

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 ARTICLE 5.

5 AMENDATORY PROVISIONS

6 (20 ILCS 405/405-225 rep.)

7 Section 5-5. The Department of Central Management Services  
8 Law of the Civil Administrative Code of Illinois is amended by  
9 repealing Section 405-225.

10 Section 5-10. The Children and Family Services Act is  
11 amended by changing Section 5 as follows:

12 (20 ILCS 505/5) (from Ch. 23, par. 5005)

13 Sec. 5. Direct child welfare services; Department of  
14 Children and Family Services. To provide direct child welfare  
15 services when not available through other public or private  
16 child care or program facilities.

17 (a) For purposes of this Section:

18 (1) "Children" means persons found within the State who  
19 are under the age of 18 years. The term also includes  
20 persons under age 21 who:

21 (A) were committed to the Department pursuant to

1 the Juvenile Court Act or the Juvenile Court Act of  
2 1987, as amended, prior to the age of 18 and who  
3 continue under the jurisdiction of the court; or

4 (B) were accepted for care, service and training by  
5 the Department prior to the age of 18 and whose best  
6 interest in the discretion of the Department would be  
7 served by continuing that care, service and training  
8 because of severe emotional disturbances, physical  
9 disability, social adjustment or any combination  
10 thereof, or because of the need to complete an  
11 educational or vocational training program.

12 (2) "Homeless youth" means persons found within the  
13 State who are under the age of 19, are not in a safe and  
14 stable living situation and cannot be reunited with their  
15 families.

16 (3) "Child welfare services" means public social  
17 services which are directed toward the accomplishment of  
18 the following purposes:

19 (A) protecting and promoting the health, safety  
20 and welfare of children, including homeless, dependent  
21 or neglected children;

22 (B) remedying, or assisting in the solution of  
23 problems which may result in, the neglect, abuse,  
24 exploitation or delinquency of children;

25 (C) preventing the unnecessary separation of  
26 children from their families by identifying family

1 problems, assisting families in resolving their  
2 problems, and preventing the breakup of the family  
3 where the prevention of child removal is desirable and  
4 possible when the child can be cared for at home  
5 without endangering the child's health and safety;

6 (D) restoring to their families children who have  
7 been removed, by the provision of services to the child  
8 and the families when the child can be cared for at  
9 home without endangering the child's health and  
10 safety;

11 (E) placing children in suitable adoptive homes,  
12 in cases where restoration to the biological family is  
13 not safe, possible or appropriate;

14 (F) assuring safe and adequate care of children  
15 away from their homes, in cases where the child cannot  
16 be returned home or cannot be placed for adoption. At  
17 the time of placement, the Department shall consider  
18 concurrent planning, as described in subsection (1-1)  
19 of this Section so that permanency may occur at the  
20 earliest opportunity. Consideration should be given so  
21 that if reunification fails or is delayed, the  
22 placement made is the best available placement to  
23 provide permanency for the child;

24 (G) (blank);

25 (H) (blank); and

26 (I) placing and maintaining children in facilities

1           that provide separate living quarters for children  
2           under the age of 18 and for children 18 years of age  
3           and older, unless a child 18 years of age is in the  
4           last year of high school education or vocational  
5           training, in an approved individual or group treatment  
6           program, in a licensed shelter facility, or secure  
7           child care facility. The Department is not required to  
8           place or maintain children:

9                   (i) who are in a foster home, or

10                   (ii) who are persons with a developmental  
11                   disability, as defined in the Mental Health and  
12                   Developmental Disabilities Code, or

13                   (iii) who are female children who are  
14                   pregnant, pregnant and parenting or parenting, or

15                   (iv) who are siblings, in facilities that  
16                   provide separate living quarters for children 18  
17                   years of age and older and for children under 18  
18                   years of age.

19           (b) Nothing in this Section shall be construed to authorize  
20           the expenditure of public funds for the purpose of performing  
21           abortions.

22           (c) The Department shall establish and maintain  
23           tax-supported child welfare services and extend and seek to  
24           improve voluntary services throughout the State, to the end  
25           that services and care shall be available on an equal basis  
26           throughout the State to children requiring such services.

1           (d) The Director may authorize advance disbursements for  
2 any new program initiative to any agency contracting with the  
3 Department. As a prerequisite for an advance disbursement, the  
4 contractor must post a surety bond in the amount of the advance  
5 disbursement and have a purchase of service contract approved  
6 by the Department. The Department may pay up to 2 months  
7 operational expenses in advance. The amount of the advance  
8 disbursement shall be prorated over the life of the contract or  
9 the remaining months of the fiscal year, whichever is less, and  
10 the installment amount shall then be deducted from future  
11 bills. Advance disbursement authorizations for new initiatives  
12 shall not be made to any agency after that agency has operated  
13 during 2 consecutive fiscal years. The requirements of this  
14 Section concerning advance disbursements shall not apply with  
15 respect to the following: payments to local public agencies for  
16 child day care services as authorized by Section 5a of this  
17 Act; and youth service programs receiving grant funds under  
18 Section 17a-4.

19           (e) (Blank).

20           (f) (Blank).

21           (g) The Department shall establish rules and regulations  
22 concerning its operation of programs designed to meet the goals  
23 of child safety and protection, family preservation, family  
24 reunification, and adoption, including but not limited to:

25                 (1) adoption;

26                 (2) foster care;

- 1 (3) family counseling;
- 2 (4) protective services;
- 3 (5) (blank);
- 4 (6) homemaker service;
- 5 (7) return of runaway children;
- 6 (8) (blank);
- 7 (9) placement under Section 5-7 of the Juvenile Court
- 8 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 9 Court Act of 1987 in accordance with the federal Adoption
- 10 Assistance and Child Welfare Act of 1980; and
- 11 (10) interstate services.

12 Rules and regulations established by the Department shall  
13 include provisions for training Department staff and the staff  
14 of Department grantees, through contracts with other agencies  
15 or resources, in alcohol and drug abuse screening techniques  
16 approved by the Department of Human Services, as a successor to  
17 the Department of Alcoholism and Substance Abuse, for the  
18 purpose of identifying children and adults who should be  
19 referred to an alcohol and drug abuse treatment program for  
20 professional evaluation.

21 (h) If the Department finds that there is no appropriate  
22 program or facility within or available to the Department for a  
23 ward and that no licensed private facility has an adequate and  
24 appropriate program or none agrees to accept the ward, the  
25 Department shall create an appropriate individualized,  
26 program-oriented plan for such ward. The plan may be developed

1 within the Department or through purchase of services by the  
2 Department to the extent that it is within its statutory  
3 authority to do.

4 (i) Service programs shall be available throughout the  
5 State and shall include but not be limited to the following  
6 services:

- 7 (1) case management;
- 8 (2) homemakers;
- 9 (3) counseling;
- 10 (4) parent education;
- 11 (5) day care; and
- 12 (6) emergency assistance and advocacy.

13 In addition, the following services may be made available  
14 to assess and meet the needs of children and families:

- 15 (1) comprehensive family-based services;
- 16 (2) assessments;
- 17 (3) respite care; and
- 18 (4) in-home health services.

19 The Department shall provide transportation for any of the  
20 services it makes available to children or families or for  
21 which it refers children or families.

22 (j) The Department may provide categories of financial  
23 assistance and education assistance grants, and shall  
24 establish rules and regulations concerning the assistance and  
25 grants, to persons who adopt children with physical or mental  
26 disabilities, children who are older, or other hard-to-place

1 children who (i) immediately prior to their adoption were legal  
2 wards of the Department or (ii) were determined eligible for  
3 financial assistance with respect to a prior adoption and who  
4 become available for adoption because the prior adoption has  
5 been dissolved and the parental rights of the adoptive parents  
6 have been terminated or because the child's adoptive parents  
7 have died. The Department may continue to provide financial  
8 assistance and education assistance grants for a child who was  
9 determined eligible for financial assistance under this  
10 subsection (j) in the interim period beginning when the child's  
11 adoptive parents died and ending with the finalization of the  
12 new adoption of the child by another adoptive parent or  
13 parents. The Department may also provide categories of  
14 financial assistance and education assistance grants, and  
15 shall establish rules and regulations for the assistance and  
16 grants, to persons appointed guardian of the person under  
17 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
18 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
19 who were wards of the Department for 12 months immediately  
20 prior to the appointment of the guardian.

21 The amount of assistance may vary, depending upon the needs  
22 of the child and the adoptive parents, as set forth in the  
23 annual assistance agreement. Special purpose grants are  
24 allowed where the child requires special service but such costs  
25 may not exceed the amounts which similar services would cost  
26 the Department if it were to provide or secure them as guardian



1 of the child.

2 Any financial assistance provided under this subsection is  
3 inalienable by assignment, sale, execution, attachment,  
4 garnishment, or any other remedy for recovery or collection of  
5 a judgment or debt.

6 (j-5) The Department shall not deny or delay the placement  
7 of a child for adoption if an approved family is available  
8 either outside of the Department region handling the case, or  
9 outside of the State of Illinois.

10 (k) The Department shall accept for care and training any  
11 child who has been adjudicated neglected or abused, or  
12 dependent committed to it pursuant to the Juvenile Court Act or  
13 the Juvenile Court Act of 1987.

14 (l) The Department shall offer family preservation  
15 services, as defined in Section 8.2 of the Abused and Neglected  
16 Child Reporting Act, to help families, including adoptive and  
17 extended families. Family preservation services shall be  
18 offered (i) to prevent the placement of children in substitute  
19 care when the children can be cared for at home or in the  
20 custody of the person responsible for the children's welfare,  
21 (ii) to reunite children with their families, or (iii) to  
22 maintain an adoptive placement. Family preservation services  
23 shall only be offered when doing so will not endanger the  
24 children's health or safety. With respect to children who are  
25 in substitute care pursuant to the Juvenile Court Act of 1987,  
26 family preservation services shall not be offered if a goal

1 other than those of subdivisions (A), (B), or (B-1) of  
2 subsection (2) of Section 2-28 of that Act has been set.  
3 Nothing in this paragraph shall be construed to create a  
4 private right of action or claim on the part of any individual  
5 or child welfare agency, except that when a child is the  
6 subject of an action under Article II of the Juvenile Court Act  
7 of 1987 and the child's service plan calls for services to  
8 facilitate achievement of the permanency goal, the court  
9 hearing the action under Article II of the Juvenile Court Act  
10 of 1987 may order the Department to provide the services set  
11 out in the plan, if those services are not provided with  
12 reasonable promptness and if those services are available.

13 The Department shall notify the child and his family of the  
14 Department's responsibility to offer and provide family  
15 preservation services as identified in the service plan. The  
16 child and his family shall be eligible for services as soon as  
17 the report is determined to be "indicated". The Department may  
18 offer services to any child or family with respect to whom a  
19 report of suspected child abuse or neglect has been filed,  
20 prior to concluding its investigation under Section 7.12 of the  
21 Abused and Neglected Child Reporting Act. However, the child's  
22 or family's willingness to accept services shall not be  
23 considered in the investigation. The Department may also  
24 provide services to any child or family who is the subject of  
25 any report of suspected child abuse or neglect or may refer  
26 such child or family to services available from other agencies

1 in the community, even if the report is determined to be  
2 unfounded, if the conditions in the child's or family's home  
3 are reasonably likely to subject the child or family to future  
4 reports of suspected child abuse or neglect. Acceptance of such  
5 services shall be voluntary. The Department may also provide  
6 services to any child or family after completion of a family  
7 assessment, as an alternative to an investigation, as provided  
8 under the "differential response program" provided for in  
9 subsection (a-5) of Section 7.4 of the Abused and Neglected  
10 Child Reporting Act.

11 The Department may, at its discretion except for those  
12 children also adjudicated neglected or dependent, accept for  
13 care and training any child who has been adjudicated addicted,  
14 as a truant minor in need of supervision or as a minor  
15 requiring authoritative intervention, under the Juvenile Court  
16 Act or the Juvenile Court Act of 1987, but no such child shall  
17 be committed to the Department by any court without the  
18 approval of the Department. On and after the effective date of  
19 this amendatory Act of the 98th General Assembly and before  
20 January 1, 2017, a minor charged with a criminal offense under  
21 the Criminal Code of 1961 or the Criminal Code of 2012 or  
22 adjudicated delinquent shall not be placed in the custody of or  
23 committed to the Department by any court, except (i) a minor  
24 less than 16 years of age committed to the Department under  
25 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
26 for whom an independent basis of abuse, neglect, or dependency

1 exists, which must be defined by departmental rule, or (iii) a  
2 minor for whom the court has granted a supplemental petition to  
3 reinstate wardship pursuant to subsection (2) of Section 2-33  
4 of the Juvenile Court Act of 1987. On and after January 1,  
5 2017, a minor charged with a criminal offense under the  
6 Criminal Code of 1961 or the Criminal Code of 2012 or  
7 adjudicated delinquent shall not be placed in the custody of or  
8 committed to the Department by any court, except (i) a minor  
9 less than 15 years of age committed to the Department under  
10 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor  
11 for whom an independent basis of abuse, neglect, or dependency  
12 exists, which must be defined by departmental rule, or (iii) a  
13 minor for whom the court has granted a supplemental petition to  
14 reinstate wardship pursuant to subsection (2) of Section 2-33  
15 of the Juvenile Court Act of 1987. An independent basis exists  
16 when the allegations or adjudication of abuse, neglect, or  
17 dependency do not arise from the same facts, incident, or  
18 circumstances which give rise to a charge or adjudication of  
19 delinquency.

20 As soon as is possible after August 7, 2009 (the effective  
21 date of Public Act 96-134), the Department shall develop and  
22 implement a special program of family preservation services to  
23 support intact, foster, and adoptive families who are  
24 experiencing extreme hardships due to the difficulty and stress  
25 of caring for a child who has been diagnosed with a pervasive  
26 developmental disorder if the Department determines that those

1 services are necessary to ensure the health and safety of the  
2 child. The Department may offer services to any family whether  
3 or not a report has been filed under the Abused and Neglected  
4 Child Reporting Act. The Department may refer the child or  
5 family to services available from other agencies in the  
6 community if the conditions in the child's or family's home are  
7 reasonably likely to subject the child or family to future  
8 reports of suspected child abuse or neglect. Acceptance of  
9 these services shall be voluntary. The Department shall develop  
10 and implement a public information campaign to alert health and  
11 social service providers and the general public about these  
12 special family preservation services. The nature and scope of  
13 the services offered and the number of families served under  
14 the special program implemented under this paragraph shall be  
15 determined by the level of funding that the Department annually  
16 allocates for this purpose. The term "pervasive developmental  
17 disorder" under this paragraph means a neurological condition,  
18 including but not limited to, Asperger's Syndrome and autism,  
19 as defined in the most recent edition of the Diagnostic and  
20 Statistical Manual of Mental Disorders of the American  
21 Psychiatric Association.

22 (1-1) The legislature recognizes that the best interests of  
23 the child require that the child be placed in the most  
24 permanent living arrangement as soon as is practically  
25 possible. To achieve this goal, the legislature directs the  
26 Department of Children and Family Services to conduct

1 concurrent planning so that permanency may occur at the  
2 earliest opportunity. Permanent living arrangements may  
3 include prevention of placement of a child outside the home of  
4 the family when the child can be cared for at home without  
5 endangering the child's health or safety; reunification with  
6 the family, when safe and appropriate, if temporary placement  
7 is necessary; or movement of the child toward the most  
8 permanent living arrangement and permanent legal status.

9 When determining reasonable efforts to be made with respect  
10 to a child, as described in this subsection, and in making such  
11 reasonable efforts, the child's health and safety shall be the  
12 paramount concern.

13 When a child is placed in foster care, the Department shall  
14 ensure and document that reasonable efforts were made to  
15 prevent or eliminate the need to remove the child from the  
16 child's home. The Department must make reasonable efforts to  
17 reunify the family when temporary placement of the child occurs  
18 unless otherwise required, pursuant to the Juvenile Court Act  
19 of 1987. At any time after the dispositional hearing where the  
20 Department believes that further reunification services would  
21 be ineffective, it may request a finding from the court that  
22 reasonable efforts are no longer appropriate. The Department is  
23 not required to provide further reunification services after  
24 such a finding.

25 A decision to place a child in substitute care shall be  
26 made with considerations of the child's health, safety, and

1 best interests. At the time of placement, consideration should  
2 also be given so that if reunification fails or is delayed, the  
3 placement made is the best available placement to provide  
4 permanency for the child.

5 The Department shall adopt rules addressing concurrent  
6 planning for reunification and permanency. The Department  
7 shall consider the following factors when determining  
8 appropriateness of concurrent planning:

9 (1) the likelihood of prompt reunification;

10 (2) the past history of the family;

11 (3) the barriers to reunification being addressed by  
12 the family;

13 (4) the level of cooperation of the family;

14 (5) the foster parents' willingness to work with the  
15 family to reunite;

16 (6) the willingness and ability of the foster family to  
17 provide an adoptive home or long-term placement;

18 (7) the age of the child;

19 (8) placement of siblings.

20 (m) The Department may assume temporary custody of any  
21 child if:

22 (1) it has received a written consent to such temporary  
23 custody signed by the parents of the child or by the parent  
24 having custody of the child if the parents are not living  
25 together or by the guardian or custodian of the child if  
26 the child is not in the custody of either parent, or

1           (2) the child is found in the State and neither a  
2           parent, guardian nor custodian of the child can be located.  
3           If the child is found in his or her residence without a parent,  
4           guardian, custodian or responsible caretaker, the Department  
5           may, instead of removing the child and assuming temporary  
6           custody, place an authorized representative of the Department  
7           in that residence until such time as a parent, guardian or  
8           custodian enters the home and expresses a willingness and  
9           apparent ability to ensure the child's health and safety and  
10          resume permanent charge of the child, or until a relative  
11          enters the home and is willing and able to ensure the child's  
12          health and safety and assume charge of the child until a  
13          parent, guardian or custodian enters the home and expresses  
14          such willingness and ability to ensure the child's safety and  
15          resume permanent charge. After a caretaker has remained in the  
16          home for a period not to exceed 12 hours, the Department must  
17          follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
18          5-415 of the Juvenile Court Act of 1987.

19          The Department shall have the authority, responsibilities  
20          and duties that a legal custodian of the child would have  
21          pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
22          Act of 1987. Whenever a child is taken into temporary custody  
23          pursuant to an investigation under the Abused and Neglected  
24          Child Reporting Act, or pursuant to a referral and acceptance  
25          under the Juvenile Court Act of 1987 of a minor in limited  
26          custody, the Department, during the period of temporary custody



1 and before the child is brought before a judicial officer as  
2 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
3 Court Act of 1987, shall have the authority, responsibilities  
4 and duties that a legal custodian of the child would have under  
5 subsection (9) of Section 1-3 of the Juvenile Court Act of  
6 1987.

7 The Department shall ensure that any child taken into  
8 custody is scheduled for an appointment for a medical  
9 examination.

10 A parent, guardian or custodian of a child in the temporary  
11 custody of the Department who would have custody of the child  
12 if he were not in the temporary custody of the Department may  
13 deliver to the Department a signed request that the Department  
14 surrender the temporary custody of the child. The Department  
15 may retain temporary custody of the child for 10 days after the  
16 receipt of the request, during which period the Department may  
17 cause to be filed a petition pursuant to the Juvenile Court Act  
18 of 1987. If a petition is so filed, the Department shall retain  
19 temporary custody of the child until the court orders  
20 otherwise. If a petition is not filed within the 10 day period,  
21 the child shall be surrendered to the custody of the requesting  
22 parent, guardian or custodian not later than the expiration of  
23 the 10 day period, at which time the authority and duties of  
24 the Department with respect to the temporary custody of the  
25 child shall terminate.

26 (m-1) The Department may place children under 18 years of

1 age in a secure child care facility licensed by the Department  
2 that cares for children who are in need of secure living  
3 arrangements for their health, safety, and well-being after a  
4 determination is made by the facility director and the Director  
5 or the Director's designate prior to admission to the facility  
6 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
7 This subsection (m-1) does not apply to a child who is subject  
8 to placement in a correctional facility operated pursuant to  
9 Section 3-15-2 of the Unified Code of Corrections, unless the  
10 child is a ward who was placed under the care of the Department  
11 before being subject to placement in a correctional facility  
12 and a court of competent jurisdiction has ordered placement of  
13 the child in a secure care facility.

14 (n) The Department may place children under 18 years of age  
15 in licensed child care facilities when in the opinion of the  
16 Department, appropriate services aimed at family preservation  
17 have been unsuccessful and cannot ensure the child's health and  
18 safety or are unavailable and such placement would be for their  
19 best interest. Payment for board, clothing, care, training and  
20 supervision of any child placed in a licensed child care  
21 facility may be made by the Department, by the parents or  
22 guardians of the estates of those children, or by both the  
23 Department and the parents or guardians, except that no  
24 payments shall be made by the Department for any child placed  
25 in a licensed child care facility for board, clothing, care,  
26 training and supervision of such a child that exceed the

1 average per capita cost of maintaining and of caring for a  
2 child in institutions for dependent or neglected children  
3 operated by the Department. However, such restriction on  
4 payments does not apply in cases where children require  
5 specialized care and treatment for problems of severe emotional  
6 disturbance, physical disability, social adjustment, or any  
7 combination thereof and suitable facilities for the placement  
8 of such children are not available at payment rates within the  
9 limitations set forth in this Section. All reimbursements for  
10 services delivered shall be absolutely inalienable by  
11 assignment, sale, attachment, garnishment or otherwise.

12 (n-1) The Department shall provide or authorize child  
13 welfare services, aimed at assisting minors to achieve  
14 sustainable self-sufficiency as independent adults, for any  
15 minor eligible for the reinstatement of wardship pursuant to  
16 subsection (2) of Section 2-33 of the Juvenile Court Act of  
17 1987, whether or not such reinstatement is sought or allowed,  
18 provided that the minor consents to such services and has not  
19 yet attained the age of 21. The Department shall have  
20 responsibility for the development and delivery of services  
21 under this Section. An eligible youth may access services under  
22 this Section through the Department of Children and Family  
23 Services or by referral from the Department of Human Services.  
24 Youth participating in services under this Section shall  
25 cooperate with the assigned case manager in developing an  
26 agreement identifying the services to be provided and how the

1 youth will increase skills to achieve self-sufficiency. A  
2 homeless shelter is not considered appropriate housing for any  
3 youth receiving child welfare services under this Section. The  
4 Department shall continue child welfare services under this  
5 Section to any eligible minor until the minor becomes 21 years  
6 of age, no longer consents to participate, or achieves  
7 self-sufficiency as identified in the minor's service plan. The  
8 Department of Children and Family Services shall create clear,  
9 readable notice of the rights of former foster youth to child  
10 welfare services under this Section and how such services may  
11 be obtained. The Department of Children and Family Services and  
12 the Department of Human Services shall disseminate this  
13 information statewide. The Department shall adopt regulations  
14 describing services intended to assist minors in achieving  
15 sustainable self-sufficiency as independent adults.

16 (o) The Department shall establish an administrative  
17 review and appeal process for children and families who request  
18 or receive child welfare services from the Department. Children  
19 who are wards of the Department and are placed by private child  
20 welfare agencies, and foster families with whom those children  
21 are placed, shall be afforded the same procedural and appeal  
22 rights as children and families in the case of placement by the  
23 Department, including the right to an initial review of a  
24 private agency decision by that agency. The Department shall  
25 insure that any private child welfare agency, which accepts  
26 wards of the Department for placement, affords those rights to

1 children and foster families. The Department shall accept for  
2 administrative review and an appeal hearing a complaint made by  
3 (i) a child or foster family concerning a decision following an  
4 initial review by a private child welfare agency or (ii) a  
5 prospective adoptive parent who alleges a violation of  
6 subsection (j-5) of this Section. An appeal of a decision  
7 concerning a change in the placement of a child shall be  
8 conducted in an expedited manner. A court determination that a  
9 current foster home placement is necessary and appropriate  
10 under Section 2-28 of the Juvenile Court Act of 1987 does not  
11 constitute a judicial determination on the merits of an  
12 administrative appeal, filed by a former foster parent,  
13 involving a change of placement decision.

14 (p) (Blank). ~~There is hereby created the Department of~~  
15 ~~Children and Family Services Emergency Assistance Fund from~~  
16 ~~which the Department may provide special financial assistance~~  
17 ~~to families which are in economic crisis when such assistance~~  
18 ~~is not available through other public or private sources and~~  
19 ~~the assistance is deemed necessary to prevent dissolution of~~  
20 ~~the family unit or to reunite families which have been~~  
21 ~~separated due to child abuse and neglect. The Department shall~~  
22 ~~establish administrative rules specifying the criteria for~~  
23 ~~determining eligibility for and the amount and nature of~~  
24 ~~assistance to be provided. The Department may also enter into~~  
25 ~~written agreements with private and public social service~~  
26 ~~agencies to provide emergency financial services to families~~

1 ~~referred by the Department. Special financial assistance~~  
2 ~~payments shall be available to a family no more than once~~  
3 ~~during each fiscal year and the total payments to a family may~~  
4 ~~not exceed \$500 during a fiscal year.~~

5 (q) The Department may receive and use, in their entirety,  
6 for the benefit of children any gift, donation or bequest of  
7 money or other property which is received on behalf of such  
8 children, or any financial benefits to which such children are  
9 or may become entitled while under the jurisdiction or care of  
10 the Department.

11 The Department shall set up and administer no-cost,  
12 interest-bearing accounts in appropriate financial  
13 institutions for children for whom the Department is legally  
14 responsible and who have been determined eligible for Veterans'  
15 Benefits, Social Security benefits, assistance allotments from  
16 the armed forces, court ordered payments, parental voluntary  
17 payments, Supplemental Security Income, Railroad Retirement  
18 payments, Black Lung benefits, or other miscellaneous  
19 payments. Interest earned by each account shall be credited to  
20 the account, unless disbursed in accordance with this  
21 subsection.

22 In disbursing funds from children's accounts, the  
23 Department shall:

24 (1) Establish standards in accordance with State and  
25 federal laws for disbursing money from children's  
26 accounts. In all circumstances, the Department's

1 "Guardianship Administrator" or his or her designee must  
2 approve disbursements from children's accounts. The  
3 Department shall be responsible for keeping complete  
4 records of all disbursements for each account for any  
5 purpose.

6 (2) Calculate on a monthly basis the amounts paid from  
7 State funds for the child's board and care, medical care  
8 not covered under Medicaid, and social services; and  
9 utilize funds from the child's account, as covered by  
10 regulation, to reimburse those costs. Monthly,  
11 disbursements from all children's accounts, up to 1/12 of  
12 \$13,000,000, shall be deposited by the Department into the  
13 General Revenue Fund and the balance over 1/12 of  
14 \$13,000,000 into the DCFS Children's Services Fund.

15 (3) Maintain any balance remaining after reimbursing  
16 for the child's costs of care, as specified in item (2).  
17 The balance shall accumulate in accordance with relevant  
18 State and federal laws and shall be disbursed to the child  
19 or his or her guardian, or to the issuing agency.

20 (r) The Department shall promulgate regulations  
21 encouraging all adoption agencies to voluntarily forward to the  
22 Department or its agent names and addresses of all persons who  
23 have applied for and have been approved for adoption of a  
24 hard-to-place child or child with a disability and the names of  
25 such children who have not been placed for adoption. A list of  
26 such names and addresses shall be maintained by the Department

1 or its agent, and coded lists which maintain the  
2 confidentiality of the person seeking to adopt the child and of  
3 the child shall be made available, without charge, to every  
4 adoption agency in the State to assist the agencies in placing  
5 such children for adoption. The Department may delegate to an  
6 agent its duty to maintain and make available such lists. The  
7 Department shall ensure that such agent maintains the  
8 confidentiality of the person seeking to adopt the child and of  
9 the child.

10 (s) The Department of Children and Family Services may  
11 establish and implement a program to reimburse Department and  
12 private child welfare agency foster parents licensed by the  
13 Department of Children and Family Services for damages  
14 sustained by the foster parents as a result of the malicious or  
15 negligent acts of foster children, as well as providing third  
16 party coverage for such foster parents with regard to actions  
17 of foster children to other individuals. Such coverage will be  
18 secondary to the foster parent liability insurance policy, if  
19 applicable. The program shall be funded through appropriations  
20 from the General Revenue Fund, specifically designated for such  
21 purposes.

22 (t) The Department shall perform home studies and  
23 investigations and shall exercise supervision over visitation  
24 as ordered by a court pursuant to the Illinois Marriage and  
25 Dissolution of Marriage Act or the Adoption Act only if:

26 (1) an order entered by an Illinois court specifically



1           directs the Department to perform such services; and

2           (2) the court has ordered one or both of the parties to  
3           the proceeding to reimburse the Department for its  
4           reasonable costs for providing such services in accordance  
5           with Department rules, or has determined that neither party  
6           is financially able to pay.

7           The Department shall provide written notification to the  
8           court of the specific arrangements for supervised visitation  
9           and projected monthly costs within 60 days of the court order.  
10          The Department shall send to the court information related to  
11          the costs incurred except in cases where the court has  
12          determined the parties are financially unable to pay. The court  
13          may order additional periodic reports as appropriate.

14          (u) In addition to other information that must be provided,  
15          whenever the Department places a child with a prospective  
16          adoptive parent or parents or in a licensed foster home, group  
17          home, child care institution, or in a relative home, the  
18          Department shall provide to the prospective adoptive parent or  
19          parents or other caretaker:

20               (1) available detailed information concerning the  
21               child's educational and health history, copies of  
22               immunization records (including insurance and medical card  
23               information), a history of the child's previous  
24               placements, if any, and reasons for placement changes  
25               excluding any information that identifies or reveals the  
26               location of any previous caretaker;

1           (2) a copy of the child's portion of the client service  
2           plan, including any visitation arrangement, and all  
3           amendments or revisions to it as related to the child; and

4           (3) information containing details of the child's  
5           individualized educational plan when the child is  
6           receiving special education services.

7           The caretaker shall be informed of any known social or  
8           behavioral information (including, but not limited to,  
9           criminal background, fire setting, perpetuation of sexual  
10          abuse, destructive behavior, and substance abuse) necessary to  
11          care for and safeguard the children to be placed or currently  
12          in the home. The Department may prepare a written summary of  
13          the information required by this paragraph, which may be  
14          provided to the foster or prospective adoptive parent in  
15          advance of a placement. The foster or prospective adoptive  
16          parent may review the supporting documents in the child's file  
17          in the presence of casework staff. In the case of an emergency  
18          placement, casework staff shall at least provide known  
19          information verbally, if necessary, and must subsequently  
20          provide the information in writing as required by this  
21          subsection.

22          The information described in this subsection shall be  
23          provided in writing. In the case of emergency placements when  
24          time does not allow prior review, preparation, and collection  
25          of written information, the Department shall provide such  
26          information as it becomes available. Within 10 business days

1 after placement, the Department shall obtain from the  
2 prospective adoptive parent or parents or other caretaker a  
3 signed verification of receipt of the information provided.  
4 Within 10 business days after placement, the Department shall  
5 provide to the child's guardian ad litem a copy of the  
6 information provided to the prospective adoptive parent or  
7 parents or other caretaker. The information provided to the  
8 prospective adoptive parent or parents or other caretaker shall  
9 be reviewed and approved regarding accuracy at the supervisory  
10 level.

11 (u-5) Effective July 1, 1995, only foster care placements  
12 licensed as foster family homes pursuant to the Child Care Act  
13 of 1969 shall be eligible to receive foster care payments from  
14 the Department. Relative caregivers who, as of July 1, 1995,  
15 were approved pursuant to approved relative placement rules  
16 previously promulgated by the Department at 89 Ill. Adm. Code  
17 335 and had submitted an application for licensure as a foster  
18 family home may continue to receive foster care payments only  
19 until the Department determines that they may be licensed as a  
20 foster family home or that their application for licensure is  
21 denied or until September 30, 1995, whichever occurs first.

22 (v) The Department shall access criminal history record  
23 information as defined in the Illinois Uniform Conviction  
24 Information Act and information maintained in the adjudicatory  
25 and dispositional record system as defined in Section 2605-355  
26 of the Department of State Police Law (20 ILCS 2605/2605-355)

1 if the Department determines the information is necessary to  
2 perform its duties under the Abused and Neglected Child  
3 Reporting Act, the Child Care Act of 1969, and the Children and  
4 Family Services Act. The Department shall provide for  
5 interactive computerized communication and processing  
6 equipment that permits direct on-line communication with the  
7 Department of State Police's central criminal history data  
8 repository. The Department shall comply with all certification  
9 requirements and provide certified operators who have been  
10 trained by personnel from the Department of State Police. In  
11 addition, one Office of the Inspector General investigator  
12 shall have training in the use of the criminal history  
13 information access system and have access to the terminal. The  
14 Department of Children and Family Services and its employees  
15 shall abide by rules and regulations established by the  
16 Department of State Police relating to the access and  
17 dissemination of this information.

18 (v-1) Prior to final approval for placement of a child, the  
19 Department shall conduct a criminal records background check of  
20 the prospective foster or adoptive parent, including  
21 fingerprint-based checks of national crime information  
22 databases. Final approval for placement shall not be granted if  
23 the record check reveals a felony conviction for child abuse or  
24 neglect, for spousal abuse, for a crime against children, or  
25 for a crime involving violence, including rape, sexual assault,  
26 or homicide, but not including other physical assault or

1 battery, or if there is a felony conviction for physical  
2 assault, battery, or a drug-related offense committed within  
3 the past 5 years.

4 (v-2) Prior to final approval for placement of a child, the  
5 Department shall check its child abuse and neglect registry for  
6 information concerning prospective foster and adoptive  
7 parents, and any adult living in the home. If any prospective  
8 foster or adoptive parent or other adult living in the home has  
9 resided in another state in the preceding 5 years, the  
10 Department shall request a check of that other state's child  
11 abuse and neglect registry.

12 (w) Within 120 days of August 20, 1995 (the effective date  
13 of Public Act 89-392), the Department shall prepare and submit  
14 to the Governor and the General Assembly, a written plan for  
15 the development of in-state licensed secure child care  
16 facilities that care for children who are in need of secure  
17 living arrangements for their health, safety, and well-being.  
18 For purposes of this subsection, secure care facility shall  
19 mean a facility that is designed and operated to ensure that  
20 all entrances and exits from the facility, a building or a  
21 distinct part of the building, are under the exclusive control  
22 of the staff of the facility, whether or not the child has the  
23 freedom of movement within the perimeter of the facility,  
24 building, or distinct part of the building. The plan shall  
25 include descriptions of the types of facilities that are needed  
26 in Illinois; the cost of developing these secure care

1 facilities; the estimated number of placements; the potential  
2 cost savings resulting from the movement of children currently  
3 out-of-state who are projected to be returned to Illinois; the  
4 necessary geographic distribution of these facilities in  
5 Illinois; and a proposed timetable for development of such  
6 facilities.

7 (x) The Department shall conduct annual credit history  
8 checks to determine the financial history of children placed  
9 under its guardianship pursuant to the Juvenile Court Act of  
10 1987. The Department shall conduct such credit checks starting  
11 when a ward turns 12 years old and each year thereafter for the  
12 duration of the guardianship as terminated pursuant to the  
13 Juvenile Court Act of 1987. The Department shall determine if  
14 financial exploitation of the child's personal information has  
15 occurred. If financial exploitation appears to have taken place  
16 or is presently ongoing, the Department shall notify the proper  
17 law enforcement agency, the proper State's Attorney, or the  
18 Attorney General.

19 (y) Beginning on the effective date of this amendatory Act  
20 of the 96th General Assembly, a child with a disability who  
21 receives residential and educational services from the  
22 Department shall be eligible to receive transition services in  
23 accordance with Article 14 of the School Code from the age of  
24 14.5 through age 21, inclusive, notwithstanding the child's  
25 residential services arrangement. For purposes of this  
26 subsection, "child with a disability" means a child with a

1 disability as defined by the federal Individuals with  
2 Disabilities Education Improvement Act of 2004.

3 (z) The Department shall access criminal history record  
4 information as defined as "background information" in this  
5 subsection and criminal history record information as defined  
6 in the Illinois Uniform Conviction Information Act for each  
7 Department employee or Department applicant. Each Department  
8 employee or Department applicant shall submit his or her  
9 fingerprints to the Department of State Police in the form and  
10 manner prescribed by the Department of State Police. These  
11 fingerprints shall be checked against the fingerprint records  
12 now and hereafter filed in the Department of State Police and  
13 the Federal Bureau of Investigation criminal history records  
14 databases. The Department of State Police shall charge a fee  
15 for conducting the criminal history record check, which shall  
16 be deposited into the State Police Services Fund and shall not  
17 exceed the actual cost of the record check. The Department of  
18 State Police shall furnish, pursuant to positive  
19 identification, all Illinois conviction information to the  
20 Department of Children and Family Services.

21 For purposes of this subsection:

22 "Background information" means all of the following:

23 (i) Upon the request of the Department of Children and  
24 Family Services, conviction information obtained from the  
25 Department of State Police as a result of a  
26 fingerprint-based criminal history records check of the

1 Illinois criminal history records database and the Federal  
2 Bureau of Investigation criminal history records database  
3 concerning a Department employee or Department applicant.

4 (ii) Information obtained by the Department of  
5 Children and Family Services after performing a check of  
6 the Department of State Police's Sex Offender Database, as  
7 authorized by Section 120 of the Sex Offender Community  
8 Notification Law, concerning a Department employee or  
9 Department applicant.

10 (iii) Information obtained by the Department of  
11 Children and Family Services after performing a check of  
12 the Child Abuse and Neglect Tracking System (CANTS)  
13 operated and maintained by the Department.

14 "Department employee" means a full-time or temporary  
15 employee coded or certified within the State of Illinois  
16 Personnel System.

17 "Department applicant" means an individual who has  
18 conditional Department full-time or part-time work, a  
19 contractor, an individual used to replace or supplement staff,  
20 an academic intern, a volunteer in Department offices or on  
21 Department contracts, a work-study student, an individual or  
22 entity licensed by the Department, or an unlicensed service  
23 provider who works as a condition of a contract or an agreement  
24 and whose work may bring the unlicensed service provider into  
25 contact with Department clients or client records.

26 (Source: P.A. 98-249, eff. 1-1-14; 98-570, eff. 8-27-13;



1 98-756, eff. 7-16-14; 98-803, eff. 1-1-15; 99-143, eff.  
2 7-27-15.)

3 Section 5-15. The Department of Commerce and Economic  
4 Opportunity Law of the Civil Administrative Code of Illinois is  
5 amended by changing Section 605-800 as follows:

6 (20 ILCS 605/605-800) (was 20 ILCS 605/46.19a in part)

7 Sec. 605-800. Training grants for skills in critical  
8 demand.

9 (a) Grants to provide training in fields affected by  
10 critical demands for certain skills may be made as provided in  
11 this Section.

12 (b) The Director may make grants to eligible employers or  
13 to other eligible entities on behalf of employers as authorized  
14 in subsection (c) to provide training for employees in fields  
15 for which there are critical demands for certain skills. No  
16 participating employee may be an unauthorized alien, as defined  
17 in 8 U.S.C. 1324a.

18 (c) The Director may accept applications for training grant  
19 funds and grant requests from: (i) entities sponsoring  
20 multi-company eligible employee training projects as defined  
21 in subsection (d), including business associations, strategic  
22 business partnerships, institutions of secondary or higher  
23 education, large manufacturers for supplier network companies,  
24 federal Job Training Partnership Act administrative entities

1 or grant recipients, and labor organizations when those  
2 projects will address common training needs identified by  
3 participating companies; and (ii) individual employers that  
4 are undertaking eligible employee training projects as defined  
5 in subsection (d), including intermediaries and training  
6 agents.

7 (d) The Director may make grants to eligible applicants as  
8 defined in subsection (c) for employee training projects that  
9 include, but need not be limited to, one or more of the  
10 following:

11 (1) Training programs in response to new or changing  
12 technology being introduced in the workplace.

13 (2) Job-linked training that offers special skills for  
14 career advancement or that is preparatory for, and leads  
15 directly to, jobs with definite career potential and  
16 long-term job security.

17 (3) Training necessary to implement total quality  
18 management or improvement or both management and  
19 improvement systems within the workplace.

20 (4) Training related to new machinery or equipment.

21 (5) Training of employees of companies that are  
22 expanding into new markets or expanding exports from  
23 Illinois.

24 (6) Basic, remedial, or both basic and remedial  
25 training of employees as a prerequisite for other  
26 vocational or technical skills training or as a condition

1 for sustained employment.

2 (7) Self-employment training of the unemployed and  
3 underemployed with comprehensive, competency-based  
4 instructional programs and services, entrepreneurial  
5 education and training initiatives for youth and adult  
6 learners in cooperation with the Illinois Institute for  
7 Entrepreneurial Education, training and education,  
8 conferences, workshops, and best practice information for  
9 local program operators of entrepreneurial education and  
10 self-employment training programs.

11 (8) Other training activities or projects, or both  
12 training activities and projects, related to the support,  
13 development, or evaluation of job training programs,  
14 activities, and delivery systems, including training needs  
15 assessment and design.

16 (e) Grants shall be made on the terms and conditions that  
17 the Department shall determine. No grant made under subsection  
18 (d), however, shall exceed 50% of the direct costs of all  
19 approved training programs provided by the employer or the  
20 employer's training agent or other entity as defined in  
21 subsection (c). Under this Section, allowable costs include,  
22 but are not limited to:

23 (1) Administrative costs of tracking, documenting,  
24 reporting, and processing training funds or project costs.

25 (2) Curriculum development.

26 (3) Wages and fringe benefits of employees.

1 (4) Training materials, including scrap product costs.

2 (5) Trainee travel expenses.

3 (6) Instructor costs, including wages, fringe  
4 benefits, tuition, and travel expenses.

5 (7) Rent, purchase, or lease of training equipment.

6 (8) Other usual and customary training costs.

7 (f) The Department may conduct on-site grant monitoring  
8 visits to verify trainee employment dates and wages and to  
9 ensure that the grantee's financial management system is  
10 structured to provide for accurate, current, and complete  
11 disclosure of the financial results of the grant program in  
12 accordance with all provisions, terms, and conditions  
13 contained in the grant contract. Each applicant must, on  
14 request by the Department, provide to the Department a  
15 notarized certification signed and dated by a duly authorized  
16 representative of the applicant, or that representative's  
17 authorized designee, certifying that all participating  
18 employees are employed at an Illinois facility and, for each  
19 participating employee, stating the employee's name and  
20 providing either (i) the employee's social security number or  
21 (ii) a statement that the applicant has adequate written  
22 verification that the employee is employed at an Illinois  
23 facility. The Department may audit the accuracy of submissions.  
24 Applicants sponsoring multi-company training grant programs  
25 shall obtain information meeting the requirement of this  
26 subsection from each participating company and provide it to

1 the Department upon request.

2 (g) The Director may establish and collect a schedule of  
3 charges from subgrantee entities and other system users under  
4 federal job-training programs for participating in and  
5 utilizing the Department's automated job-training program  
6 information systems if the systems and the necessary  
7 participation and utilization are requirements of the federal  
8 job-training programs. All monies collected pursuant to this  
9 subsection shall be deposited into the Federal Workforce  
10 Training Title III Social Security and Employment Fund and may  
11 be used, subject to appropriation by the General Assembly, only  
12 for the purpose of financing the maintenance and operation of  
13 the automated federal job-training information systems ~~7~~  
14 ~~except that any moneys that may be necessary to pay liabilities~~  
15 ~~outstanding as of June 30, 2000 shall be deposited into the~~  
16 ~~Federal Job Training Information Systems Revolving Fund.~~

17 (Source: P.A. 96-171, eff. 8-10-09.)

18 (20 ILCS 605/605-524 rep.)

19 (20 ILCS 605/605-805 rep.)

20 (20 ILCS 605/605-875 rep.)

21 Section 5-16. The Department of Commerce and Economic  
22 Opportunity Law of the Civil Administrative Code of Illinois is  
23 amended by repealing Sections 605-524, 605-805, and 605-875.

24 Section 5-20. The Corporate Headquarters Relocation Act is

1 amended by adding Section 45 as follows:

2 (20 ILCS 611/45 new)

3 Sec. 45. Repeal. This Act is repealed on October 1, 2016.

4 (20 ILCS 662/45 rep.)

5 Section 5-25. The Local Planning Technical Assistance Act  
6 is amended by repealing Section 45.

7 (20 ILCS 1305/10-30 rep.)

8 Section 5-30. The Department of Human Services Act is  
9 amended by repealing Section 10-30.

10 Section 5-35. The Illinois Lottery Law is amended by  
11 changing Sections 2, 7.2, 9, and 9.1 as follows:

12 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

13 Sec. 2. This Act is enacted to implement and establish  
14 within the State a lottery to be conducted by the State through  
15 the Department. The entire net proceeds of the Lottery are to  
16 be used for the support of the State's Common School Fund,  
17 except as provided in subsection (o) of Section 9.1 and  
18 Sections ~~21.2~~ 21.5, 21.6, 21.7, 21.8, and 21.9. The General  
19 Assembly finds that it is in the public interest for the  
20 Department to conduct the functions of the Lottery with the  
21 assistance of a private manager under a management agreement

1 overseen by the Department. The Department shall be accountable  
2 to the General Assembly and the people of the State through a  
3 comprehensive system of regulation, audits, reports, and  
4 enduring operational oversight. The Department's ongoing  
5 conduct of the Lottery through a management agreement with a  
6 private manager shall act to promote and ensure the integrity,  
7 security, honesty, and fairness of the Lottery's operation and  
8 administration. It is the intent of the General Assembly that  
9 the Department shall conduct the Lottery with the assistance of  
10 a private manager under a management agreement at all times in  
11 a manner consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1),  
12 1953(b)(4).

13 (Source: P.A. 98-649, eff. 6-16-14.)

14 (20 ILCS 1605/7.2) (from Ch. 120, par. 1157.2)

15 Sec. 7.2. The rules and regulations of the Department may  
16 include, but shall not be limited to, the following:

17 (1) The types of lotteries to be conducted;

18 (2) The price, or prices, of tickets or shares in the  
19 lottery;

20 (3) The numbers and sizes of the prizes on the winning  
21 tickets or shares;

22 (4) The manner of selecting the winning tickets or shares;

23 (5) The manner of payment of prizes to the holders of  
24 winning tickets or shares;

25 (6) The frequency of the drawing or selections of winning

1 tickets or shares, without limitation;

2 (7) Without limit to number, the type or types of locations  
3 at which tickets or shares may be sold;

4 (8) The method to be used in selling tickets or shares;

5 (9) The manner and amount of compensation, if any, to be  
6 paid licensed sales agents necessary to provide for the  
7 adequate availability of tickets or shares to prospective  
8 buyers and for the convenience of the public;

9 (10) The apportionment of the total revenues accruing from  
10 the sale of lottery tickets or shares and from all other  
11 sources among (i) the payment of prizes to the holders of  
12 winning tickets or shares, (ii) the payment of costs incurred  
13 in the operation and administration of the lottery, including  
14 the expenses of the Department and the costs resulting from any  
15 contract or contracts entered into for promotional,  
16 advertising or operational services or for the purchase or  
17 lease of lottery equipment and materials, and (iii) for monthly  
18 transfers to the Common School Fund. The net revenues accruing  
19 from the sale of lottery tickets shall be determined by  
20 deducting from total revenues the payments required by  
21 paragraphs (i) and (ii) of this subsection.

22 (11) Such other matters necessary or desirable for the  
23 efficient and economical operation and administration of the  
24 lottery and for the convenience of the purchasers of tickets or  
25 shares and the holders of winning tickets or shares.

26 ~~Any rules and regulations of the Department with respect to~~



1 ~~monthly transfers to the Common School Fund are subject to~~  
2 ~~Section 21.2.~~

3 (Source: P.A. 84-1128.)

4 (20 ILCS 1605/9) (from Ch. 120, par. 1159)

5 Sec. 9. The Director, as administrative head of the  
6 Department, shall direct and supervise all its administrative  
7 and technical activities. In addition to the duties imposed  
8 upon him elsewhere in this Act, it shall be the Director's  
9 duty:

10 a. To supervise and administer the operation of the lottery  
11 in accordance with the provisions of this Act or such rules and  
12 regulations of the Department adopted thereunder.

13 b. To attend meetings of the Board or to appoint a designee  
14 to attend in his stead.

15 c. To employ and direct such personnel in accord with the  
16 Personnel Code, as may be necessary to carry out the purposes  
17 of this Act. In addition, the Director may by agreement secure  
18 such services as he or she may deem necessary from any other  
19 department, agency, or unit of the State government, and may  
20 employ and compensate such consultants and technical  
21 assistants as may be required and is otherwise permitted by  
22 law.

23 d. To license, in accordance with the provisions of  
24 Sections 10 and 10.1 of this Act and the rules and regulations  
25 of the Department adopted thereunder, as agents to sell lottery

1 tickets such persons as in his opinion will best serve the  
2 public convenience and promote the sale of tickets or shares.  
3 The Director may require a bond from every licensed agent, in  
4 such amount as provided in the rules and regulations of the  
5 Department. Every licensed agent shall prominently display his  
6 license, or a copy thereof, as provided in the rules and  
7 regulations of the Department.

8 e. To suspend or revoke any license issued pursuant to this  
9 Act or the rules and regulations promulgated by the Department  
10 thereunder.

11 f. To confer regularly as necessary or desirable and not  
12 less than once every month with the Lottery Control Board on  
13 the operation and administration of the Lottery; to make  
14 available for inspection by the Board or any member of the  
15 Board, upon request, all books, records, files, and other  
16 information and documents of his office; to advise the Board  
17 and recommend such rules and regulations and such other matters  
18 as he deems necessary and advisable to improve the operation  
19 and administration of the lottery.

20 g. To enter into contracts for the operation of the  
21 lottery, or any part thereof, and into contracts for the  
22 promotion of the lottery on behalf of the Department with any  
23 person, firm or corporation, to perform any of the functions  
24 provided for in this Act or the rules and regulations  
25 promulgated thereunder. The Department shall not expend State  
26 funds on a contractual basis for such functions unless those

1 functions and expenditures are expressly authorized by the  
2 General Assembly.

3 h. To enter into an agreement or agreements with the  
4 management of state lotteries operated pursuant to the laws of  
5 other states for the purpose of creating and operating a  
6 multi-state lottery game wherein a separate and distinct prize  
7 pool would be combined to award larger prizes to the public  
8 than could be offered by the several state lotteries,  
9 individually. No tickets or shares offered in connection with a  
10 multi-state lottery game shall be sold within the State of  
11 Illinois, except those offered by and through the Department.  
12 No such agreement shall purport to pledge the full faith and  
13 credit of the State of Illinois, nor shall the Department  
14 expend State funds on a contractual basis in connection with  
15 any such game unless such expenditures are expressly authorized  
16 by the General Assembly, provided, however, that in the event  
17 of error or omission by the Illinois State Lottery in the  
18 conduct of the game, as determined by the multi-state game  
19 directors, the Department shall be authorized to pay a prize  
20 winner or winners the lesser of a disputed prize or \$1,000,000,  
21 any such payment to be made solely from funds appropriated for  
22 game prize purposes. The Department shall be authorized to  
23 share in the ordinary operating expenses of any such  
24 multi-state lottery game, from funds appropriated by the  
25 General Assembly, and in the event the multi-state game control  
26 offices are physically located within the State of Illinois,

1 the Department is authorized to advance start-up operating  
2 costs not to exceed \$150,000, subject to proportionate  
3 reimbursement of such costs by the other participating state  
4 lotteries. The Department shall be authorized to share  
5 proportionately in the costs of establishing a liability  
6 reserve fund from funds appropriated by the General Assembly.  
7 The Department is authorized to transfer prize award funds  
8 attributable to Illinois sales of multi-state lottery game  
9 tickets to the multi-state control office, or its designated  
10 depository, for deposit to such game pool account or accounts  
11 as may be established by the multi-state game directors, the  
12 records of which account or accounts shall be available at all  
13 times for inspection in an audit by the Auditor General of  
14 Illinois and any other auditors pursuant to the laws of the  
15 State of Illinois. No multi-state game prize awarded to a  
16 nonresident of Illinois, with respect to a ticket or share  
17 purchased in a state other than the State of Illinois, shall be  
18 deemed to be a prize awarded under this Act for the purpose of  
19 taxation under the Illinois Income Tax Act. The Department  
20 shall promulgate such rules as may be appropriate to implement  
21 the provisions of this Section.

22 i. To make a continuous study and investigation of (1) the  
23 operation and the administration of similar laws which may be  
24 in effect in other states or countries, (2) any literature on  
25 the subject which from time to time may be published or  
26 available, (3) any Federal laws which may affect the operation

1 of the lottery, and (4) the reaction of Illinois citizens to  
2 existing and potential features of the lottery with a view to  
3 recommending or effecting changes that will tend to serve the  
4 purposes of this Act.

5 j. To report monthly to the State Treasurer and the Lottery  
6 Control Board a full and complete statement of lottery  
7 revenues, prize disbursements and other expenses for each month  
8 and the amounts to be transferred to the Common School Fund  
9 pursuant to Section 7.2 ~~or such other funds as are otherwise~~  
10 ~~authorized by Section 21.2 of this Act,~~ and to make an annual  
11 report, which shall include a full and complete statement of  
12 lottery revenues, prize disbursements and other expenses, to  
13 the Governor and the Board. All reports required by this  
14 subsection shall be public and copies of all such reports shall  
15 be sent to the Speaker of the House, the President of the  
16 Senate, and the minority leaders of both houses.

17 (Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

18 (20 ILCS 1605/9.1)

19 Sec. 9.1. Private manager and management agreement.

20 (a) As used in this Section:

21 "Offeror" means a person or group of persons that responds  
22 to a request for qualifications under this Section.

23 "Request for qualifications" means all materials and  
24 documents prepared by the Department to solicit the following  
25 from offerors:

1           (1) Statements of qualifications.

2           (2) Proposals to enter into a management agreement,  
3 including the identity of any prospective vendor or vendors  
4 that the offeror intends to initially engage to assist the  
5 offeror in performing its obligations under the management  
6 agreement.

7           "Final offer" means the last proposal submitted by an  
8 offeror in response to the request for qualifications,  
9 including the identity of any prospective vendor or vendors  
10 that the offeror intends to initially engage to assist the  
11 offeror in performing its obligations under the management  
12 agreement.

13           "Final offeror" means the offeror ultimately selected by  
14 the Governor to be the private manager for the Lottery under  
15 subsection (h) of this Section.

16           (b) By September 15, 2010, the Governor shall select a  
17 private manager for the total management of the Lottery with  
18 integrated functions, such as lottery game design, supply of  
19 goods and services, and advertising and as specified in this  
20 Section.

21           (c) Pursuant to the terms of this subsection, the  
22 Department shall endeavor to expeditiously terminate the  
23 existing contracts in support of the Lottery in effect on the  
24 effective date of this amendatory Act of the 96th General  
25 Assembly in connection with the selection of the private  
26 manager. As part of its obligation to terminate these contracts

1 and select the private manager, the Department shall establish  
2 a mutually agreeable timetable to transfer the functions of  
3 existing contractors to the private manager so that existing  
4 Lottery operations are not materially diminished or impaired  
5 during the transition. To that end, the Department shall do the  
6 following:

7 (1) where such contracts contain a provision  
8 authorizing termination upon notice, the Department shall  
9 provide notice of termination to occur upon the mutually  
10 agreed timetable for transfer of functions;

11 (2) upon the expiration of any initial term or renewal  
12 term of the current Lottery contracts, the Department shall  
13 not renew such contract for a term extending beyond the  
14 mutually agreed timetable for transfer of functions; or

15 (3) in the event any current contract provides for  
16 termination of that contract upon the implementation of a  
17 contract with the private manager, the Department shall  
18 perform all necessary actions to terminate the contract on  
19 the date that coincides with the mutually agreed timetable  
20 for transfer of functions.

21 If the contracts to support the current operation of the  
22 Lottery in effect on the effective date of this amendatory Act  
23 of the 96th General Assembly are not subject to termination as  
24 provided for in this subsection (c), then the Department may  
25 include a provision in the contract with the private manager  
26 specifying a mutually agreeable methodology for incorporation.

1 (c-5) The Department shall include provisions in the  
2 management agreement whereby the private manager shall, for a  
3 fee, and pursuant to a contract negotiated with the Department  
4 (the "Employee Use Contract"), utilize the services of current  
5 Department employees to assist in the administration and  
6 operation of the Lottery. The Department shall be the employer  
7 of all such bargaining unit employees assigned to perform such  
8 work for the private manager, and such employees shall be State  
9 employees, as defined by the Personnel Code. Department  
10 employees shall operate under the same employment policies,  
11 rules, regulations, and procedures, as other employees of the  
12 Department. In addition, neither historical representation  
13 rights under the Illinois Public Labor Relations Act, nor  
14 existing collective bargaining agreements, shall be disturbed  
15 by the management agreement with the private manager for the  
16 management of the Lottery.

17 (d) The management agreement with the private manager shall  
18 include all of the following:

19 (1) A term not to exceed 10 years, including any  
20 renewals.

21 (2) A provision specifying that the Department:

22 (A) shall exercise actual control over all  
23 significant business decisions;

24 (A-5) has the authority to direct or countermand  
25 operating decisions by the private manager at any time;

26 (B) has ready access at any time to information



1           regarding Lottery operations;

2           (C) has the right to demand and receive information  
3           from the private manager concerning any aspect of the  
4           Lottery operations at any time; and

5           (D) retains ownership of all trade names,  
6           trademarks, and intellectual property associated with  
7           the Lottery.

8           (3) A provision imposing an affirmative duty on the  
9           private manager to provide the Department with material  
10          information and with any information the private manager  
11          reasonably believes the Department would want to know to  
12          enable the Department to conduct the Lottery.

13          (4) A provision requiring the private manager to  
14          provide the Department with advance notice of any operating  
15          decision that bears significantly on the public interest,  
16          including, but not limited to, decisions on the kinds of  
17          games to be offered to the public and decisions affecting  
18          the relative risk and reward of the games being offered, so  
19          the Department has a reasonable opportunity to evaluate and  
20          countermand that decision.

21          (5) A provision providing for compensation of the  
22          private manager that may consist of, among other things, a  
23          fee for services and a performance based bonus as  
24          consideration for managing the Lottery, including terms  
25          that may provide the private manager with an increase in  
26          compensation if Lottery revenues grow by a specified

1 percentage in a given year.

2 (6) (Blank).

3 (7) A provision requiring the deposit of all Lottery  
4 proceeds to be deposited into the State Lottery Fund except  
5 as otherwise provided in Section 20 of this Act.

6 (8) A provision requiring the private manager to locate  
7 its principal office within the State.

8 (8-5) A provision encouraging that at least 20% of the  
9 cost of contracts entered into for goods and services by  
10 the private manager in connection with its management of  
11 the Lottery, other than contracts with sales agents or  
12 technical advisors, be awarded to businesses that are a  
13 minority owned business, a female owned business, or a  
14 business owned by a person with disability, as those terms  
15 are defined in the Business Enterprise for Minorities,  
16 Females, and Persons with Disabilities Act.

17 (9) A requirement that so long as the private manager  
18 complies with all the conditions of the agreement under the  
19 oversight of the Department, the private manager shall have  
20 the following duties and obligations with respect to the  
21 management of the Lottery:

22 (A) The right to use equipment and other assets  
23 used in the operation of the Lottery.

24 (B) The rights and obligations under contracts  
25 with retailers and vendors.

26 (C) The implementation of a comprehensive security

1 program by the private manager.

2 (D) The implementation of a comprehensive system  
3 of internal audits.

4 (E) The implementation of a program by the private  
5 manager to curb compulsive gambling by persons playing  
6 the Lottery.

7 (F) A system for determining (i) the type of  
8 Lottery games, (ii) the method of selecting winning  
9 tickets, (iii) the manner of payment of prizes to  
10 holders of winning tickets, (iv) the frequency of  
11 drawings of winning tickets, (v) the method to be used  
12 in selling tickets, (vi) a system for verifying the  
13 validity of tickets claimed to be winning tickets,  
14 (vii) the basis upon which retailer commissions are  
15 established by the manager, and (viii) minimum  
16 payouts.

17 (10) A requirement that advertising and promotion must  
18 be consistent with Section 7.8a of this Act.

19 (11) A requirement that the private manager market the  
20 Lottery to those residents who are new, infrequent, or  
21 lapsed players of the Lottery, especially those who are  
22 most likely to make regular purchases on the Internet as  
23 permitted by law.

24 (12) A code of ethics for the private manager's  
25 officers and employees.

26 (13) A requirement that the Department monitor and

1       oversee the private manager's practices and take action  
2       that the Department considers appropriate to ensure that  
3       the private manager is in compliance with the terms of the  
4       management agreement, while allowing the manager, unless  
5       specifically prohibited by law or the management  
6       agreement, to negotiate and sign its own contracts with  
7       vendors.

8           (14) A provision requiring the private manager to  
9       periodically file, at least on an annual basis, appropriate  
10      financial statements in a form and manner acceptable to the  
11      Department.

12           (15) Cash reserves requirements.

13           (16) Procedural requirements for obtaining the prior  
14      approval of the Department when a management agreement or  
15      an interest in a management agreement is sold, assigned,  
16      transferred, or pledged as collateral to secure financing.

17           (17) Grounds for the termination of the management  
18      agreement by the Department or the private manager.

19           (18) Procedures for amendment of the agreement.

20           (19) A provision requiring the private manager to  
21      engage in an open and competitive bidding process for any  
22      procurement having a cost in excess of \$50,000 that is not  
23      a part of the private manager's final offer. The process  
24      shall favor the selection of a vendor deemed to have  
25      submitted a proposal that provides the Lottery with the  
26      best overall value. The process shall not be subject to the

1 provisions of the Illinois Procurement Code, unless  
2 specifically required by the management agreement.

3 (20) The transition of rights and obligations,  
4 including any associated equipment or other assets used in  
5 the operation of the Lottery, from the manager to any  
6 successor manager of the lottery, including the  
7 Department, following the termination of or foreclosure  
8 upon the management agreement.

9 (21) Right of use of copyrights, trademarks, and  
10 service marks held by the Department in the name of the  
11 State. The agreement must provide that any use of them by  
12 the manager shall only be for the purpose of fulfilling its  
13 obligations under the management agreement during the term  
14 of the agreement.

15 (22) The disclosure of any information requested by the  
16 Department to enable it to comply with the reporting  
17 requirements and information requests provided for under  
18 subsection (p) of this Section.

19 (e) Notwithstanding any other law to the contrary, the  
20 Department shall select a private manager through a competitive  
21 request for qualifications process consistent with Section  
22 20-35 of the Illinois Procurement Code, which shall take into  
23 account:

24 (1) the offeror's ability to market the Lottery to  
25 those residents who are new, infrequent, or lapsed players  
26 of the Lottery, especially those who are most likely to

1 make regular purchases on the Internet;

2 (2) the offeror's ability to address the State's  
3 concern with the social effects of gambling on those who  
4 can least afford to do so;

5 (3) the offeror's ability to provide the most  
6 successful management of the Lottery for the benefit of the  
7 people of the State based on current and past business  
8 practices or plans of the offeror; and

9 (4) the offeror's poor or inadequate past performance  
10 in servicing, equipping, operating or managing a lottery on  
11 behalf of Illinois, another State or foreign government and  
12 attracting persons who are not currently regular players of  
13 a lottery.

14 (f) The Department may retain the services of an advisor or  
15 advisors with significant experience in financial services or  
16 the management, operation, and procurement of goods, services,  
17 and equipment for a government-run lottery to assist in the  
18 preparation of the terms of the request for qualifications and  
19 selection of the private manager. Any prospective advisor  
20 seeking to provide services under this subsection (f) shall  
21 disclose any material business or financial relationship  
22 during the past 3 years with any potential offeror, or with a  
23 contractor or subcontractor presently providing goods,  
24 services, or equipment to the Department to support the  
25 Lottery. The Department shall evaluate the material business or  
26 financial relationship of each prospective advisor. The

1 Department shall not select any prospective advisor with a  
2 substantial business or financial relationship that the  
3 Department deems to impair the objectivity of the services to  
4 be provided by the prospective advisor. During the course of  
5 the advisor's engagement by the Department, and for a period of  
6 one year thereafter, the advisor shall not enter into any  
7 business or financial relationship with any offeror or any  
8 vendor identified to assist an offeror in performing its  
9 obligations under the management agreement. Any advisor  
10 retained by the Department shall be disqualified from being an  
11 offeror. The Department shall not include terms in the request  
12 for qualifications that provide a material advantage whether  
13 directly or indirectly to any potential offeror, or any  
14 contractor or subcontractor presently providing goods,  
15 services, or equipment to the Department to support the  
16 Lottery, including terms contained in previous responses to  
17 requests for proposals or qualifications submitted to  
18 Illinois, another State or foreign government when those terms  
19 are uniquely associated with a particular potential offeror,  
20 contractor, or subcontractor. The request for proposals  
21 offered by the Department on December 22, 2008 as  
22 "LOT08GAMESYS" and reference number "22016176" is declared  
23 void.

24 (g) The Department shall select at least 2 offerors as  
25 finalists to potentially serve as the private manager no later  
26 than August 9, 2010. Upon making preliminary selections, the

1 Department shall schedule a public hearing on the finalists'  
2 proposals and provide public notice of the hearing at least 7  
3 calendar days before the hearing. The notice must include all  
4 of the following:

5 (1) The date, time, and place of the hearing.

6 (2) The subject matter of the hearing.

7 (3) A brief description of the management agreement to  
8 be awarded.

9 (4) The identity of the offerors that have been  
10 selected as finalists to serve as the private manager.

11 (5) The address and telephone number of the Department.

12 (h) At the public hearing, the Department shall (i) provide  
13 sufficient time for each finalist to present and explain its  
14 proposal to the Department and the Governor or the Governor's  
15 designee, including an opportunity to respond to questions  
16 posed by the Department, Governor, or designee and (ii) allow  
17 the public and non-selected offerors to comment on the  
18 presentations. The Governor or a designee shall attend the  
19 public hearing. After the public hearing, the Department shall  
20 have 14 calendar days to recommend to the Governor whether a  
21 management agreement should be entered into with a particular  
22 finalist. After reviewing the Department's recommendation, the  
23 Governor may accept or reject the Department's recommendation,  
24 and shall select a final offeror as the private manager by  
25 publication of a notice in the Illinois Procurement Bulletin on  
26 or before September 15, 2010. The Governor shall include in the



1 notice a detailed explanation and the reasons why the final  
2 offeror is superior to other offerors and will provide  
3 management services in a manner that best achieves the  
4 objectives of this Section. The Governor shall also sign the  
5 management agreement with the private manager.

6 (i) Any action to contest the private manager selected by  
7 the Governor under this Section must be brought within 7  
8 calendar days after the publication of the notice of the  
9 designation of the private manager as provided in subsection  
10 (h) of this Section.

11 (j) The Lottery shall remain, for so long as a private  
12 manager manages the Lottery in accordance with provisions of  
13 this Act, a Lottery conducted by the State, and the State shall  
14 not be authorized to sell or transfer the Lottery to a third  
15 party.

16 (k) Any tangible personal property used exclusively in  
17 connection with the lottery that is owned by the Department and  
18 leased to the private manager shall be owned by the Department  
19 in the name of the State and shall be considered to be public  
20 property devoted to an essential public and governmental  
21 function.

22 (l) The Department may exercise any of its powers under  
23 this Section or any other law as necessary or desirable for the  
24 execution of the Department's powers under this Section.

25 (m) Neither this Section nor any management agreement  
26 entered into under this Section prohibits the General Assembly

1 from authorizing forms of gambling that are not in direct  
2 competition with the Lottery.

3 (n) The private manager shall be subject to a complete  
4 investigation in the third, seventh, and tenth years of the  
5 agreement (if the agreement is for a 10-year term) by the  
6 Department in cooperation with the Auditor General to determine  
7 whether the private manager has complied with this Section and  
8 the management agreement. The private manager shall bear the  
9 cost of an investigation or reinvestigation of the private  
10 manager under this subsection.

11 (o) The powers conferred by this Section are in addition  
12 and supplemental to the powers conferred by any other law. If  
13 any other law or rule is inconsistent with this Section,  
14 including, but not limited to, provisions of the Illinois  
15 Procurement Code, then this Section controls as to any  
16 management agreement entered into under this Section. This  
17 Section and any rules adopted under this Section contain full  
18 and complete authority for a management agreement between the  
19 Department and a private manager. No law, procedure,  
20 proceeding, publication, notice, consent, approval, order, or  
21 act by the Department or any other officer, Department, agency,  
22 or instrumentality of the State or any political subdivision is  
23 required for the Department to enter into a management  
24 agreement under this Section. This Section contains full and  
25 complete authority for the Department to approve any contracts  
26 entered into by a private manager with a vendor providing

1 goods, services, or both goods and services to the private  
2 manager under the terms of the management agreement, including  
3 subcontractors of such vendors.

4       Upon receipt of a written request from the Chief  
5 Procurement Officer, the Department shall provide to the Chief  
6 Procurement Officer a complete and un-redacted copy of the  
7 management agreement or any contract that is subject to the  
8 Department's approval authority under this subsection (o). The  
9 Department shall provide a copy of the agreement or contract to  
10 the Chief Procurement Officer in the time specified by the  
11 Chief Procurement Officer in his or her written request, but no  
12 later than 5 business days after the request is received by the  
13 Department. The Chief Procurement Officer must retain any  
14 portions of the management agreement or of any contract  
15 designated by the Department as confidential, proprietary, or  
16 trade secret information in complete confidence pursuant to  
17 subsection (g) of Section 7 of the Freedom of Information Act.  
18 The Department shall also provide the Chief Procurement Officer  
19 with reasonable advance written notice of any contract that is  
20 pending Department approval.

21       Notwithstanding any other provision of this Section to the  
22 contrary, the Chief Procurement Officer shall adopt  
23 administrative rules, including emergency rules, to establish  
24 a procurement process to select a successor private manager if  
25 a private management agreement has been terminated. The  
26 selection process shall at a minimum take into account the

1 criteria set forth in items (1) through (4) of subsection (e)  
2 of this Section and may include provisions consistent with  
3 subsections (f), (g), (h), and (i) of this Section. The Chief  
4 Procurement Officer shall also implement and administer the  
5 adopted selection process upon the termination of a private  
6 management agreement. The Department, after the Chief  
7 Procurement Officer certifies that the procurement process has  
8 been followed in accordance with the rules adopted under this  
9 subsection (o), shall select a final offeror as the private  
10 manager and sign the management agreement with the private  
11 manager.

12 Except as provided in Sections ~~21.2~~, 21.5, 21.6, 21.7,  
13 21.8, and 21.9, the Department shall distribute all proceeds of  
14 lottery tickets and shares sold in the following priority and  
15 manner:

16 (1) The payment of prizes and retailer bonuses.

17 (2) The payment of costs incurred in the operation and  
18 administration of the Lottery, including the payment of  
19 sums due to the private manager under the management  
20 agreement with the Department.

21 (3) On the last day of each month or as soon thereafter  
22 as possible, the State Comptroller shall direct and the  
23 State Treasurer shall transfer from the State Lottery Fund  
24 to the Common School Fund an amount that is equal to the  
25 proceeds transferred in the corresponding month of fiscal  
26 year 2009, as adjusted for inflation, to the Common School

1 Fund.

2 (4) On or before the last day of each fiscal year,  
3 deposit any remaining proceeds, subject to payments under  
4 items (1), (2), and (3) into the Capital Projects Fund each  
5 fiscal year.

6 (p) The Department shall be subject to the following  
7 reporting and information request requirements:

8 (1) the Department shall submit written quarterly  
9 reports to the Governor and the General Assembly on the  
10 activities and actions of the private manager selected  
11 under this Section;

12 (2) upon request of the Chief Procurement Officer, the  
13 Department shall promptly produce information related to  
14 the procurement activities of the Department and the  
15 private manager requested by the Chief Procurement  
16 Officer; the Chief Procurement Officer must retain  
17 confidential, proprietary, or trade secret information  
18 designated by the Department in complete confidence  
19 pursuant to subsection (g) of Section 7 of the Freedom of  
20 Information Act; and

21 (3) at least 30 days prior to the beginning of the  
22 Department's fiscal year, the Department shall prepare an  
23 annual written report on the activities of the private  
24 manager selected under this Section and deliver that report  
25 to the Governor and General Assembly.

26 (Source: P.A. 97-464, eff. 8-19-11; 98-463, eff. 8-16-13;

1 98-649, eff. 6-16-14.)

2 (20 ILCS 1605/21.2 rep.)

3 Section 5-40. The Illinois Lottery Law is amended by  
4 repealing Section 21.2.

5 (20 ILCS 1705/21.2 rep.)

6 Section 5-45. The Mental Health and Developmental  
7 Disabilities Administrative Act is amended by repealing  
8 Section 21.2.

9 Section 5-50. The Department of Professional Regulation  
10 Law of the Civil Administrative Code of Illinois is amended by  
11 changing Section 2105-15 as follows:

12 (20 ILCS 2105/2105-15)

13 Sec. 2105-15. General powers and duties.

14 (a) The Department has, subject to the provisions of the  
15 Civil Administrative Code of Illinois, the following powers and  
16 duties:

17 (1) To authorize examinations in English to ascertain  
18 the qualifications and fitness of applicants to exercise  
19 the profession, trade, or occupation for which the  
20 examination is held.

21 (2) To prescribe rules and regulations for a fair and  
22 wholly impartial method of examination of candidates to

1 exercise the respective professions, trades, or  
2 occupations.

3 (3) To pass upon the qualifications of applicants for  
4 licenses, certificates, and authorities, whether by  
5 examination, by reciprocity, or by endorsement.

6 (4) To prescribe rules and regulations defining, for  
7 the respective professions, trades, and occupations, what  
8 shall constitute a school, college, or university, or  
9 department of a university, or other institution,  
10 reputable and in good standing, and to determine the  
11 reputability and good standing of a school, college, or  
12 university, or department of a university, or other  
13 institution, reputable and in good standing, by reference  
14 to a compliance with those rules and regulations; provided,  
15 that no school, college, or university, or department of a  
16 university, or other institution that refuses admittance  
17 to applicants solely on account of race, color, creed, sex,  
18 sexual orientation, or national origin shall be considered  
19 reputable and in good standing.

20 (5) To conduct hearings on proceedings to revoke,  
21 suspend, refuse to renew, place on probationary status, or  
22 take other disciplinary action as authorized in any  
23 licensing Act administered by the Department with regard to  
24 licenses, certificates, or authorities of persons  
25 exercising the respective professions, trades, or  
26 occupations and to revoke, suspend, refuse to renew, place

1 on probationary status, or take other disciplinary action  
2 as authorized in any licensing Act administered by the  
3 Department with regard to those licenses, certificates, or  
4 authorities.

5 The Department shall issue a monthly disciplinary  
6 report.

7 The Department shall deny any license or renewal  
8 authorized by the Civil Administrative Code of Illinois to  
9 any person who has defaulted on an educational loan or  
10 scholarship provided by or guaranteed by the Illinois  
11 Student Assistance Commission or any governmental agency  
12 of this State; however, the Department may issue a license  
13 or renewal if the aforementioned persons have established a  
14 satisfactory repayment record as determined by the  
15 Illinois Student Assistance Commission or other  
16 appropriate governmental agency of this State.  
17 Additionally, beginning June 1, 1996, any license issued by  
18 the Department may be suspended or revoked if the  
19 Department, after the opportunity for a hearing under the  
20 appropriate licensing Act, finds that the licensee has  
21 failed to make satisfactory repayment to the Illinois  
22 Student Assistance Commission for a delinquent or  
23 defaulted loan. For the purposes of this Section,  
24 "satisfactory repayment record" shall be defined by rule.

25 The Department shall refuse to issue or renew a license  
26 to, or shall suspend or revoke a license of, any person



1           who, after receiving notice, fails to comply with a  
2           subpoena or warrant relating to a paternity or child  
3           support proceeding. However, the Department may issue a  
4           license or renewal upon compliance with the subpoena or  
5           warrant.

6           The Department, without further process or hearings,  
7           shall revoke, suspend, or deny any license or renewal  
8           authorized by the Civil Administrative Code of Illinois to  
9           a person who is certified by the Department of Healthcare  
10          and Family Services (formerly Illinois Department of  
11          Public Aid) as being more than 30 days delinquent in  
12          complying with a child support order or who is certified by  
13          a court as being in violation of the Non-Support Punishment  
14          Act for more than 60 days. The Department may, however,  
15          issue a license or renewal if the person has established a  
16          satisfactory repayment record as determined by the  
17          Department of Healthcare and Family Services (formerly  
18          Illinois Department of Public Aid) or if the person is  
19          determined by the court to be in compliance with the  
20          Non-Support Punishment Act. The Department may implement  
21          this paragraph as added by Public Act 89-6 through the use  
22          of emergency rules in accordance with Section 5-45 of the  
23          Illinois Administrative Procedure Act. For purposes of the  
24          Illinois Administrative Procedure Act, the adoption of  
25          rules to implement this paragraph shall be considered an  
26          emergency and necessary for the public interest, safety,

1 and welfare.

2 (6) To transfer jurisdiction of any realty under the  
3 control of the Department to any other department of the  
4 State Government or to acquire or accept federal lands when  
5 the transfer, acquisition, or acceptance is advantageous  
6 to the State and is approved in writing by the Governor.

7 (7) To formulate rules and regulations necessary for  
8 the enforcement of any Act administered by the Department.

9 (8) To exchange with the Department of Healthcare and  
10 Family Services information that may be necessary for the  
11 enforcement of child support orders entered pursuant to the  
12 Illinois Public Aid Code, the Illinois Marriage and  
13 Dissolution of Marriage Act, the Non-Support of Spouse and  
14 Children Act, the Non-Support Punishment Act, the Revised  
15 Uniform Reciprocal Enforcement of Support Act, the Uniform  
16 Interstate Family Support Act, the Illinois Parentage Act  
17 of 1984, or the Illinois Parentage Act of 2015.  
18 Notwithstanding any provisions in this Code to the  
19 contrary, the Department of Professional Regulation shall  
20 not be liable under any federal or State law to any person  
21 for any disclosure of information to the Department of  
22 Healthcare and Family Services (formerly Illinois  
23 Department of Public Aid) under this paragraph (8) or for  
24 any other action taken in good faith to comply with the  
25 requirements of this paragraph (8).

26 (8.5) To accept continuing education credit for

1 mandated reporter training on how to recognize and report  
2 child abuse offered by the Department of Children and  
3 Family Services and completed by any person who holds a  
4 professional license issued by the Department and who is a  
5 mandated reporter under the Abused and Neglected Child  
6 Reporting Act. The Department shall adopt any rules  
7 necessary to implement this paragraph.

8 (9) To perform other duties prescribed by law.

9 (a-5) Except in cases involving default on an educational  
10 loan or scholarship provided by or guaranteed by the Illinois  
11 Student Assistance Commission or any governmental agency of  
12 this State or in cases involving delinquency in complying with  
13 a child support order or violation of the Non-Support  
14 Punishment Act and notwithstanding anything that may appear in  
15 any individual licensing Act or administrative rule, no person  
16 or entity whose license, certificate, or authority has been  
17 revoked as authorized in any licensing Act administered by the  
18 Department may apply for restoration of that license,  
19 certification, or authority until 3 years after the effective  
20 date of the revocation.

21 (b) (Blank). ~~The Department may, when a fee is payable to~~  
22 ~~the Department for a wall certificate of registration provided~~  
23 ~~by the Department of Central Management Services, require that~~  
24 ~~portion of the payment for printing and distribution costs be~~  
25 ~~made directly or through the Department to the Department of~~  
26 ~~Central Management Services for deposit into the Paper and~~

1 ~~Printing Revolving Fund. The remainder shall be deposited into~~  
2 ~~the General Revenue Fund.~~

3 (c) For the purpose of securing and preparing evidence, and  
4 for the purchase of controlled substances, professional  
5 services, and equipment necessary for enforcement activities,  
6 recoupment of investigative costs, and other activities  
7 directed at suppressing the misuse and abuse of controlled  
8 substances, including those activities set forth in Sections  
9 504 and 508 of the Illinois Controlled Substances Act, the  
10 Director and agents appointed and authorized by the Director  
11 may expend sums from the Professional Regulation Evidence Fund  
12 that the Director deems necessary from the amounts appropriated  
13 for that purpose. Those sums may be advanced to the agent when  
14 the Director deems that procedure to be in the public interest.  
15 Sums for the purchase of controlled substances, professional  
16 services, and equipment necessary for enforcement activities  
17 and other activities as set forth in this Section shall be  
18 advanced to the agent who is to make the purchase from the  
19 Professional Regulation Evidence Fund on vouchers signed by the  
20 Director. The Director and those agents are authorized to  
21 maintain one or more commercial checking accounts with any  
22 State banking corporation or corporations organized under or  
23 subject to the Illinois Banking Act for the deposit and  
24 withdrawal of moneys to be used for the purposes set forth in  
25 this Section; provided, that no check may be written nor any  
26 withdrawal made from any such account except upon the written

1 signatures of 2 persons designated by the Director to write  
2 those checks and make those withdrawals. Vouchers for those  
3 expenditures must be signed by the Director. All such  
4 expenditures shall be audited by the Director, and the audit  
5 shall be submitted to the Department of Central Management  
6 Services for approval.

7 (d) Whenever the Department is authorized or required by  
8 law to consider some aspect of criminal history record  
9 information for the purpose of carrying out its statutory  
10 powers and responsibilities, then, upon request and payment of  
11 fees in conformance with the requirements of Section 2605-400  
12 of the Department of State Police Law (20 ILCS 2605/2605-400),  
13 the Department of State Police is authorized to furnish,  
14 pursuant to positive identification, the information contained  
15 in State files that is necessary to fulfill the request.

16 (e) The provisions of this Section do not apply to private  
17 business and vocational schools as defined by Section 15 of the  
18 Private Business and Vocational Schools Act of 2012.

19 (f) (Blank).

20 (g) Notwithstanding anything that may appear in any  
21 individual licensing statute or administrative rule, the  
22 Department shall deny any license application or renewal  
23 authorized under any licensing Act administered by the  
24 Department to any person who has failed to file a return, or to  
25 pay the tax, penalty, or interest shown in a filed return, or  
26 to pay any final assessment of tax, penalty, or interest, as

1 required by any tax Act administered by the Illinois Department  
2 of Revenue, until such time as the requirement of any such tax  
3 Act are satisfied; however, the Department may issue a license  
4 or renewal if the person has established a satisfactory  
5 repayment record as determined by the Illinois Department of  
6 Revenue. For the purpose of this Section, "satisfactory  
7 repayment record" shall be defined by rule.

8 In addition, a complaint filed with the Department by the  
9 Illinois Department of Revenue that includes a certification,  
10 signed by its Director or designee, attesting to the amount of  
11 the unpaid tax liability or the years for which a return was  
12 not filed, or both, is prima facie evidence of the licensee's  
13 failure to comply with the tax laws administered by the  
14 Illinois Department of Revenue. Upon receipt of that  
15 certification, the Department shall, without a hearing,  
16 immediately suspend all licenses held by the licensee.  
17 Enforcement of the Department's order shall be stayed for 60  
18 days. The Department shall provide notice of the suspension to  
19 the licensee by mailing a copy of the Department's order by  
20 certified and regular mail to the licensee's last known address  
21 as registered with the Department. The notice shall advise the  
22 licensee that the suspension shall be effective 60 days after  
23 the issuance of the Department's order unless the Department  
24 receives, from the licensee, a request for a hearing before the  
25 Department to dispute the matters contained in the order.

26 Any suspension imposed under this subsection (g) shall be

1 terminated by the Department upon notification from the  
2 Illinois Department of Revenue that the licensee is in  
3 compliance with all tax laws administered by the Illinois  
4 Department of Revenue.

5 The Department may promulgate rules for the administration  
6 of this subsection (g).

7 (h) The Department may grant the title "Retired", to be  
8 used immediately adjacent to the title of a profession  
9 regulated by the Department, to eligible retirees. For  
10 individuals licensed under the Medical Practice Act of 1987,  
11 the title "Retired" may be used in the profile required by the  
12 Patients' Right to Know Act. The use of the title "Retired"  
13 shall not constitute representation of current licensure,  
14 registration, or certification. Any person without an active  
15 license, registration, or certificate in a profession that  
16 requires licensure, registration, or certification shall not  
17 be permitted to practice that profession.

18 (i) Within 180 days after December 23, 2009 (the effective  
19 date of Public Act 96-852), the Department shall promulgate  
20 rules which permit a person with a criminal record, who seeks a  
21 license or certificate in an occupation for which a criminal  
22 record is not expressly a per se bar, to apply to the  
23 Department for a non-binding, advisory opinion to be provided  
24 by the Board or body with the authority to issue the license or  
25 certificate as to whether his or her criminal record would bar  
26 the individual from the licensure or certification sought,

1 should the individual meet all other licensure requirements  
2 including, but not limited to, the successful completion of the  
3 relevant examinations.

4 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,  
5 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised  
6 10-16-15.)

7 (20 ILCS 2310/2310-371 rep.)

8 (20 ILCS 2310/2310-392 rep.)

9 Section 5-55. The Department of Public Health Powers and  
10 Duties Law of the Civil Administrative Code of Illinois is  
11 amended by repealing Sections 2310-371 and 2310-392.

12 (20 ILCS 2605/2605-555 rep.)

13 Section 5-60. The Department of State Police Law of the  
14 Civil Administrative Code of Illinois is amended by repealing  
15 Section 2605-555.

16 Section 5-65. The Department of Veterans Affairs Act is  
17 amended by changing Section 2b as follows:

18 (20 ILCS 2805/2b) (from Ch. 126 1/2, par. 67b)

19 Sec. 2b. Persian Gulf Conflict compensation ~~Veterans Fund.~~

20 (a) (Blank). ~~There is created within the State Treasury a~~  
21 ~~fund to be known as the Persian Gulf Conflict Veterans Fund.~~  
22 ~~All moneys received from any income tax checkoff for the~~



1 ~~Persian Gulf Conflict Veterans Fund as provided in Section 507H~~  
2 ~~of the Illinois Income Tax Act shall be deposited into the~~  
3 ~~fund.~~

4 (b) ~~All moneys in the Persian Gulf Conflict Veterans Fund,~~  
5 ~~together with any other excess amounts appropriated for bonus~~  
6 ~~payments to war veterans and peacetime crisis survivors as~~  
7 ~~allocated by the Department, shall be used to compensate~~  
8 ~~persons who served on active duty with the armed forces of the~~  
9 ~~United States on or after August 2, 1990.~~ Every person who  
10 served in the Persian Gulf Conflict is entitled to receive  
11 compensation of \$100, payable from funds appropriated for the  
12 payments of bonuses to veterans, if the person:

13 (1) was a resident of Illinois for at least 12 months  
14 immediately preceding his or her period of service;

15 (2) is still in active service, is honorably separated  
16 or discharged from the service, has been furloughed to a  
17 reserve, or has been retired; and

18 (3) has received the Southwest Asia Service Medal for  
19 service in the Persian Gulf Conflict.

20 (c) The widow or widower, child or children, mother,  
21 father, person standing in loco parentis, brothers and sisters,  
22 in the order named, of any deceased person shall be paid the  
23 compensation that the deceased person would be entitled to  
24 receive under subsection (b) of this Act. Where the deceased  
25 person would have qualified for compensation under subsection  
26 (b) except for his or her death and his or her death was

1 connected with that service and resulted from that service  
2 during the time specified in subsection (b), his or her  
3 survivors, in the order named in this subsection, shall be paid  
4 10 times the amount the deceased person would have received  
5 under subsection (b).

6 (d) The Department shall establish rules and regulations to  
7 govern the provisions of this Section.

8 (Source: P.A. 87-119; 87-895; 88-11.)

9 (20 ILCS 3520/Act rep.)

10 Section 5-70. The Small Business Surety Bond Guaranty Act  
11 is repealed.

12 Section 5-80. The State Finance Act is amended by  
13 reenacting and changing Section 5.399 and by changing Section  
14 6p-3 as follows:

15 (30 ILCS 105/5.399)

16 Sec. 5.399. Clean Air Act ~~CAA~~ Permit Fund.

17 (Source: P.A. 89-235, eff. 8-4-95. Repealed by P.A. 95-331,  
18 eff. 8-21-07.)

19 (30 ILCS 105/6p-3) (from Ch. 127, par. 142p3)

20 Sec. 6p-3. (a) The State Surplus Property Revolving Fund  
21 shall be initially financed by a transfer of funds from the  
22 General Revenue Fund. Thereafter all fees and other monies

1 received by the Department of Central Management Services from  
2 the sale or transfer of surplus or transferable property  
3 pursuant to the "State Property Control Act" and "An Act to  
4 create and establish a State Agency for Federal Surplus  
5 Property, to prescribe its powers, duties and functions",  
6 approved August 2, 1965, as amended, shall be paid into the  
7 State Surplus Property Revolving Fund. Except as provided in  
8 paragraph (e) of this Section, the money in this fund shall be  
9 used by the Department of Central Management Services as  
10 reimbursement for expenditures incurred in relation to the sale  
11 of surplus or transferable property.

12 (b) If at the end of the lapse period the balance in the  
13 State Surplus Property Revolving Fund exceeds the amount of  
14 \$1,000,000, all monies in excess of that amount shall be  
15 transferred and deposited into the General Revenue Fund.

16 (c) Provided, however, that the fund established by this  
17 Section shall contain a separate account for the deposit of all  
18 proceeds resulting from the sale of Federal surplus property,  
19 and the proceeds of this separate account shall be used solely  
20 to reimburse the Department of Central Management Services for  
21 expenditures incurred in relation to the sale of Federal  
22 surplus property.

23 (d) Any funds on deposit in the State Agency for Surplus  
24 Property Utilization Fund on the effective date of this  
25 amendatory Act of 1983 shall be transferred to the Federal  
26 account of the State Surplus Property Revolving Fund.

1           (e) (Blank). ~~Revenues received from the sale of wastepaper~~  
2 ~~through paper recycling programs shall be placed into a~~  
3 ~~separate account in the Fund and shall be used to offset costs~~  
4 ~~to the Department of establishing and operating wastepaper~~  
5 ~~recycling programs. At the end of each calendar quarter, any~~  
6 ~~amounts in the separate account that have not been used or~~  
7 ~~designated for use shall be transferred to the Paper and~~  
8 ~~Printing Revolving Fund.~~

9           (Source: P.A. 97-722, eff. 6-29-12.)

- 10           (30 ILCS 105/5.36 rep.)  
11           (30 ILCS 105/5.195 rep.)  
12           (30 ILCS 105/5.204 rep.)  
13           (30 ILCS 105/5.281 rep.)  
14           (30 ILCS 105/5.378 rep.)  
15           (30 ILCS 105/5.386 rep.)  
16           (30 ILCS 105/5.428 rep.)  
17           (30 ILCS 105/5.453 rep.)  
18           (30 ILCS 105/5.459 rep.)  
19           (30 ILCS 105/5.474 rep.)  
20           (30 ILCS 105/5.528 rep.)  
21           (30 ILCS 105/5.533 rep.)  
22           (30 ILCS 105/5.535 rep.)  
23           (30 ILCS 105/5.551 rep.)  
24           (30 ILCS 105/5.555 rep.)  
25           (30 ILCS 105/5.559 rep.)

- 1 (30 ILCS 105/5.575 rep.)
- 2 (30 ILCS 105/5.587 rep.)
- 3 (30 ILCS 105/5.588 rep.)
- 4 (30 ILCS 105/5.601 rep.)
- 5 (30 ILCS 105/5.602 rep.)
- 6 (30 ILCS 105/5.611 rep.)
- 7 (30 ILCS 105/5.636 rep.)
- 8 (30 ILCS 105/5.767 rep.)
- 9 (30 ILCS 105/6p rep.)
- 10 (30 ILCS 105/6q rep.)
- 11 (30 ILCS 105/6z-42 rep.)
- 12 (30 ILCS 105/6z-50 rep.)
- 13 (30 ILCS 105/6z-53 rep.)
- 14 (30 ILCS 105/8.7 rep.)
- 15 (30 ILCS 105/8.16 rep.)
- 16 (30 ILCS 105/8.51 rep.)

17 Section 5-85. The State Finance Act is amended by repealing  
18 Sections 5.36, 5.195, 5.204, 5.281, 5.378, 5.386, 5.428, 5.453,  
19 5.459, 5.474, 5.528, 5.533, 5.535, 5.551, 5.555, 5.559, 5.575,  
20 5.587, 5.588, 5.601, 5.602, 5.611, 5.636, 5.767, 6p, 6q, 6z-42,  
21 6z-50, 6z-53, 8.7, 8.16, and 8.51.

- 22 (35 ILCS 5/245 rep.)
- 23 (35 ILCS 5/507V rep.)
- 24 (35 ILCS 5/507X rep.)
- 25 (35 ILCS 5/507Z rep.)

1 (35 ILCS 5/507EE rep.)

2 (35 ILCS 5/507MM rep.)

3 (35 ILCS 5/507NN rep.)

4 (35 ILCS 5/507RR rep.)

5 (35 ILCS 5/507WW rep.)

6 Section 5-90. The Illinois Income Tax Act is amended by  
7 repealing Sections 245, 507V, 507X, 507Z, 507EE, 507MM, 507NN,  
8 507RR, and 507WW.

9 Section 5-95. The Use Tax Act is amended by changing  
10 Section 9 as follows:

11 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

12 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
13 and trailers that are required to be registered with an agency  
14 of this State, each retailer required or authorized to collect  
15 the tax imposed by this Act shall pay to the Department the  
16 amount of such tax (except as otherwise provided) at the time  
17 when he is required to file his return for the period during  
18 which such tax was collected, less a discount of 2.1% prior to  
19 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
20 per calendar year, whichever is greater, which is allowed to  
21 reimburse the retailer for expenses incurred in collecting the  
22 tax, keeping records, preparing and filing returns, remitting  
23 the tax and supplying data to the Department on request. In the  
24 case of retailers who report and pay the tax on a transaction

1 by transaction basis, as provided in this Section, such  
2 discount shall be taken with each such tax remittance instead  
3 of when such retailer files his periodic return. The Department  
4 may disallow the discount for retailers whose certificate of  
5 registration is revoked at the time the return is filed, but  
6 only if the Department's decision to revoke the certificate of  
7 registration has become final. A retailer need not remit that  
8 part of any tax collected by him to the extent that he is  
9 required to remit and does remit the tax imposed by the  
10 Retailers' Occupation Tax Act, with respect to the sale of the  
11 same property.

12 Where such tangible personal property is sold under a  
13 conditional sales contract, or under any other form of sale  
14 wherein the payment of the principal sum, or a part thereof, is  
15 extended beyond the close of the period for which the return is  
16 filed, the retailer, in collecting the tax (except as to motor  
17 vehicles, watercraft, aircraft, and trailers that are required  
18 to be registered with an agency of this State), may collect for  
19 each tax return period, only the tax applicable to that part of  
20 the selling price actually received during such tax return  
21 period.

22 Except as provided in this Section, on or before the  
23 twentieth day of each calendar month, such retailer shall file  
24 a return for the preceding calendar month. Such return shall be  
25 filed on forms prescribed by the Department and shall furnish  
26 such information as the Department may reasonably require.

1           The Department may require returns to be filed on a  
2 quarterly basis. If so required, a return for each calendar  
3 quarter shall be filed on or before the twentieth day of the  
4 calendar month following the end of such calendar quarter. The  
5 taxpayer shall also file a return with the Department for each  
6 of the first two months of each calendar quarter, on or before  
7 the twentieth day of the following calendar month, stating:

8           1. The name of the seller;

9           2. The address of the principal place of business from  
10 which he engages in the business of selling tangible  
11 personal property at retail in this State;

12           3. The total amount of taxable receipts received by him  
13 during the preceding calendar month from sales of tangible  
14 personal property by him during such preceding calendar  
15 month, including receipts from charge and time sales, but  
16 less all deductions allowed by law;

17           4. The amount of credit provided in Section 2d of this  
18 Act;

19           5. The amount of tax due;

20           5-5. The signature of the taxpayer; and

21           6. Such other reasonable information as the Department  
22 may require.

23           If a taxpayer fails to sign a return within 30 days after  
24 the proper notice and demand for signature by the Department,  
25 the return shall be considered valid and any amount shown to be  
26 due on the return shall be deemed assessed.



1           Beginning October 1, 1993, a taxpayer who has an average  
2 monthly tax liability of \$150,000 or more shall make all  
3 payments required by rules of the Department by electronic  
4 funds transfer. Beginning October 1, 1994, a taxpayer who has  
5 an average monthly tax liability of \$100,000 or more shall make  
6 all payments required by rules of the Department by electronic  
7 funds transfer. Beginning October 1, 1995, a taxpayer who has  
8 an average monthly tax liability of \$50,000 or more shall make  
9 all payments required by rules of the Department by electronic  
10 funds transfer. Beginning October 1, 2000, a taxpayer who has  
11 an annual tax liability of \$200,000 or more shall make all  
12 payments required by rules of the Department by electronic  
13 funds transfer. The term "annual tax liability" shall be the  
14 sum of the taxpayer's liabilities under this Act, and under all  
15 other State and local occupation and use tax laws administered  
16 by the Department, for the immediately preceding calendar year.  
17 The term "average monthly tax liability" means the sum of the  
18 taxpayer's liabilities under this Act, and under all other  
19 State and local occupation and use tax laws administered by the  
20 Department, for the immediately preceding calendar year  
21 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
22 a tax liability in the amount set forth in subsection (b) of  
23 Section 2505-210 of the Department of Revenue Law shall make  
24 all payments required by rules of the Department by electronic  
25 funds transfer.

26           Before August 1 of each year beginning in 1993, the

1 Department shall notify all taxpayers required to make payments  
2 by electronic funds transfer. All taxpayers required to make  
3 payments by electronic funds transfer shall make those payments  
4 for a minimum of one year beginning on October 1.

5 Any taxpayer not required to make payments by electronic  
6 funds transfer may make payments by electronic funds transfer  
7 with the permission of the Department.

8 All taxpayers required to make payment by electronic funds  
9 transfer and any taxpayers authorized to voluntarily make  
10 payments by electronic funds transfer shall make those payments  
11 in the manner authorized by the Department.

12 The Department shall adopt such rules as are necessary to  
13 effectuate a program of electronic funds transfer and the  
14 requirements of this Section.

15 Before October 1, 2000, if the taxpayer's average monthly  
16 tax liability to the Department under this Act, the Retailers'  
17 Occupation Tax Act, the Service Occupation Tax Act, the Service  
18 Use Tax Act was \$10,000 or more during the preceding 4 complete  
19 calendar quarters, he shall file a return with the Department  
20 each month by the 20th day of the month next following the  
21 month during which such tax liability is incurred and shall  
22 make payments to the Department on or before the 7th, 15th,  
23 22nd and last day of the month during which such liability is  
24 incurred. On and after October 1, 2000, if the taxpayer's  
25 average monthly tax liability to the Department under this Act,  
26 the Retailers' Occupation Tax Act, the Service Occupation Tax

1 Act, and the Service Use Tax Act was \$20,000 or more during the  
2 preceding 4 complete calendar quarters, he shall file a return  
3 with the Department each month by the 20th day of the month  
4 next following the month during which such tax liability is  
5 incurred and shall make payment to the Department on or before  
6 the 7th, 15th, 22nd and last day of the month during which such  
7 liability is incurred. If the month during which such tax  
8 liability is incurred began prior to January 1, 1985, each  
9 payment shall be in an amount equal to 1/4 of the taxpayer's  
10 actual liability for the month or an amount set by the  
11 Department not to exceed 1/4 of the average monthly liability  
12 of the taxpayer to the Department for the preceding 4 complete  
13 calendar quarters (excluding the month of highest liability and  
14 the month of lowest liability in such 4 quarter period). If the  
15 month during which such tax liability is incurred begins on or  
16 after January 1, 1985, and prior to January 1, 1987, each  
17 payment shall be in an amount equal to 22.5% of the taxpayer's  
18 actual liability for the month or 27.5% of the taxpayer's  
19 liability for the same calendar month of the preceding year. If  
20 the month during which such tax liability is incurred begins on  
21 or after January 1, 1987, and prior to January 1, 1988, each  
22 payment shall be in an amount equal to 22.5% of the taxpayer's  
23 actual liability for the month or 26.25% of the taxpayer's  
24 liability for the same calendar month of the preceding year. If  
25 the month during which such tax liability is incurred begins on  
26 or after January 1, 1988, and prior to January 1, 1989, or

1 begins on or after January 1, 1996, each payment shall be in an  
2 amount equal to 22.5% of the taxpayer's actual liability for  
3 the month or 25% of the taxpayer's liability for the same  
4 calendar month of the preceding year. If the month during which  
5 such tax liability is incurred begins on or after January 1,  
6 1989, and prior to January 1, 1996, each payment shall be in an  
7 amount equal to 22.5% of the taxpayer's actual liability for  
8 the month or 25% of the taxpayer's liability for the same  
9 calendar month of the preceding year or 100% of the taxpayer's  
10 actual liability for the quarter monthly reporting period. The  
11 amount of such quarter monthly payments shall be credited  
12 against the final tax liability of the taxpayer's return for  
13 that month. Before October 1, 2000, once applicable, the  
14 requirement of the making of quarter monthly payments to the  
15 Department shall continue until such taxpayer's average  
16 monthly liability to the Department during the preceding 4  
17 complete calendar quarters (excluding the month of highest  
18 liability and the month of lowest liability) is less than  
19 \$9,000, or until such taxpayer's average monthly liability to  
20 the Department as computed for each calendar quarter of the 4  
21 preceding complete calendar quarter period is less than  
22 \$10,000. However, if a taxpayer can show the Department that a  
23 substantial change in the taxpayer's business has occurred  
24 which causes the taxpayer to anticipate that his average  
25 monthly tax liability for the reasonably foreseeable future  
26 will fall below the \$10,000 threshold stated above, then such

1 taxpayer may petition the Department for change in such  
2 taxpayer's reporting status. On and after October 1, 2000, once  
3 applicable, the requirement of the making of quarter monthly  
4 payments to the Department shall continue until such taxpayer's  
5 average monthly liability to the Department during the  
6 preceding 4 complete calendar quarters (excluding the month of  
7 highest liability and the month of lowest liability) is less  
8 than \$19,000 or until such taxpayer's average monthly liability  
9 to the Department as computed for each calendar quarter of the  
10 4 preceding complete calendar quarter period is less than  
11 \$20,000. However, if a taxpayer can show the Department that a  
12 substantial change in the taxpayer's business has occurred  
13 which causes the taxpayer to anticipate that his average  
14 monthly tax liability for the reasonably foreseeable future  
15 will fall below the \$20,000 threshold stated above, then such  
16 taxpayer may petition the Department for a change in such  
17 taxpayer's reporting status. The Department shall change such  
18 taxpayer's reporting status unless it finds that such change is  
19 seasonal in nature and not likely to be long term. If any such  
20 quarter monthly payment is not paid at the time or in the  
21 amount required by this Section, then the taxpayer shall be  
22 liable for penalties and interest on the difference between the  
23 minimum amount due and the amount of such quarter monthly  
24 payment actually and timely paid, except insofar as the  
25 taxpayer has previously made payments for that month to the  
26 Department in excess of the minimum payments previously due as

1 provided in this Section. The Department shall make reasonable  
2 rules and regulations to govern the quarter monthly payment  
3 amount and quarter monthly payment dates for taxpayers who file  
4 on other than a calendar monthly basis.

5 If any such payment provided for in this Section exceeds  
6 the taxpayer's liabilities under this Act, the Retailers'  
7 Occupation Tax Act, the Service Occupation Tax Act and the  
8 Service Use Tax Act, as shown by an original monthly return,  
9 the Department shall issue to the taxpayer a credit memorandum  
10 no later than 30 days after the date of payment, which  
11 memorandum may be submitted by the taxpayer to the Department  
12 in payment of tax liability subsequently to be remitted by the  
13 taxpayer to the Department or be assigned by the taxpayer to a  
14 similar taxpayer under this Act, the Retailers' Occupation Tax  
15 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
16 in accordance with reasonable rules and regulations to be  
17 prescribed by the Department, except that if such excess  
18 payment is shown on an original monthly return and is made  
19 after December 31, 1986, no credit memorandum shall be issued,  
20 unless requested by the taxpayer. If no such request is made,  
21 the taxpayer may credit such excess payment against tax  
22 liability subsequently to be remitted by the taxpayer to the  
23 Department under this Act, the Retailers' Occupation Tax Act,  
24 the Service Occupation Tax Act or the Service Use Tax Act, in  
25 accordance with reasonable rules and regulations prescribed by  
26 the Department. If the Department subsequently determines that

1 all or any part of the credit taken was not actually due to the  
2 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
3 be reduced by 2.1% or 1.75% of the difference between the  
4 credit taken and that actually due, and the taxpayer shall be  
5 liable for penalties and interest on such difference.

6 If the retailer is otherwise required to file a monthly  
7 return and if the retailer's average monthly tax liability to  
8 the Department does not exceed \$200, the Department may  
9 authorize his returns to be filed on a quarter annual basis,  
10 with the return for January, February, and March of a given  
11 year being due by April 20 of such year; with the return for  
12 April, May and June of a given year being due by July 20 of such  
13 year; with the return for July, August and September of a given  
14 year being due by October 20 of such year, and with the return  
15 for October, November and December of a given year being due by  
16 January 20 of the following year.

17 If the retailer is otherwise required to file a monthly or  
18 quarterly return and if the retailer's average monthly tax  
19 liability to the Department does not exceed \$50, the Department  
20 may authorize his returns to be filed on an annual basis, with  
21 the return for a given year being due by January 20 of the  
22 following year.

23 Such quarter annual and annual returns, as to form and  
24 substance, shall be subject to the same requirements as monthly  
25 returns.

26 Notwithstanding any other provision in this Act concerning

1 the time within which a retailer may file his return, in the  
2 case of any retailer who ceases to engage in a kind of business  
3 which makes him responsible for filing returns under this Act,  
4 such retailer shall file a final return under this Act with the  
5 Department not more than one month after discontinuing such  
6 business.

7 In addition, with respect to motor vehicles, watercraft,  
8 aircraft, and trailers that are required to be registered with  
9 an agency of this State, every retailer selling this kind of  
10 tangible personal property shall file, with the Department,  
11 upon a form to be prescribed and supplied by the Department, a  
12 separate return for each such item of tangible personal  
13 property which the retailer sells, except that if, in the same  
14 transaction, (i) a retailer of aircraft, watercraft, motor  
15 vehicles or trailers transfers more than one aircraft,  
16 watercraft, motor vehicle or trailer to another aircraft,  
17 watercraft, motor vehicle or trailer retailer for the purpose  
18 of resale or (ii) a retailer of aircraft, watercraft, motor  
19 vehicles, or trailers transfers more than one aircraft,  
20 watercraft, motor vehicle, or trailer to a purchaser for use as  
21 a qualifying rolling stock as provided in Section 3-55 of this  
22 Act, then that seller may report the transfer of all the  
23 aircraft, watercraft, motor vehicles or trailers involved in  
24 that transaction to the Department on the same uniform  
25 invoice-transaction reporting return form. For purposes of  
26 this Section, "watercraft" means a Class 2, Class 3, or Class 4



1 watercraft as defined in Section 3-2 of the Boat Registration  
2 and Safety Act, a personal watercraft, or any boat equipped  
3 with an inboard motor.

4 The transaction reporting return in the case of motor  
5 vehicles or trailers that are required to be registered with an  
6 agency of this State, shall be the same document as the Uniform  
7 Invoice referred to in Section 5-402 of the Illinois Vehicle  
8 Code and must show the name and address of the seller; the name  
9 and address of the purchaser; the amount of the selling price  
10 including the amount allowed by the retailer for traded-in  
11 property, if any; the amount allowed by the retailer for the  
12 traded-in tangible personal property, if any, to the extent to  
13 which Section 2 of this Act allows an exemption for the value  
14 of traded-in property; the balance payable after deducting such  
15 trade-in allowance from the total selling price; the amount of  
16 tax due from the retailer with respect to such transaction; the  
17 amount of tax collected from the purchaser by the retailer on  
18 such transaction (or satisfactory evidence that such tax is not  
19 due in that particular instance, if that is claimed to be the  
20 fact); the place and date of the sale; a sufficient  
21 identification of the property sold; such other information as  
22 is required in Section 5-402 of the Illinois Vehicle Code, and  
23 such other information as the Department may reasonably  
24 require.

25 The transaction reporting return in the case of watercraft  
26 and aircraft must show the name and address of the seller; the

1 name and address of the purchaser; the amount of the selling  
2 price including the amount allowed by the retailer for  
3 traded-in property, if any; the amount allowed by the retailer  
4 for the traded-in tangible personal property, if any, to the  
5 extent to which Section 2 of this Act allows an exemption for  
6 the value of traded-in property; the balance payable after  
7 deducting such trade-in allowance from the total selling price;  
8 the amount of tax due from the retailer with respect to such  
9 transaction; the amount of tax collected from the purchaser by  
10 the retailer on such transaction (or satisfactory evidence that  
11 such tax is not due in that particular instance, if that is  
12 claimed to be the fact); the place and date of the sale, a  
13 sufficient identification of the property sold, and such other  
14 information as the Department may reasonably require.

15 Such transaction reporting return shall be filed not later  
16 than 20 days after the date of delivery of the item that is  
17 being sold, but may be filed by the retailer at any time sooner  
18 than that if he chooses to do so. The transaction reporting  
19 return and tax remittance or proof of exemption from the tax  
20 that is imposed by this Act may be transmitted to the  
21 Department by way of the State agency with which, or State  
22 officer with whom, the tangible personal property must be  
23 titled or registered (if titling or registration is required)  
24 if the Department and such agency or State officer determine  
25 that this procedure will expedite the processing of  
26 applications for title or registration.

1           With each such transaction reporting return, the retailer  
2 shall remit the proper amount of tax due (or shall submit  
3 satisfactory evidence that the sale is not taxable if that is  
4 the case), to the Department or its agents, whereupon the  
5 Department shall issue, in the purchaser's name, a tax receipt  
6 (or a certificate of exemption if the Department is satisfied  
7 that the particular sale is tax exempt) which such purchaser  
8 may submit to the agency with which, or State officer with  
9 whom, he must title or register the tangible personal property  
10 that is involved (if titling or registration is required) in  
11 support of such purchaser's application for an Illinois  
12 certificate or other evidence of title or registration to such  
13 tangible personal property.

14           No retailer's failure or refusal to remit tax under this  
15 Act precludes a user, who has paid the proper tax to the  
16 retailer, from obtaining his certificate of title or other  
17 evidence of title or registration (if titling or registration  
18 is required) upon satisfying the Department that such user has  
19 paid the proper tax (if tax is due) to the retailer. The  
20 Department shall adopt appropriate rules to carry out the  
21 mandate of this paragraph.

22           If the user who would otherwise pay tax to the retailer  
23 wants the transaction reporting return filed and the payment of  
24 tax or proof of exemption made to the Department before the  
25 retailer is willing to take these actions and such user has not  
26 paid the tax to the retailer, such user may certify to the fact

1 of such delay by the retailer, and may (upon the Department  
2 being satisfied of the truth of such certification) transmit  
3 the information required by the transaction reporting return  
4 and the remittance for tax or proof of exemption directly to  
5 the Department and obtain his tax receipt or exemption  
6 determination, in which event the transaction reporting return  
7 and tax remittance (if a tax payment was required) shall be  
8 credited by the Department to the proper retailer's account  
9 with the Department, but without the 2.1% or 1.75% discount  
10 provided for in this Section being allowed. When the user pays  
11 the tax directly to the Department, he shall pay the tax in the  
12 same amount and in the same form in which it would be remitted  
13 if the tax had been remitted to the Department by the retailer.

14 Where a retailer collects the tax with respect to the  
15 selling price of tangible personal property which he sells and  
16 the purchaser thereafter returns such tangible personal  
17 property and the retailer refunds the selling price thereof to  
18 the purchaser, such retailer shall also refund, to the  
19 purchaser, the tax so collected from the purchaser. When filing  
20 his return for the period in which he refunds such tax to the  
21 purchaser, the retailer may deduct the amount of the tax so  
22 refunded by him to the purchaser from any other use tax which  
23 such retailer may be required to pay or remit to the  
24 Department, as shown by such return, if the amount of the tax  
25 to be deducted was previously remitted to the Department by  
26 such retailer. If the retailer has not previously remitted the

1 amount of such tax to the Department, he is entitled to no  
2 deduction under this Act upon refunding such tax to the  
3 purchaser.

4 Any retailer filing a return under this Section shall also  
5 include (for the purpose of paying tax thereon) the total tax  
6 covered by such return upon the selling price of tangible  
7 personal property purchased by him at retail from a retailer,  
8 but as to which the tax imposed by this Act was not collected  
9 from the retailer filing such return, and such retailer shall  
10 remit the amount of such tax to the Department when filing such  
11 return.

12 If experience indicates such action to be practicable, the  
13 Department may prescribe and furnish a combination or joint  
14 return which will enable retailers, who are required to file  
15 returns hereunder and also under the Retailers' Occupation Tax  
16 Act, to furnish all the return information required by both  
17 Acts on the one form.

18 Where the retailer has more than one business registered  
19 with the Department under separate registration under this Act,  
20 such retailer may not file each return that is due as a single  
21 return covering all such registered businesses, but shall file  
22 separate returns for each such registered business.

23 Beginning January 1, 1990, each month the Department shall  
24 pay into the State and Local Sales Tax Reform Fund, a special  
25 fund in the State Treasury which is hereby created, the net  
26 revenue realized for the preceding month from the 1% tax on

1 sales of food for human consumption which is to be consumed off  
2 the premises where it is sold (other than alcoholic beverages,  
3 soft drinks and food which has been prepared for immediate  
4 consumption) and prescription and nonprescription medicines,  
5 drugs, medical appliances and insulin, urine testing  
6 materials, syringes and needles used by diabetics.

7 Beginning January 1, 1990, each month the Department shall  
8 pay into the County and Mass Transit District Fund 4% of the  
9 net revenue realized for the preceding month from the 6.25%  
10 general rate on the selling price of tangible personal property  
11 which is purchased outside Illinois at retail from a retailer  
12 and which is titled or registered by an agency of this State's  
13 government.

14 Beginning January 1, 1990, each month the Department shall  
15 pay into the State and Local Sales Tax Reform Fund, a special  
16 fund in the State Treasury, 20% of the net revenue realized for  
17 the preceding month from the 6.25% general rate on the selling  
18 price of tangible personal property, other than tangible  
19 personal property which is purchased outside Illinois at retail  
20 from a retailer and which is titled or registered by an agency  
21 of this State's government.

22 Beginning August 1, 2000, each month the Department shall  
23 pay into the State and Local Sales Tax Reform Fund 100% of the  
24 net revenue realized for the preceding month from the 1.25%  
25 rate on the selling price of motor fuel and gasohol. Beginning  
26 September 1, 2010, each month the Department shall pay into the

1 State and Local Sales Tax Reform Fund 100% of the net revenue  
2 realized for the preceding month from the 1.25% rate on the  
3 selling price of sales tax holiday items.

4 Beginning January 1, 1990, each month the Department shall  
5 pay into the Local Government Tax Fund 16% of the net revenue  
6 realized for the preceding month from the 6.25% general rate on  
7 the selling price of tangible personal property which is  
8 purchased outside Illinois at retail from a retailer and which  
9 is titled or registered by an agency of this State's  
10 government.

11 Beginning October 1, 2009, each month the Department shall  
12 pay into the Capital Projects Fund an amount that is equal to  
13 an amount estimated by the Department to represent 80% of the  
14 net revenue realized for the preceding month from the sale of  
15 candy, grooming and hygiene products, and soft drinks that had  
16 been taxed at a rate of 1% prior to September 1, 2009 but that  
17 are now taxed at 6.25%.

18 Beginning July 1, 2011, each month the Department shall pay  
19 into the Clean Air Act ~~(CAA)~~ Permit Fund 80% of the net revenue  
20 realized for the preceding month from the 6.25% general rate on  
21 the selling price of sorbents used in Illinois in the process  
22 of sorbent injection as used to comply with the Environmental  
23 Protection Act or the federal Clean Air Act, but the total  
24 payment into the Clean Air Act ~~(CAA)~~ Permit Fund under this Act  
25 and the Retailers' Occupation Tax Act shall not exceed  
26 \$2,000,000 in any fiscal year.

1           Beginning July 1, 2013, each month the Department shall pay  
2 into the Underground Storage Tank Fund from the proceeds  
3 collected under this Act, the Service Use Tax Act, the Service  
4 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
5 amount equal to the average monthly deficit in the Underground  
6 Storage Tank Fund during the prior year, as certified annually  
7 by the Illinois Environmental Protection Agency, but the total  
8 payment into the Underground Storage Tank Fund under this Act,  
9 the Service Use Tax Act, the Service Occupation Tax Act, and  
10 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
11 in any State fiscal year. As used in this paragraph, the  
12 "average monthly deficit" shall be equal to the difference  
13 between the average monthly claims for payment by the fund and  
14 the average monthly revenues deposited into the fund, excluding  
15 payments made pursuant to this paragraph.

16           Beginning July 1, 2015, of the remainder of the moneys  
17 received by the Department under this Act, the Service Use Tax  
18 Act, the Service Occupation Tax Act, and the Retailers'  
19 Occupation Tax Act, each month the Department shall deposit  
20 \$500,000 into the State Crime Laboratory Fund.

21           Of the remainder of the moneys received by the Department  
22 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
23 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
24 and after July 1, 1989, 3.8% thereof shall be paid into the  
25 Build Illinois Fund; provided, however, that if in any fiscal  
26 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case



1 may be, of the moneys received by the Department and required  
2 to be paid into the Build Illinois Fund pursuant to Section 3  
3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
4 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
5 Service Occupation Tax Act, such Acts being hereinafter called  
6 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
7 may be, of moneys being hereinafter called the "Tax Act  
8 Amount", and (2) the amount transferred to the Build Illinois  
9 Fund from the State and Local Sales Tax Reform Fund shall be  
10 less than the Annual Specified Amount (as defined in Section 3  
11 of the Retailers' Occupation Tax Act), an amount equal to the  
12 difference shall be immediately paid into the Build Illinois  
13 Fund from other moneys received by the Department pursuant to  
14 the Tax Acts; and further provided, that if on the last  
15 business day of any month the sum of (1) the Tax Act Amount  
16 required to be deposited into the Build Illinois Bond Account  
17 in the Build Illinois Fund during such month and (2) the amount  
18 transferred during such month to the Build Illinois Fund from  
19 the State and Local Sales Tax Reform Fund shall have been less  
20 than 1/12 of the Annual Specified Amount, an amount equal to  
21 the difference shall be immediately paid into the Build  
22 Illinois Fund from other moneys received by the Department  
23 pursuant to the Tax Acts; and, further provided, that in no  
24 event shall the payments required under the preceding proviso  
25 result in aggregate payments into the Build Illinois Fund  
26 pursuant to this clause (b) for any fiscal year in excess of

1 the greater of (i) the Tax Act Amount or (ii) the Annual  
2 Specified Amount for such fiscal year; and, further provided,  
3 that the amounts payable into the Build Illinois Fund under  
4 this clause (b) shall be payable only until such time as the  
5 aggregate amount on deposit under each trust indenture securing  
6 Bonds issued and outstanding pursuant to the Build Illinois  
7 Bond Act is sufficient, taking into account any future  
8 investment income, to fully provide, in accordance with such  
9 indenture, for the defeasance of or the payment of the  
10 principal of, premium, if any, and interest on the Bonds  
11 secured by such indenture and on any Bonds expected to be  
12 issued thereafter and all fees and costs payable with respect  
13 thereto, all as certified by the Director of the Bureau of the  
14 Budget (now Governor's Office of Management and Budget). If on  
15 the last business day of any month in which Bonds are  
16 outstanding pursuant to the Build Illinois Bond Act, the  
17 aggregate of the moneys deposited in the Build Illinois Bond  
18 Account in the Build Illinois Fund in such month shall be less  
19 than the amount required to be transferred in such month from  
20 the Build Illinois Bond Account to the Build Illinois Bond  
21 Retirement and Interest Fund pursuant to Section 13 of the  
22 Build Illinois Bond Act, an amount equal to such deficiency  
23 shall be immediately paid from other moneys received by the  
24 Department pursuant to the Tax Acts to the Build Illinois Fund;  
25 provided, however, that any amounts paid to the Build Illinois  
26 Fund in any fiscal year pursuant to this sentence shall be

1 deemed to constitute payments pursuant to clause (b) of the  
2 preceding sentence and shall reduce the amount otherwise  
3 payable for such fiscal year pursuant to clause (b) of the  
4 preceding sentence. The moneys received by the Department  
5 pursuant to this Act and required to be deposited into the  
6 Build Illinois Fund are subject to the pledge, claim and charge  
7 set forth in Section 12 of the Build Illinois Bond Act.

8 Subject to payment of amounts into the Build Illinois Fund  
9 as provided in the preceding paragraph or in any amendment  
10 thereto hereafter enacted, the following specified monthly  
11 installment of the amount requested in the certificate of the  
12 Chairman of the Metropolitan Pier and Exposition Authority  
13 provided under Section 8.25f of the State Finance Act, but not  
14 in excess of the sums designated as "Total Deposit", shall be  
15 deposited in the aggregate from collections under Section 9 of  
16 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
17 9 of the Service Occupation Tax Act, and Section 3 of the  
18 Retailers' Occupation Tax Act into the McCormick Place  
19 Expansion Project Fund in the specified fiscal years.

20	Fiscal Year	Total Deposit
21	1993	\$0
22	1994	53,000,000
23	1995	58,000,000
24	1996	61,000,000
25	1997	64,000,000
26	1998	68,000,000

1	1999	71,000,000
2	2000	75,000,000
3	2001	80,000,000
4	2002	93,000,000
5	2003	99,000,000
6	2004	103,000,000
7	2005	108,000,000
8	2006	113,000,000
9	2007	119,000,000
10	2008	126,000,000
11	2009	132,000,000
12	2010	139,000,000
13	2011	146,000,000
14	2012	153,000,000
15	2013	161,000,000
16	2014	170,000,000
17	2015	179,000,000
18	2016	189,000,000
19	2017	199,000,000
20	2018	210,000,000
21	2019	221,000,000
22	2020	233,000,000
23	2021	246,000,000
24	2022	260,000,000
25	2023	275,000,000
26	2024	275,000,000

1	2025	275,000,000
2	2026	279,000,000
3	2027	292,000,000
4	2028	307,000,000
5	2029	322,000,000
6	2030	338,000,000
7	2031	350,000,000
8	2032	350,000,000

9 and

10 each fiscal year  
11 thereafter that bonds  
12 are outstanding under  
13 Section 13.2 of the  
14 Metropolitan Pier and  
15 Exposition Authority Act,  
16 but not after fiscal year 2060.

17 Beginning July 20, 1993 and in each month of each fiscal  
18 year thereafter, one-eighth of the amount requested in the  
19 certificate of the Chairman of the Metropolitan Pier and  
20 Exposition Authority for that fiscal year, less the amount  
21 deposited into the McCormick Place Expansion Project Fund by  
22 the State Treasurer in the respective month under subsection  
23 (g) of Section 13 of the Metropolitan Pier and Exposition  
24 Authority Act, plus cumulative deficiencies in the deposits  
25 required under this Section for previous months and years,  
26 shall be deposited into the McCormick Place Expansion Project

1 Fund, until the full amount requested for the fiscal year, but  
2 not in excess of the amount specified above as "Total Deposit",  
3 has been deposited.

4 Subject to payment of amounts into the Build Illinois Fund  
5 and the McCormick Place Expansion Project Fund pursuant to the  
6 preceding paragraphs or in any amendments thereto hereafter  
7 enacted, beginning July 1, 1993 and ending on September 30,  
8 2013, the Department shall each month pay into the Illinois Tax  
9 Increment Fund 0.27% of 80% of the net revenue realized for the  
10 preceding month from the 6.25% general rate on the selling  
11 price of tangible personal property.

12 Subject to payment of amounts into the Build Illinois Fund  
13 and the McCormick Place Expansion Project Fund pursuant to the  
14 preceding paragraphs or in any amendments thereto hereafter  
15 enacted, beginning with the receipt of the first report of  
16 taxes paid by an eligible business and continuing for a 25-year  
17 period, the Department shall each month pay into the Energy  
18 Infrastructure Fund 80% of the net revenue realized from the  
19 6.25% general rate on the selling price of Illinois-mined coal  
20 that was sold to an eligible business. For purposes of this  
21 paragraph, the term "eligible business" means a new electric  
22 generating facility certified pursuant to Section 605-332 of  
23 the Department of Commerce and Economic Opportunity Law of the  
24 Civil Administrative Code of Illinois.

25 Subject to payment of amounts into the Build Illinois Fund,  
26 the McCormick Place Expansion Project Fund, the Illinois Tax

1 Increment Fund, and the Energy Infrastructure Fund pursuant to  
2 the preceding paragraphs or in any amendments to this Section  
3 hereafter enacted, beginning on the first day of the first  
4 calendar month to occur on or after the effective date of this  
5 amendatory Act of the 98th General Assembly, each month, from  
6 the collections made under Section 9 of the Use Tax Act,  
7 Section 9 of the Service Use Tax Act, Section 9 of the Service  
8 Occupation Tax Act, and Section 3 of the Retailers' Occupation  
9 Tax Act, the Department shall pay into the Tax Compliance and  
10 Administration Fund, to be used, subject to appropriation, to  
11 fund additional auditors and compliance personnel at the  
12 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
13 the cash receipts collected during the preceding fiscal year by  
14 the Audit Bureau of the Department under the Use Tax Act, the  
15 Service Use Tax Act, the Service Occupation Tax Act, the  
16 Retailers' Occupation Tax Act, and associated local occupation  
17 and use taxes administered by the Department.

18 Of the remainder of the moneys received by the Department  
19 pursuant to this Act, 75% thereof shall be paid into the State  
20 Treasury and 25% shall be reserved in a special account and  
21 used only for the transfer to the Common School Fund as part of  
22 the monthly transfer from the General Revenue Fund in  
23 accordance with Section 8a of the State Finance Act.

24 As soon as possible after the first day of each month, upon  
25 certification of the Department of Revenue, the Comptroller  
26 shall order transferred and the Treasurer shall transfer from

1 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
2 equal to 1.7% of 80% of the net revenue realized under this Act  
3 for the second preceding month. Beginning April 1, 2000, this  
4 transfer is no longer required and shall not be made.

5 Net revenue realized for a month shall be the revenue  
6 collected by the State pursuant to this Act, less the amount  
7 paid out during that month as refunds to taxpayers for  
8 overpayment of liability.

9 For greater simplicity of administration, manufacturers,  
10 importers and wholesalers whose products are sold at retail in  
11 Illinois by numerous retailers, and who wish to do so, may  
12 assume the responsibility for accounting and paying to the  
13 Department all tax accruing under this Act with respect to such  
14 sales, if the retailers who are affected do not make written  
15 objection to the Department to this arrangement.

16 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
17 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.  
18 8-26-14; 99-352, eff. 8-12-15.)

19 Section 5-100. The Retailers' Occupation Tax Act is amended  
20 by changing Section 3 as follows:

21 (35 ILCS 120/3) (from Ch. 120, par. 442)

22 Sec. 3. Except as provided in this Section, on or before  
23 the twentieth day of each calendar month, every person engaged  
24 in the business of selling tangible personal property at retail



1 in this State during the preceding calendar month shall file a  
2 return with the Department, stating:

3 1. The name of the seller;

4 2. His residence address and the address of his  
5 principal place of business and the address of the  
6 principal place of business (if that is a different  
7 address) from which he engages in the business of selling  
8 tangible personal property at retail in this State;

9 3. Total amount of receipts received by him during the  
10 preceding calendar month or quarter, as the case may be,  
11 from sales of tangible personal property, and from services  
12 furnished, by him during such preceding calendar month or  
13 quarter;

14 4. Total amount received by him during the preceding  
15 calendar month or quarter on charge and time sales of  
16 tangible personal property, and from services furnished,  
17 by him prior to the month or quarter for which the return  
18 is filed;

19 5. Deductions allowed by law;

20 6. Gross receipts which were received by him during the  
21 preceding calendar month or quarter and upon the basis of  
22 which the tax is imposed;

23 7. The amount of credit provided in Section 2d of this  
24 Act;

25 8. The amount of tax due;

26 9. The signature of the taxpayer; and

1           10. Such other reasonable information as the  
2           Department may require.

3           If a taxpayer fails to sign a return within 30 days after  
4           the proper notice and demand for signature by the Department,  
5           the return shall be considered valid and any amount shown to be  
6           due on the return shall be deemed assessed.

7           Each return shall be accompanied by the statement of  
8           prepaid tax issued pursuant to Section 2e for which credit is  
9           claimed.

10          Prior to October 1, 2003, and on and after September 1,  
11          2004 a retailer may accept a Manufacturer's Purchase Credit  
12          certification from a purchaser in satisfaction of Use Tax as  
13          provided in Section 3-85 of the Use Tax Act if the purchaser  
14          provides the appropriate documentation as required by Section  
15          3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
16          certification, accepted by a retailer prior to October 1, 2003  
17          and on and after September 1, 2004 as provided in Section 3-85  
18          of the Use Tax Act, may be used by that retailer to satisfy  
19          Retailers' Occupation Tax liability in the amount claimed in  
20          the certification, not to exceed 6.25% of the receipts subject  
21          to tax from a qualifying purchase. A Manufacturer's Purchase  
22          Credit reported on any original or amended return filed under  
23          this Act after October 20, 2003 for reporting periods prior to  
24          September 1, 2004 shall be disallowed. Manufacturer's  
25          Purchaser Credit reported on annual returns due on or after  
26          January 1, 2005 will be disallowed for periods prior to

1 September 1, 2004. No Manufacturer's Purchase Credit may be  
2 used after September 30, 2003 through August 31, 2004 to  
3 satisfy any tax liability imposed under this Act, including any  
4 audit liability.

5 The Department may require returns to be filed on a  
6 quarterly basis. If so required, a return for each calendar  
7 quarter shall be filed on or before the twentieth day of the  
8 calendar month following the end of such calendar quarter. The  
9 taxpayer shall also file a return with the Department for each  
10 of the first two months of each calendar quarter, on or before  
11 the twentieth day of the following calendar month, stating:

- 12 1. The name of the seller;
- 13 2. The address of the principal place of business from  
14 which he engages in the business of selling tangible  
15 personal property at retail in this State;
- 16 3. The total amount of taxable receipts received by him  
17 during the preceding calendar month from sales of tangible  
18 personal property by him during such preceding calendar  
19 month, including receipts from charge and time sales, but  
20 less all deductions allowed by law;
- 21 4. The amount of credit provided in Section 2d of this  
22 Act;
- 23 5. The amount of tax due; and
- 24 6. Such other reasonable information as the Department  
25 may require.

26 Beginning on October 1, 2003, any person who is not a

1 licensed distributor, importing distributor, or manufacturer,  
2 as defined in the Liquor Control Act of 1934, but is engaged in  
3 the business of selling, at retail, alcoholic liquor shall file  
4 a statement with the Department of Revenue, in a format and at  
5 a time prescribed by the Department, showing the total amount  
6 paid for alcoholic liquor purchased during the preceding month  
7 and such other information as is reasonably required by the  
8 Department. The Department may adopt rules to require that this  
9 statement be filed in an electronic or telephonic format. Such  
10 rules may provide for exceptions from the filing requirements  
11 of this paragraph. For the purposes of this paragraph, the term  
12 "alcoholic liquor" shall have the meaning prescribed in the  
13 Liquor Control Act of 1934.

14 Beginning on October 1, 2003, every distributor, importing  
15 distributor, and manufacturer of alcoholic liquor as defined in  
16 the Liquor Control Act of 1934, shall file a statement with the  
17 Department of Revenue, no later than the 10th day of the month  
18 for the preceding month during which transactions occurred, by  
19 electronic means, showing the total amount of gross receipts  
20 from the sale of alcoholic liquor sold or distributed during  
21 the preceding month to purchasers; identifying the purchaser to  
22 whom it was sold or distributed; the purchaser's tax  
23 registration number; and such other information reasonably  
24 required by the Department. A distributor, importing  
25 distributor, or manufacturer of alcoholic liquor must  
26 personally deliver, mail, or provide by electronic means to

1 each retailer listed on the monthly statement a report  
2 containing a cumulative total of that distributor's, importing  
3 distributor's, or manufacturer's total sales of alcoholic  
4 liquor to that retailer no later than the 10th day of the month  
5 for the preceding month during which the transaction occurred.  
6 The distributor, importing distributor, or manufacturer shall  
7 notify the retailer as to the method by which the distributor,  
8 importing distributor, or manufacturer will provide the sales  
9 information. If the retailer is unable to receive the sales  
10 information by electronic means, the distributor, importing  
11 distributor, or manufacturer shall furnish the sales  
12 information by personal delivery or by mail. For purposes of  
13 this paragraph, the term "electronic means" includes, but is  
14 not limited to, the use of a secure Internet website, e-mail,  
15 or facsimile.

16 If a total amount of less than \$1 is payable, refundable or  
17 creditable, such amount shall be disregarded if it is less than  
18 50 cents and shall be increased to \$1 if it is 50 cents or more.

19 Beginning October 1, 1993, a taxpayer who has an average  
20 monthly tax liability of \$150,000 or more shall make all  
21 payments required by rules of the Department by electronic  
22 funds transfer. Beginning October 1, 1994, a taxpayer who has  
23 an average monthly tax liability of \$100,000 or more shall make  
24 all payments required by rules of the Department by electronic  
25 funds transfer. Beginning October 1, 1995, a taxpayer who has  
26 an average monthly tax liability of \$50,000 or more shall make

1 all payments required by rules of the Department by electronic  
2 funds transfer. Beginning October 1, 2000, a taxpayer who has  
3 an annual tax liability of \$200,000 or more shall make all  
4 payments required by rules of the Department by electronic  
5 funds transfer. The term "annual tax liability" shall be the  
6 sum of the taxpayer's liabilities under this Act, and under all  
7 other State and local occupation and use tax laws administered  
8 by the Department, for the immediately preceding calendar year.  
9 The term "average monthly tax liability" shall be the sum of  
10 the taxpayer's liabilities under this Act, and under all other  
11 State and local occupation and use tax laws administered by the  
12 Department, for the immediately preceding calendar year  
13 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
14 a tax liability in the amount set forth in subsection (b) of  
15 Section 2505-210 of the Department of Revenue Law shall make  
16 all payments required by rules of the Department by electronic  
17 funds transfer.

18 Before August 1 of each year beginning in 1993, the  
19 Department shall notify all taxpayers required to make payments  
20 by electronic funds transfer. All taxpayers required to make  
21 payments by electronic funds transfer shall make those payments  
22 for a minimum of one year beginning on October 1.

23 Any taxpayer not required to make payments by electronic  
24 funds transfer may make payments by electronic funds transfer  
25 with the permission of the Department.

26 All taxpayers required to make payment by electronic funds

1 transfer and any taxpayers authorized to voluntarily make  
2 payments by electronic funds transfer shall make those payments  
3 in the manner authorized by the Department.

4 The Department shall adopt such rules as are necessary to  
5 effectuate a program of electronic funds transfer and the  
6 requirements of this Section.

7 Any amount which is required to be shown or reported on any  
8 return or other document under this Act shall, if such amount  
9 is not a whole-dollar amount, be increased to the nearest  
10 whole-dollar amount in any case where the fractional part of a  
11 dollar is 50 cents or more, and decreased to the nearest  
12 whole-dollar amount where the fractional part of a dollar is  
13 less than 50 cents.

14 If the retailer is otherwise required to file a monthly  
15 return and if the retailer's average monthly tax liability to  
16 the Department does not exceed \$200, the Department may  
17 authorize his returns to be filed on a quarter annual basis,  
18 with the return for January, February and March of a given year  
19 being due by April 20 of such year; with the return for April,  
20 May and June of a given year being due by July 20 of such year;  
21 with the return for July, August and September of a given year  
22 being due by October 20 of such year, and with the return for  
23 October, November and December of a given year being due by  
24 January 20 of the following year.

25 If the retailer is otherwise required to file a monthly or  
26 quarterly return and if the retailer's average monthly tax

1 liability with the Department does not exceed \$50, the  
2 Department may authorize his returns to be filed on an annual  
3 basis, with the return for a given year being due by January 20  
4 of the following year.

5 Such quarter annual and annual returns, as to form and  
6 substance, shall be subject to the same requirements as monthly  
7 returns.

8 Notwithstanding any other provision in this Act concerning  
9 the time within which a retailer may file his return, in the  
10 case of any retailer who ceases to engage in a kind of business  
11 which makes him responsible for filing returns under this Act,  
12 such retailer shall file a final return under this Act with the  
13 Department not more than one month after discontinuing such  
14 business.

15 Where the same person has more than one business registered  
16 with the Department under separate registrations under this  
17 Act, such person may not file each return that is due as a  
18 single return covering all such registered businesses, but  
19 shall file separate returns for each such registered business.

20 In addition, with respect to motor vehicles, watercraft,  
21 aircraft, and trailers that are required to be registered with  
22 an agency of this State, every retailer selling this kind of  
23 tangible personal property shall file, with the Department,  
24 upon a form to be prescribed and supplied by the Department, a  
25 separate return for each such item of tangible personal  
26 property which the retailer sells, except that if, in the same



1 transaction, (i) a retailer of aircraft, watercraft, motor  
2 vehicles or trailers transfers more than one aircraft,  
3 watercraft, motor vehicle or trailer to another aircraft,  
4 watercraft, motor vehicle retailer or trailer retailer for the  
5 purpose of resale or (ii) a retailer of aircraft, watercraft,  
6 motor vehicles, or trailers transfers more than one aircraft,  
7 watercraft, motor vehicle, or trailer to a purchaser for use as  
8 a qualifying rolling stock as provided in Section 2-5 of this  
9 Act, then that seller may report the transfer of all aircraft,  
10 watercraft, motor vehicles or trailers involved in that  
11 transaction to the Department on the same uniform  
12 invoice-transaction reporting return form. For purposes of  
13 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
14 watercraft as defined in Section 3-2 of the Boat Registration  
15 and Safety Act, a personal watercraft, or any boat equipped  
16 with an inboard motor.

17 Any retailer who sells only motor vehicles, watercraft,  
18 aircraft, or trailers that are required to be registered with  
19 an agency of this State, so that all retailers' occupation tax  
20 liability is required to be reported, and is reported, on such  
21 transaction reporting returns and who is not otherwise required  
22 to file monthly or quarterly returns, need not file monthly or  
23 quarterly returns. However, those retailers shall be required  
24 to file returns on an annual basis.

25 The transaction reporting return, in the case of motor  
26 vehicles or trailers that are required to be registered with an

1 agency of this State, shall be the same document as the Uniform  
2 Invoice referred to in Section 5-402 of The Illinois Vehicle  
3 Code and must show the name and address of the seller; the name  
4 and address of the purchaser; the amount of the selling price  
5 including the amount allowed by the retailer for traded-in  
6 property, if any; the amount allowed by the retailer for the  
7 traded-in tangible personal property, if any, to the extent to  
8 which Section 1 of this Act allows an exemption for the value  
9 of traded-in property; the balance payable after deducting such  
10 trade-in allowance from the total selling price; the amount of  
11 tax due from the retailer with respect to such transaction; the  
12 amount of tax collected from the purchaser by the retailer on  
13 such transaction (or satisfactory evidence that such tax is not  
14 due in that particular instance, if that is claimed to be the  
15 fact); the place and date of the sale; a sufficient  
16 identification of the property sold; such other information as  
17 is required in Section 5-402 of The Illinois Vehicle Code, and  
18 such other information as the Department may reasonably  
19 require.

20 The transaction reporting return in the case of watercraft  
21 or aircraft must show the name and address of the seller; the  
22 name and address of the purchaser; the amount of the selling  
23 price including the amount allowed by the retailer for  
24 traded-in property, if any; the amount allowed by the retailer  
25 for the traded-in tangible personal property, if any, to the  
26 extent to which Section 1 of this Act allows an exemption for

1 the value of traded-in property; the balance payable after  
2 deducting such trade-in allowance from the total selling price;  
3 the amount of tax due from the retailer with respect to such  
4 transaction; the amount of tax collected from the purchaser by  
5 the retailer on such transaction (or satisfactory evidence that  
6 such tax is not due in that particular instance, if that is  
7 claimed to be the fact); the place and date of the sale, a  
8 sufficient identification of the property sold, and such other  
9 information as the Department may reasonably require.

10 Such transaction reporting return shall be filed not later  
11 than 20 days after the day of delivery of the item that is  
12 being sold, but may be filed by the retailer at any time sooner  
13 than that if he chooses to do so. The transaction reporting  
14 return and tax remittance or proof of exemption from the  
15 Illinois use tax may be transmitted to the Department by way of  
16 the State agency with which, or State officer with whom the  
17 tangible personal property must be titled or registered (if  
18 titling or registration is required) if the Department and such  
19 agency or State officer determine that this procedure will  
20 expedite the processing of applications for title or  
21 registration.

22 With each such transaction reporting return, the retailer  
23 shall remit the proper amount of tax due (or shall submit  
24 satisfactory evidence that the sale is not taxable if that is  
25 the case), to the Department or its agents, whereupon the  
26 Department shall issue, in the purchaser's name, a use tax

1 receipt (or a certificate of exemption if the Department is  
2 satisfied that the particular sale is tax exempt) which such  
3 purchaser may submit to the agency with which, or State officer  
4 with whom, he must title or register the tangible personal  
5 property that is involved (if titling or registration is  
6 required) in support of such purchaser's application for an  
7 Illinois certificate or other evidence of title or registration  
8 to such tangible personal property.

9 No retailer's failure or refusal to remit tax under this  
10 Act precludes a user, who has paid the proper tax to the  
11 retailer, from obtaining his certificate of title or other  
12 evidence of title or registration (if titling or registration  
13 is required) upon satisfying the Department that such user has  
14 paid the proper tax (if tax is due) to the retailer. The  
15 Department shall adopt appropriate rules to carry out the  
16 mandate of this paragraph.

17 If the user who would otherwise pay tax to the retailer  
18 wants the transaction reporting return filed and the payment of  
19 the tax or proof of exemption made to the Department before the  
20 retailer is willing to take these actions and such user has not  
21 paid the tax to the retailer, such user may certify to the fact  
22 of such delay by the retailer and may (upon the Department  
23 being satisfied of the truth of such certification) transmit  
24 the information required by the transaction reporting return  
25 and the remittance for tax or proof of exemption directly to  
26 the Department and obtain his tax receipt or exemption

1 determination, in which event the transaction reporting return  
2 and tax remittance (if a tax payment was required) shall be  
3 credited by the Department to the proper retailer's account  
4 with the Department, but without the 2.1% or 1.75% discount  
5 provided for in this Section being allowed. When the user pays  
6 the tax directly to the Department, he shall pay the tax in the  
7 same amount and in the same form in which it would be remitted  
8 if the tax had been remitted to the Department by the retailer.

9 Refunds made by the seller during the preceding return  
10 period to purchasers, on account of tangible personal property  
11 returned to the seller, shall be allowed as a deduction under  
12 subdivision 5 of his monthly or quarterly return, as the case  
13 may be, in case the seller had theretofore included the  
14 receipts from the sale of such tangible personal property in a  
15 return filed by him and had paid the tax imposed by this Act  
16 with respect to such receipts.

17 Where the seller is a corporation, the return filed on  
18 behalf of such corporation shall be signed by the president,  
19 vice-president, secretary or treasurer or by the properly  
20 accredited agent of such corporation.

21 Where the seller is a limited liability company, the return  
22 filed on behalf of the limited liability company shall be  
23 signed by a manager, member, or properly accredited agent of  
24 the limited liability company.

25 Except as provided in this Section, the retailer filing the  
26 return under this Section shall, at the time of filing such

1 return, pay to the Department the amount of tax imposed by this  
2 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
3 on and after January 1, 1990, or \$5 per calendar year,  
4 whichever is greater, which is allowed to reimburse the  
5 retailer for the expenses incurred in keeping records,  
6 preparing and filing returns, remitting the tax and supplying  
7 data to the Department on request. Any prepayment made pursuant  
8 to Section 2d of this Act shall be included in the amount on  
9 which such 2.1% or 1.75% discount is computed. In the case of  
10 retailers who report and pay the tax on a transaction by  
11 transaction basis, as provided in this Section, such discount  
12 shall be taken with each such tax remittance instead of when  
13 such retailer files his periodic return. The Department may  
14 disallow the discount for retailers whose certificate of  
15 registration is revoked at the time the return is filed, but  
16 only if the Department's decision to revoke the certificate of  
17 registration has become final.

18 Before October 1, 2000, if the taxpayer's average monthly  
19 tax liability to the Department under this Act, the Use Tax  
20 Act, the Service Occupation Tax Act, and the Service Use Tax  
21 Act, excluding any liability for prepaid sales tax to be  
22 remitted in accordance with Section 2d of this Act, was \$10,000  
23 or more during the preceding 4 complete calendar quarters, he  
24 shall file a return with the Department each month by the 20th  
25 day of the month next following the month during which such tax  
26 liability is incurred and shall make payments to the Department

1 on or before the 7th, 15th, 22nd and last day of the month  
2 during which such liability is incurred. On and after October  
3 1, 2000, if the taxpayer's average monthly tax liability to the  
4 Department under this Act, the Use Tax Act, the Service  
5 Occupation Tax Act, and the Service Use Tax Act, excluding any  
6 liability for prepaid sales tax to be remitted in accordance  
7 with Section 2d of this Act, was \$20,000 or more during the  
8 preceding 4 complete calendar quarters, he shall file a return  
9 with the Department each month by the 20th day of the month  
10 next following the month during which such tax liability is  
11 incurred and shall make payment to the Department on or before  
12 the 7th, 15th, 22nd and last day of the month during which such  
13 liability is incurred. If the month during which such tax  
14 liability is incurred began prior to January 1, 1985, each  
15 payment shall be in an amount equal to 1/4 of the taxpayer's  
16 actual liability for the month or an amount set by the  
17 Department not to exceed 1/4 of the average monthly liability  
18 of the taxpayer to the Department for the preceding 4 complete  
19 calendar quarters (excluding the month of highest liability and  
20 the month of lowest liability in such 4 quarter period). If the  
21 month during which such tax liability is incurred begins on or  
22 after January 1, 1985 and prior to January 1, 1987, each  
23 payment shall be in an amount equal to 22.5% of the taxpayer's  
24 actual liability for the month or 27.5% of the taxpayer's  
25 liability for the same calendar month of the preceding year. If  
26 the month during which such tax liability is incurred begins on

1 or after January 1, 1987 and prior to January 1, 1988, each  
2 payment shall be in an amount equal to 22.5% of the taxpayer's  
3 actual liability for the month or 26.25% of the taxpayer's  
4 liability for the same calendar month of the preceding year. If  
5 the month during which such tax liability is incurred begins on  
6 or after January 1, 1988, and prior to January 1, 1989, or  
7 begins on or after January 1, 1996, each payment shall be in an  
8 amount equal to 22.5% of the taxpayer's actual liability for  
9 the month or 25% of the taxpayer's liability for the same  
10 calendar month of the preceding year. If the month during which  
11 such tax liability is incurred begins on or after January 1,  
12 1989, and prior to January 1, 1996, each payment shall be in an  
13 amount equal to 22.5% of the taxpayer's actual liability for  
14 the month or 25% of the taxpayer's liability for the same  
15 calendar month of the preceding year or 100% of the taxpayer's  
16 actual liability for the quarter monthly reporting period. The  
17 amount of such quarter monthly payments shall be credited  
18 against the final tax liability of the taxpayer's return for  
19 that month. Before October 1, 2000, once applicable, the  
20 requirement of the making of quarter monthly payments to the  
21 Department by taxpayers having an average monthly tax liability  
22 of \$10,000 or more as determined in the manner provided above  
23 shall continue until such taxpayer's average monthly liability  
24 to the Department during the preceding 4 complete calendar  
25 quarters (excluding the month of highest liability and the  
26 month of lowest liability) is less than \$9,000, or until such



1 taxpayer's average monthly liability to the Department as  
2 computed for each calendar quarter of the 4 preceding complete  
3 calendar quarter period is less than \$10,000. However, if a  
4 taxpayer can show the Department that a substantial change in  
5 the taxpayer's business has occurred which causes the taxpayer  
6 to anticipate that his average monthly tax liability for the  
7 reasonably foreseeable future will fall below the \$10,000  
8 threshold stated above, then such taxpayer may petition the  
9 Department for a change in such taxpayer's reporting status. On  
10 and after October 1, 2000, once applicable, the requirement of  
11 the making of quarter monthly payments to the Department by  
12 taxpayers having an average monthly tax liability of \$20,000 or  
13 more as determined in the manner provided above shall continue  
14 until such taxpayer's average monthly liability to the  
15 Department during the preceding 4 complete calendar quarters  
16 (excluding the month of highest liability and the month of  
17 lowest liability) is less than \$19,000 or until such taxpayer's  
18 average monthly liability to the Department as computed for  
19 each calendar quarter of the 4 preceding complete calendar  
20 quarter period is less than \$20,000. However, if a taxpayer can  
21 show the Department that a substantial change in the taxpayer's  
22 business has occurred which causes the taxpayer to anticipate  
23 that his average monthly tax liability for the reasonably  
24 foreseeable future will fall below the \$20,000 threshold stated  
25 above, then such taxpayer may petition the Department for a  
26 change in such taxpayer's reporting status. The Department

1 shall change such taxpayer's reporting status unless it finds  
2 that such change is seasonal in nature and not likely to be  
3 long term. If any such quarter monthly payment is not paid at  
4 the time or in the amount required by this Section, then the  
5 taxpayer shall be liable for penalties and interest on the  
6 difference between the minimum amount due as a payment and the  
7 amount of such quarter monthly payment actually and timely  
8 paid, except insofar as the taxpayer has previously made  
9 payments for that month to the Department in excess of the  
10 minimum payments previously due as provided in this Section.  
11 The Department shall make reasonable rules and regulations to  
12 govern the quarter monthly payment amount and quarter monthly  
13 payment dates for taxpayers who file on other than a calendar  
14 monthly basis.

15 The provisions of this paragraph apply before October 1,  
16 2001. Without regard to whether a taxpayer is required to make  
17 quarter monthly payments as specified above, any taxpayer who  
18 is required by Section 2d of this Act to collect and remit  
19 prepaid taxes and has collected prepaid taxes which average in  
20 excess of \$25,000 per month during the preceding 2 complete  
21 calendar quarters, shall file a return with the Department as  
22 required by Section 2f and shall make payments to the  
23 Department on or before the 7th, 15th, 22nd and last day of the  
24 month during which such liability is incurred. If the month  
25 during which such tax liability is incurred began prior to the  
26 effective date of this amendatory Act of 1985, each payment

1 shall be in an amount not less than 22.5% of the taxpayer's  
2 actual liability under Section 2d. If the month during which  
3 such tax liability is incurred begins on or after January 1,  
4 1986, each payment shall be in an amount equal to 22.5% of the  
5 taxpayer's actual liability for the month or 27.5% of the  
6 taxpayer's liability for the same calendar month of the  
7 preceding calendar year. If the month during which such tax  
8 liability is incurred begins on or after January 1, 1987, each  
9 payment shall be in an amount equal to 22.5% of the taxpayer's  
10 actual liability for the month or 26.25% of the taxpayer's  
11 liability for the same calendar month of the preceding year.  
12 The amount of such quarter monthly payments shall be credited  
13 against the final tax liability of the taxpayer's return for  
14 that month filed under this Section or Section 2f, as the case  
15 may be. Once applicable, the requirement of the making of  
16 quarter monthly payments to the Department pursuant to this  
17 paragraph shall continue until such taxpayer's average monthly  
18 prepaid tax collections during the preceding 2 complete  
19 calendar quarters is \$25,000 or less. If any such quarter  
20 monthly payment is not paid at the time or in the amount  
21 required, the taxpayer shall be liable for penalties and  
22 interest on such difference, except insofar as the taxpayer has  
23 previously made payments for that month in excess of the  
24 minimum payments previously due.

25 The provisions of this paragraph apply on and after October  
26 1, 2001. Without regard to whether a taxpayer is required to

1 make quarter monthly payments as specified above, any taxpayer  
2 who is required by Section 2d of this Act to collect and remit  
3 prepaid taxes and has collected prepaid taxes that average in  
4 excess of \$20,000 per month during the preceding 4 complete  
5 calendar quarters shall file a return with the Department as  
6 required by Section 2f and shall make payments to the  
7 Department on or before the 7th, 15th, 22nd and last day of the  
8 month during which the liability is incurred. Each payment  
9 shall be in an amount equal to 22.5% of the taxpayer's actual  
10 liability for the month or 25% of the taxpayer's liability for  
11 the same calendar month of the preceding year. The amount of  
12 the quarter monthly payments shall be credited against the  
13 final tax liability of the taxpayer's return for that month  
14 filed under this Section or Section 2f, as the case may be.  
15 Once applicable, the requirement of the making of quarter  
16 monthly payments to the Department pursuant to this paragraph  
17 shall continue until the taxpayer's average monthly prepaid tax  
18 collections during the preceding 4 complete calendar quarters  
19 (excluding the month of highest liability and the month of  
20 lowest liability) is less than \$19,000 or until such taxpayer's  
21 average monthly liability to the Department as computed for  
22 each calendar quarter of the 4 preceding complete calendar  
23 quarters is less than \$20,000. If any such quarter monthly  
24 payment is not paid at the time or in the amount required, the  
25 taxpayer shall be liable for penalties and interest on such  
26 difference, except insofar as the taxpayer has previously made

1 payments for that month in excess of the minimum payments  
2 previously due.

3 If any payment provided for in this Section exceeds the  
4 taxpayer's liabilities under this Act, the Use Tax Act, the  
5 Service Occupation Tax Act and the Service Use Tax Act, as  
6 shown on an original monthly return, the Department shall, if  
7 requested by the taxpayer, issue to the taxpayer a credit  
8 memorandum no later than 30 days after the date of payment. The  
9 credit evidenced by such credit memorandum may be assigned by  
10 the taxpayer to a similar taxpayer under this Act, the Use Tax  
11 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
12 in accordance with reasonable rules and regulations to be  
13 prescribed by the Department. If no such request is made, the  
14 taxpayer may credit such excess payment against tax liability  
15 subsequently to be remitted to the Department under this Act,  
16 the Use Tax Act, the Service Occupation Tax Act or the Service  
17 Use Tax Act, in accordance with reasonable rules and  
18 regulations prescribed by the Department. If the Department  
19 subsequently determined that all or any part of the credit  
20 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
21 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
22 of the difference between the credit taken and that actually  
23 due, and that taxpayer shall be liable for penalties and  
24 interest on such difference.

25 If a retailer of motor fuel is entitled to a credit under  
26 Section 2d of this Act which exceeds the taxpayer's liability

1 to the Department under this Act for the month which the  
2 taxpayer is filing a return, the Department shall issue the  
3 taxpayer a credit memorandum for the excess.

4 Beginning January 1, 1990, each month the Department shall  
5 pay into the Local Government Tax Fund, a special fund in the  
6 State treasury which is hereby created, the net revenue  
7 realized for the preceding month from the 1% tax on sales of  
8 food for human consumption which is to be consumed off the  
9 premises where it is sold (other than alcoholic beverages, soft  
10 drinks and food which has been prepared for immediate  
11 consumption) and prescription and nonprescription medicines,  
12 drugs, medical appliances and insulin, urine testing  
13 materials, syringes and needles used by diabetics.

14 Beginning January 1, 1990, each month the Department shall  
15 pay into the County and Mass Transit District Fund, a special  
16 fund in the State treasury which is hereby created, 4% of the  
17 net revenue realized for the preceding month from the 6.25%  
18 general rate.

19 Beginning August 1, 2000, each month the Department shall  
20 pay into the County and Mass Transit District Fund 20% of the  
21 net revenue realized for the preceding month from the 1.25%  
22 rate on the selling price of motor fuel and gasohol. Beginning  
23 September 1, 2010, each month the Department shall pay into the  
24 County and Mass Transit District Fund 20% of the net revenue  
25 realized for the preceding month from the 1.25% rate on the  
26 selling price of sales tax holiday items.

1           Beginning January 1, 1990, each month the Department shall  
2 pay into the Local Government Tax Fund 16% of the net revenue  
3 realized for the preceding month from the 6.25% general rate on  
4 the selling price of tangible personal property.

5           Beginning August 1, 2000, each month the Department shall  
6 pay into the Local Government Tax Fund 80% of the net revenue  
7 realized for the preceding month from the 1.25% rate on the  
8 selling price of motor fuel and gasohol. Beginning September 1,  
9 2010, each month the Department shall pay into the Local  
10 Government Tax Fund 80% of the net revenue realized for the  
11 preceding month from the 1.25% rate on the selling price of  
12 sales tax holiday items.

13           Beginning October 1, 2009, each month the Department shall  
14 pay into the Capital Projects Fund an amount that is equal to  
15 an amount estimated by the Department to represent 80% of the  
16 net revenue realized for the preceding month from the sale of  
17 candy, grooming and hygiene products, and soft drinks that had  
18 been taxed at a rate of 1% prior to September 1, 2009 but that  
19 are now taxed at 6.25%.

20           Beginning July 1, 2011, each month the Department shall pay  
21 into the Clean Air Act ~~(CAA)~~ Permit Fund 80% of the net revenue  
22 realized for the preceding month from the 6.25% general rate on  
23 the selling price of sorbents used in Illinois in the process  
24 of sorbent injection as used to comply with the Environmental  
25 Protection Act or the federal Clean Air Act, but the total  
26 payment into the Clean Air Act ~~(CAA)~~ Permit Fund under this Act

1 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal  
2 year.

3 Beginning July 1, 2013, each month the Department shall pay  
4 into the Underground Storage Tank Fund from the proceeds  
5 collected under this Act, the Use Tax Act, the Service Use Tax  
6 Act, and the Service Occupation Tax Act an amount equal to the  
7 average monthly deficit in the Underground Storage Tank Fund  
8 during the prior year, as certified annually by the Illinois  
9 Environmental Protection Agency, but the total payment into the  
10 Underground Storage Tank Fund under this Act, the Use Tax Act,  
11 the Service Use Tax Act, and the Service Occupation Tax Act  
12 shall not exceed \$18,000,000 in any State fiscal year. As used  
13 in this paragraph, the "average monthly deficit" shall be equal  
14 to the difference between the average monthly claims for  
15 payment by the fund and the average monthly revenues deposited  
16 into the fund, excluding payments made pursuant to this  
17 paragraph.

18 Beginning July 1, 2015, of the remainder of the moneys  
19 received by the Department under the Use Tax Act, the Service  
20 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
21 month the Department shall deposit \$500,000 into the State  
22 Crime Laboratory Fund.

23 Of the remainder of the moneys received by the Department  
24 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
25 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
26 and after July 1, 1989, 3.8% thereof shall be paid into the



1 Build Illinois Fund; provided, however, that if in any fiscal  
2 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
3 may be, of the moneys received by the Department and required  
4 to be paid into the Build Illinois Fund pursuant to this Act,  
5 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
6 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
7 being hereinafter called the "Tax Acts" and such aggregate of  
8 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
9 called the "Tax Act Amount", and (2) the amount transferred to  
10 the Build Illinois Fund from the State and Local Sales Tax  
11 Reform Fund shall be less than the Annual Specified Amount (as  
12 hereinafter defined), an amount equal to the difference shall  
13 be immediately paid into the Build Illinois Fund from other  
14 moneys received by the Department pursuant to the Tax Acts; the  
15 "Annual Specified Amount" means the amounts specified below for  
16 fiscal years 1986 through 1993:

17	Fiscal Year	Annual Specified Amount
18	1986	\$54,800,000
19	1987	\$76,650,000
20	1988	\$80,480,000
21	1989	\$88,510,000
22	1990	\$115,330,000
23	1991	\$145,470,000
24	1992	\$182,730,000
25	1993	\$206,520,000;

26 and means the Certified Annual Debt Service Requirement (as

1 defined in Section 13 of the Build Illinois Bond Act) or the  
2 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
3 each fiscal year thereafter; and further provided, that if on  
4 the last business day of any month the sum of (1) the Tax Act  
5 Amount required to be deposited into the Build Illinois Bond  
6 Account in the Build Illinois Fund during such month and (2)  
7 the amount transferred to the Build Illinois Fund from the  
8 State and Local Sales Tax Reform Fund shall have been less than  
9 1/12 of the Annual Specified Amount, an amount equal to the  
10 difference shall be immediately paid into the Build Illinois  
11 Fund from other moneys received by the Department pursuant to  
12 the Tax Acts; and, further provided, that in no event shall the  
13 payments required under the preceding proviso result in  
14 aggregate payments into the Build Illinois Fund pursuant to  
15 this clause (b) for any fiscal year in excess of the greater of  
16 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
17 such fiscal year. The amounts payable into the Build Illinois  
18 Fund under clause (b) of the first sentence in this paragraph  
19 shall be payable only until such time as the aggregate amount  
20 on deposit under each trust indenture securing Bonds issued and  
21 outstanding pursuant to the Build Illinois Bond Act is  
22 sufficient, taking into account any future investment income,  
23 to fully provide, in accordance with such indenture, for the  
24 defeasance of or the payment of the principal of, premium, if  
25 any, and interest on the Bonds secured by such indenture and on  
26 any Bonds expected to be issued thereafter and all fees and

1 costs payable with respect thereto, all as certified by the  
2 Director of the Bureau of the Budget (now Governor's Office of  
3 Management and Budget). If on the last business day of any  
4 month in which Bonds are outstanding pursuant to the Build  
5 Illinois Bond Act, the aggregate of moneys deposited in the  
6 Build Illinois Bond Account in the Build Illinois Fund in such  
7 month shall be less than the amount required to be transferred  
8 in such month from the Build Illinois Bond Account to the Build  
9 Illinois Bond Retirement and Interest Fund pursuant to Section  
10 13 of the Build Illinois Bond Act, an amount equal to such  
11 deficiency shall be immediately paid from other moneys received  
12 by the Department pursuant to the Tax Acts to the Build  
13 Illinois Fund; provided, however, that any amounts paid to the  
14 Build Illinois Fund in any fiscal year pursuant to this  
15 sentence shall be deemed to constitute payments pursuant to  
16 clause (b) of the first sentence of this paragraph and shall  
17 reduce the amount otherwise payable for such fiscal year  
18 pursuant to that clause (b). The moneys received by the  
19 Department pursuant to this Act and required to be deposited  
20 into the Build Illinois Fund are subject to the pledge, claim  
21 and charge set forth in Section 12 of the Build Illinois Bond  
22 Act.

23 Subject to payment of amounts into the Build Illinois Fund  
24 as provided in the preceding paragraph or in any amendment  
25 thereto hereafter enacted, the following specified monthly  
26 installment of the amount requested in the certificate of the

1 Chairman of the Metropolitan Pier and Exposition Authority  
2 provided under Section 8.25f of the State Finance Act, but not  
3 in excess of sums designated as "Total Deposit", shall be  
4 deposited in the aggregate from collections under Section 9 of  
5 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
6 9 of the Service Occupation Tax Act, and Section 3 of the  
7 Retailers' Occupation Tax Act into the McCormick Place  
8 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
9		
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000

1	2009	132,000,000
2	2010	139,000,000
3	2011	146,000,000
4	2012	153,000,000
5	2013	161,000,000
6	2014	170,000,000
7	2015	179,000,000
8	2016	189,000,000
9	2017	199,000,000
10	2018	210,000,000
11	2019	221,000,000
12	2020	233,000,000
13	2021	246,000,000
14	2022	260,000,000
15	2023	275,000,000
16	2024	275,000,000
17	2025	275,000,000
18	2026	279,000,000
19	2027	292,000,000
20	2028	307,000,000
21	2029	322,000,000
22	2030	338,000,000
23	2031	350,000,000
24	2032	350,000,000
25	and	
26	each fiscal year	

1           thereafter that bonds  
2           are outstanding under  
3           Section 13.2 of the  
4           Metropolitan Pier and  
5           Exposition Authority Act,  
6       but not after fiscal year 2060.

7           Beginning July 20, 1993 and in each month of each fiscal  
8       year thereafter, one-eighth of the amount requested in the  
9       certificate of the Chairman of the Metropolitan Pier and  
10      Exposition Authority for that fiscal year, less the amount  
11      deposited into the McCormick Place Expansion Project Fund by  
12      the State Treasurer in the respective month under subsection  
13      (g) of Section 13 of the Metropolitan Pier and Exposition  
14      Authority Act, plus cumulative deficiencies in the deposits  
15      required under this Section for previous months and years,  
16      shall be deposited into the McCormick Place Expansion Project  
17      Fund, until the full amount requested for the fiscal year, but  
18      not in excess of the amount specified above as "Total Deposit",  
19      has been deposited.

20           Subject to payment of amounts into the Build Illinois Fund  
21      and the McCormick Place Expansion Project Fund pursuant to the  
22      preceding paragraphs or in any amendments thereto hereafter  
23      enacted, beginning July 1, 1993 and ending on September 30,  
24      2013, the Department shall each month pay into the Illinois Tax  
25      Increment Fund 0.27% of 80% of the net revenue realized for the  
26      preceding month from the 6.25% general rate on the selling

1 price of tangible personal property.

2 Subject to payment of amounts into the Build Illinois Fund  
3 and the McCormick Place Expansion Project Fund pursuant to the  
4 preceding paragraphs or in any amendments thereto hereafter  
5 enacted, beginning with the receipt of the first report of  
6 taxes paid by an eligible business and continuing for a 25-year  
7 period, the Department shall each month pay into the Energy  
8 Infrastructure Fund 80% of the net revenue realized from the  
9 6.25% general rate on the selling price of Illinois-mined coal  
10 that was sold to an eligible business. For purposes of this  
11 paragraph, the term "eligible business" means a new electric  
12 generating facility certified pursuant to Section 605-332 of  
13 the Department of Commerce and Economic Opportunity Law of the  
14 Civil Administrative Code of Illinois.

15 Subject to payment of amounts into the Build Illinois Fund,  
16 the McCormick Place Expansion Project Fund, the Illinois Tax  
17 Increment Fund, and the Energy Infrastructure Fund pursuant to  
18 the preceding paragraphs or in any amendments to this Section  
19 hereafter enacted, beginning on the first day of the first  
20 calendar month to occur on or after the effective date of this  
21 amendatory Act of the 98th General Assembly, each month, from  
22 the collections made under Section 9 of the Use Tax Act,  
23 Section 9 of the Service Use Tax Act, Section 9 of the Service  
24 Occupation Tax Act, and Section 3 of the Retailers' Occupation  
25 Tax Act, the Department shall pay into the Tax Compliance and  
26 Administration Fund, to be used, subject to appropriation, to

1 fund additional auditors and compliance personnel at the  
2 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
3 the cash receipts collected during the preceding fiscal year by  
4 the Audit Bureau of the Department under the Use Tax Act, the  
5 Service Use Tax Act, the Service Occupation Tax Act, the  
6 Retailers' Occupation Tax Act, and associated local occupation  
7 and use taxes administered by the Department.

8 Of the remainder of the moneys received by the Department  
9 pursuant to this Act, 75% thereof shall be paid into the State  
10 Treasury and 25% shall be reserved in a special account and  
11 used only for the transfer to the Common School Fund as part of  
12 the monthly transfer from the General Revenue Fund in  
13 accordance with Section 8a of the State Finance Act.

14 The Department may, upon separate written notice to a  
15 taxpayer, require the taxpayer to prepare and file with the  
16 Department on a form prescribed by the Department within not  
17 less than 60 days after receipt of the notice an annual  
18 information return for the tax year specified in the notice.  
19 Such annual return to the Department shall include a statement  
20 of gross receipts as shown by the retailer's last Federal  
21 income tax return. If the total receipts of the business as  
22 reported in the Federal income tax return do not agree with the  
23 gross receipts reported to the Department of Revenue for the  
24 same period, the retailer shall attach to his annual return a  
25 schedule showing a reconciliation of the 2 amounts and the  
26 reasons for the difference. The retailer's annual return to the



1 Department shall also disclose the cost of goods sold by the  
2 retailer during the year covered by such return, opening and  
3 closing inventories of such goods for such year, costs of goods  
4 used from stock or taken from stock and given away by the  
5 retailer during such year, payroll information of the  
6 retailer's business during such year and any additional  
7 reasonable information which the Department deems would be  
8 helpful in determining the accuracy of the monthly, quarterly  
9 or annual returns filed by such retailer as provided for in  
10 this Section.

11 If the annual information return required by this Section  
12 is not filed when and as required, the taxpayer shall be liable  
13 as follows:

14 (i) Until January 1, 1994, the taxpayer shall be liable  
15 for a penalty equal to  $\frac{1}{6}$  of 1% of the tax due from such  
16 taxpayer under this Act during the period to be covered by  
17 the annual return for each month or fraction of a month  
18 until such return is filed as required, the penalty to be  
19 assessed and collected in the same manner as any other  
20 penalty provided for in this Act.

21 (ii) On and after January 1, 1994, the taxpayer shall  
22 be liable for a penalty as described in Section 3-4 of the  
23 Uniform Penalty and Interest Act.

24 The chief executive officer, proprietor, owner or highest  
25 ranking manager shall sign the annual return to certify the  
26 accuracy of the information contained therein. Any person who

1 willfully signs the annual return containing false or  
2 inaccurate information shall be guilty of perjury and punished  
3 accordingly. The annual return form prescribed by the  
4 Department shall include a warning that the person signing the  
5 return may be liable for perjury.

6 The provisions of this Section concerning the filing of an  
7 annual information return do not apply to a retailer who is not  
8 required to file an income tax return with the United States  
9 Government.

10 As soon as possible after the first day of each month, upon  
11 certification of the Department of Revenue, the Comptroller  
12 shall order transferred and the Treasurer shall transfer from  
13 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
14 equal to 1.7% of 80% of the net revenue realized under this Act  
15 for the second preceding month. Beginning April 1, 2000, this  
16 transfer is no longer required and shall not be made.

17 Net revenue realized for a month shall be the revenue  
18 collected by the State pursuant to this Act, less the amount  
19 paid out during that month as refunds to taxpayers for  
20 overpayment of liability.

21 For greater simplicity of administration, manufacturers,  
22 importers and wholesalers whose products are sold at retail in  
23 Illinois by numerous retailers, and who wish to do so, may  
24 assume the responsibility for accounting and paying to the  
25 Department all tax accruing under this Act with respect to such  
26 sales, if the retailers who are affected do not make written

1 objection to the Department to this arrangement.

2 Any person who promotes, organizes, provides retail  
3 selling space for concessionaires or other types of sellers at  
4 the Illinois State Fair, DuQuoin State Fair, county fairs,  
5 local fairs, art shows, flea markets and similar exhibitions or  
6 events, including any transient merchant as defined by Section  
7 2 of the Transient Merchant Act of 1987, is required to file a  
8 report with the Department providing the name of the merchant's  
9 business, the name of the person or persons engaged in  
10 merchant's business, the permanent address and Illinois  
11 Retailers Occupation Tax Registration Number of the merchant,  
12 the dates and location of the event and other reasonable  
13 information that the Department may require. The report must be  
14 filed not later than the 20th day of the month next following  
15 the month during which the event with retail sales was held.  
16 Any person who fails to file a report required by this Section  
17 commits a business offense and is subject to a fine not to  
18 exceed \$250.

19 Any person engaged in the business of selling tangible  
20 personal property at retail as a concessionaire or other type  
21 of seller at the Illinois State Fair, county fairs, art shows,  
22 flea markets and similar exhibitions or events, or any  
23 transient merchants, as defined by Section 2 of the Transient  
24 Merchant Act of 1987, may be required to make a daily report of  
25 the amount of such sales to the Department and to make a daily  
26 payment of the full amount of tax due. The Department shall

1 impose this requirement when it finds that there is a  
2 significant risk of loss of revenue to the State at such an  
3 exhibition or event. Such a finding shall be based on evidence  
4 that a substantial number of concessionaires or other sellers  
5 who are not residents of Illinois will be engaging in the  
6 business of selling tangible personal property at retail at the  
7 exhibition or event, or other evidence of a significant risk of  
8 loss of revenue to the State. The Department shall notify  
9 concessionaires and other sellers affected by the imposition of  
10 this requirement. In the absence of notification by the  
11 Department, the concessionaires and other sellers shall file  
12 their returns as otherwise required in this Section.

13 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
14 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.  
15 8-26-14; 99-352, eff. 8-12-15.)

16 Section 5-105. The Heart of Illinois Regional Port District  
17 Act is amended by changing Section 105 as follows:

18 (70 ILCS 1807/105)

19 Sec. 105. Board; appointments; terms of office;  
20 certification and oath. The Governor, by and with the advice  
21 and consent of the Senate, shall appoint 3 members of the  
22 Board. Of the 3 members appointed by the Governor, at least one  
23 must be a member of a labor organization, which, for the  
24 purposes of this Section, means an organization of workers

1 established to bargain collectively on behalf of their member  
2 workers as defined in Section 3 of the Workplace Literacy Act.

3 If the Senate is in recess when the appointment is made, the  
4 Governor shall make a temporary appointment until the next  
5 meeting of the Senate. The county board chairmen of Tazewell,  
6 Woodford, Peoria, Marshall, Mason, and Fulton Counties shall  
7 each appoint one member of the Board with the advice and  
8 consent of their respective county boards. Of the members  
9 initially appointed, the 3 appointed by the Governor shall be  
10 appointed for initial terms expiring June 1, 2009, and the 6  
11 appointed by their county board chairmen shall be appointed for  
12 initial terms expiring June 1, 2010. All vacancies shall be  
13 filled in a like manner and with like regard to the place of  
14 residence of the appointee. After the expiration of initial  
15 terms, a successor shall hold office for the term of 6 years  
16 beginning the first day of June of the year in which the term  
17 of office commences. The Governor and the respective county  
18 board chairmen shall certify their appointments to the  
19 Secretary of State. Within 30 days after certification of  
20 appointment, and before entering upon the duties of his office,  
21 each member of the Board shall take and subscribe the  
22 constitutional oath of office and file it in the office of the  
23 Secretary of State.

24 (Source: P.A. 93-262, eff. 7-22-03.)

1 Section 5-110. The Public Community College Act is amended  
2 by repealing Section 2-16.05.

3 Section 5-115. The Nursing Home Care Act is amended by  
4 changing Section 3-310 as follows:

5 (210 ILCS 45/3-310) (from Ch. 111 1/2, par. 4153-310)

6 Sec. 3-310. All penalties shall be paid to the Department  
7 within 10 days of receipt of notice of assessment or, if the  
8 penalty is contested under Section 3-309, within 10 days of  
9 receipt of the final decision, unless the decision is appealed  
10 and the order is stayed by court order under Section 3-713. A  
11 facility choosing to waive the right to a hearing under Section  
12 3-309 shall submit a payment totaling 65% of the original fine  
13 amount along with the written waiver. A penalty assessed under  
14 this Act shall be collected by the Department and shall be  
15 deposited with the State Treasurer into the Long Term Care  
16 Monitor/Receiver Fund. If the person or facility against whom a  
17 penalty has been assessed does not comply with a written demand  
18 for payment within 30 days, the Director shall issue an order  
19 to do any of the following:

20 (1) Direct the State Treasurer or Comptroller to deduct  
21 the amount of the fine from amounts otherwise due from the  
22 State for the penalty, ~~including any payments to be made~~  
23 ~~from the Medicaid Long Term Care Provider Participation Fee~~  
24 ~~Trust Fund established under Section 5 4.31 of the Illinois~~

1       ~~Public Aid Code,~~ and remit that amount to the Department;

2           (2) Add the amount of the penalty to the facility's  
3       licensing fee; if the licensee refuses to make the payment  
4       at the time of application for renewal of its license, the  
5       license shall not be renewed; or

6           (3) Bring an action in circuit court to recover the  
7       amount of the penalty.

8       With the approval of the federal centers for Medicaid and  
9       Medicare services, the Director of Public Health shall set  
10      aside 50% of the federal civil monetary penalties collected  
11      each year to be used to award grants under the Equity in  
12      Long-term Care Quality Act.

13      (Source: P.A. 96-1372, eff. 7-29-10.)

14           Section 5-120. The Physical Fitness Facility Medical  
15      Emergency Preparedness Act is amended by changing Section 35 as  
16      follows:

17           (210 ILCS 74/35)

18           Sec. 35. Penalties for violations.

19           (a) If a physical fitness facility violates this Act by (i)  
20      failing to adopt or implement a plan for responding to medical  
21      emergencies under Section 10 or (ii) failing to have on the  
22      premises an AED or trained AED user as required under  
23      subsection (a) or (b) of Section 15, the Director may issue to  
24      the facility a written administrative warning without monetary

1 penalty for the initial violation. The facility may reply to  
2 the Department with written comments concerning the facility's  
3 remedial response to the warning. For subsequent violations,  
4 the Director may impose a civil monetary penalty against the  
5 facility as follows:

6 (1) At least \$1,500 but less than \$2,000 for a second  
7 violation.

8 (2) At least \$2,000 for a third or subsequent  
9 violation.

10 (b) The Director may impose a civil monetary penalty under  
11 this Section only after it provides the following to the  
12 facility:

13 (1) Written notice of the alleged violation.

14 (2) Written notice of the facility's right to request  
15 an administrative hearing on the question of the alleged  
16 violation.

17 (3) An opportunity to present evidence, orally or in  
18 writing or both, on the question of the alleged violation  
19 before an impartial hearing examiner appointed by the  
20 Director.

21 (4) A written decision from the Director, based on the  
22 evidence introduced at the hearing and the hearing  
23 examiner's recommendations, finding that the facility  
24 violated this Act and imposing the civil penalty.

25 (c) The Attorney General may bring an action in the circuit  
26 court to enforce the collection of a monetary penalty imposed



1 under this Section.

2 (d) The fines shall be deposited into the General Revenue  
3 Fund ~~Physical Fitness Facility Medical Emergency Preparedness~~  
4 ~~Fund to be appropriated to the Department, together with any~~  
5 ~~other amounts, for the costs of administering this Act.~~

6 (Source: P.A. 93-910, eff. 1-1-05.)

7 (235 ILCS 5/12-4 rep.)

8 Section 5-125. The Liquor Control Act of 1934 is amended by  
9 repealing Section 12-4.

10 Section 5-130. The Illinois Public Aid Code is amended by  
11 changing Section 12-5 as follows:

12 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

13 Sec. 12-5. Appropriations; uses; federal grants; report to  
14 General Assembly. From the sums appropriated by the General  
15 Assembly, the Illinois Department shall order for payment by  
16 warrant from the State Treasury grants for public aid under  
17 Articles III, IV, and V, including grants for funeral and  
18 burial expenses, and all costs of administration of the  
19 Illinois Department and the County Departments relating  
20 thereto. Moneys appropriated to the Illinois Department for  
21 public aid under Article VI may be used, with the consent of  
22 the Governor, to co-operate with federal, State, and local  
23 agencies in the development of work projects designed to

1 provide suitable employment for persons receiving public aid  
2 under Article VI. The Illinois Department, with the consent of  
3 the Governor, may be the agent of the State for the receipt and  
4 disbursement of federal funds or commodities for public aid  
5 purposes under Article VI and for related purposes in which the  
6 co-operation of the Illinois Department is sought by the  
7 federal government, and, in connection therewith, may make  
8 necessary expenditures from moneys appropriated for public aid  
9 under any Article of this Code and for administration. The  
10 Illinois Department, with the consent of the Governor, may be  
11 the agent of the State for the receipt and disbursement of  
12 federal funds pursuant to the Immigration Reform and Control  
13 Act of 1986 and may make necessary expenditures from monies  
14 appropriated to it for operations, administration, and grants,  
15 including payment to the Health Insurance Reserve Fund for  
16 group insurance costs at the rate certified by the Department  
17 of Central Management Services. All amounts received by the  
18 Illinois Department pursuant to the Immigration Reform and  
19 Control Act of 1986 shall be deposited in the Immigration  
20 Reform and Control Fund. All amounts received into the  
21 Immigration Reform and Control Fund as reimbursement for  
22 expenditures from the General Revenue Fund shall be transferred  
23 to the General Revenue Fund.

24 All grants received by the Illinois Department for programs  
25 funded by the Federal Social Services Block Grant shall be  
26 deposited in the Social Services Block Grant Fund. All funds

1 received into the Social Services Block Grant Fund as  
2 reimbursement for expenditures from the General Revenue Fund  
3 shall be transferred to the General Revenue Fund. All funds  
4 received into the Social Services Block Grant fund for  
5 reimbursement for expenditure out of the Local Initiative Fund  
6 shall be transferred into the Local Initiative Fund. Any other  
7 federal funds received into the Social Services Block Grant  
8 Fund shall be transferred to the Special Purposes Trust Fund.  
9 All federal funds received by the Illinois Department as  
10 reimbursement for Employment and Training Programs for  
11 expenditures made by the Illinois Department from grants,  
12 gifts, or legacies as provided in Section 12-4.18 or made by an  
13 entity other than the Illinois Department and all federal funds  
14 received from the Emergency Contingency Fund for State  
15 Temporary Assistance for Needy Families Programs established  
16 by the American Recovery and Reinvestment Act of 2009 shall be  
17 deposited into the Employment and Training Fund, ~~except that~~  
18 ~~federal funds received as reimbursement as a result of the~~  
19 ~~appropriation made for the costs of providing adult education~~  
20 ~~to public assistance recipients under the "Adult Education,~~  
21 ~~Public Assistance Fund"~~ shall be deposited into the General  
22 Revenue Fund; ~~provided, however, that all funds, except those~~  
23 ~~that are specified in an interagency agreement between the~~  
24 ~~Illinois Community College Board and the Illinois Department,~~  
25 ~~that are received by the Illinois Department as reimbursement~~  
26 ~~under Title IV A of the Social Security Act for expenditures~~

1 ~~that are made by the Illinois Community College Board or any~~  
2 ~~public community college of this State shall be credited to a~~  
3 ~~special account that the State Treasurer shall establish and~~  
4 ~~maintain within the Employment and Training Fund for the~~  
5 ~~purpose of segregating the reimbursements received for~~  
6 ~~expenditures made by those entities. As reimbursements are~~  
7 ~~deposited into the Employment and Training Fund, the Illinois~~  
8 ~~Department shall certify to the State Comptroller and State~~  
9 ~~Treasurer the amount that is to be credited to the special~~  
10 ~~account established within that Fund as a reimbursement for~~  
11 ~~expenditures under Title IV-A of the Social Security Act made~~  
12 ~~by the Illinois Community College Board or any of the public~~  
13 ~~community colleges. All amounts credited to the special account~~  
14 ~~established and maintained within the Employment and Training~~  
15 ~~Fund as provided in this Section shall be held for transfer to~~  
16 ~~the TANF Opportunities Fund as provided in subsection (d) of~~  
17 ~~Section 12-10.3, and shall not be transferred to any other fund~~  
18 ~~or used for any other purpose.~~

19 Eighty percent of the federal financial participation  
20 funds received by the Illinois Department under the Title IV-A  
21 Emergency Assistance program as reimbursement for expenditures  
22 made from the Illinois Department of Children and Family  
23 Services appropriations for the costs of providing services in  
24 behalf of Department of Children and Family Services clients  
25 shall be deposited into the DCFS Children's Services Fund.

26 All federal funds, except those covered by the foregoing 3

1 paragraphs, received as reimbursement for expenditures from  
2 the General Revenue Fund shall be deposited in the General  
3 Revenue Fund for administrative and distributive expenditures  
4 properly chargeable by federal law or regulation to aid  
5 programs established under Articles III through XII and Titles  
6 IV, XVI, XIX and XX of the Federal Social Security Act. Any  
7 other federal funds received by the Illinois Department under  
8 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
9 Section 12-10 of this Code to be paid into the Special Purposes  
10 Trust Fund shall be deposited into the Special Purposes Trust  
11 Fund. Any other federal funds received by the Illinois  
12 Department pursuant to the Child Support Enforcement Program  
13 established by Title IV-D of the Social Security Act shall be  
14 deposited in the Child Support Enforcement Trust Fund as  
15 required under Section 12-10.2 or in the Child Support  
16 Administrative Fund as required under Section 12-10.2a of this  
17 Code. ~~Any other federal funds received by the Illinois~~  
18 ~~Department for medical assistance program expenditures made~~  
19 ~~under Title XIX of the Social Security Act and Article V of~~  
20 ~~this Code that are required by Section 5-4.21 of this Code to~~  
21 ~~be paid into the Medicaid Provider for Persons with a~~  
22 ~~Developmental Disability Participation Fee Trust Fund shall be~~  
23 ~~deposited into the Medicaid Provider for Persons with a~~  
24 ~~Developmental Disability Participation Fee Trust Fund. Any~~  
25 ~~other federal funds received by the Illinois Department for~~  
26 ~~medical assistance program expenditures made under Title XIX of~~

1 ~~the Social Security Act and Article V of this Code that are~~  
2 ~~required by Section 5-4.31 of this Code to be paid into the~~  
3 ~~Medicaid Long Term Care Provider Participation Fee Trust Fund~~  
4 ~~shall be deposited into the Medicaid Long Term Care Provider~~  
5 ~~Participation Fee Trust Fund. Any other federal funds received~~  
6 ~~by the Illinois Department for hospital inpatient, hospital~~  
7 ~~ambulatory care, and disproportionate share hospital~~  
8 ~~expenditures made under Title XIX of the Social Security Act~~  
9 ~~and Article V of this Code that are required by Section 14-2 of~~  
10 ~~this Code to be paid into the Hospital Services Trust Fund~~  
11 ~~shall be deposited into the Hospital Services Trust Fund. Any~~  
12 other federal funds received by the Illinois Department for  
13 expenditures made under Title XIX of the Social Security Act  
14 and Articles V and VI of this Code that are required by Section  
15 15-2 of this Code to be paid into the County Provider Trust  
16 Fund shall be deposited into the County Provider Trust Fund.  
17 Any other federal funds received by the Illinois Department for  
18 hospital inpatient, hospital ambulatory care, and  
19 disproportionate share hospital expenditures made under Title  
20 XIX of the Social Security Act and Article V of this Code that  
21 are required by Section 5A-8 of this Code to be paid into the  
22 Hospital Provider Fund shall be deposited into the Hospital  
23 Provider Fund. Any other federal funds received by the Illinois  
24 Department for medical assistance program expenditures made  
25 under Title XIX of the Social Security Act and Article V of  
26 this Code that are required by Section 5B-8 of this Code to be

1 paid into the Long-Term Care Provider Fund shall be deposited  
2 into the Long-Term Care Provider Fund. Any other federal funds  
3 received by the Illinois Department for medical assistance  
4 program expenditures made under Title XIX of the Social  
5 Security Act and Article V of this Code that are required by  
6 Section 5C-7 of this Code to be paid into the Care Provider  
7 Fund for Persons with a Developmental Disability shall be  
8 deposited into the Care Provider Fund for Persons with a  
9 Developmental Disability. Any other federal funds received by  
10 the Illinois Department for trauma center adjustment payments  
11 that are required by Section 5-5.03 of this Code and made under  
12 Title XIX of the Social Security Act and Article V of this Code  
13 shall be deposited into the Trauma Center Fund. Any other  
14 federal funds received by the Illinois Department as  
15 reimbursement for expenses for early intervention services  
16 paid from the Early Intervention Services Revolving Fund shall  
17 be deposited into that Fund.

18 The Illinois Department shall report to the General  
19 Assembly at the end of each fiscal quarter the amount of all  
20 funds received and paid into the Social Service Block Grant  
21 Fund and the Local Initiative Fund and the expenditures and  
22 transfers of such funds for services, programs and other  
23 purposes authorized by law. Such report shall be filed with the  
24 Speaker, Minority Leader and Clerk of the House, with the  
25 President, Minority Leader and Secretary of the Senate, with  
26 the Chairmen of the House and Senate Appropriations Committees,

1 the House Human Resources Committee and the Senate Public  
2 Health, Welfare and Corrections Committee, or the successor  
3 standing Committees of each as provided by the rules of the  
4 House and Senate, respectively, with the Legislative Research  
5 Unit and with the State Government Report Distribution Center  
6 for the General Assembly as is required under paragraph (t) of  
7 Section 7 of the State Library Act shall be deemed sufficient  
8 to comply with this Section.

9 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

10 (305 ILCS 5/5-16.4 rep.)

11 Section 5-135. The Illinois Public Aid Code is amended by  
12 repealing Section 5-16.4.

13 Section 5-140. The Energy Assistance Act is amended by  
14 changing Section 13 as follows:

15 (305 ILCS 20/13)

16 (Section scheduled to be repealed on December 31, 2018)

17 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

18 (a) The Supplemental Low-Income Energy Assistance Fund is  
19 hereby created as a special fund in the State Treasury. The  
20 Supplemental Low-Income Energy Assistance Fund is authorized  
21 to receive moneys from voluntary donations from individuals,  
22 foundations, corporations, and other sources, moneys received  
23 pursuant to Section 17, and, by statutory deposit, the moneys



1 collected pursuant to this Section. The Fund is also authorized  
2 to receive voluntary donations from individuals, foundations,  
3 corporations, and other sources, ~~as well as contributions made~~  
4 ~~in accordance with Section 507MM of the Illinois Income Tax~~  
5 ~~Act~~. Subject to appropriation, the Department shall use moneys  
6 from the Supplemental Low-Income Energy Assistance Fund for  
7 payments to electric or gas public utilities, municipal  
8 electric or gas utilities, and electric cooperatives on behalf  
9 of their customers who are participants in the program  
10 authorized by Sections 4 and 18 of this Act, for the provision  
11 of weatherization services and for administration of the  
12 Supplemental Low-Income Energy Assistance Fund. The yearly  
13 expenditures for weatherization may not exceed 10% of the  
14 amount collected during the year pursuant to this Section. The  
15 yearly administrative expenses of the Supplemental Low-Income  
16 Energy Assistance Fund may not exceed 10% of the amount  
17 collected during that year pursuant to this Section, except  
18 when unspent funds from the Supplemental Low-Income Energy  
19 Assistance Fund are reallocated from a previous year; any  
20 unspent balance of the 10% administrative allowance may be  
21 utilized for administrative expenses in the year they are  
22 reallocated.

23 (b) Notwithstanding the provisions of Section 16-111 of the  
24 Public Utilities Act but subject to subsection (k) of this  
25 Section, each public utility, electric cooperative, as defined  
26 in Section 3.4 of the Electric Supplier Act, and municipal

1 utility, as referenced in Section 3-105 of the Public Utilities  
2 Act, that is engaged in the delivery of electricity or the  
3 distribution of natural gas within the State of Illinois shall,  
4 effective January 1, 1998, assess each of its customer accounts  
5 a monthly Energy Assistance Charge for the Supplemental  
6 Low-Income Energy Assistance Fund. The delivering public  
7 utility, municipal electric or gas utility, or electric or gas  
8 cooperative for a self-assessing purchaser remains subject to  
9 the collection of the fee imposed by this Section. The monthly  
10 charge shall be as follows:

11 (1) \$0.48 per month on each account for residential  
12 electric service;

13 (2) \$0.48 per month on each account for residential gas  
14 service;

15 (3) \$4.80 per month on each account for non-residential  
16 electric service which had less than 10 megawatts of peak  
17 demand during the previous calendar year;

18 (4) \$4.80 per month on each account for non-residential  
19 gas service which had distributed to it less than 4,000,000  
20 therms of gas during the previous calendar year;

21 (5) \$360 per month on each account for non-residential  
22 electric service which had 10 megawatts or greater of peak  
23 demand during the previous calendar year; and

24 (6) \$360 per month on each account for non-residential  
25 gas service which had 4,000,000 or more therms of gas  
26 distributed to it during the previous calendar year.

1           The incremental change to such charges imposed by this  
2 amendatory Act of the 96th General Assembly shall not (i) be  
3 used for any purpose other than to directly assist customers  
4 and (ii) be applicable to utilities serving less than 100,000  
5 customers in Illinois on January 1, 2009.

6           In addition, electric and gas utilities have committed, and  
7 shall contribute, a one-time payment of \$22 million to the  
8 Fund, within 10 days after the effective date of the tariffs  
9 established pursuant to Sections 16-111.8 and 19-145 of the  
10 Public Utilities Act to be used for the Department's cost of  
11 implementing the programs described in Section 18 of this  
12 amendatory Act of the 96th General Assembly, the Arrearage  
13 Reduction Program described in Section 18, and the programs  
14 described in Section 8-105 of the Public Utilities Act. If a  
15 utility elects not to file a rider within 90 days after the  
16 effective date of this amendatory Act of the 96th General  
17 Assembly, then the contribution from such utility shall be made  
18 no later than February 1, 2010.

19           (c) For purposes of this Section:

20           (1) "residential electric service" means electric  
21 utility service for household purposes delivered to a  
22 dwelling of 2 or fewer units which is billed under a  
23 residential rate, or electric utility service for  
24 household purposes delivered to a dwelling unit or units  
25 which is billed under a residential rate and is registered  
26 by a separate meter for each dwelling unit;

1           (2) "residential gas service" means gas utility  
2 service for household purposes distributed to a dwelling of  
3 2 or fewer units which is billed under a residential rate,  
4 or gas utility service for household purposes distributed  
5 to a dwelling unit or units which is billed under a  
6 residential rate and is registered by a separate meter for  
7 each dwelling unit;

8           (3) "non-residential electric service" means electric  
9 utility service which is not residential electric service;  
10 and

11           (4) "non-residential gas service" means gas utility  
12 service which is not residential gas service.

13           (d) Within 30 days after the effective date of this  
14 amendatory Act of the 96th General Assembly, each public  
15 utility engaged in the delivery of electricity or the  
16 distribution of natural gas shall file with the Illinois  
17 Commerce Commission tariffs incorporating the Energy  
18 Assistance Charge in other charges stated in such tariffs,  
19 which shall become effective no later than the beginning of the  
20 first billing cycle following such filing.

21           (e) The Energy Assistance Charge assessed by electric and  
22 gas public utilities shall be considered a charge for public  
23 utility service.

24           (f) By the 20th day of the month following the month in  
25 which the charges imposed by the Section were collected, each  
26 public utility, municipal utility, and electric cooperative

1 shall remit to the Department of Revenue all moneys received as  
2 payment of the Energy Assistance Charge on a return prescribed  
3 and furnished by the Department of Revenue showing such  
4 information as the Department of Revenue may reasonably  
5 require; provided, however, that a utility offering an  
6 Arrearage Reduction Program pursuant to Section 18 of this Act  
7 shall be entitled to net those amounts necessary to fund and  
8 recover the costs of such Program as authorized by that Section  
9 that is no more than the incremental change in such Energy  
10 Assistance Charge authorized by this amendatory Act of the 96th  
11 General Assembly. If a customer makes a partial payment, a  
12 public utility, municipal utility, or electric cooperative may  
13 elect either: (i) to apply such partial payments first to  
14 amounts owed to the utility or cooperative for its services and  
15 then to payment for the Energy Assistance Charge or (ii) to  
16 apply such partial payments on a pro-rata basis between amounts  
17 owed to the utility or cooperative for its services and to  
18 payment for the Energy Assistance Charge.

19 (g) The Department of Revenue shall deposit into the  
20 Supplemental Low-Income Energy Assistance Fund all moneys  
21 remitted to it in accordance with subsection (f) of this  
22 Section; provided, however, that the amounts remitted by each  
23 utility shall be used to provide assistance to that utility's  
24 customers. The utilities shall coordinate with the Department  
25 to establish an equitable and practical methodology for  
26 implementing this subsection (g) beginning with the 2010

1 program year.

2 (h) On or before December 31, 2002, the Department shall  
3 prepare a report for the General Assembly on the expenditure of  
4 funds appropriated from the Low-Income Energy Assistance Block  
5 Grant Fund for the program authorized under Section 4 of this  
6 Act.

7 (i) The Department of Revenue may establish such rules as  
8 it deems necessary to implement this Section.

9 (j) The Department of Commerce and Economic Opportunity may  
10 establish such rules as it deems necessary to implement this  
11 Section.

12 (k) The charges imposed by this Section shall only apply to  
13 customers of municipal electric or gas utilities and electric  
14 or gas cooperatives if the municipal electric or gas utility or  
15 electric or gas cooperative makes an affirmative decision to  
16 impose the charge. If a municipal electric or gas utility or an  
17 electric cooperative makes an affirmative decision to impose  
18 the charge provided by this Section, the municipal electric or  
19 gas utility or electric cooperative shall inform the Department  
20 of Revenue in writing of such decision when it begins to impose  
21 the charge. If a municipal electric or gas utility or electric  
22 or gas cooperative does not assess this charge, the Department  
23 may not use funds from the Supplemental Low-Income Energy  
24 Assistance Fund to provide benefits to its customers under the  
25 program authorized by Section 4 of this Act.

26 In its use of federal funds under this Act, the Department

1 may not cause a disproportionate share of those federal funds  
2 to benefit customers of systems which do not assess the charge  
3 provided by this Section.

4 This Section is repealed effective December 31, 2018 unless  
5 renewed by action of the General Assembly. The General Assembly  
6 shall consider the results of the evaluations described in  
7 Section 8 in its deliberations.

8 (Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16.)

9 (305 ILCS 20/15 rep.)

10 Section 5-145. The Energy Assistance Act is amended by  
11 repealing Section 15.

12 Section 5-150. The Environmental Protection Act is amended  
13 by changing Section 39.5 as follows:

14 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

15 Sec. 39.5. Clean Air Act Permit Program.

16 1. Definitions. For purposes of this Section:

17 "Administrative permit amendment" means a permit revision  
18 subject to subsection 13 of this Section.

19 "Affected source for acid deposition" means a source that  
20 includes one or more affected units under Title IV of the Clean  
21 Air Act.

22 "Affected States" for purposes of formal distribution of a  
23 draft CAAPP permit to other States for comments prior to

1 issuance, means all States:

2 (1) Whose air quality may be affected by the source  
3 covered by the draft permit and that are contiguous to  
4 Illinois; or

5 (2) That are within 50 miles of the source.

6 "Affected unit for acid deposition" shall have the meaning  
7 given to the term "affected unit" in the regulations  
8 promulgated under Title IV of the Clean Air Act.

9 "Applicable Clean Air Act requirement" means all of the  
10 following as they apply to emissions units in a source  
11 (including regulations that have been promulgated or approved  
12 by USEPA pursuant to the Clean Air Act which directly impose  
13 requirements upon a source and other such federal requirements  
14 which have been adopted by the Board. These may include  
15 requirements and regulations which have future effective  
16 compliance dates. Requirements and regulations will be exempt  
17 if USEPA determines that such requirements need not be  
18 contained in a Title V permit):

19 (1) Any standard or other requirement provided for in  
20 the applicable state implementation plan approved or  
21 promulgated by USEPA under Title I of the Clean Air Act  
22 that implements the relevant requirements of the Clean Air  
23 Act, including any revisions to the state Implementation  
24 Plan promulgated in 40 CFR Part 52, Subparts A and O and  
25 other subparts applicable to Illinois. For purposes of this  
26 paragraph (1) of this definition, "any standard or other



1 requirement" means only such standards or requirements  
2 directly enforceable against an individual source under  
3 the Clean Air Act.

4 (2) (i) Any term or condition of any preconstruction  
5 permits issued pursuant to regulations approved or  
6 promulgated by USEPA under Title I of the Clean Air  
7 Act, including Part C or D of the Clean Air Act.

8 (ii) Any term or condition as required pursuant to  
9 Section 39.5 of any federally enforceable State  
10 operating permit issued pursuant to regulations  
11 approved or promulgated by USEPA under Title I of the  
12 Clean Air Act, including Part C or D of the Clean Air  
13 Act.

14 (3) Any standard or other requirement under Section 111  
15 of the Clean Air Act, including Section 111(d).

16 (4) Any standard or other requirement under Section 112  
17 of the Clean Air Act, including any requirement concerning  
18 accident prevention under Section 112(r)(7) of the Clean  
19 Air Act.

20 (5) Any standard or other requirement of the acid rain  
21 program under Title IV of the Clean Air Act or the  
22 regulations promulgated thereunder.

23 (6) Any requirements established pursuant to Section  
24 504(b) or Section 114(a)(3) of the Clean Air Act.

25 (7) Any standard or other requirement governing solid  
26 waste incineration, under Section 129 of the Clean Air Act.

1           (8) Any standard or other requirement for consumer and  
2 commercial products, under Section 183(e) of the Clean Air  
3 Act.

4           (9) Any standard or other requirement for tank vessels,  
5 under Section 183(f) of the Clean Air Act.

6           (10) Any standard or other requirement of the program  
7 to control air pollution from Outer Continental Shelf  
8 sources, under Section 328 of the Clean Air Act.

9           (11) Any standard or other requirement of the  
10 regulations promulgated to protect stratospheric ozone  
11 under Title VI of the Clean Air Act, unless USEPA has  
12 determined that such requirements need not be contained in  
13 a Title V permit.

14           (12) Any national ambient air quality standard or  
15 increment or visibility requirement under Part C of Title I  
16 of the Clean Air Act, but only as it would apply to  
17 temporary sources permitted pursuant to Section 504(e) of  
18 the Clean Air Act.

19           "Applicable requirement" means all applicable Clean Air  
20 Act requirements and any other standard, limitation, or other  
21 requirement contained in this Act or regulations promulgated  
22 under this Act as applicable to sources of air contaminants  
23 (including requirements that have future effective compliance  
24 dates).

25           "CAAPP" means the Clean Air Act Permit Program, developed  
26 pursuant to Title V of the Clean Air Act.

1 "CAAPP application" means an application for a CAAPP  
2 permit.

3 "CAAPP Permit" or "permit" (unless the context suggests  
4 otherwise) means any permit issued, renewed, amended, modified  
5 or revised pursuant to Title V of the Clean Air Act.

6 "CAAPP source" means any source for which the owner or  
7 operator is required to obtain a CAAPP permit pursuant to  
8 subsection 2 of this Section.

9 "Clean Air Act" means the Clean Air Act, as now and  
10 hereafter amended, 42 U.S.C. 7401, et seq.

11 "Designated representative" has the meaning given to it in  
12 Section 402(26) of the Clean Air Act and the regulations  
13 promulgated thereunder, which state that the term "designated  
14 representative" means a responsible person or official  
15 authorized by the owner or operator of a unit to represent the  
16 owner or operator in all matters pertaining to the holding,  
17 transfer, or disposition of allowances allocated to a unit, and  
18 the submission of and compliance with permits, permit  
19 applications, and compliance plans for the unit.

20 "Draft CAAPP permit" means the version of a CAAPP permit  
21 for which public notice and an opportunity for public comment  
22 and hearing is offered by the Agency.

23 "Effective date of the CAAPP" means the date that USEPA  
24 approves Illinois' CAAPP.

25 "Emission unit" means any part or activity of a stationary  
26 source that emits or has the potential to emit any air

1 pollutant. This term is not meant to alter or affect the  
2 definition of the term "unit" for purposes of Title IV of the  
3 Clean Air Act.

4 "Federally enforceable" means enforceable by USEPA.

5 "Final permit action" means the Agency's granting with  
6 conditions, refusal to grant, renewal of, or revision of a  
7 CAAPP permit, the Agency's determination of incompleteness of a  
8 submitted CAAPP application, or the Agency's failure to act on  
9 an application for a permit, permit renewal, or permit revision  
10 within the time specified in subsection 13, subsection 14, or  
11 paragraph (j) of subsection 5 of this Section.

12 "General permit" means a permit issued to cover numerous  
13 similar sources in accordance with subsection 11 of this  
14 Section.

15 "Major source" means a source for which emissions of one or  
16 more air pollutants meet the criteria for major status pursuant  
17 to paragraph (c) of subsection 2 of this Section.

18 "Maximum achievable control technology" or "MACT" means  
19 the maximum degree of reductions in emissions deemed achievable  
20 under Section 112 of the Clean Air Act.

21 "Owner or operator" means any person who owns, leases,  
22 operates, controls, or supervises a stationary source.

23 "Permit modification" means a revision to a CAAPP permit  
24 that cannot be accomplished under the provisions for  
25 administrative permit amendments under subsection 13 of this  
26 Section.

1 "Permit revision" means a permit modification or  
2 administrative permit amendment.

3 "Phase II" means the period of the national acid rain  
4 program, established under Title IV of the Clean Air Act,  
5 beginning January 1, 2000, and continuing thereafter.

6 "Phase II acid rain permit" means the portion of a CAAPP  
7 permit issued, renewed, modified, or revised by the Agency  
8 during Phase II for an affected source for acid deposition.

9 "Potential to emit" means the maximum capacity of a  
10 stationary source to emit any air pollutant under its physical  
11 and operational design. Any physical or operational limitation  
12 on the capacity of a source to emit an air pollutant, including  
13 air pollution control equipment and restrictions on hours of  
14 operation or on the type or amount of material combusted,  
15 stored, or processed, shall be treated as part of its design if  
16 the limitation is enforceable by USEPA. This definition does  
17 not alter or affect the use of this term for any other purposes  
18 under the Clean Air Act, or the term "capacity factor" as used  
19 in Title IV of the Clean Air Act or the regulations promulgated  
20 thereunder.

21 "Preconstruction Permit" or "Construction Permit" means a  
22 permit which is to be obtained prior to commencing or beginning  
23 actual construction or modification of a source or emissions  
24 unit.

25 "Proposed CAAPP permit" means the version of a CAAPP permit  
26 that the Agency proposes to issue and forwards to USEPA for

1 review in compliance with applicable requirements of the Act  
2 and regulations promulgated thereunder.

3 "Regulated air pollutant" means the following:

4 (1) Nitrogen oxides (NOx) or any volatile organic  
5 compound.

6 (2) Any pollutant for which a national ambient air  
7 quality standard has been promulgated.

8 (3) Any pollutant that is subject to any standard  
9 promulgated under Section 111 of the Clean Air Act.

10 (4) Any Class I or II substance subject to a standard  
11 promulgated under or established by Title VI of the Clean  
12 Air Act.

13 (5) Any pollutant subject to a standard promulgated  
14 under Section 112 or other requirements established under  
15 Section 112 of the Clean Air Act, including Sections  
16 112(g), (j) and (r).

17 (i) Any pollutant subject to requirements under  
18 Section 112(j) of the Clean Air Act. Any pollutant  
19 listed under Section 112(b) for which the subject  
20 source would be major shall be considered to be  
21 regulated 18 months after the date on which USEPA was  
22 required to promulgate an applicable standard pursuant  
23 to Section 112(e) of the Clean Air Act, if USEPA fails  
24 to promulgate such standard.

25 (ii) Any pollutant for which the requirements of  
26 Section 112(g)(2) of the Clean Air Act have been met,

1 but only with respect to the individual source subject  
2 to Section 112(g)(2) requirement.

3 (6) Greenhouse gases.

4 "Renewal" means the process by which a permit is reissued  
5 at the end of its term.

6 "Responsible official" means one of the following:

7 (1) For a corporation: a president, secretary,  
8 treasurer, or vice-president of the corporation in charge  
9 of a principal business function, or any other person who  
10 performs similar policy or decision-making functions for  
11 the corporation, or a duly authorized representative of  
12 such person if the representative is responsible for the  
13 overall operation of one or more manufacturing,  
14 production, or operating facilities applying for or  
15 subject to a permit and either (i) the facilities employ  
16 more than 250 persons or have gross annual sales or  
17 expenditures exceeding \$25 million (in second quarter 1980  
18 dollars), or (ii) the delegation of authority to such  
19 representative is approved in advance by the Agency.

20 (2) For a partnership or sole proprietorship: a general  
21 partner or the proprietor, respectively, or in the case of  
22 a partnership in which all of the partners are  
23 corporations, a duly authorized representative of the  
24 partnership if the representative is responsible for the  
25 overall operation of one or more manufacturing,  
26 production, or operating facilities applying for or

1 subject to a permit and either (i) the facilities employ  
2 more than 250 persons or have gross annual sales or  
3 expenditures exceeding \$25 million (in second quarter 1980  
4 dollars), or (ii) the delegation of authority to such  
5 representative is approved in advance by the Agency.

6 (3) For a municipality, State, Federal, or other public  
7 agency: either a principal executive officer or ranking  
8 elected official. For the purposes of this part, a  
9 principal executive officer of a Federal agency includes  
10 the chief executive officer having responsibility for the  
11 overall operations of a principal geographic unit of the  
12 agency (e.g., a Regional Administrator of USEPA).

13 (4) For affected sources for acid deposition:

14 (i) The designated representative shall be the  
15 "responsible official" in so far as actions,  
16 standards, requirements, or prohibitions under Title  
17 IV of the Clean Air Act or the regulations promulgated  
18 thereunder are concerned.

19 (ii) The designated representative may also be the  
20 "responsible official" for any other purposes with  
21 respect to air pollution control.

22 "Section 502(b)(10) changes" means changes that contravene  
23 express permit terms. "Section 502(b)(10) changes" do not  
24 include changes that would violate applicable requirements or  
25 contravene federally enforceable permit terms or conditions  
26 that are monitoring (including test methods), recordkeeping,



1 reporting, or compliance certification requirements.

2 "Solid waste incineration unit" means a distinct operating  
3 unit of any facility which combusts any solid waste material  
4 from commercial or industrial establishments or the general  
5 public (including single and multiple residences, hotels, and  
6 motels). The term does not include incinerators or other units  
7 required to have a permit under Section 3005 of the Solid Waste  
8 Disposal Act. The term also does not include (A) materials  
9 recovery facilities (including primary or secondary smelters)  
10 which combust waste for the primary purpose of recovering  
11 metals, (B) qualifying small power production facilities, as  
12 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.  
13 769(17)(C)), or qualifying cogeneration facilities, as defined  
14 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.  
15 796(18)(B)), which burn homogeneous waste (such as units which  
16 burn tires or used oil, but not including refuse-derived fuel)  
17 for the production of electric energy or in the case of  
18 qualifying cogeneration facilities which burn homogeneous  
19 waste for the production of electric energy and steam or forms  
20 of useful energy (such as heat) which are used for industrial,  
21 commercial, heating or cooling purposes, or (C) air curtain  
22 incinerators provided that such incinerators only burn wood  
23 wastes, yard waste and clean lumber and that such air curtain  
24 incinerators comply with opacity limitations to be established  
25 by the USEPA by rule.

26 "Source" means any stationary source (or any group of

1 stationary sources) that is located on one or more contiguous  
2 or adjacent properties that are under common control of the  
3 same person (or persons under common control) and that belongs  
4 to a single major industrial grouping. For the purposes of  
5 defining "source," a stationary source or group of stationary  
6 sources shall be considered part of a single major industrial  
7 grouping if all of the pollutant emitting activities at such  
8 source or group of sources located on contiguous or adjacent  
9 properties and under common control belong to the same Major  
10 Group (i.e., all have the same two-digit code) as described in  
11 the Standard Industrial Classification Manual, 1987, or such  
12 pollutant emitting activities at a stationary source (or group  
13 of stationary sources) located on contiguous or adjacent  
14 properties and under common control constitute a support  
15 facility. The determination as to whether any group of  
16 stationary sources is located on contiguous or adjacent  
17 properties, and/or is under common control, and/or whether the  
18 pollutant emitting activities at such group of stationary  
19 sources constitute a support facility shall be made on a case  
20 by case basis.

21 "Stationary source" means any building, structure,  
22 facility, or installation that emits or may emit any regulated  
23 air pollutant or any pollutant listed under Section 112(b) of  
24 the Clean Air Act, except those emissions resulting directly  
25 from an internal combustion engine for transportation purposes  
26 or from a nonroad engine or nonroad vehicle as defined in

1 Section 216 of the Clean Air Act.

2 "Subject to regulation" has the meaning given to it in 40  
3 CFR 70.2, as now or hereafter amended.

4 "Support facility" means any stationary source (or group of  
5 stationary sources) that conveys, stores, or otherwise assists  
6 to a significant extent in the production of a principal  
7 product at another stationary source (or group of stationary  
8 sources). A support facility shall be considered to be part of  
9 the same source as the stationary source (or group of  
10 stationary sources) that it supports regardless of the 2-digit  
11 Standard Industrial Classification code for the support  
12 facility.

13 "USEPA" means the Administrator of the United States  
14 Environmental Protection Agency (USEPA) or a person designated  
15 by the Administrator.

16 1.1. Exclusion From the CAAPP.

17 a. An owner or operator of a source which determines  
18 that the source could be excluded from the CAAPP may seek  
19 such exclusion prior to the date that the CAAPP application  
20 for the source is due but in no case later than 9 months  
21 after the effective date of the CAAPP through the  
22 imposition of federally enforceable conditions limiting  
23 the "potential to emit" of the source to a level below the  
24 major source threshold for that source as described in  
25 paragraph (c) of subsection 2 of this Section, within a

1 State operating permit issued pursuant to subsection (a) of  
2 Section 39 of this Act. After such date, an exclusion from  
3 the CAAPP may be sought under paragraph (c) of subsection 3  
4 of this Section.

5 b. An owner or operator of a source seeking exclusion  
6 from the CAAPP pursuant to paragraph (a) of this subsection  
7 must submit a permit application consistent with the  
8 existing State permit program which specifically requests  
9 such exclusion through the imposition of such federally  
10 enforceable conditions.

11 c. Upon such request, if the Agency determines that the  
12 owner or operator of a source has met the requirements for  
13 exclusion pursuant to paragraph (a) of this subsection and  
14 other applicable requirements for permit issuance under  
15 subsection (a) of Section 39 of this Act, the Agency shall  
16 issue a State operating permit for such source under  
17 subsection (a) of Section 39 of this Act, as amended, and  
18 regulations promulgated thereunder with federally  
19 enforceable conditions limiting the "potential to emit" of  
20 the source to a level below the major source threshold for  
21 that source as described in paragraph (c) of subsection 2  
22 of this Section.

23 d. The Agency shall provide an owner or operator of a  
24 source which may be excluded from the CAAPP pursuant to  
25 this subsection with reasonable notice that the owner or  
26 operator may seek such exclusion.

1 e. The Agency shall provide such sources with the  
2 necessary permit application forms.

3 2. Applicability.

4 a. Sources subject to this Section shall include:

5 i. Any major source as defined in paragraph (c) of  
6 this subsection.

7 ii. Any source subject to a standard or other  
8 requirements promulgated under Section 111 (New Source  
9 Performance Standards) or Section 112 (Hazardous Air  
10 Pollutants) of the Clean Air Act, except that a source  
11 is not required to obtain a permit solely because it is  
12 subject to regulations or requirements under Section  
13 112(r) of the Clean Air Act.

14 iii. Any affected source for acid deposition, as  
15 defined in subsection 1 of this Section.

16 iv. Any other source subject to this Section under  
17 the Clean Air Act or regulations promulgated  
18 thereunder, or applicable Board regulations.

19 b. Sources exempted from this Section shall include:

20 i. All sources listed in paragraph (a) of this  
21 subsection that are not major sources, affected  
22 sources for acid deposition or solid waste  
23 incineration units required to obtain a permit  
24 pursuant to Section 129(e) of the Clean Air Act, until  
25 the source is required to obtain a CAAPP permit

1           pursuant to the Clean Air Act or regulations  
2           promulgated thereunder.

3           ii. Nonmajor sources subject to a standard or other  
4           requirements subsequently promulgated by USEPA under  
5           Section 111 or 112 of the Clean Air Act that are  
6           determined by USEPA to be exempt at the time a new  
7           standard is promulgated.

8           iii. All sources and source categories that would  
9           be required to obtain a permit solely because they are  
10          subject to Part 60, Subpart AAA - Standards of  
11          Performance for New Residential Wood Heaters (40 CFR  
12          Part 60).

13          iv. All sources and source categories that would be  
14          required to obtain a permit solely because they are  
15          subject to Part 61, Subpart M - National Emission  
16          Standard for Hazardous Air Pollutants for Asbestos,  
17          Section 61.145 (40 CFR Part 61).

18          v. Any other source categories exempted by USEPA  
19          regulations pursuant to Section 502(a) of the Clean Air  
20          Act.

21          vi. Major sources of greenhouse gas emissions  
22          required to obtain a CAAPP permit under this Section if  
23          any of the following occurs:

24                 (A) enactment of federal legislation depriving  
25                 the Administrator of the USEPA of authority to  
26                 regulate greenhouse gases under the Clean Air Act;

1           (B) the issuance of any opinion, ruling,  
2           judgment, order, or decree by a federal court  
3           depriving the Administrator of the USEPA of  
4           authority to regulate greenhouse gases under the  
5           Clean Air Act; or

6           (C) action by the President of the United  
7           States or the President's authorized agent,  
8           including the Administrator of the USEPA, to  
9           repeal or withdraw the Greenhouse Gas Tailoring  
10          Rule (75 Fed. Reg. 31514, June 3, 2010).

11          If any event listed in this subparagraph (vi)  
12          occurs, CAAPP permits issued after such event shall not  
13          impose permit terms or conditions addressing  
14          greenhouse gases during the effectiveness of any event  
15          listed in subparagraph (vi). If any event listed in  
16          this subparagraph (vi) occurs, any owner or operator  
17          with a CAAPP permit that includes terms or conditions  
18          addressing greenhouse gases may elect to submit an  
19          application to the Agency to address a revision or  
20          repeal of such terms or conditions. If any owner or  
21          operator submits such an application, the Agency shall  
22          expeditiously process the permit application in  
23          accordance with applicable laws and regulations.  
24          Nothing in this subparagraph (vi) shall relieve an  
25          owner or operator of a source from the requirement to  
26          obtain a CAAPP permit for its emissions of regulated

1 air pollutants other than greenhouse gases, as  
2 required by this Section.

3 c. For purposes of this Section the term "major source"  
4 means any source that is:

5 i. A major source under Section 112 of the Clean  
6 Air Act, which is defined as:

7 A. For pollutants other than radionuclides,  
8 any stationary source or group of stationary  
9 sources located within a contiguous area and under  
10 common control that emits or has the potential to  
11 emit, in the aggregate, 10 tons per year (tpy) or  
12 more of any hazardous air pollutant which has been  
13 listed pursuant to Section 112(b) of the Clean Air  
14 Act, 25 tpy or more of any combination of such  
15 hazardous air pollutants, or such lesser quantity  
16 as USEPA may establish by rule. Notwithstanding  
17 the preceding sentence, emissions from any oil or  
18 gas exploration or production well (with its  
19 associated equipment) and emissions from any  
20 pipeline compressor or pump station shall not be  
21 aggregated with emissions from other similar  
22 units, whether or not such units are in a  
23 contiguous area or under common control, to  
24 determine whether such stations are major sources.

25 B. For radionuclides, "major source" shall  
26 have the meaning specified by the USEPA by rule.



1           ii. A major stationary source of air pollutants, as  
2 defined in Section 302 of the Clean Air Act, that  
3 directly emits or has the potential to emit, 100 tpy or  
4 more of any air pollutant subject to regulation  
5 (including any major source of fugitive emissions of  
6 any such pollutant, as determined by rule by USEPA).  
7 For purposes of this subsection, "fugitive emissions"  
8 means those emissions which could not reasonably pass  
9 through a stack, chimney, vent, or other  
10 functionally-equivalent opening. The fugitive  
11 emissions of a stationary source shall not be  
12 considered in determining whether it is a major  
13 stationary source for the purposes of Section 302(j) of  
14 the Clean Air Act, unless the source belongs to one of  
15 the following categories of stationary source:

- 16           A. Coal cleaning plants (with thermal dryers).  
17           B. Kraft pulp mills.  
18           C. Portland cement plants.  
19           D. Primary zinc smelters.  
20           E. Iron and steel mills.  
21           F. Primary aluminum ore reduction plants.  
22           G. Primary copper smelters.  
23           H. Municipal incinerators capable of charging  
24 more than 250 tons of refuse per day.  
25           I. Hydrofluoric, sulfuric, or nitric acid  
26 plants.

- 1 J. Petroleum refineries.
- 2 K. Lime plants.
- 3 L. Phosphate rock processing plants.
- 4 M. Coke oven batteries.
- 5 N. Sulfur recovery plants.
- 6 O. Carbon black plants (furnace process).
- 7 P. Primary lead smelters.
- 8 Q. Fuel conversion plants.
- 9 R. Sintering plants.
- 10 S. Secondary metal production plants.
- 11 T. Chemical process plants.
- 12 U. Fossil-fuel boilers (or combination  
13 thereof) totaling more than 250 million British  
14 thermal units per hour heat input.
- 15 V. Petroleum storage and transfer units with a  
16 total storage capacity exceeding 300,000 barrels.
- 17 W. Taconite ore processing plants.
- 18 X. Glass fiber processing plants.
- 19 Y. Charcoal production plants.
- 20 Z. Fossil fuel-fired steam electric plants of  
21 more than 250 million British thermal units per  
22 hour heat input.
- 23 AA. All other stationary source categories,  
24 which as of August 7, 1980 are being regulated by a  
25 standard promulgated under Section 111 or 112 of  
26 the Clean Air Act.

1           BB. Any other stationary source category  
2           designated by USEPA by rule.

3           iii. A major stationary source as defined in part D  
4           of Title I of the Clean Air Act including:

5           A. For ozone nonattainment areas, sources with  
6           the potential to emit 100 tons or more per year of  
7           volatile organic compounds or oxides of nitrogen  
8           in areas classified as "marginal" or "moderate",  
9           50 tons or more per year in areas classified as  
10          "serious", 25 tons or more per year in areas  
11          classified as "severe", and 10 tons or more per  
12          year in areas classified as "extreme"; except that  
13          the references in this clause to 100, 50, 25, and  
14          10 tons per year of nitrogen oxides shall not apply  
15          with respect to any source for which USEPA has made  
16          a finding, under Section 182(f)(1) or (2) of the  
17          Clean Air Act, that requirements otherwise  
18          applicable to such source under Section 182(f) of  
19          the Clean Air Act do not apply. Such sources shall  
20          remain subject to the major source criteria of  
21          subparagraph (ii) of paragraph (c) of this  
22          subsection.

23          B. For ozone transport regions established  
24          pursuant to Section 184 of the Clean Air Act,  
25          sources with the potential to emit 50 tons or more  
26          per year of volatile organic compounds (VOCs).

1           C. For carbon monoxide nonattainment areas (1)  
2           that are classified as "serious", and (2) in which  
3           stationary sources contribute significantly to  
4           carbon monoxide levels as determined under rules  
5           issued by USEPA, sources with the potential to emit  
6           50 tons or more per year of carbon monoxide.

7           D. For particulate matter (PM-10)  
8           nonattainment areas classified as "serious",  
9           sources with the potential to emit 70 tons or more  
10          per year of PM-10.

11          3. Agency Authority To Issue CAAPP Permits and Federally  
12          Enforceable State Operating Permits.

13           a. The Agency shall issue CAAPP permits under this  
14           Section consistent with the Clean Air Act and regulations  
15           promulgated thereunder and this Act and regulations  
16           promulgated thereunder.

17           b. The Agency shall issue CAAPP permits for fixed terms  
18           of 5 years, except CAAPP permits issued for solid waste  
19           incineration units combusting municipal waste which shall  
20           be issued for fixed terms of 12 years and except CAAPP  
21           permits for affected sources for acid deposition which  
22           shall be issued for initial terms to expire on December 31,  
23           1999, and for fixed terms of 5 years thereafter.

24           c. The Agency shall have the authority to issue a State  
25           operating permit for a source under subsection (a) of

1 Section 39 of this Act, as amended, and regulations  
2 promulgated thereunder, which includes federally  
3 enforceable conditions limiting the "potential to emit" of  
4 the source to a level below the major source threshold for  
5 that source as described in paragraph (c) of subsection 2  
6 of this Section, thereby excluding the source from the  
7 CAAPP, when requested by the applicant pursuant to  
8 paragraph (u) of subsection 5 of this Section. The public  
9 notice requirements of this Section applicable to CAAPP  
10 permits shall also apply to the initial issuance of permits  
11 under this paragraph.

12 d. For purposes of this Act, a permit issued by USEPA  
13 under Section 505 of the Clean Air Act, as now and  
14 hereafter amended, shall be deemed to be a permit issued by  
15 the Agency pursuant to Section 39.5 of this Act.

16 4. Transition.

17 a. An owner or operator of a CAAPP source shall not be  
18 required to renew an existing State operating permit for  
19 any emission unit at such CAAPP source once a CAAPP  
20 application timely submitted prior to expiration of the  
21 State operating permit has been deemed complete. For  
22 purposes other than permit renewal, the obligation upon the  
23 owner or operator of a CAAPP source to obtain a State  
24 operating permit is not removed upon submittal of the  
25 complete CAAPP permit application. An owner or operator of

1 a CAAPP source seeking to make a modification to a source  
2 prior to the issuance of its CAAPP permit shall be required  
3 to obtain a construction permit, operating permit, or both  
4 as required for such modification in accordance with the  
5 State permit program under subsection (a) of Section 39 of  
6 this Act, as amended, and regulations promulgated  
7 thereunder. The application for such construction permit,  
8 operating permit, or both shall be considered an amendment  
9 to the CAAPP application submitted for such source.

10 b. An owner or operator of a CAAPP source shall  
11 continue to operate in accordance with the terms and  
12 conditions of its applicable State operating permit  
13 notwithstanding the expiration of the State operating  
14 permit until the source's CAAPP permit has been issued.

15 c. An owner or operator of a CAAPP source shall submit  
16 its initial CAAPP application to the Agency no later than  
17 12 months after the effective date of the CAAPP. The Agency  
18 may request submittal of initial CAAPP applications during  
19 this 12-month period according to a schedule set forth  
20 within Agency procedures, however, in no event shall the  
21 Agency require such submittal earlier than 3 months after  
22 such effective date of the CAAPP. An owner or operator may  
23 voluntarily submit its initial CAAPP application prior to  
24 the date required within this paragraph or applicable  
25 procedures, if any, subsequent to the date the Agency  
26 submits the CAAPP to USEPA for approval.

1           d. The Agency shall act on initial CAAPP applications  
2           in accordance with paragraph (j) of subsection 5 of this  
3           Section.

4           e. For purposes of this Section, the term "initial  
5           CAAPP application" shall mean the first CAAPP application  
6           submitted for a source existing as of the effective date of  
7           the CAAPP.

8           f. The Agency shall provide owners or operators of  
9           CAAPP sources with at least 3 months advance notice of the  
10          date on which their applications are required to be  
11          submitted. In determining which sources shall be subject to  
12          early submittal, the Agency shall include among its  
13          considerations the complexity of the permit application,  
14          and the burden that such early submittal will have on the  
15          source.

16          g. The CAAPP permit shall upon becoming effective  
17          supersede the State operating permit.

18          h. The Agency shall have the authority to adopt  
19          procedural rules, in accordance with the Illinois  
20          Administrative Procedure Act, as the Agency deems  
21          necessary, to implement this subsection.

22           5. Applications and Completeness.

23           a. An owner or operator of a CAAPP source shall submit  
24           its complete CAAPP application consistent with the Act and  
25           applicable regulations.

1           b. An owner or operator of a CAAPP source shall submit  
2 a single complete CAAPP application covering all emission  
3 units at that source.

4           c. To be deemed complete, a CAAPP application must  
5 provide all information, as requested in Agency  
6 application forms, sufficient to evaluate the subject  
7 source and its application and to determine all applicable  
8 requirements, pursuant to the Clean Air Act, and  
9 regulations thereunder, this Act and regulations  
10 thereunder. Such Agency application forms shall be  
11 finalized and made available prior to the date on which any  
12 CAAPP application is required.

13           d. An owner or operator of a CAAPP source shall submit,  
14 as part of its complete CAAPP application, a compliance  
15 plan, including a schedule of compliance, describing how  
16 each emission unit will comply with all applicable  
17 requirements. Any such schedule of compliance shall be  
18 supplemental to, and shall not sanction noncompliance  
19 with, the applicable requirements on which it is based.

20           e. Each submitted CAAPP application shall be certified  
21 for truth, accuracy, and completeness by a responsible  
22 official in accordance with applicable regulations.

23           f. The Agency shall provide notice to a CAAPP applicant  
24 as to whether a submitted CAAPP application is complete.  
25 Unless the Agency notifies the applicant of  
26 incompleteness, within 60 days after receipt of the CAAPP



1 application, the application shall be deemed complete. The  
2 Agency may request additional information as needed to make  
3 the completeness determination. The Agency may to the  
4 extent practicable provide the applicant with a reasonable  
5 opportunity to correct deficiencies prior to a final  
6 determination of completeness.

7 g. If after the determination of completeness the  
8 Agency finds that additional information is necessary to  
9 evaluate or take final action on the CAAPP application, the  
10 Agency may request in writing such information from the  
11 source with a reasonable deadline for response.

12 h. If the owner or operator of a CAAPP source submits a  
13 timely and complete CAAPP application, the source's  
14 failure to have a CAAPP permit shall not be a violation of  
15 this Section until the Agency takes final action on the  
16 submitted CAAPP application, provided, however, where the  
17 applicant fails to submit the requested information under  
18 paragraph (g) of this subsection 5 within the time frame  
19 specified by the Agency, this protection shall cease to  
20 apply.

21 i. Any applicant who fails to submit any relevant facts  
22 necessary to evaluate the subject source and its CAAPP  
23 application or who has submitted incorrect information in a  
24 CAAPP application shall, upon becoming aware of such  
25 failure or incorrect submittal, submit supplementary facts  
26 or correct information to the Agency. In addition, an

1 applicant shall provide to the Agency additional  
2 information as necessary to address any requirements which  
3 become applicable to the source subsequent to the date the  
4 applicant submitted its complete CAAPP application but  
5 prior to release of the draft CAAPP permit.

6 j. The Agency shall issue or deny the CAAPP permit  
7 within 18 months after the date of receipt of the complete  
8 CAAPP application, with the following exceptions: (i)  
9 permits for affected sources for acid deposition shall be  
10 issued or denied within 6 months after receipt of a  
11 complete application in accordance with subsection 17 of  
12 this Section; (ii) the Agency shall act on initial CAAPP  
13 applications within 24 months after the date of receipt of  
14 the complete CAAPP application; (iii) the Agency shall act  
15 on complete applications containing early reduction  
16 demonstrations under Section 112(i)(5) of the Clean Air Act  
17 within 9 months of receipt of the complete CAAPP  
18 application.

19 Where the Agency does not take final action on the  
20 permit within the required time period, the permit shall  
21 not be deemed issued; rather, the failure to act shall be  
22 treated as a final permit action for purposes of judicial  
23 review pursuant to Sections 40.2 and 41 of this Act.

24 k. The submittal of a complete CAAPP application shall  
25 not affect the requirement that any source have a  
26 preconstruction permit under Title I of the Clean Air Act.

1           l. Unless a timely and complete renewal application has  
2           been submitted consistent with this subsection, a CAAPP  
3           source operating upon the expiration of its CAAPP permit  
4           shall be deemed to be operating without a CAAPP permit.  
5           Such operation is prohibited under this Act.

6           m. Permits being renewed shall be subject to the same  
7           procedural requirements, including those for public  
8           participation and federal review and objection, that apply  
9           to original permit issuance.

10          n. For purposes of permit renewal, a timely application  
11          is one that is submitted no less than 9 months prior to the  
12          date of permit expiration.

13          o. The terms and conditions of a CAAPP permit shall  
14          remain in effect until the issuance of a CAAPP renewal  
15          permit provided a timely and complete CAAPP application has  
16          been submitted.

17          p. The owner or operator of a CAAPP source seeking a  
18          permit shield pursuant to paragraph (j) of subsection 7 of  
19          this Section shall request such permit shield in the CAAPP  
20          application regarding that source.

21          q. The Agency shall make available to the public all  
22          documents submitted by the applicant to the Agency,  
23          including each CAAPP application, compliance plan  
24          (including the schedule of compliance), and emissions or  
25          compliance monitoring report, with the exception of  
26          information entitled to confidential treatment pursuant to

1 Section 7 of this Act.

2 r. The Agency shall use the standardized forms required  
3 under Title IV of the Clean Air Act and regulations  
4 promulgated thereunder for affected sources for acid  
5 deposition.

6 s. An owner or operator of a CAAPP source may include  
7 within its CAAPP application a request for permission to  
8 operate during a startup, malfunction, or breakdown  
9 consistent with applicable Board regulations.

10 t. An owner or operator of a CAAPP source, in order to  
11 utilize the operational flexibility provided under  
12 paragraph (1) of subsection 7 of this Section, must request  
13 such use and provide the necessary information within its  
14 CAAPP application.

15 u. An owner or operator of a CAAPP source which seeks  
16 exclusion from the CAAPP through the imposition of  
17 federally enforceable conditions, pursuant to paragraph  
18 (c) of subsection 3 of this Section, must request such  
19 exclusion within a CAAPP application submitted consistent  
20 with this subsection on or after the date that the CAAPP  
21 application for the source is due. Prior to such date, but  
22 in no case later than 9 months after the effective date of  
23 the CAAPP, such owner or operator may request the  
24 imposition of federally enforceable conditions pursuant to  
25 paragraph (b) of subsection 1.1 of this Section.

26 v. CAAPP applications shall contain accurate

1 information on allowable emissions to implement the fee  
2 provisions of subsection 18 of this Section.

3 w. An owner or operator of a CAAPP source shall submit  
4 within its CAAPP application emissions information  
5 regarding all regulated air pollutants emitted at that  
6 source consistent with applicable Agency procedures.  
7 Emissions information regarding insignificant activities  
8 or emission levels, as determined by the Agency pursuant to  
9 Board regulations, may be submitted as a list within the  
10 CAAPP application. The Agency shall propose regulations to  
11 the Board defining insignificant activities or emission  
12 levels, consistent with federal regulations, if any, no  
13 later than 18 months after the effective date of this  
14 amendatory Act of 1992, consistent with Section 112(n)(1)  
15 of the Clean Air Act. The Board shall adopt final  
16 regulations defining insignificant activities or emission  
17 levels no later than 9 months after the date of the  
18 Agency's proposal.

19 x. The owner or operator of a new CAAPP source shall  
20 submit its complete CAAPP application consistent with this  
21 subsection within 12 months after commencing operation of  
22 such source. The owner or operator of an existing source  
23 that has been excluded from the provisions of this Section  
24 under subsection 1.1 or paragraph (c) of subsection 3 of  
25 this Section and that becomes subject to the CAAPP solely  
26 due to a change in operation at the source shall submit its

1 complete CAAPP application consistent with this subsection  
2 at least 180 days before commencing operation in accordance  
3 with the change in operation.

4 y. The Agency shall have the authority to adopt  
5 procedural rules, in accordance with the Illinois  
6 Administrative Procedure Act, as the Agency deems  
7 necessary to implement this subsection.

8 6. Prohibitions.

9 a. It shall be unlawful for any person to violate any  
10 terms or conditions of a permit issued under this Section,  
11 to operate any CAAPP source except in compliance with a  
12 permit issued by the Agency under this Section or to  
13 violate any other applicable requirements. All terms and  
14 conditions of a permit issued under this Section are  
15 enforceable by USEPA and citizens under the Clean Air Act,  
16 except those, if any, that are specifically designated as  
17 not being federally enforceable in the permit pursuant to  
18 paragraph (m) of subsection 7 of this Section.

19 b. After the applicable CAAPP permit or renewal  
20 application submittal date, as specified in subsection 5 of  
21 this Section, no person shall operate a CAAPP source  
22 without a CAAPP permit unless the complete CAAPP permit or  
23 renewal application for such source has been timely  
24 submitted to the Agency.

25 c. No owner or operator of a CAAPP source shall cause

1 or threaten or allow the continued operation of an emission  
2 source during malfunction or breakdown of the emission  
3 source or related air pollution control equipment if such  
4 operation would cause a violation of the standards or  
5 limitations applicable to the source, unless the CAAPP  
6 permit granted to the source provides for such operation  
7 consistent with this Act and applicable Board regulations.

8 7. Permit Content.

9 a. All CAAPP permits shall contain emission  
10 limitations and standards and other enforceable terms and  
11 conditions, including but not limited to operational  
12 requirements, and schedules for achieving compliance at  
13 the earliest reasonable date, which are or will be required  
14 to accomplish the purposes and provisions of this Act and  
15 to assure compliance with all applicable requirements.

16 b. The Agency shall include among such conditions  
17 applicable monitoring, reporting, record keeping and  
18 compliance certification requirements, as authorized by  
19 paragraphs (d), (e), and (f) of this subsection, that the  
20 Agency deems necessary to assure compliance with the Clean  
21 Air Act, the regulations promulgated thereunder, this Act,  
22 and applicable Board regulations. When monitoring,  
23 reporting, record keeping, and compliance certification  
24 requirements are specified within the Clean Air Act,  
25 regulations promulgated thereunder, this Act, or

1 applicable regulations, such requirements shall be  
2 included within the CAAPP permit. The Board shall have  
3 authority to promulgate additional regulations where  
4 necessary to accomplish the purposes of the Clean Air Act,  
5 this Act, and regulations promulgated thereunder.

6 c. The Agency shall assure, within such conditions, the  
7 use of terms, test methods, units, averaging periods, and  
8 other statistical conventions consistent with the  
9 applicable emission limitations, standards, and other  
10 requirements contained in the permit.

11 d. To meet the requirements of this subsection with  
12 respect to monitoring, the permit shall:

13 i. Incorporate and identify all applicable  
14 emissions monitoring and analysis procedures or test  
15 methods required under the Clean Air Act, regulations  
16 promulgated thereunder, this Act, and applicable Board  
17 regulations, including any procedures and methods  
18 promulgated by USEPA pursuant to Section 504(b) or  
19 Section 114 (a) (3) of the Clean Air Act.

20 ii. Where the applicable requirement does not  
21 require periodic testing or instrumental or  
22 noninstrumental monitoring (which may consist of  
23 recordkeeping designed to serve as monitoring),  
24 require periodic monitoring sufficient to yield  
25 reliable data from the relevant time period that is  
26 representative of the source's compliance with the



1 permit, as reported pursuant to paragraph (f) of this  
2 subsection. The Agency may determine that  
3 recordkeeping requirements are sufficient to meet the  
4 requirements of this subparagraph.

5 iii. As necessary, specify requirements concerning  
6 the use, maintenance, and when appropriate,  
7 installation of monitoring equipment or methods.

8 e. To meet the requirements of this subsection with  
9 respect to record keeping, the permit shall incorporate and  
10 identify all applicable recordkeeping requirements and  
11 require, where applicable, the following:

12 i. Records of required monitoring information that  
13 include the following:

14 A. The date, place and time of sampling or  
15 measurements.

16 B. The date(s) analyses were performed.

17 C. The company or entity that performed the  
18 analyses.

19 D. The analytical techniques or methods used.

20 E. The results of such analyses.

21 F. The operating conditions as existing at the  
22 time of sampling or measurement.

23 ii. Retention of records of all monitoring data and  
24 support information for a period of at least 5 years  
25 from the date of the monitoring sample, measurement,  
26 report, or application. Support information includes

1 all calibration and maintenance records, original  
2 strip-chart recordings for continuous monitoring  
3 instrumentation, and copies of all reports required by  
4 the permit.

5 f. To meet the requirements of this subsection with  
6 respect to reporting, the permit shall incorporate and  
7 identify all applicable reporting requirements and require  
8 the following:

9 i. Submittal of reports of any required monitoring  
10 every 6 months. More frequent submittals may be  
11 requested by the Agency if such submittals are  
12 necessary to assure compliance with this Act or  
13 regulations promulgated by the Board thereunder. All  
14 instances of deviations from permit requirements must  
15 be clearly identified in such reports. All required  
16 reports must be certified by a responsible official  
17 consistent with subsection 5 of this Section.

18 ii. Prompt reporting of deviations from permit  
19 requirements, including those attributable to upset  
20 conditions as defined in the permit, the probable cause  
21 of such deviations, and any corrective actions or  
22 preventive measures taken.

23 g. Each CAAPP permit issued under subsection 10 of this  
24 Section shall include a condition prohibiting emissions  
25 exceeding any allowances that the source lawfully holds  
26 under Title IV of the Clean Air Act or the regulations

1 promulgated thereunder, consistent with subsection 17 of  
2 this Section and applicable regulations, if any.

3 h. All CAAPP permits shall state that, where another  
4 applicable requirement of the Clean Air Act is more  
5 stringent than any applicable requirement of regulations  
6 promulgated under Title IV of the Clean Air Act, both  
7 provisions shall be incorporated into the permit and shall  
8 be State and federally enforceable.

9 i. Each CAAPP permit issued under subsection 10 of this  
10 Section shall include a severability clause to ensure the  
11 continued validity of the various permit requirements in  
12 the event of a challenge to any portions of the permit.

13 j. The following shall apply with respect to owners or  
14 operators requesting a permit shield:

15 i. The Agency shall include in a CAAPP permit, when  
16 requested by an applicant pursuant to paragraph (p) of  
17 subsection 5 of this Section, a provision stating that  
18 compliance with the conditions of the permit shall be  
19 deemed compliance with applicable requirements which  
20 are applicable as of the date of release of the  
21 proposed permit, provided that:

22 A. The applicable requirement is specifically  
23 identified within the permit; or

24 B. The Agency in acting on the CAAPP  
25 application or revision determines in writing that  
26 other requirements specifically identified are not

1 applicable to the source, and the permit includes  
2 that determination or a concise summary thereof.

3 ii. The permit shall identify the requirements for  
4 which the source is shielded. The shield shall not  
5 extend to applicable requirements which are  
6 promulgated after the date of release of the proposed  
7 permit unless the permit has been modified to reflect  
8 such new requirements.

9 iii. A CAAPP permit which does not expressly  
10 indicate the existence of a permit shield shall not  
11 provide such a shield.

12 iv. Nothing in this paragraph or in a CAAPP permit  
13 shall alter or affect the following:

14 A. The provisions of Section 303 (emergency  
15 powers) of the Clean Air Act, including USEPA's  
16 authority under that section.

17 B. The liability of an owner or operator of a  
18 source for any violation of applicable  
19 requirements prior to or at the time of permit  
20 issuance.

21 C. The applicable requirements of the acid  
22 rain program consistent with Section 408(a) of the  
23 Clean Air Act.

24 D. The ability of USEPA to obtain information  
25 from a source pursuant to Section 114  
26 (inspections, monitoring, and entry) of the Clean

1 Air Act.

2 k. Each CAAPP permit shall include an emergency  
3 provision providing an affirmative defense of emergency to  
4 an action brought for noncompliance with technology-based  
5 emission limitations under a CAAPP permit if the following  
6 conditions are met through properly signed,  
7 contemporaneous operating logs, or other relevant  
8 evidence:

9 i. An emergency occurred and the permittee can  
10 identify the cause(s) of the emergency.

11 ii. The permitted facility was at the time being  
12 properly operated.

13 iii. The permittee submitted notice of the  
14 emergency to the Agency within 2 working days after the  
15 time when emission limitations were exceeded due to the  
16 emergency. This notice must contain a detailed  
17 description of the emergency, any steps taken to  
18 mitigate emissions, and corrective actions taken.

19 iv. During the period of the emergency the  
20 permittee took all reasonable steps to minimize levels  
21 of emissions that exceeded the emission limitations,  
22 standards, or requirements in the permit.

23 For purposes of this subsection, "emergency" means any  
24 situation arising from sudden and reasonably unforeseeable  
25 events beyond the control of the source, such as an act of  
26 God, that requires immediate corrective action to restore

1 normal operation, and that causes the source to exceed a  
2 technology-based emission limitation under the permit, due  
3 to unavoidable increases in emissions attributable to the  
4 emergency. An emergency shall not include noncompliance to  
5 the extent caused by improperly designed equipment, lack of  
6 preventative maintenance, careless or improper operation,  
7 or operation error.

8 In any enforcement proceeding, the permittee seeking  
9 to establish the occurrence of an emergency has the burden  
10 of proof. This provision is in addition to any emergency or  
11 upset provision contained in any applicable requirement.  
12 This provision does not relieve a permittee of any  
13 reporting obligations under existing federal or state laws  
14 or regulations.

15 1. The Agency shall include in each permit issued under  
16 subsection 10 of this Section:

17 i. Terms and conditions for reasonably anticipated  
18 operating scenarios identified by the source in its  
19 application. The permit terms and conditions for each  
20 such operating scenario shall meet all applicable  
21 requirements and the requirements of this Section.

22 A. Under this subparagraph, the source must  
23 record in a log at the permitted facility a record  
24 of the scenario under which it is operating  
25 contemporaneously with making a change from one  
26 operating scenario to another.

1           B. The permit shield described in paragraph  
2           (j) of subsection 7 of this Section shall extend to  
3           all terms and conditions under each such operating  
4           scenario.

5           ii. Where requested by an applicant, all terms and  
6           conditions allowing for trading of emissions increases  
7           and decreases between different emission units at the  
8           CAAPP source, to the extent that the applicable  
9           requirements provide for trading of such emissions  
10          increases and decreases without a case-by-case  
11          approval of each emissions trade. Such terms and  
12          conditions:

13           A. Shall include all terms required under this  
14           subsection to determine compliance;

15           B. Must meet all applicable requirements;

16           C. Shall extend the permit shield described in  
17           paragraph (j) of subsection 7 of this Section to  
18           all terms and conditions that allow such increases  
19           and decreases in emissions.

20          m. The Agency shall specifically designate as not being  
21          federally enforceable under the Clean Air Act any terms and  
22          conditions included in the permit that are not specifically  
23          required under the Clean Air Act or federal regulations  
24          promulgated thereunder. Terms or conditions so designated  
25          shall be subject to all applicable state requirements,  
26          except the requirements of subsection 7 (other than this

1 paragraph, paragraph q of subsection 7, subsections 8  
2 through 11, and subsections 13 through 16 of this Section.  
3 The Agency shall, however, include such terms and  
4 conditions in the CAAPP permit issued to the source.

5 n. Each CAAPP permit issued under subsection 10 of this  
6 Section shall specify and reference the origin of and  
7 authority for each term or condition, and identify any  
8 difference in form as compared to the applicable  
9 requirement upon which the term or condition is based.

10 o. Each CAAPP permit issued under subsection 10 of this  
11 Section shall include provisions stating the following:

12 i. Duty to comply. The permittee must comply with  
13 all terms and conditions of the CAAPP permit. Any  
14 permit noncompliance constitutes a violation of the  
15 Clean Air Act and the Act, and is grounds for any or  
16 all of the following: enforcement action; permit  
17 termination, revocation and reissuance, or  
18 modification; or denial of a permit renewal  
19 application.

20 ii. Need to halt or reduce activity not a defense.  
21 It shall not be a defense for a permittee in an  
22 enforcement action that it would have been necessary to  
23 halt or reduce the permitted activity in order to  
24 maintain compliance with the conditions of this  
25 permit.

26 iii. Permit actions. The permit may be modified,



1           revoked, reopened, and reissued, or terminated for  
2           cause in accordance with the applicable subsections of  
3           Section 39.5 of this Act. The filing of a request by  
4           the permittee for a permit modification, revocation  
5           and reissuance, or termination, or of a notification of  
6           planned changes or anticipated noncompliance does not  
7           stay any permit condition.

8           iv. Property rights. The permit does not convey any  
9           property rights of any sort, or any exclusive  
10          privilege.

11          v. Duty to provide information. The permittee  
12          shall furnish to the Agency within a reasonable time  
13          specified by the Agency any information that the Agency  
14          may request in writing to determine whether cause  
15          exists for modifying, revoking and reissuing, or  
16          terminating the permit or to determine compliance with  
17          the permit. Upon request, the permittee shall also  
18          furnish to the Agency copies of records required to be  
19          kept by the permit or, for information claimed to be  
20          confidential, the permittee may furnish such records  
21          directly to USEPA along with a claim of  
22          confidentiality.

23          vi. Duty to pay fees. The permittee must pay fees  
24          to the Agency consistent with the fee schedule approved  
25          pursuant to subsection 18 of this Section, and submit  
26          any information relevant thereto.

1           vii. Emissions trading. No permit revision shall  
2           be required for increases in emissions allowed under  
3           any approved economic incentives, marketable permits,  
4           emissions trading, and other similar programs or  
5           processes for changes that are provided for in the  
6           permit and that are authorized by the applicable  
7           requirement.

8           p. Each CAAPP permit issued under subsection 10 of this  
9           Section shall contain the following elements with respect  
10          to compliance:

11           i. Compliance certification, testing, monitoring,  
12           reporting, and record keeping requirements sufficient  
13           to assure compliance with the terms and conditions of  
14           the permit. Any document (including reports) required  
15           by a CAAPP permit shall contain a certification by a  
16           responsible official that meets the requirements of  
17           subsection 5 of this Section and applicable  
18           regulations.

19           ii. Inspection and entry requirements that  
20           necessitate that, upon presentation of credentials and  
21           other documents as may be required by law and in  
22           accordance with constitutional limitations, the  
23           permittee shall allow the Agency, or an authorized  
24           representative to perform the following:

25           A. Enter upon the permittee's premises where a  
26           CAAPP source is located or emissions-related

1 activity is conducted, or where records must be  
2 kept under the conditions of the permit.

3 B. Have access to and copy, at reasonable  
4 times, any records that must be kept under the  
5 conditions of the permit.

6 C. Inspect at reasonable times any facilities,  
7 equipment (including monitoring and air pollution  
8 control equipment), practices, or operations  
9 regulated or required under the permit.

10 D. Sample or monitor any substances or  
11 parameters at any location:

12 1. As authorized by the Clean Air Act, at  
13 reasonable times, for the purposes of assuring  
14 compliance with the CAAPP permit or applicable  
15 requirements; or

16 2. As otherwise authorized by this Act.

17 iii. A schedule of compliance consistent with  
18 subsection 5 of this Section and applicable  
19 regulations.

20 iv. Progress reports consistent with an applicable  
21 schedule of compliance pursuant to paragraph (d) of  
22 subsection 5 of this Section and applicable  
23 regulations to be submitted semiannually, or more  
24 frequently if the Agency determines that such more  
25 frequent submittals are necessary for compliance with  
26 the Act or regulations promulgated by the Board

1           thereunder. Such progress reports shall contain the  
2           following:

3                   A. Required dates for achieving the  
4                   activities, milestones, or compliance required by  
5                   the schedule of compliance and dates when such  
6                   activities, milestones or compliance were  
7                   achieved.

8                   B. An explanation of why any dates in the  
9                   schedule of compliance were not or will not be met,  
10                  and any preventive or corrective measures adopted.

11                  v. Requirements for compliance certification with  
12                  terms and conditions contained in the permit,  
13                  including emission limitations, standards, or work  
14                  practices. Permits shall include each of the  
15                  following:

16                   A. The frequency (annually or more frequently  
17                   as specified in any applicable requirement or by  
18                   the Agency pursuant to written procedures) of  
19                   submissions of compliance certifications.

20                   B. A means for assessing or monitoring the  
21                   compliance of the source with its emissions  
22                   limitations, standards, and work practices.

23                   C. A requirement that the compliance  
24                   certification include the following:

25                           1. The identification of each term or  
26                           condition contained in the permit that is the

1 basis of the certification.

2 2. The compliance status.

3 3. Whether compliance was continuous or  
4 intermittent.

5 4. The method(s) used for determining the  
6 compliance status of the source, both  
7 currently and over the reporting period  
8 consistent with subsection 7 of this Section.

9 D. A requirement that all compliance  
10 certifications be submitted to USEPA as well as to  
11 the Agency.

12 E. Additional requirements as may be specified  
13 pursuant to Sections 114(a)(3) and 504(b) of the  
14 Clean Air Act.

15 F. Other provisions as the Agency may require.

16 q. If the owner or operator of CAAPP source can  
17 demonstrate in its CAAPP application, including an  
18 application for a significant modification, that an  
19 alternative emission limit would be equivalent to that  
20 contained in the applicable Board regulations, the Agency  
21 shall include the alternative emission limit in the CAAPP  
22 permit, which shall supersede the emission limit set forth  
23 in the applicable Board regulations, and shall include  
24 conditions that insure that the resulting emission limit is  
25 quantifiable, accountable, enforceable, and based on  
26 replicable procedures.

1           8. Public Notice; Affected State Review.

2           a. The Agency shall provide notice to the public,  
3 including an opportunity for public comment and a hearing,  
4 on each draft CAAPP permit for issuance, renewal or  
5 significant modification, subject to Section 7.1 and  
6 subsection (a) of Section 7 of this Act.

7           b. The Agency shall prepare a draft CAAPP permit and a  
8 statement that sets forth the legal and factual basis for  
9 the draft CAAPP permit conditions, including references to  
10 the applicable statutory or regulatory provisions. The  
11 Agency shall provide this statement to any person who  
12 requests it.

13           c. The Agency shall give notice of each draft CAAPP  
14 permit to the applicant and to any affected State on or  
15 before the time that the Agency has provided notice to the  
16 public, except as otherwise provided in this Act.

17           d. The Agency, as part of its submittal of a proposed  
18 permit to USEPA (or as soon as possible after the submittal  
19 for minor permit modification procedures allowed under  
20 subsection 14 of this Section), shall notify USEPA and any  
21 affected State in writing of any refusal of the Agency to  
22 accept all of the recommendations for the proposed permit  
23 that an affected State submitted during the public or  
24 affected State review period. The notice shall include the  
25 Agency's reasons for not accepting the recommendations.  
26 The Agency is not required to accept recommendations that

1 are not based on applicable requirements or the  
2 requirements of this Section.

3 e. The Agency shall make available to the public any  
4 CAAPP permit application, compliance plan (including the  
5 schedule of compliance), CAAPP permit, and emissions or  
6 compliance monitoring report. If an owner or operator of a  
7 CAAPP source is required to submit information entitled to  
8 protection from disclosure under Section 7.1 and  
9 subsection (a) of Section 7 of this Act, the owner or  
10 operator shall submit such information separately. The  
11 requirements of Section 7.1 and subsection (a) of Section 7  
12 of this Act shall apply to such information, which shall  
13 not be included in a CAAPP permit unless required by law.  
14 The contents of a CAAPP permit shall not be entitled to  
15 protection under Section 7.1 and subsection (a) of Section  
16 7 of this Act.

17 f. The Agency shall have the authority to adopt  
18 procedural rules, in accordance with the Illinois  
19 Administrative Procedure Act, as the Agency deems  
20 necessary, to implement this subsection.

21 g. If requested by the permit applicant, the Agency  
22 shall provide the permit applicant with a copy of the draft  
23 CAAPP permit prior to any public review period. If  
24 requested by the permit applicant, the Agency shall provide  
25 the permit applicant with a copy of the final CAAPP permit  
26 prior to issuance of the CAAPP permit.

1           9. USEPA Notice and Objection.

2           a. The Agency shall provide to USEPA for its review a  
3           copy of each CAAPP application (including any application  
4           for permit modification), statement of basis as provided in  
5           paragraph (b) of subsection 8 of this Section, proposed  
6           CAAPP permit, CAAPP permit, and, if the Agency does not  
7           incorporate any affected State's recommendations on a  
8           proposed CAAPP permit, a written statement of this decision  
9           and its reasons for not accepting the recommendations,  
10          except as otherwise provided in this Act or by agreement  
11          with USEPA. To the extent practicable, the preceding  
12          information shall be provided in computer readable format  
13          compatible with USEPA's national database management  
14          system.

15          b. The Agency shall not issue the proposed CAAPP permit  
16          if USEPA objects in writing within 45 days after receipt of  
17          the proposed CAAPP permit and all necessary supporting  
18          information.

19          c. If USEPA objects in writing to the issuance of the  
20          proposed CAAPP permit within the 45-day period, the Agency  
21          shall respond in writing and may revise and resubmit the  
22          proposed CAAPP permit in response to the stated objection,  
23          to the extent supported by the record, within 90 days after  
24          the date of the objection. Prior to submitting a revised  
25          permit to USEPA, the Agency shall provide the applicant and



1 any person who participated in the public comment process,  
2 pursuant to subsection 8 of this Section, with a 10-day  
3 period to comment on any revision which the Agency is  
4 proposing to make to the permit in response to USEPA's  
5 objection in accordance with Agency procedures.

6 d. Any USEPA objection under this subsection,  
7 according to the Clean Air Act, will include a statement of  
8 reasons for the objection and a description of the terms  
9 and conditions that must be in the permit, in order to  
10 adequately respond to the objections. Grounds for a USEPA  
11 objection include the failure of the Agency to: (1) submit  
12 the items and notices required under this subsection; (2)  
13 submit any other information necessary to adequately  
14 review the proposed CAAPP permit; or (3) process the permit  
15 under subsection 8 of this Section except for minor permit  
16 modifications.

17 e. If USEPA does not object in writing to issuance of a  
18 permit under this subsection, any person may petition USEPA  
19 within 60 days after expiration of the 45-day review period  
20 to make such objection.

21 f. If the permit has not yet been issued and USEPA  
22 objects to the permit as a result of a petition, the Agency  
23 shall not issue the permit until USEPA's objection has been  
24 resolved. The Agency shall provide a 10-day comment period  
25 in accordance with paragraph c of this subsection. A  
26 petition does not, however, stay the effectiveness of a

1 permit or its requirements if the permit was issued after  
2 expiration of the 45-day review period and prior to a USEPA  
3 objection.

4 g. If the Agency has issued a permit after expiration  
5 of the 45-day review period and prior to receipt of a USEPA  
6 objection under this subsection in response to a petition  
7 submitted pursuant to paragraph e of this subsection, the  
8 Agency may, upon receipt of an objection from USEPA, revise  
9 and resubmit the permit to USEPA pursuant to this  
10 subsection after providing a 10-day comment period in  
11 accordance with paragraph c of this subsection. If the  
12 Agency fails to submit a revised permit in response to the  
13 objection, USEPA shall modify, terminate or revoke the  
14 permit. In any case, the source will not be in violation of  
15 the requirement to have submitted a timely and complete  
16 application.

17 h. The Agency shall have the authority to adopt  
18 procedural rules, in accordance with the Illinois  
19 Administrative Procedure Act, as the Agency deems  
20 necessary, to implement this subsection.

21 10. Final Agency Action.

22 a. The Agency shall issue a CAAPP permit, permit  
23 modification, or permit renewal if all of the following  
24 conditions are met:

25 i. The applicant has submitted a complete and

1 certified application for a permit, permit  
2 modification, or permit renewal consistent with  
3 subsections 5 and 14 of this Section, as applicable,  
4 and applicable regulations.

5 ii. The applicant has submitted with its complete  
6 application an approvable compliance plan, including a  
7 schedule for achieving compliance, consistent with  
8 subsection 5 of this Section and applicable  
9 regulations.

10 iii. The applicant has timely paid the fees  
11 required pursuant to subsection 18 of this Section and  
12 applicable regulations.

13 iv. The Agency has received a complete CAAPP  
14 application and, if necessary, has requested and  
15 received additional information from the applicant  
16 consistent with subsection 5 of this Section and  
17 applicable regulations.

18 v. The Agency has complied with all applicable  
19 provisions regarding public notice and affected State  
20 review consistent with subsection 8 of this Section and  
21 applicable regulations.

22 vi. The Agency has provided a copy of each CAAPP  
23 application, or summary thereof, pursuant to agreement  
24 with USEPA and proposed CAAPP permit required under  
25 subsection 9 of this Section to USEPA, and USEPA has  
26 not objected to the issuance of the permit in

1           accordance with the Clean Air Act and 40 CFR Part 70.

2           b. The Agency shall have the authority to deny a CAAPP  
3 permit, permit modification, or permit renewal if the  
4 applicant has not complied with the requirements of  
5 subparagraphs (i) through (iv) of paragraph (a) of this  
6 subsection or if USEPA objects to its issuance.

7           c. i. Prior to denial of a CAAPP permit, permit  
8 modification, or permit renewal under this Section,  
9 the Agency shall notify the applicant of the possible  
10 denial and the reasons for the denial.

11           ii. Within such notice, the Agency shall specify an  
12 appropriate date by which the applicant shall  
13 adequately respond to the Agency's notice. Such date  
14 shall not exceed 15 days from the date the notification  
15 is received by the applicant. The Agency may grant a  
16 reasonable extension for good cause shown.

17           iii. Failure by the applicant to adequately  
18 respond by the date specified in the notification or by  
19 any granted extension date shall be grounds for denial  
20 of the permit.

21           For purposes of obtaining judicial review under  
22 Sections 40.2 and 41 of this Act, the Agency shall  
23 provide to USEPA and each applicant, and, upon request,  
24 to affected States, any person who participated in the  
25 public comment process, and any other person who could  
26 obtain judicial review under Sections 40.2 and 41 of

1           this Act, a copy of each CAAPP permit or notification  
2           of denial pertaining to that party.

3           d. The Agency shall have the authority to adopt  
4           procedural rules, in accordance with the Illinois  
5           Administrative Procedure Act, as the Agency deems  
6           necessary, to implement this subsection.

7           11. General Permits.

8           a. The Agency may issue a general permit covering  
9           numerous similar sources, except for affected sources for  
10          acid deposition unless otherwise provided in regulations  
11          promulgated under Title IV of the Clean Air Act.

12          b. The Agency shall identify, in any general permit,  
13          criteria by which sources may qualify for the general  
14          permit.

15          c. CAAPP sources that would qualify for a general  
16          permit must apply for coverage under the terms of the  
17          general permit or must apply for a CAAPP permit consistent  
18          with subsection 5 of this Section and applicable  
19          regulations.

20          d. The Agency shall comply with the public comment and  
21          hearing provisions of this Section as well as the USEPA and  
22          affected State review procedures prior to issuance of a  
23          general permit.

24          e. When granting a subsequent request by a qualifying  
25          CAAPP source for coverage under the terms of a general

1 permit, the Agency shall not be required to repeat the  
2 public notice and comment procedures. The granting of such  
3 request shall not be considered a final permit action for  
4 purposes of judicial review.

5 f. The Agency may not issue a general permit to cover  
6 any discrete emission unit at a CAAPP source if another  
7 CAAPP permit covers emission units at the source.

8 g. The Agency shall have the authority to adopt  
9 procedural rules, in accordance with the Illinois  
10 Administrative Procedure Act, as the Agency deems  
11 necessary, to implement this subsection.

## 12 12. Operational Flexibility.

13 a. An owner or operator of a CAAPP source may make  
14 changes at the CAAPP source without requiring a prior  
15 permit revision, consistent with subparagraphs (i) through  
16 (iii) of paragraph (a) of this subsection, so long as the  
17 changes are not modifications under any provision of Title  
18 I of the Clean Air Act and they do not exceed the emissions  
19 allowable under the permit (whether expressed therein as a  
20 rate of emissions or in terms of total emissions), provided  
21 that the owner or operator of the CAAPP source provides  
22 USEPA and the Agency with written notification as required  
23 below in advance of the proposed changes, which shall be a  
24 minimum of 7 days, unless otherwise provided by the Agency  
25 in applicable regulations regarding emergencies. The owner

1 or operator of a CAAPP source and the Agency shall each  
2 attach such notice to their copy of the relevant permit.

3 i. An owner or operator of a CAAPP source may make  
4 Section 502 (b) (10) changes without a permit revision,  
5 if the changes are not modifications under any  
6 provision of Title I of the Clean Air Act and the  
7 changes do not exceed the emissions allowable under the  
8 permit (whether expressed therein as a rate of  
9 emissions or in terms of total emissions).

10 A. For each such change, the written  
11 notification required above shall include a brief  
12 description of the change within the source, the  
13 date on which the change will occur, any change in  
14 emissions, and any permit term or condition that is  
15 no longer applicable as a result of the change.

16 B. The permit shield described in paragraph  
17 (j) of subsection 7 of this Section shall not apply  
18 to any change made pursuant to this subparagraph.

19 ii. An owner or operator of a CAAPP source may  
20 trade increases and decreases in emissions in the CAAPP  
21 source, where the applicable implementation plan  
22 provides for such emission trades without requiring a  
23 permit revision. This provision is available in those  
24 cases where the permit does not already provide for  
25 such emissions trading.

26 A. Under this subparagraph (ii) of paragraph

1 (a) of this subsection, the written notification  
2 required above shall include such information as  
3 may be required by the provision in the applicable  
4 implementation plan authorizing the emissions  
5 trade, including at a minimum, when the proposed  
6 changes will occur, a description of each such  
7 change, any change in emissions, the permit  
8 requirements with which the source will comply  
9 using the emissions trading provisions of the  
10 applicable implementation plan, and the pollutants  
11 emitted subject to the emissions trade. The notice  
12 shall also refer to the provisions in the  
13 applicable implementation plan with which the  
14 source will comply and provide for the emissions  
15 trade.

16 B. The permit shield described in paragraph  
17 (j) of subsection 7 of this Section shall not apply  
18 to any change made pursuant to subparagraph (ii) of  
19 paragraph (a) of this subsection. Compliance with  
20 the permit requirements that the source will meet  
21 using the emissions trade shall be determined  
22 according to the requirements of the applicable  
23 implementation plan authorizing the emissions  
24 trade.

25 iii. If requested within a CAAPP application, the  
26 Agency shall issue a CAAPP permit which contains terms



1 and conditions, including all terms required under  
2 subsection 7 of this Section to determine compliance,  
3 allowing for the trading of emissions increases and  
4 decreases at the CAAPP source solely for the purpose of  
5 complying with a federally-enforceable emissions cap  
6 that is established in the permit independent of  
7 otherwise applicable requirements. The owner or  
8 operator of a CAAPP source shall include in its CAAPP  
9 application proposed replicable procedures and permit  
10 terms that ensure the emissions trades are  
11 quantifiable and enforceable. The permit shall also  
12 require compliance with all applicable requirements.

13 A. Under this subparagraph (iii) of paragraph  
14 (a), the written notification required above shall  
15 state when the change will occur and shall describe  
16 the changes in emissions that will result and how  
17 these increases and decreases in emissions will  
18 comply with the terms and conditions of the permit.

19 B. The permit shield described in paragraph  
20 (j) of subsection 7 of this Section shall extend to  
21 terms and conditions that allow such increases and  
22 decreases in emissions.

23 b. An owner or operator of a CAAPP source may make  
24 changes that are not addressed or prohibited by the permit,  
25 other than those which are subject to any requirements  
26 under Title IV of the Clean Air Act or are modifications

1 under any provisions of Title I of the Clean Air Act,  
2 without a permit revision, in accordance with the following  
3 requirements:

4 (i) Each such change shall meet all applicable  
5 requirements and shall not violate any existing permit  
6 term or condition;

7 (ii) Sources must provide contemporaneous written  
8 notice to the Agency and USEPA of each such change,  
9 except for changes that qualify as insignificant under  
10 provisions adopted by the Agency or the Board. Such  
11 written notice shall describe each such change,  
12 including the date, any change in emissions,  
13 pollutants emitted, and any applicable requirement  
14 that would apply as a result of the change;

15 (iii) The change shall not qualify for the shield  
16 described in paragraph (j) of subsection 7 of this  
17 Section; and

18 (iv) The permittee shall keep a record describing  
19 changes made at the source that result in emissions of  
20 a regulated air pollutant subject to an applicable  
21 Clean Air Act requirement, but not otherwise regulated  
22 under the permit, and the emissions resulting from  
23 those changes.

24 c. The Agency shall have the authority to adopt  
25 procedural rules, in accordance with the Illinois  
26 Administrative Procedure Act, as the Agency deems

1 necessary to implement this subsection.

2 13. Administrative Permit Amendments.

3 a. The Agency shall take final action on a request for  
4 an administrative permit amendment within 60 days after  
5 receipt of the request. Neither notice nor an opportunity  
6 for public and affected State comment shall be required for  
7 the Agency to incorporate such revisions, provided it  
8 designates the permit revisions as having been made  
9 pursuant to this subsection.

10 b. The Agency shall submit a copy of the revised permit  
11 to USEPA.

12 c. For purposes of this Section the term  
13 "administrative permit amendment" shall be defined as a  
14 permit revision that can accomplish one or more of the  
15 changes described below:

16 i. Corrects typographical errors;

17 ii. Identifies a change in the name, address, or  
18 phone number of any person identified in the permit, or  
19 provides a similar minor administrative change at the  
20 source;

21 iii. Requires more frequent monitoring or  
22 reporting by the permittee;

23 iv. Allows for a change in ownership or operational  
24 control of a source where the Agency determines that no  
25 other change in the permit is necessary, provided that

1 a written agreement containing a specific date for  
2 transfer of permit responsibility, coverage, and  
3 liability between the current and new permittees has  
4 been submitted to the Agency;

5 v. Incorporates into the CAAPP permit the  
6 requirements from preconstruction review permits  
7 authorized under a USEPA-approved program, provided  
8 the program meets procedural and compliance  
9 requirements substantially equivalent to those  
10 contained in this Section;

11 vi. (Blank); or

12 vii. Any other type of change which USEPA has  
13 determined as part of the approved CAAPP permit program  
14 to be similar to those included in this subsection.

15 d. The Agency shall, upon taking final action granting  
16 a request for an administrative permit amendment, allow  
17 coverage by the permit shield in paragraph (j) of  
18 subsection 7 of this Section for administrative permit  
19 amendments made pursuant to subparagraph (v) of paragraph  
20 (c) of this subsection which meet the relevant requirements  
21 for significant permit modifications.

22 e. Permit revisions and modifications, including  
23 administrative amendments and automatic amendments  
24 (pursuant to Sections 408(b) and 403(d) of the Clean Air  
25 Act or regulations promulgated thereunder), for purposes  
26 of the acid rain portion of the permit shall be governed by

1 the regulations promulgated under Title IV of the Clean Air  
2 Act. Owners or operators of affected sources for acid  
3 deposition shall have the flexibility to amend their  
4 compliance plans as provided in the regulations  
5 promulgated under Title IV of the Clean Air Act.

6 f. The CAAPP source may implement the changes addressed  
7 in the request for an administrative permit amendment  
8 immediately upon submittal of the request.

9 g. The Agency shall have the authority to adopt  
10 procedural rules, in accordance with the Illinois  
11 Administrative Procedure Act, as the Agency deems  
12 necessary, to implement this subsection.

13 14. Permit Modifications.

14 a. Minor permit modification procedures.

15 i. The Agency shall review a permit modification  
16 using the "minor permit" modification procedures only  
17 for those permit modifications that:

18 A. Do not violate any applicable requirement;

19 B. Do not involve significant changes to  
20 existing monitoring, reporting, or recordkeeping  
21 requirements in the permit;

22 C. Do not require a case-by-case determination  
23 of an emission limitation or other standard, or a  
24 source-specific determination of ambient impacts,  
25 or a visibility or increment analysis;

1           D. Do not seek to establish or change a permit  
2           term or condition for which there is no  
3           corresponding underlying requirement and which  
4           avoids an applicable requirement to which the  
5           source would otherwise be subject. Such terms and  
6           conditions include:

7                   1. A federally enforceable emissions cap  
8                   assumed to avoid classification as a  
9                   modification under any provision of Title I of  
10                  the Clean Air Act; and

11                   2. An alternative emissions limit approved  
12                   pursuant to regulations promulgated under  
13                   Section 112(i)(5) of the Clean Air Act;

14           E. Are not modifications under any provision  
15           of Title I of the Clean Air Act; and

16           F. Are not required to be processed as a  
17           significant modification.

18           ii. Notwithstanding subparagraph (i) of paragraph  
19           (a) and subparagraph (ii) of paragraph (b) of this  
20           subsection, minor permit modification procedures may  
21           be used for permit modifications involving the use of  
22           economic incentives, marketable permits, emissions  
23           trading, and other similar approaches, to the extent  
24           that such minor permit modification procedures are  
25           explicitly provided for in an applicable  
26           implementation plan or in applicable requirements

1 promulgated by USEPA.

2 iii. An applicant requesting the use of minor  
3 permit modification procedures shall meet the  
4 requirements of subsection 5 of this Section and shall  
5 include the following in its application:

6 A. A description of the change, the emissions  
7 resulting from the change, and any new applicable  
8 requirements that will apply if the change occurs;

9 B. The source's suggested draft permit;

10 C. Certification by a responsible official,  
11 consistent with paragraph (e) of subsection 5 of  
12 this Section and applicable regulations, that the  
13 proposed modification meets the criteria for use  
14 of minor permit modification procedures and a  
15 request that such procedures be used; and

16 D. Completed forms for the Agency to use to  
17 notify USEPA and affected States as required under  
18 subsections 8 and 9 of this Section.

19 iv. Within 5 working days after receipt of a  
20 complete permit modification application, the Agency  
21 shall notify USEPA and affected States of the requested  
22 permit modification in accordance with subsections 8  
23 and 9 of this Section. The Agency promptly shall send  
24 any notice required under paragraph (d) of subsection 8  
25 of this Section to USEPA.

26 v. The Agency may not issue a final permit

1 modification until after the 45-day review period for  
2 USEPA or until USEPA has notified the Agency that USEPA  
3 will not object to the issuance of the permit  
4 modification, whichever comes first, although the  
5 Agency can approve the permit modification prior to  
6 that time. Within 90 days after the Agency's receipt of  
7 an application under the minor permit modification  
8 procedures or 15 days after the end of USEPA's 45-day  
9 review period under subsection 9 of this Section,  
10 whichever is later, the Agency shall:

11 A. Issue the permit modification as proposed;

12 B. Deny the permit modification application;

13 C. Determine that the requested modification  
14 does not meet the minor permit modification  
15 criteria and should be reviewed under the  
16 significant modification procedures; or

17 D. Revise the draft permit modification and  
18 transmit to USEPA the new proposed permit  
19 modification as required by subsection 9 of this  
20 Section.

21 vi. Any CAAPP source may make the change proposed  
22 in its minor permit modification application  
23 immediately after it files such application. After the  
24 CAAPP source makes the change allowed by the preceding  
25 sentence, and until the Agency takes any of the actions  
26 specified in items (A) through (C) of subparagraph (v)



1 of paragraph (a) of this subsection, the source must  
2 comply with both the applicable requirements governing  
3 the change and the proposed permit terms and  
4 conditions. During this time period, the source need  
5 not comply with the existing permit terms and  
6 conditions it seeks to modify. If the source fails to  
7 comply with its proposed permit terms and conditions  
8 during this time period, the existing permit terms and  
9 conditions which it seeks to modify may be enforced  
10 against it.

11 vii. The permit shield under paragraph (j) of  
12 subsection 7 of this Section may not extend to minor  
13 permit modifications.

14 viii. If a construction permit is required,  
15 pursuant to subsection (a) of Section 39 of this Act  
16 and regulations thereunder, for a change for which the  
17 minor permit modification procedures are applicable,  
18 the source may request that the processing of the  
19 construction permit application be consolidated with  
20 the processing of the application for the minor permit  
21 modification. In such cases, the provisions of this  
22 Section, including those within subsections 5, 8, and  
23 9, shall apply and the Agency shall act on such  
24 applications pursuant to subparagraph (v) of paragraph  
25 (a) of subsection 14 of this Section. The source may  
26 make the proposed change immediately after filing its

1 application for the minor permit modification. Nothing  
2 in this subparagraph shall otherwise affect the  
3 requirements and procedures applicable to construction  
4 permits.

5 b. Group Processing of Minor Permit Modifications.

6 i. Where requested by an applicant within its  
7 application, the Agency shall process groups of a  
8 source's applications for certain modifications  
9 eligible for minor permit modification processing in  
10 accordance with the provisions of this paragraph (b).

11 ii. Permit modifications may be processed in  
12 accordance with the procedures for group processing,  
13 for those modifications:

14 A. Which meet the criteria for minor permit  
15 modification procedures under subparagraph (i) of  
16 paragraph (a) of subsection 14 of this Section; and

17 B. That collectively are below 10 percent of  
18 the emissions allowed by the permit for the  
19 emissions unit for which change is requested, 20  
20 percent of the applicable definition of major  
21 source set forth in subsection 2 of this Section,  
22 or 5 tons per year, whichever is least.

23 iii. An applicant requesting the use of group  
24 processing procedures shall meet the requirements of  
25 subsection 5 of this Section and shall include the  
26 following in its application:

1           A. A description of the change, the emissions  
2           resulting from the change, and any new applicable  
3           requirements that will apply if the change occurs.

4           B. The source's suggested draft permit.

5           C. Certification by a responsible official  
6           consistent with paragraph (e) of subsection 5 of  
7           this Section, that the proposed modification meets  
8           the criteria for use of group processing  
9           procedures and a request that such procedures be  
10          used.

11          D. A list of the source's other pending  
12          applications awaiting group processing, and a  
13          determination of whether the requested  
14          modification, aggregated with these other  
15          applications, equals or exceeds the threshold set  
16          under item (B) of subparagraph (ii) of paragraph  
17          (b) of this subsection.

18          E. Certification, consistent with paragraph  
19          (e) of subsection 5 of this Section, that the  
20          source has notified USEPA of the proposed  
21          modification. Such notification need only contain  
22          a brief description of the requested modification.

23          F. Completed forms for the Agency to use to  
24          notify USEPA and affected states as required under  
25          subsections 8 and 9 of this Section.

26          iv. On a quarterly basis or within 5 business days

1 after receipt of an application demonstrating that the  
2 aggregate of a source's pending applications equals or  
3 exceeds the threshold level set forth within item (B)  
4 of subparagraph (ii) of paragraph (b) of this  
5 subsection, whichever is earlier, the Agency shall  
6 promptly notify USEPA and affected States of the  
7 requested permit modifications in accordance with  
8 subsections 8 and 9 of this Section. The Agency shall  
9 send any notice required under paragraph (d) of  
10 subsection 8 of this Section to USEPA.

11 v. The provisions of subparagraph (v) of paragraph  
12 (a) of this subsection shall apply to modifications  
13 eligible for group processing, except that the Agency  
14 shall take one of the actions specified in items (A)  
15 through (D) of subparagraph (v) of paragraph (a) of  
16 this subsection within 180 days after receipt of the  
17 application or 15 days after the end of USEPA's 45-day  
18 review period under subsection 9 of this Section,  
19 whichever is later.

20 vi. The provisions of subparagraph (vi) of  
21 paragraph (a) of this subsection shall apply to  
22 modifications for group processing.

23 vii. The provisions of paragraph (j) of subsection  
24 7 of this Section shall not apply to modifications  
25 eligible for group processing.

26 c. Significant Permit Modifications.

1           i. Significant modification procedures shall be  
2 used for applications requesting significant permit  
3 modifications and for those applications that do not  
4 qualify as either minor permit modifications or as  
5 administrative permit amendments.

6           ii. Every significant change in existing  
7 monitoring permit terms or conditions and every  
8 relaxation of reporting or recordkeeping requirements  
9 shall be considered significant. A modification shall  
10 also be considered significant if in the judgment of  
11 the Agency action on an application for modification  
12 would require decisions to be made on technically  
13 complex issues. Nothing herein shall be construed to  
14 preclude the permittee from making changes consistent  
15 with this Section that would render existing permit  
16 compliance terms and conditions irrelevant.

17           iii. Significant permit modifications must meet  
18 all the requirements of this Section, including those  
19 for applications (including completeness review),  
20 public participation, review by affected States, and  
21 review by USEPA applicable to initial permit issuance  
22 and permit renewal. The Agency shall take final action  
23 on significant permit modifications within 9 months  
24 after receipt of a complete application.

25           d. The Agency shall have the authority to adopt  
26 procedural rules, in accordance with the Illinois

1 Administrative Procedure Act, as the Agency deems  
2 necessary, to implement this subsection.

3 15. Reopenings for Cause by the Agency.

4 a. Each issued CAAPP permit shall include provisions  
5 specifying the conditions under which the permit will be  
6 reopened prior to the expiration of the permit. Such  
7 revisions shall be made as expeditiously as practicable. A  
8 CAAPP permit shall be reopened and revised under any of the  
9 following circumstances, in accordance with procedures  
10 adopted by the Agency:

11 i. Additional requirements under the Clean Air Act  
12 become applicable to a major CAAPP source for which 3  
13 or more years remain on the original term of the  
14 permit. Such a reopening shall be completed not later  
15 than 18 months after the promulgation of the applicable  
16 requirement. No such revision is required if the  
17 effective date of the requirement is later than the  
18 date on which the permit is due to expire.

19 ii. Additional requirements (including excess  
20 emissions requirements) become applicable to an  
21 affected source for acid deposition under the acid rain  
22 program. Excess emissions offset plans shall be deemed  
23 to be incorporated into the permit upon approval by  
24 USEPA.

25 iii. The Agency or USEPA determines that the permit

1 contains a material mistake or that inaccurate  
2 statements were made in establishing the emissions  
3 standards, limitations, or other terms or conditions  
4 of the permit.

5 iv. The Agency or USEPA determines that the permit  
6 must be revised or revoked to assure compliance with  
7 the applicable requirements.

8 b. In the event that the Agency determines that there  
9 are grounds for revoking a CAAPP permit, for cause,  
10 consistent with paragraph a of this subsection, it shall  
11 file a petition before the Board setting forth the basis  
12 for such revocation. In any such proceeding, the Agency  
13 shall have the burden of establishing that the permit  
14 should be revoked under the standards set forth in this Act  
15 and the Clean Air Act. Any such proceeding shall be  
16 conducted pursuant to the Board's procedures for  
17 adjudicatory hearings and the Board shall render its  
18 decision within 120 days of the filing of the petition. The  
19 Agency shall take final action to revoke and reissue a  
20 CAAPP permit consistent with the Board's order.

21 c. Proceedings regarding a reopened CAAPP permit shall  
22 follow the same procedures as apply to initial permit  
23 issuance and shall affect only those parts of the permit  
24 for which cause to reopen exists.

25 d. Reopenings under paragraph (a) of this subsection  
26 shall not be initiated before a notice of such intent is

1 provided to the CAAPP source by the Agency at least 30 days  
2 in advance of the date that the permit is to be reopened,  
3 except that the Agency may provide a shorter time period in  
4 the case of an emergency.

5 e. The Agency shall have the authority to adopt  
6 procedural rules, in accordance with the Illinois  
7 Administrative Procedure Act, as the Agency deems  
8 necessary, to implement this subsection.

9 16. Reopenings for Cause by USEPA.

10 a. When USEPA finds that cause exists to terminate,  
11 modify, or revoke and reissue a CAAPP permit pursuant to  
12 subsection 15 of this Section, and thereafter notifies the  
13 Agency and the permittee of such finding in writing, the  
14 Agency shall forward to USEPA and the permittee a proposed  
15 determination of termination, modification, or revocation  
16 and reissuance as appropriate, in accordance with  
17 paragraph (b) of this subsection. The Agency's proposed  
18 determination shall be in accordance with the record, the  
19 Clean Air Act, regulations promulgated thereunder, this  
20 Act and regulations promulgated thereunder. Such proposed  
21 determination shall not affect the permit or constitute a  
22 final permit action for purposes of this Act or the  
23 Administrative Review Law. The Agency shall forward to  
24 USEPA such proposed determination within 90 days after  
25 receipt of the notification from USEPA. If additional time



1 is necessary to submit the proposed determination, the  
2 Agency shall request a 90-day extension from USEPA and  
3 shall submit the proposed determination within 180 days  
4 after receipt of notification from USEPA.

5 b. i. Prior to the Agency's submittal to USEPA of a  
6 proposed determination to terminate or revoke and  
7 reissue the permit, the Agency shall file a petition  
8 before the Board setting forth USEPA's objection, the  
9 permit record, the Agency's proposed determination,  
10 and the justification for its proposed determination.  
11 The Board shall conduct a hearing pursuant to the rules  
12 prescribed by Section 32 of this Act, and the burden of  
13 proof shall be on the Agency.

14 ii. After due consideration of the written and oral  
15 statements, the testimony and arguments that shall be  
16 submitted at hearing, the Board shall issue and enter  
17 an interim order for the proposed determination, which  
18 shall set forth all changes, if any, required in the  
19 Agency's proposed determination. The interim order  
20 shall comply with the requirements for final orders as  
21 set forth in Section 33 of this Act. Issuance of an  
22 interim order by the Board under this paragraph,  
23 however, shall not affect the permit status and does  
24 not constitute a final action for purposes of this Act  
25 or the Administrative Review Law.

26 iii. The Board shall cause a copy of its interim

1           order to be served upon all parties to the proceeding  
2           as well as upon USEPA. The Agency shall submit the  
3           proposed determination to USEPA in accordance with the  
4           Board's Interim Order within 180 days after receipt of  
5           the notification from USEPA.

6           c. USEPA shall review the proposed determination to  
7           terminate, modify, or revoke and reissue the permit within  
8           90 days after receipt.

9           i. When USEPA reviews the proposed determination  
10          to terminate or revoke and reissue and does not object,  
11          the Board shall, within 7 days after receipt of USEPA's  
12          final approval, enter the interim order as a final  
13          order. The final order may be appealed as provided by  
14          Title XI of this Act. The Agency shall take final  
15          action in accordance with the Board's final order.

16          ii. When USEPA reviews such proposed determination  
17          to terminate or revoke and reissue and objects, the  
18          Agency shall submit USEPA's objection and the Agency's  
19          comments and recommendation on the objection to the  
20          Board and permittee. The Board shall review its interim  
21          order in response to USEPA's objection and the Agency's  
22          comments and recommendation and issue a final order in  
23          accordance with Sections 32 and 33 of this Act. The  
24          Agency shall, within 90 days after receipt of such  
25          objection, respond to USEPA's objection in accordance  
26          with the Board's final order.

1           iii.    When    USEPA    reviews    such    proposed  
2           determination to modify and objects, the Agency shall,  
3           within 90 days after receipt of the objection, resolve  
4           the objection and modify the permit in accordance with  
5           USEPA's objection, based upon the record, the Clean Air  
6           Act, regulations promulgated thereunder, this Act, and  
7           regulations promulgated thereunder.

8           d.    If the Agency fails to submit the proposed  
9           determination pursuant to paragraph a of this subsection or  
10          fails to resolve any USEPA objection pursuant to paragraph  
11          c of this subsection, USEPA will terminate, modify, or  
12          revoke and reissue the permit.

13          e.    The Agency shall have the authority to adopt  
14          procedural rules, in accordance with the Illinois  
15          Administrative Procedure Act, as the Agency deems  
16          necessary, to implement this subsection.

17          17. Title IV; Acid Rain Provisions.

18          a.    The Agency shall act on initial CAAPP applications  
19          for affected sources for acid deposition in accordance with  
20          this Section and Title V of the Clean Air Act and  
21          regulations promulgated thereunder, except as modified by  
22          Title IV of the Clean Air Act and regulations promulgated  
23          thereunder. The Agency shall issue initial CAAPP permits to  
24          the affected sources for acid deposition which shall become  
25          effective no earlier than January 1, 1995, and which shall

1 terminate on December 31, 1999, in accordance with this  
2 Section. Subsequent CAAPP permits issued to affected  
3 sources for acid deposition shall be issued for a fixed  
4 term of 5 years. Title IV of the Clean Air Act and  
5 regulations promulgated thereunder, including but not  
6 limited to 40 C.F.R. Part 72, as now or hereafter amended,  
7 are applicable to and enforceable under this Act.

8 b. A designated representative of an affected source  
9 for acid deposition shall submit a timely and complete  
10 Phase II acid rain permit application and compliance plan  
11 to the Agency, not later than January 1, 1996, that meets  
12 the requirements of Titles IV and V of the Clean Air Act  
13 and regulations. The Agency shall act on the Phase II acid  
14 rain permit application and compliance plan in accordance  
15 with this Section and Title V of the Clean Air Act and  
16 regulations promulgated thereunder, except as modified by  
17 Title IV of the Clean Air Act and regulations promulgated  
18 thereunder. The Agency shall issue the Phase II acid rain  
19 permit to an affected source for acid deposition no later  
20 than December 31, 1997, which shall become effective on  
21 January 1, 2000, in accordance with this Section, except as  
22 modified by Title IV and regulations promulgated  
23 thereunder; provided that the designated representative of  
24 the source submitted a timely and complete Phase II permit  
25 application and compliance plan to the Agency that meets  
26 the requirements of Title IV and V of the Clean Air Act and

1 regulations.

2 c. Each Phase II acid rain permit issued in accordance  
3 with this subsection shall have a fixed term of 5 years.  
4 Except as provided in paragraph b above, the Agency shall  
5 issue or deny a Phase II acid rain permit within 18 months  
6 of receiving a complete Phase II permit application and  
7 compliance plan.

8 d. A designated representative of a new unit, as  
9 defined in Section 402 of the Clean Air Act, shall submit a  
10 timely and complete Phase II acid rain permit application  
11 and compliance plan that meets the requirements of Titles  
12 IV and V of the Clean Air Act and its regulations. The  
13 Agency shall act on the new unit's Phase II acid rain  
14 permit application and compliance plan in accordance with  
15 this Section and Title V of the Clean Air Act and its  
16 regulations, except as modified by Title IV of the Clean  
17 Air Act and its regulations. The Agency shall reopen the  
18 new unit's CAAPP permit for cause to incorporate the  
19 approved Phase II acid rain permit in accordance with this  
20 Section. The Phase II acid rain permit for the new unit  
21 shall become effective no later than the date required  
22 under Title IV of the Clean Air Act and its regulations.

23 e. A designated representative of an affected source  
24 for acid deposition shall submit a timely and complete  
25 Title IV NOx permit application to the Agency, not later  
26 than January 1, 1998, that meets the requirements of Titles

1 IV and V of the Clean Air Act and its regulations. The  
2 Agency shall reopen the Phase II acid rain permit for cause  
3 and incorporate the approved NOx provisions into the Phase  
4 II acid rain permit not later than January 1, 1999, in  
5 accordance with this Section, except as modified by Title  
6 IV of the Clean Air Act and regulations promulgated  
7 thereunder. Such reopening shall not affect the term of the  
8 Phase II acid rain permit.

9 f. The designated representative of the affected  
10 source for acid deposition shall renew the initial CAAPP  
11 permit and Phase II acid rain permit in accordance with  
12 this Section and Title V of the Clean Air Act and  
13 regulations promulgated thereunder, except as modified by  
14 Title IV of the Clean Air Act and regulations promulgated  
15 thereunder.

16 g. In the case of an affected source for acid  
17 deposition for which a complete Phase II acid rain permit  
18 application and compliance plan are timely received under  
19 this subsection, the complete permit application and  
20 compliance plan, including amendments thereto, shall be  
21 binding on the owner, operator and designated  
22 representative, all affected units for acid deposition at  
23 the affected source, and any other unit, as defined in  
24 Section 402 of the Clean Air Act, governed by the Phase II  
25 acid rain permit application and shall be enforceable as an  
26 acid rain permit for purposes of Titles IV and V of the

1 Clean Air Act, from the date of submission of the acid rain  
2 permit application until a Phase II acid rain permit is  
3 issued or denied by the Agency.

4 h. The Agency shall not include or implement any  
5 measure which would interfere with or modify the  
6 requirements of Title IV of the Clean Air Act or  
7 regulations promulgated thereunder.

8 i. Nothing in this Section shall be construed as  
9 affecting allowances or USEPA's decision regarding an  
10 excess emissions offset plan, as set forth in Title IV of  
11 the Clean Air Act or regulations promulgated thereunder.

12 i. No permit revision shall be required for  
13 increases in emissions that are authorized by  
14 allowances acquired pursuant to the acid rain program,  
15 provided that such increases do not require a permit  
16 revision under any other applicable requirement.

17 ii. No limit shall be placed on the number of  
18 allowances held by the source. The source may not,  
19 however, use allowances as a defense to noncompliance  
20 with any other applicable requirement.

21 iii. Any such allowance shall be accounted for  
22 according to the procedures established in regulations  
23 promulgated under Title IV of the Clean Air Act.

24 j. To the extent that the federal regulations  
25 promulgated under Title IV, including but not limited to 40  
26 C.F.R. Part 72, as now or hereafter amended, are

1 inconsistent with the federal regulations promulgated  
2 under Title V, the federal regulations promulgated under  
3 Title IV shall take precedence.

4 k. The USEPA may intervene as a matter of right in any  
5 permit appeal involving a Phase II acid rain permit  
6 provision or denial of a Phase II acid rain permit.

7 l. It is unlawful for any owner or operator to violate  
8 any terms or conditions of a Phase II acid rain permit  
9 issued under this subsection, to operate any affected  
10 source for acid deposition except in compliance with a  
11 Phase II acid rain permit issued by the Agency under this  
12 subsection, or to violate any other applicable  
13 requirements.

14 m. The designated representative of an affected source  
15 for acid deposition shall submit to the Agency the data and  
16 information submitted quarterly to USEPA, pursuant to 40  
17 CFR 75.64, concurrently with the submission to USEPA. The  
18 submission shall be in the same electronic format as  
19 specified by USEPA.

20 n. The Agency shall act on any petition for exemption  
21 of a new unit or retired unit, as those terms are defined  
22 in Section 402 of the Clean Air Act, from the requirements  
23 of the acid rain program in accordance with Title IV of the  
24 Clean Air Act and its regulations.

25 o. The Agency shall have the authority to adopt  
26 procedural rules, in accordance with the Illinois



1 Administrative Procedure Act, as the Agency deems  
2 necessary to implement this subsection.

3 18. Fee Provisions.

4 a. A source subject to this Section or excluded under  
5 subsection 1.1 or paragraph (c) of subsection 3 of this  
6 Section, shall pay a fee as provided in this paragraph (a)  
7 of subsection 18. However, a source that has been excluded  
8 from the provisions of this Section under subsection 1.1 or  
9 under paragraph (c) of subsection 3 of this Section because  
10 the source emits less than 25 tons per year of any  
11 combination of regulated air pollutants, except greenhouse  
12 gases, shall pay fees in accordance with paragraph (1) of  
13 subsection (b) of Section 9.6.

14 i. The fee for a source allowed to emit less than  
15 100 tons per year of any combination of regulated air  
16 pollutants, except greenhouse gases, shall be \$1,800  
17 per year, and that fee shall increase, beginning  
18 January 1, 2012, to \$2,150 per year.

19 ii. The fee for a source allowed to emit 100 tons  
20 or more per year of any combination of regulated air  
21 pollutants, except greenhouse gases and those  
22 regulated air pollutants excluded in paragraph (f) of  
23 this subsection 18, shall be as follows:

24 A. The Agency shall assess a fee of \$18 per  
25 ton, per year for the allowable emissions of

1 regulated air pollutants subject to this  
2 subparagraph (ii) of paragraph (a) of subsection  
3 18, and that fee shall increase, beginning January  
4 1, 2012, to \$21.50 per ton, per year. These fees  
5 shall be used by the Agency and the Board to fund  
6 the activities required by Title V of the Clean Air  
7 Act including such activities as may be carried out  
8 by other State or local agencies pursuant to  
9 paragraph (d) of this subsection. The amount of  
10 such fee shall be based on the information supplied  
11 by the applicant in its complete CAAPP permit  
12 application or in the CAAPP permit if the permit  
13 has been granted and shall be determined by the  
14 amount of emissions that the source is allowed to  
15 emit annually, provided however, that the maximum  
16 fee for a CAAPP permit under this subparagraph (ii)  
17 of paragraph (a) of subsection 18 is \$250,000, and  
18 increases, beginning January 1, 2012, to \$294,000.  
19 Beginning January 1, 2012, the maximum fee under  
20 this subparagraph (ii) of paragraph (a) of  
21 subsection 18 for a source that has been excluded  
22 under subsection 1.1 of this Section or under  
23 paragraph (c) of subsection 3 of this Section is  
24 \$4,112. The Agency shall provide as part of the  
25 permit application form required under subsection  
26 5 of this Section a separate fee calculation form

1           which will allow the applicant to identify the  
2           allowable emissions and calculate the fee. In no  
3           event shall the Agency raise the amount of  
4           allowable emissions requested by the applicant  
5           unless such increases are required to demonstrate  
6           compliance with terms of a CAAPP permit.

7           Notwithstanding the above, any applicant may  
8           seek a change in its permit which would result in  
9           increases in allowable emissions due to an  
10          increase in the hours of operation or production  
11          rates of an emission unit or units and such a  
12          change shall be consistent with the construction  
13          permit requirements of the existing State permit  
14          program, under subsection (a) of Section 39 of this  
15          Act and applicable provisions of this Section.  
16          Where a construction permit is required, the  
17          Agency shall expeditiously grant such construction  
18          permit and shall, if necessary, modify the CAAPP  
19          permit based on the same application.

20          B. The applicant or permittee may pay the fee  
21          annually or semiannually for those fees greater  
22          than \$5,000. However, any applicant paying a fee  
23          equal to or greater than \$100,000 shall pay the  
24          full amount on July 1, for the subsequent fiscal  
25          year, or pay 50% of the fee on July 1 and the  
26          remaining 50% by the next January 1. The Agency may

1 change any annual billing date upon reasonable  
2 notice, but shall prorate the new bill so that the  
3 permittee or applicant does not pay more than its  
4 required fees for the fee period for which payment  
5 is made.

6 b. (Blank).

7 c. (Blank).

8 d. There is hereby created in the State Treasury a  
9 special fund to be known as the Clean Air Act Permit Fund  
10 (formerly known as the "CAA Permit Fund"). All Funds  
11 collected by the Agency pursuant to this subsection shall  
12 be deposited into the Fund. The General Assembly shall  
13 appropriate monies from this Fund to the Agency and to the  
14 Board to carry out their obligations under this Section.  
15 The General Assembly may also authorize monies to be  
16 granted by the Agency from this Fund to other State and  
17 local agencies which perform duties related to the CAAPP.  
18 Interest generated on the monies deposited in this Fund  
19 shall be returned to the Fund.

20 e. The Agency shall have the authority to adopt  
21 procedural rules, in accordance with the Illinois  
22 Administrative Procedure Act, as the Agency deems  
23 necessary to implement this subsection.

24 f. For purposes of this subsection, the term "regulated  
25 air pollutant" shall have the meaning given to it under  
26 subsection 1 of this Section but shall exclude the

1 following:

2 i. carbon monoxide;

3 ii. any Class I or II substance which is a  
4 regulated air pollutant solely because it is listed  
5 pursuant to Section 602 of the Clean Air Act; and

6 iii. any pollutant that is a regulated air  
7 pollutant solely because it is subject to a standard or  
8 regulation under Section 112(r) of the Clean Air Act  
9 based on the emissions allowed in the permit effective  
10 in that calendar year, at the time the applicable bill  
11 is generated.

12 19. Air Toxics Provisions.

13 a. In the event that the USEPA fails to promulgate in a  
14 timely manner a standard pursuant to Section 112(d) of the  
15 Clean Air Act, the Agency shall have the authority to issue  
16 permits, pursuant to Section 112(j) of the Clean Air Act  
17 and regulations promulgated thereunder, which contain  
18 emission limitations which are equivalent to the emission  
19 limitations that would apply to a source if an emission  
20 standard had been promulgated in a timely manner by USEPA  
21 pursuant to Section 112(d). Provided, however, that the  
22 owner or operator of a source shall have the opportunity to  
23 submit to the Agency a proposed emission limitation which  
24 it determines to be equivalent to the emission limitations  
25 that would apply to such source if an emission standard had

1           been promulgated in a timely manner by USEPA. If the Agency  
2           refuses to include the emission limitation proposed by the  
3           owner or operator in a CAAPP permit, the owner or operator  
4           may petition the Board to establish whether the emission  
5           limitation proposal submitted by the owner or operator  
6           provides for emission limitations which are equivalent to  
7           the emission limitations that would apply to the source if  
8           the emission standard had been promulgated by USEPA in a  
9           timely manner. The Board shall determine whether the  
10          emission limitation proposed by the owner or operator or an  
11          alternative emission limitation proposed by the Agency  
12          provides for the level of control required under Section  
13          112 of the Clean Air Act, or shall otherwise establish an  
14          appropriate emission limitation, pursuant to Section 112  
15          of the Clean Air Act.

16                b. Any Board proceeding brought under paragraph (a) or  
17                (e) of this subsection shall be conducted according to the  
18                Board's procedures for adjudicatory hearings and the Board  
19                shall render its decision within 120 days of the filing of  
20                the petition. Any such decision shall be subject to review  
21                pursuant to Section 41 of this Act. Where USEPA promulgates  
22                an applicable emission standard prior to the issuance of  
23                the CAAPP permit, the Agency shall include in the permit  
24                the promulgated standard, provided that the source shall  
25                have the compliance period provided under Section 112(i) of  
26                the Clean Air Act. Where USEPA promulgates an applicable

1 standard subsequent to the issuance of the CAAPP permit,  
2 the Agency shall revise such permit upon the next renewal  
3 to reflect the promulgated standard, providing a  
4 reasonable time for the applicable source to comply with  
5 the standard, but no longer than 8 years after the date on  
6 which the source is first required to comply with the  
7 emissions limitation established under this subsection.

8 c. The Agency shall have the authority to implement and  
9 enforce complete or partial emission standards promulgated  
10 by USEPA pursuant to Section 112(d), and standards  
11 promulgated by USEPA pursuant to Sections 112(f), 112(h),  
12 112(m), and 112(n), and may accept delegation of authority  
13 from USEPA to implement and enforce Section 112(l) and  
14 requirements for the prevention and detection of  
15 accidental releases pursuant to Section 112(r) of the Clean  
16 Air Act.

17 d. The Agency shall have the authority to issue permits  
18 pursuant to Section 112(i) (5) of the Clean Air Act.

19 e. The Agency has the authority to implement Section  
20 112(g) of the Clean Air Act consistent with the Clean Air  
21 Act and federal regulations promulgated thereunder. If the  
22 Agency refuses to include the emission limitations  
23 proposed in an application submitted by an owner or  
24 operator for a case-by-case maximum achievable control  
25 technology (MACT) determination, the owner or operator may  
26 petition the Board to determine whether the emission

1 limitation proposed by the owner or operator or an  
2 alternative emission limitation proposed by the Agency  
3 provides for a level of control required by Section 112 of  
4 the Clean Air Act, or to otherwise establish an appropriate  
5 emission limitation under Section 112 of the Clean Air Act.

6 20. Small Business.

7 a. For purposes of this subsection:

8 "Program" is the Small Business Stationary Source  
9 Technical and Environmental Compliance Assistance Program  
10 created within this State pursuant to Section 507 of the  
11 Clean Air Act and guidance promulgated thereunder, to  
12 provide technical assistance and compliance information to  
13 small business stationary sources;

14 "Small Business Assistance Program" is a component of  
15 the Program responsible for providing sufficient  
16 communications with small businesses through the  
17 collection and dissemination of information to small  
18 business stationary sources; and

19 "Small Business Stationary Source" means a stationary  
20 source that:

21 1. is owned or operated by a person that employs  
22 100 or fewer individuals;

23 2. is a small business concern as defined in the  
24 "Small Business Act";

25 3. is not a major source as that term is defined in



1 subsection 2 of this Section;

2 4. does not emit 50 tons or more per year of any  
3 regulated air pollutant, except greenhouse gases; and

4 5. emits less than 75 tons per year of all  
5 regulated pollutants, except greenhouse gases.

6 b. The Agency shall adopt and submit to USEPA, after  
7 reasonable notice and opportunity for public comment, as a  
8 revision to the Illinois state implementation plan, plans  
9 for establishing the Program.

10 c. The Agency shall have the authority to enter into  
11 such contracts and agreements as the Agency deems necessary  
12 to carry out the purposes of this subsection.

13 d. The Agency may establish such procedures as it may  
14 deem necessary for the purposes of implementing and  
15 executing its responsibilities under this subsection.

16 e. There shall be appointed a Small Business Ombudsman  
17 (hereinafter in this subsection referred to as  
18 "Ombudsman") to monitor the Small Business Assistance  
19 Program. The Ombudsman shall be a nonpartisan designated  
20 official, with the ability to independently assess whether  
21 the goals of the Program are being met.

22 f. The State Ombudsman Office shall be located in an  
23 existing Ombudsman office within the State or in any State  
24 Department.

25 g. There is hereby created a State Compliance Advisory  
26 Panel (hereinafter in this subsection referred to as

1 "Panel") for determining the overall effectiveness of the  
2 Small Business Assistance Program within this State.

3 h. The selection of Panel members shall be by the  
4 following method:

5 1. The Governor shall select two members who are  
6 not owners or representatives of owners of small  
7 business stationary sources to represent the general  
8 public;

9 2. The Director of the Agency shall select one  
10 member to represent the Agency; and

11 3. The State Legislature shall select four members  
12 who are owners or representatives of owners of small  
13 business stationary sources. Both the majority and  
14 minority leadership in both Houses of the Legislature  
15 shall appoint one member of the panel.

16 i. Panel members should serve without compensation but  
17 will receive full reimbursement for expenses including  
18 travel and per diem as authorized within this State.

19 j. The Panel shall select its own Chair by a majority  
20 vote. The Chair may meet and consult with the Ombudsman and  
21 the head of the Small Business Assistance Program in  
22 planning the activities for the Panel.

23 21. Temporary Sources.

24 a. The Agency may issue a single permit authorizing  
25 emissions from similar operations by the same source owner

1 or operator at multiple temporary locations, except for  
2 sources which are affected sources for acid deposition  
3 under Title IV of the Clean Air Act.

4 b. The applicant must demonstrate that the operation is  
5 temporary and will involve at least one change of location  
6 during the term of the permit.

7 c. Any such permit shall meet all applicable  
8 requirements of this Section and applicable regulations,  
9 and include conditions assuring compliance with all  
10 applicable requirements at all authorized locations and  
11 requirements that the owner or operator notify the Agency  
12 at least 10 days in advance of each change in location.

13 22. Solid Waste Incineration Units.

14 a. A CAAPP permit for a solid waste incineration unit  
15 combusting municipal waste subject to standards  
16 promulgated under Section 129(e) of the Clean Air Act shall  
17 be issued for a period of 12 years and shall be reviewed  
18 every 5 years, unless the Agency requires more frequent  
19 review through Agency procedures.

20 b. During the review in paragraph (a) of this  
21 subsection, the Agency shall fully review the previously  
22 submitted CAAPP permit application and corresponding  
23 reports subsequently submitted to determine whether the  
24 source is in compliance with all applicable requirements.

25 c. If the Agency determines that the source is not in

1 compliance with all applicable requirements it shall  
2 revise the CAAPP permit as appropriate.

3 d. The Agency shall have the authority to adopt  
4 procedural rules, in accordance with the Illinois  
5 Administrative Procedure Act, as the Agency deems  
6 necessary, to implement this subsection.

7 (Source: P.A. 99-380, eff. 8-17-15.)

8 (430 ILCS 55/4 rep.)

9 Section 5-155. The Hazardous Material Emergency Response  
10 Reimbursement Act is amended by repealing Section 4.

11 Section 5-160. The Illinois Public Health and Safety Animal  
12 Population Control Act is amended by changing Section 45 as  
13 follows:

14 (510 ILCS 92/45)

15 Sec. 45. Pet Population Control Fund. The Pet Population  
16 Control Fund is established as a special fund in the State  
17 treasury. The moneys generated from the public safety fines  
18 collected as provided in the Animal Control Act, from Pet  
19 Friendly license plates under Section 3-653 of the Illinois  
20 Vehicle Code, ~~from Section 507EE of the Illinois Income Tax~~  
21 ~~Act,~~ and from voluntary contributions must be kept in the Fund  
22 and shall be used only to sterilize and vaccinate dogs and cats  
23 in this State pursuant to the program, to promote the

1 sterilization program, to educate the public about the  
2 importance of spaying and neutering, and for reasonable  
3 administrative and personnel costs related to the Fund.

4 (Source: P.A. 94-639, eff. 8-22-05.)

5 (605 ILCS 5/10-102.1 rep.)

6 Section 5-165. The Illinois Highway Code is amended by  
7 repealing Section 10-102.1.

8 Section 5-170. The Unified Code of Corrections is amended  
9 by changing Section 5-9-1.16 as follows:

10 (730 ILCS 5/5-9-1.16)

11 Sec. 5-9-1.16. Protective order violation fees.

12 (a) There shall be added to every penalty imposed in  
13 sentencing for a violation of an order of protection under  
14 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012 an additional fee to be set in an amount  
16 not less than \$200 to be imposed upon a plea of guilty or  
17 finding of guilty resulting in a judgment of conviction.

18 (b) Such additional amount shall be assessed by the court  
19 imposing sentence and shall be collected by the Circuit Clerk  
20 in addition to the fine, if any, and costs in the case to be  
21 used by the supervising authority in implementing the domestic  
22 violence surveillance program. The clerk of the circuit court  
23 shall pay all monies collected from this fee to the county

1 treasurer for deposit in the probation and court services fund  
2 under Section 15.1 of the Probation and Probations Officers  
3 Act.

4 (c) The supervising authority of a domestic violence  
5 surveillance program under Section 5-8A-7 of this Act shall  
6 assess a person either convicted of, or charged with, the  
7 violation of an order of protection an additional fee to cover  
8 the costs of providing the equipment used and the additional  
9 supervision needed for such domestic violence surveillance  
10 program. If the court finds that the fee would impose an undue  
11 burden on the victim, the court may reduce or waive the fee.  
12 The court shall order that the defendant may not use funds  
13 belonging solely to the victim of the offense for payment of  
14 the fee.

15 When the supervising authority is the court or the  
16 probation and court services department, the fee shall be  
17 collected by the circuit court clerk. The clerk of the circuit  
18 court shall pay all monies collected from this fee and all  
19 other required probation fees that are assessed to the county  
20 treasurer for deposit in the probation and court services fund  
21 under Section 15.1 of the Probation and Probations Officers  
22 Act. In counties with a population of 2 million or more, when  
23 the supervising authority is the court or the probation and  
24 court services department, the fee shall be collected by the  
25 supervising authority. In these counties, the supervising  
26 authority shall pay all monies collected from this fee and all

1 other required probation fees that are assessed, to the county  
2 treasurer for deposit in the probation and court services fund  
3 under Section 15.1 of the Probation and Probation Officers Act.

4 When the supervising authority is the Department of  
5 Corrections, the Department shall collect the fee for deposit  
6 into the ~~Illinois~~ Department of Corrections Reimbursement and  
7 Education Fund ~~"fund"~~. The Circuit Clerk shall retain 10% of  
8 such penalty and deposit that percentage into the Circuit Court  
9 Clerk Operation and Administrative Fund to cover the costs  
10 incurred in administering and enforcing this Section.

11 (d) (Blank).

12 (e) (Blank).

13 (Source: P.A. 96-688, eff. 8-25-09; 96-1551, eff. 7-1-11;  
14 97-1150, eff. 1-25-13.)

15 (820 ILCS 50/Act rep.)

16 Section 5-175. The Workplace Literacy Act is repealed.

17 ARTICLE 15.

18 FUND-RELATED PROVISIONS

19 Section 15-5. The Children and Family Services Act is  
20 amended by changing Sections 5b and 34.10 as follows:

21 (20 ILCS 505/5b) (from Ch. 23, par. 5005b)

22 Sec. 5b. Child Care and Development Fund; Department of

1 Human Services.

2 (a) Until October 1, 1998: The Child Care and Development  
3 Fund is hereby created as a special fund in the State treasury.  
4 Deposits to this fund shall consist of receipts from the  
5 federal government under the Child Care and Development Block  
6 Grant Program. Disbursements from the Child Care and  
7 Development Fund shall be made by the Department of Human  
8 Services in accordance with the guidelines established by the  
9 federal government for the Child Care and Development Block  
10 Grant Program, subject to appropriation by the General  
11 Assembly.

12 (b) The Child Care and Development Fund is abolished on  
13 October 1, 1998, and any balance remaining in the Fund on that  
14 date shall be transferred to the Special Purposes Trust Fund  
15 (now known as the DHS Special Purposes Trust Fund) described in  
16 Section 12-10 of the Illinois Public Aid Code.

17 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

18 (20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)

19 Sec. 34.10. Home child care demonstration project;  
20 conversion and renovation grants; Department of Human  
21 Services.

22 (a) The legislature finds that the demand for quality child  
23 care far outweighs the number of safe, quality spaces for our  
24 children. The purpose of this Section is to increase the number  
25 of child care providers by:



1           (1) developing a demonstration project to train  
2 individuals to become home child care providers who are  
3 able to establish and operate their own child care  
4 facility; and

5           (2) providing grants to convert and renovate existing  
6 facilities.

7           (b) The Department of Human Services may from  
8 appropriations from the Child Care Development Block Grant  
9 establish a demonstration project to train individuals to  
10 become home child care providers who are able to establish and  
11 operate their own home-based child care facilities. The  
12 Department of Human Services is authorized to use funds for  
13 this purpose from the child care and development funds  
14 deposited into the DHS Special Purposes Trust Fund as described  
15 in Section 12-10 of the Illinois Public Aid Code and, until  
16 October 1, 1998, the Child Care and Development Fund created by  
17 the 87th General Assembly. As an economic development program,  
18 the project's focus is to foster individual self-sufficiency  
19 through an entrepreneurial approach by the creation of new jobs  
20 and opening of new small home-based child care businesses. The  
21 demonstration project shall involve coordination among State  
22 and county governments and the private sector, including but  
23 not limited to: the community college system, the Departments  
24 of Labor and Commerce and Economic Opportunity, the State Board  
25 of Education, large and small private businesses, nonprofit  
26 programs, unions, and child care providers in the State.

1 The Department shall submit:

2 (1) a progress report on the demonstration project to  
3 the legislature by one year after the effective date of  
4 this amendatory Act of 1991; and

5 (2) a final evaluation report on the demonstration  
6 project, including findings and recommendations, to the  
7 legislature by one year after the due date of the progress  
8 report.

9 (c) The Department of Human Services may from  
10 appropriations from the Child Care Development Block Grant  
11 provide grants to family child care providers and center based  
12 programs to convert and renovate existing facilities, to the  
13 extent permitted by federal law, so additional family child  
14 care homes and child care centers can be located in such  
15 facilities.

16 (1) Applications for grants shall be made to the  
17 Department and shall contain information as the Department  
18 shall require by rule. Every applicant shall provide  
19 assurance to the Department that:

20 (A) the facility to be renovated or improved shall  
21 be used as family child care home or child care center  
22 for a continuous period of at least 5 years;

23 (B) any family child care home or child care center  
24 program located in a renovated or improved facility  
25 shall be licensed by the Department;

26 (C) the program shall comply with applicable

1 federal and State laws prohibiting discrimination  
2 against any person on the basis of race, color,  
3 national origin, religion, creed, or sex;

4 (D) the grant shall not be used for purposes of  
5 entertainment or perquisites;

6 (E) the applicant shall comply with any other  
7 requirement the Department may prescribe to ensure  
8 adherence to applicable federal, State, and county  
9 laws;

10 (F) all renovations and improvements undertaken  
11 with funds received under this Section shall comply  
12 with all applicable State and county statutes and  
13 ordinances including applicable building codes and  
14 structural requirements of the Department; and

15 (G) the applicant shall indemnify and save  
16 harmless the State and its officers, agents, and  
17 employees from and against any and all claims arising  
18 out of or resulting from the renovation and  
19 improvements made with funds provided by this Section,  
20 and, upon request of the Department, the applicant  
21 shall procure sufficient insurance to provide that  
22 indemnification.

23 (2) To receive a grant under this Section to convert an  
24 existing facility into a family child care home or child  
25 care center facility, the applicant shall:

26 (A) agree to make available to the Department of

1 Human Services all records it may have relating to the  
2 operation of any family child care home and child care  
3 center facility, and to allow State agencies to monitor  
4 its compliance with the purpose of this Section;

5 (B) agree that, if the facility is to be altered or  
6 improved, or is to be used by other groups, moneys  
7 appropriated by this Section shall be used for  
8 renovating or improving the facility only to the  
9 proportionate extent that the floor space will be used  
10 by the child care program; and

11 (C) establish, to the satisfaction of the  
12 Department that sufficient funds are available for the  
13 effective use of the facility for the purpose for which  
14 it is being renovated or improved.

15 (3) In selecting applicants for funding, the  
16 Department shall make every effort to ensure that family  
17 child care home or child care center facilities are  
18 equitably distributed throughout the State according to  
19 demographic need. The Department shall give priority  
20 consideration to rural/Downstate areas of the State that  
21 are currently experiencing a shortage of child care  
22 services.

23 (4) In considering applications for grants to renovate  
24 or improve an existing facility used for the operations of  
25 a family child care home or child care center, the  
26 Department shall give preference to applications to

1 renovate facilities most in need of repair to address  
2 safety and habitability concerns. No grant shall be  
3 disbursed unless an agreement is entered into between the  
4 applicant and the State, by and through the Department. The  
5 agreement shall include the assurances and conditions  
6 required by this Section and any other terms which the  
7 Department may require.

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

9 Section 15-10. The State Finance Act is amended by  
10 reenacting Sections 5.98, 5.136, 5.137, 5.189, 5.327, and 5.488  
11 and by changing Sections 8g and 8h as follows:

12 (30 ILCS 105/5.98)

13 Sec. 5.98. The Real Estate License Administration Fund.

14 (Source: P.A. 83-191. Repealed by P.A. 85-1440.)

15 (30 ILCS 105/5.136)

16 Sec. 5.136. The Low-Level Radioactive Waste Facility  
17 Development and Operation Fund.

18 (Source: P.A. 83-1362. Repealed by P.A. 85-1440.)

19 (30 ILCS 105/5.137)

20 Sec. 5.137. The Low-Level Radioactive Waste Facility  
21 Closure, Post-Closure Care and Compensation Fund.

22 (Source: P.A. 83-1362. Repealed by P.A. 85-1440.)

1 (30 ILCS 105/5.189)

2 Sec. 5.189. The International and Promotional Fund.

3 (Source: P.A. 84-1308. Repealed by P.A. 85-1440.)

4 (30 ILCS 105/5.327)

5 Sec. 5.327. The Hospital Provider Fund.

6 (Source: P.A. 88-45. Repealed by P.A. 95-331, eff. 8-21-07.)

7 (30 ILCS 105/5.488)

8 Sec. 5.488. The Port Development Revolving Loan Fund.

9 (Source: P.A. 91-357, eff. 7-29-99. Repealed by P.A. 95-331,  
10 eff. 8-21-07.)

11 (30 ILCS 105/8g)

12 Sec. 8g. Fund transfers.

13 (a) In addition to any other transfers that may be provided  
14 for by law, as soon as may be practical after the effective  
15 date of this amendatory Act of the 91st General Assembly, the  
16 State Comptroller shall direct and the State Treasurer shall  
17 transfer the sum of \$10,000,000 from the General Revenue Fund  
18 to the Motor Vehicle License Plate Fund created by Senate Bill  
19 1028 of the 91st General Assembly.

20 (b) In addition to any other transfers that may be provided  
21 for by law, as soon as may be practical after the effective  
22 date of this amendatory Act of the 91st General Assembly, the

1 State Comptroller shall direct and the State Treasurer shall  
2 transfer the sum of \$25,000,000 from the General Revenue Fund  
3 to the Fund for Illinois' Future created by Senate Bill 1066 of  
4 the 91st General Assembly.

5 (c) In addition to any other transfers that may be provided  
6 for by law, on August 30 of each fiscal year's license period,  
7 the Illinois Liquor Control Commission shall direct and the  
8 State Comptroller and State Treasurer shall transfer from the  
9 General Revenue Fund to the Youth Alcoholism and Substance  
10 Abuse Prevention Fund an amount equal to the number of retail  
11 liquor licenses issued for that fiscal year multiplied by \$50.

12 (d) The payments to programs required under subsection (d)  
13 of Section 28.1 of the Illinois Horse Racing Act of 1975 shall  
14 be made, pursuant to appropriation, from the special funds  
15 referred to in the statutes cited in that subsection, rather  
16 than directly from the General Revenue Fund.

17 Beginning January 1, 2000, on the first day of each month,  
18 or as soon as may be practical thereafter, the State  
19 Comptroller shall direct and the State Treasurer shall transfer  
20 from the General Revenue Fund to each of the special funds from  
21 which payments are to be made under subsection (d) of Section  
22 28.1 ~~Section 28.1(d)~~ of the Illinois Horse Racing Act of 1975  
23 an amount equal to 1/12 of the annual amount required for those  
24 payments from that special fund, which annual amount shall not  
25 exceed the annual amount for those payments from that special  
26 fund for the calendar year 1998. The special funds to which

1 transfers shall be made under this subsection (d) include, but  
2 are not necessarily limited to, the Agricultural Premium Fund;  
3 the Metropolitan Exposition, Auditorium and Office Building  
4 Fund; the Fair and Exposition Fund; the Illinois Standardbred  
5 Breeders Fund; the Illinois Thoroughbred Breeders Fund; and the  
6 Illinois Veterans' Rehabilitation Fund.

7 (e) In addition to any other transfers that may be provided  
8 for by law, as soon as may be practical after the effective  
9 date of this amendatory Act of the 91st General Assembly, but  
10 in no event later than June 30, 2000, the State Comptroller  
11 shall direct and the State Treasurer shall transfer the sum of  
12 \$15,000,000 from the General Revenue Fund to the Fund for  
13 Illinois' Future.

14 (f) In addition to any other transfers that may be provided  
15 for by law, as soon as may be practical after the effective  
16 date of this amendatory Act of the 91st General Assembly, but  
17 in no event later than June 30, 2000, the State Comptroller  
18 shall direct and the State Treasurer shall transfer the sum of  
19 \$70,000,000 from the General Revenue Fund to the Long-Term Care  
20 Provider Fund.

21 (f-1) In fiscal year 2002, in addition to any other  
22 transfers that may be provided for by law, at the direction of  
23 and upon notification from the Governor, the State Comptroller  
24 shall direct and the State Treasurer shall transfer amounts not  
25 exceeding a total of \$160,000,000 from the General Revenue Fund  
26 to the Long-Term Care Provider Fund.



1           (g) In addition to any other transfers that may be provided  
2 for by law, on July 1, 2001, or as soon thereafter as may be  
3 practical, the State Comptroller shall direct and the State  
4 Treasurer shall transfer the sum of \$1,200,000 from the General  
5 Revenue Fund to the Violence Prevention Fund.

6           (h) In each of fiscal years 2002 through 2004, but not  
7 thereafter, in addition to any other transfers that may be  
8 provided for by law, the State Comptroller shall direct and the  
9 State Treasurer shall transfer \$5,000,000 from the General  
10 Revenue Fund to the Tourism Promotion Fund.

11           (i) On or after July 1, 2001 and until May 1, 2002, in  
12 addition to any other transfers that may be provided for by  
13 law, at the direction of and upon notification from the  
14 Governor, the State Comptroller shall direct and the State  
15 Treasurer shall transfer amounts not exceeding a total of  
16 \$80,000,000 from the General Revenue Fund to the Tobacco  
17 Settlement Recovery Fund. Any amounts so transferred shall be  
18 re-transferred by the State Comptroller and the State Treasurer  
19 from the Tobacco Settlement Recovery Fund to the General  
20 Revenue Fund at the direction of and upon notification from the  
21 Governor, but in any event on or before June 30, 2002.

22           (i-1) On or after July 1, 2002 and until May 1, 2003, in  
23 addition to any other transfers that may be provided for by  
24 law, at the direction of and upon notification from the  
25 Governor, the State Comptroller shall direct and the State  
26 Treasurer shall transfer amounts not exceeding a total of

1 \$80,000,000 from the General Revenue Fund to the Tobacco  
 2 Settlement Recovery Fund. Any amounts so transferred shall be  
 3 re-transferred by the State Comptroller and the State Treasurer  
 4 from the Tobacco Settlement Recovery Fund to the General  
 5 Revenue Fund at the direction of and upon notification from the  
 6 Governor, but in any event on or before June 30, 2003.

7 (j) On or after July 1, 2001 and no later than June 30,  
 8 2002, in addition to any other transfers that may be provided  
 9 for by law, at the direction of and upon notification from the  
 10 Governor, the State Comptroller shall direct and the State  
 11 Treasurer shall transfer amounts not to exceed the following  
 12 sums into the Statistical Services Revolving Fund:

13	From the General Revenue Fund .....	\$8,450,000
14	From the Public Utility Fund .....	1,700,000
15	From the Transportation Regulatory Fund .....	2,650,000
16	From the Title III Social Security and	
17	Employment Fund .....	3,700,000
18	From the Professions Indirect Cost Fund .....	4,050,000
19	From the Underground Storage Tank Fund .....	550,000
20	From the Agricultural Premium Fund .....	750,000
21	From the State Pensions Fund .....	200,000
22	From the Road Fund .....	2,000,000
23	From the Health Facilities	
24	Planning Fund .....	1,000,000
25	From the Savings and Residential Finance	
26	Regulatory Fund .....	130,800

1	From the Appraisal Administration Fund .....	28,600
2	From the Pawnbroker Regulation Fund .....	3,600
3	From the Auction Regulation	
4	Administration Fund .....	35,800
5	From the Bank and Trust Company Fund.....	634,800
6	From the Real Estate License	
7	Administration Fund .....	313,600

8 (k) In addition to any other transfers that may be provided  
 9 for by law, as soon as may be practical after the effective  
 10 date of this amendatory Act of the 92nd General Assembly, the  
 11 State Comptroller shall direct and the State Treasurer shall  
 12 transfer the sum of \$2,000,000 from the General Revenue Fund to  
 13 the Teachers Health Insurance Security Fund.

14 (k-1) In addition to any other transfers that may be  
 15 provided for by law, on July 1, 2002, or as soon as may be  
 16 practical thereafter, the State Comptroller shall direct and  
 17 the State Treasurer shall transfer the sum of \$2,000,000 from  
 18 the General Revenue Fund to the Teachers Health Insurance  
 19 Security Fund.

20 (k-2) In addition to any other transfers that may be  
 21 provided for by law, on July 1, 2003, or as soon as may be  
 22 practical thereafter, the State Comptroller shall direct and  
 23 the State Treasurer shall transfer the sum of \$2,000,000 from  
 24 the General Revenue Fund to the Teachers Health Insurance  
 25 Security Fund.

26 (k-3) On or after July 1, 2002 and no later than June 30,

1 2003, in addition to any other transfers that may be provided  
 2 for by law, at the direction of and upon notification from the  
 3 Governor, the State Comptroller shall direct and the State  
 4 Treasurer shall transfer amounts not to exceed the following  
 5 sums into the Statistical Services Revolving Fund:

6	Appraisal Administration Fund .....	\$150,000
7	General Revenue Fund .....	10,440,000
8	Savings and Residential Finance	
9	Regulatory Fund .....	200,000
10	State Pensions Fund .....	100,000
11	Bank and Trust Company Fund .....	100,000
12	Professions Indirect Cost Fund .....	3,400,000
13	Public Utility Fund .....	2,081,200
14	Real Estate License Administration Fund .....	150,000
15	Title III Social Security and	
16	Employment Fund .....	1,000,000
17	Transportation Regulatory Fund .....	3,052,100
18	Underground Storage Tank Fund .....	50,000

19 (1) In addition to any other transfers that may be provided  
 20 for by law, on July 1, 2002, or as soon as may be practical  
 21 thereafter, the State Comptroller shall direct and the State  
 22 Treasurer shall transfer the sum of \$3,000,000 from the General  
 23 Revenue Fund to the Presidential Library and Museum Operating  
 24 Fund.

25 (m) In addition to any other transfers that may be provided  
 26 for by law, on July 1, 2002 and on the effective date of this

1 amendatory Act of the 93rd General Assembly, or as soon  
2 thereafter as may be practical, the State Comptroller shall  
3 direct and the State Treasurer shall transfer the sum of  
4 \$1,200,000 from the General Revenue Fund to the Violence  
5 Prevention Fund.

6 (n) In addition to any other transfers that may be provided  
7 for by law, on July 1, 2003, or as soon thereafter as may be  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$6,800,000 from the General  
10 Revenue Fund to the DHS Recoveries Trust Fund.

11 (o) On or after July 1, 2003, and no later than June 30,  
12 2004, in addition to any other transfers that may be provided  
13 for by law, at the direction of and upon notification from the  
14 Governor, the State Comptroller shall direct and the State  
15 Treasurer shall transfer amounts not to exceed the following  
16 sums into the Vehicle Inspection Fund:

17 From the Underground Storage Tank Fund ..... \$35,000,000.

18 (p) On or after July 1, 2003 and until May 1, 2004, in  
19 addition to any other transfers that may be provided for by  
20 law, at the direction of and upon notification from the  
21 Governor, the State Comptroller shall direct and the State  
22 Treasurer shall transfer amounts not exceeding a total of  
23 \$80,000,000 from the General Revenue Fund to the Tobacco  
24 Settlement Recovery Fund. Any amounts so transferred shall be  
25 re-transferred from the Tobacco Settlement Recovery Fund to the  
26 General Revenue Fund at the direction of and upon notification

1 from the Governor, but in any event on or before June 30, 2004.

2 (q) In addition to any other transfers that may be provided  
3 for by law, on July 1, 2003, or as soon as may be practical  
4 thereafter, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$5,000,000 from the General  
6 Revenue Fund to the Illinois Military Family Relief Fund.

7 (r) In addition to any other transfers that may be provided  
8 for by law, on July 1, 2003, or as soon as may be practical  
9 thereafter, the State Comptroller shall direct and the State  
10 Treasurer shall transfer the sum of \$1,922,000 from the General  
11 Revenue Fund to the Presidential Library and Museum Operating  
12 Fund.

13 (s) In addition to any other transfers that may be provided  
14 for by law, on or after July 1, 2003, the State Comptroller  
15 shall direct and the State Treasurer shall transfer the sum of  
16 \$4,800,000 from the Statewide Economic Development Fund to the  
17 General Revenue Fund.

18 (t) In addition to any other transfers that may be provided  
19 for by law, on or after July 1, 2003, the State Comptroller  
20 shall direct and the State Treasurer shall transfer the sum of  
21 \$50,000,000 from the General Revenue Fund to the Budget  
22 Stabilization Fund.

23 (u) On or after July 1, 2004 and until May 1, 2005, in  
24 addition to any other transfers that may be provided for by  
25 law, at the direction of and upon notification from the  
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not exceeding a total of  
2 \$80,000,000 from the General Revenue Fund to the Tobacco  
3 Settlement Recovery Fund. Any amounts so transferred shall be  
4 retransferred by the State Comptroller and the State Treasurer  
5 from the Tobacco Settlement Recovery Fund to the General  
6 Revenue Fund at the direction of and upon notification from the  
7 Governor, but in any event on or before June 30, 2005.

8 (v) In addition to any other transfers that may be provided  
9 for by law, on July 1, 2004, or as soon thereafter as may be  
10 practical, the State Comptroller shall direct and the State  
11 Treasurer shall transfer the sum of \$1,200,000 from the General  
12 Revenue Fund to the Violence Prevention Fund.

13 (w) In addition to any other transfers that may be provided  
14 for by law, on July 1, 2004, or as soon thereafter as may be  
15 practical, the State Comptroller shall direct and the State  
16 Treasurer shall transfer the sum of \$6,445,000 from the General  
17 Revenue Fund to the Presidential Library and Museum Operating  
18 Fund.

19 (x) In addition to any other transfers that may be provided  
20 for by law, on January 15, 2005, or as soon thereafter as may  
21 be practical, the State Comptroller shall direct and the State  
22 Treasurer shall transfer to the General Revenue Fund the  
23 following sums:

24 From the State Crime Laboratory Fund, \$200,000;

25 From the State Police Wireless Service Emergency Fund,  
26 \$200,000;

1           From the State Offender DNA Identification System  
2           Fund, \$800,000; and

3           From the State Police Whistleblower Reward and  
4           Protection Fund, \$500,000.

5           (y) Notwithstanding any other provision of law to the  
6           contrary, in addition to any other transfers that may be  
7           provided for by law on June 30, 2005, or as soon as may be  
8           practical thereafter, the State Comptroller shall direct and  
9           the State Treasurer shall transfer the remaining balance from  
10          the designated funds into the General Revenue Fund and any  
11          future deposits that would otherwise be made into these funds  
12          must instead be made into the General Revenue Fund:

13                   (1) the Keep Illinois Beautiful Fund;

14                   (2) the Metropolitan Fair and Exposition Authority  
15          Reconstruction Fund;

16                   (3) the New Technology Recovery Fund;

17                   (4) the Illinois Rural Bond Bank Trust Fund;

18                   (5) the ISBE School Bus Driver Permit Fund;

19                   (6) the Solid Waste Management Revolving Loan Fund;

20                   (7) the State Postsecondary Review Program Fund;

21                   (8) the Tourism Attraction Development Matching Grant  
22          Fund;

23                   (9) the Patent and Copyright Fund;

24                   (10) the Credit Enhancement Development Fund;

25                   (11) the Community Mental Health and Developmental  
26          Disabilities Services Provider Participation Fee Trust



1 Fund;

2 (12) the Nursing Home Grant Assistance Fund;

3 (13) the By-product Material Safety Fund;

4 (14) the Illinois Student Assistance Commission Higher  
5 EdNet Fund;

6 (15) the DORS State Project Fund;

7 (16) the School Technology Revolving Fund;

8 (17) the Energy Assistance Contribution Fund;

9 (18) the Illinois Building Commission Revolving Fund;

10 (19) the Illinois Aquaculture Development Fund;

11 (20) the Homelessness Prevention Fund;

12 (21) the DCFS Refugee Assistance Fund;

13 (22) the Illinois Century Network Special Purposes  
14 Fund; and

15 (23) the Build Illinois Purposes Fund.

16 (z) In addition to any other transfers that may be provided  
17 for by law, on July 1, 2005, or as soon as may be practical  
18 thereafter, the State Comptroller shall direct and the State  
19 Treasurer shall transfer the sum of \$1,200,000 from the General  
20 Revenue Fund to the Violence Prevention Fund.

21 (aa) In addition to any other transfers that may be  
22 provided for by law, on July 1, 2005, or as soon as may be  
23 practical thereafter, the State Comptroller shall direct and  
24 the State Treasurer shall transfer the sum of \$9,000,000 from  
25 the General Revenue Fund to the Presidential Library and Museum  
26 Operating Fund.

1           (bb) In addition to any other transfers that may be  
2 provided for by law, on July 1, 2005, or as soon as may be  
3 practical thereafter, the State Comptroller shall direct and  
4 the State Treasurer shall transfer the sum of \$6,803,600 from  
5 the General Revenue Fund to the Securities Audit and  
6 Enforcement Fund.

7           (cc) In addition to any other transfers that may be  
8 provided for by law, on or after July 1, 2005 and until May 1,  
9 2006, at the direction of and upon notification from the  
10 Governor, the State Comptroller shall direct and the State  
11 Treasurer shall transfer amounts not exceeding a total of  
12 \$80,000,000 from the General Revenue Fund to the Tobacco  
13 Settlement Recovery Fund. Any amounts so transferred shall be  
14 re-transferred by the State Comptroller and the State Treasurer  
15 from the Tobacco Settlement Recovery Fund to the General  
16 Revenue Fund at the direction of and upon notification from the  
17 Governor, but in any event on or before June 30, 2006.

18           (dd) In addition to any other transfers that may be  
19 provided for by law, on April 1, 2005, or as soon thereafter as  
20 may be practical, at the direction of the Director of Public  
21 Aid (now Director of Healthcare and Family Services), the State  
22 Comptroller shall direct and the State Treasurer shall transfer  
23 from the Public Aid Recoveries Trust Fund amounts not to exceed  
24 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

25           (ee) Notwithstanding any other provision of law, on July 1,  
26 2006, or as soon thereafter as practical, the State Comptroller

1 shall direct and the State Treasurer shall transfer the  
2 remaining balance from the Illinois Civic Center Bond Fund to  
3 the Illinois Civic Center Bond Retirement and Interest Fund.

4 (ff) In addition to any other transfers that may be  
5 provided for by law, on and after July 1, 2006 and until June  
6 30, 2007, at the direction of and upon notification from the  
7 Director of the Governor's Office of Management and Budget, the  
8 State Comptroller shall direct and the State Treasurer shall  
9 transfer amounts not exceeding a total of \$1,900,000 from the  
10 General Revenue Fund to the Illinois Capital Revolving Loan  
11 Fund.

12 (gg) In addition to any other transfers that may be  
13 provided for by law, on and after July 1, 2006 and until May 1,  
14 2007, at the direction of and upon notification from the  
15 Governor, the State Comptroller shall direct and the State  
16 Treasurer shall transfer amounts not exceeding a total of  
17 \$80,000,000 from the General Revenue Fund to the Tobacco  
18 Settlement Recovery Fund. Any amounts so transferred shall be  
19 retransferred by the State Comptroller and the State Treasurer  
20 from the Tobacco Settlement Recovery Fund to the General  
21 Revenue Fund at the direction of and upon notification from the  
22 Governor, but in any event on or before June 30, 2007.

23 (hh) In addition to any other transfers that may be  
24 provided for by law, on and after July 1, 2006 and until June  
25 30, 2007, at the direction of and upon notification from the  
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts from the Illinois Affordable  
2 Housing Trust Fund to the designated funds not exceeding the  
3 following amounts:

4	DCFS Children's Services Fund .....	\$2,200,000
5	Department of Corrections Reimbursement	
6	and Education Fund .....	\$1,500,000
7	Supplemental Low-Income Energy	
8	Assistance Fund .....	\$75,000

9 (ii) In addition to any other transfers that may be  
10 provided for by law, on or before August 31, 2006, the Governor  
11 and the State Comptroller may agree to transfer the surplus  
12 cash balance from the General Revenue Fund to the Budget  
13 Stabilization Fund and the Pension Stabilization Fund in equal  
14 proportions. The determination of the amount of the surplus  
15 cash balance shall be made by the Governor, with the  
16 concurrence of the State Comptroller, after taking into account  
17 the June 30, 2006 balances in the general funds and the actual  
18 or estimated spending from the general funds during the lapse  
19 period. Notwithstanding the foregoing, the maximum amount that  
20 may be transferred under this subsection (ii) is \$50,000,000.

21 (jj) In addition to any other transfers that may be  
22 provided for by law, on July 1, 2006, or as soon thereafter as  
23 practical, the State Comptroller shall direct and the State  
24 Treasurer shall transfer the sum of \$8,250,000 from the General  
25 Revenue Fund to the Presidential Library and Museum Operating  
26 Fund.

1           (kk) In addition to any other transfers that may be  
2 provided for by law, on July 1, 2006, or as soon thereafter as  
3 practical, the State Comptroller shall direct and the State  
4 Treasurer shall transfer the sum of \$1,400,000 from the General  
5 Revenue Fund to the Violence Prevention Fund.

6           (ll) In addition to any other transfers that may be  
7 provided for by law, on the first day of each calendar quarter  
8 of the fiscal year beginning July 1, 2006, or as soon  
9 thereafter as practical, the State Comptroller shall direct and  
10 the State Treasurer shall transfer from the General Revenue  
11 Fund amounts equal to one-fourth of \$20,000,000 to the  
12 Renewable Energy Resources Trust Fund.

13           (mm) In addition to any other transfers that may be  
14 provided for by law, on July 1, 2006, or as soon thereafter as  
15 practical, the State Comptroller shall direct and the State  
16 Treasurer shall transfer the sum of \$1,320,000 from the General  
17 Revenue Fund to the I-FLY Fund.

18           (nn) In addition to any other transfers that may be  
19 provided for by law, on July 1, 2006, or as soon thereafter as  
20 practical, the State Comptroller shall direct and the State  
21 Treasurer shall transfer the sum of \$3,000,000 from the General  
22 Revenue Fund to the African-American HIV/AIDS Response Fund.

23           (oo) In addition to any other transfers that may be  
24 provided for by law, on and after July 1, 2006 and until June  
25 30, 2007, at the direction of and upon notification from the  
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts identified as net receipts  
2 from the sale of all or part of the Illinois Student Assistance  
3 Commission loan portfolio from the Student Loan Operating Fund  
4 to the General Revenue Fund. The maximum amount that may be  
5 transferred pursuant to this Section is \$38,800,000. In  
6 addition, no transfer may be made pursuant to this Section that  
7 would have the effect of reducing the available balance in the  
8 Student Loan Operating Fund to an amount less than the amount  
9 remaining unexpended and unreserved from the total  
10 appropriations from the Fund estimated to be expended for the  
11 fiscal year. The State Treasurer and Comptroller shall transfer  
12 the amounts designated under this Section as soon as may be  
13 practical after receiving the direction to transfer from the  
14 Governor.

15 (pp) In addition to any other transfers that may be  
16 provided for by law, on July 1, 2006, or as soon thereafter as  
17 practical, the State Comptroller shall direct and the State  
18 Treasurer shall transfer the sum of \$2,000,000 from the General  
19 Revenue Fund to the Illinois Veterans Assistance Fund.

20 (qq) In addition to any other transfers that may be  
21 provided for by law, on and after July 1, 2007 and until May 1,  
22 2008, at the direction of and upon notification from the  
23 Governor, the State Comptroller shall direct and the State  
24 Treasurer shall transfer amounts not exceeding a total of  
25 \$80,000,000 from the General Revenue Fund to the Tobacco  
26 Settlement Recovery Fund. Any amounts so transferred shall be

1 retransferred by the State Comptroller and the State Treasurer  
 2 from the Tobacco Settlement Recovery Fund to the General  
 3 Revenue Fund at the direction of and upon notification from the  
 4 Governor, but in any event on or before June 30, 2008.

5 (rr) In addition to any other transfers that may be  
 6 provided for by law, on and after July 1, 2007 and until June  
 7 30, 2008, at the direction of and upon notification from the  
 8 Governor, the State Comptroller shall direct and the State  
 9 Treasurer shall transfer amounts from the Illinois Affordable  
 10 Housing Trust Fund to the designated funds not exceeding the  
 11 following amounts:

12	DCFS Children's Services Fund .....	\$2,200,000
13	Department of Corrections Reimbursement	
14	and Education Fund .....	\$1,500,000
15	Supplemental Low-Income Energy	
16	Assistance Fund.....	\$75,000

17 (ss) In addition to any other transfers that may be  
 18 provided for by law, on July 1, 2007, or as soon thereafter as  
 19 practical, the State Comptroller shall direct and the State  
 20 Treasurer shall transfer the sum of \$8,250,000 from the General  
 21 Revenue Fund to the Presidential Library and Museum Operating  
 22 Fund.

23 (tt) In addition to any other transfers that may be  
 24 provided for by law, on July 1, 2007, or as soon thereafter as  
 25 practical, the State Comptroller shall direct and the State  
 26 Treasurer shall transfer the sum of \$1,400,000 from the General

1 Revenue Fund to the Violence Prevention Fund.

2 (uu) In addition to any other transfers that may be  
3 provided for by law, on July 1, 2007, or as soon thereafter as  
4 practical, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$1,320,000 from the General  
6 Revenue Fund to the I-FLY Fund.

7 (vv) In addition to any other transfers that may be  
8 provided for by law, on July 1, 2007, or as soon thereafter as  
9 practical, the State Comptroller shall direct and the State  
10 Treasurer shall transfer the sum of \$3,000,000 from the General  
11 Revenue Fund to the African-American HIV/AIDS Response Fund.

12 (ww) In addition to any other transfers that may be  
13 provided for by law, on July 1, 2007, or as soon thereafter as  
14 practical, the State Comptroller shall direct and the State  
15 Treasurer shall transfer the sum of \$3,500,000 from the General  
16 Revenue Fund to the Predatory Lending Database Program Fund.

17 (xx) In addition to any other transfers that may be  
18 provided for by law, on July 1, 2007, or as soon thereafter as  
19 practical, the State Comptroller shall direct and the State  
20 Treasurer shall transfer the sum of \$5,000,000 from the General  
21 Revenue Fund to the Digital Divide Elimination Fund.

22 (yy) In addition to any other transfers that may be  
23 provided for by law, on July 1, 2007, or as soon thereafter as  
24 practical, the State Comptroller shall direct and the State  
25 Treasurer shall transfer the sum of \$4,000,000 from the General  
26 Revenue Fund to the Digital Divide Elimination Infrastructure



1 Fund.

2 (zz) In addition to any other transfers that may be  
3 provided for by law, on July 1, 2008, or as soon thereafter as  
4 practical, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$5,000,000 from the General  
6 Revenue Fund to the Digital Divide Elimination Fund.

7 (aaa) In addition to any other transfers that may be  
8 provided for by law, on and after July 1, 2008 and until May 1,  
9 2009, at the direction of and upon notification from the  
10 Governor, the State Comptroller shall direct and the State  
11 Treasurer shall transfer amounts not exceeding a total of  
12 \$80,000,000 from the General Revenue Fund to the Tobacco  
13 Settlement Recovery Fund. Any amounts so transferred shall be  
14 retransferred by the State Comptroller and the State Treasurer  
15 from the Tobacco Settlement Recovery Fund to the General  
16 Revenue Fund at the direction of and upon notification from the  
17 Governor, but in any event on or before June 30, 2009.

18 (bbb) In addition to any other transfers that may be  
19 provided for by law, on and after July 1, 2008 and until June  
20 30, 2009, at the direction of and upon notification from the  
21 Governor, the State Comptroller shall direct and the State  
22 Treasurer shall transfer amounts from the Illinois Affordable  
23 Housing Trust Fund to the designated funds not exceeding the  
24 following amounts:

- 25 DCFS Children's Services Fund ..... \$2,200,000
- 26 Department of Corrections Reimbursement

1           and Education Fund ..... \$1,500,000

2           Supplemental Low-Income Energy

3           Assistance Fund..... \$75,000

4           (ccc) In addition to any other transfers that may be  
5 provided for by law, on July 1, 2008, or as soon thereafter as  
6 practical, the State Comptroller shall direct and the State  
7 Treasurer shall transfer the sum of \$7,450,000 from the General  
8 Revenue Fund to the Presidential Library and Museum Operating  
9 Fund.

10          (ddd) In addition to any other transfers that may be  
11 provided for by law, on July 1, 2008, or as soon thereafter as  
12 practical, the State Comptroller shall direct and the State  
13 Treasurer shall transfer the sum of \$1,400,000 from the General  
14 Revenue Fund to the Violence Prevention Fund.

15          (eee) In addition to any other transfers that may be  
16 provided for by law, on July 1, 2009, or as soon thereafter as  
17 practical, the State Comptroller shall direct and the State  
18 Treasurer shall transfer the sum of \$5,000,000 from the General  
19 Revenue Fund to the Digital Divide Elimination Fund.

20          (fff) In addition to any other transfers that may be  
21 provided for by law, on and after July 1, 2009 and until May 1,  
22 2010, at the direction of and upon notification from the  
23 Governor, the State Comptroller shall direct and the State  
24 Treasurer shall transfer amounts not exceeding a total of  
25 \$80,000,000 from the General Revenue Fund to the Tobacco  
26 Settlement Recovery Fund. Any amounts so transferred shall be

1 retransferred by the State Comptroller and the State Treasurer  
2 from the Tobacco Settlement Recovery Fund to the General  
3 Revenue Fund at the direction of and upon notification from the  
4 Governor, but in any event on or before June 30, 2010.

5 (ggg) In addition to any other transfers that may be  
6 provided for by law, on July 1, 2009, or as soon thereafter as  
7 practical, the State Comptroller shall direct and the State  
8 Treasurer shall transfer the sum of \$7,450,000 from the General  
9 Revenue Fund to the Presidential Library and Museum Operating  
10 Fund.

11 (hhh) In addition to any other transfers that may be  
12 provided for by law, on July 1, 2009, or as soon thereafter as  
13 practical, the State Comptroller shall direct and the State  
14 Treasurer shall transfer the sum of \$1,400,000 from the General  
15 Revenue Fund to the Violence Prevention Fund.

16 (iii) In addition to any other transfers that may be  
17 provided for by law, on July 1, 2009, or as soon thereafter as  
18 practical, the State Comptroller shall direct and the State  
19 Treasurer shall transfer the sum of \$100,000 from the General  
20 Revenue Fund to the Heartsaver AED Fund.

21 (jjj) In addition to any other transfers that may be  
22 provided for by law, on and after July 1, 2009 and until June  
23 30, 2010, at the direction of and upon notification from the  
24 Governor, the State Comptroller shall direct and the State  
25 Treasurer shall transfer amounts not exceeding a total of  
26 \$17,000,000 from the General Revenue Fund to the DCFS

1 Children's Services Fund.

2 (lll) In addition to any other transfers that may be  
3 provided for by law, on July 1, 2009, or as soon thereafter as  
4 practical, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$5,000,000 from the General  
6 Revenue Fund to the Communications Revolving Fund.

7 (mmm) In addition to any other transfers that may be  
8 provided for by law, on July 1, 2009, or as soon thereafter as  
9 practical, the State Comptroller shall direct and the State  
10 Treasurer shall transfer the sum of \$9,700,000 from the General  
11 Revenue Fund to the Senior Citizens Real Estate Deferred Tax  
12 Revolving Fund.

13 (nnn) In addition to any other transfers that may be  
14 provided for by law, on July 1, 2009, or as soon thereafter as  
15 practical, the State Comptroller shall direct and the State  
16 Treasurer shall transfer the sum of \$565,000 from the FY09  
17 Budget Relief Fund to the Horse Racing Fund.

18 (ooo) In addition to any other transfers that may be  
19 provided by law, on July 1, 2009, or as soon thereafter as  
20 practical, the State Comptroller shall direct and the State  
21 Treasurer shall transfer the sum of \$600,000 from the General  
22 Revenue Fund to the Temporary Relocation Expenses Revolving  
23 Fund.

24 (ppp) In addition to any other transfers that may be  
25 provided for by law, on July 1, 2010, or as soon thereafter as  
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$5,000,000 from the General  
2 Revenue Fund to the Digital Divide Elimination Fund.

3 (qqq) In addition to any other transfers that may be  
4 provided for by law, on and after July 1, 2010 and until May 1,  
5 2011, at the direction of and upon notification from the  
6 Governor, the State Comptroller shall direct and the State  
7 Treasurer shall transfer amounts not exceeding a total of  
8 \$80,000,000 from the General Revenue Fund to the Tobacco  
9 Settlement Recovery Fund. Any amounts so transferred shall be  
10 retransferred by the State Comptroller and the State Treasurer  
11 from the Tobacco Settlement Recovery Fund to the General  
12 Revenue Fund at the direction of and upon notification from the  
13 Governor, but in any event on or before June 30, 2011.

14 (rrr) In addition to any other transfers that may be  
15 provided for by law, on July 1, 2010, or as soon thereafter as  
16 practical, the State Comptroller shall direct and the State  
17 Treasurer shall transfer the sum of \$6,675,000 from the General  
18 Revenue Fund to the Presidential Library and Museum Operating  
19 Fund.

20 (sss) In addition to any other transfers that may be  
21 provided for by law, on July 1, 2010, or as soon thereafter as  
22 practical, the State Comptroller shall direct and the State  
23 Treasurer shall transfer the sum of \$1,400,000 from the General  
24 Revenue Fund to the Violence Prevention Fund.

25 (ttt) In addition to any other transfers that may be  
26 provided for by law, on July 1, 2010, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$100,000 from the General  
3 Revenue Fund to the Heartsaver AED Fund.

4 (uuu) In addition to any other transfers that may be  
5 provided for by law, on July 1, 2010, or as soon thereafter as  
6 practical, the State Comptroller shall direct and the State  
7 Treasurer shall transfer the sum of \$5,000,000 from the General  
8 Revenue Fund to the Communications Revolving Fund.

9 (vvv) In addition to any other transfers that may be  
10 provided for by law, on July 1, 2010, or as soon thereafter as  
11 practical, the State Comptroller shall direct and the State  
12 Treasurer shall transfer the sum of \$3,000,000 from the General  
13 Revenue Fund to the Illinois Capital Revolving Loan Fund.

14 (www) In addition to any other transfers that may be  
15 provided for by law, on July 1, 2010, or as soon thereafter as  
16 practical, the State Comptroller shall direct and the State  
17 Treasurer shall transfer the sum of \$17,000,000 from the  
18 General Revenue Fund to the DCFS Children's Services Fund.

19 (xxx) In addition to any other transfers that may be  
20 provided for by law, on July 1, 2010, or as soon thereafter as  
21 practical, the State Comptroller shall direct and the State  
22 Treasurer shall transfer the sum of \$2,000,000 from the Digital  
23 Divide Elimination Infrastructure Fund, of which \$1,000,000  
24 shall go to the Workforce, Technology, and Economic Development  
25 Fund and \$1,000,000 to the Public Utility Fund.

26 (yyy) In addition to any other transfers that may be

1 provided for by law, on and after July 1, 2011 and until May 1,  
2 2012, at the direction of and upon notification from the  
3 Governor, the State Comptroller shall direct and the State  
4 Treasurer shall transfer amounts not exceeding a total of  
5 \$80,000,000 from the General Revenue Fund to the Tobacco  
6 Settlement Recovery Fund. Any amounts so transferred shall be  
7 retransferred by the State Comptroller and the State Treasurer  
8 from the Tobacco Settlement Recovery Fund to the General  
9 Revenue Fund at the direction of and upon notification from the  
10 Governor, but in any event on or before June 30, 2012.

11 (zzz) In addition to any other transfers that may be  
12 provided for by law, on July 1, 2011, or as soon thereafter as  
13 practical, the State Comptroller shall direct and the State  
14 Treasurer shall transfer the sum of \$1,000,000 from the General  
15 Revenue Fund to the Illinois Veterans Assistance Fund.

16 (aaaa) In addition to any other transfers that may be  
17 provided for by law, on July 1, 2011, or as soon thereafter as  
18 practical, the State Comptroller shall direct and the State  
19 Treasurer shall transfer the sum of \$8,000,000 from the General  
20 Revenue Fund to the Presidential Library and Museum Operating  
21 Fund.

22 (bbbb) In addition to any other transfers that may be  
23 provided for by law, on July 1, 2011, or as soon thereafter as  
24 practical, the State Comptroller shall direct and the State  
25 Treasurer shall transfer the sum of \$1,400,000 from the General  
26 Revenue Fund to the Violence Prevention Fund.

1           (cccc) In addition to any other transfers that may be  
2 provided for by law, on July 1, 2011, or as soon thereafter as  
3 practical, the State Comptroller shall direct and the State  
4 Treasurer shall transfer the sum of \$14,100,000 from the  
5 General Revenue Fund to the State Garage Revolving Fund.

6           (dddd) In addition to any other transfers that may be  
7 provided for by law, on July 1, 2011, or as soon thereafter as  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$4,000,000 from the General  
10 Revenue Fund to the Digital Divide Elimination Fund.

11           (eeee) In addition to any other transfers that may be  
12 provided for by law, on July 1, 2011, or as soon thereafter as  
13 practical, the State Comptroller shall direct and the State  
14 Treasurer shall transfer the sum of \$500,000 from the General  
15 Revenue Fund to the Senior Citizens Real Estate Deferred Tax  
16 Revolving Fund.

17           (Source: P.A. 96-45, eff. 7-15-09; 96-820, eff. 11-18-09;  
18 96-959, eff. 7-1-10; 97-72, eff. 7-1-11; 97-641, eff.  
19 12-19-11.)

20           (30 ILCS 105/8h)

21           Sec. 8h. Transfers to General Revenue Fund.

22           (a) Except as otherwise provided in this Section and  
23 Section 8n of this Act, and notwithstanding any other State law  
24 to the contrary, the Governor may, through June 30, 2007, from  
25 time to time direct the State Treasurer and Comptroller to



1 transfer a specified sum from any fund held by the State  
2 Treasurer to the General Revenue Fund in order to help defray  
3 the State's operating costs for the fiscal year. The total  
4 transfer under this Section from any fund in any fiscal year  
5 shall not exceed the lesser of (i) 8% of the revenues to be  
6 deposited into the fund during that fiscal year or (ii) an  
7 amount that leaves a remaining fund balance of 25% of the July  
8 1 fund balance of that fiscal year. In fiscal year 2005 only,  
9 prior to calculating the July 1, 2004 final balances, the  
10 Governor may calculate and direct the State Treasurer with the  
11 Comptroller to transfer additional amounts determined by  
12 applying the formula authorized in Public Act 93-839 to the  
13 funds balances on July 1, 2003. No transfer may be made from a  
14 fund under this Section that would have the effect of reducing  
15 the available balance in the fund to an amount less than the  
16 amount remaining unexpended and unreserved from the total  
17 appropriation from that fund estimated to be expended for that  
18 fiscal year. This Section does not apply to any funds that are  
19 restricted by federal law to a specific use, to any funds in  
20 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
21 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
22 Teacher Health Insurance Security Fund, the Voters' Guide Fund,  
23 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
24 Program Fund, the Supreme Court Federal Projects Fund, the  
25 Supreme Court Special State Projects Fund, the Supplemental  
26 Low-Income Energy Assistance Fund, the Good Samaritan Energy

1 Trust Fund, the Low-Level Radioactive Waste Facility  
2 Development and Operation Fund, the Horse Racing Equity Trust  
3 Fund, the Metabolic Screening and Treatment Fund, or the  
4 Hospital Basic Services Preservation Fund, or to any funds to  
5 which Section 70-50 of the Nurse Practice Act applies. No  
6 transfers may be made under this Section from the Pet  
7 Population Control Fund. Notwithstanding any other provision  
8 of this Section, for fiscal year 2004, the total transfer under  
9 this Section from the Road Fund or the State Construction  
10 Account Fund shall not exceed the lesser of (i) 5% of the  
11 revenues to be deposited into the fund during that fiscal year  
12 or (ii) 25% of the beginning balance in the fund. For fiscal  
13 year 2005 through fiscal year 2007, no amounts may be  
14 transferred under this Section from the Road Fund, the State  
15 Construction Account Fund, the Criminal Justice Information  
16 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
17 Mandatory Arbitration Fund.

18 In determining the available balance in a fund, the  
19 Governor may include receipts, transfers into the fund, and  
20 other resources anticipated to be available in the fund in that  
21 fiscal year.

22 The State Treasurer and Comptroller shall transfer the  
23 amounts designated under this Section as soon as may be  
24 practicable after receiving the direction to transfer from the  
25 Governor.

26 (a-5) Transfers directed to be made under this Section on

1 or before February 28, 2006 that are still pending on May 19,  
2 2006 (the effective date of Public Act 94-774) shall be  
3 redirected as provided in Section 8n of this Act.

4 (b) This Section does not apply to: (i) the Carolyn Adams  
5 Ticket For The Cure Grant Fund; (ii) any fund established under  
6 the Community Senior Services and Resources Act; or (iii) on or  
7 after January 1, 2006 (the effective date of Public Act  
8 94-511), the Child Labor and Day and Temporary Labor Services  
9 Enforcement Fund.

10 (c) This Section does not apply to the Demutualization  
11 Trust Fund established under the Uniform Disposition of  
12 Unclaimed Property Act.

13 (d) This Section does not apply to moneys set aside in the  
14 Illinois State Podiatric Disciplinary Fund for podiatric  
15 scholarships and residency programs under the Podiatric  
16 Scholarship and Residency Act.

17 (e) Subsection (a) does not apply to, and no transfer may  
18 be made under this Section from, the Pension Stabilization  
19 Fund.

20 (f) Subsection (a) does not apply to, and no transfer may  
21 be made under this Section from, the Illinois Power Agency  
22 Operations Fund, the Illinois Power Agency Facilities Fund, the  
23 Illinois Power Agency Debt Service Fund, and the Illinois Power  
24 Agency Trust Fund.

25 (g) This Section does not apply to the Veterans Service  
26 Organization Reimbursement Fund.

1           (h) This Section does not apply to the Supreme Court  
2 Historic Preservation Fund.

3           (i) This Section does not apply to, and no transfer may be  
4 made under this Section from, the Money Follows the Person  
5 Budget Transfer Fund.

6           (j) This Section does not apply to the Domestic Violence  
7 Shelter and Service Fund.

8           (k) This Section does not apply to the Illinois Historic  
9 Sites Fund and the Presidential Library and Museum Operating  
10 Fund.

11           (l) This Section does not apply to the Trucking  
12 Environmental and Education Fund.

13           (m) This Section does not apply to the Roadside Memorial  
14 Fund.

15           (n) This Section does not apply to the Department of Human  
16 Rights Special Fund.

17           (Source: P.A. 95-331, eff. 8-21-07; 95-410, eff. 8-24-07;  
18 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639, eff.  
19 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08; 95-876,  
20 eff. 8-21-08; 96-302, eff. 1-1-10; 96-450, eff. 8-14-09;  
21 96-511, eff. 8-14-09; 96-576, eff. 8-18-09; 96-667, eff.  
22 8-25-09; 96-786, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1290,  
23 eff. 7-26-10.)

24           (30 ILCS 105/5.87 rep.)

25           (30 ILCS 105/5.121 rep.)

1 (30 ILCS 105/5.154 rep.)

2 (30 ILCS 105/5.181 rep.)

3 (30 ILCS 105/5.187 rep.)

4 (30 ILCS 105/5.200 rep.)

5 (30 ILCS 105/5.232 rep.)

6 (30 ILCS 105/5.296 rep.)

7 (30 ILCS 105/5.310 rep.)

8 (30 ILCS 105/5.333 rep.)

9 (30 ILCS 105/5.431 rep.)

10 (30 ILCS 105/5.461 rep.)

11 (30 ILCS 105/5.516 rep.)

12 (30 ILCS 105/5.520 rep.)

13 (30 ILCS 105/5.521 rep.)

14 (30 ILCS 105/5.600 rep.)

15 (30 ILCS 105/5.617 rep.)

16 (30 ILCS 105/5.717 rep.)

17 Section 15-15. The State Finance Act is amended by  
18 repealing Sections 5.87, 5.121, 5.154, 5.181, 5.187, 5.200,  
19 5.232, 5.296, 5.310, 5.333, 5.431, 5.461, 5.516, 5.520, 5.521,  
20 5.600, 5.617, and 5.717.

21 Section 15-20. The Build Illinois Act is amended by  
22 changing Sections 9-3 and 9-5.2 as follows:

23 (30 ILCS 750/9-3) (from Ch. 127, par. 2709-3)

24 Sec. 9-3. Powers and duties. The Department has the power:

1           (a) To make loans or equity investments to small  
2 businesses, and to make loans or grants or investments to or  
3 through financial intermediaries. The loans and investments  
4 shall be made from appropriations from the Build Illinois Bond  
5 Fund, Illinois Capital Revolving Loan Fund or Illinois Equity  
6 ~~Revolving~~ Fund for the purpose of promoting the creation or  
7 retention of jobs within small businesses or to modernize or  
8 maintain competitiveness of firms in Illinois. The grants shall  
9 be made from appropriations from the Build Illinois Bond Fund  
10 or Illinois Capital Revolving Loan Fund for the purpose of  
11 technical assistance.

12           (b) To make loans to or investments in businesses that have  
13 received federal Phase I Small Business Innovation Research  
14 grants as a bridge while awaiting federal Phase II Small  
15 Business Innovation Research grant funds.

16           (c) To enter into interagency agreements, accept funds or  
17 grants, and engage in cooperation with agencies of the federal  
18 government, local units of government, universities, research  
19 foundations, political subdivisions of the State, financial  
20 intermediaries, and regional economic development corporations  
21 or organizations for the purposes of carrying out this Article.

22           (d) To enter into contracts, financial intermediary  
23 agreements, or any other agreements or contracts with financial  
24 intermediaries necessary or desirable to further the purposes  
25 of this Article. Any such agreement or contract may include,  
26 without limitation, terms and provisions including, but not

1 limited to loan documentation, review and approval procedures,  
2 organization and servicing rights, and default conditions.

3 (e) To fix, determine, charge and collect any premiums,  
4 fees, charges, costs and expenses, including without  
5 limitation, any application fees, commitment fees, program  
6 fees, financing charges, collection fees, training fees, or  
7 publication fees in connection with its activities under this  
8 Article and to accept from any source any gifts, donations, or  
9 contributions of money, property, labor, or other things of  
10 value to be held, used, and applied to carry out the purposes  
11 of this Article. All fees, charges, collections, gifts,  
12 donations, or other contributions shall be deposited into the  
13 Illinois Capital Revolving Loan Fund.

14 (f) To establish application, notification, contract, and  
15 other forms, procedures, rules or regulations deemed necessary  
16 and appropriate.

17 (g) To consent, subject to the provisions of any contract  
18 with another person, whenever it deems it necessary or  
19 desirable in the fulfillment of the purposes of this Article,  
20 to the modification or restructuring of any financial  
21 intermediary agreement, loan agreement or any equity  
22 investment agreement to which the Department is a party.

23 (h) To take whatever actions are necessary or appropriate  
24 to protect the State's interest in the event of bankruptcy,  
25 default, foreclosure, or noncompliance with the terms and  
26 conditions of financial assistance or participation provided

1 hereunder or to otherwise protect or affect the State's  
2 interest, including the power to sell, dispose, lease or rent,  
3 upon terms and conditions determined by the Director to be  
4 appropriate, real or personal property which the Department may  
5 receive as a result thereof.

6 (i) To deposit any "Qualified Securities" which have been  
7 received by the Department as the result of any financial  
8 intermediary agreement, loan, or equity investment agreement  
9 executed in the carrying out of this Act, with the Office of  
10 the State Treasurer and held by that office until agreement to  
11 transfer such qualified security shall be certified by the  
12 Director of Commerce and Economic Opportunity.

13 (j) To assist small businesses that seek to apply for  
14 public or private capital in preparing the application and to  
15 supply them with grant information, plans, reports,  
16 assistance, or advice on development finance and to assist  
17 financial intermediaries and participating lenders to build  
18 capacity to make debt or equity investments through  
19 conferences, workshops, seminars, publications, or any other  
20 media.

21 (k) To provide for staff, administration, and related  
22 support required to manage the programs authorized under this  
23 Article and pay for staffing and administration from the  
24 Illinois Capital Revolving Loan Fund, as appropriated by the  
25 General Assembly. Administration responsibilities may include,  
26 but are not limited to, research and identification of credit



1 disadvantaged groups; design of comprehensive statewide  
2 capital access plans and programs addressing capital gap and  
3 capital marketplace structure and information barriers;  
4 direction, management, and control of specific projects; and  
5 communicate and cooperation with public development finance  
6 organizations and private debt and equity sources.

7 (l) To exercise such other powers as are necessary or  
8 incidental to the foregoing.

9 (Source: P.A. 94-91, eff. 7-1-05.)

10 (30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

11 Sec. 9-5.2. Illinois Equity ~~Investment Revolving~~ Fund.

12 (a) There is created the Illinois Equity ~~Investment~~  
13 ~~Revolving~~ Fund, ~~hereafter referred to in this Article as the~~  
14 ~~"Equity Fund"~~ to be held as a separate fund within the State  
15 Treasury. The purpose of the Illinois Equity Fund is to make  
16 equity investments in Illinois. All financing will be done in  
17 conjunction with participating lenders or other investors.  
18 Investment proceeds may be directed to working capital expenses  
19 associated with the introduction of new technical products or  
20 services of individual business projects or may be used for  
21 equity finance pools operated by intermediaries.

22 (b) There shall be deposited in the Illinois Equity Fund  
23 such amounts, including but not limited to:

24 (i) All receipts including dividends, principal and  
25 interest payments, royalties, or other return on

1 investment from any applicable loan made from the Illinois  
2 Equity Fund, from direct appropriations by the General  
3 Assembly from the Build Illinois Fund or the Build Illinois  
4 Purposes Fund (now abolished), or from intermediary  
5 agreements made from the Illinois Equity Fund entered into  
6 by the Department;

7 (ii) All proceeds of assets of whatever nature received  
8 by the Department as a result of default or delinquency  
9 with respect to loan agreements made from the Illinois  
10 Equity Fund, or from direct appropriations by the General  
11 Assembly including proceeds from the sale, disposal, lease  
12 or rental of real or personal property which the Department  
13 may receive as a result thereof;

14 (iii) any appropriations, grants or gifts made to the  
15 Illinois Equity Fund;

16 (iv) any income received from interest on investments  
17 of moneys in the Illinois Equity Fund.

18 (c) The Treasurer may invest moneys in the Illinois Equity  
19 Fund in securities constituting direct obligations of the  
20 United States Government, or in obligations the principal of  
21 and interest on which are guaranteed by the United States  
22 Government, or in certificates of deposit of any State or  
23 national bank which are fully secured by obligations guaranteed  
24 as to principal and interest by the United States Government.

25 (Source: P.A. 94-91, eff. 7-1-05.)

1 Section 15-25. The Illinois Income Tax Act is amended by  
2 changing Section 507L as follows:

3 (35 ILCS 5/507L)

4 Sec. 507L. Penny Severns Breast, ~~and~~ Cervical, and Ovarian  
5 Cancer Research Fund checkoff. Beginning with taxable years  
6 ending on December 31, 1999, the Department shall print on its  
7 standard individual income tax form a provision indicating that  
8 if the taxpayer wishes to contribute to the Penny Severns  
9 Breast, ~~and~~ Cervical, and Ovarian Cancer Research Fund as  
10 authorized by this amendatory Act of the 91st General Assembly,  
11 he or she may do so by stating the amount of the contribution  
12 (not less than \$1) on the return and that the contribution will  
13 reduce the taxpayer's refund or increase the amount of the  
14 payment to accompany the return. Failure to remit any amount of  
15 increased payment shall reduce the contribution accordingly.  
16 This Section shall not apply to an amended return.

17 (Source: P.A. 91-107, eff. 7-13-99.)

18 Section 15-30. The Illinois Municipal Code is amended by  
19 changing Section 11-43-2 as follows:

20 (65 ILCS 5/11-43-2) (from Ch. 24, par. 11-43-2)

21 Sec. 11-43-2. Taxes levied by any municipality having a  
22 population of 500,000 or more for general assistance for  
23 persons in need thereof as provided in The Illinois Public Aid

1 Code, as now or hereafter amended, for each fiscal year shall  
2 not exceed the rate of .10% upon the value of all property  
3 therein as that property is equalized or assessed by the  
4 Department of Revenue. Nor shall the rate produce in excess of  
5 the amount needed in that municipality for general assistance  
6 for persons in need thereof.

7 All money received from these taxes and moneys collected or  
8 recovered by or in behalf of the municipality under The  
9 Illinois Public Aid Code shall be used exclusively for the  
10 furnishing of general assistance within the municipality; for  
11 the payment of administrative costs thereof; and for the  
12 payment of warrants issued against and in anticipation of the  
13 general assistance taxes, and accrued interest thereon. Until  
14 January 1, 1974, the treasurer of the municipality, shall pay  
15 all moneys received from general assistance taxes and all the  
16 moneys collected or recovered by or in behalf of the  
17 municipality under The Illinois Public Aid Code into the  
18 special fund in the county treasury established pursuant to  
19 Section 12-21.14 of that Code. After December 31, 1973, but not  
20 later than June 30, 1979, the treasurer of the municipality  
21 shall pay all moneys received from general assistance taxes and  
22 collections or recoveries directly into the Special Purposes  
23 Trust Fund (now known as the DHS Special Purposes Trust Fund)  
24 established by Section 12-10 of The Illinois Public Aid Code.  
25 After June 30, 1979, moneys and funds designated by this  
26 Section shall be paid into the General Revenue Fund as

1 reimbursement for appropriated funds disbursed.

2 Upon the filing with the county clerk of a certified copy  
3 of an ordinance levying such taxes, the county clerk shall  
4 extend the taxes upon the books of the collector of state and  
5 county taxes within that municipality in the manner provided in  
6 Section 8-3-1 for the extension of municipal taxes.

7 (Source: P.A. 92-111, eff. 1-1-02.)

8 Section 15-35. The Public Utilities Act is amended by  
9 changing Section 13-703 as follows:

10 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

11 (Section scheduled to be repealed on July 1, 2017)

12 Sec. 13-703. (a) The Commission shall design and implement  
13 a program whereby each telecommunications carrier providing  
14 local exchange service shall provide a telecommunications  
15 device capable of servicing the needs of those persons with a  
16 hearing or speech disability together with a single party line,  
17 at no charge additional to the basic exchange rate, to any  
18 subscriber who is certified as having a hearing or speech  
19 disability by a licensed physician, speech-language  
20 pathologist, audiologist or a qualified State agency and to any  
21 subscriber which is an organization serving the needs of those  
22 persons with a hearing or speech disability as determined and  
23 specified by the Commission pursuant to subsection (d).

24 (b) The Commission shall design and implement a program,

1 whereby each telecommunications carrier providing local  
2 exchange service shall provide a telecommunications relay  
3 system, using third party intervention to connect those persons  
4 having a hearing or speech disability with persons of normal  
5 hearing by way of intercommunications devices and the telephone  
6 system, making available reasonable access to all phases of  
7 public telephone service to persons who have a hearing or  
8 speech disability. In order to design a telecommunications  
9 relay system which will meet the requirements of those persons  
10 with a hearing or speech disability available at a reasonable  
11 cost, the Commission shall initiate an investigation and  
12 conduct public hearings to determine the most cost-effective  
13 method of providing telecommunications relay service to those  
14 persons who have a hearing or speech disability when using  
15 telecommunications devices and therein solicit the advice,  
16 counsel, and physical assistance of Statewide nonprofit  
17 consumer organizations that serve persons with hearing or  
18 speech disabilities in such hearings and during the development  
19 and implementation of the system. The Commission shall phase in  
20 this program, on a geographical basis, as soon as is  
21 practicable, but no later than June 30, 1990.

22 (c) The Commission shall establish a competitively neutral  
23 rate recovery mechanism that establishes charges in an amount  
24 to be determined by the Commission for each line of a  
25 subscriber to allow telecommunications carriers providing  
26 local exchange service to recover costs as they are incurred

1 under this Section. Beginning no later than April 1, 2016, and  
2 on a yearly basis thereafter, the Commission shall initiate a  
3 proceeding to establish the competitively neutral amount to be  
4 charged or assessed to subscribers of telecommunications  
5 carriers and wireless carriers, Interconnected VoIP service  
6 providers, and consumers of prepaid wireless  
7 telecommunications service in a manner consistent with this  
8 subsection (c) and subsection (f) of this Section. The  
9 Commission shall issue its order establishing the  
10 competitively neutral amount to be charged or assessed to  
11 subscribers of telecommunications carriers and wireless  
12 carriers, Interconnected VoIP service providers, and  
13 purchasers of prepaid wireless telecommunications service on  
14 or prior to June 1 of each year, and such amount shall take  
15 effect June 1 of each year.

16 Telecommunications carriers, wireless carriers,  
17 Interconnected VoIP service providers, and sellers of prepaid  
18 wireless telecommunications service shall have 60 days from the  
19 date the Commission files its order to implement the new rate  
20 established by the order.

21 (d) The Commission shall determine and specify those  
22 organizations serving the needs of those persons having a  
23 hearing or speech disability that shall receive a  
24 telecommunications device and in which offices the equipment  
25 shall be installed in the case of an organization having more  
26 than one office. For the purposes of this Section,

1 "organizations serving the needs of those persons with hearing  
2 or speech disabilities" means centers for independent living as  
3 described in Section 12a of the Rehabilitation of Persons with  
4 Disabilities Act and not-for-profit organizations whose  
5 primary purpose is serving the needs of those persons with  
6 hearing or speech disabilities. The Commission shall direct the  
7 telecommunications carriers subject to its jurisdiction and  
8 this Section to comply with its determinations and  
9 specifications in this regard.

10 (e) As used in this Section:

11 "Prepaid wireless telecommunications service" has the  
12 meaning given to that term under Section 10 of the Prepaid  
13 Wireless 9-1-1 Surcharge Act.

14 "Retail transaction" has the meaning given to that term  
15 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

16 "Seller" has the meaning given to that term under Section  
17 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

18 "Telecommunications carrier providing local exchange  
19 service" includes, without otherwise limiting the meaning of  
20 the term, telecommunications carriers which are purely mutual  
21 concerns, having no rates or charges for services, but paying  
22 the operating expenses by assessment upon the members of such a  
23 company and no other person.

24 "Wireless carrier" has the meaning given to that term under  
25 Section 10 of the Wireless Emergency Telephone Safety Act.

26 (f) Interconnected VoIP service providers, sellers of



1 prepaid wireless telecommunications service, and wireless  
2 carriers in Illinois shall collect and remit assessments  
3 determined in accordance with this Section in a competitively  
4 neutral manner in the same manner as a telecommunications  
5 carrier providing local exchange service. However, the  
6 assessment imposed on consumers of prepaid wireless  
7 telecommunications service shall be collected by the seller  
8 from the consumer and imposed per retail transaction as a  
9 percentage of that retail transaction on all retail  
10 transactions occurring in this State. The assessment on  
11 subscribers of wireless carriers and consumers of prepaid  
12 wireless telecommunications service shall not be imposed or  
13 collected prior to June 1, 2016.

14 Sellers of prepaid wireless telecommunications service  
15 shall remit the assessments to the Department of Revenue on the  
16 same form and in the same manner which they remit the fee  
17 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For  
18 the purposes of display on the consumers' receipts, the rates  
19 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge  
20 Act and the assessment under this Section may be combined. In  
21 administration and enforcement of this Section, the provisions  
22 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge  
23 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of  
24 Section 15 and subsections (c) and (e) of Section 20 of the  
25 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015  
26 (the effective date of Public Act 99-6) ~~this amendatory Act of~~

1 ~~the 99th General Assembly~~, the seller shall be permitted to  
2 deduct and retain 3% of the assessments that are collected by  
3 the seller from consumers and that are remitted and timely  
4 filed with the Department) that are not inconsistent with this  
5 Section, shall apply, as far as practicable, to the subject  
6 matter of this Section to the same extent as if those  
7 provisions were included in this Section. The Department shall  
8 deposit all assessments and penalties collected under this  
9 Section into the Illinois Telecommunications Access  
10 Corporation Fund, a special fund created in the State treasury.  
11 On or before the 25th day of each calendar month, the  
12 Department shall prepare and certify to the Comptroller the  
13 amount available to the Commission for distribution out of the  
14 Illinois Telecommunications Access Corporation Fund. The  
15 amount certified shall be the amount (not including credit  
16 memoranda) collected during the second preceding calendar  
17 month by the Department, plus an amount the Department  
18 determines is necessary to offset any amounts which were  
19 erroneously paid to a different taxing body or fund. The amount  
20 paid to the Illinois Telecommunications Access Corporation  
21 Fund shall not include any amount equal to the amount of  
22 refunds made during the second preceding calendar month by the  
23 Department to retailers under this Section or any amount that  
24 the Department determines is necessary to offset any amounts  
25 which were payable to a different taxing body or fund but were  
26 erroneously paid to the Illinois Telecommunications Access

1 Corporation Fund. The Commission shall distribute all the funds  
2 to the Illinois Telecommunications Access Corporation and the  
3 funds may only be used in accordance with the provisions of  
4 this Section. The Department shall deduct 2% of all amounts  
5 deposited in the Illinois Telecommunications Access  
6 Corporation Fund during every year of remitted assessments. Of  
7 the 2% deducted by the Department, one-half shall be  
8 transferred into the Tax Compliance and Administration Fund to  
9 reimburse the Department for its direct costs of administering  
10 the collection and remittance of the assessment. The remaining  
11 one-half shall be transferred into the Public Utility ~~Utilities~~  
12 Fund to reimburse the Commission for its costs of distributing  
13 to the Illinois Telecommunications Access Corporation the  
14 amount certified by the Department for distribution. The amount  
15 to be charged or assessed under subsections (c) and (f) is not  
16 imposed on a provider or the consumer for wireless Lifeline  
17 service where the consumer does not pay the provider for the  
18 service. Where the consumer purchases from the provider  
19 optional minutes, texts, or other services in addition to the  
20 federally funded Lifeline benefit, a consumer must pay the  
21 charge or assessment, and it must be collected by the seller  
22 according to subsection (f).

23 Interconnected VoIP services shall not be considered an  
24 intrastate telecommunications service for the purposes of this  
25 Section in a manner inconsistent with federal law or Federal  
26 Communications Commission regulation.

1 (g) The provisions of this Section are severable under  
2 Section 1.31 of the Statute on Statutes.

3 (h) The Commission may adopt rules necessary to implement  
4 this Section.

5 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised  
6 10-21-15.)

7 Section 15-40. The Medical Practice Act of 1987 is amended  
8 by changing Sections 2 and 22 as follows:

9 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

10 (Section scheduled to be repealed on December 31, 2016)

11 Sec. 2. Definitions. For purposes of this Act, the  
12 following definitions shall have the following meanings,  
13 except where the context requires otherwise:

14 "Act" means the Medical Practice Act of 1987.

15 "Address of record" means the designated address recorded  
16 by the Department in the applicant's or licensee's application  
17 file or license file as maintained by the Department's  
18 licensure maintenance unit. It is the duty of the applicant or  
19 licensee to inform the Department of any change of address and  
20 those changes must be made either through the Department's  
21 website or by contacting the Department.

22 "Chiropractic physician" means a person licensed to treat  
23 human ailments without the use of drugs and without operative  
24 surgery. Nothing in this Act shall be construed to prohibit a

1 chiropractic physician from providing advice regarding the use  
2 of non-prescription products or from administering atmospheric  
3 oxygen. Nothing in this Act shall be construed to authorize a  
4 chiropractic physician to prescribe drugs.

5 "Department" means the Department of Financial and  
6 Professional Regulation.

7 "Disciplinary Action" means revocation, suspension,  
8 probation, supervision, practice modification, reprimand,  
9 required education, fines or any other action taken by the  
10 Department against a person holding a license.

11 "Disciplinary Board" means the Medical Disciplinary Board.

12 "Final Determination" means the governing body's final  
13 action taken under the procedure followed by a health care  
14 institution, or professional association or society, against  
15 any person licensed under the Act in accordance with the bylaws  
16 or rules and regulations of such health care institution, or  
17 professional association or society.

18 "Fund" means the Illinois State Medical Disciplinary Fund.

19 "Impaired" means the inability to practice medicine with  
20 reasonable skill and safety due to physical or mental  
21 disabilities as evidenced by a written determination or written  
22 consent based on clinical evidence including deterioration  
23 through the aging process or loss of motor skill, or abuse of  
24 drugs or alcohol, of sufficient degree to diminish a person's  
25 ability to deliver competent patient care.

26 "Licensing Board" means the Medical Licensing Board.

1 "Physician" means a person licensed under the Medical  
2 Practice Act to practice medicine in all of its branches or a  
3 chiropractic physician.

4 "Professional Association" means an association or society  
5 of persons licensed under this Act, and operating within the  
6 State of Illinois, including but not limited to, medical  
7 societies, osteopathic organizations, and chiropractic  
8 organizations, but this term shall not be deemed to include  
9 hospital medical staffs.

10 "Program of Care, Counseling, or Treatment" means a written  
11 schedule of organized treatment, care, counseling, activities,  
12 or education, satisfactory to the Disciplinary Board, designed  
13 for the purpose of restoring an impaired person to a condition  
14 whereby the impaired person can practice medicine with  
15 reasonable skill and safety of a sufficient degree to deliver  
16 competent patient care.

17 "Reinstate" means to change the status of a license from  
18 inactive or nonrenewed status to active status.

19 "Restore" means to remove an encumbrance from a license due  
20 to probation, suspension, or revocation.

21 "Secretary" means the Secretary of the Department of  
22 Financial and Professional Regulation.

23 (Source: P.A. 97-462, eff. 8-19-11; 97-622, eff. 11-23-11;  
24 98-1140, eff. 12-30-14.)

25 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

1 (Section scheduled to be repealed on December 31, 2016)

2 Sec. 22. Disciplinary action.

3 (A) The Department may revoke, suspend, place on probation,  
4 reprimand, refuse to issue or renew, or take any other  
5 disciplinary or non-disciplinary action as the Department may  
6 deem proper with regard to the license or permit of any person  
7 issued under this Act, including imposing fines not to exceed  
8 \$10,000 for each violation, upon any of the following grounds:

9 (1) Performance of an elective abortion in any place,  
10 locale, facility, or institution other than:

11 (a) a facility licensed pursuant to the Ambulatory  
12 Surgical Treatment Center Act;

13 (b) an institution licensed under the Hospital  
14 Licensing Act;

15 (c) an ambulatory surgical treatment center or  
16 hospitalization or care facility maintained by the  
17 State or any agency thereof, where such department or  
18 agency has authority under law to establish and enforce  
19 standards for the ambulatory surgical treatment  
20 centers, hospitalization, or care facilities under its  
21 management and control;

22 (d) ambulatory surgical treatment centers,  
23 hospitalization or care facilities maintained by the  
24 Federal Government; or

25 (e) ambulatory surgical treatment centers,  
26 hospitalization or care facilities maintained by any

1 university or college established under the laws of  
2 this State and supported principally by public funds  
3 raised by taxation.

4 (2) Performance of an abortion procedure in a wilful  
5 and wanton manner on a woman who was not pregnant at the  
6 time the abortion procedure was performed.

7 (3) A plea of guilty or nolo contendere, finding of  
8 guilt, jury verdict, or entry of judgment or sentencing,  
9 including, but not limited to, convictions, preceding  
10 sentences of supervision, conditional discharge, or first  
11 offender probation, under the laws of any jurisdiction of  
12 the United States of any crime that is a felony.

13 (4) Gross negligence in practice under this Act.

14 (5) Engaging in dishonorable, unethical or  
15 unprofessional conduct of a character likely to deceive,  
16 defraud or harm the public.

17 (6) Obtaining any fee by fraud, deceit, or  
18 misrepresentation.

19 (7) Habitual or excessive use or abuse of drugs defined  
20 in law as controlled substances, of alcohol, or of any  
21 other substances which results in the inability to practice  
22 with reasonable judgment, skill or safety.

23 (8) Practicing under a false or, except as provided by  
24 law, an assumed name.

25 (9) Fraud or misrepresentation in applying for, or  
26 procuring, a license under this Act or in connection with



1 applying for renewal of a license under this Act.

2 (10) Making a false or misleading statement regarding  
3 their skill or the efficacy or value of the medicine,  
4 treatment, or remedy prescribed by them at their direction  
5 in the treatment of any disease or other condition of the  
6 body or mind.

7 (11) Allowing another person or organization to use  
8 their license, procured under this Act, to practice.

9 (12) Adverse action taken by another state or  
10 jurisdiction against a license or other authorization to  
11 practice as a medical doctor, doctor of osteopathy, doctor  
12 of osteopathic medicine or doctor of chiropractic, a  
13 certified copy of the record of the action taken by the  
14 other state or jurisdiction being prima facie evidence  
15 thereof. This includes any adverse action taken by a State  
16 or federal agency that prohibits a medical doctor, doctor  
17 of osteopathy, doctor of osteopathic medicine, or doctor of  
18 chiropractic from providing services to the agency's  
19 participants.

20 (13) Violation of any provision of this Act or of the  
21 Medical Practice Act prior to the repeal of that Act, or  
22 violation of the rules, or a final administrative action of  
23 the Secretary, after consideration of the recommendation  
24 of the Disciplinary Board.

25 (14) Violation of the prohibition against fee  
26 splitting in Section 22.2 of this Act.

1           (15) A finding by the Disciplinary Board that the  
2           registrant after having his or her license placed on  
3           probationary status or subjected to conditions or  
4           restrictions violated the terms of the probation or failed  
5           to comply with such terms or conditions.

6           (16) Abandonment of a patient.

7           (17)        Prescribing,        selling,        administering,  
8           distributing, giving or self-administering any drug  
9           classified as a controlled substance (designated product)  
10          or narcotic for other than medically accepted therapeutic  
11          purposes.

12          (18) Promotion of the sale of drugs, devices,  
13          appliances or goods provided for a patient in such manner  
14          as to exploit the patient for financial gain of the  
15          physician.

16          (19) Offering, undertaking or agreeing to cure or treat  
17          disease by a secret method, procedure, treatment or  
18          medicine, or the treating, operating or prescribing for any  
19          human condition by a method, means or procedure which the  
20          licensee refuses to divulge upon demand of the Department.

21          (20) Immoral conduct in the commission of any act  
22          including, but not limited to, commission of an act of  
23          sexual misconduct related to the licensee's practice.

24          (21) Wilfully making or filing false records or reports  
25          in his or her practice as a physician, including, but not  
26          limited to, false records to support claims against the

1 medical assistance program of the Department of Healthcare  
2 and Family Services (formerly Department of Public Aid)  
3 under the Illinois Public Aid Code.

4 (22) Wilful omission to file or record, or wilfully  
5 impeding the filing or recording, or inducing another  
6 person to omit to file or record, medical reports as  
7 required by law, or wilfully failing to report an instance  
8 of suspected abuse or neglect as required by law.

9 (23) Being named as a perpetrator in an indicated  
10 report by the Department of Children and Family Services  
11 under the Abused and Neglected Child Reporting Act, and  
12 upon proof by clear and convincing evidence that the  
13 licensee has caused a child to be an abused child or  
14 neglected child as defined in the Abused and Neglected  
15 Child Reporting Act.

16 (24) Solicitation of professional patronage by any  
17 corporation, agents or persons, or profiting from those  
18 representing themselves to be agents of the licensee.

19 (25) Gross and wilful and continued overcharging for  
20 professional services, including filing false statements  
21 for collection of fees for which services are not rendered,  
22 including, but not limited to, filing such false statements  
23 for collection of monies for services not rendered from the  
24 medical assistance program of the Department of Healthcare  
25 and Family Services (formerly Department of Public Aid)  
26 under the Illinois Public Aid Code.

1           (26) A pattern of practice or other behavior which  
2 demonstrates incapacity or incompetence to practice under  
3 this Act.

4           (27) Mental illness or disability which results in the  
5 inability to practice under this Act with reasonable  
6 judgment, skill or safety.

7           (28) Physical illness, including, but not limited to,  
8 deterioration through the aging process, or loss of motor  
9 skill which results in a physician's inability to practice  
10 under this Act with reasonable judgment, skill or safety.

11           (29) Cheating on or attempt to subvert the licensing  
12 examinations administered under this Act.

13           (30) Wilfully or negligently violating the  
14 confidentiality between physician and patient except as  
15 required by law.

16           (31) The use of any false, fraudulent, or deceptive  
17 statement in any document connected with practice under  
18 this Act.

19           (32) Aiding and abetting an individual not licensed  
20 under this Act in the practice of a profession licensed  
21 under this Act.

22           (33) Violating state or federal laws or regulations  
23 relating to controlled substances, legend drugs, or  
24 ephedra as defined in the Ephedra Prohibition Act.

25           (34) Failure to report to the Department any adverse  
26 final action taken against them by another licensing

1 jurisdiction (any other state or any territory of the  
2 United States or any foreign state or country), by any peer  
3 review body, by any health care institution, by any  
4 professional society or association related to practice  
5 under this Act, by any governmental agency, by any law  
6 enforcement agency, or by any court for acts or conduct  
7 similar to acts or conduct which would constitute grounds  
8 for action as defined in this Section.

9 (35) Failure to report to the Department surrender of a  
10 license or authorization to practice as a medical doctor, a  
11 doctor of osteopathy, a doctor of osteopathic medicine, or  
12 doctor of chiropractic in another state or jurisdiction, or  
13 surrender of membership on any medical staff or in any  
14 medical or professional association or society, while  
15 under disciplinary investigation by any of those  
16 authorities or bodies, for acts or conduct similar to acts  
17 or conduct which would constitute grounds for action as  
18 defined in this Section.

19 (36) Failure to report to the Department any adverse  
20 judgment, settlement, or award arising from a liability  
21 claim related to acts or conduct similar to acts or conduct  
22 which would constitute grounds for action as defined in  
23 this Section.

24 (37) Failure to provide copies of medical records as  
25 required by law.

26 (38) Failure to furnish the Department, its

1 investigators or representatives, relevant information,  
2 legally requested by the Department after consultation  
3 with the Chief Medical Coordinator or the Deputy Medical  
4 Coordinator.

5 (39) Violating the Health Care Worker Self-Referral  
6 Act.

7 (40) Willful failure to provide notice when notice is  
8 required under the Parental Notice of Abortion Act of 1995.

9 (41) Failure to establish and maintain records of  
10 patient care and treatment as required by this law.

11 (42) Entering into an excessive number of written  
12 collaborative agreements with licensed advanced practice  
13 nurses resulting in an inability to adequately  
14 collaborate.

15 (43) Repeated failure to adequately collaborate with a  
16 licensed advanced practice nurse.

17 (44) Violating the Compassionate Use of Medical  
18 Cannabis Pilot Program Act.

19 (45) Entering into an excessive number of written  
20 collaborative agreements with licensed prescribing  
21 psychologists resulting in an inability to adequately  
22 collaborate.

23 (46) Repeated failure to adequately collaborate with a  
24 licensed prescribing psychologist.

25 Except for actions involving the ground numbered (26), all  
26 proceedings to suspend, revoke, place on probationary status,

1 or take any other disciplinary action as the Department may  
2 deem proper, with regard to a license on any of the foregoing  
3 grounds, must be commenced within 5 years next after receipt by  
4 the Department of a complaint alleging the commission of or  
5 notice of the conviction order for any of the acts described  
6 herein. Except for the grounds numbered (8), (9), (26), and  
7 (29), no action shall be commenced more than 10 years after the  
8 date of the incident or act alleged to have violated this  
9 Section. For actions involving the ground numbered (26), a  
10 pattern of practice or other behavior includes all incidents  
11 alleged to be part of the pattern of practice or other behavior  
12 that occurred, or a report pursuant to Section 23 of this Act  
13 received, within the 10-year period preceding the filing of the  
14 complaint. In the event of the settlement of any claim or cause  
15 of action in favor of the claimant or the reduction to final  
16 judgment of any civil action in favor of the plaintiff, such  
17 claim, cause of action or civil action being grounded on the  
18 allegation that a person licensed under this Act was negligent  
19 in providing care, the Department shall have an additional  
20 period of 2 years from the date of notification to the  
21 Department under Section 23 of this Act of such settlement or  
22 final judgment in which to investigate and commence formal  
23 disciplinary proceedings under Section 36 of this Act, except  
24 as otherwise provided by law. The time during which the holder  
25 of the license was outside the State of Illinois shall not be  
26 included within any period of time limiting the commencement of

1 disciplinary action by the Department.

2 The entry of an order or judgment by any circuit court  
3 establishing that any person holding a license under this Act  
4 is a person in need of mental treatment operates as a  
5 suspension of that license. That person may resume their  
6 practice only upon the entry of a Departmental order based upon  
7 a finding by the Disciplinary Board that they have been  
8 determined to be recovered from mental illness by the court and  
9 upon the Disciplinary Board's recommendation that they be  
10 permitted to resume their practice.

11 The Department may refuse to issue or take disciplinary  
12 action concerning the license of any person who fails to file a  
13 return, or to pay the tax, penalty or interest shown in a filed  
14 return, or to pay any final assessment of tax, penalty or  
15 interest, as required by any tax Act administered by the  
16 Illinois Department of Revenue, until such time as the  
17 requirements of any such tax Act are satisfied as determined by  
18 the Illinois Department of Revenue.

19 The Department, upon the recommendation of the  
20 Disciplinary Board, shall adopt rules which set forth standards  
21 to be used in determining:

22 (a) when a person will be deemed sufficiently  
23 rehabilitated to warrant the public trust;

24 (b) what constitutes dishonorable, unethical or  
25 unprofessional conduct of a character likely to deceive,  
26 defraud, or harm the public;



1           (c) what constitutes immoral conduct in the commission  
2           of any act, including, but not limited to, commission of an  
3           act of sexual misconduct related to the licensee's  
4           practice; and

5           (d) what constitutes gross negligence in the practice  
6           of medicine.

7           However, no such rule shall be admissible into evidence in  
8           any civil action except for review of a licensing or other  
9           disciplinary action under this Act.

10          In enforcing this Section, the Disciplinary Board or the  
11          Licensing Board, upon a showing of a possible violation, may  
12          compel, in the case of the Disciplinary Board, any individual  
13          who is licensed to practice under this Act or holds a permit to  
14          practice under this Act, or, in the case of the Licensing  
15          Board, any individual who has applied for licensure or a permit  
16          pursuant to this Act, to submit to a mental or physical  
17          examination and evaluation, or both, which may include a  
18          substance abuse or sexual offender evaluation, as required by  
19          the Licensing Board or Disciplinary Board and at the expense of  
20          the Department. The Disciplinary Board or Licensing Board shall  
21          specifically designate the examining physician licensed to  
22          practice medicine in all of its branches or, if applicable, the  
23          multidisciplinary team involved in providing the mental or  
24          physical examination and evaluation, or both. The  
25          multidisciplinary team shall be led by a physician licensed to  
26          practice medicine in all of its branches and may consist of one

1 or more or a combination of physicians licensed to practice  
2 medicine in all of its branches, licensed chiropractic  
3 physicians, licensed clinical psychologists, licensed clinical  
4 social workers, licensed clinical professional counselors, and  
5 other professional and administrative staff. Any examining  
6 physician or member of the multidisciplinary team may require  
7 any person ordered to submit to an examination and evaluation  
8 pursuant to this Section to submit to any additional  
9 supplemental testing deemed necessary to complete any  
10 examination or evaluation process, including, but not limited  
11 to, blood testing, urinalysis, psychological testing, or  
12 neuropsychological testing. The Disciplinary Board, the  
13 Licensing Board, or the Department may order the examining  
14 physician or any member of the multidisciplinary team to  
15 provide to the Department, the Disciplinary Board, or the  
16 Licensing Board any and all records, including business  
17 records, that relate to the examination and evaluation,  
18 including any supplemental testing performed. The Disciplinary  
19 Board, the Licensing Board, or the Department may order the  
20 examining physician or any member of the multidisciplinary team  
21 to present testimony concerning this examination and  
22 evaluation of the licensee, permit holder, or applicant,  
23 including testimony concerning any supplemental testing or  
24 documents relating to the examination and evaluation. No  
25 information, report, record, or other documents in any way  
26 related to the examination and evaluation shall be excluded by

1 reason of any common law or statutory privilege relating to  
2 communication between the licensee, permit holder, or  
3 applicant and the examining physician or any member of the  
4 multidisciplinary team. No authorization is necessary from the  
5 licensee, permit holder, or applicant ordered to undergo an  
6 evaluation and examination for the examining physician or any  
7 member of the multidisciplinary team to provide information,  
8 reports, records, or other documents or to provide any  
9 testimony regarding the examination and evaluation. The  
10 individual to be examined may have, at his or her own expense,  
11 another physician of his or her choice present during all  
12 aspects of the examination. Failure of any individual to submit  
13 to mental or physical examination and evaluation, or both, when  
14 directed, shall result in an automatic suspension, without  
15 hearing, until such time as the individual submits to the  
16 examination. If the Disciplinary Board or Licensing Board finds  
17 a physician unable to practice following an examination and  
18 evaluation because of the reasons set forth in this Section,  
19 the Disciplinary Board or Licensing Board shall require such  
20 physician to submit to care, counseling, or treatment by  
21 physicians, or other health care professionals, approved or  
22 designated by the Disciplinary Board, as a condition for  
23 issued, continued, reinstated, or renewed licensure to  
24 practice. Any physician, whose license was granted pursuant to  
25 Sections 9, 17, or 19 of this Act, or, continued, reinstated,  
26 renewed, disciplined or supervised, subject to such terms,

1 conditions or restrictions who shall fail to comply with such  
2 terms, conditions or restrictions, or to complete a required  
3 program of care, counseling, or treatment, as determined by the  
4 Chief Medical Coordinator or Deputy Medical Coordinators,  
5 shall be referred to the Secretary for a determination as to  
6 whether the licensee shall have their license suspended  
7 immediately, pending a hearing by the Disciplinary Board. In  
8 instances in which the Secretary immediately suspends a license  
9 under this Section, a hearing upon such person's license must  
10 be convened by the Disciplinary Board within 15 days after such  
11 suspension and completed without appreciable delay. The  
12 Disciplinary Board shall have the authority to review the  
13 subject physician's record of treatment and counseling  
14 regarding the impairment, to the extent permitted by applicable  
15 federal statutes and regulations safeguarding the  
16 confidentiality of medical records.

17 An individual licensed under this Act, affected under this  
18 Section, shall be afforded an opportunity to demonstrate to the  
19 Disciplinary Board that they can resume practice in compliance  
20 with acceptable and prevailing standards under the provisions  
21 of their license.

22 The Department may promulgate rules for the imposition of  
23 fines in disciplinary cases, not to exceed \$10,000 for each  
24 violation of this Act. Fines may be imposed in conjunction with  
25 other forms of disciplinary action, but shall not be the  
26 exclusive disposition of any disciplinary action arising out of

1 conduct resulting in death or injury to a patient. Any funds  
2 collected from such fines shall be deposited in the Illinois  
3 State Medical Disciplinary Fund.

4 All fines imposed under this Section shall be paid within  
5 60 days after the effective date of the order imposing the fine  
6 or in accordance with the terms set forth in the order imposing  
7 the fine.

8 (B) The Department shall revoke the license or permit  
9 issued under this Act to practice medicine or a chiropractic  
10 physician who has been convicted a second time of committing  
11 any felony under the Illinois Controlled Substances Act or the  
12 Methamphetamine Control and Community Protection Act, or who  
13 has been convicted a second time of committing a Class 1 felony  
14 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
15 person whose license or permit is revoked under this subsection  
16 B shall be prohibited from practicing medicine or treating  
17 human ailments without the use of drugs and without operative  
18 surgery.

19 (C) The Department shall not revoke, suspend, place on  
20 probation, reprimand, refuse to issue or renew, or take any  
21 other disciplinary or non-disciplinary action against the  
22 license or permit issued under this Act to practice medicine to  
23 a physician based solely upon the recommendation of the  
24 physician to an eligible patient regarding, or prescription  
25 for, or treatment with, an investigational drug, biological  
26 product, or device.

1           (D) The Disciplinary Board shall recommend to the  
2 Department civil penalties and any other appropriate  
3 discipline in disciplinary cases when the Board finds that a  
4 physician willfully performed an abortion with actual  
5 knowledge that the person upon whom the abortion has been  
6 performed is a minor or an incompetent person without notice as  
7 required under the Parental Notice of Abortion Act of 1995.  
8 Upon the Board's recommendation, the Department shall impose,  
9 for the first violation, a civil penalty of \$1,000 and for a  
10 second or subsequent violation, a civil penalty of \$5,000.

11       (Source: P.A. 98-601, eff. 12-30-13; 98-668, eff. 6-25-14;  
12 98-1140, eff. 12-30-14; 99-270, eff. 1-1-16.)

13           Section 15-45. The Illinois Horse Racing Act of 1975 is  
14 amended by changing Sections 28 and 40 as follows:

15           (230 ILCS 5/28) (from Ch. 8, par. 37-28)

16           Sec. 28. Except as provided in subsection (g) of Section 27  
17 of this Act, moneys collected shall be distributed according to  
18 the provisions of this Section 28.

19           (a) Thirty per cent of the total of all monies received by  
20 the State as privilege taxes shall be paid into the  
21 Metropolitan Exposition, Auditorium and Office Building Fund  
22 in the State Treasury.

23           (b) In addition, 4.5% of the total of all monies received  
24 by the State as privilege taxes shall be paid into the State

1 treasury into a special Fund to be known as the Metropolitan  
2 Exposition, Auditorium, and Office Building Fund.

3 (c) Fifty per cent of the total of all monies received by  
4 the State as privilege taxes under the provisions of this Act  
5 shall be paid into the Agricultural Premium Fund.

6 (d) Seven per cent of the total of all monies received by  
7 the State as privilege taxes shall be paid into the Fair and  
8 Exposition Fund in the State treasury; provided, however, that  
9 when all bonds issued prior to July 1, 1984 by the Metropolitan  
10 Fair and Exposition Authority shall have been paid or payment  
11 shall have been provided for upon a refunding of those bonds,  
12 thereafter 1/12 of \$1,665,662 of such monies shall be paid each  
13 month into the Build Illinois Fund, and the remainder into the  
14 Fair and Exposition Fund. All excess monies shall be allocated  
15 to the Department of Agriculture for distribution to county  
16 fairs for premiums and rehabilitation as set forth in the  
17 Agricultural Fair Act.

18 (e) The monies provided for in Section 30 shall be paid  
19 into the Illinois Thoroughbred Breeders Fund.

20 (f) The monies provided for in Section 31 shall be paid  
21 into the Illinois Standardbred Breeders Fund.

22 (g) Until January 1, 2000, that part representing 1/2 of  
23 the total breakage in Thoroughbred, Harness, Appaloosa,  
24 Arabian, and Quarter Horse racing in the State shall be paid  
25 into the Illinois Race Track Improvement Fund as established in  
26 Section 32.

1           (h) All other monies received by the Board under this Act  
2 shall be paid into the Horse Racing Fund.

3           (i) The salaries of the Board members, secretary, stewards,  
4 directors of mutuels, veterinarians, representatives,  
5 accountants, clerks, stenographers, inspectors and other  
6 employees of the Board, and all expenses of the Board incident  
7 to the administration of this Act, including, but not limited  
8 to, all expenses and salaries incident to the taking of saliva  
9 and urine samples in accordance with the rules and regulations  
10 of the Board shall be paid out of the Agricultural Premium  
11 Fund.

12           (j) The Agricultural Premium Fund shall also be used:

13               (1) for the expenses of operating the Illinois State  
14 Fair and the DuQuoin State Fair, including the payment of  
15 prize money or premiums;

16               (2) for the distribution to county fairs, vocational  
17 agriculture section fairs, agricultural societies, and  
18 agricultural extension clubs in accordance with the  
19 Agricultural Fair Act, as amended;

20               (3) for payment of prize monies and premiums awarded  
21 and for expenses incurred in connection with the  
22 International Livestock Exposition and the Mid-Continent  
23 Livestock Exposition held in Illinois, which premiums, and  
24 awards must be approved, and paid by the Illinois  
25 Department of Agriculture;

26               (4) for personal service of county agricultural



1 advisors and county home advisors;

2 (5) for distribution to agricultural home economic  
3 extension councils in accordance with "An Act in relation  
4 to additional support and finance for the Agricultural and  
5 Home Economic Extension Councils in the several counties in  
6 this State and making an appropriation therefor", approved  
7 July 24, 1967, as amended;

8 (6) for research on equine disease, including a  
9 development center therefor;

10 (7) for training scholarships for study on equine  
11 diseases to students at the University of Illinois College  
12 of Veterinary Medicine;

13 (8) for the rehabilitation, repair and maintenance of  
14 the Illinois and DuQuoin State Fair Grounds and the  
15 structures and facilities thereon and the construction of  
16 permanent improvements on such Fair Grounds, including  
17 such structures, facilities and property located on such  
18 State Fair Grounds which are under the custody and control  
19 of the Department of Agriculture;

20 (9) for the expenses of the Department of Agriculture  
21 under Section 5-530 of the Departments of State Government  
22 Law (20 ILCS 5/5-530);

23 (10) for the expenses of the Department of Commerce and  
24 Economic Opportunity under Sections 605-620, 605-625, and  
25 605-630 of the Department of Commerce and Economic  
26 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and

1           605/605-630);

2           (11) for remodeling, expanding, and reconstructing  
3 facilities destroyed by fire of any Fair and Exposition  
4 Authority in counties with a population of 1,000,000 or  
5 more inhabitants;

6           (12) for the purpose of assisting in the care and  
7 general rehabilitation of veterans with disabilities of  
8 any war and their surviving spouses and orphans;

9           (13) for expenses of the Department of State Police for  
10 duties performed under this Act;

11           (14) for the Department of Agriculture for soil surveys  
12 and soil and water conservation purposes;

13           (15) for the Department of Agriculture for grants to  
14 the City of Chicago for conducting the Chicagofest;

15           (16) for the State Comptroller for grants and operating  
16 expenses authorized by the Illinois Global Partnership  
17 Act.

18           (k) To the extent that monies paid by the Board to the  
19 Agricultural Premium Fund are in the opinion of the Governor in  
20 excess of the amount necessary for the purposes herein stated,  
21 the Governor shall notify the Comptroller and the State  
22 Treasurer of such fact, who, upon receipt of such notification,  
23 shall transfer such excess monies from the Agricultural Premium  
24 Fund to the General Revenue Fund.

25           (Source: P.A. 99-143, eff. 7-27-15.)

1 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

2 Sec. 40. (a) The imposition of any fine or penalty provided  
3 in this Act shall not preclude the Board in its rules and  
4 regulations from imposing a fine or penalty for any other  
5 action which, in the Board's discretion, is a detriment or  
6 impediment to horse racing.

7 (b) The Director of Agriculture or his or her authorized  
8 representative shall impose the following monetary penalties  
9 and hold administrative hearings as required for failure to  
10 submit the following applications, lists, or reports within the  
11 time period, date or manner required by statute or rule or for  
12 removing a foal from Illinois prior to inspection:

13 (1) late filing of a renewal application for offering  
14 or standing stallion for service:

15 (A) if an application is submitted no more than 30  
16 days late, \$50;

17 (B) if an application is submitted no more than 45  
18 days late, \$150; or

19 (C) if an application is submitted more than 45  
20 days late, if filing of the application is allowed  
21 under an administrative hearing, \$250;

22 (2) late filing of list or report of mares bred:

23 (A) if a list or report is submitted no more than  
24 30 days late, \$50;

25 (B) if a list or report is submitted no more than  
26 60 days late \$150; or

1 (C) if a list or report is submitted more than 60  
2 days late, if filing of the list or report is allowed  
3 under an administrative hearing, \$250;

4 (3) filing an Illinois foaled thoroughbred mare status  
5 report after December 31:

6 (A) if a report is submitted no more than 30 days  
7 late, \$50;

8 (B) if a report is submitted no more than 90 days  
9 late, \$150;

10 (C) if a report is submitted no more than 150 days  
11 late, \$250; or

12 (D) if a report is submitted more than 150 days  
13 late, if filing of the report is allowed under an  
14 administrative hearing, \$500;

15 (4) late filing of application for foal eligibility  
16 certificate:

17 (A) if an application is submitted no more than 30  
18 days late, \$50;

19 (B) if an application is submitted no more than 90  
20 days late, \$150;

21 (C) if an application is submitted no more than 150  
22 days late, \$250; or

23 (D) if an application is submitted more than 150  
24 days late, if filing of the application is allowed  
25 under an administrative hearing, \$500;

26 (5) failure to report the intent to remove a foal from

1 Illinois prior to inspection, identification and  
2 certification by a Department of Agriculture investigator,  
3 \$50; and

4 (6) if a list or report of mares bred is incomplete,  
5 \$50 per mare not included on the list or report.

6 Any person upon whom monetary penalties are imposed under  
7 this Section 3 times within a 5 year period shall have any  
8 further monetary penalties imposed at double the amounts set  
9 forth above. All monies assessed and collected for violations  
10 relating to thoroughbreds shall be paid into the Illinois  
11 Thoroughbred Breeders Fund. All monies assessed and collected  
12 for violations relating to standardbreds shall be paid into the  
13 Illinois Standardbred Breeders Fund.

14 (Source: P.A. 87-397.)

15 Section 15-50. The Illinois Public Aid Code is amended by  
16 changing Sections 5A-8, 12-5, 12-10, 12-11, and 12-21.14 as  
17 follows:

18 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

19 Sec. 5A-8. Hospital Provider Fund.

20 (a) There is created in the State Treasury the Hospital  
21 Provider Fund. Interest earned by the Fund shall be credited to  
22 the Fund. The Fund shall not be used to replace any moneys  
23 appropriated to the Medicaid program by the General Assembly.

24 (b) The Fund is created for the purpose of receiving moneys

1 in accordance with Section 5A-6 and disbursing moneys only for  
2 the following purposes, notwithstanding any other provision of  
3 law:

4 (1) For making payments to hospitals as required under  
5 this Code, under the Children's Health Insurance Program  
6 Act, under the Covering ALL KIDS Health Insurance Act, and  
7 under the Long Term Acute Care Hospital Quality Improvement  
8 Transfer Program Act.

9 (2) For the reimbursement of moneys collected by the  
10 Illinois Department from hospitals or hospital providers  
11 through error or mistake in performing the activities  
12 authorized under this Code.

13 (3) For payment of administrative expenses incurred by  
14 the Illinois Department or its agent in performing  
15 activities under this Code, under the Children's Health  
16 Insurance Program Act, under the Covering ALL KIDS Health  
17 Insurance Act, and under the Long Term Acute Care Hospital  
18 Quality Improvement Transfer Program Act.

19 (4) For payments of any amounts which are reimbursable  
20 to the federal government for payments from this Fund which  
21 are required to be paid by State warrant.

22 (5) For making transfers, as those transfers are  
23 authorized in the proceedings authorizing debt under the  
24 Short Term Borrowing Act, but transfers made under this  
25 paragraph (5) shall not exceed the principal amount of debt  
26 issued in anticipation of the receipt by the State of

1 moneys to be deposited into the Fund.

2 (6) For making transfers to any other fund in the State  
3 treasury, but transfers made under this paragraph (6) shall  
4 not exceed the amount transferred previously from that  
5 other fund into the Hospital Provider Fund plus any  
6 interest that would have been earned by that fund on the  
7 monies that had been transferred.

8 (6.5) For making transfers to the Healthcare Provider  
9 Relief Fund, except that transfers made under this  
10 paragraph (6.5) shall not exceed \$60,000,000 in the  
11 aggregate.

12 (7) For making transfers not exceeding the following  
13 amounts, related to State fiscal years 2013 through 2018,  
14 to the following designated funds:

15	Health and Human Services Medicaid Trust	
16	Fund .....	\$20,000,000
17	Long-Term Care Provider Fund .....	\$30,000,000
18	General Revenue Fund .....	\$80,000,000.

19 Transfers under this paragraph shall be made within 7 days  
20 after the payments have been received pursuant to the  
21 schedule of payments provided in subsection (a) of Section  
22 5A-4.

23 (7.1) (Blank).

24 (7.5) (Blank).

25 (7.8) (Blank).

26 (7.9) (Blank).

1           (7.10) For State fiscal year 2014, for making transfers  
 2           of the moneys resulting from the assessment under  
 3           subsection (b-5) of Section 5A-2 and received from hospital  
 4           providers under Section 5A-4 and transferred into the  
 5           Hospital Provider Fund under Section 5A-6 to the designated  
 6           funds not exceeding the following amounts in that State  
 7           fiscal year:

8                        Healthcare ~~Health Care~~ Provider  
 9                                Relief Fund..... \$100,000,000

10           Transfers under this paragraph shall be made within 7  
 11           days after the payments have been received pursuant to the  
 12           schedule of payments provided in subsection (a) of Section  
 13           5A-4.

14           The additional amount of transfers in this paragraph  
 15           (7.10), authorized by Public Act 98-651, shall be made  
 16           within 10 State business days after June 16, 2014 (the  
 17           effective date of Public Act 98-651). That authority shall  
 18           remain in effect even if Public Act 98-651 does not become  
 19           law until State fiscal year 2015.

20           (7.10a) For State fiscal years 2015 through 2018, for  
 21           making transfers of the moneys resulting from the  
 22           assessment under subsection (b-5) of Section 5A-2 and  
 23           received from hospital providers under Section 5A-4 and  
 24           transferred into the Hospital Provider Fund under Section  
 25           5A-6 to the designated funds not exceeding the following  
 26           amounts related to each State fiscal year:



1                    Healthcare ~~Health-Care~~ Provider

2                    Relief Fund..... \$50,000,000

3                    Transfers under this paragraph shall be made within 7  
4                    days after the payments have been received pursuant to the  
5                    schedule of payments provided in subsection (a) of Section  
6                    5A-4.

7                    (7.11) (Blank).

8                    (7.12) For State fiscal year 2013, for increasing by  
9                    21/365ths the transfer of the moneys resulting from the  
10                    assessment under subsection (b-5) of Section 5A-2 and  
11                    received from hospital providers under Section 5A-4 for the  
12                    portion of State fiscal year 2012 beginning June 10, 2012  
13                    through June 30, 2012 and transferred into the Hospital  
14                    Provider Fund under Section 5A-6 to the designated funds  
15                    not exceeding the following amounts in that State fiscal  
16                    year:

17                    Healthcare ~~Health-Care~~ Provider

18                    Relief Fund..... \$2,870,000

19                    Since the federal Centers for Medicare and Medicaid  
20                    Services approval of the assessment authorized under  
21                    subsection (b-5) of Section 5A-2, received from hospital  
22                    providers under Section 5A-4 and the payment methodologies  
23                    to hospitals required under Section 5A-12.4 was not  
24                    received by the Department until State fiscal year 2014 and  
25                    since the Department made retroactive payments during  
26                    State fiscal year 2014 related to the referenced period of

1 June 2012, the transfer authority granted in this paragraph  
2 (7.12) is extended through the date that is 10 State  
3 business days after June 16, 2014 (the effective date of  
4 Public Act 98-651).

5 (8) For making refunds to hospital providers pursuant  
6 to Section 5A-10.

7 (9) For making payment to capitated managed care  
8 organizations as described in subsections (s) and (t) of  
9 Section 5A-12.2 of this Code.

10 Disbursements from the Fund, other than transfers  
11 authorized under paragraphs (5) and (6) of this subsection,  
12 shall be by warrants drawn by the State Comptroller upon  
13 receipt of vouchers duly executed and certified by the Illinois  
14 Department.

15 (c) The Fund shall consist of the following:

16 (1) All moneys collected or received by the Illinois  
17 Department from the hospital provider assessment imposed  
18 by this Article.

19 (2) All federal matching funds received by the Illinois  
20 Department as a result of expenditures made by the Illinois  
21 Department that are attributable to moneys deposited in the  
22 Fund.

23 (3) Any interest or penalty levied in conjunction with  
24 the administration of this Article.

25 (3.5) As applicable, proceeds from surety bond  
26 payments payable to the Department as referenced in

1 subsection (s) of Section 5A-12.2 of this Code.

2 (4) Moneys transferred from another fund in the State  
3 treasury.

4 (5) All other moneys received for the Fund from any  
5 other source, including interest earned thereon.

6 (d) (Blank).

7 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
8 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 99-78, eff.  
9 7-20-15.)

10 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

11 Sec. 12-5. Appropriations; uses; federal grants; report to  
12 General Assembly. From the sums appropriated by the General  
13 Assembly, the Illinois Department shall order for payment by  
14 warrant from the State Treasury grants for public aid under  
15 Articles III, IV, and V, including grants for funeral and  
16 burial expenses, and all costs of administration of the  
17 Illinois Department and the County Departments relating  
18 thereto. Moneys appropriated to the Illinois Department for  
19 public aid under Article VI may be used, with the consent of  
20 the Governor, to co-operate with federal, State, and local  
21 agencies in the development of work projects designed to  
22 provide suitable employment for persons receiving public aid  
23 under Article VI. The Illinois Department, with the consent of  
24 the Governor, may be the agent of the State for the receipt and  
25 disbursement of federal funds or commodities for public aid

1 purposes under Article VI and for related purposes in which the  
2 co-operation of the Illinois Department is sought by the  
3 federal government, and, in connection therewith, may make  
4 necessary expenditures from moneys appropriated for public aid  
5 under any Article of this Code and for administration. The  
6 Illinois Department, with the consent of the Governor, may be  
7 the agent of the State for the receipt and disbursement of  
8 federal funds pursuant to the Immigration Reform and Control  
9 Act of 1986 and may make necessary expenditures from monies  
10 appropriated to it for operations, administration, and grants,  
11 including payment to the Health Insurance Reserve Fund for  
12 group insurance costs at the rate certified by the Department  
13 of Central Management Services. All amounts received by the  
14 Illinois Department pursuant to the Immigration Reform and  
15 Control Act of 1986 shall be deposited in the Immigration  
16 Reform and Control Fund. All amounts received into the  
17 Immigration Reform and Control Fund as reimbursement for  
18 expenditures from the General Revenue Fund shall be transferred  
19 to the General Revenue Fund.

20 All grants received by the Illinois Department for programs  
21 funded by the Federal Social Services Block Grant shall be  
22 deposited in the Social Services Block Grant Fund. All funds  
23 received into the Social Services Block Grant Fund as  
24 reimbursement for expenditures from the General Revenue Fund  
25 shall be transferred to the General Revenue Fund. All funds  
26 received into the Social Services Block Grant fund for

1 reimbursement for expenditure out of the Local Initiative Fund  
2 shall be transferred into the Local Initiative Fund. Any other  
3 federal funds received into the Social Services Block Grant  
4 Fund shall be transferred to the DHS Special Purposes Trust  
5 Fund. All federal funds received by the Illinois Department as  
6 reimbursement for Employment and Training Programs for  
7 expenditures made by the Illinois Department from grants,  
8 gifts, or legacies as provided in Section 12-4.18 or made by an  
9 entity other than the Illinois Department shall be deposited  
10 into the Employment and Training Fund, except that federal  
11 funds received as reimbursement as a result of the  
12 appropriation made for the costs of providing adult education  
13 to public assistance recipients under the "Adult Education,  
14 Public Assistance Fund" shall be deposited into the General  
15 Revenue Fund; provided, however, that all funds, except those  
16 that are specified in an interagency agreement between the  
17 Illinois Community College Board and the Illinois Department,  
18 that are received by the Illinois Department as reimbursement  
19 under Title IV-A of the Social Security Act for expenditures  
20 that are made by the Illinois Community College Board or any  
21 public community college of this State shall be credited to a  
22 special account that the State Treasurer shall establish and  
23 maintain within the Employment and Training Fund for the  
24 purpose of segregating the reimbursements received for  
25 expenditures made by those entities. As reimbursements are  
26 deposited into the Employment and Training Fund, the Illinois

1 Department shall certify to the State Comptroller and State  
2 Treasurer the amount that is to be credited to the special  
3 account established within that Fund as a reimbursement for  
4 expenditures under Title IV-A of the Social Security Act made  
5 by the Illinois Community College Board or any of the public  
6 community colleges. All amounts credited to the special account  
7 established and maintained within the Employment and Training  
8 Fund as provided in this Section shall be held for transfer to  
9 the TANF Opportunities Fund as provided in subsection (d) of  
10 Section 12-10.3, and shall not be transferred to any other fund  
11 or used for any other purpose.

12 Eighty percent of the federal financial participation  
13 funds received by the Illinois Department under the Title IV-A  
14 Emergency Assistance program as reimbursement for expenditures  
15 made from the Illinois Department of Children and Family  
16 Services appropriations for the costs of providing services in  
17 behalf of Department of Children and Family Services clients  
18 shall be deposited into the DCFS Children's Services Fund.

19 All federal funds, except those covered by the foregoing 3  
20 paragraphs, received as reimbursement for expenditures from  
21 the General Revenue Fund shall be deposited in the General  
22 Revenue Fund for administrative and distributive expenditures  
23 properly chargeable by federal law or regulation to aid  
24 programs established under Articles III through XII and Titles  
25 IV, XVI, XIX and XX of the Federal Social Security Act. Any  
26 other federal funds received by the Illinois Department under

1 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
2 Section 12-10 of this Code to be paid into the DHS Special  
3 Purposes Trust Fund shall be deposited into the DHS Special  
4 Purposes Trust Fund. Any other federal funds received by the  
5 Illinois Department pursuant to the Child Support Enforcement  
6 Program established by Title IV-D of the Social Security Act  
7 shall be deposited in the Child Support Enforcement Trust Fund  
8 as required under Section 12-10.2 or in the Child Support  
9 Administrative Fund as required under Section 12-10.2a of this  
10 Code. Any other federal funds received by the Illinois  
11 Department for medical assistance program expenditures made  
12 under Title XIX of the Social Security Act and Article V of  
13 this Code that are required by Section 5-4.21 of this Code to  
14 be paid into the Medicaid Provider for Persons with a  
15 Developmental Disability Participation Fee Trust Fund shall be  
16 deposited into the Medicaid Provider for Persons with a  
17 Developmental Disability Participation Fee Trust Fund. Any  
18 other federal funds received by the Illinois Department for  
19 medical assistance program expenditures made under Title XIX of  
20 the Social Security Act and Article V of this Code that are  
21 required by Section 5-4.31 of this Code to be paid into the  
22 Medicaid Long Term Care Provider Participation Fee Trust Fund  
23 shall be deposited into the Medicaid Long Term Care Provider  
24 Participation Fee Trust Fund. Any other federal funds received  
25 by the Illinois Department for hospital inpatient, hospital  
26 ambulatory care, and disproportionate share hospital

1 expenditures made under Title XIX of the Social Security Act  
2 and Article V of this Code that are required by Section 14-2 of  
3 this Code to be paid into the Hospital Services Trust Fund  
4 shall be deposited into the Hospital Services Trust Fund. Any  
5 other federal funds received by the Illinois Department for  
6 expenditures made under Title XIX of the Social Security Act  
7 and Articles V and VI of this Code that are required by Section  
8 15-2 of this Code to be paid into the County Provider Trust  
9 Fund shall be deposited into the County Provider Trust Fund.  
10 Any other federal funds received by the Illinois Department for  
11 hospital inpatient, hospital ambulatory care, and  
12 disproportionate share hospital expenditures made under Title  
13 XIX of the Social Security Act and Article V of this Code that  
14 are required by Section 5A-8 of this Code to be paid into the  
15 Hospital Provider Fund shall be deposited into the Hospital  
16 Provider Fund. Any other federal funds received by the Illinois  
17 Department for medical assistance program expenditures made  
18 under Title XIX of the Social Security Act and Article V of  
19 this Code that are required by Section 5B-8 of this Code to be  
20 paid into the Long-Term Care Provider Fund shall be deposited  
21 into the Long-Term Care Provider Fund. Any other federal funds  
22 received by the Illinois Department for medical assistance  
23 program expenditures made under Title XIX of the Social  
24 Security Act and Article V of this Code that are required by  
25 Section 5C-7 of this Code to be paid into the Care Provider  
26 Fund for Persons with a Developmental Disability shall be



1 deposited into the Care Provider Fund for Persons with a  
2 Developmental Disability. Any other federal funds received by  
3 the Illinois Department for trauma center adjustment payments  
4 that are required by Section 5-5.03 of this Code and made under  
5 Title XIX of the Social Security Act and Article V of this Code  
6 shall be deposited into the Trauma Center Fund. Any other  
7 federal funds received by the Illinois Department as  
8 reimbursement for expenses for early intervention services  
9 paid from the Early Intervention Services Revolving Fund shall  
10 be deposited into that Fund.

11 The Illinois Department shall report to the General  
12 Assembly at the end of each fiscal quarter the amount of all  
13 funds received and paid into the Social Services ~~Service~~ Block  
14 Grant Fund and the Local Initiative Fund and the expenditures  
15 and transfers of such funds for services, programs and other  
16 purposes authorized by law. Such report shall be filed with the  
17 Speaker, Minority Leader and Clerk of the House, with the  
18 President, Minority Leader and Secretary of the Senate, with  
19 the Chairmen of the House and Senate Appropriations Committees,  
20 the House Human Resources Committee and the Senate Public  
21 Health, Welfare and Corrections Committee, or the successor  
22 standing Committees of each as provided by the rules of the  
23 House and Senate, respectively, with the Legislative Research  
24 Unit and with the State Government Report Distribution Center  
25 for the General Assembly as is required under paragraph (t) of  
26 Section 7 of the State Library Act shall be deemed sufficient

1 to comply with this Section.

2 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

3 (305 ILCS 5/12-10) (from Ch. 23, par. 12-10)

4 Sec. 12-10. DHS Special Purposes Trust Fund; uses. The DHS  
5 Special Purposes Trust Fund, to be held outside the State  
6 Treasury by the State Treasurer as ex-officio custodian, shall  
7 consist of (1) any federal grants received under Section 12-4.6  
8 that are not required by Section 12-5 to be paid into the  
9 General Revenue Fund or transferred into the Local Initiative  
10 Fund under Section 12-10.1 or deposited in the Employment and  
11 Training Fund under Section 12-10.3 or in the special account  
12 established and maintained in that Fund as provided in that  
13 Section; (2) grants, gifts or legacies of moneys or securities  
14 received under Section 12-4.18; (3) grants received under  
15 Section 12-4.19; and (4) funds for child care and development  
16 services. Disbursements from this Fund shall be only for the  
17 purposes authorized by the aforementioned Sections.

18 Disbursements from this Fund shall be by warrants drawn by  
19 the State Comptroller on receipt of vouchers duly executed and  
20 certified by the Illinois Department of Human Services,  
21 including payment to the Health Insurance Reserve Fund for  
22 group insurance costs at the rate certified by the Department  
23 of Central Management Services.

24 All federal monies received as reimbursement for  
25 expenditures from the General Revenue Fund, and which were made

1 for the purposes authorized for expenditures from the DHS  
2 Special Purposes Trust Fund, shall be deposited by the  
3 Department into the General Revenue Fund.

4 (Source: P.A. 90-587, eff. 7-1-98; 91-24, eff. 7-1-99.)

5 (305 ILCS 5/12-11) (from Ch. 23, par. 12-11)

6 Sec. 12-11. Deposits by State Treasurer. The State  
7 Treasurer shall deposit moneys received by him as ex-officio  
8 custodian of the Child Support Enforcement Trust Fund and the  
9 DHS Special Purposes Trust Fund in banks or savings and loan  
10 associations which have been approved by him as State  
11 Depositories under the Deposit of State Moneys Act, and with  
12 respect to such moneys shall be entitled to the same rights and  
13 privileges as are provided by such Act with respect to moneys  
14 in the treasury of the State of Illinois.

15 (Source: P.A. 90-255, eff. 1-1-98; 91-24, eff. 7-1-99.)

16 (305 ILCS 5/12-21.14) (from Ch. 23, par. 12-21.14)

17 Sec. 12-21.14. Requirements; review by Illinois  
18 Department; allocations. The County Board of each county or a  
19 duly appointed committee thereof, or any other county agency  
20 designated by the County Board, shall by the last day of each  
21 month submit to the Illinois Department an itemized statement  
22 showing, for all local governmental units therein except a  
23 city, village or incorporated town of more than 500,000  
24 population, assistance furnished in the county under Article VI

1 of this Code during the previous month and the expenses for the  
2 administration thereof, and the actual revenues available  
3 through taxation by the local governmental units. If the  
4 Illinois Department has reason to believe that the amounts  
5 submitted by any county are excessive, it may require  
6 appropriate officials of the county to appear before it and  
7 substantiate the amounts to the satisfaction of the Department.

8 The Illinois Department shall review these amounts and  
9 shall determine and allocate to the several counties the  
10 amounts necessary to supplement local funds actually available  
11 for public aid purposes. There shall be a yearly reconciliation  
12 of amounts allocated to the local governmental units by the  
13 Illinois Department to supplement local funds.

14 If, because of circumstances beyond the local governmental  
15 unit's control, such as a sudden caseload increase or an  
16 unexpected increase in the administrative expenses, a local  
17 governmental unit has insufficient local funds actually  
18 available to furnish assistance or pay administrative  
19 expenses, the Illinois Department shall provide a special  
20 allocation of funds to the local governmental unit to meet the  
21 need. In calculating the need for a special allocation, the  
22 Illinois Department shall take into consideration the amount of  
23 funds legally available from the taxes levied by the local  
24 governmental unit for public aid purposes and any available  
25 unobligated balances.

26 If a local governmental unit has not received State funds

1 for public aid purposes for at least 84 consecutive months  
2 immediately prior to its request for State funds, the Illinois  
3 Department shall not consider as a legally available resource  
4 of the governmental unit public aid funds, or the proceeds of  
5 public aid taxes and tax anticipation warrants which may have  
6 been transferred or expended during such period for other  
7 purposes.

8 Except as hereinafter provided, State allocations shall be  
9 paid to the County Treasurer for disbursement to local  
10 governmental units as certified by the Illinois Department.  
11 Until January 1, 1974, moneys allocated by the Illinois  
12 Department for General Assistance purposes in a city, village  
13 or incorporated town of more than 500,000 population and moneys  
14 received from the Treasurer of the municipality from taxes  
15 levied for General Assistance purposes in the municipality and  
16 other moneys and funds designated in Section 11-43-2 of the  
17 Illinois Municipal Code shall be paid into the special fund  
18 established by the County Treasurer of the county in which the  
19 municipality is located and retained for disbursement by the  
20 Director of the County Department of Public Aid serving as  
21 Supervisor of General Assistance for the municipality.

22 On January 1, 1974, or as soon thereafter as is feasible  
23 but not later than January 1, 1975, the County Treasurer shall  
24 transfer to the Special Purposes Trust Fund (now known as the  
25 DHS Special Purposes Trust Fund) established by Section 12-10  
26 of this Code all State and municipal moneys remaining in or due

1 to the special fund of the County Treasury. After December 31,  
2 1973, but not later than June 30, 1979, State allocations and  
3 municipal funds for General Assistance purposes in such a  
4 municipality, and other moneys and funds designated by Section  
5 11-43-2 of the Illinois Municipal Code, shall be paid into the  
6 Special Purposes Trust Fund (now known as the DHS Special  
7 Purposes Trust Fund) and disbursed as provided in Section  
8 12-10. State and municipal moneys paid into the Special  
9 Purposes Trust Fund (now known as the DHS Special Purposes  
10 Trust Fund) under the foregoing provision shall be used  
11 exclusively for (1) furnishing General Assistance within the  
12 municipality; (2) the payment of administrative costs; and (3)  
13 the payment of warrants issued against and in anticipation of  
14 taxes levied by the municipality for General Assistance  
15 purposes, and the accrued interest thereon. After June 30,  
16 1979, moneys and funds designated by Section 11-43-2 of the  
17 Illinois Municipal Code, shall be paid into the General Revenue  
18 Fund as reimbursement for appropriated funds disbursed.

19 (Source: P.A. 92-111, eff. 1-1-02.)

20 Section 15-55. The Illinois Vehicle Code is amended by  
21 changing Sections 2-119 and 6-118 as follows:

22 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

23 Sec. 2-119. Disposition of fees and taxes.

24 (a) All moneys received from Salvage Certificates shall be

1 deposited in the Common School Fund in the State Treasury.

2 (b) Of the money collected for each certificate of title,  
3 duplicate certificate of title, and corrected certificate of  
4 title:

5 (1) \$2.60 shall be deposited in the Park and  
6 Conservation Fund;

7 (2) \$0.65 shall be deposited in the Illinois Fisheries  
8 Management Fund;

9 (3) \$48 shall be disbursed under subsection (g) of this  
10 Section;

11 (4) \$4 shall be deposited into the Motor Vehicle  
12 License Plate Fund; and

13 (5) \$30 shall be deposited into the Capital Projects  
14 Fund.

15 All remaining moneys collected for certificates of title,  
16 and all moneys collected for filing of security interests,  
17 shall be deposited in the General Revenue Fund.

18 The \$20 collected for each delinquent vehicle registration  
19 renewal fee shall be deposited into the General Revenue Fund.

20 The moneys deposited in the Park and Conservation Fund  
21 under this Section shall be used for the acquisition and  
22 development of bike paths as provided for in Section 805-420 of  
23 the Department of Natural Resources (Conservation) Law of the  
24 Civil Administrative Code of Illinois. The moneys deposited  
25 into the Park and Conservation Fund under this subsection shall  
26 not be subject to administrative charges or chargebacks, unless

1 otherwise authorized by this Code.

2 If the balance in the Motor Vehicle License Plate Fund  
3 exceeds \$40,000,000 on the last day of a calendar month, then  
4 during the next calendar month, the \$4 that otherwise would be  
5 deposited in that fund shall instead be deposited into the Road  
6 Fund.

7 (c) All moneys collected for that portion of a driver's  
8 license fee designated for driver education under Section 6-118  
9 shall be placed in the Drivers ~~Driver~~ Education Fund in the  
10 State Treasury.

11 (d) Of the moneys collected as a registration fee for each  
12 motorcycle, motor driven cycle, and moped, 27% shall be  
13 deposited in the Cycle Rider Safety Training Fund.

14 (e) (Blank).

15 (f) Of the total money collected for a commercial learner's  
16 permit (CLP) or original or renewal issuance of a commercial  
17 driver's license (CDL) pursuant to the Uniform Commercial  
18 Driver's License Act (UCDLA): (i) \$6 of the total fee for an  
19 original or renewal CDL, and \$6 of the total CLP fee when such  
20 permit is issued to any person holding a valid Illinois  
21 driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS  
22 Trust Fund (Commercial Driver's License Information  
23 System/American Association of Motor Vehicle Administrators  
24 network/National Motor Vehicle Title Information Service Trust  
25 Fund) and shall be used for the purposes provided in Section  
26 6z-23 of the State Finance Act and (ii) \$20 of the total fee



1 for an original or renewal CDL or CLP shall be paid into the  
2 Motor Carrier Safety Inspection Fund, which is hereby created  
3 as a special fund in the State Treasury, to be used by the  
4 Department of State Police, subject to appropriation, to hire  
5 additional officers to conduct motor carrier safety  
6 inspections pursuant to Chapter 18b of this Code.

7 (g) Of the moneys received by the Secretary of State as  
8 registration fees or taxes, certificates of title, duplicate  
9 certificates of title, corrected certificates of title, or as  
10 payment of any other fee under this Code, when those moneys are  
11 not otherwise distributed by this Code, 37% shall be deposited  
12 into the State Construction Account Fund, and 63% shall be  
13 deposited in the Road Fund. Moneys in the Road Fund shall be  
14 used for the purposes provided in Section 8.3 of the State  
15 Finance Act.

16 (h) (Blank).

17 (i) (Blank).

18 (j) (Blank).

19 (k) There is created in the State Treasury a special fund  
20 to be known as the Secretary of State Special License Plate  
21 Fund. Money deposited into the Fund shall, subject to  
22 appropriation, be used by the Office of the Secretary of State  
23 (i) to help defray plate manufacturing and plate processing  
24 costs for the issuance and, when applicable, renewal of any new  
25 or existing registration plates authorized under this Code and  
26 (ii) for grants made by the Secretary of State to benefit

1 Illinois Veterans Home libraries.

2 (l) The Motor Vehicle Review Board Fund is created as a  
3 special fund in the State Treasury. Moneys deposited into the  
4 Fund under paragraph (7) of subsection (b) of Section 5-101 and  
5 Section 5-109 shall, subject to appropriation, be used by the  
6 Office of the Secretary of State to administer the Motor  
7 Vehicle Review Board, including without limitation payment of  
8 compensation and all necessary expenses incurred in  
9 administering the Motor Vehicle Review Board under the Motor  
10 Vehicle Franchise Act.

11 (m) Effective July 1, 1996, there is created in the State  
12 Treasury a special fund to be known as the Family  
13 Responsibility Fund. Moneys deposited into the Fund shall,  
14 subject to appropriation, be used by the Office of the  
15 Secretary of State for the purpose of enforcing the Family  
16 Financial Responsibility Law.

17 (n) The Illinois Fire Fighters' Memorial Fund is created as  
18 a special fund in the State Treasury. Moneys deposited into the  
19 Fund shall, subject to appropriation, be used by the Office of  
20 the State Fire Marshal for construction of the Illinois Fire  
21 Fighters' Memorial to be located at the State Capitol grounds  
22 in Springfield, Illinois. Upon the completion of the Memorial,  
23 moneys in the Fund shall be used in accordance with Section  
24 3-634.

25 (o) Of the money collected for each certificate of title  
26 for all-terrain vehicles and off-highway motorcycles, \$17

1 shall be deposited into the Off-Highway Vehicle Trails Fund.

2 (p) For audits conducted on or after July 1, 2003 pursuant  
3 to Section 2-124(d) of this Code, 50% of the money collected as  
4 audit fees shall be deposited into the General Revenue Fund.

5 (Source: P.A. 98-176 (See Section 10 of P.A. 98-722 and Section  
6 10 of P.A. 99-414 for the effective date of changes made by  
7 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;  
8 99-127, eff. 1-1-16.)

9 (625 ILCS 5/6-118)

10 Sec. 6-118. Fees.

11 (a) The fee for licenses and permits under this Article is  
12 as follows:

13	Original driver's license .....	\$30
14	Original or renewal driver's license	
15	issued to 18, 19 and 20 year olds .....	5
16	All driver's licenses for persons	
17	age 69 through age 80 .....	5
18	All driver's licenses for persons	
19	age 81 through age 86 .....	2
20	All driver's licenses for persons	
21	age 87 or older .....	0
22	Renewal driver's license (except for	
23	applicants ages 18, 19 and 20 or	
24	age 69 and older) .....	30
25	Original instruction permit issued to	

1 persons (except those age 69 and older)

2 who do not hold or have not previously

3 held an Illinois instruction permit or

4 driver's license ..... 20

5 Instruction permit issued to any person

6 holding an Illinois driver's license

7 who wishes a change in classifications,

8 other than at the time of renewal ..... 5

9 Any instruction permit issued to a person

10 age 69 and older ..... 5

11 Instruction permit issued to any person,

12 under age 69, not currently holding a

13 valid Illinois driver's license or

14 instruction permit but who has

15 previously been issued either document

16 in Illinois ..... 10

17 Restricted driving permit ..... 8

18 Monitoring device driving permit ..... 8

19 Duplicate or corrected driver's license

20 or permit ..... 5

21 Duplicate or corrected restricted

22 driving permit ..... 5

23 Duplicate or corrected monitoring

24 device driving permit ..... 5

25 Duplicate driver's license or permit issued to

26 an active-duty member of the

1 United States Armed Forces,  
 2 the member's spouse, or  
 3 the dependent children living  
 4 with the member ..... 0  
 5 Original or renewal M or L endorsement..... 5

6 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

7 The fees for commercial driver licenses and permits  
 8 under Article V shall be as follows:

9 Commercial driver's license:

10 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund  
 11 (Commercial Driver's License Information  
 12 System/American Association of Motor Vehicle  
 13 Administrators network/National Motor Vehicle  
 14 Title Information Service Trust Fund);  
 15 \$20 for the Motor Carrier Safety Inspection Fund;  
 16 \$10 for the driver's license;  
 17 and \$24 for the CDL: ..... \$60

18 Renewal commercial driver's license:

19 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;  
 20 \$20 for the Motor Carrier Safety Inspection Fund;  
 21 \$10 for the driver's license; and  
 22 \$24 for the CDL: ..... \$60

23 Commercial learner's permit

24 issued to any person holding a valid  
 25 Illinois driver's license for the  
 26 purpose of changing to a

1 CDL classification: \$6 for the  
2 CDLIS/AAMVAnet/NMVTIS Trust Fund;  
3 \$20 for the Motor Carrier  
4 Safety Inspection Fund; and  
5 \$24 for the CDL classification ..... \$50  
6 Commercial learner's permit  
7 issued to any person holding a valid  
8 Illinois CDL for the purpose of  
9 making a change in a classification,  
10 endorsement or restriction ..... \$5  
11 CDL duplicate or corrected license ..... \$5

12 In order to ensure the proper implementation of the Uniform  
13 Commercial Driver License Act, Article V of this Chapter, the  
14 Secretary of State is empowered to pro-rate the \$24 fee for the  
15 commercial driver's license proportionate to the expiration  
16 date of the applicant's Illinois driver's license.

17 The fee for any duplicate license or permit shall be waived  
18 for any person who presents the Secretary of State's office  
19 with a police report showing that his license or permit was  
20 stolen.

21 The fee for any duplicate license or permit shall be waived  
22 for any person age 60 or older whose driver's license or permit  
23 has been lost or stolen.

24 No additional fee shall be charged for a driver's license,  
25 or for a commercial driver's license, when issued to the holder  
26 of an instruction permit for the same classification or type of

1 license who becomes eligible for such license.

2 (b) Any person whose license or privilege to operate a  
3 motor vehicle in this State has been suspended or revoked under  
4 Section 3-707, any provision of Chapter 6, Chapter 11, or  
5 Section 7-205, 7-303, or 7-702 of the Family Financial  
6 Responsibility Law of this Code, shall in addition to any other  
7 fees required by this Code, pay a reinstatement fee as follows:

8	Suspension under Section 3-707 .....	\$100
9	Suspension under Section 11-1431 .....	\$100
10	Summary suspension under Section 11-501.1 .....	\$250
11	Suspension under Section 11-501.9 .....	\$250
12	Summary revocation under Section 11-501.1 .....	\$500
13	Other suspension .....	\$70
14	Revocation .....	\$500

15 However, any person whose license or privilege to operate a  
16 motor vehicle in this State has been suspended or revoked for a  
17 second or subsequent time for a violation of Section 11-501,  
18 11-501.1, or 11-501.9 of this Code or a similar provision of a  
19 local ordinance or a similar out-of-state offense or Section  
20 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012  
21 and each suspension or revocation was for a violation of  
22 Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar  
23 provision of a local ordinance or a similar out-of-state  
24 offense or Section 9-3 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012 shall pay, in addition to any other fees  
26 required by this Code, a reinstatement fee as follows:

1	Summary suspension under Section 11-501.1 .....	\$500
2	Suspension under Section 11-501.9 .....	\$500
3	Summary revocation under Section 11-501.1 .....	\$500
4	Revocation .....	\$500

5 (c) All fees collected under the provisions of this Chapter  
6 shall be disbursed under subsection (g) of Section 2-119 of  
7 this Code, except as follows:

8 1. The following amounts shall be paid into the Drivers  
9 ~~Driver~~ Education Fund:

10 (A) \$16 of the \$20 fee for an original driver's  
11 instruction permit;

12 (B) \$5 of the \$30 fee for an original driver's  
13 license;

14 (C) \$5 of the \$30 fee for a 4 year renewal driver's  
15 license;

16 (D) \$4 of the \$8 fee for a restricted driving  
17 permit; and

18 (E) \$4 of the \$8 fee for a monitoring device  
19 driving permit.

20 2. \$30 of the \$250 fee for reinstatement of a license  
21 summarily suspended under Section 11-501.1 or suspended  
22 under Section 11-501.9 shall be deposited into the Drunk  
23 and Drugged Driving Prevention Fund. However, for a person  
24 whose license or privilege to operate a motor vehicle in  
25 this State has been suspended or revoked for a second or  
26 subsequent time for a violation of Section 11-501,



1 11-501.1, or 11-501.9 of this Code or Section 9-3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of  
3 the \$500 fee for reinstatement of a license summarily  
4 suspended under Section 11-501.1 or suspended under  
5 Section 11-501.9, and \$190 of the \$500 fee for  
6 reinstatement of a revoked license shall be deposited into  
7 the Drunk and Drugged Driving Prevention Fund. \$190 of the  
8 \$500 fee for reinstatement of a license summarily revoked  
9 pursuant to Section 11-501.1 shall be deposited into the  
10 Drunk and Drugged Driving Prevention Fund.

11 3. \$6 of the original or renewal fee for a commercial  
12 driver's license and \$6 of the commercial learner's permit  
13 fee when the permit is issued to any person holding a valid  
14 Illinois driver's license, shall be paid into the  
15 CDLIS/AAMVAnet/NMVTIS Trust Fund.

16 4. \$30 of the \$70 fee for reinstatement of a license  
17 suspended under the Family Financial Responsibility Law  
18 shall be paid into the Family Responsibility Fund.

19 5. The \$5 fee for each original or renewal M or L  
20 endorsement shall be deposited into the Cycle Rider Safety  
21 Training Fund.

22 6. \$20 of any original or renewal fee for a commercial  
23 driver's license or commercial learner's permit shall be  
24 paid into the Motor Carrier Safety Inspection Fund.

25 7. The following amounts shall be paid into the General  
26 Revenue Fund:

1           (A) \$190 of the \$250 reinstatement fee for a  
2           summary suspension under Section 11-501.1 or a  
3           suspension under Section 11-501.9;

4           (B) \$40 of the \$70 reinstatement fee for any other  
5           suspension provided in subsection (b) of this Section;  
6           and

7           (C) \$440 of the \$500 reinstatement fee for a first  
8           offense revocation and \$310 of the \$500 reinstatement  
9           fee for a second or subsequent revocation.

10          8. Fees collected under paragraph (4) of subsection (d)  
11          and subsection (h) of Section 6-205 of this Code;  
12          subparagraph (C) of paragraph 3 of subsection (c) of  
13          Section 6-206 of this Code; and paragraph (4) of subsection  
14          (a) of Section 6-206.1 of this Code, shall be paid into the  
15          funds set forth in those Sections.

16          (d) All of the proceeds of the additional fees imposed by  
17          this amendatory Act of the 96th General Assembly shall be  
18          deposited into the Capital Projects Fund.

19          (e) The additional fees imposed by this amendatory Act of  
20          the 96th General Assembly shall become effective 90 days after  
21          becoming law.

22          (f) As used in this Section, "active-duty member of the  
23          United States Armed Forces" means a member of the Armed  
24          Services or Reserve Forces of the United States or a member of  
25          the Illinois National Guard who is called to active duty  
26          pursuant to an executive order of the President of the United

1 States, an act of the Congress of the United States, or an  
2 order of the Governor.

3 (Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section  
4 10 of P.A. 99-414 for the effective date of changes made by  
5 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;  
6 98-1172, eff. 1-12-15; 99-127, eff. 1-1-16; 99-438, eff.  
7 1-1-16; revised 10-19-15.)

8 Section 15-60. The Uniform Partnership Act (1997) is  
9 amended by changing Section 108 as follows:

10 (805 ILCS 206/108)

11 Sec. 108. Fees.

12 (a) The Secretary of State shall charge and collect in  
13 accordance with the provisions of this Act and rules  
14 promulgated under its authority:

15 (1) fees for filing documents;

16 (2) miscellaneous charges; and

17 (3) fees for the sale of lists of filings and for  
18 copies of any documents.

19 (b) The Secretary of State shall charge and collect:

20 (1) for furnishing a copy or certified copy of any  
21 document, instrument, or paper relating to a registered  
22 limited liability partnership, \$25;

23 (2) for the transfer of information by computer process  
24 media to any purchaser, fees established by rule;

1           (3) for filing a statement of partnership authority,  
2           \$25;

3           (4) for filing a statement of denial, \$25;

4           (5) for filing a statement of dissociation, \$25;

5           (6) for filing a statement of dissolution, \$100;

6           (7) for filing a statement of merger, \$100;

7           (8) for filing a statement of qualification for a  
8           limited liability partnership organized under the laws of  
9           this State, \$100 for each partner, but in no event shall  
10          the fee be less than \$200 or exceed \$5,000;

11          (9) for filing a statement of foreign qualification,  
12          \$500;

13          (10) for filing a renewal statement for a limited  
14          liability partnership organized under the laws of this  
15          State, \$100 for each partner, but in no event shall the fee  
16          be less than \$200 or exceed \$5,000;

17          (11) for filing a renewal statement for a foreign  
18          limited liability partnership, \$300;

19          (12) for filing an amendment or cancellation of a  
20          statement, \$25;

21          (13) for filing a statement of withdrawal, \$100;

22          (14) for the purposes of changing the registered agent  
23          name or registered office, or both, \$25;

24          (15) for filing an application for reinstatement,  
25          \$200;

26          (16) for filing any other document, \$25.

1 (c) All fees collected pursuant to this Act shall be  
2 deposited into the Division of Corporations Registered Limited  
3 Liability Partnership Fund.

4 (d) There is hereby continued in the State treasury a  
5 special fund to be known as the Division of Corporations  
6 Registered Limited Liability Partnership Fund. Moneys  
7 deposited into the Fund shall, subject to appropriation, be  
8 used by the Business Services Division of the Office of the  
9 Secretary of State to administer the responsibilities of the  
10 Secretary of State under this Act. The balance of the Fund at  
11 the end of any fiscal year shall not exceed \$200,000, and any  
12 amount in excess thereof shall be transferred to the General  
13 Revenue Fund.

14 (Source: P.A. 97-839, eff. 7-20-12.)

15 ARTICLE 20.

16 MANDATE RELIEF

17 Section 20-5. The Department of Commerce and Economic  
18 Opportunity Law of the Civil Administrative Code of Illinois is  
19 amended by changing Section 605-500 as follows:

20 (20 ILCS 605/605-500) (was 20 ILCS 605/46.13)

21 Sec. 605-500. Business Assistance Office. To create a  
22 Business Assistance Office to do the following:

23 (1) Provide information to new and existing businesses for

1 all State government forms and applications and make this  
2 information readily available through a business permit  
3 center. The Office shall not assume any regulatory function.  
4 All State agencies shall cooperate with the business permit  
5 center to provide the necessary information, materials, and  
6 assistance to enable the center to carry out its function in an  
7 effective manner. Each agency shall designate an individual to  
8 serve as liaison to the center to provide information and  
9 materials and to respond to requests for assistance from  
10 businesses.

11 (2) Provide technical and managerial assistance to  
12 entrepreneurs and small businesses by (i) contracting with  
13 local development organizations, chambers of commerce, and  
14 industry or trade associations with technical and managerial  
15 expertise located in the State, whenever possible, and (ii)  
16 establishing a network of small business development centers  
17 throughout the State.

18 (3) Assess the fiscal impact of proposed rules upon small  
19 business and work with agencies in developing flexible  
20 regulations through a regulatory review program.

21 (4) Provide detailed and comprehensive assistance to  
22 businesses interested in obtaining federal or State government  
23 contracts through a network of local procurement centers. The  
24 Department shall make a special and continuing effort to assist  
25 minority and female owned businesses, including but not limited  
26 to the designation of special minority and female business

1 advocates, and shall make additional efforts to assist those  
2 located in labor surplus areas. The Department shall, through  
3 its network of local procurement centers, make every effort to  
4 provide opportunities for small businesses to participate in  
5 the procurement process. The Department shall utilize one or  
6 more of the following techniques. These techniques are to be in  
7 addition to any other procurement requirements imposed by  
8 Public Act 83-1341 or by any other Act.

9 (A) Advance notice by the Department or other  
10 appropriate State entity of possible procurement  
11 opportunities should be made available to interested small  
12 businesses.

13 (B) Publication of procurement opportunities in  
14 publications likely to be obtained by small businesses.

15 (C) Direct notification, whenever the Department deems  
16 it feasible, of interested small businesses.

17 (D) Conduct of public hearings and training sessions,  
18 when possible, regarding State and federal government  
19 procurement policies.

20 The Department of Central Management Services shall  
21 cooperate with the Department in providing information on the  
22 method and procedure by which a small business becomes involved  
23 in the State or federal government procurement process.

24 (5) (Blank). ~~Study the total number of registrations,~~  
25 ~~licenses, and reports that must be filed in order to do~~  
26 ~~business in this State, seek input from the directors of all~~

1 ~~regulatory agencies, and submit a report on how this paperwork~~  
2 ~~might be reduced to the Governor and the General Assembly no~~  
3 ~~later than January 1, 1985.~~

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

5 (20 ILCS 605/605-40 rep.)

6 (20 ILCS 605/605-430 rep.)

7 (20 ILCS 605/605-970 rep.)

8 Section 20-10. The Department of Commerce and Economic  
9 Opportunity Law of the Civil Administrative Code of Illinois is  
10 amended by repealing Sections 605-40, 605-430, and 605-970.

11 (20 ILCS 2305/8.3 rep.)

12 Section 20-25. The Department of Public Health Act is  
13 amended by repealing Section 8.3.

14 (20 ILCS 2310/2310-80 rep.)

15 (20 ILCS 2310/2310-186 rep.)

16 (20 ILCS 2310/2310-210 rep.)

17 (20 ILCS 2310/2310-227 rep.)

18 (20 ILCS 2310/2310-235 rep.)

19 (20 ILCS 2310/2310-310 rep.)

20 (20 ILCS 2310/2310-353 rep.)

21 (20 ILCS 2310/2310-367 rep.)

22 (20 ILCS 2310/2310-372 rep.)

23 (20 ILCS 2310/2310-395 rep.)



1 (20 ILCS 2310/2310-445 rep.)

2 (20 ILCS 2310/2310-537 rep.)

3 Section 20-30. The Department of Public Health Powers and  
4 Duties Law of the Civil Administrative Code of Illinois is  
5 amended by repealing Sections 2310-80, 2310-186, 2310-210,  
6 2310-227, 2310-235, 2310-310, 2310-353, 2310-367, 2310-372,  
7 2310-395, 2310-445, and 2310-537.

8 (30 ILCS 342/Act rep.)

9 Section 20-35. The Medicaid Liability Liquidity Borrowing  
10 Act is repealed.

11 (70 ILCS 1840/Act rep.)

12 Section 20-40. The Regional Port District Publicity Act is  
13 repealed.

14 Section 20-45. The Family Practice Residency Act is amended  
15 by changing Section 4 as follows:

16 (110 ILCS 935/4) (from Ch. 144, par. 1454)

17 Sec. 4. The Department may exercise ~~shall have~~ the powers  
18 ~~and duties~~ indicated in Sections 4.01 through 4.12 of this Act.

19 (Source: P.A. 80-478.)

20 Section 20-50. The Residential Mortgage License Act of 1987  
21 is amended by changing Section 3-2 as follows:

1 (205 ILCS 635/3-2) (from Ch. 17, par. 2323-2)

2 Sec. 3-2. Annual audit.

3 (a) At the licensee's fiscal year-end, but in no case more  
4 than 12 months after the last audit conducted pursuant to this  
5 Section, except as otherwise provided in this Section, it shall  
6 be mandatory for each residential mortgage licensee to cause  
7 its books and accounts to be audited by a certified public  
8 accountant not connected with such licensee. The books and  
9 records of all licensees under this Act shall be maintained on  
10 an accrual basis. The audit must be sufficiently comprehensive  
11 in scope to permit the expression of an opinion on the  
12 financial statements, which must be prepared in accordance with  
13 generally accepted accounting principles, and must be  
14 performed in accordance with generally accepted auditing  
15 standards. Notwithstanding the requirements of this  
16 subsection, a licensee that is a subsidiary may submit audited  
17 consolidated financial statements of its parent, intermediary  
18 parent, or ultimate parent as long as the consolidated  
19 statements are supported by consolidating statements which  
20 include the licensee's financial statement. If the  
21 consolidating statements are unaudited, the licensee's chief  
22 financial officer shall attest to the licensee's financial  
23 statements disclosed in the consolidating statements.

24 (b) As used herein, the term "expression of opinion"  
25 includes either (1) an unqualified opinion, (2) a qualified

1 opinion, (3) a disclaimer of opinion, or (4) an adverse  
2 opinion.

3 (c) If a qualified or adverse opinion is expressed or if an  
4 opinion is disclaimed, the reasons therefore must be fully  
5 explained. An opinion, qualified as to a scope limitation,  
6 shall not be acceptable.

7 (d) The most recent audit report shall be filed with the  
8 Commissioner within 90 days after the end of the licensee's  
9 fiscal year, or with the Nationwide Mortgage Licensing System  
10 and Registry, if applicable, pursuant to Mortgage Call Report  
11 requirements. The report filed with the Commissioner shall be  
12 certified by the certified public accountant conducting the  
13 audit. The Commissioner may promulgate rules regarding late  
14 audit reports.

15 (e) (Blank). ~~If any licensee required to make an audit~~  
16 ~~shall fail to cause an audit to be made, the Commissioner shall~~  
17 ~~cause the same to be made by a certified public accountant at~~  
18 ~~the licensee's expense. The Commissioner shall select such~~  
19 ~~certified public accountant by advertising for bids or by such~~  
20 ~~other fair and impartial means as he or she establishes by~~  
21 ~~regulation.~~

22 (f) In lieu of the audit or compilation financial statement  
23 required by this Section, a licensee shall submit and the  
24 Commissioner may accept any audit made in conformance with the  
25 audit requirements of the U.S. Department of Housing and Urban  
26 Development.

1 (g) With respect to licensees who solely broker residential  
2 mortgage loans as defined in subsection (o) of Section 1-4,  
3 instead of the audit required by this Section, the Commissioner  
4 may accept compilation financial statements prepared at least  
5 every 12 months, and the compilation financial statement must  
6 be submitted within 90 days after the end of the licensee's  
7 fiscal year, or with the Nationwide Mortgage Licensing System  
8 and Registry, if applicable, pursuant to Mortgage Call Report  
9 requirements. ~~If a licensee under this Section fails to file a~~  
10 ~~compilation as required, the Commissioner shall cause an audit~~  
11 ~~of the licensee's books and accounts to be made by a certified~~  
12 ~~public accountant at the licensee's expense. The Commissioner~~  
13 ~~shall select the certified public accountant by advertising for~~  
14 ~~bids or by such other fair and impartial means as he or she~~  
15 ~~establishes by rule.~~ A licensee who files false or misleading  
16 compilation financial statements is guilty of a business  
17 offense and shall be fined not less than \$5,000.

18 (h) The workpapers of the certified public accountants  
19 employed by each licensee for purposes of this Section are to  
20 be made available to the Commissioner or the Commissioner's  
21 designee upon request and may be reproduced by the Commissioner  
22 or the Commissioner's designee to enable to the Commissioner to  
23 carry out the purposes of this Act.

24 (i) Notwithstanding any other provision of this Section, if  
25 a licensee relying on subsection (g) of this Section causes its  
26 books to be audited at any other time or causes its financial

1 statements to be reviewed, a complete copy of the audited or  
2 reviewed financial statements shall be delivered to the  
3 Commissioner at the time of the annual license renewal payment  
4 following receipt by the licensee of the audited or reviewed  
5 financial statements. All workpapers shall be made available to  
6 the Commissioner upon request. The financial statements and  
7 workpapers may be reproduced by the Commissioner or the  
8 Commissioner's designee to carry out the purposes of this Act.

9 (Source: P.A. 97-813, eff. 7-13-12; 97-891, eff. 8-3-12;  
10 98-463, eff. 8-16-13; 98-1081, eff. 1-1-15.)

11 (405 ILCS 80/Art. X rep.)

12 Section 20-55. The Developmental Disability and Mental  
13 Disability Services Act is amended by repealing Article X.

14 Section 20-60. The Psychiatry Practice Incentive Act is  
15 amended by changing Section 35 as follows:

16 (405 ILCS 100/35)

17 Sec. 35. Annual report. The Department may ~~shall~~ annually  
18 report to the General Assembly and the Governor the results and  
19 progress of all programs established under this Act ~~on or~~  
20 ~~before March 15.~~

21 The annual report to the General Assembly and the Governor  
22 must include the impact of programs established under this Act  
23 on the ability of designated shortage areas to attract and

1 retain physicians and other health care personnel. The report  
2 shall include recommendations to improve that ability.

3 The requirement for reporting to the General Assembly shall  
4 be satisfied by filing copies of the report with the Speaker,  
5 the Minority Leader, and the Clerk of the House of  
6 Representatives and the President, the Minority Leader and the  
7 Secretary of the Senate and the Legislative Research Unit, as  
8 required by Section 3.1 of the General Assembly Organization  
9 Act, and by filing such additional copies with the State  
10 Government Report Distribution Center for the General Assembly  
11 as is required under paragraph (t) of Section 7 of the State  
12 Library Act.

13 (Source: P.A. 96-1411, eff. 1-1-11.)

14 (415 ILCS 5/22.53 rep.)

15 (415 ILCS 5/55.7a rep.)

16 Section 20-70. The Environmental Protection Act is amended  
17 by repealing Sections 22.53 and 55.7a.

18 (415 ILCS 20/7.4 rep.)

19 Section 20-80. The Illinois Solid Waste Management Act is  
20 amended by repealing Section 7.4.

21 (420 ILCS 44/28 rep.)

22 Section 20-95. The Radon Industry Licensing Act is amended  
23 by repealing Section 28.

1           Section 20-105. The Unified Code of Corrections is amended  
2 by changing Section 3-7-2 as follows:

3           (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

4           Sec. 3-7-2. Facilities.

5           (a) All institutions and facilities of the Department shall  
6 provide every committed person with access to toilet  
7 facilities, barber facilities, bathing facilities at least  
8 once each week, a library of legal materials and published  
9 materials including newspapers and magazines approved by the  
10 Director. A committed person may not receive any materials that  
11 the Director deems pornographic.

12           (b) (Blank).

13           (c) All institutions and facilities of the Department shall  
14 provide facilities for every committed person to leave his cell  
15 for at least one hour each day unless the chief administrative  
16 officer determines that it would be harmful or dangerous to the  
17 security or safety of the institution or facility.

18           (d) All institutions and facilities of the Department shall  
19 provide every committed person with a wholesome and nutritional  
20 diet at regularly scheduled hours, drinking water, clothing  
21 adequate for the season, bedding, soap and towels and medical  
22 and dental care.

23           (e) All institutions and facilities of the Department shall  
24 permit every committed person to send and receive an unlimited

1 number of uncensored letters, provided, however, that the  
2 Director may order that mail be inspected and read for reasons  
3 of the security, safety or morale of the institution or  
4 facility.

5 (f) All of the institutions and facilities of the  
6 Department shall permit every committed person to receive  
7 visitors, except in case of abuse of the visiting privilege or  
8 when the chief administrative officer determines that such  
9 visiting would be harmful or dangerous to the security, safety  
10 or morale of the institution or facility. The chief  
11 administrative officer shall have the right to restrict  
12 visitation to non-contact visits for reasons of safety,  
13 security, and order, including, but not limited to, restricting  
14 contact visits for committed persons engaged in gang activity.  
15 No committed person in a super maximum security facility or on  
16 disciplinary segregation is allowed contact visits. Any  
17 committed person found in possession of illegal drugs or who  
18 fails a drug test shall not be permitted contact visits for a  
19 period of at least 6 months. Any committed person involved in  
20 gang activities or found guilty of assault committed against a  
21 Department employee shall not be permitted contact visits for a  
22 period of at least 6 months. The Department shall offer every  
23 visitor appropriate written information concerning HIV and  
24 AIDS, including information concerning how to contact the  
25 Illinois Department of Public Health for counseling  
26 information. The Department shall develop the written



1 materials in consultation with the Department of Public Health.  
2 The Department shall ensure that all such information and  
3 materials are culturally sensitive and reflect cultural  
4 diversity as appropriate. Implementation of the changes made to  
5 this Section by this amendatory Act of the 94th General  
6 Assembly is subject to appropriation.

7 (f-5) (Blank). ~~The Department shall establish a pilot~~  
8 ~~program in one or more institutions or facilities of the~~  
9 ~~Department to permit committed persons to remotely visit family~~  
10 ~~members through interactive video conferences. The Department~~  
11 ~~may enter into agreements with third party organizations to~~  
12 ~~provide video conference facilities for family members of~~  
13 ~~committed persons. The Department may determine who is a family~~  
14 ~~member eligible to participate in the program and the~~  
15 ~~conditions in which and times when the video conferences may be~~  
16 ~~conducted. The Department may conduct such conferences as an~~  
17 ~~alternative to transporting committed persons to facilities~~  
18 ~~and institutions of the Department near the residences of~~  
19 ~~family members of the committed persons.~~

20 ~~Beginning on October 1, 2010 and through October 1, 2012,~~  
21 ~~the Department shall issue an annual report to the General~~  
22 ~~Assembly regarding the implementation and effectiveness of the~~  
23 ~~pilot program created by this subsection (f-5).~~

24 (g) All institutions and facilities of the Department shall  
25 permit religious ministrations and sacraments to be available  
26 to every committed person, but attendance at religious services

1 shall not be required.

2 (h) Within 90 days after December 31, 1996, the Department  
3 shall prohibit the use of curtains, cell-coverings, or any  
4 other matter or object that obstructs or otherwise impairs the  
5 line of vision into a committed person's cell.

6 (Source: P.A. 96-869, eff. 1-21-10.)

7 Section 20-110. The Illinois Crime Reduction Act of 2009 is  
8 amended by changing Section 15 as follows:

9 (730 ILCS 190/15)

10 Sec. 15. Adoption, validation, and utilization of an  
11 assessment tool.

12 (a) Purpose. In order to determine appropriate punishment  
13 or services which will protect public safety, it is necessary  
14 for the State and local jurisdictions to adopt a common  
15 assessment tool. Supervision and correctional programs are  
16 most effective at reducing future crime when they accurately  
17 assess offender risks, assets, and needs, and use these  
18 assessment results to assign supervision levels and target  
19 programs to criminogenic needs.

20 (b) After review of the plan issued by the Task Force  
21 described in subsection (c), the Department of Corrections, the  
22 Parole Division of the Department of Corrections, and the  
23 Prisoner Review Board shall adopt policies, rules, and  
24 regulations that within 3 years of the effective date of this

1 Act result in the adoption, validation, and utilization of a  
2 statewide, standardized risk assessment tool across the  
3 Illinois criminal justice system.

4 (c) (Blank). ~~The Governor's Office shall convene a Risks,~~  
5 ~~Assets, and Needs Assessment Task Force to develop plans for~~  
6 ~~the adoption, validation, and utilization of such an assessment~~  
7 ~~tool. The Task Force shall include, but not be limited to,~~  
8 ~~designees from the Department of Corrections who are~~  
9 ~~responsible for parole services, a designee from the Cook~~  
10 ~~County Adult Probation; a representative from a county~~  
11 ~~probation office, a designee from DuPage County Adult~~  
12 ~~Probation, a designee from Sangamon County Adult Probation; and~~  
13 ~~designees from the Attorney General's Office, the Prisoner~~  
14 ~~Review Board, the Illinois Criminal Justice Information~~  
15 ~~Authority, the Sentencing Policy Advisory Council, the Cook~~  
16 ~~County State's Attorney, a State's Attorney selected by the~~  
17 ~~President of the Illinois State's Attorneys Association, the~~  
18 ~~Cook County Public Defender, and the State Appellate Defender.~~

19 (c-5) (Blank). ~~The Department of Human Services shall~~  
20 ~~provide administrative support for the Task Force.~~

21 (d) (Blank). ~~The Task Force's plans shall be released~~  
22 ~~within one year of the effective date of this Act and shall at~~  
23 ~~a minimum include:~~

24 ~~(1) A computerized method and design to allow each of~~  
25 ~~the State and local agencies and branches of government~~  
26 ~~which are part of the criminal justice system to share the~~

1 ~~results of the assessment. The recommendations for the~~  
2 ~~automated system shall include cost estimates, a~~  
3 ~~timetable, a plan to pay for the system and for sharing~~  
4 ~~data across agencies and branches of government.~~

5 ~~(2) A selection of a common validated tool to be used~~  
6 ~~across the system.~~

7 ~~(3) A description of the different points in the system~~  
8 ~~at which the tool shall be used.~~

9 ~~(4) An implementation plan, including training and the~~  
10 ~~selection of pilot sites to test the tool.~~

11 ~~(5) How often and in what intervals offenders will be~~  
12 ~~reassessed.~~

13 ~~(6) How the results can be legally shared with~~  
14 ~~non-governmental organizations that provide treatment and~~  
15 ~~services to those under local supervision.~~

16 (Source: P.A. 96-761, eff. 1-1-10.)

17 Section 20-115. The Illinois Human Rights Act is amended by  
18 changing Section 2-105 as follows:

19 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

20 Sec. 2-105. Equal Employment Opportunities; Affirmative  
21 Action.

22 (A) Public Contracts. Every party to a public contract and  
23 every eligible bidder shall:

24 (1) Refrain from unlawful discrimination and

1 discrimination based on citizenship status in employment  
2 and undertake affirmative action to assure equality of  
3 employment opportunity and eliminate the effects of past  
4 discrimination;

5 (2) Comply with the procedures and requirements of the  
6 Department's regulations concerning equal employment  
7 opportunities and affirmative action;

8 (3) Provide such information, with respect to its  
9 employees and applicants for employment, and assistance as  
10 the Department may reasonably request;

11 (4) Have written sexual harassment policies that shall  
12 include, at a minimum, the following information: (i) the  
13 illegality of sexual harassment; (ii) the definition of  
14 sexual harassment under State law; (iii) a description of  
15 sexual harassment, utilizing examples; (iv) the vendor's  
16 internal complaint process including penalties; (v) the  
17 legal recourse, investigative and complaint process  
18 available through the Department and the Commission; (vi)  
19 directions on how to contact the Department and Commission;  
20 and (vii) protection against retaliation as provided by  
21 Section 6-101 of this Act. A copy of the policies shall be  
22 provided to the Department upon request.

23 (B) State Agencies. Every State executive department,  
24 State agency, board, commission, and instrumentality shall:

25 (1) Comply with the procedures and requirements of the  
26 Department's regulations concerning equal employment

1 opportunities and affirmative action;

2 (2) Provide such information and assistance as the  
3 Department may request.

4 (3) Establish, maintain, and carry out a continuing  
5 affirmative action plan consistent with this Act and the  
6 regulations of the Department designed to promote equal  
7 opportunity for all State residents in every aspect of  
8 agency personnel policy and practice. For purposes of these  
9 affirmative action plans, the race and national origin  
10 categories to be included in the plans are: American Indian  
11 or Alaska Native, Asian, Black or African American,  
12 Hispanic or Latino, Native Hawaiian or Other Pacific  
13 Islander.

14 This plan shall include a current detailed status  
15 report:

16 (a) indicating, by each position in State service,  
17 the number, percentage, and average salary of  
18 individuals employed by race, national origin, sex and  
19 disability, and any other category that the Department  
20 may require by rule;

21 (b) identifying all positions in which the  
22 percentage of the people employed by race, national  
23 origin, sex and disability, and any other category that  
24 the Department may require by rule, is less than  
25 four-fifths of the percentage of each of those  
26 components in the State work force;

1 (c) specifying the goals and methods for  
2 increasing the percentage by race, national origin,  
3 sex and disability, and any other category that the  
4 Department may require by rule, in State positions;

5 (d) indicating progress and problems toward  
6 meeting equal employment opportunity goals, including,  
7 if applicable, but not limited to, Department of  
8 Central Management Services recruitment efforts,  
9 publicity, promotions, and use of options designating  
10 positions by linguistic abilities;

11 (e) establishing a numerical hiring goal for the  
12 employment of qualified persons with disabilities in  
13 the agency as a whole, to be based on the proportion of  
14 people with work disabilities in the Illinois labor  
15 force as reflected in the most recent employment data  
16 made available by the United States Census Bureau  
17 decennial Census.

18 (4) If the agency has 1000 or more employees, appoint a  
19 full-time Equal Employment Opportunity officer, subject to  
20 the Department's approval, whose duties shall include:

21 (a) Advising the head of the particular State  
22 agency with respect to the preparation of equal  
23 employment opportunity programs, procedures,  
24 regulations, reports, and the agency's affirmative  
25 action plan.

26 (b) Evaluating in writing each fiscal year the

1           sufficiency of the total agency program for equal  
2           employment opportunity and reporting thereon to the  
3           head of the agency with recommendations as to any  
4           improvement or correction in recruiting, hiring or  
5           promotion needed, including remedial or disciplinary  
6           action with respect to managerial or supervisory  
7           employees who have failed to cooperate fully or who are  
8           in violation of the program.

9           (c) Making changes in recruitment, training and  
10          promotion programs and in hiring and promotion  
11          procedures designed to eliminate discriminatory  
12          practices when authorized.

13          (d) Evaluating tests, employment policies,  
14          practices and qualifications and reporting to the head  
15          of the agency and to the Department any policies,  
16          practices and qualifications that have unequal impact  
17          by race, national origin as required by Department  
18          rule, sex or disability or any other category that the  
19          Department may require by rule, and to assist in the  
20          recruitment of people in underrepresented  
21          classifications. This function shall be performed in  
22          cooperation with the State Department of Central  
23          Management Services.

24          (e) Making any aggrieved employee or applicant for  
25          employment aware of his or her remedies under this Act.

26                 In any meeting, investigation, negotiation,



1 conference, or other proceeding between a State  
2 employee and an Equal Employment Opportunity officer,  
3 a State employee (1) who is not covered by a collective  
4 bargaining agreement and (2) who is the complaining  
5 party or the subject of such proceeding may be  
6 accompanied, advised and represented by (1) an  
7 attorney licensed to practice law in the State of  
8 Illinois or (2) a representative of an employee  
9 organization whose membership is composed of employees  
10 of the State and of which the employee is a member. A  
11 representative of an employee, other than an attorney,  
12 may observe but may not actively participate, or advise  
13 the State employee during the course of such meeting,  
14 investigation, negotiation, conference or other  
15 proceeding. Nothing in this Section shall be construed  
16 to permit any person who is not licensed to practice  
17 law in Illinois to deliver any legal services or  
18 otherwise engage in any activities that would  
19 constitute the unauthorized practice of law. Any  
20 representative of an employee who is present with the  
21 consent of the employee, shall not, during or after  
22 termination of the relationship permitted by this  
23 Section with the State employee, use or reveal any  
24 information obtained during the course of the meeting,  
25 investigation, negotiation, conference or other  
26 proceeding without the consent of the complaining

1 party and any State employee who is the subject of the  
2 proceeding and pursuant to rules and regulations  
3 governing confidentiality of such information as  
4 promulgated by the appropriate State agency.  
5 Intentional or reckless disclosure of information in  
6 violation of these confidentiality requirements shall  
7 constitute a Class B misdemeanor.

8 (5) Establish, maintain and carry out a continuing  
9 sexual harassment program that shall include the  
10 following:

11 (a) Develop a written sexual harassment policy  
12 that includes at a minimum the following information:  
13 (i) the illegality of sexual harassment; (ii) the  
14 definition of sexual harassment under State law; (iii)  
15 a description of sexual harassment, utilizing  
16 examples; (iv) the agency's internal complaint process  
17 including penalties; (v) the legal recourse,  
18 investigative and complaint process available through  
19 the Department and the Commission; (vi) directions on  
20 how to contact the Department and Commission; and (vii)  
21 protection against retaliation as provided by Section  
22 6-101 of this Act. The policy shall be reviewed  
23 annually.

24 (b) Post in a prominent and accessible location and  
25 distribute in a manner to assure notice to all agency  
26 employees without exception the agency's sexual

1 harassment policy. Such documents may meet, but shall  
2 not exceed, the 6th grade literacy level. Distribution  
3 shall be effectuated within 90 days of the effective  
4 date of this amendatory Act of 1992 and shall occur  
5 annually thereafter.

6 (c) Provide training on sexual harassment  
7 prevention and the agency's sexual harassment policy  
8 as a component of all ongoing or new employee training  
9 programs.

10 (6) Notify the Department 30 days before effecting any  
11 layoff. Once notice is given, the following shall occur:

12 (a) No layoff may be effective earlier than 10  
13 working days after notice to the Department, unless an  
14 emergency layoff situation exists.

15 (b) The State executive department, State agency,  
16 board, commission, or instrumentality in which the  
17 layoffs are to occur must notify each employee targeted  
18 for layoff, the employee's union representative (if  
19 applicable), and the State Dislocated Worker Unit at  
20 the Department of Commerce and Economic Opportunity.

21 (c) The State executive department, State agency,  
22 board, commission, or instrumentality in which the  
23 layoffs are to occur must conform to applicable  
24 collective bargaining agreements.

25 (d) The State executive department, State agency,  
26 board, commission, or instrumentality in which the

1 layoffs are to occur should notify each employee  
2 targeted for layoff that transitional assistance may  
3 be available to him or her under the Economic  
4 Dislocation and Worker Adjustment Assistance Act  
5 administered by the Department of Commerce and  
6 Economic Opportunity. Failure to give such notice  
7 shall not invalidate the layoff or postpone its  
8 effective date.

9 As used in this subsection (B), "disability" shall be  
10 defined in rules promulgated under the Illinois Administrative  
11 Procedure Act.

12 (C) Civil Rights Violations. It is a civil rights violation  
13 for any public contractor or eligible bidder to:

14 (1) fail to comply with the public contractor's or  
15 eligible bidder's duty to refrain from unlawful  
16 discrimination and discrimination based on citizenship  
17 status in employment under subsection (A)(1) of this  
18 Section; or

19 (2) fail to comply with the public contractor's or  
20 eligible bidder's duties of affirmative action under  
21 subsection (A) of this Section, provided however, that the  
22 Department has notified the public contractor or eligible  
23 bidder in writing by certified mail that the public  
24 contractor or eligible bidder may not be in compliance with  
25 affirmative action requirements of subsection (A). A  
26 minimum of 60 days to comply with the requirements shall be

1           afforded to the public contractor or eligible bidder before  
2           the Department may issue formal notice of non-compliance.

3           (D) As used in this Section:

4           (1) "American Indian or Alaska Native" means a person  
5           having origins in any of the original peoples of North and  
6           South America, including Central America, and who  
7           maintains tribal affiliation or community attachment.

8           (2) "Asian" means a person having origins in any of the  
9           original peoples of the Far East, Southeast Asia, or the  
10          Indian subcontinent, including, but not limited to,  
11          Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
12          the Philippine Islands, Thailand, and Vietnam.

13          (3) "Black or African American" means a person having  
14          origins in any of the black racial groups of Africa. Terms  
15          such as "Haitian" or "Negro" can be used in addition to  
16          "Black or African American".

17          (4) "Hispanic or Latino" means a person of Cuban,  
18          Mexican, Puerto Rican, South or Central American, or other  
19          Spanish culture or origin, regardless of race.

20          (5) "Native Hawaiian or Other Pacific Islander" means a  
21          person having origins in any of the original peoples of  
22          Hawaii, Guam, Samoa, or other Pacific Islands.

23          (Source: P.A. 97-396, eff. 1-1-12.)

24                 Section 20-125. The Unemployment Insurance Act is amended  
25                 by changing Section 1900 as follows:

1 (820 ILCS 405/1900) (from Ch. 48, par. 640)

2 Sec. 1900. Disclosure of information.

3 A. Except as provided in this Section, information obtained  
4 from any individual or employing unit during the administration  
5 of this Act shall:

6 1. be confidential,

7 2. not be published or open to public inspection,

8 3. not be used in any court in any pending action or  
9 proceeding,

10 4. not be admissible in evidence in any action or  
11 proceeding other than one arising out of this Act.

12 B. No finding, determination, decision, ruling or order  
13 (including any finding of fact, statement or conclusion made  
14 therein) issued pursuant to this Act shall be admissible or  
15 used in evidence in any action other than one arising out of  
16 this Act, nor shall it be binding or conclusive except as  
17 provided in this Act, nor shall it constitute res judicata,  
18 regardless of whether the actions were between the same or  
19 related parties or involved the same facts.

20 C. Any officer or employee of this State, any officer or  
21 employee of any entity authorized to obtain information  
22 pursuant to this Section, and any agent of this State or of  
23 such entity who, except with authority of the Director under  
24 this Section, shall disclose information shall be guilty of a  
25 Class B misdemeanor and shall be disqualified from holding any

1 appointment or employment by the State.

2 D. An individual or his duly authorized agent may be  
3 supplied with information from records only to the extent  
4 necessary for the proper presentation of his claim for benefits  
5 or with his existing or prospective rights to benefits.  
6 Discretion to disclose this information belongs solely to the  
7 Director and is not subject to a release or waiver by the  
8 individual. Notwithstanding any other provision to the  
9 contrary, an individual or his or her duly authorized agent may  
10 be supplied with a statement of the amount of benefits paid to  
11 the individual during the 18 months preceding the date of his  
12 or her request.

13 E. An employing unit may be furnished with information,  
14 only if deemed by the Director as necessary to enable it to  
15 fully discharge its obligations or safeguard its rights under  
16 the Act. Discretion to disclose this information belongs solely  
17 to the Director and is not subject to a release or waiver by  
18 the employing unit.

19 F. The Director may furnish any information that he may  
20 deem proper to any public officer or public agency of this or  
21 any other State or of the federal government dealing with:

- 22 1. the administration of relief,
- 23 2. public assistance,
- 24 3. unemployment compensation,
- 25 4. a system of public employment offices,
- 26 5. wages and hours of employment, or

1           6. a public works program.

2           The Director may make available to the Illinois Workers'  
3 Compensation Commission information regarding employers for  
4 the purpose of verifying the insurance coverage required under  
5 the Workers' Compensation Act and Workers' Occupational  
6 Diseases Act.

7           G. The Director may disclose information submitted by the  
8 State or any of its political subdivisions, municipal  
9 corporations, instrumentalities, or school or community  
10 college districts, except for information which specifically  
11 identifies an individual claimant.

12           H. The Director shall disclose only that information  
13 required to be disclosed under Section 303 of the Social  
14 Security Act, as amended, including:

15           1. any information required to be given the United  
16 States Department of Labor under Section 303(a)(6); and

17           2. the making available upon request to any agency of  
18 the United States charged with the administration of public  
19 works or assistance through public employment, the name,  
20 address, ordinary occupation and employment status of each  
21 recipient of unemployment compensation, and a statement of  
22 such recipient's right to further compensation under such  
23 law as required by Section 303(a)(7); and

24           3. records to make available to the Railroad Retirement  
25 Board as required by Section 303(c)(1); and

26           4. information that will assure reasonable cooperation



1 with every agency of the United States charged with the  
2 administration of any unemployment compensation law as  
3 required by Section 303(c) (2); and

4 5. information upon request and on a reimbursable basis  
5 to the United States Department of Agriculture and to any  
6 State food stamp agency concerning any information  
7 required to be furnished by Section 303(d); and

8 6. any wage information upon request and on a  
9 reimbursable basis to any State or local child support  
10 enforcement agency required by Section 303(e); and

11 7. any information required under the income  
12 eligibility and verification system as required by Section  
13 303(f); and

14 8. information that might be useful in locating an  
15 absent parent or that parent's employer, establishing  
16 paternity or establishing, modifying, or enforcing child  
17 support orders for the purpose of a child support  
18 enforcement program under Title IV of the Social Security  
19 Act upon the request of and on a reimbursable basis to the  
20 public agency administering the Federal Parent Locator  
21 Service as required by Section 303(h); and

22 9. information, upon request, to representatives of  
23 any federal, State or local governmental public housing  
24 agency with respect to individuals who have signed the  
25 appropriate consent form approved by the Secretary of  
26 Housing and Urban Development and who are applying for or

1 participating in any housing assistance program  
2 administered by the United States Department of Housing and  
3 Urban Development as required by Section 303(i).

4 I. The Director, upon the request of a public agency of  
5 Illinois, of the federal government or of any other state  
6 charged with the investigation or enforcement of Section 10-5  
7 of the Criminal Code of 2012 (or a similar federal law or  
8 similar law of another State), may furnish the public agency  
9 information regarding the individual specified in the request  
10 as to:

- 11 1. the current or most recent home address of the  
12 individual, and
- 13 2. the names and addresses of the individual's  
14 employers.

15 J. Nothing in this Section shall be deemed to interfere  
16 with the disclosure of certain records as provided for in  
17 Section 1706 or with the right to make available to the  
18 Internal Revenue Service of the United States Department of the  
19 Treasury, or the Department of Revenue of the State of  
20 Illinois, information obtained under this Act.

21 K. The Department shall make available to the Illinois  
22 Student Assistance Commission, upon request, information in  
23 the possession of the Department that may be necessary or  
24 useful to the Commission in the collection of defaulted or  
25 delinquent student loans which the Commission administers.

26 L. The Department shall make available to the State

1 Employees' Retirement System, the State Universities  
2 Retirement System, the Teachers' Retirement System of the State  
3 of Illinois, and the Department of Central Management Services,  
4 Risk Management Division, upon request, information in the  
5 possession of the Department that may be necessary or useful to  
6 the System or the Risk Management Division for the purpose of  
7 determining whether any recipient of a disability benefit from  
8 the System or a workers' compensation benefit from the Risk  
9 Management Division is gainfully employed.

10 M. This Section shall be applicable to the information  
11 obtained in the administration of the State employment service,  
12 except that the Director may publish or release general labor  
13 market information and may furnish information that he may deem  
14 proper to an individual, public officer or public agency of  
15 this or any other State or the federal government (in addition  
16 to those public officers or public agencies specified in this  
17 Section) as he prescribes by Rule.

18 N. The Director may require such safeguards as he deems  
19 proper to insure that information disclosed pursuant to this  
20 Section is used only for the purposes set forth in this  
21 Section.

22 O. Nothing in this Section prohibits communication with an  
23 individual or entity through unencrypted e-mail or other  
24 unencrypted electronic means as long as the communication does  
25 not contain the individual's or entity's name in combination  
26 with any one or more of the individual's or entity's social

1 security number; driver's license or State identification  
2 number; account number or credit or debit card number; or any  
3 required security code, access code, or password that would  
4 permit access to further information pertaining to the  
5 individual or entity.

6 P. (Blank). ~~Within 30 days after the effective date of this~~  
7 ~~amendatory Act of 1993 and annually thereafter, the Department~~  
8 ~~shall provide to the Department of Financial Institutions a~~  
9 ~~list of individuals or entities that, for the most recently~~  
10 ~~completed calendar year, report to the Department as paying~~  
11 ~~wages to workers. The lists shall be deemed confidential and~~  
12 ~~may not be disclosed to any other person.~~

13 Q. The Director shall make available to an elected federal  
14 official the name and address of an individual or entity that  
15 is located within the jurisdiction from which the official was  
16 elected and that, for the most recently completed calendar  
17 year, has reported to the Department as paying wages to  
18 workers, where the information will be used in connection with  
19 the official duties of the official and the official requests  
20 the information in writing, specifying the purposes for which  
21 it will be used. For purposes of this subsection, the use of  
22 information in connection with the official duties of an  
23 official does not include use of the information in connection  
24 with the solicitation of contributions or expenditures, in  
25 money or in kind, to or on behalf of a candidate for public or  
26 political office or a political party or with respect to a

1 public question, as defined in Section 1-3 of the Election  
2 Code, or in connection with any commercial solicitation. Any  
3 elected federal official who, in submitting a request for  
4 information covered by this subsection, knowingly makes a false  
5 statement or fails to disclose a material fact, with the intent  
6 to obtain the information for a purpose not authorized by this  
7 subsection, shall be guilty of a Class B misdemeanor.

8 R. The Director may provide to any State or local child  
9 support agency, upon request and on a reimbursable basis,  
10 information that might be useful in locating an absent parent  
11 or that parent's employer, establishing paternity, or  
12 establishing, modifying, or enforcing child support orders.

13 S. The Department shall make available to a State's  
14 Attorney of this State or a State's Attorney's investigator,  
15 upon request, the current address or, if the current address is  
16 unavailable, current employer information, if available, of a  
17 victim of a felony or a witness to a felony or a person against  
18 whom an arrest warrant is outstanding.

19 T. The Director shall make available to the Department of  
20 State Police, a county sheriff's office, or a municipal police  
21 department, upon request, any information concerning the  
22 current address and place of employment or former places of  
23 employment of a person who is required to register as a sex  
24 offender under the Sex Offender Registration Act that may be  
25 useful in enforcing the registration provisions of that Act.

26 U. The Director shall make information available to the

1 Department of Healthcare and Family Services and the Department  
2 of Human Services for the purpose of determining eligibility  
3 for public benefit programs authorized under the Illinois  
4 Public Aid Code and related statutes administered by those  
5 departments, for verifying sources and amounts of income, and  
6 for other purposes directly connected with the administration  
7 of those programs.

8 V. The Director shall make information available to the  
9 State Board of Elections as may be required by an agreement the  
10 State Board of Elections has entered into with a multi-state  
11 voter registration list maintenance system.

12 (Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12;  
13 97-1150, eff. 1-25-13; 98-1171, eff. 6-1-15.)

14 (820 ILCS 405/611.1 rep.)

15 Section 20-130. The Unemployment Insurance Act is amended  
16 by repealing Section 611.1.

17 ARTICLE 99.

18 SEVERABILITY; EFFECTIVE DATE

19 Section 99-97. Severability. The provisions of this Act are  
20 severable under Section 1.31 of the Statute on Statutes.

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