



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**ONE HUNDRED SECOND GENERAL  
ASSEMBLY**

**121ST LEGISLATIVE DAY**

**SUNDAY, JANUARY 8, 2023**

**5:32 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**121th Legislative Day**

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The Senate met pursuant to adjournment.  
Senator David Koehler, Peoria, Illinois, presiding.  
Prayer by Pastor Stephen Lawrence, Exodus Church of Springfield, Springfield, Illinois.  
Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Friday, January 6, 2023, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

**LEGISLATIVE MEASURES FILED**

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

- Amendment No. 4 to House Bill 969
- Amendment No. 4 to House Bill 4412
- Amendment No. 2 to House Bill 4664
- Amendment No. 1 to House Bill 5471

**MESSAGE FROM THE HOUSE**

A message from the House by  
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1720

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 3 to SENATE BILL NO. 1720  
Passed the House, as amended, January 6, 2023.

JOHN W. HOLLMAN, Clerk of the House

**AMENDMENT NO. 3 TO SENATE BILL 1720**

AMENDMENT NO. 3 . Amend Senate Bill 1720, AS AMENDED, by replacing everything after the enacting clause with the following:

"ARTICLE 1

Section 1-1. Short title. This Act may be cited as the Second FY 2023 Budget Implementation Act.

Section 1-5. Purpose. It is the purpose of this Act to make additional changes in State programs that are necessary to implement the State budget for Fiscal Year 2023 and subsequent fiscal years.

ARTICLE 3

Section 3-1. Short title. This Article may be cited as the Warehouse Safety Standards Task Force Act. As used in this Article, "this Act" refers to this Article.

Section 3-5. The Warehouse Safety Standards Task Force.

(a) The Warehouse Safety Standards Task Force is created to study warehouse safety standards. The Task Force shall consist of the following members:

- (1) 2 members of the House of Representatives, appointed by the Speaker of the House of Representatives;
- (2) 2 members of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

[January 8, 2023]

- (3) 2 members of the Senate, appointed by the President of the Senate;
  - (4) 2 members of the Senate, appointed by the Minority Leader of the Senate;
  - (5) one representative of an entity representing retail merchants, appointed by the Governor;
  - (6) one representative of an entity representing manufacturers, appointed by the Governor;
  - (7) one representative of an entity representing mayors, appointed by the Governor;
  - (8) one representative of the State Chamber of Commerce, appointed by the Governor;
  - (9) one representative of the American Federation of Labor and Congress of Industrial Organizations, appointed by the Governor;
  - (10) one representative of a labor union representing warehouse workers, appointed by the Governor;
  - (11) one representative of a worker advocacy organization representing warehouse workers, appointed by the Governor; and
  - (12) the Director of Labor or his or her designee, who shall serve as the ex officio chair.
- (b) The members of the Task Force shall serve without compensation.
- (c) The Department of Labor shall provide administrative support to the Task Force.

Section 3-10. Reports. The Task Force must provide quarterly updates of its findings, discussions, and decisions to the Governor and the General Assembly. The Task Force shall submit a final report of its recommendations to the Governor and the General Assembly no later than January 1, 2025.

Section 3-90. Repeal. The Task Force is dissolved and this Act is repealed on January 1, 2026.

## ARTICLE 5

Section 5-5. The Illinois Administrative Procedure Act is amended by adding Section 5-45.35 as follows:

(5 ILCS 100/5-45.35 new)

Sec. 5-45.35. Emergency rulemaking; Hate Crimes and Bias Incident Prevention and Response Fund and Local Chambers of Commerce Recovery Grants. To provide for the expeditious and timely implementation of this amendatory Act of the 102nd General Assembly, emergency rules implementing Section 6z-138 of the State Finance Act may be adopted in accordance with Section 5-45 by the Department of Human Rights and emergency rules implementing Section 605-1105 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois may be adopted in accordance with Section 5-45 by the Department of Commerce and Economic Opportunity. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed one year after the effective date of this amendatory Act of the 102nd General Assembly.

Section 5-10. The State Employees Group Insurance Act of 1971 is amended by changing Section 11 as follows:

(5 ILCS 375/11) (from Ch. 127, par. 531)

Sec. 11. The amount of contribution in any fiscal year from funds other than the General Revenue Fund or the Road Fund shall be at the same contribution rate as the General Revenue Fund or the Road Fund except that, in State Fiscal Year 2009, no contributions shall be required from the FY09 Budget Relief Fund. Contributions and payments for life insurance shall be deposited in the Group Insurance Premium Fund. Contributions and payments for health coverages and other benefits shall be deposited in the Health Insurance Reserve Fund. Federal funds which are available for cooperative extension purposes shall also be charged for the contributions which are made for retired employees formerly employed in the Cooperative Extension Service. In the case of departments or any division thereof receiving a fraction of its requirements for administration from the Federal Government, the contributions hereunder shall be such fraction of the amount determined under the provisions hereof and the remainder shall be contributed by the State.

Every department which has members paid from funds other than the General Revenue Fund shall cooperate with the Department of Central Management Services and the Governor's Office of Management and Budget in order to assure that the specified proportion of the State's cost for group life insurance, the program of health benefits and other employee benefits is paid by such funds; except that contributions

under this Act need not be paid from any other fund where both the Director of Central Management Services and the Director of the Governor's Office of Management and Budget have designated in writing that the necessary contributions are included in the General Revenue Fund contribution amount.

Universities having employees who are ~~totally~~ compensated out of the following funds or sources are not required to submit the contribution described in this Section for such employees:

(1) income funds, as described in Sections 6a-1, 6a-1a, 6a-1b, 6a-1c, 6a-1d, 6a-1e, 6a-1f, 6a-1g, and 6d of the State Finance Act, including tuition, laboratory, and library fees and any interest earned on those fees ~~Income Funds;~~

(2) local auxiliary funds, as described in the Legislative Audit Commission's University Guidelines, as published on November 17, 2020, including the following:

(i) funds from auxiliary enterprises, which are operations that support the overall objectives of the university but are not directly related to instruction, research, or service organizational units;

(ii) funds from auxiliary activities, which are functions that are self-supporting, in whole or in part, and are directly related to instruction, research, or service units; ~~Local auxiliary funds; and~~

(3) the Agricultural Premium Fund as established by Section 5.01 of the State Finance Act;

(4) appropriations from the General Revenue Fund, Education Assistance Fund, or other State appropriations that are made for the purposes of instruction, research, public service, or economic development;

(5) funds to the University of Illinois Hospital for health care professional services that are performed by University of Illinois faculty or University of Illinois health care programs established under the University of Illinois Hospital Act; or

(6) funds designated for the Cooperative Extension Service, as defined in Section 3 of the County Cooperative Extension Law.

~~shall not be required to submit such contribution for such employees.~~

If an employee of a university is partially compensated from the funds or sources of funds identified in paragraphs (1) through (6) above, universities shall be required to submit a pro rata contribution for the portion of the employee's compensation that is derived out of funds or sources other than those identified in paragraphs (1) through (6) above.

The Department of Central Management Services may conduct a post-payment review of university reimbursements to assess or address any discrepancies. Universities shall cooperate with the Department of Central Management Services during any post-payment review, that may require universities to provide documentation to support payment calculations or funding sources used for calculating reimbursements. The Department of Central Management Services reserves the right to reconcile any discrepancies in reimbursement subtotals or total obligations and to notify universities of all final reconciliations, which shall include the Department of Central Management Services calculations and the amount of any credits or obligations that may be due.

For each employee of the Illinois Toll Highway Authority ~~person~~ covered under this Act whose eligibility for such coverage is as an annuitant ~~based upon the person's status as the recipient of a benefit under the Illinois Pension Code, which benefit is based in whole or in part upon service with the Toll Highway Authority,~~ the Authority shall annually contribute an amount, as determined by the Director of the Department of Central Management Services, that represents the average employer's share of the cost of retiree coverage per participating employee in the State Employees Group Insurance Program ~~a pro rata share of the State's cost for the benefits of that person.~~

(Source: P.A. 102-1071, eff. 6-10-22.)

Section 5-12. The Children and Family Services Act is amended by adding Section 45 as follows:

(20 ILCS 505/45 new)

Sec. 45. Title IV-E funds for legal services to foster youth and families.

(a) Findings and purpose. The General Assembly finds the following:

(1) Child welfare court proceedings are serious and life changing. Children and youth are subject to court decisions that may forever change their family composition, as well as their connections to culture and heritage.

(2) The gravity of child welfare proceedings and the rights and liabilities at stake necessitate the provision of quality legal representation for children and youth throughout the duration of child welfare proceedings.

(3) Legal representation serves to protect and advance the interests of children and youth in court and provides confidential attorney-client privilege to ensure children feel safe sharing with attorneys information that otherwise may go unvoiced.

(4) As the agency responsible for administering the State's approved Title IV-E State Plan, the Department of Children and Family Services is the only State agency with the authority to seek federal matching funds under Title IV-E of the Social Security Act for children who are candidates for foster care, children who are in foster care, and parents who are participating in foster care legal proceedings.

(5) It is the intent of the General Assembly to ensure the Department leverages and maximizes federal resources to support the provision of quality legal representation to children and families to improve outcomes in the child welfare system.

(b) Definitions. As used in this Section:

"Child's lawyer" means a lawyer who is appointed by the court to serve as a child's lawyer in a proceeding pending under Article II of the Juvenile Court Act of 1987 in accordance with the duties prescribed by State statute, court rules, standards of practice, and the Illinois Rules of Professional Conduct, including, but not limited to, diligence, communication, confidentiality, and the responsibilities to zealously assert the client's position under the rules of the adversary system and to abide by the client's decisions concerning the objectives of representation, as provided for in the Illinois Rules of Professional Conduct.

"Respondent's lawyer" means a lawyer who provides legal representation to a parent, guardian, legal custodian, or responsible relative who is named as a party-respondent in a proceeding pending under Article II of the Juvenile Court Act of 1987 in accordance with the duties prescribed by State statute, court rules, standards of practice, and the Illinois Rules of Professional Conduct, including, but not limited to, diligence, communication, confidentiality, and the responsibilities to zealously assert the client's position under the rules of the adversary system and to abide by the client's decisions concerning the objectives of representation, as provided for in the Illinois Rules of Professional Conduct.

(c) The Department shall pursue claiming Title IV-E administrative costs for independent legal representation by an attorney for a child who is a candidate for Title IV-E foster care, or who is in foster care, and the child's parent to prepare for and participate in all stages of foster care legal proceedings. Federal reimbursements for these administrative costs must be deposited into the Due Process for Youth and Families Fund created under subsection (d).

(d) The Due Process for Youth and Families Fund is created as a special fund in the State treasury. The Fund shall consist of any moneys appropriated to the Department from federal Title IV-E reimbursements for administrative costs as described in subsection (c) and any other moneys deposited into the Fund in accordance with this Section. Subject to appropriation, moneys in the Fund shall be disbursed for fees and costs incurred by organizations or law practitioners that provide services as a child's lawyer or respondent's lawyer as those terms are defined in subsection (b) and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund. The Department and the State Treasurer may accept funds as provided under Title IV-E of the Social Security Act for deposit into the Fund. Annual requests for appropriations for the purpose of providing independent legal representation under this Section shall be made in separate and distinct line-items.

(e) Units of local government and public and private agencies may apply for and receive federal or State funds from the Department in accordance with the purposes of this Section.

Section 5-13. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-1105 as follows:

(20 ILCS 605/605-1105 new)

Sec. 605-1105. Local chambers of commerce recovery grants.

(a) Upon receipt or availability of the State or federal funds described in subsection (b), and subject to appropriation of those funds for the purposes described in this Section, the Department of Commerce and Economic Opportunity shall establish a program to award grants to local chambers of commerce. The Department shall award an aggregate amount of \$5,000,000 in grants under this Section to eligible chambers of commerce. Each eligible chamber of commerce that applies to the Department for a grant under this Section shall certify to the Department the difference between the chamber of commerce's total annual

revenue in calendar year 2019 and the chamber of commerce's total annual revenue in calendar year 2020. The maximum amount that may be awarded to any eligible chamber of commerce during the first round of grants is one-sixth of the certified amount. In determining grant amounts awarded under this Act, the Department may consider any awards that the chamber of commerce has received from the Back to Business Grant Program or the Business Interruption Grant Program. If the entire amount of moneys appropriated for the purposes of this Section has not been allocated after a first round of grants is made, the Department may award additional funds to eligible chambers of commerce from the remaining funds. Grants awarded under this Section shall not be used to make any direct lobbying expenditure, as defined in subsection (c) of Section 4911 of the Internal Revenue Code, or to engage in any political campaign activity described in Section 501(c)(3) of the Internal Revenue Code.

(b) The Department may use State funds and federal funds that are allocated to the State under the authority of legislation passed in response to the COVID-19 pandemic to provide grants under this Section. Those federal funds include, but are not limited to, funds allocated to the State under the American Rescue Plan Act of 2021. Any federal moneys used for this purpose shall be used in accordance with the federal legislation authorizing the use of those funds and related federal guidance as well as any other applicable State and federal laws.

(c) The Department may adopt any rules necessary to implement and administer the grant program created by this Section. The emergency rulemaking process may be used to promulgate the initial rules of the program following the effective date of this amendatory Act of the 102nd General Assembly.

(d) As used in this Section, "eligible chamber of commerce" means a voluntary membership, dues-paying organization of business and professional persons dedicated to improving the economic climate and business development of the community, area, or region in which the organization is located and that:

(1) operates as an approved not-for-profit corporation;

(2) is tax-exempt under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code of 1986;

(3) has an annual revenue of \$1,000,000 or less; and

(4) has experienced an identifiable negative economic impact resulting from or exacerbated by the public health emergency or served a community disproportionately impacted by a public health emergency.

Section 5-15. The Illinois Lottery Law is amended by changing Section 9.1 as follows:

(20 ILCS 1605/9.1)

Sec. 9.1. Private manager and management agreement.

(a) As used in this Section:

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

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

(1) Statements of qualifications.

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

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

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

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

(c) Pursuant to the terms of this subsection, the Department shall endeavor to expeditiously terminate the existing contracts in support of the Lottery in effect on July 13, 2009 (the effective date of Public Act 96-37) in connection with the selection of the private manager. As part of its obligation to terminate these contracts and select the private manager, the Department shall establish a mutually agreeable timetable to transfer the functions of existing contractors to the private manager so that existing Lottery operations are

not materially diminished or impaired during the transition. To that end, the Department shall do the following:

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

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

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

If the contracts to support the current operation of the Lottery in effect on July 13, 2009 (the effective date of Public Act 96-34) are not subject to termination as provided for in this subsection (c), then the Department may include a provision in the contract with the private manager specifying a mutually agreeable methodology for incorporation.

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

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

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

(2) A provision specifying that the Department:

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

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

(B) has ready access at any time to information regarding Lottery operations;

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

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

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

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

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

(6) (Blank).

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

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

(8-5) A provision encouraging that at least 20% of the cost of contracts entered into for goods and services by the private manager in connection with its management of the Lottery, other than contracts with sales agents or technical advisors, be awarded to businesses that are a minority-owned



business, a women-owned business, or a business owned by a person with disability, as those terms are defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

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

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

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

(C) The implementation of a comprehensive security program by the private manager.

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

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

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

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

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

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

(13) A requirement that the Department monitor and oversee the private manager's practices and take action that the Department considers appropriate to ensure that the private manager is in compliance with the terms of the management agreement, while allowing the manager, unless specifically prohibited by law or the management agreement, to negotiate and sign its own contracts with vendors.

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

(15) Cash reserves requirements.

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

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

(18) Procedures for amendment of the agreement.

(19) A provision requiring the private manager to engage in an open and competitive bidding process for any procurement having a cost in excess of \$50,000 that is not a part of the private manager's final offer. The process shall favor the selection of a vendor deemed to have submitted a proposal that provides the Lottery with the best overall value. The process shall not be subject to the provisions of the Illinois Procurement Code, unless specifically required by the management agreement.

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

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

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

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

(1) the offeror's ability to market the Lottery to those residents who are new, infrequent, or lapsed players of the Lottery, especially those who are most likely to make regular purchases on the Internet;

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

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

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

(f) The Department may retain the services of an advisor or advisors with significant experience in financial services or the management, operation, and procurement of goods, services, and equipment for a government-run lottery to assist in the preparation of the terms of the request for qualifications and selection of the private manager. Any prospective advisor seeking to provide services under this subsection (f) shall disclose any material business or financial relationship during the past 3 years with any potential offeror, or with a contractor or subcontractor presently providing goods, services, or equipment to the Department to support the Lottery. The Department shall evaluate the material business or financial relationship of each prospective advisor. The Department shall not select any prospective advisor with a substantial business or financial relationship that the Department deems to impair the objectivity of the services to be provided by the prospective advisor. During the course of the advisor's engagement by the Department, and for a period of one year thereafter, the advisor shall not enter into any business or financial relationship with any offeror or any vendor identified to assist an offeror in performing its obligations under the management agreement. Any advisor retained by the Department shall be disqualified from being an offeror. The Department shall not include terms in the request for qualifications that provide a material advantage whether directly or indirectly to any potential offeror, or any contractor or subcontractor presently providing goods, services, or equipment to the Department to support the Lottery, including terms contained in previous responses to requests for proposals or qualifications submitted to Illinois, another State or foreign government when those terms are uniquely associated with a particular potential offeror, contractor, or subcontractor. The request for proposals offered by the Department on December 22, 2008 as "LOT08GAMESYS" and reference number "22016176" is declared void.

(g) The Department shall select at least 2 offerors as finalists to potentially serve as the private manager no later than August 9, 2010. Upon making preliminary selections, the Department shall schedule a public hearing on the finalists' proposals and provide public notice of the hearing at least 7 calendar days before the hearing. The notice must include all of the following:

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

(2) The subject matter of the hearing.

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

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

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

(h) At the public hearing, the Department shall (i) provide sufficient time for each finalist to present and explain its proposal to the Department and the Governor or the Governor's designee, including an opportunity to respond to questions posed by the Department, Governor, or designee and (ii) allow the public and non-selected offerors to comment on the presentations. The Governor or a designee shall attend the public hearing. After the public hearing, the Department shall have 14 calendar days to recommend to the Governor whether a management agreement should be entered into with a particular finalist. After reviewing the Department's recommendation, the Governor may accept or reject the Department's recommendation, and shall select a final offeror as the private manager by publication of a notice in the Illinois Procurement Bulletin on or before September 15, 2010. The Governor shall include in the notice a detailed explanation and the reasons why the final offeror is superior to other offerors and will provide management services in a manner that best achieves the objectives of this Section. The Governor shall also sign the management agreement with the private manager.

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

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

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

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

(m) Neither this Section nor any management agreement entered into under this Section prohibits the General Assembly from authorizing forms of gambling that are not in direct competition with the Lottery. The forms of gambling authorized by Public Act 101-31 constitute authorized forms of gambling that are not in direct competition with the Lottery.

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

(o) The powers conferred by this Section are in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this Section, including, but not limited to, provisions of the Illinois Procurement Code, then this Section controls as to any management agreement entered into under this Section. This Section and any rules adopted under this Section contain full and complete authority for a management agreement between the Department and a private manager. No law, procedure, proceeding, publication, notice, consent, approval, order, or act by the Department or any other officer, Department, agency, or instrumentality of the State or any political subdivision is required for the Department to enter into a management agreement under this Section. This Section contains full and complete authority for the Department to approve any contracts entered into by a private manager with a vendor providing goods, services, or both goods and services to the private manager under the terms of the management agreement, including subcontractors of such vendors.

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

Notwithstanding any other provision of this Section to the contrary, the Chief Procurement Officer shall adopt administrative rules, including emergency rules, to establish a procurement process to select a successor private manager if a private management agreement has been terminated. The selection process shall at a minimum take into account the criteria set forth in items (1) through (4) of subsection (e) of this Section and may include provisions consistent with subsections (f), (g), (h), and (i) of this Section. The Chief Procurement Officer shall also implement and administer the adopted selection process upon the termination of a private management agreement. The Department, after the Chief Procurement Officer certifies that the procurement process has been followed in accordance with the rules adopted under this subsection (o), shall select a final offeror as the private manager and sign the management agreement with the private manager.

Through June 30, 2022, except as provided in Sections 21.5, 21.6, 21.7, 21.8, 21.9, 21.10, 21.11, 21.12, and 21.13 of this Act and Section 25-70 of the Sports Wagering Act, the Department shall distribute all proceeds of lottery tickets and shares sold in the following priority and manner:

(1) The payment of prizes and retailer bonuses.

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

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

(4) On or before September 30 of each fiscal year, deposit any estimated remaining proceeds from the prior fiscal year, subject to payments under items (1), (2), and (3), into the Capital Projects Fund. Beginning in fiscal year 2019, the amount deposited shall be increased or decreased each year by the amount the estimated payment differs from the amount determined from each year-end financial audit. Only remaining net deficits from prior fiscal years may reduce the requirement to deposit these funds, as determined by the annual financial audit.

Beginning July 1, 2022, the Department shall distribute all proceeds of lottery tickets and shares sold in the manner and priority described in Section 9.3 of this Act, except that the Department shall make the deposit into the Capital Projects Fund that would have occurred under item (4) of this subsection (o) on or before September 30, 2022, but for the changes made to this subsection by Public Act 102-699.

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

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

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

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

(Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19; 101-561, eff. 8-23-19; 102-558, eff. 8-20-21; 102-699, eff. 4-19-22.)

Section 5-20. The State Finance Act is amended by changing Section 6z-130, as added by Public Act 102-699, and Sections 6z-114, 8g-1, and 8.27 and by adding Sections 5.990, 5.991, and 6z-138 as follows:

(30 ILCS 105/5.990 new)

Sec. 5.990. The Hate Crimes and Bias Incident Prevention and Response Fund.

(30 ILCS 105/5.991 new)

Sec. 5.991. The Due Process for Youth and Families Fund.

(30 ILCS 105/6z-114)

Sec. 6z-114. The Ronald McDonald House Charities Fund; creation. The Ronald McDonald House Charities Fund is created as a special fund in the State treasury. From appropriations to the Department of Human Services from the Fund, the Department shall ~~Subject to appropriation, moneys in the Fund shall be used to~~ make grants to Ronald McDonald House Charities for services in Illinois.

(Source: P.A. 102-73, eff. 7-9-21.)

(30 ILCS 105/6z-134)

~~Sec. 6z-134 6z-130.~~ Statewide 9-8-8 Trust Fund.

(a) The Statewide 9-8-8 Trust Fund is created as a special fund in the State treasury. Moneys in the Fund shall be used by the Department of Human Services for the purposes of establishing and maintaining a statewide 9-8-8 suicide prevention and mental health crisis system pursuant to the National Suicide Hotline Designation Act of 2020, the Federal Communication Commission's rules adopted on July 16, 2020, and national guidelines for crisis care. The Fund shall consist of:

(1) appropriations by the General Assembly;

(2) grants and gifts intended for deposit in the Fund;

(3) interest, premiums, gains, or other earnings on the Fund;

(4) moneys received from any other source that are deposited in or transferred into the Fund.

(b) Moneys in the Fund:

(1) do not revert at the end of any State fiscal year but remain available for the purposes of the Fund in subsequent State fiscal years; and

(2) are not subject to transfer to any other Fund or to transfer, assignment, or reassignment for any other use or purpose outside of those specified in this Section.

(c) An annual report of Fund deposits and expenditures shall be made to the General Assembly and the Federal Communications Commission.

(d) ~~(Blank). In addition to any other transfers that may be provided for by law, on July 1, 2022, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the Statewide 9-1-1 Fund to the Statewide 9-8-8 Trust Fund.~~

(Source: P.A. 102-699, eff. 4-19-22; revised 8-1-22.)

(30 ILCS 105/6z-138 new)

Sec. 6z-138. Hate Crimes and Bias Incident Prevention and Response Fund.

(a) The Hate Crimes and Bias Incident Prevention and Response Fund is created as a special fund in the State treasury. The Fund may accept moneys from any lawful source. Any interest earned on moneys in the Fund shall be deposited into the Fund.

(b) Subject to appropriation, moneys in the Hate Crimes and Bias Incident Prevention and Response Fund shall be used by the Department of Human Rights, in its capacity as administrator and fiscal agent for the Commission on Discrimination and Hate Crimes, for operational and administrative expenditures related to, as well as the award of grants that support the eradication of, hate crimes and bias incidents.

(c) The Department of Human Rights shall adopt rules establishing requirements for the distribution of grant moneys and the determination of which persons or entities are eligible for grants and may adopt any other rules necessary to implement this Section and administer the Fund.

(30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

Sec. 8.27. All receipts from federal financial participation in the Foster Care and Adoption Services program under Title IV-E of the federal Social Security Act, including receipts for related indirect costs, shall be deposited into the DCFS Children's Services Fund or the Due Process for Youth and Families Fund as provided in Section 45 of the Children and Family Services Act.

Beginning on July 20, 2010 (the effective date of Public Act 96-1127), any funds paid to the State by the federal government under Title XIX and Title XXI of the Social Security Act for child welfare services delivered by community mental health providers, certified and paid as Medicaid providers by the Department of Children and Family Services, for child welfare services relating to Medicaid-eligible clients and families served consistent with the purposes of the Department of Children and Family Services, including services delivered as a result of the conversion of such providers from a comprehensive rate to a fee-for-service payment methodology, and any subsequent revenue maximization initiatives performed by such providers, and any interest earned thereon, shall be deposited directly into the DCFS Children's Services Fund. Such funds shall be used for the provision of child welfare services provided to eligible individuals identified by the Department of Children and Family Services. Child welfare services are defined in Section 5 of the Children and Family Services Act.

All receipts from federal financial participation in the Child Welfare Services program under Title IV-B of the federal Social Security Act, including receipts for related indirect costs, shall be deposited into the DCFS Children's Services Fund for those moneys received as reimbursement for services provided on or after July 1, 1994.

For services provided on or after July 1, 2007, all federal funds received pursuant to the John H. Chafee Foster Care Independence Program shall be deposited into the DCFS Children's Services Fund.

Except as otherwise provided in this Section, moneys in the Fund may be used by the Department, pursuant to appropriation by the General Assembly, for the ordinary and contingent expenses of the Department.

In accordance with subsection (q) of Section 5 of the Children and Family Services Act, disbursements from individual children's accounts shall be deposited into the DCFS Children's Services Fund.

Receipts from public and unsolicited private grants, fees for training, and royalties earned from the publication of materials owned by or licensed to the Department of Children and Family Services shall be deposited into the DCFS Children's Services Fund.

(Source: P.A. 102-1071, eff. 6-10-22.)

(30 ILCS 105/8g-1)

Sec. 8g-1. Fund transfers.

(a) (Blank).

(b) (Blank).

(c) (Blank).

(d) (Blank).

- (e) (Blank).
- (f) (Blank).
- (g) (Blank).
- (h) (Blank).
- (i) (Blank).
- (j) (Blank).
- (k) (Blank).
- (l) (Blank).
- (m) (Blank).
- (n) (Blank).
- (o) (Blank).
- (p) (Blank).
- (q) (Blank).
- (r) (Blank).
- (s) (Blank).
- (t) (Blank).

(u) In addition to any other transfers that may be provided for by law, on July 1, 2021, or as soon thereafter as practical, only as directed by the Director of the Governor's Office of Management and Budget, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the DoIT Special Projects Fund, and on June 1, 2022, or as soon thereafter as practical, but no later than June 30, 2022, the State Comptroller shall direct and the State Treasurer shall transfer the sum so transferred from the DoIT Special Projects Fund to the General Revenue Fund.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2021, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$500,000 from the General Revenue Fund to the Governor's Administrative Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2021, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$500,000 from the General Revenue Fund to the Grant Accountability and Transparency Fund.

(x) In addition to any other transfers that may be provided for by law, at a time or times during Fiscal Year 2022 as directed by the Governor, the State Comptroller shall direct and the State Treasurer shall transfer up to a total of \$20,000,000 from the General Revenue Fund to the Illinois Sports Facilities Fund to be credited to the Advance Account within the Fund.

(y) In addition to any other transfers that may be provided for by law, on June 15, 2021, or as soon thereafter as practical, but no later than June 30, 2021, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$100,000,000 from the General Revenue Fund to the Technology Management Revolving Fund.

(z) In addition to any other transfers that may be provided for by law, on April 19, 2022 (the effective date of Public Act 102-699) ~~this amendatory Act of the 102nd General Assembly~~, or as soon thereafter as practical, but no later than June 30, 2022, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$148,000,000 from the General Revenue Fund to the Build Illinois Bond Fund.

(aa) In addition to any other transfers that may be provided for by law, on April 19, 2022 (the effective date of Public Act 102-699) ~~this amendatory Act of the 102nd General Assembly~~, or as soon thereafter as practical, but no later than June 30, 2022, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$180,000,000 from the General Revenue Fund to the Rebuild Illinois Projects Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2022, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$500,000 from the General Revenue Fund to the Governor's Administrative Fund.

(cc) In addition to any other transfers that may be provided for by law, on July 1, 2022, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$500,000 from the General Revenue Fund to the Grant Accountability and Transparency Fund.

(dd) ~~(z)~~ In addition to any other transfers that may be provided by law, on April 19, 2022 (the effective date of Public Act 102-700) ~~this amendatory Act of the 102nd General Assembly~~, or as soon thereafter as practical, but no later than June 30, 2022, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$685,000,000 from the General Revenue Fund to the Income Tax Refund

Fund. Moneys from this transfer shall be used for the purpose of making the one-time rebate payments provided under Section 212.1 of the Illinois Income Tax Act.

(ee) ~~(aa)~~ In addition to any other transfers that may be provided by law, beginning on April 19, 2022 (the effective date of Public Act 102-700) ~~this amendatory Act of the 102nd General Assembly~~ and until December 31, 2023, at the direction of the Department of Revenue, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to the Income Tax Refund Fund any amounts needed beyond the amounts transferred in subsection (dd) ~~(z)~~ to make payments of the one-time rebate payments provided under Section 212.1 of the Illinois Income Tax Act.

(ff) ~~(z)~~ In addition to any other transfers that may be provided for by law, on April 19, 2022 (the effective date of Public Act 102-700) ~~this amendatory Act of the 102nd General Assembly~~, or as soon thereafter as practical, but no later than June 30, 2022, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$720,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(gg) ~~(aa)~~ In addition to any other transfers that may be provided for by law, on July 1, 2022, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$280,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(hh) ~~(bb)~~ In addition to any other transfers that may be provided for by law, on July 1, 2022, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$200,000,000 from the General Revenue Fund to the Pension Stabilization Fund.

(ii) In addition to any other transfers that may be provided for by law, on January 1, 2023, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$850,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(jj) In addition to any other transfers that may be provided for by law, at a time or times during Fiscal Year 2023 as directed by the Governor, the State Comptroller shall direct and the State Treasurer shall transfer up to a total of \$400,000,000 from the General Revenue Fund to the Large Business Attraction Fund.

(kk) In addition to any other transfers that may be provided for by law, on January 1, 2023, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$72,000,000 from the General Revenue Fund to the Disaster Response and Recovery Fund.

(Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20; 102-16, eff. 6-17-21; 102-699, eff. 4-19-22; 102-700, Article 40, Section 40-5, eff. 4-19-22; 102-700, Article 80, Section 80-5, eff. 4-19-22; revised 6-23-22.)

Section 5-25. The Budget Stabilization Act is amended by changing Section 15 as follows:

(30 ILCS 122/15)

Sec. 15. Transfers to Budget Stabilization Fund. In furtherance of the State's objective for the Budget Stabilization Fund to have resources representing 7.5% ~~5%~~ of the State's annual general funds revenues:

(a) For each fiscal year when the General Assembly's appropriations and transfers or diversions as required by law from general funds do not exceed 99% of the estimated general funds revenues pursuant to subsection (a) of Section 10, the Comptroller shall transfer from the General Revenue Fund as provided by this Section a total amount equal to 0.5% of the estimated general funds revenues to the Budget Stabilization Fund.

(b) For each fiscal year when the General Assembly's appropriations and transfers or diversions as required by law from general funds do not exceed 98% of the estimated general funds revenues pursuant to subsection (b) of Section 10, the Comptroller shall transfer from the General Revenue Fund as provided by this Section a total amount equal to 1% of the estimated general funds revenues to the Budget Stabilization Fund.

(c) The Comptroller shall transfer 1/12 of the total amount to be transferred each fiscal year under this Section into the Budget Stabilization Fund on the first day of each month of that fiscal year or as soon thereafter as possible. The balance of the Budget Stabilization Fund shall not exceed 7.5% ~~5%~~ of the total of general funds revenues estimated for that fiscal year except as provided by subsection (d) of this Section.

(d) If the balance of the Budget Stabilization Fund exceeds 7.5% ~~5%~~ of the total general funds revenues estimated for that fiscal year, the additional transfers are not required unless there are outstanding liabilities under Section 25 of the State Finance Act from prior fiscal years. If there are such outstanding Section 25 liabilities, then the Comptroller shall continue to transfer 1/12 of the total amount identified for transfer to the Budget Stabilization Fund on the first day of each month of that fiscal year or as soon

thereafter as possible to be reserved for those Section 25 liabilities. Nothing in this Act prohibits the General Assembly from appropriating additional moneys into the Budget Stabilization Fund.

(e) On or before August 31 of each fiscal year, the amount determined to be transferred to the Budget Stabilization Fund shall be reconciled to actual general funds revenues for that fiscal year. The final transfer for each fiscal year shall be adjusted so that the total amount transferred under this Section is equal to the percentage specified in subsection (a) or (b) of this Section, as applicable, based on actual general funds revenues calculated consistently with subsection (c) of Section 10 of this Act for each fiscal year.

(f) For the fiscal year beginning July 1, 2006 and for each fiscal year thereafter, the budget proposal to the General Assembly shall identify liabilities incurred in a prior fiscal year under Section 25 of the State Finance Act and the budget proposal shall provide funding as allowable pursuant to subsection (d) of this Section, if applicable.

(Source: P.A. 93-660, eff. 7-1-04; 94-839, eff. 6-6-06.)

Section 5-27. If and only if House Bill 4285 of the 102nd General Assembly becomes law as amended by Senate Amendment No. 2, the Illinois Procurement Code is amended by changing Section 20-20 as follows:

(30 ILCS 500/20-20)

(Text of Section before amendment by P.A. 102-721)

Sec. 20-20. Small purchases.

(a) Amount. Any individual procurement of supplies or services not exceeding \$100,000 and any procurement of construction not exceeding \$100,000, or any individual procurement of professional or artistic services not exceeding \$100,000 may be made without competitive source selection. Procurements shall not be artificially divided so as to constitute a small purchase under this Section. Any procurement of construction not exceeding \$100,000 may be made by an alternative competitive source selection. The construction agency shall establish rules for an alternative competitive source selection process. This Section does not apply to construction-related professional services contracts awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(b) Adjustment. Each July 1, the small purchase maximum established in subsection (a) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100.

(c) Based upon rules proposed by the Board and rules promulgated by the chief procurement officers, the small purchase maximum established in subsection (a) may be modified.

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

(Text of Section after amendment by P.A. 102-721)

Sec. 20-20. Small purchases.

(a) Amount. Any individual procurement of supplies or services not exceeding \$100,000 and any procurement of construction not exceeding ~~\$100,000~~ ~~\$250,000~~, or any individual procurement of professional or artistic services not exceeding \$100,000 may be made without competitive source selection. Procurements shall not be artificially divided so as to constitute a small purchase under this Section. Any procurement of construction not exceeding ~~\$100,000~~ ~~\$250,000~~ may be made by an alternative competitive source selection. The construction agency shall establish rules for an alternative competitive source selection process. This Section does not apply to construction-related professional services contracts awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(b) Adjustment. Each July 1, the small purchase maximum established in subsection (a) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100.

(c) Based upon rules proposed by the Board and rules promulgated by the chief procurement officers, the small purchase maximum established in subsection (a) may be modified.

(d) Certification. All small purchases with an annual value that exceeds \$50,000 shall be accompanied by Standard Illinois Certifications in a form prescribed by each Chief Procurement Officer.

(Source: P.A. 102-721, eff. 1-1-23; 10200HB4285sam002.)

Section 5-28. The Build Illinois Act is amended by changing Section 10-6 as follows:

(30 ILCS 750/10-6) (from Ch. 127, par. 2710-6)



Sec. 10-6. Large Business Attraction Fund.

(a) There is created the Large Business Attraction Fund to be held as part of the State Treasury. The Department is authorized to make loans from the Fund for the purposes established under this Article. The State Treasurer shall have custody of the Fund and may invest in securities constituting direct obligations of the United States Government, in obligations the principal of and interest on which are guaranteed by the United States Government, or in certificates of deposit of any State or national bank that are fully secured by obligations guaranteed as to principal and interest by the United States Government. The purpose of the Fund is to offer loans to finance large firms considering the location of a proposed plant in the State and to provide financing to carry out the purposes and provisions of paragraph (h) of Section 10-3. Financing shall be in the form of a loan, mortgage, or other debt instrument. All loans shall be conditioned on the project receiving financing from participating lenders or other sources. Loan proceeds shall be available for project costs associated with an expansion of business capacity and employment, except for debt refinancing. Targeted companies for the program shall primarily consist of established industrial and service companies with proven records of earnings that will sell their product to markets beyond Illinois and have proven multistate location options. New ventures shall be considered only if the entity is protected with adequate security with regard to its financing and operation. The limitations and conditions with respect to the use of this Fund shall not apply in carrying out the purposes and provisions of paragraph (h) of Section 10-3.

(b) Deposits into the Fund shall include, but are not limited to:

(1) Any appropriations, grants, or gifts made to the Fund.

(2) Any income received from interest on investments of amounts from the Fund not currently needed to meet the obligations of the Fund.

(c) The State Comptroller and the State Treasurer shall from time to time, upon the written direction of the Governor, transfer from the Fund to the General Revenue Fund or the Budget Stabilization Fund, those amounts that the Governor determines are in excess of the amounts required to meet the obligations of the Fund. Any amounts transferred to the Budget Stabilization Fund may be transferred back to the Large Business Attraction Fund by the State Comptroller and the State Treasurer, upon the written direction of the Governor.

(Source: P.A. 90-372, eff. 7-1-98.)

Section 5-30. The Illinois Police Training Act is amended by changing Section 6 as follows:

(50 ILCS 705/6) (from Ch. 85, par. 506)

Sec. 6. Powers and duties of the Board; selection and certification of schools. The Board shall select and certify schools within the State of Illinois for the purpose of providing basic training for probationary law enforcement officers, probationary county corrections officers, and court security officers and of providing advanced or in-service training for permanent law enforcement officers or permanent county corrections officers, which schools may be either publicly or privately owned and operated. In addition, the Board has the following power and duties:

a. To require law enforcement agencies to furnish such reports and information as the Board deems necessary to fully implement this Act.

b. To establish appropriate mandatory minimum standards relating to the training of probationary local law enforcement officers or probationary county corrections officers, and in-service training of permanent law enforcement officers.

c. To provide appropriate certification to those probationary officers who successfully complete the prescribed minimum standard basic training course.

d. To review and approve annual training curriculum for county sheriffs.

e. To review and approve applicants to ensure that no applicant is admitted to a certified academy unless the applicant is a person of good character and has not been convicted of, found guilty of, entered a plea of guilty to, or entered a plea of nolo contendere to a felony offense, any of the misdemeanors in Sections 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any Section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of the Cannabis Control Act, or a crime involving moral turpitude under the laws of this State or any other state which if committed in this State would be punishable as a felony or a crime of moral turpitude, or any felony or misdemeanor in violation of federal law or the law of any

state that is the equivalent of any of the offenses specified therein. The Board may appoint investigators who shall enforce the duties conferred upon the Board by this Act.

For purposes of this paragraph e, a person is considered to have been convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.

f. To establish statewide standards for minimum standards regarding regular mental health screenings for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential.

g. To review and ensure all law enforcement officers remain in compliance with this Act, and any administrative rules adopted under this Act.

h. To suspend any certificate for a definite period, limit or restrict any certificate, or revoke any certificate.

i. The Board and the Panel shall have power to secure by its subpoena and bring before it any person or entity in this State and to take testimony either orally or by deposition or both with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Board and the Panel shall also have the power to subpoena the production of documents, papers, files, books, documents, and records, whether in physical or electronic form, in support of the charges and for defense, and in connection with a hearing or investigation.

j. The Executive Director, the administrative law judge designated by the Executive Director, and each member of the Board and the Panel shall have the power to administer oaths to witnesses at any hearing that the Board is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Board under this Act.

k. In case of the neglect or refusal of any person to obey a subpoena issued by the Board and the Panel, any circuit court, upon application of the Board and the Panel, through the Illinois Attorney General, may order such person to appear before the Board and the Panel give testimony or produce evidence, and any failure to obey such order is punishable by the court as a contempt thereof. This order may be served by personal delivery, by email, or by mail to the address of record or email address of record.

l. The Board shall have the power to administer state certification examinations. Any and all records related to these examinations, including, but not limited to, test questions, test formats, digital files, answer responses, answer keys, and scoring information shall be exempt from disclosure.

m. To make grants, subject to appropriation, to units of local government and public institutions of higher education for the purposes of hiring and retaining law enforcement officers.

(Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10, Section 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff. 1-1-22; 102-687, eff. 12-17-21; 102-694, eff. 1-7-22.)

Section 5-35. The Liquor Control Act of 1934 is amended by adding Section 3-4.1 as follows:

(235 ILCS 5/3-4.1 new)

Sec. 3-4.1. Obtaining evidence. The State Commission has the power to expend sums that the Executive Director deems necessary for the purchase of evidence and for the employment of persons to obtain evidence. The sums shall be advanced to employees authorized by the Executive Director to expend funds, on vouchers signed by the Executive Director.

In addition, the Executive Director is authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used solely for the purchase of evidence and for the employment of persons to obtain evidence. No check may be written on nor any withdrawal made from such an account except on the written signature of 2 persons designated by the Executive Director to write those checks and make those withdrawals. The balance of moneys on deposit in any such account shall not exceed \$25,000 at any time, nor shall any one check written on or single withdrawal made from any such account exceed \$25,000.

Section 5-36. The Illinois Public Aid Code is amended by changing Sections 4-1.6 as follows:

(305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

Sec. 4-1.6. Need. Income available to the family as defined by the Illinois Department by rule, or to the child in the case of a child removed from his or her home, when added to contributions in money, substance or services from other sources, including income available from parents absent from the home or from a stepparent, contributions made for the benefit of the parent or other persons necessary to provide care and supervision to the child, and contributions from legally responsible relatives, must be equal to or less than the grant amount established by Department regulation for such a person. For purposes of eligibility for aid under this Article, the Department shall (a) disregard all earned income between the grant amount and 50% of the Federal Poverty Level and (b) disregard the value of all assets held by the family.

In considering income to be taken into account, consideration shall be given to any expenses reasonably attributable to the earning of such income. Three-fourths of the earned income of a household eligible for aid under this Article shall be disregarded when determining the level of assistance for which a household is eligible. ~~All The first \$100 of child support, whether it be current support, past support owed, or future support, that is collected on or after January 1, 2023 on behalf of a family in a month for one child and the first \$200 of child support collected on behalf of a family in a month for 2 or more children shall be passed through to the family and disregarded in determining the amount of the assistance grant provided to the family under this Article. Any amount of child support that would be disregarded in determining the amount of the assistance grant shall be disregarded in determining eligibility for cash assistance provided under this Article. The Illinois Department may also permit all or any portion of earned or other income to be set aside for the future identifiable needs of a child. The Illinois Department may provide by rule and regulation for the exemptions thus permitted or required. The eligibility of any applicant for or recipient of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Persons with Disabilities Property Tax Relief Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.~~

The Illinois Department may, by rule, set forth criteria under which an assistance unit is ineligible for cash assistance under this Article for a specified number of months due to the receipt of a lump sum payment.

(Source: P.A. 98-114, eff. 7-29-13; 99-143, eff. 7-27-15; 99-899, eff. 1-1-17.)

Section 5-37. The Illinois Public Aid Code is amended by changing Section 5A-12.7 as follows:  
(305 ILCS 5/5A-12.7)

(Section scheduled to be repealed on December 31, 2026)

Sec. 5A-12.7. Continuation of hospital access payments on and after July 1, 2020.

(a) To preserve and improve access to hospital services, for hospital services rendered on and after July 1, 2020, the Department shall, except for hospitals described in subsection (b) of Section 5A-3, make payments to hospitals or require capitated managed care organizations to make payments as set forth in this Section. Payments under this Section are not due and payable, however, until: (i) the methodologies described in this Section are approved by the federal government in an appropriate State Plan amendment or directed payment preprint; and (ii) the assessment imposed under this Article is determined to be a permissible tax under Title XIX of the Social Security Act. In determining the hospital access payments authorized under subsection (g) of this Section, if a hospital ceases to qualify for payments from the pool, the payments for all hospitals continuing to qualify for payments from such pool shall be uniformly adjusted to fully expend the aggregate net amount of the pool, with such adjustment being effective on the first day of the second month following the date the hospital ceases to receive payments from such pool.

(b) Amounts moved into claims-based rates and distributed in accordance with Section 14-12 shall remain in those claims-based rates.

(c) Graduate medical education.

(1) The calculation of graduate medical education payments shall be based on the hospital's Medicare cost report ending in Calendar Year 2018, as reported in the Healthcare Cost Report Information System file, release date September 30, 2019. An Illinois hospital reporting intern and resident cost on its Medicare cost report shall be eligible for graduate medical education payments.

(2) Each hospital's annualized Medicaid Intern Resident Cost is calculated using annualized intern and resident total costs obtained from Worksheet B Part I, Columns 21 and 22 the sum of Lines 30-43, 50-76, 90-93, 96-98, and 105-112 multiplied by the percentage that the hospital's Medicaid days (Worksheet S3 Part I, Column 7, Lines 2, 3, 4, 14, 16-18, and 32) comprise of the hospital's total days (Worksheet S3 Part I, Column 8, Lines 14, 16-18, and 32).

(3) An annualized Medicaid indirect medical education (IME) payment is calculated for each hospital using its IME payments (Worksheet E Part A, Line 29, Column 1) multiplied by the percentage that its Medicaid days (Worksheet S3 Part I, Column 7, Lines 2, 3, 4, 14, 16-18, and 32) comprise of its Medicare days (Worksheet S3 Part I, Column 6, Lines 2, 3, 4, 14, and 16-18).

(4) For each hospital, its annualized Medicaid Intern Resident Cost and its annualized Medicaid IME payment are summed, and, except as capped at 120% of the average cost per intern and resident for all qualifying hospitals as calculated under this paragraph, is multiplied by the applicable reimbursement factor as described in this paragraph, to determine the hospital's final graduate medical education payment. Each hospital's average cost per intern and resident shall be calculated by summing its total annualized Medicaid Intern Resident Cost plus its annualized Medicaid IME payment and dividing that amount by the hospital's total Full Time Equivalent Residents and Interns. If the hospital's average per intern and resident cost is greater than 120% of the same calculation for all qualifying hospitals, the hospital's per intern and resident cost shall be capped at 120% of the average cost for all qualifying hospitals.

(A) For the period of July 1, 2020 through December 31, 2022, the applicable reimbursement factor shall be 22.6%.

(B) For the period of January 1, 2023 through December 31, 2026, the applicable reimbursement factor shall be 35% for all qualified safety-net hospitals, as defined in Section 5-5e.1 of this Code, and all hospitals with 100 or more Full Time Equivalent Residents and Interns, as reported on the hospital's Medicare cost report ending in Calendar Year 2018, and for all other qualified hospitals the applicable reimbursement factor shall be 30%.

(d) Fee-for-service supplemental payments. For the period of July 1, 2020 through December 31, 2022, each Illinois hospital shall receive an annual payment equal to the amounts below, to be paid in 12 equal installments on or before the seventh State business day of each month, except that no payment shall be due within 30 days after the later of the date of notification of federal approval of the payment methodologies required under this Section or any waiver required under 42 CFR 433.68, at which time the sum of amounts required under this Section prior to the date of notification is due and payable.

(1) For critical access hospitals, \$385 per covered inpatient day contained in paid fee-for-service claims and \$530 per paid fee-for-service outpatient claim for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of May 11, 2020.

(2) For safety-net hospitals, \$960 per covered inpatient day contained in paid fee-for-service claims and \$625 per paid fee-for-service outpatient claim for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of May 11, 2020.

(3) For long term acute care hospitals, \$295 per covered inpatient day contained in paid fee-for-service claims for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of May 11, 2020.

(4) For freestanding psychiatric hospitals, \$125 per covered inpatient day contained in paid fee-for-service claims and \$130 per paid fee-for-service outpatient claim for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of May 11, 2020.

(5) For freestanding rehabilitation hospitals, \$355 per covered inpatient day contained in paid fee-for-service claims for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of May 11, 2020.

(6) For all general acute care hospitals and high Medicaid hospitals as defined in subsection (f), \$350 per covered inpatient day for dates of service in Calendar Year 2019 contained in paid fee-for-service claims and \$620 per paid fee-for-service outpatient claim in the Department's Enterprise Data Warehouse as of May 11, 2020.

(7) Alzheimer's treatment access payment. Each Illinois academic medical center or teaching hospital, as defined in Section 5-5e.2 of this Code, that is identified as the primary hospital affiliate of one of the Regional Alzheimer's Disease Assistance Centers, as designated by the Alzheimer's Disease Assistance Act and identified in the Department of Public Health's Alzheimer's Disease State Plan dated December 2016, shall be paid an Alzheimer's treatment access payment equal to the product of the qualifying hospital's State Fiscal Year 2018 total inpatient fee-for-service days multiplied by the applicable Alzheimer's treatment rate of \$226.30 for hospitals located in Cook County and \$116.21 for hospitals located outside Cook County.

(d-2) Fee-for-service supplemental payments. Beginning January 1, 2023, each Illinois hospital shall receive an annual payment equal to the amounts listed below, to be paid in 12 equal installments on or

before the seventh State business day of each month, except that no payment shall be due within 30 days after the later of the date of notification of federal approval of the payment methodologies required under this Section or any waiver required under 42 CFR 433.68, at which time the sum of amounts required under this Section prior to the date of notification is due and payable. The Department may adjust the rates in paragraphs (1) through (7) to comply with the federal upper payment limits, with such adjustments being determined so that the total estimated spending by hospital class, under such adjusted rates, remains substantially similar to the total estimated spending under the original rates set forth in this subsection.

(1) For critical access hospitals, as defined in subsection (f), \$750 per covered inpatient day contained in paid fee-for-service claims and \$750 per paid fee-for-service outpatient claim for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of August 6, 2021.

(2) For safety-net hospitals, as described in subsection (f), \$1,350 per inpatient day contained in paid fee-for-service claims and \$1,350 per paid fee-for-service outpatient claim for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of August 6, 2021.

(3) For long term acute care hospitals, \$550 per covered inpatient day contained in paid fee-for-service claims for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of August 6, 2021.

(4) For freestanding psychiatric hospitals, \$200 per covered inpatient day contained in paid fee-for-service claims and \$200 per paid fee-for-service outpatient claim for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of August 6, 2021.

(5) For freestanding rehabilitation hospitals, \$550 per covered inpatient day contained in paid fee-for-service claims and \$125 per paid fee-for-service outpatient claim for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of August 6, 2021.

(6) For all general acute care hospitals and high Medicaid hospitals as defined in subsection (f), \$500 per covered inpatient day for dates of service in Calendar Year 2019 contained in paid fee-for-service claims and \$500 per paid fee-for-service outpatient claim in the Department's Enterprise Data Warehouse as of August 6, 2021.

(7) For public hospitals, as defined in subsection (f), \$275 per covered inpatient day contained in paid fee-for-service claims and \$275 per paid fee-for-service outpatient claim for dates of service in Calendar Year 2019 in the Department's Enterprise Data Warehouse as of August 6, 2021.

(8) Alzheimer's treatment access payment. Each Illinois academic medical center or teaching hospital, as defined in Section 5-5e.2 of this Code, that is identified as the primary hospital affiliate of one of the Regional Alzheimer's Disease Assistance Centers, as designated by the Alzheimer's Disease Assistance Act and identified in the Department of Public Health's Alzheimer's Disease State Plan dated December 2016, shall be paid an Alzheimer's treatment access payment equal to the product of the qualifying hospital's Calendar Year 2019 total inpatient fee-for-service days, in the Department's Enterprise Data Warehouse as of August 6, 2021, multiplied by the applicable Alzheimer's treatment rate of \$244.37 for hospitals located in Cook County and \$312.03 for hospitals located outside Cook County.

(e) The Department shall require managed care organizations (MCOs) to make directed payments and pass-through payments according to this Section. Each calendar year, the Department shall require MCOs to pay the maximum amount out of these funds as allowed as pass-through payments under federal regulations. The Department shall require MCOs to make such pass-through payments as specified in this Section. The Department shall require the MCOs to pay the remaining amounts as directed Payments as specified in this Section. The Department shall issue payments to the Comptroller by the seventh business day of each month for all MCOs that are sufficient for MCOs to make the directed payments and pass-through payments according to this Section. The Department shall require the MCOs to make pass-through payments and directed payments using electronic funds transfers (EFT), if the hospital provides the information necessary to process such EFTs, in accordance with directions provided monthly by the Department, within 7 business days of the date the funds are paid to the MCOs, as indicated by the "Paid Date" on the website of the Office of the Comptroller if the funds are paid by EFT and the MCOs have received directed payment instructions. If funds are not paid through the Comptroller by EFT, payment must be made within 7 business days of the date actually received by the MCO. The MCO will be considered to have paid the pass-through payments when the payment remittance number is generated or the date the MCO sends the check to the hospital, if EFT information is not supplied. If an MCO is late in paying a pass-through payment or directed payment as required under this Section (including any extensions granted by the Department), it shall pay a penalty, unless waived by the Department for reasonable cause, to the Department equal to 5% of the amount of the

pass-through payment or directed payment not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each 30-day period thereafter. Payments to MCOs that would be paid consistent with actuarial certification and enrollment in the absence of the increased capitation payments under this Section shall not be reduced as a consequence of payments made under this subsection. The Department shall publish and maintain on its website for a period of no less than 8 calendar quarters, the quarterly calculation of directed payments and pass-through payments owed to each hospital from each MCO. All calculations and reports shall be posted no later than the first day of the quarter for which the payments are to be issued.

(f)(1) For purposes of allocating the funds included in capitation payments to MCOs, Illinois hospitals shall be divided into the following classes as defined in administrative rules:

(A) Beginning July 1, 2020 through December 31, 2022, critical access hospitals. Beginning January 1, 2023, "critical access hospital" means a hospital designated by the Department of Public Health as a critical access hospital, excluding any hospital meeting the definition of a public hospital in subparagraph (F).

(B) Safety-net hospitals, except that stand-alone children's hospitals that are not specialty children's hospitals will not be included. For the calendar year beginning January 1, 2023, and each calendar year thereafter, assignment to the safety-net class shall be based on the annual safety-net rate year beginning 15 months before the beginning of the first Payout Quarter of the calendar year.

(C) Long term acute care hospitals.

(D) Freestanding psychiatric hospitals.

(E) Freestanding rehabilitation hospitals.

(F) Beginning January 1, 2023, "public hospital" means a hospital that is owned or operated by an Illinois Government body or municipality, excluding a hospital provider that is a State agency, a State university, or a county with a population of 3,000,000 or more.

(G) High Medicaid hospitals.

(i) As used in this Section, "high Medicaid hospital" means a general acute care hospital that:

(I) For the payout periods July 1, 2020 through December 31, 2022, is not a safety-net hospital or critical access hospital and that has a Medicaid Inpatient Utilization Rate above 30% or a hospital that had over 35,000 inpatient Medicaid days during the applicable period. For the period July 1, 2020 through December 31, 2020, the applicable period for the Medicaid Inpatient Utilization Rate (MIUR) is the rate year 2020 MIUR and for the number of inpatient days it is State fiscal year 2018. Beginning in calendar year 2021, the Department shall use the most recently determined MIUR, as defined in subsection (h) of Section 5-5.02, and for the inpatient day threshold, the State fiscal year ending 18 months prior to the beginning of the calendar year. For purposes of calculating MIUR under this Section, children's hospitals and affiliated general acute care hospitals shall be considered a single hospital.

(II) For the calendar year beginning January 1, 2023, and each calendar year thereafter, is not a public hospital, safety-net hospital, or critical access hospital and that qualifies as a regional high volume hospital or is a hospital that has a Medicaid Inpatient Utilization Rate (MIUR) above 30%. As used in this item, "regional high volume hospital" means a hospital which ranks in the top 2 quartiles based on total hospital services volume, of all eligible general acute care hospitals, when ranked in descending order based on total hospital services volume, within the same Medicaid managed care region, as designated by the Department, as of January 1, 2022. As used in this item, "total hospital services volume" means the total of all Medical Assistance hospital inpatient admissions plus all Medical Assistance hospital outpatient visits. For purposes of determining regional high volume hospital inpatient admissions and outpatient visits, the Department shall use dates of service provided during State Fiscal Year 2020 for the Payout Quarter beginning January 1, 2023. The Department shall use dates of service from the State fiscal year ending 18 month before the beginning of the first Payout Quarter of the subsequent annual determination period.

(ii) For the calendar year beginning January 1, 2023, the Department shall use the Rate Year 2022 Medicaid inpatient utilization rate (MIUR), as defined in subsection (h) of Section 5-5.02. For each subsequent annual determination, the Department shall use the MIUR

applicable to the rate year ending September 30 of the year preceding the beginning of the calendar year.

(H) General acute care hospitals. As used under this Section, "general acute care hospitals" means all other Illinois hospitals not identified in subparagraphs (A) through (G).

(2) Hospitals' qualification for each class shall be assessed prior to the beginning of each calendar year and the new class designation shall be effective January 1 of the next year. The Department shall publish by rule the process for establishing class determination.

(g) Fixed pool directed payments. Beginning July 1, 2020, the Department shall issue payments to MCOs which shall be used to issue directed payments to qualified Illinois safety-net hospitals and critical access hospitals on a monthly basis in accordance with this subsection. Prior to the beginning of each Payout Quarter beginning July 1, 2020, the Department shall use encounter claims data from the Determination Quarter, accepted by the Department's Medicaid Management Information System for inpatient and outpatient services rendered by safety-net hospitals and critical access hospitals to determine a quarterly uniform per unit add-on for each hospital class.

(1) Inpatient per unit add-on. A quarterly uniform per diem add-on shall be derived by dividing the quarterly Inpatient Directed Payments Pool amount allocated to the applicable hospital class by the total inpatient days contained on all encounter claims received during the Determination Quarter, for all hospitals in the class.

(A) Each hospital in the class shall have a quarterly inpatient directed payment calculated that is equal to the product of the number of inpatient days attributable to the hospital used in the calculation of the quarterly uniform class per diem add-on, multiplied by the calculated applicable quarterly uniform class per diem add-on of the hospital class.

(B) Each hospital shall be paid 1/3 of its quarterly inpatient directed payment in each of the 3 months of the Payout Quarter, in accordance with directions provided to each MCO by the Department.

(2) Outpatient per unit add-on. A quarterly uniform per claim add-on shall be derived by dividing the quarterly Outpatient Directed Payments Pool amount allocated to the applicable hospital class by the total outpatient encounter claims received during the Determination Quarter, for all hospitals in the class.

(A) Each hospital in the class shall have a quarterly outpatient directed payment calculated that is equal to the product of the number of outpatient encounter claims attributable to the hospital used in the calculation of the quarterly uniform class per claim add-on, multiplied by the calculated applicable quarterly uniform class per claim add-on of the hospital class.

(B) Each hospital shall be paid 1/3 of its quarterly outpatient directed payment in each of the 3 months of the Payout Quarter, in accordance with directions provided to each MCO by the Department.

(3) Each MCO shall pay each hospital the Monthly Directed Payment as identified by the Department on its quarterly determination report.

(4) Definitions. As used in this subsection:

(A) "Payout Quarter" means each 3 month calendar quarter, beginning July 1, 2020.

(B) "Determination Quarter" means each 3 month calendar quarter, which ends 3 months prior to the first day of each Payout Quarter.

(5) For the period July 1, 2020 through December 2020, the following amounts shall be allocated to the following hospital class directed payment pools for the quarterly development of a uniform per unit add-on:

(A) \$2,894,500 for hospital inpatient services for critical access hospitals.

(B) \$4,294,374 for hospital outpatient services for critical access hospitals.

(C) \$29,109,330 for hospital inpatient services for safety-net hospitals.

(D) \$35,041,218 for hospital outpatient services for safety-net hospitals.

(6) For the period January 1, 2023 through December 31, 2023, the Department shall establish the amounts that shall be allocated to the hospital class directed payment fixed pools identified in this paragraph for the quarterly development of a uniform per unit add-on. The Department shall establish such amounts so that the total amount of payments to each hospital under this Section in calendar year 2023 is projected to be substantially similar to the total amount of such payments received by the hospital under this Section in calendar year 2021, adjusted for increased funding provided for fixed

pool directed payments under subsection (g) in calendar year 2022, assuming that the volume and acuity of claims are held constant. The Department shall publish the directed payment fixed pool amounts to be established under this paragraph on its website by November 15, 2022.

- (A) Hospital inpatient services for critical access hospitals.
- (B) Hospital outpatient services for critical access hospitals.
- (C) Hospital inpatient services for public hospitals.
- (D) Hospital outpatient services for public hospitals.
- (E) Hospital inpatient services for safety-net hospitals.
- (F) Hospital outpatient services for safety-net hospitals.

(7) Semi-annual rate maintenance review. The Department shall ensure that hospitals assigned to the fixed pools in paragraph (6) are paid no less than 95% of the annual initial rate for each 6-month period of each annual payout period. For each calendar year, the Department shall calculate the annual initial rate per day and per visit for each fixed pool hospital class listed in paragraph (6), by dividing the total of all applicable inpatient or outpatient directed payments issued in the preceding calendar year to the hospitals in each fixed pool class for the calendar year, plus any increase resulting from the annual adjustments described in subsection (i), by the actual applicable total service units for the preceding calendar year which were the basis of the total applicable inpatient or outpatient directed payments issued to the hospitals in each fixed pool class in the calendar year, except that for calendar year 2023, the service units from calendar year 2021 shall be used.

(A) The Department shall calculate the effective rate, per day and per visit, for the payout periods of January to June and July to December of each year, for each fixed pool listed in paragraph (6), by dividing 50% of the annual pool by the total applicable reported service units for the 2 applicable determination quarters.

(B) If the effective rate calculated in subparagraph (A) is less than 95% of the annual initial rate assigned to the class for each pool under paragraph (6), the Department shall adjust the payment for each hospital to a level equal to no less than 95% of the annual initial rate, by issuing a retroactive adjustment payment for the 6-month period under review as identified in subparagraph (A).

(h) Fixed rate directed payments. Effective July 1, 2020, the Department shall issue payments to MCOs which shall be used to issue directed payments to Illinois hospitals not identified in paragraph (g) on a monthly basis. Prior to the beginning of each Payout Quarter beginning July 1, 2020, the Department shall use encounter claims data from the Determination Quarter, accepted by the Department's Medicaid Management Information System for inpatient and outpatient services rendered by hospitals in each hospital class identified in paragraph (f) and not identified in paragraph (g). For the period July 1, 2020 through December 2020, the Department shall direct MCOs to make payments as follows:

(1) For general acute care hospitals an amount equal to \$1,750 multiplied by the hospital's category of service 20 case mix index for the determination quarter multiplied by the hospital's total number of inpatient admissions for category of service 20 for the determination quarter.

(2) For general acute care hospitals an amount equal to \$160 multiplied by the hospital's category of service 21 case mix index for the determination quarter multiplied by the hospital's total number of inpatient admissions for category of service 21 for the determination quarter.

(3) For general acute care hospitals an amount equal to \$80 multiplied by the hospital's category of service 22 case mix index for the determination quarter multiplied by the hospital's total number of inpatient admissions for category of service 22 for the determination quarter.

(4) For general acute care hospitals an amount equal to \$375 multiplied by the hospital's category of service 24 case mix index for the determination quarter multiplied by the hospital's total number of category of service 24 paid EAPG (EAPGs) for the determination quarter.

(5) For general acute care hospitals an amount equal to \$240 multiplied by the hospital's category of service 27 and 28 case mix index for the determination quarter multiplied by the hospital's total number of category of service 27 and 28 paid EAPGs for the determination quarter.

(6) For general acute care hospitals an amount equal to \$290 multiplied by the hospital's category of service 29 case mix index for the determination quarter multiplied by the hospital's total number of category of service 29 paid EAPGs for the determination quarter.

(7) For high Medicaid hospitals an amount equal to \$1,800 multiplied by the hospital's category of service 20 case mix index for the determination quarter multiplied by the hospital's total number of inpatient admissions for category of service 20 for the determination quarter.



(8) For high Medicaid hospitals an amount equal to \$160 multiplied by the hospital's category of service 21 case mix index for the determination quarter multiplied by the hospital's total number of inpatient admissions for category of service 21 for the determination quarter.

(9) For high Medicaid hospitals an amount equal to \$80 multiplied by the hospital's category of service 22 case mix index for the determination quarter multiplied by the hospital's total number of inpatient admissions for category of service 22 for the determination quarter.

(10) For high Medicaid hospitals an amount equal to \$400 multiplied by the hospital's category of service 24 case mix index for the determination quarter multiplied by the hospital's total number of category of service 24 paid EAPG outpatient claims for the determination quarter.

(11) For high Medicaid hospitals an amount equal to \$240 multiplied by the hospital's category of service 27 and 28 case mix index for the determination quarter multiplied by the hospital's total number of category of service 27 and 28 paid EAPGs for the determination quarter.

(12) For high Medicaid hospitals an amount equal to \$290 multiplied by the hospital's category of service 29 case mix index for the determination quarter multiplied by the hospital's total number of category of service 29 paid EAPGs for the determination quarter.

(13) For long term acute care hospitals the amount of \$495 multiplied by the hospital's total number of inpatient days for the determination quarter.

(14) For psychiatric hospitals the amount of \$210 multiplied by the hospital's total number of inpatient days for category of service 21 for the determination quarter.

(15) For psychiatric hospitals the amount of \$250 multiplied by the hospital's total number of outpatient claims for category of service 27 and 28 for the determination quarter.

(16) For rehabilitation hospitals the amount of \$410 multiplied by the hospital's total number of inpatient days for category of service 22 for the determination quarter.

(17) For rehabilitation hospitals the amount of \$100 multiplied by the hospital's total number of outpatient claims for category of service 29 for the determination quarter.

(18) Effective for the Payout Quarter beginning January 1, 2023, for the directed payments to hospitals required under this subsection, the Department shall establish the amounts that shall be used to calculate such directed payments using the methodologies specified in this paragraph. The Department shall use a single, uniform rate, adjusted for acuity as specified in paragraphs (1) through (12), for all categories of inpatient services provided by each class of hospitals and a single uniform rate, adjusted for acuity as specified in paragraphs (1) through (12), for all categories of outpatient services provided by each class of hospitals. The Department shall establish such amounts so that the total amount of payments to each hospital under this Section in calendar year 2023 is projected to be substantially similar to the total amount of such payments received by the hospital under this Section in calendar year 2021, adjusted for increased funding provided for fixed pool directed payments under subsection (g) in calendar year 2022, assuming that the volume and acuity of claims are held constant. The Department shall publish the directed payment amounts to be established under this subsection on its website by November 15, 2022.

(19) Each hospital shall be paid 1/3 of their quarterly inpatient and outpatient directed payment in each of the 3 months of the Payout Quarter, in accordance with directions provided to each MCO by the Department.

20 Each MCO shall pay each hospital the Monthly Directed Payment amount as identified by the Department on its quarterly determination report.

Notwithstanding any other provision of this subsection, if the Department determines that the actual total hospital utilization data that is used to calculate the fixed rate directed payments is substantially different than anticipated when the rates in this subsection were initially determined for unforeseeable circumstances (such as the COVID-19 pandemic or some other public health emergency), the Department may adjust the rates specified in this subsection so that the total directed payments approximate the total spending amount anticipated when the rates were initially established.

Definitions. As used in this subsection:

(A) "Payout Quarter" means each calendar quarter, beginning July 1, 2020.

(B) "Determination Quarter" means each calendar quarter which ends 3 months prior to the first day of each Payout Quarter.

(C) "Case mix index" means a hospital specific calculation. For inpatient claims the case mix index is calculated each quarter by summing the relative weight of all inpatient Diagnosis-Related Group (DRG) claims for a category of service in the applicable

Determination Quarter and dividing the sum by the number of sum total of all inpatient DRG admissions for the category of service for the associated claims. The case mix index for outpatient claims is calculated each quarter by summing the relative weight of all paid EAPGs in the applicable Determination Quarter and dividing the sum by the sum total of paid EAPGs for the associated claims.

(i) Beginning January 1, 2021, the rates for directed payments shall be recalculated in order to spend the additional funds for directed payments that result from reduction in the amount of pass-through payments allowed under federal regulations. The additional funds for directed payments shall be allocated proportionally to each class of hospitals based on that class' proportion of services.

(1) Beginning January 1, 2024, the fixed pool directed payment amounts and the associated annual initial rates referenced in paragraph (6) of subsection (f) for each hospital class shall be uniformly increased by a ratio of not less than, the ratio of the total pass-through reduction amount pursuant to paragraph (4) of subsection (j), for the hospitals comprising the hospital fixed pool directed payment class for the next calendar year, to the total inpatient and outpatient directed payments for the hospitals comprising the hospital fixed pool directed payment class paid during the preceding calendar year.

(2) Beginning January 1, 2024, the fixed rates for the directed payments referenced in paragraph (18) of subsection (h) for each hospital class shall be uniformly increased by a ratio of not less than, the ratio of the total pass-through reduction amount pursuant to paragraph (4) of subsection (j), for the hospitals comprising the hospital directed payment class for the next calendar year, to the total inpatient and outpatient directed payments for the hospitals comprising the hospital fixed rate directed payment class paid during the preceding calendar year.

(j) Pass-through payments.

(1) For the period July 1, 2020 through December 31, 2020, the Department shall assign quarterly pass-through payments to each class of hospitals equal to one-fourth of the following annual allocations:

- (A) \$390,487,095 to safety-net hospitals.
- (B) \$62,553,886 to critical access hospitals.
- (C) \$345,021,438 to high Medicaid hospitals.
- (D) \$551,429,071 to general acute care hospitals.
- (E) \$27,283,870 to long term acute care hospitals.
- (F) \$40,825,444 to freestanding psychiatric hospitals.
- (G) \$9,652,108 to freestanding rehabilitation hospitals.

(2) For the period of July 1, 2020 through December 31, 2020, the pass-through payments shall at a minimum ensure hospitals receive a total amount of monthly payments under this Section as received in calendar year 2019 in accordance with this Article and paragraph (1) of subsection (d-5) of Section 14-12, exclusive of amounts received through payments referenced in subsection (b).

(3) For the calendar year beginning January 1, 2023, the Department shall establish the annual pass-through allocation to each class of hospitals and the pass-through payments to each hospital so that the total amount of payments to each hospital under this Section in calendar year 2023 is projected to be substantially similar to the total amount of such payments received by the hospital under this Section in calendar year 2021, adjusted for increased funding provided for fixed pool directed payments under subsection (g) in calendar year 2022, assuming that the volume and acuity of claims are held constant. The Department shall publish the pass-through allocation to each class and the pass-through payments to each hospital to be established under this subsection on its website by November 15, 2022.

(4) For the calendar years beginning January 1, 2021, January 1, 2022, and January 1, 2024, and each calendar year thereafter, each hospital's pass-through payment amount shall be reduced proportionally to the reduction of all pass-through payments required by federal regulations.

(k) At least 30 days prior to each calendar year, the Department shall notify each hospital of changes to the payment methodologies in this Section, including, but not limited to, changes in the fixed rate directed payment rates, the aggregate pass-through payment amount for all hospitals, and the hospital's pass-through payment amount for the upcoming calendar year.

(l) Notwithstanding any other provisions of this Section, the Department may adopt rules to change the methodology for directed and pass-through payments as set forth in this Section, but only to the extent

necessary to obtain federal approval of a necessary State Plan amendment or Directed Payment Preprint or to otherwise conform to federal law or federal regulation.

(m) As used in this subsection, "managed care organization" or "MCO" means an entity which contracts with the Department to provide services where payment for medical services is made on a capitated basis, excluding contracted entities for dual eligible or Department of Children and Family Services youth populations.

(n) In order to address the escalating infant mortality rates among minority communities in Illinois, the State shall, subject to appropriation, create a pool of funding of at least \$50,000,000 annually to be disbursed among safety-net hospitals that maintain perinatal designation from the Department of Public Health. The funding shall be used to preserve or enhance OB/GYN services or other specialty services at the receiving hospital, with the distribution of funding to be established by rule and with consideration to perinatal hospitals with safe birthing levels and quality metrics for healthy mothers and babies.

(o) In order to address the growing challenges of providing stable access to healthcare in rural Illinois, including perinatal services, behavioral healthcare including substance use disorder services (SUDs) and other specialty services, and to expand access to telehealth services among rural communities in Illinois, the Department of Healthcare and Family Services, subject to appropriation, shall administer a program to provide at least \$10,000,000 in financial support annually to critical access hospitals for delivery of perinatal and OB/GYN services, behavioral healthcare including SUDs, other specialty services and telehealth services. The funding shall be used to preserve or enhance perinatal and OB/GYN services, behavioral healthcare including SUDs, other specialty services, as well as the explanation of telehealth services by the receiving hospital, with the distribution of funding to be established by rule.

(p) For calendar year 2023, the final amounts, rates, and payments under subsections (c), (d-2), (g), (h), and (j) shall be established by the Department, so that the sum of the total estimated annual payments under subsections (c), (d-2), (g), (h), and (j) for each hospital class for calendar year 2023, is no less than:

- (1) \$858,260,000 to safety-net hospitals.
- (2) \$86,200,000 to critical access hospitals.
- (3) \$1,765,000,000 to high Medicaid hospitals.
- (4) \$673,860,000 to general acute care hospitals.
- (5) \$48,330,000 to long term acute care hospitals.
- (6) \$89,110,000 to freestanding psychiatric hospitals.
- (7) \$24,300,000 to freestanding rehabilitation hospitals.
- (8) \$32,570,000 to public hospitals.

(q) Hospital Pandemic Recovery Stabilization Payments. The Department shall disburse a pool of \$460,000,000 in stability payments to hospitals prior to April 1, 2023. The allocation of the pool shall be based on the hospital directed payment classes and directed payments issued, during Calendar Year 2022 with added consideration to safety net hospitals, as defined in subdivision (f)(1)(B) of this Section, and critical access hospitals.

(Source: P.A. 101-650, eff. 7-7-20; 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-886, eff. 5-17-22.)

Section 5-40. The Illinois Human Rights Act is amended by changing Section 7-101 as follows:

(775 ILCS 5/7-101) (from Ch. 68, par. 7-101)

Sec. 7-101. Powers and Duties. In addition to other powers and duties prescribed in this Act, the Department shall have the following powers:

(A) Rules and Regulations. To adopt, promulgate, amend, and rescind rules and regulations not inconsistent with the provisions of this Act pursuant to the Illinois Administrative Procedure Act.

(B) Charges. To issue, receive, investigate, conciliate, settle, and dismiss charges filed in conformity with this Act.

(C) Compulsory Process. To request subpoenas as it deems necessary for its investigations.

(D) Complaints. To file complaints with the Commission in conformity with this Act.

(E) Judicial Enforcement. To seek temporary relief and to enforce orders of the Commission in conformity with this Act.

(F) Equal Employment Opportunities. To take such action as may be authorized to provide for equal employment opportunities and affirmative action.

(G) Recruitment; Research; Public Communication; Advisory Councils. To engage in such recruitment, research and public communication and create such advisory councils as may be authorized to effectuate the purposes of this Act.

(H) Coordination with other Agencies. To coordinate its activities with federal, state, and local agencies in conformity with this Act.

(I) ~~Public~~ Grants; Private Gifts.

(1) To accept public grants and private gifts as may be authorized.

(2) To design grant programs and award grants to eligible recipients.

(J) Education and Training. To implement a formal and unbiased program of education and training for all employees assigned to investigate and conciliate charges under Articles 7A and 7B. The training program shall include the following:

(1) substantive and procedural aspects of the investigation and conciliation positions;

(2) current issues in human rights law and practice;

(3) lectures by specialists in substantive areas related to human rights matters;

(4) orientation to each operational unit of the Department and Commission;

(5) observation of experienced Department investigators and attorneys conducting conciliation conferences, combined with the opportunity to discuss evidence presented and rulings made;

(6) the use of hypothetical cases requiring the Department investigator and conciliation conference attorney to issue judgments as a means to evaluating knowledge and writing ability;

(7) writing skills;

(8) computer skills, including but not limited to word processing and document management.

A formal, unbiased and ongoing professional development program including, but not limited to, the above-noted areas shall be implemented to keep Department investigators and attorneys informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence. (Source: P.A. 99-74, eff. 7-20-15.)

## ARTICLE 10

Section 10-5. The State Officials and Employees Ethics Act is amended by changing Section 20-10 as follows:

(5 ILCS 430/20-10)

Sec. 20-10. Offices of Executive Inspectors General.

(a) Five independent Offices of the Executive Inspector General are created, one each for the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer. Each Office shall be under the direction and supervision of an Executive Inspector General and shall be a fully independent office with separate appropriations.

(b) The Governor, Attorney General, Secretary of State, Comptroller, and Treasurer shall each appoint an Executive Inspector General, without regard to political affiliation and solely on the basis of integrity and demonstrated ability. Appointments shall be made by and with the advice and consent of the Senate by three-fifths of the elected members concurring by record vote. Any nomination not acted upon by the Senate within 60 session days of the receipt thereof shall be deemed to have received the advice and consent of the Senate. If, during a recess of the Senate, there is a vacancy in an office of Executive Inspector General, the appointing authority shall make a temporary appointment until the next meeting of the Senate when the appointing authority shall make a nomination to fill that office. No person rejected for an office of Executive Inspector General shall, except by the Senate's request, be nominated again for that office at the same session of the Senate or be appointed to that office during a recess of that Senate.

Nothing in this Article precludes the appointment by the Governor, Attorney General, Secretary of State, Comptroller, or Treasurer of any other inspector general required or permitted by law. The Governor, Attorney General, Secretary of State, Comptroller, and Treasurer each may appoint an existing inspector general as the Executive Inspector General required by this Article, provided that such an inspector general is not prohibited by law, rule, jurisdiction, qualification, or interest from serving as the Executive Inspector General required by this Article. An appointing authority may not appoint a relative as an Executive Inspector General.

Each Executive Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another State, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has 5 or more years of cumulative service (A) with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) as a federal,

State, or local prosecutor; (C) as a senior manager or executive of a federal, State, or local agency; (D) as a member, an officer, or a State or federal judge; or (E) representing any combination of items (A) through (D).

The term of each initial Executive Inspector General shall commence upon qualification and shall run through June 30, 2008. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial term, each Executive Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. An Executive Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the Executive Inspector General whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The Executive Inspector General appointed by the Attorney General shall have jurisdiction over the Attorney General and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Attorney General. The Executive Inspector General appointed by the Secretary of State shall have jurisdiction over the Secretary of State and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Secretary of State. The Executive Inspector General appointed by the Comptroller shall have jurisdiction over the Comptroller and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Comptroller. The Executive Inspector General appointed by the Treasurer shall have jurisdiction over the Treasurer and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Treasurer. The Executive Inspector General appointed by the Governor shall have jurisdiction over (i) the Governor, (ii) the Lieutenant Governor, (iii) all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer, and (iv) all board members and employees of the Regional Transit Boards and all vendors and others doing business with the Regional Transit Boards.

The jurisdiction of each Executive Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules.

Each Executive Inspector General shall have jurisdiction over complainants in violation of subsection (e) of Section 20-63 for disclosing a summary report prepared by the respective Executive Inspector General.

(d) The compensation for each Executive Inspector General shall be determined by the Executive Ethics Commission and shall be ~~provided~~ made from appropriations made to the Comptroller for this purpose. For terms of office beginning on or after July 1, 2023, each Executive Inspector General shall receive, on July 1 of each year, beginning on July 1, 2024, an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. Subject to Section 20-45 of this Act, each Executive Inspector General has full authority to organize his or her Office of the Executive Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit. A separate appropriation shall be made for each Office of Executive Inspector General.

(e) No Executive Inspector General or employee of the Office of the Executive Inspector General may, during his or her term of appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
- (3) be actively involved in the affairs of any political party or political organization; or
- (4) advocate for the appointment of another person to an appointed or elected office or position or actively participate in any campaign for any elective office.

In this subsection an appointed public office means a position authorized by law that is filled by an appointing authority as provided by law and does not include employment by hiring in the ordinary course of business.

(e-1) No Executive Inspector General or employee of the Office of the Executive Inspector General may, for one year after the termination of his or her appointment or employment:

- (1) become a candidate for any elective office;

- (2) hold any elected public office; or
- (3) hold any appointed State, county, or local judicial office.

(e-2) The requirements of item (3) of subsection (e-1) may be waived by the Executive Ethics Commission.

(f) An Executive Inspector General may be removed only for cause and may be removed only by the appointing constitutional officer. At the time of the removal, the appointing constitutional officer must report to the Executive Ethics Commission the justification for the removal.

(Source: P.A. 101-221, eff. 8-9-19; 102-558, eff. 8-20-21.)

Section 10-10. The Firearm Owners Identification Card Act is amended by changing Section 10 as follows:

(430 ILCS 65/10) (from Ch. 38, par. 83-10)

Sec. 10. Appeals; hearing; relief from firearm prohibitions.

(a) Whenever an application for a Firearm Owner's Identification Card is denied or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may (1) file a record challenge with the Director regarding the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based under subsection (a-5); or (2) appeal to the Director of the Illinois State Police through December 31, 2022, or beginning January 1, 2023, the Firearm Owner's Identification Card Review Board for a hearing seeking relief from such denial or revocation unless the denial or revocation was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing seeking relief from such denial or revocation.

(a-5) There is created a Firearm Owner's Identification Card Review Board to consider any appeal under subsection (a) beginning January 1, 2023, other than an appeal directed to the circuit court and except when the applicant is challenging the record upon which the decision to deny or revoke was based as provided in subsection (a-10).

(0.05) In furtherance of the policy of this Act that the Board shall exercise its powers and duties in an independent manner, subject to the provisions of this Act but free from the direction, control, or influence of any other agency or department of State government. All expenses and liabilities incurred by the Board in the performance of its responsibilities hereunder shall be paid from funds which shall be appropriated to the Board by the General Assembly for the ordinary and contingent expenses of the Board.

(1) The Board shall consist of 7 members appointed by the Governor, with the advice and consent of the Senate, with 3 members residing within the First Judicial District and one member residing within each of the 4 remaining Judicial Districts. No more than 4 members shall be members of the same political party. The Governor shall designate one member as the chairperson. The Board shall consist of:

- (A) one member with at least 5 years of service as a federal or State judge;
- (B) one member with at least 5 years of experience serving as an attorney with the United States Department of Justice, or as a State's Attorney or Assistant State's Attorney;
- (C) one member with at least 5 years of experience serving as a State or federal public defender or assistant public defender;
- (D) three members with at least 5 years of experience as a federal, State, or local law enforcement agent or as an employee with investigative experience or duties related to criminal justice under the United States Department of Justice, Drug Enforcement Administration, Department of Homeland Security, Federal Bureau of Investigation, or a State or local law enforcement agency; and
- (E) one member with at least 5 years of experience as a licensed physician or clinical psychologist with expertise in the diagnosis and treatment of mental illness.

(2) The terms of the members initially appointed after January 1, 2022 (the effective date of Public Act 102-237) shall be as follows: one of the initial members shall be appointed for a term of one year, 3 shall be appointed for terms of 2 years, and 3 shall be appointed for terms of 4 years.

Thereafter, members shall hold office for 4 years, with terms expiring on the second Monday in January immediately following the expiration of their terms and every 4 years thereafter. Members may be reappointed. Vacancies in the office of member shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. The Governor may remove a member for incompetence, neglect of duty, malfeasance, or inability to serve. Members shall receive compensation in an amount equal to the compensation of members of the Executive Ethics Commission and, beginning July 1, 2023, shall be compensated from appropriations provided to the Comptroller for this purpose. Members may be reimbursed, from funds appropriated for such a purpose, for reasonable expenses actually incurred in the performance of their Board duties. The Illinois State Police shall designate an employee to serve as Executive Director of the Board and provide logistical and administrative assistance to the Board.

(3) The Board shall meet at least quarterly each year and at the call of the chairperson as often as necessary to consider appeals of decisions made with respect to applications for a Firearm Owner's Identification Card under this Act. If necessary to ensure the participation of a member, the Board shall allow a member to participate in a Board meeting by electronic communication. Any member participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(4) The Board shall adopt rules for the review of appeals and the conduct of hearings. The Board shall maintain a record of its decisions and all materials considered in making its decisions. All Board decisions and voting records shall be kept confidential and all materials considered by the Board shall be exempt from inspection except upon order of a court.

(5) In considering an appeal, the Board shall review the materials received concerning the denial or revocation by the Illinois State Police. By a vote of at least 4 members, the Board may request additional information from the Illinois State Police or the applicant or the testimony of the Illinois State Police or the applicant. The Board may require that the applicant submit electronic fingerprints to the Illinois State Police for an updated background check if the Board determines it lacks sufficient information to determine eligibility. The Board may consider information submitted by the Illinois State Police, a law enforcement agency, or the applicant. The Board shall review each denial or revocation and determine by a majority of members whether an applicant should be granted relief under subsection (c).

(6) The Board shall by order issue summary decisions. The Board shall issue a decision within 45 days of receiving all completed appeal documents from the Illinois State Police and the applicant. However, the Board need not issue a decision within 45 days if:

(A) the Board requests information from the applicant, including, but not limited to, electronic fingerprints to be submitted to the Illinois State Police, in accordance with paragraph (5) of this subsection, in which case the Board shall make a decision within 30 days of receipt of the required information from the applicant;

(B) the applicant agrees, in writing, to allow the Board additional time to consider an appeal; or

(C) the Board notifies the applicant and the Illinois State Police that the Board needs an additional 30 days to issue a decision. The Board may only issue 2 extensions under this subparagraph (C). The Board's notification to the applicant and the Illinois State Police shall include an explanation for the extension.

(7) If the Board determines that the applicant is eligible for relief under subsection (c), the Board shall notify the applicant and the Illinois State Police that relief has been granted and the Illinois State Police shall issue the Card.

(8) Meetings of the Board shall not be subject to the Open Meetings Act and records of the Board shall not be subject to the Freedom of Information Act.

(9) The Board shall report monthly to the Governor and the General Assembly on the number of appeals received and provide details of the circumstances in which the Board has determined to deny Firearm Owner's Identification Cards under this subsection (a-5). The report shall not contain any identifying information about the applicants.

(a-10) Whenever an applicant or cardholder is not seeking relief from a firearms prohibition under subsection (c) but rather does not believe the applicant is appropriately denied or revoked and is challenging the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based, or whenever the Illinois State Police fails to act on an application within 30 days of its receipt, the applicant shall file such challenge with the Director. The Director shall render a decision within 60 business days of

receipt of all information supporting the challenge. The Illinois State Police shall adopt rules for the review of a record challenge.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing, the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Illinois State Police to issue a Card. However, the court shall not issue the order if the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under federal law.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Firearm Owner's Identification Card Review Board or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Board or court may grant such relief if it is established by the applicant to the court's or the Board's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

(1) the applicant has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;

(3) granting relief would not be contrary to the public interest; and

(4) granting relief would not be contrary to federal law.

(c-5) (1) An active law enforcement officer employed by a unit of government or a Department of Corrections employee authorized to possess firearms who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act may apply to the Firearm Owner's Identification Card Review Board requesting relief if the officer or employee did not act in a manner threatening to the officer or employee, another person, or the public as determined by the treating clinical psychologist or physician, and as a result of his or her work is referred by the employer for or voluntarily seeks mental health evaluation or treatment by a licensed clinical psychologist, psychiatrist, or qualified examiner, and:

(A) the officer or employee has not received treatment involuntarily at a mental health facility, regardless of the length of admission; or has not been voluntarily admitted to a mental health facility for more than 30 days and not for more than one incident within the past 5 years; and

(B) the officer or employee has not left the mental institution against medical advice.

(2) The Firearm Owner's Identification Card Review Board shall grant expedited relief to active law enforcement officers and employees described in paragraph (1) of this subsection (c-5) upon a determination by the Board that the officer's or employee's possession of a firearm does not present a threat to themselves, others, or public safety. The Board shall act on the request for relief within 30 business days of receipt of:

(A) a notarized statement from the officer or employee in the form prescribed by the Board detailing the circumstances that led to the hospitalization;

(B) all documentation regarding the admission, evaluation, treatment and discharge from the treating licensed clinical psychologist or psychiatrist of the officer;

(C) a psychological fitness for duty evaluation of the person completed after the time of discharge; and

(D) written confirmation in the form prescribed by the Board from the treating licensed clinical psychologist or psychiatrist that the provisions set forth in paragraph (1) of this subsection (c-5) have been met, the person successfully completed treatment, and their professional opinion regarding the person's ability to possess firearms.

(3) Officers and employees eligible for the expedited relief in paragraph (2) of this subsection (c-5) have the burden of proof on eligibility and must provide all information required. The Board may not consider granting expedited relief until the proof and information is received.



(4) "Clinical psychologist", "psychiatrist", and "qualified examiner" shall have the same meaning as provided in Chapter I of the Mental Health and Developmental Disabilities Code.

(c-10) (1) An applicant, who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act based upon a determination of a developmental disability or an intellectual disability may apply to the Firearm Owner's Identification Card Review Board requesting relief.

(2) The Board shall act on the request for relief within 60 business days of receipt of written certification, in the form prescribed by the Board, from a physician or clinical psychologist, or qualified examiner, that the aggrieved party's developmental disability or intellectual disability condition is determined by a physician, clinical psychologist, or qualified to be mild. If a fact-finding conference is scheduled to obtain additional information concerning the circumstances of the denial or revocation, the 60 business days the Director has to act shall be tolled until the completion of the fact-finding conference.

(3) The Board may grant relief if the aggrieved party's developmental disability or intellectual disability is mild as determined by a physician, clinical psychologist, or qualified examiner and it is established by the applicant to the Board's satisfaction that:

(A) granting relief would not be contrary to the public interest; and

(B) granting relief would not be contrary to federal law.

(4) The Board may not grant relief if the condition is determined by a physician, clinical psychologist, or qualified examiner to be moderate, severe, or profound.

(5) The changes made to this Section by Public Act 99-29 apply to requests for relief pending on or before July 10, 2015 (the effective date of Public Act 99-29), except that the 60-day period for the Director to act on requests pending before the effective date shall begin on July 10, 2015 (the effective date of Public Act 99-29). All appeals as provided in subsection (a-5) pending on January 1, 2023 shall be considered by the Board.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Illinois State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Illinois State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is subject to the disabilities of 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 because of an adjudication or commitment that occurred under the laws of this State or who was determined to be subject to the provisions of subsections (e), (f), or (g) of Section 8 of this Act may apply to the Illinois State Police requesting relief from that prohibition. The Board shall grant the relief if it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest. In making this determination, the Board shall receive evidence concerning (i) the circumstances regarding the firearms disabilities from which relief is sought; (ii) the petitioner's mental health and criminal history records, if any; (iii) the petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence; and (iv) changes in the petitioner's condition or circumstances since the disqualifying events relevant to the relief sought. If relief is granted under this subsection or by order of a court under this Section, the Director shall as soon as practicable but in no case later than 15 business days, update, correct, modify, or remove the person's record in any database that the Illinois State Police makes available to the National Instant Criminal Background Check System and notify the United States Attorney General that the basis for the record being made available no longer applies. The Illinois State Police shall adopt rules for the administration of this Section.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-645, eff. 1-1-22; 102-813, eff. 5-13-22.)

## ARTICLE 15

Section 15-5. The Civil Administrative Code of Illinois is amended by changing Sections 5-120, 5-300, 5-310, 5-315, 5-320, 5-325, 5-330, 5-335, 5-340, 5-345, 5-350, 5-355, 5-357, 5-360, 5-362, 5-365, 5-375, 5-395, 5-400, 5-405, 5-410, 5-415, and 5-420 as follows:

(20 ILCS 5/5-120) (was 20 ILCS 5/5.13g)

Sec. 5-120. In the Department of Commerce and Economic Opportunity. Two Assistant Directors ~~Director~~ of Commerce and Economic Opportunity.

(Source: P.A. 93-25, eff. 6-20-03.)

(20 ILCS 5/5-300) (was 20 ILCS 5/9)

Sec. 5-300. Officers' qualifications and salaries. The executive and administrative officers, whose offices are created by this Act, must have the qualifications prescribed by law and shall receive annual salaries, payable in equal monthly installments, as designated in the Sections following this Section and preceding Section 5-500. ~~If set by the Governor, those annual salaries may not exceed 85% of the Governor's annual salary.~~ Notwithstanding any other provision of law, for terms beginning after January 18, 2019 (the effective date of Public Act 100-1179) and before January 16, 2023 ~~this amendatory Act of the 100th General Assembly~~, the annual salary of the director or secretary and assistant director or assistant secretary of each department created under Section 5-15 shall be an amount equal to 15% more than the annual salary of the respective officer in effect as of December 31, 2018. The calculation of the 2018 salary base for this adjustment shall not include any cost of living adjustments, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for the period beginning July 1, 2009 to June 30, 2019. Beginning July 1, 2019 and each July 1 thereafter, the directors, secretaries, assistant directors, and assistant secretaries shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the directors, secretaries, assistant directors, and assistant secretaries shall receive annual salaries, payable in equal monthly installments, and increases in salary, as designated in the Sections following this Section and preceding Section 5-500.

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-310. In the Department on Aging. For terms beginning on or after January 16, 2023, the Director of Aging shall receive an annual salary of \$165,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Director of Aging shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-315. In the Department of Agriculture. For terms beginning on or after January 16, 2023, the Director of Agriculture shall receive an annual salary of \$180,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Director of Agriculture shall receive an annual salary as set by the Compensation Review Board.~~

For terms beginning on or after January 16, 2023, the Assistant Director of Agriculture shall receive an annual salary of \$156,600 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Director of Agriculture shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

~~For terms ending before December 31, 2019, the Assistant Director of Agriculture shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-320. In the Department of Central Management Services. For terms beginning on or after January 16, 2023, the Director of Central Management Services shall receive an annual salary of \$195,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director of Central Management Services shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Director of Central Management Services shall receive an annual salary as set by the Compensation Review Board.~~

For terms beginning on or after January 16, 2023, each Assistant Director of Central Management Services shall receive an annual salary of \$165,750 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Directors shall receive an increase in salary based on a

~~cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, each Assistant Director of Central Management Services shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

~~Sec. 5-325. In the Department of Children and Family Services. For terms beginning on or after January 16, 2023, the Director of Children and Family Services shall receive an annual salary of \$200,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Children and Family Services shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

~~Sec. 5-330. In the Department of Commerce and Economic Opportunity. For terms beginning on or after January 16, 2023, the Director of Commerce and Economic Opportunity shall receive an annual salary of \$195,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Commerce and Economic Opportunity shall receive an annual salary as set by the Compensation Review Board.~~

~~For terms beginning on or after January 16, 2023, each Assistant Director of Commerce and Economic Opportunity shall receive an annual salary of \$165,750 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Directors shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Assistant Director of Commerce and Economic Opportunity shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

~~Sec. 5-335. In the Department of Corrections. For terms beginning on or after January 16, 2023, the Director of Corrections shall receive an annual salary of \$200,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Corrections shall receive an annual salary as set by the Compensation Review Board.~~

~~For terms beginning on or after January 16, 2023, the Assistant Director of Corrections shall receive an annual salary of \$170,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Assistant Director of Corrections shall receive an annual salary as set by the Compensation Review Board for the Assistant Director of Corrections Adult Division.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

~~Sec. 5-340. In the Department of Employment Security. For terms beginning on or after January 16, 2023, the Director of Employment Security shall receive an annual salary of \$195,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Employment Security shall receive an annual salary as set by the Compensation Review Board.~~

~~Each member of the Board of Review shall receive \$15,000.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

~~Sec. 5-345. In the Department of Financial and Professional Regulation. For terms beginning on or after January 16, 2023, the Secretary of Financial and Professional Regulation shall receive an annual salary of \$195,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Secretary shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the~~

~~Secretary of Financial and Professional Regulation shall receive an annual salary as set by the Compensation Review Board.~~

~~For terms beginning on or after January 16, 2023, the Director of Financial Institutions, the Director of Professional Regulation, the Director of Banking, and the Director of Real Estate shall each receive an annual salary of \$180,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Directors shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Financial Institutions, the Director of Professional Regulation, the Director of Banking, and the Director of Real Estate shall receive an annual salary as set by the Compensation Review Board.~~

~~(Source: P.A. 100-1179, eff. 1-18-19.)~~

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

~~Sec. 5-350. In the Department of Human Rights. For terms beginning on or after January 16, 2023, the Director of Human Rights shall receive an annual salary of \$165,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Human Rights shall receive an annual salary as set by the Compensation Review Board.~~

~~(Source: P.A. 100-1179, eff. 1-18-19.)~~

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

~~Sec. 5-355. In the Department of Human Services. For terms beginning on or after January 16, 2023, the Secretary of Human Services shall receive an annual salary of \$200,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Secretary shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Secretary of Human Services shall receive an annual salary as set by the Compensation Review Board.~~

~~For terms beginning on or after January 16, 2023, the Assistant Secretaries of Human Services shall receive an annual salary of \$170,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Secretaries shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Assistant Secretaries of Human Services shall each receive an annual salary as set by the Compensation Review Board.~~

~~(Source: P.A. 100-1179, eff. 1-18-19.)~~

~~(20 ILCS 5/5-357)~~

~~Sec. 5-357. In the Department of Innovation and Technology. Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the Secretary of Innovation and Technology shall receive an annual salary of \$200,000 or as set by the Governor, whichever is higher, and the Assistant Secretary of Innovation and Technology shall receive an annual salary of \$170,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Secretary and the Assistant Secretary shall each receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. The Secretary of Innovation and Technology and the Assistant Secretary of Innovation and Technology shall each receive an annual salary as set by law.~~

~~(Source: P.A. 100-611, eff. 7-20-18.)~~

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

~~Sec. 5-360. In the Department of Insurance. For terms beginning on or after January 16, 2023, the Director of Insurance shall receive an annual salary of \$180,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Insurance shall receive an annual salary as set by the Compensation Review Board.~~

~~For terms beginning on or after January 16, 2023, the Assistant Director of Insurance shall receive an annual salary of \$156,600 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before~~

~~December 31, 2019, the Assistant Director of Insurance shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

(20 ILCS 5/5-362)

Sec. 5-362. In the Department of Juvenile Justice. For terms beginning on or after January 16, 2023, the Director of Juvenile Justice shall receive an annual salary of \$165,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Juvenile Justice shall receive an annual salary as set by the Compensation Review Board.

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-365. In the Department of Labor. For terms beginning on or after January 16, 2023, the Director of Labor shall receive an annual salary of \$180,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Labor shall receive an annual salary as set by the Compensation Review Board.

For terms beginning on or after January 16, 2023, the Assistant Director of Labor shall receive an annual salary of \$156,600 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Assistant Director of Labor shall receive an annual salary as set by the Compensation Review Board.

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

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

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

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-375. In the Department of Natural Resources. For terms beginning on or after January 16, 2023, the Director of Natural Resources shall receive an annual salary of \$180,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Natural Resources shall receive an annual salary as set by the Compensation Review Board.

For terms beginning on or after January 16, 2023, the Assistant Director of Natural Resources shall receive an annual salary of \$156,600 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Assistant Director of Natural Resources shall receive an annual salary as set by the Compensation Review Board.

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-395. In the Department of Healthcare and Family Services. For terms beginning on or after January 16, 2023, the Director of Healthcare and Family Services shall receive an annual salary of \$195,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. For terms ending before December 31, 2019, the Director of Healthcare and Family Services shall receive an annual salary as set by the Compensation Review Board.

For terms beginning on or after January 16, 2023, the Assistant Director shall receive an annual salary of \$165,750 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter,

the Assistant Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Assistant Director of Healthcare and Family Services shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-400. In the Department of Public Health. For terms beginning on or after January 16, 2023, the Director of Public Health shall receive an annual salary of \$200,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Director of Public Health shall receive an annual salary as set by the Compensation Review Board.~~

For terms beginning on or after January 16, 2023, the Assistant Director shall receive an annual salary of \$170,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Assistant Director of Public Health shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-405. In the Department of Revenue. For terms beginning on or after January 16, 2023, the Director of Revenue shall receive an annual salary of \$195,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Director of Revenue shall receive an annual salary as set by the Compensation Review Board.~~

For terms beginning on or after January 16, 2023, the Assistant Director of Revenue shall receive an annual salary of \$165,750 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Assistant Director of Revenue shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-410. In the Illinois State Police. For terms beginning on or after January 16, 2023, the Director of the Illinois State Police shall receive an annual salary of \$200,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Director of the Illinois State Police shall receive an annual salary as set by the Compensation Review Board.~~

¶

(Source: P.A. 102-538, eff. 8-20-21; revised 12-16-22.)

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

Sec. 5-415. In the Department of Transportation. For terms beginning on or after January 16, 2023, the Secretary of Transportation shall receive an annual salary of \$200,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Secretary shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Secretary of Transportation shall receive an annual salary as set by the Compensation Review Board.~~

For terms beginning on or after January 16, 2023, the Assistant Secretary of Transportation shall receive an annual salary of \$170,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Secretary shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Assistant Secretary of Transportation shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

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

Sec. 5-420. In the Department of Veterans' Affairs. For terms beginning on or after January 16, 2023, the Director of Veterans' Affairs shall receive an annual salary of \$200,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Director of Veterans' Affairs shall receive an annual salary as set by the Compensation Review Board.~~

For terms beginning on or after January 16, 2023, the Assistant Director of Veterans' Affairs shall receive an annual salary of \$170,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Assistant Director of Veterans' Affairs shall receive an annual salary as set by the Compensation Review Board.~~

(Source: P.A. 100-1179, eff. 1-18-19.)

Section 15-10. The Electric Vehicle Act is amended by changing Section 15 as follows:

(20 ILCS 627/15)

Sec. 15. Electric Vehicle Coordinator. The Governor, with the advice and consent of the Senate, shall appoint a person within the Illinois Environmental Protection Agency to serve as the Electric Vehicle Coordinator for the State of Illinois. ~~This person may be an existing employee with other duties.~~ The Electric Vehicle Coordinator shall receive an annual salary as set by the Governor and beginning July 1, 2022 shall be compensated from appropriations provided ~~made~~ to the Comptroller for this purpose. On July 1, 2023 and each July 1 thereafter, the Electric Vehicle Coordinator shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~This person may be an existing employee with other duties.~~ The Coordinator shall act as a point person for electric vehicle-related and electric vehicle charging-related policies and activities in Illinois, including, but not limited to, the issuance of electric vehicle rebates for consumers and electric vehicle charging rebates for organizations and companies.

(Source: P.A. 102-444, eff. 8-20-21; 102-662, eff. 9-15-21; 102-699, eff. 4-19-22.)

Section 15-15. The Illinois Lottery Law is amended by changing Section 5 as follows:

(20 ILCS 1605/5) (from Ch. 120, par. 1155)

Sec. 5. (a) The Department shall be under the supervision and direction of a Director, who shall be a person qualified by training and experience to perform the duties required by this Act. The Director shall be appointed by the Governor, by and with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years provided that he or she shall hold office until a successor is appointed and qualified. ~~For terms ending before December 31, 2019, the annual salary of the Director is \$142,000.~~ For terms beginning after January 18, 2019 (the effective date of Public Act 100-1179) and before January 16, 2023 ~~this amendatory Act of the 100th General Assembly,~~ the annual salary of the Director shall be as provided in Section 5-300 of the Civil Administrative Code of Illinois. Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the Director shall receive an annual salary of \$180,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

Any vacancy occurring in the office of the Director shall be filled in the same manner as the original appointment. In case of a vacancy during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified.

During the absence or inability to act of the Director, or in the case of a vacancy in the office of Director until a successor is appointed and qualified, the Governor may designate some person as Acting Director of the Lottery to execute the powers and discharge the duties vested by law in that office. A person who is designated as an Acting Director shall not continue in office for more than 60 calendar days unless the Governor files a message with the Secretary of the Senate nominating that person to fill the office. After 60 calendar days, the office is considered vacant and shall be filled only under this Section. No person who has been appointed by the Governor to serve as Acting Director shall, except at the Senate's request, be

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designated again as an Acting Director at the same session of that Senate, subject to the provisions of this Section. A person appointed as an Acting Director is not required to meet the requirements of paragraph (1) of subsection (b) of this Section. In no case may the Governor designate a person to serve as Acting Director if that person has prior to the effective date of this amendatory Act of the 97th General Assembly exercised any of the duties and functions of the office of Director without having been nominated by the Governor to serve as Director.

(b) The Director shall devote his or her entire time and attention to the duties of the office and shall not be engaged in any other profession or occupation.

The Director shall:

(1) be qualified by training and experience to direct a lottery, including, at a minimum, 5 years of senior executive-level experience in the successful advertising, marketing, and selling of consumer products, 4 years of successful experience directing a lottery on behalf of a governmental entity, or 5 years of successful senior-level management experience at a lottery on behalf of a governmental entity;

(2) have significant and meaningful management and regulatory experience; and

(3) have a good reputation, particularly as a person of honesty, independence, and integrity.

The Director shall not during his or her term of appointment: become a candidate for any elective office; hold any other elected or appointed public office; be actively involved in the affairs of any political party or political organization; advocate for the appointment of another person to an appointed or elected office or position; or actively participate in any campaign for any elective office. The Director may be appointed to serve on a governmental advisory or board study commission or as otherwise expressly authorized by law.

(c) No person shall perform the duties and functions of the Director, or otherwise exercise the authority of the Director, unless the same shall have been appointed by the Governor pursuant to this Section.

(Source: P.A. 100-1179, eff. 1-18-19.)

Section 15-20. The Military Code of Illinois is amended by changing Section 17 as follows:

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

Sec. 17. The Adjutant General and the Assistant Adjutants General shall give their entire time to their military duties. ~~For terms ending before December 31, 2019, the Adjutant General shall receive an annual salary as set by the Compensation Review Board, and each Assistant Adjutant General shall receive an annual salary as set by the Compensation Review Board.~~ For terms beginning after January 18, 2019 (the effective date of Public Act 100-1179) and before January 16, 2023 ~~this amendatory Act of the 100th General Assembly,~~ the annual salaries for the Adjutant General and the Assistant Adjutants General shall be an amount equal to 15% more than the respective officer's annual salary as of December 31, 2018. The calculation of the 2018 salary base for this adjustment shall not include any cost of living adjustments, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for the period beginning July 1, 2009 to June 30, 2019. ~~On Beginning~~ July 1, 2019 and each July 1 thereafter ~~through July 1, 2022,~~ the Adjutant General and the Assistant Adjutants General shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the Adjutant General shall receive an annual salary of \$165,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Adjutant General shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the Assistant Adjutants General shall receive an annual salary of \$140,250 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Adjutants General shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

(Source: P.A. 100-1179, eff. 1-18-19.)

Section 15-25. The State Fire Marshal Act is amended by changing Section 1 as follows:

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

Sec. 1. There is hereby created the Office of the State Fire Marshal, hereinafter referred to as the Office.

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

The executive director of the Office shall be known as the State Fire Marshal. ~~For terms ending before December 31, 2019, the State Fire Marshal shall receive an annual salary as set by the Compensation Review Board.~~ For terms beginning after January 18, 2019 (the effective date of Public Act 100-1179) and before January 16, 2023 ~~this amendatory Act of the 100th General Assembly,~~ the State Fire Marshal's annual salary shall be an amount equal to 15% more than the State Fire Marshal's annual salary as of December 31, 2018. The calculation of the 2018 salary base for this adjustment shall not include any cost of living adjustments, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for the period beginning July 1, 2009 to June 30, 2019. On Beginning July 1, 2019 and each July 1 thereafter through July 1, 2022, the State Fire Marshal shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the State Fire Marshal shall receive an annual salary of \$165,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the State Fire Marshal shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

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

(Source: P.A. 100-1179, eff. 1-18-19.)

Section 15-30. The Illinois Emergency Management Agency Act is amended by changing Section 5 as follows:

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

Sec. 5. Illinois Emergency Management Agency.

(a) There is created within the executive branch of the State Government an Illinois Emergency Management Agency and a Director of the Illinois Emergency Management Agency, herein called the "Director" who shall be the head thereof. The Director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a successor is appointed and has qualified; except that the term of the first Director appointed under this Act shall expire on the third Monday in January, 1989. The Director shall not hold any other remunerative public office. ~~For terms ending before December 31, 2019, the Director shall receive an annual salary as set by the Compensation Review Board.~~ For terms beginning after January 18, 2019 (the effective date of Public Act 100-1179) and before January 16, 2023, the annual salary of the Director shall be as provided in Section 5-300 of the Civil Administrative Code of Illinois. Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the Director shall receive an annual salary of \$180,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

For terms beginning on or after January 16, 2023, the Assistant Director of the Illinois Emergency Management Agency shall receive an annual salary of \$156,600 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Assistant Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

(b) The Illinois Emergency Management Agency shall obtain, under the provisions of the Personnel Code, technical, clerical, stenographic and other administrative personnel, and may make expenditures within the appropriation therefor as may be necessary to carry out the purpose of this Act. The agency created by this Act is intended to be a successor to the agency created under the Illinois Emergency Services and Disaster Agency Act of 1975 and the personnel, equipment, records, and appropriations of that agency are transferred to the successor agency as of June 30, 1988 (the effective date of this Act).

(c) The Director, subject to the direction and control of the Governor, shall be the executive head of the Illinois Emergency Management Agency and the State Emergency Response Commission and shall be responsible under the direction of the Governor, for carrying out the program for emergency management of

this State. The Director shall also maintain liaison and cooperate with the emergency management organizations of this State and other states and of the federal government.

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

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

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

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

(f) The Illinois Emergency Management Agency shall:

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

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

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

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

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

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

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

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

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

(6) Determine requirements of the State and its political subdivisions for food, clothing, and other necessities in event of a disaster.

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

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

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

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

(11) Develop agreements, if feasible, with medical supply and equipment firms to supply resources as are necessary to respond to an earthquake or any other disaster as defined in this Act. These resources will be made available upon notifying the vendor of the disaster. Payment for the resources will be in accordance with Section 7 of this Act. The Illinois Department of Public Health shall determine which resources will be required and requested.

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

(12) Out of funds appropriated for these purposes, award capital and non-capital grants to Illinois hospitals or health care facilities located outside of a city with a population in excess of 1,000,000 to be used for purposes that include, but are not limited to, preparing to respond to mass casualties and disasters, maintaining and improving patient safety and quality of care, and protecting the confidentiality of patient information. No single grant for a capital expenditure shall exceed \$300,000. No single grant for a non-capital expenditure shall exceed \$100,000. In awarding such grants, preference shall be given to hospitals that serve a significant number of Medicaid recipients, but do not qualify for disproportionate share hospital adjustment payments under the Illinois Public Aid Code. To receive such a grant, a hospital or health care facility must provide funding of at least 50% of the cost of the project for which the grant is being requested. In awarding such grants the Illinois Emergency Management Agency shall consider the recommendations of the Illinois Hospital Association.

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

(g) The Illinois Emergency Management Agency is authorized to make grants to various higher education institutions, public K-12 school districts, area vocational centers as designated by the State Board of Education, inter-district special education cooperatives, regional safe schools, and nonpublic K-12 schools for safety and security improvements. For the purpose of this subsection (g), "higher education institution" means a public university, a public community college, or an independent, not-for-profit or for-profit higher education institution located in this State. Grants made under this subsection (g) shall be paid out of moneys appropriated for that purpose from the Build Illinois Bond Fund. The Illinois Emergency Management Agency shall adopt rules to implement this subsection (g). These rules may specify: (i) the manner of applying for grants; (ii) project eligibility requirements; (iii) restrictions on the use of grant moneys; (iv) the manner in which the various higher education institutions must account for the use of grant moneys; and (v) any other provision that the Illinois Emergency Management Agency determines to be necessary or useful for the administration of this subsection (g).

(g-5) The Illinois Emergency Management Agency is authorized to make grants to not-for-profit organizations which are exempt from federal income taxation under section 501(c)(3) of the Federal Internal Revenue Code for eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism. The Director shall establish procedures and forms by which applicants may apply for a grant and procedures for distributing grants to recipients. The procedures shall require each applicant to do the following:

(1) identify and substantiate prior threats or attacks by a terrorist organization, network, or cell against the not-for-profit organization;

(2) indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

(3) discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist act;

(4) describe how the grant will be used to integrate organizational preparedness with broader State and local preparedness efforts;

(5) submit a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, and a description of how the grant award will be used to address the vulnerabilities identified in the assessment; and

(6) submit any other relevant information as may be required by the Director.

The Agency is authorized to use funds appropriated for the grant program described in this subsection (g-5) to administer the program.

(h) Except as provided in Section 17.5 of this Act, any moneys received by the Agency from donations or sponsorships unrelated to a disaster shall be deposited in the Emergency Planning and Training Fund and used by the Agency, subject to appropriation, to effectuate planning and training activities. Any moneys received by the Agency from donations during a disaster and intended for disaster response or recovery shall be deposited into the Disaster Response and Recovery Fund and used for disaster response and recovery pursuant to the Disaster Relief Act.

(i) The Illinois Emergency Management Agency may by rule assess and collect reasonable fees for attendance at Agency-sponsored conferences to enable the Agency to carry out the requirements of this Act. Any moneys received under this subsection shall be deposited in the Emergency Planning and Training Fund and used by the Agency, subject to appropriation, for planning and training activities.

(j) The Illinois Emergency Management Agency is authorized to make grants to other State agencies, public universities, units of local government, and statewide mutual aid organizations to enhance statewide emergency preparedness and response.

(Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

Section 15-35. The Environmental Protection Act is amended by changing Section 4 as follows:

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

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

(a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years, provided that he or she shall hold office until a successor is appointed and has qualified. ~~For terms ending before December 31, 2019, the Director shall receive an annual salary as set by the Compensation Review Board.~~ For terms beginning after January 18, 2019 (the effective date of Public Act 100-1179) and before January 16, 2023, the Director's annual salary shall be an amount equal to 15% more than the Director's annual salary as of December 31, 2018. The calculation of the 2018 salary base for this adjustment shall not include any cost of living adjustments, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for the period beginning July 1, 2009 to June 30, 2019. Beginning July 1, 2019 and each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the Director shall receive an annual salary of \$180,000 or as set by the Governor, whichever is higher. On July 1, 2023, and on each July 1 thereafter, the Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.

(b) The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

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

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

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

(2) In accordance with the provisions of this Act, taking whatever preventive or corrective action, including but not limited to removal or remedial action, that is necessary or appropriate

whenever there is a release or a substantial threat of a release of (A) a hazardous substance or pesticide or (B) petroleum from an underground storage tank.

(e) The Agency shall have the duty to investigate violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; to issue administrative citations as provided in Section 31.1 of this Act; and to take such summary enforcement action as is provided for by Section 34 of this Act.

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

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

(h) The Agency shall have authority to require the submission of complete plans and specifications from any applicant for a permit required by this Act or by regulations thereunder, and to require the submission of such reports regarding actual or potential violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, as may be necessary for the purposes of this Act.

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

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

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

The Agency is authorized to promulgate such regulations and enter into such contracts as it may deem necessary for carrying out the provisions of this subsection.

(l) The Agency is hereby designated as water pollution agency for the state for all purposes of the Federal Water Pollution Control Act, as amended; as implementing agency for the State for all purposes of the Safe Drinking Water Act, Public Law 93-523, as now or hereafter amended, except Section 1425 of that Act; as air pollution agency for the state for all purposes of the Clean Air Act of 1970, Public Law 91-604, approved December 31, 1970, as amended; and as solid waste agency for the state for all purposes of the Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, and amended by the Resource Recovery Act of 1970, Public Law 91-512, approved October 26, 1970, as amended, and amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) approved October 21, 1976, as amended; as noise control agency for the state for all purposes of the Noise Control Act of 1972, Public Law 92-574, approved October 27, 1972, as amended; and as implementing agency for the State for all purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended; and otherwise as pollution control agency for the State pursuant to federal laws integrated with the foregoing laws, for financing purposes or otherwise. The Agency is hereby authorized to take all action necessary or appropriate to secure to the State the benefits of such federal Acts, provided that the Agency shall transmit to the United States without change any standards adopted by the Pollution Control Board pursuant to Section 5(c) of this Act. This subsection (l) of Section 4 shall not be construed to bar or prohibit the Environmental Protection Trust Fund Commission from accepting, receiving, and administering on behalf of the State any grants, gifts, loans or other funds for which the Commission is eligible pursuant to

the Environmental Protection Trust Fund Act. The Agency is hereby designated as the State agency for all purposes of administering the requirements of Section 313 of the federal Emergency Planning and Community Right-to-Know Act of 1986.

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

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

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

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

(p) Except as provided in Section 17.7, the Agency shall have the duty to analyze samples as required from each public water supply to determine compliance with the contaminant levels specified by the Pollution Control Board. The maximum number of samples which the Agency shall be required to analyze for microbiological quality shall be 6 per month, but the Agency may, at its option, analyze a larger number each month for any supply. Results of sample analyses for additional required bacteriological testing, turbidity, residual chlorine and radionuclides are to be provided to the Agency in accordance with Section 19. Owners of water supplies may enter into agreements with the Agency to provide for reduced Agency participation in sample analyses.

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

(r) The Agency may enter into written delegation agreements with any unit of local government under which it may delegate all or portions of its inspecting, investigating and enforcement functions. Such delegation agreements shall require that work performed thereunder be in accordance with Agency criteria and subject to Agency review. Notwithstanding any other provision of law to the contrary, no unit of local government shall be liable for any injury resulting from the exercise of its authority pursuant to such a delegation agreement unless the injury is proximately caused by the willful and wanton negligence of an agent or employee of the unit of local government, and any policy of insurance coverage issued to a unit of local government may provide for the denial of liability and the nonpayment of claims based upon injuries for which the unit of local government is not liable pursuant to this subsection (r).

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

(t) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of wastewater facilities in both incorporated and unincorporated areas. With respect to all monies appropriated from the Build Illinois Bond

Fund for wastewater facility grants, the Agency shall make distributions in conformity with the rules and regulations established pursuant to the Anti-Pollution Bond Act, as now or hereafter amended.

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

(v) (Blank.)

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

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

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

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

(z) To the extent permitted by any applicable federal law or regulation, for all work performed for State construction projects which are funded in whole or in part by a capital infrastructure bill enacted by the 96th General Assembly by sums appropriated to the Environmental Protection Agency, at least 50% of the total labor hours must be performed by actual residents of the State of Illinois. For purposes of this subsection, "actual residents of the State of Illinois" means persons domiciled in the State of Illinois. The Department of Labor shall promulgate rules providing for the enforcement of this subsection.

(aa) The Agency may adopt rules requiring the electronic submission of any information required to be submitted to the Agency pursuant to any State or federal law or regulation or any court or Board order. Any rules adopted under this subsection (aa) must include, but are not limited to, identification of the information to be submitted electronically.

(Source: P.A. 102-1071, eff. 6-10-22.)

Section 15-40. The Reimagine Public Safety Act is amended by changing Section 35-20 as follows:  
(430 ILCS 69/35-20)

Sec. 35-20. Office of Firearm Violence Prevention.

(a) On or before October 1, 2021, an Office of Firearm Violence Prevention is established within the Illinois Department of Human Services. The Assistant Secretary of Violence Prevention shall report his or her actions to the Secretary of Human Services and the Office of the Governor. The Office shall have the authority to coordinate and integrate all programs and services listed in this Act and other programs and services the Governor establishes by executive order to maximize an integrated approach to reducing Illinois' firearm violence epidemic and ultimately ending this public health crisis.

(b) The Department of Human Services and the Office of Firearm Violence Prevention shall have grant making, operational, and procurement authority to distribute funds to violence prevention organizations, youth development organizations, high-risk youth intervention organizations, approved technical assistance and training providers, evaluation and assessment organizations, and other entities necessary to execute the functions established in this Act and other programs and services the Governor establishes by executive order for the Department and the Office.

(c) The Assistant Secretary of Firearm Violence Prevention shall be appointed by the Governor with the advice and consent of the Senate. The Assistant Secretary of Firearm Violence Prevention shall receive an annual salary of \$170,000 or as set by the Governor, whichever is higher, and, beginning July 1, 2023,

shall be compensated from appropriations provided to the Comptroller for this purpose. On July 1, 2023, and on each July 1 thereafter, the Assistant Secretary shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. The Assistant Secretary of Firearm Violence Prevention shall report to the Secretary of Human Services and also report his or her actions to the Office of the Governor.

(d) For Illinois municipalities with a 1,000,000 or more population, the Office of Firearm Violence Prevention shall determine the 10 most violent neighborhoods. When possible, this shall be determined by measuring the number of per capita fatal and nonfatal firearm-shot victims, excluding self-inflicted incidents, from January 1, 2016 through December 31, 2020. These 10 communities shall qualify for grants under this Act and coordination of other State services from the Office of Firearm Violence Prevention. The Office shall, after identifying the top 10 neighborhoods, identify an additional 7 eligible neighborhoods by considering the number of victims in rank order in addition to the per capita rate. If appropriate, and subject to appropriation, the Office shall have the authority to consider adding up to 5 additional eligible neighborhoods or clusters of contiguous neighborhoods utilizing the same data sets so as to maximize the potential impact for firearm violence reduction. For Illinois municipalities with less than 1,000,000 residents and more than 35,000 residents, the Office of Firearm Violence Prevention shall identify the 10 municipalities or contiguous geographic areas that have the greatest concentrated firearm violence victims. When possible, this shall be determined by measuring the number of fatal and nonfatal firearm-shot victims, excluding self-inflicted incidents, from January 1, 2016 through December 31, 2020 divided by the number of residents for each municipality or area. These 10 municipalities or contiguous geographic areas and up to 5 additional municipalities or contiguous geographic areas identified by the Office of Firearm Violence Prevention shall qualify for grants under this Act and coordination of other State services from the Office of Firearm Violence Prevention. The Office of Firearm Violence Prevention shall consider factors listed in subsection (a) of Section 35-40 to determine up to 5 additional municipalities or contiguous geographic areas that qualify for grants under this Act. The Office of Firearm Violence Prevention may, subject to appropriation, identify up to 5 additional neighborhoods, municipalities, contiguous geographic areas, or other local government-identified boundary areas to receive funding under this Act after considering additional risk factors that contribute to community firearm violence. The data analysis to identify new eligible neighborhoods and municipalities shall be updated to reflect eligibility based on the most recently available 5 full years of data no more frequently than once every 3 years.

(e) The Office of Firearm Violence Prevention shall issue a report to the General Assembly no later than January 1 of each year that identifies communities within Illinois municipalities of 1,000,000 or more residents and municipalities with less than 1,000,000 residents and more than 35,000 residents that are experiencing concentrated firearm violence, explaining the investments that are being made to reduce concentrated firearm violence, and making further recommendations on how to end Illinois' firearm violence epidemic.

(Source: P.A. 102-16, eff. 6-17-21; 102-679, eff. 12-10-21.)

## ARTICLE 20

Section 20-5. The Illinois Power Agency Act is amended by changing Section 1-70 as follows:

(20 ILCS 3855/1-70)

Sec. 1-70. Agency officials.

(a) The Agency shall have a Director who meets the qualifications specified in Section 5-222 of the Civil Administrative Code of Illinois.

(b) Within the Illinois Power Agency, the Agency shall establish a Planning and Procurement Bureau and may establish a Resource Development Bureau. Each Bureau shall report to the Director.

(c) The Chief of the Planning and Procurement Bureau shall be appointed by the Director, at the Director's sole discretion, and (i) shall have at least 5 years of direct experience in electricity supply planning and procurement and (ii) shall also hold an advanced degree in risk management, law, business, or a related field.

(d) The Chief of the Resource Development Bureau may be appointed by the Director and (i) shall have at least 5 years of direct experience in electric generating project development and (ii) shall also hold an advanced degree in economics, engineering, law, business, or a related field.

(e) Notwithstanding any other provision of law, for terms beginning on or after January 16, 2023, the Director shall receive an annual salary of \$165,000. On July 1, 2023, and on each July 1 thereafter, the

[January 8, 2023]



Director shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly. ~~For terms ending before December 31, 2019, the Director shall receive an annual salary of \$100,000 or as set by the Executive Ethics Commission based on a review of comparable State agency director salaries, whichever is higher.~~ No annual salary for the Director or a Bureau Chief shall exceed the amount of salary set by law for the Governor that is in effect on July 1 of that fiscal year.

(f) The Director and each Bureau Chief ~~Bureau Chiefs~~ shall not, for 2 years prior to appointment or for 2 years after he or she leaves his or her position, be employed by an electric utility, independent power producer, power marketer, or alternative retail electric supplier regulated by the Commission or the Federal Energy Regulatory Commission.

(g) The Director and Bureau Chiefs are prohibited from: (i) owning, directly or indirectly, 5% or more of the voting capital stock of an electric utility, independent power producer, power marketer, or alternative retail electric supplier; (ii) being in any chain of successive ownership of 5% or more of the voting capital stock of any electric utility, independent power producer, power marketer, or alternative retail electric supplier; (iii) receiving any form of compensation, fee, payment, or other consideration from an electric utility, independent power producer, power marketer, or alternative retail electric supplier, including legal fees, consulting fees, bonuses, or other sums. These limitations do not apply to any compensation received pursuant to a defined benefit plan or other form of deferred compensation, provided that the individual has otherwise severed all ties to the utility, power producer, power marketer, or alternative retail electric supplier.

(Source: P.A. 102-662, eff. 9-15-21.)

## ARTICLE 25

Section 25-5. The Commission on Equity and Inclusion Act is amended by changing Section 40-5 as follows:

(30 ILCS 574/40-5)

Sec. 40-5. Commission on Equity and Inclusion.

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

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

Thereafter, each member shall serve for a term of 4 years and until his or her successor is appointed and qualified; except that any member chosen to fill a vacancy occurring otherwise than by expiration of a term shall be appointed only for the unexpired term of the member whom he or she shall succeed and until his or her successor is appointed and qualified.

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

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

(e) The Commission shall have an Executive Director who is appointed by the Governor and who shall be the chief administrative and operational officer of the Commission, shall direct and supervise its administrative affairs and general management, and perform such other duties as may be prescribed from time to time by the Commission. Notwithstanding any other provision of law, beginning on the effective

date of this amendatory Act of the 102nd General Assembly, the Executive Director shall receive an annual salary as set by the Governor.

The Executive Director or any committee of the Commission may carry out such responsibilities of the Commission as the Commission by resolution may delegate. The Executive Director shall attend all meetings of the Commission; however, no action of the Commission shall be invalid on account of the absence of the Executive Director from a meeting. The Executive Director may employ and determine the compensation of staff, as appropriations permit.

(f) The budget established for the Commission for any given fiscal year shall be no less than that established for the Human Rights Commission for that same fiscal year.

(Source: P.A. 101-657, eff. 1-1-22.)

#### ARTICLE 30

Section 30-5. The Salaries Act is amended by changing Section 1 as follows:

(5 ILCS 290/1) (from Ch. 53, par. 1)

Sec. 1. There shall be allowed and paid an annual salary in lieu of all other salaries, fees, perquisites, benefit of compensation in any form whatsoever, to each of the officers herein named, the following respectively: -

(1) For terms beginning before January 9, 2023:

To the Governor, a salary set by the Compensation Review Board, together with the use and occupancy of the executive mansion.

To the Lieutenant Governor, a salary set by the Compensation Review Board.

To the Secretary of State, a salary set by the Compensation Review Board.

To the Comptroller, a salary set by the Compensation Review Board.

To the Treasurer, a salary set by the Compensation Review Board.

To the Attorney General, a salary set by the Compensation Review Board.

(2) For terms beginning on or after January 9, 2023:

To the Governor, a salary of \$205,700 or as set by the Compensation Review Board, whichever is greater, together with the use and occupancy of the executive mansion.

To the Lieutenant Governor, a salary of \$160,900 or as set by the Compensation Review Board, whichever is greater.

To the Secretary of State, a salary of \$183,300 or as set by the Compensation Review Board, whichever is greater.

To the Comptroller, a salary of \$160,900 or as set by the Compensation Review Board, whichever is greater.

To the Treasurer, a salary of \$160,900 or as set by the Compensation Review Board, whichever is greater.

To the Attorney General, a salary of \$183,300 or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 89-657, eff. 8-14-96.)

#### ARTICLE 35

Section 35-5. The General Assembly Compensation Act is amended by changing Section 1 as follows:

(25 ILCS 115/1) (from Ch. 63, par. 14)

Sec. 1. Each member of the General Assembly shall receive an annual salary of \$28,000 or as set by the Compensation Review Board, whichever is greater. Beginning with the 103rd General Assembly, each member of the General Assembly shall receive an annual salary of \$85,000 or as set by the Compensation Review Board, whichever is greater. The following named officers, committee chairmen and committee minority spokesmen shall receive additional amounts per year for their services as such officers, committee chairmen and committee minority spokesmen respectively, as set by the Compensation Review Board or, as follows, whichever is greater: Beginning the second Wednesday in January 1989, the Speaker and the minority leader of the House of Representatives and the President and the minority leader of the Senate, \$16,000 each; the majority leader in the House of Representatives \$13,500; 5 assistant majority leaders and 5 assistant minority leaders in the Senate, \$12,000 each; 6 assistant majority leaders and 6 assistant minority

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leaders in the House of Representatives, \$10,500 each; 2 Deputy Majority leaders in the House of Representatives \$11,500 each; and 2 Deputy Minority leaders in the House of Representatives, \$11,500 each; the majority caucus chairman and minority caucus chairman in the Senate, \$12,000 each; and beginning the second Wednesday in January, 1989, the majority conference chairman and the minority conference chairman in the House of Representatives, \$10,500 each; beginning the second Wednesday in January, 1989, the chairman and minority spokesman of each standing committee of the Senate, except the Rules Committee, the Committee on Committees, and the Committee on Assignment of Bills, \$6,000 each; and beginning the second Wednesday in January, 1989, the chairman and minority spokesman of each standing and select committee of the House of Representatives, \$6,000 each; and beginning fiscal year 2020, the majority leader in the Senate, an amount equal to the majority leader in the House. For any General Assembly in which the majority party in the House of Representatives has 71 or more elected Representatives, the majority party shall have one additional majority officer who shall have the title of speaker pro tempore and who shall receive an amount equal to the majority leader in the House and one majority officer who shall receive an amount equal to an assistant majority leader in the House of Representatives. For any General Assembly in which the majority party in the Senate has 36 or more elected Senators, the majority party shall have one additional majority officer who shall receive an amount equal to the majority leader in the House and one majority officer who shall receive an amount equal to an assistant majority leader in the Senate. A member who serves in more than one position as an officer, committee chairman, or committee minority spokesman shall receive only one additional amount based on the position paying the highest additional amount. Prior to the 103rd General Assembly, the compensation provided for in this Section to be paid per year to members of the General Assembly, including the additional sums payable per year to officers of the General Assembly shall be paid in 12 equal monthly installments. The first such installment is payable on January 31, 1977. All subsequent equal monthly installments are payable on the last working day of the month. Prior to the 103rd General Assembly, a member who has held office any part of a month is entitled to compensation for an entire month.

Beginning with the 103rd General Assembly, the compensation provided for in this Section to be paid per year to members of the General Assembly, including additional sums payable per year to officers of the General Assembly, shall be paid bi-monthly. Members who resign before completing the entire term in office shall be compensated on a prorated basis. Members completing the term of a vacancy shall be compensated on a prorated basis.

Mileage shall be paid at the rate of 20 cents per mile before January 9, 1985, and at the mileage allowance rate in effect under regulations promulgated pursuant to 5 U.S.C. 5707(b)(2) beginning January 9, 1985, for the number of actual highway miles necessarily and conveniently traveled by the most feasible route to be present upon convening of the sessions of the General Assembly by such member in each and every trip during each session in going to and returning from the seat of government, to be computed by the Comptroller. A member traveling by public transportation for such purposes, however, shall be paid his actual cost of that transportation instead of on the mileage rate if his cost of public transportation exceeds the amount to which he would be entitled on a mileage basis. No member may be paid, whether on a mileage basis or for actual costs of public transportation, for more than one such trip for each week the General Assembly is actually in session. Each member shall also receive an allowance of \$36 per day for lodging and meals while in attendance at sessions of the General Assembly before January 9, 1985; beginning January 9, 1985, such food and lodging allowance shall be equal to the amount per day permitted to be deducted for such expenses under the Internal Revenue Code; however, beginning May 31, 1995, no allowance for food and lodging while in attendance at sessions is authorized for periods of time after the last day in May of each calendar year, except (i) if the General Assembly is convened in special session by either the Governor or the presiding officers of both houses, as provided by subsection (b) of Section 5 of Article IV of the Illinois Constitution or (ii) if the General Assembly is convened to consider bills vetoed, item vetoed, reduced, or returned with specific recommendations for change by the Governor as provided in Section 9 of Article IV of the Illinois Constitution. For fiscal year 2011 and for session days in fiscal years 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019 only (i) the allowance for lodging and meals is \$111 per day and (ii) mileage for automobile travel shall be reimbursed at a rate of \$0.39 per mile.

Notwithstanding any other provision of law to the contrary, beginning in fiscal year 2012, travel reimbursement for General Assembly members on non-session days shall be calculated using the guidelines set forth by the Legislative Travel Control Board, except that fiscal year 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019 mileage reimbursement is set at a rate of \$0.39 per mile.

If a member dies having received only a portion of the amount payable as compensation, the unpaid balance shall be paid to the surviving spouse of such member, or, if there be none, to the estate of such member.

(Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21; 102-664, eff. 1-1-22.)

#### ARTICLE 40

Section 40-5. The Legislative Materials Act is amended by changing Section 1 as follows:  
(25 ILCS 105/1) (from Ch. 63, par. 801)

Sec. 1. Fees.

(a) The Clerk of the House of Representatives may establish a schedule of reasonable fees to be charged for providing copies of daily and bound journals, committee documents, committee tape recordings, transcripts of committee proceedings, and committee notices, for providing copies of bills on a continuing or individual basis, and for providing tape recordings and transcripts of floor debates and other proceedings of the House.

(b) The Secretary of the Senate may establish a schedule of reasonable fees to be charged for providing copies of daily and bound journals, committee notices, for providing copies of bills on a continuing or individual basis, and for providing tape recordings and transcripts of floor debates and other proceedings of the Senate.

(c) The Clerk of the House of Representatives and the Secretary of the Senate may establish a schedule of reasonable fees to be charged for providing live audio of floor debates and other proceedings of the House of Representatives and the Senate. The Clerk and the Secretary shall have complete discretion over the distribution of live audio under this subsection (c), including discretion over the conditions under which live audio shall be distributed, except that live audio shall be distributed to the General Assembly and its staffs. Nothing in this subsection (c) shall be construed to create an obligation on the part of the Clerk or Secretary to provide live audio to any person or entity other than to the General Assembly and its staffs.

(c-5) The Clerk of the House of Representatives, to the extent authorized by the House Rules, and the Secretary of the Senate, to the extent authorized by the Rules of the Senate, may establish a schedule of reasonable fees to be charged to members for the preparation, filing, and reproduction of non-substantive resolutions.

(c-10) Through December 31, 2010, the Clerk of the House of Representatives may sell to a member of the House of Representatives one or more of the chairs that comprise member seating in the House chamber. The Clerk must charge the original cost of the chairs.

(c-15) Through December 31, 2010, the Secretary of the Senate may sell to a member of the Senate one or more of the chairs that comprise member seating in the Senate chamber. The Secretary must charge the original cost of the chairs.

(d) Receipts from all fees and charges established under this Section shall be deposited by the Clerk and the Secretary into the General Assembly Operations Revolving Fund, a special fund in the State treasury. Amounts in the Fund may be appropriated for the operations of the offices of the Clerk of the House of Representatives and the Secretary of the Senate, including the replacement of items sold under subsections (c-10) and (c-15).

(Source: P.A. 95-21, eff. 8-3-07.)

#### ARTICLE 99

Section 99-997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99-999. Effective date. This Act takes effect upon becoming law, except that Section 5-27 takes effect upon becoming law or on the date House Bill 4285 of the 102nd General Assembly takes effect, whichever is later and Section 5-36 takes effect July 1, 2024."

Under the rules, the foregoing **Senate Bill No. 1720**, with House Amendment No. 3, was referred to the Secretary's Desk.

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### JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment No. 3 to Senate Bill 1720

### PRESENTATION OF RESOLUTION

#### SENATE RESOLUTION NO. 1381

Offered by Senator Feigenholtz and all Senators:  
Mourns the passing of Charlotte Newfeld.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its January 8, 2023 meeting, reported that the following Legislative Measure has been approved for consideration:

#### Motion to Concur in House Amendment No. 3 to Senate Bill 1720

The foregoing concurrence was placed on the Senate Calendar.

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its January 8, 2023 meeting, to which was referred **House Bill No. 2870**, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its January 8, 2023 meeting, reported that the following Legislative Measures have been approved for consideration:

#### Floor Amendment No. 4 to House Bill 969

#### Floor Amendment No. 4 to House Bill 4412

The foregoing floor amendments were placed on the Secretary's Desk.

### HOUSE BILL RECALLED

On motion of Senator Villa, **House Bill No. 1688** was recalled from the order of third reading to the order of second reading.

Senator Villa offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 1688

AMENDMENT NO. 1. Amend House Bill 1688 on page 8, line 8, by changing "The Secretary" to "By January 1, 2024, the Secretary".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Villa, **House Bill No. 1688** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 51; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Mattson	Stadelman
Aquino	Gillespie	McClure	Stoller
Bailey	Glowiak Hilton	McConchie	Syverson
Belt	Hall	Morrison	Tharp
Bennett	Harris	Murphy	Turner, D.
Bryant	Hastings	Pacione-Zayas	Turner, S.
Castro	Hunter	Pappas	Van Pelt
Cervantes	Johnson	Peters	Villa
Collins	Jones, E.	Plummer	Villanueva
Cunningham	Joyce	Rezin	Villivalam
Curran	Koehler	Rose	Wilcox
DeWitte	Landek	Simmons	Mr. President
Ellman	Loughran Cappel	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

**HOUSE BILL RECALLED**

On motion of Senator Cunningham, **House Bill No. 4412** was recalled from the order of third reading to the order of second reading.

Senator Cunningham offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO HOUSE BILL 4412**

AMENDMENT NO. 1 . Amend House Bill 4412 by replacing everything after the enacting clause with the following:

"Section 5. The State Officials and Employees Ethics Act is amended by changing Section 20-5 as follows:

(5 ILCS 430/20-5)

Sec. 20-5. Executive Ethics Commission.

(a) The Executive Ethics Commission is created.

(b) The Executive Ethics Commission shall consist of 9 commissioners. The Governor shall appoint 5 commissioners, and the Attorney General, Secretary of State, Comptroller, and Treasurer shall each appoint one commissioner. Appointments shall be made by and with the advice and consent of the Senate by three-fifths of the elected members concurring by record vote. Any nomination not acted upon by the Senate within 60 session days of the receipt thereof shall be deemed to have received the advice and consent of the Senate. If, during a recess of the Senate, there is a vacancy in an office of commissioner, the appointing authority shall make a temporary appointment until the next meeting of the Senate when the appointing authority shall make a nomination to fill that office. No person rejected for an office of commissioner shall, except by the Senate's request, be nominated again for that office at the same session of the Senate or be

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appointed to that office during a recess of that Senate. No more than 5 commissioners may be of the same political party.

The terms of the initial commissioners shall commence upon qualification. Four initial appointees of the Governor, as designated by the Governor, shall serve terms running through June 30, 2007. One initial appointee of the Governor, as designated by the Governor, and the initial appointees of the Attorney General, Secretary of State, Comptroller, and Treasurer shall serve terms running through June 30, 2008. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial terms, commissioners shall serve for 4-year terms commencing on July 1 of the year of appointment and running through June 30 of the fourth following year. Commissioners may be reappointed to one or more subsequent terms.

Vacancies occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the commissioner whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The appointing authorities shall appoint commissioners who have experience holding governmental office or employment and shall appoint commissioners from the general public. A person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude, (ii) is, or was within the preceding 12 months, engaged in activities that require registration under the Lobbyist Registration Act, (iii) is related to the appointing authority, or (iv) is a State officer or employee.

(d) The Executive Ethics Commission shall have jurisdiction over all officers and employees of State agencies other than the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, the legislative support services agencies, and the Office of the Auditor General. The Executive Ethics Commission shall have jurisdiction over all board members and employees of Regional Transit Boards. The jurisdiction of the Commission is limited to matters arising under this Act, except as provided in subsection (d-5).

A member or legislative branch State employee serving on an executive branch board or commission remains subject to the jurisdiction of the Legislative Ethics Commission and is not subject to the jurisdiction of the Executive Ethics Commission.

(d-5) The Executive Ethics Commission shall have jurisdiction over all chief procurement officers and procurement compliance monitors and their respective staffs. The Executive Ethics Commission shall have jurisdiction over any matters arising under the Illinois Procurement Code if the Commission is given explicit authority in that Code.

(d-6) (1) The Executive Ethics Commission shall have jurisdiction over the Illinois Power Agency and its staff. The Director of the Agency shall be appointed by a majority of the commissioners of the Executive Ethics Commission, subject to Senate confirmation, for a term of 2 years for appointments made before the effective date of this amendatory Act of the 102nd General Assembly and for a term of 4 years for appointments made on or after the effective date of this amendatory Act of the 102nd General Assembly. The Director is removable for cause by a majority of the Commission upon a finding of neglect, malfeasance, absence, or incompetence.

(2) In case of a vacancy in the office of Director of the Illinois Power Agency during a recess of the Senate, the Executive Ethics Commission may make a temporary appointment until the next meeting of the Senate, at which time the Executive Ethics Commission shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. Nothing in this subsection shall prohibit the Executive Ethics Commission from removing a temporary appointee or from appointing a temporary appointee as the Director of the Illinois Power Agency.

(3) Prior to June 1, 2012, the Executive Ethics Commission may, until the Director of the Illinois Power Agency is appointed and qualified or a temporary appointment is made pursuant to paragraph (2) of this subsection, designate some person as an acting Director to execute the powers and discharge the duties vested by law in that Director. An acting Director shall serve no later than 60 calendar days, or upon the making of an appointment pursuant to paragraph (1) or (2) of this subsection, whichever is earlier. Nothing in this subsection shall prohibit the Executive Ethics Commission from removing an acting Director or from appointing an acting Director as the Director of the Illinois Power Agency.

(4) No person rejected by the Senate for the office of Director of the Illinois Power Agency shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

(d-7) The Executive Ethics Commission shall have jurisdiction over complainants and respondents in violation of subsection (d) of Section 20-90.

(e) The Executive Ethics Commission must meet, either in person or by other technological means, at least monthly and as often as necessary. At the first meeting of the Executive Ethics Commission, the commissioners shall choose from their number a chairperson and other officers that they deem appropriate. The terms of officers shall be for 2 years commencing July 1 and running through June 30 of the second following year. Meetings shall be held at the call of the chairperson or any 3 commissioners. Official action by the Commission shall require the affirmative vote of 5 commissioners, and a quorum shall consist of 5 commissioners. Commissioners shall receive compensation in an amount equal to the compensation of members of the State Board of Elections and may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.

(f) No commissioner or employee of the Executive Ethics Commission may during his or her term of appointment or employment:

(1) become a candidate for any elective office;

(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;

(3) be actively involved in the affairs of any political party or political organization; or

(4) advocate for the appointment of another person to an appointed or elected office or position or actively participate in any campaign for any elective office.

(g) An appointing authority may remove a commissioner only for cause.

(h) The Executive Ethics Commission shall appoint an Executive Director. The compensation of the Executive Director shall be as determined by the Commission. The Executive Director of the Executive Ethics Commission may employ and determine the compensation of staff, as appropriations permit.

(i) The Executive Ethics Commission shall appoint, by a majority of the members appointed to the Commission, chief procurement officers and may appoint procurement compliance monitors in accordance with the provisions of the Illinois Procurement Code. The compensation of a chief procurement officer and procurement compliance monitor shall be determined by the Commission.

(Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 8-9-19; 101-617, eff. 12-20-19.)

Section 10. The Civil Administrative Code of Illinois is amended by changing Section 5-222 as follows:

(20 ILCS 5/5-222)

Sec. 5-222. Director of the Illinois Power Agency. The Director of the Illinois Power Agency must have at least 10 ~~15~~ years of combined experience in the electric industry, electricity policy, or electricity markets and must possess: (i) general knowledge of the responsibilities of being a director, (ii) managerial experience, and (iii) an advanced degree in economics, risk management, law, business, engineering, or a related field. The Director of Illinois Power Agency must have experience with the renewable energy industry and understanding of the programs established by Public Act 102-662 intended to promote equity in the renewable energy industry.

(Source: P.A. 95-481, eff. 8-28-07.)

Section 15. The Department of Commerce and Economic Opportunity Law is amended by adding Section 1105 as follows:

(20 ILCS 605/1105 new)

Sec. 1105. Power price mitigation assistance. Subject to Appropriation the Department shall transfer \$200,000,000 to an eligible electric utility serving adversely impacted residential and small commercial customers pursuant to Section 16-107.7 of the Public Utilities Act. This Section is repealed December 31, 2024.

Section 20. The Energy Transition Act is amended by changing Sections 5-5 and 5-40 as follows:

(20 ILCS 730/5-5)

(Section scheduled to be repealed on September 15, 2045)

Sec. 5-5. Definitions. As used in this Act:



"Apprentice" means a participant in an apprenticeship program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

"Apprenticeship program" means an apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

"Black, indigenous, and people of color" or "BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Community-based organizations" means an organization that: (1) provides employment, skill development, or related services to members of the community; (2) includes community colleges, nonprofits, and local governments; (3) utilizes at least one training facility in the community or region it serves ~~has at least one main operating office in the community or region it serves~~; and (4) demonstrates relationships with local residents and other organizations serving the community.

"Department" means the Department of Commerce and Economic Opportunity, unless the text solely specifies a particular Department.

"Director" means the Director of Commerce and Economic Opportunity.

"Equity eligible contractor" or "eligible contractor" means:

(1) a business that is majority-owned by equity investment eligible individuals or persons who are or have been participants in the Clean Jobs Workforce Network Program, Clean Energy Contractor Incubator Program, Returning Residents Clean Jobs Training Program, Illinois Climate Works Preapprenticeship Program, or Clean Energy Primes Contractor Accelerator Program;

(2) a nonprofit or cooperative that is majority-governed by equity investment eligible individuals or persons who are or have been participants in the Clean Jobs Workforce Network Program, Clean Energy Contractor Incubator Program, Returning Residents Clean Jobs Training Program, Illinois Climate Works Preapprenticeship Program, or Clean Energy Primes Contractor Accelerator Program; or

(3) an equity investment eligible person or an individual who is or has been a participant in the Clean Jobs Workforce Network Program, Clean Energy Contractor Incubator Program, Returning Residents Clean Jobs Training Program, Illinois Climate Works Preapprenticeship Program, or Clean Energy Primes Contractor Accelerator Program and who is offering personal services as an independent contractor.

"Equity focused populations" means: (i) low-income persons; (ii) persons residing in equity investment eligible communities; (iii) persons who identify as black, indigenous, and people of color; (iv) formerly convicted persons; (v) persons who are or were in the child welfare system; (vi) energy workers; (vii) dependents of displaced energy workers; (viii) women; (ix) LGBTQ+, transgender, or gender nonconforming persons; (x) persons with disabilities; and (xi) members of any of these groups who are also youth.

"Equity investment eligible community" and "eligible community" are synonymous and mean the geographic areas throughout Illinois which would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, the eligible community means the following areas:

(1) R3 Areas as established pursuant to Section 10-40 of the Cannabis Regulation and Tax Act, where residents have historically been excluded from economic opportunities, including opportunities in the energy sector; and

(2) Environmental justice communities, as defined by the Illinois Power Agency pursuant to the Illinois Power Agency Act, but excluding racial and ethnic indicators, where residents have historically been subject to disproportionate burdens of pollution, including pollution from the energy sector.

"Equity investment eligible person" and "eligible person" are synonymous and mean the persons who would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, eligible persons means the following people:

- (1) persons whose primary residence is in an equity investment eligible community;
- (2) persons who are graduates of or currently enrolled in the foster care system; or
- (3) persons who were formerly incarcerated.

"Climate Works Hub" means a nonprofit organization selected by the Department to act as a workforce intermediary and to participate in the Illinois Climate Works Preapprenticeship Program. To qualify as a Climate Works Hub, the organization must demonstrate the following:

- (1) the ability to effectively serve diverse and underrepresented populations, including by providing employment services to such populations;
- (2) experience with the construction and building trades;
- (3) the ability to recruit, prescreen, and provide preapprenticeship training to prepare workers for employment in the construction and building trades; and
- (4) a plan to provide the following:
  - (A) preparatory classes;
  - (B) workplace readiness skills, such as resume preparation and interviewing techniques;
  - (C) strategies for overcoming barriers to entry and completion of an apprenticeship program; and
  - (D) any prerequisites for acceptance into an apprenticeship program.

(Source: P.A. 102-662, eff. 9-15-21.)

(20 ILCS 730/5-40)

(Section scheduled to be repealed on September 15, 2045)

Sec. 5-40. Illinois Climate Works Preapprenticeship Program.

(a) Subject to appropriation, the Department shall develop, and through Regional Administrators administer, the Illinois Climate Works Preapprenticeship Program. The goal of the Illinois Climate Works Preapprenticeship Program is to create a network of hubs throughout the State that will recruit, prescreen, and provide preapprenticeship skills training, for which participants may attend free of charge and receive a stipend, to create a qualified, diverse pipeline of workers who are prepared for careers in the construction and building trades and clean energy jobs opportunities therein. Upon completion of the Illinois Climate Works Preapprenticeship Program, the candidates will be connected to and prepared to successfully complete an apprenticeship program.

(b) Each Climate Works Hub that receives funding from the Energy Transition Assistance Fund shall provide an annual report to the Illinois Works Review Panel by April 1 of each calendar year. The annual report shall include the following information:

- (1) a description of the Climate Works Hub's recruitment, screening, and training efforts, including a description of training related to construction and building trades opportunities in clean energy jobs;
- (2) the number of individuals who apply to, participate in, and complete the Climate Works Hub's program, broken down by race, gender, age, and veteran status;
- (3) the number of the individuals referenced in paragraph (2) of this subsection who are initially accepted and placed into apprenticeship programs in the construction and building trades; and
- (4) the number of individuals referenced in paragraph (2) of this subsection who remain in apprenticeship programs in the construction and building trades or have become journeymen one calendar year after their placement, as referenced in paragraph (3) of this subsection.

(c) Subject to appropriation, the Department shall provide funding to 3 Climate Works Hubs throughout the State, including one to the Illinois Department of Transportation Region 1, one to the Illinois Department of Transportation Regions 2 and 3, and one to the Illinois Department of Transportation Regions 4 and 5. An eligible organization may serve as the designated Climate Works Hub for all 5 regions. Climate Works Hubs shall be awarded grants in multi-year increments not to exceed 36 months. Each grant shall come with a one year initial term, with the Department renewing each year for 2 additional years unless the grantee either declines to continue or fails to meet reasonable performance measures that consider apprenticeship programs timeframes. The Department shall initially select a community-based provider in each region and shall subsequently select a community-based provider in each region every 3 years. The Department may take into account experience and performance as a previous grantee of the Climate Works Hub as part of the selection criteria for subsequent years.

(d) Each Climate Works Hub that receives funding from the Energy Transition Assistance Fund shall:

- (1) recruit, prescreen, and provide preapprenticeship training to equity investment eligible persons;
- (2) provide training information related to opportunities and certifications relevant to clean energy jobs in the construction and building trades; and
- (3) provide preapprentices with stipends they receive that may vary depending on the occupation the individual is training for.

(d-5) Priority shall be given to Climate Works Hubs that have an agreement with North American Building Trades Unions (NABTU) to utilize the Multi-Craft Core Curriculum or successor curriculums.

(e) Funding for the Program is subject to appropriation from the Energy Transition Assistance Fund.

(f) The Department shall adopt any rules deemed necessary to implement this Section.

(Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)

Section 25. The Illinois Power Agency Act is amended by changing Section 1-70 as follows:

(20 ILCS 3855/1-70)

Sec. 1-70. Agency officials.

(a) The Agency shall have a Director who meets the qualifications specified in Section 5-222 of the Civil Administrative Code of Illinois.

(b) Within the Illinois Power Agency, the Agency shall establish a Planning and Procurement Bureau and may establish a Resource Development Bureau. Each Bureau shall report to the Director.

(c) The Chief of the Planning and Procurement Bureau shall be appointed by the Director, at the Director's sole discretion, and (i) shall have at least 5 years of direct experience in electricity supply planning and procurement and (ii) shall also hold an advanced degree in risk management, law, business, or a related field.

(d) The Chief of the Resource Development Bureau may be appointed by the Director and (i) shall have at least 5 years of direct experience in electric generating project development and (ii) shall also hold an advanced degree in economics, engineering, law, business, or a related field.

(e) For terms beginning on or after the effective date of this amendatory Act of the 102nd General Assembly ending before December 31, 2019, the Director shall receive an annual salary in an amount equal to the annual salary provided to the Director of the Environmental Protection Agency under Section 4 of the Environmental Protection Act of \$100,000 or as set by the Executive Ethics Commission based on a review of comparable State agency director salaries, whichever is higher. No annual salary for the Director or a Bureau Chief shall exceed the amount of salary set by law for the Governor that is in effect on July 1 of that fiscal year.

(f) The Director and Bureau Chiefs shall not, for 2 years prior to employment appointment or for 2 years after he or she leaves his or her position, be employed as a full time employee of by an electric utility, independent power producer, power marketer, or alternative retail electric supplier regulated by the Commission or the Federal Energy Regulatory Commission. The Director and Bureau Chiefs shall not, for 2 years after he or she leaves his or her position, be employed by an electric utility, independent power producer, power marketer, or alternative retail electric supplier regulated by the Commission or the Federal Energy Regulatory Commission.

(g) The Director and Bureau Chiefs are prohibited from: (i) owning, directly or indirectly, 5% or more of the voting capital stock of an electric utility, independent power producer, power marketer, or alternative retail electric supplier; (ii) being in any chain of successive ownership of 5% or more of the voting capital stock of any electric utility, independent power producer, power marketer, or alternative retail electric supplier; (iii) receiving any form of compensation, fee, payment, or other consideration from an electric utility, independent power producer, power marketer, or alternative retail electric supplier, including legal fees, consulting fees, bonuses, or other sums. These limitations do not apply to any compensation received pursuant to a defined benefit plan or other form of deferred compensation, provided that the individual has otherwise severed all ties to the utility, power producer, power marketer, or alternative retail electric supplier.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 30. The Counties Code is amended by changing Section 5-12020 as follows:

(55 ILCS 5/5-12020)

Sec. 5-12020. Commercial Wind farms, electric generating wind devices, and commercial wind energy facilities and commercial solar energy facilities.

(a) As used in this Section:

"Commercial solar energy facility" means a "commercial solar energy system" as defined in Section 10-720 of the Property Tax Code. "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.

"Commercial wind energy facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. "Commercial wind energy facility" includes a wind

energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of this amendatory Act of the 102nd General Assembly.

"Facility owner" means (i) a person with a direct ownership interest in a commercial wind energy facility or a commercial solar energy facility, or both, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

"Nonparticipating property" means real property that is not a participating property.

"Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

"Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

"Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities.

"Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

"Protected lands" means real property that is:

(1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or

(2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"Supporting facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility or commercial solar energy facility.

"Wind tower" includes the wind turbine tower, nacelle, and blades.

(b) Notwithstanding any other provision of law or whether the county has formed a zoning commission and adopted formal zoning under Section 5-12007, a county may establish standards for commercial wind energy facilities, commercial solar energy facilities, or both ~~wind farms and electric generating wind devices~~. The standards may include all of the requirements specified in this Section but may not include requirements for commercial wind energy facilities or commercial solar energy facilities that are more restrictive than specified in this Section, ~~without limitation, the height of the devices and the number of devices that may be located within a geographic area.~~ A county may also regulate the siting of commercial wind energy facilities with standards that are not more restrictive than the requirements specified in this Section ~~wind farms and electric generating wind devices~~ in unincorporated areas of the county that are outside of the zoning jurisdiction of a municipality and that are outside the 1.5-mile radius surrounding the zoning jurisdiction of a municipality.

(c) If a county has elected to establish standards under subsection (b), before the county grants siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, the county board of the county in which the facility is to be sited or the zoning board of appeals for the county shall hold ~~There shall be~~ at least one public hearing. The public hearing shall be conducted in accordance with the Open Meetings Act and shall be held not more than 45 days after the filing of the application for the facility. The county shall allow interested parties to a special use permit an opportunity to present evidence and to cross-examine witnesses at the hearing, but the county may impose reasonable restrictions on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. The county shall also allow public comment at the public hearing in accordance with the Open Meetings Act. The county shall make its siting and permitting decisions not more than 30 days after the conclusion of the public

~~hearing prior to a siting decision by the county board. Notice of the hearing shall be published in a newspaper of general circulation in the county. A commercial wind energy facility owner, as defined in the Renewable Energy Facilities Agricultural Impact Mitigation Act, must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a county prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to a decision by the county to grant the permit extension. Counties may allow test wind towers or test solar energy systems to be sited without formal approval by the county board. Any provision of a county zoning ordinance pertaining to wind farms that is in effect before August 16, 2007 (the effective date of Public Act 95-203) may continue in effect notwithstanding any requirements of this Section.~~

(d) A county with an existing zoning ordinance in conflict with this Section shall amend that zoning ordinance to be in compliance with this Section within 120 days after the effective date of this amendatory Act of the 102nd General Assembly.

(e) A county may not require:

(1) a wind tower of a commercial wind energy facility to be sited as follows, with setback distances measured from the center of the base of the wind tower: or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line.

<u>Setback Description</u>	<u>Setback Distance</u>
<u>Occupied Community Buildings</u>	<u>2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure</u>
<u>Participating Residences</u>	<u>1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure</u>
<u>Nonparticipating Residences</u>	<u>2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure</u>
<u>Boundary Lines of Participating Property</u>	<u>None</u>
<u>Boundary Lines of Nonparticipating Property</u>	<u>1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property</u>
<u>Public Road Rights-of-Way</u>	<u>1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way</u>
<u>Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to</u>	<u>1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right of way containing the overhead line</u>

Individual Houses or Outbuildings)

Overhead Utility Service Lines to Individual Houses or Outbuildings                      None

Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands                      2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife area or protected land

This Section does not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

(2) a wind tower of a commercial wind energy facility to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions;

(3) a commercial solar energy facility to be sited as follows, with setback distances measured from the nearest edge of any component of the facility:

<u>Setback Description</u>	<u>Setback Distance</u>
<u>Occupied Community Buildings and Dwellings on Nonparticipating Properties</u>	<u>150 feet from the nearest point on the outside wall of the structure</u>
<u>Boundary Lines of Participating Property</u>	<u>None</u>
<u>Public Road Rights-of-Way</u>	<u>50 feet from the nearest edge</u>
<u>Boundary Lines of Nonparticipating Property</u>	<u>50 feet to the nearest point on the property line of the nonparticipating property</u>

(4) a commercial solar energy facility to be sited so that the facility's perimeter is enclosed by fencing having a height of at least 6 feet and no more than 25 feet; and

(5) a commercial solar energy facility to be sited so that no component of a solar panel has a height of more than 20 feet above ground when the solar energy facility's arrays are at full tilt.

The requirements set forth in this subsection (e) may be waived subject to the written consent of the owner of each affected nonparticipating property.

(f) A county may not set a sound limitation for wind towers in commercial wind energy facilities or any components in commercial solar energy facility that is more restrictive than the sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

(g) A county may not place any restriction on the installation or use of a commercial wind energy facility or a commercial solar energy facility unless it adopts an ordinance that complies with this Section. A county may not establish siting standards for supporting facilities that preclude development of commercial wind energy facilities or commercial solar energy facilities.

A request for siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, shall be approved if the request is in compliance with the standards and conditions imposed in this Act, the zoning

ordinance adopted consistent with this Code, and the conditions imposed under State and federal statutes and regulations.

(h) A county may not adopt zoning regulations that disallow, permanently or temporarily, commercial wind energy facilities or commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.

(i) A county may not require permit application fees for a commercial wind energy facility or commercial solar energy facility that are unreasonable. All application fees imposed by the county shall be consistent with fees for projects in the county with similar capital value and cost.

(j) Except as otherwise provided in this Section, a county shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy facility or commercial solar energy facility or related financial assurances that are more restrictive than those included in the Department of Agriculture's standard wind farm agricultural impact mitigation agreement, template 81818, or standard solar agricultural impact mitigation agreement, version 8.19.19, as applicable and in effect on December 31, 2022. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by those agricultural impact mitigation agreements, minus the salvage value of the project.

(k) A county may not condition approval of a commercial wind energy facility or commercial solar energy facility on a property value guarantee and may not require a facility owner to pay into a neighboring property devaluation escrow account.

(l) A county may require certain vegetative screening surrounding a commercial wind energy facility or commercial solar energy facility but may not require earthen berms or similar structures.

(m) A county may set blade tip height limitations for wind towers in commercial wind energy facilities but may not set a blade tip height limitation that is more restrictive than the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.

(n) A county may require that a commercial wind energy facility owner or commercial solar energy facility owner provide:

(1) the results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and

(2) the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines" and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

Only a county may establish standards for wind farms, electric generating wind devices, and commercial wind energy facilities, as that term is defined in Section 10 of the Renewable Energy Facilities Agricultural Impact Mitigation Act, in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and outside the 1.5 mile radius surrounding the zoning jurisdiction of a municipality.

(o) A county may require a commercial wind energy facility or commercial solar energy facility to adhere to the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

(p) A county may require a facility owner to:

(1) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or

(2) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

(q) A county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

(r) To maximize community benefits, including, but not limited to, reduced stormwater runoff, flooding, and erosion at the ground mounted solar energy system, improved soil health, and increased foraging habitat for game birds, songbirds, and pollinators, a county may (1) require a commercial solar energy facility owner to plant, establish, and maintain for the life of the facility vegetative ground cover, consistent with the goals of the Pollinator-Friendly Solar Site Act and (2) require the submittal of a vegetation management plan in the application to construct and operate a commercial solar energy facility in the county.

No later than 90 days after the effective date of this amendatory Act of the 102nd General Assembly, the Illinois Department of Natural Resources shall develop guidelines for vegetation management plans that may be required under this subsection for commercial solar energy facilities. The guidelines must include guidance for short-term and long-term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators.

(s) If a facility owner enters into a road use agreement with the Illinois Department of Transportation, a road district, or other unit of local government relating to a commercial wind energy facility or a commercial solar energy facility, the road use agreement shall require the facility owner to be responsible for (i) the reasonable cost of improving roads used by the facility owner to construct the commercial wind energy facility or the commercial solar energy facility and (ii) the reasonable cost of repairing roads used by the facility owner during construction of the commercial wind energy facility or the commercial solar energy facility so that those roads are in a condition that is safe for the driving public after the completion of the facility's construction. Roadways improved in preparation for and during the construction of the commercial wind energy facility or commercial solar energy facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

The road use agreement shall not require the facility owner to pay costs, fees, or charges for road work that is not specifically and uniquely attributable to the construction of the commercial wind energy facility or the commercial solar energy facility. Road-related fees, permit fees, or other charges imposed by the Illinois Department of Transportation, a road district, or other unit of local government under a road use agreement with the facility owner shall be reasonably related to the cost of administration of the road use agreement.

(t) Notwithstanding any other provision of law, a facility owner with siting approval from a county to construct a commercial wind energy facility or a commercial solar energy facility is authorized to cross or impact a drainage system, including, but not limited to, drainage tiles, open drainage districts, culverts, and water gathering vaults, owned or under the control of a drainage district under the Illinois Drainage Code without obtaining prior agreement or approval from the drainage district, except that the facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy facility or the commercial solar energy facility within a reasonable time after construction of the commercial wind energy facility or the commercial solar energy facility is complete.

(u) The amendments to this Section adopted in this amendatory Act of the 102nd General Assembly do not apply to (1) an application for siting approval or for a special use permit for a commercial wind energy facility or commercial solar energy facility if the application was submitted to a unit of local government before the effective date of this amendatory Act of the 102nd General Assembly or (2) a commercial wind energy facility or a commercial solar energy facility if the facility owner has submitted an agricultural impact mitigation agreement to the Department of Agriculture before the effective date of this amendatory Act of the 102nd General Assembly.

(Source: P.A. 100-598, eff. 6-29-18; 101-4, eff. 4-19-19.)

Section 35. The Public Utilities Act is amended by changing Section 8-402.2 as follows:

(220 ILCS 5/8-402.2)

Sec. 8-402.2. Public Schools Carbon-Free Assessment programs.

(a) Within one year after the effective date of this amendatory Act of the 102nd General Assembly, each electric utility serving over 500,000 retail customers in this State shall implement a Public Schools Carbon-Free Assessment program.

(b) Each utility's Public Schools Carbon-Free Assessment program shall include the following requirements:

(1) Each plan shall be designed to offer within the utility's service territory to assist public schools, as defined by Section 1-3 of the School Code, to increase the efficiency of their energy usage, to reduce the carbon emissions associated with their energy usage, and to move toward a goal of public schools being carbon-free in their energy usage by 2030. The program shall include a target of completing Public Schools Carbon-Free Assessment for all public schools in the utility's service territory by December 31, 2029.

(2) The Public Schools Carbon-Free Assessment shall be a generally standardized assessment, but may incorporate flexibility to reflect the circumstances of individual public schools and public school districts.



(3) The Public Schools Carbon-Free Assessment shall include, but not be limited to, comprehensive analyses of the following subjects:

(A) The top energy efficiency savings opportunities for the public school, by energy saved;

(B) The total achievable solar energy potential on or nearby a public school's premises and able to provide power to a school;

(C) The infrastructure required to support electrification of the facility's space heating and water heating needs;

(D) The infrastructure requirements to support electrification of a school's transportation needs; and

(E) The investments required to achieve a WELL Certification or similar certification as determined through methods developed and updated by the International WELL Building Institute or similar or successor organizations.

(4) The Public Schools Carbon-Free Assessment also shall include, but not be limited to, mechanical insulation evaluation inspection and inspection of the building envelope(s).

(5) With respect to those public school construction projects for public schools within the service territory of a utility serving over 500,000 retail customers in this State and for which a public school district applies for a grant under Section 5-40 of the School Construction Law on or after June 1, 2023, the district must submit a copy of the applicable Public Schools Carbon-Free Assessment report, or, if no such Public Schools Carbon-Free Assessment has been performed, request the applicable utility to perform such a Public Schools Carbon-Free Assessment and submit a copy of the Public Schools Carbon-Free Assessment report promptly when it becomes available. The Public Schools Carbon-Free Assessment report shall include, but not limited to, an energy audit of both the building envelope and the building's mechanical insulation system. It shall also include an inspection of both the building envelope and the mechanical insulation system. The district must demonstrate how the construction project is designed and managed to achieve the goals that all public elementary and secondary school facilities in the State are able to be powered by clean energy by 2030, and for such facilities to achieve carbon-free energy sources for space heat, water heat, and transportation by 2050.

(5.5) Each utility must retain a copy of each Public Schools Carbon-Free Assessment report.

(6) The results of each Public Schools Carbon-Free Assessment shall be memorialized by the utility or by a third party acting on behalf of the utility in a usable report form and shall be provided to the applicable public school. Each utility shall be required to retain a copy of each Public Schools Carbon-Free Assessment report and to provide confidential copies of each report to the Illinois Power Agency and the Illinois Capital Development Board within 3 months of its completion. The Illinois Power Agency shall promptly make the results of each Public Schools Carbon-Free Assessment available for public inspection on its website.

(7) The Public Schools Carbon-Free Assessment shall be conducted in coordination with each utility's energy efficiency and demand-response plans under Sections 8-103, 8-103A, and 8-103B of this Act, to the extent applicable. Nothing in this Section is intended to modify or require modification of those plans. However, the utility may request a modification of a plan approved by the Commission, and the Commission may approve the requested modification, if the modification is consistent with the provisions of this Section and Section 8-103B of this Act.

(8) If there are no other providers of assessments that are substantively the same as those being performed by utilities pursuant to this Section by 2024, a utility that has a Public Schools Carbon-Free Assessment program may offer assessments to public schools that are not served by a utility subject to this Section at the utility's cost.

(9) The Public Schools Carbon-Free Assessment shall be offered to and performed for public schools in the utility's service territory on a complimentary basis by each utility, with no Assessment fee charged to the public schools for the Assessments. Nothing in this Section is intended to prohibit the utility from recovering through rates approved by the Commission the utility's prudent and reasonable costs of complying with this Section.

(10) Utilities shall make efforts to prioritize the completion of Public Schools Carbon-Free Assessments for the following school districts by December 31, 2022: East St. Louis School District 189, Harvey School District 152, Thornton Township High School District 205. Utilities shall also prioritize the completion of Public Schools Carbon-Free Assessments for schools located within

environmental justice communities or schools that are categorized as a Tier 1 or Tier 2 school based on the latest annual evidence-based funding distribution process by the State Board of Education.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 40. The Public Utilities Act is amended by adding Section 16-107.7 as follows:

(220 ILCS 5/16-107.7 new)

Sec. 16-107.7. Power price mitigation rebate.

(a) Illinois electric utility customers have been impacted by unanticipated changes to electric power and capacity prices during a period of economic hardship associated with recent global events, including increasing gas prices due to the Russian invasion of Ukraine and the COVID-19 pandemic. The recent power and capacity procurement events affect the market prices paid by customers. Accordingly, as many customers have experienced increased electric utility bill impacts due to the increase in electric power and capacity prices, it is the policy of the State to assist qualifying customers through a power price mitigation rebate for the June 2023 through October 2024 electric utility billing cycle. As used in this Section, "small commercial customer" means those nonresidential retail customers of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area whose service has not yet been declared competitive pursuant to Section 16-113.

(b) Any electric utility serving adversely impacted residential and small commercial customers shall notify the Commission by April 15, 2023 of the same and provide the results of the calculations set forth in this subsection. As used in this Section, "electric utility serving adversely impacted residential and small commercial customers" means any electric utility that can demonstrate that the utility default power supply rate procured from the Illinois Power Agency and available to its residential and small commercial customers has experienced, or will experience, a more than 90% year-over-year total supply charge increase, as calculated by comparing the total supply charge effective on June 1, 2021, as reported by the electric utility to the Commission pursuant to subsection (i) of Section 16-111.5, and the total supply charge effective on June 1, 2022, as reported to the Commission pursuant to subsection (i) of Section 16-111.5. The total supply charge effective on June 1, 2021, and June 1, 2022, respectively, as reported pursuant to subsection (i) of Section 16-111.5, shall be used to calculate an electric utility's qualification under this Section and no other adjustments shall be made for purposes of the calculation, including, but not limited to, any transmission costs, purchased electricity adjustments, or any other credits. Any small multijurisdictional electric utility that relies upon company-owned generation resources, including fossil fueled generation, to supply the majority of its eligible State retail customers' energy and capacity needs shall be ineligible to file a notice or receive funding for rebate credits pursuant to this Section. The Commission shall have 5 days from the date of receipt of the utility's notice to review the calculations and notify the electric utility as to whether it qualifies as an electric utility serving adversely impacted residential and small commercial customers under this Section.

(c) Any electric utility that provides notice to the Commission of qualification under subsection (b) shall concurrently file a tariff with the Commission that provides for a monthly rebate credit to be given to all residential and small commercial customers, beginning as soon as is practicable following the effective date of this amendatory Act of the 102nd General Assembly. The tariff shall provide that the total funds appropriated by the Department of Commerce and Economic Opportunity shall be divided equally and issued to all of its active residential and small commercial customers, including customers that take supply service from alternative retail suppliers or real-time pricing tariffs. The tariff shall further provide that the monthly rebate credit will be reflected on, and applied to, customer bills beginning at the start of a monthly billing period and continue through the May 2023 billing period in a manner compliant with subsections (d) and (e). The tariff shall also provide that the utility may apply the monthly rebate credit to up to 5 monthly billing periods ending in October 2023, and the utility may aggregate monthly rebate credits. To the extent a rebate credit is greater than a customer's bill in a given month, the excess rebate credit amount shall apply to the next billing period, even if the billing period is after October 2023, until the customer's rebate credit has been fully applied.

(d) The Commission shall have 5 days from the date an electric utility files the tariff pursuant to subsection (c) to review the tariff for compliance with this Section, and, subject to appropriation to the Department of Commerce and Economic Opportunity for purposes of the power price mitigation, the tariff shall go into effect no later than 7 days from the original tariff filing date or one day from the date of any compliance filing, whichever is later. Upon the tariff becoming effective, the Commission shall notify the Department of Commerce and Economic Opportunity of any electric utility serving adversely impacted

residential and small commercial customers with an approved tariff that is eligible to receive funds to be used to pay for the monthly rebate credits issued pursuant to this Section. Upon receipt of notice from the Commission, the Department of Commerce and Economic Opportunity shall transfer \$200,000,000 to the eligible electric utility serving adversely impacted residential and small commercial customers.

(e) Each electric utility providing a monthly rebate credit to its customers pursuant to subsection (c) shall include at least the following statement as part of a bill insert or bill message provided with any bill reflecting a monthly rebate credit to customers: "Your bill has been reduced this month by the Power Price Mitigation Rebate Act passed by the Illinois General Assembly." The amount of the monthly rebate credit being applied for the billing period shall also be reflected on the customer's bill with the description "State Funded Power Price Mitigation Credit". The electric utility's obligation to reflect the information required by this subsection shall not extend past the October 2023 billing period.

(f) An electric utility with a tariff approved pursuant to subsection (c) shall be entitled to recover the reasonable and prudent expenses incurred to comply with this Section and shall have an obligation to provide monthly rebate credits to customers only to the extent there are funds available to the utility to provide the monthly rebate credits, as funded by the Department of Commerce and Economic Opportunity and subject to appropriation to the Department. Within 180 days from the date on which all allocated funds have been transferred to and applied by the electric utility, the electric utility shall notify the Commission and provide an accounting for all funds applied as a monthly rebate credit to its residential and small commercial customers. The electric utility shall take reasonable steps to apply all allocated funds it receives as monthly rebate credits. If any funds remain after the October 2023 billing period that have not been applied to residential or small commercial customers, the electric utility shall return such unapplied amounts to the Department of Commerce and Economic Opportunity by March 30, 2024. If the electric utility provides rebate credits to customers that exceed the available funds, the electric utility shall account for such amounts and the utility shall recover those amounts not to exceed 2% of the total available funds made available for the rebate credits as part of its next base rates increase pursuant to Article XVI or Article IX.

(g) This Section, except for this subsection and subsection (f), is inoperative on and after January 1, 2025.

(h) This Section may be referred to as the Power Price Mitigation Rebate Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cunningham offered the following amendment:

#### **AMENDMENT NO. 2 TO HOUSE BILL 4412**

AMENDMENT NO. 2. Amend House Bill 4412, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 1, line 4, by deleting "Section 5. The State Officials and Employees Ethics Act"; and

by deleting line 5 on page 1 through line 19 on page 7; and

on page 8, by deleting lines 12 through 20; and

by replacing line 18 on page 37 through line 3 on page 38 with the following:

"(6) The results of each Public Schools Carbon-Free Assessment shall be memorialized by the utility or by a third party acting on behalf of the utility in a usable report form that includes recommendations and redacts all confidential information and shall be provided to the applicable public school. Each utility shall be required to retain a copy of each Public Schools Carbon-Free Assessment report and to provide ~~confidential~~ copies of each usable report to the Illinois Power Agency and the Illinois Capital Development Board within 3 months of its completion. The Illinois Power Agency shall promptly make the results of each usable report available for public inspection on its website."; and

by deleting line 15 on page 39 through line 25 on page 44.

Senator Cunningham moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senator Cunningham offered the following amendment:

**AMENDMENT NO. 3 TO HOUSE BILL 4412**

AMENDMENT NO. 3 . Amend House Bill 4412, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 4, by deleting "Section 5. The State Officials and Employees Ethics Act"; and

by deleting line 5 on page 1 through line 19 on page 7; and

on page 37, by deleting lines 16 and 17; and

by replacing line 18 on page 37 through line 3 on page 38 with the following:

"(6) The results of each Public Schools Carbon-Free Assessment shall be memorialized by the utility or by a third party acting on behalf of the utility in a usable report form that includes recommendations and redacts all confidential information and shall be provided to the applicable public school. Each utility shall be required to retain a copy of each Public Schools Carbon-Free Assessment report and to provide ~~confidential~~ copies of each usable report to the Illinois Power Agency and the Illinois Capital Development Board within 3 months of its completion. The Illinois Power Agency shall promptly make the results of each usable report available for public inspection on its website."; and

on page 42, line 8, by replacing "May" with "October"; and

on page 43, line 5, by deleting "Upon receipt"; and

on page 43, by deleting lines 6 through 9.

Senator Cunningham moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senator Cunningham offered the following amendment and moved its adoption:

**AMENDMENT NO. 4 TO HOUSE BILL 4412**

AMENDMENT NO. 4 . Amend House Bill 4412, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 4, by deleting "Section 5. The State Officials and Employees Ethics Act"; and

by deleting line 5 on page 1 through line 19 on page 7; and

on page 8, by replacing line 15 through line 20 with the following:

"Sec. 1105. Power Price mitigation assistance. Subject to appropriation from such funds made available, the Department shall reimburse up to \$200,000,000 to an eligible electric utility serving adversely impacted residential and small commercial customers pursuant to Section 16-107.7 of the Public Utilities Act. This Section is repealed December 31, 2024."; and

on page 8, line 22, by replacing "Sections 5-5 and" with "Section"; and

by deleting line 1 on page 9 through line 7 on page 13; and

on page 15, by replacing lines 9 through 12 with the following: "~~that consider apprenticeship programs timeframes. The Department shall initially select a community-based provider in each region and shall subsequently select a community based provider in each region every 3 years.~~ The Department may take".

on page 37, by deleting lines 16 and 17; and

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by replacing line 18 on page 37 through line 3 on page 38 with the following:

"(6) The results of each Public Schools Carbon-Free Assessment shall be memorialized by the utility or by a third party acting on behalf of the utility in a non-confidential report form that includes recommendations and redacts all confidential information and shall be provided to the applicable public school. Each utility shall be required to retain a copy of each Public Schools Carbon-Free Assessment report and to provide ~~confidential~~ copies of each non-confidential report to the Illinois Power Agency and the Illinois Capital Development Board within 3 months of its completion. The Illinois Power Agency shall promptly make the results of each non-confidential report available for public inspection on its website."

on page 42, line 8, by replacing "May" with "October"; and

on page 43, line 5, by deleting "Upon receipt"; and

on page 43, by deleting lines 6 through 9.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

#### READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cunningham, **House Bill No. 4412** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 33; NAYS 17.

The following voted in the affirmative:

Aquino	Gillespie	Martwick	Tharp
Belt	Glowiak Hilton	Mattson	Van Pelt
Bennett	Hall	Morrison	Villa
Castro	Harris	Murphy	Villanueva
Cervantes	Hunter	Pacione-Zayas	Villivalam
Collins	Jones, E.	Pappas	Mr. President
Cunningham	Koehler	Peters	
Ellman	Lightford	Simmons	
Fine	Loughran Cappel	Sims	

The following voted in the negative:

Anderson	Fowler	Plummer	Turner, S.
Bailey	Joyce	Rezin	Wilcox
Bryant	Landek	Rose	
Curran	McClure	Stoller	
DeWitte	McConchie	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Harmon, **House Bill No. 2870** was taken up, read by title a second time and ordered to a third reading.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL  
ON SECRETARY'S DESK**

On motion of Senator Sims, **Senate Bill No. 1720**, with House Amendment No. 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sims moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 30; NAYS 21.

The following voted in the affirmative:

Aquino	Fine	Landek	Tharp
Bennett	Gillespie	Lightford	Van Pelt
Castro	Hall	Mattson	Villa
Cervantes	Harris	Morrison	Villanueva
Collins	Hunter	Pacione-Zayas	Villivalam
Cunningham	Johnson	Pappas	Mr. President
Ellman	Jones, E.	Peters	
Feigenholtz	Koehler	Sims	

The following voted in the negative:

Anderson	Glowiak Hilton	McConchie	Syverson
Bailey	Hastings	Murphy	Turner, S.
Bryant	Joyce	Plummer	Wilcox
Curran	Loughran Cappel	Rezin	
DeWitte	Martwick	Rose	
Fowler	McClure	Stoller	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 3 to **Senate Bill No. 1720**.

Ordered that the Secretary inform the House of Representatives thereof.

**MESSAGES FROM THE HOUSE**

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL NO. 45

A bill for AN ACT concerning government.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 45

Concurred in by the House, January 6, 2023.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

[January 8, 2023]

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL NO. 3878

A bill for AN ACT concerning local government.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3878

Senate Amendment No. 3 to HOUSE BILL NO. 3878

Concurred in by the House, January 6, 2023.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL NO. 4245

A bill for AN ACT concerning regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4245

Concurred in by the House, January 6, 2023.

JOHN W. HOLLMAN, Clerk of the House

#### **JOINT ACTION MOTIONS FILED**

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment No. 2 to Senate Bill 1001

Motion to Concur in House Amendment No. 1 to Senate Bill 1015

Senator Hunter asked and obtained unanimous consent for a Democrat caucus to meet immediately upon adjournment.

#### **COMMITTEE MEETING ANNOUNCEMENTS FOR JANUARY 9, 2023**

The Chair announced the following committee to meet at 9:00 o'clock a.m.:

Executive in Room 212

At the hour of 7:41 o'clock p.m., the Chair announced that the Senate stands adjourned until Monday, January 9, 2023, at 1:30 o'clock p.m.