



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5336

Introduced 2/8/2012, by Rep. Lisa M. Dugan

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 605/605-875

was 20 ILCS 605/46.68

20 ILCS 608/15

20 ILCS 1505/1505-55 new

Creates the OSHA Program Reorganization Act. Transfers, on July 1, 2012 or as soon thereafter as practical, certain powers, duties, rights, and responsibilities related to the Illinois Onsite Safety and Health Consultation Program (the OSHA program) from the Department of Commerce and Economic Opportunity to the Department of Labor. Provides that certain functions concerning the administration and management of employee benefits are unaffected by the transfer. Provides for the transfer of specified staff, records, unexpended moneys, and rules. Makes conforming changes in other Acts. Effective immediately.

LRB097 19418 HLH 64671 b

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the OSHA  
5 Program Reorganization Act.

6 Section 10. Transfer of the Illinois Onsite Safety and  
7 Health Consultation Program.

8 (a) On July 1, 2012 or as soon thereafter as practical, all  
9 of the powers, duties, rights, and responsibilities related to  
10 the Illinois Onsite Safety and Health Consultation Program (the  
11 OSHA Program) are transferred from the Department of Commerce  
12 and Economic Opportunity to the Department of Labor.

13 (b) The powers, duties, rights, and responsibilities  
14 vested in or associated with the Illinois Onsite Safety and  
15 Health Consultation Program (the OSHA Program) are not affected  
16 by this Act, except that all management and staff support or  
17 other resources necessary to the operation of the Illinois  
18 Onsite Safety and Health Consultation Program (the OSHA  
19 Program) shall be provided by the Department of Labor.

20 Section 15. Representation on boards or other entities.  
21 When any provision of an Executive Order or Act provides for  
22 the membership of the Director of Commerce and Economic

1 Opportunity on any council, commission, board, or other entity  
2 relating to the Illinois Onsite Safety and Health Consultation  
3 Program (the OSHA Program), the Director of Labor, or his or  
4 her designee, shall serve in that place. If more than one such  
5 person is required by law to serve on any council, commission,  
6 board, or other entity, an equivalent number of the  
7 representatives of the Department of Labor shall so serve.

8 Section 20. Personnel transferred. The status and rights  
9 of employees of the Department of Commerce and Economic  
10 Opportunity engaged in the performance of the functions of the  
11 Illinois Onsite Safety and Health Consultation Program (the  
12 OSHA Program) shall not be affected by the transfer. The status  
13 and rights of those employees, and the rights of the State of  
14 Illinois and its agencies, under the Personnel Code and  
15 applicable collective bargaining agreements or under any  
16 pension, retirement, or annuity plan are not affected by this  
17 Act. Personnel under the Department of Commerce and Economic  
18 Opportunity affected by this Act shall continue their service  
19 within the Department of Labor.

20 Section 25. Books and records transferred. All books,  
21 records, papers, documents, property (real and personal),  
22 contracts, and pending business pertaining to the powers,  
23 duties, rights, and responsibilities related to the Illinois  
24 Onsite Safety and Health Consultation Program (the OSHA

1 Program) and transferred by this Act from the Department of  
2 Commerce and Economic Opportunity to the Department of Labor,  
3 including, but not limited to, material in electronic or  
4 magnetic format and necessary computer hardware and software,  
5 shall be delivered to the Department of Labor; however, the  
6 delivery of that information may not violate any applicable  
7 confidentiality constraints.

8 Section 30. Unexpended moneys transferred. With respect to  
9 the Illinois Onsite Safety and Health Consultation Program (the  
10 OSHA Program), the Department of Labor is the successor agency  
11 to the Department of Commerce and Economic Opportunity under  
12 the Successor Agency Act and Section 9b of the State Finance  
13 Act. All unexpended appropriations and balances and other funds  
14 available for use in connection with the Illinois Onsite Safety  
15 and Health Consultation Program (the OSHA Program) are  
16 transferred for use by the Department of Labor for the Illinois  
17 Onsite Safety and Health Consultation Program (the OSHA  
18 Program) pursuant to the direction of the Governor. Unexpended  
19 balances so transferred shall be expended only for the purpose  
20 for which the appropriation was originally made.

21 Section 35. Exercise of transferred powers; savings  
22 provisions. The powers, duties, rights, and responsibilities  
23 related to the Illinois Onsite Safety and Health Consultation  
24 Program (the OSHA Program) transferred from the Department of

1 Commerce and Economic Opportunity by this Act are vested in and  
2 shall be exercised by the Department of Labor. Each act done in  
3 the exercise of those powers, duties, rights, and  
4 responsibilities shall have the same legal effect as if done by  
5 the Department of Commerce and Economic Opportunity or its  
6 divisions, officers, or employees.

7 Section 40. Rights, obligations, and duties unaffected by  
8 transfer. The transfer of powers, duties, rights, and  
9 responsibilities from the Department of Commerce and Economic  
10 Opportunity to the Department of Labor under this Act does not  
11 affect any person's rights, obligations, or duties, including  
12 any civil or criminal penalties applicable thereto, arising out  
13 of those transferred powers, duties, rights, and  
14 responsibilities.

15 Section 45. Agency officers; penalties. Every officer of  
16 the Department of Labor is, for any offense, subject to the  
17 same penalty or penalties, civil or criminal, as are prescribed  
18 by existing law for the same offense by any officer whose  
19 powers or duties are transferred under this Act.

20 Section 50. Reports, notices, or papers. Whenever reports  
21 or notices are required to be made or given or papers or  
22 documents furnished or served by any person to or upon the  
23 Department of Commerce and Economic Opportunity in connection

1 with any of the functions of the Illinois Onsite Safety and  
2 Health Consultation Program (the OSHA Program) transferred by  
3 this Act, the same shall be made, given, furnished, or served  
4 in the same manner to or upon the Department of Labor.

5 Section 55. Acts and actions unaffected by transfer. This  
6 Act does not affect any act done, ratified, or canceled, or any  
7 right occurring or established, before July 1, 2012 in  
8 connection with the Illinois Onsite Safety and Health  
9 Consultation Program (the OSHA Program). This Act does not  
10 affect any action or proceeding had or commenced before July 1,  
11 2012 in an administrative, civil, or criminal cause regarding  
12 the Illinois Onsite Safety and Health Consultation Program (the  
13 OSHA Program), but any such action or proceeding may be  
14 defended, prosecuted, or continued by the Department of Labor.

15 Section 60. Rules.

16 (a) Any rule of the Department of Commerce and Economic  
17 Opportunity that (i) relates to the Illinois Onsite Safety and  
18 Health Consultation Program (the OSHA Program), (ii) is in full  
19 force on July 1, 2012, and (iii) has been duly adopted by the  
20 Department of Commerce and Economic Opportunity shall become  
21 the rule of the Department of Labor. This Act does not affect  
22 the legality of any such rules contained in the Illinois  
23 Administrative Code.

24 (b) Any proposed rule filed with the Secretary of State by

1 the Department of Commerce and Economic Opportunity that is  
2 pending in the rulemaking process on July 1, 2012 and that  
3 pertains to the functions transferred under this Act shall be  
4 deemed to have been filed by the Department of Labor.

5 (c) As soon as practical after July 1, 2012, the Department  
6 of Labor shall revise and clarify the rules transferred to it  
7 under this Section to reflect the reorganization of rights,  
8 powers, and duties effected by this Act, using the procedures  
9 for recodification of rules available under the Illinois  
10 Administrative Procedure Act, except that existing title,  
11 part, and section numbering for the affected rules may be  
12 retained.

13 (d) The Department of Labor may propose and adopt, under  
14 the Illinois Administrative Procedure Act, other rules of the  
15 Department of Commerce and Economic Opportunity that will now  
16 be administered by the Department of Labor.

17 Section 900. The Department of Commerce and Economic  
18 Opportunity Law of the Civil Administrative Code of Illinois is  
19 amended by changing Section 605-875 as follows:

20 (20 ILCS 605/605-875) (was 20 ILCS 605/46.68)

21 Sec. 605-875. Safety loan program.

22 (a) The Department may develop and implement a small  
23 business safety loan program to allow employers the opportunity  
24 to improve workplace safety. The loans shall be made from

1 appropriations for that purpose. The loans shall be secured by  
2 adequate collateral, may be for a term of no more than 5 years,  
3 and may bear interest at a discounted rate. The Department  
4 shall promulgate all necessary rules to implement the program.

5 (b) Any loan made under this Section shall: (1) be made  
6 only if ~~an~~ on-site safety and health consultations ~~consultation~~  
7 and recommendations for correction have been completed by both  
8 the Department's Industrial Service Division, with regard to  
9 requirements of State and federal environmental regulations,  
10 and the Department of Labor, with regard to requirements of the  
11 federal Occupational Safety and Health Administration; and (2)  
12 finance no more than \$50,000 or 80% of the total project and no  
13 less than \$10,000.

14 (c) The Illinois Safety Revolving Loan Fund is created as a  
15 separate fund within the State treasury.

16 The purpose of the Fund is to provide loans to and finance  
17 administration of loans to small businesses in Illinois.

18 There shall be deposited into the Fund amounts including,  
19 but not limited to, the following:

20 (1) All receipts, including dividends, principal, and  
21 interest payments from any applicable loan agreement made  
22 from the Fund or from direct appropriations.

23 (2) All proceeds of assets of whatever nature received  
24 by the Department as a result of default or delinquency  
25 with respect to loan agreements made from the Fund or from  
26 direct appropriations by the General Assembly, including



1 proceeds from the sale, disposal, lease, or rental of real  
2 or personal property that the Department may have received  
3 as a result of the default or delinquency.

4 (3) Any appropriations, grants, or gifts made to the  
5 Fund.

6 (4) Any income received from interest on investments of  
7 moneys in the Fund.

8 (d) The implementation of or continuation of this program  
9 during any fiscal year is dependent upon federal funding,  
10 through the Department of Labor, committed to the Onsite Safety  
11 and Health Consultation Program prior to the beginning of that  
12 fiscal year.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 Section 905. The Business Assistance and Regulatory Reform  
15 Act is amended by changing Section 15 as follows:

16 (20 ILCS 608/15)

17 Sec. 15. Providing Information and Expediting Permit  
18 Reviews.

19 (a) The office shall provide an information system using a  
20 toll-free business assistance number. The number shall be  
21 advertised throughout the State. If requested, the caller will  
22 be sent a basic business kit, describing the basic requirements  
23 and procedures for doing business in Illinois. If requested,  
24 the caller shall be directed to one or more of the additional

1 services provided by the office. All persons providing advice  
2 to callers on behalf of the office and all persons responsible  
3 for directly providing services to persons visiting the office  
4 or one of its branches shall be persons with small business  
5 experience in an administrative or managerial capacity.

6 (b) (Blank).

7 (c) Any applicant for permits required for a business  
8 activity may confer with the office to obtain assistance in the  
9 prompt and efficient processing and review of applications. The  
10 office may designate an employee of the office to act as a  
11 permit assistance manager to:

12 (1) facilitate contacts for the applicant with  
13 responsible agencies;

14 (2) arrange conferences to clarify the requirements of  
15 interested agencies;

16 (3) consider with State agencies the feasibility of  
17 consolidating hearings and data required of the applicant;

18 (4) assist the applicant in resolution of outstanding  
19 issues identified by State agencies; and

20 (5) coordinate federal, State and local regulatory  
21 procedures and permit review actions to the extent  
22 possible.

23 (d) The office shall publish a directory of State business  
24 permits and State programs to assist small businesses.

25 (e) The office shall attempt to establish agreements with  
26 local governments to allow the office to provide assistance to

1 applicants for permits required by these local governments.

2 (f) Interested State agencies shall, to the maximum extent  
3 feasible, establish procedures to expedite applications for  
4 infrastructure projects. Applications for permits for  
5 infrastructure projects shall be approved or disapproved  
6 within 45 days of submission, unless law or regulations specify  
7 a different period. If the interested agency is unable to act  
8 within that period, the agency shall provide a written  
9 notification to the office specifying reasons for its inability  
10 to act and the date by which approval or disapproval shall be  
11 determined. The office may require any interested State agency  
12 to designate an employee who will coordinate the handling of  
13 permits in that area.

14 (g) In addition to its responsibilities in connection with  
15 permit assistance, the office shall provide general regulatory  
16 information by directing businesses to appropriate officers in  
17 State agencies to supply the information requested.

18 (h) The office shall help businesses to locate and apply to  
19 training programs available to train current employees in  
20 particular skills, techniques or areas of knowledge relevant to  
21 the employees' present or anticipated job duties. In pursuit of  
22 this objective, the office shall provide businesses with  
23 pertinent information about training programs offered by State  
24 agencies, units of local government, public universities and  
25 colleges, community colleges, and school districts in  
26 Illinois.

1           (i) The office shall help businesses to locate and apply to  
2 State programs offering to businesses grants, loans, loan or  
3 bond guarantees, investment partnerships, technology or  
4 productivity consultation, or other forms of business  
5 assistance.

6           (j) To the extent authorized by federal law, the office  
7 shall assist businesses in ascertaining and complying with the  
8 requirements of the federal Americans with Disabilities Act.

9           (k) The office shall provide confidential on-site  
10 assistance in identifying problems and solutions in compliance  
11 with requirements of ~~the federal Occupational Safety and Health~~  
12 ~~Administration and other~~ State and federal environmental  
13 regulations. The office shall work through and contract with  
14 the Waste Management and Research Center to provide  
15 confidential on-site consultation audits that (i) assist  
16 regulatory compliance and (ii) identify pollution prevention  
17 opportunities.

18           (k-5) Until July 1, 2012, the office shall provide  
19 confidential on-site assistance, including, but not limited  
20 to, consultation audits, to identify problems and solutions  
21 regarding compliance with the requirements of the federal  
22 Occupational Safety and Health Administration. On and after  
23 July 1, 2012, the Department of Labor shall provide  
24 confidential on-site assistance, including, but not limited  
25 to, consultation audits, to identify problems and solutions  
26 regarding compliance with the requirements of the federal

1 Occupational Safety and Health Administration.

2 (1) The office shall provide information on existing loan  
3 and business assistance programs provided by the State.

4 (m) Each State agency having jurisdiction to approve or  
5 deny a permit shall have the continuing power heretofore or  
6 hereafter vested in it to make such determinations. The  
7 provisions of this Act shall not lessen or reduce such powers  
8 and shall modify the procedures followed in carrying out such  
9 powers only to the extent provided in this Act.

10 (n) (1) Each State agency shall fully cooperate with the  
11 office in providing information, documentation, personnel or  
12 facilities requested by the office.

13 (2) Each State agency having jurisdiction of any permit to  
14 which the master application procedure is applicable shall  
15 designate an employee to act as permit liaison office with the  
16 office in carrying out the provisions of this Act.

17 (o) (1) The office has authority, but is not required, to  
18 keep and analyze appropriate statistical data regarding the  
19 number of permits issued by State agencies, the amount of time  
20 necessary for the permits to be issued, the cost of obtaining  
21 such permits, the types of projects for which specific permits  
22 are issued, a geographic distribution of permits, and other  
23 pertinent data the office deems appropriate.

24 The office shall make such data and any analysis of the  
25 data available to the public.

26 (2) The office has authority, but is not required, to

1 conduct or cause to be conducted a thorough review of any  
2 agency's permit requirements and the need by the State to  
3 require such permits. The office shall draw on the review, on  
4 its direct experience, and on its statistical analyses to  
5 prepare recommendations regarding how to:

6 (i) eliminate unnecessary or antiquated permit  
7 requirements;

8 (ii) consolidate duplicative or overlapping permit  
9 requirements;

10 (iii) simplify overly complex or lengthy application  
11 procedures;

12 (iv) expedite time-consuming agency review and  
13 approval procedures; or

14 (v) otherwise improve the permitting processes in the  
15 State.

16 The office shall submit copies of all recommendations  
17 within 5 days of issuance to the affected agency, the Governor,  
18 the General Assembly, and the Joint Committee on Administrative  
19 Rules.

20 (p) The office has authority to review State forms on its  
21 own initiative or upon the request of another State agency to  
22 ascertain the burden, if any, of complying with those forms. If  
23 the office determines that a form is unduly burdensome to  
24 business, it may recommend to the agency issuing the form  
25 either that the form be eliminated or that specific changes be  
26 made in the form.

1 (q) Not later than March 1 of each year, beginning March 1,  
2 1995, the office shall submit an annual report of its  
3 activities during the preceding year to the Governor and  
4 General Assembly. The report shall describe the activities of  
5 the office during the preceding year and shall contain  
6 statistical information on the permit assistance activities of  
7 the office.

8 (Source: P.A. 90-454, eff. 8-16-97; 90-490, eff. 8-17-97;  
9 90-655, eff. 7-30-98.)

10 Section 910. The Department of Labor Law of the Civil  
11 Administrative Code of Illinois is amended by adding Section  
12 1505-55 as follows:

13 (20 ILCS 1505/1505-55 new)

14 Sec. 1505-55. Transfer of Illinois Onsite Safety and Health  
15 Consultation Program. On and after July 1, 2012, as provided in  
16 the OSHA Program Reorganization Act, the powers, duties,  
17 rights, and responsibilities related to the Illinois Onsite  
18 Safety and Health Consultation Program, including, but not  
19 limited to, the duty to provide confidential on-site assistance  
20 to identify problems and solutions regarding compliance with  
21 the requirements of the federal Occupational Safety and Health  
22 Administration, are transferred from the Department of  
23 Commerce and Economic Opportunity to the Department of Labor.

1           Section 997. Severability. The provisions of this Act are  
2           severable under Section 1.31 of the Statute on Statutes.

3           Section 999. Effective date. This Act takes effect upon  
4           becoming law.