose  
12       jurisdiction the permit applicant has applied. The community  
13       benefits agreement must, at a minimum, contain provisions  
14       requiring the permit applicant to mitigate the environmental  
15       and public health impact of the permitted activity in the  
16       environmental justice community.

17           (d) For purposes of this Section, "permit" means a permit  
18       issued by the Illinois Environmental Protection Agency through  
19       the Clean Air Act Permit Program or the National Pollutant  
20       Discharge Elimination System.

21   Article 70.

22           Section 5. The Barber, Cosmetology, Esthetics, Hair  
23       Braiding, and Nail Technology Act of 1985 is amended by adding  
24       Section 4-30 as follows:

1 (225 ILCS 410/4-30 new)

2 Sec. 4-30. Beauty supply industry disparity study.

3 (a) The Department shall compile and publish a disparity  
4 study by December 31, 2022 that: (1) evaluates whether there  
5 exists discrimination in the State's beauty supply industry;  
6 and (2) if so, evaluates the impact of such discrimination on  
7 the State and includes recommendations for reducing or  
8 eliminating any identified barriers to entry in the beauty  
9 supply industry and discriminatory behavior. The Department  
10 shall forward a copy of its findings and recommendations to the  
11 General Assembly and the Governor.

12 (b) The Department may compile, collect, or otherwise  
13 gather data necessary for the administration of this Section  
14 and to carry out the Department's duty relating to the  
15 recommendation of policy changes. The Department shall compile  
16 all of the data into a single report, submit the report to the  
17 Governor and the General Assembly, and publish the report on  
18 its website.

19 (c) This Section is repealed on January 1, 2024.

20 Article 75.

21 Section 75-1. Short title. This Act may be cited as the  
22 Reduction of Lead Service Lines Act.

1           Section 75-5. Purpose. The purpose of this Act is to  
2 require the owners and operators of community water supplies  
3 to: (1) create a comprehensive lead service line inventory; (2)  
4 provide notice to occupants of potentially affected residences  
5 and buildings of construction or repair work on water mains,  
6 lead service lines, or water meters; (3) prohibit partial lead  
7 service line replacements; and (4) create a lead service line  
8 replacement program.

9           Section 75-10. Definitions. In this Act:

10           "Agency" means the Environmental Protection Agency.

11           "Community water supply" means a public water supply that  
12 serves at least 15 service connections used by year-round  
13 residents or regularly serves at least 25 year-round residents

14           "Department" means the Department of Public Health.

15           "Emergency repair" means water distribution work that  
16 includes unscheduled water main, water service, water valve, or  
17 fire hydrant repair or replacement that results from premature  
18 failure or accident.

19           "Lead service line" means a service line that is made of  
20 lead, or any lead pigtail, lead gooseneck, or other lead  
21 fitting that is connected to a service line, or both.

22           "Non-community water supply" means a public water supply  
23 that is not a community water supply.

24           "Potentially affected residence" means a residence where  
25 water service is supplied through a pipe containing lead or



1 suspected to be made of lead.

2 "Service line" means the pipe from the discharge of the  
3 utility fitting to customer site piping or to the building  
4 plumbing at the first shut-off valve inside the building or 18  
5 inches inside the building, whichever is shorter.

6 "Small system" means a water system that regularly serves  
7 water to 3,300 or fewer persons.

8 Section 75-15. Water service line material inventory.

9 (a) The owner or operator of each community water supply  
10 shall develop an initial water service line material inventory  
11 that shall be submitted to the Agency for approval, in an  
12 electronic form selected by the Agency, by April 15, 2020. The  
13 owner or operator shall annually update and submit its  
14 inventory to the Agency by April 15 of each year thereafter.  
15 Each water service line material inventory shall identify:

16 (1) The total number of service lines within or  
17 connected to the distribution system.

18 (2) The materials of construction, including, but not  
19 limited to, lead, of each water service line connected to  
20 the distribution system. The owner or operator of the  
21 community water supply shall develop the inventory by  
22 identifying on both the customer's and the community water  
23 supply's side of the curb box the type of construction  
24 material used.

25 (3) The number of the lead service lines that were

1 added and removed from the inventory after the previous  
2 year's submission.

3 (b) The owner or operator of each community water supply  
4 shall maintain records of owners or residents that refuse to  
5 grant access to the interior of the building for purposes of  
6 identifying the service line material. If the owner or resident  
7 refuses to allow access to his or her residence or property for  
8 the purposes of cooperating with the inventory, the community  
9 water supply shall request that the owner or resident sign a  
10 waiver. The waiver shall be developed by the Department. If the  
11 owner or resident refuses to sign the waiver, the record shall  
12 include the dates and manner of each request and the name of  
13 the person who made the request.

14 (c) The owner or operator of each community water supply  
15 shall, upon finding the presence of a lead service line, notify  
16 the owner and resident of the building within 24 hours, or as  
17 soon as is reasonably possible.

18 (d) No later than January 1, 2021, the Agency shall by rule  
19 determine a reasonable deadline for submitting each community  
20 water supply's complete water service line material inventory  
21 required under subsection (a), not to exceed 5 years from  
22 January 1, 2020, unless the Agency determines that additional  
23 time is needed for one or more community water supply's  
24 inventory due to the technical feasibility of identifying lines  
25 within a system.

26 (e) Nothing in this Section shall be construed to require

1 that service lines be unearthed.

2 (f) Beginning on January 1, 2020, when conducting routine  
3 inspections of community water supplies, the Agency may conduct  
4 a separate audit to identify progress that the community water  
5 supply has made toward completing the water service line  
6 material inventory required under subsection (a).

7 Section 75-20. Construction notifications.

8 (a) Within 13 days before beginning planned work to repair  
9 or replace any water mains with lead or partial lead service  
10 lines attached to them or lead service lines themselves, the  
11 owner or operator of a community water supply shall notify each  
12 potentially affected residence of the planned work through an  
13 individual written notice. In cases where a community water  
14 supply must perform construction or repair work on an emergency  
15 basis or where the work is scheduled within 14 days of the work  
16 taking place, the community water supply shall notify each  
17 potentially affected residence as soon as is reasonably  
18 possible. When work is to repair or replace a water meter, the  
19 notification shall be provided at the time the work is  
20 initiated.

21 (b) A notification under subsection (a) shall include, at a  
22 minimum, the following:

23 (1) a warning that the work may result in sediment,  
24 possibly containing lead from the service line, in the  
25 residence's water;

1           (2) information concerning the best practices for  
2 preventing exposure to or risk of consumption of any lead  
3 in drinking water, including a recommendation to flush  
4 water lines during and after the completion of the repair  
5 or replacement work and to clean faucet aerator screens;  
6 and

7           (3) information regarding the dangers of lead in young  
8 children and pregnant women.

9           (c) To the extent that the owner or operator of a community  
10 water supply serves a significant proportion of non-English  
11 speaking consumers, a notification under subsection (a) must  
12 contain information in the appropriate languages regarding the  
13 importance of the notice, and it must contain a telephone  
14 number or address where a person who is served may contact the  
15 owner or operator of the community water supply to obtain a  
16 translated copy of the notification or to request assistance in  
17 the appropriate language.

18           (d) Notwithstanding anything to the contrary set forth in  
19 this Section, publication notification through local media,  
20 social media, or other similar means may be used in lieu of an  
21 individual written notification to the extent that: (1)  
22 notification is required for the entire community served by a  
23 community water supply; (2) notification is required for  
24 construction or repairs occurring on an emergency basis; or (3)  
25 the community water supply is a small system.

26           (e) If an owner or operator of a community water supply is

1 required to provide an individual written notification to a  
2 residence that is a multidwelling building, then posting a  
3 written notification on the primary entrance way to the  
4 building shall be sufficient.

5 (f) The notification requirements in this Section do not  
6 apply to work performed on water mains that are used to  
7 transmit treated water between community water supplies and  
8 that have no service connections.

9 (g) A community water supply is not required to comply with  
10 this Section to the extent that the corresponding water service  
11 line material inventory has been completed and demonstrates  
12 that the community water supply's distribution system does not  
13 include lead service lines.

14 Section 75-25. Lead service line replacement program.

15 (a) Every community water supply in Illinois that has known  
16 lead service lines shall create a plan to replace all lead  
17 service lines and galvanized service lines if the service line  
18 is or was connected to lead piping. Each community water supply  
19 shall submit its lead service line replacement plan to the  
20 Agency for approval, in an electronic form selected by the  
21 Agency, by April 15, 2021. Each community water supply shall  
22 annually update and submit its plan to the Agency by April 15  
23 of each year thereafter in conjunction with the water service  
24 line material inventory required under Section 15. The Agency  
25 shall make each plan available to the public by maintaining

1 them on the Agency website.

2 (b) Each lead service line replacement program plan shall  
3 include the following:

4 (1) The water service line material inventory  
5 conducted under Section 15.

6 (2) An analysis of whether the community water supply  
7 has control over lead service lines in its system.

8 (3) An analysis of costs and financing options for  
9 replacing the system's lead service line that minimizes the  
10 overall cost of system replacement. The analysis shall  
11 include, but is not limited to:

12 (A) a detailed accounting of costs;

13 (B) measures to address affordability for  
14 customers or rate payers;

15 (C) consideration of different scenarios for  
16 structuring payments between the utility and its  
17 customers over time;

18 (D) an explanation of the rationale for any permit  
19 fees or other charges to a property owner associated  
20 with lead service lines, and plans for utilization of  
21 revenues derived from those fees or other charges; and

22 (E) any other relevant factors regarding the  
23 rulemaking required by this Act.

24 (4) A feasibility and affordability plan that  
25 includes, but is not limited to, information on whether:

26 (A) the community water supply pays for the portion

1 of the service lines owned by the community water  
2 supply and the property owner pays for the portion he  
3 or she owns;

4 (B) the community water supply pays for the entire  
5 replacement and has a low interest loan for property  
6 owners to pay for the replacement over time on their  
7 water bills; or

8 (C) the community water supply pays for the entire  
9 replacement.

10 (5) A plan for prioritizing high risk areas.

11 (6) A proposed schedule for replacements that includes  
12 annual benchmarks, not to fall below 4 percent replacement  
13 of inventoried lines per year.

14 (7) A proposed deadline for replacing all lead service  
15 lines consistent with the water service line material  
16 inventory required under Section 15.

17 (c) The Agency shall begin the rulemaking process to  
18 implement the requirements of this Section within 6 months of  
19 the effective date of this Act and shall adopt rules within one  
20 year after the rulemaking process begins. During the rulemaking  
21 process, the Agency shall consider:

22 (1) the form for submitting, and process for the  
23 Agency's review of, lead service line replacement plans;

24 (2) whether a deadline for replacing all lead service  
25 lines for community water supplies subject to this Act is  
26 appropriate considering the utility scale, technical

1 feasibility of identifying and replacing lines, and impact  
2 to public health of maintaining any lead service lines in  
3 place;

4 (3) the means by which a community water supply must  
5 make its lead service line replacement plan, and its  
6 progress towards implementing the plan, available to the  
7 public;

8 (4) the materials deemed acceptable for lead service  
9 line replacement; and

10 (5) any factors that a community water supply shall  
11 consider in developing the components of a plan required  
12 under subsection (a).

13 (d) When a community water supply replaces a water main,  
14 the community water supply must identify and replace all lead  
15 service lines that connect to that water main during  
16 replacement of the water main, unless a customer refuses to  
17 have his or her lead service line replaced. If a customer  
18 refuses to have his or her lead service line replaced, the  
19 community water supply shall keep a record of that refusal  
20 consistent with subsection (b) of Section 15.

21 The Agency shall by rule set reasonable fees for community  
22 water systems to submit replacement plans.

23 (e) In order to provide water that does not become  
24 contaminated with lead from a lead service line or galvanized  
25 service line that is or was connected to lead piping, in  
26 accordance with constitutional limitations, and to the extent



1 not already provided for by law, a community water supply shall  
2 have the authority to access private property and private  
3 residences for the sole purpose of identifying or replacing  
4 lead service lines or galvanized service lines.

5 Before a community water supply may access private property  
6 or a private residence for the purpose of replacing a lead  
7 service line or galvanized service line that is or was  
8 connected to lead piping, the community water supply shall  
9 notify the owner of the property and the resident at least one  
10 month before the planned work on the private property or in his  
11 or her private residence. The community water supply must meet  
12 the following requirements for notice under this subsection:

13 (1) The notice shall be made by the community water  
14 supply at least every 2 weeks prior to the planned work  
15 until the owner and resident have been contacted.

16 (2) At least one of the notices must be by certified  
17 mail.

18 (3) The community water supply shall make personal  
19 contact with the owner or resident about the notice by  
20 visits to the property or residence.

21 (4) The community water supply shall attempt to tape  
22 flyers with the notice to entrance doors for the property  
23 or residence.

24 (5) To the extent that the owner or operator of a  
25 community water supply serves a significant proportion of  
26 non-English speaking consumers, a notification under this

1 Section must contain information in the appropriate  
2 language regarding the importance of the notice and a  
3 telephone number or address where a person who is served  
4 may contact the owner or operator of the community water  
5 supply to obtain a translated copy of the notification or  
6 to request assistance in the appropriate language.

7 If the owner or resident refuses to allow access to his or  
8 her residence or property for the purposes of cooperating with  
9 the lead service line replacement, the community water supply  
10 shall request that the owner or resident sign a waiver. The  
11 waiver shall be developed by the Department and should be made  
12 available in the owner or resident's language. Should the owner  
13 or resident refuse to sign the waiver, or fail to respond to  
14 the community water supply subsequent to the community water  
15 supply's compliance with the notification requirements set  
16 forth in this subsection, the community water supply shall  
17 notify the Department in writing within 15 working days and  
18 shall notify the Agency as part of the annual report to the  
19 Agency under subsection (a).

20 To the extent allowed by law, community water supplies  
21 shall be held harmless for damage to property when installing  
22 water service lines. If dangers are encountered that prevent  
23 the replacement of the lead service line, the community water  
24 supply shall notify the Department within 15 working days of  
25 why the replacement of the lead service could not be  
26 accomplished.

1           (f) Service lines that are physically disconnected from the  
2 distribution system are exempt from this Section.

3           Section 75-30. Prohibitions.

4           (a) Except as otherwise provided in this Section, no person  
5 shall replace a portion of a lead service line without  
6 replacing the entirety of the line at the same time.

7           (b) If the owner or operator of a community water supply  
8 does not own the entire service line, then the owner or  
9 operator of the community water supply shall notify the owner  
10 of the service line, or the service line owner's authorized  
11 agent, that the community water supply will replace the portion  
12 of the service line that it owns and the owner's portion of the  
13 service line at the community water supply's expense. The  
14 notification shall follow the procedures required under  
15 subsection (e) of Section 25. If the service line's owner or  
16 authorized agent does not consent, consistent with the  
17 notification and waiver provisions under subsection (e) of  
18 Section 25, the community water supply shall not replace any  
19 portion of the service line, unless in conjunction with an  
20 emergency repair.

21           (c) A person may replace a portion of a lead service line  
22 but not the entirety of the line when an emergency repair is  
23 necessary and the community water supply notifies the owner and  
24 resident within 36 hours, informing the owner and resident of  
25 mitigating strategies, such as flushing pipes before use or

1 supplying filters for drinking and cooking purposes.

2 In the event of a partial service line replacement due to  
3 an emergency situation, the community water supply must provide  
4 filters and replace the remainder of the lead service line  
5 within 30 days of the emergency repair.

6 In the event of a partial lead service line replacement  
7 resulting from an emergency repair, the community water supply  
8 shall inform the residents served by the service line that the  
9 community water supply shall, at the community water supply's  
10 expense, arrange to collect a sample from each partially  
11 replaced lead service line that is representative of the water  
12 in the service line for analysis of lead content within 72  
13 hours after the completion of the partial replacement of the  
14 service line. The community water supply shall collect the  
15 sample and report the results of the analysis to the owner and  
16 the resident or residents served by the line within 3 business  
17 days of receiving the results. A mailed notice of the results  
18 postmarked within 3 business days after the community water  
19 supply receives the results shall satisfy the reporting  
20 requirement.

21 (d) If an owner of a residence intends to replace the  
22 portion of the lead service line that he or she owns, then the  
23 owner of the residence shall provide the owner or operator of  
24 the community water supply of the replacement plan with notice  
25 at least 45 days before commencing the work. In the case of an  
26 emergency repair, if the notice is not feasible, and if the

1 owner of the residence notifies the owner or operator of the  
2 community water supply of the replacement of a portion of the  
3 lead service line after the work is done, then the owner or  
4 operator of the community water supply must replace the  
5 remainder of the lead service line within 90 days.

6 Section 75-35. Non-community water supplies. The  
7 requirements of this Act do not apply to non-community water  
8 supplies.

9 Section 75-100. The Department of Commerce and Economic  
10 Opportunity Law of the Civil Administrative Code of Illinois is  
11 amended by adding Section 605-870 as follows:

12 (20 ILCS 605/605-870 new)

13 Sec. 605-870. Low-income water assistance policy and  
14 program.

15 (a) The Department shall by rule establish a comprehensive  
16 low-income water assistance policy and program that  
17 incorporates financial assistance and includes, but is not  
18 limited to, water efficiency or water quality projects, such as  
19 lead service line replacement, or other measures to ensure that  
20 residents have access to affordable and clean water. The policy  
21 and program shall not jeopardize the ability of public  
22 utilities, community water supplies, or other entities to  
23 receive just compensation for providing services. The

1 resources applied in achieving the policy and program shall be  
2 coordinated and efficiently used through the integration of  
3 public programs and through the targeting of assistance. The  
4 Department shall use all appropriate and available means to  
5 fund this program and, to the extent possible, identify and use  
6 sources of funding that complement State tax revenues. The rule  
7 shall be finalized within 180 days of the effective date of  
8 this Act, or within 60 days of receiving an appropriation for  
9 the program.

10 (b) Any person who is a resident of the State and whose  
11 household income is not greater than an amount determined  
12 annually by the Department may apply for assistance under this  
13 Section in accordance with rules adopted by the Department. In  
14 setting the annual eligibility level, the Department shall  
15 consider the amount of available funding and may not set a  
16 limit higher than 150 percent of the poverty guidelines updated  
17 periodically in the Federal Register by the U.S. Department of  
18 Health and Human Services under the authority of 42 U.S.C.  
19 9902(2).

20 (c) Applicants who qualify for assistance under subsection  
21 (b) shall, subject to appropriation from the General Assembly  
22 and subject to availability of funds to the Department, receive  
23 assistance as provided in this Section. The Department, upon  
24 receipt of moneys authorized under this Section for assistance,  
25 shall commit funds for each qualified applicant in an amount  
26 determined by the Department. In determining the amounts of

1 assistance to be provided to or on behalf of a qualified  
2 applicant, the Department shall ensure that the highest amounts  
3 of assistance go to households with the greatest water costs in  
4 relation to household income. The Department may consider  
5 factors such as water costs, household size, household income,  
6 and region of the State when determining individual household  
7 benefits. In adopting rules for the administration of this  
8 Section, the Department shall ensure that a minimum of  
9 one-third of the funds for the program are available for  
10 benefits to eligible households with the lowest incomes and  
11 that elderly households, households with persons with  
12 disabilities, and households with children under 6 years of age  
13 are offered a priority application period.

14 (d) Application materials for the program shall be made  
15 available in multiple languages.

16 (e) The Department may adopt any rules necessary to  
17 implement this Section.

18 Section 75-105. The Public Utilities Act is amended by  
19 changing Section 8-306 as follows:

20 (220 ILCS 5/8-306)

21 Sec. 8-306. Special provisions relating to water and sewer  
22 utilities.

23 (a) No later than 120 days after the effective date of this  
24 amendatory Act of the 94th General Assembly, the Commission

1 shall prepare, make available to customers upon request, and  
2 post on its Internet web site information concerning the  
3 service obligations of water and sewer utilities and remedies  
4 that a customer may pursue for a violation of the customer's  
5 rights. The information shall specifically address the rights  
6 of a customer of a water or sewer utility in the following  
7 situations:

8 (1) The customer's water meter is replaced.

9 (2) The customer's bill increases by more than 50%  
10 within one billing period.

11 (3) The customer's water service is terminated.

12 (4) The customer wishes to complain after receiving a  
13 termination of service notice.

14 (5) The customer is unable to make payment on a billing  
15 statement.

16 (6) A rate is filed, including without limitation a  
17 surcharge or annual reconciliation filing, that will  
18 increase the amount billed to the customer.

19 (7) The customer is billed for services provided prior  
20 to the date covered by the billing statement.

21 (8) The customer is due to receive a credit.

22 Each billing statement issued by a water or sewer utility  
23 shall include an Internet web site address where the customer  
24 can view the information required under this subsection (a) and  
25 a telephone number that the customer may call to request a copy  
26 of the information.



1 (b) A water or sewer utility may discontinue service only  
2 after it has mailed or delivered by other means a written  
3 notice of discontinuance substantially in the form of Appendix  
4 A of 83 Ill. Adm. Code 280. The notice must include the  
5 Internet web site address where the customer can view the  
6 information required under subsection (a) and a telephone  
7 number that the customer may call to request a copy of the  
8 information. Any notice required to be delivered or mailed to a  
9 customer prior to discontinuance of service shall be delivered  
10 or mailed separately from any bill. Service shall not be  
11 discontinued until at least 5 days after delivery or 8 days  
12 after the mailing of this notice. Service shall not be  
13 discontinued and shall be restored if discontinued for the  
14 reason which is the subject of a dispute or complaint during  
15 the pendency of informal or formal complaint procedures of the  
16 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or  
17 280.170, where the customer has complied with those rules.  
18 Service shall not be discontinued and shall be restored if  
19 discontinued where a customer has established a deferred  
20 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has  
21 not defaulted on such agreement. Residential customers who are  
22 indebted to a utility for past due utility service shall have  
23 the opportunity to make arrangements with the utility to retire  
24 the debt by periodic payments, referred to as a deferred  
25 payment agreement, unless this customer has failed to make  
26 payment under such a plan during the past 12 months. The terms

1 and conditions of a reasonable deferred payment agreement shall  
2 be determined by the utility after consideration of the  
3 following factors, based upon information available from  
4 current utility records or provided by the customer or  
5 applicant:

6 (1) size of the past due account;

7 (2) customer or applicant's ability to pay;

8 (3) customer or applicant's payment history;

9 (4) reason for the outstanding indebtedness; and

10 (5) any other relevant factors relating to the  
11 circumstances of the customer or applicant's service.

12 A residential customer shall pay a maximum of one-fourth of the  
13 amount past due and owing at the time of entering into the  
14 deferred payment agreement, and the water or sewer utility  
15 shall allow a minimum of 2 months from the date of the  
16 agreement and a maximum of 12 months for payment to be made  
17 under a deferred payment agreement. Late payment charges may be  
18 assessed against the amount owing that is the subject of a  
19 deferred payment agreement.

20 (c) A water or sewer utility shall provide notice as  
21 required by subsection (a) of Section 9-201 after the filing of  
22 each information sheet under a purchased water surcharge,  
23 purchased sewage treatment surcharge, or qualifying  
24 infrastructure plant surcharge. The utility also shall post  
25 notice of the filing in accordance with the requirements of 83  
26 Ill. Adm. Code 255. Unless filed as part of a general rate

1 increase, notice of the filing of a purchased water surcharge  
2 rider, purchased sewage treatment surcharge rider, or  
3 qualifying infrastructure plant surcharge rider also shall be  
4 given in the manner required by this subsection (c) for the  
5 filing of information sheets.

6 (d) Commission rules pertaining to formal and informal  
7 complaints against public utilities shall apply with full and  
8 equal force to water and sewer utilities and their customers,  
9 including provisions of 83 Ill. Adm. Code 280.170, and the  
10 Commission shall respond to each complaint by providing the  
11 consumer with a copy of the utility's response to the complaint  
12 and a copy of the Commission's review of the complaint and its  
13 findings. The Commission shall also provide the consumer with  
14 all available options for recourse.

15 (e) Any refund shown on the billing statement of a customer  
16 of a water or sewer utility must be itemized and must state if  
17 the refund is an adjustment or credit.

18 (f) Water service for building construction purposes. At  
19 the request of any municipality or township within the service  
20 area of a public utility that provides water service to  
21 customers within the municipality or township, a public utility  
22 must (1) require all water service used for building  
23 construction purposes to be measured by meter and subject to  
24 approved rates and charges for metered water service and (2)  
25 prohibit the unauthorized use of water taken from hydrants or  
26 service lines installed at construction sites.

1 (g) Water meters.

2 (1) Periodic testing. Unless otherwise approved by the  
3 Commission, each service water meter shall be periodically  
4 inspected and tested in accordance with the schedule  
5 specified in 83 Ill. Adm. Code 600.340, or more frequently  
6 as the results may warrant, to insure that the meter  
7 accuracy is maintained within the limits set out in 83 Ill.  
8 Adm. Code 600.310.

9 (2) Meter tests requested by customer.

10 (A) Each utility furnishing metered water service  
11 shall, without charge, test the accuracy of any meter  
12 upon request by the customer served by such meter,  
13 provided that the meter in question has not been tested  
14 by the utility or by the Commission within 2 years  
15 previous to such request. The customer or his or her  
16 representatives shall have the privilege of witnessing  
17 the test at the option of the customer. A written  
18 report, giving the results of the test, shall be made  
19 to the customer.

20 (B) When a meter that has been in service less than  
21 2 years since its last test is found to be accurate  
22 within the limits specified in 83 Ill. Adm. Code  
23 600.310, the customer shall pay a fee to the utility  
24 not to exceed the amounts specified in 83 Ill. Adm.  
25 Code 600.350(b). Fees for testing meters not included  
26 in this Section or so located that the cost will be out

1 of proportion to the fee specified will be determined  
2 by the Commission upon receipt of a complete  
3 description of the case.

4 (3) Commission referee tests. Upon written application  
5 to the Commission by any customer, a test will be made of  
6 the customer's meter by a representative of the Commission.  
7 For such a test, a fee as provided for in subsection (g) (2)  
8 shall accompany the application. If the meter is found to  
9 be registering more than 1.5% fast on the average when  
10 tested as prescribed in 83 Ill. Adm. Code 600.310, the  
11 utility shall refund to the customer the amount of the fee.  
12 The utility shall in no way disturb the meter after a  
13 customer has made an application for a referee test until  
14 authority to do so is given by the Commission or the  
15 customer in writing.

16 (h) Water and sewer utilities; low usage. Each public  
17 utility that provides water and sewer service must establish a  
18 unit sewer rate, subject to review by the Commission, that  
19 applies only to those customers who use less than 1,000 gallons  
20 of water in any billing period.

21 (i) Water and sewer utilities; separate meters. Each public  
22 utility that provides water and sewer service must offer  
23 separate rates for water and sewer service to any commercial or  
24 residential customer who uses separate meters to measure each  
25 of those services. In order for the separate rate to apply, a  
26 combination of meters must be used to measure the amount of

1 water that reaches the sewer system and the amount of water  
2 that does not reach the sewer system.

3 (j) Each water or sewer public utility must disclose on  
4 each billing statement any amount billed that is for service  
5 provided prior to the date covered by the billing statement.  
6 The disclosure must include the dates for which the prior  
7 service is being billed. Each billing statement that includes  
8 an amount billed for service provided prior to the date covered  
9 by the billing statement must disclose the dates for which that  
10 amount is billed and must include a copy of the document  
11 created under subsection (a) and a statement of current  
12 Commission rules concerning unbilled or misbilled service.

13 (k) When the customer is due a refund resulting from  
14 payment of an overcharge, the utility shall credit the customer  
15 in the amount of overpayment with interest from the date of  
16 overpayment by the customer. The rate for interest shall be at  
17 the appropriate rate determined by the Commission under 83 Ill.  
18 Adm. Code 280.70.

19 (l) Water and sewer public utilities; subcontractors. The  
20 Commission shall adopt rules for water and sewer public  
21 utilities to provide notice to the customers of the proper kind  
22 of identification that a subcontractor must present to the  
23 customer, to prohibit a subcontractor from soliciting or  
24 receiving payment of any kind for any service provided by the  
25 water or sewer public utility or the subcontractor, and to  
26 establish sanctions for violations.

1 (m) Water and sewer public utilities; nonrevenue  
2 ~~unaccounted for~~ water. Each ~~By December 31, 2006,~~ each water  
3 public utility shall file tariffs with the Commission to  
4 establish the maximum percentage of nonrevenue ~~unaccounted for~~  
5 water that would be considered in the determination of any  
6 rates or surcharges. The rates or surcharges approved for a  
7 water public utility shall not include charges for nonrevenue  
8 ~~unaccounted for~~ water in excess of this maximum percentage  
9 without well-documented support and justification for the  
10 Commission to consider in any request to recover charges in  
11 excess of the tariffed maximum percentage.

12 (n) Rate increases; public forums. When any public utility  
13 providing water or sewer service proposes a general rate  
14 increase, in addition to other notice requirements, the water  
15 or sewer public utility must notify its customers of their  
16 right to request a public forum. A customer or group of  
17 customers must make written request to the Commission for a  
18 public forum and must also provide written notification of the  
19 request to the customer's municipal or, for unincorporated  
20 areas, township government. The Commission, at its discretion,  
21 may schedule the public forum. If it is determined that public  
22 forums are required for multiple municipalities or townships,  
23 the Commission shall schedule these public forums, in locations  
24 within approximately 45 minutes drive time of the  
25 municipalities or townships for which the public forums have  
26 been scheduled. The public utility must provide advance notice

1 of 30 days for each public forum to the governing bodies of  
2 those units of local government affected by the increase. The  
3 day of each public forum shall be selected so as to encourage  
4 the greatest public participation. Each public forum will begin  
5 at 7:00 p.m. Reports and comments made during or as a result of  
6 each public forum must be made available to the hearing  
7 officials and reviewed when drafting a recommended or tentative  
8 decision, finding or order pursuant to Section 10-111 of this  
9 Act.

10 (o) The Commission may allow or direct a water utility to  
11 establish a customer assistance program that provides  
12 financial relief to residential customers who qualify for  
13 income-related assistance.

14 A customer assistance program established under this  
15 subsection that affects rates and charges for service is not  
16 discriminatory for purposes of this Act or any other law  
17 regulating rates and charges for service. In considering  
18 whether to approve a water utility's proposed customer  
19 assistance program, the Commission must determine that a  
20 customer assistance program established under this subsection  
21 is in the public interest.

22 The Commission shall adopt rules to implement this  
23 subsection. These rules shall require customer assistance  
24 programs under this subsection to coordinate with utility  
25 energy efficiency programs and the Illinois Home  
26 Weatherization Assistance Program for the purpose of informing



1 eligible customers of additional resources that may help the  
2 customer conserve water.

3 (p) In this subsection, "cost of service" means the total  
4 annual operation and maintenance expenses and capital-related  
5 costs incurred in meeting the various aspects of providing  
6 water or sanitary sewer service.

7 Within one year after the effective date of this amendatory  
8 Act of the 101st General Assembly, an entity subject to the  
9 federal Safe Drinking Water Act and the federal Clean Water Act  
10 that serves or provides water or sewer services to a population  
11 of more than 3,300 shall prepare a summary of its cost of  
12 service for calendar year 2016.

13 A summary prepared under this subsection shall be submitted  
14 to the Environmental Protection Agency electronically and  
15 shall include any standardized forms, tables, or text specified  
16 by the Director of the Agency. The Agency shall post all such  
17 summaries on the Agency's website for public viewing and in a  
18 timely manner after the Agency receives them. If an entity is  
19 required to submit a cost of service summary or similar  
20 document to another State agency, the entity may submit its  
21 report to the Agency in the form required by that State agency.

22 (Source: P.A. 94-950, eff. 6-27-06.)

23 (415 ILCS 5/17.11 rep.)

24 Section 75-110. The Environmental Protection Act is  
25 amended by repealing Section 17.11.

1 Article 85.

2 Section 85-5. The Property Tax Code is amended by changing  
3 Sections 21-295, 21-310, 21-355 as follows:

4 (35 ILCS 200/21-295)

5 Sec. 21-295. Creation of indemnity fund.

6 (a) In counties of less than 3,000,000 inhabitants, each  
7 person purchasing any property at a sale under this Code shall  
8 pay to the County Collector, prior to the issuance of any  
9 certificate of purchase, an indemnity fee set by the county  
10 collector of not more than \$20 for each item purchased. A like  
11 sum shall be paid for each year that all or a portion of  
12 subsequent taxes are paid by the tax purchaser and posted to  
13 the tax judgment, sale, redemption and forfeiture record where  
14 the underlying certificate of purchase is recorded.

15 (a-5) In counties of 3,000,000 or more inhabitants, each  
16 person purchasing property at a sale under this Code shall pay  
17 to the County Collector a non-refundable fee of \$80 for each  
18 item purchased plus an additional sum equal to 5% of ~~taxes,~~  
19 ~~interest, and penalties paid by the purchaser, including the~~  
20 taxes, interest, and penalties paid under Section 21-240. In  
21 these counties, the certificate holder shall also pay to the  
22 County Collector a fee of \$80 for each year that all or a  
23 portion of subsequent taxes are paid by the tax purchaser and

1 posted to the tax judgment, sale, redemption, and forfeiture  
2 record, ~~plus an additional sum equal to 5% of all subsequent~~  
3 ~~taxes, interest, and penalties. The additional 5% fees are not~~  
4 ~~required after December 31, 2006.~~ The changes to this  
5 subsection made by this amendatory Act of the 91st General  
6 Assembly are not a new enactment, but declaratory of existing  
7 law.

8 (b) The amount paid prior to issuance of the certificate of  
9 purchase pursuant to subsection (a) or (a-5) shall be included  
10 in the purchase price of the property in the certificate of  
11 purchase and all amounts paid under this Section shall be  
12 included in the amount required to redeem under Section 21-355,  
13 except for the non-refundable \$80 fee for each item purchased  
14 at the tax sale as provided in this Section. Except as  
15 otherwise provided in subsection (b) of Section 21-300, all  
16 money received under subsection (a) or (a-5) shall be paid by  
17 the Collector to the County Treasurer of the County in which  
18 the land is situated, for the purpose of an indemnity fund. The  
19 County Treasurer, as trustee of that fund, shall invest all of  
20 that fund, principal and income, in his or her hands from time  
21 to time, if not immediately required for payments of  
22 indemnities under subsection (a) of Section 21-305, in  
23 investments permitted by the Illinois State Board of Investment  
24 under Article 22A of the Illinois Pension Code. The county  
25 collector shall report annually to the county clerk on the  
26 condition and income of the fund. The indemnity fund shall be

1 held to satisfy judgments obtained against the County  
2 Treasurer, as trustee of the fund. No payment shall be made  
3 from the fund, except upon a judgment of the court which  
4 ordered the issuance of a tax deed.

5 (Source: P.A. 100-1070, eff. 1-1-19.)

6 (35 ILCS 200/21-310)

7 Sec. 21-310. Sales in error.

8 (a) When, upon application of the county collector, the  
9 owner of the certificate of purchase, or a municipality which  
10 owns or has owned the property ordered sold, it appears to the  
11 satisfaction of the court which ordered the property sold that  
12 any of the following subsections are applicable, the court  
13 shall declare the sale to be a sale in error:

14 (1) the property was not subject to taxation, or all or  
15 any part of the lien of taxes sold has become null and void  
16 pursuant to Section 21-95 or unenforceable pursuant to  
17 subsection (c) of Section 18-250 or subsection (b) of  
18 Section 22-40,

19 (2) the taxes or special assessments had been paid  
20 prior to the sale of the property,

21 (3) there is a double assessment,

22 (4) the description is void for uncertainty,

23 (5) the assessor, chief county assessment officer,  
24 board of review, board of appeals, or other county official  
25 has made an error (other than an error of judgment as to

1 the value of any property),

2 (5.5) the owner of the homestead property had tendered  
3 timely and full payment to the county collector that the  
4 owner reasonably believed was due and owing on the  
5 homestead property, and the county collector did not apply  
6 the payment to the homestead property; provided that this  
7 provision applies only to homeowners, not their agents or  
8 third-party payors,

9 (6) prior to the tax sale a voluntary or involuntary  
10 petition has been filed by or against the legal or  
11 beneficial owner of the property requesting relief under  
12 the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,

13 (7) the property is owned by the United States, the  
14 State of Illinois, a municipality, or a taxing district, or

15 (8) the owner of the property is a reservist or  
16 guardsperson who is granted an extension of his or her due  
17 date under Sections 21-15, 21-20, and 21-25 of this Act.

18 (b) When, upon application of the owner of the certificate  
19 of purchase only, it appears to the satisfaction of the court  
20 which ordered the property sold that any of the following  
21 subsections are applicable, the court shall declare the sale to  
22 be a sale in error:

23 (1) A voluntary or involuntary petition under the  
24 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been  
25 filed subsequent to the tax sale and prior to the issuance  
26 of the tax deed.

1           (2) The improvements upon the property sold have been  
2           substantially destroyed or rendered uninhabitable or  
3           otherwise unfit for occupancy subsequent to the tax sale  
4           and prior to the issuance of the tax deed; however, if the  
5           court declares a sale in error under this paragraph (2),  
6           the court may order the holder of the certificate of  
7           purchase to assign the certificate to the county collector  
8           if requested by the county collector. The county collector  
9           may, upon request of the county, as trustee, or upon  
10          request of a taxing district having an interest in the  
11          taxes sold, further assign any certificate of purchase  
12          received pursuant to this paragraph (2) to the county  
13          acting as trustee for taxing districts pursuant to Section  
14          21-90 of this Code or to the taxing district having an  
15          interest in the taxes sold.

16          (3) There is an interest held by the United States in  
17          the property sold which could not be extinguished by the  
18          tax deed.

19          (4) The real property contains a hazardous substance,  
20          hazardous waste, or underground storage tank that would  
21          require cleanup or other removal under any federal, State,  
22          or local law, ordinance, or regulation, only if the tax  
23          purchaser purchased the property without actual knowledge  
24          of the hazardous substance, hazardous waste, or  
25          underground storage tank. This paragraph (4) applies only  
26          if the owner of the certificate of purchase has made

1 application for a sale in error at any time before the  
2 issuance of a tax deed. If the court declares a sale in  
3 error under this paragraph (4), the court may order the  
4 holder of the certificate of purchase to assign the  
5 certificate to the county collector if requested by the  
6 county collector. The county collector may, upon request of  
7 the county, as trustee, or upon request of a taxing  
8 district having an interest in the taxes sold, further  
9 assign any certificate of purchase received pursuant to  
10 this paragraph (4) to the county acting as trustee for  
11 taxing districts pursuant to Section 21-90 of this Code or  
12 to the taxing district having an interest in the taxes  
13 sold.

14 Whenever a court declares a sale in error under this  
15 subsection (b), the court shall promptly notify the county  
16 collector in writing. Every such declaration pursuant to any  
17 provision of this subsection (b) shall be made within the  
18 proceeding in which the tax sale was authorized.

19 (c) When the county collector discovers, prior to the  
20 expiration of the period of redemption, that a tax sale should  
21 not have occurred for one or more of the reasons set forth in  
22 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,  
23 the county collector shall notify the last known owner of the  
24 certificate of purchase by certified and regular mail, or other  
25 means reasonably calculated to provide actual notice, that the  
26 county collector intends to declare an administrative sale in

1 error and of the reasons therefor, including documentation  
2 sufficient to establish the reason why the sale should not have  
3 occurred. The owner of the certificate of purchase may object  
4 in writing within 28 days after the date of the mailing by the  
5 county collector. If an objection is filed, the county  
6 collector shall not administratively declare a sale in error,  
7 but may apply to the circuit court for a sale in error as  
8 provided in subsection (a) of this Section. Thirty days  
9 following the receipt of notice by the last known owner of the  
10 certificate of purchase, or within a reasonable time  
11 thereafter, the county collector shall make a written  
12 declaration, based upon clear and convincing evidence, that the  
13 taxes were sold in error and shall deliver a copy thereof to  
14 the county clerk within 30 days after the date the declaration  
15 is made for entry in the tax judgment, sale, redemption, and  
16 forfeiture record pursuant to subsection (d) of this Section.  
17 The county collector shall promptly notify the last known owner  
18 of the certificate of purchase of the declaration by regular  
19 mail and shall promptly pay the amount of the tax sale,  
20 together with interest and costs as provided in Section 21-315,  
21 upon surrender of the original certificate of purchase.

22 (d) If a sale is declared to be a sale in error, the county  
23 clerk shall make entry in the tax judgment, sale, redemption  
24 and forfeiture record, that the property was erroneously sold,  
25 and the county collector shall, on demand of the owner of the  
26 certificate of purchase, refund the amount paid, except for the



1 non-refundable \$80 fee paid, pursuant to Section 21-295, for  
2 each item purchased at the tax sale, pay any interest and costs  
3 as may be ordered under Sections 21-315 through 21-335, and  
4 cancel the certificate so far as it relates to the property.  
5 The county collector shall deduct from the accounts of the  
6 appropriate taxing bodies their pro rata amounts paid.  
7 Alternatively, for sales in error declared under subsection  
8 (b) (2) or (b) (4), the county collector may request the circuit  
9 court to direct the county clerk to record any assignment of  
10 the tax certificate to or from the county collector without  
11 charging a fee for the assignment. The owner of the certificate  
12 of purchase shall receive all statutory refunds and payments.  
13 The county collector shall deduct costs and payments in the  
14 same manner as if a sale in error had occurred.

15 (Source: P.A. 100-890, eff. 1-1-19; 101-379, eff. 1-1-20.)

16 (35 ILCS 200/21-355)

17 Sec. 21-355. Amount of redemption. Any person desiring to  
18 redeem shall deposit an amount specified in this Section with  
19 the county clerk of the county in which the property is  
20 situated, in legal money of the United States, or by cashier's  
21 check, certified check, post office money order or money order  
22 issued by a financial institution insured by an agency or  
23 instrumentality of the United States, payable to the county  
24 clerk of the proper county. The deposit shall be deemed timely  
25 only if actually received in person at the county clerk's

1 office prior to the close of business as defined in Section  
2 3-2007 of the Counties Code on or before the expiration of the  
3 period of redemption or by United States mail with a post  
4 office cancellation mark dated not less than one day prior to  
5 the expiration of the period of redemption. The deposit shall  
6 be in an amount equal to the total of the following:

7 (a) the certificate amount, which shall include all tax  
8 principal, special assessments, interest and penalties  
9 paid by the tax purchaser together with costs and fees of  
10 sale and fees paid under Sections 21-295 and 21-315 through  
11 21-335, except for the non-refundable \$80 fee paid,  
12 pursuant to Section 21-295, for each item purchased at the  
13 tax sale;

14 (b) the accrued penalty, computed through the date of  
15 redemption as a percentage of the certificate amount, as  
16 follows:

17 (1) if the redemption occurs on or before the  
18 expiration of 6 months from the date of sale, the  
19 certificate amount times the penalty bid at sale;

20 (2) if the redemption occurs after 6 months from  
21 the date of sale, and on or before the expiration of 12  
22 months from the date of sale, the certificate amount  
23 times 2 times the penalty bid at sale;

24 (3) if the redemption occurs after 12 months from  
25 the date of sale and on or before the expiration of 18  
26 months from the date of sale, the certificate amount

1 times 3 times the penalty bid at sale;

2 (4) if the redemption occurs after 18 months from  
3 the date of sale and on or before the expiration of 24  
4 months from the date of sale, the certificate amount  
5 times 4 times the penalty bid at sale;

6 (5) if the redemption occurs after 24 months from  
7 the date of sale and on or before the expiration of 30  
8 months from the date of sale, the certificate amount  
9 times 5 times the penalty bid at sale;

10 (6) if the redemption occurs after 30 months from  
11 the date of sale and on or before the expiration of 36  
12 months from the date of sale, the certificate amount  
13 times 6 times the penalty bid at sale.

14 In the event that the property to be redeemed has  
15 been purchased under Section 21-405, the penalty bid  
16 shall be 12% per penalty period as set forth in  
17 subparagraphs (1) through (6) of this subsection (b).  
18 The changes to this subdivision (b)(6) made by this  
19 amendatory Act of the 91st General Assembly are not a  
20 new enactment, but declaratory of existing law.

21 (c) The total of all taxes, special assessments,  
22 accrued interest on those taxes and special assessments and  
23 costs charged in connection with the payment of those taxes  
24 or special assessments, except for the non-refundable \$80  
25 fee paid, pursuant to Section 21-295, for each item  
26 purchased at the tax sale, which have been paid by the tax

1 certificate holder on or after the date those taxes or  
2 special assessments became delinquent together with 12%  
3 penalty on each amount so paid for each year or portion  
4 thereof intervening between the date of that payment and  
5 the date of redemption. In counties with less than  
6 3,000,000 inhabitants, however, a tax certificate holder  
7 may not pay all or part of an installment of a subsequent  
8 tax or special assessment for any year, nor shall any  
9 tender of such a payment be accepted, until after the  
10 second or final installment of the subsequent tax or  
11 special assessment has become delinquent or until after the  
12 holder of the certificate of purchase has filed a petition  
13 for a tax deed under Section 22.30. The person redeeming  
14 shall also pay the amount of interest charged on the  
15 subsequent tax or special assessment and paid as a penalty  
16 by the tax certificate holder. This amendatory Act of 1995  
17 applies to tax years beginning with the 1995 taxes, payable  
18 in 1996, and thereafter.

19 (d) Any amount paid to redeem a forfeiture occurring  
20 subsequent to the tax sale together with 12% penalty  
21 thereon for each year or portion thereof intervening  
22 between the date of the forfeiture redemption and the date  
23 of redemption from the sale.

24 (e) Any amount paid by the certificate holder for  
25 redemption of a subsequently occurring tax sale.

26 (f) All fees paid to the county clerk under Section

1 22-5.

2 (g) All fees paid to the registrar of titles incident  
3 to registering the tax certificate in compliance with the  
4 Registered Titles (Torrens) Act.

5 (h) All fees paid to the circuit clerk and the sheriff,  
6 a licensed or registered private detective, or the coroner  
7 in connection with the filing of the petition for tax deed  
8 and service of notices under Sections 22-15 through 22-30  
9 and 22-40 in addition to (1) a fee of \$35 if a petition for  
10 tax deed has been filed, which fee shall be posted to the  
11 tax judgement, sale, redemption, and forfeiture record, to  
12 be paid to the purchaser or his or her assignee; (2) a fee  
13 of \$4 if a notice under Section 22-5 has been filed, which  
14 fee shall be posted to the tax judgment, sale, redemption,  
15 and forfeiture record, to be paid to the purchaser or his  
16 or her assignee; (3) all costs paid to record a lis pendens  
17 notice in connection with filing a petition under this  
18 Code; and (4) if a petition for tax deed has been filed,  
19 all fees up to \$150 per redemption paid to a registered or  
20 licensed title insurance company or title insurance agent  
21 for a title search to identify all owners, parties  
22 interested, and occupants of the property, to be paid to  
23 the purchaser or his or her assignee. The fees in (1) and  
24 (2) of this paragraph (h) shall be exempt from the posting  
25 requirements of Section 21-360. The costs incurred in  
26 causing notices to be served by a licensed or registered

1 private detective under Section 22-15, may not exceed the  
2 amount that the sheriff would be authorized by law to  
3 charge if those notices had been served by the sheriff.

4 (i) All fees paid for publication of notice of the tax  
5 sale in accordance with Section 22-20.

6 (j) All sums paid to any county, city, village or  
7 incorporated town for reimbursement under Section 22-35.

8 (k) All costs and expenses of receivership under  
9 Section 21-410, to the extent that these costs and expenses  
10 exceed any income from the property in question, if the  
11 costs and expenditures have been approved by the court  
12 appointing the receiver and a certified copy of the order  
13 or approval is filed and posted by the certificate holder  
14 with the county clerk. Only actual costs expended may be  
15 posted on the tax judgment, sale, redemption and forfeiture  
16 record.

17 (Source: P.A. 98-1162, eff. 6-1-15.)

18 Article 90.

19 Section 90-5. The Housing Authorities Act is amended by  
20 changing Sections 8.23, 17, and 25 and by adding Sections  
21 8.10a, 25.01, and 25.02 as follows:

22 (310 ILCS 10/8.10a new)

23 Sec. 8.10a. Criminal history record data.

1       (a) Every Authority organized under the provisions of this  
2 Act shall collect the following:

3           (1) the number of applications submitted for admission  
4 to federally assisted housing;

5           (2) the number of applications submitted for admission  
6 to federally assisted housing by individuals with a  
7 criminal history record, if the Authority is conducting  
8 criminal history records checks of applicants or other  
9 household members;

10          (3) the number of applications for admission to  
11 federally assisted housing that were denied on the basis of  
12 a criminal history record, if the Authority is conducting  
13 criminal history records checks of applicants or other  
14 household members;

15          (4) the number of criminal records assessment hearings  
16 requested by applicants for housing who were denied  
17 federally assisted housing on the basis of a criminal  
18 history records check; and

19          (5) the number of denials for federally assisted  
20 housing that were overturned after a criminal records  
21 assessment hearing.

22       (b) The information required in this Section shall be  
23 disaggregated by the race, ethnicity, and sex of applicants for  
24 housing. This information shall be reported to the Illinois  
25 Criminal Justice Information Authority and shall be compiled  
26 and reported to the General Assembly annually by the Illinois

1 Criminal Justice Information Authority. The Illinois Criminal  
2 Justice Information Authority shall also make this report  
3 publicly available, including on its website, without fee.

4 (310 ILCS 10/8.23)

5 Sec. 8.23. Notification to leaseholders of the prospective  
6 presence of individuals with a felony conviction ~~felons~~ in  
7 housing authority facilities; eviction.

8 (a) Immediately upon the receipt of the written  
9 notification, from the Department of Corrections under  
10 subsection (c) of Section 3-14-1 of the Unified Code of  
11 Corrections, that an individual with a felony conviction ~~a~~  
12 ~~felon~~ intends to reside, upon release from custody, at an  
13 address that is a housing facility owned, managed, operated, or  
14 leased by the Authority, the Authority must provide written  
15 notification to the leaseholder residing at that address.

16 (b) The Authority may not evict the leaseholder described  
17 in subsection (a) of this Section unless (i) federal law  
18 prohibits the individual with a felony conviction from residing  
19 at a housing facility owned, managed, operated, or leased by  
20 the Authority and (ii) the Authority proves by a preponderance  
21 of the evidence that the leaseholder had knowledge of and  
22 consents to the individual's ~~felon's~~ intent to reside at the  
23 leaseholder's address.

24 (Source: P.A. 91-506, eff. 8-13-99.)



1 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

2 Sec. 17. Definitions. The following terms, wherever used or  
3 referred to in this Act shall have the following respective  
4 meanings, unless in any case a different meaning clearly  
5 appears from the context:

6 (a) "Authority" or "housing authority" shall mean a  
7 municipal corporation organized in accordance with the  
8 provisions of this Act for the purposes, with the powers and  
9 subject to the restrictions herein set forth.

10 (b) "Area" or "area of operation" shall mean: (1) in the  
11 case of an authority which is created hereunder for a city,  
12 village, or incorporated town, the area within the territorial  
13 boundaries of said city, village, or incorporated town, and so  
14 long as no county housing authority has jurisdiction therein,  
15 the area within three miles from such territorial boundaries,  
16 except any part of such area located within the territorial  
17 boundaries of any other city, village, or incorporated town;  
18 and (2) in the case of a county shall include all of the county  
19 except the area of any city, village or incorporated town  
20 located therein in which there is an Authority. When an  
21 authority is created for a county subsequent to the creation of  
22 an authority for a city, village or incorporated town within  
23 the same county, the area of operation of the authority for  
24 such city, village or incorporated town shall thereafter be  
25 limited to the territory of such city, village or incorporated  
26 town, but the authority for such city, village or incorporated

1 town may continue to operate any project developed in whole or  
2 in part in an area previously a part of its area of operation,  
3 or may contract with the county housing authority with respect  
4 to the sale, lease, development or administration of such  
5 project. When an authority is created for a city, village or  
6 incorporated town subsequent to the creation of a county  
7 housing authority which previously included such city, village  
8 or incorporated town within its area of operation, such county  
9 housing authority shall have no power to create any additional  
10 project within the city, village or incorporated town, but any  
11 existing project in the city, village or incorporated town  
12 currently owned and operated by the county housing authority  
13 shall remain in the ownership, operation, custody and control  
14 of the county housing authority.

15 (b-5) "Criminal history record" means a record of arrest,  
16 complaint, indictment, or any disposition arising therefrom.

17 (b-6) "Criminal history report" means any written, oral, or  
18 other communication of information that includes criminal  
19 history record information about a natural person that is  
20 produced by a law enforcement agency, a court, a consumer  
21 reporting agency, or a housing screening agency or business.

22 (c) "Presiding officer" shall mean the presiding officer of  
23 the board of a county, or the mayor or president of a city,  
24 village or incorporated town, as the case may be, for which an  
25 Authority is created hereunder.

26 (d) "Commissioner" shall mean one of the members of an

1 Authority appointed in accordance with the provisions of this  
2 Act.

3 (e) "Government" shall include the State and Federal  
4 governments and the governments of any subdivisions, agency or  
5 instrumentality, corporate or otherwise, of either of them.

6 (f) "Department" shall mean the Department of Commerce and  
7 Economic Opportunity.

8 (g) "Project" shall include all lands, buildings, and  
9 improvements, acquired, owned, leased, managed or operated by a  
10 housing authority, and all buildings and improvements  
11 constructed, reconstructed or repaired by a housing authority,  
12 designed to provide housing accommodations and facilities  
13 appurtenant thereto (including community facilities and  
14 stores) which are planned as a unit, whether or not acquired or  
15 constructed at one time even though all or a portion of the  
16 buildings are not contiguous or adjacent to one another; and  
17 the planning of buildings and improvements, the acquisition of  
18 property, the demolition of existing structures, the clearing  
19 of land, the construction, reconstruction, and repair of  
20 buildings or improvements and all other work in connection  
21 therewith. As provided in Sections 8.14 to 8.18, inclusive,  
22 "project" also means, for Housing Authorities for  
23 municipalities of less than 500,000 population and for  
24 counties, the conservation of urban areas in accordance with an  
25 approved conservation plan. "Project" shall also include (1)  
26 acquisition of (i) a slum or blighted area or a deteriorated or

1 deteriorating area which is predominantly residential in  
2 character, or (ii) any other deteriorated or deteriorating area  
3 which is to be developed or redeveloped for predominantly  
4 residential uses, or (iii) platted urban or suburban land which  
5 is predominantly open and which because of obsolete platting,  
6 diversity of ownership, deterioration of structures or of site  
7 improvements, or otherwise substantially impairs or arrests  
8 the sound growth of the community and which is to be developed  
9 for predominantly residential uses, or (iv) open unplatted  
10 urban or suburban land necessary for sound community growth  
11 which is to be developed for predominantly residential uses, or  
12 (v) any other area where parcels of land remain undeveloped  
13 because of improper platting, delinquent taxes or special  
14 assessments, scattered or uncertain ownerships, clouds on  
15 title, artificial values due to excessive utility costs, or any  
16 other impediments to the use of such area for predominantly  
17 residential uses; (2) installation, construction, or  
18 reconstruction of streets, utilities, and other site  
19 improvements essential to the preparation of sites for uses in  
20 accordance with the development or redevelopment plan; and (3)  
21 making the land available for development or redevelopment by  
22 private enterprise or public agencies (including sale, initial  
23 leasing, or retention by the local public agency itself). If in  
24 any city, village or incorporated town there exists a land  
25 clearance commission created under the "Blighted Areas  
26 Redevelopment Act of 1947" having the same area of operation as

1 a housing authority created in and for any such municipality  
2 such housing authority shall have no power to acquire land of  
3 the character described in subparagraph (iii), (iv) or (v) of  
4 paragraph 1 of the definition of "project" for the purpose of  
5 development or redevelopment by private enterprise.

6 (h) "Community facilities" shall include lands, buildings,  
7 and equipment for recreation or social assembly, for education,  
8 health or welfare activities and other necessary utilities  
9 primarily for use and benefit of the occupants of housing  
10 accommodations to be constructed, reconstructed, repaired or  
11 operated hereunder.

12 (i) "Real property" shall include lands, lands under water,  
13 structures, and any and all easements, franchises and  
14 incorporeal hereditaments and estates, and rights, legal and  
15 equitable, including terms for years and liens by way of  
16 judgment, mortgage or otherwise.

17 (j) The term "governing body" shall include the city  
18 council of any city, the president and board of trustees of any  
19 village or incorporated town, the council of any city or  
20 village, and the county board of any county.

21 (k) The phrase "individual, association, corporation or  
22 organization" shall include any individual, private  
23 corporation, limited or general partnership, limited liability  
24 company, insurance company, housing corporation, neighborhood  
25 redevelopment corporation, non-profit corporation,  
26 incorporated or unincorporated group or association,

1 educational institution, hospital, or charitable organization,  
2 and any mutual ownership or cooperative organization.

3 (l) "Conservation area", for the purpose of the exercise of  
4 the powers granted in Sections 8.14 to 8.18, inclusive, for  
5 housing authorities for municipalities of less than 500,000  
6 population and for counties, means an area of not less than 2  
7 acres in which the structures in 50% or more of the area are  
8 residential having an average age of 35 years or more. Such an  
9 area is not yet a slum or blighted area as defined in the  
10 Blighted Areas Redevelopment Act of 1947, but such an area by  
11 reason of dilapidation, obsolescence, deterioration or illegal  
12 use of individual structures, overcrowding of structures and  
13 community facilities, conversion of residential units into  
14 non-residential use, deleterious land use or layout, decline of  
15 physical maintenance, lack of community planning, or any  
16 combination of these factors may become a slum and blighted  
17 area.

18 (m) "Conservation plan" means the comprehensive program  
19 for the physical development and replanning of a "Conservation  
20 Area" as defined in paragraph (l) embodying the steps required  
21 to prevent such Conservation Area from becoming a slum and  
22 blighted area.

23 (n) "Fair use value" means the fair cash market value of  
24 real property when employed for the use contemplated by a  
25 "Conservation Plan" in municipalities of less than 500,000  
26 population and in counties.

1           (o) "Community facilities" means, in relation to a  
2 "Conservation Plan", those physical plants which implement,  
3 support and facilitate the activities, services and interests  
4 of education, recreation, shopping, health, welfare, religion  
5 and general culture.

6           (p) "Loan agreement" means any agreement pursuant to which  
7 an Authority agrees to loan the proceeds of its revenue bonds  
8 issued with respect to a multifamily rental housing project or  
9 other funds of the Authority to any person upon terms providing  
10 for loan repayment installments at least sufficient to pay when  
11 due all principal of, premium, if any, and interest on the  
12 revenue bonds of the Authority issued with respect to the  
13 multifamily rental housing project, and providing for  
14 maintenance, insurance, and other matters as may be deemed  
15 desirable by the Authority.

16           (q) "Multifamily rental housing" means any rental project  
17 designed for mixed-income or low-income occupancy.

18 (Source: P.A. 94-793, eff. 5-19-06; 95-887, eff. 8-22-08.)

19           (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

20           Sec. 25. Rentals and tenant selection. In the operation or  
21 management of housing projects an Authority shall at all times  
22 observe the following duties with respect to rentals and tenant  
23 selection:

24           (a) It shall not accept any person as a tenant in any  
25 dwelling in a housing project if the persons who would occupy

1 the dwelling have an aggregate annual income which equals or  
2 exceeds the amount which the Authority determines (which  
3 determination shall be conclusive) to be necessary in order to  
4 enable such persons to secure safe, sanitary and uncongested  
5 dwelling accommodations within the area of operation of the  
6 Authority and to provide an adequate standard of living for  
7 themselves.

8 (b) It may rent or lease the dwelling accommodations  
9 therein only at rentals within the financial reach of persons  
10 who lack the amount of income which it determines (pursuant to  
11 (a) of this Section) to be necessary in order to obtain safe,  
12 sanitary and uncongested dwelling accommodations within the  
13 area of operation of the Authority and to provide an adequate  
14 standard of living.

15 (c) It may rent or lease to a tenant a dwelling consisting  
16 of the number of rooms (but no greater number) which it deems  
17 necessary to provide safe and sanitary accommodations to the  
18 proposed occupants thereof, without overcrowding.

19 (d) It shall not change the residency preference of any  
20 prospective tenant once the application has been accepted by  
21 the authority.

22 ~~(e) It may refuse to certify or recertify applicants,~~  
23 ~~current tenants, or other household members if, after due~~  
24 ~~notice and an impartial hearing, that person or any of the~~  
25 ~~proposed occupants of the dwelling has, prior to or during a~~  
26 ~~term of tenancy or occupancy in any housing project operated by~~



1 ~~an Authority, been convicted of a criminal offense relating to~~  
2 ~~the sale or distribution of controlled substances under the~~  
3 ~~laws of this State, the United States or any other state.~~ If an  
4 Authority desires a criminal history records check of all 50  
5 states or a 50-state confirmation of a conviction record, the  
6 Authority shall submit the fingerprints of the relevant  
7 applicant, tenant, or other household member to the Department  
8 of State Police in a manner prescribed by the Department of  
9 State Police. These fingerprints shall be checked against the  
10 fingerprint records now and hereafter filed in the Department  
11 of State Police and Federal Bureau of Investigation criminal  
12 history records databases. The Department of State Police shall  
13 charge a fee for conducting the criminal history records check,  
14 which shall be deposited in the State Police Services Fund and  
15 shall not exceed the actual cost of the records check. The  
16 Department of State Police shall furnish pursuant to positive  
17 identification, records of conviction to the Authority. An  
18 Authority that requests a criminal history report of an  
19 applicant or other household member shall inform the applicant  
20 at the time of the request that the applicant or other  
21 household member may provide additional mitigating information  
22 for consideration with the application for housing.

23 (e-5) Criminal history record assessment. The Authority  
24 shall use the following process when evaluating the criminal  
25 history report of an applicant or other household member to  
26 determine whether to rent or lease to the applicant:

1           (1) Unless required by federal law, the Authority shall  
2           not consider the following information when determining  
3           whether to rent or lease to an applicant for housing:

4                   (A) an arrest or detention;

5                   (B) criminal charges or indictments, and the  
6                   nature of any disposition arising therefrom, that do  
7                   not result in a conviction;

8                   (C) a conviction that has been vacated, ordered,  
9                   expunged, sealed, or impounded by a court;

10                   (D) matters under the jurisdiction of the Illinois  
11                   Juvenile Court;

12                   (E) the amount of time since the applicant or other  
13                   household member completed his or her sentence in  
14                   prison or jail or was released from prison or jail; or

15                   (F) convictions occurring more than 180 days prior  
16                   to the date the applicant submitted his or her  
17                   application for housing.

18           (2) The Authority shall create a system for the  
19           independent review of criminal history reports:

20                   (A) the reviewer shall examine the applicant's or  
21                   other household member's criminal history report and  
22                   report only those records not prohibited under  
23                   paragraph (1) to the person or persons making the  
24                   decision about whether to offer housing to the  
25                   applicant; and

26                   (B) the reviewer shall not participate in any final

1 decisions on an applicant's application for housing.

2 (3) The Authority may deny an applicant's application  
3 for housing because of the applicant's or another household  
4 member's criminal history record, only if the Authority:

5 (A) determines that the denial is required under  
6 federal law; or

7 (B) determines that there is a direct relationship  
8 between the applicant or the other household member's  
9 criminal history record and a risk to the health,  
10 safety, and peaceful enjoyment of fellow tenants. The  
11 mere existence of a criminal history record does not  
12 demonstrate such a risk.

13 (f) It may, if a tenant has created or maintained a threat  
14 constituting a serious and clear danger to the health or safety  
15 of other tenants or Authority employees, after 3 days' written  
16 notice of termination and without a hearing, file suit against  
17 any such tenant for recovery of possession of the premises. The  
18 tenant shall be given the opportunity to contest the  
19 termination in the court proceedings. A serious and clear  
20 danger to the health or safety of other tenants or Authority  
21 employees shall include, but not be limited to, any of the  
22 following activities of the tenant or of any other person on  
23 the premises with the consent of the tenant:

24 (1) Physical assault or the threat of physical assault.

25 (2) Illegal use of a firearm or other weapon or the  
26 threat to use in an illegal manner a firearm or other

1           weapon.

2           (3) Possession of a controlled substance by the tenant  
3           or any other person on the premises with the consent of the  
4           tenant if the tenant knew or should have known of the  
5           possession by the other person of a controlled substance,  
6           unless the controlled substance was obtained directly from  
7           or pursuant to a valid prescription.

8           (4) Streetgang membership as defined in the Illinois  
9           Streetgang Terrorism Omnibus Prevention Act.

10          The management of low-rent public housing projects  
11          financed and developed under the U.S. Housing Act of 1937 shall  
12          be in accordance with that Act.

13          Nothing contained in this Section or any other Section of  
14          this Act shall be construed as limiting the power of an  
15          Authority to vest in a bondholder or trustee the right, in the  
16          event of a default by the Authority, to take possession and  
17          operate a housing project or cause the appointment of a  
18          receiver thereof, free from all restrictions imposed by this  
19          Section or any other Section of this Act.

20          (Source: P.A. 93-418, eff. 1-1-04; 93-749, eff. 7-15-04.)

21                 (310 ILCS 10/25.01 new)

22                 Sec. 25.01. Notification. Before denying an applicant's  
23                 housing application based, in whole or in part, on a criminal  
24                 history record permitted under this Act, the Authority shall  
25                 provide the opportunity for an individual assessment. The

1 applicant for housing shall be provided with a clear, written  
2 notice that:

3 (1) explains why the Authority has determined that the  
4 criminal history report it obtained requires further  
5 review, including detailed information on whether the need  
6 for further review is based on federal law or on the  
7 Authority's determination that the criminal history record  
8 of the applicant or other household member indicates a risk  
9 to the health, safety, or peaceful enjoyment of housing for  
10 other residents;

11 (2) identifies the specific conviction or convictions  
12 upon which the Authority relied upon when making its  
13 decision to deny the applicant's housing application;

14 (3) explains that the applicant has a right to an  
15 individualized criminal records assessment hearing  
16 regarding the Authority's decision to deny the applicant's  
17 housing application, as set forth in Section 25.02;

18 (4) provides clear instructions on what to expect  
19 during an individualized criminal records assessment  
20 hearing, as set forth in Section 25.02;

21 (5) explains that if the applicant chooses not to  
22 participate in an individualized criminal records  
23 assessment hearing, the applicant's application will be  
24 denied; and

25 (6) provides a copy of the criminal history report the  
26 Authority used to make its determination.

1 (310 ILCS 10/25.02 new)

2 Sec. 25.02. Criminal records assessment hearing.

3 (a) An applicant has the right to an individualized  
4 criminal records assessment hearing if the applicant's  
5 application for housing requires further review because of the  
6 applicant's or another household member's criminal history  
7 record. The individualized criminal records assessment hearing  
8 shall allow the applicant or other household member to:

9 (1) contest the accuracy of the criminal history  
10 record;

11 (2) contest the relevance of the criminal history  
12 record to the Authority's decision to deny the applicant's  
13 application for housing; and

14 (3) provide mitigating evidence concerning the  
15 applicant's or other household member's criminal  
16 conviction or evidence of rehabilitation.

17 (b) The Authority shall not rent or lease to any other  
18 person the available housing unit that is the subject of the  
19 applicant's individualized criminal records assessment hearing  
20 until after the Authority has issued a final ruling.

21 (c) The Authority shall adopt rules for criminal records  
22 assessment hearings in accordance with Article 10 of the  
23 Illinois Administrative Procedure Act.

1 Section 95-5. The Department of Central Management  
2 Services Law of the Civil Administrative Code of Illinois is  
3 amended by adding Section 405-535 as follows:

4 (20 ILCS 405/405-535 new)

5 Sec. 405-535. Race and gender wage reports.

6 (a) Each State agency and public institution of higher  
7 education shall annually submit to the Department a report,  
8 categorized by both race and gender, specifying the respective  
9 wage earnings of employees of that State agency or public  
10 institution of higher education.

11 (b) The Department shall compile the information submitted  
12 under this Section, and make that information available to the  
13 public on the Internet website of the Department.

14 (c) The Department shall annually submit a report of the  
15 information compiled under this Section to the Governor, the  
16 General Assembly, and the Business Enterprise Council for  
17 Minorities, Women, and Persons with Disabilities.

18 (d) As used in this Section:

19 "Public institution of higher education" has the meaning  
20 provided in Section 1 of the Board of Higher Education Act.

21 "State agency" has the meaning provided in subsection (b)  
22 of Section 405-5.

23 Section 95-10. The Business Enterprise for Minorities,

1 Women, and Persons with Disabilities Act is amended by adding  
2 Section 8k as follows:

3 (30 ILCS 575/8k new)

4 Sec. 8k. Race and gender wage report. The Department of  
5 Central Management Services shall annually submit a report to  
6 the Council, categorized by both race and gender, specifying  
7 the respective wage earnings of State employees as compiled  
8 under Section 405-535 of the Department of Central Management  
9 Law of the Civil Administrative Code of Illinois.

10 Article 100.

11 Section 100-1. Short title. This Act may be cited as the  
12 Community Development Loan Guarantee Act.

13 Section 100-5. Policy. The General Assembly finds that it  
14 is vital for the State to invest in community economic  
15 development, particularly in communities which have been  
16 historically excluded from investment opportunities due to  
17 redlining, discriminatory banking practices, and racism. The  
18 purpose of this Act is to establish a Program for guaranteeing  
19 small business loans and consumer loans to borrowers who would  
20 otherwise not qualify in communities of color and low-income  
21 communities.



1 Section 100-10. Definitions. As used in this Act:

2 "Financial institution" means a bank, a savings and loan  
3 association, a savings bank, a credit union, a minority  
4 depository institution as designated by the Federal Deposit  
5 Insurance Corporation, or a community development financial  
6 institution certified by the United States Treasury Community  
7 Development Financial Institutions Fund, which is operating in  
8 the State of Illinois.

9 "Loan Guarantee Account" means an account at a financial  
10 institution outside the State Treasury of which the State  
11 Treasurer is custodian with the purpose of guaranteeing loans  
12 made by a financial institution in accordance with this Act.

13 Section 100-15. Establishment of the Loan Guarantee  
14 Program. The State Treasurer may establish at any eligible  
15 financial institution a Loan Guarantee Account as a special  
16 account outside the State treasury and with the State Treasurer  
17 as custodian. This Account may be used to cover the losses on  
18 guaranteed loans at the participating financial institution.

19 Section 100-20. Eligible institutions. The State Treasurer  
20 shall determine the eligibility of financial institutions to  
21 participate in the Program. In addition to any other  
22 requirements of this Act and in accordance with any applicable  
23 federal law or program, the State Treasurer in determining  
24 eligibility of financial institutions shall consider (i) the

1 financial institution's commitment to low-income communities  
2 as defined in Section 45D(e) of the Internal Revenue Code of  
3 1986 codified at 26 U.S.C. § 45D(e), and (ii) the financial  
4 institution's commitment to communities considered  
5 disproportionately impacted areas, depressed areas, or  
6 enterprise zones as determined, designated, or certified by the  
7 Department of Commerce and Economic Opportunity in accordance  
8 with any applicable federal law or program.

9 Section 100-25. Fees. The State Treasurer may establish, as  
10 a component of the Program, fees of no more than 5% of the  
11 total guaranteed loan amount. The fees shall be deposited into  
12 the Loan Guarantee Account.

13 Section 100-30. Use of the Loan Guarantee Account.

14 (a) Moneys in the Account may be used by the participating  
15 financial institution to cover losses on guaranteed loans up to  
16 the full amount in the Account or the amount of loss, whichever  
17 is lesser. The State of Illinois and the State Treasurer shall  
18 not be responsible for any losses in excess of the full amount  
19 in the Loan Guarantee Account at the financial institution.

20 (b) The State Treasurer may set a cap on the total funds  
21 held in any Loan Guarantee Account at any participating  
22 financial institution. Funds in excess of the cap may be  
23 withdrawn by the Treasurer.

24 (c) The State Treasurer shall withdraw the full amount in

1 the Account in the event the Loan Guarantee Program is  
2 discontinued, or the financial institution leaves the Program.

3 Section 100-35. Limitations on Funding. The State  
4 Treasurer may use up to \$10,000,000 of investment earnings each  
5 year for the Loan Guarantee Program, provided that no more than  
6 \$50,000,000 may be used for guaranteeing loans at any given  
7 time.

8 Section 100-40. Rules. The State Treasurer shall adopt  
9 rules that are necessary and proper to implement and administer  
10 this Act including, but not limited to, fees and eligibility.

11 Article 110.

12 Section 110-5. The Deposit of State Moneys Act is amended  
13 by changing Section 16.3 as follows:

14 (15 ILCS 520/16.3)

15 Sec. 16.3. Consideration of financial institution's  
16 commitment to its community.

17 (a) In addition to any other requirements of this Act, the  
18 State Treasurer shall ~~is authorized to~~ consider the financial  
19 institution's record and current level of financial commitment  
20 to its local community when deciding whether to deposit State  
21 funds in that financial institution. The State Treasurer may

1 consider factors including, but not necessarily limited to:

2 (1) for financial institutions subject to the federal  
3 Community Reinvestment Act of 1977, the current and  
4 historical ratings that the financial institution has  
5 received, to the extent that those ratings are publicly  
6 available, under the federal Community Reinvestment Act of  
7 1977;

8 (2) any changes in ownership, management, policies, or  
9 practices of the financial institution that may affect the  
10 level of the financial institution's commitment to its  
11 community;

12 (3) the financial impact that the withdrawal or denial  
13 of deposits of State funds might have on the financial  
14 institution; ~~and~~

15 (4) the financial impact to the State as a result of  
16 withdrawing State funds or refusing to deposit additional  
17 State funds in the financial institution; ~~-~~

18 (5) the financial institution's commitment to  
19 low-income communities, as defined in Section 45D(e) of the  
20 Internal Revenue Code of 1986 codified at 26 U.S.C. §  
21 45D(e); and

22 (6) the financial institution's commitment to  
23 communities considered disproportionately impacted areas,  
24 depressed areas, or enterprise zones as determined,  
25 designated, or certified by the Department of Commerce and  
26 Economic Opportunity in accordance with any applicable

1       federal law or program.

2       (a-5) Effective January 1, 2022, no State funds may be  
3 deposited in a financial institution subject to the federal  
4 Community Reinvestment Act of 1977, unless the institution has  
5 a current rating of satisfactory or outstanding under the  
6 federal Community Reinvestment Act of 1977.

7       (b) Nothing in this Section shall be construed as  
8 authorizing the State Treasurer to conduct an examination or  
9 investigation of a financial institution or to receive  
10 information that is not publicly available and the disclosure  
11 of which is otherwise prohibited by law.

12       (Source: P.A. 93-251, eff. 7-1-04.)

13       Section 110-10. The Public Funds Investment Act is amended  
14 by changing Section 8 as follows:

15       (30 ILCS 235/8)

16       Sec. 8. Consideration of financial institution's  
17 commitment to its community.

18       (a) In addition to any other requirements of this Act, a  
19 public agency shall ~~is authorized to~~ consider the financial  
20 institution's record and current level of financial commitment  
21 to its local community when deciding whether to deposit public  
22 funds in that financial institution. The public agency may  
23 consider factors including, but not necessarily limited to:

24       (1) for financial institutions subject to the federal

1 Community Reinvestment Act of 1977, the current and  
2 historical ratings that the financial institution has  
3 received, to the extent that those ratings are publicly  
4 available, under the federal Community Reinvestment Act of  
5 1977;

6 (2) any changes in ownership, management, policies, or  
7 practices of the financial institution that may affect the  
8 level of the financial institution's commitment to its  
9 community;

10 (3) the financial impact that the withdrawal or denial  
11 of deposits of public funds might have on the financial  
12 institution;

13 (4) the financial impact to the public agency as a  
14 result of withdrawing public funds or refusing to deposit  
15 additional public funds in the financial institution; and

16 (5) any additional burden on the resources of the  
17 public agency that might result from ceasing to maintain  
18 deposits of public funds at the financial institution under  
19 consideration.

20 (a-5) Effective January 1, 2022, no public funds may be  
21 deposited in a financial institution subject to the federal  
22 Community Reinvestment Act of 1977, unless the institution has  
23 a current rating of satisfactory or outstanding under the  
24 federal Community Reinvestment Act of 1977.

25 (b) Nothing in this Section shall be construed as  
26 authorizing the public agency to conduct an examination or

1 investigation of a financial institution or to receive  
2 information that is not publicly available and the disclosure  
3 of which is otherwise prohibited by law.

4 (Source: P.A. 93-251, eff. 7-1-04.)

5 Article 115.

6 Section 115-1. Short title. This Act may be cited as the  
7 Commission on Equity and Inclusion Act.

8 Section 115-5. Commission on Equity and Inclusion.

9 (a) There is hereby created the Commission on Equity and  
10 Inclusion, which shall consist of 7 members appointed by the  
11 Governor with the advice and consent of the Senate. No more  
12 than 4 members shall be of the same political party. The  
13 Governor shall designate one member as chairperson, who shall  
14 be the chief administrative and executive officer of the  
15 Commission, and shall have general supervisory authority over  
16 all personnel of the Commission.

17 (b) Of the members first appointed, 4 shall be appointed  
18 for a term to expire on the third Monday of January, 2023, and  
19 3 (including the Chairperson) shall be appointed for a term to  
20 expire on the third Monday of January, 2025.

21 Thereafter, each member shall serve for a term of 4 years  
22 and until his or her successor is appointed and qualified;  
23 except that any member chosen to fill a vacancy occurring

1 otherwise than by expiration of a term shall be appointed only  
2 for the unexpired term of the member whom he or she shall  
3 succeed and until his or her successor is appointed and  
4 qualified.

5 (c) In case of a vacancy on the Commission during the  
6 recess of the Senate, the Governor shall make a temporary  
7 appointment until the next meeting of the Senate, when he or  
8 she shall appoint a person to fill the vacancy. Any person so  
9 nominated who is confirmed by the Senate shall hold office  
10 during the remainder of the term and until his or her successor  
11 is appointed and qualified. Vacancies in the Commission shall  
12 not impair the right of the remaining members to exercise all  
13 the powers of the Commission.

14 (d) The Chairperson of the Commission shall be compensated  
15 at the rate of \$128,000 per year, or as otherwise set by this  
16 Section, during his or her service as Chairperson, and each  
17 other member shall be compensated at the rate of \$121,856 per  
18 year, or as otherwise set by this Section. In addition, all  
19 members of the Commission shall be reimbursed for expenses  
20 actually and necessarily incurred by them in the performance of  
21 their duties. Members of the Commission are eligible to receive  
22 pension under the State Employees' Retirement System of  
23 Illinois as provided under Article 14 of the Illinois Pension  
24 Code.

25 (e) The budget established for the Commission for any given  
26 fiscal year shall be no less than that established for the



1 Human Rights Commission for that same fiscal year.

2 Section 115-10. Powers and duties. In addition to the other  
3 powers and duties which may be prescribed in this Act or  
4 elsewhere, the Commission shall have the following powers and  
5 duties:

6 (1) The Commission shall have a role in all State and  
7 university procurement by facilitating and streamlining  
8 communications between the Business Enterprise Council for  
9 Minorities, Women, and Persons with Disabilities, the  
10 purchasing entities, the Chief Procurement Officers, and  
11 others.

12 (2) The Commission may create a scoring evaluation for  
13 State agency directors, public university presidents and  
14 chancellors, and public community college presidents. The  
15 scoring shall be based on the following 3 principles: (i)  
16 increasing capacity; (ii) growing revenue; and (iii)  
17 enhancing credentials. These principles should be the  
18 foundation of the agency compliance plan required under  
19 Section 6 of the Business Enterprise for Minorities, Women,  
20 and Persons with Disabilities Act.

21 (3) The Commission shall jointly appoint, with the  
22 Executive Ethics Commission, all Chief Procurement  
23 Officers as provided under Section 1-15.15 of the Illinois  
24 Procurement Code.

25 (4) The Commission shall exercise the oversight powers

1 and duties provided to it under Section 5-7 of the Illinois  
2 Procurement Code.

3 (5) The Commission, working with State agencies, shall  
4 provide support for diversity in State hiring.

5 (6) The Commission shall oversee the implementation of  
6 diversity training of the State workforce.

7 (7) Each January, and as otherwise frequently as may be  
8 deemed necessary and appropriate by the Commission, the  
9 Commission shall propose and submit to the Governor and the  
10 General Assembly legislative changes to increase inclusion  
11 and diversity in State government.

12 (8) The Commission shall have oversight over the  
13 following entities:

14 (A) the Illinois African-American Family  
15 Commission;

16 (B) the Illinois Latino Family Commission;

17 (C) the Asian American Family Commission;

18 (D) the Illinois Muslim American Advisory Council;

19 (E) the Illinois African-American Fair Contracting  
20 Commission created under Executive Order 2018-07; and

21 (F) the Business Enterprise Council for  
22 Minorities, Women, and Persons with Disabilities.

23 (9) The Commission shall adopt any rules necessary for  
24 the implementation and administration of the requirements  
25 of this Act.

1           Section 115-100. The Department of Transportation Law of  
2 the Civil Administrative Code of Illinois is amended by adding  
3 Section 2705-597 as follows:

4           (20 ILCS 2705/2705-597 new)

5           Sec. 2705-597. Equal Employment Opportunity Contract  
6 Compliance Officers. Notwithstanding any Department policy or  
7 rule to the contrary, the Secretary shall have jurisdiction  
8 over all Equal Employment Opportunity Contract Compliance  
9 Officers within the Department, or within districts controlled  
10 by the Department, and shall be responsible for the evaluation  
11 of such officers.

12           Section 115-105. The Illinois African-American Family  
13 Commission Act is amended by changing Section 30 and by adding  
14 Section 35 as follows:

15           (20 ILCS 3903/30)

16           Sec. 30. Reporting. The Illinois African-American Family  
17 Commission shall annually report to the Governor, ~~and~~ the  
18 General Assembly, and the Commission on Equity and Inclusion on  
19 the Commission's progress toward its goals and objectives.

20           (Source: P.A. 93-867, eff. 8-5-04.)

21           (20 ILCS 3903/35 new)

22           Sec. 35. Oversight. Notwithstanding any provision of law

1 to the contrary, the Commission on Equity and Inclusion  
2 established under the Commission on Equity and Inclusion Act  
3 shall have general oversight of the operations of the Illinois  
4 African-American Family Commission.

5 Section 115-110. The Asian American Family Commission Act  
6 is amended by changing Section 20 and by adding Section 25 as  
7 follows:

8 (20 ILCS 3916/20)

9 Sec. 20. Report. The Asian American Family Commission shall  
10 annually report to the Governor, ~~and~~ the General Assembly, and  
11 the Commission on Equity and Inclusion on the Commission's  
12 progress toward its goals and objectives.

13 (Source: P.A. 101-392, eff. 1-1-20.)

14 (20 ILCS 3916/25 new)

15 Sec. 25. Oversight. Notwithstanding any provision of law to  
16 the contrary, the Commission on Equity and Inclusion  
17 established under the Commission on Equity and Inclusion Act  
18 shall have general oversight of the operations of the Asian  
19 American Family Commission.

20 Section 115-115. The Illinois Latino Family Commission Act  
21 is amended by changing Section 30 and by adding Section 35 as  
22 follows:

1 (20 ILCS 3983/30)

2 Sec. 30. Reporting. The Illinois Latino Family Commission  
3 shall annually report to the Governor, ~~and~~ the General  
4 Assembly, and the Commission on Equity and Inclusion on the  
5 Commission's progress towards its goals and objectives.

6 (Source: P.A. 95-619, eff. 9-14-07.)

7 (20 ILCS 3983/35 new)

8 Sec. 35. Oversight. Notwithstanding any provision of law to  
9 the contrary, the Commission on Equity and Inclusion  
10 established under the Commission on Equity and Inclusion Act  
11 shall have general oversight of the operations of the Illinois  
12 Latino Family Commission.

13 Section 115-120. The Illinois Muslim American Advisory  
14 Council Act is amended by changing Section 30 and by adding  
15 Section 35 as follows:

16 (20 ILCS 5110/30)

17 Sec. 30. Reports. The Council shall issue semi-annual  
18 reports on its policy recommendations by June 30th and December  
19 31st of each year to the Governor, ~~and~~ the General Assembly, ~~and~~  
20 and the Commission on Equity and Inclusion.

21 (Source: P.A. 100-459, eff. 8-25-17.)

1 (20 ILCS 5110/35 new)

2 Sec. 35. Oversight. Notwithstanding any provision of law to  
3 the contrary, the Commission on Equity and Inclusion  
4 established under the Commission on Equity and Inclusion Act  
5 shall have general oversight of the operations of the Council.

6 Section 115-125. The Illinois Procurement Code is amended  
7 by changing Sections 1-15.15, 1-15.16, 5-7, 5-30, 10-20, 20-10,  
8 20-25, 20-30, 20-60, 35-15, 35-30, 40-20, 50-20, and 50-35 as  
9 follows:

10 (30 ILCS 500/1-15.15)

11 Sec. 1-15.15. Chief Procurement Officer. "Chief  
12 Procurement Officer" means any of the 4 persons appointed or  
13 approved by a majority of the members of the Executive Ethics  
14 Commission and approved by a majority vote of the Commission on  
15 Equity and Inclusion:

16 (1) for procurements for construction and  
17 construction-related services committed by law to the  
18 jurisdiction or responsibility of the Capital Development  
19 Board, the independent chief procurement officer appointed  
20 by a majority of the members of the Executive Ethics  
21 Commission and approved by a majority vote of the  
22 Commission on Equity and Inclusion.

23 (2) for procurements for all construction,  
24 construction-related services, operation of any facility,

1 and the provision of any construction or  
2 construction-related service or activity committed by law  
3 to the jurisdiction or responsibility of the Illinois  
4 Department of Transportation, including the direct or  
5 reimbursable expenditure of all federal funds for which the  
6 Department of Transportation is responsible or accountable  
7 for the use thereof in accordance with federal law,  
8 regulation, or procedure, the independent chief  
9 procurement officer appointed by the Secretary of  
10 Transportation with the consent of the majority of the  
11 members of the Executive Ethics Commission and approved by  
12 a majority vote of the Commission on Equity and Inclusion.

13 (3) for all procurements made by a public institution  
14 of higher education, the independent chief procurement  
15 officer appointed by a majority of the members of the  
16 Executive Ethics Commission and approved by a majority vote  
17 of the Commission on Equity and Inclusion.

18 (4) (Blank).

19 (5) for all other procurements, the independent chief  
20 procurement officer appointed by a majority of the members  
21 of the Executive Ethics Commission and approved by a  
22 majority vote of the Commission on Equity and Inclusion.

23 (Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see  
24 Section 5 of P.A. 96-793 for the effective date of changes made  
25 by P.A. 96-795); 96-920, eff. 7-1-10.)

1 (30 ILCS 500/5-7 new)

2 Sec. 5-7. Commission on Equity and Inclusion; powers and  
3 duties.

4 (a) The Commission on Equity and Inclusion, as created  
5 under the Commission on Equity and Inclusion Act, shall have  
6 the powers and duties provided under this Section with respect  
7 to this Code. Nothing in this Section shall be construed as  
8 overriding the authority and duties of the Procurement Policy  
9 Board as provided under Section 5-5. The powers and duties of  
10 the Commission as provided under this Section shall be  
11 exercised alongside, but independent of, that of the  
12 Procurement Policy Board.

13 (b) The Commission shall have the authority and  
14 responsibility to review, comment upon, and recommend,  
15 consistent with this Code, rules and practices governing the  
16 procurement, management, control, and disposal of supplies,  
17 services, professional or artistic services, construction, and  
18 real property and capital improvement leases procured by the  
19 State. The Commission shall also have the authority to  
20 recommend a program for professional development and provide  
21 opportunities for training in procurement practices and  
22 policies to chief procurement officers and their staffs in  
23 order to ensure that all procurement is conducted in an  
24 efficient, professional, and appropriately transparent manner.

25 (c) Upon a majority vote of its members, the Commission may  
26 review a contract. Upon a three-fifths vote of its members, the



1 Commission may propose procurement rules for consideration by  
2 chief procurement officers. These proposals shall be published  
3 in each volume of the Procurement Bulletin. Except as otherwise  
4 provided by law, the Commission shall act upon the vote of a  
5 majority of its members who have been appointed and are  
6 servinq.

7 (d) The Commission may review, study, and hold public  
8 hearings concerning the implementation and administration of  
9 this Code. Each chief procurement officer, State purchasing  
10 officer, procurement compliance monitor, and State agency  
11 shall cooperate with the Commission, provide information to the  
12 Commission, and be responsive to the Commission in the  
13 Commission's conduct of its reviews, studies, and hearings.

14 (e) Upon a three-fifths vote of its members, the Commission  
15 shall review a proposal, bid, or contract and issue a  
16 recommendation to void a contract or reject a proposal or bid  
17 based on any conflict of interest or violation of this Code. A  
18 recommendation of the Commission shall be delivered to the  
19 appropriate chief procurement officer and Executive Ethics  
20 Commission within 7 calendar days and must be published in the  
21 next volume of the Procurement Bulletin. The bidder, offeror,  
22 potential contractor, contractor, or subcontractor shall have  
23 15 calendar days to provide a written response to the notice,  
24 and a hearing before the Commission on the alleged conflict of  
25 interest or violation shall be held upon request by the bidder,  
26 offeror, potential contractor, contractor, or subcontractor.

1 The requested hearing date and time shall be determined by the  
2 Commission, but in no event shall the hearing occur later than  
3 15 calendar days after the date of the request.

4 (30 ILCS 500/5-30)

5 Sec. 5-30. Proposed contracts; Procurement Policy Board;  
6 Commission on Equity and Inclusion.

7 (a) Except as provided in subsection (c), within 14  
8 calendar days after notice of the awarding or letting of a  
9 contract has appeared in the Procurement Bulletin in accordance  
10 with subsection (b) of Section 15-25, the Board or the  
11 Commission on Equity and Inclusion may request in writing from  
12 the contracting agency and the contracting agency shall  
13 promptly, but in no event later than 7 calendar days after  
14 receipt of the request, provide to the requesting entity Board,  
15 by electronic or other means satisfactory to the requesting  
16 entity Board, documentation in the possession of the  
17 contracting agency concerning the proposed contract. Nothing  
18 in this subsection is intended to waive or abrogate any  
19 privilege or right of confidentiality authorized by law.

20 (b) No contract subject to this Section may be entered into  
21 until the 14-day period described in subsection (a) has  
22 expired, unless the contracting agency requests in writing that  
23 the Board and the Commission on Equity and Inclusion waive the  
24 period and the Board and the Commission on Equity and Inclusion  
25 grant grants the waiver in writing.

1 (c) This Section does not apply to (i) contracts entered  
2 into under this Code for small and emergency procurements as  
3 those procurements are defined in Article 20 and (ii) contracts  
4 for professional and artistic services that are nonrenewable,  
5 one year or less in duration, and have a value of less than  
6 \$20,000. If requested in writing by the Board or the Commission  
7 on Equity and Inclusion, however, the contracting agency must  
8 promptly, but in no event later than 10 calendar days after  
9 receipt of the request, transmit to the Board or the Commission  
10 on Equity and Inclusion a copy of the contract for an emergency  
11 procurement and documentation in the possession of the  
12 contracting agency concerning the contract.

13 (Source: P.A. 100-43, eff. 8-9-17.)

14 (30 ILCS 500/10-20)

15 Sec. 10-20. Independent chief procurement officers.

16 (a) Appointment. Beginning with appointments made on or  
17 after the effective date of this amendatory Act of the 101st  
18 General Assembly ~~Within 60 calendar days after the effective~~  
19 ~~date of this amendatory Act of the 96th General Assembly,~~ the  
20 Executive Ethics Commission with the majority vote approval of  
21 the Commission on Equity and Inclusion, and with the advice and  
22 consent of the Senate, shall appoint or approve 4 chief  
23 procurement officers, one for each of the following categories:

24 (1) for procurements for construction and  
25 construction-related services committed by law to the

1 jurisdiction or responsibility of the Capital Development  
2 Board;

3 (2) for procurements for all construction,  
4 construction-related services, operation of any facility,  
5 and the provision of any service or activity committed by  
6 law to the jurisdiction or responsibility of the Illinois  
7 Department of Transportation, including the direct or  
8 reimbursable expenditure of all federal funds for which the  
9 Department of Transportation is responsible or accountable  
10 for the use thereof in accordance with federal law,  
11 regulation, or procedure, the chief procurement officer  
12 recommended for approval under this item appointed by the  
13 Secretary of Transportation after consent by the Executive  
14 Ethics Commission and the Commission on Equity and  
15 Inclusion;

16 (3) for all procurements made by a public institution  
17 of higher education; and

18 (4) for all other procurement needs of State agencies.

19 A chief procurement officer shall be responsible to the  
20 Executive Ethics Commission and the Commission on Equity and  
21 Inclusion but must be located within the agency that the  
22 officer provides with procurement services. The chief  
23 procurement officer for higher education shall have an office  
24 located within the Board of Higher Education, unless otherwise  
25 designated by the Executive Ethics Commission and the  
26 Commission on Equity and Inclusion. The chief procurement

1 officer for all other procurement needs of the State shall have  
2 an office located within the Department of Central Management  
3 Services, unless otherwise designated by the Executive Ethics  
4 Commission and the Commission on Equity and Inclusion.

5 (b) Terms and independence. Each chief procurement officer  
6 appointed under this Section shall serve for a term of 5 years  
7 beginning on the date of the officer's appointment. The chief  
8 procurement officer may be removed for cause after a hearing by  
9 the Executive Ethics Commission and the Commission on Equity  
10 and Inclusion. The Governor or the director of a State agency  
11 directly responsible to the Governor may institute a complaint  
12 against the officer by filing such complaint with the  
13 Commission. The Commission shall have a hearing based on the  
14 complaint. The officer and the complainant shall receive  
15 reasonable notice of the hearing and shall be permitted to  
16 present their respective arguments on the complaint. After the  
17 hearing, the Commission shall make a finding on the complaint  
18 and may take disciplinary action, including but not limited to  
19 removal of the officer.

20 The salary of a chief procurement officer shall be  
21 established by the Executive Ethics Commission and the  
22 Commission on Equity and Inclusion and may not be diminished  
23 during the officer's term. The salary may not exceed the salary  
24 of the director of a State agency for which the officer serves  
25 as chief procurement officer.

26 (c) Qualifications. In addition to any other requirement or

1 qualification required by State law, each chief procurement  
2 officer must within 12 months of employment be a Certified  
3 Professional Public Buyer or a Certified Public Purchasing  
4 Officer, pursuant to certification by the Universal Public  
5 Purchasing Certification Council, and must reside in Illinois.

6 (d) Fiduciary duty. Each chief procurement officer owes a  
7 fiduciary duty to the State.

8 (e) Vacancy. In case of a vacancy in one or more of the  
9 offices of a chief procurement officer under this Section  
10 during the recess of the Senate, the Executive Ethics  
11 Commission, with the approval of the Commission on Equity and  
12 Inclusion, shall make a temporary appointment until the next  
13 meeting of the Senate, when the Executive Ethics Commission,  
14 with the approval of the Commission on Equity and Inclusion,  
15 shall nominate some person to fill the office, and any person  
16 so nominated who is confirmed by the Senate shall hold office  
17 during the remainder of the term and until his or her successor  
18 is appointed and qualified. ~~If the Senate is not in session at~~  
19 ~~the time this amendatory Act of the 96th General Assembly takes~~  
20 ~~effect, the Executive Ethics Commission shall make a temporary~~  
21 ~~appointment as in the case of a vacancy.~~

22 (f) (Blank).

23 (g) (Blank).

24 (Source: P.A. 98-1076, eff. 1-1-15.)

1 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,  
2 98-1076, 99-906, 100-43, and 101-31)

3 Sec. 20-10. Competitive sealed bidding; reverse auction.

4 (a) Conditions for use. All contracts shall be awarded by  
5 competitive sealed bidding except as otherwise provided in  
6 Section 20-5.

7 (b) Invitation for bids. An invitation for bids shall be  
8 issued and shall include a purchase description and the  
9 material contractual terms and conditions applicable to the  
10 procurement.

11 (c) Public notice. Public notice of the invitation for bids  
12 shall be published in the Illinois Procurement Bulletin at  
13 least 14 calendar days before the date set in the invitation  
14 for the opening of bids.

15 (d) Bid opening. Bids shall be opened publicly or through  
16 an electronic procurement system in the presence of one or more  
17 witnesses at the time and place designated in the invitation  
18 for bids. The name of each bidder, including earned and applied  
19 bid credit from the Illinois Works Jobs Program Act, the amount  
20 of each bid, and other relevant information as may be specified  
21 by rule shall be recorded. After the award of the contract, the  
22 winning bid and the record of each unsuccessful bid shall be  
23 open to public inspection.

24 (e) Bid acceptance and bid evaluation. Bids shall be  
25 unconditionally accepted without alteration or correction,  
26 except as authorized in this Code. Bids shall be evaluated

1 based on the requirements set forth in the invitation for bids,  
2 which may include criteria to determine acceptability such as  
3 inspection, testing, quality, workmanship, delivery, and  
4 suitability for a particular purpose. Those criteria that will  
5 affect the bid price and be considered in evaluation for award,  
6 such as discounts, transportation costs, and total or life  
7 cycle costs, shall be objectively measurable. The invitation  
8 for bids shall set forth the evaluation criteria to be used.

9 (f) Correction or withdrawal of bids. Correction or  
10 withdrawal of inadvertently erroneous bids before or after  
11 award, or cancellation of awards of contracts based on bid  
12 mistakes, shall be permitted in accordance with rules. After  
13 bid opening, no changes in bid prices or other provisions of  
14 bids prejudicial to the interest of the State or fair  
15 competition shall be permitted. All decisions to permit the  
16 correction or withdrawal of bids based on bid mistakes shall be  
17 supported by written determination made by a State purchasing  
18 officer.

19 (g) Award. The contract shall be awarded with reasonable  
20 promptness by written notice to the lowest responsible and  
21 responsive bidder whose bid meets the requirements and criteria  
22 set forth in the invitation for bids, except when a State  
23 purchasing officer determines it is not in the best interest of  
24 the State and by written explanation determines another bidder  
25 shall receive the award. The explanation shall appear in the  
26 appropriate volume of the Illinois Procurement Bulletin. The



1 written explanation must include:

2 (1) a description of the agency's needs;

3 (2) a determination that the anticipated cost will be  
4 fair and reasonable;

5 (3) a listing of all responsible and responsive  
6 bidders; and

7 (4) the name of the bidder selected, the total contract  
8 price, and the reasons for selecting that bidder.

9 Each chief procurement officer may adopt guidelines to  
10 implement the requirements of this subsection (g).

11 The written explanation shall be filed with the Legislative  
12 Audit Commission, and the Commission on Equity and Inclusion,  
13 and the Procurement Policy Board, and be made available for  
14 inspection by the public, within 30 calendar days after the  
15 agency's decision to award the contract.

16 (h) Multi-step sealed bidding. When it is considered  
17 impracticable to initially prepare a purchase description to  
18 support an award based on price, an invitation for bids may be  
19 issued requesting the submission of unpriced offers to be  
20 followed by an invitation for bids limited to those bidders  
21 whose offers have been qualified under the criteria set forth  
22 in the first solicitation.

23 (i) Alternative procedures. Notwithstanding any other  
24 provision of this Act to the contrary, the Director of the  
25 Illinois Power Agency may create alternative bidding  
26 procedures to be used in procuring professional services under

1 Section 1-56, subsections (a) and (c) of Section 1-75 and  
2 subsection (d) of Section 1-78 of the Illinois Power Agency Act  
3 and Section 16-111.5(c) of the Public Utilities Act and to  
4 procure renewable energy resources under Section 1-56 of the  
5 Illinois Power Agency Act. These alternative procedures shall  
6 be set forth together with the other criteria contained in the  
7 invitation for bids, and shall appear in the appropriate volume  
8 of the Illinois Procurement Bulletin.

9 (j) Reverse auction. Notwithstanding any other provision  
10 of this Section and in accordance with rules adopted by the  
11 chief procurement officer, that chief procurement officer may  
12 procure supplies or services through a competitive electronic  
13 auction bidding process after the chief procurement officer  
14 determines that the use of such a process will be in the best  
15 interest of the State. The chief procurement officer shall  
16 publish that determination in his or her next volume of the  
17 Illinois Procurement Bulletin.

18 An invitation for bids shall be issued and shall include  
19 (i) a procurement description, (ii) all contractual terms,  
20 whenever practical, and (iii) conditions applicable to the  
21 procurement, including a notice that bids will be received in  
22 an electronic auction manner.

23 Public notice of the invitation for bids shall be given in  
24 the same manner as provided in subsection (c).

25 Bids shall be accepted electronically at the time and in  
26 the manner designated in the invitation for bids. During the

1 auction, a bidder's price shall be disclosed to other bidders.  
2 Bidders shall have the opportunity to reduce their bid prices  
3 during the auction. At the conclusion of the auction, the  
4 record of the bid prices received and the name of each bidder  
5 shall be open to public inspection.

6 After the auction period has terminated, withdrawal of bids  
7 shall be permitted as provided in subsection (f).

8 The contract shall be awarded within 60 calendar days after  
9 the auction by written notice to the lowest responsible bidder,  
10 or all bids shall be rejected except as otherwise provided in  
11 this Code. Extensions of the date for the award may be made by  
12 mutual written consent of the State purchasing officer and the  
13 lowest responsible bidder.

14 This subsection does not apply to (i) procurements of  
15 professional and artistic services, (ii) telecommunications  
16 services, communication services, and information services,  
17 and (iii) contracts for construction projects, including  
18 design professional services.

19 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

20 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,  
21 98-1076, 99-906, 100-43, and 101-31)

22 Sec. 20-10. Competitive sealed bidding; reverse auction.

23 (a) Conditions for use. All contracts shall be awarded by  
24 competitive sealed bidding except as otherwise provided in  
25 Section 20-5.

1           (b) Invitation for bids. An invitation for bids shall be  
2 issued and shall include a purchase description and the  
3 material contractual terms and conditions applicable to the  
4 procurement.

5           (c) Public notice. Public notice of the invitation for bids  
6 shall be published in the Illinois Procurement Bulletin at  
7 least 14 calendar days before the date set in the invitation  
8 for the opening of bids.

9           (d) Bid opening. Bids shall be opened publicly or through  
10 an electronic procurement system in the presence of one or more  
11 witnesses at the time and place designated in the invitation  
12 for bids. The name of each bidder, including earned and applied  
13 bid credit from the Illinois Works Jobs Program Act, the amount  
14 of each bid, and other relevant information as may be specified  
15 by rule shall be recorded. After the award of the contract, the  
16 winning bid and the record of each unsuccessful bid shall be  
17 open to public inspection.

18           (e) Bid acceptance and bid evaluation. Bids shall be  
19 unconditionally accepted without alteration or correction,  
20 except as authorized in this Code. Bids shall be evaluated  
21 based on the requirements set forth in the invitation for bids,  
22 which may include criteria to determine acceptability such as  
23 inspection, testing, quality, workmanship, delivery, and  
24 suitability for a particular purpose. Those criteria that will  
25 affect the bid price and be considered in evaluation for award,  
26 such as discounts, transportation costs, and total or life

1 cycle costs, shall be objectively measurable. The invitation  
2 for bids shall set forth the evaluation criteria to be used.

3 (f) Correction or withdrawal of bids. Correction or  
4 withdrawal of inadvertently erroneous bids before or after  
5 award, or cancellation of awards of contracts based on bid  
6 mistakes, shall be permitted in accordance with rules. After  
7 bid opening, no changes in bid prices or other provisions of  
8 bids prejudicial to the interest of the State or fair  
9 competition shall be permitted. All decisions to permit the  
10 correction or withdrawal of bids based on bid mistakes shall be  
11 supported by written determination made by a State purchasing  
12 officer.

13 (g) Award. The contract shall be awarded with reasonable  
14 promptness by written notice to the lowest responsible and  
15 responsive bidder whose bid meets the requirements and criteria  
16 set forth in the invitation for bids, except when a State  
17 purchasing officer determines it is not in the best interest of  
18 the State and by written explanation determines another bidder  
19 shall receive the award. The explanation shall appear in the  
20 appropriate volume of the Illinois Procurement Bulletin. The  
21 written explanation must include:

22 (1) a description of the agency's needs;

23 (2) a determination that the anticipated cost will be  
24 fair and reasonable;

25 (3) a listing of all responsible and responsive  
26 bidders; and

1           (4) the name of the bidder selected, the total contract  
2           price, and the reasons for selecting that bidder.

3           Each chief procurement officer may adopt guidelines to  
4           implement the requirements of this subsection (g).

5           The written explanation shall be filed with the Legislative  
6           Audit Commission, and the Commission on Equity and Inclusion,  
7           and the Procurement Policy Board, and be made available for  
8           inspection by the public, within 30 days after the agency's  
9           decision to award the contract.

10          (h) Multi-step sealed bidding. When it is considered  
11          impracticable to initially prepare a purchase description to  
12          support an award based on price, an invitation for bids may be  
13          issued requesting the submission of unpriced offers to be  
14          followed by an invitation for bids limited to those bidders  
15          whose offers have been qualified under the criteria set forth  
16          in the first solicitation.

17          (i) Alternative procedures. Notwithstanding any other  
18          provision of this Act to the contrary, the Director of the  
19          Illinois Power Agency may create alternative bidding  
20          procedures to be used in procuring professional services under  
21          subsections (a) and (c) of Section 1-75 and subsection (d) of  
22          Section 1-78 of the Illinois Power Agency Act and Section  
23          16-111.5(c) of the Public Utilities Act and to procure  
24          renewable energy resources under Section 1-56 of the Illinois  
25          Power Agency Act. These alternative procedures shall be set  
26          forth together with the other criteria contained in the

1 invitation for bids, and shall appear in the appropriate volume  
2 of the Illinois Procurement Bulletin.

3 (j) Reverse auction. Notwithstanding any other provision  
4 of this Section and in accordance with rules adopted by the  
5 chief procurement officer, that chief procurement officer may  
6 procure supplies or services through a competitive electronic  
7 auction bidding process after the chief procurement officer  
8 determines that the use of such a process will be in the best  
9 interest of the State. The chief procurement officer shall  
10 publish that determination in his or her next volume of the  
11 Illinois Procurement Bulletin.

12 An invitation for bids shall be issued and shall include  
13 (i) a procurement description, (ii) all contractual terms,  
14 whenever practical, and (iii) conditions applicable to the  
15 procurement, including a notice that bids will be received in  
16 an electronic auction manner.

17 Public notice of the invitation for bids shall be given in  
18 the same manner as provided in subsection (c).

19 Bids shall be accepted electronically at the time and in  
20 the manner designated in the invitation for bids. During the  
21 auction, a bidder's price shall be disclosed to other bidders.  
22 Bidders shall have the opportunity to reduce their bid prices  
23 during the auction. At the conclusion of the auction, the  
24 record of the bid prices received and the name of each bidder  
25 shall be open to public inspection.

26 After the auction period has terminated, withdrawal of bids

1 shall be permitted as provided in subsection (f).

2 The contract shall be awarded within 60 calendar days after  
3 the auction by written notice to the lowest responsible bidder,  
4 or all bids shall be rejected except as otherwise provided in  
5 this Code. Extensions of the date for the award may be made by  
6 mutual written consent of the State purchasing officer and the  
7 lowest responsible bidder.

8 This subsection does not apply to (i) procurements of  
9 professional and artistic services, (ii) telecommunications  
10 services, communication services, and information services,  
11 and (iii) contracts for construction projects, including  
12 design professional services.

13 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

14 (30 ILCS 500/20-25)

15 Sec. 20-25. Sole source procurements.

16 (a) In accordance with standards set by rule, contracts may  
17 be awarded without use of the specified method of source  
18 selection when there is only one economically feasible source  
19 for the item. A State contract may be awarded as a sole source  
20 contract unless an interested party submits a written request  
21 for a public hearing at which the chief procurement officer and  
22 purchasing agency present written justification for the  
23 procurement method. Any interested party may present  
24 testimony. A sole source contract where a hearing was requested  
25 by an interested party may be awarded after the hearing is



1 conducted with the approval of the chief procurement officer.

2 (b) This Section may not be used as a basis for amending a  
3 contract for professional or artistic services if the amendment  
4 would result in an increase in the amount paid under the  
5 contract of more than 5% of the initial award, or would extend  
6 the contract term beyond the time reasonably needed for a  
7 competitive procurement, not to exceed 2 months.

8 (c) Notice of intent to enter into a sole source contract  
9 shall be provided to the Procurement Policy Board and the  
10 Commission on Equity and Inclusion, and published in the online  
11 electronic Bulletin at least 14 calendar days before the public  
12 hearing required in subsection (a). The notice shall include  
13 the sole source procurement justification form prescribed by  
14 the Board, a description of the item to be procured, the  
15 intended sole source contractor, and the date, time, and  
16 location of the public hearing. A copy of the notice and all  
17 documents provided at the hearing shall be included in the  
18 subsequent Procurement Bulletin.

19 (d) By August 1 each year, each chief procurement officer  
20 shall file a report with the General Assembly identifying each  
21 contract the officer sought under the sole source procurement  
22 method and providing the justification given for seeking sole  
23 source as the procurement method for each of those contracts.

24 (Source: P.A. 100-43, eff. 8-9-17.)

1           Sec. 20-30. Emergency purchases.

2           (a) Conditions for use. In accordance with standards set by  
3 rule, a purchasing agency may make emergency procurements  
4 without competitive sealed bidding or prior notice when there  
5 exists a threat to public health or public safety, or when  
6 immediate expenditure is necessary for repairs to State  
7 property in order to protect against further loss of or damage  
8 to State property, to prevent or minimize serious disruption in  
9 critical State services that affect health, safety, or  
10 collection of substantial State revenues, or to ensure the  
11 integrity of State records; provided, however, that the term of  
12 the emergency purchase shall be limited to the time reasonably  
13 needed for a competitive procurement, not to exceed 90 calendar  
14 days. A contract may be extended beyond 90 calendar days if the  
15 chief procurement officer determines additional time is  
16 necessary and that the contract scope and duration are limited  
17 to the emergency. Prior to execution of the extension, the  
18 chief procurement officer must hold a public hearing and  
19 provide written justification for all emergency contracts.  
20 Members of the public may present testimony. Emergency  
21 procurements shall be made with as much competition as is  
22 practicable under the circumstances, and shall include best  
23 efforts to include contractors certified under the Business  
24 Enterprise Program. A written description of the basis for the  
25 emergency and reasons for the selection of the particular  
26 contractor shall be included in the contract file.

1 (b) Notice. Notice of all emergency procurements shall be  
2 provided to the Procurement Policy Board and the Commission on  
3 Equity and Inclusion, and published in the online electronic  
4 Bulletin no later than 5 calendar days after the contract is  
5 awarded. Notice of intent to extend an emergency contract shall  
6 be provided to the Procurement Policy Board and the Commission  
7 on Equity and Inclusion, and published in the online electronic  
8 Bulletin at least 14 calendar days before the public hearing.  
9 Notice shall include at least a description of the need for the  
10 emergency purchase, the contractor, and if applicable, the  
11 date, time, and location of the public hearing. A copy of this  
12 notice and all documents provided at the hearing shall be  
13 included in the subsequent Procurement Bulletin. Before the  
14 next appropriate volume of the Illinois Procurement Bulletin,  
15 the purchasing agency shall publish in the Illinois Procurement  
16 Bulletin a copy of each written description and reasons and the  
17 total cost of each emergency procurement made during the  
18 previous month. When only an estimate of the total cost is  
19 known at the time of publication, the estimate shall be  
20 identified as an estimate and published. When the actual total  
21 cost is determined, it shall also be published in like manner  
22 before the 10th day of the next succeeding month.

23 (c) Statements. A chief procurement officer making a  
24 procurement under this Section shall file statements with the  
25 Procurement Policy Board, the Commission on Equity and  
26 Inclusion, and the Auditor General within 10 calendar days

1 after the procurement setting forth the amount expended, the  
2 name of the contractor involved, and the conditions and  
3 circumstances requiring the emergency procurement. When only  
4 an estimate of the cost is available within 10 calendar days  
5 after the procurement, the actual cost shall be reported  
6 immediately after it is determined. At the end of each fiscal  
7 quarter, the Auditor General shall file with the Legislative  
8 Audit Commission and the Governor a complete listing of all  
9 emergency procurements reported during that fiscal quarter.  
10 The Legislative Audit Commission shall review the emergency  
11 procurements so reported and, in its annual reports, advise the  
12 General Assembly of procurements that appear to constitute an  
13 abuse of this Section.

14 (d) Quick purchases. The chief procurement officer may  
15 promulgate rules extending the circumstances by which a  
16 purchasing agency may make purchases under this Section,  
17 including but not limited to the procurement of items available  
18 at a discount for a limited period of time. The chief  
19 procurement officer shall adopt rules regarding good faith and  
20 best efforts from contractors and companies certified under the  
21 Business Enterprise Program.

22 (e) The changes to this Section made by this amendatory Act  
23 of the 96th General Assembly apply to procurements executed on  
24 or after its effective date.

25 (Source: P.A. 100-43, eff. 8-9-17.)

1 (30 ILCS 500/20-60)

2 Sec. 20-60. Duration of contracts.

3 (a) Maximum duration. A contract may be entered into for  
4 any period of time deemed to be in the best interests of the  
5 State but not exceeding 10 years inclusive, beginning January  
6 1, 2010, of proposed contract renewals. Third parties may lease  
7 State-owned dark fiber networks for any period of time deemed  
8 to be in the best interest of the State, but not exceeding 20  
9 years. The length of a lease for real property or capital  
10 improvements shall be in accordance with the provisions of  
11 Section 40-25. The length of energy conservation program  
12 contracts or energy savings contracts or leases shall be in  
13 accordance with the provisions of Section 25-45. A contract for  
14 bond or mortgage insurance awarded by the Illinois Housing  
15 Development Authority, however, may be entered into for any  
16 period of time less than or equal to the maximum period of time  
17 that the subject bond or mortgage may remain outstanding.

18 (b) Subject to appropriation. All contracts made or entered  
19 into shall recite that they are subject to termination and  
20 cancellation in any year for which the General Assembly fails  
21 to make an appropriation to make payments under the terms of  
22 the contract.

23 (c) The chief procurement officer shall file a proposed  
24 extension or renewal of a contract with the Procurement Policy  
25 Board and the Commission on Equity and Inclusion prior to  
26 entering into any extension or renewal if the cost associated

1 with the extension or renewal exceeds \$249,999. The Procurement  
2 Policy Board or the Commission on Equity and Inclusion may  
3 object to the proposed extension or renewal within 30 calendar  
4 days and require a hearing before the Board or the Commission  
5 on Equity and Inclusion prior to entering into the extension or  
6 renewal. If the Procurement Policy Board or the Commission on  
7 Equity and Inclusion does not object within 30 calendar days or  
8 takes affirmative action to recommend the extension or renewal,  
9 the chief procurement officer may enter into the extension or  
10 renewal of a contract. This subsection does not apply to any  
11 emergency procurement, any procurement under Article 40, or any  
12 procurement exempted by Section 1-10(b) of this Code. If any  
13 State agency contract is paid for in whole or in part with  
14 federal-aid funds, grants, or loans and the provisions of this  
15 subsection would result in the loss of those federal-aid funds,  
16 grants, or loans, then the contract is exempt from the  
17 provisions of this subsection in order to remain eligible for  
18 those federal-aid funds, grants, or loans, and the State agency  
19 shall file notice of this exemption with the Procurement Policy  
20 Board or the Commission on Equity and Inclusion prior to  
21 entering into the proposed extension or renewal. Nothing in  
22 this subsection permits a chief procurement officer to enter  
23 into an extension or renewal in violation of subsection (a). By  
24 August 1 each year, the Procurement Policy Board and the  
25 Commission on Equity and Inclusion shall each ~~shall~~ file a  
26 report with the General Assembly identifying for the previous

1 fiscal year (i) the proposed extensions or renewals that were  
2 filed and whether such extensions and renewals were objected to  
3 ~~with the Board and whether the Board objected~~ and (ii) the  
4 contracts exempt from this subsection.

5 (d) Notwithstanding the provisions of subsection (a) of  
6 this Section, the Department of Innovation and Technology may  
7 enter into leases for dark fiber networks for any period of  
8 time deemed to be in the best interests of the State but not  
9 exceeding 20 years inclusive. The Department of Innovation and  
10 Technology may lease dark fiber networks from third parties  
11 only for the primary purpose of providing services (i) to the  
12 offices of Governor, Lieutenant Governor, Attorney General,  
13 Secretary of State, Comptroller, or Treasurer and State  
14 agencies, as defined under Section 5-15 of the Civil  
15 Administrative Code of Illinois or (ii) for anchor  
16 institutions, as defined in Section 7 of the Illinois Century  
17 Network Act. Dark fiber network lease contracts shall be  
18 subject to all other provisions of this Code and any applicable  
19 rules or requirements, including, but not limited to,  
20 publication of lease solicitations, use of standard State  
21 contracting terms and conditions, and approval of vendor  
22 certifications and financial disclosures.

23 (e) As used in this Section, "dark fiber network" means a  
24 network of fiber optic cables laid but currently unused by a  
25 third party that the third party is leasing for use as network  
26 infrastructure.

1 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;  
2 101-81, eff. 7-12-19.)

3 (30 ILCS 500/35-15)

4 Sec. 35-15. Prequalification.

5 (a) The chief procurement officer for matters other than  
6 construction and the higher education chief procurement  
7 officer shall each develop appropriate and reasonable  
8 prequalification standards and categories of professional and  
9 artistic services.

10 (b) The prequalifications and categorizations shall be  
11 submitted to the Procurement Policy Board and the Commission on  
12 Equity and Inclusion, and published for public comment prior to  
13 their submission to the Joint Committee on Administrative Rules  
14 for approval.

15 (c) The chief procurement officer for matters other than  
16 construction and the higher education chief procurement  
17 officer shall each also assemble and maintain a comprehensive  
18 list of prequalified and categorized businesses and persons.

19 (d) Prequalification shall not be used to bar or prevent  
20 any qualified business or person from bidding or responding to  
21 invitations for bid or requests for proposal.

22 (Source: P.A. 100-43, eff. 8-9-17.)

23 (30 ILCS 500/35-30)

24 Sec. 35-30. Awards.



1           (a) All State contracts for professional and artistic  
2 services, except as provided in this Section, shall be awarded  
3 using the competitive request for proposal process outlined in  
4 this Section.

5           (b) For each contract offered, the chief procurement  
6 officer, State purchasing officer, or his or her designee shall  
7 use the appropriate standard solicitation forms available from  
8 the chief procurement officer for matters other than  
9 construction or the higher education chief procurement  
10 officer.

11           (c) Prepared forms shall be submitted to the chief  
12 procurement officer for matters other than construction or the  
13 higher education chief procurement officer, whichever is  
14 appropriate, for publication in its Illinois Procurement  
15 Bulletin and circulation to the chief procurement officer for  
16 matters other than construction or the higher education chief  
17 procurement officer's list of prequalified vendors. Notice of  
18 the offer or request for proposal shall appear at least 14  
19 calendar days before the response to the offer is due.

20           (d) All interested respondents shall return their  
21 responses to the chief procurement officer for matters other  
22 than construction or the higher education chief procurement  
23 officer, whichever is appropriate, which shall open and record  
24 them. The chief procurement officer for matters other than  
25 construction or higher education chief procurement officer  
26 then shall forward the responses, together with any information

1 it has available about the qualifications and other State work  
2 of the respondents.

3 (e) After evaluation, ranking, and selection, the  
4 responsible chief procurement officer, State purchasing  
5 officer, or his or her designee shall notify the chief  
6 procurement officer for matters other than construction or the  
7 higher education chief procurement officer, whichever is  
8 appropriate, of the successful respondent and shall forward a  
9 copy of the signed contract for the chief procurement officer  
10 for matters other than construction or higher education chief  
11 procurement officer's file. The chief procurement officer for  
12 matters other than construction or higher education chief  
13 procurement officer shall publish the names of the responsible  
14 procurement decision-maker, the agency letting the contract,  
15 the successful respondent, a contract reference, and value of  
16 the let contract in the next appropriate volume of the Illinois  
17 Procurement Bulletin.

18 (f) For all professional and artistic contracts with  
19 annualized value that exceeds \$100,000, evaluation and ranking  
20 by price are required. Any chief procurement officer or State  
21 purchasing officer, but not their designees, may select a  
22 respondent other than the lowest respondent by price. In any  
23 case, when the contract exceeds the \$100,000 threshold and the  
24 lowest respondent is not selected, the chief procurement  
25 officer or the State purchasing officer shall forward together  
26 with the contract notice of who the low respondent by price was

1 and a written decision as to why another was selected to the  
2 chief procurement officer for matters other than construction  
3 or the higher education chief procurement officer, whichever is  
4 appropriate. The chief procurement officer for matters other  
5 than construction or higher education chief procurement  
6 officer shall publish as provided in subsection (e) of Section  
7 35-30, but shall include notice of the chief procurement  
8 officer's or State purchasing officer's written decision.

9 (g) The chief procurement officer for matters other than  
10 construction and higher education chief procurement officer  
11 may each refine, but not contradict, this Section by  
12 promulgating rules for submission to the Procurement Policy  
13 Board and the Commission on Equity and Inclusion, and then to  
14 the Joint Committee on Administrative Rules. Any refinement  
15 shall be based on the principles and procedures of the federal  
16 Architect-Engineer Selection Law, Public Law 92-582 Brooks  
17 Act, and the Architectural, Engineering, and Land Surveying  
18 Qualifications Based Selection Act; except that pricing shall  
19 be an integral part of the selection process.

20 (Source: P.A. 100-43, eff. 8-9-17.)

21 (30 ILCS 500/40-20)

22 Sec. 40-20. Request for information.

23 (a) Conditions for use. Leases shall be procured by request  
24 for information except as otherwise provided in Section 40-15.

25 (b) Form. A request for information shall be issued and

1 shall include:

- 2 (1) the type of property to be leased;
- 3 (2) the proposed uses of the property;
- 4 (3) the duration of the lease;
- 5 (4) the preferred location of the property; and
- 6 (5) a general description of the configuration
- 7 desired.

8 (c) Public notice. Public notice of the request for

9 information for the availability of real property to lease

10 shall be published in the appropriate volume of the Illinois

11 Procurement Bulletin at least 14 calendar days before the date

12 set forth in the request for receipt of responses and shall

13 also be published in similar manner in a newspaper of general

14 circulation in the community or communities where the using

15 agency is seeking space.

16 (d) Response. The request for information response shall

17 consist of written information sufficient to show that the

18 respondent can meet minimum criteria set forth in the request.

19 State purchasing officers may enter into discussions with

20 respondents for the purpose of clarifying State needs and the

21 information supplied by the respondents. On the basis of the

22 information supplied and discussions, if any, a State

23 purchasing officer shall make a written determination

24 identifying the responses that meet the minimum criteria set

25 forth in the request for information. Negotiations shall be

26 entered into with all qualified respondents for the purpose of

1 securing a lease that is in the best interest of the State. A  
2 written report of the negotiations shall be retained in the  
3 lease files and shall include the reasons for the final  
4 selection. All leases shall be reduced to writing; one copy  
5 shall be filed with the Comptroller in accordance with the  
6 provisions of Section 20-80, and one copy each shall be filed  
7 with the Board and the Commission on Equity and Inclusion.

8 When the lowest response by price is not selected, the  
9 State purchasing officer shall forward to the chief procurement  
10 officer, along with the lease, notice of the identity of the  
11 lowest respondent by price and written reasons for the  
12 selection of a different response. The chief procurement  
13 officer shall publish the written reasons in the next volume of  
14 the Illinois Procurement Bulletin.

15 (e) Board and Commission on Equity and Inclusion review.  
16 Upon receipt of (1) any proposed lease of real property of  
17 10,000 or more square feet or (2) any proposed lease of real  
18 property with annual rent payments of \$100,000 or more, the  
19 Procurement Policy Board and the Commission on Equity and  
20 Inclusion shall have 30 calendar days to review the proposed  
21 lease. If neither the Board nor the Commission on Equity and  
22 Inclusion ~~the Board does not~~ object in writing within 30  
23 calendar days, then the proposed lease shall become effective  
24 according to its terms as submitted. The leasing agency shall  
25 make any and all materials available to the Board and the  
26 Commission on Equity and Inclusion to assist in the review

1 process.

2 (Source: P.A. 98-1076, eff. 1-1-15.)

3 (30 ILCS 500/50-20)

4 Sec. 50-20. Exemptions. The appropriate chief procurement  
5 officer may file a request with the Executive Ethics Commission  
6 to exempt named individuals from the prohibitions of Section  
7 50-13 when, in his or her judgment, the public interest in  
8 having the individual in the service of the State outweighs the  
9 public policy evidenced in that Section. The Executive Ethics  
10 Commission may grant an exemption after a public hearing at  
11 which any person may present testimony. The chief procurement  
12 officer shall publish notice of the date, time, and location of  
13 the hearing in the online electronic Bulletin at least 14  
14 calendar days prior to the hearing and provide notice to the  
15 individual subject to the waiver, ~~and~~ the Procurement Policy  
16 Board, and the Commission on Equity and Inclusion. The  
17 Executive Ethics Commission shall also provide public notice of  
18 the date, time, and location of the hearing on its website. If  
19 the Commission grants an exemption, the exemption is effective  
20 only if it is filed with the Secretary of State and the  
21 Comptroller prior to the execution of any contract and includes  
22 a statement setting forth the name of the individual and all  
23 the pertinent facts that would make that Section applicable,  
24 setting forth the reason for the exemption, and declaring the  
25 individual exempted from that Section. Notice of each exemption

1 shall be published in the Illinois Procurement Bulletin. A  
2 contract for which a waiver has been issued but has not been  
3 filed in accordance with this Section is voidable by the State.  
4 The changes to this Section made by this amendatory Act of the  
5 96th General Assembly shall apply to exemptions granted on or  
6 after its effective date.

7 (Source: P.A. 98-1076, eff. 1-1-15.)

8 (30 ILCS 500/50-35)

9 Sec. 50-35. Financial disclosure and potential conflicts  
10 of interest.

11 (a) All bids and offers from responsive bidders, offerors,  
12 vendors, or contractors with an annual value of more than  
13 \$50,000, and all submissions to a vendor portal, shall be  
14 accompanied by disclosure of the financial interests of the  
15 bidder, offeror, potential contractor, or contractor and each  
16 subcontractor to be used. In addition, all subcontracts  
17 identified as provided by Section 20-120 of this Code with an  
18 annual value of more than \$50,000 shall be accompanied by  
19 disclosure of the financial interests of each subcontractor.  
20 The financial disclosure of each successful bidder, offeror,  
21 potential contractor, or contractor and its subcontractors  
22 shall be incorporated as a material term of the contract and  
23 shall become part of the publicly available contract or  
24 procurement file maintained by the appropriate chief  
25 procurement officer. Each disclosure under this Section shall

1 be signed and made under penalty of perjury by an authorized  
2 officer or employee on behalf of the bidder, offeror, potential  
3 contractor, contractor, or subcontractor, and must be filed  
4 with the Procurement Policy Board and the Commission on Equity  
5 and Inclusion.

6 (b) Disclosure shall include any ownership or distributive  
7 income share that is in excess of 5%, or an amount greater than  
8 60% of the annual salary of the Governor, of the disclosing  
9 entity or its parent entity, whichever is less, unless the  
10 bidder, offeror, potential contractor, contractor, or  
11 subcontractor (i) is a publicly traded entity subject to  
12 Federal 10K reporting, in which case it may submit its 10K  
13 disclosure in place of the prescribed disclosure, or (ii) is a  
14 privately held entity that is exempt from Federal 10k reporting  
15 but has more than 100 shareholders, in which case it may submit  
16 the information that Federal 10k reporting companies are  
17 required to report under 17 CFR 229.401 and list the names of  
18 any person or entity holding any ownership share that is in  
19 excess of 5% in place of the prescribed disclosure. The form of  
20 disclosure shall be prescribed by the applicable chief  
21 procurement officer and must include at least the names,  
22 addresses, and dollar or proportionate share of ownership of  
23 each person identified in this Section, their instrument of  
24 ownership or beneficial relationship, and notice of any  
25 potential conflict of interest resulting from the current  
26 ownership or beneficial relationship of each individual



1 identified in this Section having in addition any of the  
2 following relationships:

3 (1) State employment, currently or in the previous 3  
4 years, including contractual employment of services.

5 (2) State employment of spouse, father, mother, son, or  
6 daughter, including contractual employment for services in  
7 the previous 2 years.

8 (3) Elective status; the holding of elective office of  
9 the State of Illinois, the government of the United States,  
10 any unit of local government authorized by the Constitution  
11 of the State of Illinois or the statutes of the State of  
12 Illinois currently or in the previous 3 years.

13 (4) Relationship to anyone holding elective office  
14 currently or in the previous 2 years; spouse, father,  
15 mother, son, or daughter.

16 (5) Appointive office; the holding of any appointive  
17 government office of the State of Illinois, the United  
18 States of America, or any unit of local government  
19 authorized by the Constitution of the State of Illinois or  
20 the statutes of the State of Illinois, which office  
21 entitles the holder to compensation in excess of expenses  
22 incurred in the discharge of that office currently or in  
23 the previous 3 years.

24 (6) Relationship to anyone holding appointive office  
25 currently or in the previous 2 years; spouse, father,  
26 mother, son, or daughter.

1           (7) Employment, currently or in the previous 3 years,  
2 as or by any registered lobbyist of the State government.

3           (8) Relationship to anyone who is or was a registered  
4 lobbyist in the previous 2 years; spouse, father, mother,  
5 son, or daughter.

6           (9) Compensated employment, currently or in the  
7 previous 3 years, by any registered election or re-election  
8 committee registered with the Secretary of State or any  
9 county clerk in the State of Illinois, or any political  
10 action committee registered with either the Secretary of  
11 State or the Federal Board of Elections.

12           (10) Relationship to anyone; spouse, father, mother,  
13 son, or daughter; who is or was a compensated employee in  
14 the last 2 years of any registered election or re-election  
15 committee registered with the Secretary of State or any  
16 county clerk in the State of Illinois, or any political  
17 action committee registered with either the Secretary of  
18 State or the Federal Board of Elections.

19           (b-1) The disclosure required under this Section must also  
20 include the name and address of each lobbyist required to  
21 register under the Lobbyist Registration Act and other agent of  
22 the bidder, offeror, potential contractor, contractor, or  
23 subcontractor who is not identified under subsections (a) and  
24 (b) and who has communicated, is communicating, or may  
25 communicate with any State officer or employee concerning the  
26 bid or offer. The disclosure under this subsection is a

1 continuing obligation and must be promptly supplemented for  
2 accuracy throughout the process and throughout the term of the  
3 contract if the bid or offer is successful.

4 (b-2) The disclosure required under this Section must also  
5 include, for each of the persons identified in subsection (b)  
6 or (b-1), each of the following that occurred within the  
7 previous 10 years: suspension or debarment from contracting  
8 with any governmental entity; professional licensure  
9 discipline; bankruptcies; adverse civil judgments and  
10 administrative findings; and criminal felony convictions. The  
11 disclosure under this subsection is a continuing obligation and  
12 must be promptly supplemented for accuracy throughout the  
13 process and throughout the term of the contract if the bid or  
14 offer is successful.

15 (c) The disclosure in subsection (b) is not intended to  
16 prohibit or prevent any contract. The disclosure is meant to  
17 fully and publicly disclose any potential conflict to the chief  
18 procurement officers, State purchasing officers, their  
19 designees, and executive officers so they may adequately  
20 discharge their duty to protect the State.

21 (d) When a potential for a conflict of interest is  
22 identified, discovered, or reasonably suspected, the chief  
23 procurement officer or State procurement officer shall send the  
24 contract to the Procurement Policy Board and the Commission on  
25 Equity and Inclusion. In accordance with the objectives of  
26 subsection (c), if the Procurement Policy Board or the

1 Commission on Equity and Inclusion finds evidence of a  
2 potential conflict of interest not originally disclosed by the  
3 bidder, offeror, potential contractor, contractor, or  
4 subcontractor, the Board or the Commission on Equity and  
5 Inclusion shall provide written notice to the bidder, offeror,  
6 potential contractor, contractor, or subcontractor that is  
7 identified, discovered, or reasonably suspected of having a  
8 potential conflict of interest. The bidder, offeror, potential  
9 contractor, contractor, or subcontractor shall have 15  
10 calendar days to respond in writing to the Board or the  
11 Commission on Equity and Inclusion, and a hearing before the  
12 Board or the Commission on Equity and Inclusion will be granted  
13 upon request by the bidder, offeror, potential contractor,  
14 contractor, or subcontractor, at a date and time to be  
15 determined by the Board or the Commission on Equity and  
16 Inclusion, but which in no event shall occur later than 15  
17 calendar days after the date of the request. Upon  
18 consideration, the Board or the Commission on Equity and  
19 Inclusion shall recommend, in writing, whether to allow or void  
20 the contract, bid, offer, or subcontract weighing the best  
21 interest of the State of Illinois. All recommendations shall be  
22 submitted to the Executive Ethics Commission. The Executive  
23 Ethics Commission must hold a public hearing within 30 calendar  
24 days after receiving the Board's or the Commission on Equity  
25 and Inclusion's recommendation if the Procurement Policy Board  
26 or the Commission on Equity and Inclusion makes a

1 recommendation to (i) void a contract or (ii) void a bid or  
2 offer and the chief procurement officer selected or intends to  
3 award the contract to the bidder, offeror, or potential  
4 contractor. A chief procurement officer is prohibited from  
5 awarding a contract before a hearing if the Board or the  
6 Commission on Equity and Inclusion recommendation does not  
7 support a bid or offer. The recommendation and proceedings of  
8 any hearing, if applicable, shall be available to the public.

9 (e) These thresholds and disclosure do not relieve the  
10 chief procurement officer, the State purchasing officer, or  
11 their designees from reasonable care and diligence for any  
12 contract, bid, offer, or submission to a vendor portal. The  
13 chief procurement officer, the State purchasing officer, or  
14 their designees shall be responsible for using any reasonably  
15 known and publicly available information to discover any  
16 undisclosed potential conflict of interest and act to protect  
17 the best interest of the State of Illinois.

18 (f) Inadvertent or accidental failure to fully disclose  
19 shall render the contract, bid, offer, proposal, subcontract,  
20 or relationship voidable by the chief procurement officer if he  
21 or she deems it in the best interest of the State of Illinois  
22 and, at his or her discretion, may be cause for barring from  
23 future contracts, bids, offers, proposals, subcontracts, or  
24 relationships with the State for a period of up to 2 years.

25 (g) Intentional, willful, or material failure to disclose  
26 shall render the contract, bid, offer, proposal, subcontract,

1 or relationship voidable by the chief procurement officer if he  
2 or she deems it in the best interest of the State of Illinois  
3 and shall result in debarment from future contracts, bids,  
4 offers, proposals, subcontracts, or relationships for a period  
5 of not less than 2 years and not more than 10 years.  
6 Reinstatement after 2 years and before 10 years must be  
7 reviewed and commented on in writing by the Governor of the  
8 State of Illinois, or by an executive ethics board or  
9 commission he or she might designate. The comment shall be  
10 returned to the responsible chief procurement officer who must  
11 rule in writing whether and when to reinstate.

12 (h) In addition, all disclosures shall note any other  
13 current or pending contracts, bids, offers, proposals,  
14 subcontracts, leases, or other ongoing procurement  
15 relationships the bidder, offeror, potential contractor,  
16 contractor, or subcontractor has with any other unit of State  
17 government and shall clearly identify the unit and the  
18 contract, offer, proposal, lease, or other relationship.

19 (i) The bidder, offeror, potential contractor, or  
20 contractor has a continuing obligation to supplement the  
21 disclosure required by this Section throughout the bidding  
22 process during the term of any contract, and during the vendor  
23 portal registration process.

24 (Source: P.A. 97-490, eff. 8-22-11; 97-895, eff. 8-3-12;  
25 98-1076, eff. 1-1-15.)

1           Section 115-130. The Business Enterprise for Minorities,  
2 Women, and Persons with Disabilities Act is amended by changing  
3 Sections 2, 4, 4f, 5, 7, and 8 and by adding Section 5.5 as  
4 follows:

5           (30 ILCS 575/2)

6           (Section scheduled to be repealed on June 30, 2024)

7           Sec. 2. Definitions.

8           (A) For the purpose of this Act, the following terms shall  
9 have the following definitions:

10           (1) "Minority person" shall mean a person who is a  
11 citizen or lawful permanent resident of the United States  
12 and who is any of the following:

13           (a) American Indian or Alaska Native (a person  
14 having origins in any of the original peoples of North  
15 and South America, including Central America, and who  
16 maintains tribal affiliation or community attachment).

17           (b) Asian (a person having origins in any of the  
18 original peoples of the Far East, Southeast Asia, or  
19 the Indian subcontinent, including, but not limited  
20 to, Cambodia, China, India, Japan, Korea, Malaysia,  
21 Pakistan, the Philippine Islands, Thailand, and  
22 Vietnam).

23           (c) Black or African American (a person having  
24 origins in any of the black racial groups of Africa).

25           (d) Hispanic or Latino (a person of Cuban, Mexican,

1 Puerto Rican, South or Central American, or other  
2 Spanish culture or origin, regardless of race).

3 (e) Native Hawaiian or Other Pacific Islander (a  
4 person having origins in any of the original peoples of  
5 Hawaii, Guam, Samoa, or other Pacific Islands).

6 (2) "Woman" shall mean a person who is a citizen or  
7 lawful permanent resident of the United States and who is  
8 of the female gender.

9 (2.05) "Person with a disability" means a person who is  
10 a citizen or lawful resident of the United States and is a  
11 person qualifying as a person with a disability under  
12 subdivision (2.1) of this subsection (A).

13 (2.1) "Person with a disability" means a person with a  
14 severe physical or mental disability that:

15 (a) results from:

16 amputation,

17 arthritis,

18 autism,

19 blindness,

20 burn injury,

21 cancer,

22 cerebral palsy,

23 Crohn's disease,

24 cystic fibrosis,

25 deafness,

26 head injury,



1 heart disease,  
2 hemiplegia,  
3 hemophilia,  
4 respiratory or pulmonary dysfunction,  
5 an intellectual disability,  
6 mental illness,  
7 multiple sclerosis,  
8 muscular dystrophy,  
9 musculoskeletal disorders,  
10 neurological disorders, including stroke and  
11 epilepsy,  
12 paraplegia,  
13 quadriplegia and other spinal cord conditions,  
14 sickle cell anemia,  
15 ulcerative colitis,  
16 specific learning disabilities, or  
17 end stage renal failure disease; and

18 (b) substantially limits one or more of the  
19 person's major life activities.

20 Another disability or combination of disabilities may  
21 also be considered as a severe disability for the purposes  
22 of item (a) of this subdivision (2.1) if it is determined  
23 by an evaluation of rehabilitation potential to cause a  
24 comparable degree of substantial functional limitation  
25 similar to the specific list of disabilities listed in item  
26 (a) of this subdivision (2.1).

1           (3) "Minority-owned business" means a business which  
2 is at least 51% owned by one or more minority persons, or  
3 in the case of a corporation, at least 51% of the stock in  
4 which is owned by one or more minority persons; and the  
5 management and daily business operations of which are  
6 controlled by one or more of the minority individuals who  
7 own it.

8           (4) "Women-owned business" means a business which is at  
9 least 51% owned by one or more women, or, in the case of a  
10 corporation, at least 51% of the stock in which is owned by  
11 one or more women; and the management and daily business  
12 operations of which are controlled by one or more of the  
13 women who own it.

14           (4.1) "Business owned by a person with a disability"  
15 means a business that is at least 51% owned by one or more  
16 persons with a disability and the management and daily  
17 business operations of which are controlled by one or more  
18 of the persons with disabilities who own it. A  
19 not-for-profit agency for persons with disabilities that  
20 is exempt from taxation under Section 501 of the Internal  
21 Revenue Code of 1986 is also considered a "business owned  
22 by a person with a disability".

23           (4.2) "Council" means the Business Enterprise Council  
24 for Minorities, Women, and Persons with Disabilities  
25 created under Section 5 of this Act.

26           (4.3) "Commission" means, unless the context clearly

1       indicates otherwise, the Commission on Equity and  
2       Inclusion created under the Commission on Equity and  
3       Inclusion Act.

4           (5) "State contracts" means all contracts entered into  
5       by the State, any agency or department thereof, or any  
6       public institution of higher education, including  
7       community college districts, regardless of the source of  
8       the funds with which the contracts are paid, which are not  
9       subject to federal reimbursement. "State contracts" does  
10      not include contracts awarded by a retirement system,  
11      pension fund, or investment board subject to Section  
12      1-109.1 of the Illinois Pension Code. This definition shall  
13      control over any existing definition under this Act or  
14      applicable administrative rule.

15          "State construction contracts" means all State  
16      contracts entered into by a State agency or public  
17      institution of higher education for the repair,  
18      remodeling, renovation or construction of a building or  
19      structure, or for the construction or maintenance of a  
20      highway defined in Article 2 of the Illinois Highway Code.

21          (6) "State agencies" shall mean all departments,  
22      officers, boards, commissions, institutions and bodies  
23      politic and corporate of the State, but does not include  
24      the Board of Trustees of the University of Illinois, the  
25      Board of Trustees of Southern Illinois University, the  
26      Board of Trustees of Chicago State University, the Board of

1 Trustees of Eastern Illinois University, the Board of  
2 Trustees of Governors State University, the Board of  
3 Trustees of Illinois State University, the Board of  
4 Trustees of Northeastern Illinois University, the Board of  
5 Trustees of Northern Illinois University, the Board of  
6 Trustees of Western Illinois University, municipalities or  
7 other local governmental units, or other State  
8 constitutional officers.

9 (7) "Public institutions of higher education" means  
10 the University of Illinois, Southern Illinois University,  
11 Chicago State University, Eastern Illinois University,  
12 Governors State University, Illinois State University,  
13 Northeastern Illinois University, Northern Illinois  
14 University, Western Illinois University, the public  
15 community colleges of the State, and any other public  
16 universities, colleges, and community colleges now or  
17 hereafter established or authorized by the General  
18 Assembly.

19 (8) "Certification" means a determination made by the  
20 Council or by one delegated authority from the Council to  
21 make certifications, or by a State agency with statutory  
22 authority to make such a certification, that a business  
23 entity is a business owned by a minority, woman, or person  
24 with a disability for whatever purpose. A business owned  
25 and controlled by women shall be certified as a  
26 "woman-owned business". A business owned and controlled by

1 women who are also minorities shall be certified as both a  
2 "women-owned business" and a "minority-owned business".

3 (9) "Control" means the exclusive or ultimate and sole  
4 control of the business including, but not limited to,  
5 capital investment and all other financial matters,  
6 property, acquisitions, contract negotiations, legal  
7 matters, officer-director-employee selection and  
8 comprehensive hiring, operating responsibilities,  
9 cost-control matters, income and dividend matters,  
10 financial transactions and rights of other shareholders or  
11 joint partners. Control shall be real, substantial and  
12 continuing, not pro forma. Control shall include the power  
13 to direct or cause the direction of the management and  
14 policies of the business and to make the day-to-day as well  
15 as major decisions in matters of policy, management and  
16 operations. Control shall be exemplified by possessing the  
17 requisite knowledge and expertise to run the particular  
18 business and control shall not include simple majority or  
19 absentee ownership.

20 (10) "Business" means a business that has annual gross  
21 sales of less than \$75,000,000 as evidenced by the federal  
22 income tax return of the business. A firm with gross sales  
23 in excess of this cap may apply to the Council for  
24 certification for a particular contract if the firm can  
25 demonstrate that the contract would have significant  
26 impact on businesses owned by minorities, women, or persons

1 with disabilities as suppliers or subcontractors or in  
2 employment of minorities, women, or persons with  
3 disabilities.

4 (11) "Utilization plan" means a form and additional  
5 documentations included in all bids or proposals that  
6 demonstrates a vendor's proposed utilization of vendors  
7 certified by the Business Enterprise Program to meet the  
8 targeted goal. The utilization plan shall demonstrate that  
9 the Vendor has either: (1) met the entire contract goal or  
10 (2) requested a full or partial waiver and made good faith  
11 efforts towards meeting the goal.

12 (12) "Business Enterprise Program" means the Business  
13 Enterprise Program of the Department of Central Management  
14 Services.

15 (B) When a business is owned at least 51% by any  
16 combination of minority persons, women, or persons with  
17 disabilities, even though none of the 3 classes alone holds at  
18 least a 51% interest, the ownership requirement for purposes of  
19 this Act is considered to be met or in excess of the entire  
20 contract goal. The certification category for the business is  
21 that of the class holding the largest ownership interest in the  
22 business. If 2 or more classes have equal ownership interests,  
23 the certification category shall be determined by the business.  
24 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20.)

25 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

1 (Section scheduled to be repealed on June 30, 2024)

2 Sec. 4. Award of State contracts.

3 (a) Except as provided in subsection (b), not less than 20%  
4 of the total dollar amount of State contracts, as defined by  
5 the Secretary of the Council and approved by the Council, shall  
6 be established as an aspirational goal to be awarded to  
7 businesses owned by minorities, women, and persons with  
8 disabilities; provided, however, that of the total amount of  
9 all State contracts awarded to businesses owned by minorities,  
10 women, and persons with disabilities pursuant to this Section,  
11 contracts representing at least 11% shall be awarded to  
12 businesses owned by minorities, contracts representing at  
13 least 7% shall be awarded to women-owned businesses, and  
14 contracts representing at least 2% shall be awarded to  
15 businesses owned by persons with disabilities.

16 The above percentage relates to the total dollar amount of  
17 State contracts during each State fiscal year, calculated by  
18 examining independently each type of contract for each agency  
19 or public institutions of higher education which lets such  
20 contracts. Only that percentage of arrangements which  
21 represents the participation of businesses owned by  
22 minorities, women, and persons with disabilities on such  
23 contracts shall be included. State contracts subject to the  
24 requirements of this Act shall include the requirement that  
25 only expenditures to businesses owned by minorities, women, and  
26 persons with disabilities that perform a commercially useful

1 function may be counted toward the goals set forth by this Act.  
2 Contracts shall include a definition of "commercially useful  
3 function" that is consistent with 49 CFR 26.55(c).

4 (b) Not less than 20% of the total dollar amount of State  
5 construction contracts is established as an aspirational goal  
6 to be awarded to businesses owned by minorities, women, and  
7 persons with disabilities; provided that, contracts  
8 representing at least 11% of the total dollar amount of State  
9 construction contracts shall be awarded to businesses owned by  
10 minorities; contracts representing at least 7% of the total  
11 dollar amount of State construction contracts shall be awarded  
12 to women-owned businesses; and contracts representing at least  
13 2% of the total dollar amount of State construction contracts  
14 shall be awarded to businesses owned by persons with  
15 disabilities.

16 (c) (Blank).

17 (d) Within one year after April 28, 2009 (the effective  
18 date of Public Act 96-8), the Department of Central Management  
19 Services shall conduct a social scientific study that measures  
20 the impact of discrimination on minority and women business  
21 development in Illinois. Within 18 months after April 28, 2009  
22 (the effective date of Public Act 96-8), the Department shall  
23 issue a report of its findings and any recommendations on  
24 whether to adjust the goals for minority and women  
25 participation established in this Act. Copies of this report  
26 and the social scientific study shall be filed with the



1 Governor and the General Assembly.

2 By December 1, 2020, the Department of Central Management  
3 Services shall conduct a new social scientific study that  
4 measures the impact of discrimination on minority and women  
5 business development in Illinois. By June 1, 2022, the  
6 Department shall issue a report of its findings and any  
7 recommendations on whether to adjust the goals for minority and  
8 women participation established in this Act. Copies of this  
9 report and the social scientific study shall be filed with the  
10 Governor, ~~the Advisory Board,~~ and the General Assembly. By  
11 December 1, 2022, the Department of Central Management Services  
12 Business Enterprise Program shall develop a model for social  
13 scientific disparity study sourcing for local governmental  
14 units to adapt and implement to address regional disparities in  
15 public procurement.

16 (e) Except as permitted under this Act or as otherwise  
17 mandated by federal law or regulation, those who submit bids or  
18 proposals for State contracts subject to the provisions of this  
19 Act, whose bids or proposals are successful and include a  
20 utilization plan but that fail to meet the goals set forth in  
21 subsection (b) of this Section, shall be notified of that  
22 deficiency and shall be afforded a period not to exceed 10  
23 calendar days from the date of notification to cure that  
24 deficiency in the bid or proposal. The deficiency in the bid or  
25 proposal may only be cured by contracting with additional  
26 subcontractors who are owned by minorities or women. Any

1 increase in cost to a contract for the addition of a  
2 subcontractor to cure a bid's deficiency shall not affect the  
3 bid price, shall not be used in the request for an exemption in  
4 this Act, and in no case shall an identified subcontractor with  
5 a certification made pursuant to this Act be terminated from  
6 the contract without the written consent of the State agency or  
7 public institution of higher education entering into the  
8 contract. The Commission on Equity and Inclusion shall be  
9 notified of all utilization plan deficiencies on submitted bids  
10 or proposals for State contracts under this subsection (e).

11 (f) Non-construction solicitations that include Business  
12 Enterprise Program participation goals shall require bidders  
13 and offerors to include utilization plans. Utilization plans  
14 are due at the time of bid or offer submission. Failure to  
15 complete and include a utilization plan, including  
16 documentation demonstrating good faith effort when requesting  
17 a waiver, shall render the bid or offer non-responsive. The  
18 Commission on Equity and Inclusion shall be notified of all  
19 bids and offers that fail to include a utilization plan as  
20 required under this subsection (f).

21 (g) Bids or proposals for State contracts shall be examined  
22 to determine if the bid or proposal is responsible,  
23 competitive, and whether the services to be provided are likely  
24 to be completed based upon the pricing. If the bid or proposal  
25 is responsible, competitive, and the services to be provided  
26 are likely to be completed based on the prices listed, then the

1 bid is deemed responsive. If the bid or proposal is not  
2 responsible, competitive, and the services to be provided are  
3 not likely to be completed based on the prices listed, then the  
4 entire bid is deemed non-responsive. The Commission on Equity  
5 and Inclusion shall be notified of all non-responsive bids or  
6 proposals for State contracts under this subsection (g).

7 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;  
8 101-601, eff. 1-1-20; revised 10-26-20.)

9 (30 ILCS 575/4f)

10 (Section scheduled to be repealed on June 30, 2024)

11 Sec. 4f. Award of State contracts.

12 (1) It is hereby declared to be the public policy of the  
13 State of Illinois to promote and encourage each State agency  
14 and public institution of higher education to use businesses  
15 owned by minorities, women, and persons with disabilities in  
16 the area of goods and services, including, but not limited to,  
17 insurance services, investment management services,  
18 information technology services, accounting services,  
19 architectural and engineering services, and legal services.  
20 Furthermore, each State agency and public institution of higher  
21 education shall utilize such firms to the greatest extent  
22 feasible within the bounds of financial and fiduciary prudence,  
23 and take affirmative steps to remove any barriers to the full  
24 participation of such firms in the procurement and contracting  
25 opportunities afforded.

1           (a) When a State agency or public institution of higher  
2 education, other than a community college, awards a  
3 contract for insurance services, for each State agency or  
4 public institution of higher education, it shall be the  
5 aspirational goal to use insurance brokers owned by  
6 minorities, women, and persons with disabilities as  
7 defined by this Act, for not less than 20% of the total  
8 annual premiums or fees; provided that, contracts  
9 representing at least 11% of the total annual premiums or  
10 fees shall be awarded to businesses owned by minorities;  
11 contracts representing at least 7% of the total annual  
12 premiums or fees shall be awarded to women-owned  
13 businesses; and contracts representing at least 2% of the  
14 total annual premiums or fees shall be awarded to  
15 businesses owned by persons with disabilities.

16           (b) When a State agency or public institution of higher  
17 education, other than a community college, awards a  
18 contract for investment services, for each State agency or  
19 public institution of higher education, it shall be the  
20 aspirational goal to use emerging investment managers  
21 owned by minorities, women, and persons with disabilities  
22 as defined by this Act, for not less than 20% of the total  
23 funds under management; provided that, contracts  
24 representing at least 11% of the total funds under  
25 management shall be awarded to businesses owned by  
26 minorities; contracts representing at least 7% of the total

1 funds under management shall be awarded to women-owned  
2 businesses; and contracts representing at least 2% of the  
3 total funds under management shall be awarded to businesses  
4 owned by persons with disabilities. Furthermore, it is the  
5 aspirational goal that not less than 20% of the direct  
6 asset managers of the State funds be minorities, women, and  
7 persons with disabilities.

8 (c) When a State agency or public institution of higher  
9 education, other than a community college, awards  
10 contracts for information technology services, accounting  
11 services, architectural and engineering services, and  
12 legal services, for each State agency and public  
13 institution of higher education, it shall be the  
14 aspirational goal to use such firms owned by minorities,  
15 women, and persons with disabilities as defined by this Act  
16 and lawyers who are minorities, women, and persons with  
17 disabilities as defined by this Act, for not less than 20%  
18 of the total dollar amount of State contracts; provided  
19 that, contracts representing at least 11% of the total  
20 dollar amount of State contracts shall be awarded to  
21 businesses owned by minorities or minority lawyers;  
22 contracts representing at least 7% of the total dollar  
23 amount of State contracts shall be awarded to women-owned  
24 businesses or women who are lawyers; and contracts  
25 representing at least 2% of the total dollar amount of  
26 State contracts shall be awarded to businesses owned by

1 persons with disabilities or persons with disabilities who  
2 are lawyers.

3 (d) When a community college awards a contract for  
4 insurance services, investment services, information  
5 technology services, accounting services, architectural  
6 and engineering services, and legal services, it shall be  
7 the aspirational goal of each community college to use  
8 businesses owned by minorities, women, and persons with  
9 disabilities as defined in this Act for not less than 20%  
10 of the total amount spent on contracts for these services  
11 collectively; provided that, contracts representing at  
12 least 11% of the total amount spent on contracts for these  
13 services shall be awarded to businesses owned by  
14 minorities; contracts representing at least 7% of the total  
15 amount spent on contracts for these services shall be  
16 awarded to women-owned businesses; and contracts  
17 representing at least 2% of the total amount spent on  
18 contracts for these services shall be awarded to businesses  
19 owned by persons with disabilities. When a community  
20 college awards contracts for investment services,  
21 contracts awarded to investment managers who are not  
22 emerging investment managers as defined in this Act shall  
23 not be considered businesses owned by minorities, women, or  
24 persons with disabilities for the purposes of this Section.

25 (2) As used in this Section:

26 "Accounting services" means the measurement,

1 processing and communication of financial information  
2 about economic entities including, but is not limited to,  
3 financial accounting, management accounting, auditing,  
4 cost containment and auditing services, taxation and  
5 accounting information systems.

6 "Architectural and engineering services" means  
7 professional services of an architectural or engineering  
8 nature, or incidental services, that members of the  
9 architectural and engineering professions, and individuals  
10 in their employ, may logically or justifiably perform,  
11 including studies, investigations, surveying and mapping,  
12 tests, evaluations, consultations, comprehensive planning,  
13 program management, conceptual designs, plans and  
14 specifications, value engineering, construction phase  
15 services, soils engineering, drawing reviews, preparation  
16 of operating and maintenance manuals, and other related  
17 services.

18 "Emerging investment manager" means an investment  
19 manager or claims consultant having assets under  
20 management below \$10 billion or otherwise adjudicating  
21 claims.

22 "Information technology services" means, but is not  
23 limited to, specialized technology-oriented solutions by  
24 combining the processes and functions of software,  
25 hardware, networks, telecommunications, web designers,  
26 cloud developing resellers, and electronics.

1 "Insurance broker" means an insurance brokerage firm,  
2 claims administrator, or both, that procures, places all  
3 lines of insurance, or administers claims with annual  
4 premiums or fees of at least \$5,000,000 but not more than  
5 \$10,000,000.

6 "Legal services" means work performed by a lawyer  
7 including, but not limited to, contracts in anticipation of  
8 litigation, enforcement actions, or investigations.

9 (3) Each State agency and public institution of higher  
10 education shall adopt policies that identify its plan and  
11 implementation procedures for increasing the use of service  
12 firms owned by minorities, women, and persons with  
13 disabilities. All plan and implementation procedures for  
14 increasing the use of service firms owned by minorities, women,  
15 and persons with disabilities must be submitted to and approved  
16 by the Commission on Equity and Inclusion on an annual basis.

17 (4) Except as provided in subsection (5), the Council shall  
18 file no later than March 1 of each year an annual report to the  
19 Governor, the Bureau on Apprenticeship Programs, and the  
20 General Assembly. The report filed with the General Assembly  
21 shall be filed as required in Section 3.1 of the General  
22 Assembly Organization Act. This report shall: (i) identify the  
23 service firms used by each State agency and public institution  
24 of higher education, (ii) identify the actions it has  
25 undertaken to increase the use of service firms owned by  
26 minorities, women, and persons with disabilities, including



1 encouraging non-minority-owned firms to use other service  
2 firms owned by minorities, women, and persons with disabilities  
3 as subcontractors when the opportunities arise, (iii) state any  
4 recommendations made by the Council to each State agency and  
5 public institution of higher education to increase  
6 participation by the use of service firms owned by minorities,  
7 women, and persons with disabilities, and (iv) include the  
8 following:

9 (A) For insurance services: the names of the insurance  
10 brokers or claims consultants used, the total of risk  
11 managed by each State agency and public institution of  
12 higher education by insurance brokers, the total  
13 commissions, fees paid, or both, the lines or insurance  
14 policies placed, and the amount of premiums placed; and the  
15 percentage of the risk managed by insurance brokers, the  
16 percentage of total commission, fees paid, or both, the  
17 lines or insurance policies placed, and the amount of  
18 premiums placed with each by the insurance brokers owned by  
19 minorities, women, and persons with disabilities by each  
20 State agency and public institution of higher education.

21 (B) For investment management services: the names of  
22 the investment managers used, the total funds under  
23 management of investment managers; the total commissions,  
24 fees paid, or both; the total and percentage of funds under  
25 management of emerging investment managers owned by  
26 minorities, women, and persons with disabilities,

1 including the total and percentage of total commissions,  
2 fees paid, or both by each State agency and public  
3 institution of higher education.

4 (C) The names of service firms, the percentage and  
5 total dollar amount paid for professional services by  
6 category by each State agency and public institution of  
7 higher education.

8 (D) The names of service firms, the percentage and  
9 total dollar amount paid for services by category to firms  
10 owned by minorities, women, and persons with disabilities  
11 by each State agency and public institution of higher  
12 education.

13 (E) The total number of contracts awarded for services  
14 by category and the total number of contracts awarded to  
15 firms owned by minorities, women, and persons with  
16 disabilities by each State agency and public institution of  
17 higher education.

18 (5) For community college districts, the Business  
19 Enterprise Council shall only report the following information  
20 for each community college district: (i) the name of the  
21 community colleges in the district, (ii) the name and contact  
22 information of a person at each community college appointed to  
23 be the single point of contact for vendors owned by minorities,  
24 women, or persons with disabilities, (iii) the policy of the  
25 community college district concerning certified vendors, (iv)  
26 the certifications recognized by the community college

1 district for determining whether a business is owned or  
2 controlled by a minority, woman, or person with a disability,  
3 (v) outreach efforts conducted by the community college  
4 district to increase the use of certified vendors, (vi) the  
5 total expenditures by the community college district in the  
6 prior fiscal year in the divisions of work specified in  
7 paragraphs (a), (b), and (c) of subsection (1) of this Section  
8 and the amount paid to certified vendors in those divisions of  
9 work, and (vii) the total number of contracts entered into for  
10 the divisions of work specified in paragraphs (a), (b), and (c)  
11 of subsection (1) of this Section and the total number of  
12 contracts awarded to certified vendors providing these  
13 services to the community college district. The Business  
14 Enterprise Council shall not make any utilization reports under  
15 this Act for community college districts for Fiscal Year 2015  
16 and Fiscal Year 2016, but shall make the report required by  
17 this subsection for Fiscal Year 2017 and for each fiscal year  
18 thereafter. The Business Enterprise Council shall report the  
19 information in items (i), (ii), (iii), and (iv) of this  
20 subsection beginning in September of 2016. The Business  
21 Enterprise Council may collect the data needed to make its  
22 report from the Illinois Community College Board.

23 (6) The status of the utilization of services shall be  
24 discussed at each of the regularly scheduled Business  
25 Enterprise Council meetings. Time shall be allotted for the  
26 Council to receive, review, and discuss the progress of the use

1 of service firms owned by minorities, women, and persons with  
2 disabilities by each State agency and public institution of  
3 higher education; and any evidence regarding past or present  
4 racial, ethnic, or gender-based discrimination which directly  
5 impacts a State agency or public institution of higher  
6 education contracting with such firms. If after reviewing such  
7 evidence the Council finds that there is or has been such  
8 discrimination against a specific group, race or sex, the  
9 Council shall establish sheltered markets or adjust existing  
10 sheltered markets tailored to address the Council's specific  
11 findings for the divisions of work specified in paragraphs (a),  
12 (b), and (c) of subsection (1) of this Section.

13 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

14 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

15 (Section scheduled to be repealed on June 30, 2024)

16 Sec. 5. Business Enterprise Council.

17 (1) To help implement, monitor, and enforce the goals of  
18 this Act, there is created the Business Enterprise Council for  
19 Minorities, Women, and Persons with Disabilities, hereinafter  
20 referred to as the Council, composed of the Chairperson of the  
21 Commission on Equity and Inclusion, the Secretary of Human  
22 Services and the Directors of the Department of Human Rights,  
23 the Department of Commerce and Economic Opportunity, the  
24 Department of Central Management Services, the Department of  
25 Transportation and the Capital Development Board, or their duly

1 appointed representatives, with the Comptroller, or his or her  
2 designee, serving as an advisory member of the Council. Ten  
3 individuals representing businesses that are minority-owned,  
4 ~~or~~ women-owned, or owned by persons with disabilities, 2  
5 individuals representing the business community, and a  
6 representative of public institutions of higher education  
7 shall be appointed by the Governor. These members shall serve  
8 2-year ~~2-year~~ terms and shall be eligible for reappointment.  
9 Any vacancy occurring on the Council shall also be filled by  
10 the Governor. Any member appointed to fill a vacancy occurring  
11 prior to the expiration of the term for which his or her  
12 predecessor was appointed shall be appointed for the remainder  
13 of such term. Members of the Council shall serve without  
14 compensation but shall be reimbursed for any ordinary and  
15 necessary expenses incurred in the performance of their duties.

16 The Chairperson of the Commission ~~Director of the~~  
17 ~~Department of Central Management Services~~ shall serve as the  
18 Council chairperson and shall select, subject to approval of  
19 the council, a Secretary responsible for the operation of the  
20 program who shall serve as the Division Manager of the Business  
21 Enterprise for Minorities, Women, and Persons with  
22 Disabilities Division of the Department of Central Management  
23 Services.

24 The Director of each State agency and the chief executive  
25 officer of each public institution ~~institutions~~ of higher  
26 education shall appoint a liaison to the Council. The liaison

1 shall be responsible for submitting to the Council any reports  
2 and documents necessary under this Act.

3 (2) The Council's authority and responsibility shall be to:

4 (a) Devise a certification procedure to assure that  
5 businesses taking advantage of this Act are legitimately  
6 classified as businesses owned by minorities, women, or  
7 persons with disabilities and a registration procedure to  
8 recognize, without additional evidence of Business  
9 Enterprise Program eligibility, the certification of  
10 businesses owned by minorities, women, or persons with  
11 disabilities certified by the City of Chicago, Cook County,  
12 or other jurisdictional programs with requirements and  
13 procedures equaling or exceeding those in this Act.

14 (b) Maintain a list of all businesses legitimately  
15 classified as businesses owned by minorities, women, or  
16 persons with disabilities to provide to State agencies and  
17 public institutions of higher education.

18 (c) Review rules and regulations for the  
19 implementation of the program for businesses owned by  
20 minorities, women, and persons with disabilities.

21 (d) Review compliance plans submitted by each State  
22 agency and public institution ~~institutions~~ of higher  
23 education pursuant to this Act.

24 (e) Make annual reports as provided in Section 8f to  
25 the Governor and the General Assembly on the status of the  
26 program.

1           (f) Serve as a central clearinghouse for information on  
2           State contracts, including the maintenance of a list of all  
3           pending State contracts upon which businesses owned by  
4           minorities, women, and persons with disabilities may bid.  
5           At the Council's discretion, maintenance of the list may  
6           include 24-hour electronic access to the list along with  
7           the bid and application information.

8           (g) Establish a toll-free ~~toll-free~~ telephone number to  
9           facilitate information requests concerning the  
10          certification process and pending contracts.

11          (3) No premium bond rate of a surety company for a bond  
12          required of a business owned by a minority, woman, or person  
13          with a disability bidding for a State contract shall be higher  
14          than the lowest rate charged by that surety company for a  
15          similar bond in the same classification of work that would be  
16          written for a business not owned by a minority, woman, or  
17          person with a disability.

18          (4) Any Council member who has direct financial or personal  
19          interest in any measure pending before the Council shall  
20          disclose this fact to the Council and refrain from  
21          participating in the determination upon such measure.

22          (5) The Secretary shall have the following duties and  
23          responsibilities:

24               (a) To be responsible for the day-to-day operation of  
25               the Council.

26               (b) To serve as a coordinator for all of the State's

1 programs for businesses owned by minorities, women, and  
2 persons with disabilities and as the information and  
3 referral center for all State initiatives for businesses  
4 owned by minorities, women, and persons with disabilities.

5 (c) To establish an enforcement procedure whereby the  
6 Council may recommend to the appropriate State legal  
7 officer that the State exercise its legal remedies which  
8 shall include (1) termination of the contract involved, (2)  
9 prohibition of participation by the respondent in public  
10 contracts for a period not to exceed 3 years, (3)  
11 imposition of a penalty not to exceed any profit acquired  
12 as a result of violation, or (4) any combination thereof.  
13 Such procedures shall require prior approval by Council.  
14 All funds collected as penalties under this subsection  
15 shall be used exclusively for maintenance and further  
16 development of the Business Enterprise Program and  
17 encouragement of participation in State procurement by  
18 minorities, women, and persons with disabilities.

19 (d) To devise appropriate policies, regulations, and  
20 procedures for including participation by businesses owned  
21 by minorities, women, and persons with disabilities as  
22 prime contractors, including, but not limited to: 7 (i)  
23 encouraging the inclusions of qualified businesses owned  
24 by minorities, women, and persons with disabilities on  
25 solicitation lists, (ii) investigating the potential of  
26 blanket bonding programs for small construction jobs, and



1 (iii) investigating and making recommendations concerning  
2 the use of the sheltered market process.

3 (e) To devise procedures for the waiver of the  
4 participation goals in appropriate circumstances.

5 (f) To accept donations and, with the approval of the  
6 Council or the Chairperson ~~Director of Central Management~~  
7 ~~Services~~, grants related to the purposes of this Act; to  
8 conduct seminars related to the purpose of this Act and to  
9 charge reasonable registration fees; and to sell  
10 directories, vendor lists, and other such information to  
11 interested parties, except that forms necessary to become  
12 eligible for the program shall be provided free of charge  
13 to a business or individual applying for the program.

14 (Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;  
15 101-601, eff. 1-1-20; revised 8-18-20.)

16 (30 ILCS 575/5.5 new)

17 Sec. 5.5. Transfer of Council functions.

18 (a) Notwithstanding any provision of law to the contrary,  
19 beginning on and after the effective date of this amendatory  
20 Act of the 101st General Assembly, the Commission on Equity and  
21 Inclusion shall have jurisdiction over the functions of the  
22 Business Enterprise Council.

23 (b) All powers, duties, rights, and responsibilities of the  
24 Department of Central Management Services relating to  
25 jurisdiction over the Council are transferred to the

1 Commission.

2 (c) All books, records, papers, documents, property,  
3 contracts, causes of action, and pending business pertaining to  
4 the powers, duties, rights, and responsibilities of the  
5 Department of Central Management Services relating to  
6 jurisdiction over the Council are transferred to the  
7 Commission.

8 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

9 (Section scheduled to be repealed on June 30, 2024)

10 Sec. 7. Exemptions; waivers; publication of data.

11 (1) Individual contract exemptions. The Council, at the  
12 written request of the affected agency, public institution of  
13 higher education, or recipient of a grant or loan of State  
14 funds of \$250,000 or more complying with Section 45 of the  
15 State Finance Act, may permit an individual contract or  
16 contract package, (related contracts being bid or awarded  
17 simultaneously for the same project or improvements) be made  
18 wholly or partially exempt from State contracting goals for  
19 businesses owned by minorities, women, and persons with  
20 disabilities prior to the advertisement for bids or  
21 solicitation of proposals whenever there has been a  
22 determination, reduced to writing and based on the best  
23 information available at the time of the determination, that  
24 there is an insufficient number of businesses owned by  
25 minorities, women, and persons with disabilities to ensure

1 adequate competition and an expectation of reasonable prices on  
2 bids or proposals solicited for the individual contract or  
3 contract package in question. Any such exemptions shall be  
4 given by the Council to the Bureau on Apprenticeship Programs.

5 (a) Written request for contract exemption. A written  
6 request for an individual contract exemption must include,  
7 but is not limited to, the following:

8 (i) a list of eligible businesses owned by  
9 minorities, women, and persons with disabilities;

10 (ii) a clear demonstration that the number of  
11 eligible businesses identified in subparagraph (i)  
12 above is insufficient to ensure adequate competition;

13 (iii) the difference in cost between the contract  
14 proposals being offered by businesses owned by  
15 minorities, women, and persons with disabilities and  
16 the agency or public institution of higher education's  
17 expectations of reasonable prices on bids or proposals  
18 within that class; and

19 (iv) a list of eligible businesses owned by  
20 minorities, women, and persons with disabilities that  
21 the contractor has used in the current and prior fiscal  
22 years.

23 (b) Determination. The Council's determination  
24 concerning an individual contract exemption must consider,  
25 at a minimum, the following:

26 (i) the justification for the requested exemption,

1 including whether diligent efforts were undertaken to  
2 identify and solicit eligible businesses owned by  
3 minorities, women, and persons with disabilities;

4 (ii) the total number of exemptions granted to the  
5 affected agency, public institution of higher  
6 education, or recipient of a grant or loan of State  
7 funds of \$250,000 or more complying with Section 45 of  
8 the State Finance Act that have been granted by the  
9 Council in the current and prior fiscal years; and

10 (iii) the percentage of contracts awarded by the  
11 agency or public institution of higher education to  
12 eligible businesses owned by minorities, women, and  
13 persons with disabilities in the current and prior  
14 fiscal years.

15 (2) Class exemptions.

16 (a) Creation. The Council, at the written request of  
17 the affected agency or public institution of higher  
18 education, may permit an entire class of contracts be made  
19 exempt from State contracting goals for businesses owned by  
20 minorities, women, and persons with disabilities whenever  
21 there has been a determination, reduced to writing and  
22 based on the best information available at the time of the  
23 determination, that there is an insufficient number of  
24 qualified businesses owned by minorities, women, and  
25 persons with disabilities to ensure adequate competition  
26 and an expectation of reasonable prices on bids or

1 proposals within that class. Any such exemption shall be  
2 given by the Council to the Bureau on Apprenticeship  
3 Programs.

4 (a-1) Written request for class exemption. A written  
5 request for a class exemption must include, but is not  
6 limited to, the following:

7 (i) a list of eligible businesses owned by  
8 minorities, women, and persons with disabilities;

9 (ii) a clear demonstration that the number of  
10 eligible businesses identified in subparagraph (i)  
11 above is insufficient to ensure adequate competition;

12 (iii) the difference in cost between the contract  
13 proposals being offered by eligible businesses owned  
14 by minorities, women, and persons with disabilities  
15 and the agency or public institution of higher  
16 education's expectations of reasonable prices on bids  
17 or proposals within that class; and

18 (iv) the number of class exemptions the affected  
19 agency or public institution of higher education  
20 requested in the current and prior fiscal years.

21 (a-2) Determination. The Council's determination  
22 concerning class exemptions must consider, at a minimum,  
23 the following:

24 (i) the justification for the requested exemption,  
25 including whether diligent efforts were undertaken to  
26 identify and solicit eligible businesses owned by

1 minorities, women, and persons with disabilities;

2 (ii) the total number of class exemptions granted  
3 to the requesting agency or public institution of  
4 higher education that have been granted by the Council  
5 in the current and prior fiscal years; and

6 (iii) the percentage of contracts awarded by the  
7 agency or public institution of higher education to  
8 eligible businesses owned by minorities, women, and  
9 persons with disabilities the current and prior fiscal  
10 years.

11 (b) Limitation. Any such class exemption shall not be  
12 permitted for a period of more than one year at a time.

13 (3) Waivers. Where a particular contract requires a  
14 contractor to meet a goal established pursuant to this Act, the  
15 contractor shall have the right to request from the Council, in  
16 consultation with the Commission, a waiver from such  
17 requirements. The Council may grant the waiver only upon a  
18 demonstration by the contractor of unreasonable responses to  
19 the request for proposals given the class of contract ~~shall~~  
20 ~~grant the waiver where the contractor demonstrates that there~~  
21 ~~has been made a good faith effort to comply with the goals for~~  
22 ~~participation by businesses owned by minorities, women, and~~  
23 ~~persons with disabilities.~~ Any such waiver shall also be  
24 transmitted in writing to the Bureau on Apprenticeship  
25 Programs.

26 (a) Request for waiver. A contractor's request for a

1 waiver under this subsection (3) must include, but is not  
2 limited to, the following, if available:

3 (i) a list of eligible businesses owned by  
4 minorities, women, and persons with disabilities that  
5 pertain to the class of contracts in the requested  
6 waiver. Eligible businesses are only eligible if the  
7 business is certified for the products or work  
8 advertised in the solicitation;

9 (ii) (Blank); ~~a clear demonstration that the~~  
10 ~~number of eligible businesses identified in~~  
11 ~~subparagraph (i) above is insufficient to ensure~~  
12 ~~competition;~~

13 (iii) the difference in cost between the contract  
14 proposals being offered by businesses owned by  
15 minorities, women, and persons with disabilities and  
16 the agency or the public institution of higher  
17 education's expectations of reasonable prices on bids  
18 or proposals within that class; and

19 (iv) a list of businesses owned by minorities,  
20 women, and persons with disabilities that the  
21 contractor has used in the current and prior fiscal  
22 years.

23 (b) Determination. The Council's determination, in  
24 consultation with the Commission, concerning waivers must  
25 include following:

26 (i) the justification for the requested waiver,

1 including whether the requesting contractor made a  
2 proper demonstration of unreasonable responses to the  
3 request for proposals given the class of contract ~~good~~  
4 ~~faith effort to identify and solicit eligible~~  
5 ~~businesses owned by minorities, women, and persons~~  
6 ~~with disabilities;~~

7 (ii) the total number of waivers the contractor has  
8 been granted by the Council in the current and prior  
9 fiscal years;

10 (iii) the percentage of contracts awarded by the  
11 agency or public institution of higher education to  
12 eligible businesses owned by minorities, women, and  
13 persons with disabilities in the current and prior  
14 fiscal years; and

15 (iv) the contractor's use of businesses owned by  
16 minorities, women, and persons with disabilities in  
17 the current and prior fiscal years.

18 (3.5) (Blank).

19 (4) Conflict with other laws. In the event that any State  
20 contract, which otherwise would be subject to the provisions of  
21 this Act, is or becomes subject to federal laws or regulations  
22 which conflict with the provisions of this Act or actions of  
23 the State taken pursuant hereto, the provisions of the federal  
24 laws or regulations shall apply and the contract shall be  
25 interpreted and enforced accordingly.

26 (5) Each chief procurement officer, as defined in the



1 Illinois Procurement Code, shall maintain on his or her  
2 official Internet website a database of the following: (i)  
3 waivers granted under this Section with respect to contracts  
4 under his or her jurisdiction; (ii) a State agency or public  
5 institution of higher education's written request for an  
6 exemption of an individual contract or an entire class of  
7 contracts; and (iii) the Council's written determination  
8 granting or denying a request for an exemption of an individual  
9 contract or an entire class of contracts. The database, which  
10 shall be updated periodically as necessary, shall be searchable  
11 by contractor name and by contracting State agency.

12 (6) Each chief procurement officer, as defined by the  
13 Illinois Procurement Code, shall maintain on its website a list  
14 of all firms that have been prohibited from bidding, offering,  
15 or entering into a contract with the State of Illinois as a  
16 result of violations of this Act.

17 Each public notice required by law of the award of a State  
18 contract shall include for each bid or offer submitted for that  
19 contract the following: (i) the bidder's or offeror's name,  
20 (ii) the bid amount, (iii) the name or names of the certified  
21 firms identified in the bidder's or offeror's submitted  
22 utilization plan, and (iv) the bid's amount and percentage of  
23 the contract awarded to businesses owned by minorities, women,  
24 and persons with disabilities identified in the utilization  
25 plan.

26 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;

1 101-601, eff. 1-1-20.)

2 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

3 (Section scheduled to be repealed on June 30, 2024)

4 Sec. 8. Enforcement.

5 (1) The Commission on Equity and Inclusion ~~Council~~ shall  
6 make such findings, recommendations and proposals to the  
7 Governor as are necessary and appropriate to enforce this Act.  
8 If, as a result of its monitoring activities, the Commission  
9 ~~Council~~ determines that its goals and policies are not being  
10 met by any State agency or public institution of higher  
11 education, the Commission ~~Council~~ may recommend any or all of  
12 the following actions:

13 (a) Establish enforcement procedures whereby the  
14 Commission ~~Council~~ may recommend to the appropriate State  
15 agency, public institutions of higher education, or law  
16 enforcement officer that legal or administrative remedies  
17 be initiated for violations of contract provisions or rules  
18 issued hereunder or by a contracting State agency or public  
19 institutions of higher education. State agencies and  
20 public institutions of higher education shall be  
21 authorized to adopt remedies for such violations which  
22 shall include (1) termination of the contract involved, (2)  
23 prohibition of participation of the respondents in public  
24 contracts for a period not to exceed one year, (3)  
25 imposition of a penalty not to exceed any profit acquired

1 as a result of violation, or (4) any combination thereof.

2 (b) If the Commission ~~Council~~ concludes that a  
3 compliance plan submitted under Section 6 is unlikely to  
4 produce the participation goals for businesses owned by  
5 minorities, women, and persons with disabilities within  
6 the then current fiscal year, the Commission ~~Council~~ may  
7 recommend that the State agency or public institution of  
8 higher education revise its plan to provide additional  
9 opportunities for participation by businesses owned by  
10 minorities, women, and persons with disabilities. Such  
11 recommended revisions may include, but shall not be limited  
12 to, the following:

13 (i) assurances of stronger and better focused  
14 solicitation efforts to obtain more businesses owned  
15 by minorities, women, and persons with disabilities as  
16 potential sources of supply;

17 (ii) division of job or project requirements, when  
18 economically feasible, into tasks or quantities to  
19 permit participation of businesses owned by  
20 minorities, women, and persons with disabilities;

21 (iii) elimination of extended experience or  
22 capitalization requirements, when programmatically  
23 feasible, to permit participation of businesses owned  
24 by minorities, women, and persons with disabilities;

25 (iv) identification of specific proposed contracts  
26 as particularly attractive or appropriate for

1 participation by businesses owned by minorities,  
2 women, and persons with disabilities, such  
3 identification to result from and be coupled with the  
4 efforts of subparagraphs (i) through (iii);

5 (v) implementation of those regulations  
6 established for the use of the sheltered market  
7 process.

8 (2) State agencies and public institutions of higher  
9 education shall review a vendor's compliance with its  
10 utilization plan and the terms of its contract. Without  
11 limitation, a vendor's failure to comply with its contractual  
12 commitments as contained in the utilization plan; failure to  
13 cooperate in providing information regarding its compliance  
14 with its utilization plan; or the provision of false or  
15 misleading information or statements concerning compliance,  
16 certification status, or eligibility of the Business  
17 Enterprise Program-certified vendor, good faith efforts, or  
18 any other material fact or representation shall constitute a  
19 material breach of the contract and entitle the State agency or  
20 public institution of higher education to declare a default,  
21 terminate the contract, or exercise those remedies provided for  
22 in the contract, at law, or in equity.

23 (3) A vendor shall be in breach of the contract and may be  
24 subject to penalties for failure to meet contract goals  
25 established under this Act, unless the vendor can show that it  
26 made good faith efforts to meet the contract goals.

1 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

2 Article 120.

3 Section 120-5. The Technology Development Act is amended by  
4 changing Sections 10, 11, and 20 as follows:

5 (30 ILCS 265/10)

6 Sec. 10. Technology Development Account.

7 (a) The State Treasurer may segregate a portion of the  
8 Treasurer's investment portfolio, that at no time shall be  
9 greater than 1% of the portfolio, in the Technology Development  
10 Account, an account that shall be maintained separately and  
11 apart from other moneys invested by the Treasurer. The  
12 Treasurer may make investments from the Account that help  
13 attract, assist, and retain quality technology businesses in  
14 Illinois. The earnings on the Account shall be accounted for  
15 separately from other investments made by the Treasurer.

16 (b) Moneys in the Account may be invested by the State  
17 Treasurer to provide venture capital to technology businesses  
18 seeking to locate, expand, or remain in Illinois by placing  
19 money with Illinois venture capital firms for investment by the  
20 venture capital firms in technology businesses. "Venture  
21 capital", as used in this Act, means equity financing that is  
22 provided for starting up, expanding, or relocating a company,  
23 or related purposes such as financing for seed capital,

1 research and development, introduction of a product or process  
2 into the marketplace, or similar needs requiring risk capital.  
3 "Technology business", as used in this Act, means a company  
4 that has as its principal function the providing of services  
5 including computer, information transfer, communication,  
6 distribution, processing, administrative, laboratory,  
7 experimental, developmental, technical, testing services,  
8 manufacture of goods or materials, the processing of goods or  
9 materials by physical or chemical change, computer related  
10 activities, robotics, biological or pharmaceutical industrial  
11 activity, or technology oriented or emerging industrial  
12 activity. "Illinois venture capital firms", as used in this  
13 Act, means an entity that has a majority of its employees in  
14 Illinois or that has at least one managing partner domiciled in  
15 Illinois that has made significant capital investments in  
16 Illinois companies and that provides equity financing for  
17 starting up or expanding a company, or related purposes such as  
18 financing for seed capital, research and development,  
19 introduction of a product or process into the marketplace, or  
20 similar needs requiring risk capital.

21 (c) Any fund created by an Illinois venture capital firm in  
22 which the State Treasurer places money pursuant to this Act  
23 shall be required by the State Treasurer to seek investments in  
24 technology businesses seeking to locate, expand, or remain in  
25 Illinois.

26 (d) The investment of the State Treasurer in any fund

1 created by an Illinois venture capital firm in which the State  
2 Treasurer places money pursuant to this Section Act shall not  
3 exceed 10% of the total investments in the fund.

4 (e) The State Treasurer shall not invest more than  
5 one-third of the Technology Development Account in any given  
6 calendar year.

7 (f) The Treasurer may deposit no more than 15% ~~10%~~ of the  
8 earnings of the investments in the Technology Development  
9 Account into the Technology Development Fund.

10 (Source: P.A. 94-395, eff. 8-1-05.)

11 (30 ILCS 265/11)

12 Sec. 11. Technology Development Account II.

13 (a) Including the amount provided in Section 10 of this  
14 Act, the State Treasurer shall segregate a portion of the  
15 Treasurer's State investment portfolio, that at no time shall  
16 be greater than 5% of the portfolio, in the Technology  
17 Development Account IIa ("TDA IIa"), an account that shall be  
18 maintained separately and apart from other moneys invested by  
19 the Treasurer. Distributions from the investments in TDA IIa  
20 may be reinvested into TDA IIa without being counted against  
21 the 5% cap. The aggregate investment in TDA IIa and the  
22 aggregate commitment of investment capital in a TDA  
23 II-Recipient Fund shall at no time be greater than 5% of the  
24 State's investment portfolio, which shall be calculated as: (1)  
25 the balance at the inception of the State's fiscal year; or (2)

1 the average balance in the immediately preceding 5 fiscal  
2 years, whichever number is greater. Distributions from a TDA  
3 II-Recipient Fund, in an amount not to exceed the commitment  
4 amount and total distributions received, may be reinvested into  
5 TDA IIa without being counted against the 5% cap. The Treasurer  
6 may make investments from TDA IIa that help attract, assist,  
7 and retain quality technology businesses in Illinois. The  
8 earnings on TDA IIa shall be accounted for separately from  
9 other investments made by the Treasurer.

10 (b) The Treasurer may solicit proposals from entities to  
11 manage and be the General Partner of a separate fund  
12 ("Technology Development Account IIb" or "TDA IIb") consisting  
13 of investments from private sector investors that must invest,  
14 at the direction of the general partner, in tandem with TDA IIa  
15 in a pro-rata portion. The Treasurer may enter into an  
16 agreement with the entity managing TDA IIb to advise on the  
17 investment strategy of TDA IIa and TDA IIb (collectively  
18 "Technology Development Account II" or "TDA II") and fulfill  
19 other mutually agreeable terms. Funds in TDA IIb shall be kept  
20 separate and apart from moneys in the State treasury.

21 (c) All or a portion of the moneys in TDA IIa shall be  
22 invested by the State Treasurer to provide venture capital to  
23 technology businesses, including co-investments, seeking to  
24 locate, expand, or remain in Illinois by placing money with  
25 Illinois venture capital firms for investment by the venture  
26 capital firms in technology businesses. "Venture capital", as



1 used in this Section, means equity financing that is provided  
2 for starting up, expanding, or relocating a company, or related  
3 purposes such as financing for seed capital, research and  
4 development, introduction of a product or process into the  
5 marketplace, or similar needs requiring risk capital.

6 "Technology business", as used in this Section, means a company  
7 that has as its principal function the providing of services,  
8 including computer, information transfer, communication,  
9 distribution, processing, administrative, laboratory,  
10 experimental, developmental, technical, or testing services;  
11 manufacture of goods or materials; the processing of goods or  
12 materials by physical or chemical change; computer related  
13 activities; robotics, biological, or pharmaceutical industrial  
14 activities; or technology-oriented or emerging industrial  
15 activity. "Illinois venture capital firm", as used in this  
16 Section, means an entity that: (1) has a majority of its  
17 employees in Illinois (more than 50%) or that has at least one  
18 general partner or principal domiciled in Illinois, and that  
19 (2) provides equity financing for starting up or expanding a  
20 company, or related purposes such as financing for seed  
21 capital, research and development, introduction of a product or  
22 process into the marketplace, or similar needs requiring risk  
23 capital. "Illinois venture capital firm" may also mean an  
24 entity that has a track record of identifying, evaluating, and  
25 investing in Illinois companies and that provides equity  
26 financing for starting up or expanding a company, or related

1 purposes such as financing for seed capital, research and  
2 development, introduction of a product or process into the  
3 marketplace, or similar needs requiring risk capital. For  
4 purposes of this Section, "track record" means having made, on  
5 average, at least one investment in an Illinois company in each  
6 of its funds if the Illinois venture capital firm has multiple  
7 funds or at least 2 investments in Illinois companies if the  
8 Illinois venture capital firm has only one fund. In no case  
9 shall more than 15% of the capital in the TDA IIa be invested  
10 in firms based outside of Illinois.

11 (d) Any fund created by an Illinois venture capital firm in  
12 which the State Treasurer places money pursuant to this Section  
13 shall be required by the State Treasurer to seek investments in  
14 technology businesses seeking to locate, expand, or remain in  
15 Illinois. Any fund created by an Illinois venture capital firm  
16 in which the State Treasurer places money under this Section  
17 ("TDA II-Recipient Fund") shall invest a minimum of twice (2x)  
18 the aggregate amount of investable capital that is received  
19 from the State Treasurer under this Section in Illinois  
20 companies during the life of the fund. "Illinois companies", as  
21 used in this Section, are companies that are headquartered or  
22 that otherwise have a significant presence in the State at the  
23 time of initial or follow-on investment. Investable capital is  
24 calculated as committed capital, as defined in the firm's  
25 applicable fund's governing documents, less related estimated  
26 fees and expenses to be incurred during the life of the fund.

1 For the purposes of this subsection (d), "significant presence"  
2 means at least one physical office and one full-time employee  
3 within the geographic borders of this State.

4 Any TDA II-Recipient Fund shall also invest additional  
5 capital in Illinois companies during the life of the fund if,  
6 as determined by the fund's manager, the investment:

7 (1) is consistent with the firm's fiduciary  
8 responsibility to its limited partners;

9 (2) is consistent with the fund manager's investment  
10 strategy; and

11 (3) demonstrates the potential to create risk-adjusted  
12 financial returns consistent with the fund manager's  
13 investment goals.

14 In addition to any reporting requirements set forth in  
15 Section 10 of this Act, any TDA II-Recipient Fund shall report  
16 the following additional information to the Treasurer on a  
17 quarterly or annual basis, as determined by the Treasurer, for  
18 all investments:

19 (1) the names of portfolio companies invested in during  
20 the applicable investment period;

21 (2) the addresses of reported portfolio companies;

22 (3) the date of the initial (and follow-on) investment;

23 (4) the cost of the investment;

24 (5) the current fair market value of the investment;

25 (6) for Illinois companies, the number of Illinois  
26 employees on the investment date; and

1           (7) for Illinois companies, the current number of  
2           Illinois employees.

3           If, as of the earlier to occur of (i) the fourth year of  
4           the investment period of any TDA II-Recipient Fund or (ii) when  
5           that TDA II-Recipient Fund has drawn more than 60% of the  
6           investable capital of all limited partners, that TDA  
7           II-Recipient Fund has failed to invest the minimum amount  
8           required under this subsection (d) in Illinois companies, then  
9           the Treasurer shall deliver written notice to the manager of  
10          that fund seeking compliance with the minimum amount  
11          requirement under this subsection (d). If, after 180 days of  
12          delivery of notice, the TDA II-Recipient Fund has still failed  
13          to invest the minimum amount required under this subsection (d)  
14          in Illinois companies, then the Treasurer may elect, in  
15          writing, to terminate any further commitment to make capital  
16          contributions to that fund which otherwise would have been made  
17          under this Section.

18          (e) ~~The Notwithstanding the limitation found in subsection~~  
19          ~~(d) of Section 10 of this Act, the~~ investment of the State  
20          Treasurer in any fund created by an Illinois venture capital  
21          firm in which the State Treasurer places money pursuant to this  
22          Section shall not exceed 15% of the total TDA IIa account  
23          balance.

24          (f) (Blank).

25          (g) The Treasurer may deposit no more than 15% ~~10%~~ of the  
26          earnings of the investments in the Technology Development

1 Account IIa into the Technology Development Fund.

2 (Source: P.A. 100-1081, eff. 8-24-18.)

3 (30 ILCS 265/20)

4 Sec. 20. Technology Development Fund. The Technology  
5 Development Fund is created as a special fund outside the State  
6 treasury with the State Treasurer as custodian. Moneys in the  
7 Fund may be used by the State Treasurer to pay expenses related  
8 to investments from the Technology Development Account. Moneys  
9 in the Fund in excess of those expenses may be provided as  
10 grants to: (i) Illinois schools to purchase computers, and to  
11 upgrade technology, and support career and technical  
12 education; or (ii) incubators, accelerators, innovation  
13 research, technology transfer, and educational programs that  
14 provide training, support, and other resources to technology  
15 businesses to promote the growth of jobs and entrepreneurial  
16 and venture capital environments in communities of color or  
17 underrepresented or under-resourced communities in the State.

18 (Source: P.A. 94-395, eff. 8-1-05.)

19 Article 125.

20 Division 1. General Provisions

21 Section 125-1-1. Short title. This Act may be cited as the  
22 Anti-Predatory Lending Act.

1           Section 125-1-5. Purpose and construction. Illinois  
2 families pay over \$500,000,000 per year in payday and title  
3 loan fees. As reported by the Department in 2020, nearly half  
4 of Illinois payday loan borrowers earn less than \$30,000 per  
5 year, and the average annual percentage rate of a payday loan  
6 is 297%. The purpose of this Act is to protect consumers from  
7 predatory loans consistent with the federal law, the Military  
8 Lending Act, that protects active duty members of the military.  
9 This Act shall be construed as a consumer protection law for  
10 all purposes. This Act shall be liberally construed to  
11 effectuate its purpose.

12           Section 125-1-10. Definitions. As used in this Act:

13           "Consumer" means any natural person, including consumers  
14 acting jointly.

15           "Department" means the Department of Financial and  
16 Professional Regulation.

17           "Lender" means any person or entity, including any  
18 affiliate or subsidiary of a lender, that offers or makes a  
19 loan, buys a whole or partial interest in a loan, arranges a  
20 loan for a third party, or acts as an agent for a third party in  
21 making a loan, regardless of whether approval, acceptance, or  
22 ratification by the third party is necessary to create a legal  
23 obligation for the third party, and includes any other person  
24 or entity if the Department determines that the person or

1 entity is engaged in a transaction that is in substance a  
2 disguised loan or a subterfuge for the purpose of avoiding this  
3 Act.

4 "Person" means any natural person.

5 "Secretary" means the Secretary of Financial and  
6 Professional Regulation or a person authorized by the  
7 Secretary.

8 "Loan" means money or credit provided to a consumer in  
9 exchange for the consumer's agreement to a certain set of  
10 terms, including, but not limited to, any finance charges,  
11 interest, and other conditions. "Loan" includes closed-end and  
12 open-end credit and any transaction conducted via any medium  
13 whatsoever, including, but not limited to, paper, facsimile,  
14 Internet, or telephone.

15 Section 125-1-15. Applicability.

16 (a) Except as otherwise provided in this Section, this Act  
17 applies to any person or entity that offers or makes a loan to  
18 a consumer in Illinois.

19 (b) The provisions of this Act apply to any person or  
20 entity that seeks to evade its applicability by any device,  
21 subterfuge, or pretense whatsoever.

22 (d) Banks, savings banks, savings and loan associations,  
23 and credit unions chartered under the laws of the United States  
24 are exempt from the provisions of this Act.

1                   Division 5. Predatory Loan Protection

2           Section 125-5-5. Rate cap. Notwithstanding any other  
3 provision of law, for loans made or renewed on and after the  
4 effective date of this Act, a lender shall not contract for or  
5 receive a charge exceeding a 36% annual percentage rate on the  
6 unpaid balance of the amount financed for a loan. For purposes  
7 of this Section, the annual percentage rate shall be calculated  
8 as such rate is calculated using the system for calculating a  
9 military annual percentage rate under Section 232.4 of Title 32  
10 of the Code of Federal Regulations as in effect on the  
11 effective date of this amendatory Act of the 101st General  
12 Assembly.

13           Section 125-5-10. Violation. Any loan made in violation of  
14 this Act is void and uncollectible as to any principal, fee,  
15 interest, or charge.

16           Section 125-5-15. No evasion.

17           (a) No person may engage in any device, subterfuge, or  
18 pretense to evade the requirements of this Act, including, but  
19 not limited to, making loans disguised as a personal property  
20 sale and leaseback transaction; disguising loan proceeds as a  
21 cash rebate for the pretextual installment sale of goods or  
22 services; or making, offering, assisting, or arranging a debtor  
23 to obtain a loan with a greater rate or interest,



1 consideration, or charge than is permitted by this Act through  
2 any method including mail, telephone, internet, or any  
3 electronic means regardless of whether the person has a  
4 physical location in the State.

5 (b) A person is a lender subject to the requirements of  
6 this Act notwithstanding the fact that the person purports to  
7 act as an agent, service provider, or in another capacity for  
8 another entity that is exempt from this Act, if, among other  
9 things:

10 (1) the person holds, acquires, or maintains, directly  
11 or indirectly, the predominant economic interest in the  
12 loan;

13 (2) the person markets, brokers, arranges, or  
14 facilitates the loan and holds the right, requirement, or  
15 first right of refusal to purchase loans, receivables, or  
16 interests in the loans; or

17 (3) the totality of the circumstances indicate that the  
18 person is the lender and the transaction is structured to  
19 evade the requirements of this Act. Circumstances that  
20 weigh in favor of a person being a lender include, without  
21 limitation, where the person:

22 (i) indemnifies, insures, or protects an exempt  
23 entity for any costs or risks related to the loan;

24 (ii) predominantly designs, controls, or operates  
25 the loan program; or

26 (iii) purports to act as an agent, service

1 provider, or in another capacity for an exempt entity  
2 while acting directly as a lender in other states.

3 Section 125-5-20. Rules. The Secretary shall, within one  
4 year after the effective date of this Act, adopt rules  
5 consistent with this Act and rescind or amend rules that are  
6 inconsistent. The adoption, amendment, or rescission of rules  
7 shall be in conformity with the Illinois Administrative  
8 Procedure Act.

9 Division 10. Administrative Provisions

10 Section 125-10-5. Enforcement and remedies.

11 (a) The remedies provided in this Act are cumulative and  
12 apply to persons or entities subject to this Act.

13 (b) Any material violation of this Act, including the  
14 commission of an act prohibited under Division 5, constitutes a  
15 violation of the Consumer Fraud and Deceptive Business  
16 Practices Act.

17 (c) Subject to the Illinois Administrative Procedure Act,  
18 the Secretary may hold hearings, make findings of fact,  
19 conclusions of law, issue cease and desist orders, have the  
20 power to issue fines of up to \$10,000 per violation, and refer  
21 the matter to the appropriate law enforcement agency for  
22 prosecution under this Act. All proceedings shall be open to  
23 the public.

1           (d) The Secretary may issue a cease and desist order to any  
2 person or entity, when in the opinion of the Secretary the  
3 person or entity is violating or is about to violate any  
4 provision of this Act. The cease and desist order permitted by  
5 this subsection (d) may be issued prior to a hearing.

6           The Secretary shall serve notice of the action, including,  
7 but not limited to, a statement of the reasons for the action,  
8 either personally or by certified mail, return receipt  
9 requested. Service by certified mail shall be deemed completed  
10 when the notice is deposited in the U.S. Mail.

11           Within 10 days of service of the cease and desist order,  
12 the person or entity may request a hearing in writing.

13           If it is determined that the Secretary had the authority to  
14 issue the cease and desist order, the Secretary may issue such  
15 orders as may be reasonably necessary to correct, eliminate, or  
16 remedy the conduct.

17           The powers vested in the Secretary by this subsection (d)  
18 are additional to any and all other powers and remedies vested  
19 in the Secretary by law, and nothing in this subsection (d)  
20 shall be construed as requiring that the Secretary shall employ  
21 the power conferred in this subsection instead of or as a  
22 condition precedent to the exercise of any other power or  
23 remedy vested in the Secretary.

24           (e) The Secretary may, after 10 days notice by certified  
25 mail, return receipt requested, to the person or entity stating  
26 the contemplated action and in general the grounds therefore,

1 fine the person or entity an amount not exceeding \$10,000 per  
2 violation if the person or entity has failed to comply with any  
3 provision of this Act or any order, decision, finding, rule,  
4 regulation, or direction of the Secretary lawfully made in  
5 accordance with the authority of this Act. Service by certified  
6 mail shall be deemed completed when the notice is deposited in  
7 the U.S. Mail.

8 Section 125-10-10. Preemption of administrative rules. Any  
9 administrative rule adopted prior to the effective date of this  
10 Act by the Department regarding loans is preempted.

11 Section 125-10-15. Reporting of violations. The Department  
12 shall report to the Attorney General all material violations of  
13 this Act of which it becomes aware.

14 Section 125-10-20. Judicial review. All final  
15 administrative decisions of the Department under this Act are  
16 subject to judicial review under the Administrative Review Law  
17 and any rules adopted under the Administrative Review Law.

18 Section 125-10-25. No waivers. There shall be no waiver of  
19 any provision of this Act.

20 Section 125-10-30. Superiority of Act. To the extent this  
21 Act conflicts with any other State laws, this Act is superior

1 and supersedes those laws, except that nothing in this Act  
2 applies to any lender that is a bank, savings bank, savings and  
3 loan association, or credit union chartered under laws of the  
4 United States.

5 Section 125-10-35. Severability. The provisions of this  
6 Act are severable under Section 1.31 of the Statute on  
7 Statutes.

8 Article 90. Amendatory Provisions

9 Section 125-90-25. The Consumer Installment Loan Act is  
10 amended by changing Sections 1, 15, 15d, and 17.5 as follows:

11 (205 ILCS 670/1) (from Ch. 17, par. 5401)

12 Sec. 1. License required to engage in business. No person,  
13 partnership, association, limited liability company, or  
14 corporation shall engage in the business of making loans of  
15 money in a principal amount not exceeding \$40,000, and charge,  
16 contract for, or receive on any such loan a greater rate of  
17 interest, discount, or consideration therefor than the lender  
18 would be permitted by law to charge if he were not a licensee  
19 hereunder, ~~except as authorized by this Act after first~~  
20 ~~obtaining a license from the Director of Financial Institutions~~  
21 ~~(hereinafter called the Director)~~. No licensee, or employee or  
22 affiliate thereof, that is licensed under the Payday Loan

1 Reform Act shall obtain a license under this Act except that a  
2 licensee under the Payday Loan Reform Act may obtain a license  
3 under this Act for the exclusive purpose and use of making  
4 title-secured loans, as defined in subsection (a) of Section 15  
5 of this Act and governed by Title 38, Section 110.300 of the  
6 Illinois Administrative Code. For the purpose of this Section,  
7 "affiliate" means any person or entity that directly or  
8 indirectly controls, is controlled by, or shares control with  
9 another person or entity. A person or entity has control over  
10 another if the person or entity has an ownership interest of  
11 25% or more in the other.

12 In this Act, "Director" means the Director of Financial  
13 Institutions of the Department of Financial and Professional  
14 Regulation.

15 (Source: P.A. 96-936, eff. 3-21-11; 97-420, eff. 1-1-12.)

16 (205 ILCS 670/15) (from Ch. 17, par. 5415)

17 Sec. 15. Charges permitted.

18 (a) Every licensee may lend a principal amount not  
19 exceeding \$40,000 and, ~~except as to small consumer loans as~~  
20 ~~defined in this Section,~~ may charge, contract for and receive  
21 thereon interest at an annual percentage rate of no more than  
22 36%, subject to the provisions of this Act; ~~provided, however,~~  
23 ~~that the limitation on the annual percentage rate contained in~~  
24 ~~this subsection (a) does not apply to title secured loans,~~  
25 ~~which are loans upon which interest is charged at an annual~~

1 ~~percentage rate exceeding 36%, in which, at commencement, an~~  
2 ~~obligor provides to the licensee, as security for the loan,~~  
3 ~~physical possession of the obligor's title to a motor vehicle,~~  
4 ~~and upon which a licensee may charge, contract for, and receive~~  
5 ~~thereon interest at the rate agreed upon by the licensee and~~  
6 ~~borrower.~~ For purposes of this Section, the annual percentage  
7 rate shall be calculated as such rate is calculated using the  
8 system for calculating a military annual percentage rate under  
9 Section 232.4 of Title 32 of the Code of Federal Regulations as  
10 in effect on the effective date of this amendatory Act of the  
11 101st General Assembly in accordance with the federal Truth in  
12 Lending Act.

13 (b) For purpose of this Section, the following terms shall  
14 have the meanings ascribed herein.

15 "Applicable interest" for a precomputed loan contract  
16 means the amount of interest attributable to each monthly  
17 installment period. It is computed as if each installment  
18 period were one month and any interest charged for extending  
19 the first installment period beyond one month is ignored. The  
20 applicable interest for any monthly installment period is, ~~for~~  
21 ~~loans other than small consumer loans as defined in this~~  
22 ~~Section,~~ that portion of the precomputed interest that bears  
23 the same ratio to the total precomputed interest as the  
24 balances scheduled to be outstanding during that month bear to  
25 the sum of all scheduled monthly outstanding balances in the  
26 original contract. ~~With respect to a small consumer loan, the~~

1 ~~applicable interest for any installment period is that portion~~  
2 ~~of the precomputed monthly installment account handling charge~~  
3 ~~attributable to the installment period calculated based on a~~  
4 ~~method at least as favorable to the consumer as the actuarial~~  
5 ~~method, as defined by the federal Truth in Lending Act.~~

6 "Interest-bearing loan" means a loan in which the debt is  
7 expressed as a principal amount plus interest charged on actual  
8 unpaid principal balances for the time actually outstanding.

9 "Precomputed loan" means a loan in which the debt is  
10 expressed as the sum of the original principal amount plus  
11 interest computed actuarially in advance, assuming all  
12 payments will be made when scheduled.

13 ~~"Small consumer loan" means a loan upon which interest is~~  
14 ~~charged at an annual percentage rate exceeding 36% and with an~~  
15 ~~amount financed of \$4,000 or less. "Small consumer loan" does~~  
16 ~~not include a title secured loan as defined by subsection (a)~~  
17 ~~of this Section or a payday loan as defined by the Payday Loan~~  
18 ~~Reform Act.~~

19 "Substantially equal installment" includes a last  
20 regularly scheduled payment that may be less than, but not more  
21 than 5% larger than, the previous scheduled payment according  
22 to a disclosed payment schedule agreed to by the parties.

23 (c) Loans may be interest-bearing or precomputed.

24 (d) To compute time for either interest-bearing or  
25 precomputed loans for the calculation of interest and other  
26 purposes, a month shall be a calendar month and a day shall be



1 considered 1/30th of a month when calculation is made for a  
2 fraction of a month. A month shall be 1/12th of a year. A  
3 calendar month is that period from a given date in one month to  
4 the same numbered date in the following month, and if there is  
5 no same numbered date, to the last day of the following month.  
6 When a period of time includes a month and a fraction of a  
7 month, the fraction of the month is considered to follow the  
8 whole month. In the alternative, for interest-bearing loans,  
9 the licensee may charge interest at the rate of 1/365th of the  
10 agreed annual rate for each day actually elapsed.

11 (d-5) No licensee or other person may condition an  
12 extension of credit to a consumer on the consumer's repayment  
13 by preauthorized electronic fund transfers. Payment options,  
14 including, but not limited to, electronic fund transfers and  
15 Automatic Clearing House (ACH) transactions may be offered to  
16 consumers as a choice and method of payment chosen by the  
17 consumer.

18 (e) With respect to interest-bearing loans:

19 (1) Interest shall be computed on unpaid principal  
20 balances outstanding from time to time, for the time  
21 outstanding, until fully paid. Each payment shall be  
22 applied first to the accumulated interest and the remainder  
23 of the payment applied to the unpaid principal balance;  
24 provided however, that if the amount of the payment is  
25 insufficient to pay the accumulated interest, the unpaid  
26 interest continues to accumulate to be paid from the

1 proceeds of subsequent payments and is not added to the  
2 principal balance.

3 (2) Interest shall not be payable in advance or  
4 compounded. However, if part or all of the consideration  
5 for a new loan contract is the unpaid principal balance of  
6 a prior loan, then the principal amount payable under the  
7 new loan contract may include any unpaid interest which has  
8 accrued. The unpaid principal balance of a precomputed loan  
9 is the balance due after refund or credit of unearned  
10 interest as provided in paragraph (f), clause (3). The  
11 resulting loan contract shall be deemed a new and separate  
12 loan transaction for all purposes.

13 (3) Loans must be fully amortizing and be repayable in  
14 substantially equal and consecutive weekly, biweekly,  
15 semimonthly, or monthly installments. Notwithstanding this  
16 requirement, rates may vary according to an index that is  
17 independently verifiable and beyond the control of the  
18 licensee.

19 (4) The lender or creditor may, if the contract  
20 provides, collect a delinquency or collection charge on  
21 each installment in default for a period of not less than  
22 10 days in an amount not exceeding 5% of the installment on  
23 installments in excess of \$200, or \$10 on installments of  
24 \$200 or less, but only one delinquency and collection  
25 charge may be collected on any installment regardless of  
26 the period during which it remains in default.

1 (f) With respect to precomputed loans:

2 (1) Loans shall be repayable in substantially equal and  
3 consecutive weekly, biweekly, semimonthly, or monthly  
4 installments of principal and interest combined, except  
5 that the first installment period may be longer than one  
6 month by not more than 15 days, and the first installment  
7 payment amount may be larger than the remaining payments by  
8 the amount of interest charged for the extra days; and  
9 provided further that monthly installment payment dates  
10 may be omitted to accommodate borrowers with seasonal  
11 income.

12 (2) Payments may be applied to the combined total of  
13 principal and precomputed interest until the loan is fully  
14 paid. Payments shall be applied in the order in which they  
15 become due, except that any insurance proceeds received as  
16 a result of any claim made on any insurance, unless  
17 sufficient to prepay the contract in full, may be applied  
18 to the unpaid installments of the total of payments in  
19 inverse order.

20 (3) When any loan contract is paid in full by cash,  
21 renewal or refinancing, or a new loan, one month or more  
22 before the final installment due date, a licensee shall  
23 refund or credit the obligor with the total of the  
24 applicable interest for all fully unexpired installment  
25 periods, as originally scheduled or as deferred, which  
26 follow the day of prepayment; provided, if the prepayment

1 occurs prior to the first installment due date, the  
2 licensee may retain 1/30 of the applicable interest for a  
3 first installment period of one month for each day from the  
4 date of the loan to the date of prepayment, and shall  
5 refund or credit the obligor with the balance of the total  
6 interest contracted for. If the maturity of the loan is  
7 accelerated for any reason and judgment is entered, the  
8 licensee shall credit the borrower with the same refund as  
9 if prepayment in full had been made on the date the  
10 judgement is entered.

11 (4) The lender or creditor may, if the contract  
12 provides, collect a delinquency or collection charge on  
13 each installment in default for a period of not less than  
14 10 days in an amount not exceeding 5% of the installment on  
15 installments in excess of \$200, or \$10 on installments of  
16 \$200 or less, but only one delinquency or collection charge  
17 may be collected on any installment regardless of the  
18 period during which it remains in default.

19 (5) If the parties agree in writing, either in the loan  
20 contract or in a subsequent agreement, to a deferment of  
21 wholly unpaid installments, a licensee may grant a  
22 deferment and may collect a deferment charge as provided in  
23 this Section. A deferment postpones the scheduled due date  
24 of the earliest unpaid installment and all subsequent  
25 installments as originally scheduled, or as previously  
26 deferred, for a period equal to the deferment period. The

1        deferment period is that period during which no installment  
2        is scheduled to be paid by reason of the deferment. The  
3        deferment charge for a one month period may not exceed the  
4        applicable interest for the installment period immediately  
5        following the due date of the last undeferred payment. A  
6        proportionate charge may be made for deferment for periods  
7        of more or less than one month. A deferment charge is  
8        earned pro rata during the deferment period and is fully  
9        earned on the last day of the deferment period. Should a  
10       loan be prepaid in full during a deferment period, the  
11       licensee shall credit to the obligor a refund of the  
12       unearned deferment charge in addition to any other refund  
13       or credit made for prepayment of the loan in full.

14       (6) If two or more installments are delinquent one full  
15       month or more on any due date, and if the contract so  
16       provides, the licensee may reduce the unpaid balance by the  
17       refund credit which would be required for prepayment in  
18       full on the due date of the most recent maturing  
19       installment in default. Thereafter, and in lieu of any  
20       other default or deferment charges, the agreed rate of  
21       interest ~~or, in the case of small consumer loans, interest~~  
22       ~~at the rate of 18% per annum,~~ may be charged on the unpaid  
23       balance until fully paid.

24       (7) Fifteen days after the final installment as  
25       originally scheduled or deferred, the licensee, for any  
26       loan contract which has not previously been converted to

1 interest-bearing under paragraph (f), clause (6), may  
2 compute and charge interest on any balance remaining  
3 unpaid, including unpaid default or deferment charges, at  
4 the agreed rate of interest ~~or, in the case of small~~  
5 ~~consumer loans, interest at the rate of 18% per annum,~~  
6 until fully paid. At the time of payment of said final  
7 installment, the licensee shall give notice to the obligor  
8 stating any amounts unpaid.

9 (Source: P.A. 101-563, eff. 8-23-19.)

10 (205 ILCS 670/15d) (from Ch. 17, par. 5419)

11 Sec. 15d. Extra charges prohibited; exceptions. No amount  
12 in addition to the charges authorized by this Act shall be  
13 directly or indirectly charged, contracted for, or received,  
14 except (1) lawful fees paid to any public officer or agency to  
15 record, file or release security; (2) (i) costs and  
16 disbursements actually incurred in connection with a real  
17 estate loan, for any title insurance, title examination,  
18 abstract of title, survey, or appraisal, or paid to a trustee  
19 in connection with a trust deed, and (ii) in connection with a  
20 real estate loan those charges authorized by Section 4.1a of  
21 the Interest Act, whether called "points" or otherwise, which  
22 charges are imposed as a condition for making the loan and are  
23 not refundable in the event of prepayment of the loan; (3)  
24 costs and disbursements, including reasonable attorney's fees,  
25 incurred in legal proceedings to collect a loan or to realize

1 on a security after default; and (4) an amount not exceeding  
2 \$25, plus any actual expenses incurred in connection with a  
3 check or draft that is not honored because of insufficient or  
4 uncollected funds or because no such account exists; ~~and (5) a~~  
5 ~~document preparation fee not to exceed \$25 for obtaining and~~  
6 ~~reviewing credit reports and preparation of other documents.~~

7 This Section does not prohibit the receipt of a commission,  
8 dividend, charge, or other benefit by the licensee or by an  
9 employee, affiliate, or associate of the licensee from the  
10 insurance permitted by Sections 15a and 15b of this Act or from  
11 insurance in lieu of perfecting a security interest provided  
12 that the premiums for such insurance do not exceed the fees  
13 that otherwise could be contracted for by the licensee under  
14 this Section. Obtaining any of the items referred to in clause  
15 (i) of item (2) of this Section through the licensee or from  
16 any person specified by the licensee shall not be a condition  
17 precedent to the granting of the loan.

18 (Source: P.A. 89-400, eff. 8-20-95; 90-437, eff. 1-1-98.)

19 (205 ILCS 670/17.5)

20 Sec. 17.5. Consumer reporting service.

21 (a) For the purpose of this Section, "certified database"  
22 means the consumer reporting service database established  
23 pursuant to the Payday Loan Reform Act.

24 (b) Within 90 days after making a ~~small consumer~~ loan, a  
25 licensee shall enter information about the loan into the

1 certified database.

2 (c) For every ~~small-consumer~~ loan made, the licensee shall  
3 input the following information into the certified database  
4 within 90 days after the loan is made:

5 (i) the consumer's name and official identification  
6 number (for purposes of this Act, "official identification  
7 number" includes a Social Security Number, an Individual  
8 Taxpayer Identification Number, a Federal Employer  
9 Identification Number, an Alien Registration Number, or an  
10 identification number imprinted on a passport or consular  
11 identification document issued by a foreign government);

12 (ii) the consumer's gross monthly income;

13 (iii) the date of the loan;

14 (iv) the amount financed;

15 (v) the term of the loan;

16 (vi) the acquisition charge;

17 (vii) the monthly installment account handling charge;

18 (viii) the verification fee;

19 (ix) the number and amount of payments; and

20 (x) whether the loan is a first or subsequent  
21 refinancing of a prior ~~small-consumer~~ loan.

22 (d) Once a loan is entered with the certified database, the  
23 certified database shall provide to the licensee a dated,  
24 time-stamped statement acknowledging the certified database's  
25 receipt of the information and assigning each loan a unique  
26 loan number.



1 (e) The licensee shall update the certified database within  
2 90 days if any of the following events occur:

3 (i) the loan is paid in full by cash;

4 (ii) the loan is refinanced;

5 (iii) the loan is renewed;

6 (iv) the loan is satisfied in full or in part by  
7 collateral being sold after default;

8 (v) the loan is cancelled or rescinded; or

9 (vi) the consumer's obligation on the loan is otherwise  
10 discharged by the licensee.

11 (f) To the extent a licensee sells a product or service to  
12 a consumer, ~~other than a small consumer loan,~~ and finances any  
13 portion of the cost of the product or service, the licensee  
14 shall, in addition to and at the same time as the information  
15 inputted under subsection (d) of this Section, enter into the  
16 certified database:

17 (i) a description of the product or service sold;

18 (ii) the charge for the product or service; and

19 (iii) the portion of the charge for the product or  
20 service, if any, that is included in the amount financed by  
21 a ~~small consumer~~ loan.

22 (g) The certified database provider shall indemnify the  
23 licensee against all claims and actions arising from illegal or  
24 willful or wanton acts on the part of the certified database  
25 provider. The certified database provider may charge a fee not  
26 to exceed \$1 for each loan entered into the certified database

1 under subsection (d) of this Section. The database provider  
2 shall not charge any additional fees or charges to the  
3 licensee.

4 (h) All personally identifiable information regarding any  
5 consumer obtained by way of the certified database and  
6 maintained by the Department is strictly confidential and shall  
7 be exempt from disclosure under subsection (c) of Section 7 of  
8 the Freedom of Information Act.

9 (i) A licensee who submits information to a certified  
10 database provider in accordance with this Section shall not be  
11 liable to any person for any subsequent release or disclosure  
12 of that information by the certified database provider, the  
13 Department, or any other person acquiring possession of the  
14 information, regardless of whether such subsequent release or  
15 disclosure was lawful, authorized, or intentional.

16 (j) To the extent the certified database becomes  
17 unavailable to a licensee as a result of some event or events  
18 outside the control of the licensee or the certified database  
19 is decertified, the requirements of this Section and Section  
20 17.4 of this Act are suspended until such time as the certified  
21 database becomes available.

22 (Source: P.A. 96-936, eff. 3-21-11; 97-813, eff. 7-13-12.)

23 (205 ILCS 670/17.1 rep.)

24 (205 ILCS 670/17.2 rep.)

25 (205 ILCS 670/17.3 rep.)

1 (205 ILCS 670/17.4 rep.)

2 Section 125-90-30. The Consumer Installment Loan Act is  
3 amended by repealing Sections 17.1, 17.2, 17.3, and 17.4.

4 Section 125-90-35. The Payday Loan Reform Act is amended by  
5 changing Sections 2-5 and 4-5 as follows:

6 (815 ILCS 122/2-5)

7 Sec. 2-5. Loan terms.

8 (a) Without affecting the right of a consumer to prepay at  
9 any time without cost or penalty, no payday loan may have a  
10 minimum term of less than 13 days.

11 (b) Except for an installment payday loan as defined in  
12 this Section, no payday loan may be made to a consumer if the  
13 loan would result in the consumer being indebted to one or more  
14 payday lenders for a period in excess of 45 consecutive days.  
15 Except as provided under subsection (c) of this Section and  
16 Section 2-40, if a consumer has or has had loans outstanding  
17 for a period in excess of 45 consecutive days, no payday lender  
18 may offer or make a loan to the consumer for at least 7  
19 calendar days after the date on which the outstanding balance  
20 of all payday loans made during the 45 consecutive day period  
21 is paid in full. For purposes of this subsection, the term  
22 "consecutive days" means a series of continuous calendar days  
23 in which the consumer has an outstanding balance on one or more  
24 payday loans; however, if a payday loan is made to a consumer

1 within 6 days or less after the outstanding balance of all  
2 loans is paid in full, those days are counted as "consecutive  
3 days" for purposes of this subsection.

4 (c) Notwithstanding anything in this Act to the contrary, a  
5 payday loan shall also include any installment loan otherwise  
6 meeting the definition of payday loan contained in Section  
7 1-10, but that has a term agreed by the parties of not less  
8 than 112 days and not exceeding 180 days; hereinafter an  
9 "installment payday loan". The following provisions shall  
10 apply:

11 (i) Any installment payday loan must be fully  
12 amortizing, with a finance charge calculated on the  
13 principal balances scheduled to be outstanding and be  
14 repayable in substantially equal and consecutive  
15 installments, according to a payment schedule agreed by the  
16 parties with not less than 13 days and not more than one  
17 month between payments. ~~; except that the first installment~~  
18 ~~period may be longer than the remaining installment periods~~  
19 ~~by not more than 15 days, and the first installment payment~~  
20 ~~may be larger than the remaining installment payments by~~  
21 ~~the amount of finance charges applicable to the extra days.~~  
22 ~~In calculating finance charges under this subsection, when~~  
23 ~~the first installment period is longer than the remaining~~  
24 ~~installment periods, the amount of the finance charges~~  
25 ~~applicable to the extra days shall not be greater than~~  
26 ~~\$15.50 per \$100 of the original principal balance divided~~

1 ~~by the number of days in a regularly scheduled installment~~  
2 ~~period and multiplied by the number of extra days~~  
3 ~~determined by subtracting the number of days in a regularly~~  
4 ~~scheduled installment period from the number of days in the~~  
5 ~~first installment period.~~

6 (ii) An installment payday loan may be refinanced by a  
7 new installment payday loan one time during the term of the  
8 initial loan; provided that the total duration of  
9 indebtedness on the initial installment payday loan  
10 combined with the total term of indebtedness of the new  
11 loan refinancing that initial loan, shall not exceed 180  
12 days. For purposes of this Act, a refinancing occurs when  
13 an existing installment payday loan is paid from the  
14 proceeds of a new installment payday loan.

15 (iii) In the event an installment payday loan is paid  
16 in full prior to the date on which the last scheduled  
17 installment payment before maturity is due, other than  
18 through a refinancing, no licensee may offer or make a  
19 payday loan to the consumer for at least 2 calendar days  
20 thereafter.

21 (iv) No installment payday loan may be made to a  
22 consumer if the loan would result in the consumer being  
23 indebted to one or more payday lenders for a period in  
24 excess of 180 consecutive days. The term "consecutive days"  
25 does not include the date on which a consumer makes the  
26 final installment payment.

1 (d) (Blank).

2 (e) No lender may make a payday loan to a consumer if the  
3 total of all payday loan payments coming due within the first  
4 calendar month of the loan, when combined with the payment  
5 amount of all of the consumer's other outstanding payday loans  
6 coming due within the same month, exceeds the lesser of:

7 (1) \$1,000; or

8 (2) in the case of one or more payday loans, 25% of the  
9 consumer's gross monthly income; or

10 (3) in the case of one or more installment payday  
11 loans, 22.5% of the consumer's gross monthly income; or

12 (4) in the case of a payday loan and an installment  
13 payday loan, 22.5% of the consumer's gross monthly income.

14 No loan shall be made to a consumer who has an outstanding  
15 balance on 2 payday loans, except that, for a period of 12  
16 months after March 21, 2011 (the effective date of Public Act  
17 96-936), consumers with an existing CILA loan may be issued an  
18 installment loan issued under this Act from the company from  
19 which their CILA loan was issued.

20 (e-5) A lender shall not contract for or receive a charge  
21 exceeding a 36% annual percentage rate on the unpaid balance of  
22 the amount financed for a payday loan. For purposes of this  
23 Section, the annual percentage rate shall be calculated as such  
24 rate is calculated using the system for calculating a military  
25 annual percentage rate under Section 232.4 of Title 32 of the  
26 Code of Federal Regulations as in effect on the effective date

1 of this amendatory Act of the 101st General Assembly. ~~Except as~~  
2 ~~provided in subsection (c) (i), no lender may charge more than~~  
3 ~~\$15.50 per \$100 loaned on any payday loan, or more than \$15.50~~  
4 ~~per \$100 on the initial principal balance and on the principal~~  
5 ~~balances scheduled to be outstanding during any installment~~  
6 ~~period on any installment payday loan. Except for installment~~  
7 ~~payday loans and except as provided in Section 2 25, this~~  
8 ~~charge is considered fully earned as of the date on which the~~  
9 ~~loan is made. For purposes of determining the finance charge~~  
10 ~~earned on an installment payday loan, the disclosed annual~~  
11 ~~percentage rate shall be applied to the principal balances~~  
12 ~~outstanding from time to time until the loan is paid in full,~~  
13 ~~or until the maturity date, whichever occurs first. No finance~~  
14 ~~charge may be imposed after the final scheduled maturity date.~~

15 When any loan contract is paid in full, the licensee shall  
16 refund any unearned finance charge. The unearned finance charge  
17 that is refunded shall be calculated based on a method that is  
18 at least as favorable to the consumer as the actuarial method,  
19 as defined by the federal Truth in Lending Act. The sum of the  
20 digits or rule of 78ths method of calculating prepaid interest  
21 refunds is prohibited.

22 (f) A lender may not take or attempt to take an interest in  
23 any of the consumer's personal property to secure a payday  
24 loan.

25 (g) A consumer has the right to redeem a check or any other  
26 item described in the definition of payday loan under Section

1 1-10 issued in connection with a payday loan from the lender  
2 holding the check or other item at any time before the payday  
3 loan becomes payable by paying the full amount of the check or  
4 other item.

5 (h) For the purpose of this Section, "substantially equal  
6 installment" includes a last regularly scheduled payment that  
7 may be less than, but no more than 5% larger than, the previous  
8 scheduled payment according to a disclosed payment schedule  
9 agreed to by the parties.

10 (Source: P.A. 100-201, eff. 8-18-17; 101-563, eff. 8-23-19.)

11 (815 ILCS 122/4-5)

12 Sec. 4-5. Prohibited acts. A licensee or unlicensed person  
13 or entity making payday loans may not commit, or have committed  
14 on behalf of the licensee or unlicensed person or entity, any  
15 of the following acts:

16 (1) Threatening to use or using the criminal process in  
17 this or any other state to collect on the loan.

18 (2) Using any device or agreement that would have the  
19 effect of charging or collecting more fees or charges than  
20 allowed by this Act, including, but not limited to,  
21 entering into a different type of transaction with the  
22 consumer.

23 (3) Engaging in unfair, deceptive, or fraudulent  
24 practices in the making or collecting of a payday loan.

25 (4) Using or attempting to use the check provided by



1 the consumer in a payday loan as collateral for a  
2 transaction not related to a payday loan.

3 (5) Knowingly accepting payment in whole or in part of  
4 a payday loan through the proceeds of another payday loan  
5 provided by any licensee, except as provided in subsection  
6 (c) of Section 2.5.

7 (6) Knowingly accepting any security, other than that  
8 specified in the definition of payday loan in Section 1-10,  
9 for a payday loan.

10 (7) Charging any fees or charges other than those  
11 specifically authorized by this Act.

12 (8) Threatening to take any action against a consumer  
13 that is prohibited by this Act or making any misleading or  
14 deceptive statements regarding the payday loan or any  
15 consequences thereof.

16 (9) Making a misrepresentation of a material fact by an  
17 applicant for licensure in obtaining or attempting to  
18 obtain a license.

19 (10) Including any of the following provisions in loan  
20 documents required by subsection (b) of Section 2-20:

21 (A) a confession of judgment clause;

22 (B) a waiver of the right to a jury trial, if  
23 applicable, in any action brought by or against a  
24 consumer, unless the waiver is included in an  
25 arbitration clause allowed under subparagraph (C) of  
26 this paragraph (11);

1           (C) a mandatory arbitration clause that is  
2           oppressive, unfair, unconscionable, or substantially  
3           in derogation of the rights of consumers; or

4           (D) a provision in which the consumer agrees not to  
5           assert any claim or defense arising out of the  
6           contract.

7           (11) Selling any insurance of any kind whether or not  
8           sold in connection with the making or collecting of a  
9           payday loan.

10          (12) Taking any power of attorney.

11          (13) Taking any security interest in real estate.

12          (14) Collecting a delinquency or collection charge on  
13          any installment regardless of the period in which it  
14          remains in default.

15          (15) Collecting treble damages on an amount owing from  
16          a payday loan.

17          (16) Refusing, or intentionally delaying or  
18          inhibiting, the consumer's right to enter into a repayment  
19          plan pursuant to this Act.

20          (17) Charging for, or attempting to collect,  
21          attorney's fees, court costs, or arbitration costs  
22          incurred in connection with the collection of a payday  
23          loan.

24          (18) Making a loan in violation of this Act.

25          (19) Garnishing the wages or salaries of a consumer who  
26          is a member of the military.

1           (20) Failing to suspend or defer collection activity  
2           against a consumer who is a member of the military and who  
3           has been deployed to a combat or combat-support posting.

4           (21) Contacting the military chain of command of a  
5           consumer who is a member of the military in an effort to  
6           collect on a payday loan.

7           (22) Making or offering to make any loan other than a  
8           payday loan or a title-secured loan, provided however, that  
9           to make or offer to make a title-secured loan, a licensee  
10          must obtain a license under the Consumer Installment Loan  
11          Act.

12          (23) Making or offering a loan in violation of the  
13          Anti-Predatory Lending Act.

14          (Source: P.A. 96-936, eff. 3-21-11.)

15          Section 125-90-40. The Interest Act is amended by changing  
16          Sections 4 and 4a as follows:

17           (815 ILCS 205/4) (from Ch. 17, par. 6404)

18           Sec. 4. General interest rate.

19           (1) Except as otherwise provided in Section 4.05 and in the  
20           Anti-Predatory Lending Act, in all written contracts it shall  
21           be lawful for the parties to stipulate or agree that 9% per  
22           annum, or any less sum of interest, shall be taken and paid  
23           upon every \$100 of money loaned or in any manner due and owing  
24           from any person to any other person or corporation in this

1 state, and after that rate for a greater or less sum, or for a  
2 longer or shorter time, except as herein provided.

3 The maximum rate of interest that may lawfully be  
4 contracted for is determined by the law applicable thereto at  
5 the time the contract is made. Any provision in any contract,  
6 whether made before or after July 1, 1969, which provides for  
7 or purports to authorize, contingent upon a change in the  
8 Illinois law after the contract is made, any rate of interest  
9 greater than the maximum lawful rate at the time the contract  
10 is made, is void.

11 It is lawful for a state bank or a branch of an  
12 out-of-state bank, as those terms are defined in Section 2 of  
13 the Illinois Banking Act, to receive or to contract to receive  
14 and collect interest and charges at any rate or rates agreed  
15 upon by the bank or branch and the borrower. It is lawful for a  
16 savings bank chartered under the Savings Bank Act or a savings  
17 association chartered under the Illinois Savings and Loan Act  
18 of 1985 to receive or contract to receive and collect interest  
19 and charges at any rate agreed upon by the savings bank or  
20 savings association and the borrower.

21 It is lawful to receive or to contract to receive and  
22 collect interest and charges as authorized by this Act and as  
23 authorized by the Consumer Installment Loan Act, ~~and by the~~  
24 ~~"Consumer Finance Act", approved July 10, 1935, as now or~~  
25 ~~hereafter amended, or by~~ the Payday Loan Reform Act, or the  
26 Anti-Predatory Lending Act. It is lawful to charge, contract

1 for, and receive any rate or amount of interest or  
2 compensation, except as otherwise provided in the  
3 Anti-Predatory Lending Act, with respect to the following  
4 transactions:

5 (a) Any loan made to a corporation;

6 (b) Advances of money, repayable on demand, to an  
7 amount not less than \$5,000, which are made upon warehouse  
8 receipts, bills of lading, certificates of stock,  
9 certificates of deposit, bills of exchange, bonds or other  
10 negotiable instruments pledged as collateral security for  
11 such repayment, if evidenced by a writing;

12 (c) Any credit transaction between a merchandise  
13 wholesaler and retailer; any business loan to a business  
14 association or copartnership or to a person owning and  
15 operating a business as sole proprietor or to any persons  
16 owning and operating a business as joint venturers, joint  
17 tenants or tenants in common, or to any limited  
18 partnership, or to any trustee owning and operating a  
19 business or whose beneficiaries own and operate a business,  
20 except that any loan which is secured (1) by an assignment  
21 of an individual obligor's salary, wages, commissions or  
22 other compensation for services, or (2) by his household  
23 furniture or other goods used for his personal, family or  
24 household purposes shall be deemed not to be a loan within  
25 the meaning of this subsection; and provided further that a  
26 loan which otherwise qualifies as a business loan within

1 the meaning of this subsection shall not be deemed as not  
2 so qualifying because of the inclusion, with other security  
3 consisting of business assets of any such obligor, of real  
4 estate occupied by an individual obligor solely as his  
5 residence. The term "business" shall be deemed to mean a  
6 commercial, agricultural or industrial enterprise which is  
7 carried on for the purpose of investment or profit, but  
8 shall not be deemed to mean the ownership or maintenance of  
9 real estate occupied by an individual obligor solely as his  
10 residence;

11 (d) Any loan made in accordance with the provisions of  
12 Subchapter I of Chapter 13 of Title 12 of the United States  
13 Code, which is designated as "Housing Renovation and  
14 Modernization";

15 (e) Any mortgage loan insured or upon which a  
16 commitment to insure has been issued under the provisions  
17 of the National Housing Act, Chapter 13 of Title 12 of the  
18 United States Code;

19 (f) Any mortgage loan guaranteed or upon which a  
20 commitment to guaranty has been issued under the provisions  
21 of the Veterans' Benefits Act, Subchapter II of Chapter 37  
22 of Title 38 of the United States Code;

23 (g) Interest charged by a broker or dealer registered  
24 under the Securities Exchange Act of 1934, as amended, or  
25 registered under the Illinois Securities Law of 1953,  
26 approved July 13, 1953, as now or hereafter amended, on a

1 debit balance in an account for a customer if such debit  
2 balance is payable at will without penalty and is secured  
3 by securities as defined in Uniform Commercial  
4 Code-Investment Securities;

5 (h) Any loan made by a participating bank as part of  
6 any loan guarantee program which provides for loans and for  
7 the refinancing of such loans to medical students, interns  
8 and residents and which are guaranteed by the American  
9 Medical Association Education and Research Foundation;

10 (i) Any loan made, guaranteed, or insured in accordance  
11 with the provisions of the Housing Act of 1949, Subchapter  
12 III of Chapter 8A of Title 42 of the United States Code and  
13 the Consolidated Farm and Rural Development Act,  
14 Subchapters I, II, and III of Chapter 50 of Title 7 of the  
15 United States Code;

16 (j) Any loan by an employee pension benefit plan, as  
17 defined in Section 3 (2) of the Employee Retirement Income  
18 Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an  
19 individual participating in such plan, provided that such  
20 loan satisfies the prohibited transaction exemption  
21 requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108  
22 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d)  
23 (1)) of the Employee Retirement Income Security Act of  
24 1974;

25 (k) Written contracts, agreements or bonds for deed  
26 providing for installment purchase of real estate,

1 including a manufactured home as defined in subdivision  
2 (53) of Section 9-102 of the Uniform Commercial Code that  
3 is real property as defined in the Conveyance and  
4 Encumbrance of Manufactured Homes as Real Property and  
5 Severance Act;

6 (l) Loans secured by a mortgage on real estate,  
7 including a manufactured home as defined in subdivision  
8 (53) of Section 9-102 of the Uniform Commercial Code that  
9 is real property as defined in the Conveyance and  
10 Encumbrance of Manufactured Homes as Real Property and  
11 Severance Act;

12 (m) Loans made by a sole proprietorship, partnership,  
13 or corporation to an employee or to a person who has been  
14 offered employment by such sole proprietorship,  
15 partnership, or corporation made for the sole purpose of  
16 transferring an employee or person who has been offered  
17 employment to another office maintained and operated by the  
18 same sole proprietorship, partnership, or corporation;

19 (n) Loans to or for the benefit of students made by an  
20 institution of higher education.

21 (2) Except for loans described in subparagraph (a), (c),  
22 (d), (e), (f) or (i) of subsection (1) of this Section, and  
23 except to the extent permitted by the applicable statute for  
24 loans made pursuant to Section 4a or pursuant to the Consumer  
25 Installment Loan Act:

26 (a) Whenever the rate of interest exceeds 8% per annum



1 on any written contract, agreement or bond for deed  
2 providing for the installment purchase of residential real  
3 estate, or on any loan secured by a mortgage on residential  
4 real estate, it shall be unlawful to provide for a  
5 prepayment penalty or other charge for prepayment.

6 (b) No agreement, note or other instrument evidencing a  
7 loan secured by a mortgage on residential real estate, or  
8 written contract, agreement or bond for deed providing for  
9 the installment purchase of residential real estate, may  
10 provide for any change in the contract rate of interest  
11 during the term thereof. However, if the Congress of the  
12 United States or any federal agency authorizes any class of  
13 lender to enter, within limitations, into mortgage  
14 contracts or written contracts, agreements or bonds for  
15 deed in which the rate of interest may be changed during  
16 the term of the contract, any person, firm, corporation or  
17 other entity not otherwise prohibited from entering into  
18 mortgage contracts or written contracts, agreements or  
19 bonds for deed in Illinois may enter into mortgage  
20 contracts or written contracts, agreements or bonds for  
21 deed in which the rate of interest may be changed during  
22 the term of the contract, within the same limitations.

23 (3) In any contract or loan which is secured by a mortgage,  
24 deed of trust, or conveyance in the nature of a mortgage, on  
25 residential real estate, the interest which is computed,  
26 calculated, charged, or collected pursuant to such contract or

1 loan, or pursuant to any regulation or rule promulgated  
2 pursuant to this Act, may not be computed, calculated, charged  
3 or collected for any period of time occurring after the date on  
4 which the total indebtedness, with the exception of late  
5 payment penalties, is paid in full.

6 (4) For purposes of this Section, a prepayment shall mean  
7 the payment of the total indebtedness, with the exception of  
8 late payment penalties if incurred or charged, on any date  
9 before the date specified in the contract or loan agreement on  
10 which the total indebtedness shall be paid in full, or before  
11 the date on which all payments, if timely made, shall have been  
12 made. In the event of a prepayment of the indebtedness which is  
13 made on a date after the date on which interest on the  
14 indebtedness was last computed, calculated, charged, or  
15 collected but before the next date on which interest on the  
16 indebtedness was to be calculated, computed, charged, or  
17 collected, the lender may calculate, charge and collect  
18 interest on the indebtedness for the period which elapsed  
19 between the date on which the prepayment is made and the date  
20 on which interest on the indebtedness was last computed,  
21 calculated, charged or collected at a rate equal to 1/360 of  
22 the annual rate for each day which so elapsed, which rate shall  
23 be applied to the indebtedness outstanding as of the date of  
24 prepayment. The lender shall refund to the borrower any  
25 interest charged or collected which exceeds that which the  
26 lender may charge or collect pursuant to the preceding

1 sentence. The provisions of this amendatory Act of 1985 shall  
2 apply only to contracts or loans entered into on or after the  
3 effective date of this amendatory Act, but shall not apply to  
4 contracts or loans entered into on or after that date that are  
5 subject to Section 4a of this Act, the Consumer Installment  
6 Loan Act, the Payday Loan Reform Act, the Anti-Predatory  
7 Lending Act, or the Retail Installment Sales Act, or that  
8 provide for the refund of precomputed interest on prepayment in  
9 the manner provided by such Act.

10 (5) For purposes of items (a) and (c) of subsection (1) of  
11 this Section, a rate or amount of interest may be lawfully  
12 computed when applying the ratio of the annual interest rate  
13 over a year based on 360 days. The provisions of this  
14 amendatory Act of the 96th General Assembly are declarative of  
15 existing law.

16 (6) For purposes of this Section, "real estate" and "real  
17 property" include a manufactured home, as defined in  
18 subdivision (53) of Section 9-102 of the Uniform Commercial  
19 Code that is real property as defined in the Conveyance and  
20 Encumbrance of Manufactured Homes as Real Property and  
21 Severance Act.

22 (Source: P.A. 98-749, eff. 7-16-14.)

23 (815 ILCS 205/4a) (from Ch. 17, par. 6410)

24 Sec. 4a. Installment loan rate.

25 (a) On money loaned to or in any manner owing from any

1 person, whether secured or unsecured, except where the money  
2 loaned or in any manner owing is directly or indirectly for the  
3 purchase price of real estate or an interest therein and is  
4 secured by a lien on or retention of title to that real estate  
5 or interest therein, to an amount not more than \$25,000  
6 (excluding interest) which is evidenced by a written instrument  
7 providing for the payment thereof in 2 or more periodic  
8 installments over a period of not more than 181 months from the  
9 date of the execution of the written instrument, it is lawful  
10 to receive or to contract to receive and collect either:

11 (i) interest in an amount equivalent to interest  
12 computed at a rate not exceeding 9% per year on the entire  
13 principal amount of the money loaned or in any manner owing  
14 for the period from the date of the making of the loan or  
15 the incurring of the obligation for the amount owing  
16 evidenced by the written instrument until the date of the  
17 maturity of the last installment thereof, and to add that  
18 amount to the principal, except that there shall be no  
19 limit on the rate of interest which may be received or  
20 contracted to be received and collected by (1) any bank,  
21 except a bank chartered under the laws of the United States,  
22 that has its main office or, after May 31, 1997, a branch  
23 in this State; or (2) a savings and loan association  
24 chartered under the Illinois Savings and Loan Act of 1985,  
25 or a savings bank chartered under the Savings Bank Act; ~~7~~  
26 ~~or a federal savings and loan association established under~~

1 ~~the laws of the United States and having its main office in~~  
2 ~~this State; or (3) any lender licensed under either the~~  
3 ~~Consumer Finance Act or the Consumer Installment Loan Act,~~  
4 ~~but in any case in which interest is received, contracted~~  
5 ~~for or collected on the basis of this clause (i), the~~  
6 ~~debtor may satisfy in full at any time before maturity the~~  
7 ~~debt evidenced by the written instrument, and in so~~  
8 ~~satisfying must receive a refund credit against the total~~  
9 ~~amount of interest added to the principal computed in the~~  
10 ~~manner provided under Section 15(f)(3) of the Consumer~~  
11 ~~Installment Loan Act for refunds or credits of applicable~~  
12 ~~interest on payment in full of precomputed loans before the~~  
13 ~~final installment due date; or~~

14 (ii) interest accrued on the principal balance from  
15 time to time remaining unpaid, from the date of making of  
16 the loan or the incurring of the obligation to the date of  
17 the payment of the debt in full, at a rate not exceeding  
18 the annual percentage rate equivalent of the rate permitted  
19 to be charged under clause (i) above, but in any such case  
20 the debtor may, provided that the debtor shall have paid in  
21 full all interest and other charges accrued to the date of  
22 such prepayment, prepay the principal balance in full or in  
23 part at any time, and interest shall, upon any such  
24 prepayment, cease to accrue on the principal amount which  
25 has been prepaid.

26 (b) Whenever the principal amount of an installment loan is

1 \$300 or more and the repayment period is 6 months or more, a  
2 minimum charge of \$15 may be collected instead of interest, but  
3 only one minimum charge may be collected from the same person  
4 during one year. When the principal amount of the loan  
5 (excluding interest) is \$800 or less, the lender or creditor  
6 may contract for and receive a service charge not to exceed \$5  
7 in addition to interest; and that service charge may be  
8 collected when the loan is made, but only one service charge  
9 may be contracted for, received, or collected from the same  
10 person during one year.

11 (c) Credit life insurance and credit accident and health  
12 insurance, and any charge therefor which is deducted from the  
13 loan or paid by the obligor, must comply with Article IX 1/2 of  
14 the Illinois Insurance Code and all lawful requirements of the  
15 Director of Insurance related thereto. When there are 2 or more  
16 obligors on the loan contract, only one charge for credit life  
17 insurance and credit accident and health insurance may be made  
18 and only one of the obligors may be required to be insured.  
19 Insurance obtained from, by or through the lender or creditor  
20 must be in effect when the loan is transacted. The purchase of  
21 that insurance from an agent, broker or insurer specified by  
22 the lender or creditor may not be a condition precedent to the  
23 granting of the loan.

24 (d) The lender or creditor may require the obligor to  
25 provide property insurance on security other than household  
26 goods, furniture and personal effects. The amount and term of

1 the insurance must be reasonable in relation to the amount and  
2 term of the loan contract and the type and value of the  
3 security, and the insurance must be procured in accordance with  
4 the insurance laws of this State. The purchase of that  
5 insurance from an agent, broker or insurer specified by the  
6 lender or creditor may not be a condition precedent to the  
7 granting of the loan.

8 (e) The lender or creditor may, if the contract provides,  
9 collect a delinquency and collection charge on each installment  
10 in default for a period of not less than 10 days in an amount  
11 not exceeding 5% of the installment on installments in excess  
12 of \$200 or \$10 on installments of \$200 or less, but only one  
13 delinquency and collection charge may be collected on any  
14 installment regardless of the period during which it remains in  
15 default. In addition, the contract may provide for the payment  
16 by the borrower or debtor of attorney's fees incurred by the  
17 lender or creditor. The lender or creditor may enforce such a  
18 provision to the extent of the reasonable attorney's fees  
19 incurred by him in the collection or enforcement of the  
20 contract or obligation. Whenever interest is contracted for or  
21 received under this Section, no amount in addition to the  
22 charges authorized by this Section may be directly or  
23 indirectly charged, contracted for or received, except lawful  
24 fees paid to a public officer or agency to record, file or  
25 release security, and except costs and disbursements including  
26 reasonable attorney's fees, incurred in legal proceedings to

1 collect a loan or to realize on a security after default. This  
2 Section does not prohibit the receipt of any commission,  
3 dividend or other benefit by the creditor or an employee,  
4 affiliate or associate of the creditor from the insurance  
5 authorized by this Section.

6 (f) When interest is contracted for or received under this  
7 Section, the lender must disclose the following items to the  
8 obligor in a written statement before the loan is consummated:

9 (1) the amount and date of the loan contract;

10 (2) the amount of loan credit using the term "amount  
11 financed";

12 (3) every deduction from the amount financed or payment  
13 made by the obligor for insurance and the type of insurance  
14 for which each deduction or payment was made;

15 (4) every other deduction from the loan or payment made  
16 by the obligor in connection with obtaining the loan;

17 (5) the date on which the finance charge begins to  
18 accrue if different from the date of the transaction;

19 (6) the total amount of the loan charge for the  
20 scheduled term of the loan contract with a description of  
21 each amount included using the term "finance charge";

22 (7) the finance charge expressed as an annual  
23 percentage rate using the term "annual percentage rate".  
24 "Annual percentage rate" means the nominal annual  
25 percentage rate of finance charge determined in accordance  
26 with the actuarial method of computation with an accuracy



1 at least to the nearest 1/4 of 1%; or at the option of the  
2 lender by application of the United States rule so that it  
3 may be disclosed with an accuracy at least to the nearest  
4 1/4 of 1%;

5 (8) the number, amount and due dates or periods of  
6 payments scheduled to repay the loan and the sum of such  
7 payments using the term "total of payments";

8 (9) the amount, or method of computing the amount of  
9 any default, delinquency or similar charges payable in the  
10 event of late payments;

11 (10) the right of the obligor to prepay the loan and  
12 the fact that such prepayment will reduce the charge for  
13 the loan;

14 (11) a description or identification of the type of any  
15 security interest held or to be retained or acquired by the  
16 lender in connection with the loan and a clear  
17 identification of the property to which the security  
18 interest relates. If after-acquired property will be  
19 subject to the security interest, or if other or future  
20 indebtedness is or may be secured by any such property,  
21 this fact shall be clearly set forth in conjunction with  
22 the description or identification of the type of security  
23 interest held, retained or acquired;

24 (12) a description of any penalty charge that may be  
25 imposed by the lender for prepayment of the principal of  
26 the obligation with an explanation of the method of

1 computation of such penalty and the conditions under which  
2 it may be imposed;

3 (13) unless the contract provides for the accrual and  
4 payment of the finance charge on the balance of the amount  
5 financed from time to time remaining unpaid, an  
6 identification of the method of computing any unearned  
7 portion of the finance charge in the event of prepayment of  
8 the loan.

9 The terms "finance charge" and "annual percentage rate"  
10 shall be printed more conspicuously than other terminology  
11 required by this Section.

12 (g) At the time disclosures are made, the lender shall  
13 deliver to the obligor a duplicate of the instrument or  
14 statement by which the required disclosures are made and on  
15 which the lender and obligor are identified and their addresses  
16 stated. All of the disclosures shall be made clearly,  
17 conspicuously and in meaningful sequence and made together on  
18 either:

19 (i) the note or other instrument evidencing the  
20 obligation on the same side of the page and above or  
21 adjacent to the place for the obligor's signature; however,  
22 where a creditor elects to combine disclosures with the  
23 contract, security agreement, and evidence of a  
24 transaction in a single document, the disclosures required  
25 under this Section shall be made on the face of the  
26 document, on the reverse side, or on both sides, provided

1 that the amount of the finance charge and the annual  
2 percentage rate shall appear on the face of the document,  
3 and, if the reverse side is used, the printing on both  
4 sides of the document shall be equally clear and  
5 conspicuous, both sides shall contain the statement,  
6 "NOTICE: See other side for important information", and the  
7 place for the customer's signature shall be provided  
8 following the full content of the document; or

9 (ii) one side of a separate statement which identifies  
10 the transaction.

11 The amount of the finance charge shall be determined as the  
12 sum of all charges, payable directly or indirectly by the  
13 obligor and imposed directly or indirectly by the lender as an  
14 incident to or as a condition to the extension of credit,  
15 whether paid or payable by the obligor, any other person on  
16 behalf of the obligor, to the lender or to a third party,  
17 including any of the following types of charges:

18 (1) Interest, time price differential, and any amount  
19 payable under a discount or other system of additional  
20 charges.

21 (2) Service, transaction, activity, or carrying  
22 charge.

23 (3) Loan fee, points, finder's fee, or similar charge.

24 (4) Fee for an appraisal, investigation, or credit  
25 report.

26 (5) Charges or premiums for credit life, accident,

1 health, or loss of income insurance, written in connection  
2 with any credit transaction unless (a) the insurance  
3 coverage is not required by the lender and this fact is  
4 clearly and conspicuously disclosed in writing to the  
5 obligor; and (b) any obligor desiring such insurance  
6 coverage gives specific dated and separately signed  
7 affirmative written indication of such desire after  
8 receiving written disclosure to him of the cost of such  
9 insurance.

10 (6) Charges or premiums for insurance, written in  
11 connection with any credit transaction, against loss of or  
12 damage to property or against liability arising out of the  
13 ownership or use of property, unless a clear, conspicuous,  
14 and specific statement in writing is furnished by the  
15 lender to the obligor setting forth the cost of the  
16 insurance if obtained from or through the lender and  
17 stating that the obligor may choose the person through  
18 which the insurance is to be obtained.

19 (7) Premium or other charges for any other guarantee or  
20 insurance protecting the lender against the obligor's  
21 default or other credit loss.

22 (8) Any charge imposed by a lender upon another lender  
23 for purchasing or accepting an obligation of an obligor if  
24 the obligor is required to pay any part of that charge in  
25 cash, as an addition to the obligation, or as a deduction  
26 from the proceeds of the obligation.

1           A late payment, delinquency, default, reinstatement or  
2 other such charge is not a finance charge if imposed for actual  
3 unanticipated late payment, delinquency, default or other  
4 occurrence.

5           (h) Advertising for loans transacted under this Section may  
6 not be false, misleading, or deceptive. That advertising, if it  
7 states a rate or amount of interest, must state that rate as an  
8 annual percentage rate of interest charged. In addition, if  
9 charges other than for interest are made in connection with  
10 those loans, those charges must be separately stated. No  
11 advertising may indicate or imply that the rates or charges for  
12 loans are in any way "recommended", "approved", "set" or  
13 "established" by the State government or by this Act.

14           (i) A lender or creditor who complies with the federal  
15 Truth in Lending Act, amendments thereto, and any regulations  
16 issued or which may be issued thereunder, shall be deemed to be  
17 in compliance with the provisions of subsections (f), (g) and  
18 (h) of this Section.

19           (j) For purposes of this Section, "real estate" and "real  
20 property" include a manufactured home as defined in subdivision  
21 (53) of Section 9-102 of the Uniform Commercial Code that is  
22 real property as defined in the Conveyance and Encumbrance of  
23 Manufactured Homes as Real Property and Severance Act.

24           (Source: P.A. 98-749, eff. 7-16-14.)

25           Section 125-90-45. The Consumer Fraud and Deceptive

1 Business Practices Act is amended by changing Section 2Z as  
2 follows:

3 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

4 Sec. 2Z. Violations of other Acts. Any person who knowingly  
5 violates the Automotive Repair Act, the Automotive Collision  
6 Repair Act, the Home Repair and Remodeling Act, the Dance  
7 Studio Act, the Physical Fitness Services Act, the Hearing  
8 Instrument Consumer Protection Act, the Illinois Union Label  
9 Act, the Installment Sales Contract Act, the Job Referral and  
10 Job Listing Services Consumer Protection Act, the Travel  
11 Promotion Consumer Protection Act, the Credit Services  
12 Organizations Act, the Automatic Telephone Dialers Act, the  
13 Pay-Per-Call Services Consumer Protection Act, the Telephone  
14 Solicitations Act, the Illinois Funeral or Burial Funds Act,  
15 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and  
16 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the  
17 High Risk Home Loan Act, the Payday Loan Reform Act, the  
18 Anti-Predatory Lending Act, the Mortgage Rescue Fraud Act,  
19 subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act,  
20 subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax  
21 Act, the Electronic Mail Act, the Internet Caller  
22 Identification Act, paragraph (6) of subsection (k) of Section  
23 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115,  
24 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois  
25 Vehicle Code, Article 3 of the Residential Real Property

1 Disclosure Act, the Automatic Contract Renewal Act, the Reverse  
2 Mortgage Act, Section 25 of the Youth Mental Health Protection  
3 Act, the Personal Information Protection Act, or the Student  
4 Online Personal Protection Act commits an unlawful practice  
5 within the meaning of this Act.

6 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,  
7 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;  
8 100-863, eff. 8-14-18.)

9 Article 130.

10 Section 130-5. The Business Corporation Act of 1983 is  
11 amended by changing Section 14.05 as follows:

12 (805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

13 Sec. 14.05. Annual report of domestic or foreign  
14 corporation. Each domestic corporation organized under any  
15 general law or special act of this State authorizing the  
16 corporation to issue shares, other than homestead  
17 associations, building and loan associations, banks and  
18 insurance companies (which includes a syndicate or limited  
19 syndicate regulated under Article V 1/2 of the Illinois  
20 Insurance Code or member of a group of underwriters regulated  
21 under Article V of that Code), and each foreign corporation  
22 (except members of a group of underwriters regulated under  
23 Article V of the Illinois Insurance Code) authorized to

1 transact business in this State, shall file, within the time  
2 prescribed by this Act, an annual report setting forth:

3 (a) The name of the corporation.

4 (b) The address, including street and number, or rural  
5 route number, of its registered office in this State, and  
6 the name of its registered agent at that address.

7 (c) The address, including street and number, or rural  
8 route number, of its principal office.

9 (d) The names and respective addresses, including  
10 street and number, or rural route number, of its directors  
11 and officers.

12 (e) A statement of the aggregate number of shares which  
13 the corporation has authority to issue, itemized by classes  
14 and series, if any, within a class.

15 (f) A statement of the aggregate number of issued  
16 shares, itemized by classes, and series, if any, within a  
17 class.

18 (g) A statement, expressed in dollars, of the amount of  
19 paid-in capital of the corporation as defined in this Act.

20 (h) Either a statement that (1) all the property of the  
21 corporation is located in this State and all of its  
22 business is transacted at or from places of business in  
23 this State, or the corporation elects to pay the annual  
24 franchise tax on the basis of its entire paid-in capital,  
25 or (2) a statement, expressed in dollars, of the value of  
26 all the property owned by the corporation, wherever



1 located, and the value of the property located within this  
2 State, and a statement, expressed in dollars, of the gross  
3 amount of business transacted by the corporation and the  
4 gross amount thereof transacted by the corporation at or  
5 from places of business in this State as of the close of  
6 its fiscal year on or immediately preceding the last day of  
7 the third month prior to the anniversary month or in the  
8 case of a corporation which has established an extended  
9 filing month, as of the close of its fiscal year on or  
10 immediately preceding the last day of the third month prior  
11 to the extended filing month; however, in the case of a  
12 domestic corporation that has not completed its first  
13 fiscal year, the statement with respect to property owned  
14 shall be as of the last day of the third month preceding  
15 the anniversary month and the statement with respect to  
16 business transacted shall be furnished for the period  
17 between the date of incorporation and the last day of the  
18 third month preceding the anniversary month. In the case of  
19 a foreign corporation that has not been authorized to  
20 transact business in this State for a period of 12 months  
21 and has not commenced transacting business prior to  
22 obtaining authority, the statement with respect to  
23 property owned shall be as of the last day of the third  
24 month preceding the anniversary month and the statement  
25 with respect to business transacted shall be furnished for  
26 the period between the date of its authorization to

1 transact business in this State and the last day of the  
2 third month preceding the anniversary month. If the data  
3 referenced in item (2) of this subsection is not completed,  
4 the franchise tax provided for in this Act shall be  
5 computed on the basis of the entire paid-in capital.

6 (i) A statement, including the basis therefor, of  
7 status as a "minority-owned business" or as a "women-owned  
8 business" as those terms are defined in the Business  
9 Enterprise for Minorities, Women, and Persons with  
10 Disabilities Act.

11 (j) Additional information as may be necessary or  
12 appropriate in order to enable the Secretary of State to  
13 administer this Act and to verify the proper amount of fees  
14 and franchise taxes payable by the corporation.

15 (k) A statement of whether the corporation or foreign  
16 corporation has outstanding shares listed on a major United  
17 States stock exchange and is thereby subject to the  
18 reporting requirements of Section 8.12.

19 (l) For those corporations subject to Section 8.12, a  
20 statement providing the information required under Section  
21 8.12.

22 (m) For those corporations required to file an Employer  
23 Information Report EEO-1 with the Equal Employment  
24 Opportunity Commission, information that is substantially  
25 similar to the employment data reported under Section D of  
26 the corporation's EEO-1 in a format approved by the

1       Secretary of State. For each corporation that submits data  
2       under this paragraph, the Secretary of State shall publish  
3       the data on the gender, race, and ethnicity of each  
4       corporation's employees on the Secretary of State's  
5       official website. The Secretary of State shall publish such  
6       information within 90 days of receipt of a properly filed  
7       annual report or as soon thereafter as practicable.

8       The annual report shall be made on forms prescribed and  
9       furnished by the Secretary of State, and the information  
10      therein required by paragraphs (a) through (d), both inclusive,  
11      of this Section, shall be given as of the date of the execution  
12      of the annual report and the information therein required by  
13      paragraphs (e), (f), and (g) of this Section shall be given as  
14      of the last day of the third month preceding the anniversary  
15      month, except that the information required by paragraphs (e),  
16      (f), and (g) shall, in the case of a corporation which has  
17      established an extended filing month, be given in its final  
18      transition annual report and each subsequent annual report as  
19      of the close of its fiscal year on or immediately preceding the  
20      last day of the third month prior to its extended filing month.  
21      The information required by paragraph (m) shall be included in  
22      the corporation's annual report filed on and after January 1,  
23      2022. It shall be executed by the corporation by its president,  
24      a vice-president, secretary, assistant secretary, treasurer or  
25      other officer duly authorized by the board of directors of the  
26      corporation to execute those reports, and verified by him or

1 her, or, if the corporation is in the hands of a receiver or  
2 trustee, it shall be executed on behalf of the corporation and  
3 verified by the receiver or trustee.

4 (Source: P.A. 100-391, eff. 8-25-17; 100-486, eff. 1-1-18;  
5 100-863, eff. 8-14-18; 101-589, eff. 8-27-19.)

6 Article 135.

7 Section 135-1. The Freedom of Information Act is amended by  
8 changing Section 7.5 as follows:

9 (5 ILCS 140/7.5)

10 Sec. 7.5. Statutory exemptions. To the extent provided for  
11 by the statutes referenced below, the following shall be exempt  
12 from inspection and copying:

13 (a) All information determined to be confidential  
14 under Section 4002 of the Technology Advancement and  
15 Development Act.

16 (b) Library circulation and order records identifying  
17 library users with specific materials under the Library  
18 Records Confidentiality Act.

19 (c) Applications, related documents, and medical  
20 records received by the Experimental Organ Transplantation  
21 Procedures Board and any and all documents or other records  
22 prepared by the Experimental Organ Transplantation  
23 Procedures Board or its staff relating to applications it

1 has received.

2 (d) Information and records held by the Department of  
3 Public Health and its authorized representatives relating  
4 to known or suspected cases of sexually transmissible  
5 disease or any information the disclosure of which is  
6 restricted under the Illinois Sexually Transmissible  
7 Disease Control Act.

8 (e) Information the disclosure of which is exempted  
9 under Section 30 of the Radon Industry Licensing Act.

10 (f) Firm performance evaluations under Section 55 of  
11 the Architectural, Engineering, and Land Surveying  
12 Qualifications Based Selection Act.

13 (g) Information the disclosure of which is restricted  
14 and exempted under Section 50 of the Illinois Prepaid  
15 Tuition Act.

16 (h) Information the disclosure of which is exempted  
17 under the State Officials and Employees Ethics Act, and  
18 records of any lawfully created State or local inspector  
19 general's office that would be exempt if created or  
20 obtained by an Executive Inspector General's office under  
21 that Act.

22 (i) Information contained in a local emergency energy  
23 plan submitted to a municipality in accordance with a local  
24 emergency energy plan ordinance that is adopted under  
25 Section 11-21.5-5 of the Illinois Municipal Code.

26 (j) Information and data concerning the distribution

1 of surcharge moneys collected and remitted by carriers  
2 under the Emergency Telephone System Act.

3 (k) Law enforcement officer identification information  
4 or driver identification information compiled by a law  
5 enforcement agency or the Department of Transportation  
6 under Section 11-212 of the Illinois Vehicle Code.

7 (l) Records and information provided to a residential  
8 health care facility resident sexual assault and death  
9 review team or the Executive Council under the Abuse  
10 Prevention Review Team Act.

11 (m) Information provided to the predatory lending  
12 database created pursuant to Article 3 of the Residential  
13 Real Property Disclosure Act, except to the extent  
14 authorized under that Article.

15 (n) Defense budgets and petitions for certification of  
16 compensation and expenses for court appointed trial  
17 counsel as provided under Sections 10 and 15 of the Capital  
18 Crimes Litigation Act. This subsection (n) shall apply  
19 until the conclusion of the trial of the case, even if the  
20 prosecution chooses not to pursue the death penalty prior  
21 to trial or sentencing.

22 (o) Information that is prohibited from being  
23 disclosed under Section 4 of the Illinois Health and  
24 Hazardous Substances Registry Act.

25 (p) Security portions of system safety program plans,  
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the  
2 Regional Transportation Authority under Section 2.11 of  
3 the Regional Transportation Authority Act or the St. Clair  
4 County Transit District under the Bi-State Transit Safety  
5 Act.

6 (q) Information prohibited from being disclosed by the  
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the  
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted  
11 under Section 5-108 of the Public Utilities Act.

12 (t) All identified or deidentified health information  
13 in the form of health data or medical records contained in,  
14 stored in, submitted to, transferred by, or released from  
15 the Illinois Health Information Exchange, and identified  
16 or deidentified health information in the form of health  
17 data and medical records of the Illinois Health Information  
18 Exchange in the possession of the Illinois Health  
19 Information Exchange Office due to its administration of  
20 the Illinois Health Information Exchange. The terms  
21 "identified" and "deidentified" shall be given the same  
22 meaning as in the Health Insurance Portability and  
23 Accountability Act of 1996, Public Law 104-191, or any  
24 subsequent amendments thereto, and any regulations  
25 promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and  
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied  
4 for or received Firearm Owner's Identification Cards under  
5 the Firearm Owners Identification Card Act or applied for  
6 or received a concealed carry license under the Firearm  
7 Concealed Carry Act, unless otherwise authorized by the  
8 Firearm Concealed Carry Act; and databases under the  
9 Firearm Concealed Carry Act, records of the Concealed Carry  
10 Licensing Review Board under the Firearm Concealed Carry  
11 Act, and law enforcement agency objections under the  
12 Firearm Concealed Carry Act.

13 (w) Personally identifiable information which is  
14 exempted from disclosure under subsection (g) of Section  
15 19.1 of the Toll Highway Act.

16 (x) Information which is exempted from disclosure  
17 under Section 5-1014.3 of the Counties Code or Section  
18 8-11-21 of the Illinois Municipal Code.

19 (y) Confidential information under the Adult  
20 Protective Services Act and its predecessor enabling  
21 statute, the Elder Abuse and Neglect Act, including  
22 information about the identity and administrative finding  
23 against any caregiver of a verified and substantiated  
24 decision of abuse, neglect, or financial exploitation of an  
25 eligible adult maintained in the Registry established  
26 under Section 7.5 of the Adult Protective Services Act.



1           (z) Records and information provided to a fatality  
2 review team or the Illinois Fatality Review Team Advisory  
3 Council under Section 15 of the Adult Protective Services  
4 Act.

5           (aa) Information which is exempted from disclosure  
6 under Section 2.37 of the Wildlife Code.

7           (bb) Information which is or was prohibited from  
8 disclosure by the Juvenile Court Act of 1987.

9           (cc) Recordings made under the Law Enforcement  
10 Officer-Worn Body Camera Act, except to the extent  
11 authorized under that Act.

12           (dd) Information that is prohibited from being  
13 disclosed under Section 45 of the Condominium and Common  
14 Interest Community Ombudsperson Act.

15           (ee) Information that is exempted from disclosure  
16 under Section 30.1 of the Pharmacy Practice Act.

17           (ff) Information that is exempted from disclosure  
18 under the Revised Uniform Unclaimed Property Act.

19           (gg) Information that is prohibited from being  
20 disclosed under Section 7-603.5 of the Illinois Vehicle  
21 Code.

22           (hh) Records that are exempt from disclosure under  
23 Section 1A-16.7 of the Election Code.

24           (ii) Information which is exempted from disclosure  
25 under Section 2505-800 of the Department of Revenue Law of  
26 the Civil Administrative Code of Illinois.

1           (jj) Information and reports that are required to be  
2 submitted to the Department of Labor by registering day and  
3 temporary labor service agencies but are exempt from  
4 disclosure under subsection (a-1) of Section 45 of the Day  
5 and Temporary Labor Services Act.

6           (kk) Information prohibited from disclosure under the  
7 Seizure and Forfeiture Reporting Act.

8           (ll) Information the disclosure of which is restricted  
9 and exempted under Section 5-30.8 of the Illinois Public  
10 Aid Code.

11           (mm) Records that are exempt from disclosure under  
12 Section 4.2 of the Crime Victims Compensation Act.

13           (nn) Information that is exempt from disclosure under  
14 Section 70 of the Higher Education Student Assistance Act.

15           (oo) Communications, notes, records, and reports  
16 arising out of a peer support counseling session prohibited  
17 from disclosure under the First Responders Suicide  
18 Prevention Act.

19           (pp) Names and all identifying information relating to  
20 an employee of an emergency services provider or law  
21 enforcement agency under the First Responders Suicide  
22 Prevention Act.

23           (qq) Information and records held by the Department of  
24 Public Health and its authorized representatives collected  
25 under the Reproductive Health Act.

26           (rr) Information that is exempt from disclosure under

1 the Cannabis Regulation and Tax Act.

2 (ss) Data reported by an employer to the Department of  
3 Human Rights pursuant to Section 2-108 of the Illinois  
4 Human Rights Act.

5 (tt) Recordings made under the Children's Advocacy  
6 Center Act, except to the extent authorized under that Act.

7 (uu) Information that is exempt from disclosure under  
8 Section 50 of the Sexual Assault Evidence Submission Act.

9 (vv) Information that is exempt from disclosure under  
10 subsections (f) and (j) of Section 5-36 of the Illinois  
11 Public Aid Code.

12 (ww) Information that is exempt from disclosure under  
13 Section 16.8 of the State Treasurer Act.

14 (xx) Information that is exempt from disclosure or  
15 information that shall not be made public under the  
16 Illinois Insurance Code.

17 (yy) Information prohibited from being disclosed under  
18 the Illinois Educational Labor Relations Act.

19 (zz) Information prohibited from being disclosed under  
20 the Illinois Public Labor Relations Act.

21 (aaa) Information prohibited from being disclosed  
22 under Section 1-167 of the Illinois Pension Code.

23 (bbb) Information that is exempt from disclosure under  
24 subsection (k) of Section 11 of the Equal Pay Act of 2003.

25 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
26 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.

1 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
2 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
3 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
4 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
5 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
6 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
7 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,  
8 eff. 7-7-20.)

9 Section 135-5. The State Finance Act is amended by adding  
10 Section 5.935 as follows:

11 (30 ILCS 105/5.935 new)

12 Sec. 5.935. The Equal Pay Certificate Fund.

13 Section 135-10. The Equal Pay Act of 2003 is amended by  
14 changing Section 10 and by adding Section 11 as follows:

15 (820 ILCS 112/10)

16 Sec. 10. Prohibited acts.

17 (a) No employer may discriminate between employees on the  
18 basis of sex by paying wages to an employee at a rate less than  
19 the rate at which the employer pays wages to another employee  
20 of the opposite sex for the same or substantially similar work  
21 on jobs the performance of which requires substantially similar  
22 skill, effort, and responsibility, and which are performed

1 under similar working conditions, except where the payment is  
2 made under:

3 (1) a seniority system;

4 (2) a merit system;

5 (3) a system that measures earnings by quantity or  
6 quality of production; or

7 (4) a differential based on any other factor other  
8 than: (i) sex or (ii) a factor that would constitute  
9 unlawful discrimination under the Illinois Human Rights  
10 Act, provided that the factor:

11 (A) is not based on or derived from a differential  
12 in compensation based on sex or another protected  
13 characteristic;

14 (B) is job-related with respect to the position and  
15 consistent with a business necessity; and

16 (C) accounts for the differential.

17 No employer may discriminate between employees by paying  
18 wages to an African-American employee at a rate less than the  
19 rate at which the employer pays wages to another employee who  
20 is not African-American for the same or substantially similar  
21 work on jobs the performance of which requires substantially  
22 similar skill, effort, and responsibility, and which are  
23 performed under similar working conditions, except where the  
24 payment is made under:

25 (1) a seniority system;

26 (2) a merit system;

1           (3) a system that measures earnings by quantity or  
2           quality of production; or

3           (4) a differential based on any other factor other  
4           than: (i) race or (ii) a factor that would constitute  
5           unlawful discrimination under the Illinois Human Rights  
6           Act, provided that the factor:

7                   (A) is not based on or derived from a differential  
8                   in compensation based on race or another protected  
9                   characteristic;

10                   (B) is job-related with respect to the position and  
11                   consistent with a business necessity; and

12                   (C) accounts for the differential.

13           An employer who is paying wages in violation of this Act  
14           may not, to comply with this Act, reduce the wages of any other  
15           employee.

16           Nothing in this Act may be construed to require an employer  
17           to pay, to any employee at a workplace in a particular county,  
18           wages that are equal to the wages paid by that employer at a  
19           workplace in another county to employees in jobs the  
20           performance of which requires equal skill, effort, and  
21           responsibility, and which are performed under similar working  
22           conditions.

23           (b) It is unlawful for any employer to interfere with,  
24           restrain, or deny the exercise of or the attempt to exercise  
25           any right provided under this Act. It is unlawful for any  
26           employer to discharge or in any other manner discriminate

1 against any individual for inquiring about, disclosing,  
2 comparing, or otherwise discussing the employee's wages or the  
3 wages of any other employee, or aiding or encouraging any  
4 person to exercise his or her rights under this Act. It is  
5 unlawful for an employer to require an employee to sign a  
6 contract or waiver that would prohibit the employee from  
7 disclosing or discussing information about the employee's  
8 wages, salary, benefits, or other compensation. An employer  
9 may, however, prohibit a human resources employee, a  
10 supervisor, or any other employee whose job responsibilities  
11 require or allow access to other employees' wage or salary  
12 information from disclosing that information without prior  
13 written consent from the employee whose information is sought  
14 or requested.

15 (b-5) It is unlawful for an employer or employment agency,  
16 or employee or agent thereof, to (1) screen job applicants  
17 based on their current or prior wages or salary histories,  
18 including benefits or other compensation, by requiring that the  
19 wage or salary history of an applicant satisfy minimum or  
20 maximum criteria, (2) request or require a wage or salary  
21 history as a condition of being considered for employment, as a  
22 condition of being interviewed, as a condition of continuing to  
23 be considered for an offer of employment, as a condition of an  
24 offer of employment or an offer of compensation, or (3) request  
25 or require that an applicant disclose wage or salary history as  
26 a condition of employment.

1 (b-10) It is unlawful for an employer to seek the wage or  
2 salary history, including benefits or other compensation, of a  
3 job applicant from any current or former employer. This  
4 subsection (b-10) does not apply if:

5 (1) the job applicant's wage or salary history is a  
6 matter of public record under the Freedom of Information  
7 Act, or any other equivalent State or federal law, or is  
8 contained in a document completed by the job applicant's  
9 current or former employer and then made available to the  
10 public by the employer, or submitted or posted by the  
11 employer to comply with State or federal law; or

12 (2) the job applicant is a current employee and is  
13 applying for a position with the same current employer.

14 (b-15) Nothing in subsections (b-5) and (b-10) shall be  
15 construed to prevent an employer or employment agency, or an  
16 employee or agent thereof, from:

17 (1) providing information about the wages, benefits,  
18 compensation, or salary offered in relation to a position;  
19 or

20 (2) engaging in discussions with an applicant for  
21 employment about the applicant's expectations with respect  
22 to wage or salary, benefits, and other compensation.

23 (b-20) An employer is not in violation of subsections (b-5)  
24 and (b-10) when a job applicant voluntarily and without  
25 prompting discloses his or her current or prior wage or salary  
26 history, including benefits or other compensation, on the



1 condition that the employer does not consider or rely on the  
2 voluntary disclosures as a factor in determining whether to  
3 offer a job applicant employment, in making an offer of  
4 compensation, or in determining future wages, salary,  
5 benefits, or other compensation.

6 (c) It is unlawful for any person to discharge or in any  
7 other manner discriminate against any individual because the  
8 individual:

9 (1) has filed any charge or has instituted or caused to  
10 be instituted any proceeding under or related to this Act;

11 (2) has given, or is about to give, any information in  
12 connection with any inquiry or proceeding relating to any  
13 right provided under this Act;

14 (3) has testified, or is about to testify, in any  
15 inquiry or proceeding relating to any right provided under  
16 this Act; or

17 (4) fails to comply with any wage or salary history  
18 inquiry.

19 (Source: P.A. 100-1140, eff. 1-1-19; 101-177, eff. 9-29-19.)

20 (820 ILCS 112/11 new)

21 Sec. 11. Equal pay certificate requirements; application.

22 (a) A business that has 100 or more full-time employees  
23 must obtain an equal pay certificate from the Department or  
24 certify in writing that it is exempt.

25 (b) No department or agency of the State shall execute a

1 contract for goods or services or an agreement for goods or  
2 services in excess of \$500,000 with a business that has 40 or  
3 more full-time employees in this State or a state where the  
4 business has its primary place of business on a single day  
5 during the prior 12 months, unless the business has an equal  
6 pay certificate or has certified in writing that it is exempt.

7 This subsection does not apply to a business with respect  
8 to a specific contract if the Department determines that  
9 application of this Section would cause undue hardship to the  
10 contracting entity. This subsection does not apply to a  
11 contract to provide goods and services to individuals under the  
12 Personnel Code, Article XX of the Illinois Insurance Code, the  
13 Health Maintenance Organization Act, the Comprehensive Health  
14 Insurance Plan Act, the Illinois Public Aid Code, the Rental  
15 Housing Support Program Act, the Children's Health Insurance  
16 Program Act, the Covering ALL KIDS Health Insurance Act, and  
17 the Rehabilitation of Persons with Disabilities Act, with a  
18 business that has a license, certification, registration,  
19 provider agreement, or provider enrollment contract that is  
20 prerequisite to providing those goods and services. This  
21 subsection does not apply to contracts entered into by the  
22 Illinois State Board of Investment for investment options under  
23 Section 24-104 of the Illinois Pension Code.

24 (c) Any business subject to the requirements of this  
25 Section that is authorized to transact business in this State  
26 on the effective date of this amendatory Act of the 101st

1 General Assembly must obtain an equal pay certificate within 3  
2 years after the effective date of this amendatory Act of the  
3 101st General Assembly and must recertify every 2 years  
4 thereafter. Any business subject to the requirements of this  
5 Section that is authorized to transact business in this State  
6 after the effective date of this amendatory Act of the 101st  
7 General Assembly must obtain an equal pay certificate within 3  
8 years of commencing business operations and must recertify  
9 every 2 years thereafter.

10 (d) Application.

11 (1) A business shall apply for an equal pay certificate  
12 by paying a \$150 filing fee and submitting an equal pay  
13 compliance statement to the Director. Any business that is  
14 required to file an annual Employer Information Report  
15 EEO-1 with the Equal Employment Opportunity Commission  
16 must also submit to the Director a copy of the business's  
17 most recently filed Employer Information Report EEO-1. The  
18 proceeds from the fees collected under this Section shall  
19 be deposited into the Equal Pay Certificate Fund, a special  
20 fund created in the State treasury. Moneys in the Fund  
21 shall be appropriated to the Department for the purposes of  
22 this Section. The Director shall issue an equal pay  
23 certificate of compliance to a business that submits to the  
24 Director a statement signed by the chairperson of the board  
25 or chief executive officer of the business:

26 (A) that the business is in compliance with Title

1 VII of the Civil Rights Act of 1964, the Equal Pay Act  
2 of 1963, the Illinois Human Rights Act, and the Equal  
3 Wage Act;

4 (B) that the average compensation for its female  
5 and minority employees is not consistently below the  
6 average compensation for its male and non-minority  
7 employees within each of the major job categories in  
8 the Employer Information Report EEO-1 for which an  
9 employee is expected to perform work under the  
10 contract, taking into account factors such as length of  
11 service, requirements of specific jobs, experience,  
12 skill, effort, responsibility, working conditions of  
13 the job, or other mitigating factors; as used in this  
14 subparagraph, "minority" has the meaning ascribed to  
15 that term in paragraph (1) of subsection (A) of Section  
16 2 of the Business Enterprise for Minorities, Women, and  
17 Persons with Disabilities Act;

18 (C) that the business does not restrict employees  
19 of one sex to certain job classifications and makes  
20 retention and promotion decisions without regard to  
21 sex;

22 (D) that wage and benefit disparities are  
23 corrected when identified to ensure compliance with  
24 the Acts cited in subparagraph (A) and with  
25 subparagraph (B); and

26 (E) how often wages and benefits are evaluated to

1           ensure compliance with the Acts cited in subparagraph  
2           (A) and with subparagraph (B).

3           (2) The equal pay compliance statement shall also  
4           indicate whether the business, in setting compensation and  
5           benefits, utilizes:

6                   (A) a market pricing approach;

7                   (B) State prevailing wage or union contract  
8           requirements;

9                   (C) a performance pay system;

10                   (D) an internal analysis; or

11                   (E) an alternative approach to determine what  
12           level of wages and benefits to pay its employees. If  
13           the business uses an alternative approach, the  
14           business must provide a description of its approach.

15           (3) Receipt of the equal pay compliance statement by  
16           the Director does not establish compliance with the Acts  
17           set forth in subparagraph (A).

18           (e) Issuance or rejection of certificate. The Director must  
19           issue an equal pay certificate, or a statement of why the  
20           application was rejected, within 15 days of receipt of the  
21           application. An application may be rejected only if it does not  
22           comply with the requirements of subsection (d).

23           (f) Revocation of certificate. An equal pay certificate for  
24           a business may be suspended or revoked by the Director when the  
25           business fails to make a good faith effort to comply with the  
26           Acts identified in subparagraph (A) of paragraph (1) of

1 subsection (d), fails to make a good faith effort to comply  
2 with this Section, or has multiple violations of this Section  
3 or the Acts identified in subparagraph (A) of paragraph (1) of  
4 subsection (d). Prior to suspending or revoking a certificate,  
5 the Director must first have sought to conciliate with the  
6 business regarding wages and benefits due to employees.

7 (g) Revocation of contract.

8 (1) If a contract is awarded to a business that does  
9 not have an equal pay certificate as required under  
10 subsection (b) or that is not in compliance with paragraph  
11 (1) of subsection (d), the Director may void the contract  
12 on behalf of the State. The contract award entity that is a  
13 party to the agreement must be notified by the Director  
14 prior to the Director taking action to void the contract.

15 (2) A contract may be abridged or terminated by the  
16 contract award entity identified in subsection (b) upon  
17 notice that the Director has suspended or revoked the  
18 certificate of the business.

19 (h) Administrative review.

20 (1) A business may obtain an administrative hearing in  
21 accordance with the Illinois Administrative Procedure Act  
22 before the suspension or revocation of its certificate is  
23 effective by filing a written request for hearing within 20  
24 days after service of notice by the Director.

25 (2) A business may obtain an administrative hearing in  
26 accordance with the Illinois Administrative Procedure Act

1       before the contract award entity's abridgement or  
2       termination of a contract is effective by filing a written  
3       request for a hearing 20 days after service of notice by  
4       the contract award entity.

5       (i) Technical assistance. The Director must provide  
6       technical assistance to any business that requests assistance  
7       regarding this Section.

8       (j) Audit. The Director may audit the business's compliance  
9       with this Section. As part of an audit, upon request, a  
10      business must provide the Director the following information  
11      with respect to employees expected to perform work under the  
12      contract in each of the major job categories in the Employer  
13      Information Report EEO-1:

14           (1) number of male employees;

15           (2) number of female employees;

16           (3) average annualized salaries paid to male employees  
17      and to female employees, in the manner most consistent with  
18      the employer's compensation system, within each major job  
19      category;

20           (4) information on performance payments, benefits, or  
21      other elements of compensation, in the manner most  
22      consistent with the employer's compensation system, if  
23      requested by the Director as part of a determination as to  
24      whether these elements of compensation are different for  
25      male and female employees;

26           (5) average length of service for male and female

1 employees in each major job category; and

2 (6) other information identified by the business or by  
3 the Director, as needed, to determine compliance with items  
4 specified in paragraph (1) of subsection (d).

5 (k) Access to data. Data submitted to the Director related  
6 to equal pay certificates are private data on individuals or  
7 nonpublic data with respect to persons other than Department  
8 employees. The Director's decision to issue, not issue, revoke,  
9 or suspend an equal pay certificate is public data.

10 (l) Penalty. The Department shall impose on any business  
11 that does not obtain an equal pay certificate as required under  
12 this Section a civil penalty in an amount equal to 1% of the  
13 business's profits for every 1% of wage gap that exists after  
14 accounting for differences in job title, experience, and  
15 performance.

16 (m) Whistleblower protection. As used in this subsection,  
17 "retaliatory action" means the reprimand, discharge,  
18 suspension, demotion, denial of promotion or transfer, or  
19 change in the terms and conditions of employment of any  
20 employee of a facility that is taken in retaliation for the  
21 employee's involvement in a protected activity as set forth in  
22 paragraphs (1) through (3) of subsection (b).

23 (1) A facility shall not take any retaliatory action  
24 against an employee of the facility, including a nursing  
25 home administrator, because the employee does any of the  
26 following:



1           (A) Discloses or threatens to disclose to a  
2           supervisor or to a public body an activity, inaction,  
3           policy, or practice implemented by a facility that the  
4           employee reasonably believes is in violation of a law,  
5           rule, or regulation.

6           (B) Provides information to or testifies before  
7           any public body conducting an investigation, hearing,  
8           or inquiry into any violation of a law, rule, or  
9           regulation by a nursing home administrator.

10           (C) Assists or participates in a proceeding to  
11           enforce the provisions of this Act.

12           (2) A violation of this Section may be established only  
13           upon a finding that (i) the employee of the facility  
14           engaged in conduct described in subsection (b) of this  
15           Section and (ii) this conduct was a contributing factor in  
16           the retaliatory action alleged by the employee. There is no  
17           violation of this Section, however, if the facility  
18           demonstrates by clear and convincing evidence that it would  
19           have taken the same unfavorable personnel action in the  
20           absence of that conduct.

21           (3) The employee of the facility may be awarded all  
22           remedies necessary to make the employee whole and to  
23           prevent future violations of this Section. Remedies  
24           imposed by the court may include, but are not limited to,  
25           all of the following:

26           (A) Reinstatement of the employee to either the

