AMENDMENT TO HOUSE BILL 2685

AMENDMENT NO. ______. Amend House Bill 2685 by replacing everything after the enacting clause with the following:

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

Article 1.

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

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

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

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

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

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

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

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

"Employer" means an individual or entity that permits one
or more individuals to work, accepts applications for employment, or is an agent of an employer.

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

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

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

(1) an arrest not leading to conviction;

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

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

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

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

(b) Before taking any adverse action based, in whole in part, on criminal history record information, the employer or
the employer's agent shall provide the applicant or employee a written notice that includes:

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

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

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

(A) the criminal history record information is inaccurate;

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

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

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

(c) An employer shall conduct a good faith, individualized assessment of any information provided by the applicant or
employee before taking a final adverse action. This assessment shall include any evidence of mitigation or rehabilitation since the conviction or evidence about the accuracy of criminal history record information provided by the applicant or employee.

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

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

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

(1) File a complaint under this Act.
(2) Testify, assist, or participate in an investigation, proceeding, or action concerning a
violation of this Act.

(3) Oppose a violation of this Act.

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

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

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

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

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

Section 1-30. Civil immunity. Except for willful or wanton misconduct or when required by law, an employer shall not be civilly liable for failure to consider criminal history record information of an applicant or employee or for limiting its inquiry into an applicant's or employee's criminal history pursuant to this Act.
Article 10.

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

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

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

Sec. 4. Award of State contracts.

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

(a-5) In addition to the aspirational goals in awarding State contracts set under subsection (a), the Department of Central Management Services shall by rule further establish committed diversity aspirational goals for State contracts.
awarded to businesses owned by minorities, women, and persons with disabilities. Such efforts shall include, but not be limited to, further concerted outreach efforts to businesses owned by minorities, women, and persons with disabilities.

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

(b) Not less than 20% of the total dollar amount of State construction contracts is established as an aspirational goal to be awarded to businesses owned by minorities, women, and persons with disabilities; provided that, contracts representing at least 11% of the total dollar amount of State construction contracts shall be awarded to businesses owned by minorities; contracts representing at least 7% of the total dollar amount of State construction contracts shall be awarded
to women-owned businesses; and contracts representing at least
2% of the total dollar amount of State construction contracts
shall be awarded to businesses owned by persons with
disabilities.

(c) (Blank).

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

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

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

(f) Non-construction solicitations that include Business Enterprise Program participation goals shall require bidders and offerors to include utilization plans. Utilization plans
are due at the time of bid or offer submission. Failure to complete and include a utilization plan, including documentation demonstrating good faith effort when requesting a waiver, shall render the bid or offer non-responsive.
(Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20; 101-601, eff. 1-1-20; revised 10-26-20.)

Article 20.

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

(5 ILCS 315/9.5 new)

Sec. 9.5. Labor organization diverse membership. Any labor organization that is selected as the exclusive representative of the employees of a bargaining unit and subject to the provisions of this Act shall take actions to establish and maintain membership that includes Descendants of American Slavery that is proportionate to the percentage of such persons who are residents of this State, and shall report those actions to the Business Enterprise Council for Minorities, Women, and Persons with Disabilities. For the purposes of this Section, "Descendants of American Slavery" means a person as described within the meaning of "minority person" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.
Section 20-10. The Business Enterprise for Minorities, Women, and Persons with Disabilities Act is amended by changing Sections 2, 4, 4f, 6, 7, and 8f as follows:

(30 ILCS 575/2)

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

Sec. 2. Definitions.

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

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

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

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

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

(c-5) Descendant of American Slavery (a person
having direct ancestral lineage to victims of slavery in the United States of America).

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

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

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

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

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

(a) results from:

amputation,
arthritis,
autism,
blindness,
burn injury,
cancer,
cerebral palsy,
Crohn's disease,
cystic fibrosis,
deafness,
head injury,
heart disease,
hemiplegia,
hemophilia,
respiratory or pulmonary dysfunction,
an intellectual disability,
mental illness,
multiple sclerosis,
muscular dystrophy,
musculoskeletal disorders,
neurological disorders, including stroke and epilepsy,
paraplegia,
quadriplegia and other spinal cord conditions,
sickle cell anemia,
ulcerative colitis,
specific learning disabilities, or
end stage renal failure disease; and
(b) substantially limits one or more of the person's major life activities.

Another disability or combination of disabilities may also be considered as a severe disability for the purposes of item (a) of this subdivision (2.1) if it is determined by an evaluation of rehabilitation potential to cause a
comparable degree of substantial functional limitation similar to the specific list of disabilities listed in item (a) of this subdivision (2.1).

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

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

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

(4.2) "Council" means the Business Enterprise Council
for Minorities, Women, and Persons with Disabilities created under Section 5 of this Act.

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

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

(6) "State agencies" shall mean all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State, but does not include the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of
Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, municipalities or other local governmental units, or other State constitutional officers.

(7) "Public institutions of higher education" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the public community colleges of the State, and any other public universities, colleges, and community colleges now or hereafter established or authorized by the General Assembly.

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

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

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

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

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

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

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

(30 ILCS 575/4) (from Ch. 127, par. 132.604)
(Section scheduled to be repealed on June 30, 2024)
Sec. 4. Award of State contracts.

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

The above percentage relates to the total dollar amount of State contracts during each State fiscal year, calculated by examining independently each type of contract for each agency or public institutions of higher education which lets such contracts. Only that percentage of arrangements which represents the participation of businesses owned by minorities, women, and persons with disabilities on such contracts shall be included. State contracts subject to the requirements of this Act shall include the requirement that only expenditures to businesses owned by minorities, women, and persons with disabilities that perform a commercially useful
function may be counted toward the goals set forth by this Act.

Contracts shall include a definition of "commercially useful function" that is consistent with 49 CFR 26.55(c).

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

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

Those who submit bids or proposals for State contracts subject to the provisions of this Act, whose bids or proposals are successful, but that fail to meet the goals set forth in this subsection (b-5), shall be notified of that deficiency and shall be afforded a period not to exceed 10 calendar days from
the date of notification to cure that deficiency in the bid or proposal. The deficiency in the bid or proposal may only be cured by contracting with additional subcontractors who are owned by Descendants of American Slavery. Any increase in cost to a contract for the addition of a subcontractor to cure a bid's deficiency shall not affect the bid price, shall not be used in the request for an exemption in this Act, and in no case shall an identified subcontractor with a certification made pursuant to this Act be terminated from the contract without the written consent of the State agency or public institution of higher education entering into the contract.

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

(c) (Blank).

(d) Within one year after April 28, 2009 (the effective date of Public Act 96-8), the Department of Central Management Services shall conduct a social scientific study that measures the impact of discrimination on minority and women business development in Illinois. Within 18 months after April 28, 2009 (the effective date of Public Act 96-8), the Department shall issue a report of its findings and any recommendations on whether to adjust the goals for minority and women
participation established in this Act. Copies of this report
and the social scientific study shall be filed with the
Governor and the General Assembly.
By December 1, 2020, the Department of Central Management
Services shall conduct a new social scientific study that
measures the impact of discrimination on minority and women
business development in Illinois. By June 1, 2022, the
Department shall issue a report of its findings and any
recommendations on whether to adjust the goals for minority and
women participation established in this Act. Copies of this
report and the social scientific study shall be filed with the
Governor, the Advisory Board, and the General Assembly. By
December 1, 2022, the Department of Central Management Services
Business Enterprise Program shall develop a model for social
scientific disparity study sourcing for local governmental
units to adapt and implement to address regional disparities in
public procurement.
(e) Except as permitted under this Act or as otherwise
mandated by federal law or regulation, those who submit bids or
proposals for State contracts subject to the provisions of this
Act, whose bids or proposals are successful and include a
utilization plan but that fail to meet the goals set forth in
subsection (b) of this Section, shall be notified of that
deficiency and shall be afforded a period not to exceed 10
calendar days from the date of notification to cure that
deficiency in the bid or proposal. The deficiency in the bid or
proposal may only be cured by contracting with additional subcontractors who are owned by minorities or women. Any increase in cost to a contract for the addition of a subcontractor to cure a bid's deficiency shall not affect the bid price, shall not be used in the request for an exemption in this Act, and in no case shall an identified subcontractor with a certification made pursuant to this Act be terminated from the contract without the written consent of the State agency or public institution of higher education entering into the contract.

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

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

(30 ILCS 575/4f)

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

Sec. 4f. Award of State contracts.

(1) It is hereby declared to be the public policy of the State of Illinois to promote and encourage each State agency and public institution of higher education to use businesses
owned by minorities, women, and persons with disabilities in
the area of goods and services, including, but not limited to,
insurance services, investment management services,
information technology services, accounting services,
architectural and engineering services, and legal services.
Furthermore, each State agency and public institution of higher
education shall utilize such firms to the greatest extent
feasible within the bounds of financial and fiduciary prudence,
and take affirmative steps to remove any barriers to the full
participation of such firms in the procurement and contracting
opportunities afforded.

(a) When a State agency or public institution of higher
education, other than a community college, awards a
contract for insurance services, for each State agency or
public institution of higher education, it shall be the
aspirational goal to use insurance brokers owned by
minorities, women, and persons with disabilities as
defined by this Act, for not less than 20% of the total
annual premiums or fees; provided that, contracts
representing at least 11% of the total annual premiums or
fees shall be awarded to businesses owned by minorities;
contracts representing at least 7% of the total annual
premiums or fees shall be awarded to women-owned
businesses; and contracts representing at least 2% of the
total annual premiums or fees shall be awarded to
businesses owned by persons with disabilities.
(a-5) Notwithstanding subsection (a), when a State agency or public institution of higher education awards a contract for insurance services, for each State agency or public institution of higher education, it shall be the aspirational goal to use insurance brokers owned by Descendants of American Slavery in a percentage of the total annual premiums or fees that is proportionate to the percentage of such persons who are residents of this State.

(b) When a State agency or public institution of higher education, other than a community college, awards a contract for investment services, for each State agency or public institution of higher education, it shall be the aspirational goal to use emerging investment managers owned by minorities, women, and persons with disabilities as defined by this Act, for not less than 20% of the total funds under management; provided that, contracts representing at least 11% of the total funds under management shall be awarded to businesses owned by minorities; contracts representing at least 7% of the total funds under management shall be awarded to women-owned businesses; and contracts representing at least 2% of the total funds under management shall be awarded to businesses owned by persons with disabilities. Furthermore, it is the aspirational goal that not less than 20% of the direct asset managers of the State funds be minorities, women, and persons with disabilities.
(b-5) Notwithstanding subsection (b), when a State agency or public institution of higher education awards a contract for investment services, for each State agency or public institution of higher education, it shall be the aspirational goal to use emerging investment managers owned by Descendants of American Slavery in a percentage of the total funds under management that is proportionate to the percentage of such persons who are residents of this State.

(c) When a State agency or public institution of higher education, other than a community college, awards contracts for information technology services, accounting services, architectural and engineering services, and legal services, for each State agency and public institution of higher education, it shall be the aspirational goal to use such firms owned by minorities, women, and persons with disabilities as defined by this Act and lawyers who are minorities, women, and persons with disabilities as defined by this Act, for not less than 20% of the total dollar amount of State contracts; provided that, contracts representing at least 11% of the total dollar amount of State contracts shall be awarded to businesses owned by minorities or minority lawyers; contracts representing at least 7% of the total dollar amount of State contracts shall be awarded to women-owned businesses or women who are lawyers; and contracts
representing at least 2% of the total dollar amount of State contracts shall be awarded to businesses owned by persons with disabilities or persons with disabilities who are lawyers.

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

(d) When a community college awards a contract for insurance services, investment services, information technology services, accounting services, architectural and engineering services, and legal services, it shall be the aspirational goal of each community college to use businesses owned by minorities, women, and persons with disabilities as defined in this Act for not less than 20% of the total amount spent on contracts for these services collectively; provided that, contracts representing at least 11% of the total amount spent on contracts for these services shall be awarded to businesses owned by
minorities; contracts representing at least 7% of the total amount spent on contracts for these services shall be awarded to women-owned businesses; and contracts representing at least 2% of the total amount spent on contracts for these services shall be awarded to businesses owned by persons with disabilities. When a community college awards contracts for investment services, contracts awarded to investment managers who are not emerging investment managers as defined in this Act shall not be considered businesses owned by minorities, women, or persons with disabilities for the purposes of this Section.

(2) As used in this Section:

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

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

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

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

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

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

(3) Each State agency and public institution of higher education shall adopt policies that identify its plan and implementation procedures for increasing the use of service firms owned by minorities, women, and persons with disabilities.
(4) Except as provided in subsection (5), the Council shall file no later than March 1 of each year an annual report to the Governor, the Bureau on Apprenticeship Programs, and the General Assembly. The report filed with the General Assembly shall be filed as required in Section 3.1 of the General Assembly Organization Act. This report shall: (i) identify the service firms used by each State agency and public institution of higher education, (ii) identify the actions it has undertaken to increase the use of service firms owned by minorities, women, and persons with disabilities, including encouraging non-minority-owned firms to use other service firms owned by minorities, women, and persons with disabilities as subcontractors when the opportunities arise, (iii) state any recommendations made by the Council to each State agency and public institution of higher education to increase participation by the use of service firms owned by minorities, women, and persons with disabilities, and (iv) include the following:

(A) For insurance services: the names of the insurance brokers or claims consultants used, the total of risk managed by each State agency and public institution of higher education by insurance brokers, the total commissions, fees paid, or both, the lines or insurance policies placed, and the amount of premiums placed; and the percentage of the risk managed by insurance brokers, the percentage of total commission, fees paid, or both, the
lines or insurance policies placed, and the amount of premiums placed with each by the insurance brokers owned by minorities, women, and persons with disabilities by each State agency and public institution of higher education.

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

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

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

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

(5) For community college districts, the Business Enterprise Council shall only report the following information for each community college district: (i) the name of the community colleges in the district, (ii) the name and contact information of a person at each community college appointed to be the single point of contact for vendors owned by minorities, women, or persons with disabilities, (iii) the policy of the community college district concerning certified vendors, (iv) the certifications recognized by the community college district for determining whether a business is owned or controlled by a minority, woman, or person with a disability, (v) outreach efforts conducted by the community college district to increase the use of certified vendors, (vi) the total expenditures by the community college district in the prior fiscal year in the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the amount paid to certified vendors in those divisions of work, and (vii) the total number of contracts entered into for the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the total number of contracts awarded to certified vendors providing these services to the community college district. The Business Enterprise Council shall not make any utilization reports under this Act for community college districts for Fiscal Year 2015 and Fiscal Year 2016, but shall make the report required by
this subsection for Fiscal Year 2017 and for each fiscal year thereafter. The Business Enterprise Council shall report the information in items (i), (ii), (iii), and (iv) of this subsection beginning in September of 2016. The Business Enterprise Council may collect the data needed to make its report from the Illinois Community College Board.

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

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

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

(Section scheduled to be repealed on June 30, 2024)
Sec. 6. Agency compliance plans. Each State agency and public institutions of higher education under the jurisdiction of this Act shall file with the Council an annual compliance plan which shall outline the goals of the State agency or public institutions of higher education for contracting with businesses owned by minorities, women, and persons with disabilities for the then current fiscal year, the manner in which the agency intends to reach these goals and a timetable for reaching these goals. The Council shall review and approve the plan of each State agency and public institutions of higher education and may reject any plan that does not comply with this Act or any rules or regulations promulgated pursuant to this Act.

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

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

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

(d) Notwithstanding any provisions to the contrary in this Act, any State agency or public institution of higher education which administers a construction program, for which federal law or regulations establish standards and procedures for the
utilization of minority-owned and women-owned businesses and
disadvantaged businesses, shall implement a disadvantaged
business enterprise program to include minority-owned and
women-owned businesses and disadvantaged businesses, using the
federal standards and procedures for the establishment of goals
and utilization procedures for the State-funded, as well as the
federally assisted, portions of the program. In such cases,
these goals shall not exceed those established pursuant to the
relevant federal statutes or regulations. Notwithstanding the
provisions of Section 8b, the Illinois Department of
Transportation is authorized to establish sheltered markets
for the State-funded portions of the program consistent with
federal law and regulations. Additionally, a compliance plan
which is filed by such State agency or public institution of
higher education pursuant to this Act, which incorporates
equivalent terms and conditions of its federally-approved
compliance plan, shall be deemed approved under this Act.

(e) Each State agency and public institution of higher
education under the jurisdiction of this Act shall include,
along with the compliance plan filed with the Council under
this Section, an annual plan of action to specifically rectify
the disparity between the representation of Descendants of
American Slavery in State contracts compared to the percentage
of such persons who are residents of this State. The plan of
action shall outline actions to be taken by the State agency to
increase representation of Descendants of American Slavery in
State contracting, and include the percentage of contracts entered into between the State agency and businesses owned by Descendants of American Slavery.
(Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

(30 ILCS 575/7) (from Ch. 127, par. 132.607)
(Sec. 7. Exemptions; waivers; publication of data.
(1) Individual contract exemptions. The Council, at the written request of the affected agency, public institution of higher education, or recipient of a grant or loan of State funds of $250,000 or more complying with Section 45 of the State Finance Act, may permit an individual contract or contract package, (related contracts being bid or awarded simultaneously for the same project or improvements) be made wholly or partially exempt from State contracting goals for businesses owned by minorities, women, and persons with disabilities prior to the advertisement for bids or solicitation of proposals whenever there has been a determination, reduced to writing and based on the best information available at the time of the determination, that there is an insufficient number of businesses owned by minorities, women, and persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals solicited for the individual contract or contract package in question. Any such exemptions shall be
given by the Council to the Bureau on Apprenticeship Programs.

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

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

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

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

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

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

   (i) the justification for the requested exemption, including whether diligent efforts were undertaken to identify and solicit eligible businesses owned by minorities, women, and persons with disabilities;
(ii) the total number of exemptions granted to the affected agency, public institution of higher education, or recipient of a grant or loan of State funds of $250,000 or more complying with Section 45 of the State Finance Act that have been granted by the Council in the current and prior fiscal years; and

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

(2) Class exemptions.

(a) Creation. The Council, at the written request of the affected agency or public institution of higher education, may permit an entire class of contracts be made exempt from State contracting goals for businesses owned by minorities, women, and persons with disabilities whenever there has been a determination, reduced to writing and based on the best information available at the time of the determination, that there is an insufficient number of qualified businesses owned by minorities, women, and persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals within that class. Any such exemption shall be given by the Council to the Bureau on Apprenticeship Programs.
(a-1) Written request for class exemption. A written request for a class exemption must include, but is not limited to, the following:

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

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

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

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

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

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

(ii) the total number of class exemptions granted to the requesting agency or public institution of
higher education that have been granted by the Council in the current and prior fiscal years; and

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

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

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

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

(i) a list of eligible businesses owned by minorities, women, and persons with disabilities that pertain to the class of contracts in the requested waiver;
(ii) a clear demonstration that the number of eligible businesses identified in subparagraph (i) above is insufficient to ensure competition;

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

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

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

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

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

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

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

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

(3.5) (Blank).

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

(5) Each chief procurement officer, as defined in the Illinois Procurement Code, shall maintain on his or her official Internet website a database of the following: (i) waivers granted under this Section with respect to contracts under his or her jurisdiction; (ii) a State agency or public institution of higher education's written request for an
exemption of an individual contract or an entire class of contracts; and (iii) the Council's written determination granting or denying a request for an exemption of an individual contract or an entire class of contracts. The database, which shall be updated periodically as necessary, shall be searchable by contractor name and by contracting State agency.

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

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

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

(30 ILCS 575/8f)

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

Sec. 8f. Annual report. The Council shall file no later
than March 1 of each year, an annual report that shall detail
the level of achievement toward the goals specified in this Act
over the 3 most recent fiscal years. The annual report shall
include, but need not be limited to the following:

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

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

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

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

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

(6) a summary detailing the disparity between the
representation of Descendants of American Slavery in State
contracts compared to the percentage of such persons who
are residents of this State, and a summary of the efforts
to eliminate that disparity based upon the requirements of
this Act.
(Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

Article 25.

Section 25-5. The Illinois Procurement Code is amended by
changing Sections 20-15, 20-60, and 35-30 and by adding Section
50-85 as follows:

(30 ILCS 500/20-15)
Sec. 20-15. Competitive sealed proposals.
(a) Conditions for use. When provided under this Code or
under rules, or when the purchasing agency determines in
writing that the use of competitive sealed bidding is either
not practicable or not advantageous to the State, a contract
may be entered into by competitive sealed proposals.
(b) Request for proposals. Proposals shall be solicited
through a request for proposals.
(c) Public notice. Public notice of the request for
proposals shall be published in the Illinois Procurement
Bulletin at least 14 calendar days before the date set in the
invitation for the opening of proposals.
(d) Receipt of proposals. Proposals shall be opened
publicly or via an electronic procurement system in the
presence of one or more witnesses at the time and place
designated in the request for proposals, but proposals shall be
opened in a manner to avoid disclosure of contents to competing
offerors during the process of negotiation. A record of
proposals shall be prepared and shall be open for public
inspection after contract award.

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

(e-5) Method of scoring.

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

(2) Factors to be considered in the award of these
points shall be set by rule by the applicable chief
procurement officer and may include, but are not limited
(A) whether or how well the respondent, on the solicitation being evaluated, met the goal of contracting or subcontracting with businesses owned by women, minorities, or persons with disabilities;

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

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

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

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

(3) If any State agency or public institution of higher education contract is eligible to be paid for or reimbursed, in whole or in part, with federal-aid funds, grants, or loans, and the provisions of this subsection
(e-5) would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this Section in order to remain eligible for those federal-aid funds, grants, or loans. For the purposes of this subsection (e-5):

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

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

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

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

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

(f) Discussion with responsible offerors and revisions of offers or proposals. As provided in the request for proposals and under rules, discussions may be conducted with responsible offerors who submit offers or proposals determined to be reasonably susceptible of being selected for award for the
purpose of clarifying and assuring full understanding of and
responsiveness to the solicitation requirements. Those
offerors shall be accorded fair and equal treatment with
respect to any opportunity for discussion and revision of
proposals. Revisions may be permitted after submission and
before award for the purpose of obtaining best and final
offers. In conducting discussions there shall be no disclosure
of any information derived from proposals submitted by
competing offerors. If information is disclosed to any offeror,
it shall be provided to all competing offerors.

(g) Award. Awards shall be made to the responsible offeror
whose proposal is determined in writing to be the most
advantageous to the State, taking into consideration price and
the evaluation factors set forth in the request for proposals.
The contract file shall contain the basis on which the award is
made.
(Source: P.A. 100-43, eff. 8-9-17.)

(30 ILCS 500/20-60)
Sec. 20-60. Duration of contracts.

(a) Maximum duration. A contract may be entered into for
any period of time deemed to be in the best interests of the
State but not exceeding 10 years inclusive, beginning January
1, 2010, of proposed contract renewals. Third parties may lease
State-owned dark fiber networks for any period of time deemed
to be in the best interest of the State, but not exceeding 20
years. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25. The length of energy conservation program contracts or energy savings contracts or leases shall be in accordance with the provisions of Section 25-45. A contract for bond or mortgage insurance awarded by the Illinois Housing Development Authority, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bond or mortgage may remain outstanding.

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

(c) The chief procurement officer shall file a proposed extension or renewal of a contract with the Procurement Policy Board prior to entering into any extension or renewal if the cost associated with the extension or renewal exceeds $249,999. The Procurement Policy Board may object to the proposed extension or renewal within 30 calendar days and require a hearing before the Board prior to entering into the extension or renewal. If the Procurement Policy Board does not object within 30 calendar days or takes affirmative action to recommend the extension or renewal, the chief procurement officer may enter into the extension or renewal of a contract. This subsection does not apply to any emergency procurement,
any procurement under Article 40, or any procurement exempted by Section 1-10(b) of this Code. If any State agency contract is paid for in whole or in part with federal-aid funds, grants, or loans and the provisions of this subsection would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this subsection in order to remain eligible for those federal-aid funds, grants, or loans, and the State agency shall file notice of this exemption with the Procurement Policy Board prior to entering into the proposed extension or renewal. Nothing in this subsection permits a chief procurement officer to enter into an extension or renewal in violation of subsection (a). By August 1 each year, the Procurement Policy Board shall file a report with the General Assembly identifying for the previous fiscal year (i) the proposed extensions or renewals that were filed with the Board and whether the Board objected and (ii) the contracts exempt from this subsection.

(d) Notwithstanding the provisions of subsection (a) of this Section, the Department of Innovation and Technology may enter into leases for dark fiber networks for any period of time deemed to be in the best interests of the State but not exceeding 20 years inclusive. The Department of Innovation and Technology may lease dark fiber networks from third parties only for the primary purpose of providing services (i) to the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer and State
agencies, as defined under Section 5-15 of the Civil Administrative Code of Illinois or (ii) for anchor institutions, as defined in Section 7 of the Illinois Century Network Act. Dark fiber network lease contracts shall be subject to all other provisions of this Code and any applicable rules or requirements, including, but not limited to, publication of lease solicitations, use of standard State contracting terms and conditions, and approval of vendor certifications and financial disclosures.

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

(f) No vendor shall be eligible for renewal of a contract when that vendor has failed to meet the goals agreed to in the vendor's utilization plan unless the State agency has determined that the vendor made good faith efforts toward meeting the contract goals and has issued a waiver or that vendor is not otherwise excused from compliance by the chief procurement officer in consultation with the purchasing State Agency. The form and content of the waiver shall be prescribed by each chief procurement officer who shall maintain on his or her official website a database of waivers granted under this Section with respect to contracts under his or her jurisdiction. The database shall be updated periodically and shall be searchable by contractor name and by contracting State
agency or public institution of higher education.
(Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
101-81, eff. 7-12-19.)

(30 ILCS 500/35-30)
Sec. 35-30. Awards.
(a) All State contracts for professional and artistic
services, except as provided in this Section, shall be awarded
using the competitive request for proposal process outlined in
this Section. The scoring for requests for proposals shall
include the commitment to diversity factors and methodology
described in subsection (e-5) of Section 20-15.
(b) For each contract offered, the chief procurement
officer, State purchasing officer, or his or her designee shall
use the appropriate standard solicitation forms available from
the chief procurement officer for matters other than
construction or the higher education chief procurement
officer.
(c) Prepared forms shall be submitted to the chief
procurement officer for matters other than construction or the
higher education chief procurement officer, whichever is
appropriate, for publication in its Illinois Procurement
Bulletin and circulation to the chief procurement officer for
matters other than construction or the higher education chief
procurement officer's list of prequalified vendors. Notice of
the offer or request for proposal shall appear at least 14
calendar days before the response to the offer is due.

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

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

(f) For all professional and artistic contracts with
annualized value that exceeds $100,000, evaluation and ranking
by price are required. Any chief procurement officer or State
purchasing officer, but not their designees, may select a
respondent other than the lowest respondent by price. In any
case, when the contract exceeds the $100,000 threshold and the
lowest respondent is not selected, the chief procurement
officer or the State purchasing officer shall forward together
with the contract notice of who the low respondent by price was
and a written decision as to why another was selected to the
chief procurement officer for matters other than construction
or the higher education chief procurement officer, whichever is
appropriate. The chief procurement officer for matters other
than construction or higher education chief procurement
officer shall publish as provided in subsection (e) of Section
35-30, but shall include notice of the chief procurement
officer's or State purchasing officer's written decision.

(g) The chief procurement officer for matters other than
construction and higher education chief procurement officer
may each refine, but not contradict, this Section by
promulgating rules for submission to the Procurement Policy
Board and then to the Joint Committee on Administrative Rules.
Any refinement shall be based on the principles and procedures
of the federal Architect-Engineer Selection Law, Public Law
92-582 Brooks Act, and the Architectural, Engineering, and Land
Surveying Qualifications Based Selection Act; except that
pricing shall be an integral part of the selection process.
Sec. 50-85. Diversity training.

(a) Each chief procurement officer, State purchasing officer, procurement compliance monitor, applicable support staff of each chief procurement officer, State agency purchasing and contracting staff, those identified under subsection (c) of Section 5-45 of the State Officials and Employees Ethics Act who have the authority to participate personally and substantially in the award of State contracts, and any other State agency staff with substantial procurement and contracting responsibilities as determined by the chief procurement officer, in consultation with the State agency, shall complete annual training for diversity and inclusion. Each chief procurement officer shall prescribe the program of diversity and inclusion training appropriate for each chief procurement officer's jurisdiction.

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

(30 ILCS 575/4f)

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

Sec. 4f. Award of State contracts.

(1) It is hereby declared to be the public policy of the
State of Illinois to promote and encourage each State agency and public institution of higher education to use businesses owned by minorities, women, and persons with disabilities in the area of goods and services, including, but not limited to, insurance services, investment management services, information technology services, accounting services, architectural and engineering services, and legal services. Furthermore, each State agency and public institution of higher education shall utilize such firms to the greatest extent feasible within the bounds of financial and fiduciary prudence, and take affirmative steps to remove any barriers to the full participation of such firms in the procurement and contracting opportunities afforded.

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

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

(c) When a State agency or public institution of higher education, other than a community college, awards contracts for information technology services, accounting services, architectural and engineering services, and legal services, for each State agency and public institution of higher education, it shall be the
aspirational goal to use such firms owned by minorities, women, and persons with disabilities as defined by this Act and lawyers who are minorities, women, and persons with disabilities as defined by this Act, for not less than 20% of the total dollar amount of State contracts; provided that, contracts representing at least 11% of the total dollar amount of State contracts shall be awarded to businesses owned by minorities or minority lawyers; contracts representing at least 7% of the total dollar amount of State contracts shall be awarded to women-owned businesses or women who are lawyers; and contracts representing at least 2% of the total dollar amount of State contracts shall be awarded to businesses owned by persons with disabilities or persons with disabilities who are lawyers.

(d) When a community college awards a contract for insurance services, investment services, information technology services, accounting services, architectural and engineering services, and legal services, it shall be the aspirational goal of each community college to use businesses owned by minorities, women, and persons with disabilities as defined in this Act for not less than 20% of the total amount spent on contracts for these services collectively; provided that, contracts representing at least 11% of the total amount spent on contracts for these services shall be awarded to businesses owned by
minorities; contracts representing at least 7% of the total amount spent on contracts for these services shall be awarded to women-owned businesses; and contracts representing at least 2% of the total amount spent on contracts for these services shall be awarded to businesses owned by persons with disabilities. When a community college awards contracts for investment services, contracts awarded to investment managers who are not emerging investment managers as defined in this Act shall not be considered businesses owned by minorities, women, or persons with disabilities for the purposes of this Section.

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

If any State agency or public institution of higher education contract is eligible to be paid for or reimbursed, in whole or in part, with federal-aid funds, grants, or loans, and the provisions of this paragraph (e) would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this paragraph (e) in order to remain eligible for those federal-aid funds, grants, or loans.
(2) As used in this Section:

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

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

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

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

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

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

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

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

(A) For insurance services: the names of the insurance
brokers or claims consultants used, the total of risk
managed by each State agency and public institution of
higher education by insurance brokers, the total
commissions, fees paid, or both, the lines or insurance
policies placed, and the amount of premiums placed; and the
percentage of the risk managed by insurance brokers, the
percentage of total commission, fees paid, or both, the
lines or insurance policies placed, and the amount of
premiums placed with each by the insurance brokers owned by
minorities, women, and persons with disabilities by each
State agency and public institution of higher education.

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

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

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

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

(5) For community college districts, the Business Enterprise Council shall only report the following information for each community college district: (i) the name of the community colleges in the district, (ii) the name and contact information of a person at each community college appointed to be the single point of contact for vendors owned by minorities, women, or persons with disabilities, (iii) the policy of the community college district concerning certified vendors, (iv) the certifications recognized by the community college district for determining whether a business is owned or
controlled by a minority, woman, or person with a disability, (v) outreach efforts conducted by the community college district to increase the use of certified vendors, (vi) the total expenditures by the community college district in the prior fiscal year in the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the amount paid to certified vendors in those divisions of work, and (vii) the total number of contracts entered into for the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the total number of contracts awarded to certified vendors providing these services to the community college district. The Business Enterprise Council shall not make any utilization reports under this Act for community college districts for Fiscal Year 2015 and Fiscal Year 2016, but shall make the report required by this subsection for Fiscal Year 2017 and for each fiscal year thereafter. The Business Enterprise Council shall report the information in items (i), (ii), (iii), and (iv) of this subsection beginning in September of 2016. The Business Enterprise Council may collect the data needed to make its report from the Illinois Community College Board.

(6) The status of the utilization of services shall be discussed at each of the regularly scheduled Business Enterprise Council meetings. Time shall be allotted for the Council to receive, review, and discuss the progress of the use of service firms owned by minorities, women, and persons with
disabilities by each State agency and public institution of
higher education; and any evidence regarding past or present
racial, ethnic, or gender-based discrimination which directly
impacts a State agency or public institution of higher
education contracting with such firms. If after reviewing such
evidence the Council finds that there is or has been such
discrimination against a specific group, race or sex, the
Council shall establish sheltered markets or adjust existing
sheltered markets tailored to address the Council's specific
findings for the divisions of work specified in paragraphs (a),
(b), and (c) of subsection (1) of this Section.
(Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

(30 ILCS 575/6) (from Ch. 127, par. 132.606)
(Section scheduled to be repealed on June 30, 2024)

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

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

(b) Approval of the compliance plans shall include such
delegation of responsibilities to the requesting State agency
or public institution of higher education as the Council deems
necessary and appropriate to fulfill the purpose of this Act.
Such responsibilities may include, but need not be limited to
those outlined in subsections (1), (2) and (3) of Section 7,
(c) Each State agency and public institution of higher education under the jurisdiction of this Act shall file with the Council an annual report of its utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year including lapse period spending and a mid-fiscal year report of its utilization to date for the then current fiscal year. The reports shall include a self-evaluation of the efforts of the State agency or public institution of higher education to meet its goals under the Act, as well as a plan to increase the diversity of the vendors engaged in contracts with the State agency or public institution of higher education, with a particular focus on the most underrepresented in contract awards.

(d) Notwithstanding any provisions to the contrary in this Act, any State agency or public institution of higher education which administers a construction program, for which federal law or regulations establish standards and procedures for the utilization of minority-owned and women-owned businesses and disadvantaged businesses, shall implement a disadvantaged business enterprise program to include minority-owned and women-owned businesses and disadvantaged businesses, using the federal standards and procedures for the establishment of goals and utilization procedures for the State-funded, as well as the federally assisted, portions of the program. In such cases, these goals shall not exceed those established pursuant to the
relevant federal statutes or regulations. Notwithstanding the provisions of Section 8b, the Illinois Department of Transportation is authorized to establish sheltered markets for the State-funded portions of the program consistent with federal law and regulations. Additionally, a compliance plan which is filed by such State agency or public institution of higher education pursuant to this Act, which incorporates equivalent terms and conditions of its federally-approved compliance plan, shall be deemed approved under this Act.

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

Article 30.

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

(505 ILCS 72/25 new)

Sec. 25. Disparity study; report.

(a) The Department shall conduct a study and use the data collected to determine economic and other disparities associated with farm ownership and farm operations in this State. The study shall focus primarily on identifying and comparing economic, land ownership, education, and other related differences between African American farmers and white farmers, but may include data collected in regards to farmers from other socially disadvantaged groups. The study shall
collect, compare, and analyze data relating to disparities or differences in farm operations for the following areas:

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

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

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

(4) Access to technical assistance programs and mechanization.

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

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

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

Article 35.

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

(410 ILCS 705/10-45 new)
Sec. 10-45. Cannabis Equity Commission.

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

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

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

(3) Tracking and analyzing minorities in the marketplace.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Two individuals who have previously been
incarcerated and are between the ages of 17 and 24 at the time of appointment.

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

Article 40.

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

(20 ILCS 605/605-1055 new)

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

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

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

(1) The business must be a for-profit, Illinois-based business. For the purposes of this Section, an
Illinois-based business is one that has its principal place of business in this State;

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

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

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

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

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

(c) The Department may award grants to match the funds received by a business through an SBIR/STTR Phase I proposal up to a maximum of $50,000. Seventy-five percent of the total grant shall be remitted to the business upon receipt of the SBIR/STTR Phase I award and application for funds under this
Section. Twenty-five percent of the total grant shall be remitted to the business upon submission by the business of the Phase II application to the funding agency and acceptance of the Phase I report by the funding agency. A business may receive only one grant under this Section per year. A business may receive only one grant under this Section with respect to each federal proposal submission. Over its lifetime, a business may receive a maximum of 5 awards under this Section.

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

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

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

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

Article 45.

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

(20 ILCS 405/405-535 new)
Sec. 405-535. African Descent-Citizens Reparations Commission.

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

(b) The Commission shall include the following members:

1. the Governor or his or her designee;
2. one member of the House of Representatives appointed by the Speaker of the House of Representatives;
3. one member of the Senate appointed by the President of the Senate;
4. one member of the House of Representatives appointed by the Minority leader of the House of Representatives;
5. one member of the Senate appointed by the Minority leader of the Senate;
6. three representatives of a national coalition that supports reparations for African Americans appointed by the Governor; and
7. ten members of the public appointed by the Governor, at least 8 of whom are African American descendants of slavery.

(c) Appointment of members to the Commission shall be made within 60 days after the effective date of this amendatory Act of the 101st General Assembly, with the first meeting of the Commission to be held at a reasonable period of time.
thereafter. The Chairperson of the Commission shall be elected
from among the members during the first meeting. Members of the
Commission shall serve without compensation, but may be
reimbursed for travel expenses. The 10 members of the public
appointed by the Governor shall be from diverse backgrounds,
including businesspersons and persons without high school
diplomas.

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

(e) The Commission shall perform the following duties:

1. work to ensure equity, equality, and parity for
African American descendants of slavery mired in poverty;
2. develop and implement measures to ensure equity,
equality, and parity for African American descendants of
slavery;
3. hold hearings to discuss the implementation of
measures to ensure equity, equality, and parity for African
American descendants of slavery;
4. educate the public on reparations for African
American descendants of slavery;
5. report to the General Assembly information and
findings regarding the work of the Commission under this
Section and the feasibility of reparations for Illinois
African American descendants of slavery, including any recommendations on the subject; and

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

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

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

(iii) Ensuring proportional economic representation in all State contracts, including reviews and updates of the State procurement and contracting requirements and procedures with the express goal of increasing the number of African American vendors and contracts for services to an
equitable level reflecting their population in the State.

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

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

Article 50.

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

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

(For force and effect of certain provisions, see Section 90 of P.A. 94-79)
Sec. 22.5. Permitted investments. The State Treasurer may, with the approval of the Governor, invest and reinvest any State money in the treasury which is not needed for current expenditures due or about to become due, in obligations of the United States government or its agencies or of National Mortgage Associations established by or under the National Housing Act, 12 U.S.C. 1701 et seq., or in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages that are underwritten, insured, guaranteed, or purchased by the Federal Home Loan Mortgage Corporation or in Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act. All such obligations shall be considered as cash and may be delivered over as cash by a State Treasurer to his successor.

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

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on
any State bonds, in shares, withdrawable accounts, and investment certificates of savings and building and loan associations, incorporated under the laws of this State or any other state or under the laws of the United States; provided, however, that investments may be made only in those savings and loan or building and loan associations the shares and withdrawable accounts or other forms of investment securities of which are insured by the Federal Deposit Insurance Corporation.

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

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

The State Treasurer may, with the approval of the Governor,
invest or reinvest any State money in the treasury that is not needed for current expenditures due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

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

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury which is not needed for current expenditure, due or about to become due, or any money in the State Treasury which has been set aside and
held for the payment of the principal of and the interest on any State bonds, in participations in loans, the principal of which participation is fully guaranteed by an agency or instrumentality of the United States government; provided, however, that such loan participations are represented by certificates issued only by banks which are incorporated under the laws of this State or any other state or under the laws of the United States, and such banks, but not the loan participation certificates, are insured by the Federal Deposit Insurance Corporation.

Whenever the total amount of vouchers presented to the Comptroller under Section 9 of the State Comptroller Act exceeds the funds available in the General Revenue Fund by $1,000,000,000 or more, then the State Treasurer may invest any State money in the Treasury, other than money in the General Revenue Fund, Health Insurance Reserve Fund, Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund, Attorney General Whistleblower Reward and Protection Fund, and Attorney General's State Projects and Court Ordered Distribution Fund, which is not needed for current expenditures, due or about to become due, or any money in the State Treasury which has been set aside and held for the payment of the principal of and the interest on any State bonds with the Office of the Comptroller in order to enable the Comptroller to pay outstanding vouchers. At any time, and from time to time outstanding, such investment shall not be greater
than $2,000,000,000. Such investment shall be deposited into
the General Revenue Fund or Health Insurance Reserve Fund as
determined by the Comptroller. Such investment shall be repaid
by the Comptroller with an interest rate tied to the London
Interbank Offered Rate (LIBOR) or the Federal Funds Rate or an
equivalent market established variable rate, but in no case
shall such interest rate exceed the lesser of the penalty rate
established under the State Prompt Payment Act or the timely
pay interest rate under Section 368a of the Illinois Insurance
Code. The State Treasurer and the Comptroller shall enter into
an intergovernmental agreement to establish procedures for
such investments, which market established variable rate to
which the interest rate for the investments should be tied, and
other terms which the State Treasurer and Comptroller
reasonably believe to be mutually beneficial concerning these
investments by the State Treasurer. The State Treasurer and
Comptroller shall also enter into a written agreement for each
such investment that specifies the period of the investment,
the payment interval, the interest rate to be paid, the funds
in the Treasury from which the Treasurer will draw the
investment, and other terms upon which the State Treasurer and
Comptroller mutually agree. Such investment agreements shall
be public records and the State Treasurer shall post the terms
of all such investment agreements on the State Treasurer's
official website. In compliance with the intergovernmental
agreement, the Comptroller shall order and the State Treasurer
shall transfer amounts sufficient for the payment of principal and interest invested by the State Treasurer with the Office of the Comptroller under this paragraph from the General Revenue Fund or the Health Insurance Reserve Fund to the respective funds in the Treasury from which the State Treasurer drew the investment. Public Act 100-1107 shall constitute an irrevocable and continuing authority for all amounts necessary for the payment of principal and interest on the investments made with the Office of the Comptroller by the State Treasurer under this paragraph, and the irrevocable and continuing authority for and direction to the Comptroller and Treasurer to make the necessary transfers.

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

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

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

(2.5) Bonds, notes, debentures, or other similar
obligations of a foreign government, other than the Republic of the Sudan, that are guaranteed by the full faith and credit of that government as to principal and interest, but only if the foreign government has not defaulted and has met its payment obligations in a timely manner on all similar obligations for a period of at least 25 years immediately before the time of acquiring those obligations.

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

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

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

(6) Bankers' acceptances of banks whose senior obligations are rated in the top 2 rating categories by 2
national rating agencies and maintain that rating during 
the term of the investment.

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

(7.5) Obligations of either corporations or limited 
liability companies organized in the United States, that 
have a significant presence in this State, with assets 
exceeding $500,000,000 if: (i) the obligations are rated at 
the time of purchase at one of the 3 highest 
classifications established by at least 2 standard rating 
services and mature more than 270 days, but less than 10 
years, from the date of purchase; (ii) the purchases do not 
exceed 10% of the corporation's or the limited liability
company's outstanding obligations; (iii) no more than one-third of the public agency's funds are invested in such obligations of corporations or limited liability companies; and (iv) the corporation or the limited liability company has not been placed on the list of restricted companies by the Illinois Investment Policy Board under Section 1-110.16 of the Illinois Pension Code.

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

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

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

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

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

(13) Investments constituting direct obligations of a community development financial institution, which is certified by the United States Treasury Community Development Financial Institutions Fund and is operating in the State of Illinois.
(14) Investments constituting direct obligations of a minority depository institution, as designated by the Federal Deposit Insurance Corporation, that is operating in the State of Illinois.

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

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

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

(iii) the Commodity Credit Corporation; and

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

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

(Source: P.A. 100-1107, eff. 8-27-18; 101-81, eff. 7-12-19; 101-206, eff. 8-2-19; 101-586, eff. 8-26-19; revised 9-25-19.)
Article 60.

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

(415 ILCS 5/40.4 new)

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

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

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

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

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

(2) The procedures allowing residents to file comments
on the application with the Agency.

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

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

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

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

Article 70.

Section 5. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by adding Section 4-30 as follows:
Sec. 4-30. Beauty supply industry disparity study.
(a) The Department shall compile and publish a disparity study by December 31, 2022 that: (1) evaluates whether there exists discrimination in the State's beauty supply industry; and (2) if so, evaluates the impact of such discrimination on the State and includes recommendations for reducing or eliminating any identified barriers to entry in the beauty supply industry and discriminatory behavior. The Department shall forward a copy of its findings and recommendations to the General Assembly and the Governor.
(b) The Department may compile, collect, or otherwise gather data necessary for the administration of this Section and to carry out the Department's duty relating to the recommendation of policy changes. The Department shall compile all of the data into a single report, submit the report to the Governor and the General Assembly, and publish the report on its website.
(c) This Section is repealed on January 1, 2024.

Article 75.

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

Section 75-10. Definitions. In this Act:
"Agency" means the Environmental Protection Agency.
"Community water supply" means a public water supply that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents
"Department" means the Department of Public Health.
"Emergency repair" means water distribution work that includes unscheduled water main, water service, water valve, or fire hydrant repair or replacement that results from premature failure or accident.
"Lead service line" means a service line that is made of lead, or any lead pigtail, lead gooseneck, or other lead fitting that is connected to a service line, or both.
"Non-community water supply" means a public water supply that is not a community water supply.
"Potentially affected residence" means a residence where water service is supplied through a pipe containing lead or...
suspected to be made of lead.

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

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

Section 75-15. Water service line material inventory.

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

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

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

(3) The number of the lead service lines that were
added and removed from the inventory after the previous year's submission.

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

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

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

(e) Nothing in this Section shall be construed to require
that service lines be unearthed.

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

Section 75-20. Construction notifications.

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

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

(1) a warning that the work may result in sediment, possibly containing lead from the service line, in the residence's water;
(2) information concerning the best practices for preventing exposure to or risk of consumption of any lead in drinking water, including a recommendation to flush water lines during and after the completion of the repair or replacement work and to clean faucet aerator screens; and

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

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

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

(e) If an owner or operator of a community water supply is
required to provide an individual written notification to a residence that is a multidwelling building, then posting a written notification on the primary entrance way to the building shall be sufficient.

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

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

Section 75-25. Lead service line replacement program.

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

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

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

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

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

   (A) a detailed accounting of costs;
   
   (B) measures to address affordability for customers or rate payers;
   
   (C) consideration of different scenarios for structuring payments between the utility and its customers over time;
   
   (D) an explanation of the rationale for any permit fees or other charges to a property owner associated with lead service lines, and plans for utilization of revenues derived from those fees or other charges; and
   
   (E) any other relevant factors regarding the rulemaking required by this Act.

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

   (A) the community water supply pays for the portion
of the service lines owned by the community water
supply and the property owner pays for the portion he
or she owns;

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

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

(5) A plan for prioritizing high risk areas.

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

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

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

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

(2) whether a deadline for replacing all lead service
lines for community water supplies subject to this Act is
appropriate considering the utility scale, technical
feasibility of identifying and replacing lines, and impact to public health of maintaining any lead service lines in place;

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

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

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

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

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

(e) In order to provide water that does not become contaminated with lead from a lead service line or galvanized service line that is or was connected to lead piping, in accordance with constitutional limitations, and to the extent
not already provided for by law, a community water supply shall have the authority to access private property and private residences for the sole purpose of identifying or replacing lead service lines or galvanized service lines.

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

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

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

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

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

(5) To the extent that the owner or operator of a community water supply serves a significant proportion of non-English speaking consumers, a notification under this
Section must contain information in the appropriate language regarding the importance of the notice and a telephone number or address where a person who is served may contact the owner or operator of the community water supply to obtain a translated copy of the notification or to request assistance in the appropriate language.

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

To the extent allowed by law, community water supplies shall be held harmless for damage to property when installing water service lines. If dangers are encountered that prevent the replacement of the lead service line, the community water supply shall notify the Department within 15 working days of why the replacement of the lead service could not be accomplished.
(f) Service lines that are physically disconnected from the distribution system are exempt from this Section.

Section 75-30. Prohibitions.

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

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

(c) A person may replace a portion of a lead service line but not the entirety of the line when an emergency repair is necessary and the community water supply notifies the owner and resident within 36 hours, informing the owner and resident of mitigating strategies, such as flushing pipes before use or
supplying filters for drinking and cooking purposes.

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

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

(d) If an owner of a residence intends to replace the portion of the lead service line that he or she owns, then the owner of the residence shall provide the owner or operator of the community water supply of the replacement plan with notice at least 45 days before commencing the work. In the case of an emergency repair, if the notice is not feasible, and if the
owner of the residence notifies the owner or operator of the community water supply of the replacement of a portion of the lead service line after the work is done, then the owner or operator of the community water supply must replace the remainder of the lead service line within 90 days.

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

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

(20 ILCS 605/605-870 new)

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

(a) The Department shall by rule establish a comprehensive low-income water assistance policy and program that incorporates financial assistance and includes, but is not limited to, water efficiency or water quality projects, such as lead service line replacement, or other measures to ensure that residents have access to affordable and clean water. The policy and program shall not jeopardize the ability of public utilities, community water supplies, or other entities to receive just compensation for providing services. The
resources applied in achieving the policy and program shall be coordinated and efficiently used through the integration of public programs and through the targeting of assistance. The Department shall use all appropriate and available means to fund this program and, to the extent possible, identify and use sources of funding that complement State tax revenues. The rule shall be finalized within 180 days of the effective date of this Act, or within 60 days of receiving an appropriation for the program.

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

(c) Applicants who qualify for assistance under subsection (b) shall, subject to appropriation from the General Assembly and subject to availability of funds to the Department, receive assistance as provided in this Section. The Department, upon receipt of moneys authorized under this Section for assistance, shall commit funds for each qualified applicant in an amount determined by the Department. In determining the amounts of
assistance to be provided to or on behalf of a qualified applicant, the Department shall ensure that the highest amounts of assistance go to households with the greatest water costs in relation to household income. The Department may consider factors such as water costs, household size, household income, and region of the State when determining individual household benefits. In adopting rules for the administration of this Section, the Department shall ensure that a minimum of one-third of the funds for the program are available for benefits to eligible households with the lowest incomes and that elderly households, households with persons with disabilities, and households with children under 6 years of age are offered a priority application period.

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

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

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

(220 ILCS 5/8-306)

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

(a) No later than 120 days after the effective date of this amendatory Act of the 94th General Assembly, the Commission
shall prepare, make available to customers upon request, and post on its Internet web site information concerning the service obligations of water and sewer utilities and remedies that a customer may pursue for a violation of the customer's rights. The information shall specifically address the rights of a customer of a water or sewer utility in the following situations:

1. The customer's water meter is replaced.
2. The customer's bill increases by more than 50% within one billing period.
3. The customer's water service is terminated.
4. The customer wishes to complain after receiving a termination of service notice.
5. The customer is unable to make payment on a billing statement.
6. A rate is filed, including without limitation a surcharge or annual reconciliation filing, that will increase the amount billed to the customer.
7. The customer is billed for services provided prior to the date covered by the billing statement.
8. The customer is due to receive a credit.

Each billing statement issued by a water or sewer utility shall include an Internet web site address where the customer can view the information required under this subsection (a) and a telephone number that the customer may call to request a copy of the information.
(b) A water or sewer utility may discontinue service only after it has mailed or delivered by other means a written notice of discontinuance substantially in the form of Appendix A of 83 Ill. Adm. Code 280. The notice must include the Internet web site address where the customer can view the information required under subsection (a) and a telephone number that the customer may call to request a copy of the information. Any notice required to be delivered or mailed to a customer prior to discontinuance of service shall be delivered or mailed separately from any bill. Service shall not be discontinued until at least 5 days after delivery or 8 days after the mailing of this notice. Service shall not be discontinued and shall be restored if discontinued for the reason which is the subject of a dispute or complaint during the pendency of informal or formal complaint procedures of the Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or 280.170, where the customer has complied with those rules. Service shall not be discontinued and shall be restored if discontinued where a customer has established a deferred payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has not defaulted on such agreement. Residential customers who are indebted to a utility for past due utility service shall have the opportunity to make arrangements with the utility to retire the debt by periodic payments, referred to as a deferred payment agreement, unless this customer has failed to make payment under such a plan during the past 12 months. The terms
and conditions of a reasonable deferred payment agreement shall be determined by the utility after consideration of the following factors, based upon information available from current utility records or provided by the customer or applicant:

1. size of the past due account;
2. customer or applicant's ability to pay;
3. customer or applicant's payment history;
4. reason for the outstanding indebtedness; and
5. any other relevant factors relating to the circumstances of the customer or applicant's service.

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

(c) A water or sewer utility shall provide notice as required by subsection (a) of Section 9-201 after the filing of each information sheet under a purchased water surcharge, purchased sewage treatment surcharge, or qualifying infrastructure plant surcharge. The utility also shall post notice of the filing in accordance with the requirements of 83 Ill. Adm. Code 255. Unless filed as part of a general rate
increase, notice of the filing of a purchased water surcharge rider, purchased sewage treatment surcharge rider, or qualifying infrastructure plant surcharge rider also shall be given in the manner required by this subsection (c) for the filing of information sheets.

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

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

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

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

(2) Meter tests requested by customer.

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

(B) When a meter that has been in service less than 2 years since its last test is found to be accurate within the limits specified in 83 Ill. Adm. Code 600.310, the customer shall pay a fee to the utility not to exceed the amounts specified in 83 Ill. Adm. Code 600.350(b). Fees for testing meters not included in this Section or so located that the cost will be out
of proportion to the fee specified will be determined
by the Commission upon receipt of a complete
description of the case.

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

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

(i) Water and sewer utilities; separate meters. Each public
utility that provides water and sewer service must offer
separate rates for water and sewer service to any commercial or
residential customer who uses separate meters to measure each
of those services. In order for the separate rate to apply, a
combination of meters must be used to measure the amount of
water that reaches the sewer system and the amount of water
that does not reach the sewer system.

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

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

(l) Water and sewer public utilities; subcontractors. The
Commission shall adopt rules for water and sewer public
utilities to provide notice to the customers of the proper kind
of identification that a subcontractor must present to the
customer, to prohibit a subcontractor from soliciting or
receiving payment of any kind for any service provided by the
water or sewer public utility or the subcontractor, and to
establish sanctions for violations.
(m) Water and sewer public utilities; nonrevenue unaccounted-for water. Each by December 31, 2006, each water public utility shall file tariffs with the Commission to establish the maximum percentage of nonrevenue unaccounted-for water that would be considered in the determination of any rates or surcharges. The rates or surcharges approved for a water public utility shall not include charges for nonrevenue unaccounted-for water in excess of this maximum percentage without well-documented support and justification for the Commission to consider in any request to recover charges in excess of the tarifed maximum percentage.

(n) Rate increases; public forums. When any public utility providing water or sewer service proposes a general rate increase, in addition to other notice requirements, the water or sewer public utility must notify its customers of their right to request a public forum. A customer or group of customers must make written request to the Commission for a public forum and must also provide written notification of the request to the customer's municipal or, for unincorporated areas, township government. The Commission, at its discretion, may schedule the public forum. If it is determined that public forums are required for multiple municipalities or townships, the Commission shall schedule these public forums, in locations within approximately 45 minutes drive time of the municipalities or townships for which the public forums have been scheduled. The public utility must provide advance notice
of 30 days for each public forum to the governing bodies of those units of local government affected by the increase. The day of each public forum shall be selected so as to encourage the greatest public participation. Each public forum will begin at 7:00 p.m. Reports and comments made during or as a result of each public forum must be made available to the hearing officials and reviewed when drafting a recommended or tentative decision, finding or order pursuant to Section 10-111 of this Act.

(o) The Commission may allow or direct a water utility to establish a customer assistance program that provides financial relief to residential customers who qualify for income-related assistance. A customer assistance program established under this subsection that affects rates and charges for service is not discriminatory for purposes of this Act or any other law regulating rates and charges for service. In considering whether to approve a water utility's proposed customer assistance program, the Commission must determine that a customer assistance program established under this subsection is in the public interest.

The Commission shall adopt rules to implement this subsection. These rules shall require customer assistance programs under this subsection to coordinate with utility energy efficiency programs and the Illinois Home Weatherization Assistance Program for the purpose of informing
eligible customers of additional resources that may help the
customer conserve water.

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

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

A summary prepared under this subsection shall be submitted
to the Environmental Protection Agency electronically and
shall include any standardized forms, tables, or text specified
by the Director of the Agency. The Agency shall post all such
summaries on the Agency's website for public viewing and in a
timely manner after the Agency receives them. If an entity is
required to submit a cost of service summary or similar
document to another State agency, the entity may submit its
report to the Agency in the form required by that State agency.
(Source: P.A. 94-950, eff. 6-27-06.)

(415 ILCS 5/17.11 rep.)

Section 75-110. The Environmental Protection Act is
amended by repealing Section 17.11.
Article 85.

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

(35 ILCS 200/21-295)

Sec. 21-295. Creation of indemnity fund.

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

(a-5) In counties of 3,000,000 or more inhabitants, each person purchasing property at a sale under this Code shall pay to the County Collector a non-refundable fee of $80 for each item purchased plus an additional sum equal to 5% of taxes, interest, and penalties paid by the purchaser, including the taxes, interest, and penalties paid under Section 21-240. In these counties, the certificate holder shall also pay to the County Collector a fee of $80 for each year that all or a portion of subsequent taxes are paid by the tax purchaser and
posted to the tax judgment, sale, redemption, and forfeiture record, plus an additional sum equal to 5% of all subsequent taxes, interest, and penalties. The additional 5% fees are not required after December 31, 2006. The changes to this subsection made by this amendatory Act of the 91st General Assembly are not a new enactment, but declaratory of existing law.

(b) The amount paid prior to issuance of the certificate of purchase pursuant to subsection (a) or (a-5) shall be included in the purchase price of the property in the certificate of purchase and all amounts paid under this Section shall be included in the amount required to redeem under Section 21-355, except for the non-refundable $80 fee for each item purchased at the tax sale as provided in this Section. Except as otherwise provided in subsection (b) of Section 21-300, all money received under subsection (a) or (a-5) shall be paid by the Collector to the County Treasurer of the County in which the land is situated, for the purpose of an indemnity fund. The County Treasurer, as trustee of that fund, shall invest all of that fund, principal and income, in his or her hands from time to time, if not immediately required for payments of indemnities under subsection (a) of Section 21-305, in investments permitted by the Illinois State Board of Investment under Article 22A of the Illinois Pension Code. The county collector shall report annually to the county clerk on the condition and income of the fund. The indemnity fund shall be
held to satisfy judgments obtained against the County Treasurer, as trustee of the fund. No payment shall be made from the fund, except upon a judgment of the court which ordered the issuance of a tax deed.

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

(35 ILCS 200/21-310)

Sec. 21-310. Sales in error.

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

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

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

(3) there is a double assessment,

(4) the description is void for uncertainty,

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

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

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

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

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

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

(1) A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax deed.
(2) The improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy subsequent to the tax sale and prior to the issuance of the tax deed; however, if the court declares a sale in error under this paragraph (2), the court may order the holder of the certificate of purchase to assign the certificate to the county collector if requested by the county collector. The county collector may, upon request of the county, as trustee, or upon request of a taxing district having an interest in the taxes sold, further assign any certificate of purchase received pursuant to this paragraph (2) to the county acting as trustee for taxing districts pursuant to Section 21-90 of this Code or to the taxing district having an interest in the taxes sold.

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

(4) The real property contains a hazardous substance, hazardous waste, or underground storage tank that would require cleanup or other removal under any federal, State, or local law, ordinance, or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste, or underground storage tank. This paragraph (4) applies only if the owner of the certificate of purchase has made
application for a sale in error at any time before the 
issuance of a tax deed. If the court declares a sale in 
error under this paragraph (4), the court may order the 
holder of the certificate of purchase to assign the 
certificate to the county collector if requested by the 
county collector. The county collector may, upon request of 
the county, as trustee, or upon request of a taxing 
district having an interest in the taxes sold, further 
assign any certificate of purchase received pursuant to 
this paragraph (4) to the county acting as trustee for 
taxing districts pursuant to Section 21-90 of this Code or 
to the taxing district having an interest in the taxes 
sold.

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

(c) When the county collector discovers, prior to the 
expiration of the period of redemption, that a tax sale should 
not have occurred for one or more of the reasons set forth in 
subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this Section, 
the county collector shall notify the last known owner of the 
certificate of purchase by certified and regular mail, or other 
means reasonably calculated to provide actual notice, that the 
county collector intends to declare an administrative sale in
error and of the reasons therefor, including documentation sufficient to establish the reason why the sale should not have occurred. The owner of the certificate of purchase may object in writing within 28 days after the date of the mailing by the county collector. If an objection is filed, the county collector shall not administratively declare a sale in error, but may apply to the circuit court for a sale in error as provided in subsection (a) of this Section. Thirty days following the receipt of notice by the last known owner of the certificate of purchase, or within a reasonable time thereafter, the county collector shall make a written declaration, based upon clear and convincing evidence, that the taxes were sold in error and shall deliver a copy thereof to the county clerk within 30 days after the date the declaration is made for entry in the tax judgment, sale, redemption, and forfeiture record pursuant to subsection (d) of this Section. The county collector shall promptly notify the last known owner of the certificate of purchase of the declaration by regular mail and shall promptly pay the amount of the tax sale, together with interest and costs as provided in Section 21-315, upon surrender of the original certificate of purchase.

(d) If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment, sale, redemption and forfeiture record, that the property was erroneously sold, and the county collector shall, on demand of the owner of the certificate of purchase, refund the amount paid, except for the
non-refundable $80 fee paid, pursuant to Section 21-295, for each item purchased at the tax sale, pay any interest and costs as may be ordered under Sections 21-315 through 21-335, and cancel the certificate so far as it relates to the property. The county collector shall deduct from the accounts of the appropriate taxing bodies their pro rata amounts paid. Alternatively, for sales in error declared under subsection (b)(2) or (b)(4), the county collector may request the circuit court to direct the county clerk to record any assignment of the tax certificate to or from the county collector without charging a fee for the assignment. The owner of the certificate of purchase shall receive all statutory refunds and payments. The county collector shall deduct costs and payments in the same manner as if a sale in error had occurred.

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

(35 ILCS 200/21-355)

Sec. 21-355. Amount of redemption. Any person desiring to redeem shall deposit an amount specified in this Section with the county clerk of the county in which the property is situated, in legal money of the United States, or by cashier's check, certified check, post office money order or money order issued by a financial institution insured by an agency or instrumentality of the United States, payable to the county clerk of the proper county. The deposit shall be deemed timely only if actually received in person at the county clerk's
office prior to the close of business as defined in Section 3-2007 of the Counties Code on or before the expiration of the period of redemption or by United States mail with a post office cancellation mark dated not less than one day prior to the expiration of the period of redemption. The deposit shall be in an amount equal to the total of the following:

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

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

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

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

(3) if the redemption occurs after 12 months from the date of sale and on or before the expiration of 18 months from the date of sale, the certificate amount
times 3 times the penalty bid at sale;

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

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

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

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

(c) The total of all taxes, special assessments, accrued interest on those taxes and special assessments and costs charged in connection with the payment of those taxes or special assessments, except for the non-refundable $80 fee paid, pursuant to Section 21-295, for each item purchased at the tax sale, which have been paid by the tax
certificate holder on or after the date those taxes or
special assessments became delinquent together with 12%
penalty on each amount so paid for each year or portion
thereof intervening between the date of that payment and
the date of redemption. In counties with less than
3,000,000 inhabitants, however, a tax certificate holder
may not pay all or part of an installment of a subsequent
tax or special assessment for any year, nor shall any
tender of such a payment be accepted, until after the
second or final installment of the subsequent tax or
special assessment has become delinquent or until after the
holder of the certificate of purchase has filed a petition
for a tax deed under Section 22.30. The person redeeming
shall also pay the amount of interest charged on the
subsequent tax or special assessment and paid as a penalty
by the tax certificate holder. This amendatory Act of 1995
applies to tax years beginning with the 1995 taxes, payable
in 1996, and thereafter.

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

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

(f) All fees paid to the county clerk under Section
22-5.

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

(h) All fees paid to the circuit clerk and the sheriff, a licensed or registered private detective, or the coroner in connection with the filing of the petition for tax deed and service of notices under Sections 22-15 through 22-30 and 22-40 in addition to (1) a fee of $35 if a petition for tax deed has been filed, which fee shall be posted to the tax judgement, sale, redemption, and forfeiture record, to be paid to the purchaser or his or her assignee; (2) a fee of $4 if a notice under Section 22-5 has been filed, which fee shall be posted to the tax judgment, sale, redemption, and forfeiture record, to be paid to the purchaser or his or her assignee; (3) all costs paid to record a lis pendens notice in connection with filing a petition under this Code; and (4) if a petition for tax deed has been filed, all fees up to $150 per redemption paid to a registered or licensed title insurance company or title insurance agent for a title search to identify all owners, parties interested, and occupants of the property, to be paid to the purchaser or his or her assignee. The fees in (1) and (2) of this paragraph (h) shall be exempt from the posting requirements of Section 21-360. The costs incurred in causing notices to be served by a licensed or registered
private detective under Section 22-15, may not exceed the
amount that the sheriff would be authorized by law to
charge if those notices had been served by the sheriff.

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

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

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

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

Article 90.

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

(310 ILCS 10/8.10a new)

Sec. 8.10a. Criminal history record data.
(a) Every Authority organized under the provisions of this Act shall collect the following:

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

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

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

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

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

(b) The information required in this Section shall be disaggregated by the race, ethnicity, and sex of applicants for housing. This information shall be reported to the Illinois Criminal Justice Information Authority and shall be compiled and reported to the General Assembly annually by the Illinois
Criminal Justice Information Authority. The Illinois Criminal Justice Information Authority shall also make this report publicly available, including on its website, without fee.

(310 ILCS 10/8.23)

Sec. 8.23. Notification to leaseholders of the prospective presence of individuals with a felony conviction felon in housing authority facilities; eviction.

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

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

(Source: P.A. 91-506, eff. 8-13-99.)
Sec. 17. Definitions. The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

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

(b) "Area" or "area of operation" shall mean: (1) in the case of an authority which is created hereunder for a city, village, or incorporated town, the area within the territorial boundaries of said city, village, or incorporated town, and so long as no county housing authority has jurisdiction therein, the area within three miles from such territorial boundaries, except any part of such area located within the territorial boundaries of any other city, village, or incorporated town; and (2) in the case of a county shall include all of the county except the area of any city, village or incorporated town located therein in which there is an Authority. When an authority is created for a county subsequent to the creation of an authority for a city, village or incorporated town within the same county, the area of operation of the authority for such city, village or incorporated town shall thereafter be limited to the territory of such city, village or incorporated town, but the authority for such city, village or incorporated
town may continue to operate any project developed in whole or
in part in an area previously a part of its area of operation, or may contract with the county housing authority with respect
to the sale, lease, development or administration of such project. When an authority is created for a city, village or incorporated town subsequent to the creation of a county housing authority which previously included such city, village or incorporated town within its area of operation, such county housing authority shall have no power to create any additional project within the city, village or incorporated town, but any existing project in the city, village or incorporated town currently owned and operated by the county housing authority shall remain in the ownership, operation, custody and control of the county housing authority.

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

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

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

(d) "Commissioner" shall mean one of the members of an
Authority appointed in accordance with the provisions of this Act.

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

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

(g) "Project" shall include all lands, buildings, and improvements, acquired, owned, leased, managed or operated by a housing authority, and all buildings and improvements constructed, reconstructed or repaired by a housing authority, designed to provide housing accommodations and facilities appurtenant thereto (including community facilities and stores) which are planned as a unit, whether or not acquired or constructed at one time even though all or a portion of the buildings are not contiguous or adjacent to one another; and the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the clearing of land, the construction, reconstruction, and repair of buildings or improvements and all other work in connection therewith. As provided in Sections 8.14 to 8.18, inclusive, "project" also means, for Housing Authorities for municipalities of less than 500,000 population and for counties, the conservation of urban areas in accordance with an approved conservation plan. "Project" shall also include (1) acquisition of (i) a slum or blighted area or a deteriorated or
deteriorating area which is predominantly residential in character, or (ii) any other deteriorated or deteriorating area which is to be developed or redeveloped for predominantly residential uses, or (iii) platted urban or suburban land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses, or (iv) open unplatted urban or suburban land necessary for sound community growth which is to be developed for predominantly residential uses, or (v) any other area where parcels of land remain undeveloped because of improper platting, delinquent taxes or special assessments, scattered or uncertain ownerships, clouds on title, artificial values due to excessive utility costs, or any other impediments to the use of such area for predominantly residential uses; (2) installation, construction, or reconstruction of streets, utilities, and other site improvements essential to the preparation of sites for uses in accordance with the development or redevelopment plan; and (3) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the local public agency itself). If in any city, village or incorporated town there exists a land clearance commission created under the "Blighted Areas Redevelopment Act of 1947" having the same area of operation as
a housing authority created in and for any such municipality such housing authority shall have no power to acquire land of the character described in subparagraph (iii), (iv) or (v) of paragraph 1 of the definition of "project" for the purpose of development or redevelopment by private enterprise.

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

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

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

(k) The phrase "individual, association, corporation or organization" shall include any individual, private corporation, limited or general partnership, limited liability company, insurance company, housing corporation, neighborhood redevelopment corporation, non-profit corporation, incorporated or unincorporated group or association,
educational institution, hospital, or charitable organization, and any mutual ownership or cooperative organization.

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

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

(n) "Fair use value" means the fair cash market value of real property when employed for the use contemplated by a "Conservation Plan" in municipalities of less than 500,000 population and in counties.
(o) "Community facilities" means, in relation to a "Conservation Plan", those physical plants which implement, support and facilitate the activities, services and interests of education, recreation, shopping, health, welfare, religion and general culture.

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

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

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

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

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

(a) It shall not accept any person as a tenant in any dwelling in a housing project if the persons who would occupy
the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority determines (which determination shall be conclusive) to be necessary in order to enable such persons to secure safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate standard of living for themselves.

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

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

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

(e) It may refuse to certify or recertify applicants, current tenants, or other household members if, after due notice and an impartial hearing, that person or any of the proposed occupants of the dwelling has, prior to or during a term of tenancy or occupancy in any housing project operated by
an Authority, been convicted of a criminal offense relating to
the sale or distribution of controlled substances under the
laws of this State, the United States or any other state. If an
Authority desires a criminal history records check of all 50
states or a 50-state confirmation of a conviction record, the
Authority shall submit the fingerprints of the relevant
applicant, tenant, or other household member to the Department
of State Police in a manner prescribed by the Department of
State Police. These fingerprints shall be checked against the
fingerprint records now and hereafter filed in the Department
of State Police and Federal Bureau of Investigation criminal
history records databases. The Department of State Police shall
charge a fee for conducting the criminal history records check,
which shall be deposited in the State Police Services Fund and
shall not exceed the actual cost of the records check. The
Department of State Police shall furnish pursuant to positive
identification, records of conviction to the Authority. An
Authority that requests a criminal history report of an
applicant or other household member shall inform the applicant
at the time of the request that the applicant or other
household member may provide additional mitigating information
for consideration with the application for housing.

(e-5) Criminal history record assessment. The Authority
shall use the following process when evaluating the criminal
history report of an applicant or other household member to
determine whether to rent or lease to the applicant:
(1) Unless required by federal law, the Authority shall not consider the following information when determining whether to rent or lease to an applicant for housing:

   (A) an arrest or detention;
   
   (B) criminal charges or indictments, and the nature of any disposition arising therefrom, that do not result in a conviction;
   
   (C) a conviction that has been vacated, ordered, expunged, sealed, or impounded by a court;
   
   (D) matters under the jurisdiction of the Illinois Juvenile Court;
   
   (E) the amount of time since the applicant or other household member completed his or her sentence in prison or jail or was released from prison or jail; or
   
   (F) convictions occurring more than 180 days prior to the date the applicant submitted his or her application for housing.

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

   (A) the reviewer shall examine the applicant's or other household member's criminal history report and report only those records not prohibited under paragraph (1) to the person or persons making the decision about whether to offer housing to the applicant; and
   
   (B) the reviewer shall not participate in any final
decisions on an applicant's application for housing.

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

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

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

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

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

(2) Illegal use of a firearm or other weapon or the threat to use in an illegal manner a firearm or other
(3) Possession of a controlled substance by the tenant or any other person on the premises with the consent of the tenant if the tenant knew or should have known of the possession by the other person of a controlled substance, unless the controlled substance was obtained directly from or pursuant to a valid prescription.

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

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

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

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

(310 ILCS 10/25.01 new)

Sec. 25.01. Notification. Before denying an applicant's housing application based, in whole or in part, on a criminal history record permitted under this Act, the Authority shall provide the opportunity for an individual assessment. The
applicant for housing shall be provided with a clear, written notice that:

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

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

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

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

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

(6) provides a copy of the criminal history report the Authority used to make its determination.
Sec. 25.02. Criminal records assessment hearing.

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

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

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

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

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

(c) The Authority shall adopt rules for criminal records assessment hearings in accordance with Article 10 of the Illinois Administrative Procedure Act.
Section 95-5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by adding Section 405-535 as follows:

(20 ILCS 405/405-535 new)

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

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

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

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

(d) As used in this Section:

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

"State agency" has the meaning provided in subsection (b) of Section 405-5.
Women, and Persons with Disabilities Act is amended by adding Section 8k as follows:

(30 ILCS 575/8k new)

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

Article 100.

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

Section 100-5. Policy. The General Assembly finds that it is vital for the State to invest in community economic development, particularly in communities which have been historically excluded from investment opportunities due to redlining, discriminatory banking practices, and racism. The purpose of this Act is to establish a Program for guaranteeing small business loans and consumer loans to borrowers who would otherwise not qualify in communities of color and low-income communities.
Section 100-10. Definitions. As used in this Act:

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

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

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

Section 100-20. Eligible institutions. The State Treasurer shall determine the eligibility of financial institutions to participate in the Program. In addition to any other requirements of this Act and in accordance with any applicable federal law or program, the State Treasurer in determining eligibility of financial institutions shall consider (i) the
financial institution's commitment to low-income communities as defined in Section 45D(e) of the Internal Revenue Code of 1986 codified at 26 U.S.C. § 45D(e), and (ii) the financial institution's commitment to communities considered disproportionately impacted areas, depressed areas, or enterprise zones as determined, designated, or certified by the Department of Commerce and Economic Opportunity in accordance with any applicable federal law or program.

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

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

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

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

(c) The State Treasurer shall withdraw the full amount in
the Account in the event the Loan Guarantee Program is discontinued, or the financial institution leaves the Program.

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

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

Article 110.

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

(15 ILCS 520/16.3)

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

(a) In addition to any other requirements of this Act, the State Treasurer shall be authorized to consider the financial institution's record and current level of financial commitment to its local community when deciding whether to deposit State funds in that financial institution. The State Treasurer may
consider factors including, but not necessarily limited to:

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

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

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

(4) the financial impact to the State as a result of withdrawing State funds or refusing to deposit additional State funds in the financial institution; and

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

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

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

(b) Nothing in this Section shall be construed as authorizing the State Treasurer to conduct an examination or investigation of a financial institution or to receive information that is not publicly available and the disclosure of which is otherwise prohibited by law.  
(Source: P.A. 93-251, eff. 7-1-04.)

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

(30 ILCS 235/8)

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

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

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

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

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

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

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

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

(b) Nothing in this Section shall be construed as authorizing the public agency to conduct an examination or
investigation of a financial institution or to receive
information that is not publicly available and the disclosure
of which is otherwise prohibited by law.
(Source: P.A. 93-251, eff. 7-1-04.)

Article 115.

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

Section 115-5. 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 budget established for the Commission for any given
fiscal year shall be no less than that established for the
Section 115-10. Powers and duties. In addition to the other powers and duties which may be prescribed in this Act or elsewhere, the Commission shall have the following powers and duties:

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

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

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

(4) The Commission shall exercise the oversight powers
and duties provided to it under Section 5-7 of the Illinois Procurement Code.

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

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

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

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

(A) the Illinois African-American Family Commission;

(B) the Illinois Latino Family Commission;

(C) the Asian American Family Commission;

(D) the Illinois Muslim American Advisory Council;

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

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

(9) The Commission shall adopt any rules necessary for the implementation and administration of the requirements of this Act.
Section 115-100. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-597 as follows:

(20 ILCS 2705/2705-597 new)

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

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

(20 ILCS 3903/30)

Sec. 30. Reporting. The Illinois African-American Family Commission shall annually report to the Governor, and the General Assembly, and the Commission on Equity and Inclusion on the Commission's progress toward its goals and objectives.
(Source: P.A. 93-867, eff. 8-5-04.)

(20 ILCS 3903/35 new)

Sec. 35. Oversight. Notwithstanding any provision of law
to the contrary, the Commission on Equity and Inclusion established under the Commission on Equity and Inclusion Act shall have general oversight of the operations of the Illinois African-American Family Commission.

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

(20 ILCS 3916/20)
Sec. 20. Report. The Asian American Family Commission shall annually report to the Governor, the General Assembly, and the Commission on Equity and Inclusion on the Commission's progress toward its goals and objectives.
(Source: P.A. 101-392, eff. 1-1-20.)

(20 ILCS 3916/25 new)
Sec. 25. Oversight. Notwithstanding any provision of law to the contrary, the Commission on Equity and Inclusion established under the Commission on Equity and Inclusion Act shall have general oversight of the operations of the Asian American Family Commission.

Section 115-115. The Illinois Latino Family Commission Act is amended by changing Section 30 and by adding Section 35 as follows:
Sec. 30. Reporting. The Illinois Latino Family Commission shall annually report to the Governor, the General Assembly, and the Commission on Equity and Inclusion on the Commission's progress towards its goals and objectives.

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

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

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

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

(Source: P.A. 100-459, eff. 8-25-17.)
Sec. 35. Oversight. Notwithstanding any provision of law to the contrary, the Commission on Equity and Inclusion established under the Commission on Equity and Inclusion Act shall have general oversight of the operations of the Council.


(30 ILCS 500/1-15.15)

Sec. 1-15.15. Chief Procurement Officer. "Chief Procurement Officer" means any of the 4 persons appointed or approved by a majority of the members of the Executive Ethics Commission and approved by a majority vote of the Commission on Equity and Inclusion:

(1) for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission and approved by a majority vote of the Commission on Equity and Inclusion.

(2) for procurements for all construction, construction-related services, operation of any facility,
and the provision of any construction or construction-related service or activity committed by law to the jurisdiction or responsibility of the Illinois Department of Transportation, including the direct or reimbursable expenditure of all federal funds for which the Department of Transportation is responsible or accountable for the use thereof in accordance with federal law, regulation, or procedure, the independent chief procurement officer appointed by the Secretary of Transportation with the consent of the majority of the members of the Executive Ethics Commission and approved by a majority vote of the Commission on Equity and Inclusion.

(3) for all procurements made by a public institution of higher education, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission and approved by a majority vote of the Commission on Equity and Inclusion.

(4) (Blank).

(5) for all other procurements, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission and approved by a majority vote of the Commission on Equity and Inclusion.

(Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795); 96-920, eff. 7-1-10.)
Sec. 5-7. Commission on Equity and Inclusion; powers and duties.

(a) The Commission on Equity and Inclusion, as created under the Commission on Equity and Inclusion Act, shall have the powers and duties provided under this Section with respect to this Code. Nothing in this Section shall be construed as overriding the authority and duties of the Procurement Policy Board as provided under Section 5-5. The powers and duties of the Commission as provided under this Section shall be exercised alongside, but independent of, that of the Procurement Policy Board.

(b) The Commission shall have the authority and responsibility to review, comment upon, and recommend, consistent with this Code, rules and practices governing the procurement, management, control, and disposal of supplies, services, professional or artistic services, construction, and real property and capital improvement leases procured by the State. The Commission shall also have the authority to recommend a program for professional development and provide opportunities for training in procurement practices and policies to chief procurement officers and their staffs in order to ensure that all procurement is conducted in an efficient, professional, and appropriately transparent manner.

(c) Upon a majority vote of its members, the Commission may review a contract. Upon a three-fifths vote of its members, the
Commission may propose procurement rules for consideration by chief procurement officers. These proposals shall be published in each volume of the Procurement Bulletin. Except as otherwise provided by law, the Commission shall act upon the vote of a majority of its members who have been appointed and are serving.

(d) The Commission may review, study, and hold public hearings concerning the implementation and administration of this Code. Each chief procurement officer, State purchasing officer, procurement compliance monitor, and State agency shall cooperate with the Commission, provide information to the Commission, and be responsive to the Commission in the Commission's conduct of its reviews, studies, and hearings.

(e) Upon a three-fifths vote of its members, the Commission shall review a proposal, bid, or contract and issue a recommendation to void a contract or reject a proposal or bid based on any conflict of interest or violation of this Code. A recommendation of the Commission shall be delivered to the appropriate chief procurement officer and Executive Ethics Commission within 7 calendar days and must be published in the next volume of the Procurement Bulletin. The bidder, offeror, potential contractor, contractor, or subcontractor shall have 15 calendar days to provide a written response to the notice, and a hearing before the Commission on the alleged conflict of interest or violation shall be held upon request by the bidder, offeror, potential contractor, contractor, or subcontractor.
The requested hearing date and time shall be determined by the Commission, but in no event shall the hearing occur later than 15 calendar days after the date of the request.

(30 ILCS 500/5-30)

Sec. 5-30. Proposed contracts; Procurement Policy Board; Commission on Equity and Inclusion.

(a) Except as provided in subsection (c), within 14 calendar days after notice of the awarding or letting of a contract has appeared in the Procurement Bulletin in accordance with subsection (b) of Section 15-25, the Board or the Commission on Equity and Inclusion may request in writing from the contracting agency and the contracting agency shall promptly, but in no event later than 7 calendar days after receipt of the request, provide to the requesting entity Board, by electronic or other means satisfactory to the requesting entity Board, documentation in the possession of the contracting agency concerning the proposed contract. Nothing in this subsection is intended to waive or abrogate any privilege or right of confidentiality authorized by law.

(b) No contract subject to this Section may be entered into until the 14-day period described in subsection (a) has expired, unless the contracting agency requests in writing that the Board and the Commission on Equity and Inclusion waive the period and the Board and the Commission on Equity and Inclusion grant the waiver in writing.
(c) This Section does not apply to (i) contracts entered into under this Code for small and emergency procurements as those procurements are defined in Article 20 and (ii) contracts for professional and artistic services that are nonrenewable, one year or less in duration, and have a value of less than $20,000. If requested in writing by the Board or the Commission on Equity and Inclusion, however, the contracting agency must promptly, but in no event later than 10 calendar days after receipt of the request, transmit to the Board or the Commission on Equity and Inclusion a copy of the contract for an emergency procurement and documentation in the possession of the contracting agency concerning the contract.

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

(30 ILCS 500/10-20)

Sec. 10-20. Independent chief procurement officers.

(a) Appointment. Beginning with appointments made on or after the effective date of this amendatory Act of the 101st General Assembly within 60 calendar days after the effective date of this amendatory Act of the 96th General Assembly, the Executive Ethics Commission with the majority vote approval of the Commission on Equity and Inclusion, and with the advice and consent of the Senate, shall appoint or approve 4 chief procurement officers, one for each of the following categories:

(1) for procurements for construction and construction-related services committed by law to the
jurisdiction or responsibility of the Capital Development Board;

(2) for procurements for all construction, construction-related services, operation of any facility, and the provision of any service or activity committed by law to the jurisdiction or responsibility of the Illinois Department of Transportation, including the direct or reimbursable expenditure of all federal funds for which the Department of Transportation is responsible or accountable for the use thereof in accordance with federal law, regulation, or procedure, the chief procurement officer recommended for approval under this item appointed by the Secretary of Transportation after consent by the Executive Ethics Commission and the Commission on Equity and Inclusion;

(3) for all procurements made by a public institution of higher education; and

(4) for all other procurement needs of State agencies.

A chief procurement officer shall be responsible to the Executive Ethics Commission and the Commission on Equity and Inclusion but must be located within the agency that the officer provides with procurement services. The chief procurement officer for higher education shall have an office located within the Board of Higher Education, unless otherwise designated by the Executive Ethics Commission and the Commission on Equity and Inclusion. The chief procurement
officer for all other procurement needs of the State shall have
an office located within the Department of Central Management
Services, unless otherwise designated by the Executive Ethics
Commission and the Commission on Equity and Inclusion.

(b) Terms and independence. Each chief procurement officer
appointed under this Section shall serve for a term of 5 years
beginning on the date of the officer's appointment. The chief
procurement officer may be removed for cause after a hearing by
the Executive Ethics Commission and the Commission on Equity
and Inclusion. The Governor or the director of a State agency
directly responsible to the Governor may institute a complaint
against the officer by filing such complaint with the
Commission. The Commission shall have a hearing based on the
complaint. The officer and the complainant shall receive
reasonable notice of the hearing and shall be permitted to
present their respective arguments on the complaint. After the
hearing, the Commission shall make a finding on the complaint
and may take disciplinary action, including but not limited to
removal of the officer.

The salary of a chief procurement officer shall be
established by the Executive Ethics Commission and the
Commission on Equity and Inclusion and may not be diminished
during the officer's term. The salary may not exceed the salary
of the director of a State agency for which the officer serves
as chief procurement officer.

(c) Qualifications. In addition to any other requirement or
qualification required by State law, each chief procurement officer must within 12 months of employment be a Certified Professional Public Buyer or a Certified Public Purchasing Officer, pursuant to certification by the Universal Public Purchasing Certification Council, and must reside in Illinois.

(d) Fiduciary duty. Each chief procurement officer owes a fiduciary duty to the State.

(e) Vacancy. In case of a vacancy in one or more of the offices of a chief procurement officer under this Section during the recess of the Senate, the Executive Ethics Commission, with the approval of the Commission on Equity and Inclusion, shall make a temporary appointment until the next meeting of the Senate, when the Executive Ethics Commission, with the approval of the Commission on Equity and Inclusion, 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. If the Senate is not in session at the time this amendatory Act of the 96th General Assembly takes effect, the Executive Ethics Commission shall make a temporary appointment as in the case of a vacancy.

(f) (Blank).

(g) (Blank).

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/20-10)
Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, including earned and applied bid credit from the Illinois Works Jobs Program Act, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated
based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The
written explanation must include:

1. a description of the agency's needs;
2. a determination that the anticipated cost will be fair and reasonable;
3. a listing of all responsible and responsive bidders; and
4. the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission, and the Commission on Equity and Inclusion, and the Procurement Policy Board, and be made available for inspection by the public, within 30 calendar days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under
Section 1-56, subsections (a) and (c) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the
auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

(Text of Section from P.A. 96-159, 96-795, 97-96, 97-895, 98-1076, 99-906, 100-43, and 101-31)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.
(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, including earned and applied bid credit from the Illinois Works Jobs Program Act, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life
cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

(1) a description of the agency's needs;

(2) a determination that the anticipated cost will be fair and reasonable;

(3) a listing of all responsible and responsive bidders; and
(4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder. Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g). The written explanation shall be filed with the Legislative Audit Commission, and the Commission on Equity and Inclusion, and the Procurement Policy Board, and be made available for inspection by the public, within 30 days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under subsections (a) and (c) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the
invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids
shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after
the auction by written notice to the lowest responsible bidder,
or all bids shall be rejected except as otherwise provided in
this Code. Extensions of the date for the award may be made by
mutual written consent of the State purchasing officer and the
lowest responsible bidder.

This subsection does not apply to (i) procurements of
professional and artistic services, (ii) telecommunications
services, communication services, and information services,
and (iii) contracts for construction projects, including
design professional services.

(Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

(30 ILCS 500/20-25)

Sec. 20-25. Sole source procurements.

(a) In accordance with standards set by rule, contracts may
be awarded without use of the specified method of source
selection when there is only one economically feasible source
for the item. A State contract may be awarded as a sole source
contract unless an interested party submits a written request
for a public hearing at which the chief procurement officer and
purchasing agency present written justification for the
procurement method. Any interested party may present
testimony. A sole source contract where a hearing was requested
by an interested party may be awarded after the hearing is
conducted with the approval of the chief procurement officer.

(b) This Section may not be used as a basis for amending a contract for professional or artistic services if the amendment would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed 2 months.

(c) Notice of intent to enter into a sole source contract shall be provided to the Procurement Policy Board and the Commission on Equity and Inclusion, and published in the online electronic Bulletin at least 14 calendar days before the public hearing required in subsection (a). The notice shall include the sole source procurement justification form prescribed by the Board, a description of the item to be procured, the intended sole source contractor, and the date, time, and location of the public hearing. A copy of the notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin.

(d) By August 1 each year, each chief procurement officer shall file a report with the General Assembly identifying each contract the officer sought under the sole source procurement method and providing the justification given for seeking sole source as the procurement method for each of those contracts.

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

(30 ILCS 500/20-30)
Sec. 20-30. Emergency purchases.

(a) Conditions for use. In accordance with standards set by rule, a purchasing agency may make emergency procurements without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records; provided, however, that the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 calendar days. A contract may be extended beyond 90 calendar days if the chief procurement officer determines additional time is necessary and that the contract scope and duration are limited to the emergency. Prior to execution of the extension, the chief procurement officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony. Emergency procurements shall be made with as much competition as is practicable under the circumstances, and shall include best efforts to include contractors certified under the Business Enterprise Program. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file.
(b) Notice. Notice of all emergency procurements shall be provided to the Procurement Policy Board and the Commission on Equity and Inclusion, and published in the online electronic Bulletin no later than 5 calendar days after the contract is awarded. Notice of intent to extend an emergency contract shall be provided to the Procurement Policy Board and the Commission on Equity and Inclusion, and published in the online electronic Bulletin at least 14 calendar days before the public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor, and if applicable, the date, time, and location of the public hearing. A copy of this notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin. Before the next appropriate volume of the Illinois Procurement Bulletin, the purchasing agency shall publish in the Illinois Procurement Bulletin a copy of each written description and reasons and the total cost of each emergency procurement made during the previous month. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

(c) Statements. A chief procurement officer making a procurement under this Section shall file statements with the Procurement Policy Board, the Commission on Equity and Inclusion, and the Auditor General within 10 calendar days
after the procurement setting forth the amount expended, the
name of the contractor involved, and the conditions and
circumstances requiring the emergency procurement. When only
an estimate of the cost is available within 10 calendar days
after the procurement, the actual cost shall be reported
immediately after it is determined. At the end of each fiscal
quarter, the Auditor General shall file with the Legislative
Audit Commission and the Governor a complete listing of all
emergency procurements reported during that fiscal quarter.
The Legislative Audit Commission shall review the emergency
procurements so reported and, in its annual reports, advise the
General Assembly of procurements that appear to constitute an
abuse of this Section.

(d) Quick purchases. The chief procurement officer may
promulgate rules extending the circumstances by which a
purchasing agency may make purchases under this Section,
including but not limited to the procurement of items available
at a discount for a limited period of time. The chief
procurement officer shall adopt rules regarding good faith and
best efforts from contractors and companies certified under the
Business Enterprise Program.

(e) The changes to this Section made by this amendatory Act
of the 96th General Assembly apply to procurements executed on
or after its effective date.

(Source: P.A. 100-43, eff. 8-9-17.)
Sec. 20-60. Duration of contracts.

(a) Maximum duration. A contract may be entered into for any period of time deemed to be in the best interests of the State but not exceeding 10 years inclusive, beginning January 1, 2010, of proposed contract renewals. Third parties may lease State-owned dark fiber networks for any period of time deemed to be in the best interest of the State, but not exceeding 20 years. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25. The length of energy conservation program contracts or energy savings contracts or leases shall be in accordance with the provisions of Section 25-45. A contract for bond or mortgage insurance awarded by the Illinois Housing Development Authority, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bond or mortgage may remain outstanding.

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

(c) The chief procurement officer shall file a proposed extension or renewal of a contract with the Procurement Policy Board and the Commission on Equity and Inclusion prior to entering into any extension or renewal if the cost associated
with the extension or renewal exceeds $249,999. The Procurement
Policy Board or the Commission on Equity and Inclusion may
object to the proposed extension or renewal within 30 calendar
days and require a hearing before the Board or the Commission
on Equity and Inclusion prior to entering into the extension or
renewal. If the Procurement Policy Board or the Commission on
Equity and Inclusion does not object within 30 calendar days or
takes affirmative action to recommend the extension or renewal,
the chief procurement officer may enter into the extension or
renewal of a contract. This subsection does not apply to any
emergency procurement, any procurement under Article 40, or any
procurement exempted by Section 1-10(b) of this Code. If any
State agency contract is paid for in whole or in part with
federal-aid funds, grants, or loans and the provisions of this
subsection would result in the loss of those federal-aid funds,
grants, or loans, then the contract is exempt from the
provisions of this subsection in order to remain eligible for
those federal-aid funds, grants, or loans, and the State agency
shall file notice of this exemption with the Procurement Policy
Board or the Commission on Equity and Inclusion prior to
entering into the proposed extension or renewal. Nothing in
this subsection permits a chief procurement officer to enter
into an extension or renewal in violation of subsection (a). By
August 1 each year, the Procurement Policy Board and the
Commission on Equity and Inclusion shall each file a
report with the General Assembly identifying for the previous
fiscal year (i) the proposed extensions or renewals that were filed and whether such extensions and renewals were objected to with the Board and whether the Board objected and (ii) the contracts exempt from this subsection.

(d) Notwithstanding the provisions of subsection (a) of this Section, the Department of Innovation and Technology may enter into leases for dark fiber networks for any period of time deemed to be in the best interests of the State but not exceeding 20 years inclusive. The Department of Innovation and Technology may lease dark fiber networks from third parties only for the primary purpose of providing services (i) to the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer and State agencies, as defined under Section 5-15 of the Civil Administrative Code of Illinois or (ii) for anchor institutions, as defined in Section 7 of the Illinois Century Network Act. Dark fiber network lease contracts shall be subject to all other provisions of this Code and any applicable rules or requirements, including, but not limited to, publication of lease solicitations, use of standard State contracting terms and conditions, and approval of vendor certifications and financial disclosures.

(e) As used in this Section, "dark fiber network" means a network of fiber optic cables laid but currently unused by a third party that the third party is leasing for use as network infrastructure.
Sec. 35-15. Prequalification.

(a) The chief procurement officer for matters other than construction and the higher education chief procurement officer shall each develop appropriate and reasonable prequalification standards and categories of professional and artistic services.

(b) The prequalifications and categorizations shall be submitted to the Procurement Policy Board and the Commission on Equity and Inclusion, and published for public comment prior to their submission to the Joint Committee on Administrative Rules for approval.

(c) The chief procurement officer for matters other than construction and the higher education chief procurement officer shall each also assemble and maintain a comprehensive list of prequalified and categorized businesses and persons.

(d) Prequalification shall not be used to bar or prevent any qualified business or person from bidding or responding to invitations for bid or requests for proposal.

Sec. 35-30. Awards.

(Source: P.A. 100-43, eff. 8-9-17.)
(a) All State contracts for professional and artistic services, except as provided in this Section, shall be awarded using the competitive request for proposal process outlined in this Section.

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

(c) Prepared forms shall be submitted to the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, for publication in its Illinois Procurement Bulletin and circulation to the chief procurement officer for matters other than construction or the higher education chief procurement officer's list of prequalified vendors. Notice of the offer or request for proposal shall appear at least 14 calendar days before the response to the offer is due.

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

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

(f) For all professional and artistic contracts with
annualized value that exceeds $100,000, evaluation and ranking
by price are required. Any chief procurement officer or State
purchasing officer, but not their designees, may select a
respondent other than the lowest respondent by price. In any
case, when the contract exceeds the $100,000 threshold and the
lowest respondent is not selected, the chief procurement
officer or the State purchasing officer shall forward together
with the contract notice of who the low respondent by price was
and a written decision as to why another was selected to the
chief procurement officer for matters other than construction
or the higher education chief procurement officer, whichever is
appropriate. The chief procurement officer for matters other
than construction or higher education chief procurement
officer shall publish as provided in subsection (e) of Section
35-30, but shall include notice of the chief procurement
officer's or State purchasing officer's written decision.

(g) The chief procurement officer for matters other than
construction and higher education chief procurement officer
may each refine, but not contradict, this Section by
promulgating rules for submission to the Procurement Policy
Board and the Commission on Equity and Inclusion, and then to
the Joint Committee on Administrative Rules. Any refinement
shall be based on the principles and procedures of the federal
Architect-Engineer Selection Law, Public Law 92-582 Brooks
Act, and the Architectural, Engineering, and Land Surveying
Qualifications Based Selection Act; except that pricing shall
be an integral part of the selection process.
(Source: P.A. 100-43, eff. 8-9-17.)

(30 ILCS 500/40-20)
Sec. 40-20. Request for information.
(a) Conditions for use. Leases shall be procured by request
for information except as otherwise provided in Section 40-15.
(b) Form. A request for information shall be issued and
shall include:

(1) the type of property to be leased;
(2) the proposed uses of the property;
(3) the duration of the lease;
(4) the preferred location of the property; and
(5) a general description of the configuration desired.

(c) Public notice. Public notice of the request for information for the availability of real property to lease shall be published in the appropriate volume of the Illinois Procurement Bulletin at least 14 calendar days before the date set forth in the request for receipt of responses and shall also be published in similar manner in a newspaper of general circulation in the community or communities where the using agency is seeking space.

(d) Response. The request for information response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the request. State purchasing officers may enter into discussions with respondents for the purpose of clarifying State needs and the information supplied by the respondents. On the basis of the information supplied and discussions, if any, a State purchasing officer shall make a written determination identifying the responses that meet the minimum criteria set forth in the request for information. Negotiations shall be entered into with all qualified respondents for the purpose of
securing a lease that is in the best interest of the State. A written report of the negotiations shall be retained in the lease files and shall include the reasons for the final selection. All leases shall be reduced to writing; one copy shall be filed with the Comptroller in accordance with the provisions of Section 20-80, and one copy each shall be filed with the Board and the Commission on Equity and Inclusion.

When the lowest response by price is not selected, the State purchasing officer shall forward to the chief procurement officer, along with the lease, notice of the identity of the lowest respondent by price and written reasons for the selection of a different response. The chief procurement officer shall publish the written reasons in the next volume of the Illinois Procurement Bulletin.

(e) Board and Commission on Equity and Inclusion review. Upon receipt of (1) any proposed lease of real property of 10,000 or more square feet or (2) any proposed lease of real property with annual rent payments of $100,000 or more, the Procurement Policy Board and the Commission on Equity and Inclusion shall have 30 calendar days to review the proposed lease. If neither the Board nor the Commission on Equity and Inclusion the Board does not object in writing within 30 calendar days, then the proposed lease shall become effective according to its terms as submitted. The leasing agency shall make any and all materials available to the Board and the Commission on Equity and Inclusion to assist in the review
process.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-20)

Sec. 50-20. Exemptions. The appropriate chief procurement officer may file a request with the Executive Ethics Commission to exempt named individuals from the prohibitions of Section 50-13 when, in his or her judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section. The Executive Ethics Commission may grant an exemption after a public hearing at which any person may present testimony. The chief procurement officer shall publish notice of the date, time, and location of the hearing in the online electronic Bulletin at least 14 calendar days prior to the hearing and provide notice to the individual subject to the waiver, the Procurement Policy Board, and the Commission on Equity and Inclusion. The Executive Ethics Commission shall also provide public notice of the date, time, and location of the hearing on its website. If the Commission grants an exemption, the exemption is effective only if it is filed with the Secretary of State and the Comptroller prior to the execution of any contract and includes a statement setting forth the name of the individual and all the pertinent facts that would make that Section applicable, setting forth the reason for the exemption, and declaring the individual exempted from that Section. Notice of each exemption
shall be published in the Illinois Procurement Bulletin. A contract for which a waiver has been issued but has not been filed in accordance with this Section is voidable by the State. The changes to this Section made by this amendatory Act of the 96th General Assembly shall apply to exemptions granted on or after its effective date.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-35)

Sec. 50-35. Financial disclosure and potential conflicts of interest.

(a) All bids and offers from responsive bidders, offerors, vendors, or contractors with an annual value of more than $50,000, and all submissions to a vendor portal, shall be accompanied by disclosure of the financial interests of the bidder, offeror, potential contractor, or contractor and each subcontractor to be used. In addition, all subcontracts identified as provided by Section 20-120 of this Code with an annual value of more than $50,000 shall be accompanied by disclosure of the financial interests of each subcontractor. The financial disclosure of each successful bidder, offeror, potential contractor, or contractor and its subcontractors shall be incorporated as a material term of the contract and shall become part of the publicly available contract or procurement file maintained by the appropriate chief procurement officer. Each disclosure under this Section shall
be signed and made under penalty of perjury by an authorized
officer or employee on behalf of the bidder, offeror, potential
contractor, contractor, or subcontractor, and must be filed
with the Procurement Policy Board and the Commission on Equity
and Inclusion.

(b) Disclosure shall include any ownership or distributive
income share that is in excess of 5%, or an amount greater than
60% of the annual salary of the Governor, of the disclosing
entity or its parent entity, whichever is less, unless the
bidder, offeror, potential contractor, contractor, or
subcontractor (i) is a publicly traded entity subject to
Federal 10K reporting, in which case it may submit its 10K
disclosure in place of the prescribed disclosure, or (ii) is a
privately held entity that is exempt from Federal 10k reporting
but has more than 100 shareholders, in which case it may submit
the information that Federal 10k reporting companies are
required to report under 17 CFR 229.401 and list the names of
any person or entity holding any ownership share that is in
excess of 5% in place of the prescribed disclosure. The form of
disclosure shall be prescribed by the applicable chief
procurement officer and must include at least the names,
addresses, and dollar or proportionate share of ownership of
each person identified in this Section, their instrument of
ownership or beneficial relationship, and notice of any
potential conflict of interest resulting from the current
ownership or beneficial relationship of each individual
identified in this Section having in addition any of the following relationships:

(1) State employment, currently or in the previous 3 years, including contractual employment of services.

(2) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.

(3) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.

(4) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter.

(5) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years.

(6) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.
(7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.

(8) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.

(9) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(10) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(b-1) The disclosure required under this Section must also include the name and address of each lobbyist required to register under the Lobbyist Registration Act and other agent of the bidder, offeror, potential contractor, contractor, or subcontractor who is not identified under subsections (a) and (b) and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection is a
continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

(b-2) The disclosure required under this Section must also include, for each of the persons identified in subsection (b) or (b-1), each of the following that occurred within the previous 10 years: suspension or debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

(c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the chief procurement officers, State purchasing officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

(d) When a potential for a conflict of interest is identified, discovered, or reasonably suspected, the chief procurement officer or State procurement officer shall send the contract to the Procurement Policy Board and the Commission on Equity and Inclusion. In accordance with the objectives of subsection (c), if the Procurement Policy Board or the
Commission on Equity and Inclusion finds evidence of a potential conflict of interest not originally disclosed by the bidder, offeror, potential contractor, contractor, or subcontractor, the Board or the Commission on Equity and Inclusion shall provide written notice to the bidder, offeror, potential contractor, contractor, or subcontractor that is identified, discovered, or reasonably suspected of having a potential conflict of interest. The bidder, offeror, potential contractor, contractor, or subcontractor shall have 15 calendar days to respond in writing to the Board or the Commission on Equity and Inclusion, and a hearing before the Board or the Commission on Equity and Inclusion will be granted upon request by the bidder, offeror, potential contractor, contractor, or subcontractor, at a date and time to be determined by the Board or the Commission on Equity and Inclusion, but which in no event shall occur later than 15 calendar days after the date of the request. Upon consideration, the Board or the Commission on Equity and Inclusion shall recommend, in writing, whether to allow or void the contract, bid, offer, or subcontract weighing the best interest of the State of Illinois. All recommendations shall be submitted to the Executive Ethics Commission. The Executive Ethics Commission must hold a public hearing within 30 calendar days after receiving the Board's or the Commission on Equity and Inclusion's recommendation if the Procurement Policy Board or the Commission on Equity and Inclusion makes a
recommendation to (i) void a contract or (ii) void a bid or offer and the chief procurement officer selected or intends to award the contract to the bidder, offeror, or potential contractor. A chief procurement officer is prohibited from awarding a contract before a hearing if the Board or the Commission on Equity and Inclusion recommendation does not support a bid or offer. The recommendation and proceedings of any hearing, if applicable, shall be available to the public.

(e) These thresholds and disclosure do not relieve the chief procurement officer, the State purchasing officer, or their designees from reasonable care and diligence for any contract, bid, offer, or submission to a vendor portal. The chief procurement officer, the State purchasing officer, or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.

(f) Inadvertent or accidental failure to fully disclose shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the chief procurement officer if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, bids, offers, proposals, subcontracts, or relationships with the State for a period of up to 2 years.

(g) Intentional, willful, or material failure to disclose shall render the contract, bid, offer, proposal, subcontract,
or relationship voidable by the chief procurement officer if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, bids, offers, proposals, subcontracts, or relationships for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented on in writing by the Governor of the State of Illinois, or by an executive ethics board or commission he or she might designate. The comment shall be returned to the responsible chief procurement officer who must rule in writing whether and when to reinstate.

(h) In addition, all disclosures shall note any other current or pending contracts, bids, offers, proposals, subcontracts, leases, or other ongoing procurement relationships the bidder, offeror, potential contractor, contractor, or subcontractor has with any other unit of State government and shall clearly identify the unit and the contract, offer, proposal, lease, or other relationship.

(i) The bidder, offeror, potential contractor, or contractor has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process during the term of any contract, and during the vendor portal registration process.

(Source: P.A. 97-490, eff. 8-22-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)
Section 115-130. The Business Enterprise for Minorities, Women, and Persons with Disabilities Act is amended by changing Sections 2, 4, 4f, 5, 7, and 8 and by adding Section 5.5 as follows:

(30 ILCS 575/2)

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

Sec. 2. Definitions.

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

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

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

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

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

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

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

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

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

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

(a) results from:
  amputation,
  arthritis,
  autism,
  blindness,
  burn injury,
  cancer,
  cerebral palsy,
  Crohn's disease,
  cystic fibrosis,
  deafness,
  head injury,
heart disease,
hemiplegia,
hemophilia,
respiratory or pulmonary dysfunction,
an intellectual disability,
mental illness,
multiple sclerosis,
muscular dystrophy,
musculoskeletal disorders,
neurological disorders, including stroke and
epilepsy,
paraplegia,
quadriplegia and other spinal cord conditions,
sickle cell anemia,
ulcerative colitis,
specific learning disabilities, or
end stage renal failure disease; and
(b) substantially limits one or more of the
person's major life activities.

Another disability or combination of disabilities may
also be considered as a severe disability for the purposes
of item (a) of this subdivision (2.1) if it is determined
by an evaluation of rehabilitation potential to cause a
comparable degree of substantial functional limitation
similar to the specific list of disabilities listed in item
(a) of this subdivision (2.1).
(3) "Minority-owned business" means a business which is at least 51% owned by one or more minority persons, or in the case of a corporation, at least 51% of the stock in which is owned by one or more minority persons; and the management and daily business operations of which are controlled by one or more of the minority individuals who own it.

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

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

(4.2) "Council" means the Business Enterprise Council for Minorities, Women, and Persons with Disabilities created under Section 5 of this Act.

(4.3) "Commission" means, unless the context clearly
indicates otherwise, the Commission on Equity and Inclusion created under the Commission on Equity and Inclusion Act.

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

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

(6) "State agencies" shall mean all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State, but does not include the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of
Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, municipalities or other local governmental units, or other State constitutional officers.

(7) "Public institutions of higher education" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the public community colleges of the State, and any other public universities, colleges, and community colleges now or hereafter established or authorized by the General Assembly.

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

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

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

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

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

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

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

(30 ILCS 575/4) (from Ch. 127, par. 132.604)
Sec. 4. Award of State contracts.

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

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

(b) Not less than 20% of the total dollar amount of State construction contracts is established as an aspirational goal to be awarded to businesses owned by minorities, women, and persons with disabilities; provided that, contracts representing at least 11% of the total dollar amount of State construction contracts shall be awarded to businesses owned by minorities; contracts representing at least 7% of the total dollar amount of State construction contracts shall be awarded to women-owned businesses; and contracts representing at least 2% of the total dollar amount of State construction contracts shall be awarded to businesses owned by persons with disabilities.

(c) (Blank).

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

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

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

(f) Non-construction solicitations that include Business Enterprise Program participation goals shall require bidders and offerors to include utilization plans. Utilization plans are due at the time of bid or offer submission. Failure to complete and include a utilization plan, including documentation demonstrating good faith effort when requesting a waiver, shall render the bid or offer non-responsive. The Commission on Equity and Inclusion shall be notified of all bids and offers that fail to include a utilization plan as required under this subsection (f).

(g) Bids or proposals for State contracts shall be examined to determine if the bid or proposal is responsible, competitive, and whether the services to be provided are likely to be completed based upon the pricing. If the bid or proposal is responsible, competitive, and the services to be provided are likely to be completed based on the prices listed, then the
bid is deemed responsive. If the bid or proposal is not responsible, competitive, and the services to be provided are not likely to be completed based on the prices listed, then the entire bid is deemed non-responsive. The Commission on Equity and Inclusion shall be notified of all non-responsive bids or proposals for State contracts under this subsection (g).

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

(30 ILCS 575/4f)

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

Sec. 4f. Award of State contracts.

(1) It is hereby declared to be the public policy of the State of Illinois to promote and encourage each State agency and public institution of higher education to use businesses owned by minorities, women, and persons with disabilities in the area of goods and services, including, but not limited to, insurance services, investment management services, information technology services, accounting services, architectural and engineering services, and legal services. Furthermore, each State agency and public institution of higher education shall utilize such firms to the greatest extent feasible within the bounds of financial and fiduciary prudence, and take affirmative steps to remove any barriers to the full participation of such firms in the procurement and contracting opportunities afforded.
(a) When a State agency or public institution of higher education, other than a community college, awards a contract for insurance services, for each State agency or public institution of higher education, it shall be the aspirational goal to use insurance brokers owned by minorities, women, and persons with disabilities as defined by this Act, for not less than 20% of the total annual premiums or fees; provided that, contracts representing at least 11% of the total annual premiums or fees shall be awarded to businesses owned by minorities; contracts representing at least 7% of the total annual premiums or fees shall be awarded to women-owned businesses; and contracts representing at least 2% of the total annual premiums or fees shall be awarded to businesses owned by persons with disabilities.

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

(c) When a State agency or public institution of higher education, other than a community college, awards contracts for information technology services, accounting services, architectural and engineering services, and legal services, for each State agency and public institution of higher education, it shall be the aspirational goal to use such firms owned by minorities, women, and persons with disabilities as defined by this Act and lawyers who are minorities, women, and persons with disabilities as defined by this Act, for not less than 20% of the total dollar amount of State contracts; provided that, contracts representing at least 11% of the total dollar amount of State contracts shall be awarded to businesses owned by minorities or minority lawyers; contracts representing at least 7% of the total dollar amount of State contracts shall be awarded to women-owned businesses or women who are lawyers; and contracts representing at least 2% of the total dollar amount of State contracts shall be awarded to businesses owned by
persons with disabilities or persons with disabilities who are lawyers.

(d) When a community college awards a contract for insurance services, investment services, information technology services, accounting services, architectural and engineering services, and legal services, it shall be the aspirational goal of each community college to use businesses owned by minorities, women, and persons with disabilities as defined in this Act for not less than 20% of the total amount spent on contracts for these services collectively; provided that, contracts representing at least 11% of the total amount spent on contracts for these services shall be awarded to businesses owned by minorities; contracts representing at least 7% of the total amount spent on contracts for these services shall be awarded to women-owned businesses; and contracts representing at least 2% of the total amount spent on contracts for these services shall be awarded to businesses owned by persons with disabilities. When a community college awards contracts for investment services, contracts awarded to investment managers who are not emerging investment managers as defined in this Act shall not be considered businesses owned by minorities, women, or persons with disabilities for the purposes of this Section.

(2) As used in this Section:

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

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

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

"Information technology services" means, but is not limited to, specialized technology-oriented solutions by combining the processes and functions of software, hardware, networks, telecommunications, web designers, cloud developing resellers, and electronics.
"Insurance broker" means an insurance brokerage firm, claims administrator, or both, that procures, places all lines of insurance, or administers claims with annual premiums or fees of at least $5,000,000 but not more than $10,000,000.

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

(3) Each State agency and public institution of higher education shall adopt policies that identify its plan and implementation procedures for increasing the use of service firms owned by minorities, women, and persons with disabilities. All plan and implementation procedures for increasing the use of service firms owned by minorities, women, and persons with disabilities must be submitted to and approved by the Commission on Equity and Inclusion on an annual basis.

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

(A) For insurance services: the names of the insurance brokers or claims consultants used, the total of risk managed by each State agency and public institution of higher education by insurance brokers, the total commissions, fees paid, or both, the lines or insurance policies placed, and the amount of premiums placed; and the percentage of the risk managed by insurance brokers, the percentage of total commission, fees paid, or both, the lines or insurance policies placed, and the amount of premiums placed with each by the insurance brokers owned by minorities, women, and persons with disabilities by each State agency and public institution of higher education.

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

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

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

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

(5) For community college districts, the Business Enterprise Council shall only report the following information for each community college district: (i) the name of the community colleges in the district, (ii) the name and contact information of a person at each community college appointed to be the single point of contact for vendors owned by minorities, women, or persons with disabilities, (iii) the policy of the community college district concerning certified vendors, (iv) the certifications recognized by the community college
district for determining whether a business is owned or controlled by a minority, woman, or person with a disability, (v) outreach efforts conducted by the community college district to increase the use of certified vendors, (vi) the total expenditures by the community college district in the prior fiscal year in the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the amount paid to certified vendors in those divisions of work, and (vii) the total number of contracts entered into for the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the total number of contracts awarded to certified vendors providing these services to the community college district. The Business Enterprise Council shall not make any utilization reports under this Act for community college districts for Fiscal Year 2015 and Fiscal Year 2016, but shall make the report required by this subsection for Fiscal Year 2017 and for each fiscal year thereafter. The Business Enterprise Council shall report the information in items (i), (ii), (iii), and (iv) of this subsection beginning in September of 2016. The Business Enterprise Council may collect the data needed to make its report from the Illinois Community College Board.

(6) The status of the utilization of services shall be discussed at each of the regularly scheduled Business Enterprise Council meetings. Time shall be allotted for the Council to receive, review, and discuss the progress of the use
of service firms owned by minorities, women, and persons with
disabilities by each State agency and public institution of
higher education; and any evidence regarding past or present
racial, ethnic, or gender-based discrimination which directly
impacts a State agency or public institution of higher
education contracting with such firms. If after reviewing such
evidence the Council finds that there is or has been such
discrimination against a specific group, race or sex, the
Council shall establish sheltered markets or adjust existing
sheltered markets tailored to address the Council's specific
findings for the divisions of work specified in paragraphs (a),
(b), and (c) of subsection (1) of this Section.
(Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

(30 ILCS 575/5) (from Ch. 127, par. 132.605)
(Section scheduled to be repealed on June 30, 2024)
Sec. 5. Business Enterprise Council.
(1) To help implement, monitor, and enforce the goals of
this Act, there is created the Business Enterprise Council for
Minorities, Women, and Persons with Disabilities, hereinafter
referred to as the Council, composed of the Chairperson of the
Commission on Equity and Inclusion, the Secretary of Human
Services and the Directors of the Department of Human Rights,
the Department of Commerce and Economic Opportunity, the
Department of Central Management Services, the Department of
Transportation and the Capital Development Board, or their duly
appointed representatives, with the Comptroller, or his or her
designee, serving as an advisory member of the Council. Ten
individuals representing businesses that are minority-owned, 2
women-owned, or owned by persons with disabilities, 2
individuals representing the business community, and a
representative of public institutions of higher education
shall be appointed by the Governor. These members shall serve
2-year terms and shall be eligible for reappointment. Any vacancy occurring on the Council shall also be filled by
the Governor. Any member appointed to fill a vacancy occurring
prior to the expiration of the term for which his or her
predecessor was appointed shall be appointed for the remainder
of such term. Members of the Council shall serve without
compensation but shall be reimbursed for any ordinary and
necessary expenses incurred in the performance of their duties.

The Chairperson of the Commission Director of the
Department of Central Management Services shall serve as the
Council chairperson and shall select, subject to approval of
the council, a Secretary responsible for the operation of the
program who shall serve as the Division Manager of the Business
Enterprise for Minorities, Women, and Persons with
Disabilities Division of the Department of Central Management
Services.

The Director of each State agency and the chief executive
officer of each public institution of higher
education shall appoint a liaison to the Council. The liaison
shall be responsible for submitting to the Council any reports and documents necessary under this Act.

(2) The Council's authority and responsibility shall be to:

(a) Devise a certification procedure to assure that businesses taking advantage of this Act are legitimately classified as businesses owned by minorities, women, or persons with disabilities and a registration procedure to recognize, without additional evidence of Business Enterprise Program eligibility, the certification of businesses owned by minorities, women, or persons with disabilities certified by the City of Chicago, Cook County, or other jurisdictional programs with requirements and procedures equaling or exceeding those in this Act.

(b) Maintain a list of all businesses legitimately classified as businesses owned by minorities, women, or persons with disabilities to provide to State agencies and public institutions of higher education.

(c) Review rules and regulations for the implementation of the program for businesses owned by minorities, women, and persons with disabilities.

(d) Review compliance plans submitted by each State agency and public institution institutions of higher education pursuant to this Act.

(e) Make annual reports as provided in Section 8f to the Governor and the General Assembly on the status of the program.
(f) Serve as a central clearinghouse for information on State contracts, including the maintenance of a list of all pending State contracts upon which businesses owned by minorities, women, and persons with disabilities may bid. At the Council's discretion, maintenance of the list may include 24-hour electronic access to the list along with the bid and application information.

(g) Establish a toll-free telephone number to facilitate information requests concerning the certification process and pending contracts.

(3) No premium bond rate of a surety company for a bond required of a business owned by a minority, woman, or person with a disability bidding for a State contract shall be higher than the lowest rate charged by that surety company for a similar bond in the same classification of work that would be written for a business not owned by a minority, woman, or person with a disability.

(4) Any Council member who has direct financial or personal interest in any measure pending before the Council shall disclose this fact to the Council and refrain from participating in the determination upon such measure.

(5) The Secretary shall have the following duties and responsibilities:

(a) To be responsible for the day-to-day operation of the Council.

(b) To serve as a coordinator for all of the State's
programs for businesses owned by minorities, women, and persons with disabilities and as the information and referral center for all State initiatives for businesses owned by minorities, women, and persons with disabilities.

(c) To establish an enforcement procedure whereby the Council may recommend to the appropriate State legal officer that the State exercise its legal remedies which shall include (1) termination of the contract involved, (2) prohibition of participation by the respondent in public contracts for a period not to exceed 3 years, (3) imposition of a penalty not to exceed any profit acquired as a result of violation, or (4) any combination thereof. Such procedures shall require prior approval by Council. All funds collected as penalties under this subsection shall be used exclusively for maintenance and further development of the Business Enterprise Program and encouragement of participation in State procurement by minorities, women, and persons with disabilities.

(d) To devise appropriate policies, regulations, and procedures for including participation by businesses owned by minorities, women, and persons with disabilities as prime contractors, including, but not limited to: (i) encouraging the inclusions of qualified businesses owned by minorities, women, and persons with disabilities on solicitation lists, (ii) investigating the potential of blanket bonding programs for small construction jobs, and
(iii) investigating and making recommendations concerning
the use of the sheltered market process.

(e) To devise procedures for the waiver of the
participation goals in appropriate circumstances.

(f) To accept donations and, with the approval of the
Council or the Chairperson Director of Central Management
Services, grants related to the purposes of this Act; to
conduct seminars related to the purpose of this Act and to
charge reasonable registration fees; and to sell
directories, vendor lists, and other such information to
interested parties, except that forms necessary to become
eligible for the program shall be provided free of charge
to a business or individual applying for the program.

(Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;
101-601, eff. 1-1-20; revised 8-18-20.)

(30 ILCS 575/5.5 new)

Sec. 5.5. Transfer of Council functions.

(a) Notwithstanding any provision of law to the contrary,
beginning on and after the effective date of this amendatory
Act of the 101st General Assembly, the Commission on Equity and
Inclusion shall have jurisdiction over the functions of the
Business Enterprise Council.

(b) All powers, duties, rights, and responsibilities of the
Department of Central Management Services relating to
jurisdiction over the Council are transferred to the
(c) All books, records, papers, documents, property, contracts, causes of action, and pending business pertaining to the powers, duties, rights, and responsibilities of the Department of Central Management Services relating to jurisdiction over the Council are transferred to the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Class exemptions.

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

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

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

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

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

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

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

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

(ii) the total number of class exemptions granted to the requesting agency or public institution of higher education that have been granted by the Council in the current and prior fiscal years; and

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

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

(3) Waivers. Where a particular contract requires a contractor to meet a goal established pursuant to this Act, the contractor shall have the right to request from the Council, in consultation with the Commission, a waiver from such requirements. The Council may grant the waiver only upon a demonstration by the contractor of unreasonable responses to the request for proposals given the class of contract shall grant the waiver where the contractor demonstrates that there has been made a good faith effort to comply with the goals for participation by businesses owned by minorities, women, and persons with disabilities. Any such waiver shall also be transmitted in writing to the Bureau on Apprenticeship Programs.

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

(i) a list of eligible businesses owned by minorities, women, and persons with disabilities that pertain to the class of contracts in the requested waiver. Eligible businesses are only eligible if the business is certified for the products or work advertised in the solicitation;

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

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

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

(b) Determination. The Council's determination, in consultation with the Commission, concerning waivers must include following:

(i) the justification for the requested waiver,
including whether the requesting contractor made a
proper demonstration of unreasonable responses to the
request for proposals given the class of contract good
faith effort to identify and solicit eligible
businesses owned by minorities, women, and persons
with disabilities;

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

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

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

(3.5) (Blank).

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

(5) Each chief procurement officer, as defined in the
Illinois Procurement Code, shall maintain on his or her official Internet website a database of the following: (i) waivers granted under this Section with respect to contracts under his or her jurisdiction; (ii) a State agency or public institution of higher education's written request for an exemption of an individual contract or an entire class of contracts; and (iii) the Council's written determination granting or denying a request for an exemption of an individual contract or an entire class of contracts. The database, which shall be updated periodically as necessary, shall be searchable by contractor name and by contracting State agency.

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

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

(Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
(30 ILCS 575/8) (from Ch. 127, par. 132.608)

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

Sec. 8. Enforcement.

(1) The Commission on Equity and Inclusion Council shall make such findings, recommendations and proposals to the Governor as are necessary and appropriate to enforce this Act. If, as a result of its monitoring activities, the Commission Council determines that its goals and policies are not being met by any State agency or public institution of higher education, the Commission Council may recommend any or all of the following actions:

(a) Establish enforcement procedures whereby the Commission Council may recommend to the appropriate State agency, public institutions of higher education, or law enforcement officer that legal or administrative remedies be initiated for violations of contract provisions or rules issued hereunder or by a contracting State agency or public institutions of higher education. State agencies and public institutions of higher education shall be authorized to adopt remedies for such violations which shall include (1) termination of the contract involved, (2) prohibition of participation of the respondents in public contracts for a period not to exceed one year, (3) imposition of a penalty not to exceed any profit acquired
as a result of violation, or (4) any combination thereof.

(b) If the Commission Council concludes that a compliance plan submitted under Section 6 is unlikely to produce the participation goals for businesses owned by minorities, women, and persons with disabilities within the then current fiscal year, the Commission Council may recommend that the State agency or public institution of higher education revise its plan to provide additional opportunities for participation by businesses owned by minorities, women, and persons with disabilities. Such recommended revisions may include, but shall not be limited to, the following:

(i) assurances of stronger and better focused solicitation efforts to obtain more businesses owned by minorities, women, and persons with disabilities as potential sources of supply;

(ii) division of job or project requirements, when economically feasible, into tasks or quantities to permit participation of businesses owned by minorities, women, and persons with disabilities;

(iii) elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of businesses owned by minorities, women, and persons with disabilities;

(iv) identification of specific proposed contracts as particularly attractive or appropriate for
participation by businesses owned by minorities, women, and persons with disabilities, such identification to result from and be coupled with the efforts of subparagraphs (i) through (iii);

(v) implementation of those regulations established for the use of the sheltered market process.

(2) State agencies and public institutions of higher education shall review a vendor's compliance with its utilization plan and the terms of its contract. Without limitation, a vendor's failure to comply with its contractual commitments as contained in the utilization plan; failure to cooperate in providing information regarding its compliance with its utilization plan; or the provision of false or misleading information or statements concerning compliance, certification status, or eligibility of the Business Enterprise Program-certified vendor, good faith efforts, or any other material fact or representation shall constitute a material breach of the contract and entitle the State agency or public institution of higher education to declare a default, terminate the contract, or exercise those remedies provided for in the contract, at law, or in equity.

(3) A vendor shall be in breach of the contract and may be subject to penalties for failure to meet contract goals established under this Act, unless the vendor can show that it made good faith efforts to meet the contract goals.
Article 120.

Section 120-5. The Technology Development Act is amended by changing Sections 10, 11, and 20 as follows:

(30 ILCS 265/10)

Sec. 10. Technology Development Account.

(a) The State Treasurer may segregate a portion of the Treasurer's investment portfolio, that at no time shall be greater than 1% of the portfolio, in the Technology Development Account, an account that shall be maintained separately and apart from other moneys invested by the Treasurer. The Treasurer may make investments from the Account that help attract, assist, and retain quality technology businesses in Illinois. The earnings on the Account shall be accounted for separately from other investments made by the Treasurer.

(b) Moneys in the Account may be invested by the State Treasurer to provide venture capital to technology businesses seeking to locate, expand, or remain in Illinois by placing money with Illinois venture capital firms for investment by the venture capital firms in technology businesses. "Venture capital", as used in this Act, means equity financing that is provided for starting up, expanding, or relocating a company, or related purposes such as financing for seed capital,
research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. "Technology business", as used in this Act, means a company that has as its principal function the providing of services including computer, information transfer, communication, distribution, processing, administrative, laboratory, experimental, developmental, technical, testing services, manufacture of goods or materials, the processing of goods or materials by physical or chemical change, computer related activities, robotics, biological or pharmaceutical industrial activity, or technology oriented or emerging industrial activity. "Illinois venture capital firms", as used in this Act, means an entity that has a majority of its employees in Illinois or that has at least one managing partner domiciled in Illinois that has made significant capital investments in Illinois companies and that provides equity financing for starting up or expanding a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital.

(c) Any fund created by an Illinois venture capital firm in which the State Treasurer places money pursuant to this Act shall be required by the State Treasurer to seek investments in technology businesses seeking to locate, expand, or remain in Illinois.

(d) The investment of the State Treasurer in any fund
created by an Illinois venture capital firm in which the State Treasurer places money pursuant to this Section Act shall not exceed 10% of the total investments in the fund.

(e) The State Treasurer shall not invest more than one-third of the Technology Development Account in any given calendar year.

(f) The Treasurer may deposit no more than 15% of the earnings of the investments in the Technology Development Account into the Technology Development Fund.

(Source: P.A. 94-395, eff. 8-1-05.)

(30 ILCS 265/11)
Sec. 11. Technology Development Account II.
(a) Including the amount provided in Section 10 of this Act, the State Treasurer shall segregate a portion of the Treasurer's State investment portfolio, that at no time shall be greater than 5% of the portfolio, in the Technology Development Account IIa ("TDA IIa"), an account that shall be maintained separately and apart from other moneys invested by the Treasurer. Distributions from the investments in TDA IIa may be reinvested into TDA IIa without being counted against the 5% cap. The aggregate investment in TDA IIa and the aggregate commitment of investment capital in a TDA II-Recipient Fund shall at no time be greater than 5% of the State's investment portfolio, which shall be calculated as: (1) the balance at the inception of the State's fiscal year; or (2)
the average balance in the immediately preceding 5 fiscal years, whichever number is greater. Distributions from a TDA II-Recipient Fund, in an amount not to exceed the commitment amount and total distributions received, may be reinvested into TDA IIa without being counted against the 5% cap. The Treasurer may make investments from TDA IIa that help attract, assist, and retain quality technology businesses in Illinois. The earnings on TDA IIa shall be accounted for separately from other investments made by the Treasurer.

(b) The Treasurer may solicit proposals from entities to manage and be the General Partner of a separate fund ("Technology Development Account IIb" or "TDA IIb") consisting of investments from private sector investors that must invest, at the direction of the general partner, in tandem with TDA IIa in a pro-rata portion. The Treasurer may enter into an agreement with the entity managing TDA IIb to advise on the investment strategy of TDA IIa and TDA IIb (collectively "Technology Development Account II" or "TDA II") and fulfill other mutually agreeable terms. Funds in TDA IIb shall be kept separate and apart from moneys in the State treasury.

(c) All or a portion of the moneys in TDA IIa shall be invested by the State Treasurer to provide venture capital to technology businesses, including co-investments, seeking to locate, expand, or remain in Illinois by placing money with Illinois venture capital firms for investment by the venture capital firms in technology businesses. "Venture capital", as
used in this Section, means equity financing that is provided for starting up, expanding, or relocating a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. "Technology business", as used in this Section, means a company that has as its principal function the providing of services, including computer, information transfer, communication, distribution, processing, administrative, laboratory, experimental, developmental, technical, or testing services; manufacture of goods or materials; the processing of goods or materials by physical or chemical change; computer related activities; robotics, biological, or pharmaceutical industrial activities; or technology-oriented or emerging industrial activity. "Illinois venture capital firm", as used in this Section, means an entity that: (1) has a majority of its employees in Illinois (more than 50%) or that has at least one general partner or principal domiciled in Illinois, and that (2) provides equity financing for starting up or expanding a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. "Illinois venture capital firm" may also mean an entity that has a track record of identifying, evaluating, and investing in Illinois companies and that provides equity financing for starting up or expanding a company, or related
purposes such as financing for seed capital, research and
development, introduction of a product or process into the
marketplace, or similar needs requiring risk capital. For
purposes of this Section, "track record" means having made, on
average, at least one investment in an Illinois company in each
of its funds if the Illinois venture capital firm has multiple
funds or at least 2 investments in Illinois companies if the
Illinois venture capital firm has only one fund. In no case
shall more than 15% of the capital in the TDA IIa be invested
in firms based outside of Illinois.

(d) Any fund created by an Illinois venture capital firm in
which the State Treasurer places money pursuant to this Section
shall be required by the State Treasurer to seek investments in
technology businesses seeking to locate, expand, or remain in
Illinois. Any fund created by an Illinois venture capital firm
in which the State Treasurer places money under this Section
("TDA II-Recipient Fund") shall invest a minimum of twice (2x)
the aggregate amount of investable capital that is received
from the State Treasurer under this Section in Illinois
companies during the life of the fund. "Illinois companies", as
used in this Section, are companies that are headquartered or
that otherwise have a significant presence in the State at the
time of initial or follow-on investment. Investable capital is
calculated as committed capital, as defined in the firm's
applicable fund's governing documents, less related estimated
fees and expenses to be incurred during the life of the fund.
For the purposes of this subsection (d), "significant presence" means at least one physical office and one full-time employee within the geographic borders of this State.

Any TDA II-Recipient Fund shall also invest additional capital in Illinois companies during the life of the fund if, as determined by the fund's manager, the investment:

1. is consistent with the firm's fiduciary responsibility to its limited partners;
2. is consistent with the fund manager's investment strategy; and
3. demonstrates the potential to create risk-adjusted financial returns consistent with the fund manager's investment goals.

In addition to any reporting requirements set forth in Section 10 of this Act, any TDA II-Recipient Fund shall report the following additional information to the Treasurer on a quarterly or annual basis, as determined by the Treasurer, for all investments:

1. the names of portfolio companies invested in during the applicable investment period;
2. the addresses of reported portfolio companies;
3. the date of the initial (and follow-on) investment;
4. the cost of the investment;
5. the current fair market value of the investment;
6. for Illinois companies, the number of Illinois employees on the investment date; and
(7) for Illinois companies, the current number of Illinois employees.

If, as of the earlier to occur of (i) the fourth year of the investment period of any TDA II-Recipient Fund or (ii) when that TDA II-Recipient Fund has drawn more than 60% of the investable capital of all limited partners, that TDA II-Recipient Fund has failed to invest the minimum amount required under this subsection (d) in Illinois companies, then the Treasurer shall deliver written notice to the manager of that fund seeking compliance with the minimum amount requirement under this subsection (d). If, after 180 days of delivery of notice, the TDA II-Recipient Fund has still failed to invest the minimum amount required under this subsection (d) in Illinois companies, then the Treasurer may elect, in writing, to terminate any further commitment to make capital contributions to that fund which otherwise would have been made under this Section.

(e) Notwithstanding the limitation found in subsection (d) of Section 10 of this Act, the investment of the State Treasurer in any fund created by an Illinois venture capital firm in which the State Treasurer places money pursuant to this Section shall not exceed 15% of the total TDA IIa account balance.

(f) (Blank).

(g) The Treasurer may deposit no more than **15%** of the earnings of the investments in the Technology Development
Account IIa into the Technology Development Fund.
(Source: P.A. 100-1081, eff. 8-24-18.)

(30 ILCS 265/20)

Sec. 20. Technology Development Fund. The Technology Development Fund is created as a special fund outside the State treasury with the State Treasurer as custodian. Moneys in the Fund may be used by the State Treasurer to pay expenses related to investments from the Technology Development Account. Moneys in the Fund in excess of those expenses may be provided as grants to: (i) Illinois schools to purchase computers, upgrade technology, and support career and technical education; or (ii) incubators, accelerators, innovation research, technology transfer, and educational programs that provide training, support, and other resources to technology businesses to promote the growth of jobs and entrepreneurial and venture capital environments in communities of color or underrepresented or under-resourced communities in the State.
(Source: P.A. 94-395, eff. 8-1-05.)

Article 125.

Division 1. General Provisions

Section 125-1-1. Short title. This Act may be cited as the Anti-Predatory Lending Act.
Section 125-1-5. Purpose and construction. Illinois families pay over $500,000,000 per year in payday and title loan fees. As reported by the Department in 2020, nearly half of Illinois payday loan borrowers earn less than $30,000 per year, and the average annual percentage rate of a payday loan is 297%. The purpose of this Act is to protect consumers from predatory loans consistent with the federal law, the Military Lending Act, that protects active duty members of the military. This Act shall be construed as a consumer protection law for all purposes. This Act shall be liberally construed to effectuate its purpose.

Section 125-1-10. Definitions. As used in this Act:
"Consumer" means any natural person, including consumers acting jointly.
"Department" means the Department of Financial and Professional Regulation.
"Lender" means any person or entity, including any affiliate or subsidiary of a lender, that offers or makes a loan, buys a whole or partial interest in a loan, arranges a loan for a third party, or acts as an agent for a third party in making a loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, and includes any other person or entity if the Department determines that the person or
entity is engaged in a transaction that is in substance a disguised loan or a subterfuge for the purpose of avoiding this Act.

"Person" means any natural person.

"Secretary" means the Secretary of Financial and Professional Regulation or a person authorized by the Secretary.

"Loan" means money or credit provided to a consumer in exchange for the consumer's agreement to a certain set of terms, including, but not limited to, any finance charges, interest, and other conditions. "Loan" includes closed-end and open-end credit and any transaction conducted via any medium whatsoever, including, but not limited to, paper, facsimile, Internet, or telephone.

Section 125-1-15. Applicability.

(a) Except as otherwise provided in this Section, this Act applies to any person or entity that offers or makes a loan to a consumer in Illinois.

(b) The provisions of this Act apply to any person or entity that seeks to evade its applicability by any device, subterfuge, or pretense whatsoever.

(d) Banks, savings banks, savings and loan associations, and credit unions chartered under the laws of the United States are exempt from the provisions of this Act.
Division 5. Predatory Loan Protection

Section 125-5-5. Rate cap. Notwithstanding any other provision of law, for loans made or renewed on and after the effective date of this Act, a lender shall not contract for or receive a charge exceeding a 36% annual percentage rate on the unpaid balance of the amount financed for a loan. For purposes of this Section, the annual percentage rate shall be calculated as such rate is calculated using the system for calculating a military annual percentage rate under Section 232.4 of Title 32 of the Code of Federal Regulations as in effect on the effective date of this amendatory Act of the 101st General Assembly.

Section 125-5-10. Violation. Any loan made in violation of this Act is void and uncollectible as to any principal, fee, interest, or charge.

Section 125-5-15. No evasion.

(a) No person may engage in any device, subterfuge, or pretense to evade the requirements of this Act, including, but not limited to, making loans disguised as a personal property sale and leaseback transaction; disguising loan proceeds as a cash rebate for the pretextual installment sale of goods or services; or making, offering, assisting, or arranging a debtor to obtain a loan with a greater rate or interest,
consideration, or charge than is permitted by this Act through any method including mail, telephone, internet, or any electronic means regardless of whether the person has a physical location in the State.

(b) A person is a lender subject to the requirements of this Act notwithstanding the fact that the person purports to act as an agent, service provider, or in another capacity for another entity that is exempt from this Act, if, among other things:

(1) the person holds, acquires, or maintains, directly or indirectly, the predominant economic interest in the loan;

(2) the person markets, brokers, arranges, or facilitates the loan and holds the right, requirement, or first right of refusal to purchase loans, receivables, or interests in the loans; or

(3) the totality of the circumstances indicate that the person is the lender and the transaction is structured to evade the requirements of this Act. Circumstances that weigh in favor of a person being a lender include, without limitation, where the person:

(i) indemnifies, insures, or protects an exempt entity for any costs or risks related to the loan;

(ii) predominantly designs, controls, or operates the loan program; or

(iii) purports to act as an agent, service
provider, or in another capacity for an exempt entity while acting directly as a lender in other states.

Section 125-5-20. Rules. The Secretary shall, within one year after the effective date of this Act, adopt rules consistent with this Act and rescind or amend rules that are inconsistent. The adoption, amendment, or rescission of rules shall be in conformity with the Illinois Administrative Procedure Act.

Division 10. Administrative Provisions

Section 125-10-5. Enforcement and remedies.

(a) The remedies provided in this Act are cumulative and apply to persons or entities subject to this Act.

(b) Any material violation of this Act, including the commission of an act prohibited under Division 5, constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act.

(c) Subject to the Illinois Administrative Procedure Act, the Secretary may hold hearings, make findings of fact, conclusions of law, issue cease and desist orders, have the power to issue fines of up to $10,000 per violation, and refer the matter to the appropriate law enforcement agency for prosecution under this Act. All proceedings shall be open to the public.
(d) The Secretary may issue a cease and desist order to any person or entity, when in the opinion of the Secretary the person or entity is violating or is about to violate any provision of this Act. The cease and desist order permitted by this subsection (d) may be issued prior to a hearing.

The Secretary shall serve notice of the action, including, but not limited to, a statement of the reasons for the action, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. Mail.

Within 10 days of service of the cease and desist order, the person or entity may request a hearing in writing.

If it is determined that the Secretary had the authority to issue the cease and desist order, the Secretary may issue such orders as may be reasonably necessary to correct, eliminate, or remedy the conduct.

The powers vested in the Secretary by this subsection (d) are additional to any and all other powers and remedies vested in the Secretary by law, and nothing in this subsection (d) shall be construed as requiring that the Secretary shall employ the power conferred in this subsection instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary.

(e) The Secretary may, after 10 days notice by certified mail, return receipt requested, to the person or entity stating the contemplated action and in general the grounds therefore,
fine the person or entity an amount not exceeding $10,000 per
violation if the person or entity has failed to comply with any
provision of this Act or any order, decision, finding, rule,
regulation, or direction of the Secretary lawfully made in
accordance with the authority of this Act. Service by certified
mail shall be deemed completed when the notice is deposited in
the U.S. Mail.

Section 125-10-10. Preemption of administrative rules. Any
administrative rule adopted prior to the effective date of this
Act by the Department regarding loans is preempted.

Section 125-10-15. Reporting of violations. The Department
shall report to the Attorney General all material violations of
this Act of which it becomes aware.

Section 125-10-20. Judicial review. All final
administrative decisions of the Department under this Act are
subject to judicial review under the Administrative Review Law
and any rules adopted under the Administrative Review Law.

Section 125-10-25. No waivers. There shall be no waiver of
any provision of this Act.

Section 125-10-30. Superiority of Act. To the extent this
Act conflicts with any other State laws, this Act is superior
and supersedes those laws, except that nothing in this Act applies to any lender that is a bank, savings bank, savings and loan association, or credit union chartered under laws of the United States.

Section 125-10-35. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Article 90. Amendatory Provisions

Section 125-90-25. The Consumer Installment Loan Act is amended by changing Sections 1, 15, 15d, and 17.5 as follows:

(205 ILCS 670/1) (from Ch. 17, par. 5401)

Sec. 1. License required to engage in business. No person, partnership, association, limited liability company, or corporation shall engage in the business of making loans of money in a principal amount not exceeding $40,000, and charge, contract for, or receive on any such loan a greater rate of interest, discount, or consideration therefor than the lender would be permitted by law to charge if he were not a licensee hereunder, except as authorized by this Act after first obtaining a license from the Director of Financial Institutions (hereinafter called the Director). No licensee, or employee or affiliate thereof, that is licensed under the Payday Loan
Reform Act shall obtain a license under this Act except that a
licensee under the Payday Loan Reform Act may obtain a license
under this Act for the exclusive purpose and use of making
title-secured loans, as defined in subsection (a) of Section 15
of this Act and governed by Title 38, Section 110.300 of the
Illinois Administrative Code. For the purpose of this Section,
"affiliate" means any person or entity that directly or
indirectly controls, is controlled by, or shares control with
another person or entity. A person or entity has control over
another if the person or entity has an ownership interest of
25% or more in the other.

In this Act, "Director" means the Director of Financial
Institutions of the Department of Financial and Professional
Regulation.

(Source: P.A. 96-936, eff. 3-21-11; 97-420, eff. 1-1-12.)

(205 ILCS 670/15) (from Ch. 17, par. 5415)
Sec. 15. Charges permitted.
(a) Every licensee may lend a principal amount not
exceeding $40,000 and, except as to small consumer loans as
defined in this Section, may charge, contract for and receive
thereon interest at an annual percentage rate of no more than
36%, subject to the provisions of this Act, provided, however,
that the limitation on the annual percentage rate contained in
this subsection (a) does not apply to title-secured loans,
which are loans upon which interest is charged at an annual
percentage rate exceeding 36%, in which, at commencement, an
obligor provides to the licensee, as security for the loan, physical possession of the obligor's title to a motor vehicle, and upon which a licensee may charge, contract for, and receive thereon interest at the rate agreed upon by the licensee and borrower. For purposes of this Section, the annual percentage rate shall be calculated as such rate is calculated using the system for calculating a military annual percentage rate under Section 232.4 of Title 32 of the Code of Federal Regulations as in effect on the effective date of this amendatory Act of the 101st General Assembly in accordance with the federal Truth in Lending Act.

(b) For purpose of this Section, the following terms shall have the meanings ascribed herein.

"Applicable interest" for a precomputed loan contract means the amount of interest attributable to each monthly installment period. It is computed as if each installment period were one month and any interest charged for extending the first installment period beyond one month is ignored. The applicable interest for any monthly installment period is, for loans other than small consumer loans as defined in this Section, that portion of the precomputed interest that bears the same ratio to the total precomputed interest as the balances scheduled to be outstanding during that month bear to the sum of all scheduled monthly outstanding balances in the original contract. With respect to a small consumer loan, the
applicable interest for any installment period is that portion of the precomputed monthly installment account handling charge attributable to the installment period calculated based on a method at least as favorable to the consumer as the actuarial method, as defined by the federal Truth in Lending Act.

"Interest-bearing loan" means a loan in which the debt is expressed as a principal amount plus interest charged on actual unpaid principal balances for the time actually outstanding.

"Precomputed loan" means a loan in which the debt is expressed as the sum of the original principal amount plus interest computed actuarially in advance, assuming all payments will be made when scheduled.

"Small consumer loan" means a loan upon which interest is charged at an annual percentage rate exceeding 36% and with an amount financed of $4,000 or less. "Small consumer loan" does not include a title-secured loan as defined by subsection (a) of this Section or a payday loan as defined by the Payday Loan Reform Act.

"Substantially equal installment" includes a last regularly scheduled payment that may be less than, but not more than 5% larger than, the previous scheduled payment according to a disclosed payment schedule agreed to by the parties.

(c) Loans may be interest-bearing or precomputed.

(d) To compute time for either interest-bearing or precomputed loans for the calculation of interest and other purposes, a month shall be a calendar month and a day shall be
considered 1/30th of a month when calculation is made for a
fraction of a month. A month shall be 1/12th of a year. A
calendar month is that period from a given date in one month to
the same numbered date in the following month, and if there is
no same numbered date, to the last day of the following month.
When a period of time includes a month and a fraction of a
month, the fraction of the month is considered to follow the
whole month. In the alternative, for interest-bearing loans,
the licensee may charge interest at the rate of 1/365th of the
agreed annual rate for each day actually elapsed.

(d-5) No licensee or other person may condition an
extension of credit to a consumer on the consumer's repayment
by preauthorized electronic fund transfers. Payment options,
including, but not limited to, electronic fund transfers and
Automatic Clearing House (ACH) transactions may be offered to
consumers as a choice and method of payment chosen by the
consumer.

(e) With respect to interest-bearing loans:

(1) Interest shall be computed on unpaid principal
balances outstanding from time to time, for the time
outstanding, until fully paid. Each payment shall be
applied first to the accumulated interest and the remainder
of the payment applied to the unpaid principal balance;
provided however, that if the amount of the payment is
insufficient to pay the accumulated interest, the unpaid
interest continues to accumulate to be paid from the
proceeds of subsequent payments and is not added to the principal balance.

(2) Interest shall not be payable in advance or compounded. However, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the new loan contract may include any unpaid interest which has accrued. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of unearned interest as provided in paragraph (f), clause (3). The resulting loan contract shall be deemed a new and separate loan transaction for all purposes.

(3) Loans must be fully amortizing and be repayable in substantially equal and consecutive weekly, biweekly, semimonthly, or monthly installments. Notwithstanding this requirement, rates may vary according to an index that is independently verifiable and beyond the control of the licensee.

(4) The lender or creditor may, if the contract provides, collect a delinquency or collection charge on each installment in default for a period of not less than 10 days in an amount not exceeding 5% of the installment on installments in excess of $200, or $10 on installments of $200 or less, but only one delinquency and collection charge may be collected on any installment regardless of the period during which it remains in default.
With respect to precomputed loans:

(1) Loans shall be repayable in substantially equal and consecutive weekly, biweekly, semimonthly, or monthly installments of principal and interest combined, except that the first installment period may be longer than one month by not more than 15 days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days; and provided further that monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until the loan is fully paid. Payments shall be applied in the order in which they become due, except that any insurance proceeds received as a result of any claim made on any insurance, unless sufficient to prepay the contract in full, may be applied to the unpaid installments of the total of payments in inverse order.

(3) When any loan contract is paid in full by cash, renewal or refinancing, or a new loan, one month or more before the final installment due date, a licensee shall refund or credit the obligor with the total of the applicable interest for all fully unexpired installment periods, as originally scheduled or as deferred, which follow the day of prepayment; provided, if the prepayment
occurs prior to the first installment due date, the
licensee may retain 1/30 of the applicable interest for a
first installment period of one month for each day from the
date of the loan to the date of prepayment, and shall
refund or credit the obligor with the balance of the total
interest contracted for. If the maturity of the loan is
accelerated for any reason and judgment is entered, the
licensee shall credit the borrower with the same refund as
if prepayment in full had been made on the date the
judgement is entered.

(4) The lender or creditor may, if the contract
provides, collect a delinquency or collection charge on
each installment in default for a period of not less than
10 days in an amount not exceeding 5% of the installment on
installments in excess of $200, or $10 on installments of
$200 or less, but only one delinquency or collection charge
may be collected on any installment regardless of the
period during which it remains in default.

(5) If the parties agree in writing, either in the loan
contract or in a subsequent agreement, to a deferment of
wholly unpaid installments, a licensee may grant a
deferment and may collect a deferment charge as provided in
this Section. A deferment postpones the scheduled due date
of the earliest unpaid installment and all subsequent
installments as originally scheduled, or as previously
deferred, for a period equal to the deferment period. The
deferment period is that period during which no installment is scheduled to be paid by reason of the deferment. The deferment charge for a one month period may not exceed the applicable interest for the installment period immediately following the due date of the last undeferred payment. A proportionate charge may be made for deferment for periods of more or less than one month. A deferment charge is earned pro rata during the deferment period and is fully earned on the last day of the deferment period. Should a loan be prepaid in full during a deferment period, the licensee shall credit to the obligor a refund of the unearned deferment charge in addition to any other refund or credit made for prepayment of the loan in full.

(6) If two or more installments are delinquent one full month or more on any due date, and if the contract so provides, the licensee may reduce the unpaid balance by the refund credit which would be required for prepayment in full on the due date of the most recent maturing installment in default. Thereafter, and in lieu of any other default or deferment charges, the agreed rate of interest or, in the case of small consumer loans, interest at the rate of 18% per annum, may be charged on the unpaid balance until fully paid.

(7) Fifteen days after the final installment as originally scheduled or deferred, the licensee, for any loan contract which has not previously been converted to
interest-bearing under paragraph (f), clause (6), may compute and charge interest on any balance remaining unpaid, including unpaid default or deferment charges, at the agreed rate of interest or, in the case of small consumer loans, interest at the rate of 18% per annum, until fully paid. At the time of payment of said final installment, the licensee shall give notice to the obligor stating any amounts unpaid.

(Source: P.A. 101-563, eff. 8-23-19.)

(205 ILCS 670/15d) (from Ch. 17, par. 5419)

Sec. 15d. Extra charges prohibited; exceptions. No amount in addition to the charges authorized by this Act shall be directly or indirectly charged, contracted for, or received, except (1) lawful fees paid to any public officer or agency to record, file or release security; (2) (i) costs and disbursements actually incurred in connection with a real estate loan, for any title insurance, title examination, abstract of title, survey, or appraisal, or paid to a trustee in connection with a trust deed, and (ii) in connection with a real estate loan those charges authorized by Section 4.1a of the Interest Act, whether called "points" or otherwise, which charges are imposed as a condition for making the loan and are not refundable in the event of prepayment of the loan; (3) costs and disbursements, including reasonable attorney's fees, incurred in legal proceedings to collect a loan or to realize
on a security after default; and (4) an amount not exceeding $25, plus any actual expenses incurred in connection with a check or draft that is not honored because of insufficient or uncollected funds or because no such account exists; and (5) a document preparation fee not to exceed $25 for obtaining and reviewing credit reports and preparation of other documents. This Section does not prohibit the receipt of a commission, dividend, charge, or other benefit by the licensee or by an employee, affiliate, or associate of the licensee from the insurance permitted by Sections 15a and 15b of this Act or from insurance in lieu of perfecting a security interest provided that the premiums for such insurance do not exceed the fees that otherwise could be contracted for by the licensee under this Section. Obtaining any of the items referred to in clause (i) of item (2) of this Section through the licensee or from any person specified by the licensee shall not be a condition precedent to the granting of the loan.

(Source: P.A. 89-400, eff. 8-20-95; 90-437, eff. 1-1-98.)

(205 ILCS 670/17.5)

Sec. 17.5. Consumer reporting service.

(a) For the purpose of this Section, "certified database" means the consumer reporting service database established pursuant to the Payday Loan Reform Act.

(b) Within 90 days after making a small consumer loan, a licensee shall enter information about the loan into the
(c) For every small consumer loan made, the licensee shall input the following information into the certified database within 90 days after the loan is made:

(i) the consumer's name and official identification number (for purposes of this Act, "official identification number" includes a Social Security Number, an Individual Taxpayer Identification Number, a Federal Employer Identification Number, an Alien Registration Number, or an identification number imprinted on a passport or consular identification document issued by a foreign government);

(ii) the consumer's gross monthly income;

(iii) the date of the loan;

(iv) the amount financed;

(v) the term of the loan;

(vi) the acquisition charge;

(vii) the monthly installment account handling charge;

(viii) the verification fee;

(ix) the number and amount of payments; and

(x) whether the loan is a first or subsequent refinancing of a prior small consumer loan.

(d) Once a loan is entered with the certified database, the certified database shall provide to the licensee a dated, time-stamped statement acknowledging the certified database's receipt of the information and assigning each loan a unique loan number.
(e) The licensee shall update the certified database within 90 days if any of the following events occur:

(i) the loan is paid in full by cash;

(ii) the loan is refinanced;

(iii) the loan is renewed;

(iv) the loan is satisfied in full or in part by collateral being sold after default;

(v) the loan is cancelled or rescinded; or

(vi) the consumer's obligation on the loan is otherwise discharged by the licensee.

(f) To the extent a licensee sells a product or service to a consumer, other than a small consumer loan, and finances any portion of the cost of the product or service, the licensee shall, in addition to and at the same time as the information inputted under subsection (d) of this Section, enter into the certified database:

(i) a description of the product or service sold;

(ii) the charge for the product or service; and

(iii) the portion of the charge for the product or service, if any, that is included in the amount financed by a small consumer loan.

(g) The certified database provider shall indemnify the licensee against all claims and actions arising from illegal or willful or wanton acts on the part of the certified database provider. The certified database provider may charge a fee not to exceed $1 for each loan entered into the certified database.
under subsection (d) of this Section. The database provider shall not charge any additional fees or charges to the licensee.

(h) All personally identifiable information regarding any consumer obtained by way of the certified database and maintained by the Department is strictly confidential and shall be exempt from disclosure under subsection (c) of Section 7 of the Freedom of Information Act.

(i) A licensee who submits information to a certified database provider in accordance with this Section shall not be liable to any person for any subsequent release or disclosure of that information by the certified database provider, the Department, or any other person acquiring possession of the information, regardless of whether such subsequent release or disclosure was lawful, authorized, or intentional.

(j) To the extent the certified database becomes unavailable to a licensee as a result of some event or events outside the control of the licensee or the certified database is decertified, the requirements of this Section and Section 17.4 of this Act are suspended until such time as the certified database becomes available.

(Source: P.A. 96-936, eff. 3-21-11; 97-813, eff. 7-13-12.)

(205 ILCS 670/17.1 rep.)
(205 ILCS 670/17.2 rep.)
(205 ILCS 670/17.3 rep.)
Section 125-90-30. The Consumer Installment Loan Act is amended by repealing Sections 17.1, 17.2, 17.3, and 17.4.

Section 125-90-35. The Payday Loan Reform Act is amended by changing Sections 2-5 and 4-5 as follows:

(815 ILCS 122/2-5)

Sec. 2-5. Loan terms.

(a) Without affecting the right of a consumer to prepay at any time without cost or penalty, no payday loan may have a minimum term of less than 13 days.

(b) Except for an installment payday loan as defined in this Section, no payday loan may be made to a consumer if the loan would result in the consumer being indebted to one or more payday lenders for a period in excess of 45 consecutive days. Except as provided under subsection (c) of this Section and Section 2-40, if a consumer has or has had loans outstanding for a period in excess of 45 consecutive days, no payday lender may offer or make a loan to the consumer for at least 7 calendar days after the date on which the outstanding balance of all payday loans made during the 45 consecutive day period is paid in full. For purposes of this subsection, the term "consecutive days" means a series of continuous calendar days in which the consumer has an outstanding balance on one or more payday loans; however, if a payday loan is made to a consumer
within 6 days or less after the outstanding balance of all
loans is paid in full, those days are counted as "consecutive
days" for purposes of this subsection.

(c) Notwithstanding anything in this Act to the contrary, a
payday loan shall also include any installment loan otherwise
meeting the definition of payday loan contained in Section
1-10, but that has a term agreed by the parties of not less
than 112 days and not exceeding 180 days; hereinafter an
"installment payday loan". The following provisions shall
apply:

(i) Any installment payday loan must be fully
amortizing, with a finance charge calculated on the
principal balances scheduled to be outstanding and be
repayable in substantially equal and consecutive
installments, according to a payment schedule agreed by the
parties with not less than 13 days and not more than one
month between payments, except that the first installment
period may be longer than the remaining installment periods
by not more than 15 days, and the first installment payment
may be larger than the remaining installment payments by
the amount of finance charges applicable to the extra days.
In calculating finance charges under this subsection, when
the first installment period is longer than the remaining
installment periods, the amount of the finance charges
applicable to the extra days shall not be greater than
$15.50 per $100 of the original principal balance divided
by the number of days in a regularly scheduled installment period and multiplied by the number of extra days determined by subtracting the number of days in a regularly scheduled installment period from the number of days in the first installment period.

(ii) An installment payday loan may be refinanced by a new installment payday loan one time during the term of the initial loan; provided that the total duration of indebtedness on the initial installment payday loan combined with the total term of indebtedness of the new loan refinancing that initial loan, shall not exceed 180 days. For purposes of this Act, a refinancing occurs when an existing installment payday loan is paid from the proceeds of a new installment payday loan.

(iii) In the event an installment payday loan is paid in full prior to the date on which the last scheduled installment payment before maturity is due, other than through a refinancing, no licensee may offer or make a payday loan to the consumer for at least 2 calendar days thereafter.

(iv) No installment payday loan may be made to a consumer if the loan would result in the consumer being indebted to one or more payday lenders for a period in excess of 180 consecutive days. The term "consecutive days" does not include the date on which a consumer makes the final installment payment.
(e) No lender may make a payday loan to a consumer if the total of all payday loan payments coming due within the first calendar month of the loan, when combined with the payment amount of all of the consumer's other outstanding payday loans coming due within the same month, exceeds the lesser of:

1. $1,000; or
2. in the case of one or more payday loans, 25% of the consumer's gross monthly income; or
3. in the case of one or more installment payday loans, 22.5% of the consumer's gross monthly income; or
4. in the case of a payday loan and an installment payday loan, 22.5% of the consumer's gross monthly income.

No loan shall be made to a consumer who has an outstanding balance on 2 payday loans, except that, for a period of 12 months after March 21, 2011 (the effective date of Public Act 96-936), consumers with an existing CILA loan may be issued an installment loan issued under this Act from the company from which their CILA loan was issued.

(e-5) A lender shall not contract for or receive a charge exceeding a 36% annual percentage rate on the unpaid balance of the amount financed for a payday loan. For purposes of this Section, the annual percentage rate shall be calculated as such rate is calculated using the system for calculating a military annual percentage rate under Section 232.4 of Title 32 of the Code of Federal Regulations as in effect on the effective date.
of this amendatory Act of the 101st General Assembly. Except as provided in subsection (e)(i), no lender may charge more than $15.50 per $100 loaned on any payday loan, or more than $15.50 per $100 on the initial principal balance and on the principal balances scheduled to be outstanding during any installment period on any installment payday loan. Except for installment payday loans and except as provided in Section 2-25, this charge is considered fully earned as of the date on which the loan is made. For purposes of determining the finance charge earned on an installment payday loan, the disclosed annual percentage rate shall be applied to the principal balances outstanding from time to time until the loan is paid in full, or until the maturity date, whichever occurs first. No finance charge may be imposed after the final scheduled maturity date.

When any loan contract is paid in full, the licensee shall refund any unearned finance charge. The unearned finance charge that is refunded shall be calculated based on a method that is at least as favorable to the consumer as the actuarial method, as defined by the federal Truth in Lending Act. The sum of the digits or rule of 78ths method of calculating prepaid interest refunds is prohibited.

(f) A lender may not take or attempt to take an interest in any of the consumer's personal property to secure a payday loan.

(g) A consumer has the right to redeem a check or any other item described in the definition of payday loan under Section
1-10 issued in connection with a payday loan from the lender
holding the check or other item at any time before the payday
loan becomes payable by paying the full amount of the check or
other item.

(h) For the purpose of this Section, "substantially equal
installment" includes a last regularly scheduled payment that
may be less than, but no more than 5% larger than, the previous
scheduled payment according to a disclosed payment schedule
agreed to by the parties.

(Source: P.A. 100-201, eff. 8-18-17; 101-563, eff. 8-23-19.)

(815 ILCS 122/4-5)

Sec. 4-5. Prohibited acts. A licensee or unlicensed person
or entity making payday loans may not commit, or have committed
on behalf of the licensee or unlicensed person or entity, any
of the following acts:

(1) Threatening to use or using the criminal process in
this or any other state to collect on the loan.

(2) Using any device or agreement that would have the
effect of charging or collecting more fees or charges than
allowed by this Act, including, but not limited to,
entering into a different type of transaction with the
consumer.

(3) Engaging in unfair, deceptive, or fraudulent
practices in the making or collecting of a payday loan.

(4) Using or attempting to use the check provided by
the consumer in a payday loan as collateral for a
transaction not related to a payday loan.

(5) Knowingly accepting payment in whole or in part of
a payday loan through the proceeds of another payday loan
provided by any licensee, except as provided in subsection
(c) of Section 2.5.

(6) Knowingly accepting any security, other than that
specified in the definition of payday loan in Section 1-10,
for a payday loan.

(7) Charging any fees or charges other than those
specifically authorized by this Act.

(8) Threatening to take any action against a consumer
that is prohibited by this Act or making any misleading or
deceptive statements regarding the payday loan or any
consequences thereof.

(9) Making a misrepresentation of a material fact by an
applicant for licensure in obtaining or attempting to
obtain a license.

(10) Including any of the following provisions in loan
documents required by subsection (b) of Section 2-20:

(A) a confession of judgment clause;

(B) a waiver of the right to a jury trial, if
applicable, in any action brought by or against a
consumer, unless the waiver is included in an
arbitration clause allowed under subparagraph (C) of
this paragraph (11);
(C) a mandatory arbitration clause that is oppressive, unfair, unconscionable, or substantially in derogation of the rights of consumers; or

(D) a provision in which the consumer agrees not to assert any claim or defense arising out of the contract.

(11) Selling any insurance of any kind whether or not sold in connection with the making or collecting of a payday loan.

(12) Taking any power of attorney.

(13) Taking any security interest in real estate.

(14) Collecting a delinquency or collection charge on any installment regardless of the period in which it remains in default.

(15) Collecting treble damages on an amount owing from a payday loan.

(16) Refusing, or intentionally delaying or inhibiting, the consumer's right to enter into a repayment plan pursuant to this Act.

(17) Charging for, or attempting to collect, attorney's fees, court costs, or arbitration costs incurred in connection with the collection of a payday loan.

(18) Making a loan in violation of this Act.

(19) Garnishing the wages or salaries of a consumer who is a member of the military.
(20) Failing to suspend or defer collection activity against a consumer who is a member of the military and who has been deployed to a combat or combat-support posting.

(21) Contacting the military chain of command of a consumer who is a member of the military in an effort to collect on a payday loan.

(22) Making or offering to make any loan other than a payday loan or a title-secured loan, provided however, that to make or offer to make a title-secured loan, a licensee must obtain a license under the Consumer Installment Loan Act.

(23) Making or offering a loan in violation of the Anti-Predatory Lending Act.

(Source: P.A. 96-936, eff. 3-21-11.)

Section 125-90-40. The Interest Act is amended by changing Sections 4 and 4a as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) Except as otherwise provided in Section 4.05 and in the Anti-Predatory Lending Act, in all written contracts it shall be lawful for the parties to stipulate or agree that 9% per annum, or any less sum of interest, shall be taken and paid upon every $100 of money loaned or in any manner due and owing from any person to any other person or corporation in this
state, and after that rate for a greater or less sum, or for a
longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be
contracted for is determined by the law applicable thereto at
the time the contract is made. Any provision in any contract,
whether made before or after July 1, 1969, which provides for
or purports to authorize, contingent upon a change in the
Illinois law after the contract is made, any rate of interest
greater than the maximum lawful rate at the time the contract
is made, is void.

It is lawful for a state bank or a branch of an
out-of-state bank, as those terms are defined in Section 2 of
the Illinois Banking Act, to receive or to contract to receive
and collect interest and charges at any rate or rates agreed
upon by the bank or branch and the borrower. It is lawful for a
savings bank chartered under the Savings Bank Act or a savings
association chartered under the Illinois Savings and Loan Act
of 1985 to receive or contract to receive and collect interest
and charges at any rate agreed upon by the savings bank or
savings association and the borrower.

It is lawful to receive or to contract to receive and
collect interest and charges as authorized by this Act and as
authorized by the Consumer Installment Loan Act, and by the
"Consumer Finance Act", approved July 10, 1935, as now or
hereafter amended, or by the Payday Loan Reform Act, or the
Anti-Predatory Lending Act. It is lawful to charge, contract
for, and receive any rate or amount of interest or compensation, except as otherwise provided in the Anti-Predatory Lending Act, with respect to the following transactions:

(a) Any loan made to a corporation;

(b) Advances of money, repayable on demand, to an amount not less than $5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;

(c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within
the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a
debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate,
including a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code that is real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act;

   (l) Loans secured by a mortgage on real estate, including a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code that is real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act;

   (m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

   (n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

   (a) Whenever the rate of interest exceeds 8% per annum
on any written contract, agreement or bond for deed
providing for the installment purchase of residential real
estate, or on any loan secured by a mortgage on residential
real estate, it shall be unlawful to provide for a
prepayment penalty or other charge for prepayment.

(b) No agreement, note or other instrument evidencing a
loan secured by a mortgage on residential real estate, or
written contract, agreement or bond for deed providing for
the installment purchase of residential real estate, may
provide for any change in the contract rate of interest
during the term thereof. However, if the Congress of the
United States or any federal agency authorizes any class of
lender to enter, within limitations, into mortgage
contracts or written contracts, agreements or bonds for
deed in which the rate of interest may be changed during
the term of the contract, any person, firm, corporation or
other entity not otherwise prohibited from entering into
mortgage contracts or written contracts, agreements or
bonds for deed in Illinois may enter into mortgage
contracts or written contracts, agreements or bonds for
deed in which the rate of interest may be changed during
the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage,
deed of trust, or conveyance in the nature of a mortgage, on
residential real estate, the interest which is computed,
calculated, charged, or collected pursuant to such contract or
loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

(4) For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding
sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, the Payday Loan Reform Act, the Anti-Predatory Lending Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act.

(5) For purposes of items (a) and (c) of subsection (1) of this Section, a rate or amount of interest may be lawfully computed when applying the ratio of the annual interest rate over a year based on 360 days. The provisions of this amendatory Act of the 96th General Assembly are declarative of existing law.

(6) For purposes of this Section, "real estate" and "real property" include a manufactured home, as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code that is real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act.

(Source: P.A. 98-749, eff. 7-16-14.)

(815 ILCS 205/4a) (from Ch. 17, par. 6410)

Sec. 4a. Installment loan rate.

(a) On money loaned to or in any manner owing from any
person, whether secured or unsecured, except where the money
loaned or in any manner owing is directly or indirectly for the
purchase price of real estate or an interest therein and is
secured by a lien on or retention of title to that real estate
or interest therein, to an amount not more than $25,000
(excluding interest) which is evidenced by a written instrument
providing for the payment thereof in 2 or more periodic
installments over a period of not more than 181 months from the
date of the execution of the written instrument, it is lawful
to receive or to contract to receive and collect either:

(i) interest in an amount equivalent to interest
computed at a rate not exceeding 9% per year on the entire
principal amount of the money loaned or in any manner owing
for the period from the date of the making of the loan or
the incurring of the obligation for the amount owing
evidenced by the written instrument until the date of the
maturity of the last installment thereof, and to add that
amount to the principal, except that there shall be no
limit on the rate of interest which may be received or
contracted to be received and collected by (1) any bank,
except a bank charted under the laws of the United States,
that has its main office or, after May 31, 1997, a branch
in this State; or (2) a savings and loan association
chartered under the Illinois Savings and Loan Act of 1985,
or a savings bank charted under the Savings Bank Act,
or a federal savings and loan association established under
the laws of the United States and having its main office in this State; or (3) any lender licensed under either the Consumer Finance Act or the Consumer Installment Loan Act, but in any case in which interest is received, contracted for or collected on the basis of this clause (i), the debtor may satisfy in full at any time before maturity the debt evidenced by the written instrument, and in so satisfying must receive a refund credit against the total amount of interest added to the principal computed in the manner provided under Section 15(f)(3) of the Consumer Installment Loan Act for refunds or credits of applicable interest on payment in full of precomputed loans before the final installment due date, or

(ii) interest accrued on the principal balance from time to time remaining unpaid, from the date of making of the loan or the incurring of the obligation to the date of the payment of the debt in full, at a rate not exceeding the annual percentage rate equivalent of the rate permitted to be charged under clause (i) above, but in any such case the debtor may, provided that the debtor shall have paid in full all interest and other charges accrued to the date of such prepayment, prepay the principal balance in full or in part at any time, and interest shall, upon any such prepayment, cease to accrue on the principal amount which has been prepaid.

(b) Whenever the principal amount of an installment loan is
$300 or more and the repayment period is 6 months or more, a minimum charge of $15 may be collected instead of interest, but only one minimum charge may be collected from the same person during one year. When the principal amount of the loan (excluding interest) is $800 or less, the lender or creditor may contract for and receive a service charge not to exceed $5 in addition to interest; and that service charge may be collected when the loan is made, but only one service charge may be contracted for, received, or collected from the same person during one year.

(c) Credit life insurance and credit accident and health insurance, and any charge therefor which is deducted from the loan or paid by the obligor, must comply with Article IX 1/2 of the Illinois Insurance Code and all lawful requirements of the Director of Insurance related thereto. When there are 2 or more obligors on the loan contract, only one charge for credit life insurance and credit accident and health insurance may be made and only one of the obligors may be required to be insured. Insurance obtained from, by or through the lender or creditor must be in effect when the loan is transacted. The purchase of that insurance from an agent, broker or insurer specified by the lender or creditor may not be a condition precedent to the granting of the loan.

(d) The lender or creditor may require the obligor to provide property insurance on security other than household goods, furniture and personal effects. The amount and term of
the insurance must be reasonable in relation to the amount and
term of the loan contract and the type and value of the
security, and the insurance must be procured in accordance with
the insurance laws of this State. The purchase of that
insurance from an agent, broker or insurer specified by the
lender or creditor may not be a condition precedent to the
granting of the loan.

(e) The lender or creditor may, if the contract provides,
collect a delinquency and collection charge on each installment
in default for a period of not less than 10 days in an amount
not exceeding 5% of the installment on installments in excess
of $200 or $10 on installments of $200 or less, but only one
delinquency and collection charge may be collected on any
installment regardless of the period during which it remains in
default. In addition, the contract may provide for the payment
by the borrower or debtor of attorney's fees incurred by the
lender or creditor. The lender or creditor may enforce such a
provision to the extent of the reasonable attorney's fees
incurred by him in the collection or enforcement of the
contract or obligation. Whenever interest is contracted for or
received under this Section, no amount in addition to the
charges authorized by this Section may be directly or
indirectly charged, contracted for or received, except lawful
fees paid to a public officer or agency to record, file or
release security, and except costs and disbursements including
reasonable attorney's fees, incurred in legal proceedings to
collect a loan or to realize on a security after default. This Section does not prohibit the receipt of any commission, dividend or other benefit by the creditor or an employee, affiliate or associate of the creditor from the insurance authorized by this Section.

(f) When interest is contracted for or received under this Section, the lender must disclose the following items to the obligor in a written statement before the loan is consummated:

(1) the amount and date of the loan contract;

(2) the amount of loan credit using the term "amount financed";

(3) every deduction from the amount financed or payment made by the obligor for insurance and the type of insurance for which each deduction or payment was made;

(4) every other deduction from the loan or payment made by the obligor in connection with obtaining the loan;

(5) the date on which the finance charge begins to accrue if different from the date of the transaction;

(6) the total amount of the loan charge for the scheduled term of the loan contract with a description of each amount included using the term "finance charge";

(7) the finance charge expressed as an annual percentage rate using the term "annual percentage rate". "Annual percentage rate" means the nominal annual percentage rate of finance charge determined in accordance with the actuarial method of computation with an accuracy
at least to the nearest 1/4 of 1%; or at the option of the
lender by application of the United States rule so that it
may be disclosed with an accuracy at least to the nearest
1/4 of 1%;

(8) the number, amount and due dates or periods of
payments scheduled to repay the loan and the sum of such
payments using the term "total of payments";

(9) the amount, or method of computing the amount of
any default, delinquency or similar charges payable in the
event of late payments;

(10) the right of the obligor to prepay the loan and
the fact that such prepayment will reduce the charge for
the loan;

(11) a description or identification of the type of any
security interest held or to be retained or acquired by the
lender in connection with the loan and a clear
identification of the property to which the security
interest relates. If after-acquired property will be
subject to the security interest, or if other or future
indebtedness is or may be secured by any such property,
this fact shall be clearly set forth in conjunction with
the description or identification of the type of security
interest held, retained or acquired;

(12) a description of any penalty charge that may be
imposed by the lender for prepayment of the principal of
the obligation with an explanation of the method of
computation of such penalty and the conditions under which it may be imposed;

(13) unless the contract provides for the accrual and payment of the finance charge on the balance of the amount financed from time to time remaining unpaid, an identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the loan.

The terms "finance charge" and "annual percentage rate" shall be printed more conspicuously than other terminology required by this Section.

(g) At the time disclosures are made, the lender shall deliver to the obligor a duplicate of the instrument or statement by which the required disclosures are made and on which the lender and obligor are identified and their addresses stated. All of the disclosures shall be made clearly, conspicuously and in meaningful sequence and made together on either:

(i) the note or other instrument evidencing the obligation on the same side of the page and above or adjacent to the place for the obligor's signature; however, where a creditor elects to combine disclosures with the contract, security agreement, and evidence of a transaction in a single document, the disclosures required under this Section shall be made on the face of the document, on the reverse side, or on both sides, provided
that the amount of the finance charge and the annual percentage rate shall appear on the face of the document, and, if the reverse side is used, the printing on both sides of the document shall be equally clear and conspicuous, both sides shall contain the statement, "NOTICE: See other side for important information", and the place for the customer's signature shall be provided following the full content of the document; or

(ii) one side of a separate statement which identifies the transaction.

The amount of the finance charge shall be determined as the sum of all charges, payable directly or indirectly by the obligor and imposed directly or indirectly by the lender as an incident to or as a condition to the extension of credit, whether paid or payable by the obligor, any other person on behalf of the obligor, to the lender or to a third party, including any of the following types of charges:

(1) Interest, time price differential, and any amount payable under a discount or other system of additional charges.

(2) Service, transaction, activity, or carrying charge.

(3) Loan fee, points, finder's fee, or similar charge.

(4) Fee for an appraisal, investigation, or credit report.

(5) Charges or premiums for credit life, accident,
health, or loss of income insurance, written in connection
with any credit transaction unless (a) the insurance
coverage is not required by the lender and this fact is
clearly and conspicuously disclosed in writing to the
obligor; and (b) any obligor desiring such insurance
coverage gives specific dated and separately signed
affirmative written indication of such desire after
receiving written disclosure to him of the cost of such
insurance.

(6) Charges or premiums for insurance, written in
connection with any credit transaction, against loss of or
damage to property or against liability arising out of the
ownership or use of property, unless a clear, conspicuous,
and specific statement in writing is furnished by the
lender to the obligor setting forth the cost of the
insurance if obtained from or through the lender and
stating that the obligor may choose the person through
which the insurance is to be obtained.

(7) Premium or other charges for any other guarantee or
insurance protecting the lender against the obligor's
default or other credit loss.

(8) Any charge imposed by a lender upon another lender
for purchasing or accepting an obligation of an obligor if
the obligor is required to pay any part of that charge in
cash, as an addition to the obligation, or as a deduction
from the proceeds of the obligation.
A late payment, delinquency, default, reinstatement or other such charge is not a finance charge if imposed for actual unanticipated late payment, delinquency, default or other occurrence.

(h) Advertising for loans transacted under this Section may not be false, misleading, or deceptive. That advertising, if it states a rate or amount of interest, must state that rate as an annual percentage rate of interest charged. In addition, if charges other than for interest are made in connection with those loans, those charges must be separately stated. No advertising may indicate or imply that the rates or charges for loans are in any way "recommended", "approved", "set" or "established" by the State government or by this Act.

(i) A lender or creditor who complies with the federal Truth in Lending Act, amendments thereto, and any regulations issued or which may be issued thereunder, shall be deemed to be in compliance with the provisions of subsections (f), (g) and (h) of this Section.

(j) For purposes of this Section, "real estate" and "real property" include a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code that is real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act.

(Source: P.A. 98-749, eff. 7-16-14.)

Section 125-90-45. The Consumer Fraud and Deceptive
Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Installment Sales Contract Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Anti-Predatory Lending Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the Internet Caller Identification Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois Vehicle Code, Article 3 of the Residential Real Property
Disclosure Act, the Automatic Contract Renewal Act, the Reverse Mortgage Act, Section 25 of the Youth Mental Health Protection Act, the Personal Information Protection Act, or the Student Online Personal Protection Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642, eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18; 100-863, eff. 8-14-18.)

Article 130.

Section 130-5. The Business Corporation Act of 1983 is amended by changing Section 14.05 as follows:

(805 ILCS 5/14.05) (from Ch. 32, par. 14.05)
Sec. 14.05. Annual report of domestic or foreign corporation. Each domestic corporation organized under any general law or special act of this State authorizing the corporation to issue shares, other than homestead associations, building and loan associations, banks and insurance companies (which includes a syndicate or limited syndicate regulated under Article V 1/2 of the Illinois Insurance Code or member of a group of underwriters regulated under Article V of that Code), and each foreign corporation (except members of a group of underwriters regulated under Article V of the Illinois Insurance Code) authorized to
transact business in this State, shall file, within the time
prescribed by this Act, an annual report setting forth:

(a) The name of the corporation.

(b) The address, including street and number, or rural
route number, of its registered office in this State, and
the name of its registered agent at that address.

(c) The address, including street and number, or rural
route number, of its principal office.

(d) The names and respective addresses, including
street and number, or rural route number, of its directors
and officers.

(e) A statement of the aggregate number of shares which
the corporation has authority to issue, itemized by classes
and series, if any, within a class.

(f) A statement of the aggregate number of issued
shares, itemized by classes, and series, if any, within a
class.

(g) A statement, expressed in dollars, of the amount of
paid-in capital of the corporation as defined in this Act.

(h) Either a statement that (1) all the property of the
corporation is located in this State and all of its
business is transacted at or from places of business in
this State, or the corporation elects to pay the annual
franchise tax on the basis of its entire paid-in capital,
or (2) a statement, expressed in dollars, of the value of
all the property owned by the corporation, wherever
located, and the value of the property located within this
State, and a statement, expressed in dollars, of the gross
amount of business transacted by the corporation and the
gross amount thereof transacted by the corporation at or
from places of business in this State as of the close of
its fiscal year on or immediately preceding the last day of
the third month prior to the anniversary month or in the
case of a corporation which has established an extended
filing month, as of the close of its fiscal year on or
immediately preceding the last day of the third month prior
to the extended filing month; however, in the case of a
domestic corporation that has not completed its first
fiscal year, the statement with respect to property owned
shall be as of the last day of the third month preceding
the anniversary month and the statement with respect to
business transacted shall be furnished for the period
between the date of incorporation and the last day of the
third month preceding the anniversary month. In the case of
a foreign corporation that has not been authorized to
transact business in this State for a period of 12 months
and has not commenced transacting business prior to
obtaining authority, the statement with respect to
property owned shall be as of the last day of the third
month preceding the anniversary month and the statement
with respect to business transacted shall be furnished for
the period between the date of its authorization to
transact business in this State and the last day of the third month preceding the anniversary month. If the data referenced in item (2) of this subsection is not completed, the franchise tax provided for in this Act shall be computed on the basis of the entire paid-in capital.

(i) A statement, including the basis therefor, of status as a "minority-owned business" or as a "women-owned business" as those terms are defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

(j) Additional information as may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees and franchise taxes payable by the corporation.

(k) A statement of whether the corporation or foreign corporation has outstanding shares listed on a major United States stock exchange and is thereby subject to the reporting requirements of Section 8.12.

(l) For those corporations subject to Section 8.12, a statement providing the information required under Section 8.12.

(m) For those corporations required to file an Employer Information Report EEO-1 with the Equal Employment Opportunity Commission, information that is substantially similar to the employment data reported under Section D of the corporation's EEO-1 in a format approved by the
Secretary of State. For each corporation that submits data under this paragraph, the Secretary of State shall publish the data on the gender, race, and ethnicity of each corporation's employees on the Secretary of State's official website. The Secretary of State shall publish such information within 90 days of receipt of a properly filed annual report or as soon thereafter as practicable.

The annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein required by paragraphs (a) through (d), both inclusive, of this Section, shall be given as of the date of the execution of the annual report and the information therein required by paragraphs (e), (f), and (g) of this Section shall be given as of the last day of the third month preceding the anniversary month, except that the information required by paragraphs (e), (f), and (g) shall, in the case of a corporation which has established an extended filing month, be given in its final transition annual report and each subsequent annual report as of the close of its fiscal year on or immediately preceding the last day of the third month prior to its extended filing month.

The information required by paragraph (m) shall be included in the corporation's annual report filed on and after January 1, 2022. It shall be executed by the corporation by its president, a vice-president, secretary, assistant secretary, treasurer or other officer duly authorized by the board of directors of the corporation to execute those reports, and verified by him or
her, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by the receiver or trustee.

(Source: P.A. 100-391, eff. 8-25-17; 100-486, eff. 1-1-18; 100-863, eff. 8-14-18; 101-589, eff. 8-27-19.)

Article 135.

Section 135-1. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it
has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.


(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution
of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or
information compiled, collected, or prepared by or for the
Regional Transportation Authority under Section 2.11 of
the Regional Transportation Authority Act or the St. Clair
County Transit District under the Bi-State Transit Safety
Act.

(q) Information prohibited from being disclosed by the
Personnel Record Review Act.

(r) Information prohibited from being disclosed by the
Illinois School Student Records Act.

(s) Information the disclosure of which is restricted
under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information
in the form of health data or medical records contained in,
stored in, submitted to, transferred by, or released from
the Illinois Health Information Exchange, and identified
or deidentified health information in the form of health
data and medical records of the Illinois Health Information
Exchange in the possession of the Illinois Health
Information Exchange Office due to its administration of
the Illinois Health Information Exchange. The terms
"identified" and "deidentified" shall be given the same
meaning as in the Health Insurance Portability and
Accountability Act of 1996, Public Law 104-191, or any
subsequent amendments thereto, and any regulations
promulgated thereunder.

(u) Records and information provided to an independent
team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.
(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.
(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under
the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is exempt from disclosure under subsection (k) of Section 11 of the Equal Pay Act of 2003.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
Section 135-5. The State Finance Act is amended by adding Section 5.935 as follows:

(30 ILCS 105/5.935 new)

Sec. 5.935. The Equal Pay Certificate Fund.

Section 135-10. The Equal Pay Act of 2003 is amended by changing Section 10 and by adding Section 11 as follows:

(820 ILCS 112/10)

Sec. 10. Prohibited acts.

(a) No employer may discriminate between employees on the basis of sex by paying wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work on jobs the performance of which requires substantially similar skill, effort, and responsibility, and which are performed
under similar working conditions, except where the payment is made under:

1. a seniority system;
2. a merit system;
3. a system that measures earnings by quantity or quality of production; or
4. a differential based on any other factor other than: (i) sex or (ii) a factor that would constitute unlawful discrimination under the Illinois Human Rights Act, provided that the factor:
   A. is not based on or derived from a differential in compensation based on sex or another protected characteristic;
   B. is job-related with respect to the position and consistent with a business necessity; and
   C. accounts for the differential.

No employer may discriminate between employees by paying wages to an African-American employee at a rate less than the rate at which the employer pays wages to another employee who is not African-American for the same or substantially similar work on jobs the performance of which requires substantially similar skill, effort, and responsibility, and which are performed under similar working conditions, except where the payment is made under:

1. a seniority system;
2. a merit system;
(3) a system that measures earnings by quantity or quality of production; or

(4) a differential based on any other factor other than: (i) race or (ii) a factor that would constitute unlawful discrimination under the Illinois Human Rights Act, provided that the factor:

(A) is not based on or derived from a differential in compensation based on race or another protected characteristic;

(B) is job-related with respect to the position and consistent with a business necessity; and

(C) accounts for the differential.

An employer who is paying wages in violation of this Act may not, to comply with this Act, reduce the wages of any other employee.

Nothing in this Act may be construed to require an employer to pay, to any employee at a workplace in a particular county, wages that are equal to the wages paid by that employer at a workplace in another county to employees in jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

(b) It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this Act. It is unlawful for any employer to discharge or in any other manner discriminate
against any individual for inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee, or aiding or encouraging any person to exercise his or her rights under this Act. It is unlawful for an employer to require an employee to sign a contract or waiver that would prohibit the employee from disclosing or discussing information about the employee's wages, salary, benefits, or other compensation. An employer may, however, prohibit a human resources employee, a supervisor, or any other employee whose job responsibilities require or allow access to other employees' wage or salary information from disclosing that information without prior written consent from the employee whose information is sought or requested.

(b-5) It is unlawful for an employer or employment agency, or employee or agent thereof, to (1) screen job applicants based on their current or prior wages or salary histories, including benefits or other compensation, by requiring that the wage or salary history of an applicant satisfy minimum or maximum criteria, (2) request or require a wage or salary history as a condition of being considered for employment, as a condition of being interviewed, as a condition of continuing to be considered for an offer of employment, as a condition of an offer of employment or an offer of compensation, or (3) request or require that an applicant disclose wage or salary history as a condition of employment.
(b-10) It is unlawful for an employer to seek the wage or salary history, including benefits or other compensation, of a job applicant from any current or former employer. This subsection (b-10) does not apply if:

(1) the job applicant's wage or salary history is a matter of public record under the Freedom of Information Act, or any other equivalent State or federal law, or is contained in a document completed by the job applicant's current or former employer and then made available to the public by the employer, or submitted or posted by the employer to comply with State or federal law; or

(2) the job applicant is a current employee and is applying for a position with the same current employer.

(b-15) Nothing in subsections (b-5) and (b-10) shall be construed to prevent an employer or employment agency, or an employee or agent thereof, from:

(1) providing information about the wages, benefits, compensation, or salary offered in relation to a position; or

(2) engaging in discussions with an applicant for employment about the applicant's expectations with respect to wage or salary, benefits, and other compensation.

(b-20) An employer is not in violation of subsections (b-5) and (b-10) when a job applicant voluntarily and without prompting discloses his or her current or prior wage or salary history, including benefits or other compensation, on the
condition that the employer does not consider or rely on the voluntary disclosures as a factor in determining whether to offer a job applicant employment, in making an offer of compensation, or in determining future wages, salary, benefits, or other compensation.

(c) It is unlawful for any person to discharge or in any other manner discriminate against any individual because the individual:

(1) has filed any charge or has instituted or caused to be instituted any proceeding under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act;

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act; or

(4) fails to comply with any wage or salary history inquiry.

(Source: P.A. 100-1140, eff. 1-1-19; 101-177, eff. 9-29-19.)

(820 ILCS 112/11 new)

Sec. 11. Equal pay certificate requirements; application.

(a) A business that has 100 or more full-time employees must obtain an equal pay certificate from the Department or certify in writing that it is exempt.

(b) No department or agency of the State shall execute a
contract for goods or services or an agreement for goods or
services in excess of $500,000 with a business that has 40 or
more full-time employees in this State or a state where the
business has its primary place of business on a single day
during the prior 12 months, unless the business has an equal
pay certificate or has certified in writing that it is exempt.

This subsection does not apply to a business with respect
to a specific contract if the Department determines that
application of this Section would cause undue hardship to the
contracting entity. This subsection does not apply to a
contract to provide goods and services to individuals under the
Personnel Code, Article XX of the Illinois Insurance Code, the
Health Maintenance Organization Act, the Comprehensive Health
Insurance Plan Act, the Illinois Public Aid Code, the Rental
Housing Support Program Act, the Children's Health Insurance
Program Act, the Covering ALL KIDS Health Insurance Act, and
the Rehabilitation of Persons with Disabilities Act, with a
business that has a license, certification, registration,
provider agreement, or provider enrollment contract that is
prerequisite to providing those goods and services. This
subsection does not apply to contracts entered into by the
Illinois State Board of Investment for investment options under
Section 24-104 of the Illinois Pension Code.

(c) Any business subject to the requirements of this
Section that is authorized to transact business in this State
on the effective date of this amendatory Act of the 101st
General Assembly must obtain an equal pay certificate within 3 years after the effective date of this amendatory Act of the 101st General Assembly and must recertify every 2 years thereafter. Any business subject to the requirements of this Section that is authorized to transact business in this State after the effective date of this amendatory Act of the 101st General Assembly must obtain an equal pay certificate within 3 years of commencing business operations and must recertify every 2 years thereafter.

(d) Application.

(1) A business shall apply for an equal pay certificate by paying a $150 filing fee and submitting an equal pay compliance statement to the Director. Any business that is required to file an annual Employer Information Report EEO-1 with the Equal Employment Opportunity Commission must also submit to the Director a copy of the business's most recently filed Employer Information Report EEO-1. The proceeds from the fees collected under this Section shall be deposited into the Equal Pay Certificate Fund, a special fund created in the State treasury. Moneys in the Fund shall be appropriated to the Department for the purposes of this Section. The Director shall issue an equal pay certificate of compliance to a business that submits to the Director a statement signed by the chairperson of the board or chief executive officer of the business:

(A) that the business is in compliance with Title

(B) that the average compensation for its female and minority employees is not consistently below the average compensation for its male and non-minority employees within each of the major job categories in the Employer Information Report EEO-1 for which an employee is expected to perform work under the contract, taking into account factors such as length of service, requirements of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or other mitigating factors; as used in this subparagraph, "minority" has the meaning ascribed to that term in paragraph (1) of subsection (A) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act;

(C) that the business does not restrict employees of one sex to certain job classifications and makes retention and promotion decisions without regard to sex;

(D) that wage and benefit disparities are corrected when identified to ensure compliance with the Acts cited in subparagraph (A) and with subparagraph (B); and

(E) how often wages and benefits are evaluated to
ensure compliance with the Acts cited in subparagraph (A) and with subparagraph (B).

(2) The equal pay compliance statement shall also indicate whether the business, in setting compensation and benefits, utilizes:

(A) a market pricing approach;

(B) State prevailing wage or union contract requirements;

(C) a performance pay system;

(D) an internal analysis; or

(E) an alternative approach to determine what level of wages and benefits to pay its employees. If the business uses an alternative approach, the business must provide a description of its approach.

(3) Receipt of the equal pay compliance statement by the Director does not establish compliance with the Acts set forth in subparagraph (A).

(e) Issuance or rejection of certificate. The Director must issue an equal pay certificate, or a statement of why the application was rejected, within 15 days of receipt of the application. An application may be rejected only if it does not comply with the requirements of subsection (d).

(f) Revocation of certificate. An equal pay certificate for a business may be suspended or revoked by the Director when the business fails to make a good faith effort to comply with the Acts identified in subparagraph (A) of paragraph (1) of
subsection (d), fails to make a good faith effort to comply with this Section, or has multiple violations of this Section or the Acts identified in subparagraph (A) of paragraph (1) of subsection (d). Prior to suspending or revoking a certificate, the Director must first have sought to conciliate with the business regarding wages and benefits due to employees.

(g) Revocation of contract.

(1) If a contract is awarded to a business that does not have an equal pay certificate as required under subsection (b) or that is not in compliance with paragraph (1) of subsection (d), the Director may void the contract on behalf of the State. The contract award entity that is a party to the agreement must be notified by the Director prior to the Director taking action to void the contract.

(2) A contract may be abridged or terminated by the contract award entity identified in subsection (b) upon notice that the Director has suspended or revoked the certificate of the business.

(h) Administrative review.

(1) A business may obtain an administrative hearing in accordance with the Illinois Administrative Procedure Act before the suspension or revocation of its certificate is effective by filing a written request for hearing within 20 days after service of notice by the Director.

(2) A business may obtain an administrative hearing in accordance with the Illinois Administrative Procedure Act
before the contract award entity's abridgement or termination of a contract is effective by filing a written request for a hearing 20 days after service of notice by the contract award entity.

(i) Technical assistance. The Director must provide technical assistance to any business that requests assistance regarding this Section.

(j) Audit. The Director may audit the business's compliance with this Section. As part of an audit, upon request, a business must provide the Director the following information with respect to employees expected to perform work under the contract in each of the major job categories in the Employer Information Report EEO-1:

(1) number of male employees;

(2) number of female employees;

(3) average annualized salaries paid to male employees and to female employees, in the manner most consistent with the employer's compensation system, within each major job category;

(4) information on performance payments, benefits, or other elements of compensation, in the manner most consistent with the employer's compensation system, if requested by the Director as part of a determination as to whether these elements of compensation are different for male and female employees;

(5) average length of service for male and female
employees in each major job category; and

(6) other information identified by the business or by
the Director, as needed, to determine compliance with items
specified in paragraph (1) of subsection (d).

(k) Access to data. Data submitted to the Director related
to equal pay certificates are private data on individuals or
nonpublic data with respect to persons other than Department
employees. The Director's decision to issue, not issue, revoke,
or suspend an equal pay certificate is public data.

(l) Penalty. The Department shall impose on any business
that does not obtain an equal pay certificate as required under
this Section a civil penalty in an amount equal to 1% of the
business's profits for every 1% of wage gap that exists after
accounting for differences in job title, experience, and
performance.

(m) Whistleblower protection. As used in this subsection,
"retaliatory action" means the reprimand, discharge,
suspension, demotion, denial of promotion or transfer, or
change in the terms and conditions of employment of any
employee of a facility that is taken in retaliation for the
employee's involvement in a protected activity as set forth in
paragraphs (1) through (3) of subsection (b).

(1) A facility shall not take any retaliatory action
against an employee of the facility, including a nursing
home administrator, because the employee does any of the
following:
(A) Discloses or threatens to disclose to a supervisor or to a public body an activity, inaction, policy, or practice implemented by a facility that the employee reasonably believes is in violation of a law, rule, or regulation.

(B) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by a nursing home administrator.

(C) Assists or participates in a proceeding to enforce the provisions of this Act.

(2) A violation of this Section may be established only upon a finding that (i) the employee of the facility engaged in conduct described in subsection (b) of this Section and (ii) this conduct was a contributing factor in the retaliatory action alleged by the employee. There is no violation of this Section, however, if the facility demonstrates by clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of that conduct.

(3) The employee of the facility may be awarded all remedies necessary to make the employee whole and to prevent future violations of this Section. Remedies imposed by the court may include, but are not limited to, all of the following:

(A) Reinstatement of the employee to either the
same position held before the retaliatory action or to an equivalent position.

(B) Two times the amount of back pay.

(C) Interest on the back pay.

(D) Reinstatement of full fringe benefits and seniority rights.

(E) Payment of reasonable costs and attorney's fees.

(4) Nothing in this Section shall be deemed to diminish the rights, privileges, or remedies of an employee of a facility under any other federal or State law, rule, or regulation or under any employment contract.

Article 999.

Section 999-997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999-999. Effective date. This Act takes effect upon becoming law."