



STATE OF ILLINOIS

OFFICE OF THE AUDITOR GENERAL

SPECIAL STUDY OF

**ADMINISTRATIVE LAWS CONSIDERED TO BE:
OBSOLETE,
UNENFORCEABLE,
UNNECESSARILY BURDENSOME,
DUPLICATIVE,
OR HAVING NO ADMINISTRATIVE BENEFIT**

FEBRUARY 1995

WILLIAM G. HOLLAND

AUDITOR GENERAL

SPRINGFIELD OFFICE:
ILES PARK PLAZA
740 EAST ASH · 62703-3154
PHONE: 217/782-6046
FAX: 217/785-8222



CHICAGO OFFICE:
STATE OF ILLINOIS CENTER · SUITE 4-100
100 WEST RANDOLPH STREET · 60601
PHONE: 312/814-4000
FAX: 312/814-4006

OFFICE OF THE AUDITOR GENERAL
WILLIAM G. HOLLAND

February 22, 1995

Members of the Legislative
Audit Commission
622 Stratton Building
Springfield, IL 62706

Dear Commission Members:

Pursuant to Legislative Audit Commission Resolution Number 101, enclosed is our "Special Study of Administrative Laws Considered to be: Obsolete, Unenforceable, Unnecessarily Burdensome, Duplicative, or Having No Administrative Benefit". This study was conducted in cooperation with State agencies for the purpose of evaluating the usefulness and/or necessity of the various administrative statutes of State government.

Please contact me if you have any questions concerning this special study or need additional work done on this subject.

Yours truly,

A handwritten signature in black ink, appearing to read "W. G. Holland".

WILLIAM G. HOLLAND
Auditor General



OFFICE OF THE AUDITOR GENERAL
WILLIAM G. HOLLAND

REPORT SYNOPSIS

**ADMINISTRATIVE LAWS CONSIDERED TO BE:
OBSOLETE, UNENFORCEABLE, UNNECESSARILY BURDENSOME,
DUPLICATIVE OR HAVING NO ADMINISTRATIVE BENEFIT**

FEBRUARY, 1995

Pursuant to Legislative Audit Commission Resolution Number 101, the Auditor General surveyed 123 State agencies for the purpose of identifying laws governing State government operations that are obsolete, unenforceable, unnecessarily burdensome, duplicative or of no administrative benefit.

Officials in 100 agencies participating in the survey reviewed 12,437 statutory provisions. A total of 1,426 responses described 912 legal requirements, or 7% of the statutes reviewed, as falling into the categories identified in the chart.

One hundred and nine of the laws identified as obsolete required one-time actions that have been completed or the time period specified in the statute has passed. Agencies described other laws as obsolete because they appear to have outlived their usefulness. For example, an 1874 law imposes a \$5 fine for riding a horse, ox, ass, mule or cow on the banks of the Illinois and Michigan Canal except for the purpose of towing a boat. Another example is a 1953 law requiring at least 500 cubic feet of air for each mule working in a coal mine.

Among the laws cited by State agencies as unenforceable, unnecessarily burdensome, duplicative or of no administrative benefit, the reasons often given were lack of funding, lack of authority to enforce, or conflicting legal requirements. For instance, different State and federal laws regulate the marketing of eggs in Illinois. Additionally, agencies must report the number, race and sex of their employees on a regular basis to two separate agencies in dissimilar formats. Two separate laws require postage stamps to be marked as State property. Many other laws enacted by the General Assembly have apparently never been implemented due to a reported lack of resources.

Maintaining outdated and unused laws on the books impedes efforts to monitor State agencies' performance and misrepresents services available to Illinois citizens. This Special Study presents a Matter for Consideration by the General Assembly that it may wish to consider repealing or amending statutes deemed to be obsolete or otherwise objectionable.

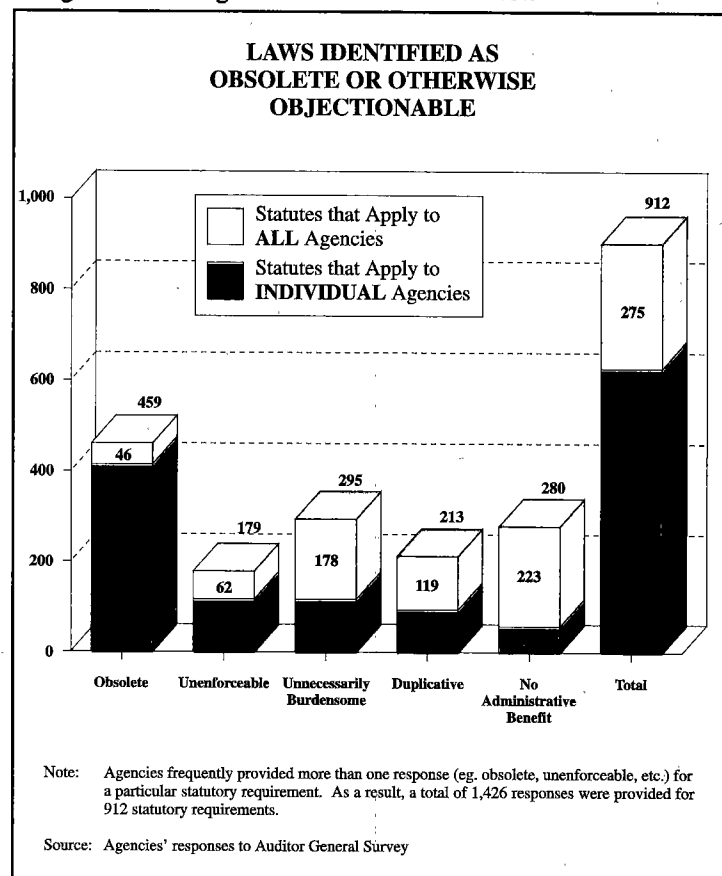


TABLE OF CONTENTS

Chapter One: INTRODUCTION

Report Summary	1
Background And Study Design	3
Overview Of Responses By Agencies	4
Report Organization	5
Matter for Consideration by the General Assembly	5

Chapter Two: OBSOLETE LAWS

Introduction	8
Obsolete Laws Pertaining to Specific Agencies	8
Obsolete: Outdated Laws	9
Obsolete: Antiquated Laws	11
Obsolete: Defunct Activity or Entity	11
Obsolete: Superseded Or Duplicated	12
Obsolete: Laws Not Implemented	13
Obsolete Laws Pertaining to All Agencies	13
Other Obsolete Laws	14

Chapter Three: UNENFORCEABLE LAWS

Unenforceable Laws Pertaining To Specific Agencies	17
Unenforceable Laws Pertaining To All Agencies	19

Chapter Four: UNNECESSARILY BURDENSOME LAWS

Unnecessarily Burdensome Laws Pertaining To Specific Agencies	21
Unnecessarily Burdensome Laws Pertaining To All State Agencies	23

Chapter Five: DUPLICATIVE LAWS

Duplicative Laws Pertaining To Specific Agencies	25
Duplicative Laws Pertaining To All State Agencies	27

Chapter Six: LAWS WITH NO ADMINISTRATIVE BENEFIT

Laws With No Administrative Benefit Pertaining To Specific Agencies	29
Laws With No Administrative Benefit Generally Applicable To All Agencies	31

EXHIBITS

Exhibit 1-1 Laws Identified as Obsolete or Otherwise Objectionable 2
Exhibit 2-1 Obsolete Laws 7
Exhibit 2-2 Agencies Citing Ten or More Obsolete Agency Specific Statutory
Requirements 9
Exhibit 2-3 Outdated Acts Agencies Reported Which Could Be Totally Repealed 10
Exhibit 3-1 Unenforceable Laws 17
Exhibit 3-2 Agencies Citing Five or More Unenforceable Agency Specific Statutory
Requirements 18
Exhibit 4-1 Unnecessarily Burdensome Laws 21
Exhibit 4-2 Agencies Citing Five or More Unnecessarily Burdensome Agency Specific
Statutory Requirements 22
Exhibit 5-1 Duplicative Laws 25
Exhibit 5-2 Agencies Citing Five or More Agency Specific Duplicative Statutory
Requirements 26
Exhibit 6-1 Laws With No Administrative Benefit 29
Exhibit 6-2 Agencies Citing Three or More Agency Specific Statutory Requirements as
Having No Administrative Benefit 30

APPENDICES

APPENDIX A LAC Resolution Number 101 35
APPENDIX B Agencies Surveyed 39
APPENDIX C Study Methodology 47

REPORT SUPPLEMENT APPENDICES

APPENDIX D Outdated Statutory Provisions 1
APPENDIX E Statutory Provisions Identified As Obsolete 5
APPENDIX F Obsolete Statutory Provisions Identified During The Study 43
APPENDIX G Statutory Provisions Identified As Unenforceable 49
APPENDIX H Statutory Provisions Identified As Unnecessarily Burdensome 65
APPENDIX I Statutory Provisions Identified As Duplicative 81
APPENDIX J Statutory Provisions Identified As No Administrative Benefit 91
APPENDIX K Responses To The Generally Applicable Survey 99

Chapter One INTRODUCTION

On March 3, 1994 the Legislative Audit Commission (LAC) passed Resolution Number 101 (See Appendix A). The Resolution directed the Auditor General to conduct a Special Study for the purpose of evaluating the usefulness and/or necessity of the various administrative statutes of State government.

REPORT SUMMARY

This study was conducted in cooperation with State agencies. Officials in these agencies reviewed 12,437 provisions and described:

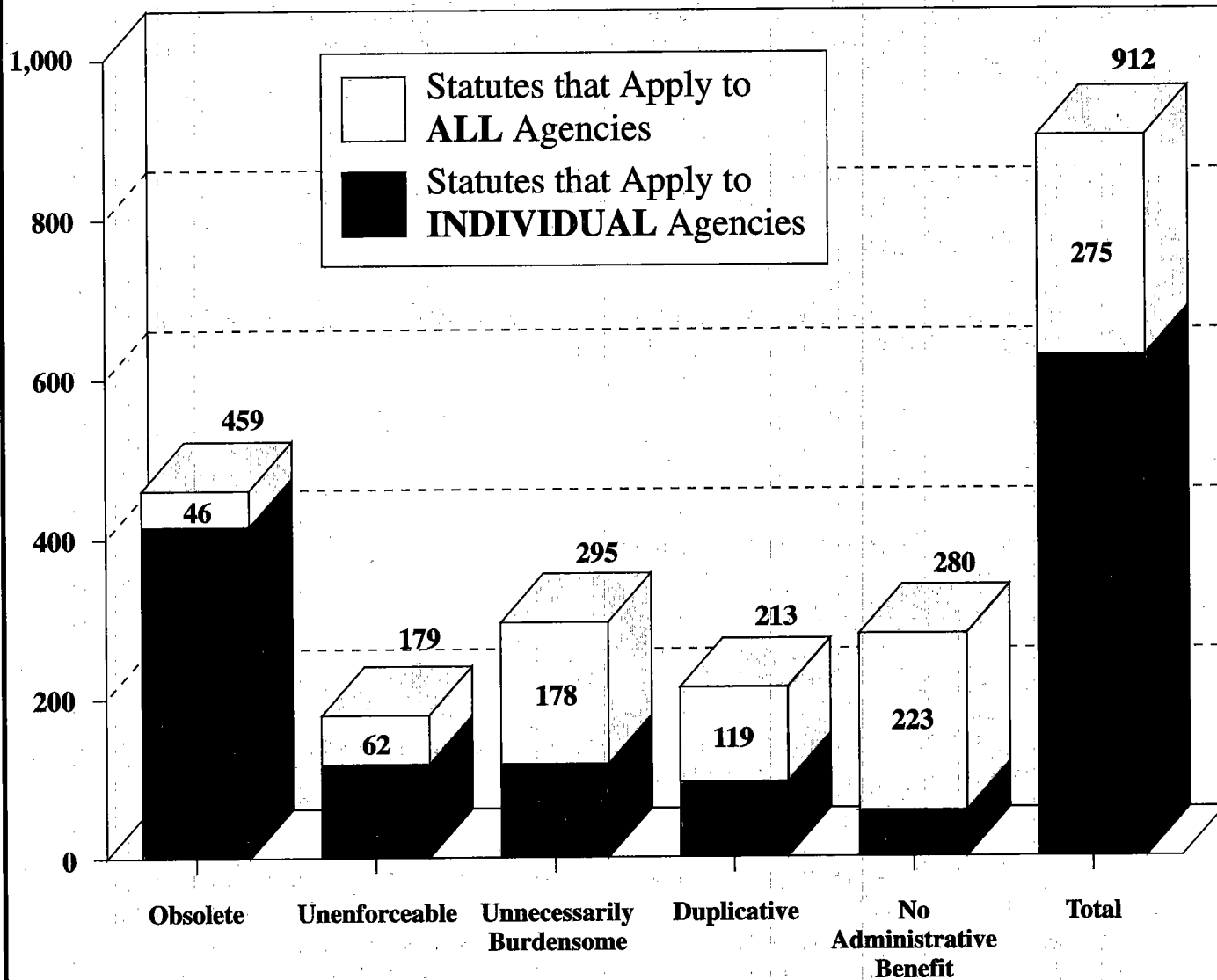
- 459 as obsolete,
- 179 as unenforceable,
- 295 as unnecessarily burdensome,
- 213 as duplicative, and
- 280 as of no administrative benefit.

Because each agency could attribute more than one descriptive response to a statutory requirement, a total of 1,426 responses were received on 912 statutory provisions. Agency responses are summarized on Exhibit 1-1 on page 2.

Given the nature and number of comments provided by the State agencies, the General Assembly may wish to consider repealing or amending statutes which it deems to be obsolete. The General Assembly may also wish to modify or repeal those provisions which agencies consider to be unenforceable, unnecessarily burdensome, duplicative, or of no administrative benefit.

Exhibit 1-1

LAWS IDENTIFIED AS OBSOLETE OR OTHERWISE OBJECTIONABLE



Note: Agencies frequently provided more than one response (eg. obsolete, unenforceable, etc.) for a particular statutory requirement. As a result, a total of 1,426 responses were provided for 912 statutory requirements.

Source: Agencies' responses to Auditor General Survey

BACKGROUND AND STUDY DESIGN

LAC Resolution 101 was passed, in part, because:

- of the large number of requirements imposed on State agencies by Illinois laws. Some agencies must comply with as many as 1,000 statutory requirements; one in five State agencies is subject to 100 or more specific statutory provisions.
- the number of statutory mandates has increased at the same time that many State agencies are experiencing a reduction in staff and other resources.
- agency responses to audit findings by the Office of the Auditor General indicate that nearly one in seven findings could be resolved by changes in the law.
- there is no continuing review of State statutes to identify laws that may be obsolete, unenforceable, unnecessarily burdensome, duplicative or of no current administrative benefit.

To collect information for this study, two types of survey instruments were used. One survey was specifically tailored for each of the 123 State agencies surveyed (Agency Specific Survey). It addressed statutes that were unique to that State agency. The other survey addressed statutes believed to be applicable to most State agencies (Generally Applicable Survey). This general survey was also sent to all 123 agencies. For each statutory requirement identified on the two surveys the agency could choose none, one, or multiple combinations of any of the following five responses:

<u>NO.</u>	<u>RESPONSE</u>	<u>GUIDING DEFINITION LISTED FOR A RESPONSE</u>
1)	obsolete	outdated or has been superseded or eliminated by subsequent legislative action.
2)	unenforceable	cannot be realized or enforced due to factors external to the agency.
3)	unnecessarily burdensome	requires substantial resources considering the benefits or gains achieved.
4)	duplicative	duplicates another statutory mandate.
5)	no administrative benefit	unnecessary for the management or accountability of the agency.

To explain their choices, agencies were asked to provide written comments on the survey instrument.

Participation in the study was voluntary. Overall, 100 State agencies participated by returning one or both survey instruments. (See Appendix B) Their perspectives and comments were invaluable and are included in the remainder of the report. These comments have, nonetheless, been made unilaterally. Thus, they are all subject to further review and discussion.

This Study focuses primarily on administrative requirements; programmatic requirements which were reported as being obsolete by State agencies are included in this report since they may provide useful information to the General Assembly. The Study methodology is described more fully in Appendix C.

OVERVIEW OF RESPONSES BY AGENCIES

In total, participating State agencies reviewed 12,437 statutory requirements and identified 912 (7 percent) as obsolete, unenforceable, unnecessarily burdensome, duplicative, or of no administrative benefit. Because agency officials sometimes provided multiple responses for a particular statutory requirement, a total of 1,426 composite responses were received. Exhibit 1-1 on page 2 summarizes the frequency of agency responses received on the two surveys.

For statutes typically specific to only one agency, State officials gave a total of 798 responses on 637 statutory requirements (Agency Specific Survey). These statutory provisions are found in 233 different Acts in the Illinois Compiled Statutes. Agencies identified 413 statutory requirements as obsolete. Another 385 comments indicated statutory provisions were either unenforceable, duplicative, unnecessarily burdensome, and/or of no administrative benefit.

Among those provisions in State laws which generally apply to all State government, agency officials gave a total of 628 responses for 275 statutory requirements indicating that all or part of the provision is obsolete, unnecessarily burdensome, unenforceable, duplicative, or of no administrative benefit (Generally Applicable Survey). These 275 requirements are found in 43 Acts contained within the Illinois Compiled Statutes. Acts which were frequently commented on as needing modification included the Illinois Administrative Procedure Act, the State Finance Act, the Purchasing Act, and the Governmental Ethics Act.

As a result of the perspectives provided by State agencies in this study, a number of statutory provisions have been identified as obsolete and could be reviewed to determine if they should be repealed or amended. Statutory requirements cited by agencies as

unenforceable, burdensome, duplicative, or of no administrative benefit could also be reviewed for appropriate modification.

**MATTER FOR CONSIDERATION
BY THE GENERAL ASSEMBLY**

The General Assembly may wish to consider repealing or amending statutes which it deems to be obsolete. The General Assembly may also wish to modify or repeal those provisions which agencies consider to be unenforceable, unnecessarily burdensome, duplicative, or of no administrative benefit.

REPORT ORGANIZATION

The remainder of the report addresses study results according to the agency response provided.

- Chapter Two - Obsolete Laws
- Chapter Three - Unenforceable Laws
- Chapter Four - Unnecessarily Burdensome Laws
- Chapter Five - Duplicative Laws
- Chapter Six - Laws with No Administrative Benefit

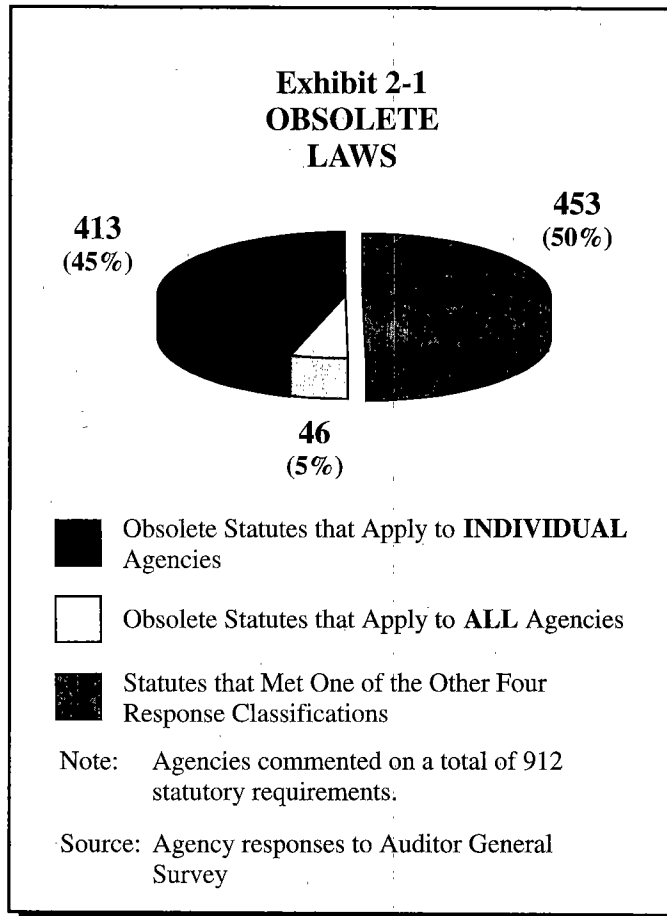
Chapter Two OBSOLETE LAWS

Agency officials identified 459 statutory provisions as obsolete. Of these 459 obsolete provisions, 413 applied to particular agencies; the remaining 46 statutory requirements applied generally to all agencies in State government.

Among the 413 obsolete statutory requirements applicable to specific State agencies, 109 of them are outdated because an action has been completed or the time period specified in the statute has passed. Repealing these outdated provisions from the Illinois Compiled Statutes could eliminate 11 different Acts in their entirety.

Other statutes have not been used in many years. For example, a 1941 law creates a Beekeeper's Commission which has not been active for many years; an 1874 law imposes a \$5 fine for having a horse on the banks of the Illinois and Michigan Canal - except for the purpose of towing a boat.

Statutes also contain references to entities that no longer exist including: the Illinois Building Authority, eliminated in 1982 (with responsibilities transferred to the Capital Development Board); the Illinois Commission on Children and the Commission on Mental Health and Developmental Disabilities, both abolished in 1985; and the Office of Public Counsel, phased out in 1993.



INTRODUCTION

Agency officials identified 459 statutory provisions as obsolete, either in whole or in part. The survey instrument defined obsolete statutes as those that are outdated or have been superseded or eliminated by subsequent legislative action. As shown on page 7 in Exhibit 2-1, 413 provisions identified as obsolete pertained to laws applicable to individual agencies, while 46 pertained to laws which applied generally to all agencies in State government.

During the course of the Special Study, an additional 90 statutory provisions were identified as obsolete. These provisions were either: 1) not listed in the surveys initially sent to agencies but subsequently identified by agencies, or 2) identified by Auditor General's staff while reviewing relevant statutes or agency comments.

Statutory provisions identified as obsolete could be reviewed to determine if they should be repealed or amended. Updating the statutes to eliminate references to discontinued entities and activities would assist the readers of Illinois laws in identifying current State government activities and the State agencies responsible for them. Leaving statutes on the books that are not being implemented could misrepresent the duties of State agencies and services available to the State and its citizens. Statutes reported by State agencies as being obsolete because the laws have been superseded or duplicate other laws could be carefully reviewed before any action to amend or repeal is undertaken to avoid inadvertent changes in statutory scope.

OBSOLETE LAWS PERTAINING TO SPECIFIC AGENCIES

An agency specific statutory provision typically requires one agency to perform or conduct a particular activity. In some cases, an agency specific provision may require that more than one agency work together to complete a particular requirement.

Fifty-six agencies identified one or more statutory requirements, applicable specifically to them, as obsolete. Exhibit 2-2 lists those agencies which responded that ten or more requirements were obsolete. Many of the 413 obsolete statutory provisions applying to specific agencies can be grouped into the following categories:

- **Outdated:** the statute required a one-time action that has been completed or the statute required action during a defined period of time which has passed (109 statutory requirements);

- **Antiquated:** the statute became law years ago and may no longer be germane to present day conditions (10 statutory requirements);
- **Defunct Activity or Entity:** the statute refers to activities or entities which no longer exist (49 statutory requirements);
- **Superseded or Duplicative:** the statute has been superseded or duplicated by other State and federal laws (120 statutory requirements); and
- **Not Implemented:** while the statute requires activities, actions have not been undertaken, generally due to a lack of funding (50 statutory requirements).

Exhibit 2-2
AGENCIES CITING TEN OR MORE
OBSOLETE AGENCY SPECIFIC
STATUTORY REQUIREMENTS

<u>Agency</u>	<u>Number of Requirements</u>
Energy & Natural Resources	37
Public Health	33
Public Aid	26
Employment Security	25
Commerce & Community Affairs	20
Governor	18
Transportation	16
Education, State Board of	16
Capital Development Board	14
Insurance	13
Conservation	12
Mental Health & Developmental Disabilities	12
Revenue	11
Agriculture	10

Source: Auditor General Analysis of Agency Responses

Obsolete: Outdated Laws

Many statutes require a State agency to take a specified action only once or only during a set period of time. When that action has been completed, or when the time frame for its completion has expired, there may no longer be a need for the statute. State agencies reported 109 statutory requirements for which reporting deadlines have either passed or specified actions have been completed, yet the laws remain on the books.

Many of these obsolete statutory requirements cited by agency officials became outdated during the past five years. A few of the statutes have been obsolete for 25 or more years, including:

- a 1955 statute authorizing the Adjutant General to accept land from the cities of Effingham, Freeport, Litchfield, and West Frankfort for the construction of National Guard armories; and

- a 1959 statute providing for the construction of the Illinois State Museum.

Thirty-eight laws contain deadlines from the 1970's and 1980's for submitting reports or studies on particular subjects. Removing outdated provisions from the statutes could eliminate 11 different Acts in their entirety. For instance, a 1969 law created an Advisory Committee on Medical Costs and Utilization of Services and required it to submit a report by January 1, 1970. Although the report has long since been submitted, the Act creating the committee remains law. Exhibit 2-3 references those 11 Acts for which agencies reported there are no further requirements remaining to be completed.

Exhibit 2-3 OUTDATED ACTS AGENCIES REPORTED WHICH COULD BE TOTALLY REPEALED			
AGENCY IDENTIFYING ACT AS OBSOLETE	ACT	CITE	YEAR DUE/ COMPLETED
Abandoned Mined Lands Reclamation Council	Surface Coal Mining Fee Act	20 ILCS 1915/0.01 - 1915/2	1980
Dept. on Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/0.01 - 15/10	1987
Bureau of the Budget	Medical Cost Advisory Committee Act	20 ILCS 3995/0.01 - 3995/4	1970
State Board of Education	1985 School District Reorganization Act	105 ILCS 220/1 - 220/9	1988
Energy & Natural Resources	State Museum Construction Act	15 ILCS 315/0.01 - 315/1	1963
General Assembly - Senate	Local Government Fiscal Practices Act	25 ILCS 45/1 - 45/10	1992
Military Affairs	Land for Armories Act	20 ILCS 1820/0.01 - 1820/3	1955
Depts. of Rehabilitation Services and Commerce & Community Affairs	Illinois Coordinating Committee on Transportation Act	20 ILCS 3925/1 - 3925/4	1992
Dept. of Rehabilitation Services	Hearing Impaired and Behavior Disordered Children Services Act	20 ILCS 2425/0.01 - 1	1990
Dept. of Revenue	Electronic Funds Transfer Study Act	20 ILCS 2525/1 - 2525/2	1991
Dept. of Commerce and Community Affairs	Economic Development Area Tax Increment Allocation Act	20 ILCS 620/1 - 620/11	1991
Source: OAG analysis of survey results.			

For the balance of the statutes cited by State agencies as obsolete because the time frame for action has passed or the action has been completed, individual statutory sections or

portions of sections could be repealed or amended. Appendix D contains a complete listing of these 109 outdated statutory provisions.

Obsolete: Antiquated Laws

State agency officials identified 10 statutes as being obsolete because their provisions have not been used for many years. While these provisions had a well-intended purpose in the past, agency officials commented that they may not be needed any longer. Examples of statutes under which there is no known current activity include:

- An 1874 law imposing a \$5 fine on anyone leading, riding or driving any horse, ox, ass, mule or cattle on either bank of the Illinois and Michigan Canal unless for the purpose of towing a boat upon the canal;
- A 1953 law providing that the minimum quantity of air shall be 500 cubic feet for each animal in use in a mine. According to the Department of Mines and Minerals, mules are no longer used in mines;
- A 1941 statute creating a Beekeeper's Commission to, among other things, improve the production and distribution of honey within Illinois and promote public interest in the beekeeping industry. According to the Office of the Governor, the Commission last met some 30 years ago;
- A 1967 law creating a 28-member Capitol City Planning Commission. According to State agencies, the Commission has not met for more than seven years, and its functions have been assumed by the Space Needs Commission, the Capital Development Board, and the Springfield Planning Commission;
- A 1967 Act creating a 28-member Science Advisory Council. According to the Department of Energy and Natural Resources, the Council has not met for at least 18 years, and its functions have been assumed by the Governor's Science Advisory Committee which was organized by Executive Order; and
- A 1915 statute providing for the issuance of bonds for the construction or improvement of tuberculosis sanitariums. According to the Department of Public Health, there are not currently any tuberculosis sanitariums in Illinois, and it is unlikely that any new construction would be undertaken.

Obsolete: Defunct Activity or Entity

Acts, agencies, and activities are often interwoven within the laws to reflect the cooperation required for State government to operate in a more effective manner. However,

these multiple cites and cross-references among statutes make it difficult to ensure that all affected statutes are amended when a particular activity or entity is discontinued. State agencies identified 49 statutes as being obsolete, in whole or in part, because the law refers to discontinued activities or entities.

State statutes currently contain references to entities or programs that no longer exist, including:

- the Illinois Building Authority which was eliminated in 1982 (with responsibility being transferred to the Capital Development Board);
- the Illinois Commission on Children and the Commission on Mental Health and Developmental Disabilities which were abolished in 1985;
- the Office of Public Counsel which was phased out in 1993; and
- the Aid to the Medically Indigent and ICARE programs which have been discontinued, according to the Department of Public Aid.

Obsolete: Superseded Or Duplicated

State agency officials identified 120 statutory requirements as obsolete because they were superseded by or duplicate other State or federal laws, or contain conflicting statutory provisions. For example:

- a 1972 State law created an Egg Market Development Council. According to the Department of Agriculture, the Council has not met since 1988 and its functions are duplicated in federal law; and
- a State Board of Education statute which contains appeal process requirements that reportedly conflict with federal laws.

More often, however, the law cited as superseding is a State statute. For example:

- a 1975 law created an 11 member Surface Mining Advisory Council and a 1980 law created a 10 member council with the same name and similar duties;
- one statute (20 ILCS 815/1) gives the Department of Conservation responsibility for the care and custody of the Lincoln grounds and monument while another (20 ILCS 3405/6) transferred this responsibility to the Historic Preservation Agency; and

- the 1941 Defense Contract Employment Discrimination Act provides complaint procedures and enforcement mechanisms in cases of discrimination involving war defense contractors that reportedly vary from the discrimination protections contained in the 1980 Human Rights Act.

Obsolete: Laws Not Implemented

State agency officials identified 50 statutory requirements as being obsolete because their provisions have never been implemented or have been suspended in recent years. Agency officials generally cited a lack of funding as the primary reason for not implementing the statute. For instance, a 1985 statute (20 ILCS 3105/10.02a) required the Capital Development Board to study the feasibility of constructing a professional sports stadium in the Metro East Mass Transit District territory; however, the study was never carried out, reportedly due to a lack of funding. Other statutes cited by agency officials for which requirements are not being met include:

- the Asbestos Abatement Finance Act;
- the Illinois Industrial Coal Utilization Program;
- the Illinois Emergency Employment Development Act; and
- the Anti-Crime Advisory Council Act.

A complete listing of all agency specific statutory provisions included in the surveys and identified as obsolete is found in Appendix E.

OBSOLETE LAWS PERTAINING TO ALL AGENCIES

Agencies identified as obsolete 46 statutory provisions which are generally applicable to agencies in State government. Generally applicable statutes are those that are administrative in nature and direct State agencies to follow certain procedures. The State Purchasing Act and the State Finance Act are two examples of Acts that include generally applicable statutory requirements.

Several agencies identified as obsolete two provisions in the Illinois Administrative Procedure Act:

- Eight agencies cited a provision of the Act which allowed agencies to implement budget reduction initiatives for Fiscal Year 1993 through the use of emergency rules (5 ILCS 100/5-46).
- Twelve agencies identified the provision that required agencies to amend their rules to reflect the reference section numbers of the Act since it was to be completed by July 1, 1993 (5 ILCS 100/5-155).

The Civil Administrative Code of Illinois establishes requirements for certain agencies under the Governor. Agencies identified several provisions of the Code, originally established in 1917, as being obsolete or needing revision, including:

- Requiring agencies (except Agriculture and Transportation) to maintain their central office in the Capitol, Centennial building, State Office building, or the Armory (20 ILCS 5/17). Five agencies stated this requirement was obsolete noting that many State agencies no longer maintain their central offices in one of the designated buildings.
- Requiring agencies to make semi-annual and biennial reports to the Governor as required by the Constitution (20 ILCS 5/25). Five agencies considered this requirement to be obsolete. While Article V of the 1870 State Constitution contained these reporting requirements, agencies noted the Constitution of 1970 no longer required such reports. A similar reporting requirement in the State Finance Act was likewise identified as being obsolete by nine agencies (30 ILCS 105/3).

The Civil Administrative Code of Illinois requires Departments to adopt and keep a seal (20 ILCS 5/19). Five agencies considered this requirement to be obsolete. The Department of Conservation responded: "The State has an official 'State Seal' which is used by State agencies. As a result, this statute appears to be obsolete and it provides no administrative benefit."

Agency responses to all generally applicable statutory requirements are found in Appendix K.

OTHER OBSOLETE LAWS

During the course of the Special Study, an additional 90 statutory provisions were identified as obsolete. These provisions were either: 1) not listed in the surveys initially sent to agencies but subsequently identified by agencies; or 2) identified by Auditor General's staff while reviewing agency comments or relevant statutes. The 90 provisions come from 50 different Acts within the Illinois Compiled Statutes.

Of the 90 provisions, the majority (60) resulted from the Emergency Budget Act of 1992, which amended at least 30 different Acts in the statutes. Most of these provisions required the Comptroller to transfer amounts from various funds into the General Revenue Fund. For example, the Emergency Budget Act of 1992 required the Comptroller to transfer \$1 million from the Pesticide Control Fund (415 ILCS 60/22.1), \$1.5 million from the Real Estate License Administration Fund (225 ILCS 455/17), and \$21 million from the State Pensions Fund (30 ILCS 105/8.12). Other provisions in the Emergency Budget Act gave the Departments on Aging (20 ILCS 105/4.05), Public Aid (305 ILCS 5/3-8, 5/6-2), and Rehabilitation Services (20 ILCS 2405/3) the power to modify eligibility or limit certain services in order to meet the fiscal constraints of the Emergency Budget Act.

The remainder of the 90 statutory provisions include several which created State Treasury funds. Many of these funds, however, are no longer active in the State's accounting system, according to officials from the Comptroller's Office. These include:

- the Critical Habitat Private Sector Matching Fund (30 ILCS 105/5.230); and
- the Reinvest in Illinois Natural Resources Fund (30 ILCS 105/5.231).

Other obsolete statutory provisions include:

- a Department of Transportation rail transportation study due by January 1, 1989 (20 ILCS 2710/0.01 - 3); and
- a Department on Aging training plan required by December 1, 1986 (20 ILCS 105/4.01(13)).

The complete listing of these 90 provisions is found in Appendix F.

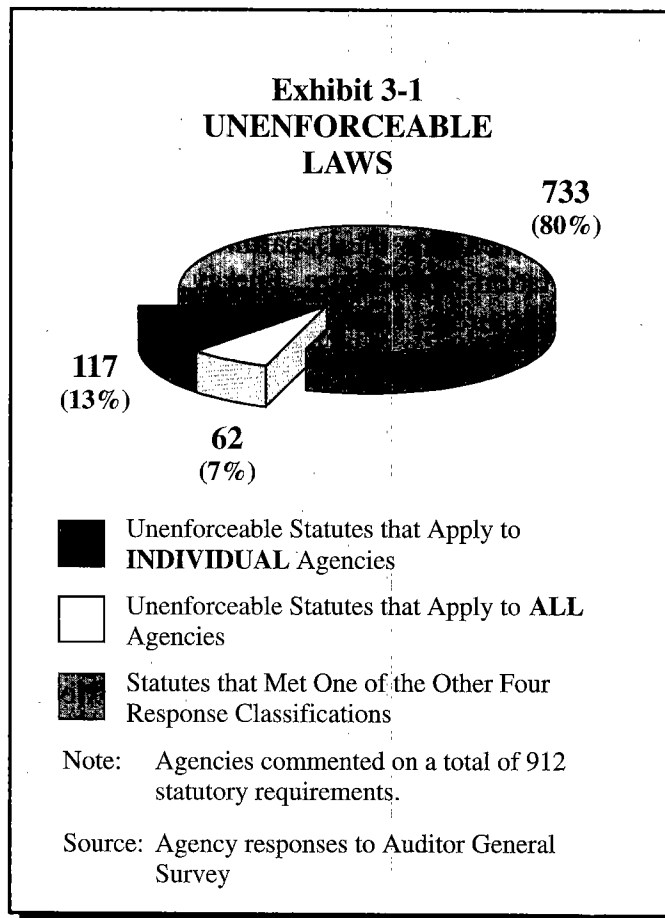
Chapter Three UNENFORCEABLE LAWS

Agencies reported that 179 statutory requirements were unenforceable. Of the 179 unenforceable provisions, 117 applied to particular agencies; the remaining 62 requirements applied generally to all agencies in State government. Agencies cited a number of reasons for reporting laws as unenforceable, including a lack of funding, a lack of authority to enforce, or a conflicting legal requirement.

UNENFORCEABLE LAWS PERTAINING TO SPECIFIC AGENCIES

Twenty-five agencies identified 117 statutory requirements which apply to specific agencies as unenforceable. The survey instrument defined unenforceable statutes as those which cannot be realized or enforced due to factors external to the agency. An analysis of the responses show that State agencies often found statutory requirements to be unenforceable when the agencies did not have the appropriate authority, information, or funding to comply. In some instances, agencies noted that requirements were determined to be unconstitutional by court decisions and thus unenforceable; in others, agencies pointed to statutory definitions or terms as the primary reason the statute was unenforceable.

As shown on Exhibit 3-2, the Department of Commerce and Community Affairs identified 39 requirements as unenforceable. Many of these are found in Part 7 of the Civil Administrative Code and require the Department to administer various programs for urban or inner city areas, small businesses, or new industrial enterprises. However, the Department



stated that it had not received the funding to comply with these requirements.

The Department of Professional Regulation cited 18 requirements, generally pertaining to its oversight of continuing education requirements for various professions, as unenforceable due to a lack of funding and EDP equipment. Similarly, other agencies cited the lack of funding to explain their responses, including the Departments of Transportation, Agriculture, Energy and Natural Resources, Labor, Mental Health and Developmental Disabilities, and Public Health, the State Board of Education, the Guardianship and Advocacy Commission, and the Human Rights Commission.

Exhibit 3-2
AGENCIES CITING FIVE OR MORE
UNENFORCEABLE AGENCY SPECIFIC
STATUTORY REQUIREMENTS

<u>Agency</u>	<u>Number of Requirements</u>
Commerce & Community Affairs	39
Professional Regulation	18
Environmental Protection Agency	10
State Fire Marshal	7
Labor	5
Public Health	5

Source: Auditor General Analysis of Agency Responses

Other examples in which agencies stated a statute or specific provisions were unenforceable include:

- the Department of Agriculture is required to enforce and carry out the provisions of the Illinois Noxious Weed Law (505 ILCS 100/1 - 100/24). The statute states "every person shall control the spread of and eradicate noxious weeds on lands owned or controlled by him and use such methods . . . as are approved and adopted by the Director of the Department of Agriculture." The Department of Agriculture noted that this law could be best administered at the local level.
- the Illinois Environmental Protection Agency (IEPA) is required to administer the Hazardous Equipment Operators and Laborers Act and the Hazardous Waste Laborers Licensing Act. According to IEPA, both of these statutes have been reviewed by the U.S. Supreme Court which found the Acts to be preempted by the Occupational Safety and Health Administration at the federal level.
- the Office of the State Fire Marshal is charged with administering the Fireworks Regulation Act. However, the Office stated the definitions of fireworks found in the Act create certain workability and enforceability problems.

- the Department of Public Health is required to enforce the Sanitary Food Preparation Act. The Act states that persons with communicable diseases or venereal diseases cannot work in a building, room, basement, premises occupied or used for the production, preparation, sale, etc. of food. The Department stated that the law is unenforceable as it could be construed as prohibiting someone from working on the 20th floor of a building because food is served on the first floor.

GUARDIANSHIP AND ADVOCACY COMMISSION: 20 ILCS 3955/5(l) requires the Commission to monitor issues regarding care and treatment of individuals who receive mental health services or are developmentally disabled, including the incidence of abuse and neglect. The Commission noted that the "requirement to monitor abuse and neglect remains an unfunded mandate incapable of enforcement. Mandate duplicates statutory duties placed on the Departments of Public Health and Mental Health and Developmental Disabilities."

A complete listing of agency specific statutes identified as unenforceable is presented in Appendix G.

UNENFORCEABLE LAWS PERTAINING TO ALL AGENCIES

Agencies responded that 62 statutory provisions located in 16 different Acts were unenforceable. Agencies typically commented that they lacked the authority or ability to carry out the statutory requirement.

Several agencies noted that some provisions of the Purchasing Act were unenforceable. For example,

- The State Board of Education and Governors State University cited as unenforceable the provision (30 ILCS 505/10.3) which prohibits agencies from doing business with a person for one year after completion of a sentence for a felony committed. They noted it would be difficult to monitor or find out about prior convictions.
- Southern Illinois University said that while it was a good statute, the University had no way to enforce the requirement regarding a contractor's certification that the contractor has not been previously convicted of attempted bribery or bribery (30 ILCS 505/10.2).

Noting that it was impossible to monitor, Governors State University cited as unenforceable the provision in the Discriminatory Club Act which prohibits State contractors, grantees, or agencies from paying dues or fees, on behalf of employees or agents to any discriminatory club (775 ILCS 25/2).

Agency responses to all generally applicable statutory requirements are found in Appendix K.

Chapter Four
UNNECESSARILY BURDENSOME LAWS

Agencies reported that 295 statutory requirements were unnecessarily burdensome. Of the 295 unnecessarily burdensome provisions identified, 117 pertained to particular State agencies; the remaining 178 applied generally to all agencies in State government.

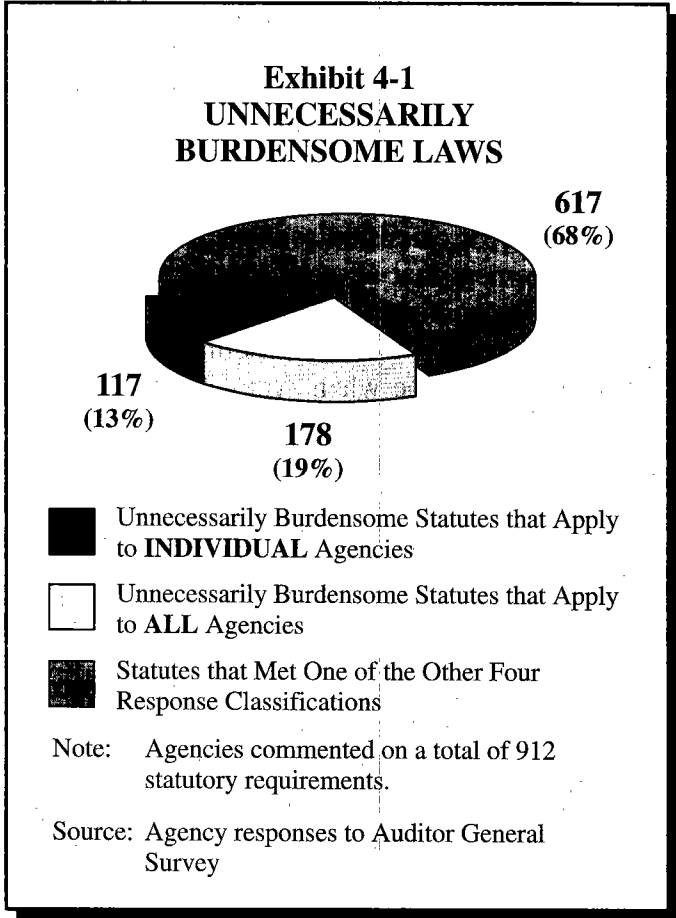


UNNECESSARILY BURDENSOME LAWS PERTAINING TO SPECIFIC AGENCIES

Twenty-seven agencies responded that 117 statutory requirements which place requirements specifically on their agency were unnecessarily burdensome. The 117 requirements are contained in 64 different Acts. Exhibit 4-2 lists the State agencies which identified five or more statutory requirements as unnecessarily burdensome. The survey sent to agencies defined an unnecessarily burdensome requirement as one which requires substantial resources considering the benefits or gains achieved.

As Exhibit 4-2 shows, the Department of Agriculture identified the greatest number of burdensome requirements. Since in most instances the Department of Agriculture also marked these requirements as duplicative, they will be reviewed in Chapter Five.

The Department of Professional Regulation identified 22 statutory provisions, requiring certification of continuing education for various professions, as unnecessarily burdensome. The Department's explanation was that the "lack of funding for personnel and



EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure."

Northern Illinois University identified as burdensome various statutory provisions related to its financial activities - stating that repeal of certain requirements would give the University the ability to control its own financial affairs. Northern Illinois University also cited other requirements; for example, it classified as burdensome the requirement that all vehicles owned or leased by universities be equipped to operate on ethanol blended gasoline and use ethanol gasoline when available (110 ILCS 65/5). It commented that this requirement is more costly and its fleet is not completely compatible with ethanol use.

**Exhibit 4-2
AGENCIES CITING FIVE OR MORE
UNNECESSARILY BURDENSOME AGENCY
SPECIFIC STATUTORY REQUIREMENTS**

<u>Agency</u>	<u>Number of Requirements</u>
Agriculture	24
Professional Regulation	22
Northern Illinois University	11
State Board of Education	9
Comptroller	6
Auditor General	5

Source: Auditor General Analysis of Agency Responses

Examples of other unnecessarily burdensome provisions identified by State agencies were:

- The Children and Family Services Act requires the Department of Children and Family Services to perform home studies, investigations, and exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of Marriage Act if a court order directs the Department to perform such a service. The Department stated this requirement was unnecessarily burdensome as it should not be involved with purely domestic divorce proceedings, when the child is neither neglected or abused but is the subject of a contested divorce between two hostile spouses.
- The Firearms Training Act requires the Department of Conservation, with other organizations, to initiate, promote, and develop programs of training in safe handling of firearms for persons between ages 12 to 21. The Department stated that it "offers firearm safety training as part of our hunter education courses and as part of a new program with the State Police. However, the Act contains a number of specific requirements, such as age and fee requirements, which make it burdensome and inefficient to administer and which require the development of duplicative programs to fully implement."
- The State Universities Civil Service Act establishes a merit board, lists its duties, and lists rules and regulations for examinations, appointments, seniority, promotions, discharges, etc. Eastern Illinois University, Illinois

State University, and Northern Illinois University stated this Act was unnecessarily burdensome. Illinois State University commented that "this statute and the administrative rules established pursuant to it have grown overly detached and cumbersome. Fewer details and broader classifications would improve employment processes."

- The School Code (105 ILCS 5/2-3.30) requires annual reports from the regional superintendents and various State agencies to the State Board of Education by December 22 on the number of children who were receiving special education and related services as of December. The State Board of Education is required to report, by January 15 of each year, the number of children who were receiving special education and related services as of December of the previous year. The report shall classify children according to language background, age, category of exceptionality and level of severity, least restrictive placement level, and achievement level. The State Board stated that the timelines were unrealistic and unnecessarily burdensome.

A complete listing of agency specific statutory requirements identified as unnecessarily burdensome is presented in Appendix H.

UNNECESSARILY BURDENSOME LAWS PERTAINING TO ALL STATE AGENCIES

Agencies responded that 178 statutory provisions located in 29 Acts were unnecessarily burdensome. These provisions are generally applicable to all State agencies.

Several agencies raised concerns about the Illinois Administrative Procedure Act and the extent of review of agencies' rules by the Joint Committee on Administrative Rules (JCAR). The Abandoned Mined Lands Reclamation Council said JCAR ". . . often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation."

The Freedom of Information Act, which became effective July 1, 1984, defines the

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE:

"Implementation of the JCAR review has become extremely overly burdensome. . . . The current review by JCAR has also become bogged in minutia (it concerns itself with punctuation, grammar, format and proofreading). Current procedures also require that JCAR staff retype proposed rules which are submitted by the agencies, and then that agency staff proofread the JCAR retyped version instead of the version already typed and submitted by the agency. The process is needlessly duplicative and time consuming."

information maintained by State agencies that is available to the public and establishes procedures for accessing the information. The Department of Alcoholism and Substance Abuse (DASA) stated the requirement that each public body prominently display information about itself was unnecessarily burdensome (5 ILCS 140/4). DASA said the requirement to maintain a list of all records under its control was burdensome because that information changes too frequently to keep an update posted (5 ILCS 140/5).

Eleven agencies cited as unnecessarily burdensome the State Property Control Act's requirement that agencies file affidavits of non-availability of surplus furniture in the DCMS warehouse to support each purchase order for new furniture. This requirement was amended in September 1994 to require affidavits only for furniture purchased in excess of \$500 (30 ILCS 605/7a). Western Illinois University stated that it is aware of this amendment: "However, our concern is still the same. We have often checked with surplus property for furniture. Most of the furniture available at surplus property is not usable."

Other generally applicable statutory provisions were frequently commented upon by State agencies as being unnecessarily burdensome:

- Ten agencies responded that the Illinois Purchasing Act's requirement that contractors maintain records for at least five years to verify disbursement of funds was unnecessarily burdensome (30 ILCS 505/6i). The Auditor General suggested several possible changes to the law, including establishing a minimum dollar threshold of \$5,000.
- Nine agencies responded that the \$5,000 threshold in the Illinois Purchasing Act (for when a licensed architect or engineer is required to supervise any remodeling, renovation, or construction) was too low and should be raised (30 ILCS 505/9).
- Six agencies responded that the Civil Administrative Code of Illinois' requirement that agencies procure postage stamps from DCMS and perforate them (20 ILCS 405/67.01) was unnecessarily burdensome.

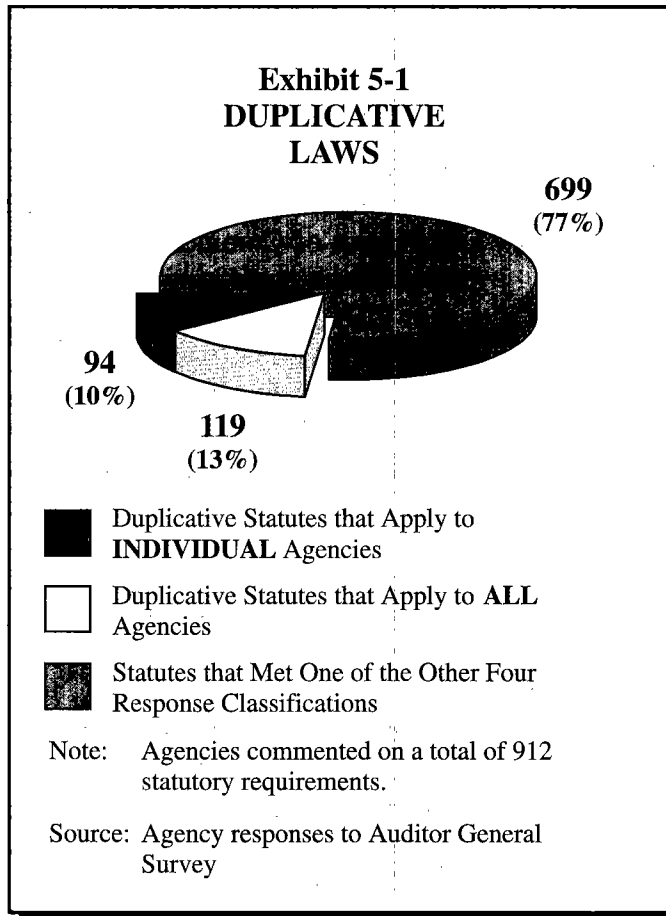
Agency responses to all generally applicable statutory requirements are found in Appendix K.

Chapter Five DUPLICATIVE LAWS

Agencies reported that 213 statutory requirements were duplicative with another requirement. Of the 213 duplicative provisions, 94 pertained to particular agencies; the remaining 119 applied generally to all agencies in State government.

DUPLICATIVE LAWS PERTAINING TO SPECIFIC AGENCIES

Nineteen agencies reported 94 statutory provisions as duplicative of requirements in other State or federal laws, rules, or regulations. These 94 provisions were from 38 different Acts within the Illinois Compiled Statutes. The survey instrument defined duplicative as those requirements which duplicate another mandate.



As Exhibit 5-2 shows, the Department of Agriculture identified the greatest number of statutory provisions (42) as duplicative. These provisions require the Department of Agriculture to regulate or administer programs for farm products, eggs, apples and peaches, and fresh fruits and vegetables. According to Department officials, these requirements duplicate U.S Department of Agriculture regulations, federal Acts, or other state laws. The Department stated that, in many instances, it had proposed or will propose legislation to eliminate the duplicate requirements.

The Department of Rehabilitation Services responded that several provisions giving it broad authority to operate residential schools or centers for rehabilitation and education duplicated a requirement that it administer and supervise the existing named institutions.

Other agencies responded that the information specified in the statutory requirement was already required (by a different statute) or that two agencies had to submit the same report.

Other statutes identified as duplicative by agencies included:

- a Civil Administrative Code (Part 7) provision that requires the Department of Commerce and Community Affairs to accept loans, grants, or appropriations, and to assess fees for any services performed under the Buy Illinois Program to carry out the Program. The Department said this requirement was unfunded and duplicates the Illinois Product and Services Exchange Act (20 ILCS 605/46.57).
- the Science Advisory Council Act (20 ILCS 4025/0.01-5). The Department of Energy and Natural Resources responded that the Act duplicates the Governor's Science Advisory Committee organized by executive order.
- the transitional assistance population under the General Assistance Job Opportunities Act (20 ILCS 3940/1-10). The Department of Employment Security stated that the transitional assistance population is "already a subset population of the Illinois Job Training Coordinating Council created in 20 ILCS 3975/3."
- a provision of the Hospital Licensing Act which requires the Department of Public Health to regularly inspect each State institution under the jurisdiction of the Department of Mental Health and Developmental Disabilities for compliance with regulations. The Department responded that "the last time that IDPH inspected these facilities, under the authority of this section, was sometime around 1979. IDPH does perform inspections of facilities . . . that are certified for participation in Medicaid. Such certification did not occur when this provision was originally put into place. With recent amendments to the Mental Health Code, the Inspector General of DMHDD has her own inspection and oversight authority and programs for mental health facilities. Due to these points, this section may be unnecessary and duplicative of other provisions of state law."

Exhibit 5-2
AGENCIES CITING FIVE OR MORE
AGENCY SPECIFIC DUPLICATIVE
STATUTORY REQUIREMENTS

<u>Agency</u>	<u>Number of Requirements</u>
Agriculture	42
Rehabilitation Services	11
Public Health	6
Labor	5
Fire Marshal, State	5

Source: Auditor General Analysis of Agency Responses

A complete listing of agency specific statutory requirements identified as duplicative is presented in Appendix I.

DUPLICATIVE LAWS PERTAINING TO ALL STATE AGENCIES

Agencies responded that 119 statutory provisions located in 25 Acts were duplicative of another legal requirement. These provisions are generally applicable to all agencies in State government.

Three agencies said the Illinois Administrative Procedure Act's requirements (5 ILCS 100/5-15(a)(2)) duplicated the Freedom of Information Act. For example, the Department of Rehabilitation Services and the Department of Alcoholism and Substance Abuse noted that requiring administrative rules to contain procedures by which the public can obtain information or submit requests for information about the agency duplicated provisions of the Freedom of Information Act.

The Illinois Commerce Commission (ICC) responded that the State Employment Records Act requires information similar to that required by the Department of Human Rights (775 ILCS 5/2-105). The State Employment Records Act (5 ILCS 410/1-25), effective September 25, 1992, requires agencies to detail information (e.g., number, salary, professional positions, contractual employees) on minorities, women, and the physically disabled in reports to the Secretary of State and the Governor. The ICC suggested combining the format and content of the two reports to save time. The Department of Human Rights, the Department of Lottery, the Board of Higher Education, and the Educational Labor Relations Board also said that filing both reports was duplicative.

Four agencies considered the Illinois Governmental Ethics Act to duplicate the Board of Ethics reporting requirements established by Executive Order 77-3. The Act requires State employees who meet criteria specified in the Act to file an annual economic interest statement with the Secretary of State and establishes penalties for late filing and for falsification (5 ILCS 420/4A). Executive branch employees meeting the criteria are required to file with both the Secretary of State and the Board of Ethics. Executive Order 3 (1977) requires the Board of Ethics to try to reduce the duplication and burden of filing under this statute.

The Fiscal Control and Internal Auditing Act (30 ILCS 10/1001-1003), effective January 1, 1990, requires designated agencies to establish internal audit programs and certify annually to the Auditor General that their internal control systems comply with the Act's requirements. Several agencies said the certification duplicated internal and external auditing activities. The Board of Regents and its universities said the stipulations required by the mandate are overly broad and do not bear a meaningful relationship to the desire for

accountability. The Capital Development Board (CDB) said the certification duplicates the Auditor General's audits and should be biennial.

Six agencies responded that the State Finance Act's requirement that postage stamps purchased from State funds be perforated (30 ILCS 505/5(c)) was duplicative. A provision in the Civil Administrative Code of Illinois (20 ILCS 405/67.01) also requires that all postage stamps purchased from State funds must be perforated for identification purposes.

Agency responses to statutory provisions generally applicable to all State agencies are found in Appendix K.

Chapter Six
LAWS WITH NO ADMINISTRATIVE BENEFIT

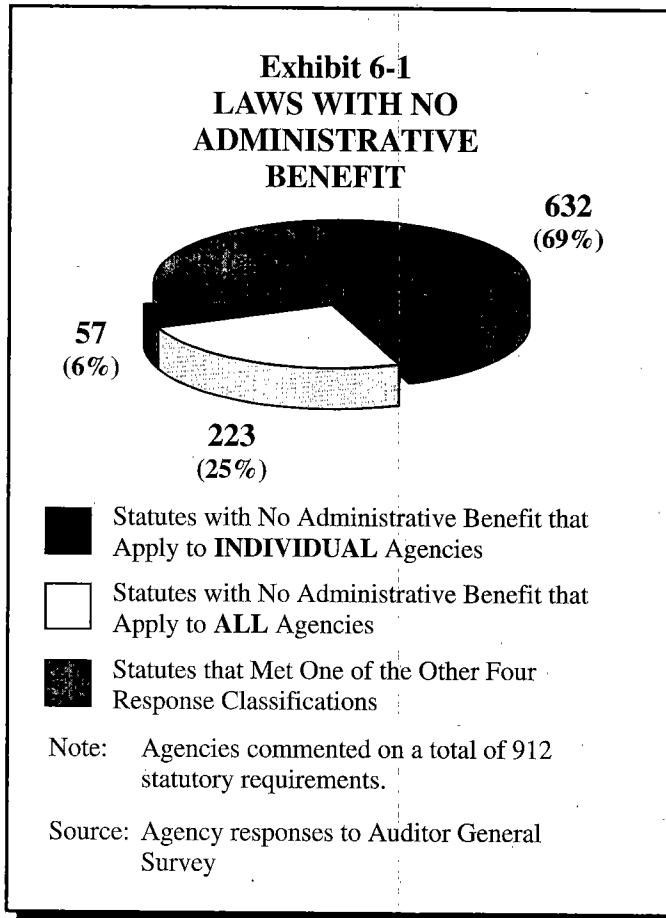
Agencies reported that 280 statutory requirements had no administrative benefit. Of the 280 provisions, 57 pertained to particular agencies; the remaining 223 applied generally to all agencies in State government.

LAWS WITH NO ADMINISTRATIVE BENEFIT PERTAINING TO SPECIFIC AGENCIES

Thirty State agencies identified 57 statutory requirements as having no administrative benefit. In the surveys sent to State agencies, statutory requirements of no administrative benefit were defined as those which are unnecessary for the management or accountability of the agency.

As shown on Exhibit 6-2, three universities (Governors State, Northern Illinois, and Western Illinois) accounted for almost a third (18) of all statutory requirements identified as of no administrative benefit.

Many statutory provisions identified by universities related to appropriations and revenues. For example, Governors State University noted that the required approval of transfers among line items by the Board of Higher Education and the Governor's Office (30 ILCS 105/13.2) had no administrative benefit. In its explanation, Governors State University stated "Initiatives which would promote efficiencies without endangering control or accountability include: removal of revenue from the appropriation process; limiting appropriations to fewer line items, e.g. personal services, equipment, and expenses, while



maintaining detail reporting of expenditures; and equalize the dollar definition of equipment between the Comptroller and Property Control." Other requirements identified by universities were from Acts such as the College Student Immunization Act and Grant Funds Recovery Act.

Statutory provisions cited by other agencies as having no administrative benefit included the Forms Management Program Act and a section of the State Mandates Act. The Department of Central Management

Services (DCMS) identified a requirement for a statewide forms management program as having no administrative benefit; DCMS stated that the program was now only "skeletal," and that it costs more to operate than the benefits warranted.

The Commission on Intergovernmental Cooperation responded that a provision in the State Mandates Act (30 ILCS 805/4(a)) had no administrative benefit: The Commission is required to hold hearings on mandates twice yearly "to review the information collected and the recommendations made by DCCA. However, DCCA reports this information annually; therefore, no useful purpose would be served by holding more than one hearing to review the same information."

Other examples of statutory provisions which agencies reported as having no administrative benefit were:

- the Campus Demonstrations Policy Act (110 ILCS 10/0.01-2) requires universities to have "Policy on Demonstrations" on file with the Board of Higher Education and the Governor. Governors State University stated there was no need to file this policy with the Governor and Board of Higher Education, while Southern Illinois University stated that "all institutions are well aware of the need to have such a policy or procedure in place"
- a provision in the State Comptroller Act (15 ILCS 405/13.1) requires the Board of Regents to report the total number of payroll warrants drawn from funds retained in its own treasury to the Secretary of State. The Board of Regents stated the "requirement of notification does not serve any particular purpose. Further, the Secretary of State traditionally is not involved with fiscal policy matters, especially those related to the details of processes (e.g., warrants drawn)."

Exhibit 6-2
AGENCIES CITING THREE OR MORE AGENCY
SPECIFIC STATUTORY REQUIREMENTS AS
HAVING NO ADMINISTRATIVE BENEFIT

<u>Agency</u>	<u>Number of Requirements</u>
Governors State University	9
Northern Illinois University	5
Western Illinois University	4
Lieutenant Governor	3
Education, State Board of	3

Source: Auditor General Analysis of Agency Responses

A complete listing of agency specific statutory requirements identified as having no administrative benefit is presented in Appendix J.

LAWS WITH NO ADMINISTRATIVE BENEFIT GENERALLY APPLICABLE TO ALL AGENCIES

Agencies responded that 223 statutory requirements located in 40 different Acts had no administrative benefit. These provisions apply generally to all agencies in State government.

For approximately one quarter of the 223 statutory requirements, agencies responded these requirements had no administrative benefit because the specific requirement did not apply to them or they did not undertake the activity with which the statute dealt, as opposed to the statute being unnecessary for the management or accountability of the agency. For example, some agencies responded that the provision of the Property Control Act which requires surplus laboratory equipment to be submitted to DCMS' clearinghouse (30 ILCS 605/8.1) was of no administrative benefit because the agencies did not have a laboratory.

Nine agencies said the State Finance Act's requirement to semi-annually report employees' headquarters to the Legislative Audit Commission was of no administrative benefit (30 ILCS 105/12-3). This reporting requirement became effective October 13, 1969. The Commissioner of Savings and Residential Finance suggested that this information could be contained in appropriation documents submitted to the General Assembly. Governors State University and the Student Assistance Commission said negative reports should not be required. A negative report indicates no agency employee's headquarters is at a location different than that at which their official duties require spending the largest part of their working time.

Five agencies said the reporting requirements associated with petty cash funds were of no administrative benefit (30 ILCS 105/13.3). The Board of Regents and its three universities responded that the "reporting and tracking requirements associated with this mandate, particularly in regards to interaction with the Comptroller's Office, is not necessary."

Four agencies reported that the section of the State Finance Act (30 ILCS 105/9.02) which requires vouchers to be signed by the officer responsible for approving and certifying the voucher had no administrative benefit. The Abandoned Mined Lands Reclamation Council questioned the deterrent effect of the certifications on the vouchers. Southern Illinois University suggested that new technology regarding electronic signature authority should be incorporated, including certification by FAX.

Four agencies cited as having no administrative benefit a provision in the Freedom of Information Act (5 ILCS 140/1-11) which requires agencies to prominently display in its offices information on how and where information about an agency can be obtained and any fees charged.

Two agencies, the Department of Alcoholism and Substance Abuse and Teachers' Retirement System, responded that certain provisions of the Illinois Administrative Procedure Act (5 ILCS 100/1-1 - 100/1-85) were of no administrative benefit. The provisions cited included the requirement that an agency's rules contain an agency organization chart and a flow chart of the agency's rulemaking process.

Agency responses to statutory provisions generally applicable to all State agencies are found in Appendix K.

APPENDICES

APPENDIX A

LAC RESOLUTION NUMBER 101

Legislative Audit Commission

RESOLUTION NO. 101
Presented by Senator Watson

WHEREAS, the Office of the Auditor General estimates that there are over 13,000 separate statutory requirements imposed upon State agencies; and

WHEREAS, one in five State agencies is subject to 100 or more specific statutory mandates, with some individual agencies directed to comply with as many as 1,000 requirements established by law; and

WHEREAS, the number of statutory mandates has increased at the same time that many State agencies are experiencing reduced staff and other resources; and

WHEREAS, agency responses to audit findings by the Office of the Auditor General indicate that nearly one in seven findings could be resolved by changes in the law; and

WHEREAS, there is no continuing review of State statutes to identify laws that may be obsolete, unenforceable, unnecessarily burdensome, duplicative or of no current administrative benefit; now

THEREFORE BE IT RESOLVED by the Legislative Audit Commission that the Auditor General be directed to conduct a Special Study of the State agencies for the purpose of evaluating the usefulness and/or necessity of the various administrative statutes of State government.

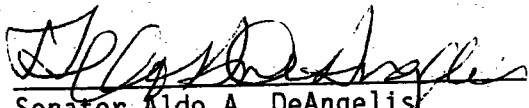
BE IT FURTHER RESOLVED that this Special Study shall include, but is not limited to, a determination of those statutes which State agency personnel deem to be:

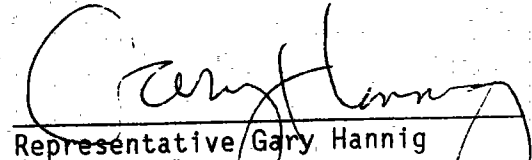
- 1) obsolete;
- 2) unenforceable;
- 3) unnecessarily burdensome;
- 4) duplicative; or
- 5) of no administrative benefit.

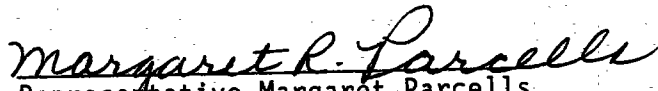
BE IT FURTHER RESOLVED that all State entities subject to audit by the Auditor General be directed to cooperate fully and promptly with the Office of the Auditor General in the conduct of this Special Study; and

BE IT FURTHER RESOLVED that the Auditor General shall commence this Special Study as soon as possible and shall report his findings and recommendations by January 31, 1995, to the Legislative Audit Commission and the General Assembly in accordance with the provisions of the Illinois State Auditing Act.

Adopted this 3rd day of March, 1994.


Senator Aldo A. DeAngelis
Cochairman


Representative Gary Hannig
Cochairman


Representative Margaret Parcells
Secretary

APPENDIX B
AGENCIES SURVEYED

**APPENDIX B
AGENCIES SURVEYED**

Agency Name	Response To Generally Applicable Survey	Response To Agency Specific Survey
CITIZENS ASSEMBLY	Yes	Yes
COMPENSATION REVIEW BOARD	No	No
ECONOMIC AND FISCAL COMMISSION	Yes	Yes
GENERAL ASSEMBLY - HOUSE	Yes	Yes
GENERAL ASSEMBLY - SENATE	Yes	Yes
GENERAL ASSEMBLY - RETIREMENT SYSTEM	Yes	Yes
INTERGOVERNMENTAL COOPERATION, COMMISSION ON	Yes	Yes
ADMINISTRATIVE RULES, JOINT COMMITTEE ON	Yes	Yes
LEGISLATIVE AUDIT COMMISSION	Yes	Yes
LEGISLATIVE RESEARCH UNIT	Yes	Yes
LEGISLATIVE INFORMATION SYSTEM	Yes	Yes
LEGISLATIVE PRINTING UNIT	Yes	Yes
LEGISLATIVE REFERENCE BUREAU	Yes	Yes
SPACE NEEDS COMMISSION	Yes	Yes
APPELLATE COURTS	Yes	Yes
APPELLATE DEFENDER, STATE	No	No
JUDGES RETIREMENT SYSTEM	Yes	Yes
JUDICIAL INQUIRY BOARD	No	No
STATE'S ATTORNEY'S APPELLATE PROSECUTOR	No	No
SUPREME COURT	Yes	Yes
ATTORNEY GENERAL	Yes	Yes
AUDITOR GENERAL	Yes	Yes
COMPTROLLER	Yes	Yes
GOVERNOR, OFFICE OF THE	Yes	Yes
LIEUTENANT GOVERNOR	Yes	Yes
SECRETARY OF STATE	Yes	Yes
TREASURER	Yes	Yes
AGING, DEPARTMENT ON	Yes	Yes
AGRICULTURE, DEPARTMENT OF	Yes	Yes
ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF	Yes	Yes

**APPENDIX B
AGENCIES SURVEYED**

Agency Name	Response To Generally Applicable Survey	Response To Agency Specific Survey
CENTRAL MANAGEMENT SERVICES	Yes	Yes
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	Yes	Yes
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	Yes	Yes
CONSERVATION, DEPARTMENT OF	Yes	Yes
CORRECTIONS, DEPARTMENT OF	Yes	Yes
EMPLOYMENT SECURITY, DEPARTMENT OF	Yes	Yes
ENERGY AND NATURAL RESOURCES, DEPARTMENT OF	Yes	Yes
FINANCIAL INSTITUTIONS, DEPARTMENT OF	Yes	Yes
HUMAN RIGHTS, DEPARTMENT OF	Yes	Yes
INSURANCE, DEPARTMENT OF	Yes	Yes
LABOR, DEPARTMENT OF	Yes	Yes
LOTTERY, DEPARTMENT OF THE	Yes	Yes
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF	Yes	Yes
MILITARY AFFAIRS, DEPARTMENT OF	Yes	Yes
MINES AND MINERALS, DEPARTMENT OF	Yes	Yes
NUCLEAR SAFETY, DEPARTMENT OF	Yes	Yes
PROFESSIONAL REGULATION, DEPARTMENT OF	Yes	Yes
PUBLIC AID, DEPARTMENT OF	Yes	Yes
PUBLIC HEALTH, DEPARTMENT OF	Yes	Yes
REHABILITATION SERVICES, DEPARTMENT OF	Yes	Yes
REVENUE, DEPARTMENT OF	Yes	Yes
STATE POLICE, DEPARTMENT OF	Yes	Yes
TRANSPORTATION, DEPARTMENT OF	Yes	Yes
VETERANS' AFFAIRS, DEPARTMENT OF	Yes	Yes
ABANDONED MINED LANDS RECLAMATION COUNCIL	Yes	Yes
ARTS COUNCIL AND FOUNDATION, ILLINOIS	No	No
BANKS AND TRUST COMPANIES, COMMISSIONER OF	Yes	Yes
BUREAU OF THE BUDGET	Yes	Yes
CAPITAL DEVELOPMENT BOARD	Yes	Yes
CIVIL SERVICE COMMISSION	No	No

**APPENDIX B
AGENCIES SURVEYED**

Agency Name	Response To Generally Applicable Survey	Response To Agency Specific Survey
COMMERCE COMMISSION, ILLINOIS	Yes	Yes
COURT OF CLAIMS	No	No
CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS	No	Yes
DEVELOPMENT FINANCE AUTHORITY, ILLINOIS	Yes	Yes
EAST ST. LOUIS FINANCIAL ADVISORY AUTHORITY	No	No
EDUCATION, STATE BOARD OF	Yes	Yes
EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS	No	No
EDUCATIONAL LABOR RELATIONS BOARD	Yes	Yes
ELECTIONS, STATE BOARD OF	Yes	Yes
EMERGENCY MANAGEMENT AGENCY	Yes	Yes
ENVIRONMENTAL PROTECTION AGENCY	Yes	Yes
FARM DEVELOPMENT AUTHORITY, ILLINOIS	No	No
FIRE MARSHAL, STATE	No	Yes
GAMING BOARD, ILLINOIS	No	No
GOVERNOR'S PURCHASED CARE REVIEW BOARD	Yes	Yes
GUARDIANSHIP AND ADVOCACY COMMISSION	Yes	Yes
HEALTH CARE COST CONTAINMENT COUNCIL	Yes	Yes
HEALTH FACILITIES AUTHORITY, ILLINOIS	No	Yes
HIGH SCHOOL ASSOCIATION, ILLINOIS	No	No
HISTORIC PRESERVATION AGENCY	Yes	Yes
HUMAN RIGHTS COMMISSION	Yes	Yes
INDUSTRIAL COMMISSION	No	No
INVESTMENT, ILLINOIS STATE BOARD OF	No	No
LIQUOR CONTROL COMMISSION	Yes	Yes
LAW ENFORCEMENT TRAINING & STANDARDS BOARD	Yes	Yes
LOCAL LABOR RELATIONS BOARD	No	No
MEDICAL CENTER COMMISSION	No	No
METROPOLITAN PIER AND EXPOSITION AUTHORITY	Yes	Yes
PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES, ILL.	Yes	Yes
POLLUTION CONTROL BOARD	No	No
PRAIRIE STATE 2000 AUTHORITY	No	No

**APPENDIX B
AGENCIES SURVEYED**

Agency Name	Response To Generally Applicable Survey	Response To Agency Specific Survey
PRISONER REVIEW BOARD	Yes	Yes
PROPERTY TAX APPEAL BOARD	Yes	Yes
QUAD CITIES REGIONAL ECONOM. DEV. AUTH.	No	No
RACING BOARD, ILLINOIS	Yes	Yes
RURAL BOND BANK, ILLINOIS	No	No
SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF	Yes	Yes
SPORTS FACILITIES AUTHORITY, ILLINOIS	No	Yes
STATE EMPLOYEES' RETIREMENT SYSTEM	Yes	Yes
STATE LABOR RELATIONS BOARD	No	No
STATE POLICE, MERIT BOARD	Yes	Yes
SUMMER SCHOOL FOR THE ARTS	No	No
TEACHERS' RETIREMENT SYSTEM OF ILLINOIS	Yes	Yes
TOLL HIGHWAY AUTHORITY, ILLINOIS STATE	Yes	Yes
BOARD OF HIGHER EDUCATION	Yes	Yes
BOARD OF GOVERNORS OF STATE COLLEGES AND UNIVERSITIES	Yes	Yes
BOARD OF REGENTS	Yes	Yes
CHICAGO STATE UNIVERSITY	Yes	Yes
EASTERN ILLINOIS UNIVERSITY	Yes	Yes
GOVERNORS STATE UNIVERSITY	Yes	Yes
ILLINOIS STATE UNIVERSITY	Yes	Yes
NORTHEASTERN ILLINOIS UNIVERSITY	Yes	No
NORTHERN ILLINOIS UNIVERSITY	Yes	Yes
SANGAMON STATE UNIVERSITY	Yes	Yes
SOUTHERN ILLINOIS UNIVERSITY	Yes	Yes
UNIVERSITY OF ILLINOIS	Yes	Yes
WESTERN ILLINOIS UNIVERSITY	Yes	Yes
CIVIL SERVICE SYSTEM, STATE UNIVERSITIES	Yes	Yes
COMMUNITY COLLEGE BOARD, ILLINOIS	Yes	Yes
MATHEMATICS AND SCIENCE ACADEMY, ILLINOIS	Yes	Yes
STUDENT ASSISTANCE COMMISSION, ILLINOIS	Yes	Yes

**APPENDIX B
AGENCIES SURVEYED**

Agency Name	Response To Generally Applicable Survey	Response To Agency Specific Survey
STATE COMMUNITY COLLEGE OF EAST ST. LOUIS	No	No
UNIVERSITIES RETIREMENT SYSTEM	Yes	Yes
TOTALS	96	99

APPENDIX C
STUDY METHODOLOGY

Appendix C STUDY METHODOLOGY

Results and conclusions of the Special Study are based on completed surveys and discussions held with agencies. Statutory requirements for the survey instruments were identified through a database maintained and used by the Auditor General for financial and compliance audit purposes. The database contains records of statutory requirements believed to be applicable to each State agency as well as statutory requirements believed to be generally applicable to most State agencies.

Generally applicable statutory requirements are those that are required of most or all agencies. An example of a generally applicable requirement would be the requirement found in the Illinois Administrative Procedure Act in which each agency shall "make available for public inspection all rules adopted by the agency in the discharge of its functions" [5 ILCS 100/5-10(a)(ii)]. Agency specific requirements are those which are germane or unique to each agency or, in some cases, a defined group of agencies. For example, the Illinois State Auditing Act requires the Auditor General to conduct "a change over audit of the State Treasurer's accounts at the conclusion of each term of office of the State Treasurer" (30 ILCS 5/3-2.1).

One hundred twenty-three agencies responded to our April 1994 study notification letter and were subsequently provided with surveys. If agencies did not respond to the survey, a reminder letter was sent and, later, the agency was contacted by phone to inquire of its participation.

After the agencies returned a completed survey, responses were coded and entered into a computer database. Agency representatives were contacted for follow-up information (for the agency specific survey) when their responses indicated a statutory requirement was obsolete, unenforceable, etc. For many agencies, meetings between agency representatives and the Auditor General's staff were held to discuss responses.

As part of the survey, agencies were asked to identify or define statutory requirements as either programmatic or administrative. For the purposes of the survey, we defined an administrative statutory requirement as one "which defined or guided agency operations and/or assists in the management or accountability of the agency."

For agency specific statutory requirements, we used the agency response to classify the law as either administrative or programmatic. For generally applicable statutory requirements, we decided that, for the purposes of this Study, all these requirements could be classified as administrative; and thus all agency responses are included regardless of the

agency's classification of the statutory requirement. In addition, the survey instrument for generally applicable statutes initially contained listings for 356 requirements. This number was reduced to 326 requirements after we eliminated outdated provisions and those which did not require an agency to conduct, perform, or follow certain procedures.

In some instances a statutory requirement was listed on both the agency specific and generally applicable survey sent to an agency. For example, some sections of the State Finance Act, which apply to State universities, could be considered generally applicable and agency specific requirements. If the agency provided responses on both surveys, we included them in both categories. Thus, while there were 912 statutory requirements identified, 11 of these requirements can be found in the survey results for agency specific as well as generally applicable requirements.

We reviewed agency responses and related statutes to determine if a statutory requirement was "factually" obsolete. These statutory requirements have specific dates, deadlines, or language which clearly make certain aspects or the entire statutory requirement obsolete. For obsolete statutory requirements, we reviewed both programmatic and administrative requirements as classified by agencies. Thus, while this Study focuses primarily on administrative requirements, programmatic requirements which are obsolete are included as part of the Study since they may provide valuable information to the General Assembly.

SUPPLEMENT

*To the Special Study of
Administrative Laws Considered to Be:
Obsolete,
Unenforceable,
Unnecessarily Burdensome,
or Having No Administrative Benefit*

This is the supplement which contains Appendices D - K to the Special Study of administrative laws. Appendices D - J deal with statutory requirements which are typically applicable to a specific agency. Appendix K addresses statutory requirements which generally apply to all agencies of State government.

- Appendix D** - Outdated Statutory Provisions (page 1)
- Appendix E** - Statutory Provisions Identified as Obsolete (page 5)
- Appendix F** - Obsolete Statutory Provisions Identified During the Study (page 43)
- Appendix G** - Statutory Provisions Identified as Unenforceable (page 49)
- Appendix H** - Statutory Provisions Identified as Unnecessarily Burdensome (page 65)
- Appendix I** - Statutory Provisions Identified as Duplicative (page 81)
- Appendix J** - Statutory Provisions Identified as No Administrative Benefit (page 91)
- Appendix K** - Responses to the Generally Applicable Survey (page 99)

APPENDIX D

OUTDATED STATUTORY PROVISIONS

APPENDIX D: STATUTORY PROVISIONS OBSOLETE BY DATE

Agency	Act	Statutory Reference	Obsolete Date
Abandoned Mined Lands Reclamation Council	Surface Coal Mining Fee Act	20 ILCS 1915/2(a) - 1915/2(d)	09/04/80
Abandoned Mined Lands Reclamation Council	Surface Coal Mining Fee Act	20 ILCS 1915/2(c) - 1915(d)	09/04/80
Aging	Act on the Aging	20 ILCS 105/4.02a	04/01/92
Aging	Act on the Aging	20 ILCS 105/8.04(c)	01/01/87
Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/3	12/31/87
Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/6	12/31/87
Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/7	12/31/87
Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/10	12/31/87
Auditor General	Legislative Commission Reorganization Act of 1984	25 ILCS 130/1-4(8)	1985
Auditor General	State Auditing Act	30 ILCS 5/3-1A	1985
Auditor General	Public Aid Code	305 ILCS 5/5-2.1	05/93
Auditor General	Public Aid Code	305 ILCS 5/5-5.11	FY83
Auditor General	Early Intervention Services System Act	325 ILCS 20/15	05/30/93
Auditor General	Developmental Disability Prevention Act	410 ILCS 250/11.1	06/01/85
Board of Regents	Regency Universities Act	110 ILCS 705/8c	01/01/85
Bureau of the Budget	Civil Administrative Code (Part 2.5)	20 ILCS 2505/39c-6(a) - 2505/39c-6(c)	07/01/94
Bureau of the Budget	Medical Costs Advisory Committee Act	20 ILCS 3995/1	01/01/70
Capital Development Board	Capital Development Board Act	20 ILCS 3105/11	06/30/73
Central Management Services	Supported Employees Act	5 ILCS 390/4	06/30/91
Children & Family Services	Children and Family Services Act	20 ILCS 505/34.8	04/01/89
Children & Family Services	Children and Family Services Act	20 ILCS 505/34.11	01/01/94
Commerce Commission	Public Utilities Act	220 ILCS 5/13-301.1(c)	03/26/92
Commerce & Community Affairs	Economic Development Area Tax Increment Allocation Act	20 ILCS 620/1 - 620/11	03/91
Commerce & Community Affairs	Illinois Coordinating Committee on Transportation Act	20 ILCS 3925/3 - 3925/4	02/01/92
Commerce & Community Affairs	Energy Assistance Act	305 ILCS 15/4.3	01/01/91
Commerce & Community Affairs	Solid Waste Management Act	415 ILCS 20/6.2	09/01/92
Conservation	Civil Administrative Code (Part 13.5)	20 ILCS 805/63a27	1988
Conservation	Civil Administrative Code (Part 13.5)	20 ILCS 805/63b2.7	07/01/91
Education, State Board of	School Code	105 ILCS 5/2-3.42	06/30/80
Education, State Board of	School Code	105 ILCS 5/2-3.52	04/01/86
Education, State Board of	School Code	105 ILCS 5/2-3.67	03/01/86
Education, State Board of	School Code	105 ILCS 5/2-3.90	01/01/90
Education, State Board of	1985 School District Reorganization Act	105 ILCS 220/1 - 220/9	1988
Energy & Natural Resources	State Museum Construction Act	15 ILCS 315/1	02/63
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/6.2	07/01/85
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/9.7(b)	02/01/90
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/22.27(a)	09/01/92
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/22.28(g)	07/01/93
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/22.9	12/01/90
Energy & Natural Resources	Solid Waste Planning and Recycling Act	415 ILCS 15/8(c) - 15/8(d)	1990
Energy & Natural Resources	Solid Waste Planning and Recycling Act	415 ILCS 15/8.5	07/01/94
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/6.1	01/01/91
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/6.2	09/01/92
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/7	01/01/92
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/7	03/89
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/7.1	11/01/91
Energy & Natural Resources	Degradable Plastic Act	415 ILCS 80/4	03/91
Energy & Natural Resources	Recycled Newsprint Use Act	415 ILCS 110/2009	07/01/92
Environmental Protection Agency	Natural Resources Act	20 ILCS 1105/16	04/01/93
Environmental Protection Agency	Industrial Hygienists Licensure Act	225 ILCS 52/50	02/20/93
Environmental Protection Agency	Environmental Protection Act	415 ILCS 5/19.7	01/01/92
Environmental Protection Agency	Environmental Protection Act	415 ILCS 5/55.2	07/01/90
Environmental Protection Agency	Solid Waste Management Act	415 ILCS 20/6.1	01/01/91
Environmental Protection Agency	Solid Waste Management Act	415 ILCS 20/6.2	09/01/92
Environmental Protection Agency	Release of Genetically Engineered Organisms Act	430 ILCS 95/6	01/01/91
General Assembly - Senate	Local Government Fiscal Practices Act	25 ILCS 45/5	09/03/92
General Assembly - Senate	Local Government Fiscal Practices Act	25 ILCS 45/10	12/31/92
Governor	School Code	105 ILCS 5/34-8.5	01/01/94

APPENDIX D: STATUTORY PROVISIONS OBSOLETE BY DATE

Agency	Act	Statutory Reference	Obsolete Date
Insurance	Civil Administrative Code (Part 11.5)	20 ILCS 1405/56.1	07/01/92
Insurance	Illinois Insurance Code	215 ILCS 5/480.3	08/01/81
Insurance	Illinois Insurance Code	215 ILCS 5/482.1	08/01/71
Insurance	Illinois Insurance Code	215 ILCS 5/483.1	08/01/71
Insurance	Illinois Insurance Code	215 ILCS 5/484.2	08/01/71
Legislative Research Unit	Municipal Code	65 ILCS 5/11-42-11	01/01/87
Lottery	Lottery Law	20 ILCS 1605/21.2	1982
Lottery	Lottery Law	20 ILCS 1605/28	1986
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Act	20 ILCS 1705/16.2	03/31/86
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Act	20 ILCS 1705/34.2	05/01/90
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Act	20 ILCS 1705/55	01/02/88
Mental Health & Developmental Disabilities	Disabled Persons Rehabilitation Act	20 ILCS 2405/3(n)	07/01/94
Mental Health & Developmental Disabilities	Disabled Persons Rehabilitation Act	20 ILCS 2405/3(o)	07/01/94
Mental Health & Developmental Disabilities	University of Illinois Institutes for Juvenile Research and Dev. Dis. Act	110 ILCS 350/4	07/01/90
Military Affairs	Land for Armories Act	20 ILCS 1820/1 - 1820/3	1955
Nuclear Safety	Radon Mitigation Act	420 ILCS 50/6	08/20/90
Public Aid	General Assistance Job Opportunities Act	20 ILCS 3940/10	04/28/93
Public Aid	Public Aid Code	305 ILCS 5/4-1.2b	03/31/93
Public Aid	Public Aid Code	305 ILCS 5/5-2.1	05/93
Public Aid	Public Aid Code	305 ILCS 5/10-17.1	07/01/93
Public Aid	Public Aid Code	305 ILCS 5/10-20	07/01/93
Public Aid	Public Aid Code	305 ILCS 5/10-21	07/01/93
Public Aid	Public Aid Code	305 ILCS 5/11-25	1992
Public Aid	Public Aid Code	305 ILCS 5/12-4.20a	01/01/88
Public Aid	Public Aid Code	305 ILCS 5/12-4.20b	03/31/90
Public Aid	Public Aid Code	305 ILCS 5/12-6	07/01/93
Public Aid	Public Aid Code	750 ILCS 5/505(c)	07/01/93
Public Aid	Public Aid Code	750 ILCS 15/3	07/01/93
Public Aid	Marriage and Dissolution of Marriage Act	750 ILCS 15/4	07/01/93
Public Aid	Public Aid Code	750 ILCS 20/24	07/01/93
Public Aid	Public Aid Code	750 ILCS 45/14	07/01/93
Public Health	Alcoholism and Other Drug Dependency Act	20 ILCS 305/1-107	01/01/91
Public Health	Alcoholism and Other Drug Dependency Act	20 ILCS 305/1-107	01/01/91
Public Health	Alcoholism and Other Drug Dependency Act	20 ILCS 305/1-107	01/01/91
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.71	01/01/94
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.71	01/01/94
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.38	01/01/86
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.41(f) - 2310/55.41(g)	07/01/88
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.61	07/01/92
Public Health	Environmental Protection Act	415 ILCS 5/49(c)	1970
Racing Board	Illinois Horse Racing Act of 1975	230 ILCS 5/9(p)	12/31/93
Rehabilitation Services	Hearing Impaired and Behavior Disordered Children Act	20 ILCS 2425/1	09/01/92
Rehabilitation Services	Illinois Coordinating Committee on Transportation Act	20 ILCS 3925/3 - 3925/4	02/01/92
Revenue	Electronic Funds Transfer Study Act	20 ILCS 2525/2	06/01/92
Revenue	Senior Citizens & Disabled Persons Property Tax Relief...Act	320 ILCS 25/9.1	01/01/90
Transportation	Civil Administrative Code of Illinois (Part 8.5)	20 ILCS 2705/49.32	01/09/92
Transportation	Solid Waste Management Act	415 ILCS 20/3(l)	07/01/92
Treasurer	Solid Waste Management Act	415 ILCS 20/6.2	09/01/92
Universities Retirement System	Pension Code	40 ILCS 5/15-145	01/01/87
University of Illinois	School Code	105 ILCS 5/2-3.79	01/89
University of Illinois	University of Illinois Act	110 ILCS 305/1b	01/01/85

APPENDIX E
STATUTORY PROVISIONS IDENTIFIED
AS OBSOLETE

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Abandoned Mined Lands Reclamation Council	Surface Coal Mining Fee Act	20 ILCS 1915/2(a) - 1915/2(d)	The Executive Director will investigate and pursue all federal level options that allow for development of a State program consistent with the purposes of the Surface Coal Mining Fees Act and federal law. All investigations required shall be reported to the General Assembly within one year of the effective date of this Act (effective 9/4/79).	Mandates accomplished. State programs referenced in 20 ILCS 1915/2(a) are established. Reports referenced in 2(b) were due 9/4/80.
Abandoned Mined Lands Reclamation Council	Surface Coal Mining Fee Act	20 ILCS 1915/2(c) - 1915(d)	To investigate the resource recovery potential as a partial function of the Land Reclamation procedure, as well as for site reclamation, and file the required reports.	A proposed amendment to the Surface Coal Mining Land Conservation & Reclamation Act that would have allowed the extraction of coal incidental to an abandoned mine reclamation project carried out pursuant to the Abandoned Mined Lands & Water Reclamation Act was introduced and defeated in 1990. Hence, the mandate has been fulfilled.
Administrative Rules, Joint Committee on	Administrative Procedure Act	5 ILCS 100/5 - 110(i)	To evaluate all State forms developed or altered after the effective date of this Amendment Act of 1984 to determine the burden placed upon small businesses in complying with such forms.	This is part of 5 year review. See 5 ILCS 100/5-130. Also duplicative of DCMS' forms review.
Aging	Act on the Aging	20 ILCS 105/4.01(16)	To establish new & existing multipurpose senior centers through Area Agencies on Aging, to begin in areas Dept. shall designate by rule, and as specifically appropriated funds become available.	Funding no longer specific for multipurpose senior centers. Area Agencies on Aging may fund from III-B.
Aging	Act on the Aging	20 ILCS 105/4.01(2)	To coordinate and evaluate all programs and make needed recommendations to Governor and General Assembly.	A one time effort when the Department on Aging was created.
Aging	Act on the Aging	20 ILCS 105/4.02a	Dept. shall conduct a study on board and care homes and report to the General Assembly by 4/1/92.	Report completed and submitted.
Aging	Act on the Aging	20 ILCS 105/8.04(c)	Within one year after the effective date of this Amendment Act of 1985, the Department shall sponsor a Statewide Conference on Alzheimers disease.	Conference was conducted.
Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/3	To have the overall responsibility for management and design of the elder abuse demonstration program. To establish rules and regulations specifically setting forth the criteria used to select grantees. Project will terminate 6/30/87.	Demo project completed.
Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/6	To be responsible for the development and supervision of elder abuse demonstration projects located within their specific planning and service areas. Project will terminate 6/30/87.	Demo project completed.
Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/7	The Department is authorized, empowered and directed to adopt such rules and regulations as may be necessary to carry out the intent and purposes of this Act. Project will terminate 6/30/87.	Demo project completed.
Aging	Elder Abuse Demonstration Project Act	320 ILCS 15/10	To file with the General Assembly interim reports on its duties under this act by April 1 of 1985 - 1987 and a final report with recommendations by December 31, 1987.	Demo project report submitted.
Agriculture	Egg Market Development Act	505 ILCS 55/1 - 55/26	To administer the Egg Market Development Act.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/7	If any marketing program is proposed under Section 6, the Director shall appoint a temporary operating committee consisting of 7 members who are representative of egg producers to develop such proposed marketing program.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/12	The Director shall not make public or available to anyone for private use the information contained in the individual reports of producers, handlers, or processors filed with him pursuant to this Section.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/14	The Director or his designated agent shall be an ex-officio, non-voting member of the Egg Market Development Council.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/15	Director shall in subsequent years hold a special election to fill any expiring term on the Council.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agriculture	Egg Market Development Act	505 ILCS 55/17(a) - 55/17(b)	Director shall: (a) take steps to insure that adequate & proper records are kept & that an annual audit summary & a program evaluation are provided to all program participants; (b) supervise the activities of the Council but only to the extent necessary to insure that program operations are in accord with the provisions of this Act and the program. Director shall: (c) take steps to insure that adequate bonds are maintained; (d) coordinate administrative activities between the Council and the Department. Director shall: (e) file, following approval of any marketing program or amendment, the program or amendment with the Secretary of State as provided in Section 6 of the Illinois Administrative Procedures Act. Such program or amendment shall be included in the rules of the Department; (f) confer and cooperate with the legally constituted authorities of other states and the United States.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/17(c) - 55/17(d)		Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/17(e) - 55/17(f)		Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/19	Any funds received by the Director under Section 10 of this Act shall be deposited with the State Treasurer. The Director shall order disbursement from the Commodity Trust Fund only for payment of the expenses authorized by this Act.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/20	The Director and the Council shall publish annually an activity and financial report for such marketing program which shall be provided to all of the producers affected by this program. Program shall be audited annually and results sent to Director within 30 days.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Alcoholism & Substance Abuse	Civil Administrative Code	20 ILCS 5/9/29	The Department shall exercise, administer, enforce all rights, powers and duties vested in the Department of Mental Health & Developmental Disabilities as they pertain to the provision of alcoholism service & the Dangerous Drugs Commission in the Cannabis Control Act, Controlled Substance Act, Community Mental Health Act & Community Services Act.	Subsection 3 and 4 are unnecessary. DASA was created in 1984. DASA has their own enabling act which vests these powers with them. This is duplicative and obsolete. Dangerous Drugs Commission no longer exists.
Alcoholism & Substance Abuse	Community Services Act	405 ILCS 30/2(a) - 30/2(f)	With the Department of Mental Health & Developmental Disabilities shall encourage the establishment of services in each area of the State. The services shall include the following: prevention; client assessment/diagnosis; case coordination; crisis & emergency; treatment; rehabilitation & support; community residential alternatives to institutional care.	The Act may be obsolete. DASA has planning mandate within its enabling act which encompasses coordinating activities with other agencies.
Alcoholism & Substance Abuse	Community Services Act	405 ILCS 30/3(a) - 30/3(i)	Prescribe & publish rules & regs related to community services & have the following responsibilities: service priorities; planning; public info. & education; quality assurance; program evaluation; research; technical assistance; placement; interagency coordination; & financial assistance. By 1/1/94 shall publish an annual plan describing goals and by each third year thereafter.	The Act may be obsolete. DASA has planning mandate within its enabling act which encompasses coordinating activities with other agencies.
Alcoholism & Substance Abuse	Community Services Act	405 ILCS 30/4	Shall utilize the following funding sources for community services: purchase care contracts; grants; and alternative financing arrangements. Shall establish and maintain an equitable system of payment.	The Act may be obsolete. DASA has planning mandate within its enabling act which encompasses coordinating activities with other agencies.
Appellate Courts	Appellate Courts Act	705 ILCS 25/3	Ordinary and contingent expenses of the Appellate Court, including salaries, shall be determined by the Supreme Court and paid from State treasury on appropriations made by the General Assembly. Clerks shall destroy trial records on order of judges on cases decided 21 years prior to the order.	The Supreme Court administrative order has reduced to 10 years the time for destruction of records.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Attorney General	Finance Act	30 ILCS 105/1 - 105/3	Fiscal year shall begin on July 1 and close on June 30. Any required report shall be for the previous year when relating to receipts or disbursements of money unless calendar year expressly mentioned. Shall deliver a biennial report of doings to Governor and General Assembly closing the fiscal year.	Subsection 3(a) of the State Finance Act (30 ILCS 105/3(a) (West 1992)) requires, inter alia, that the Attorney General file a biennial report with the Governor summarizing his acts and doings during the specified fiscal years. In reviewing the legislative history of subsection 3(a), it appears that the requirement to file a biennial report has its origins in article IV, section 9 and article V, section 21 of the Illinois Constitution of 1870. An examination of the specified provisions of the Illinois Constitution of 1870 appears to indicate that the requirement for filing a biennial report was intended to correspond to the biennial sessions of the General Assembly. Subsequently, however, the People of the State of Illinois adopted a new Constitution. Article IV, subsection 5(a) of the Illinois Constitution of 1970 authorizes the General Assembly to conduct annual legislative sessions. Pursuant to this grant of authority, the General Assembly is now meeting on an annual basis. Therefore, it appears that if the General Assembly intends for the reporting requirement placed on the State's several executive officers to continue to correspond to the meeting of the legislature, then subsection 3(a) of the State Finance Act should be amended to require executive officers to file annual reports. Obsolete and should be repealed.
Auditor General	Legislative Commission Reorganization Act of 1984	25 ILCS 130/1 - 4(8)	Pertains to assistance by Joint Committee on Legislative Support Services to Auditor General on the termination of various boards and commissions.	Provides for audit of boards and commissions discontinued in 1984.
Auditor General	State Auditing Act	30 ILCS 5/3 - 1A	Shall have power to audit, investigate and approve all spending during the period of July 1, 1984 through September 30, 1984, by those committees, boards and commissions subject to Article 12 of the Legislative Commission Reorganization Act.	Programmatic - but may be obsolete since audit is completed & no re-audit has been requested.
Auditor General	Public Aid Code	305 ILCS 5/5 - 2.1(c)	Shall conduct a program audit of Department of Public Aid's enforcement of Section 5-2.1 "Property Transfer" of the Public Aid Code. Audit report shall be filed with LAC, Governor and General Assembly.	Obsolete and should be repealed.
Auditor General	Public Aid Code	305 ILCS 5/5 - 5.11	Requires Auditor General to audit payments by the Department of Public Aid to hospitals under P.A. 82-787.	Programmatic - but request is to audit under provisions of a section that is repealed.
Auditor General	Public Aid Code	305 ILCS 5/12 - 14.1	Shall conduct a post audit to determine if the Department of Public Aid has complied with the requirements of Section 5-5.9 of this Code.	Programmatic - but called for audit due 4/30/93 that's released.
Auditor General	Early Intervention Services System Act	325 ILCS 20/15	The Office of the Auditor General shall conduct system evaluation on effectiveness of services to meet special family needs and report on evaluation to Governor and General Assembly by 4/30/93.	Requires Auditor General to review DPA and DPH perinatal medical care program and report by 3/15/85. Obsolete and should be repealed. No more lab schools exist.
Auditor General	Developmental Disability Prevention Act	410 ILCS 250/11.1	Requires Auditor General to review DPA and DPH perinatal medical care program and report by 3/15/85.	Requires Auditor General to review DPA and DPH perinatal medical care program and report by 3/15/85. Obsolete and should be repealed. No more lab schools exist.
Board of Governors	School Code	105 ILCS 5/27-5	Board of Governors shall provide for the physical training and education of pupils of the schools & laboratory schools under their control and shall include as a course of study regularly taught therein.	No more lab schools exist.
Board of Governors	University - Building Authority Leased Lands Act	110 ILCS 85/2	Expenditures by the Board of Governors are not subject to the law that the State be vested with fee title to premises owned by the Illinois Building Authority.	IBA no longer owns university properties.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Board of Regents	Building Authority Act	20 ILCS 3110/4	May transfer title or jurisdiction of any property under its control to the Illinois Building Authority when such transfer is approved in writing by the Governor.	The Illinois Building Authority is no longer in existence.
Board of Regents	University - Building Authority Leased Lands Act	110 ILCS 85/2	Expenditures by the Board of Regents of State Colleges and Universities are not subject to the law that the State be vested with fee title to premises owned by the Illinois Building Authority.	The Illinois Building Authority is no longer in existence.
Board of Regents	Regency Universities Act	110 ILCS 705/8c	By January 1, 1985 Board shall have presented plans to Office of State Fire Marshal for smoke detection systems in all universities.	The portion of the law requiring the presentation of plans concerning smoke detection systems on or before 1/1/85 is obsolete.
Bureau of the Budget	Civil Administrative Code (Part 2.5)	20 ILCS 2505/39c-6(a) - 2305/39c-6(c)	Creates the New Technologies Board in DCCA consisting of the Directors of Labor, Revenue, CMS, BOB, Comptroller, Governor, Four members appointed by General Assembly Leadership (ex officio) & 9 public members appointed by Governor. Governor or designee shall serve as chairperson. Shall serve without compensation but reimbursed for expenses. On or before 2/1/94, the Board shall submit to the Governor, the General Assembly, and the public a report of its findings, conclusions and recommendations.	Work completed. Board released final report.
Bureau of the Budget	Illinois Construction Evaluation Act	20 ILCS 3015/2 - 3015/3	Creates Construction Evaluation Council, consisting of Executive Director of Space Needs Commission, Director of Bureau of the Budget and Director of Central Management Services or their designees. They shall select their own chairman for a two year term and shall meet at call of chairman. Lists duties.	Council never met.
Bureau of the Budget	Medical Cost Advisory Committee Act	20 ILCS 3995/1	Director of Bureau of the Budget shall serve on an advisory committee of medical costs and utilization of services and shall serve as chairman of the committee.	Final report issued in 1970.
Bureau of the Budget	Finance Act	30 ILCS 105/8a	Duty to direct money to be transferred from federal Fiscal Assistance Trust Fund to Common School Fund with certain restrictions to benefit Teachers Retirement System.	Fund no longer active.
Bureau of the Budget	Finance Act	30 ILCS 105/8.12	Duty to determine amount of appropriation to the State Pension Fund utilizing latest available audits of each fund. ¹	Statute was amended.
Bureau of the Budget	School District Educational Effectiveness & Fiscal Efficiency Act	105 ILCS 203/3	Duty to select applicants to receive grants and distribute with consideration to size of district and commitment to educational effectiveness and fiscal efficiency programs.	Never been used since 1972.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/1A-1	Bd. is authorized to make grants to school districts for school construction projects and debt service with funds appropriated by the General Assembly from the School Construction Fund.	Debt service element is obsolete and should be removed from the statute.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/1A-1.2	To adopt necessary regulations for administering and enforcing provisions pertaining to making planning assistance, school construction and debt service grants.	Debt service element is obsolete and should be removed from the statute.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/1A-5.1	To distribute debt service grants to school districts in an amount equal to its grant index times 50% of the principal and interest due and payable during the school district's fiscal year for which the application was filed.	Use of debt service grants - payment of debt services grants. This paragraph is obsolete. It deals with the debt services element and should be removed from the statute.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/1A-6	To exercise general supervision over school construction projects financed pursuant to the provisions of the Capital Development Board Act. (e.g. School Construction Project Grants or Debt Service Grants.)	Debt service element is obsolete and should be removed from the statute.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/10.02a	To conduct a feasibility study of constructing a professional sports stadium in the Metro East Mass Transit District territory, and make a report to the General Assembly as soon as possible.	One time study proposed but never funded. This mandate was created at the time the Football Cardinals left St. Louis. East St. Louis was wanting a stadium built in an effort to attract the Cardinals or another pro football team to their city.

¹This requirement was amended by Public Act 88-593.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Capital Development Board	Capital Development Board Act	20 ILCS 3105/10,15	To receive, accept, and disburse federal funds which have first been appropriated by the General Assembly.	This section states "...such monies may be used only if first appropriated by the General Assembly." Subsequent legislation has eliminated this requirement. ILCS 105/6t states "There shall be paid into the Capital Development Board Contributory Trust Fund all federal funds to be utilized for the construction of capital projects under the jurisdiction of the Capital Development Board, and all proceeds resulting from such federal funds." Drop dead date was 6/30/73.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/11	To create a transfer schedule for all projects previously authorized by the General Assembly for construction by the Illinois Building Authority but not yet bonded, with transfers completed by June 30, 1973.	
Capital Development Board	Capital Development Board Act	20 ILCS 3105/13	To contract with the designated regional port district when appropriations are made for cargo handling facilities.	
Capital Development Board	Building Authority Act	20 ILCS 3110/5(d)(1)	All interim notes will be attested by the Board Secretary or whoever the resolution may direct, and sealed with corporate seal.	Any current improvements to cargo handling facilities are done as grants to local government and are not required to be repaid. Bureau of the Budget sells all bonds now.
Capital Development Board	Building Authority Act	20 ILCS 3110/5(d)(1)	To pay all interim notes from funds received from the sale of revenue bonds for permanent financing.	Bureau of the Budget sells all bonds now.
Capital Development Board	Building Authority Act	20 ILCS 3110/5(d)(1)	To include in all resolutions authorizing the issuance of interim notes a project description, the principal amount, rate of interest (not exceeding the maximum rate authorized by the Bond Authorization Act, as amended, at the time of making the contract), & maturity date, but not to exceed 5 years from the issuance date.	Bureau of the Budget sells all bonds now.
Capital Development Board	Building Authority Act	20 ILCS 3110/7	To make charges, fees or rentals for facility use sufficient to pay the principal and interest on bonds and a proportion of administrative expenses.	All bonds are net defeased.
Capital Development Board	Building Authority Act	20 ILCS 3110/13.1	To carry out a project only if it is commenced before July 1 of the third year following the year in which the General Assembly authorized it.	More than 3 years since CDB began.
Capital Development Board	Capital City Planning Commission Act	20 ILCS 3920/1	The Chairman of CDB or a designated representative shall serve on the Capital City Planning Commission.	It is our understanding that the commission has not functioned in many years.
Central Management Services	Supported Employees Act	5 ILCS 390/4	With Rehabilitation Services, DMHDD, Public Aid, and the Interagency Committee on Handicapped Employees shall seek cooperation of all state agencies in the development and implementation of a supported employment program. Goal is to appoint 25 supported employees to state positions prior to 6/30/91.	The last sentence of 5 ILCS 390/4 is obsolete because the June 30, 1991 deadline is now past.
Children & Family Services	Children and Family Services Act	20 ILCS 505/1	Department created to provide social services and operate children's institutions, and provide rehabilitative and residential services.	DCFS does not operate "children's institutions".
Children & Family Services	Children and Family Services Act	20 ILCS 505/34.12	By 1/1/94, Department shall submit an application to the Commissioner of the Administration on Children, Youths & Families for a family resource and support program grant to explore, develop & operate a network of local family resource and support programs.	Dated passage references 1/1/94 reporting deadline.
Children & Family Services	Children and Family Services Act	20 ILCS 505/34.8	Department shall conduct a study regarding development of a plan to train persons required to report suspected child abuse or neglect which shall include an analysis of the need for such training and estimate of the cost to do so. Shall report to General Assembly no later than 4/1/89.	Reference to reporting deadline is obsolete.
Children & Family Services	School Code	105 ILCS 5/2-3.30	Department has duty to file report on census for all children (to age 21) receiving special education with the Illinois State Board of Education by December 22 of each year.	Mandate is unenforceable and has no administrative benefit as the Department of Children & Family Services operates no facilities.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Children & Family Services	Critical Health Problems & Comprehensive Health Education Act	105 ILCS 110/5	Director shall serve on the advisory committee to the State Board of Education regarding critical health problems and comprehensive health education. May be reimbursed for expenses.	The reference regarding the DCFS Director to serve on the Commission on Children is obsolete.
Children & Family Services	Abused and Neglected Child Reporting Act	325 ILCS 5/7.6	To have a State wide toll free number to report suspected child abuse. To transmit calls to an appropriate child protective service unit.	325 ILCS 5/7 and 325 ILCS 5/7.6 both require that whenever the statewide toll-free telephone number used to report suspected cases of child abuse or neglect is posted, there shall also be posted a notice of penalties for knowingly transmitting false reports. However, 5/7 states that a first offense is a Class A Misdemeanor and a second or subsequent violation is a Class 4 Felony. Section 5/7.6, however, states that a violation is a Class B Misdemeanor and draws no distinction between first and subsequent offenses. The Department prefers the language in 325 ILCS 5/7 and requests that 325 ILCS 5/7.6 be amended to parallel that found in 325 ILCS 5/7.
Children & Family Services	Escaped Inmate Damages Act	740 ILCS 60/1	Department has duty to investigate, recommend action on claims filed for damages caused by escaped inmates of State controlled institutions.	DCFS no longer operates institutions.
Commerce Commission	Public Utilities Act	220 ILCS 5/7-202	To assess foreign corporations who petition to purchase, lease, merge, consolidate - all or substantially - public utility property taxes legally extended against capital stock of an Illinois public utility.	The predecessor of this Section (Section 28a of the Public Utilities Act) was enacted in 1955. The apparent purpose of this Section was to require foreign corporations that purchased Illinois utility operations to continue to make the capital stock tax payments that had been required of Illinois corporations under Section 78 of the Revenue Act of 1939. Section 78 of the Revenue Act of 1939 was repealed effective 12/31/82, and while Section 7-202 of the Public Utilities Act purports to require continuing payments as long as the foreign corporation owns the Illinois utility operation, it is not clear that this requirement has any meaning in view of the elimination of the capital stock tax that Section 28a of the Public Utilities Act was intended to augment.
Commerce Commission	Public Utilities Act	220 ILCS 5/11-302	To furnish Public Counsel copies of all initial pleadings before Illinois Commerce Commission and copies of subsequent pleadings when it intervenes as a party.	The General Assembly did not appropriate funds for the operation of the Office of Public Counsel in FY94, and the Office has for practical purposes ceased to exist.
Commerce Commission	Universal Telephone Service Protection Law of 1985	220 ILCS 5/13-301.1(c)	Commission shall set rules and regulations to implement section no later than 180 days after 9/26/91.	Subsection (c) imposes a deadline for the adoption of Commission rules; the Commission has adopted rules at 83 Ill. Adm. Code 757.
Commerce Commission	Energy Assistance Act	305 ILCS 15/4.3(2) - 15/4.3(4)	Commission shall determine amount payable to each utility for shortfalls under the program for period ending 11/30/87. Within 90 days of effective date of Act shall initiate proceedings to determine shortfall amount payable from 12/1/87 thru 10/31/89. Shall require each utility to file report of their shortfall.	The actions required by these provisions have been performed and will not be required again, given the replacement of the Energy Assistance Act by the Energy Assistance Act of 1989 (305 ILCS 20).
Commerce Commission	Energy Assistance Act	305 ILCS 15/5 - 15/6	Commission shall require each public utility providing heating or electric service to compile such data as necessary to assess the program; commission shall assess the effects of the program. Commission is authorized to promulgate rules and regulations necessary to implement the programs.	Both Sections apply to the program created under Section 4.1 of the Energy Assistance Act, which was repealed effective January 1, 1991, and effectively replaced by the program implemented under the Energy Assistance Act of 1989.
Commerce & Community Affairs	Civil Administrative Code	20 ILCS 5/6.26	There is created a Commerce & Community Affairs Advisory Council with 18 members appointed by the Governor. The Director shall serve on the Council as an ex-officio member.	Superseded by Economic Development Board.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency Commerce & Community Affairs	Act	Statutory Reference	Statutory Requirement	Agency Comment
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.52	To award grants to community-based groups as defined in "An Act to provide for grants to community groups and to assist local government programs for gang control, amending certain Acts therein named." (30 ILCS 755)	Unfunded.
Commerce & Community Affairs	Economic Development Area Tax Increment Allocation Act	20 ILCS 620/1 - 620/11	Department shall receive applications from municipalities for economic development projects and shall certify those that qualify. Department shall report to the General Assembly on the number of projects it has approved and certified within 18 months from the effective date of this Act.	Responsibilities expired with 20 ILCS 620/5c.
Commerce & Community Affairs	Emergency Employment Development Act	20 ILCS 630/3(c)	Director shall provide administrative support services to the coordinator for the purpose of the program.	Unfunded.
Commerce & Community Affairs	Emergency Employment Development Act	20 ILCS 630/5(b)	Allocation of funds among eligible employers within each service delivery area shall be determined by the Private Industry Council for each such area according to the priorities which the Director, upon recommendation of the coordinator, shall by rule establish.	Unfunded.
Commerce & Community Affairs	Emergency Employment Development Act	20 ILCS 630/7(a)	Department shall publicize the program and shall provide staff assistance as requested by employment administrators in the screening of business and the collection of data.	Unfunded.
Commerce & Community Affairs	Export Trading Company Act	20 ILCS 650/8	Before January 1 each year the council shall provide a report to the General Assembly regarding number of applications, number approved, and number of jobs created and dollar value of export trade generated by each export trading company.	Act creating IL Export Council has been repealed.
Commerce & Community Affairs	Capitol City Planning Commission Act	20 ILCS 3920/1	Director shall serve on the Capitol City Planning Commission.	Unfunded.
Commerce & Community Affairs	Illinois Coordinating Committee on Transportation Act	20 ILCS 3925/3 - 3925/4	Director or designee shall serve on the Illinois Coordinating Committee on Transportation to foster the coordination of public and private transportation systems. Shall report to Governor and General Assembly on progress no later than 2-1-92.	Report was due 2-1/2 years ago.
Commerce & Community Affairs	Finance Act	30 ILCS 105/6b-3	To administer the State Housing Fund.	Unfunded.
Commerce & Community Affairs	Energy Assistance Act	305 ILCS 15/4.3(1)	Shall pay within 60 days, amount Commerce Commission shall determine payable for shortfall after November 30, 1987.	Unfunded. Payments to utilities in 1987 - 1989.
Commerce & Community Affairs	Energy Assistance Act of 1989	305 ILCS 20/10 - 20/11	Creates the AFDC energy assistance fund to assist families with energy payments. Fund is inoperable after September 30, 1991. Dept. shall promulgate rules to compensate providers.	
Commerce & Community Affairs	State Housing Act	310 ILCS 5/46	To approve Housing Authority's purchase of real estate or construction projects.	Unfunded.
Commerce & Community Affairs	State Housing Act	310 ILCS 5/46.1	To recall non - expended monies from enlisted Acts and deposit in special trust fund designated "The Housing Fund".	Unfunded.
Commerce & Community Affairs	State Housing Act	310 ILCS 5/46.1(b)	To invest monies from the Housing Fund in accordance with regulations.	Unfunded.
Commerce & Community Affairs	State Housing Act	310 ILCS 5/46.1(c)	To make allocations from the Housing Fund to Illinois Housing Development Authority.	Unfunded.
Commerce & Community Affairs	State Housing Act	310 ILCS 5/46.1(d)	Housing Fund monies may be used for expenses of implementing and administering federal programs.	Unfunded.
Commerce & Community Affairs	State Housing Act	310 ILCS 5/46.1(e)	Monies from the Housing Fund may be used for allocating, administering and auditing grants from the Housing Fund to the Local Housing Authority and Land Clearance Commission.	Unfunded.
Commerce & Community Affairs	Housing Development & Construction Act	310 ILCS 20/7	To report to the Governor on the status of funds of housing authorities and land clearance commissions which have received grants.	Unfunded.
Commerce & Community Affairs	Solid Waste Management Act	415 ILCS 20/6.2	Director or designee shall serve on the Developing Markets for Recyclable Materials Task Force. Task force shall study existence of markets for recyclable materials and report to General Assembly and Governor by 3/1/92 and a final report by 9/1/92, after which it is abolished.	See sunset date.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Comptroller	Fees and Salaries Act	5 ILCS 290/1 - 290/4	Sets the salary for the elected constitutional officers. Requires fees paid to State officers to be paid into the State Treasury and requires officers to provide the Governor with a semi-annual report on fees collected.	Salaries are set by the Compensation Review Board. In addition, there is no longer a provision for State officers to retain any fees collected, therefore the semi-annual report required by the statute appears to be obsolete.
Comptroller	Finance Act	30 ILCS 105/9a	Shall give reimbursement to employees who retired during FY78 but prior to June 30, 1978 who were not eligible for lump sum a payment equal to what they would have received had they been under a collective bargaining agreement.	This may be obsolete; however, the Comptroller's Office does not know if all payments are complete.
Comptroller	Public Welfare Transfer of Funds Act	30 ILCS 165/1	Upon sale of bonds for making permanent improvements at mental health and public welfare institutions owned by the State to provide for the payment of principal and interest, Comptroller shall compute and certify to the Treasurer the amount of principal/interest. Last day of each month, transfer from GRF to Public Welfare Building Bond Retirement/Interest Fund.	Appears to be obsolete.
Comptroller	University Building Transfer of Funds Act	30 ILCS 170/1	Bonds issued by universities for permanent improvements - Comptroller shall compute & certify to Treasurer the total principal & interest payable to retire the bonds. On last day of each month shall transfer needed amount.	Appears to be obsolete.
Comptroller	Fees & Salaries Act	30 ILCS 220/1	All fees collected shall be paid into the State Treasury. Shall semi-annually or on or before the first days of April and October, file a statement, under oath, with the Governor showing by items the amount of fees collected with the receipt of the Treasurer. ¹	Appears to be obsolete.
Comptroller	Anti-Pollution Bond Fund Transfer Act	30 ILCS 410/1	Comptroller shall compute & certify to the Treasurer the total amount of principal & interest of bonds issued under the Anti-Pollution Bond Fund Transfer Act.	Will be obsolete in the future. This Act provides for payment of principal and interest on bonds which will mature in 2009 or 2010. No more bonds will be issued under the Anti-Pollution Bond Act due to the enactment of the General Obligation Bond Act. A repealer provision should be included.
Comptroller	Fees and Salaries Act	55 ILCS 45/27.1	The monthly salary of the superintendents and assistant superintendents of schools shall be paid from the Common School Fund and shall be deducted from the amounts paid to the counties from this Fund.	This statute states the Comptroller deducts amounts from warrants paid to regional and assistant regional superintendents under this section before making his warrant to the county for any amount due from the Common School Fund. This deduction is done by the State Board of Education. We only process the voucher prepared by SBOE.
Conservation	Civil Administrative Code of Illinois (Part 13.5)	20 ILCS 805/63a.13	To erect, supervise and maintain all public monuments and memorials erected by State, unless otherwise provided by law. Shall (i) provide a site in Rock Cut State Park for the Winnebago County Vietnam Veterans' Memorial and (ii) allow the Vietnam Veterans' Honor Society to erect the memorial of an agreed design.	This statute gives the Dept. the responsibility ... to erect, supervise and maintain all public monuments and memorials erected by the State, except when the supervision and maintenance thereof is otherwise provided by law." With the creation of the Historic Preservation Agency in 1985, many of the monuments & memorials of the State went under its jurisdiction. At present, the Dept. of Conservation has jurisdiction over only a limited number of monuments & memorials. The Dept. suggests that this statute be revised to indicate that Conservation is responsible for the supervision & maintenance of only select, rather than all, public monuments & memorials.

¹This requirement was amended by Public Act 88-634.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Conservation	Civil Administrative Code of Illinois (Part 13.5)	20 ILCS 805/63a27	To sell gravel, sand, earth or other material from any State of Illinois owned lands or waters. The proceeds from such sales are to be deposited in the Wildlife and Fish Fund in the State Treasury. To sell for \$1 consideration to Lake County Forest District 25,000 yards of sand to construct a beach.	Section (b) of this statute directs the Dept. "...to sell to the Lake County Forest Preserve District 25,000 cubic yards of sand for the purpose of constructing a swimming beach upon receipt of \$1 in consideration." Section (b) was enacted in 1988 and the sale of sand to Lake County Forest Preserve District has occurred. No additional sales of sand to the District are planned or authorized by the Section (b). Thus, the Dept. believes Section (b) of this statute is obsolete.
Conservation	Civil Administrative Code of Illinois (Part 13.5)	20 ILCS 805/63a35	To print and issue stamps portraying the wildlife of the State. The fee for each stamp shall be \$5.00. Funds received are to be deposited in the Wildlife Conservation Fund.	This statute gives the Dept. the authority to issue a voluntary wildlife conservation stamp. The purchase of this stamp provides no privileges to the purchaser & the proceeds from the sales of the stamps and associated artwork are to be deposited in the Wildlife Conservation Fund. The Dept. has not issued a wildlife conservation stamp since the enactment of this legislation in 1983. With the recent enactment of the Habitat Stamp, the Dept. believes there is no longer a need for the voluntary wildlife conservation stamp.
Conservation	Civil Administrative Code of Illinois (Part 13.5)	20 ILCS 805/63b2.7	To expend money in the All-Terrain Vehicle Safety Act Fund to refund fees and other expenses associated with termination of the Act and direct Treasurer to transfer any remaining balance after July 1, 1991 to the Motor Fuel Tax Fund.	This statute discusses the disposition of funds remaining in the All-Terrain Vehicle Safety Act Fund following the repeal of the All-Terrain Vehicle Safety Act in 1991. The balance of the All-Terrain Vehicle Safety Act Fund has been transferred to the Motor Fuel Tax Fund as required by this statute.
Conservation	Lincoln Homestead Act	20 ILCS 815/1	To have control and custody of Lincoln monument and grounds.	20 ILCS 815/1 & 815/2 - These two statutes give the Department of Conservation control & custody of the Lincoln monument & grounds. When the Historic Preservation Agency was established in 1985, responsibility for the supervision & maintenance of the Lincoln monument was transferred to that agency. The statutes cited above should be amended to reflect this change.
Conservation	Lincoln Homestead Act	20 ILCS 815/2	To not permit custodian to accept any gifts or charge any admittance fee to the Lincoln grounds or monument. Dept. shall prepare for gratuitous distribution a small leaflet giving information on Lincoln.	20 ILCS 815/1 & 815/2 - These two statutes give the Department of Conservation control & custody of the Lincoln monument & grounds. When the Historic Preservation Agency was established in 1985, responsibility for the supervision & maintenance of the Lincoln monument was transferred to that agency. The statutes cited above should be amended to reflect this change.
Conservation	Capitol City Planning Commission Act	20 ILCS 3920/1	Director shall serve on Capitol City Planning Commission.	This statute establishes the Capitol City Planning Commission. This Commission does not exist and its responsibilities have been assumed by the Space Needs Commission, CDB and Springfield Planning Commission. Additionally, the Commission has no spending authority to enforce its responsibilities. The Dept. suggests that this statute be repealed.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Conservation	Wildlife Code of 1971	520 ILCS 5/2.18-1(b)	To designate areas limited to use of non-toxic shotgun pellets.	Authorizes the Dept. to restrict the use of lead shotgun pellets in the hunting of migratory waterfowl at specific sites. In order to protect the waterfowl resource, the Dept. by administrative rule, has also prohibited the use of lead shot for hunting upland game & doves at various sites used by migratory waterfowl. The statute, as currently written, addresses only the use of lead shot for hunting migratory waterfowl. The Dept. believes the statute should be revised to clarify our authority to prohibit the use of lead shot for other types of game birds in order to protect migratory waterfowl. This statute allows the Dept. to issue written permits to land owners & tenants to remove or destroy any wild bird or wild mammal, other than a game bird or migratory game bird, when such wild bird & mammal is known to be destroying property. As the population of birds such as the resident giant Canada goose expands, they are becoming more & more of a nuisance & in some instances are causing property damage. However, the Dept. lacks the authority to issue permits for the removal of such geese because they are migratory game birds. Other game birds also cause damage occasionally and we need authority to issue permits for their removal. Language should be added to the statutes to give the Department this authority. As part of this Act, fur buyers are required to submit an annual report to the Dept. showing the number and kinds of green hides of fur-bearing or game mammals received, collected or purchased. The law is now out of date because the required report must be filed by March 20 which is before all of the current hunting & trapping seasons are closed. The filing date specified in this statute should be revised to reflect the current closing dates of hunting & trapping seasons.
Conservation	Wildlife Code of 1971	520 ILCS 5/2.37	To grant permit, after investigation that a species of wildlife is damaging property, to remove or destroy species responsible.	As authorized persons allowing them to capture, band or collect, for scientific purposes, any of the fauna protected by the State's Wildlife Code. However, does not clearly define the Dept.'s authority for developing guidelines for the issuance of such permits. Given changes in scientific and wildlife rehabilitation practices & in the public's attitude toward wildlife rehabilitation, the Dept.'s authority in this area needs to be clarified & strengthened. Pertains to the management of the Illinois & Michigan Canal & was originally enacted when the canal was operated for commercial purposes. As a result, some aspects of the Act are out of date & should be revised. For example, Section 8 discusses the Dept.'s authority to establish tolls for passage through the canal; Section 13 discusses the Dept.'s annual report which is no longer required by State law; & Section 18 establishes a \$5 fine for riding a horse along the bank of the canal unless towing a boat.
Conservation	Wildlife Code of 1971	520 ILCS 5/3.20	Shall prescribe forms and receive report from all fur buyers showing the number and kinds of green hides of fur-bearing or game mammals received, collected or purchased and the average price paid. Report shall be made annually on or before March 20.	As part of this Act, fur buyers are required to submit an annual report to the Dept. showing the number and kinds of green hides of fur-bearing or game mammals received, collected or purchased. The law is now out of date because the required report must be filed by March 20 which is before all of the current hunting & trapping seasons are closed. The filing date specified in this statute should be revised to reflect the current closing dates of hunting & trapping seasons.
Conservation	Wildlife Code of 1971	520 ILCS 5/3.22	To grant scientific licenses to properly accredited persons and furnish appropriate forms for all reports.	As part of this Act, fur buyers are required to submit an annual report to the Dept. showing the number and kinds of green hides of fur-bearing or game mammals received, collected or purchased. The law is now out of date because the required report must be filed by March 20 which is before all of the current hunting & trapping seasons are closed. The filing date specified in this statute should be revised to reflect the current closing dates of hunting & trapping seasons.
Conservation	Illinois & Michigan Canal Management Act	615 ILCS 30/8	To manage and control the Illinois and Michigan Canal.	As part of this Act, fur buyers are required to submit an annual report to the Dept. showing the number and kinds of green hides of fur-bearing or game mammals received, collected or purchased. The law is now out of date because the required report must be filed by March 20 which is before all of the current hunting & trapping seasons are closed. The filing date specified in this statute should be revised to reflect the current closing dates of hunting & trapping seasons.
Criminal Justice Authority	Criminal Justice Information Act	20 ILCS 3930/10	To supersede powers/duties of Illinois Law Enforcement Commission with exceptions as listed in (a) and (b).	As part of this Act, fur buyers are required to submit an annual report to the Dept. showing the number and kinds of green hides of fur-bearing or game mammals received, collected or purchased. The law is now out of date because the required report must be filed by March 20 which is before all of the current hunting & trapping seasons are closed. The filing date specified in this statute should be revised to reflect the current closing dates of hunting & trapping seasons.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Development Finance Authority	Asbestos Abatement Finance Act	20 ILCS 3510/3(a) - (n)	The Authority has the following powers: adopt seal; maintain asbestos abatement sub-offices; sue and be sued; adopt by-laws, rules & regulations; employ personnel; maintain facilities; acquire real estate; contract; regulate asbestos abatement projects; purchase securities; make loans; issue bonds; establish funds; pledge security for bonds; (continued)	This is the Asbestos Abatement Finance Act. It is obsolete and should be repealed. We have never done any financing under this Act.
Development Finance Authority	Asbestos Abatement Finance Act	20 ILCS 3510/3(o) - 3510/3(u)	The Authority has the following powers (cont.): enter into governmental agreements; accept federal grants; charge fees; prescribe forms; acquire bond for cancellation, resale or reissuance; transfer or dispose of public corporation securities; carry out purposes of Act.	This is the Asbestos Abatement Finance Act. It is obsolete and should be repealed. We have never done any financing under this Act.
Development Finance Authority	Asbestos Abatement Finance Act	20 ILCS 3510/4 - 3510/5	Authority shall have discretion to purchase public corporation securities to further the accomplishments of the Act. Bonds issued shall be limited obligations of authority, not a debt of the State.	This is the Asbestos Abatement Finance Act. It is obsolete and should be repealed. We have never done any financing under this Act.
Development Finance Authority	Asbestos Abatement Finance Act	20 ILCS 3510/6 - 3510/8	Pledge of assets to secure bonds is valid and binding. Revenues pledged shall be held in custody of an Authority appointed trustee; bonds are tax exempt.	This is the Asbestos Abatement Finance Act. It is obsolete and should be repealed. We have never done any financing under this Act.
Development Finance Authority	Asbestos Abatement Finance Act	20 ILCS 3510/9	Lists criteria for conflict of interest for members and employees of Authority.	This is the Asbestos Abatement Finance Act. It is obsolete and should be repealed. We have never done any financing under this Act.
Development Finance Authority	Asbestos Abatement Finance Act	20 ILCS 3510/10	Books and accounts shall be kept in a manner approved by Auditor General and shall file with him an annual report. Shall also by March 1 of each year, file report with Governor, Secretary of State, Clerk of House of Representatives, and Economic & Fiscal Commission.	This is the Asbestos Abatement Finance Act. It is obsolete and should be repealed. We have never done any financing under this Act.
Development Finance Authority	Affordable Housing Act	310 ILCS 65/6(a)	Director or representative shall be a member of the Illinois Affordable Housing Advisory Commission. Shall receive no compensation reimbursed for expenses. Shall meet at least quarterly.	An advisory council of which we do not need to be a member.
Development Finance Authority	Affordable Housing Act	310 ILCS 65/6(e)	Duties - IL Affordable Housing Advisory Committee: Study availability of affordable low income housing; develop plan for additional housing; encourage collaboration between government agencies; solicit funding sources; develop priorities for trust fund and recommend to program administrator; review priorities; monitor allocation of funds; recommend legislation to the General Assembly.	An advisory council of which we do not need to be a member.
Eastern Illinois University	School Code	105 ILCS 5/2 - 3.23	Shall submit a report to the State Board of Education as it may require with a full exhibit of the affairs of the university.	University reports to Board of Governors & IBHE; not BOE - old mandate.
Eastern Illinois University	School Code	105 ILCS 5/27 - 9	Curriculum shall contain courses in methods and materials for teaching physical education to teachers.	Programmatic
Education, State Board of	School Code	105 ILCS 5/2 - 3.21 - 3/2 - 3.22	The ISBE will remit the forfeiture of the School Fund by any township which has failed to prepare the reports required by law. The ISBE will require the State Comptroller to not release funds due the Regional Superintendent of Schools, until the required records have been provided.	SB 937, PA88-89 amended Section 3-9 of the School Code to provide that "funds due to local school districts shall be disbursed by direct electronic transfer..." in every instance possible, in effect bypassing regional superintendents.
Education, State Board of	School Code	105 ILCS 5/2 - 3.38	The ISBE will hear and decide appeals under Section 14-8.02 of the School Code.	Conflicts with federal requirements.
Education, State Board of	School Code	105 ILCS 5/2 - 3.42	The ISBE will prepare procedures and materials to encourage and assist local school districts to develop minimal competency testing programs by 12/15/78 and report to General Assembly by 6/30/80.	All completed in 1980.
Education, State Board of	School Code	105 ILCS 5/2 - 3.43	The ISBE will make grants available to qualifying school districts and educational regions for the implementation of computer literacy programs.	Completed - no additional funding.
Education, State Board of	School Code	105 ILCS 5/2 - 3.52	To conduct a review and study of individuals in their first year of teaching in order to design a program to provide support to these people. Study results shall be submitted to the Governor and General Assembly on or before 4/1/86.	Study required by statute completed 4/86.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Education, State Board of	School Code	105 ILCS 5/2-3.61	To provide summer school grants to qualifying school districts enabling "gifted students" and those in need of remedial education to attend summer school for free.	Not funded in recent years.
Education, State Board of	School Code	105 ILCS 5/2-3.67	In consultation with State Teacher's Certification Board, shall report to the General Assembly by March 1, 1986 with suggested changes in the revocation or suspension of teaching certificates.	Report required completed 3/1/86.
Education, State Board of	School Code	105 ILCS 5/2-3.79	May enter into contracts to establish model pilot programs which provide services to handicapped children from birth to the age of 3 years. A report shall be submitted by January 1989, analyzing results of the pilot program & recommendations for existing and proposed programs.	PA 87-680 supersedes this law. Obsolete now.
Education, State Board of	School Code	105 ILCS 5/2-3.83	Establishes a model pilot program for multi-agency informal assessment of exceptional children exiting regular schools and provides for several programs which will assist the student in his transition to adult services, including employment education or training & residential independent living.	Replaced by a 1990 law on Interagency Coordinating Council.
Education, State Board of	School Code	105 ILCS 5/2-3.88	Shall develop a universal symbol for Community Block Home Programs; develop a model application form; with Department of State Police to provide information concerning program; develop a Model Community Block Home Program; encourage monitoring and evaluation of programs.	Did student contest for logo -- program transferred to State Police.
Education, State Board of	School Code	105 ILCS 5/2-3.90	After consultation with private & public higher education institutions in cities over 500,000, State Board shall study & make recommendations to General Assembly on ways to improve teacher training in the public school systems of such cities. Shall report by January 1, 1990.	Study required by statute completed 1/1/90.
Education, State Board of	School Code	105 ILCS 5/12-21	To approve a high school in an adjoining state and pay tuition for a high school or eighth grade student living in an area where no high school of this State is readily accessible.	Law never used/utilized. Not applicable. Obsolete.
Education, State Board of	School Code	105 ILCS 5/14A-7	To maintain a consulting staff of persons qualified by personality and experience to provide consultative assistance.	Not needed since formulation of ESC's and their service requirements for gifted education.
Education, State Board of	School Code	105 ILCS 5/21-26	In consultation with the State Teacher Certification Board shall conduct a study & analysis of teacher education trends in Illinois and report to the General Assembly on or before March 1, 1986.	Study required by statute completed 3/1/86.
Education, State Board of	School Code	105 ILCS 5/27-7	To prepare and make available physical education courses and training as guides for various grades and types of schools in the school districts.	School accountability legislation -- schools develop their own outcomes.
Education, State Board of	1985 School District Reorganization Act	105 ILCS 220/1-220/9	To supervise and promulgate the reorganization of the existing school districts of this State and submit annual reports to the General Assembly and Governor.	Was completed in 1988.
Employment Security	Civil Administrative Code	20 ILCS 5/6.28-5/7.01	Creates a board of unemployment compensation and free employment office advisors, composed of nine persons: 3 from employee class; 3 from employing class; and 3 from neither class.	Obsolete wording. Needs updating to be consistent with 820 ILCS 405/1703.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.01	To exercise the powers and duties vested by law in the superintendents, general advisory boards, other officers and employees of free employment offices to advance opportunities for profitable employment.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.03-1005/43a.04	To collect, collate, assort, systematize and report statistical details relating to all departments of labor and manufacturing industries and commerce.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.05	To acquire and spread among the people information on labor related subjects.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.07	To acquire information and report upon the production and other conditions of the State's major industries.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.08	To acquire and report information concerning the employment situation and other facts important to the State's industrial interests.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.09	To administer the provisions of the "Unemployment Compensation Act" (820 ILCS 405/100) as they relate to the Director of the Department of Employment Security.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.10	To transfer jurisdiction of any dept. controlled realty to any other state department or to obtain federal lands when such transfer, acquisition or acceptance is advantageous to the State and approved by the Governor.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.11	To foster, promote and develop the welfare of wage earners.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.12	To make available through the Department's offices a listing of all area summer employment available for youth.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Civil Administrative Code of Illinois (Part 6)	20 ILCS 1005/43a.13	To enter into contracts which may provide for payment of negotiated royalties, licensing fees or other compensation to Department.	Obsolete. The wording contained in these statutes needs revision to more clearly define the powers of the agency.
Employment Security	Public Employment Office Act	20 ILCS 1015/1	Provides for establishment and maintenance of free employment offices subject to location standards.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/1a	Shall advise and cooperate with Bureau of Labor Statistics, Department of Labor and others, to find causes of unemployment and devise remedies.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/1c	With Bureau of Labor Statistics shall promote employment, utilize Labor Force, and enlist aid of federal government for activities beyond state.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/1d	Establish procedures for employment of discharged prisoners with cooperation of Department of Public Welfare.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/3	No personal records held by employment offices will be open to public inspection at any time.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/3 - 1015/4	With Bureau of Labor Statistics, shall open offices, register applicants, make reports, collect data as required by Bureau of Labor Statistics.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/5	Department shall maintain communications with principal manufacturers and employers to advise applicants of employment offices of possible employment.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/7	Any officer or employee of a free employment office who accepts compensation from applicant shall be guilty of Class C misdemeanor.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/8.1	Establishes conditions under which seasonal farm workers may be recruited and conditions of recruitment of such workers.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/8.2	Farm workers shall be provided with summary of laws of State relevant to employment in language of worker.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/8.3	Each officer shall report to Attorney General violations of Section 8.1 and 8.2 and such violations are punishable as Class A misdemeanor.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Public Employment Office Act	20 ILCS 1015/14	Duty to cooperate with Department of Rehabilitation Services for job placement and referral of its clients.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Employment Security	Public Employment Office Act	20 ILCS 1015/15	Duty to provide service to any entity providing services under 325 ILCS 25 and Section 12-4.29 of Illinois Public Aid Code for job testing, placement and referral.	Obsolete. The wording contained in these statutes needs updating and its provisions made consistent with the provisions contained in 820 ILCS 1705.
Employment Security	Defense Contract Employment Discrimination Act	775 ILCS 20/1 - 20/7	To enforce the prosecution of any violation, upon its filing, pertaining to the Defense Contract Employment Discrimination Act.	The provisions of this 1941 Act pertain to wartime contractors. The Human Rights Act also apparently supersedes this statute.
Energy & Natural Resources	State Museum Construction Act	15 ILCS 315/1	Dept. of Public Works and Buildings is directed to construct a building on a site in Springfield for the Illinois State Museum.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/9	Duty to operate revolving loan program to partially finance new coal burning facilities with assistance of Board.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/9	Department shall administer Illinois Industrial Coal Utilization Program to increase use of Illinois coal and make loans to qualifying projects.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/9(1) - 1105/9(2)	Accept grants and monies from federal government; make loans from various funds not to exceed lesser of \$4,000,000 or 60% of cost.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/9(3) - 1105/9(4)	Establish interest rates, terms of repayment, and application for financial aid to applicant or successor.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/10	Evaluate applications to Illinois Industrial Coal Utilization Board program for loans according to criteria set forth and make available to Illinois Coal Development Board.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/11	Authority to establish and accept all monies from the Illinois Industrial Coal Utilization Program and deposit into the General Fund of the State Treasury.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/12	Take action to protect State in case of default, foreclosure or noncompliance, individual power to sue, lease or dispose of as it sees appropriate.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/13	Shall have authority to promulgate rules and regulations as are necessary to carry out the purposes of the Illinois Industrial Coal Utilization Program.	No funds available.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/14(a)	Within Department, shall establish the Illinois Superconductivity Coordinating Council, composed of nine members with Director or designee as chairman. Shall meet at least twice a year and members shall be paid for expenses.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/14(b)(1) - (7)	Council shall have the following duties: support projects & staff; enhance network for university industries federal interaction; establish database and disseminate information on research; to identify commercial opportunities for Illinois business; conduct workshops, distribute brochures; report annually to Governor and General Assembly.	Unfunded.
Energy & Natural Resources	Natural Resources Act	20 ILCS 1105/14(b)(8) - (13)	Council shall have the following duties: maximize use of research facilities; strengthen research; coordinate research efforts; adopt guidelines; review expenditure of monies; publish results.	Unfunded.
Energy & Natural Resources	Science Advisory Council Act	20 ILCS 4025/1	Chiefs of the Natural History and Geological and Water Surveys shall be members of the Science Advisory Council.	No Science Advisory Council has been active for at least 18 years. Required public members of the body have not been appointed in the last 18 years. Duties of the Science Advisory Council are duplicated by, and have been supplanted by the Governor's Science Advisory Committee which is organized by executive order.
Energy & Natural Resources	Rural Economic Development Act	30 ILCS 710/2-3 - 710/2-4	Shall administer a program demonstrating various alternative energy or energy conservation technologies appropriate to rural areas of State. Shall provide educational materials, information and technical assistance to support Energy Conservation Program to assist rural populations overcome economic problems of high energy cost.	Program completed in 1989.
Energy & Natural Resources	Conservation Education Act	105 ILCS 415/3	Director shall serve on an advisory board under conservation education. May be reimbursed for expenses.	1957 statute is outdated and needs to be revised (not repealed).

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Energy & Natural Resources	Energy Assistance Act of 1989	305 ILCS 20/5	Creates the policy advisory council comprised of directors of DCCA, ENR, Public Aid and chairman of the Commerce Commission or their designees, plus nine persons appointed by Governor and six by director of DCCA. Lists Councils' duties. Director shall serve on the Hazardous Waste Advisory Council.	Council was never appointed. The Governor, by executive order, organized a Science Advisory Committee and a coordinating council which serves this role. Council sunset in 1987.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/5.1	Department shall conduct study of effects of all State and federal sulfur dioxide regulations and emission standards on use of Illinois coal and fuels, and file reports with Governor and General Assembly biennially.	Intent covered by 20 ILCS 1105/8e4.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/6.1	Department shall conduct study of underground injection of hazardous wastes and whether underground injection is an appropriate method of disposal and report to Governor and General Assembly by July 1, 1985.	Study completed.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/6.2	By February 1, 1990, the Department shall report to the Governor & General Assembly regarding recovery and recycling of chlorofluorocarbons from motor vehicles and refrigerating equipment and make recommendations for recovery and recycling. Department shall determine whether to conduct an economic impact study after Pollution Control Board adopts regulations identical to federal regulations regarding water pollution. ¹	Study completed.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/9.7(b)	Department shall identify and assist in developing alternative processing and recycling options for used batteries.	ENR reference repealed 7/1/92.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/13.3	Department shall identify and assist in developing alternative processing and recycling options for used batteries.	This reference is obsolete since 20 ILCS 1105/16 created the Battery Task Force. Also, manufacturers of batteries have lowered the mercury content significantly so there is no market or incentive for recycling batteries. Report submitted 9/1/92.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/22.23(g)	Department shall identify and assist in developing alternative processing and recycling options for used batteries.	Report submitted 7/1/93.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/22.27(a)	Shall cooperate with EPA to conduct investigation and report to General Assembly by 9/1/92.	Completed 3 studies.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/22.28(g)	Creates the White Goods Task Force with Director as co-chair. Shall make recommendations to Governor and General Assembly by 7/1/93.	Report submitted 7/1/93.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/22.9	Shall complete a study of the benefits and feasibility of establishing a system of classifying and regulating special wastes according to their degree of hazard. (Report July 2, 1985. Board to act by December 31, 1990)	Completed 3 studies.
Energy & Natural Resources	Environmental Protection Act	415 ILCS 5/28(a)	Any person filing with the Pollution Control Board a written proposal for the adoption, amendment or repeal of regulations shall also file a copy with EPA and this Department.	ENR no longer directly involved in Pollution Control Board regulations.
Energy & Natural Resources	Solid Waste Planning and Recycling Act	415 ILCS 15/8(c) - 15/8(d)	Dept. shall, pursuant to appropriation, make grants from the solid waste management fund to municipalities with an approved pilot recycling program. Such grants shall be limited to 50% of the project costs, not to exceed \$50,000 per project. No more than 25 pilot recycling project grants may be made pursuant to this section.	16 pilots were conducted.
Energy & Natural Resources	Solid Waste Planning and Recycling Act	415 ILCS 15/8.5	Shall conduct a workshop regarding feasibility and methods of recycling in high-rise residential and office buildings with explanation of available financial assistance. Shall report before 7-1-94 to G.A. on volume of materials collected and costs associated with such projects compared to other collection methods.	Workshops done. Report being completed.

¹This requirement was amended by Public Act 88-45.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/6a(1) - 20/6a(4)	Work with consumer groups and trade associations to develop logos, criteria, education and awareness campaigns and educational materials for elementary schools.	This legislation is obsolete & unnecessarily burdensome. There has been no progress towards developing a nationally recognized logo for recyclability nor has anything approaching a clear cut direction been offered recently by nationally based consumer groups and trade associations. Recycling groups such as the National Recycling Coalition have been unable to reach consensus on a nationally recognized recycling logo. The Dept. continues to promote public education on the procurement of recycled - content products. However, ENR has neither the staff nor the finances to address the requirements of this legislation. Report submitted 1/1/91.
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/6.1	Establishes Advisory Task Force on Degradable Plastics consisting of Directors of ENR, EPA, Agriculture, DCCA and others appointed by Director of ENR to study feasibility of requiring industry and consumer products to be degradable. Shall report findings and proposed legislation to Governor and General Assembly by 1/1/91 and then shall be abolished.	Reports submitted 3/92 & 9/92.
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/6.2	Director or designee shall serve and appoint members to the Developing Markets for Recyclable Materials Task Force to study existing markets. Shall report to Governor and General Assembly by March 1 and again September 1, 1992, after which it shall be abolished. Shall provide technical and clerical support to task force.	Report submitted 7/89.
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/7	By 7/1/89 the Department shall submit a report to the Governor and General Assembly on waste reduction and with other agencies shall develop and conduct an education program for solid waste management and recycling for the general public, business and government, educators and students and exchange technical information.	Report submitted 3/89.
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/7	By March 1, 1989 the Department shall prepare a report on distributing and marketing landscape waste compost from sites operated by local governments which shall focus on retail sale of bagged compost at the site or distribution centers to wholesalers for resale.	Report submitted 11/1/91.
Energy & Natural Resources	Solid Waste Management Act	415 ILCS 20/7.1	Shall conduct a study to develop waste paint disposal options for small businesses and an education program to inform them of options. Shall report to Governor and General Assembly by 11/1/91.	Addressed by Degradable Plastics Task Force. Final report filed 3/91.
Energy & Natural Resources	Degradable Plastic Act	415 ILCS 80/3	Department, in cooperation with EPA, shall undertake a research effort to evaluate degradation process and environmental impact of degradable plastic and propose to Pollution Control Board landfill practices to promote degradation of degradable plastic containers. Conduct study for evaluation of recycling, incineration and waste reduction programs.	Addressed by Degradable Plastics Task Force. Final report filed 3/91.
Energy & Natural Resources	Degradable Plastic Act	415 ILCS 80/4	Dept. shall study feasibility of developing new products from degradable plastics, and the economic impact of requiring some industrial and consumer goods be made from degradable products.	Addressed by Degradable Plastics Task Force. Final report filed 3/91.
Energy & Natural Resources	Recycled Newsprint Use Act	415 ILCS 110/2009	After January 1, 1992, shall conduct a survey of paper industry to assess availability, quality, and market for recycled content papers. Shall report its findings to General Assembly before July 1, 1992.	Report filed 7/1/92.
Environmental Protection Agency	Natural Resources Act	20 ILCS 1105/16	Director shall serve on the Battery Task Force to review, evaluate and compare existing battery management & collection systems. Shall report to Governor and General Assembly by 4/1/93.	The statute established a Battery Task Force that included the Director of EPA. The Battery Task Force I have been informed by the Department of Energy & Natural Resources that the report has been completed & is currently being printed for distribution.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Environmental Protection Agency	Industrial Hygienists Licensure Act	225 ILCS 52/50	Within 90 days from effective date all required shall register with agency. Registration fee is required to be deposited into industrial hygiene regulatory and enforcement fund. Section is repealed 6 months after effective date (8/20/93).	Repeated by its own terms 6 months after August 20, 1993.
Environmental Protection Agency	Environmental Protection Act	415 ILCS 5/19.7	Shall prepare a survey by January 1, 1992 to determine the need for additional treatment works and use of fund.	Outdated; survey was completed by 1/1/92.
Environmental Protection Agency	Environmental Protection Act	415 ILCS 5/22.9(d)	Agency shall make determinations of special waste status on request within 60 days of receipt on whether the waste would pose a present or potential threat to health or the environment.	This section became obsolete when 35 Ill. Adm. Code 808.100 was adopted.
Environmental Protection Agency	Environmental Protection Act	415 ILCS 5/55.2	Not later than July 1, 1990, agency shall propose regulations which prescribe standards for the storage, disposal, processing & transportation of used & waste tires.	The Illinois Pollution Control Board fire regulations have been promulgated (35 Ill. Adm. Code 848).
Environmental Protection Agency	Solid Waste Management Act	415 ILCS 20/6.1	Establishes the Advisory Task Force on Degradable Plastics consisting of the Directors or their designees of EPA, ENR, Agriculture, DCCA & 11 members appointed by the Director of ENR to study the feasibility of requiring industry & consumer products to be degradable. Shall report to Governor & General Assembly by 1/1/91, after which it shall be abolished.	Report has been filed.
Environmental Protection Agency	Solid Waste Management Act	415 ILCS 20/6.2	Director or designee shall serve on the Developing Markets for Recyclable Materials Task Force. Task Force shall study existence of markets for recyclable materials and report to General Assembly and Governor by March 1, 1992 and a final report by September 1, 1992, after which it shall be abolished.	Report has been filed.
Environmental Protection Agency	Release of Genetically Engineered Organisms Act	430 ILCS 95/6	Within 6 months, EPA shall enter into a memorandum of understanding with Department of Agriculture setting forth procedures & responsibilities to avoid duplication.	This section required a memorandum of understanding between IEPA and IDOA as to each Agency's responsibilities under the Genetically Engineered Organisms Act. This Memorandum of Agreement has been adopted.
Financial Institutions	Commissioner of Banks and Trust Companies Act	20 ILCS 3205/8 - 3205/9	To transfer all persons employed in its banking division as of Dec. 31, 1966 and all related documents to the Office of the Commissioner of Banks and Trust companies on January 1, 1967.	
Fire Marshal	State Fire Marshal Act	20 ILCS 2905/1	Governor. Shall have a Division of Fire Protection which shall assume the duties of the Division of Fire Protection in the Department of Law Enforcement & a Division of Personnel Standards & Education which shall assume the duties of the Illinois Fire Protection Personnel Standards & Education Commission.	Contains language that is now obsolete. While the statute and its purpose is not obsolete, the terms Executive Director and division are obsolete.
Fire Marshal	State Fire Marshal Act	20 ILCS 2905/2	To keep record of all fires occurring in the State.	Keeping records of fires duplicates 425 ILCS 25/6.
Fire Marshal	State Fire Marshal Act	20 ILCS 2905/2	To exercise powers/duties of Boiler & Pressure Vessel Safety Act.	Boiler & Pressure Vessels Safety reference duplicates 430 ILCS 75.
Fire Marshal	State Fire Marshal Act	20 ILCS 2905/2	To administer Illinois Fire Protection Training Act.	The Fire Prevention Training Act duplicates 50 ILCS 740.
Fire Marshal	Fireworks Regulation Act	425 ILCS 30/16	To issue certificate of registration to fireworks plant upon satisfactory inspection.	Definitions of fireworks (with exclusions for certain types of devices) create certain workability and enforceability problems. Overlapping regulation with Mines & Minerals and Alcohol, Tobacco & Firearms coupled with the lack of production of Class C devices in this State and the United States make an otherwise useful and necessary statute an enforceability problem. The statute should be amended so that all fireworks are subject to regulation.
General Assembly - House	General Assembly Staff Assistants Act	25 ILCS 160/1a - 160/2	Staff assistants shall be provided for General Assembly as necessary, 1/2 for each assembly, designated and assigned as provided for by the various Leaders.	

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
General Assembly - House	Pension Code	40 ILCS 5/2-148(1)	The Speaker of the House shall indicate in addition to other things: the amount of contributions to be deducted from the salary of each participant included in each voucher.	
General Assembly - Senate	Minority Males Act	20 ILCS 4000/3 - 4000/5	President and minority leader of Senate shall appoint two persons each to a task force to study social and economic issues concerning minority males. Task force shall deliver before 3-1-93 a written report on its findings and recommendations to the General Assembly.	Report issued, statute no longer relevant.
General Assembly - Senate	Local Government Fiscal Practices Act	25 ILCS 45/5	General Assembly standing revenue committees shall hold hearings, undertake a study and provide recommendations on reform and standardization of local government fiscal practices to General Assembly by 9-3-92.	Study completed, statute no longer relevant.
General Assembly - Senate	Local Government Fiscal Practices Act	25 ILCS 45/10	Hearings, undertake study and provide recommendations to General Assembly no later than 12/31/92 to establish system and determine criteria for sunset of various types of local governments.	Recommendations made, statute no longer relevant.
General Assembly - Senate	State Printing Contracts Act	30 ILCS 515/24 - 515/26	Printing for either House of the General Assembly shall be subject to its control. Any printing that the Legislative Printing Unit is unable to perform may be purchased through CMS. Printing for General Assembly shall be timely. Form, manner, style, size & arrangement of type shall be provided in the Joint Rules of the General Assembly.	General Assembly does own printing.
General Assembly - Senate	State Printing Contracts Act	30 ILCS 515/28 - 515/29	Shall prepare & deliver to Legislative Printing Unit matter for the House & Senate Journals & make copies available to State offices and subscribers for reasonable fee.	General Assembly does own printing.
Governor	Official Bond Act	5 ILCS 260/2	It shall be the duty of the Governor, on or before the 1st day of January and July each year, and at such other times as in his opinion the interests of the State demand it, to examine and inquire into the sufficiency of the official bonds.	State is now self-insured (see 5 ILCS 260/14.1)
Governor	Attorney General Act	15 ILCS 205/2	If the Governor shall deem any bond filed by the Attorney General insufficient he may require additional bond.	State is now self-insured (see 5 ILCS 260/14.1)
Governor	Secretary of State Act	15 ILCS 305/1	To approve the bonds and sureties the Secretary of State gives before entering upon the duties of the office.	State is now self-insured (see 5 ILCS 260/14.1)
Governor	State Treasurer's Act	15 ILCS 505/1	To approve the bonds given by the Treasurer, before the Treasurer may enter upon the duties of the office.	State is now self-insured (see 5 ILCS 260/14.1)
Governor	State Treasurer's Act	15 ILCS 505/3	Whenever the Governor shall deem any bond filed by the Treasurer insufficient, he may require additional bonds.	State is now self-insured (see 5 ILCS 260/14.1)
Governor	State Treasurer's Act	15 ILCS 505/6	To order the Treasurer to be prosecuted whenever the condition of the bond of the Treasurer is broken.	State is now self-insured (see 5 ILCS 260/14.1)
Governor	Civil Administrative Code	20 ILCS 5/15	All official bonds required to be executed and filed pursuant to this Section shall be executed with security to be approved by the Governor and in such penal sum as shall be fixed by the Governor.	State is now self-insured (see 5 ILCS 260/14.1)
Governor	Civil Administrative Code	20 ILCS 5/6.26	Governor shall appoint 18 persons to the Commerce and Community Affairs Advisory Council, one of whom shall be a senior citizen over age 60, prominent in Illinois commerce and community affairs. Governor shall give due consideration to the representation of various rural and urban communities. Governor shall designate 1 person as chairman of the Council.	This council was replaced by the Illinois Economic Development Board (20 ILCS 3965/0.01 et. seq.)
Governor	Emergency Employment Development Act	20 ILCS 630/3	The Governor shall appoint an Illinois Emergency Employment Development coordinator to administer this Act.	This bill passed effective in 1986, but has never been funded or appointed.
Governor	Anti-Crime Advisory Council Act	20 ILCS 3910/1	Governor shall appoint one person to serve on the Illinois Anti-Crime Advisory Council who shall be reimbursed for expenses.	Enacted in 1984, but never funded or appointed.
Governor	Capitol City Planning Commission Act	20 ILCS 3920/1	Governor shall serve on the Capitol City Planning Commission.	Responsibilities transferred to CDB. Inactive since 1988.
Governor	State Parks Revenue Bond Act	30 ILCS 380/3	Governor shall appoint four persons to serve on the Commission. Governor shall serve on the State Parks Revenue Bond Commission. Governor shall appoint three other members.	Inactive. Duties are performed by CDB.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Governor	Northeastern Illinois Planning Act	70 ILCS 1705/37.2	Governor shall appoint two members to the Illinois - Indiana Bi-State Commission.	Inactive. Created in 1973, but never enacted in Indiana.
Governor	East St. Louis Area Development Act	70 ILCS 505/5	Governor shall appoint one of the nine members of the East St. Louis Development Authority, by and with the advice and consent of the Senate. If the Senate is not in session when the appointment is made, the Governor shall make a temporary appointment as in the case of a vacancy.	Inactive. Responsibilities assumed by Southwestern Illinois Development Authority.
Governor	School Code	105 ILCS 5/34 - 8.5	Creates the Chicago Learning Zone Advisory Committee comprised of Governor, Supt. of Education, President of Board of Education, Mayor of Chicago, President/Minority Leader of Senate, Speaker/Minority Leader of House. Governor shall appoint 9 additional members & designate chairperson; lists duties; report to Governor & General Assembly, Chicago Board of Education & Chicago Financial Authority with recommendations 1/1/94.	This committee completed its task and is now defunct.
Governor	Baccalaureate Savings Act	110 ILCS 920/11	Appoint members to the Baccalaureate Trust Authority.	This authority finished its task. Similar functions now done by Bureau of the Budget.
Governor	Developmental Disability and Mental Disability Services Act	405 ILCS 80/1 - 5	Shall, with assistance of chairperson of council, appoint an advisory committee to develop a developmental disability service implementation plan, composed of council members and representatives of each state agency, local government and other organizations concerned with such services. Governor is responsible for completion of implementation plan by 1/1/90.	Committee is now defunct. All remaining functions absorbed by other entities.
Governor	Beekkeepers' Commission Act	510 ILCS 25/1	Governor shall appoint four members to the Beekkeepers' Commission.	Beekkeepers' Commission is defunct. It last met 30 years ago.
Governors State University	Finance Act	30 ILCS 105/10	When an appropriation has been made, vouchers for the ordinary and contingent expenses of the University are to be certified and sealed by the chairman and secretary of the Board of Governors for presentation to the Comptroller.	Merely an extra step.
Governors State University	State Universities Civil Service Act	110 ILCS 70/36b - 70/46	Creates the University Civil Service System; establishes Merit Board; lists its duties; defines coverage; lists rules and regulations for examinations, appointments, seniority, promotions, transfers, demotions, and discharges.	The system does not reflect the changes in technology, business climate, labor climate. Fails to recognize changes in work environment.
Insurance	Civil Administrative Code (Part 11.5)	20 ILCS 1405/56.1	Dept. shall cooperate and provide consultation with Public Health in feasibility study of child health insurance plan.	Study completed.
Insurance	Illinois Insurance Code	215 ILCS 5/480.3	The director shall examine such application for license to act as a rating organization and other related documents.	It has not been reinstated.
Insurance	Illinois Insurance Code	215 ILCS 5/482.1	The director shall adopt rules and statistical plans adopted to the different rating systems used for the use of the company in the recording and reporting of its loss and countrywide expense experience.	It has not been reinstated.
Insurance	Illinois Insurance Code	215 ILCS 5/483.1	The director shall at least once every 5 years make or cause an examination of each licensed rating organization.	It has not been reinstated.
Insurance	Illinois Insurance Code	215 ILCS 5/484.2	If after the examination of the entity the Director believes entity doesn't comply with requirements and standards of the article, he shall notify entity of the problem and give 10 days to correct.	It has not been reinstated.
Insurance	Pharmaceutical Service Plan Act	215 ILCS 135/14	Director shall regulate and supervise the participating pharmaceutical service plan corporations as provided for in this Act.	There are no plans chartered under this Act & Subsection 135/14.1 prohibits new plans, so the entire Act may be repealed.
Insurance	Pharmaceutical Service Plan Act	215 ILCS 135/22	Director shall approve amendments to the charter, he may authorize solicitation to fill contracts; to charge rates or solicitation different from the existing provided such contracts and practices are in compliance with the Act and not in violation of other State laws.	There are no plans chartered under this Act & Subsection 135/14.1 prohibits new plans, so the entire Act may be repealed.
Insurance	Pharmaceutical Service Plan Act	215 ILCS 135/23	Director may revoke after hearing any charter, certificate, order, consent or authority for fraud or unfair practices.	There are no plans chartered under this Act & Subsection 135/14.1 prohibits new plans, so the entire Act may be repealed.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Insurance	Pharmaceutical Service Plan Act	215 ILCS 135/25	Director shall have power of examination relative to insurance companies by section 132 and 132.1 of IL insurance code, the cost shall be borne by the corporation examined.	There are no plans chartered under this Act & Subsection 135.1 prohibits new plans, so the entire Act may be repealed.
Insurance	Pharmaceutical Service Plan Act	215 ILCS 135/26	Director shall approve the subscribers rate for each type contract before corporations may enter into contracts.	There are no plans chartered under this Act & Subsection 135.1 prohibits new plans, so the entire Act may be repealed.
Insurance	Pharmaceutical Service Plan Act	215 ILCS 135/27	Director shall approve all subscription certificates, applications, riders and endorsements in connection with issuance or renewal. Duty of director to withhold approval if it violates any provision of IL Insurance Code, sections 143, 355 and 355a.	There are no plans chartered under this Act & Subsection 135.1 prohibits new plans, so the entire Act may be repealed.
Insurance	Pharmaceutical Service Plan Act	215 ILCS 135/35	Director shall require an annual statement of the financial condition and business transactions for the year by March 1, for previous year in a form prescribed by the director and may also require information from corporation or its officers on any matter connected with its transactions.	There are no plans chartered under this Act & Subsection 135.1 prohibits new plans, so the entire Act may be repealed.
Insurance	Pharmaceutical Service Plan Act	215 ILCS 135/45	All final decisions of the director are subject to judicial review only under and in accordance with the administrative review law.	There are no plans chartered under this Act & Subsection 135.1 prohibits new plans, so the entire Act may be repealed.
Labor	Civil Administrative Code (Part 5.5)	20 ILCS 1505/43.01	To exercise the rights, powers and duties vested by law in the commissioners of labor, the secretary, other officers and employees of said commissioners of labor.	This mandate gives IDOL the authority to exercise the rights, powers, and duties vested by law in the commissioners of labor, the secretary and other officers of said commissioners. This mandate is obsolete. The title of Commissioner of Labor has not existed within the agency for several years.
Labor	Civil Administrative Code (Part 5.5)	20 ILCS 1505/43.03 - 1505/43.07	To exercise powers and duties vested by law in the chief inspector of private employment agencies and factory inspections, state board of arbitration and conciliation. To foster, promote and develop the welfare of wage earners.	This statute gives IDOL the authority to exercise the rights, powers and duties vested by law in the chief inspector of private employment agencies, inspectors and their officers. IDOL has not conducted inspections of private employment agencies because of a lack of funding and inspectors to do the work. The title of Chief Inspector is obsolete and no longer exists within the agency. This mandate also gives IDOL the power to inspect factories and the authority to exercise the rights and duties of the Chief Factory Inspector. The Department does not conduct inspections within any private sector business. This is done by the federal government through OSHA. This statute is obsolete and duplicative. This mandate also gives IDOL the authority to exercise the powers vested in the State Board of Arbitration and Conciliation. This board no longer exists and has not been utilized by IDOL for several years. This statute is obsolete.
Labor	Wages of Women & Minors Act	820 ILCS 125/3	Department shall have full power and authority to investigate and ascertain wages of women and children; to enter workplace of employer to examine records; require in writing statements of wages paid to women and minors.	This mandate (Wages of Women & Minors Act) requires that IDOL investigate and ascertain the wages of women and minors employed in any occupation in the State. All responsibilities outlined in this Act are currently being administered and enforced within the Minimum Wage and Overtime Law. This statute is obsolete and duplicative.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Labor	Wages of Women & Minors Act	820 ILCS 125/4	Duty to investigate wages paid when requested by 50 or more residents of county where women or minors are employed in an occupation, and appoint a wage board to report on establishment of fair minimum wages in such occupation.	This mandate (Wages of Women & Minors Act) requires that IDOL investigate and ascertain the wages of women and minors employed in any occupation in the State. All responsibilities outlined in this Act are currently being administered and enforced within the Minimum Wage and Overtime Law. This statute is obsolete and duplicative.
Labor	Work Under Compressed Air Act	820 ILCS 245/3 - 245/8	Duty to enforce provisions of Work under Compressed Air Act and prosecute any violations of stated standards.	This Act requires IDOL to monitor the hours of work and take complaints from employees who work in conditions under compressed air in any compartment, caisson, tunnel or place. IDOL has not received any complaints from workers in this capacity for over 15 years. More than likely, workers would take their complaint to the US Department of Labor, OSHA section. This Act is obsolete and somewhat duplicative.
Labor	Toxic Substances Disclosure to Employees Act	820 ILCS 255/4	Shall establish list of toxic substances promulgated by regulations and sets procedures for adding to list and publication of list in Illinois Register annually.	The toxic substances list was used to define which product ingredients were considered hazardous, and therefore regulated under the Illinois Worker Right - To-Know law. Since that time, the federal OSHA Hazard Communication Standard has been adopted for enforcement in all public and private sector work sites. The universe of chemicals covered by the HCS includes all the names on our list plus more, rendering the list as moot. We have not updated the list since 1991.
Legislative Research Unit	Municipal Code	65 ILCS 5/11 - 42 - 11	To study and determine costs of tv decoding devices and make a written report and recommendation to the General Assembly by January 1, 1987.	Report filed in 1987.
Lieutenant Governor	Self-Help Clearing House Act	15 ILCS 35/1	Shall fund not-for-profit organizations as clearinghouses provided each organization contributes at least 25% of the project cost from non-state sources. ¹	
Lieutenant Governor	Self-Help Clearing House Act	15 ILCS 35/1	Creates the self-help clearinghouse under jurisdiction of Lt. Governor with listed duties (a) through (e). Lt. Governor may provide consultation and assistance in developing and funding local self-help groups for preventing substance abuse, teen pregnancy and suicide. ¹	
Lieutenant Governor	Solid Waste Management Act	415 ILCS 20/6.2	Director or designee shall serve on the Developing Markets for Recyclable Materials Task Force. Task Force shall study existence of markets for recyclable materials and report to General Assembly & Governor by March 1, 1992 and a final report by September 1, 1992, after which it shall be abolished.	
Lottery	Lottery Law	20 ILCS 1605/21.2	Department shall designate special lottery game for benefit of University of Illinois Athletic Association which funds shall be placed in Illinois Land Grant Collegiate Athletic Fund in Treasury.	This legislation was introduced after the NCAA had slapped penalties on the U of I over football recruiting violations. The U of I lost TV revenues, as a result of the NCAA sanctions, and the legislature wished to show support by providing the net proceeds from a lottery game. A pick four game was dedicated for this purpose on 4 days in 1982.
Lottery	Lottery Law	20 ILCS 1605/28	All powers and duties of Department of Revenue relating to division of Lottery is abolished and all rights, duties and powers are transferred to Department of Lottery.	Since the Lottery has been a separate agency since 1986, this Section would appear outdated.
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Act	20 ILCS 1705/12.1	Shall establish distinct unit for purpose of implementing new knowledge and treatment for mental illness. Director shall name unit and designate location.	Appears to duplicate 1705/12.

¹Repealed by Public Act 88-553.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Act	20 ILCS 1705/16.2	Director shall appoint employee to supervise & coordinate program for community residential alternatives for residential visits & long-term mentally ill, to collect data for evaluation of programs, needs estimates, costs & community support for alternative living arrangements. Shall also address needs of homeless mentally ill & report to General Assembly by March 31, 1986.	Community Residential Alternative program established. No longer pilot project.
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Act	20 ILCS 1705/34.2	Department shall study alternative formulas for grants in aid for community services. Shall report results to General Assembly no later than May 1, 1990.	Date for study has passed.
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Act	20 ILCS 1705/55	Department shall provide directly or through not-for-profit organizations, and within amounts set by appropriation, for in-home care and support demonstration programs. Evaluation of programs shall be presented to General Assembly no later than 1/1/88, with recommendations for extending projects.	Date for program has passed.
Mental Health & Developmental Disabilities	Disabled Persons Rehabilitation Act	20 ILCS 2405/3(n)	On or before July 1, 1989, together with the Department of Rehabilitation Services and the Governor's Planning Council on Developmental Disabilities, shall submit a report to the General Assembly regarding the cost of training programs, possible funding mechanisms, possible incentives to community providers & a program timetable.	Report completed.
Mental Health & Developmental Disabilities	Disabled Persons Rehabilitation Act	20 ILCS 2405/3(o)	With DORS, Department shall make one-time grants to programs providing competitive work settings with on-going support services. Both shall determine eligibility for and amounts of grants of individual agencies. ¹	One-time grants.
Mental Health & Developmental Disabilities	University of Illinois Institutes for Juvenile Research & Developmental Disabilities Act	110 ILCS 350/4	On July 1, 1990, the Department of Mental Health & Developmental Disabilities shall transfer to the University of Illinois, Board of Trustees, all real property used for the Institute for Juvenile Research and the Institute for Developmental Disabilities.	Transfer completed.
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Code	405 ILCS 5/5 - 100A	Creates the 15 member Mental Health and Developmental Disabilities Medical Review Board which shall review causes of deaths to determine if from natural causes.	Legislation introduced to eliminate the Board.
Mental Health & Developmental Disabilities	Specialized Living Centers Act	405 ILCS 25/3.02 - 25/3.05	Department shall forward specifications to any sponsoring authority requesting them; shall review requests for establishing a center; after site selection, shall forward to Capital Development Board for review for final selection for site.	No specialized living centers have been built since originals were built in 1979.
Mental Health & Developmental Disabilities	Community Support Systems Act	405 ILCS 35/3(b)	To report progress of all special initiative projects to the Commission on Mental Health and Developmental Disabilities on a semi-annual basis.	Reporting to obsolete Commission.
Mental Health & Developmental Disabilities	Community Support Systems Act	405 ILCS 35/4	To develop an implementation plan detailing the time frame for accomplishment of the Department's responsibilities under this Act and shall report to the Commission on Mental Health and Developmental Disabilities.	Reporting to obsolete Commission.
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Confidentiality Act	740 ILCS 110/7(c)	The Mental Health & Developmental Disabilities Review Board shall be entitled to inspect and copy the records of any recipient. Information may not be disclosed without written consent under Section 4 of this Act.	Board inactive - legislation proposed to eliminate it.

¹Requirement was repealed by Public Act 88-500.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Metropolitan Pier & Exposition Authority	Metropolitan Pier & Exposition Authority Act	70 ILCS 210/26(a)	A detailed report and financial statement shall be prepared as soon after the end of each fiscal year as expedient, filed with the Governor, the Mayor, General Assembly and Park District president. A monthly progress report of construction overruns, funds, affirmative action program, problems, etc. shall be submitted to the Governor, Mayor, etc. Within 6 months after the effective date of this Amended Act of 1985, or as soon as possible, the Authority shall adopt an accounting system which shall not be implemented until it has been approved by the Auditor General.	The last sentence of paragraph 26(c) of the statute reads as follows: "within 6 months after the effective date of this Amended Act of 1985, or as soon thereafter as is possible, the Authority shall adopt an accounting system which shall not be implemented until it has been approved by the Auditor General as appropriate for the Authority's operations." To date, the Auditor General has not approved the Authority's accounting system & it is the Authority's position that the Auditor General should not be in a position of approving an accounting system especially for a unit of local government. On information & belief, the Auditor General has never been required to approve the accounting system for any governmental entity, state or local. In addition, the State Auditing Act severely restricts the Auditor General's power to audit and/or review units of local government. Auditors, in general, should never approve an accounting system because of the problems which could arise should they ever have a need to criticize the system in the future. The statute mandates the Auditor General to approve the system as appropriate for the Authority's operations. Using any interpretation, the current system is "appropriate" and is serving the Authority adequately.
Military Affairs	Land for Armories Act	20 ILCS 1820/1 - 1820/3	Adjutant General is authorized to accept conveyance of land from cities. Title shall be in the name of the State of Illinois and deeds recorded in the respective counties and filed with the Secretary of State. Adjutant General may accept funds in the name of the state from the Secretary of Defense to be used to construct armories on said sites.	This Act, approved July 11, 1955, was a piece of limited legislation providing for the Adjutant General to accept land from the cities of Effingham, Freeport, Litchfield and West Frankfort for the purpose of constructing armories for the Illinois National Guard. The action authorized by the statute has long been completed and the statute is no longer needed. These regulations are not applicable to today's standards.
Mines & Minerals	Coal Mining Act	225 ILCS 705/4.15	Mine inspector to test scales and be sealer of weights.	These regulations are not applicable to today's standards.
Mines & Minerals	Coal Mining Act	225 ILCS 705/4.16	Mining Board to equip inspector with equipment to check scale.	Not enforceable.
Mines & Minerals	Coal Mining Act	225 ILCS 705/4.35	State mine inspectors are to retire at age 65.	Does not pertain to today's mining practices. For example, no more mine animals (mules) are used in mines.
Mines & Minerals	Coal Mining Act	225 ILCS 705/31.03	Mine inspector shall have power, by order in writing, to require minimum quantity of air levels to be increased in listed circumstances.	
Mines & Minerals	Coal Mining Act	225 ILCS 705/31.10	Mine inspector to reclassify mine to gassy if methane found.	All coal mines in Illinois are gassy.
Mines & Minerals	Surface-Mined Land Conservation & Reclamation Act	225 ILCS 715/4.1(a)	Director to serve on Surface Mining Advisory Council.	The Surface Mine Advisory Council under this Act includes one member from the Aggregate industry. This Act is still applicable to the aggregate industry. Coal mining reclamation regulation has been superseded by 225 ILCS 720. This Act under 225 ILCS 720/1.04 also has a Surface Mine Advisory Council. Historically, the Council has been exclusively involved in coal issues. There is no need to retain this statute.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Mines & Minerals	Surface-Mined Land Conservation & Reclamation Act	225 ILCS 715/5(a)	Department to furnish forms for application for bond fee permit.	<p>Section (a): This section is outdated. In 1971 this section established fixed permit fees. These fees are hopelessly outdated and do not generate significant revenue to offset the cost of the program. Section (g): This section requires the Dept. to consider the short and long term impacts of proposed mining sites on vegetation, wildlife, fish, land use, local tax base, the economy of a region and the State, employment opportunities, air pollution, water pollution, soil contamination, noise pollution, and drainage when reviewing a surface mining permit for an aggregate mine. There exists the authority to regulate impacts on vegetation, wildlife, fish, soil contamination and to a limited extent water pollution under 225 ILCS/6. The remaining issues such as local tax base, economics, employment, air pollution, noise pollution are outside of the scope of our authority and are unenforceable under this Act.</p>
Mines & Minerals	Surface Coal Mining Land Conservation & Reclamation Act	225 ILCS 720/2.04	When an application is received, shall notify various local governmental bodies. Any person, any government agency, or the county board may file written objections to a permit application and may request an informal conference. If no informal conference is requested or if the issues are not resolved at an informal conference, such interested parties may request a public hearing. If a hearing is requested, the Department shall hold at least one hearing in the locality affected and in each county affected.	<p>PA 81-1015 (IL law) must be as effective as the counterpart federal law, PL 95-87, but cannot be more stringent. The federal law requires that an informal conference be held on a permit application if requested by an affected party. The Illinois statute requires that both an informal conference and a public hearing be held if requested by an affected party. After 11 years of implementation of this program, the Department has found that there are very few requests for informal conferences. Most requests culminate in a public hearing. The informal conference step adds more time to the permit review process with no administrative benefit. Also, there are different time frames specified for requesting informal conferences & public hearings, which complicates internal tracking procedures. The Dept. believes Illinois' public hearing is synonymous with the federal informal conference; therefore, Illinois' informal conference requirement should be eliminated.</p>

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency Mines & Minerals	Act Surface Coal Mining Land Conservation & Reclamation Act	Statutory Reference 225 ILCS 720/9-01	Statutory Requirement (a) Department may propose rules in conformity with Act. The Department shall consider the terrain, climate, and other conditions; (b) any person may file a petition proposing any rule and Department shall initiate proceeding within 90 days; (c) prior to adoption, amendment, or repeal, Department shall give 45 days of notice of intended action; (d) persons have opportunity to submit comments within 30 days of Department notice; (e) no rule may be adopted unless substantial evidence in support of rule is submitted; (f) no rule is valid unless adopted in compliance with this section; (g) the Department shall file in its principal office and the Secretary of State a certified copy of each adopted, revised, or repealed rule; (h) adopted rules are effective 30 days after filing; (i) in addition to provisions in this section, provisions of the Illinois Administrative Procedure Act apply to adoption of rules under this Act.	Agency Comment The Dept.'s surface mining program must be consistent with the federal surface mining program promulgated and implemented by the federal Office of Surface Mining. Subsections (a), (b) and (h) are necessary because of federal requirements. Subsections (c) through (g) and (i), however, do not appear to have been drafted in response to federal requirements; rather, these subsections appear to contain a mini-version of some of the rulemaking provisions of the Illinois Administrative Procedure Act (IAPA). 5 ILCS 100/5-5 through 100/5-155. Section 5-5 of the IAPA mandates that all agency rules be adopted in accordance with Article 5 thereof. 5 ILCS 100/5-5. Subsections (c) through (g) therefore are duplicative of the IAPA and of no benefit to the Department. In fact, these subsections, along with subsection (i), could likely conflict with the IAPA, given that its rulemaking provisions are continually revised. In order to avoid possible conflicts, it would be prudent to replace subsections (c) through (g) and (i) with a provision stating that all rulemaking will be done in accordance with Article 5 of the IAPA. 5 ILCS 100/5-5 through 5-155. The repealing of the statute would eliminate a duplication of reporting. Several reports are being made to other governing bodies. Maybe should be clarified. Management plan completed 11/81. Inter. storage report completed 3/93.
Northern Illinois University	School Code	105 ILCS 5/2-3.23	Shall submit a report (financial reports for auditing) to the State Board of Education as it may require with a full exhibit of the affairs of the university.	
Nuclear Safety	Low Level Radioactive Waste Management Act	420 ILCS 20/11	Initiate the procedures necessary to provide temporary management of low level radioactive wastes after January 1, 1986 until a permanent disposal facility is operational. Before 3/31/93, Department shall report to Governor and General Assembly impact of restrictions & surcharges on disposal of waste outside of Illinois and include Department's recommendations.	
Nuclear Safety	Radon Mitigation Act	420 ILCS 50/6	Shall report to Governor and General Assembly on findings and recommendations regarding risk of radon and ways of mitigating that risk by 8/15/90.	Report completed 1989.
Public Aid	Health Finance Reform Act	20 ILCS 2215/2-4	Director shall consult with Illinois Health Care Cost Containment Council and shall provide Council with information it requires to perform its duties as outlined in this Act.	This entire Act is obsolete because the ICARE program established in 1984/1985 was discontinued in October 1991.
Public Aid	Health Finance Reform Act	20 ILCS 2215/3-4	Department is empowered to negotiate & enter into contracts with hospitals for inpatient hospital care for recipients; may enter into experimental programs; adopt rules pursuant to Administrative Procedure Act, & follow the listed criteria when negotiating & entering into contracts; shall report to General Assembly on the implementation of this Article.	This entire Act is obsolete because the ICARE program established in 1984/1985 was discontinued in October 1991.
Public Aid	Health Finance Reform Act	20 ILCS 2215/3-5	Department, in consultation with Board, shall provide a program of utilization review & quality assurance subject to budgetary consideration. Shall have the option to contract with a medical peer organization, provided at least 10% of the organization is composed of area physicians.	This entire Act is obsolete because the ICARE program established in 1984/1985 was discontinued in October 1991.
Public Aid	Health Finance Reform Act	20 ILCS 2215/3-6	Director shall consult with Board in a timely manner, provide the Board with appropriate staff; provide the Board with pertinent information; and submit written determinations. Administrative Review Law shall apply.	This entire Act is obsolete because the ICARE program established in 1984/1985 was discontinued in October 1991.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Aid	General Assistance Job Opportunities Act	20 ILCS 3940/10	Director or designee shall serve on the Job Opportunity Advisory Council. Shall develop a plan designed to employ persons who are eligible for transitional assistance. Shall report to Governor and General Assembly. Members paid for expenses only. Council shall be established within department.	This section identifies a Job Opportunity Advisory Council. The Council has completed its work and submitted the plan on 4/28/93, therefore making this mandate obsolete.
Public Aid	Public Aid Code	305 ILCS 5/4-14	Between November 1 and April 30, Department shall make payments to DCCA for special energy assistance for families under Section 4-1 of this Code. Shall not exceed amounts appropriated.	This section is obsolete in that the Department of Commerce & Community Affairs relieved the Department of Public Aid of the responsibility. This section gave DPA the responsibility of making payments to DCCA for special energy assistance on behalf of eligible families.
Public Aid	Public Aid Code	305 ILCS 5/4-12b	Department shall seek federal waiver of requirement that a step-parent's income must be counted to reduce or deny assistance. Shall report results to General Assembly no later than March 31, 1993.	This section requires IDPA to request a waiver of the requirement, that a stepparent's income must be counted to reduce or deny assistance under this Article to the stepchildren in the assistance unit. The waiver package was submitted. However, the federal government stated that it would not be cost neutral.
Public Aid	Public Aid Code	305 ILCS 5/4-3	To not grant more than 12 scholarships annually to children receiving financial aid under this Act.	This section was established to assist children receiving financial aid to attend public universities. Department staff, however, do not recall scholarships given within the last 20 years. There are other programs available to assist clients with education needs, eg. JOBS. Therefore, this section is obsolete.
Public Aid	Public Aid Code	305 ILCS 5/5-14	To assure provision of aid to a non-resident is identical to the uniform standard of eligibility.	This entire section is obsolete due to the elimination of the Aid to the Medically Indigent Program.
Public Aid	Public Aid Code	305 ILCS 5/5-2	Department shall by rule establish the amount of assets to disregard in determining eligibility for Medical Assistance which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program.	Items 3 and 4 of this section are both related to the Aid to the Medically Indigent Program. This Program was eliminated making these items obsolete. Item 5c is also obsolete in that the demonstration mentioned therein has been completed.
Public Aid	Public Aid Code	305 ILCS 5/5-2.1	To determine types of property transfers exempt from determination of eligibility. Requires Auditor General to conduct program audit of Department's enforcement of section.	Item E only of this section is determined obsolete. The item prescribes the Auditor General's Office to conduct a program audit for section 5-2.1. The audit mentioned has been completed and the LAC does not require statutory authority for subsequent audits. The LAC can pass a resolution if future audits are deemed necessary.
Public Aid	Public Aid Code	305 ILCS 5/5-5.16	To adopt rules pursuant to Illinois Administrative Procedure Act for consideration of drugs for provider reimbursement.	This section is considered obsolete. This section discusses a basic format for the consideration of drugs for provider reimbursement. However, a drug manual mentioned within this section was made obsolete by OBRA '90, in turn making the section obsolete. IDPA must cover drugs for every drug company who has an agreement with HCFA. The Drug Manual is no longer required as a result.
Public Aid	Public Aid Code	305 ILCS 5/5-7	To negotiate fees with medical service dispensers for medical assistance provided under this Article, to pay each claim within 90 days or provide written notice within 90 days of contest of claim.	First paragraph is obsolete due to elimination of Aid to the Medically Indigent Program.
Public Aid	Public Aid Code	305 ILCS 5/10-17.1	To provide by rule for registration of a support order entered by a Court or administrative body of this State or any other state. The rule shall provide for notice and an opportunity to be heard by the responsible relative affected. A one-time charge of 20% is imposable on past due child support owed on 7/1/88.	These cites all involve the Department's child support amnesty program and imposition of a 20% charge on the amount of past due child support owed on July 1, 1988 by non-custodial parents in IV-D cases. Under these provisions, no action can be taken after June 30, 1993 making these cites obsolete.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Aid	Public Aid Code	305 ILCS 5/10-20	To provide amnesty program for responsible relatives who owe support.	These cites all involve the Department's child support amnesty program and imposition of a 20% charge on the amount of past due child support owed on July 1, 1988 by non-custodial parents in IV-D cases. Under these provisions, no action can be taken after June 30, 1993 making these cite obsolete.
Public Aid	Public Aid Code	305 ILCS 5/10-21	May provide by rule for imposition of one time 20% charge for past support owed and to provide notice & opportunity to be heard to such responsible relative.	These cites all involve the Department's child support amnesty program and imposition of a 20% charge on the amount of past due child support owed on July 1, 1988 by non-custodial parents in IV-D cases. Under these provisions, no action can be taken after June 30, 1993 making these cite obsolete.
Public Aid	Public Aid Code	305 ILCS 5/11-25	To implement a 3 year demonstration Medicare Assistance project to provide legal services on behalf of recipients.	This section was included to implement a 3-year demonstration Medicare Assistance Project to provide legal services to or on behalf of recipients of assistance. The Project began in 1988/1989 and ended in 1991/1992 which expired the demonstration period, making this section obsolete.
Public Aid	Public Aid Code	305 ILCS 5/12-4.20a	Shall appoint an Executive Task Force to study the delivery of nursing home care in the State and shall make recommendations to the Director. Director shall report to General Assembly by 1/1/88.	This section appointed an Executive Task Force on Nursing Homes. The section called for a report of recommendations by the Task Force no later than 1/1/88. Due to the expiration of the report date, the section is considered obsolete.
Public Aid	Public Aid Code	305 ILCS 5/12-4.20b	Creates the Task Force on Application Processing to conduct study of methods used by Department to process applications for Public Assistance submitted on behalf of hospitals. Department shall provide staff support. Director shall report to General Assembly on recommendations of Task Force by March 1, 1990.	This section appointed a Task Force on Application Processing for public assistance. The section called for a report of recommendations no later than March 31, 1990. Due to the expiration of the report date, the section is considered obsolete.
Public Aid	Public Aid Code	305 ILCS 5/12-4.7a	Shall enter into written agreement with DCCA to provide for interagency procedures to process application and make payment for special energy assistance. Department shall, where permitted, exempt such assistance in determining ineligibility for food stamps.	This section is associated with making payments for special energy assistance, a responsibility assumed by DCCA. This section is considered obsolete.
Public Aid	Public Aid Code	305 ILCS 5/12-6	Medical Payment Fund is abolished & the State Treasurer, as custodian of that fund, shall pay the balance remaining in that fund into the General Revenue Fund in the State Treasury.	This section abolishes the Medical Payment Fund and instructs the State Treasurer to pay the remaining fund balance into the GRF. This has been completed, making the section obsolete.
Public Aid	Marriage and Dissolution of Marriage Act	750 ILCS 5/505(c)	A one-time charge of 20% is impossible on the amount of past due child support owed on 7/1/88.	These cites all involve the Department's child support amnesty program and imposition of a 20% charge on the amount of past due child support owed on July 1, 1988 by non-custodial parents in IV-D cases. Under these provisions, no action can be taken after June 30, 1993 making these cite obsolete.
Public Aid	Non-Support of Spouse and Children Act	750 ILCS 15/3	Court may enter temporary child support orders. A one-time interest charge of 20% is impossible on the amount of past due child support owed on 7/1/88.	These cites all involve the Department's child support amnesty program and imposition of a 20% charge on the amount of past due child support owed on July 1, 1988 by non-custodial parents in IV-D cases. Under these provisions, no action can be taken after June 30, 1993 making these cite obsolete.
Public Aid	Non-Support of Spouse and Children Act	750 ILCS 15/4	Specific procedures for court fines, judgments, and child support orders. A one-time charge of 20% is impossible on the amount of past due child support owed on 7/1/88.	This cite involves the Department's child support amnesty program and imposition of a 20% charge on the amount of past due child support owed on July 1, 1988 by non-custodial parents in IV-D cases. Under these provisions, no action can be taken after June 30, 1993, making this cite obsolete.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Aid	Revised Uniform Reciprocal Enforcement of Support Act	750 ILCS 20/24	Specifies procedures for child support orders & judgments. A one-time charge of 20% is imposed on the amount of past due child support owed.	These cites all involve the Department's child support amnesty program and imposition of a 20% charge on the amount of past due child support owed on July 1, 1988 by non-custodial parents in IV-D cases. Under these provisions, no action can be taken after June 30, 1993 making these cites obsolete.
Public Aid	Parentage Act of 1984	750 ILCS 45/14(g)	A one-time charge of 20% is imposed on the amount of past due child support owed on 7/1/88.	These cites all involve the Department's child support amnesty program and imposition of a 20% charge on the amount of past due child support owed on July 1, 1988 by non-custodial parents in IV-D cases. Under these provisions, no action can be taken after June 30, 1993 making these cites obsolete.
Public Health	Alcoholism and Other Drug Dependency Act	20 ILCS 305/1-107	On 7/1/88, rules adopted by Public Health under Alcohol Treatment Licensing Act shall remain in effect until amended or rescinded under this Act by Illinois Department of Alcoholism and Substance Abuse. ¹	The language of this section is in relation to the transition of duties during the creation of the Department of Alcoholism & Substance Abuse. This language is no longer necessary.
Public Health	Alcoholism and Other Drug Dependency Act	20 ILCS 305/1-107	All licenses issued by Public Health permitting holder to establish or maintain alcohol treatment facility effective on this date shall have same force, and shall be subject to authority of Department of Alcohol and Substance Abuse to revoke or suspend licenses issued under the Act. ¹	The language of this section is in relation to the transition of duties during the creation of the Department of Alcoholism & Substance Abuse. This language is no longer necessary.
Public Health	Alcoholism and Other Drug Dependency Act	20 ILCS 305/1-107	All materials, records, papers, documents, books, correspondence and resources of public health relating to administration of Alcohol Treatment Licensing Act shall be transferred to Illinois Department of Alcohol and Substance Abuse. ¹	The language of this section is in relation to the transition of duties during the creation of the Department of Alcoholism & Substance Abuse. This language is no longer necessary.
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.38	Department shall conduct study of underground coal mines which use diesel powered equipment or explosives while people are working underground. Shall include at minimum an assessment of health and safety impacts. Shall report to Governor by January 1, 1986.	The language of this section is in relation to the transition of duties during the creation of the Department of Alcoholism & Substance Abuse. This language is no longer necessary.
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.41(f) - 2310/55.41(g)	Provide grants to individuals, organizations or facilities to support (1) through (7) activities. Shall conduct study and report to Governor and General Assembly by July 1, 1988 on public and private costs of AIDS medical treatment, availability and accessibility of services.	This section required the Department to conduct a study which was due to the General Assembly by 1/1/86. The study was conducted and submitted. There would seem to be no reason to keep this section in place with the mandate satisfied.
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.61	Department shall, in cooperation with Departments of Insurance & Public Aid, undertake study of feasibility of a child health insurance plan for primary and preventative care. Report no later than 6 months (7/1/92) after effective date (1/1/92).	This section requires a study & report on the public & private costs of AIDS medical treatment be made to the Governor & General Assembly by 7/1/88. In addition to the passage of that date, such costs are dynamic & rapidly changing so that any such report becomes obsolete nearly as quickly as it can be prepared. The public costs of such treatment are routinely monitored by (1) the Medicaid program for clients in the Medicaid system and (2) the IDPH for clients served through funding by the Ryan White Care Act.
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.71	On or before 1-1-94 director in cooperation with Public Aid, DCFS, DASA and Insurance shall develop and submit to the Governor a proposal for consolidating all existing health programs required for pregnant women and infants.	This section required the Department to conduct & submit to the General Assembly a study/plan on consolidation of statutory programs for pregnant women & infants. That study was required to be completed & filed by 1/1/94 and has been completed.
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.71	Before 1-1-94, in cooperation with P.A., DCFS, DASA and Insurance shall develop and submit to Governor a proposal to consolidate all existing health programs into one comprehensive plan.	This section required the Department to conduct & submit to the General Assembly a study/plan on consolidation of statutory programs for pregnant women & infants. That study was required to be completed & filed by 1/1/94 and has been completed.

¹The Alcoholism and Other Drug Dependency Act was repealed by Public Act 88-80.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Health	Chicago Out Patient Clinic Act	20 ILCS 2313/1	Department authorized to establish three out-patient clinics in Chicago for controlled substance abusers.	This section, established in 1951, was in relation to duties that are currently held by the Department on Alcoholism & Substance Abuse. This section is no longer necessary.
Public Health	Experimental Organ Transplantation Procedures Act	20 ILCS 3935/2	Creates Illinois Experimental Organ Transplantation Procedures Board associated for administrative purposes only with the Department of Public Health, otherwise autonomous and not subject to Director.	The Act established the Experimental Organ Transplantation Act. This Act has not been funded since 1990/1991. The Organ Transplant Task Force established in 20 ILCS 2310/55.70 has assumed some of the responsibility for the "issues" surrounding organ transplantation, although not those of the Board in payment for specific procedures.
Public Health	Experimental Organ Transplantation Procedures Act	20 ILCS 3935/4(f)	When Board (Experimental Organ Transplantation) recommends and Director approves, payment shall be made up to \$200,000 from appropriations of General Assembly made for this purpose to Public Health. Donor charges shall be limited to \$10,000.	The Act established the Experimental Organ Transplantation Act. This Act has not been funded since 1990/1991. The Organ Transplant Task Force established in 20 ILCS 2310/55.70 has assumed some of the responsibility for the "issues" surrounding organ transplantation, although not those of the Board in payment for specific procedures.
Public Health	Counties Code	55 ILCS 5/5 - 23022	Shall approve the plans, specifications and costs for construction or improvement of a county Tuberculosis sanitarium before any such county shall be authorized to issue bonds for such construction or improvement.	Paragraphs 5-23021 through 5-23028 deal with the issuance of bonds by local TB sanatorium districts to raise funds for the construction of improvement of TB sanatorium. These would seem to be superfluous since there are no TB sanatoria in Illinois, and in the modern era of outpatient therapy, construction of new sanatoria seems unlikely.
Public Health	Hospital Construction Act	210 ILCS 75/3(a)	Director has duty to require reports, make inspections and prescribe regulations.	The Act deals generally with building, funding & inspection of hospitals. This is separate and above the Hospital Licensing Act. IDPH does not conduct inspection activities under this Act. The Department is unaware of any current use of this Act. The provisions of the Health Facilities Planning Act and the Hospital Licensing Act would seem to have absorbed any requirements or activities once conducted under this statute.
Public Health	Hospital Construction Act	210 ILCS 75/3(b) - 75/3(c)	To appoint personnel to administer and effectuate purpose of the Illinois Hospital Construction Act, to hire, for a fee, experts or consultants on temporary basis not involved in administrative duties.	The Act deals generally with building, funding & inspection of hospitals. This is separate and above the Hospital Licensing Act. IDPH does not conduct inspection activities under this Act. The Department is unaware of any current use of this Act. The provisions of the Health Facilities Planning Act and the Hospital Licensing Act would seem to have absorbed any requirements or activities once conducted under this statute.
Public Health	Hospital Construction Act	210 ILCS 75/3(d)	Power to enter agreements with any agency, public or private for utilization of facilities and services for purpose of Act.	The Act deals generally with building, funding & inspection of hospitals. This is separate and above the Hospital Licensing Act. IDPH does not conduct inspection activities under this Act. The Department is unaware of any current use of this Act. The provisions of the Health Facilities Planning Act and the Hospital Licensing Act would seem to have absorbed any requirements or activities once conducted under this statute.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Health	Hospital Construction Act	210 ILCS 75/3(e)	Duty to accept gifts and grants for purposes of the Act to deposit with State Treasurer, and to expend same.	The Act deals generally with building, funding & inspection of hospitals. This is separate and above the Hospital Licensing Act. IDPH does not conduct inspection activities under this Act. The Department is unaware of any current use of this Act. The provisions of the Health Facilities Planning Act and the Hospital Licensing Act would seem to have absorbed any requirements or activities once conducted under this statute.
Public Health	Hospital Construction Act	210 ILCS 75/3(f)	Duty to make annual report to Governor and biennial report to General Assembly on activities and expenditures pursuant to Act including recommendations for legislation.	The Act deals generally with building, funding & inspection of hospitals. This is separate and above the Hospital Licensing Act. IDPH does not conduct inspection activities under this Act. The Department is unaware of any current use of this Act. The provisions of the Health Facilities Planning Act and the Hospital Licensing Act would seem to have absorbed any requirements or activities once conducted under this statute.
Public Health	Hospital Construction Act	210 ILCS 75/4	Director shall prescribe by regulation minimum standards for maintenance and operation of hospitals which receive aid for construction under State plan.	The Act deals generally with building, funding & inspection of hospitals. This is separate and above the Hospital Licensing Act. IDPH does not conduct inspection activities under this Act. The Department is unaware of any current use of this Act. The provisions of the Health Facilities Planning Act and the Hospital Licensing Act would seem to have absorbed any requirements or activities once conducted under this statute.
Public Health	Hospital Construction Act	210 ILCS 75/6	Director shall give each applicant for a construction project a fair hearing and approve such applications as are in conformity with State plan.	The Act deals generally with building, funding & inspection of hospitals. This is separate and above the Hospital Licensing Act. IDPH does not conduct inspection activities under this Act. The Department is unaware of any current use of this Act. The provisions of the Health Facilities Planning Act and the Hospital Licensing Act would seem to have absorbed any requirements or activities once conducted under this statute.
Public Health	Hospital Licensing Act	210 ILCS 85/9.1	Department shall regularly inspect each State institution under jurisdiction of Department of Mental Health and Developmental Disabilities for compliance with regulations applicable to it at least annually and report to Governor and General Assembly.	According to Department staff, the last time that IDPH inspected these facilities, under the authority of this section, was sometime around 1979. IDPH does perform inspections of facilities for the developmentally disabled or psychiatric hospitals that are certified for participation in Medicaid. Such certification did not occur when this provision was originally put into place. With recent amendments to the Mental Health Code, the Inspector General of DMHDD has her own inspection & oversight authority & programs for mental health facilities. Due to these points, this section may be unnecessary and duplicative of other provisions of state law.
Public Health	Tanning Facility Permit Act	210 ILCS 145/83	Fees/fines collected by Department shall be deposited in Tanning Facility Permit Fund to be appropriated by General Assembly to Department for tanning facility activities.	The language of this section allows for only "fees and fines" to be deposited in the Fund. Changes at the federal level allow the Department to act as an agent of the federal government for their tanning bed inspection program, however, due to the language, the funding that the federal government will provide cannot be deposited in this fund to support the activities.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Health	AIDS Registry Act	410 ILCS 310/1 - 310/8	Department shall administer the AIDS Registry Act.	Use of term "ARC" is obsolete & not a term used in reference to HIV/AIDS.
Public Health	AIDS Registry Act	410 ILCS 310/4(a)	Department shall establish and maintain an AIDS Registry consisting of record of cases of AIDS and ARC which occur in Illinois and information necessary to conduct epidemiological surveys and to evaluate existing control and prevention measures.	Use of term "ARC" is obsolete & not a term used in reference to HIV/AIDS.
Public Health	Experimental Cancer Treatment Act	410 ILCS 415/3 - 415/5	Department shall establish by rule a procedure for dissemination of information regarding cancer treatment and act as clearinghouse for related materials.	Although the other provisions of this Act may be used in some way, Section 415/3 applies only to IDPH. The section requires the Department establish rules for the dissemination of information concerning cancer treatment. Authorizes the Dept. to make referrals to agencies or entities for services relating to cancer treatment. IDPH has not adopted any regulations in relation to this Act. In addition, although the Dept. does conduct activities related to cancer studies (clusters) and health promotion activities in this regard, there have never been activities conducted in regard to referrals for services/treatment.
Public Health	High Blood Pressure Control Act	410 ILCS 425/1 - 425/11	Department shall maintain a system of coordinated regional blood pressure registries throughout State which information is confidential. Department shall institute educational programs regarding control of high blood pressure.	The High Blood Pressure Act, as currently written, is both ineffective & obsolete. It is no longer the policy of the Department to maintain a High Blood Pressure Registry. The registry contained confidential patient information and followed the course of the patients' blood pressure treatment & response. That information, however, is currently maintained within local health departments in Illinois. A central registry is both unmanageable & costly. The High Blood Pressure Advisory Board has been non-functional since 1985. Finally, from a public health perspective, the overall issue no longer hinges on "high blood pressure" per se, but is a larger issue of cardiovascular disease.
Public Health	Rheumatic Diseases Act	410 ILCS 435/1 - 435/7	Creates Rheumatic Disease Treatment Authority within Department to advise Director on: surveys of need; development of State plan and master plan for providing care & delivery services; eligibility criteria for services and adoption of rules. Department shall provide staff and funds. Annual report shall be incorporated in Department's annual report.	Rheumatic fever does not occur in any frequency any longer. IDPH "dropped" its program some 2-3 years after the Lung Association discontinued its program. IDPH has not conducted activities under this Act since approximately 1987, when funding for the Authority was vetoed by the Governor.
Public Health	Environmental Protection Act	415 ILCS 5/22.2(d)	Monies in the Hazardous Waste Fund may be used for defraying the cost of blood screenings performed within one year of effective date of this Act for employees of over one year of an industrial facility with polychlorinated biphenyl contamination. Department shall establish rules.	This section of the statute states that "...monies in the Fund shall be made available to the Department for the administration of the Registry". IDPH does not control the Fund and funding has never been made available to the Department for this purpose. This section is inconsistent with the language creating the Fund, which states that monies "may" be made available to IDPH for the purposes of the Registry (415 ILCS 5/22.2(d)). As stated in this section, funds were to be used to defray the cost of blood screening performed within one year of 1/1/92.
Public Health	Environmental Protection Act	415 ILCS 5/49(c) - 5/49(d)	All regulations of Air Pollution Control Board, the Sanitary Water Board and Department of Public Health relating to the EPA Act and any orders, permits or certification granted shall remain in force until repealed, amended or superseded.	Provides for transitional enforcement authority while the Environmental Protection Agency is being formed & becoming operational. This took place some 24 years ago, therefore, this section serves no purpose.
Public Health	Poison Prevention Packaging Act	430 ILCS 40/6	Director to appoint no more than 18 members to Technical Advisory Committee to consult with Director in making findings and establishing standards pursuant to the Illinois Poison Prevention Packaging Act.	To the knowledge of the staff of the Department, the Technical Advisory Board provided for in this section (which is permissive) has never been convened nor has it met.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Health	Abortion Law of 1975	720 ILCS 510/10.1	Department shall define complications required to be reported by rule, by physician, as a result of an abortion.	This entire Act was enjoined until the recent consent decree in the case of <i>Herbst v. Daley</i> . This particular section, according to the Department's legal counsel, has been addressed under the consent decree, and complications are reported on a form contained in newly effective department regulations.
Public Health	Abortion Parental Consent Act of 1977	720 ILCS 515/4	Department shall prescribe a written form for consent of parents to permit minor to have an abortion.	Both this, and the next citation (720 ILCS 520/6) are provisions of two separate Parental Notice of Abortion acts. Neither of the Acts are currently in force, due to court action enjoining their enforcement. <i>Zbaraz v. Hartigan</i> is the case which enjoined 1983 Parental Notice of Abortion Act.
Public Health	Parental Notice of Abortion Act of 1983	720 ILCS 520/6	Department shall prescribe forms for physician reporting of abortions on minors in medical emergency where consent of parents has not been obtained.	Both this, and another citation (720 ILCS 515/4) are provisions of two separate Parental Notice of Abortion acts. Neither of the Acts are currently in force, due to court action enjoining their enforcement. <i>Zbaraz v. Hartigan</i> is the case which enjoined 1983 Parental Notice of Abortion Act.
Public Health	Workers' Occupational Diseases Act	820 ILCS 310/1 - 310/6	Defines occupational diseases, actions against employers, liabilities, etc.	Section 310/1(d) refers to activities conducted by the Department when IDPH maintained responsibilities that now fall under the purview of the Department of Nuclear Safety. No longer applicable to IDPH. Obsolete after 12/31/93.
Racing Board	Illinois Horse Racing Act of 1975	230 ILCS 5/9(p)	Board requires licensee to staff parimutuel department at the minimum standard of an average of not fewer than one unannounced wagering terminal to one unannounced wagering terminal. The provisions shall not be effective after 12/31/93.	Obsolete after 12/31/93.
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/13(g)	Shall assure case and clinical records of persons receiving services not be opened to public; and only to persons authorized in this Section.	This is duplicative of the Freedom of Information Act and federal rehabilitation requirements and acts concerning school records, all of which require confidentiality. It is somewhat obsolete since DORS does not have "patients".
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/13(h)	To prescribe and require surety bonds from any employee where deemed advisable, to be paid for by State from Department funds.	This is obsolete since CMS has a blanket bond.
Rehabilitation Services	Hearing Impaired and Behavior Disordered Children Services Act	20 ILCS 2425/1	Dept. shall study needs of hearing impaired and behavior disordered children and develop a state plan for continuum of services to meet those needs. Study shall include role of local services and responsibility of state agencies. Shall be assisted by DMHDD and State Board of Education and seek advice from consumer groups. Shall submit plan to G.A. by 4/1/90.	This is obsolete. See the Interagency Board for Hearing Impaired/Behavior Disordered Children Act (325 ILCS 35).
Rehabilitation Services	Coordinating Committee on Transportation Act	20 ILCS 3925/3 - 3925/4	Director or designee shall serve on the IL Coordinating Committee on Transportation to foster the coordination of public and private transportation systems. Shall report to Governor and General Assembly on progress no later than 2-1-92.	A report was issued, and the Committee no longer meets.
Revenue	Civil Administrative Code (Part 2.5)	20 ILCS 2505/39b - 2505/39b50	Gives department power to administer and enforce all the tax acts, to preserve statistical records, recommend legislation, investigate and institute proceedings, make regulations, and all duties as vested by law.	Old outdated statute.
Revenue	Civil Administrative Code (Part 2.5)	20 ILCS 2505/39b46	Shall manage, operate, maintain and preserve the land and facility of the Ill. income tax processing center at Springfield.	SOS has WIB - ITC is closed.
Revenue	Electronic Funds Transfer Study Act	20 ILCS 2525/2	Dept. shall study the feasibility of using electronic funds transfer as a means of collecting taxes. Shall report results of study to General Assembly on or before 6-1-91.	This section required that results of a feasibility study be reported to the General Assembly on or before June 1, 1991.
Revenue	Income Tax Act	35 ILCS 5/507 - 5/508	Department shall designate on form a \$1.00 contribution from the refund may be made by taxpayer to the Child Abuse Prevention Fund and shall determine by October 1 each year amount to be transferred to this fund by Comptroller. If total is less than \$100,000, fund shall be dropped and contributions refunded.	Obsolete by operation of Section 509.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Revenue	Income Tax Act	35 ILCS 5/507A - 5/510	Shall print on tax form a provision allowing contributions to the Community Health Center Care Fund. Shall determine and notify Comptroller and Treasurer of amount to transfer from General Revenue to Community Health Center Care Fund.	Obsolete by operation of Section 509.
Revenue	Income Tax Act	35 ILCS 5/507B - 5/510	Shall print on income tax form the provision allowing contributions to the Child Care Expansion Program Fund & the Persian Gulf Conflict Veterans Fund. Shall notify the Comptroller and Treasurer of the amount to transfer from General Revenue to these funds.	Obsolete by operation of Section 509.
Revenue	Income Tax Act	35 ILCS 5/507C - 5/507H	Department shall print checkoff boxes for contributions to Youth Drug Abuse Prevention, White AIDS Victims Assistance, Assist Technician for Persons with Disability, Domestic Violence Shelter and Service and U.S. Olympian Assistance funds of 1991 tax forms.	Obsolete by operation of Section 509.
Revenue	Income Tax Act	35 ILCS 5/507I	Department shall print on income tax forms a provision for taxpayer contributions to the Literacy Advancement Fund.	Obsolete by operation of Section 509.
Revenue	Income Tax Act	35 ILCS 5/507K	Beginning taxable year 12/31/93, Department shall print on standard income tax form a provision for contributing to the Special Olympics Check Off Fund.	Obsolete by operation of Section 509.
Revenue	Tax Increment/Allocation Redevelopment Act	65 ILCS 5/11-74.4-8a(9) - 5/11-74.4-8a(11)	Department shall conduct a preliminary review of the redevelopment project areas and redevelopment plans for municipalities receiving payments pursuant to this Act. Department shall have the authority to issue rules and regulations for the purpose of this Section.	Outdated reporting date and completed preliminary review.
Revenue	Senior Citizens & Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act	320 ILCS 25/9.1	Dept. shall on or before 1/1/90 report to G.A. on alternative methods for integrating the provisions for Pharmaceutical Assistance under this Act with the provisions concerning payments for prescription drugs under Medicare Catastrophic Coverage Act of 1988.	Outdated 1/1/90 reporting date.
Secretary of State	Secretary of State Merit Employment Code	15 ILCS 310/6 - 310/8	Shall appoint the director of personnel, by and with the advice and consent of the Senate, and shall appoint 5 members to a Merit Advisory Board of the Department of Personnel. Shall appoint 3 members to the Merit Commission for the Office of Secretary of State.	Statutes related to Merit Advisory Board are obsolete (see 310/7). Active Merit Commission performs these duties. Legislation has been introduced to repeal.
Secretary of State	Secretary of State Merit Employment Code	15 ILCS 310/7	To appoint a Merit Advisory Board to the Department of Personnel and shall have five members in which no more than three may be associated with the same political party.	Not cost effective. Active Merit Commission performs these duties. Legislation has been introduced to repeal.
Secretary of State	Secretary of State Merit Employment Code	15 ILCS 310/7b	The Merit Advisory Board shall meet four times a year. Three members constitute a quorum.	Not cost effective. Active Merit Commission performs these duties. Legislation has been introduced to repeal.
Secretary of State	Secretary of State Merit Employment Code	15 ILCS 310/8c(1-7)	The duties of the Merit Commission. (1) To exempt certain positions from code; (2) To request reports from director; (3) To disapprove rules of merit commission; (4) To disapprove position classification plan; (5) To hear appeals of employees; (6) To approve or disapprove written charges; (7) To furnish reports requested by Merit Advisory Board.	Advisory Board hasn't met in last ten years. Merit Commission performs duties described for Merit Advisory Board. Legislation has been introduced to repeal.
Southern Illinois University	State Comptroller Act	15 ILCS 405/13.1	Shall report total number of payroll warrants drawn from funds retained in treasury to Secretary of State.	The State should support salary payments made on a tax exempt basis to non-resident aliens under IRS Code Section 1441.
Southern Illinois University	Campus Demonstrations Policy Act	110 ILCS 10/1 - 10/2	Shall have a "policy on demonstrations" to maintain order on campus and shall file a copy with Board of Higher Education and Governor. Responsible for maintaining decorum and order on the campus.	Seems that all institutions are well aware of the need to have such a policy or procedure in place, the 1960's & 1970's took care of that.
Student Assistance Commission	Higher Education Student Assistance Act	110 ILCS 947/65.05 - 947/65.10	Traineeship & fellowship grants may be awarded by Commission.	974/65.05 - 65.55 being altered in accordance with PA 88-228 effective 7/1/94.

¹Requirements were revised by Public Act 88-228.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Student Assistance Commission	Higher Education Student Assistance Act	110 ILCS 947/65.15	250 scholarships shall be awarded annually at the end of each school year to persons meeting listed criteria. Shall promulgate rules. ¹	974/65.05 - 65.55 being altered in accordance with PA 88-228 effective 7/1/94.
Student Assistance Commission	Higher Education Student Assistance Act	110 ILCS 947/65.20	May award science, mathematics teacher scholarships. Promulgate regulations; shall determine eligible courses; shall assist teachers in finding employment. ¹	974/65.05 - 65.55 being altered in accordance with PA 88-228 effective 7/1/94.
Student Assistance Commission	Higher Education Student Assistance Act	110 ILCS 947/65.25	May award teacher shortage scholarships; assist teachers in finding employment in shortage areas; publish report measuring level of shortage of qualified bilingual personnel serving students with disabilities. ¹	974/65.05 - 65.55 being altered in accordance with PA 88-228 effective 7/1/94.
Student Assistance Commission	Higher Education Student Assistance Act	110 ILCS 947/65.30 - 947/65.45	May award equal opportunity scholarships for studies in educational administration. May award administrator internships. May award special education grants. ¹	974/65.05 - 65.55 being altered in accordance with PA 88-228 effective 7/1/94.
Student Assistance Commission	Higher Education Student Assistance Act	110 ILCS 947/65.50	500 new scholarships shall be provided each year; Commission shall provide funding and designate recipients. ¹	974/65.05 - 65.55 being altered in accordance with PA 88-228 effective 7/1/94.
Supreme Court	Supreme Court Act	705 ILCS 5/11	Supreme Court shall select a marshal who shall perform duties under order of court. The salary shall be fixed by the judges and be payable monthly.	The Marshal for the Supreme Court is paid semimonthly pursuant to section 1 of the State Officers Salary Payment Act.
Supreme Court	Appellate Courts Act	705 ILCS 25/3	Ordinary & contingent expenses of the Appellate Court, including salaries, shall be determined by the Supreme Court and paid from the State Treasury on appropriations made by the General Assembly. Clerks shall destroy trial records on order of judges on cases decided 21 years prior to the order.	The Supreme Court administrative order has reduced to 10 years the time for destruction of records.
Supreme Court	Official Court Reports Act	705 ILCS 65/4	To determine general format and frequency of decisions published and entitle Illinois reports and Illinois appellate reports.	Statute was a carry over from a time when there was no Rep. of Decisions & opinions were published by independent contractors. The publishing is now controlled by Rep. of Decision who is under the direction of the Court.
Supreme Court	Official Court Reports Act	705 ILCS 65/7	Within ten days of date of final decision, clerks of Supreme & Appellate Courts shall furnish Reporter of Decisions the opinions of judges of these courts. Supreme Court shall fix a price for their purchase by others.	These provisions are holdovers from the period before the Reporter was a State officer.
Transportation	Civil Administrative Code of Illinois (Part 8.5)	20 ILCS 2705/49.32	Dept. shall conduct rail passenger service study for service between Chicago and St. Louis through Kankakee, Champaign, Decatur and Springfield. Study shall include route from Champaign to Chicago arriving before 9:00 a.m. each business day.	Expired 1/92. Report has been issued.
Transportation	Solid Waste Management Act	415 ILCS 20/3(f)	Shall study feasibility of using recycled asphalt, rubberized asphalt, concrete, and demolition materials in road construction. By July 1, 1992 Department shall submit to Governor and General Assembly a report of its findings & recommendations.	Expired.
Transportation	Highway Code	605 ILCS 5/3-101	The location of highways for the national system of interstate and defense highways shall be used to the extent as the Department finds practical, suitable and feasible. Selections shall be made as provided in Sections 3-103 of this Code.	The cite in the statute referring to Federal Aid Highway Act of 1956 has been superseded by newer laws.
Transportation	Highway Code	605 ILCS 5/3-102	Selection of additional mileage - Department shall, if practicable and consistent with the acts of Congress, distribute in the several counties the mileage proposed to be added, so as to provide simultaneously for additional highways in the different sections of this State.	Refers to old form of federal law.
Transportation	Highway Code	605 ILCS 5/3-102	Department shall distribute such federal aid projects equitably and fairly among the different sections of the State and, so far as is practicable and consistent with the acts of Congress, among the several counties.	Refers to old form of federal law.

¹Requirements were revised by Public Act 88-228.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Transportation	Highway Code	605 ILCS 5/3-103	Department is authorized and instructed to enter into all agreements with the designated authority of the U.S. Government relating to the selection, construction and maintenance of highways under the provisions of the Federal Aid Road Act.	Refers to old form of federal law.
Transportation	Highway Code	605 ILCS 5/3-104	If the Department finds that the highway is not being properly maintained by such county, the Department shall call such fact to the attention of the county and if within 90 days after receipt of such notice the highway has not been put in a condition of maintenance satisfactory to Department, it shall withhold approval of federal aid until highway is fixed.	Refers to old form of federal law.
Transportation	Highway Code	605 ILCS 5/3-104.1	Federal Aid Urban System of Streets and Highways - Department shall immediately proceed to have such street or highway placed in proper condition of maintenance and charge the costs thereof against the municipality's allotment or the county's allotment of motor fuel tax funds.	Refers to Federal Aid Road Act which has been superseded.
Transportation	Highway Code	605 ILCS 5/3-104.2	Authorized to spend federal funds for public roads not on any federal aid system, being improved under the Federal Aid Act.	Refers to old Federal Aid Road Act.
Transportation	Highway Code	605 ILCS 5/3-105 - 5/3-105.1	Except as otherwise provided in 15 ILCS 515/1 et. seq., all money received by State from federal government for aid in construction of highways shall be placed in the Road Fund as well as that for the implementation of provisions of the "Commercial Motor Safety Act of 1986", Title XII, P.L. 99-570.	Refers to old Federal Aid Road Act.
Transportation	Aeronautics Act	620 ILCS 5/42-a - 5/42-f	Defines procedures for accident reports, security and suspension involving aircraft.	FAA investigates accidents.
Transportation	Aeronautics Act	620 ILCS 5/42-h	Department must approve transfer of suspended registrations.	FAA investigates accidents.
Transportation	Aeronautics Act	620 ILCS 5/42-i	Dept. shall direct peace officer to secure suspended registrations, if owner does not return same to Dept. immediately.	FAA investigates accidents.
Transportation	Aeronautics Act	620 ILCS 5/42-j	Dept. shall suspend license for failure to file accident report until said report is filed.	FAA investigates accidents.
Transportation	Aeronautics Act	620 ILCS 5/42-k	Act shall not apply to federal, state or municipally owned aircraft or interstate or foreign commerce aircraft.	FAA investigates accidents.
Transportation	Aeronautics Act	620 ILCS 5/44-a	Prior to March 1st each year, Dept. shall send aircraft type and owner information to appropriate county clerk.	Not needed.
Treasurer	Deposit of State Moneys Act	15 ILCS 520/11 - 520/20	Lists eligible collateral for public deposits. Shall designate one or more banks or savings and loan associations for demand deposits. Treasurer shall keep records to show institutions, rates, dates of deposit and balance and to make such report to the Governor monthly.	Section 14 - monthly interest
Treasurer	Lottery Law	20 ILCS 1605/27	Treasurer may with consent of Director of Lottery, contract with any person/corporation, without limitation, to perform financial functions in connection with the State Lottery, as Treasurer & Director may prescribe. Shall be ex-officio custodian & funds shall be held apart in a special trust fund outside State Treasury, known as the Deferred Lottery Prize Winners Trust.	Should be modernized.
Treasurer	Lottery Law	20 ILCS 1605/27	Treasurer may only invest in securities constituting direct obligations of the U.S. and the payments of obligations of principal and interest which are guaranteed by a pledge of faith and credit of the U.S. Interest on the fund shall remain in the fund to pay winners of lottery prizes deferred until such obligations are discharged.	Should be modernized.
Treasurer	State Treasurer's Bank Services Trust Fund Act	30 ILCS 212/10	Creates the State Treasurer's Bank Services Trust Fund to pay expenses of banking services.	Needs to be expanded to include other bank services including bond processing charges.
Treasurer	Short-Term Borrowing Act	30 ILCS 340/1 - 340/3	Treasurer shall sign bonds or certificates to cover casual deficits, not to exceed 15% of State's appropriation for the year to be used for no other purpose and not to be borrowed for more than one year.	Should be limited.

APPENDIX E: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS OBSOLETE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Treasurer	Solid Waste Management Act	415 ILCS 20/6.2	Director or designee shall serve on the Developing Markets for Recyclable Materials Task Force. Task force shall study existence of markets for recyclable materials and report to General Assembly and Governor by 3/1/92 and a final report by 9/1/92, after which it shall be abolished.	Report complete.
Universities Retirement System	Pension Code	40 ILCS 5/15-145	Survivors insurance benefits shall be payable under this Section for covered employees as listed for spouses, unmarried children & dependent parents. Provides for increases of 3% annually after 1/1/90.	Subsection (g) no longer in use.
Universities Retirement System	Pension Code	40 ILCS 5/15-155(a)	In no event shall employer contributions from State appropriations be used to pledge or pay any bonds issued by the Board or any expenses incurred or deposits required in connection therewith.	Not followed by executive and legislative branches.
Universities Retirement System	Pension Code	40 ILCS 5/15-155(a)	The State shall make contributions by appropriations of amounts which together with other employer contributions will be sufficient to meet requirements. In no event shall employer contributions be less than an amount necessary to retain qualified status under Sections 401(a) of U.S. Internal Revenue Code.	Not followed by executive and legislative branches.
University of Illinois	School Code	105 ILCS 5/2-3.79	A representative from the Division of Crippled Children of the University of Illinois shall serve on the Interagency Coordination Council.	Report was required by January 1989.
University of Illinois	University of Illinois Act	110 ILCS 305/1b	By Jan. 1, 1985 Board should have submitted plan for smoke detectors in dormitories to State Fire Marshal.	1985 plan submission required.
University of Illinois	University of Illinois Gerontological Committee Act	110 ILCS 340/1 - 340/3	Creates the Gerontological Committee within University and lists its powers & duties.	Well established gerontology programs on both campuses & each unique; system level word is not appropriate.
University of Illinois	University of Illinois Agricultural Experimental Station Act	110 ILCS 390/1	University shall establish in Cook County an agricultural experimental station.	No Ag Exp. Station in Cook County; do have extension office.
Veterans' Affairs	Civil Administrative Code	20 ILCS 5/9.22	Sets salaries of Director and Assistant Director by the Compensation Review Board.	Covers years 1979, 1980 & 1981.

APPENDIX F

**OBSOLETE STATUTORY PROVISIONS
IDENTIFIED DURING THE STUDY**

APPENDIX F
OBSOLETE STATUTORY PROVISIONS IDENTIFIED
DURING THE STUDY

STATUTORY REFERENCE	ACT	REASON OBSOLETE
15 ILCS 20/38	Civil Administrative Code Part 2	submission of budget
20 ILCS 105/4.01 (13)	Act on the Aging	training plan by 12/1/86
20 ILCS 105/4.05	Act on the Aging	reduce or limit services
20 ILCS 114-/1001-3	Used Motor Oil Recycling Act	completed 1/1/92
20 ILCS 1705/18.1	Mental Health & Developmental Disabilities Act	transfer of monies
20 ILCS 1805/22-7	Military Code of Illinois	transfer of monies
20 ILCS 2405/3	Disabled Persons Rehabilitation Act	reduce or limit services
20 ILCS 2430/1-8	Domestic Abuse and Neglect of Adults with Disabilities Studies and Demonstration Program Act	report due 12/31/88*
20 ILCS 2605/55a	Civil Administrative Code Part 10.5	transfer of monies
20 ILCS 2705/49.29	Civil Administrative Code Part 8.5	study due 3/1/86
20 ILCS 2710/0.01-3	Rail Passenger Service Act	study due 1/1/89
20 ILCS 1105/3(e)	Natural Resources Act	study due 1/1/91
20 ILCS 3960/12	Health Facilities Planning Act	transfer of monies
20 ILCS 505/6	Children and Family Services Act	payments to children before 1/1/64
20 ILCS 605/46.43	Civil Administrative Code Part 7	deposits before 9/30/92
20 ILCS 655/4a	Illinois Promotion Act	transfer of monies
30 ILCS 105/5.178	Finance Act	fund no longer active
30 ILCS 105/5.230	Finance Act	fund no longer active
30 ILCS 105/5.205	Finance Act	fund no longer active
30 ILCS 105/5.231	Finance Act	fund no longer active
30 ILCS 105/5	Finance Act	transfers into General Revenue
30 ILCS 105/8.12	Finance Act	transfer of monies
30 ILCS 105/6	Finance Act	transfer of monies
30 ILCS 105/5.59	Finance Act	fund no longer active

* Repealed by Public Act 88-500

APPENDIX F
OBSOLETE STATUTORY PROVISIONS IDENTIFIED
DURING THE STUDY

STATUTORY REFERENCE	ACT	REASON OBSOLETE
30 ILCS 105/5.113	Finance Act	fund no longer active
30 ILCS 105/5.264	Finance Act	fund no longer active
30 ILCS 105/5.321	Finance Act	fund no longer active
30 ILCS 105/5.317	Finance Act	fund no longer active
30 ILCS 105/5.296	Finance Act	fund no longer active
30 ILCS 105/5.293	Finance Act	fund no longer active
30 ILCS 105/8.23	Finance Act	fund no longer active
30 ILCS 105/6z-19	Finance Act	transfer of monies
30 ILCS 105/6z-11	Finance Act	transfer of monies
30 ILCS 105/8.25	Finance Act	transfer of monies
30 ILCS 105/8c	Finance Act	transfer of monies
30 ILCS 105/5.290	Finance Act	fund no longer active
30 ILCS 105/8.20	Finance Act	transfer of monies
30 ILCS 105/8d	Finance Act	transfer of monies
30 ILCS 105/5.246	Finance Act	fund no longer active
30 ILCS 105/5.236	Finance Act	fund no longer active
30 ILCS 105/6z-12	Finance Act	transfer of monies
30 ILCS 105/8.8b	Finance Act	transfer of monies
30 ILCS 105/5.285	Finance Act	fund no longer active
30 ILCS 105/5.271	Finance Act	fund no longer active
30 ILCS 105/10	Finance Act	emergency constraints on approving vouchers
30 ILCS 105/5.232	Finance Act	fund no longer active
30 ILCS 140/1	Health Finance Transfer of Funds Act	transfer of monies
30 ILCS 180/1	Vehicle Recycling Fund Transfer Act	transfer of monies
30 ILCS 185/500	Emergency Budget Act of Fiscal Year 1992	repeals other provisions

APPENDIX F
OBSOLETE STATUTORY PROVISIONS IDENTIFIED
DURING THE STUDY

STATUTORY REFERENCE	ACT	REASON OBSOLETE
30 ILCS 105/505	Emergency Budget Act of Fiscal Year 1992	effective date of Act
30 ILCS 340/3	Short Term Borrowing Act	transfer of monies
30 ILCS 560/0.01 - 7	Public Works Preference Act	provisions unconstitutional
30 ILCS 730/4	Coal Technology Development Assistance Act	transfer of monies
30 ILCS 740/2-3	Downstate Public Transportation Act	transfer of monies
35 ILCS 105/9	Use Tax Act	transfer of monies
35 ILCS 110/9	Service Use Tax Act	transfer of monies
35 ILCS 115/9	Service Occupation Tax Act	transfer of monies
35 ILCS 120/3	Retailers Occupation Tax Act	transfer of monies
70 ILCS 915/10	Medical Center District Act	transfer of monies
105 ILCS 5/34A-402	School Finance Authority Act	transfer of monies
215 ILCS 5/408.3	Insurance Code	transfer of monies
215 ILCS 5/509.1	Insurance Code	transfer of monies
225 ILCS 100/19	Podiatric Medical Practice Act of 1987	transfer of monies
225 ILCS 25/42	Dental Practice Act	transfer of monies
225 ILCS 340/36	Structural Engineering Licensing Act of 1989	transfer of monies
225 ILCS 60/21	Medical Practice Act	transfer of monies
225 ILCS 65/24	Illinois Nursing Act of 1987	transfer of monies
225 ILCS 80/20	Optometric Practice Act of 1987	transfer of monies
225 ILCS 85/27	Pharmacy Practice Act	transfer of monies
225 ILCS 455/16	Real Estate License Act of 1983	transfer of monies
225 ILCS 455/17	Real Estate License Act of 1983	transfer of monies
230 ILCS 30/14	Charitable Games Act	transfer of monies
230 ILCS 5/32	Horse Racing Act of 1975	transfer of monies
305 ILCS 5/14-2	Public Aid Code	transfer of monies

APPENDIX F
OBSOLETE STATUTORY PROVISIONS IDENTIFIED
DURING THE STUDY

STATUTORY REFERENCE	ACT	REASON OBSOLETE
305 ILCS 5/5-4.21	Public Aid Code	transfer of monies
305 ILCS 5/4-2	Public Aid Code	reduced supplementary grants
305 ILCS 5/5-4.31	Public Aid Code	transfer of monies
305 ILCS 5/3-8, 5/4-10, 5/5-12, 5/6-6	Public Aid Code	reduce or eliminate payments
305 ILCS 5/6-2, 5/12-4.11	Public Aid Code	reduce or eliminate payments
305 ILCS 5/5-17	Public Aid Code	no private right to hospital care
320 ILCS 25/7.1	Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act	limit or reduce payments
415 ILCS 5/22.13	Environmental Protection Act	transfer of monies
415 ILCS 5/22.8	Environmental Protection Act	transfer of monies
415 ILCS 60/22.1	Pesticide Act	transfer of monies
420 ILCS 40/35	Radiation Protection Act of 1990	transfer of monies
625 ILCS 35/6	Cycle Rider Safety Training Act	transfer of monies
625 ILCS 5/18c-1601	Commercial Transportation Law	transfer of monies
725 ILCS 240/10	Violent Crime Victims Assistance Act	transfer of monies
730 ILCS 160/0.01 - 15	Industrial School for Girls Act	schools no longer exist
730 ILCS 165/0.01 - 14	Training School for Boys Act	schools no longer exist

APPENDIX G
STATUTORY PROVISIONS IDENTIFIED
AS UNENFORCEABLE

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agriculture	Grain Insurance Act	240 ILCS 25/10(d) - 25/10(e)	(d) To initiate any action it may deem necessary to compel the claimant whose claim arose due to a failure to participate in any legal proceeding in relation to such claim. (e) To initiate action necessary to process refunds that the Department deems appropriate.	Unconstitutional
Agriculture	Noxious Weed Law	505 ILCS 100/1 - 100/24	To enforce and administer the provisions contained in the Illinois Noxious Weed Law.	Enforcement is at the local government level.
Agriculture	Production Agriculture Programs Act	505 ILCS 105/3	Upon advice from the Board of Agricultural Advisors shall allocate funds to U of I Experiment Station, SIU College of Ag, WIU College of Ag, ISU College of Ag, to improve facilities at their research farms, for personnel, supplies and expenses for adaptive research.	Not funded by General Assembly.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/13	To contract with the designated Regional Port District when appropriations are made for cargo handling facilities. Regional Port Districts shall remit to the State not more than 20% of gross receipts or not less than 20% of the profit until the full amount appropriated has been remitted to the State.	The Attorney General's Office has already declared the Shawneetown Port District to be a bad debt. Our external auditors from Deloitte - Touche have determined chances of collecting the receivable from the Chicago Port District to be remote. Their analysis indicated that a best case scenario would still mean a payback period of 130 years and, therefore, in financial (GAAP) reporting has considered the entire amount in an Allowance for Doubtful Account until such time as we receive permission from the Attorney General's Office to write off this debt also.
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c	To provide for staff and administer an Office of Urban Assistance. Lists duties of the Office of Urban Assistance.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(a)	To coordinate the units and programs of the Department of Commerce and Community Affairs. The Office of Urban Assistance is to convene quarterly meetings of representatives appointed by the Department.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(b)	To gather information concerning any State or federal program designed to revitalize or assist depressed urban areas in the State, and make information available to public and private entities upon request.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(c)	To promote and assist in developing urban inner city industrial parks.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(d)	To promote economic parity and the autonomy of citizens of this State through promoting and assisting the development of urban innercity small business centers, urban youth unemployment projects, small business incubators, family resource centers, urban development banks and self-managed urban businesses.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(e)	To recommend economic policies for urban areas and planning models that will result in the reconstruction of the economy of urban areas to the General Assembly and the Governor.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(f)	To make recommendations to the General Assembly and the Governor on the establishment of urban economic policy in areas of (1) housing, (2) scientific research, (3) urban youth employment, (4) business incubators and family resource centers in urban inner cities, and (5) alternative energy resource development.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(g)	To make any rules and regulations necessary to carry out its responsibilities under this Act.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(h)	To encourage new industrial enterprises to locate in urban areas through educational promotions which point out the opportunities of any such area as a commercial and industrial field of opportunity.	Unfunded
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19c(i)	To accept grants, loans or appropriations from the federal government or the State to be used for the operating expenses of the Office.	Unfunded

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19f(1)	To accept grants, loans, or appropriations from the federal government or the State or any agency of instrumentality thereof, and to assess fees for any services performed under the Buy Illinois Program.	Unfunded. Duplicates Illinois Product & Services Exchange Act (20 ILCS 605/46.57).
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19f(2)	To form a Buy Illinois Council, made up of Illinois' large firms and small firms to provide advice and counsel in directing a statewide program.	Unfunded.
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.28	To accept and use planning grants or other financial assistance from the federal government and from other sources set forth in Section 47.2 for support of planning studies and activities, performance of administrative functions, and technical services.	Unfunded.
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.50	To enter into an agreement or contract with a college, university, private group, organization or other entity to conduct a comprehensive statewide survey of infrastructure needs in Illinois.	Unfunded.
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.52	To award grants to community-based groups as defined in "An Act to provide for grants to community groups and to assist local government programs for gang control, amending certain Acts therein named." (30 ILCS 755/1)	Unfunded.
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.64	Division of Defense contract procurement is created to lobby for Illinois employers for procurement of federal defense contracts.	Can't lobby because of agreement with Small Business Administration. Unfunded.
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/47.2	Department shall collect & pay to Treasurer for deposit in the St. Technical Services Act Fund money received from: federal government to defray cost of programs under the St. Technical Service Act of 1965, & any other federal funds for such purposes; funds received or collected from colleges or universities non-profit organizations to participate in programs.	Unfunded.
Commerce & Community Affairs	Corridors of Opportunity & Development Act	20 ILCS 610/4	To use some of the funds for administrative purposes. Department is limited to an amount not to exceed 8% of the total appropriation in any given State fiscal year for administrative purposes.	Unfunded.
Commerce & Community Affairs	Corridors of Opportunity & Development Act	20 ILCS 610/4	Department shall (1) convene regional organizational meetings to facilitate the ability of interested groups to form corridor councils and to assist in the development of individual marketing strategies for a particular corridor of opportunity.	Unfunded.
Commerce & Community Affairs	Corridors of Opportunity & Development Act	20 ILCS 610/4	Department shall distribute said funds as follows, with geographic balance being of prime consideration: (a) 1/3 of the total appropriation for An Act to Establish Regional Groups and Develop Corridors of Opportunity shall go to economic development commissions/councils established in cities with a population in excess of 1,000,000.	Unfunded.
Commerce & Community Affairs	Corridors of Opportunity & Development Act	20 ILCS 610/4	To allocate Dept. funds & enter into contracts for feasibility studies, marketing plans, Ag developing plan, promotional materials, as determined by individual corridor councils, for the purposes of assisting each individual corridor council in their individual marketing plans and development strategies.	Unfunded.
Commerce & Community Affairs	Corridors of Opportunity & Development Act	20 ILCS 610/4	To provide grants to individual corridor councils to assist in the achievement of their individual marketing plans and development strategies. Department may require corridor councils to provide matching funds and/or in-kind contributions on a case-by-case basis, in reference to individual grants.	Unfunded.
Commerce & Community Affairs	Corridors of Opportunity & Development Act	20 ILCS 610/4	(b) The remaining 2/3 of the total appropriation from An Act to Establish Regional Groups and Develop Corridors of Opportunity shall go to those councils which are located in municipalities with a population of less than 1,000,000. Municipalities with a population in excess of 1,000,000 are required to provide matching funds or in-kind contributions.	Unfunded.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Commerce & Community Affairs	Corridors of Opportunity & Development Act	20 ILCS 610/5	Department shall publish announcements of the formation of all corridor councils and shall give written notice to officers of local governments, members of local Chambers of Commerce, economic development groups, administrators of educational institutions, etc., to ensure maximum participation by all interested parties throughout the State.	Unfunded.
Commerce & Community Affairs	Corridors of Opportunity & Development Act	20 ILCS 610/6	Department shall annually report to the Governor and members of the General Assembly on the status of all corridors of opportunity.	Unfunded.
Commerce & Community Affairs	Emergency Employment Development Act	20 ILCS 630/3(c)	Director shall provide administrative support services to the coordinator for the purpose of the program. Director, with the advice of the coordinator, shall adopt rules for the administration and enforcement of this Act.	Unfunded.
Commerce & Community Affairs	Emergency Employment Development Act	20 ILCS 630/5(b)	Allocation of funds among eligible employers within each service delivery area shall be determined by the Private Industry Council for each such area according to the priorities which the Director, upon recommendation of the coordinator, shall by rule establish.	Unfunded.
Commerce & Community Affairs	Emergency Employment Development Act	20 ILCS 630/7(a)	Department shall publicize the program and shall provide staff assistance as requested by employment administrators in the screening of businesses and the collection of data.	Unfunded.
Commerce & Community Affairs	Enterprise Zone Loan Act	20 ILCS 655/12-3(a) - 655/12-3(f)	Department shall provide loans to businesses undertaking projects in enterprise zones; enter into agreements; accept funds or grants; cooperate with agencies of government; enter into contracts with financial institutions; fix and determine charges & collect fees; establish rules and regulations; & consent to restructuring loan agreements.	Unfunded.
Commerce & Community Affairs	Enterprise Zone Loan Act	20 ILCS 655/12-3(g) - 655/12-3(h)	Department shall take any action to protect the State from bankruptcy; acquire property by gift, grant or purchase, but not by condemnation, to be used for commercial or industrial site development purposes.	Unfunded.
Commerce & Community Affairs	Enterprise Zone Loan Act	20 ILCS 655/12-6 - 655/12-9	Department shall administer the Enterprise Loan Fund; shall keep all loan information confidential and make annual report to the Governor and the General Assembly regarding the operation of the fund.	Unfunded.
Commerce & Community Affairs	Military Base Reuse Advisory Board Act	20 ILCS 670/1	Creates within DCCA an advisory board on the reuse of military bases, consisting of 10 members to serve three year terms, and receive no compensation except expenses. Board shall report its activities and recommendations to the Governor and the General Assembly by December 31 of each year.	Board never established. Issues handled at local level.
Commerce & Community Affairs	Rural Diversification Act	20 ILCS 690/8	Creates Rural Diversification Revolving Fund in State Treasury for use of office. Funds shall include fees, receipts, principal & interest, royalties, defaults, appropriations, gifts & grants, interest on investment, & federal participation.	Unfunded.
Commerce & Community Affairs	Natural Resources Act	20 ILCS 1105/14	Director or designee shall serve on the Superconductivity Coordinating Council.	Unfunded.
Commerce & Community Affairs	General Assistance Job Opportunities Act	20 ILCS 3940/10	Director or designee shall serve on the Job Opportunity Advisory Council. Council shall develop a plan designed to employ persons who are eligible for Transitional Assistance. Shall report to Governor & General Assembly. Members shall be paid for expenses only.	Unfunded.
Commerce & Community Affairs	Finance Act	30 ILCS 105/6b-3	To administer the State Housing Fund.	Unfunded.
Commerce & Community Affairs	Finance Act	30 ILCS 105/8.21	To administer Federal Public Works Economic Development Trust Fund.	Unfunded.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Commerce & Community Affairs	Local Land Resource Management Planning Act	50 ILCS 805/8	May make annual grants to counties and municipalities to develop, update, administer and implement plans. Grants to be based on latest U.S. census at one dollar per person, but no less than \$20,000 or more than \$100,000. Department may make rules for entitlement.	Unfunded.
Commerce & Community Affairs	State Housing Act	310 ILCS 5/21	Department shall have the power to study housing needs and conditions throughout the State to determine in what areas there exists the conditions declared in Section 2 of this Act, shall prepare corrective programs, distribute information, prepare legislation and report to Governor annually.	Unfunded.
Comptroller	Voluntary Payroll Deductions Act of 1983	5 ILCS 340/1 - 340/6	An organization desiring to be designated as a qualified organization shall submit written designations on forms approved by the State Comptroller by 4,000 or more employees, in which such employees indicate that the organization is one for which the employee intends to authorize withholding. Any qualified organization shall notify the State Comptroller in writing if the qualified organization receives information or otherwise believes that a benefiting agency is no longer in compliance with the certification of the qualified organization.	The requirement that a charitable organization submit 4,000 or more State employee signatures to the Comptroller's Office for verification before the charity may participate in the annual campaign is unnecessarily burdensome on the Office. Other less burdensome ways to ensure employees' support of a charity exists without the collection and verification of signatures. In addition, there is no mechanism to check if the participating qualified charities have continued to comply with the requirements of the Act. The only administrative check is on "benefiting" agencies, not "qualified" charities. Appears to be obsolete.
Comptroller	Fees & Salaries Act	30 ILCS 220/11	All fees collected shall be paid into the State Treasury. Shall semi-annually or on or before the first days of April and October, file a statement, under oath, with the Governor showing by items the amount of fees collected with the receipt of the Treasurer. ¹	
Comptroller	Nursing Home Grant Assistance Act	305 ILCS 40/20	Creation of Nursing Home Grant Assistance Fund. Within 10 days after receipt of disbursement certification to qualified agents, Comptroller shall draw warrants according to certification directions.	Payments are vouchered by the Department of Revenue to the individual benefit recipients not to the distributing agents, pursuant to Attorney General opinion. (See Section 10 of the Nursing Home Grant Assistance Act) This statute will be obsolete at the end of fiscal year 1995.
Conservation	IL & Michigan Canal State Park Act	20 ILCS 850/1 - 850/4	Transfer of administration of the Illinois and Michigan Canal from the Department of Transportation to the Department of Conservation. The Department of Conservation shall administer the Illinois and Michigan Canal as a State park subject to the Acts amended by Sections 5 through 9 of this Act.	This statute directs the Department to "...administer the Illinois & Michigan Canal as a State Park, subject to the Acts amended by Section 5 through 9 of this Act." However, there are no Sections 5 through 9 in Act 850. The Department suggests that the phrase "subject to the Acts amended by Section 5 through 9 of this Act" be removed from the Illinois & Michigan Canal State Park Act.
Conservation	Capitol City Planning Commission Act	20 ILCS 3920/1	Establishes the Capitol City Planning Commission.	This statute establishes the Capitol City Planning Commission. This Commission does not exist and its responsibilities have been assumed by the Space Needs Commission, CDB and Springfield Planning Commission. Additionally, the Commission has no spending authority to enforce its responsibilities. The Department suggests that this statute be repealed.

¹This requirement was amended by Public Act 88-634.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency Conservation	Act	Statutory Reference	Statutory Requirement	Agency Comment
Real Property Conservation Rights Act	765 ILCS 120/5	Department shall receive a copy of all instruments creating a Conservation Right which is recorded in the county where the land lies.	This statute requires all instruments creating conservation rights to be duly recorded in the county where the land lies. The Act also requires the county recorder or Registrar of Titles to mail a copy of the conservation right to the Dept. of Conservation. The Dept., however, lacks the means (both staff & budget) to verify if all conservation rights are being submitted, to effectively record such rights and to enforce the submittal of records or the provisions of instruments creating conservation rights. Additionally, the law requires Conservation to be notified of conservation rights affecting the preservation of structures having architectural, historical, or cultural significance. The Historic Preservation Agency has prime responsibility for historical structures. Conflicts with federal requirements.	
Education, State Board of	School Code	105 ILCS 5/2-3.38	The ISBB will hear and decide appeal under Section 14-8.02 of the School Code.	Vocational Education response says there has never been an appropriation for this.
Education, State Board of	School Code	105 ILCS 5/2-3.85	To develop guidelines for educational programs in which teen parents may enroll to complete the graduation requirements and receive their high school diploma.	Law never used/utilized. Not applicable. Obsolete.
Education, State Board of	School Code	105 ILCS 5/12-21	To approve a high school in an adjoining state and pay tuition for a high school or eighth grade student living in an area where no high school of this state is readily accessible.	The General Assembly has never appropriated money for this.
Education, State Board of	School Code	105 ILCS 5/18-8.4 - 5/18-8.5	Board shall establish by rule the time and manner of filing claims for supplemental State Aid. To be treated as separate from all other payments pursuant to Section 18-8. Shall pay supplementary State Aid to new districts on certification & on forms prescribed by Board. Shall certify to Comptroller amount of reimbursement to school treasurers.	Mandate is obsolete, unenforceable, unnecessarily burdensome & of no administrative benefit. The intent of the statute is to coordinate service delivery plans with other state agencies. In practice, however, this is not happening. The Bureau of the Budget is supposed to issue guidelines annually, but has not for many years. We have never received feedback on our completed plans (plan is really a misnomer as it is really a public information document) either from the Bureau of the Budget or the General Assembly. Many staff hours are spent on preparing the plan -- hours that could be better spent on long range strategic planning. Additionally, much of the information in the Human Services Plan is contained in other documents we are required to prepare in order to receive our federal funding.
Employment Security	Welfare & Rehabilitation Services Planning Act	20 ILCS 10/3 - 10/6	To submit to the General Assembly by the first Friday in April of each year a plan providing for the maximum utilization of the State's resources for human resource development.	The provisions of this 1941 Act pertain to wartime contractors. The Human Rights Act also apparently supersedes this statute.
Employment Security	Defense Contract Employment Discrimination Act	775 ILCS 20/1 - 20/7	To enforce the prosecution of any violation, upon its filing, pertaining to the Defense Contract Employment Discrimination Act.	No appropriations ever made.
Energy & Natural Resources	Comprehensive Solar Energy Act of 1977	30 ILCS 725/1 - 725/8.2	Authority to administer the Comprehensive Solar Energy Act of 1977, and related programs.	

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Environmental Protection Agency	Hazardous Waste Equipment Operators and Laborers Act	225 ILCS 220/4	Agency shall license any person or assistant to operate a crane or hoist driven by any power when used to lower or hoist personnel or materials involving the disposal, clean-up or handling of hazardous waste at regional pollution control facilities, with exceptions as noted in (c) through (f).	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Environmental Protection Agency	Hazardous Waste Equipment Operators and Laborers Act	225 ILCS 220/7 - 220/8	Agency shall authorize examinations of applicants who shall be required to pay a testing fee. The agency may employ consultants for the purpose of preparing & conducting examinations. Licenses shall be renewable yearly after completion of an 8 hour refresher course, approved by the agency. Fee for original license shall be \$50 & renewal \$20.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Environmental Protection Agency	Hazardous Waste Equipment Operators and Laborers Act	225 ILCS 220/8(b)	All fees received by agency pursuant to this Section shall be deposited into the Hazardous Waste Occupational Licensing Fund. Monies in fund may be used by agency, pursuant to appropriation, for administration of the Act.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Environmental Protection Agency	Hazardous Waste Equipment Operators and Laborers Act	225 ILCS 220/9 - 220/10	Creates Hazardous Waste Crane & Hoisting Equipment Licensing Board consisting of 5 members appointed by Director for 4 year terms, with no compensation except expenses. Board shall make recommendations to Director and advise crane inspectors relating to duties. Director shall appoint a crane inspector for a 4 year term to assist Board.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Environmental Protection Agency	Hazardous Waste Equipment Operators and Laborers Act	225 ILCS 220/11 - 220/13	Agency may refuse to issue, renew, may revoke & suspend licenses & impose fines not to exceed \$5,000 for the causes listed in (a) through (h). Shall notify applicant or licensee holder 10 days prior to hearing. Final administrative decision shall be subject to Administrative Review Law.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Environmental Protection Agency	Hazardous Waste Equipment Operators and Laborers Act	225 ILCS 220/17	Agency shall exercise powers & duties prescribed by the Civil Administrative Code for administration of licensing acts & exercise the powers and duties invested by this Act. Director may promulgate rules & regulations for administration & enforcement & prescribe forms in connection therewith.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Environmental Protection Agency	Hazardous Waste Laborers Licensing Act	225 ILCS 221/1 - 221/7	Agency shall license any person performing duties of a laborer involving cleanup, disposal or handling hazardous waste at a regional pollution control facility. Sets forth qualifications & place for examinations. Fees shall be \$50 for original license & \$20 for renewal which shall require 8 hours refresher instruction. All licenses valid for 1 year.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Environmental Protection Agency	Hazardous Waste Laborers Licensing Act	225 ILCS 221/8 - 221/9	Creates Hazardous Waste Laborers Licensing Board consisting of 5 members appointed by Director to serve for 4 years. Authorizes reimbursement for expenses. Board shall make recommendations to Director & advise the labor inspector on his duties. Director to appoint a labor inspector to assist Board & make inspections.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Environmental Protection Agency	Hazardous Waste Laborers Licensing Act	225 ILCS 221/10 – 221/15	Agency may refuse to license, may suspend or revoke & impose fines up to \$5,000 for causes listed in (a) through (g). All final administrative decisions shall be subject to Administrative Review Law. Agency shall exercise powers & duties of Civil Administrative Code for licensing & shall promulgate rules & regulations consistent with Act.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Environmental Protection Agency	Hazardous Waste Laborers Licensing Act	225 ILCS 221/13	Director may maintain an action in the name of the people of Illinois to perpetually enjoin any person from unlawfully operating as a laborer; or engaging in any act involving the disposal, cleanup or handling of hazardous waste at any facility in the State without a license.	In <i>Gade v. NSWMA</i> , 112 S. Ct. 2374, the Supreme Court held that portions of the State's license requirement for hazardous waste operators and laborers was pre-empted by OSHA. The Court did not specify which portions were pre-empted, presumably that will be determined on remand. That statute will then need to be re-written.
Fire Marshal	Fire Protection District Act	70 ILCS 705/11b	To notify current municipal fire protection to cease operation when fire protection district becomes operational.	Unworkable. Fire Marshal has no power to direct or arbitrate disputes between a municipality and a Fire Protection District.
Fire Marshal	Fireworks Regulation Act	425 ILCS 30/14 – 30/15	To issue registration to new fireworks plants. The plant must conform with the provisions of this Act.	Definitions of fireworks (with exclusions for certain types of devices) create certain workability and enforceability problems. Overlapping regulation with Mines & Minerals and Alcohol, Tobacco & Firearms coupled with the lack of production of Class C devices in this State and the United States make an otherwise useful and necessary statute an enforceability problem. The statute should be amended so that all fireworks (including those devices excluded) are subject to regulation.
Fire Marshal	Fireworks Regulation Act	425 ILCS 30/16	To issue certificate of registration to fireworks plant upon satisfactory inspection.	Definitions of fireworks (with exclusions for certain types of devices) create certain workability and enforceability problems. Overlapping regulation with Mines & Minerals and Alcohol, Tobacco & Firearms coupled with the lack of production of Class C devices in this State and the United States make an otherwise useful and necessary statute an enforceability problem. The statute should be amended so that all fireworks (including those devices excluded) are subject to regulation.
Fire Marshal	Fireworks Regulation Act	425 ILCS 30/17	To file reasons for denying fireworks plant certification and give applicant a copy.	Definitions of fireworks (with exclusions for certain types of devices) create certain workability and enforceability problems. Overlapping regulation with Mines & Minerals and Alcohol, Tobacco & Firearms coupled with the lack of production of Class C devices in this State and the United States make an otherwise useful and necessary statute an enforceability problem. The statute should be amended so that all fireworks (including those devices excluded) are subject to regulation.
Fire Marshal	Fireworks Regulation Act	425 ILCS 30/18	To revoke any fireworks certificate for violations of this Act.	Definitions of fireworks (with exclusions for certain types of devices) create certain workability and enforceability problems. Overlapping regulation with Mines & Minerals and Alcohol, Tobacco & Firearms coupled with the lack of production of Class C devices in this State and the United States make an otherwise useful and necessary statute an enforceability problem. The statute should be amended so that all fireworks (including those devices excluded) are subject to regulation.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Fire Marshal	Fireworks Regulation Act	425 ILCS 30/20	To give certificate holder opportunity to be heard before any final decision.	Definitions of fireworks (with exclusions for certain types of devices) create certain workability and enforceability problems. Overlapping regulation with Mines & Minerals and Alcohol, Tobacco & Firearms coupled with the lack of production of Class C devices in this State and the United States make an otherwise useful and necessary statute an enforceability problem. The statute should be amended so that all fireworks (including those devices excluded) are subject to regulation.
Fire Marshal	Fireworks Regulation Act	425 ILCS 30/22	To adopt rules and regulations to enforce Act.	Definitions of fireworks (with exclusions for certain types of devices) create certain workability and enforceability problems. Overlapping regulation with Mines & Minerals and Alcohol, Tobacco & Firearms coupled with the lack of production of Class C devices in this State and the United States make an otherwise useful and necessary statute an enforceability problem. The statute should be amended so that all fireworks (including those devices excluded) are subject to regulation.
Guardianship & Advocacy Commission	Guardianship & Advocacy Act	20 ILCS 395/5(l)	Commission shall monitor issues regarding the care and treatment of individuals who receive mental health services or are developmentally disabled, including reports of abuse and neglect.	Requirement to monitor abuse & neglect remains an unfunded mandate incapable of enforcement. Mandate duplicates statutory duties placed on the Departments of Public Health and Mental Health & Developmental Disabilities.
Guardianship & Advocacy Commission	Probate Act of 1975	755 ILCS 5/11a-17(a)	Should the court direct, guardian shall have custody of ward and ward's children. State guardian shall assist guardians of the person in filing court reports when requested by the guardian.	Commission is appointed guardian of person and/or estate of adults. DCFS exclusively serves minors & typically has represented the interests of children of the Commission's adult wards.
Human Rights Commission	Human Rights Act	775 ILCS 5/8-102(d)	To select and set the compensation of Hearing Officers who will be State licensed attorneys and full time Commission employees. Shall implement a formal training program for hearing officers.	Funds have never been appropriated for a training program.
Human Rights Commission	Human Rights Act	775 ILCS 5/8-110	Decisions of the Commission shall be published within 120 calendar days of the completion of service of the written decision on the parties.	The Commission has never been appropriated the funds to comply with this section of the Act. However, arrangements have been made to publish Commission decisions by a publishing company at no cost to the Commission. Decisions through June 1990 have been published in volumes. Decisions from April 1991 to the present are available to the public electronically. Decisions rendered between June 1990 and April 1991 are available in the Human Rights Commission office for review.
Labor	Civil Administrative Code (Part 5.5)	20 ILCS 1505/43.12 - 1505/43.13	To acquire and disseminate information on subjects connected with labor in the most general and comprehensive sense of that word and information concerning the means of promoting the material, social, intellectual and moral prosperity of laboring men and women. Monitor employment progress of women/minorities & report each April to General Assembly.	This mandate requires the Department to monitor the employment progress of women & minorities in the IL workforce & report to the General Assembly each year on April 1 with the results. IDOL has never received the funding required to implement this program or conduct the surveys needed to obtain the necessary information from employers. This is an unfunded mandate. IDOL has addressed this issue in its annual report to the General Assembly for the past two years.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Labor	Civil Administrative Code (Part 5.5)	20 ILCS 1505/43.19	To transfer realty of Department to any other department of State government. To acquire or accept federal lands when approved by the Governor.	This statute gives IDOL the power to transfer jurisdiction of any realty under the control of the Department to any other Department of the State government or to acquire or accept federal lands. The Auditor General's office has repeatedly identified the above laws as IDOL statutory mandates. IDOL is not enforcing these statutes because we believe they are more appropriately administered or utilized by the Department of Employment Security. It is possible that when the agencies were separated in the mid 1980's that the laws were added to their statutes and were not deleted from IDOL's. IDOL introduced legislation this year (HB 3641) that would repeal these statutes. This bill was held in the House Rules Committee.
Labor	Minimum Wage Standards for Women & Minors Act	820 ILCS 125/3	Department shall have full power and authority to investigate and ascertain wages of women and minors; to enter workplace of employer to examine records; require in writing statements of wages paid to women and minors.	This mandate (Wages of Women & Minors Act) requires that IDOL investigate and ascertain the wages of women & minors employed in any occupation in the State. All responsibilities outlined in this Act are currently being administered and enforced within the Minimum Wage and Overtime Law. This statute is obsolete and duplicative.
Labor	Minimum Wage Standards for Women & Minors Act	820 ILCS 125/4	Duty to investigate wages paid when requested by 50 or more residents of county where women or minors are employed in an occupation, and appoint a wage board to report on establishment of fair minimum wages in such occupation.	This mandate (Wages of Women & Minors Act) requires that IDOL investigate and ascertain the wages of women & minors employed in any occupation in the State. All responsibilities outlined in this Act are currently being administered and enforced within the Minimum Wage and Overtime Law. This statute is obsolete and duplicative.
Labor	Industrial Home Work Act	820 ILCS 240/4 - 240/5	Department shall issue an industrial home workers' sanitary permit for work in one's own home at no charge for one year.	This section of the Industrial Home Work Act mandates that IDOL must provide the applicant with a Sanitary Permit to be followed up with an inspection of the premises to be utilized for home work. IDOL has not conducted inspections of premises for applicants of the Industrial Home Work Act due to a lack of funding. Therefore, no Sanitary Permits have been issued to date. This mandate is unenforceable and unnecessarily burdensome.
Law Enforcement Training & Standards Board	Peace Officer Firearm Training Act	50 ILCS 710/3	Board is charged with enforcing this Act & making inspections to insure compliance. Is empowered to promulgate rules. Shall report results of inspections & recommendations in annual report.	Very unclear reference -- 50 ILCS 710/3 very imprecise. Report language should be changed to language used in ASSIST statute 50 ILCS 720/6.
Lieutenant Governor	Solid Waste Management Act	415 ILCS 20/6.2	Director or designee shall serve on the Developing Markets for Recyclable Materials Task Force. Task Force shall study existence of markets for recyclable materials and report to General Assembly & Governor by March 1, 1992, and a final report by September 1, 1992.	A final Task Force report was submitted to the General Assembly in 1992.
Mental Health & Developmental Disabilities	Mental Health & Developmental Disabilities Act	20 ILCS 1705/58	Department shall establish a 5 year adolescent and teen-age suicide prevention program and shall award grants to not-for-profit organizations, scientific corporations and government agencies from funds appropriated to the Department. Report to General Assembly by July 1, 1991.	Program never funded.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Mines & Minerals	Farmland Preservation Act	505 ILCS 75/3(f)	The Director or chairperson of Mines & Minerals shall serve as a member of an inter-agency committee on farmland preservation.	The Department regulates the Coal, Aggregate and Oil and Gas industry. Coal mining with regards to farmland is strictly regulated due to the influence of federal law. The aggregate industry is exempt from restoring cropland due to the nature of the mining. The Department does regulate the regrading of impacted oil and gas areas but has no provisions for revegetating the areas to cropland. The main factor of this Act is agency conversions due to capital development projects. The agency does not own or manage cropland subject to capital development projects. Due to this factor, the Department's direct impact and involvement with the implementation of this Act is minimal. Held unconstitutional - Court Decision 683 F2nd206; 461 US 913.
Nuclear Safety	Spent Nuclear Fuel Act	420 ILCS 15/2	Department determines reciprocal agreements with other states regarding disposal and storage facilities for spent nuclear fuel.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Clinical Social Work and Social Work Practice Act	225 ILCS 20/9A - 20/11	Dept. shall issue a license for a licensed Social Worker who meets the qualifications listed in 1 - 5 of this Section. Dept. shall establish by rule a means for verification of completion of continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Dental Practice Act	225 ILCS 25/16.1	Dept. shall make rules for continuing education for persons licensed and registered under Act, and shall approve only courses relevant to treatment and care of patients. No renewals shall be granted unless applicant files affidavit of completion of required continuing education.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Medical Practice Act of 1987	225 ILCS 60/20	To promulgate rules of continuing education for persons licensed under this Act and to consider educational requirements for medical staffs.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Nursing Home Administrators Licensing & Disciplinary Act	225 ILCS 70/11	Shall establish by rule a means for verification of completion of the continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Optometric Practice Act of 1987	225 ILCS 80/16	Department shall establish rules for continuing education and a means for verification of the completion of continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Pharmacy Practice Act of 1987	225 ILCS 85/11 - 85/12	Powers and duties: Civil Administrative Code and Administrative Procedure Act shall apply, issuance and revocation of Pharmacist licenses. Sets requirements for continuing education. Director shall notify State Board of Pharmacy of the granting of any variance & the reasons therefore at next Board meeting.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Podiatric Medical Practice Act of 1987	225 ILCS 100/14	Dept. shall require proof of having met requirements of continuing education and shall by rule provide an orderly process for reinstatement of licenses not renewed due to failure to meet these requirements. Requirements may be waived on recommendation of Board.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Veterinary Medicine & Surgery Practice Act of 1994	225 ILCS 115/16	Shall establish by rule a means for the verification of completion of the continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Professional Regulation	Barber, Cosmetology, Esthetics & Nail Technology Act	225 ILCS 410/3-7	To be empowered to waive enforcement of the continuing education requirements in this Section and to adopt rules and regulations defining the standards and criteria for such waiver.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Barber, Cosmetology, Esthetics & Nail Technology Act	225 ILCS 410/3-7	Department shall establish by rule a means for verification of completion of the continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Barber, Cosmetology, Esthetics & Nail Technology Act	225 ILCS 410/3A-6	Department shall establish requirements for courses for continuing education for the renewal of certificates.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Barber, Cosmetology, Esthetics & Nail Technology Act	225 ILCS 410/3C-7 - 410/3C-8	Dept. shall authorize examinations for registration of nail technicians and teachers of nail technology. Dept. shall establish qualifications for schools and continuing education courses.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Certified Shorthand Reporters Act of 1984	225 ILCS 415/27	Dept. shall determine date and establish rules and regulations whereby every person certified by the Act shall be required to complete 20 hours of continuing education over a 2 year period determined by the rules of the Department in consultation with the Board.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Public Accounting Act	225 ILCS 450/16	To prescribe each 2 years not less than 80 hours of continuing professional education programs approved & registered by the Dept. Expiration & renewal dates are to be set by rule. All continuing education sponsors applying for application shall submit a fee as set by Department.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Public Accounting Act	225 ILCS 450/16	Dept. shall establish by rule a means for the verification of completion of the continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Real Estate License Act of 1983	225 ILCS 455/36.17	Sets a continuing education requirement of not less than 10 hours per year for licensed real estate appraisals.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Real Estate License Act of 1983	225 ILCS 455/37.10	All applications for sponsor status shall be accompanied by a non-refundable \$2,000 application fee and a listing of their courses to be offered. Fees collected shall be deposited in the Real Estate Administration Fund to defray the cost of administration of the program and per diem of the Council as determined by the Director.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Real Estate License Act of 1983	225 ILCS 455/37.11	Dept. with advice of the Board and Advisory Council is authorized to promulgate rules to implement and enforce this article.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Public Health	Asbestos Abatement Act	105 ILCS 105/9a - 105/9b	Department shall reimburse schools from appropriated funds for asbestos abatement work. Department shall calculate reimbursement based on grant index of State Board of Education for 5 year period at 20% per year.	Both of these sections have been the cause of audit findings a number of times. These sections require IDPH to make grants to local education agencies for asbestos abatement work. No funding has ever been provided for these grants. IDPH has proposed repeal of these sections in previous legislative sessions.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Health	Health & Hazardous Substances Registry Act	410 ILCS 525/7	Money for administration of the registry and compilation of information shall come from the Hazardous Waste Research Fund, subject to appropriation, and Department has authority to accept gifts and grants for purposes of the Act.	This section of the statute states that "...monies in the Fund shall be made available to the Department for the administration of the Registry". IDPH does not control the Fund and funding has never been made available to the Department for this purpose. This section is inconsistent with the language creating the Fund, which states that monies "may" be made available to IDPH for the purposes of the Registry (415 ILCS 5/22.2(d)).
Public Health	Sanitary Food Preparation Act	410 ILCS 650/11 - 650/13	Department shall enforce this Act and may enter at all times buildings used for production, preparation or manufacture of foods to inspect for sanitary conditions, shall issue written orders of violations, and conduct hearings under the Administrative Procedure Act. Persons with communicable disease or venereal disease cannot work "in a building, room, basement, enclosure, premises or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food."	This provision is unnecessarily burdensome (it would prevent an IDPH employee at our building from working as a clerk since there is food handled or sold in the basement and in fact, could be construed to prohibit someone working on the 20 floor of the John Hancock Building, because food was served on the 1st floor) and obviously unenforceable. This prohibition is not based on scientific evidence or need.
Public Health	Environmental Protection Act	415 ILCS 5/22.2(d)	Monies in the Hazardous Waste Fund may be used for defraying the cost of blood screenings performed within one year of effective date of this Act for employees of over one year of an industrial facility with polychlorinated biphenyl contamination. Department shall establish rules.	This section of the statute states that "...monies in the Fund shall be made available to the Department for the administration of the Registry". IDPH does not control the Fund and funding has never been made available to the Department for this purpose. This section is inconsistent with the language creating the Fund, which states that monies "may" be made available to IDPH for the purposes of the Registry (415 ILCS 5/22.2(d)).
Public Health	Prison Inspection Act	730 ILCS 135/3	Department may with cooperation of Department of Corrections inspect all institutional facilities of Department of Corrections used for incarceration and report to Director of Corrections as to sanitary conditions and needs of institutions and medical facilities and services available.	This section "permits" the Department of Public Health to inspect correctional facilities, with the cooperation of the Department of Corrections. There is no enforcement mechanism or administrative remedies to require the Department of Corrections to correct any problem that would be found if IDPH were to do such inspections. Due to budget cuts in 1992, these positions were cut and IDPH has not conducted any such inspections since that time.
Secretary of State	Municipal Code	65 ILCS 5/2-4-6	When change of name of a municipality is made and filed with SOS, he shall publish a notice in a newspaper in the municipality, or if under 500 population by posting a notice prominently within the municipality.	"He" is obsolete. Should be "the Secretary". Rest of statute is not obsolete.
Secretary of State	Counties Code	55 ILCS 5/2-2002	To approve and issue certificates of names of towns.	U.S. Post Office would do better job of this.
Space Needs Commission	Construction Evaluation Act	20 ILCS 3015/2 - 3015/3	Executive Director or his designee shall serve on the Construction Evaluation Council. Lists duties.	Secretary of State cannot do its job properly unless all towns file proposed name changes.
Student Assistance Commission	Higher Education Student Assistance Act	110 ILCS 947/30(d)	Each approved high school shall certify to Commission the names & graduation dates of eligible students who have completed the program of instruction. Commission shall notify students who are reasonably assured of receiving a merit recognition scholarship.	Would like to see revision which would provide for specific or rotating chairmen. Council has never agreed to meet.
Transportation	Permanent Noise Monitoring Act	620 ILCS 35/10	By 12/31/92, each airport shall have operable permanent noise monitoring system designed, constructed and operated by the Division of Aeronautics.	The Illinois Student Assistance Commission has no authority to penalize high schools who don't comply.
Transportation	Permanent Noise Monitoring Act	620 ILCS 35/15	annually prepare a permanent noise monitoring report which shall be available to the public. Lists report distribution and requirements of report.	Unfunded.

APPENDIX G: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNENFORCEABLE

Agency	Act Pension Code	Statutory Reference	Statutory Requirement	Agency Comment
Universities Retirement System		40 ILCS 5/15-155(a)	The State of Illinois shall make contributions by appropriations of amounts which together with other employer contributions will be sufficient to meet requirements. In no event shall employer contributions be less than an amount necessary to retain qualified status under Sections 401 (a) of U.S. Internal Revenue Code. ¹	Not followed by executive and legislative branches.

¹Statute was amended by Public Act 88-593.

APPENDIX H

**STATUTORY PROVISIONS IDENTIFIED
AS UNNECESSARILY BURDENSOME**

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Aging	Act on the Aging	20 ILCS 105/8.04(a)	Alzheimer's Task Force created within Department. Director shall serve as Chairman of the Task Force. Task Force will consist of 23 voting and 5 non-voting members.	Specificity of membership prevents getting members.
Agriculture	Civil Administrative Code (Part 4)	20 ILCS 205/40.31a	Department shall provide for, staff and administer a Bureau of Agricultural Development which shall plan and coordinate efforts for new agricultural industry development.	There has never been funding for this specific program, and its provisions are duplicative of the Department's general powers regarding marketing promotion (20 ILCS 205/40.7).
Agriculture	Civil Administrative Code (Part 4)	20 ILCS 205/40.41	Department shall develop and administer Gov. Agriculture Heritage Award Program. Department shall set criteria and formulate application procedures; arrange to produce and issue plaques; and set and charge recognition fee. Proceeds therefrom shall go to Department's Agricultural Marketing Program.	Duplicates other state award programs. Have not received any applications or nominations for award. Also, Department has numerous other awards to honor individual's contributions.
Agriculture	Gasohol Fuels Tax Abatement Act	35 ILCS 125/3(a)	Motor fuel distributors shall report to Director total amount of motor fuel sold in calendar year and amount of ethanol contained therein within 32 days of expiration of calendar year.	This information is already collected by Department of Revenue. Agriculture is seeking legislative changes to eliminate duplications.
Agriculture	Gasohol Fuels Tax Abatement Act	35 ILCS 125/3(b) - 125/3(c)	Beginning in 1996, by June 1st each year, Director shall determine if ethanol in motor fuel requirements are met and so certify to Director of Revenue. Dept. shall make compliance rules and coordinate same with Department of Revenue.	This information is already collected by Department of Revenue. Agriculture is seeking legislative changes to eliminate duplications.
Agriculture	Gasohol Fuels Tax Abatement Act	35 ILCS 125/10(b)	Gasohol sold shall be eligible for 70% occupation and use tax rate only if Director certifies average percent of ethanol used from 7/1/96 to 7/1/99.	This information is already collected by Department of Revenue. Agriculture is seeking legislative changes to eliminate duplications.
Agriculture	Farm Produce Commission Merchants Act	225 ILCS 615/1 - 615/8	To administer an Act on consignment and sale on commission of farm products.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Farm Produce Commission Merchants Act	225 ILCS 615/2	Director shall issue to such applicant, on payment of a \$10 fee and the execution and delivery of a bond as provided, a license entitling the applicant to conduct the business of receiving and selling farm produce on commission.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Farm Produce Commission Merchants Act	225 ILCS 615/2	On and after August 1, 1919, no person, firm, exchange, association or corporation, shall receive, sell or offer for sale, or solicit consignments or shipments for sale on commissions within this State, any kind of farm produce, without a license approved by the Department.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Farm Produce Commission Merchants Act	225 ILCS 615/4	Director shall have power to investigate, upon the verified complaint of an interested person, also to make an investigation irrelative of whether or not a complaint is filed.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruits & Vegetables Marketing Act	225 ILCS 625/1 - 625/24	To adopt and enforce all rules necessary to administer the Fresh Fruits and Vegetables Marketing Act.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruits & Vegetables Marketing Act	225 ILCS 625/13.02	All administrative decisions of the Department shall be subject to the Administrative Review Law.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruits & Vegetables Marketing Act	225 ILCS 625/2	Department shall license merchants and dealers. The fee for a commission merchant's, dealer's or broker's license for one year or any portion thereof shall be \$25. All licenses shall expire on December 31 of each year.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruits & Vegetables Marketing Act	225 ILCS 625/21	Department shall have power and authority to adopt and enforce all rules, regulations or orders necessary to carry out and administer the provisions of this Act.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruits & Vegetables Marketing Act	225 ILCS 625/5	Before refusing to grant a license and before suspending or revoking a license previously granted, the Department shall give notice, personally or by registered mail, to the applicant or licensee and afford him an opportunity to appear and be heard with respect thereto at a time and place specified in such notice.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Farm Products Inspection Act	505 ILCS 65/1	To administer the inspection and standardization of Farm Products Inspection Act.	USDA already has existing standards - Department has proposed a legislative amendment to delete this law.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agriculture	Farm Products Inspection Act	505 ILCS 65/2	After investigations and public hearings, the Director is authorized to fix the official standards for grading and classifying all agricultural products grown or produced in this State and promulgate official standards for containers.	USDA already has existing standards – Department has proposed a legislative amendment to delete this law.
Agriculture	Farm Products Inspection Act	505 ILCS 65/5	Director is authorized to designate any competent employee or agent of the Department, and upon satisfactory evidence of competency may license any other person, and charge and collect a reasonable fee for such license, to inspect or classify agriculture products in accordance with such regulations as he may prescribe.	USDA already has existing standards – Department has proposed a legislative amendment to delete this law.
Agriculture	Farm Products Inspection Act	505 ILCS 65/6a	Final decisions of the Director shall be subject to judicial review pursuant to the provisions of the Administrative Review Law.	USDA already has existing standards – Department has proposed a legislative amendment to delete this law.
Agriculture	Farm Products Inspection Act	505 ILCS 65/8	All Illinois department fees go to General Revenue Fund. USDA fees go to State Treasury for Agricultural Master Fund to be administered by Director.	USDA already has existing standards – Department has proposed a legislative amendment to delete this law.
Agriculture	Noxious Weed Law	505 ILCS 100/1 – 100/24	To enforce and administer the provisions contained in the Illinois Noxious Weed Law.	Enforcement is at the local government level.
Agriculture	Agricultural Land Ownership Act	765 ILCS 55/10	Department shall do all things necessary to implement this Act including, but not limited to notification of the Attorney General and the State's Attorney of the county with jurisdiction for violations of this Act.	Duplicates federal mandates. Department has recommended rescinding.
Agriculture	Agricultural Land Ownership Act	765 ILCS 55/10	Department shall also request such additional information from time to time as the Department deems necessary.	Duplicates federal mandates. Department has recommended rescinding.
Agriculture	Agricultural Land Ownership Act	765 ILCS 55/10	Department shall assist any committee of the General Assembly existing or established for the purpose of studying the effect of this Act and the practices which this Act seeks to study and regulate.	Duplicates federal mandates. Department has recommended rescinding.
Agriculture	Agricultural Land Ownership Act	765 ILCS 55/10	Department shall make all information received pursuant to this Act and the Illinois Agricultural Foreign Investment Disclosure Act available to members of the General Assembly and appropriate committees of the General Assembly.	Duplicates federal mandates. Department has recommended rescinding.
Auditor General	State Auditing Act	30 ILCS 5/3-7(b) – 5/3(c)	To adopt, amend or repeal a regulation Auditor General shall issue a notice of the text of the proposed regulation and shall send a copy to each member of the Legislative Audit Commission (LAC) and the agency per request. A minimum comment period of 60 days shall be provided before Auditor General submits his proposal to the LAC for their approval.	Requires procedures for adopting or changing regulations that are different from those prescribed for rules. The procedures for regulations are unnecessarily burdensome and duplicative of those required under Administrative Procedure Act
Auditor General	State Auditing Act	30 ILCS 5/3-7(d)	After the close of the comment period, the Auditor General shall evaluate all submissions and make any modifications to his proposal which he deems proper & then submit the proposed regulations to the Commission with a summary of his evaluation & any explanation of changes from his original proposal.	Requires procedures for adopting or changing regulations that are different from those prescribed for rules. The procedures for regulations are unnecessarily burdensome and duplicative of those required under Administrative Procedure Act.
Auditor General	State Auditing Act	30 ILCS 5/3-7(e) – 5/3-7(f)	Shall be available to personally testify on his submission at any meeting in which the submission is considered. After approval of the proposed regulation, the Auditor General shall adopt the regulation, amendment or repealer by filing a signed copy with the Secretary of State.	Requires procedures for adopting or changing regulations that are different from those prescribed for rules. The procedures for regulations are unnecessarily burdensome and duplicative of those required under Administrative Procedure Act.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Auditor General	Purchasing Act	30 ILCS 505/6i	Any contract for the provision of goods or services shall provide that the vendor or contractor shall maintain for a minimum of 5 years after completion, adequate books, records & supporting documentation to verify disbursements of funds. All such documents shall be made available to the Auditor General.	This provision requires contractors to maintain for 5 years records verifying amounts, recipients & uses of all disbursements of funds passing in conjunction with the contract. This provision is unnecessarily burdensome & could be limited to (1) retention of records necessary to support amounts paid under the contract (which may include uses of funds, but in most cases would probably not) and (2) contracts over a certain dollar threshold (like \$5,000) and/or (3) contracts that are not for a fixed price.
Auditor General	Purchasing Act	30 ILCS 505/6(a)(16)	The Auditor General shall require certification that emergency purchases and contracts by the Department of State Police were necessary and it shall be noted in audits performed at his direction.	Requires State Police to file certification of Auditor General & Comptroller documenting purchase decision on certain forensic science lab equipment. This is unnecessarily burdensome because DSP & all agencies should document purchasing decisions as required under State Records Act. Also of no admin. benefit because, to the best of my knowledge, it's never been used. There is little chance that it will be used in the future because purchasing restrictions are even less stringent today than they were when this provision was put into law.
Board of Regents	Finance Act	30 ILCS 105/10(11)	Board of Regents and its universities present itemized vouchers certified by chairman and secretary with corporate seal to Comptroller for payment of ordinary and contingent expenses when appropriated by General Assembly.	The corporate seal requirement adds yet another step to the state expenditure process and does not enhance efficiency, accountability, etc. thereof.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/13	To contract with the designated Regional Port District when appropriations are made for cargo handling facilities. Regional Port Districts shall remit to the State not more than 20% of gross receipts or not less than 20% of the profit until the full amount appropriated has been remitted to the State.	The Attorney General's Office has already declared the Shawneetown Port District to be a bad debt. Our external auditors from Deloitte - Touche have determined chances of collecting the receivable from the Chicago Port District to be remote. Their analysis indicated that a best case scenario would still mean a payback period of 130 years and, therefore, in financial (GAAP) reporting has considered the entire amount in an Allowance for Doubtful Account until such time as we receive permission from the Attorney General's Office to write off this debt also.
Children & Family Services	Children & Family Services Act	20 ILCS 505/5(f)	Department shall perform home studies, investigations and exercise supervision over visitation as ordered by court pursuant to Illinois Marriage and Dissolution of Marriage Act (40 Par. 101 or 1501) if order directs department to perform service and court has ordered reimbursement. Shall provide written notification to court for visitation and costs within 60 days of court order.	DCFS should not be required to become involved in purely domestic divorce proceedings, when the child is neither abused or neglected, but is the subject of a contested divorce between two hostile spouses pursuant to the Marriage and Dissolution of Marriage Act. In these instances, DCFS should not be required to perform home studies & investigations.
Commerce Commission	Public Utilities Act	220 ILCS 5/10-102	To conduct all meetings pursuant to Open Meetings Act. Whenever the Commission closes any meeting, it shall arrange for all discussions to be transcribed verbatim... The Commission shall review & approve transcripts within 30 days of the closed meeting and, when in its judgment the exception for a closed meeting is no longer applicable, shall make transcripts available. Any party to a Commission proceeding shall be given access to relevant transcripts upon the signing of an appropriate protective agreement.	The requirement that closed meetings be transcribed is, to the best of staff's knowledge, unique to the Commission among all state and local public bodies. It constitutes an administrative burden that is completely out of proportion with any arguable public good. Furthermore, in the context of closed meetings held to discuss litigation with counsel, the requirement of verbatim transcripts that are ultimately to be made public raises serious questions about the confidentiality of what should be attorney-client privileged communications.
Commerce Commission	Public Utilities Act	220 ILCS 5/10-104	To hold all hearings in county where subject matter is located.	The agency should have the right to determine the site of hearings. A quick check of some other hearings statutes shows some that are silent as to location (see, e.g., 210 ILCS 45), and others that provide for hearings in Springfield or Chicago unless both parties agree otherwise (see, e.g., 625 ILCS 5/2-118).

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Comptroller	Voluntary Payroll Deductions Act of 1983	5 ILCS 340/1 - 340/6	An organization desiring to be designated as a qualified organization shall submit written designations on forms approved by the State Comptroller by 4,000 or more employees, in which employees indicate that the organization is one for which the employee intends to authorize withholding. Any qualified organization shall notify the State Comptroller in writing if the qualified organization receives information or otherwise believes that a benefiting agency is no longer in compliance with the certification of the qualified organization.	The requirement that a charitable organization submit 4,000 or more State employee signatures to the Comptroller's Office for verification before the charity may participate in the annual campaign is unnecessarily burdensome on the Office. Other less burdensome ways to ensure employees' support of a charity exists without the collection and verification of signatures. In addition, there is no mechanism to check if the participating qualified charities have continued to comply with the requirements of the Act. The only administrative check is on "benefitting" agencies, not "qualified" charities.
Comptroller	State Comptroller Act	15 ILCS 405/9.03	Comptroller shall promulgate rules for, and transfer payments by direct deposit, for payments to recipients for personal services, retirement payments, assistance funds, & providers of services under DMHDD Act into their accounts at banks, savings and loans or credit unions, where authorized by payee. ¹	Direct deposit is limited to specific payments. The Comptroller's Office should be permitted to make any payment by direct deposit. New legislation addresses this issue (PA 88-641 and 88-643).
Comptroller	State Comptroller Act	15 ILCS 405/10.01 - 405/10.14	Describes Comptroller's powers and duties in regard to lost, mislaid or void warrants and the issuance of replacement warrants.	While the end results are as required by statute --- the Comptroller orders money into the Treasury, both the Comptroller and the Treasurer sign every receipt deposit, and the agency receives a signed and countersigned copy of the receipt --- the statutes listed do not accurately describe the steps required to accomplish these results. In practice, unnecessary steps have been eliminated by combining the two documents, Comptroller's order and Treasurer's receipt, into one form.
Comptroller	State Comptroller Act	15 ILCS 405/10.05 - 405/10.06	Whenever the Comptroller draws a warrant or makes a payment involving a deduction ordered under this Section, he shall send copies of the voucher which authorized the warrant or payment together with a written statement of the reason for the deduction to the payee and to the agency that originated the voucher or sent the voucher to the Comptroller, and he shall retain a copy of such written statement in his records.	The statute should specify the information, but not the type of notification, i.e. voucher, which should be provided to the vouchering agency and payee.
Comptroller	State Treasurer Act	15 ILCS 505/8 - 505/9	All monies being paid into State Treasury shall first have an order from the Comptroller directing the Treasurer to receive same. Shall receive duplicate receipts from the Treasurer. Shall countersign and retain one copy.	While the end results are as required by statute --- the Comptroller orders money into the Treasury, both the Comptroller and the Treasurer sign every receipt deposit, and the agency receives a signed and countersigned copy of the receipt --- the statutes listed do not accurately describe the steps required to accomplish these results. In practice, unnecessary steps have been eliminated by combining the two documents, Comptroller's order and Treasurer's receipt, into one form.
Comptroller	Fees & Salaries Act	30 ILCS 220/11	All fees collected shall be paid into the State Treasury. Shall semi-annually or on or before the first days of April and October, file a statement, under oath, with the Governor showing by items the amount of fees collected with the receipt of the Treasurer. ¹	Appears to be obsolete.

¹This requirement was revised by Public Act 88-641.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency Conservation	Act State Parks Designation Act	Statutory Reference 20 ILCS 840/1	Statutory Requirement To administer State parks under State Parks, Memorials, Parkways, Etc. Act and have jurisdiction over described areas now used for State park purposes.	Agency Comment 20 ILCS 840/1 & 840/3 - These 2 statutes designate & name the Dept.'s State parks & conservation areas. Since the enactment of these statutes, inconsistencies have developed in the designation of some sites. For example, several sites that are designated conservation areas by the statutes are managed as "Fish & Wildlife" areas due to the sites' resource characteristics. Such inconsistencies can lead to confusion among the various constituents that utilize the area & may impact the development of site management plans. A major objective of the Dept.'s recently approved Strategic Plan is the development of site classification guidelines based on the resource characteristics and compatible uses of each site. Following the development of these guidelines, the classification of each site will be evaluated. Where appropriate, the Department will initiate action to revise a site's designation. At present, legislation must be enacted to effect these revisions. The Department believes that our ability to effectively administer the Department sites would be enhanced if we had the authority to make such changes by administrative rule rather than by statute. Legislative oversight of the classification of the Department's properties would be provided by the administrative rules process.
Conservation	State Parks Designation Act	20 ILCS 840/3	To have jurisdiction over areas now used as State conservation areas.	20 ILCS 840/1 & 840/3 - These 2 statutes designate & name the Dept.'s State parks & conservation areas. Since the enactment of these statutes, inconsistencies have developed in the designation of some sites. For example, several sites that are designated conservation areas by the statutes are managed as "Fish & Wildlife" areas due to the sites' resource characteristics. Such inconsistencies can lead to confusion among the various constituents that utilize the area & may impact the development of site management plans. A major objective of the Dept.'s recently approved Strategic Plan is the development of site classification guidelines based on the resource characteristics and compatible uses of each site. Following the development of these guidelines, the classification of each site will be evaluated. Where appropriate, the Department will initiate action to revise a site's designation. At present, legislation must be enacted to effect these revisions. The Department believes that our ability to effectively administer the Department sites would be enhanced if we had the authority to make such changes by administrative rule rather than by statute. Legislative oversight of the classification of the Department's properties would be provided by the administrative rules process.

¹This requirement was amended by Public Act 88-634.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agency Conservation	Firearms Training Act	20 ILCS 875/1 - 875/3	Dept, with other organizations, shall initiate, promote, and develop programs for training persons between ages 12-21 in safe handling of firearms. Director shall prescribe type of training and appoint coordinator for each law enforcement district. \$6.00 fee shall be paid into Wildlife and Fish Fund.	This statute requires the Department to provide firearm safety training for all types of firearms to individuals between 12 & 22 years of age. The Dept. offers firearm safety training as part of our hunter education courses & as part of a new program with the State Police. However, the Act contains a number of specific requirements such as age & fee requirements, which make it burdensome & inefficient to administer & which require the development of duplicative programs to fully implement. At times, this requirement can create delays, particularly with year end activities.
Eastern Illinois University	Civil Administrative Code (Part 15)	20 ILCS 405/67.01	Shall contract and purchase, supplies, commodities, equipment and utilities in accordance with rules and regulations approved by CMS, except all postage stamps purchased with State funds must be procured through CMS and perforated for identification purposes.	
Eastern Illinois University	State Universities Civil Service Act	110 ILCS 70/36b - 70/46	Creates the University Civil Service System; established merit board; lists its duties; defines coverage; lists rules and regulations for examinations, appointments, seniority, promotions, transfers, demotions and discharges.	The system has its merits; however, decreasing resources & increasing technology create needs for more responsiveness to in modifying positions and titles which accurately fit positions. Exams are not always relevant to the position & do not always indicate one's ability to perform the job. There has been an ongoing study to address this situation. The shrinking budget creates numerous situations whereby positions are not filled & duties are reassigned. Flexibility in obtaining the best person for a position is sometimes limited.
Eastern Illinois University	Eastern Illinois University Objects Act	110 ILCS 625/2a - 625/2b	To offer such courses of instruction, conduct such research and offer such public services as prescribed by the Board of Governors. Board of Governors shall operate, manage, control and maintain Eastern Illinois University.	This organization has five universities of which Eastern is most like one other in the organization -- Western Illinois University (residential rural housing). The bureaucracy accompanying a system of systems can create problems with the day to day management of the institution & duplication of effort. Unnecessarily burdensome in part. Bond unnecessary.
Education, State Board of	School Code	105 ILCS 5/2-2	Prior to assuming their duties, the members of the ISBE must execute a bond in the penalty of \$25,000 payable to the people of the State of Illinois and subscribe and take the oath of office.	Conflicts with federal requirements.
Education, State Board of	School Code	105 ILCS 5/2 - 3.107	All forms used by State Board to collect information within racial categories and all reports presenting racial information shall include a "multiracial" category if information is collected for State or local purposes.	
Education, State Board of	School Code	105 ILCS 5/2 - 3.30	Requires annual reports from the regional superintendent and the various State agencies to the State Board of Education by December 22 on the number of children through age 21 who were receiving special education and related services as of December. The State Board of Education is required to report, by January 15 of each year, the number of children through age 21 who were receiving special education and related services as of December of the previous year. The report shall classify children according to language background, age, category of exceptionality and level of severity, least restrictive placement level and achievement level.	Timeframe unrealistic in 2 statutes.
Education, State Board of	School Code	105 ILCS 5/2 - 3.47	To promptly prepare a comprehensive educational plan for the public schools which will include an annual State education budget for each of the first 3 fiscal years of the plan and submit to the General Assembly and Governor.	The uncertainties & inaccuracies involved in 3 year projections.
Education, State Board of	School Code	105 ILCS 5/14 - 4.01	To provide for the submission of comprehensive plans concerning special education facilities, not more frequently than once every three years.	Should require new ones only when there are changes, not automatically every three years.
Education, State Board of	School Code	105 ILCS 5/14 - 8.04	State Board shall design and develop supported employment services for school boards whose schools provide special education services.	This should be a local activity, not a state-level activity.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agency Education, State Board of	Nuclear Energy Education Act	105 ILCS 5/27-25 - 5/27-25.4	To administer the Nuclear Energy Education Act. Shall maintain a consulting staff to provide assistance for planning, applications and purchase of materials for demonstration centers.	Should be incorporated into science/social science school programs.
Education, State Board of	School Code	105 ILCS 5/34-15	To administer the procedure for the hearing of charges for the removal of a civil service employee. Applies to school districts in cities of over 500,000 inhabitants.	Dismissal process better handled at school level.
Education, State Board of	Private Business & Vocational Schools Act	105 ILCS 425/14.2	Supt. shall prepare and file with the Board and the General Assembly annually the second week of January a report with listed criteria.	We would appreciate changing the reporting period from January 1 - December 31 to July 1 - June 30 to coincide with certificate approval year.
Employment Security	Welfare & Rehabilitation Services Planning Act	20 ILCS 10/3 - 10/6	To submit to the General Assembly by the first Friday in April of each year a plan providing for the maximum utilization of the State's resources and human resource development.	Mandate is obsolete, unenforceable, unnecessarily burdensome & of no administrative benefit. The intent of the statute is to coordinate service delivery plans with other state agencies. In practice, however, this is not happening. The Bureau of the Budget is supposed to issue guidelines annually, but has not for many years. We have never received feedback on our completed plans (plan is really a misnomer as it is really a public information document) either from the B.O.B. or the General Assembly. Many staff hours are spent on preparing the plan...hours that could be better spent on long range strategic planning. Additionally, much of the information in the Human Services Plan is contained in other documents we are required to prepare in order to receive our federal funding.
Employment Security	Veterans' Employment Representative Act	330 ILCS 50/1	Each employment office shall have at least one full time Veterans' employment representative.	This is an unfunded mandate. Could possibly do it only if continued to be funded federally.
Employment Security	Defense Contract Employment Discrimination Act	775 ILCS 20/1 - 20/7	To enforce the prosecution of any violation, upon its filing, pertaining to the Defense Contract Employment Discrimination Act.	The provisions of this 1941 Act pertains to wartime contractors. The Human Rights Act also apparently supersedes this statute.
Governors State University	Civil Administrative Code (Part 15)	20 ILCS 405/67.01	Shall contract and purchase, supplies, commodities, equipment and utilities in accordance with rules and regulations approved by CMS, except all postage stamps purchased with State funds must be procured through CMS and perforated for identification purposes.	Especially if not located in Springfield.
Governors State University	Finance Act	30 ILCS 105/12-1	Governors State University shall be subject to the Higher Education Travel Control Board and reimbursed for travel expenses pursuant to rates in effect.	Travel should be subject to same test for "reasonableness" as other university expenses.
Governors State University	College Student Immunization Act	110 ILCS 20/2	No person shall attend a post-secondary educational institution without presenting proof of immunization against preventable communicable diseases as the Department of Public Health shall require by rule & regulation (except those registered prior to the Act, or those objecting on religious grounds, or physician indicates it is medically contraindicated).	Should not apply to commuter institutions.
Guardianship & Advocacy Commission	Guardianship & Advocacy Act	20 ILCS 3955/30	When appointed by Court, the State Guardian shall serve as Guardian Ad Litem, Guardian either plenary or limited, temporary guardian, successor guardian or testamentary guardian.	Appointment as guardian - ad - litem is unnecessarily burdensome on the Commission. Similarly, assistance to the Court may also divert limited resources away from the primary mandate of guardian of last resort.
Guardianship & Advocacy Commission	Probate Act of 1975 - - Article XII	755 ILCS 5/12-5	The bond of a representative shall be for an amount not less than double the value of the personal estate if individuals act as sureties or if the bond or security is excused and not less than 1 - 1/2 times the value of the personal estate if a surety company acts as surety.	From a risk management standpoint, surety bond premiums could be better used for ward needs. However, the current CMS self-insured program does not always meet the needs or commands of certain probate courts.
Illinois State University	School Code	105 ILCS 5/2-3.23	Shall submit a report to the State Board of Education as it may require with a full exhibit of the affairs of the University.	Many reports with similar data are filed with other state agencies.
Illinois State University	State Universities Civil Service Act	110 ILCS 70/36b - 70/46	Creates the University Civil Service System; established merit board; lists its duties; defines coverage; lists rules and regulations for examinations, appointments, seniority, promotions, transfers, demotions and discharges.	This statute and the administrative rules established pursuant to it have grown overly detached and cumbersome. Fewer details and broader classifications would improve employment processes.
Illinois State University	Board of Higher Education Act	110 ILCS 205/9.07	Implementation of new statewide minimum admission requirements shall begin in the fall of 1993 for public community colleges, colleges, and State universities.	The Board of Regents and other governance boards should have authority and responsibility for setting admission requirements.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Illinois State University	Regency Universities Act	110 ILCS 705/8g	Beginning in the fall of 1993, no new student shall be admitted unless such student has satisfactorily completed the requirements for admittance (listed) with the exceptions also listed.	The Board of Regents and other governance boards should have authority and responsibility for setting admission requirements.
Labor	Industrial Home Work Act	820 ILCS 240/4 - 240/5	Department shall issue an industrial home workers' sanitary permit for work in one's own home at no charge for one year.	This section of the Industrial Home Work Act mandates that IDOL must provide the applicant with a Sanitary Permit to be followed up with an inspection of the premises to be utilized for home work. IDOL has not conducted inspections of premises for applicants of the Industrial Home Work Act due to a lack of funding. Therefore, no Sanitary Permits have been issued to date. This mandate is unenforceable and unnecessarily burdensome.
Labor	Toxic Substances Disclosure to Employees Act	820 ILCS 255/5	Shall maintain list of all material safety data sheets (MSDS) submitted by employers, manufacturers, importers and suppliers and make available for inspection on request.	Manufacturers/importers are required to provide MSDSs for the materials they sell. Employers who do not sell materials are required to submit a list of the materials they use. This information has little value to the agency since the adoption of the HCS. MSDSs are generally available through existing databases, or can be obtained from the manufacturer upon request. The HCS requires that the employer's list of MSDSs be kept readily available for inspection. We occasionally will get a freedom of information request for data by someone preparing an environmental audit or a workers' compensation claim. It is of little value to the agency. Also, the filing of this information requires a substantial investment of time and file space.
Metropolitan Pier & Exposition Authority	Metropolitan Pier & Exposition Authority Act	70 ILCS 210/26	A detailed report and financial statement shall be prepared as soon after the end of each fiscal year as expedient; filed with the Governor, the Mayor, General Assembly and Park District President. A monthly progress report of construction overruns, funds, affirmative action program, problems, etc., shall be submitted to the Governor, Mayor, etc. Within 6 months after the effective date of this Amendment Act of 1985, or as soon as possible, the Authority shall adopt an accounting system which shall not be implemented until it has been approved by the Auditor General.	The last sentence of paragraph 26(a) of the statute reads as follows: "within 6 months after the effective date of this amendatory Act of 1985, or as soon thereafter as is possible, the Authority shall adopt an accounting system which shall not be implemented until it has been approved by the Auditor General as appropriate for the Authority's operations." To date, the Auditor General has not approved the Authority's accounting system & it is the Authority's position that the Auditor General should not be in a position of approving an accounting system especially for a unit of local government. On information and belief, the Auditor General has never been required to approve the accounting system for any governmental entity, state or local. In addition, the State Auditing Act severely restricts the Auditor General's power to audit and/or review units of local government. Auditors, in general, should never approve an accounting system because of the problems which could arise should they ever have a need to criticize the system in the future. The statute mandates the Auditor General to approve the system as "appropriate for the Authority's operations." Using any interpretation, the current system is "appropriate" and is serving the Authority adequately.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Mines & Minerals	Farmland Preservation Act	505 ILCS 75/3(f)	The Director or Chairperson of Mines and Minerals shall serve as a member of an inter-agency committee on farmland preservation.	The Department regulates the Coal, Aggregate and Oil and Gas industry. Coal mining with regards to farmland is strictly regulated due to the influence of federal law. The aggregate industry is exempt from restoring cropland due to the nature of the mining. The Department does regulate the regrading of impacted oil and gas areas but has no provisions for revegetating the areas to cropland. The main factor of this Act is agency conversions due to capital development projects. The agency does not own or manage cropland subject to capital development projects. Due to this factor, the Department's direct impact and involvement with the implementation of this Act is minimal.
Northern Illinois University	Civil Administrative Code (Part 15)	20 ILCS 405/67.01	Shall contract and purchase, supplies, commodities, equipment and utilities in accordance with rules and regulations approved by CMS, except all postage stamps purchased with State funds must be procured through CMS and perforated for identification purposes.	The University believes it could handle its own procurement more efficiently and economically. Lengthy delays could be averted if procurement was centralized on campus.
Northern Illinois University	Finance Act	30 ILCS 105/6a-4(1)	(b) Excess income from auxiliary enterprises & activities & all other income not specifically exempted shall be paid into the State Treasury within 10 days.	Funds should be retained locally.
Northern Illinois University	Finance Act	30 ILCS 105/6a-4(1) - 105/6a-4(1)(a)	Lists income which shall be paid into the State Treasury for general operational and educational purposes without delay, in special fund known as the Board of Regents Income Fund; tuition, lab and library fees and interest therefrom shall be deposited no later than 20 days.	Funds should be retained locally.
Northern Illinois University	Finance Act	30 ILCS 105/12-1 - 105/12-2	Northern Illinois University shall be subject to the Higher Education Travel Control Board and reimbursed for travel expenses pursuant to rates in effect.	Can manage own travel.
Northern Illinois University	School Code	105 ILCS 5/21-21.1	Each college or university providing a teacher education program, shall establish procedures and standards to assure no student is denied recommendation for certification for reasons not directly related to performance as a certified employee. Shall notify candidate within 10 days of reasons for denial.	If repealed, a duplication of effort will be eliminated. Protection for students is addressed in other statutes.
Northern Illinois University	State College Housing Construction Act	110 ILCS 15/1 - 15/2	Requires prior determination and approval by the General Assembly for the construction and operation of any new housing projects including apartments, rooming houses, guest houses, hotels, and motels.	All University non-instructional buildings must be approved by the Board of Higher Education.
Northern Illinois University	State Colleges & Universities Gasohol Use Act	110 ILCS 65/5	All gasoline burning motor vehicles owned or leased by any State college or university shall be equipped to operate on ethanol blended gasoline and are required to use same when available.	More costly and fleet not completely compatible with ethanol.
Northern Illinois University	State Universities Civil Service Act	110 ILCS 70/36b - 70/46	Creates the University Civil Service System; establishes merit board; lists its duties; defines coverage; lists rules and regulations for examinations, appointments, seniority, promotions, transfers, demotions and discharges.	The statute in some instances may restrict certain groups from movement in the system after training because certain written tests are still required. Most of the tests are outdated.
Northern Illinois University	University Retail Sales Act	110 ILCS 115/1	May not permit operation of a retail store in competition with local merchants unless doing so at 1-1-80. Does not prohibit items commonly sold or connected with operation of university.	Would solve the availability problem for some goods (created by limiting the sale and market of scarce items in rural areas) through the University book store.
Northern Illinois University	Board of Higher Education Act	110 ILCS 205/9-19	Student volunteer corps program: shall participate in program, and shall encourage by fall of 1991 that all students be informed of and encouraged to participate. Shall establish by December 1, 1990 a student volunteer task force to develop rules and guidelines for program.	Unfunded mandate.
Northern Illinois University	Solid Waste Management Act	415 ILCS 20/3.1	Shall develop a comprehensive waste reduction plan covering 10 years and addressing the management of solid waste generated by the institutional functions. Shall be developed by Jan. 1, 1995 & updated every five years. Shall submit to ENR for review & approval in cooperation with Board of Higher Education & Illinois Community College Board.	Unfunded mandate.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Professional Regulation	Civil Administrative Code (Part 13)	110 ILCS 355/62.1	Establishes design professionals dedicated employees in the Dept. to work exclusively in the licensing and enforcement of the design profession Acts. Lists titles of employees.	Sets forth positions to be hired to support the Design Fund. In addition, legislation prohibits utilization of positions for other duties.
Professional Regulation	Clinical Social Work and Social Work Practice Act	225 ILCS 20/9A - 20/11	Dept. shall issue a license for a licensed social worker who meets the qualifications listed in 1 - 5 of this section. Dept. shall establish by rule a means for verification of completion of continuing education required by this section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Dental Practice Act	225 ILCS 25/16.1	Dept. shall make rules for continuing education for persons licensed and registered under Act, and shall approve only courses relevant to treatment and care of patients. No renewals shall be granted unless applicant files affidavit of completion of required continuing education.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Medical Practice Act of 1987	225 ILCS 60/20	To promulgate rules of continuing education for persons licensed under this Act and to consider educational requirements for medical staffs.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Nursing Act of 1987	225 ILCS 65/24	Creates the Nursing Dedicated and Professional Fund to administer and enforce Nursing Act.	Sets provisions for numbers of investigators. Funding for such positions is not viable at this time.
Professional Regulation	Nursing Home Administrators Licensing & Disciplinary Act	225 ILCS 70/11	Shall establish by rule a means for verification of completion of the continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Optometric Practice Act of 1987	225 ILCS 80/16	Department shall establish rules for continuing education and a means for verification of the completion of continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Pharmacy Practice Act of 1987	225 ILCS 85/11 - 85/12	Powers and duties: Civil Administrative Code and Administrative Procedure Act shall apply, issuance and revocation of pharmacist licenses. Sets requirements for continuing education. Director shall notify State Board of Pharmacy of the granting of any variance & the reasons therefore at next board meeting.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Podiatric Medical Practice Act of 1987	225 ILCS 100/14	Dept. shall require proof of having met requirements of continuing education and shall by rule provide an orderly process for reinstatement of licenses not renewed due to failure to meet these requirements. Requirements may be waived on recommendation of Board.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Veterinary Medicine & Surgery Practice Act of 1994	225 ILCS 115/16	Shall establish by rule a means for the verification of completion of the continuing education required by this section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Barber, Cosmetology, Esthetics & Nail Technology Act	225 ILCS 410/3-7	Department shall establish by rule a means for verification of completion of the continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Barber, Cosmetology, Esthetics & Nail Technology Act	225 ILCS 410/3-7	To be empowered to waive enforcement of the continuing education requirements in this Section and to adopt rules and regulations defining the standards and criteria for such waiver.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Barber, Cosmetology, Esthetics & Nail Technology Act	225 ILCS 410/3A-6	Department shall establish requirements for courses for continuing education for the renewal of certificates.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Professional Regulation	Barber, Cosmetology, Esthetics & Nail Technology Act	225 ILCS 410/3C-7 - 410/3C-8	Dept. shall authorize examinations for registration of nail technicians and teachers of nail technology. Dept. shall establish qualifications for schools and continuing education courses.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Certified Shorthand Reporters Act of 1984	225 ILCS 415/27	Dept. shall determine date and establish rules and regulations whereby every person certified by this Act shall be required to complete 20 hours of continuing education over a 2 year period determined by the rules of the Department in consultation with the Board.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Public Accounting Act	225 ILCS 450/16	Dept. shall establish by rule a means for the verification of completion of the continuing education required by this Section.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Public Accounting Act	225 ILCS 450/16	To prescribe each 2 years not less than 80 hours of continuing professional education programs approved & registered by the Dept. Expiration & renewal dates are to be set by rule. All continuing education sponsors applying for application shall submit a fee as set by Department.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Real Estate License Act of 1983	225 ILCS 455/17	The Director shall employ one full time Chief of Real Estate Investigation, and also to employ not less than one full time investigator and one full time auditor for every 15,000 licensees registered under this Act.	Sets provisions for numbers of investigators. Funding for such positions is not viable at this time. Auditor General Compliance issue.
Professional Regulation	Real Estate License Act of 1983	225 ILCS 455/17	Creates the Real Estate License Administration Fund. Money deposited in fund shall be appropriated to Dept. for expenses of Dept. & Board in administering Act, & for administering any Act providing revenue to this fund.	
Professional Regulation	Real Estate License Act of 1983	225 ILCS 455/36.17	Sets a continuing education requirement of not less than 10 hours per year for licensed real estate appraisers.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Real Estate License Act of 1983	225 ILCS 455/37.10	All applications for sponsor status shall be accompanied by a non-refundable \$2,000 application fee & a listing of their courses to be offered. Fees collected shall be deposited in the Real Estate Administration Fund to defray the cost of administration of the program and per diem of the Council as determined by the Director.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Professional Regulation	Real Estate License Act of 1983	225 ILCS 455/37.11	Dept. with advice of the Board and Advisory Council is authorized to promulgate rules to implement and enforce this article.	Continuing Education requirement for renewal. Lack of funding for personnel and EDP equipment prohibits the Department from insuring each licensee has the necessary hours for relicensure. Auditor General Compliance Audit issue.
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.12	To enter into contracts with the federal government, other states, local government units and public or private institutions for the purchase, sale, or exchange of health services and products. Any contract of any government or agency not domiciled in Illinois shall not be effective unless approved in writing by the Governor.	IDPH is unaware of such a requirement being placed on any other administrative agency. Because of the agency's status as a federal agent for numerous program activities, such as Medicare certification inspections, and programs where "out of state" service contracts are required (Renal Disease Treatment), acquiring the signature of the Governor is both time consuming and unnecessarily burdensome.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Health	Civil Administrative Code (Part 10)	20 ILCS 2310/55.47	To contract with any bank to redeem bank drafts of USDA - WIC program. Any interest earned by monies in such account shall accrue to the USDA Women, Infants and Children Fund and shall be used exclusively for the redemption of bank drafts issued by the Department and the bank shall not use such food funds, or interest accrued thereon, for any other purpose including, but not limited to, reimbursement of administrative expenses or payment of administrative fees due the bank pursuant to its contract or contracts with the Department. Such accounts shall be subject to audit by Department and federal government or private contractor, and post audit pursuant to State Auditing Act.	This section of the law was originally created in response to the need for the WIC program to use a bank as an intermediary to process the redemption of WIC bank drafts. Included within this section is language that requires that "Any interest earned by monies in such account shall accrue to the USDA Women, Infants and Children Fund and shall be used exclusively for the redemption of bank drafts issued by the Department" and "The bank shall not use such food funds, or interest accrued thereon, for any other purpose including, but not limited to, reimbursement of administrative expenses or payment of administrative fees due the bank pursuant to its contract or contracts with the Department". The Dept. makes use of a concept called "compensating balances", by which credits are earned on funds resident at the bank to offset bank service charges. The compensation balance credits are legally distinct from interest and can only offset bank charges. The USDA, which administers the WIC program at the federal level, accepts the use of compensating balances for this purpose. Audits in 1991 and 1993 have cited IDPH for violation of this section.
Public Health	WIC Vendor Management Act	410 ILCS 255/6(a) - 255/6(b)	Dept. shall develop system for monitoring WIC operations to ensure federal and State compliance and investigate all alleged violations.	The language of this section has been interpreted by previous audits to require the investigation of ALL alleged violations of State and federal law and rules, even those not related to the Department. Such a task would be physically impossible and bureaucratically cumbersome. The language of this section should be changed to allow the Department to review alleged violations & not immediately require an investigation.
Rehabilitation Services	Welfare & Rehabilitation Services Planning Act	20 ILCS 10/3 - 10/4	Before first Friday in April of each odd-numbered year shall submit a comprehensive plan to General Assembly for development of human resources and social services of agency.	There is too much irrelevant material required. Part I of the Human Resources Plan has become an annual operating plan, which duplicates the requirements of federal law.
Rehabilitation Services	Bureau for the Blind Act	20 ILCS 2410/4	Bureau shall plan, develop & delineate a wide range of services; shall foster "comprehensiveness of service" by entering cooperative agreements; shall administer all programs for adult blind or visually impaired within the Department.	The mandate that the Department concentrate all services to the blind in one bureau narrows the choices the Department has in how it administers programs that cut across more than one disability. The services required by this section are required anyway.
Savings & Residential Finance	Residential Mortgage License Act of 1987	205 ILCS 635/4 - 8(a)	Shall determine national residential mortgage foreclosure rate on mortgages.	This is being addressed through new legislation & rulemaking.
Student Assistance Commission	Higher Education Student Assistance Act	110 ILCS 947/30(i) - 947/30(k)	In determining number of scholarships shall consider past experience of rate of unclaimed scholarship funds. A \$500 merit recognition scholarship shall be awarded to 1986/87 & 1987/88 graduates with 7th semester GPA in the 90th percentile. These scholarships are funded from separate appropriation. If funds are insufficient, shall allocate according to GPA.	While ISAC still carries records on its database, it is unlikely that students from that year will apply for scholarships.
Treasurer	Deposit of State Money Act	15 ILCS 520/3 - 520/8	Treasurer shall require bids for deposit of \$50,000,000 or over in either time or demand deposits; bids shall be opened by the Treasurer in the presence of the Commissioner of Banks and Trust Companies and the Director of Central Management Services. Treasurer shall maintain a current list of depositories and their interest rates and supply same to Governor.	Section 6 - open in presence of CMS antiquated.
Treasurer	Worker's Compensation Act	820 ILCS 305/7	State Treasurer is ex-officio custodian of the "Second Injury Fund" and the "Rate Adjustment Fund" and is a party to all proceedings involving claims for loss. Neither fund shall be appropriated or used for any other purpose, the Treasurer has the right to petition for review of any award.	Many claims - much paper expense. The volume of cases precludes meaningful review of State Treasurer's Office, making the Treasurer a party creates more paperwork for all parties.

APPENDIX H: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS UNNECESSARILY BURDENSOME

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Universities Retirement System	Pension Code	40 ILCS 5/22-503 - 5/22-503.1	To furnish Department of Insurance an annual report of certain specified activities together with a required filing fee. Copy to Illinois Public Employees Pension Laws Commission. Each pension fund and retirement system shall include as part of its annual report a complete actuarial statement.	Already covered in 40 ILCS 5/15-174 & 5/15-173.
Western Illinois University	Finance Act	30 ILCS 105/13.2	Transfers among appropriations require approval of Board of Higher Education and the Governor. Line item appropriations shall not be transferred from one university to another.	The approval process takes too long.
Western Illinois University	School Code	105 ILCS 5/27-9	Curriculum shall contain courses in methods and materials for teaching physical education to teachers.	Don't see where this requirement is necessary except for physical education majors.

APPENDIX I

**STATUTORY PROVISIONS IDENTIFIED
AS DUPLICATIVE**

APPENDIX I: AGENCY-SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS DUPLICATIVE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Aging	Act on the Aging	20 ILCS 105/8.05(b)	To encourage development of adult day care through the administration of specialized Alzheimer's Day Care Resource Centers. Department shall create one urban and one rural Alzheimer's Day Care Resource Center.	Duplicates regular program.
Agriculture	Act on the Aging Civil Administrative Code (Part 4)	20 ILCS 105/8.05(d)(1) - 105/8.05(d)(5) 20 ILCS 205/40.31a	To report to General Assembly about pilot projects grants. Department shall provide for, staff and administer a Bureau of Agricultural Development which shall plan and coordinate efforts for new agricultural industry development.	Duplicates Annual Report. There has never been funding for this specific program, and its provisions are duplicative of the Department's general powers regarding marketing promotion (20 ILCS 205/40.7).
Agriculture	Civil Administrative Code (Part 4)	20 ILCS 205/40.41	Department shall develop and administer Governor's Agriculture Heritage Award Program. Department shall set criteria and formulate application procedures; arrange to produce and issue plaques; and set and charge recognition fee. Proceeds therefrom shall go to Department's Agricultural Marketing Program.	Duplicates other state award programs. Have not received any applications or nominations for award. Also, Department has numerous other awards to honor individual's contributions.
Agriculture	Gasohol Fuels Tax Abatement Act	35 ILCS 125/3(a)	Motor fuel distributors shall report to Director total amount of motor fuel sold in calendar year and amount of ethanol contained therein within 32 days of expiration of calendar year.	This information is already collected by Department of Revenue. Agriculture is seeking legislative changes to eliminate duplications.
Agriculture	Gasohol Fuels Tax Abatement Act	35 ILCS 125/3(b) - 125/3(c)	By June 1st each year, Director shall determine if ethanol in motor fuel requirements are met and so certify to Director of Revenue. Department shall make compliance rules and coordinate same with Department of Revenue.	This information is already collected by Department of Revenue. Agriculture is seeking legislative changes to eliminate duplications.
Agriculture	Gasohol Fuels Tax Abatement Act	35 ILCS 125/10(b)	Gasohol sold shall be eligible for 70% occupation and use tax rate only if director certifies average percent of ethanol used from 7/1/96 to 7/1/99.	This information is already collected by Department of Revenue. Agriculture is seeking legislative changes to eliminate duplications.
Agriculture	Farm Produce Commission Merchants Act	225 ILCS 615/1 - 615/8	To administer an Act on consignment and sale on commission of farm products.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Farm Produce Commission Merchants Act	225 ILCS 615/2	Director shall issue to such applicant, on payment of a \$10 fee and the execution and delivery of a bond as provided, a license entitling the applicant to conduct the business of receiving and selling farm produce on commission.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Farm Produce Commission Merchants Act	225 ILCS 615/2	On and after August 1, 1919, no person, firm, exchange, association or corporation, shall receive, sell or offer for sale, or solicit consignments or shipments for sale on commissions within this State, any kind of farm produce, without a license approved by the Department.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Farm Produce Commission Merchants Act	225 ILCS 615/4	Director shall have power to investigate, upon the verified complaint of an interested person, also to make an investigation irrespective of whether or not a complaint is filed.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruit & Vegetable Marketing Act	225 ILCS 625/1 - 625/24	To adopt and enforce all rules necessary to administer the Fresh Fruits and Vegetables Marketing Act.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruit & Vegetable Marketing Act	225 ILCS 625/2	Department shall license merchants and dealers. The fee for a commission merchant, dealer's or broker's license for one year or any portion thereof shall be \$25. All licenses shall expire on December 31 of each year.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruit & Vegetable Marketing Act	225 ILCS 625/5	Before refusing to grant a license and before suspending or revoking a license previously granted, the Department shall give notice, personally or by registered mail, to the applicant or licensee and afford him an opportunity to appear and be heard with respect thereto at a time and place specified in such notice.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruit & Vegetable Marketing Act	225 ILCS 625/13.02	All administrative decisions of the Department shall be subject to the Administrative Review Law.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Fresh Fruit & Vegetable Marketing Act	225 ILCS 625/21	Department shall have power and authority to adopt and enforce all rules, regulations or orders necessary to carry out and administer the provisions of this Act.	USDA currently regulates farm produce and commercial merchants. IDOA has proposed legislation to repeal duplicative Act.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/1 - 20/26	To administer the Apple and Peach Marketing Act.	Statute/program duplicates general agribusiness marketing efforts as apple & peach products are promoted under the latter.

APPENDIX I: AGENCY - SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS DUPLICATIVE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/7	If any marketing program is proposed under section 6 of this Act, the Director shall appoint a temporary operating committee consisting of 7 members who are representative of apple and peach producers to develop such proposed marketing program.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/8	If any existing marketing program is amended Director shall hold hearing of affected producers.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/12	Director shall not make public or available to anyone for private use the information contained in the individual reports of producers, handlers, distributors or processors filed with him pursuant to this section.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/14	Director or his designated agent is an ex-officio member of the program operating board without voting privileges.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/17(a)	For any marketing program approved by referendum under this Act the Director shall: (a) take steps to insure that adequate and proper records are kept and that an annual audit summary is provided to all program participants.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/17(b) - 20/17(c)	(b) Supervise the activities of the program operating board but only to the extent necessary to insure that program operations are in accordance with the provisions of the program; (c) take steps to insure that adequate bonds are maintained.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/17(d) - 20/17(e)	(d) Coordinate admin. activities between the program operating board and the Department; (3) following approval of any marketing program or amendment, the director shall file the program or amendment with the Secretary of State as provided in Section 5-65 of the Illinois Administrative Procedures Act. Such program or amendment shall be included in the rules of the Department.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/17(f)	(f) Confer and cooperate with the legally constituted authorities of other states and the United States regarding other marketing efforts.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Apple & Peach Marketing Act	505 ILCS 20/20	The Director and each program operating board shall publish annually an activity and financial report for such marketing program to be provided to all of the affected producers of the marketing program. Program shall be audited annually and results sent to Director within 30 days.	Statute/program duplicates general agribusness marketing efforts as apple & peach products are promoted under the latter.
Agriculture	Egg Market Development Act	505 ILCS 55/1 - 55/26	To administer the Egg Market Development Act.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/7	If any marketing program is proposed under section 6, the Director shall appoint a temporary operating committee consisting of 7 members who are representative of egg producers to develop such proposed marketing program.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/12	The Director shall not make public or available to anyone for private use the information contained in the individual reports of producers, handlers, or processors filed with him pursuant to this section.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/14	The Director or his designated agent shall be an ex-officio, non-voting member of the Egg Market Development Council.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/15	Director shall in subsequent years hold a special election to fill any expiring term on the council.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/17(a) - 55/17(b)	Director shall: (a) take steps to insure that adequate and proper records are kept and that an annual audit summary and a program evaluation are provided to all program participants; (b) supervise the activities of the council but only to the extent necessary to insure that program operations are in accord with the provisions of this Act and the program.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.

APPENDIX I: AGENCY - SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS DUPLICATIVE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agriculture	Egg Market Development Act	505 ILCS 55/17(c) - 55/17(d)	Director shall (c) take steps to insure that adequate bonds are maintained; (d) coordinate administrative activities between the council and the department.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/17(e) - 55/17(f)	Director shall (e) file, following approval of any marketing program or amendment, the program or amendment with the Secretary of State as provided in Section 6 of the Illinois Administrative Procedures Act. Such program or amendment shall be included in the rules of the Department; (f) confer and cooperate with the legally constituted authorities of other states and United States.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/19	Any funds received by the Director under Section 10 of this Act shall be deposited with the State Treasurer. The Director shall order disbursement from the Commodity Trust Fund only for payment of the expenses authorized by this Act.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Egg Market Development Act	505 ILCS 55/20	The Director and the Council shall publish annually an activity and financial report for such marketing program which shall be provided to all of the producers affected by this program. Program shall be audited annually and results sent to Director within 30 days.	Board dissolved themselves in 1988. Department has no program to administer or monitor. Duplicates federal act.
Agriculture	Farm Products Inspection Act	505 ILCS 65/1	To administer the inspection and standardization of Farm Products Inspection Act.	USDA already has existing standards - Department has proposed a legislative amendment to delete this law.
Agriculture	Farm Products Inspection Act	505 ILCS 65/2	After investigations and public hearings, the Director is authorized to fix the official standards for grading and classifying all agricultural products grown or produced in this State and promulgate official standards for containers.	USDA already has existing standards - Department has proposed a legislative amendment to delete this law.
Agriculture	Farm Products Inspection Act	505 ILCS 65/5	Director is authorized to designate any competent employee or agent of the Department, and upon satisfactory evidence of competency may license any other person, and charge and collect a reasonable fee for such license, to inspect or classify agriculture products in accordance with such regulations as he may prescribe.	USDA already has existing standards - Department has proposed a legislative amendment to delete this law.
Agriculture	Farm Products Inspection Act	505 ILCS 65/6a	Final decisions of the Director shall be subject to judicial review pursuant to the provisions of the Administrative Review Law.	USDA already has existing standards - Department has proposed a legislative amendment to delete this law.
Agriculture	Farm Products Inspection Act	505 ILCS 65/8	All Illinois department fees go to General Revenue Fund. USDA fees go to State Treasury for Agricultural Master Fund to be administered by Director.	USDA already has existing standards - Department has proposed a legislative amendment to delete this law.
Agriculture	Agricultural Foreign Investment Disclosure Act	765 ILCS 50/1 - 50/8	Requires foreign persons to submit report after acquiring or transferring agricultural land.	Duplicates federal mandates. Department has recommended rescinding.
Agriculture	Agricultural Foreign Investment Disclosure Act	765 ILCS 50/4	Director shall impose a civil penalty for incomplete or misleading information which shall be determined in accordance with this subsection (b) of this section. Such penalty shall be recoverable in a civil action brought by the Attorney General.	Duplicates federal mandates. Department has recommended rescinding.
Agriculture	Agricultural Foreign Investment Disclosure Act	765 ILCS 50/7	Director shall establish a procedure for refunding any penalty. Not later than 90 days after the date of the enactment of this Act, the Director shall prescribe regulations for purposes of carrying out the provision of this Act.	Duplicates federal mandates. Department has recommended rescinding.
Auditor General	State Auditing Act	30 ILCS 5/3-7(b) - 5/3-7(c)	To adopt, amend or repeal a regulation Auditor General shall issue a notice of the text of the proposed regulation and shall send a copy to each member of the Legislative Audit Commission and the agency per request. A minimum comment period of 60 days shall be provided before Auditor General submits his proposal to the LAC for their approval.	Requires procedures for adopting or changing regulations that are different from those prescribed for rules. The procedures for regulations are unnecessarily burdensome and duplicative of those required under Administrative Procedure Act.
Auditor General	State Auditing Act	30 ILCS 5/3-7(d)	After the close of the comment period, the Auditor General shall evaluate all submissions and make any modifications to his proposal which he deems proper & then submit the proposed regulations to the Commission with a summary of his evaluation & any explanation of changes from his original proposal.	Requires procedures for adopting or changing regulations that are different from those prescribed for rules. The procedures for regulations are unnecessarily burdensome and duplicative of those required under Administrative Procedure Act.

APPENDIX I: AGENCY - SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS DUPLICATIVE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Auditor General	State Auditing Act	30 ILCS 5/3-7(e) - 5/3-7(f)	Auditor General shall be available to personally testify on his submission at any meeting in which the submission is considered. After approval of the proposed regulation, the Auditor General shall adopt the regulation, amendment or repealer by filing a signed copy with the Secretary of State.	Requires procedures for adopting or changing regulations that are different from those prescribed for rules. The procedures for regulations are unnecessarily burdensome and duplicative of those required under Administrative Procedure Act.
Commerce & Community Affairs	Civil Administrative Code (Part 7)	20 ILCS 605/46.19(f)(1)	To accept grants, loans, or appropriations from the federal government or the State or any agency of instrumentality thereof, and to assess fees for any services performed under the Buy Illinois Program.	Unfunded. Duplicates Illinois Product & Services Exchange Act (20 ILCS 605/46.57).
Comptroller	Fees & Salaries Act	5 ILCS 290/1 - 290/4	Sets the salaries for the elected constitutional officers. Requires fees paid to State officers to be paid into the State Treasury and requires officers to provide the Governor with a semi-annual report on fees collected.	Salaries are set by the Compensation Review Board. In addition, there is no longer a provision for State officers to retain any fees collected, therefore, the semi-annual report required by the statute appears to be obsolete.
Comptroller	Fees & Salaries Act	30 ILCS 220/11	All fees collected shall be paid into the State Treasury. Shall semi-annually on or before the first days of April and October, file a statement, under oath, with the Governor showing by items the amount of fees collected with the receipt of the Treasurer.	Appears to be obsolete.
Comptroller	Earned Income Tax Credit Information Act	820 ILCS 170/15 & 170/20	Within one week before or after receiving W-2 form, employer shall furnish employees with the information that they may be eligible for the federal earned income tax credit.	This notification requirement can be satisfied by providing the employee with an IRS Form W-2 because it has the EIC notice on the employee's copy. Although section 20, the Illinois version of the IRS notice, could be changed to match the current IRS notice, we recommend deletion. This notice option is not necessary, employers should always use the IRS notice. Conflicts with federal requirements.
Education, State Board of	School Code	105 ILCS 5/2-3.107	All forms used by State Board to collect information within racial categories and all reports presenting racial information shall include a "multiracial" category if information is collected for State or local purposes.	
Education, State Board of	School Code	105 ILCS 5/2-3.83(c)	To submit a report to the General Assembly by June 30 of each year summarizing the expected number of secondary special education students that will be exiting public schools after the following school year.	The part that deals with a report should be deleted.
Education, State Board of	Sex Education Act	105 ILCS 130/1 - 130/5	To administer the Sex Education Act. To appoint four persons to the Sex Education Advisory Board.	With Family Life mandates 105 ILCS 5/27-9.02.
Employment Security	General Assistance Job Opportunities Act	20 ILCS 3940/10	Director or designee shall serve on the Job Opportunity Advisory Council. Council shall develop a plan designed to employ persons who are eligible for transitional assistance. Shall report to Governor and General Assembly. Members shall be paid for expenses only.	The Transitional Assistance population that this council was created to serve is already a subset population of the Illinois Job Training Coordinating Council created in 20 ILCS 3975/3.
Employment Security	Defense Contract Employment Discrimination Act	775 ILCS 20/1 - 20/7	To enforce the prosecution of any violation, upon its filing, pertaining to the Defense Contract Employment Discrimination Act.	The provisions of this 1941 Act pertain to wartime contractors. The Human Rights Act also apparently supersedes this statute.
Energy & Natural Resources	Science Advisory Council Act	20 ILCS 4025/1	Chiefs of the Natural History and Geological and Water Surveys shall be members of the Science Advisory Council.	No Science Advisory Council has been active for at least 18 years. Required public members of the body have not been appointed in the last 18 years. Duties of the Science Advisory Council are duplicated by, and have been supplanted by, the Governor's Science Advisory Committee which is organized by executive order.
Fire Marshal	State Fire Marshal Act	20 ILCS 2905/2	To keep record of all fires occurring in the State.	Keeping records of fires duplicates 425 ILCS 25/6.
Fire Marshal	State Fire Marshal Act	20 ILCS 2905/2	To exercise powers/duties of Boiler & Pressure Vessel Safety Act.	Boiler & Pressure Vessels Safety reference duplicates 430 ILCS 75.
Fire Marshal	State Fire Marshal Act	20 ILCS 2905/2	To administer Illinois Fire Protection Training Act.	The Fire Protection Training Act duplicates 50 ILCS 740.
Fire Marshal	University of Illinois Act	110 ILCS 305/1b	To receive plans for a smoke detection system in all university dormitory corridors and shall be connected to a monitor panel and to a central fire alarm system.	Applies to all universities. U of I (and all other universities) have complied. May want to change language to reflect that systems should be acceptable to OSFM.

This requirement was amended by Public Act 88-634.

APPENDIX I: AGENCY - SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS DUPLICATIVE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Fire Marshal	Fire Investigation Act	425 ILCS 25/13.1(e)	To keep on file itemized statement of expenses incurred payable from the Fire Prevention Fund.	Events have indicated a need on the part of the Office of the State Fire Marshal to maintain records of all expenses payable from the Fire Prevention Fund and perhaps, to require all Fire Prevention Fund appropriations and expenditures to come through the Office of the State Fire Marshal appropriation. Cash flow problems associated with the Fire Prevention Fund indicate that a centralized agency should be maintaining these records & specific statutory authority for this might have to be sought.
Governor's Office	Code of Criminal Procedure of 1963	725 ILCS 5/108B-13(d)	In April of each year, the Governor shall transmit to the General Assembly reports on number of applications for orders authorizing eavesdropping devices, number granted or denied, convictions arising from, and summary of information required in subsections (a) and (b).	Both Department of State Police & Governor required to transmit this report.
Guardianship & Advocacy Commission	Guardianship & Advocacy Act	20 ILCS 3955/5(l)	Commission shall monitor issues regarding care and treatment of individuals who receive mental health services or are developmentally disabled, including reports of abuse and neglect.	Requirement to monitor a abuse & neglect remains an unfunded mandate incapable of enforcement. Mandate duplicates statutory duties placed on the Departments of Public Health and Mental Health & Developmental Disabilities.
Guardianship & Advocacy Commission	Probate Act of 1975	755 ILCS 5/11a-17(a)	Should the court direct, guardian shall have custody of ward and ward's children. State guardian shall assist guardians of the person in filing court reports when requested by the guardian. Lists duties of Personal Guardian.	Commission is appointed guardian of person and/or estate of adults. DCFS exclusively serves minors & typically has represented the interests of children of the Commission's adult wards.
Labor	Civil Administrative Code (Part 5.5)	20 ILCS 1505/43.08 - 1505/43.10	To improve working conditions, to advance opportunities for profitable employment. To collect, collate, assort, systematize and report statistical details relating to all departments of labor, especially in relation to commercial, industrial, social, educational and sanitary conditions.	This mandate requires IDOL to collect, collate, and assort statistical information relating to all departments of labor.
Labor	Civil Administrative Code (Part 5.5)	20 ILCS 1505/43.15a	To study the nature and extent of the labor and employment problems of migrant agricultural labor, with particular attention to its differences from the problems of resident agricultural labor.	This statute mandates that IDOL study the labor & employment problems of migrant agricultural labor. A migrant agricultural labor division currently exists within the Department of Employment Security. IDOL has never conducted studies on this subject or monitored this particular area of labor. This mandate would be better served by IDES and has no administrative benefit with IDOL.
Labor	Wages of Women and Minors Act	820 ILCS 125/3	Department shall have full power and authority to investigate and ascertain wages of women and minors; to enter workplace of employer to examine records; require in writing statements of wages paid to women and minors.	This mandate (Wages of Women & Minors Act) requires that IDOL investigate and ascertain the wages of women & minors employed in any occupation in the State. All responsibilities outlined in this Act are currently being administered and enforced within the Minimum Wage and Overtime Law. This statute is obsolete and duplicative.
Labor	Wages of Women and Minors Act	820 ILCS 125/4	Duty to investigate wages paid when requested by 50 or more residents of county where women or minors are employed in an occupation, and appoint a wage board to report on establishment of fair minimum wages in such occupation.	This mandate (Wages of Women & Minors Act) requires that IDOL investigate and ascertain the wages of women & minors employed in any occupation in the State. All responsibilities outlined in this Act are currently being administered and enforced within the Minimum Wage and Overtime Law. This statute is obsolete and duplicative.
Labor	Toxic Substances Disclosure to Employees Act	820 ILCS 255/13	Director must determine if toxic substance is a trade secret within 30 days of claim by holder of information. Information shall be protected as confidential until such determination is made.	The law contains provisions for manufacturers to withhold chemical identities for MSDSs. Equivalent trade secret provisions are also included in the federal HCS. Many manufacturers that are in compliance with the HCS trade secret provisions have not filed with us. This provision should be eliminated.
Legislative Reference Bureau	Legislative Reference Bureau Act	25 ILCS 135/5.06	Shall prepare bills for introduction at the next regular session; to revise existing statutory law to meet reorganization requirements of Executive Orders of the Governor.	Duplicative of IS ILCS 15/10 which is the Executive Reorganization Implementation Act.

APPENDIX I: AGENCY-SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS DUPLICATIVE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Mental Health & Developmental Disabilities	Department of Mental Health & Developmental Disabilities Act	20 ILCS 1705/12.1	Shall establish distinct unit for purpose of implementing new knowledge and treatment for mental illness. Director shall name unit and designate location.	Appears to duplicate 20 ILCS 1705/12.
Mines & Minerals	Surface Coal Mining Land Conservation & Reclamation Act	225 ILCS 720/2.04	When an application is received, shall notify various local governmental bodies. Any person, any government agency, or the county board may file written objections to a permit application and may request an informal conference. If no informal conference is requested or if the issues are not resolved at an informal conference, such interested parties may request a public hearing. If a hearing is requested, the Department shall hold at least one hearing in the locality affected and in each county affected.	PA 81 - 1015 (IL law) must be as effective as the counterpart federal law, PL 95 - 87, but cannot be more stringent. The federal law requires that an informal conference be held on a permit application if requested by an affected party. The Illinois statute requires that both an informal conference and a public hearing be held if requested by an affected party. After 11 years of implementation of this program, the Department has found that there are very few requests for informal conferences. Most requests culminate in a public hearing. The informal conference step adds more time to the permit review process with no administrative benefit. Also, there are different time frames specified for requesting informal conferences & public hearings, which complicates internal tracking procedures. The Dept. believes Illinois' public hearing is synonymous with the federal informal conference; therefore, Illinois' informal conference requirement should be eliminated.
Mines & Minerals	Surface Coal Mining Land Conservation & Reclamation Act	225 ILCS 720/9.01	(a) Department may propose rules in conformity with Act. The Department shall consider the terrain, climate, and other conditions; (b) any person may file a petition proposing any rule and Department shall initiate proceeding within 90 days; (c) prior to adoption, amendment or repeal, Department shall give 45 days notice of intended action; (d) persons have opportunity to submit comments within 30 days of Department notice; (e) no rule may be adopted unless substantial evidence in support of rule is submitted; (f) no rule is valid unless adopted in compliance with this section; (g) the Department shall file in its principal office and the Secretary of State a certified copy of each adopted, revised, or repealed rule; (h) adopted rules are effective 30 days after filing; (i) in addition to provisions in this section, provisions of the Illinois Administrative Procedure Act apply to adoption of rules under this Act.	The Dept.'s surface mining program must be consistent with the federal surface mining program promulgated and implemented by the federal Office of Surface Mining. Subsections (a), (b) and (h) are necessary because of federal requirements. Subsections (c) through (g) and (i), however, do not appear to have been drafted in response to federal requirements; rather, these subsections appear to contain a mini-version of some of the rulemaking provisions of the Illinois Administrative Procedure Act (IAPA) (5 ILCS 100/5-5 through 100/5-155). Section 5-5 of the IAPA mandates that all agency rules be adopted in accordance with Article 5 thereof (5 ILCS 100/5-5). Subsections (c) through (g) therefore are duplicative of the IAPA and of no benefit to the Department. In fact, these subsections, along with subsection (i), could likely conflict with the IAPA, given that its rulemaking provisions are continually revised. In order to avoid possible conflicts, it would be prudent to replace subsections (c) through (g) and (i) with a provision stating that all rulemaking will be done in accordance with Article 5 of the IAPA (5 ILCS 100/5-5 through 5-155).
Public Health	Hospital Licensing Act	210 ILCS 85/9.1	Department shall regularly inspect each State institution under jurisdiction of Department of Mental Health and Developmental Disabilities for compliance with regulations applicable to it at least annually and report to Governor and General Assembly.	According to Department staff, the last time that IDPH inspected these facilities, under the authority of this section, was sometime around 1979. IDPH does perform inspections of facilities for the developmentally disabled or psychiatric hospitals that are certified for participation in Medicaid. Such certification did not occur when this provision was originally put into place. With recent amendments to the Mental Health Code, the Inspector General of DMHDD has her own inspection and oversight authority and programs for mental health facilities. Due to these points, this section may be unnecessary and duplicative of other provisions of state law.

APPENDIX I: AGENCY – SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS DUPLICATIVE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Public Health	Pertussis Vaccine Act	410 ILCS 235/2 – 235/9	Director in consultation with Ill. State Medical Society and Ill. Hospital Assn., shall prepare pamphlet for all health care providers, on effects of pertussis vaccine, and shall adopt by regulation the information contained in pamphlet. Director shall report information received regarding adverse reaction to the U.S. Center for Disease Control.	The Act requires that the Dept. develop and distribute a pamphlet explaining the benefits & risks of vaccination against pertussis. It also requires hospitals to provide a copy of the pamphlet to the parent or guardian of every newborn child. Staff said that the information contained within this pamphlet is duplicative of other immunization pamphlets made available to hospitals.
Public Health	Uniform Hazardous Substances Act	430 ILCS 35/1 – 35/2 – 20	Director shall administer Uniform Hazardous Substances Act as defined in Sec. 251 – 1 through 252 – 20.	According to Department staff, the State Uniform Hazardous Substances Act generally adopts the provisions of the federal Act and has never, to our knowledge, been used for any purpose. Because such a law is in place at the federal level, it would seem unnecessary to maintain a state law that is not used.
Public Health	Uniform Hazardous Substances Act	430 ILCS 35/3 – 35/4	Director authorized to make and enforce rules and regulations for carrying out provisions of the Act; and conduct examinations, inspections and investigations pursuant to the Act.	According to Department staff, the State Uniform Hazardous Substances Act generally adopts the provisions of the federal Act and has never, to our knowledge, been used for any purpose. Because such a law is in place at the federal level, it would seem unnecessary to maintain a state law that is not used.
Public Health	Uniform Hazardous Substances Act	430 ILCS 35/5	Director shall affix a tag to a misbranded or banned hazardous substance. The substance shall then be detained or embargoed.	According to Department staff, the State Uniform Hazardous Substances Act generally adopts the provisions of the federal Act and has never, to our knowledge, been used for any purpose. Because such a law is in place at the federal level, it would seem unnecessary to maintain a state law that is not used.
Public Health	Uniform Hazardous Substances Act	430 ILCS 35/6 – 35/16a	Director has power to conduct hearings for violation of Act, subpoena witnesses, issue findings; make certain exemptions and promulgate regulations. It is the duty of Department to enforce provisions of Act.	According to Department staff, the State Uniform Hazardous Substances Act generally adopts the provisions of the federal Act and has never, to our knowledge, been used for any purpose. Because such a law is in place at the federal level, it would seem unnecessary to maintain a state law that is not used.
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/3(c)	To make reports and submit plans as required by Federal Rehabilitation Act of 1973 and Federal Social Security Act.	This is duplicative in the sense that DORS is authorized by section 3(a) to comply with the federal Rehabilitation Act and the Social Security Act.
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/3(e)	To exercise executive and administrative supervision over: School for Visually Impaired; School for Deaf, Illinois Children's School and Rehabilitation Center and the Visually Handicapped Institute.	Prior Subsection (e) was repealed. New Subsection (e) is somewhat duplicative of Sections 10, 11 and 13.
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/3(f)	To establish a program of services to prevent unnecessary institutionalization of persons with Alzheimer's Disease or related disorders or persons in need of long term care who are established as blind or disabled.	Old Subsection (f) has been repealed. New Subsection (f) is what was Subsection (g). It has been revised to eliminate obsolete material. This overly long subsection still contains some duplicative material. The pre-screening program is referred to in 305 ILCS 5/5.5. The paragraph about filing reports is duplicative of 25 ILCS 5/3.1.
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/10	Department shall operate residential schools for children with visual handicaps unable to attend regular schools.	This is somewhat duplicative of Section 3(e).
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/10	Department shall operate residential schools for children with hearing handicaps unable to attend regular schools. In administering the School for the Deaf, Department shall adopt admission policy which permits day or residential enrollment and those unqualified for admission under section (a), if resources are sufficient. Shall adopt rules to implement Act.	This is somewhat duplicative of Section 3(e).
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/11	Department shall operate and maintain Illinois center for rehabilitation and education and provide all necessary care and training.	This is somewhat duplicative of Section 3(e).
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/12	Department shall maintain Illinois center for rehabilitation and education; provide community services for visually handicapped and may establish industrial work training in a residential center, and negotiate contracts for such work.	This is somewhat duplicative of Section 3(e).

APPENDIX I: AGENCY-SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS DUPLICATIVE

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Rehabilitation Services	Disabled Persons Rehabilitation Act	20 ILCS 2405/12	Money which has been paid to or received as payment for work in industrial training program shall be deposited in "Industrial Project Fund" for salaries and all other benefits of those receiving services. (See 30 ILCS 230/1.)	This is somewhat duplicative of Section 3(e).
Rehabilitation Services	Bureau for the Blind Act	20 ILCS 2410/5	Department, with participation of Bureau and Blind Services Planning Council, shall prepare and submit, as part of Department's budget, an estimate of financial needs, including anticipated growth and development of new initiatives, which shall be clearly identified and become part of the record. Shall maintain records of funds spent and received in any other funds.	Budgets have to be prepared for each division and expenses have to be documented in accordance with other laws.
Rehabilitation Services	Bureau for the Blind Act	20 ILCS 2410/6	All evaluations of quality of service providers to blind shall be made by qualified persons assigned to bureau or consultants especially qualified. All support services shall be provided as part of agency-wide support system and included in budget of Department; Bureau shall prepare annual report and all minutes of meeting shall be sent to each council member.	This is duplicative of other general requirements.
Rehabilitation Services	Bureau for the Blind Act	20 ILCS 2410/7	Creates within department a Blind Services Planning Council to review actions of Bureau for Blind and provide advice and consultation to director. No department employee shall be a member of the Council and members shall serve without pay but shall be reimbursed for actual expenses. Members shall be removed for cause and are governed by confidentiality and ethic standards.	The Blind Services Planning Council is required by State law. There is an overarching advisory board, the Statewide Rehabilitation Advisory Council (SRAC), which is required by both State law and the Federal Rehabilitation Act. The Blind Services Planning Council has a representative on the SRAC and may have some overlapping duties.
Treasurer	State Officers & Employees Money Disposition Act	30 ILCS 230/2a	The Treasurer shall place money received from agencies of State, paid under protest, in a special fund known as the Protest Fund, and after 30 days transfer to the proper fund unless a temporary restraining order has been received. Money shall then be held in Protest Fund until order of a judge. Money held in Protest Fund shall bear simple interest.	Interest allocation duplicative.
Treasurer	Public Funds Investment Act	30 ILCS 235/2	Defines the investments that the Treasurer may make with public funds.	Duplicates Deposit of State Moneys Act.
Universities Retirement System	Pension Code	40 ILCS 5/22-503 - 5/22-503.2	To furnish Department of Insurance an annual report of certain specified activities together with a required filing fee. Copy to Ill. Public Employees Pension Laws Commission. Each pension fund and retirement system shall include as part of its annual report a complete actuarial statement.	Already covered in 40 ILCS 5/15-174 & 5/15-173.

APPENDIX J
STATUTORY PROVISIONS IDENTIFIED
AS NO ADMINISTRATIVE BENEFIT

APPENDIX J: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS NO ADMINISTRATIVE BENEFIT

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agriculture	Civil Administrative Code (Part 4)	20 ILCS 205/40.41	Department shall develop and administer Governor's Agriculture Heritage Award Program. Department shall set criteria and formulate application procedures; arrange to produce and issue plaques; and set and charge recognition fee. Proceeds therefrom shall go to Department's Agricultural Marketing Program.	Duplicates other state award programs. Have not received any applications or nominations for award. Also, Department has numerous other awards to honor individual's contributions.
Agriculture	Noxious Weed Law	505 ILCS 100/1 - 100/24	To enforce and administer the provisions contained in the Illinois Noxious Weed Law.	Enforcement is at the local government level.
Auditor General	Purchasing Act	30 ILCS 505/6(a)(16)	The Auditor General shall require certification that emergency purchases and contracts by the Department of State Police were necessary and it shall be noted in audits performed at his direction.	Requires State Police to file certification with Auditor General & Comptroller documenting purchase decision on certain forensic science lab equipment. This is unnecessarily burdensome because DSP & all agencies should document purchasing decisions as required under State Records Act. Also of no admin. benefit because, to the best of my knowledge, it's never been used. There is little chance that it will be used in the future because purchasing restrictions are even less stringent today than they were when this provision was put into law.
Board of Regents	State Comptroller Act	15 ILCS 405/13.1	Shall report total number of payroll warrants drawn from funds retained in own treasury to Secretary of State.	Requirement of notification does not serve any particular purpose. Further, the Secretary of State traditionally is not involved with fiscal policy matters, especially those related to the details of processes (e.g., warrants drawn).
Board of Regents	Civil Administrative Code (Part 15)	20 ILCS 405/67.01	Shall contract and purchase, supplies, commodities, equipment and utilities in accordance with rules and regulations approved by CMS, except all postage stamps purchased with State funds must be procured through CMS and perforated for identification purposes.	We support the portion of the law requiring agencies to contract and purchase supplies, etc. in accordance with rules and regulations approved by CMS. However, the requirement regarding postage stamps, both the central procurement and perforation dimensions seem unnecessary and do not enhance efficiency of operations or reduce costs of acquisition.
Capital Development Board	Capital Development Board Act	20 ILCS 3105/13	To contract with the designated Regional Port District when appropriations are made for cargo handling facilities. Regional Port Districts shall remit to the State not more than 20% of gross receipts or not less than 20% of the profit until the full amount appropriated has been remitted to the State.	Any current improvements to cargo handling facilities are done as grants to local government and are not required to be repaid.
Central Management Services	Forms Management Program Act	20 ILCS 435/4(1)	The Director is authorized and empowered to establish a statewide forms management program for all State agencies and to provide assistance in establishing internal forms management capabilities.	The program is now "skeletal". It cost more to run the program than the benefits derived.
Children & Family Services	Children & Family Services Act	20 ILCS 505/5(t)	Department shall perform home studies, investigations and exercise supervision over visitation as ordered by court pursuant to Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 et seq.) if order directs department to perform service and court has ordered reimbursement. Shall provide written notification to court for visitation and costs within 60 days of court order.	DCFS should not be required to become involved in purely domestic divorce proceedings, when the child is neither abused or neglected, but is the subject of a contested divorce between two hostile spouses pursuant to the Marriage and Dissolution of Marriage Act. In these instances, DCFS should not be required to perform home studies & investigations.
Commerce Commission	Public Utilities Act	220 ILCS 5/10 - 102	To conduct all meetings pursuant to Open Meetings Act. Whenever the Commission closes any meeting, it shall arrange for all discussions to be transcribed verbatim... The Commission shall review & approve transcripts within 30 days of the closed meeting and, when in its judgement the exception for a closed meeting is no longer applicable, shall make transcripts available. Any party to a Commission proceeding shall be given access to relevant transcripts upon the signing of an appropriate protective agreement.	The requirement that closed meetings be transcribed is, to the best of staff's knowledge, unique to the Commission among all state and local public bodies. It constitutes an administrative burden that is completely out of proportion with any arguable public good. Furthermore, in the context of closed meetings held to discuss litigation with counsel, the requirement of verbatim transcripts that are ultimately to be made public raises serious questions about the confidentiality of what should be attorney-client privileged communications.
Commerce & Community Affairs	Military Base Reuse Advisory Board Act	20 ILCS 670/1	Creates within DCCA an advisory board on the reuse of military bases, consisting of 10 members to serve three year terms, and receive no compensation except expenses. Board shall report its activities and recommendations to the Governor and the General Assembly by December 31 of each year.	Board never established. Issues handled at local level.

APPENDIX J: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS NO ADMINISTRATIVE BENEFIT

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Commerce & Community Affairs	Rural Diversification Act	20 ILCS 690/8	Creates Rural Diversification Revolving Fund in State Treasury for use of office. Funds shall include fees, receipts, principal & interest, royalties, defaults, appropriations, gifts & grants, interest on investment, & federal participation.	Unfunded.
Comptroller	State Comptroller Act	15 ILCS 405/10.05 - 405/10.06	Whenever the Comptroller draws a warrant or makes a payment involving a deduction ordered under this Section, he shall send copies of the voucher which authorized the warrant or payment together with a written statement of the reason for the deduction to the payee and to the agency that originated the voucher or sent the voucher to the Comptroller, and he shall retain a copy of such written statement in his records.	The statute should specify the information, but not the type of notification, i.e. voucher, which should be provided to the vouchering agency and payee.
Criminal Justice Information Authority Education, State Board of	Criminal Justice Information Act	20 ILCS 3930/10	To supersede powers/duties of Illinois Law Enforcement Commission with exceptions as listed in (a) and (b).	Pertains to the transfer of agency powers in 1983.
Education, State Board of	School Code	105 ILCS 5/2-3.101	Board shall establish a general competitive selection process and evaluate adult education programs based on federal rules and regulations under the Federal Adult Education Act.	Repeats federal mandates.
Education, State Board of	School Code	105 ILCS 5/2-3.99	To award grants to school districts for development and maintenance of educational programs with day care components for students who are parents. Shall adopt application procedures and make awards based on listed criteria. Shall report to General Assembly by January 1 each year the number and use of young parents program grants.	There is no money -- no need for citation -- recommend deleting.
Education, State Board of	School Code	105 ILCS 5/12-21	To approve a high school in an adjoining state and pay tuition for a high school or eighth grade student living in an area where no high school of this State is readily accessible.	Law never used/utilized. Not applicable. Obsolete.
Employment Security	Welfare and Rehabilitation Services Planning Act	20 ILCS 10/3 - 10/6	To submit to the General Assembly by the first Friday in April of each year a plan providing for the maximum utilization of the State's resources and human resource development.	Mandate is obsolete, unenforceable, unnecessarily burdensome & of no administrative benefit. The intent of the statute is to coordinate service delivery plans with other state agencies. In practice, however, this is not happening. The Bureau of the Budget is supposed to issue guidelines annually, but has not for many years. We have never received feedback on our completed plans (plan is really a misnomer as it is really a public information document) either from the B.O.B. or the General Assembly. Many staff hours are spent on preparing the plan -- hours that could be better spent on long range strategic planning. Additionally, much of the information in the Human Services Plan is contained in other documents we are required to prepare in order to receive our federal funding.
Environmental Protection Agency	Environmental Protection Act	415 ILCS 5/31	Agency shall investigate violations of Act upon request of Board or report of violation; if violation occurred, Agency shall serve a formal complaint and hold hearing before the Pollution Control Board. Agency shall publish an annual list of notices served prior to bringing a complaint before the Board.	The Agency program to enforce hazardous material or hazardous waste laws includes the court system or the United States Environmental Protection Agency. Consequently, a listing of only those notices involving the Board underrepresents the full scope of agency activities.
Environmental Protection Agency	Release of Genetically Engineered Organisms Act	430 ILCS 95/6	Within 6 months, EPA shall enter into a memorandum of understanding with Department of Agriculture setting forth procedures and responsibilities to avoid duplication.	This section required a memorandum of understanding between IEPA and IDOA as to each Agency's responsibilities under the Genetically Engineered Organisms Act. This Memorandum of Agreement has been adopted.
Fire Marshal Fire Marshal	State Fire Marshal Act State Fire Marshal Act	20 ILCS 2905/2 20 ILCS 2905/2	To administer Illinois Fire Protection Training Act. To aid in establishment of Illinois Fire Service Institute.	Fire Protection Training Act duplicates 50 ILCS 740. Fire Service Institute now has own Act -- no longer funded from State Fire Marshal (110 ILCS 365).

APPENDIX J: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS NO ADMINISTRATIVE BENEFIT

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Governors State University	Governmental Ethics Act	5 ILCS 420/4A - 101(f)	Disclosure of economic interest: Employees of university (except teachers) who receive more than \$35,000, including professional fees, shall file a verified statement of economic interest. ¹	Interest conflicts more local issue.
Governors State University	Finance Act	30 ILCS 105/6a(1)	Tuition, laboratory, library fees and interest shall be paid into the State Treasury within 20 days and may be reduced by refunds to students.	Ignores operational benefit of revenue retention. GSU believes that receipts should be held locally.
Governors State University	Finance Act	30 ILCS 105/6a(1)	Items of income covered by this paragraph shall be paid into State Treasury or deposited into the college or university bank account within time established for like amounts under 30 ILCS 230/2. If in bank account, such items, with interest, shall be paid into State Treasury as required.	Ignores operational benefit of revenue retention. GSU believes that receipts should be held locally.
Governors State University	Finance Act	30 ILCS 105/6a(1)	Excess income from auxiliary enterprises and activities and all other income not specifically exempted shall be paid into the State Treasury within 10 days.	Ignores operational benefit of revenue retention. GSU believes that receipts should be held locally.
Governors State University	Finance Act	30 ILCS 105/6a(2)	University shall retain funds under the authority of section 6a-2, and funds received from operating residence facilities, medical and health programs, bookstores, farms, stores, and other auxiliary enterprises or activities which are self-supporting in whole or in part; any income which is not necessary to their support, be paid to State Treasury.	Ignores operational benefit of revenue retention. GSU believes that receipts should be held locally.
Governors State University	Finance Act	30 ILCS 105/10	When an appropriation has been made, vouchers for the ordinary and contingent expenses of the university are to be certified and sealed by the chairman and secretary of the Board of Governors for presentation to the Comptroller.	Imprinter seal on each voucher is time consuming, costly, and provides no apparent benefit in terms of internal control.
Governors State University	Finance Act	30 ILCS 105/13.2	Transfers among appropriations require approval of Board of Higher Education and Governor. Line item appropriations shall not be transferred from one university to another.	Initiatives which would promote efficiencies without endangering control or accountability include: removal of revenue from the appropriation process; limiting appropriations to fewer line items, e.g., personal services, equipment, and expenses, while maintaining detail reporting of expenditures; and equalize the dollar definition of equipment between the Comptroller and Property Control.
Governors State University	Campus Demonstrations Policy Act	110 ILCS 10/1 - 10/2	University shall have a "Policy on Demonstrations" on file with Board of Higher Education and Governor. Responsible for maintaining decorum and order on the campus.	No need to file with IBHE/Governor.
Governors State University	College Student Immunization Act	110 ILCS 20/2	No person shall attend a post-secondary educational institution without presenting proof of immunization against preventable communicable diseases as the Department of Public Health shall require by rule & regulation (except those registered prior to the Act, or those objecting on religious grounds, or physician indicates it is medically contraindicated).	Should not apply to commuter institutions.
Guardianship & Advocacy Commission	Probate Act of 1975 - - Article XII	755 ILCS 5/12-5	The bond of a representative shall be for an amount not less than double the value of the personal estate if individuals act as sureties or if the bond or security is excused and not less than 1-1/2 times the value of the personal estate if a surety company acts as surety.	From a risk management standpoint, surety bond premiums could be better used for ward needs. However, the current CMS self-insured program does not always meet the needs or commands of certain probate courts.
Illinois State University	Finance Act	30 ILCS 105/6a-4(1) - 105/6a-4(1)(a)	Lists income which shall be paid into State Treasury for general operational and educational purposes without delay, in special fund known as Board of Regents Income Fund: tuition, lab and library fees and interest therefrom shall be deposited no later than 20 days.	Better management with no reduction in accountability would be gained if tuition income could be retained by the University.
Intergovernmental Cooperation Commission on	State Mandates Act	30 ILCS 805/4(a)	Commission shall conduct semi-annual public hearings to review information and recommendations of DCCA regarding this Act.	Commission required to hold hearings on mandates twice yearly to "review the information collected and the recommendations made by the Department (DCCA)". However, DCCA reports this information annually; therefore, no useful purpose would be served by holding more than one hearing to review the same information.

¹This requirement was revised by P.A. 88-187. The \$35,000 threshold was eliminated by this Act.

APPENDIX J: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS NO ADMINISTRATIVE BENEFIT

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Agency Labor	Civil Administrative Code (Part 5.5)	20 ILCS 1505/43.19	To transfer realty of department to any other department of State government to acquire or accept federal lands when approved by the Governor.	This statute gives IDOL the power to transfer jurisdiction to any realty under the control of the Department to any other Department of the State government or to acquire or accept federal lands. The Auditor General's office has repeatedly identified the above laws as IDOL statutory mandates. IDOL is not enforcing these statutes because we believe they are more appropriately administered or utilized by the Department of Employment Security. It is possible that when the agencies were separated in the mid 1980's that the laws were added to their statutes and were not deleted from IDOL's. IDOL introduced legislation this year (HB 3641) that would repeal these statutes. This bill was held in the House Rules Committee.
Lieutenant Governor	Self-Help Clearing House Act	15 ILCS 35/1	Shall fund not-for-profit organizations as clearinghouses provided each organization contributes at least 25% of the project cost from non-state sources. ¹	
Lieutenant Governor	Self-Help Clearing House Act	15 ILCS 35/1	Creates the self-help clearinghouse under jurisdiction of Lt. Governor with listed duties (a) through (e). Lt. Governor may provide consultation and assistance in developing and funding local self-help groups for preventing substance abuse, teen pregnancy and suicide. ¹	
Lieutenant Governor	Solid Waste Management Act	415 ILCS 20/6.2	Director or designee shall serve on the Developing Markets for Recyclable Materials Task Force. Task Force shall study existence of markets for recyclable materials and report to General Assembly & Governor by March 1, 1992 and a final report by September 1, 1992 after which it shall be abolished.	A final Task Force report was submitted to the General Assembly in 1992.
Metropolitan Pier & Exposition Authority	Metropolitan Pier and Exposition Authority Act	70 ILCS 210/26	A detailed report and financial statement shall be prepared as soon after the end of each fiscal year as expedient; filed with the Governor, the Mayor, General Assembly and Park District President. A monthly progress report of construction overruns, funds, affirmative action program, problems, etc., shall be submitted to the Governor, Mayor, etc. Within 6 months after the effective date of this Amendment Act of 1985, or as soon as possible, the Authority shall adopt an accounting system which shall not be implemented until it has been approved by the Auditor General.	The last sentence of paragraph 26(a) of the statute reads as follows: "within 6 months after the effective date of this Amendment Act of 1985, or as soon thereafter as is possible, the Authority shall adopt an accounting system which shall not be implemented until it has been approved by the Auditor General as appropriate for the Authority's operations." To date, the Auditor General has not approved the Authority's accounting system & it is the Authority's position that the Auditor General should not be in a position of approving an accounting system especially for a unit of local government. On information and belief, the Auditor General has never been required to approve the accounting system for any governmental entity, state or local. In addition, the State Auditing Act severely restricts the Auditor General's power to audit and/or review units of local government. Auditors, in general, should never approve an accounting system because of the problems which could arise should they ever have a need to criticize the system in the future. The statute mandates the Auditor General to approve the system as "appropriate for the Authority's operations." Using any interpretation, the current system is "appropriate" and is serving the Authority adequately.

¹Repealed by Public Act 88-553.

APPENDIX J: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS NO ADMINISTRATIVE BENEFIT

Agency Mines & Minerals	Act Surface Coal Mining Land Conservation & Reclamation Act	Statutory Reference 225 ILCS 720/2.04	Statutory Requirement When an application is received, shall notify various local governmental bodies. Any person, any government agency, or the county board may file written objections to a permit application and may request an informal conference. If no informal conference is requested, or if the issues are not resolved at an informal conference, such interested parties may request a public hearing. If a hearing is requested, the Department shall hold at least one hearing in the locality affected and in each county affected.	Agency Comment PA 81-1015 (IL law) must be as effective as the counterpart federal law, PL 95-87, but cannot be more stringent. The federal law requires that an informal conference be held on a permit application if requested by an affected party. The Illinois statute requires that both an informal conference and a public hearing be held if requested by an affected party. After 11 years of implementation of this program, the Department has found that there are very few requests for informal conferences. Most requests culminate in a public hearing. The informal conference step adds more time to the permit review process with no administrative benefit. Also, there are different time frames specified for requesting informal conferences & public hearings, which complicates internal tracking procedures. The Dept. believes Illinois' public hearing is synonymous with the federal informal conference; therefore, Illinois' informal conference requirement should be eliminated.
Mines & Minerals	Surface Coal Mining Land Conservation & Reclamation Act	225 ILCS 720/9.01	(a) Department may propose rules in conformity with Act. The Department shall consider the terrain, climate, and other conditions; (b) any person may file a petition proposing any rule and Department shall initiate proceeding within 90 days; (c) prior to adoption, amendment, or repeal, Department shall give 45 days notice of intended action; (d) persons have opportunity to submit comments within 30 days of Department notice; (e) no rule may be adopted unless substantial evidence in support of rule is submitted; (f) no rule is valid unless adopted in compliance with this section; (g) the Department shall file in its principal office and the Secretary of State a certified copy of each adopted, revised, or repealed rule; (h) adopted rules are effective 30 days after filing; (i) in addition to provisions in this section, provisions of the Illinois Administrative Procedure Act apply to adoption of rules under this Act.	The Dept.'s surface mining program must be consistent with the federal surface mining program promulgated and implemented by the federal Office of Surface Mining. Subsections (a), (b) and (h) are necessary because of federal requirements. Subsections (c) through (g) and (i), however, do not appear to have been drafted in response to federal requirements; rather, these subsections appear to contain a mini-version of some of the rulemaking provisions of the Illinois Administrative Procedure Act (IAPA). 5 ILCS 100/5-5 through 100/5-155. Section 5-5 of the IAPA mandates that all agency rules be adopted in accordance with Article 5 thereof. 5 ILCS 100/5-5 Subsections (c) through (g) therefore are duplicative of the IAPA and of no benefit to the Department. In fact, these subsections, along with subsection (i), could likely conflict with the IAPA, given that its rulemaking provisions are continually revised. In order to avoid possible conflicts, it would be prudent to replace subsections (c) through (g) and (i) with a provision stating that all rulemaking will be done in accordance with Article 5 of the IAPA (5 ILCS 100/5-5 through 5-155). Funds should be retained locally.
Northern Illinois University	Finance Act	30 ILCS 105/6a-4(1)	(b) Excess income from auxiliary enterprises & activities and all other income not specifically exempted shall be paid into the State Treasury within 10 days.	Funds should be retained locally.
Northern Illinois University	Finance Act	30 ILCS 105/6a-4(1) - 105/6a-4(1)(a)	Lists income which shall be paid into the State Treasury for general operational and educational purposes without delay, in special fund known as the Board of Regents Income Fund; tuition, lab and library fees and interest therefrom shall be deposited no later than 20 days.	The repeal of the statute would eliminate a duplication of reporting. Several reports are being made to other governing bodies. Maybe should be clarified.
Northern Illinois University	School Code	105 ILCS 5/2-3.23	Shall submit a report to the State Board of Education as it may require with a full exhibit of the affairs of the university.	The repeal of the statute would eliminate a duplication of reporting. Several reports are being made to other governing bodies. Maybe should be clarified.

APPENDIX J: AGENCY SPECIFIC STATUTORY REQUIREMENTS IDENTIFIED AS NO ADMINISTRATIVE BENEFIT

Agency	Act	Statutory Reference	Statutory Requirement	Agency Comment
Northern Illinois University	University Retail Sales Act	110 ILCS 115/1	May not permit operation of a retail store in competition with local merchants unless doing so at 1-1-80. Does not prohibit items commonly sold or connected with operation of university. University shall place student interns in active programs of planning, design and structural aspects of public improvements. Students shall not displace current employees, and shall work directly under registered architects or professional engineer. Shall be paid monthly stipend by university and where possible receive academic credit.	Would solve the availability problem for some goods (created by limiting the sale and market of scarce items) in rural areas through the University book store. This is a worthwhile program; however, the University can't comply because there is no funding.
Rehabilitation Services	Personnel Code	20 ILCS 415/19a	Interagency committee on handicapped employees: Director shall be a member and serve as co-chairman of Committee to provide forum for disabled State employees, and other related purposes. Creates Bureau for the Blind within Department; shall be headed by a Bureau Director qualified by education, experience and demonstrated ability - if all are equal, preference shall be given a blind person. Director of Department shall appoint with advice of Blind Services Planning Council. Bureau Director shall report to Department Director.	With passage of the Americans with Disabilities Act and activities of advocacy groups, the focus of this Committee needs to change. The requirement for a separate Bureau for the Blind narrows administrative options. There are not other reasons for a separate bureau; the constituency believes that they are served better by a separate bureau and there are different issues for the staff that require distinct training.
Rehabilitation Services	Bureau for the Blind Act	20 ILCS 2410/3	Department shall study the feasibility of using electronic funds transfer as a means of collecting taxes. Shall report results of study to General Assembly on or before 6-1-91.	This section required that results of a feasibility study be reported to the General Assembly on or before June 1, 1991.
Revenue	Electronic Funds Transfer Study Act	20 ILCS 2525/2	Disclosure of economic interests: Employees of Universities (except teachers) who receive more than \$35,000 a year including professional fees shall file a certified statement of economic interest. ¹	Information goes to Secretary of State, not used by the University.
Sangamon State University	Governmental Ethics Act	5 ILCS 420/4A - 101(f)	Shall have a "Policy on Demonstrations" to maintain order on campus and shall file a copy with Board of Higher Education and Governor. Responsible for maintaining decorum and order on the campus.	Seems that all institutions are well aware of the need to have such a policy or procedure in place, the 1960's & 70's took care of that.
Southern Illinois University	Campus Demonstrations Policy Act	110 ILCS 10/1 - 10/2	Treasurer shall require bids for deposit of \$50,000,000 or over in either time or demand deposits; bids shall be opened by the Treasurer in the presence of the Commissioner of Banks and Trust Companies and the Director of Central Management Services. Treasurer shall maintain a current list of depositories and their interest rates and supply same to Governor.	Section 6 - open in presence of CMS antiquated.
Treasurer	Deposit of State Moneys Act	15 ILCS 520/3 - 520/8	State Treasurer is ex-officio custodian of the "Second Injury Fund" and the "Kate Adjustment Fund", and is a party to all proceedings involving claims for loss. Neither fund shall be appropriated or used by any other purpose, the Treasurer has the right to petition for review of any award.	The volume of cases precludes meaningful review of the State Treasurer's Office. Making the Treasurer a party creates more paperwork for all parties.
Treasurer	Worker's Compensation Act	820 ILCS 305/7	Sets salaries of director and assistant director by the Compensation Review Board.	Covers years 1979, 1980 & 1981.
Veterans' Affairs	Civil Administrative Code (Part I) Finance Act	20 ILCS 5/9.22	Tuition, laboratory, library fees and interest thereon shall be paid into the State Treasury within 20 days. May be reduced by refunds to students.	We could administer ourselves & earn interest.
Western Illinois University	Finance Act	30 ILCS 105/6a(1)	Items of income covered by this paragraph shall be paid into State Treasury or deposited in university account within time established for like amounts under 30 ILCS 230/2. If in bank account such items, with interest shall be paid into State Treasury as provided in previous sentence.	We could administer ourselves & earn interest.
Western Illinois University	Finance Act	30 ILCS 105/6a(1)	Excess income from auxiliary enterprises and activities and all other income not specifically exempted shall be paid into the State Treasury within 10 days.	We could administer ourselves & earn interest.
Western Illinois University	Grant Funds Recovery Act	30 ILCS 705/13	If WIU conducts an annual audit of own operations, it may elect to have State grants audited at time of own audit at own cost. Shall make this election at time it receives grant and may be for financial or compliance audit by CPA's who do business with State. Does not limit ability to enter contracts for such audits or authority of Auditor General.	Extremely costly for small dollar grants.

¹This requirement was revised by P.A. 88-187. The \$35,000 threshold was eliminated by this Act.

APPENDIX K

**RESPONSES TO THE GENERALLY
APPLICABLE SURVEY**

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/1-5(a): In case of conflict between the provisions of this Act and the Act creating or conferring power on an agency, this Act shall control, with exceptions and provisions listed in this Act.						
5 ILCS 100/1-5(b): Lists provisions applying to specific agencies or rules under which this Act does not apply.		X				MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.
5 ILCS 100/5-10(a): In addition to other rulemaking requirements imposed by law, each agency shall (1) adopt rules of practice setting forth the nature and requirements of formal hearings.		X				MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.
			X			ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
5 ILCS 100/5-10(a): (2) Shall make available for public inspection, all rules adopted by the agency in the discharge of its functions.			X			REHABILITATION SERVICES: The first part of Section 5-10a and Sections 55-10b and 5-15(a)(2) are duplicative of the Freedom of Information Act. ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided. MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>5 ILCS 100/5-10(b): Each agency shall make available for public inspection all final orders, decisions, and opinions, except those deemed confidential by State or federal statute and any trade secrets.</p>	X	X	X			<p>REHABILITATION SERVICES: The first part of Section 5-10a and Sections 55-10b and 5-15(a)(2) are duplicative of the Freedom of Information Act.</p> <p>MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.</p>
<p>5 ILCS 100/5-10(c): No rule is valid or effective, nor may it be invoked by an agency, until it has been made available to the public and filed with the Secretary of State. No agency shall assert the invalidity of a rule which it has adopted pursuant to this Act, when an opposing party has relied on such a rule.</p>			X			<p>ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided.</p> <p>MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>5 ILCS 100/5-10(d): Rulemaking that creates or expands a State mandate on units of local government, school districts or community college districts is subject to the State Mandates Act. The required statewide policy objectives shall be published in the Illinois Register at the same time as the first notice under Sec. 5-40, 45 or 50 are published.</p>		X				<p>MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.</p> <p>ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cible	AGENCY COMMENTS
5 ILCS 100/5-15(a)(1): Each agency shall maintain as rules a current description of the agency's organization with necessary charts depicting that organization.	X	X	X			ALCOHOLISM AND SUBSTANCE ABUSE: Agency organization changes continuously. TEACHERS' RETIREMENT SYSTEM: Maintaining organization chart as rule has no apparent benefit. MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
5 ILCS 100/5-15(a)(2): Each agency shall maintain the current procedures by which the public can obtain information or submit requests for subjects, programs, or activities of the agency.		X	X			<p>REHABILITATION SERVICES: The first part of Section 5-10a and Sections 55-10b and 5-15(a)(2) are duplicative of the Freedom of Information Act.</p> <p>MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.</p> <p>ABANDONED MINED LANDS RECLAMATION COUNCIL: Duplicates FOIA.</p> <p>ALCOHOLISM AND SUBSTANCE ABUSE: The Freedom of Information Act governs this. A uniform State procedure should be adopted.</p> <p>TEACHERS' RETIREMENT SYSTEM: Maintaining information procedures as rule has no apparent benefit.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Aid Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>5 ILCS 100/5-15(a)(3) THRU 100/5-15(a)(5): Shall maintain tables of contents, indices, reference tables, and other materials as an aid for users to find the agencies' collection of rules currently in force. Shall maintain a current description of the agency's rulemaking procedures with necessary flow charts; shall maintain rules adopted under this Section in accordance with Sections 5-75 and 10-20 of this Act.</p>	X	X	X			<p>ALCOHOLISM AND SUBSTANCE ABUSE: The Secretary of State is the official keeper of the agency rules. Procedures are established by Secretary of State and JCAR.</p> <p>TEACHERS' RETIREMENT SYSTEM: Maintaining flow charts of TRS rulemaking has no apparent benefit.</p> <p>TREASURER: SOS already does.</p> <p>MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.</p>
<p>5 ILCS 100/5-15(b): Rules required to be filed by this Section may be adopted, amended, or repealed by filing a certified copy with the Secretary of State and may become effective immediately (as required by Section 5-65, paragraph (a) and (b)).</p>		X				<p>MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-20: Each rule implementing a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power and be stated precisely and clearly as practical.	X		X			INSURANCE: Required by due process.
5 ILCS 100/5-25: Every agency with rate-making power shall establish by rule the practice and procedures to be followed in its rate-making activities.	X		X			INSURANCE: Required by due process.
5 ILCS 100/5-30 THRU 100/5-30(a): When an agency proposes or amends a rule which may have an impact on small business, not-for-profit corporations, or small municipalities, the agency shall reduce the impact by using one or more of the methods, listed if legal and feasible, to meet the rules objectives.	X	X				INSURANCE: Most entities regulated at DOI do not meet small business definition. LIQUOR CONTROL COMMISSION: Requires any changes to be looked at from large and small corporations. ALCOHOLISM AND SUBSTANCE ABUSE: Economic analysis of impact should be sufficient.
5 ILCS 100/5-30(b): Before or during the notice period required under the Act, agency shall provide opportunity for small business, not-for-profit corporations, or small municipalities to participate in the rulemaking process. Shall utilize 1 or more techniques listed, in addition to other rulemaking requirements imposed by this or any other act.		X		X		ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided. CENTRAL MANAGEMENT SERVICES: These interest groups monitor the Illinois Register - no other notice is needed.
	X	X				INSURANCE: Most entities regulated at DOI do not meet small business definition.
	X					LIQUOR CONTROL COMMISSION: Requires any changes to be looked at from large and small corporations.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Creator	AGENCY COMMENTS
<p>5 ILCS 100/5-35: Prior to adoption, amendment or repeal of any rule, each agency shall accomplish the requirements of Sections 5-40, 5-45, and 5-50, whichever is applicable. No action shall be valid unless taken in compliance with this Section. Rule contests must be commenced within two years from effective date of the rule.</p>	X	X				<p>MATH AND SCIENCE ACADEMY: Generally, the only "public" that the Illinois Math and Science Academy relates to is prospective students, students and their parents. For many purposes, in the statutes the Academy is treated the same as colleges and universities. The Academy was also originally set up so that it would be free from the requirements of the School Code and be treated more like a college or university in the State laws that apply to it. Because Section 1-5(b)(iii) exempts colleges and universities from the provisions of Article V of the Illinois Administrative Procedure Act, it is the Academy's position that it should be listed as well and exempted therefrom. Therefore, the same statement would apply to all provisions of 5 ILCS 100/5.</p>
	X				X	<p>INSURANCE: Only 100/5-35(c) has administrative benefit. 100/5-35(a) may be unenforceable in that it incorporates 5-40(d) requirement that JCAR give no objection.</p>
	X	X				<p>COMMERCE COMMISSION: Some have questioned the administrative benefit of superimposing the Illinois Administrative Procedure Act's notice and comment provisions on the traditional practice of holding extensive administrative hearings in many Commission rulemakings.</p>
<p>5 ILCS 100/5-40(a) THRU 100/5-40(b): In rulemaking, when Sections 5-45 or 5-50 do not apply, each agency shall give 45 days notice in Illinois Register of intended action. The first notice period shall permit comment in writing or orally if requested within 14 days of notice published in Illinois Register. Agency shall consider all submissions received.</p>	X				X	<p>INSURANCE: Incorporates provisions of 5 ILCS 100/5-40(c) and (d).</p>
<p>5 ILCS 100/5-40(b): Agency shall hold a public hearing on the proposed rulemaking to facilitate views which might not otherwise be submitted, for grant requests by people, associations, Governor, Joint Committee on Adm. Rules, or an interested local government to present views.</p>						

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-40(c): Shall provide additional notice of proposed rulemaking to Joint Committee on Administrative Rules (gives time frames for notices). Shall send a copy of final regulatory flexibility analysis to each entity and interested person which presented views during first notice period.	X	X	X			<p>INSURANCE: Serves no administrative purpose, only legislative.</p> <p>ALCOHOLISM AND SUBSTANCE ABUSE: Implementation of the JCAR review has become extremely overly burdensome. It does not seem to be consistent with public notice and public comments concepts but inappropriately introduces a political element. It also takes away from the authority delegated by statute to the agencies. The current review by JCAR has also become bogged in minutia (it concerns itself with punctuation, grammar, format and proofreading). Current procedures also require that JCAR staff retype proposed rules which are submitted by the agencies, and then that agency staff proofread the JCAR retyped version instead of the version already typed and submitted by the agency. The process is <u>needlessly</u> duplicative and time consuming.</p> <p>MINES AND MINERALS: Requires agencies to route rules through JCAR, a process that is unnecessarily slow. The economic analysis often requested by JCAR requires responses that are beyond the in-house expertise of most agencies.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-40(d): After expiration of second notice period, agency shall file a certified copy of each rule or modification, or repeal of rule which shall be published in the Illinois Register. Rules are effective on filing, as specified in rule, or as required by statute.	X	X			X	<p>INSURANCE: JCAR's certification may violate separation of powers.</p> <p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.</p> <p>ALCOHOLISM AND SUBSTANCE ABUSE: Implementation of the JCAR review has become extremely overly burdensome. It does not seem to be consistent with public notice and public comments concepts but inappropriately introduces a political element. It also takes away from the authority delegated by statute to the agencies. The current review by JCAR has also become bogged in minutia (it concerns itself with punctuation, grammar, format and proofreading). Current procedures also require that JCAR staff retype proposed rules which are submitted by the agencies, and then that agency staff proofread the JCAR retyped version instead of the version already typed and submitted by the agency. The process is needlessly duplicative and time consuming.</p> <p>MINES AND MINERALS: Requires agencies to route rules through JCAR, a process that is unnecessarily slow. The economic analysis often requested by JCAR requires responses that are beyond the in-house expertise of most agencies.</p>
	X	X	X			
		X				

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-40(e): No rule, modification, or repeal of any rule may be adopted or filed with Secretary of State more than one year after the date of the first notice period commenced.						
5 ILCS 100/5-45: Where an agency finds an emergency exists which requires adoption of a rule in fewer days than required, it may adopt such emergency rule by filing a notice of emergency rulemaking with the Secretary of State which shall be published in the Illinois Register and becomes effective immediately.		X				INSURANCE: Limitation on definition of emergency is unnecessarily narrow.
5 ILCS 100/5-45: Emergency rules shall be effective no longer than 150 days, but authority to adopt an identical rule under 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period.						
5 ILCS 100/5-46: Beginning July 1, 1992, agencies may implement the changes in this Act or budget reduction initiations for FY93 through the use of emergency rules.				X		BUREAU OF THE BUDGET, GOVERNOR'S OFFICE, LT. GOVERNOR'S OFFICE: It is likely obsolete.
				X		NUCLEAR SAFETY: Completed during FY93.
				X		AUDITOR GENERAL: Expands emergency rulemaking powers for FY 93 only.
				X		MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Applies to FY 92 and 93.
				X		PUBLIC HEALTH: Only applied to FY 93.
				X		TEACHERS' RETIREMENT SYSTEM: Relates to Fiscal Year 1993.
	X					INSURANCE: Wouldn't be needed if emergency definition wasn't so narrow.
5 ILCS 100/5-50: Preemptory rulemaking shall not be used to implement consent orders or court orders adopting settlements negotiated by the agency.	X					INSURANCE: Agency should be allowed to use this procedure to avoid litigation.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-55: A rule repeal shall be automatically effective on the date specified in the rule, provided notice of repeal is published in the Illinois Register. Does not apply to rules filed pursuant to Section 5-45 of this Act.						
5 ILCS 100/5-60: Agency may submit a regulatory agenda to Illinois Register to elicit public comment about a rule it is considering proposing but for which no notice of proposed rulemaking has been submitted. Shall consist of summaries of such rules.	X	X				INSURANCE: Serves legislative but no administrative purpose. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Publication of agenda - informational.
5 ILCS 100/5-60: Nothing shall preclude an agency from adopting a rule that has not been summarized or a rule different from one summarized in a regulatory agenda; nothing shall require an agency to adopt a rule summarized in a regulatory agenda.	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Publication of agenda - informational.
5 ILCS 100/5-65(a): Each agency shall file with Secretary of State and in its own principal office a certified copy of each rule and modification or repeal of any rule adopted by it. Shall keep a permanent register of the rules open to the public.	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Procedure for filing of rules
5 ILCS 100/5-65(b): Concurrent with filing of any rule under to this Section, the agency shall also submit for publication in the next available issue of Illinois Register a notice of adopted rules, whether new and full text, or if amendment and full text or a repealer and notice of repeal, name and phone number of person to answer questions, any information that Secretary of State may require.	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Procedure for filing of rules

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden - some	Duplicate	Obsolete	Creator	AGENCY COMMENTS
5 ILCS 100/5-75(a): An agency may incorporate by reference, the rules, regulations, standards and guidelines of an agency of the U.S., or a nationally or State recognized organization without publishing the incorporated material in full. The reference must identify the incorporated matter by publisher address and date, and state there are no later amendments or editions.	X	X				CAPITAL DEVELOPMENT BOARD: Section should be amended (offers example of language). Agencies are often obligated to incorporate another governmental unit's rules, etc. in their own rules. As presently written, an agency must go through the complex process of amending it's own rule whenever the incorporated material is amended, which is unnecessarily time consuming when the intent is to refer to the most recent version of the incorporated material. ALCOHOLISM AND SUBSTANCE ABUSE: Should be allowed to reference whatever standard or guideline is current, so rule does not have to change if standard is changed.
	X	X				MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Procedural matter on rules. INSURANCE: Requires unnecessary subsequent rule making.
5 ILCS 100/5-75(a) THRU 100/5-75(b): Inclusion of referenced rules and guidelines may be incorporated only if the referenced agency makes copies available to the public. Use of the incorporation by reference must be reviewed by the Joint Committee on Administrative Rules during the rulemaking process as set forth in this Act.	X	X				ABANDONED MINED LANDS RECLAMATION COUNCIL: JCAR's review is unnecessarily burdensome. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Procedural matter on rules. MINES AND MINERALS: The individual agencies rather than JCAR should decide whether materials are appropriate for incorporation by reference.
5 ILCS 100/5-75(c): Agency adopting a rule, regulation, standard, or guideline under this Section shall maintain a copy in at least one of its principal offices and make it available to the public. Agency shall designate by rule the location where it is available.		X				MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden - some	Duplicate	Obsolete	Contra-creative	AGENCY COMMENTS
5 ILCS 100/5-80(c): Agency, under notice required by subsection (c) of Section 5-40, shall provide to the Joint Committee a response to recommendations of the Secretary of State including reasons for not adopting recommendations.	X	X				MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.
	X				X	INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).
	X	X				ABANDONED MINED LANDS RECLAMATION COUNCIL: JCAR's involvement is unnecessary.
	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Technical changes in rules publication.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
5 ILCS 100/5-110(d): If an agency elects to modify a proposed rule, amendment, or repealer to meet the Joint Committee's objections, it shall make those modifications that are necessary to meet its objections and submit a notice to do so to the Secretary of State, which shall be published in the first available issue of the Illinois Register, but the agency shall not be required to conduct a public hearing.	X	X				<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.</p> <p>MINES AND MINERALS: An agency should not have to respond to JCAR's recommendations, although JCAR's suggestions should be carefully reviewed, the rule making process should not be slowed down by having to respond to JCAR's analysis.</p> <p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p> <p>INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).</p> <p>STUDENT ASSISTANCE COMMISSION: Both JCAR and the Secretary of State examine the form of the rule -- redundant.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adh Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-110(e) THRU 100/5-110(f): If an agency withdraws a proposed rule, amendment or repealer, as a result of the Joint Committee objection, it shall notify the Joint Committee in writing and submit a notice of withdrawal to the Secretary of State. Failure to respond to a Joint Committee objection within time prescribed shall constitute a withdrawal of the proposed rule, amendment, or repealer.	X	X				MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.
	X				X	INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).
	X	X				ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.
		X				MINES AND MINERALS: An agency should not have to respond to JCAR's recommendations, although JCAR's suggestions should be carefully reviewed, the rule making process should not be slowed down by having to respond to JCAR's analysis.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cible	AGENCY COMMENTS
<p>5 ILCS 100/5-110(g): If an agency refuses to modify or withdraw the proposed rule, amendment, or repealer it shall notify the Joint Committee in writing and submit a notice of refusal to the Secretary of State to be published in the next available issue of the Illinois Register.</p>	X	X				<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.</p> <p>MINES AND MINERALS: An agency should not have to respond to JCAR's recommendations, although JCAR's suggestions should be carefully reviewed, the rule making process should not be slowed down by having to respond to JCAR's analysis.</p> <p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p> <p>INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).</p>
	X				X	

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burdensome	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
5 ILCS 100/5-115(b): An agency may not enforce or invoke for any reason a proposed rule, amendment, or repealer, or any portion thereof which is prohibited from being filed by this subsection, during the 180 days period after receipt of the Joint Committee's statement of objection to the Secretary of State.	X	X				MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.
	X	X			X	INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).
	X	X				ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.
		X				MINES AND MINERALS: These sections of the IAPA are of questionable validity. The legislative branch of government should not have veto power over executive branch rulemaking.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-120(c): Within 90 days after receiving certification of objectives from the Joint Committee, the agency shall notify the Joint Committee it has elected to amend to meet objections, to repeal, or to refuse to amend or repeal the rule.		X	X			CAPITAL DEVELOPMENT BOARD: Duplicates 5 ILCS 100/5-110.
					X	MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.
	X					INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).
	X					ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.
		X				MINES AND MINERALS: An agency should not have to respond to JCAR's recommendations, although JCAR's suggestions should be carefully reviewed, the rule making process should not be slowed down by having to respond to JCAR's analysis.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-120(d) THRU 100/5-120(f): Whichever it elects, the agency shall give notice in writing to the Joint Committee and initiate rulemaking procedures by giving notice as required by Section 5-35 and complete the process within 180 days of giving notice in the Illinois Register.	X	X				<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.</p> <p>MINES AND MINERALS: An agency should not have to respond to JCAR's recommendations, although JCAR's suggestions should be carefully reviewed, the rule making process should not be slowed down by having to respond to JCAR's analysis.</p> <p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p> <p>INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).</p> <p>CAPITAL DEVELOPMENT BOARD: Duplicates 5 ILCS 100/5-110.</p>
	X				X	
			X			

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden Some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-120(g): Failure of the agency to respond to the Joint Committee's objections within the time prescribed in subsection (c) shall constitute a refusal to amend or repeal the rule.	X	X	X			CAPITAL DEVELOPMENT BOARD: Duplicates 5 ILCS 100/5-110. MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rulemaking provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rulemaking procedures might apply to public contractors and the like, and perhaps, the rulemaking provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.
	X				X	INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).
	X					ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.
		X				MINES AND MINERALS: An agency should not have to respond to JCAR's recommendations, although JCAR's suggestions should be carefully reviewed, the rule making process should not be slowed down by having to respond to JCAR's analysis.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burdensome	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>5 ILCS 100/5-145: An agency shall, in accordance with Sec. 5-35, adopt rules that implement recently enacted legislation of the General Assembly in a timely manner. An agency shall prescribe by rule the form for petitions and procedure for submission, consideration, and disposition. If it does not initiate rulemaking within 30 days of submission, petition denied.</p>	X	X				<p>CAPITAL DEVELOPMENT BOARD: 30 days not adequate time.</p> <p>STATE UNIVERSITIES RETIREMENT SYSTEM: Burdensome for entities with few rules.</p> <p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p> <p>INSURANCE: 5-145(a) is unnecessary and requires no more than general public laws.</p>
<p>5 ILCS 100/5-150: Each agency may, in its discretion, provide by rule for filing and disposition of petitions for declaratory rulings as to applicability to person presenting petition of any statutory provision or rule enforced by the agency. Declaratory rulings shall not be appealable. Agency shall maintain a public record in its principal office.</p>	X	X			X	<p>REHABILITATION SERVICES: This provision regarding declaratory rulings is not used.</p> <p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p> <p>INSURANCE: Agencies do not need this rule to issue declaratory rulings.</p> <p>TEACHERS' RETIREMENT SYSTEM: TRS Board doesn't provide declaratory relief.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
5 ILCS 100/5-125: Agency may not enforce, or invoke for any reason, a rule suspended under this Section (emergency or pre-emption rules). During the 180 day period the agency may not file any rule having substantially the same purpose and effect as those suspended.	X	X				<p>CAPITAL DEVELOPMENT BOARD: In an emergency, there is not adequate time for submittal to the Legislature.</p> <p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p>
	X				X	<p>INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).</p>
	X	X				<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.</p>
		X				<p>MINES AND MINERALS: These sections of the IAPA are of questionable validity. The legislative branch of government should not have veto power over executive branch rulemaking.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/5-120(h): Agency shall notify Joint Committee of its refusal to amend or repeal rule, to remedy an objection, and shall submit a notice of refusal to the Secretary of State to be published in the next available Illinois Register.	X	X				<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The staff of the Joint Committee on Administrative Rules often seeks to unnecessarily limit and restrict agency discretion and the role of the executive branch of government. A certain degree of discretion is necessary in dealing with unexpected matters as they arise. No one can anticipate every possible situation. The degree to which JCAR has become intricately involved in the rulemaking process is unnecessarily burdensome and outweighs any possible administrative benefit.</p> <p>MINES AND MINERALS: An agency should not have to respond to JCAR's recommendations, although JCAR's suggestions should be carefully reviewed, the rule making process should not be slowed down by having to respond to JCAR's analysis.</p> <p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p> <p>INSURANCE: May be unenforceable as violation of separation of powers 5-80(a).</p> <p>CAPITAL DEVELOPMENT BOARD: Duplicates 5 ILCS 100/5-110.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>5 ILCS 100/5-150(b)(1) THRU 100/5-150(b)(3): Agency shall inform in writing person subject to rule if compliance with federal rule would not satisfy provisions of State law, stating reasons, and may issue a declaratory ruling to that effect. Agency may initiate rulemaking to revise such rule to accept compliance with federal rule consistent with provisions of State law.</p>	X	X				<p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p> <p>INSURANCE: Purposes can be accomplished without this law.</p>
<p>5 ILCS 100/5-150(b)(4): If agency determines compliance with federal rule satisfies State law, agency shall issue a declaratory ruling indicating its intention to accept compliance with federal rule as compliance with State rule and the terms and conditions for doing so.</p>	X	X				<p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -- a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p> <p>INSURANCE: Purposes can be accomplished without this law.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-ced	AGENCY COMMENTS
<p>5 ILCS 100/5-155: Agencies shall within one year of effective date of this Act amend their rules to reflect the reference section numbers of this Act.</p>				X		<p>COMMERCE COMMISSION: Obsolete in that the Commission has updated the citations to IAPA sections in 83 Ill. Adm. Code 200, "Rules of Practice," to accurately reflect Section numbers as renumbered by P.A. 87-823.</p>
				X		<p>LOTTERY: This provision required state agencies to amend administrative rules, within one year of the effective date of the amendatory Act, to renumber any references to the Act. The time for compliance with this provision has passed, hence Lottery's notation that it may be obsolete.</p>
		X				<p>MATH AND SCIENCE ACADEMY: It does not seem cost effective for the Academy to go through these onerous rule making provisions when most, if not all, rule making by the Academy applies to prospective students and students of the Academy -a very select and small segment of the public. Perhaps, rule-making procedures might apply to public contractors and the like, and perhaps, the rule-making provisions as they relate to them should apply to IMSA as it apparently does to colleges and universities.</p>
		X	X			<p>INSURANCE: The law assumes that another rule-making period would be of assistance to the public.</p>
				X		<p>LIQUOR CONTROL COMMISSION: Already completed.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS	
<p>5 ILCS 100/5-155: Agencies shall within one year of effective date of this Act amend their rules to reflect the reference section numbers of this Act.</p>				X		<p>TOLL HIGHWAY: Toll Highway uses these as guides in the preparation of its rules and regulations and always works with the Secretary of State and JCAR when drafting its rules for publication in the Illinois Register, and would include any provisions under this Act, if applicable to the Toll Highway Authority.</p>	
				X		<p>JOINT COMMITTEE ON ADMINISTRATIVE RULES: Reference updates completed.</p>	
					X		<p>AUDITOR GENERAL: Requires updating of citations to act by 7-1-93.</p>
		X					<p>ALCOHOLISM AND SUBSTANCE ABUSE: This should be done by the Secretary of State as a technical correction to the entire code and avoid burdensome work by each individual agency.</p>
					X		<p>BOARD OF HIGHER EDUCATION: Outdated; already accomplished.</p>
		X					<p>CAPITAL DEVELOPMENT BOARD: Cites should be changed during next submittal.</p>
					X		<p>CHILDREN AND FAMILY SERVICES: The time for making these changes has expired and agencies are supposed to be in compliance.</p>
					X		<p>CORRECTIONS: In effect for only 1 year.</p>
					X		<p>REVENUE: Deadline passed.</p>
					X		<p>NUCLEAR SAFETY: Procedures completed 1994.</p>
					X		<p>TEACHERS' RETIREMENT SYSTEM: Time period for action has elapsed.</p>

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden Some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 100/10-5: All agencies shall adopt rules establishing procedures for contested case hearings which comply with the provisions in Article 10.						
5 ILCS 100/10-15: Standard of proof in any contested case hearing by an agency shall be the preponderance of the evidence unless otherwise provided by law or stated in an agency's rules.						
5 ILCS 100/10-20: Agencies shall adopt rules concerning the minimum qualifications of administrative law judges for contested case hearings.	X	X				INSURANCE: Insurance code provides variety of standards. No rules needed. LIQUOR CONTROL COMMISSION: Commissioners are the judges.
5 ILCS 100/10-25: In contested cases all parties shall be given an opportunity for a hearing after reasonable notice.						
5 ILCS 100/10-30: Agency shall provide by rule for disqualification of an administrative law judge.		X				INSURANCE: Statute is restatement of general law.
5 ILCS 100/10-40: The rules of evidence and privilege as applied in civil cases in the circuit courts shall be followed.						
5 ILCS 100/10-45: Except where expressly provided by law the agency shall not make a decision without allowing party to present a brief to officials who will render a decision.						
5 ILCS 100/10-50: Agency orders shall specify whether they are subject to administrative review law. Agency decisions in contested cases shall be void unless proceedings are conducted in compliance with provisions relating to contested cases, except where waived under section 10-75 or where agency has adopted rules as authorized by section 1-5. Final orders shall be in writing.	X					STATE UNIVERSITIES RETIREMENT SYSTEM: Unnecessary for proceedings subject to court review.
5 ILCS 100/10-55: Any allegation made by an agency found to be untrue shall subject the agency to payment of expenses, including reasonable attorney fees. An agency's failure to follow statutory procedures in adoption of a rule, shall allow the court to award the party reasonable expenses including attorney fees.	X					INSURANCE: Will not encourage fact finding or fair hearings for the public.

Illinois Administrative Procedure Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
5 ILCS 100/10-60: Except where allowed by law on an ex parte basis, communications in connection with any issue of fact, except on notice and with all parties present, shall not be undertaken, directly or indirectly.						
5 ILCS 100/10-65: Each agency shall require licensee to certify on renewal application form that he/she is not more than 30 days late with a child support order. Application shall state that failure to certify may result in denial of renewal.	X	X	X			EASTERN ILLINOIS UNIVERSITY: Programmatic. INSURANCE: Does not apply to many license actions by this agency. LIQUOR CONTROL COMMISSION: Why ILCC should be required to enforce child support.
5 ILCS 100/15-5: If any provision of this Act is held invalid, it does not affect other provisions or applications of the Act, and for this purpose the provisions of this Act are severable.	X	X	X			TOLL HIGHWAY: The Toll Highway Authority recognizes that severability clause, and would comply with any statutory requirements that specifically include the Toll Highway Authority. The Toll Highway Act grants extensive administrative powers to the Toll Highway Authority and shall always follow its dictates.

Open Meetings Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 120/2: All meetings of public bodies shall be public except for the listed instances or when federal regulations require it. Only the portion of meetings expressly listed herein may be closed. No final action may be taken at a closed meeting. All considerations for final action shall be recited publicly preceding the open session.				X		CAPITAL DEVELOPMENT BOARD: This section and/or the prior definitions section (5 ILCS 120/1.02) should be updated in accordance with case law (<u>People v. Carlson</u> (1975), 28 Ill. App. 3d 569, 328 N.E. 2d 675; <u>Pope v. Parkinson</u> (1977), 48 Ill. App. 3d 797; 363 N.E. 2d 438) to clarify that "public body" does not include internal employee committees that meet periodically in the performance of their duties. INSURANCE: More difficult to understand than it is worth to the public.
5 ILCS 120/2a: A majority quorum of those present at an open meeting may vote to hold a closed meeting. The vote of each member and reasons for so doing shall be recorded in the minutes. Only topics specified in the vote to close the meeting may be considered during the closed meeting.	X	X				INSURANCE: More difficult to understand than it is worth to the public.
5 ILCS 120/2.01: All meetings required by this Act shall be held at specific times and places which are convenient to the public. No meeting may be held on a legal holiday unless the regular meeting day falls on that holiday.	X	X				INSURANCE: More difficult to understand than it is worth to the public.
5 ILCS 120/2.02: Public notice of all regular meetings, whether open or closed, shall be posted at the beginning of the calendar year. Notice of an emergency, special meeting, or rescheduled meeting shall be given 24 hours in advance.	X	X				INSURANCE: More difficult to understand than it is worth to the public.
5 ILCS 120/2.03: Each body subject to this Act shall make available a schedule of its regular meetings, listing time and place at the beginning of the year. Ten days notice in a newspaper in the area shall be given for changes in meetings or in three prominent places within the government unit, and the principal business office of the public body, or where meetings are held.	X	X				INSURANCE: More difficult to understand than it is worth to the public. ABANDONED MINED LANDS RECLAMATION COUNCIL: It is difficult to schedule meetings one year in advance and adhere to that schedule. ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided.

Open Meetings Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 120/2.04: Requirements of this Act are in addition to any other notice required by law. Meetings shall not be invalidated due to failure of media to receive notice if notice was in fact given in accordance with the Act.	X	X				ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided. INSURANCE: More difficult to understand than it is worth to the public.
5 ILCS 120/2.05: Open meetings may be recorded or televised by the public. The authority holding the meeting shall prescribe reasonable rules to do so. Witnesses may not be compelled to testify during his portion of the testimony where a meeting is televised or broadcast.	X	X				INSURANCE: More difficult to understand than it is worth to the public. LIQUOR CONTROL COMMISSION: Meetings not televised or broadcast.
5 ILCS 120/2.06: All public bodies shall keep written minutes of their meetings which shall be available to this public for inspection within seven days of their approval. The public body shall at least semi-annually review the minutes of all closed meetings to determine their continued privacy; the determination shall be made public.		X			X	CAPITAL DEVELOPMENT BOARD: This section and/or the prior definitions section (5 ILCS 120/1.02) should be updated in accordance with case law (<u>People v. Carlson (1975)</u> , 28 Ill. App. 3d 569, 328 N.E. 2d 675; <u>Pope v. Parkinson (1977)</u> , 48 Ill. App. 3d 797; 363 N.E. 2d 438) to clarify that "public body" does not include internal employee committees that meet periodically in the performance of their duties. ALCOHOLISM AND SUBSTANCE ABUSE: Subpart (c) is unnecessarily burdensome.
	X	X				INSURANCE: More difficult to understand than it is worth to the public.

Freedom of Information Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 140/3(a) THRU 140/3(c): Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of this Act, and subject to a fee and written request, within seven working days after receipt.	X					INSURANCE: The provisions of this law cost substantial time and money.
5 ILCS 140/3(d) THRU 140/3(g): Time limits may be extended by written letter not more than 7 additional days for reasons listed (i through vii) and giving reasons. Failure to do so shall be considered a denial of the request. Each public body may make rules and regulations pertaining to availability of records and procedures to be followed.		X				STATE POLICE: Requests that require longer than seven days to process may need longer than an additional seven days for a response. The maximum of fourteen days for a response can be unduly burdensome. INSURANCE: The provisions of this law cost substantial time and money.
5 ILCS 140/4: Each public body shall prominently display at each of its administrative or regional offices, make available for copying, and mail out requested information about itself and how and where such information may be obtained, and any fees charged.	X		X			REHABILITATION SERVICES: This is duplicative of some of the provisions of the Administrative Procedure Act, i.e., 5 ILCS 100/5-10 and 5 ILCS 100/5-15. INSURANCE: The provisions of this law cost substantial time and money.
	X	X				ALCOHOLISM AND SUBSTANCE ABUSE: Information changes too frequently to keep update posted. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Information about agency.
	X	X	X			AUDITOR GENERAL: Impractical and burdensome to post information of (a); and (b) is duplicative of Administrative Procedures Act.

Freedom of Information Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 140/5: Each public body shall maintain and make available for inspection and copying a reasonably current list of all records under its control. Shall furnish on request a description of how records stored on electronic data processing equipment may be obtained in a form to persons lacking knowledge of computer language or printout format.	X	X				ALCOHOLISM AND SUBSTANCE ABUSE: Information changes too frequently to keep update posted. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Information about agency. TEACHERS' RETIREMENT SYSTEM: Required "description of records stored on EDP equipment" is a burden. INSURANCE: The provisions of this law cost substantial time and money.
5 ILCS 140/6(a) THRU 140/6(c): Each public body may charge fees which will reasonably reimburse expenses of supply, copying and/or certifying records, and such charges may be waived if requested records are in the public interest. Imposition of inconsistent fees shall be considered a denial of access to public records for purposes of judicial review.	X					INSURANCE: The provisions of this law cost substantial time and money. ECONOMIC AND FISCAL COMMISSION: We do not charge fees.
5 ILCS 140/7: Lists exemptions from inspection and copying. This section does not authorize withholding of information or limit availability of records to the public, except as stated in this section or otherwise provided in the Act.	X					INSURANCE: The provisions of this law cost substantial time and money.

State Records Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unretrievable	AGENCY COMMENTS
5 ILCS 160/3: Reports and records of the obligation, receipt, and use of public funds are public records and shall be kept at the official place of business and made available during regular business hours, except where access is limited by law.			X			REHABILITATION SERVICES: Duplicative of the Freedom of Information Act. ABANDONED MINED LANDS RECLAMATION COUNCIL: Duplicated by FOIA.
5 ILCS 160/4: The public shall have the right of access to any public records of expenditure or receipt of funds, and may copy under the supervision of the custodian, who may charge a fee for services and certification.			X			REHABILITATION SERVICES: Duplicative of the Freedom of Information Act. INSURANCE: Some agency records are subject to other specific laws. ABANDONED MINED LANDS RECLAMATION COUNCIL: Duplicated by FOIA. EMPLOYMENT SECURITY: Duplicates 5 ILCS 140/3; 140/6.
5 ILCS 160/7: Access to restricted records shall be at the direction of the depositing agency, or the branch which deposited them. Limitations shall not exceed 75 years, except where provided in the acts.	X					GOVERNORS STATE UNIVERSITY: The need for ongoing involvement of the State Records Commission in transactions involving disposition of state records ought be eliminated. Amend the law to allow disposition by agencies in accordance with guidelines established by rule.
5 ILCS 160/8 THRU 160/9: Shall cause to be made and preserved documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. Shall establish and maintain a continuing program for records management, and controls over such material. Shall cooperate with Secretary of State and comply with rules and regulations.	X		X			GOVERNORS STATE UNIVERSITY: The need for ongoing involvement of the State Records Commission in transactions involving disposition of state records ought be eliminated. Amend the law to allow disposition by agencies in accordance with guidelines established by rule. INSURANCE: Some agency records are subject to other specific laws.

State Records Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenfor. Centre	AGENCY COMMENTS
5 ILCS 160/11: All records coming under the custody of public officials of the State in the course of their duties are property of the State and shall not be mutilated, destroyed, transferred, removed, damaged, or disposed of except as provided by law.		X	X			INSURANCE: Some agency records are subject to other specific laws. GOVERNORS STATE UNIVERSITY: The need for ongoing involvement of the State Records Commission in transactions involving disposition of state records ought be eliminated. Amend the law to allow disposition by agencies in accordance with guidelines established by rule.
5 ILCS 160/15a: Shall establish a system for protection and preservation of essential State records necessary for continuity of governmental functions in the event of an emergency and re-establishment thereafter.		X				GOVERNORS STATE UNIVERSITY: The need for ongoing involvement of the State Records Commission in transactions involving disposition of state records ought be eliminated. Amend the law to allow disposition by agencies in accordance with guidelines established by rule. REHABILITATION SERVICES: Requiring the agency to establish a system for the protection and preservation of essential State records is burdensome and duplicative of systems already in place under CMS' statewide computer policy.
5 ILCS 160/15b(1)-(4): Shall determine "essential" records for emergency government operation; for post-emergency operation and provide for their preservation; establish a manner to preserve such records and establish such a program.		X				ALCOHOLISM AND SUBSTANCE ABUSE: The Secretary of State should do, not each agency. GOVERNORS STATE UNIVERSITY: The need for ongoing involvement of the State Records Commission in transactions involving disposition of state records ought be eliminated. Amend the law to allow disposition by agencies in accordance with guidelines established by rule.

State Records Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Creator	AGENCY COMMENTS
5 ILCS 160/17 THRU 160/18: Other authorization to the contrary, no agency shall dispose of records unless approved by the State Records Commission. Shall submit lists and schedules for disposal, shall also submit lists or schedules for length of time to retain after receipt by the agency.	X	X				<p>EMPLOYMENT SECURITY: Unnecessarily burdensome and of no administrative benefit to require department to get permission from Records Commission for destruction of its records.</p> <p>GOVERNORS STATE UNIVERSITY: The need for ongoing involvement of the State Records Commission in transactions involving disposition of state records ought be eliminated. Amend the law to allow disposition by agencies in accordance with guidelines established by rule.</p> <p>INSURANCE: Some records are subject to other more specific laws.</p>
5 ILCS 160/22: Upon termination of an agency whose functions have not been transferred to another agency, all records shall be deposited in the State archives.		X				<p>GOVERNORS STATE UNIVERSITY: The need for ongoing involvement of the State Records Commission in transactions involving disposition of state records ought be eliminated. Amend the law to allow disposition by agencies in accordance with guidelines established by rule.</p>
5 ILCS 160/26: Records prepared or received after July 1, 1984 shall be covered under provisions of the "Freedom of Information Act" approved by the 83rd General Assembly.				X		<p>REHABILITATION SERVICES: All records should be available in accordance with the Freedom of Information Act.</p> <p>GOVERNORS STATE UNIVERSITY: The need for ongoing involvement of the State Records Commission in transactions involving disposition of state records ought be eliminated. Amend the law to allow disposition by agencies in accordance with guidelines established by rule.</p>

State Employees Political Activity Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 320/2 THRU 320/4: Lists political activities employees may be discharged for participating in during working hours. No employee shall be denied employment because he is a member of a political committee, political party, organization, or club; nor shall he be required to make contributions to any political party or candidate; no person shall coerce employees to violate act.	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: No explanation provided.

Educational Loan Default Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>5 ILCS 385/2(c) THRU 385/2(d): The State agency shall confirm in writing the arrangements for repayment of educational loans in default prior to completion of six months employment by an employee in default. State agency shall terminate an employee for failure to make repayment arrangements after six months.</p>			X			<p>TOLL HIGHWAY: Toll Highway reviews and inquires of all its job applicants as to whether or not one is in default of an Illinois State Student Loan, and under its personnel policies, requires a repayment schedule be agreed on. Failure to pay under the schedule will result in disciplinary sanctions against employee, up to and including discharge. Toll Highway recognizes the importance of the debt obligations incurred by those owing on student loans, and will pursue any staff personnel to be in default.</p> <p>As this particular statute applies to state agencies that receive appropriated funds from the State of Illinois, and the Toll Highway Authority does not receive any state appropriated funds, it still establishes collection requirements and disclosure of its employees in default under the Illinois Student Loan Program.</p>
	X					<p>AGING: Not related to operations.</p>
	X					<p>SOUTHERN ILLINOIS UNIVERSITY: This function is performed for ISAC. It is not related to the mission of the institution.</p>
	X					<p>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Applicable to employees' repayment of loans.</p>
		X			X	<p>GOVERNORS STATE UNIVERSITY: Difficult to identify. Delete mandatory termination.</p>
	X	X	X	X		<p>MATH AND SCIENCE ACADEMY: As a practical matter, situations in which employees are in default on student loans are handled centrally by computer from the Comptroller's office, and wages are garnished automatically without input from the Academy. It seems there is no purpose to be served by this provision in that light.</p>

Educational Loan Default Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Creditor	AGENCY COMMENTS
<p>5 ILCS 385/3: No State agency shall contract with an individual for goods or services if that person is in default of an educational loan. Contracts shall include a certifying statement that the individual is not in default.</p>	<p align="center">X</p>	<p align="center">X</p>			<p align="center">X</p>	<p>GOVERNORS STATE UNIVERSITY: Difficult to identify. Delete mandatory termination.</p> <p>AGING: Not related to operations.</p> <p>BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: While we support measures designed to hold individuals accountable for educational loan payments, this particular certification requirement does serve to increase administrative costs associated with issuing contracts.</p>

State Employment Records Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- cible	AGENCY COMMENTS
5 ILCS 410/15 THRU 410/20: State agencies shall collect and maintain information and publish reports regarding workforce. Lists criteria. Reports shall be classified on a fiscal year basis and filed annually by January 1 with the Secretary of State and the Governor. Agencies shall use form provided by Secretary of State for uniform classification, collection and reporting of information.	X	X	X			<p>REHABILITATION SERVICES: The collection of the information is difficult and is of no benefit to the agency.</p> <p>EDUCATIONAL LABOR RELATIONS BOARD: Same information provided to DHR quarterly and annually as part of EEO/AA plan.</p> <p>GENERAL ASSEMBLY (SENATE): There are 59 members of the Senate, most of whom have district offices in their home areas, some more than one office. Members employ their district office personnel locally, independent of the Senate Operations Commission. Senate personnel forms do not specify national origin.</p> <p>GOVERNORS STATE UNIVERSITY: One of several workforce reporting mandates</p> <p>COMMERCE COMMISSION: The information required by Sections 15 and 20 of the State Employment Records Act is in many respects similar to information required to be reported to the Department of Human Rights under 56 Ill. Adm. Code 2520.770, a rule adopted under Section 2-105 of the Human Rights Act (775 ILCS 5/2-105). If the format and content of the reports required by these provisions could be reconciled, it appears that time could be saved while maximizing the accessibility and clarity of the information.</p> <p>BOARD OF HIGHER EDUCATION: Duplicate information of Department of Human Rights and on ISL form requests.</p> <p>HUMAN RIGHTS: Duplicates provisions of Human Rights Act.</p> <p>LOTTERY: These requirements appear to duplicate some or all of the reporting requirements of the Illinois Human Rights Act (775 ILCS 5/2-105(B)).</p>

Illinois Governmental Ethics Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
5 ILCS 420/4A-101 THRU 420/4A-102: The Statement of Economic Interests shall include the economic interests of the person making the statement, including the constructively controlled interest of a spouse or other party.	X	X		X		EASTERN ILLINOIS UNIVERSITY: Is objective being accomplished?
			X			REHABILITATION SERVICES: This is duplicative of the Governor's Executive Order and the State Board of Ethics.
			X			CAPITAL DEVELOPMENT BOARD: The Ethics Act is somewhat duplicative of Executive Order 77-3, which established the Board of Ethics and another statement of economic interest. Much of the information required by the Secretary of State's economic interest statement is the same or almost the same as that required on the Board of Ethics's statement, and many State employees are required to file both statements. This duplicity has caused confusion for CDB employees required to file both statements. The biggest difference between the two is that there is a filing fee and financial penalty associated with the Secretary of State's statement while there isn't with the Board of Ethics'. However, both filing requirements call for termination if there is a failure to file.
	X					Assists in the accountability of the Agency only in that any conflicts of interest or potential conflicts may be revealed, so that the Agency can take appropriate action. However, the Agency does not examine the statements, with the exception of reviews performed by the internal auditors, which take place every two years or so.
	X					AGING: Not related to operations.
	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.
	X				X	SOUTHERN ILLINOIS UNIVERSITY: This function is performed for the Secretary of State. It is not related to the mission of the institution. We cannot force employees to comply.

Illinois Governmental Ethics Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cesible	AGENCY COMMENTS
<p>5 ILCS 420/4A-101 THRU 420/4A-102: The Statement of Economic Interests shall include the economic interests of the person making the statement, including the constructively controlled interest of a spouse or other party.</p>	X		X			<p>EMPLOYMENT SECURITY: Economic Disclosure information duplicates that of Executive Order 3 (1977).</p> <p>GOVERNORS STATE UNIVERSITY: Filing should be changed to specific local agency.</p> <p>EDUCATIONAL LABOR RELATIONS BOARD: Duplicated by Executive Order 3-77 under the Governor.</p>

Illinois Governmental Ethics Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>5 ILCS 420/4A-103: Statement of Economic Interest shall be filed with Secretary of State, typewritten, or printed, verified, dated, and signed, and shall contain substantially the information set forth in this Section.</p>	X	X		X		<p>EASTERN ILLINOIS UNIVERSITY: Programmatic.</p> <p>REHABILITATION SERVICES: This is duplicative of the Governor's Executive Order and the State Board of Ethics.</p> <p>CAPITAL DEVELOPMENT BOARD: The Ethics Act is somewhat duplicative of Executive Order 77-3, which established the Board of Ethics and another statement of economic interest. Much of the information required by the Secretary of State's economic interest statement is the same or almost the same as that required on the Board of Ethics's statement, and many State employees are required to file both statements. This duplicity has caused confusion for CDB employees required to file both statements. The biggest difference between the two is that there is a filing fee and financial penalty associated with the Secretary of State's statement while there isn't with the Board of Ethics'. However, both filing requirements call for termination if there is a failure to file.</p> <p>AGING: Not related to operations.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: See 5 ILCS 420/4A-101 through 420/4A-102 comment.</p> <p>EDUCATIONAL LABOR RELATIONS BOARD: Duplicated by Executive Order 3-77 under the Governor.</p>

Illinois Governmental Ethics Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden - some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>5 ILCS 420/4A-105: Statements of Economic Interests shall be filed by May 1 each year. A late fee of \$15 shall be paid until May 15, and \$100 thereafter. Failure to file after May 31 results in penalty under Section 107. The late fee and penalties shall be paid to the General Revenue Fund, and the Attorney General shall take action to collect such penalties.</p>	X	X				EASTERN ILLINOIS UNIVERSITY: Amount not indicative of anything -- needs raised.
			X			REHABILITATION SERVICES: This is duplicative of the Governor's Executive Order and the State Board of Ethics.
		X				AGING: Not related to operations.
		X				ECONOMIC AND FISCAL COMMISSION: No explanation provided.
		X				SOUTHERN ILLINOIS UNIVERSITY: See 5 ILCS 420/4A-101 through 420/4A-102 comment.
		X	X			EDUCATIONAL LABOR RELATIONS BOARD: Duplicated by Executive Order 3-77 under the Governor.

Illinois Governmental Ethics Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden on some	Duplicate	Obsolete	Conformer	AGENCY COMMENTS
5 ILCS 420/4A-106: On or before each February 1, the chief administrative officer of State agency in any branch of government employing persons required to file shall certify names and addresses to Secretary of State.	X		X		X	<p>EASTERN ILLINOIS UNIVERSITY: No explanation provided.</p> <p>REHABILITATION SERVICES: This is duplicative of the Governor's Executive Order and the State Board of Ethics.</p> <p>SECRETARY OF STATE: The Office of the Secretary of State is only a depository; the burden for filing lies with each agency.</p> <p>AGING: Not related to operations.</p> <p>CAPITAL DEVELOPMENT BOARD: The Ethics Act is somewhat duplicative of Executive Order 77-3, which established the Board of Ethics and another statement of economic interest. Much of the information required by the Secretary of State's economic interest statement is the same or almost the same as that required on the Board of Ethics's statement, and many State employees are required to file both statements. This duplicity has caused confusion for CDB employees required to file both statements. The biggest difference between the two is that there is a filing fee and financial penalty associated with the Secretary of State's statement while there isn't with the Board of Ethics'. However, both filing requirements call for termination if there is a failure to file.</p>

Illinois Governmental Ethics Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
5 ILCS 420/4A-106: On or before each February 1, the chief administrative officer of State agency in any branch of government employing persons required to file shall certify names and addresses to Secretary of State.	X		X			CONSERVATION: The filing requirements of the State Ethics Act duplicate the requirements of the State Board of Ethics. The Department suggests that the requirements for filing Statements of Economic Interest and the monitoring of such Statements be consolidated. Such action would eliminate the filing of duplicative information, clarify employee filing responsibilities and improve the overall efficiency and effectiveness of the ethics monitoring process.
	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.
	X	X	X			SOUTHERN ILLINOIS UNIVERSITY: See 5 ILCS 420/4A-101 through 420/4A-102 comment.
	X					EDUCATIONAL LABOR RELATIONS BOARD: Duplicated by Executive Order 3-77 under the Governor.
		X				STATE BOARD OF ELECTIONS: There is no demand for this information. If demand existed, duplication of information would be time consuming and costly.

Illinois Governmental Ethics Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS	
<p>5 ILCS 420/4A-107: Any person willfully filing a false or incomplete statement is guilty of a Class A misdemeanor. Failure to file within the time prescribed shall result in ineligibility for, or forfeiture of office if not filed within the 30 days of Notice of Failure to File. Action shall be brought against any person who fails to file by either May 31 or June 30.</p>	X		X			<p>EASTERN ILLINOIS UNIVERSITY: No explanation provided.</p> <p>REHABILITATION SERVICES: This is duplicative of the Governor's Executive Order and the State Board of Ethics.</p> <p>SECRETARY OF STATE: Unenforceable as to the Secretary of State. Either the Attorney General or the State's Attorney would have to file criminal charges.</p> <p>AGING: Not related to operations.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: See 5 ILCS 420/4A-101 through 420/4A-102 comment.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>EDUCATIONAL LABOR RELATIONS BOARD: Duplicated by Executive Order 3-77 under the Governor.</p>	
	X				X		
	X						
	X						
	X						

Civil Administrative Code of Illinois

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Director	AGENCY COMMENTS
15 ILCS 20/38.2: Beginning in FY 92 (July 1, 1992) each department of State government shall submit an annual accountability report to the Bureau of the Budget at times designated by the director of Bureau of Budget which shall measure the department's performance based on criteria, goals, and objectives established by the department with assistance of Bureau.	X		X			ABANDONED MINED LANDS RECLAMATION COUNCIL: The information that is required in the report is contained in other reports; particularly the appropriation packages sent to the House and Senate. Agency structure and programmatic goals can be obtained from rules required by the Administrative Procedure Act and the Agency description required by the Freedom of Information Act.
20 ILCS 5/4: Each department shall have an officer as its head, known as the director or secretary, and who, subject to this Act, shall execute the powers and discharge the duties vested by law in his department.			X			AGRICULTURE: Already provided in budget forms.
20 ILCS 5/5: Creates executive and administrative officers, boards, and commissions.						
20 ILCS 5/5.14: All officers of all departments shall, unless otherwise specified, be under the direction, supervision, and control of their respective director and shall perform duties prescribed.						
20 ILCS 5/8.1: All appointments to boards, commissions, committees, and councils of the State shall be gender balanced.	X					DEVELOPMENT FINANCE AUTHORITY: Civil Administrative Code.
20 ILCS 5/9: The executive and administrative officers, whose offices are created by this Act, must have the qualifications prescribed by law and shall receive annual salaries, payable in equal monthly installments.	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Gender balanced appointments to boards - no operational effect.
20 ILCS 5/9.01: Officers may receive tuition reimbursement at accredited colleges or universities. A department head's reimbursement shall be limited to four or fewer hours per semester, shall require the Governor's approval, and require proof of satisfactory completion of the course prior to reimbursement.	X	X				MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Salaries of directors.
	X					STATE POLICE: This requirement may pose a burden on the Governor.
	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Tuition for directors.

Civil Administrative Code of Illinois

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
20 ILCS 5/10: No member of an advisory and non-executive board shall receive any compensation.			X			COMMERCE AND COMMUNITY AFFAIRS: The Act creating each board appears to provide for this. MINES AND MINERALS: Mileage/meals should be paid.
20 ILCS 5/11: Each officer provided for by this Act shall perform such duties as prescribed by law for his position.				X		
20 ILCS 5/12 THRU 5/13: Each officer whose office is created by this Act, shall be appointed by the Governor with the consent of the Senate. He shall serve for a term of two years from 3rd Monday in January of each odd numbered year, and shall take a Constitutional oath of office and file the signed oath in the Office of the Secretary of State.						
20 ILCS 5/15: Each executive and administrative officer whose office is created by this Act shall, before entering office give a bond, with surety, approved by the Governor, no less than \$10,000, and filed in Office of Secretary of State.			X			REHABILITATION SERVICES: The Department of Central Management Services has a blanket bond. GUARDIANSHIP AND ADVOCACY: Illinois is self-insured. Acts of executive and administrative officers within scope of employment enjoy indemnification from the State. BUREAU OF THE BUDGET, GOVERNOR'S OFFICE, LT. GOVERNOR'S OFFICE: Is likely obsolete now that the State is self-insured (5 ILCS 260/14.1).
20 ILCS 5/16: All directors and secretaries of departments are empowered to prescribe regulations for the government of his department, conduct of employees, performance of its business, and the custody and preservation of its records and property.			X			REHABILITATION SERVICES: This is partially duplicative of both the Administrative Procedure Act and the State Records Act.

Civil Administrative Code of Illinois

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>20 ILCS 5/17: Each department shall maintain a central office in the Capitol Building, Centennial Building, State Office Building, or Armory, except the Departments of Agriculture, Transportation, and the Division of Aeronautics.</p>				<p>X X X</p>		<p>AGING: Outdated requirement.</p> <p>CENTRAL MANAGEMENT SERVICES: If State office building means Stratton Building, then there are too many departments to fit.</p> <p>CONSERVATION: This statute requires most State agencies to maintain a central office in the Capitol Building, Centennial Building, State Office Building or Armory Building. The statute is clearly obsolete as numerous State agencies do not maintain their central offices in the designated buildings. In response to a non-material finding in the Department's last Single Audit, Conservation has previously requested the Auditor General's assistance in abolishing this statutory mandate.</p>
<p>20 ILCS 5/18: Each department shall be open for business at least from 8:30 a.m. to 5:00 p.m. of each day except Saturday and Sunday and on declared holidays.</p>				<p>X X</p>		<p>CORRECTIONS: Department's Central Office is at 1301 Concordia Court.</p> <p>LOTTERY: Since many state agencies now maintain central offices outside the Capitol Building, Centennial (Howlett) Building, State Office Building or Armory, it would appear that this provision requires updating.</p>

Civil Administrative Code of Illinois

STATUTORY REQUIREMENTS	No Benefit	Burden some	Duplicate	Obsolete	Efficient	AGENCY COMMENTS
20 ILCS 5/19 THRU 5/25: Each department shall adopt and keep a seal. Each department shall make a semi-annual and bi-annual report as required by the Constitution.	X			X		REHABILITATION SERVICES: The Department has no official seal. The Constitution of 1970 requires reports as required by statute, not by the Constitution. BUREAU OF THE BUDGET, GOVERNOR'S OFFICE, LT. GOVERNOR'S OFFICE: Is likely obsolete as it refers to provisions which are no longer in the Illinois Constitution. CENTRAL MANAGEMENT SERVICES: No explanation provided.
20 ILCS 5/26: Directors of the departments shall devise a practical working basis for cooperation and coordination of work, eliminating duplication and overlap of function.	X			X		CONSERVATION: This statute requires each department to adopt and keep an official seal. The State has an official "State Seal" which is used by State agencies. As a result, this statute appears to be obsolete and it provides no administrative benefit.
20 ILCS 5/29 THRU 5/30: All supply of fuel, except coal, purchased for the department shall be let by contract to the lowest responsible bidder. The contracting officer shall prescribe rules and regulations for submission and opening of bids. Bids for contracts for coal shall be subject to approval of the Governor and governed by "An Act Concerning Use of Illinois Mined Coal...".			X			REHABILITATION SERVICES: These provisions are duplicated by the Illinois Purchasing Act. COMMERCE AND COMMUNITY AFFAIRS: Appears to duplicate Purchasing Act.
20 ILCS 5/31: Whenever power is invested in a department to inspect, secure, or examine data, a duty is hereby imposed on the department on which demand is made, to make such power effective.		X				CENTRAL MANAGEMENT SERVICES: Normal bidding practices are all that is needed. Ads in 7 cities gains nothing.

Civil Administrative Code of Illinois

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unclarif- icable	AGENCY COMMENTS
20 ILCS 5/32: Whenever rights, duties, and powers vested in an officer, board, commission, institution, or department are transferred to another entity, its powers and duties shall be transferred and shall have the same legal effect as if done by the former entity.						
20 ILCS 5/33: Documents furnished by an agency abolished by this Act, or transferred to another entity, shall be required of the evolved entity in the same manner.						
20 ILCS 5/34: The pending actions and proceedings of a department shall not be affected by a change or transfer of departments but may continue to be prosecuted by the department having jurisdiction.				X		REHABILITATION SERVICES: Since provision was passed in 1925 to protect accrued rights, it is obsolete.

Civil Administrative Code of Illinois

STATUTORY REQUIREMENTS	No Adm Benefit	Burden	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
20 ILCS 405/67.01: All postage stamps purchased from State funds must be procured by DCMS and perforated for identification purposes.	X	X				<p>EASTERN ILLINOIS UNIVERSITY: Delays and inconvenient at times.</p> <p>COMMERCE AND COMMUNITY AFFAIRS: Appears to duplicate 30 ILCS 505/5.</p> <p>CENTRAL MANAGEMENT SERVICES: 30 ILCS 505/6 is similar.</p> <p>BOARD OF REGENTS, ILLINOIS STATE, SANGAMON STATE, AND NORTHERN ILLINOIS UNIVERSITIES: Perforation requirement does not enhance accountability/security of stamp holdings. Insufficient rationale exists for central procurement of stamps.</p> <p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The Department of Central Management Services (DCMS) has become a bureaucracy that hinders and impedes the procurement of supplies, commodities and equipment rather than facilitating that procurement. In most cases the agency could procure supplies, commodities and equipment, faster and cheaper, on its own. DCMS should assume a role of assistance and service.</p> <p>REVENUE: 30 ILCS 505/c.</p> <p>TEACHERS' RETIREMENT SYSTEM: Most postage is now metered.</p>

State Comptroller Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
15 ILCS 405/7 THRU 405/8: All State agencies shall use the uniform accounting system devised by the Comptroller for the receipt and expenditure and accountability of funds. Shall follow the uniform system of code numbers for appropriations, funds, budgetary, and proprietary accounts, which shall be used on all vouchers and other documents.	X	X		X		MATH AND SCIENCE ACADEMY: The limits have been raised on purchasing and bidding, but not on reporting. It seems that these sections should reflect and be consistent with the other laws on purchasing and bidding.
15 ILCS 405/15: Contracts, their modification or cancellation exceeding \$5,000 incurred by any State Agency, shall be filed with the Comptroller within 15 days of such execution. An affidavit shall be filed by the agency with the Comptroller when contract is not properly filed.	X	X				UNIVERSITY OF ILLINOIS: Contract filing; does not assist in the management of the University of Illinois. Is unnecessarily burdensome and requires substantial resources (copying and handling), and applies to all contracts regardless of fund sources (state, federal, gift). Duplicative in that for financial obligation purposes, a copy of the contract must also be attached to the obligation form submitted to the State Comptroller. CAPITAL DEVELOPMENT BOARD: Extra paperwork. See no benefit to anyone. MATH AND SCIENCE ACADEMY: The limits have been raised on purchasing and bidding, but not on reporting. It seems that these sections should reflect and be consistent with the other laws on purchasing and bidding.
15 ILCS 405/16: Shall file quarterly reports with the Comptroller of all receipts and collections, revenue producing activities, and income from property, including all sources other than appropriations. Report shall be consistent with uniform state accounting system and include revenue bond issues and changes in outstanding indebtedness.	X	X		X		GOVERNORS STATE UNIVERSITY: Eliminate filing requirement. MATH AND SCIENCE ACADEMY: The limits have been raised on purchasing and bidding, but not on reporting. It seems that these sections should reflect and be consistent with the other laws on purchasing and bidding. WESTERN ILLINOIS UNIVERSITY: Have no idea if Comptroller uses or how Comptroller knows information is accurate.

State Comptroller Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden - some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>15 ILCS 405/16: Each agency shall annually file with Comptroller a report giving the agency's best estimate of the cost of each tax expenditure related to each of the revenue sources administered by the agency.</p>	X	X		X		<p>COMMERCE COMMISSION: The annual report on tax expenditures constitutes a burden on the Commission staff that is out of proportion with any apparent benefits of such information as applied to the Public Utility Fund tax collected by the Commission under Section 2-202 of the Public Utility Act (220 ILCS 5/2-202). This is especially true in view of the fact that the exemptions from indirect PUF tax liability are administered by another agency under Section 9-222.1 of the Public Utilities Act.</p> <p>MATH AND SCIENCE ACADEMY: The limits have been raised on purchasing and bidding, but not on reporting. It seems that these sections should reflect and be consistent with the other laws on purchasing and bidding.</p> <p>UNIVERSITY OF ILLINOIS: The University of Illinois files the quarterly locally-held funds report (receipts and disbursements). This statute does not assist the University of Illinois in any way, and there is no administrative benefit to the University of Illinois -- where it adds to administrative costs. We are uncertain as to if or how it is utilized by the State Comptroller's office.</p>

State Comptroller Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Client or ceasht	AGENCY COMMENTS
<p>15 ILCS 405/16: Each agency shall annually file with Comptroller a report giving the agency's best estimate of the cost of each tax expenditure related to each of the revenue sources administered by the agency.</p>	X	X	X			<p>REHABILITATION SERVICES: There are a number of other mandated reports, e.g., Home Service Report and Annual Report, which provide expenditure information. Department also sends monthly expenditure reports to the Bureau of the Budget.</p> <p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't collect taxes.</p> <p>LEGISLATIVE AUDIT COMMISSION: Don't collect taxes. Act does not apply to General Assembly.</p> <p>EMPLOYMENT SECURITY: The CUSAS information needed to complete the reconciliation of the receipts and collections report isn't available until the 15th day following the quarter. The requirement to file the receipts and collections report within 30 days following the end of each quarter should be changed to 60 days.</p>

State Agency Entity Creation Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cable	AGENCY COMMENTS
20 ILCS 15/10: No State agency may create any corporation, joint venture, partnership, association, or other organizational entity that expands the powers, duties, or responsibilities of the State agency unless authorized by law.			X		X	ALCOHOLISM AND SUBSTANCE ABUSE: Agencies already only have power as given by the General Assembly. SECRETARY OF STATE: Enforceable only as to Office of the Secretary of State; each agency responsible for own acts and doings.

Personnel Code

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
20 ILCS 415/4: All offices and positions of employment in service of the State of Illinois shall be subject to provisions of this Act unless exempted in this or any other Act.						
20 ILCS 415/8b.19: Appointees and renewal appointments for all positions not subject to par. (1), (2), (3), and (6) of Sec. 4d in or above merit grade 12 shall be appointed for a term of 4 yrs. Jurisdiction A, B, and C shall apply to such positions. When term expires position shall terminate or be renewed; non-renewal is not grievable to Civil Service Commission.						
20 ILCS 415/8b.20: An employee who is also a veteran shall be permitted two days per year to visit a veterans hospital for examination of a military service - connected disability. The days shall not be charged against any sick leave.	X					CORRECTIONS: Negotiated benefit by AFSCME. Grants a time off benefit to a select few employees within the entire bargaining unit.
20 ILCS 415/9(6): Each State agency shall annually assess the need for employees with appropriate bilingual capabilities to serve non-english speaking public. Shall establish occupational title.	X			X		EASTERN ILLINOIS UNIVERSITY: Programmatic MATH AND SCIENCE ACADEMY: Not needed.
20 ILCS 415/9(13): Each department shall develop a plan for implementation of flexible work requirements designed to reduce the need for day care of employees' children outside the home. Each department shall submit a report of its plan to the Department of Central Management Services and the General Assembly biennially by March 1; first report due March 1, 1993.		X				CORRECTIONS: Every time a position is established in any state agency, management looks at the need for bilingual/sign language skills. The requirement to annually assess this need is a duplication of a review/decision that has already been made.
20 ILCS 415/11: Notwithstanding the provisions of this Section, a policy making officer of a State agency shall be discharged from State employment as provided in the employee Rights Violation Act and such decisions shall be subject to Administrative Review Law.						CORRECTIONS: Since August 26, 1975, when Senate Bill 1034 amended Section 9 of the Personnel Code, individual employees have had the right to make this request and a review is done by management at that time. The new requirement of annual reports is additional and duplicative paperwork.

Personnel Code

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-ccable	AGENCY COMMENTS
20 ILCS 415/11b: Every employee reinstated for the period for which he was suspended, discharged, or improperly laid-off shall receive full compensation the same as if he had worked, less any monies he received from any source of unemployment compensation during such period.						
20 ILCS 415/12a: No state disbursing officer or auditor shall make or approve payment for personal service to anyone holding a State position subject to this Act unless the payroll bears the director or his agent's certification.						
20 ILCS 415/12b: Any employee of a merit system for State employees, certified under that system and transferred to a comparable position, shall have the same status in the new as held in the previous system.						
20 ILCS 415/12d: Any person in State service subject to jurisdiction of CMS elected to State office, shall be granted a leave of absence without pay if he so requests and continue until he requests to re-enter.						
20 ILCS 415/13: No person shall falsify a test or certification or attempt to commit fraud, nor accept money for any appointment or promotion in State service.						
20 ILCS 415/18: Any person who willfully violates any provision of this Act or the rules, other than Section 8b.7 (108b7), shall be guilty of a Class B misdemeanor.						
20 ILCS 415/19c.1: No disciplinary action shall be taken against an employee who discloses a violation of law, rule, regulations, or mismanagement, waste of funds, abuse of authority, or a danger to the public health or safety, and his identity may not be disclosed without his consent during any investigation of the matter.						

Bureau of the Budget Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Creator	AGENCY COMMENTS
20 ILCS 3005/4: Under regulations the Governor prescribes, every State agency shall furnish the Bureau of the Budget as it may require, any information, and give access to any and all books, records, documents, and papers of the agency.	X	X				<p>EDUCATIONAL LABOR RELATIONS BOARD: Burden some paperwork every 4 years. Other procedures in place for accountable work performance.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: Information provided to the Bureau is also provided to the IBHE. Elimination of this statute would not affect the accountability of the University.</p>
20 ILCS 3005/5.1: With listed exceptions, all State agencies shall furnish intergovernmental cooperation for approval, all applications for federal grants, contracts, and agreements. If not approved shall be void and funds shall be returned. Shall report to intergovernmental cooperation 45 days in advance of application, along with changes in programs, awards, costs, and funds.	X	X			X	<p>STATE UNIVERSITIES RETIREMENT SYSTEM: Potentially burdensome due to vagueness.</p> <p>TREASURER: Should provide notice to State Treasurer's Office.</p> <p>MATH AND SCIENCE ACADEMY: As State colleges and universities are exempted, the Academy should be exempted as well.</p>

Illinois Capital Budget Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unclar- ified	AGENCY COMMENTS
20 ILCS 3010/1: Shall review and coordinate with Bureau of the Budget the preparation of five year capital improvement programs and yearly capital budgets based on those programs for any agency requesting a capital appropriation.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No capital projects. GENERAL ASSEMBLY (SENATE): No explanation provided.
	X	X				STATE BOARD OF EDUCATION: We have no capital budget. MATH AND SCIENCE ACADEMY: Only applies indirectly through the Board of Higher Education.
20 ILCS 3010/3: Capital improvement programs shall include needs assessment of State capital facilities in five and ten year increments to the year 2000. Shall use existing studies and data from other State agencies and relevant federal agencies. Each capital improvement program shall be an analysis of factors affecting needs, and principal policy issues.	X		X			COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No capital projects. GENERAL ASSEMBLY (SENATE): No explanation provided.
	X	X				STATE BOARD OF EDUCATION: We have no capital budget. Don't have any such Boards, therefore does not apply.

Persons with Disabilities on State Agency Boards Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>20 ILCS 4007/15: Persons with one or more disabilities or members of their families shall be included in the membership of all listed boards and commissions.</p>	X		X			<p>REHABILITATION SERVICES: This general statute is duplicative of other specific statutes that apply to DORS, but is of value for other agencies.</p> <p>GENERAL ASSEMBLY (SENATE), COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ECONOMIC AND FISCAL COMMISSION: No such boards.</p> <p>EMPLOYMENT SECURITY: The requirement that persons with disabilities or members of their families be included on boards, etc. does not ensure the fair representation intended. Advocates for the disabled can sometimes be more effective representing more than a single disability.</p> <p>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Inclusion of persons with disabilities on boards.</p>

Housing Affordability Impact Note Act

STATUTORY REQUIREMENTS	No Add Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>25 ILCS 82/5 THRU 82/10: Every proposed agency rule, which directly increases/decreases the cost of constructing, purchasing, owning, or selling a single family residence shall have prepared for it before Joint Committee approval, a housing affordability impact note. Each agency shall furnish proposed rule to Housing Development Authority to prepare note.</p>	X					<p>GENERAL ASSEMBLY (SENATE), COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Don't make rules under IAPA.</p> <p>ECONOMIC AND FISCAL COMMISSION: Do not make rules.</p> <p>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Filing impact statement on single family housing.</p>
	X					
	X					

Illinois State Auditing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Transfer Credit	AGENCY COMMENTS
<p>30 ILCS 5/3-3A(a) THRU 5/3-3A(c): By November 1 each year any State agency which has received or expects to receive any federal funds from any source shall notify the Auditor General of the actual or estimated amount and federal agency source of the funds. Agency shall pay the cost of auditor's federal audit from funds received.</p>	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't receive federal funds.</p> <p>ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided.</p>

Fiscal Control and Internal Auditing Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 10/1002: The chief executive officer of every agency is responsible for effectively and efficiently managing the agency and establishing and maintaining an effective system of internal control.	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.

Fiscal Control and Internal Auditing Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden - some	Duplicate	Obsolete	Unenforced	AGENCY COMMENTS
<p>30 ILCS 10/2001(a) THRU 10/2001(b): Each designated State agency shall establish a full-time program of internal auditing. Chief executive officer is not relieved of responsibility for maintaining effective control because it is not designated or has a full-time internal auditing program. Agencies without such a full-time program may have audits performed by DCMS.</p>	X	X				<p>GENERAL ASSEMBLY (SENATE), COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Not a designated agency.</p> <p>BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Although we are most supportive of the need for and have implemented a program of internal auditing, this mandate requires a certification process which is cumbersome and paper work-intensive.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>LABOR: This particular statute mandates that all designated State agencies establish a full-time program of internal auditing. It outlines specific qualifications for the chief internal auditor and requirements for the internal auditing program. The statute provides that each chief internal auditor may consult with the Auditor General and interact with the Internal Audit Advisory Board. Under the Thompson administration, the Department of Labor was exempted by the Governor from the requirements of the Internal Auditor Act. However, Governor Jim Edgar has designated this department as one of those that shall be required to have an internal auditor and maintain an internal audit program within the agency. IDOL has requested in its annual budget request, since FY92, the appropriate funds to carry out this mandate. To date, we have not received the funds to implement an internal audit program in the agency nor hire a chief internal auditor.</p>
	X				X	

Fiscal Control and Internal Auditing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 10/2002: The chief executive officer of each designated State agency shall appoint a chief internal auditor with a bachelor degree who is either a CPA, certified internal auditor by examination, or an auditor with five years progressively responsible auditing experience who shall report directly to him. Auditor and his staff shall be free of all operational duties.</p>	X				X	<p>GENERAL ASSEMBLY (SENATE), COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Not a designated agency.</p> <p>LABOR: This particular statute mandates that all designated State agencies establish a full-time program of internal auditing. It outlines specific qualifications for the chief internal auditor and requirements for the internal auditing program. The statute provides that each chief internal auditor may consult with the Auditor General and interact with the Internal Audit Advisory Board. Under the Thompson administration, the Department of Labor was exempted by the Governor from the requirements of the Internal Auditor Act. However, Governor Jim Edgar has designated this department as one of those that shall be required to have an internal auditor and maintain an internal audit program within the agency. IDOL has requested in its annual budget request, since FY92, the appropriate funds to carry out this mandate. To date, we have not received the funds to implement an internal audit program in the agency nor hire a chief internal auditor.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p>

Fiscal Control and Internal Auditing Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cesible	AGENCY COMMENTS
<p>30 ILCS 10/2003: The internal audit program shall include: a two-year audit plan; audits of major systems of internal accounting at least once every two years which test public funds, trusts and grants; review of electronic data processing systems designs; and special audits as directed by the chief executive.</p>	X	X				<p>GENERAL ASSEMBLY (SENATE), COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Not a designated agency.</p> <p>CAPITAL DEVELOPMENT BOARD: Audits should be based on risk assessment as required by the standards established by the Institute of Internal Auditors and adopted by the Internal Audit Advisory Board. There is no benefit to auditing, every two years, an area with very low risk.</p> <p>ALCOHOLISM AND SUBSTANCE ABUSE: Some requirements are too specific for a small agency.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p>

Fiscal Control and Internal Auditing Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>30 ILCS 10/2003: The internal audit program shall include: a two-year audit plan; audits of major systems of internal accounting at least once every two years which test public funds, trusts and grants; review of electronic data processing systems designs; and special audits as directed by the chief executive.</p>	X				X	<p>LABOR: This particular statute mandates that all designated State agencies establish a full-time program of internal auditing. It outlines specific qualifications for the chief internal auditor and requirements for the internal auditing program. The statute provides that each chief internal auditor may consult with the Auditor General and interact with the Internal Audit Advisory Board. Under the Thompson administration, the Department of Labor was exempted by the Governor from the requirements of the Internal Auditor Act. However, Governor Jim Edgar has designated this department as one of those that shall be required to have an internal auditor and maintain an internal audit program within the agency. IDOL has requested in its annual budget request, since FY92, the appropriate funds to carry out this mandate. To date, we have not received the funds to implement an internal audit program in the agency nor hire a chief internal auditor.</p>
<p>30 ILCS 10/3001: All State agencies shall establish and maintain a system of internal fiscal and administrative controls which shall provide assurance of accountability, compliance, safeguards from loss, proper application of funds, preparation of reports, and management of funds outside the Treasury.</p>	X					<p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p>

Fiscal Control and Internal Auditing Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 10/3003: By May 1 each year, the executive officer of all State agencies shall prepare and transmit to the Auditor General a certification that its internal systems comply with requirements of this Act, or do not comply, and shall include a report describing material weaknesses or why the weaknesses cannot be corrected.</p>	X		X			ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided.
		X				SOUTHERN ILLINOIS UNIVERSITY: Done by CEO officer, reviewed by internal and external auditors.
	X		X			
						ABANDONED MINED LANDS RECLAMATION COUNCIL: The certification required by 30 ILCS 10/3003 serves no function. The external audit, conducted every two years, will demonstrate any weaknesses in systems of internal fiscal and administrative controls. Furthermore, if an executive officer were aware of any such weaknesses, it should be assumed that said weaknesses would be immediately corrected, and a certification of compliance would be made. If an executive officer were corrupt, he or she presumably would not submit a certification testifying to his or her corruption. To demonstrate the futility of this mandate, one could count the number of certification's of "non-compliance" submitted to the Auditor General. We should understand that certifications of this kind only state the opinion of the person who is certifying his own conduct and will always be positive, and therefore of no administrative benefit.

Fiscal Control and Internal Auditing Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 10/3003: By May 1 each year, the executive officer of all State agencies shall prepare and transmit to the Auditor General a certification that its internal systems comply with requirements of this Act, or do not comply, and shall include a report describing material weaknesses or why the weaknesses cannot be corrected.	X	X	X			ENVIRONMENTAL PROTECTION AGENCY: Duplicates internal audit program.
		X	X			WESTERN ILLINOIS UNIVERSITY: Duplicative of management representation letter.
				X		

State Finance Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden - some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 105/1: The fiscal year of the State shall commence July 1 and close June 30.	X	X				STUDENT ASSISTANCE COMMISSION: Very complex accounting because not same as federal/costly.
30 ILCS 105/1 THRU 105/25: Departments shall follow the mandates of the State Finance Act where applicable.		X				SOUTHERN ILLINOIS UNIVERSITY: Eliminate the lapse period. In lieu allow agencies to carry forward a 2-3% of prior years' appropriation language. 30 ILCS 105/20-increase \$100 to \$500; increase every 5 years.
30 ILCS 105/2: Whenever the Constitution or any statute requires a report or account to be made by any officer, department, institution, board, or commission for a year, such report shall be for the preceding fiscal year unless the calendar year is specifically mentioned.						

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 105/3: Each officer of the executive department and all public institutions, shall at least 10 days preceding the regular session of the General Assembly, make and deliver to the Governor a biennial report of their acts and doings, arranged to show each fiscal year separately.</p>	X			X		<p>ATTORNEY GENERAL: Subsection 3(a) of the State Finance Act (30 ILCS 105/3(a) (West 1992)) requires, <u>inter alia</u>, that the Attorney General file a biennial report with the Governor summarizing his acts and doings during the specified fiscal years. In reviewing the legislative history of subsection 3(a), it appears that the requirement to file a biennial report has its origins in article IV, section 9 and article V, section 21 of the Illinois Constitution of 1870. An examination of the specified provisions of the Illinois Constitution of 1870 appears to indicate that the requirement for filing a biennial report was intended to correspond to the biennial sessions of the General Assembly.</p> <p>Subsequently, however, the People of the State of Illinois adopted a new Constitution. Article IV, subsection 5(a) of the Illinois Constitution of 1970 authorizes the General Assembly to conduct annual legislative sessions. Pursuant to this grant of authority, the General Assembly is now meeting on an annual basis. Therefore, it appears that if the General Assembly intends for the reporting requirement placed on the State's several executive officers to continue to correspond to the meeting of the legislature, then subsection 3(a) of the State Finance Act should be amended to require executive officers to file annual reports.</p> <p>MATH AND SCIENCE ACADEMY: The Academy does not submit reports to the Governor, but submits reports to legislative status and the bureau of the budget.</p> <p>AGRICULTURE: Old 2 year budget (superseded).</p>

State Finance Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Creator	AGENCY COMMENTS
30 ILCS 105/3: Each officer of the executive department and all public institutions, shall at least 10 days preceding the regular session of the General Assembly, make and deliver to the Governor a biennial report of their acts and doings, arranged to show each fiscal year separately.				X		BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The biennial reporting requirement may be a holdover from the period preceding the 1970 State Constitution and subsequent regular annual sessions of the General Assembly. CONSERVATION: This statute requires State agencies to deliver a biennial report to the Governor of their acts and doings. Such reports are due 10 days preceding each regular session of the General Assembly. Agencies currently report such information to the Governor annually as part of the budget preparation process. As a result, this statute appears to be obsolete or duplicative.
			X	X		TEACHERS' RETIREMENT SYSTEM: TRS applicability not determined; pre-1970 Constitution language duplicates other TRS reporting requirements.
			X			BUREAU OF THE BUDGET, GOVERNOR'S OFFICE, LT. GOVERNOR'S OFFICE: Is likely duplicative of other annual reports.
			X	X		COMMERCE COMMISSION: Obsolete in that it appears to have been enacted with a view toward facilitating the appropriations process when appropriations were biennial, and before the development of the BOB process and the current staff of the appropriations committees of the General Assembly. Duplicative in that annual reports are required of the Commission both by Section 4-304 of the Public Utilities Act and by Section 18c-1604 of the Illinois Commercial Transportation Law, although the transportation annual report is essentially financial.

State Finance Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden - some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 105/4.1: Interest on accounts shall be deposited in the General Revenue Fund except where specific statutory provisions direct otherwise. Such interest shall be calculated on the average daily balance as determined by the Comptroller.	X	X				BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Interest accruing on accounts should be held at the campus level.
30 ILCS 105/6h: All payments received under Subtitle A of Title I of the federal "State and Local Fiscal Assistance Act of 1972" (p.l. 92-512; 86 Stat. 919) and any interest earned or accruing shall be deposited in the Federal Fiscal Assistance Trust Fund.	X					GENERAL ASSEMBLY (SENATE), COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't participate in fund.
30 ILCS 105/6z-25: All monies received under the Federal HOME Investment Partnership Act including interest and repayment of loans shall be deposited into the Federal HOME Investment Trust Fund.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't participate in fund.

State Finance Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 105/9: Leases or purchase of property shall be made only by written contract, entered into by the proper State authorities, and shall not exceed 5 years unless authorized by law.	X					LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No property leases.
	X					GENERAL ASSEMBLY (HOUSE): No explanation provided.
		X				BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The term requirement (five years or less) is restrictive and precludes leases for a longer period of time which may be advantageous to the institution.
30 ILCS 105/9b: When an appropriation is made for use of any State agency, and its functions are transferred to a successor, the appropriation or unobligated portion shall be transferred to such successor.						

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 105/9.02: Every voucher submitted by office in which it originates shall be signed by the officer responsible for approving and certifying and/or by his delegate. Authorization or revocation of authorization for delegation shall be sent to each officer that checks or approves vouchers and to State Comptroller.</p>	X	X				<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The certifications required by 105/9.03 thru 105/9.05 are merely fine print and draw little attention. Such certifications are worthless. If a corrupt official would hire and pay "ghost employees" or pay for goods and services that are never received, it is highly unlikely that such a person would worry about or be deterred by such certifications.</p>
	X	X		X		<p>SOUTHERN ILLINOIS UNIVERSITY: New technology regarding electronic signature authority should be incorporated into all voucher certification. This includes certification by FAX. Should support State payments to nonresident aliens and proper tax reporting to State and Internal Revenue Service.</p>
	X		X			<p>GOVERNORS STATE UNIVERSITY: If signature is delegated, only the delegated signature should be required.</p>
	X	X	X			<p>WESTERN ILLINOIS UNIVERSITY: Approved locally and signed by signature machine (stamp) by someone on campus.</p>
<p>30 ILCS 105/10 THRU 105/11: State agencies, including elective offices, shall present to the State Comptroller itemized and certified warrants for payment of ordinary and contingent expenses of the agency, and for fixed charges when an appropriation has been made for such charges, to the agency, court, institution, or system applicable.</p>				X		<p>SUPREME COURT, APPELLATE COURTS: The Chief Justice of the Supreme Court and the Director of the Administrative Office of the Illinois Courts certifies the vouchers for the judicial branch.</p> <p>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Directions to Comptroller's Office.</p>

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 105/12: The Governor's Travel Control Board shall have jurisdiction over travel by employees and officers of all State agencies as defined in the State Auditing Act, with the exceptions listed. Each voucher for traveling expenses shall indicate the purpose, shall be itemized, and shall be accompanied by all the receipts.</p>	X	X				<p>UNIVERSITY OF ILLINOIS: Vouchers for traveling expenses. It is an unnecessary (even duplicative) burden that each voucher "shall be accompanied by all receipts specified in the applicable regulations..." The issue is not the need for receipts, but rather the need for copies of the receipts beyond the agency/university. The approving university official should be able to certify that such required receipts are on file and have been reviewed as valid and appropriate. Revision to the law or its interpretation would facilitate the automation of travel voucher claims and improve payment timeliness with less administrative costs.</p>
			X			<p>COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: General voucher certification could be made to accomplish the same thing.</p>
	X	X				<p>GOVERNORS STATE UNIVERSITY: Control by appropriation.</p>

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 105/12-3: Each State agency shall file reports with the Legislative Audit Commission on June 1 and December 1 each year, of all its officers and employees for whom official headquarters have been designated at any location other than that at which their official duties require them to spend the largest part of their working time.</p>	X	X	X			<p>COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: This same information could be contained in appropriation documents to the General Assembly.</p> <p>HUMAN RIGHTS: What is the rationale for this?</p> <p>STUDENT ASSISTANCE COMMISSION: Negative reports should not be required filed.</p> <p>AGING: Headquarters report.</p> <p>BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: There does not appear to be a need for this reporting requirement.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>GOVERNORS STATE UNIVERSITY: Eliminate need for negative report.</p> <p>WESTERN ILLINOIS UNIVERSITY: Do not see any benefit of report.</p>

[Handwritten marks]

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 105/13: Classifies the objects and purpose for which appropriations are made. Appropriations for a purpose other than specified may be made only as an additional, separate, and distinct item, specifically stating the object and purpose thereof.	X	X				<p>GOVERNORS STATE UNIVERSITY: Initiatives which would promote efficiencies without endangering control or accountability include: removal of revenue from the appropriation process; limiting appropriations to fewer line items, e.g., personal services, equipment, and expenses, while maintaining detail reporting of expenditures; and equalize the dollar definition of equipment between the Comptroller and Property Control.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: Reduce the number of lines items appropriation to three (3): personal services; equipment, land, building, improvement; and all others. Personal services expenditures usually represents 85-90% of an agency's expenditures. Broaden the scope of flexibility within each object classification. This would reduce the number of purchase orders required to buy goods and services.</p> <p>Appropriations for special purposes are burdensome. Expenditures could be tracked without the special line item and, in cases, the funds are eventually appropriated in the standard line items. Elimination of this statute would not affect the system of internal controls and accountability. Other accounting mechanisms are in place which would allow reporting of these special expenditures in other manners.</p>

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 105/13.2: Provides for transfer of funds among line items for objects listed where appropriations are insufficient and only among objects enumerated. No funds may be transferred for personal services or contribution for employee group insurance or retirement nor exceed 2% of funds listed.	X		X			ALCOHOLISM AND SUBSTANCE ABUSE: Define in CUSAS not in statute.
	X	X				SOUTHERN ILLINOIS UNIVERSITY: Eliminating the 2% conversion for other than salaries lines would provide increased flexibility to all institutions of higher education and would result in increased accountability. Current statute requires year end funds to be spent where available rather than where needed. Eliminating this statute would still require the university to expend funds by line item.
	X	X				GOVERNORS STATE UNIVERSITY: Initiatives which would promote efficiencies without endangering control or accountability include: removal of revenue from the appropriation process; limiting appropriations to fewer line items, e.g., personal services, equipment, and expenses, while maintaining detail reporting of expenditures; and equalize the dollar definition of equipment between the Comptroller and Property Control.
		X				WESTERN ILLINOIS UNIVERSITY: Approval process takes too long.

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden Some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 105/13.3: Any State agency may establish petty cash funds from money appropriated to the agency for contractual services. Shall submit need for fund to Comptroller and establish internal accounting controls. Transactions shall be limited to less than \$50. Internal audit shall be performed on fund which receives over \$5,000 a year.	X		X			ALCOHOLISM AND SUBSTANCE ABUSE: Define in CUSAS not in statute. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The reporting and tracking requirements associated with this mandate, particularly in regards to interaction with the Comptroller's Office, is not necessary. ABANDONED MINED LANDS RECLAMATION COUNCIL: The reporting requirements associated with maintaining a petty cash fund are excessive. CONSERVATION: This statute requires that all petty cash funds with annual expenditures greater than \$5,000 be audited on an annual basis. The risks associated with such funds are relatively low in relation to other State activities. The Department suggests that the dollar limit for determining the need for an annual audit be increased or that the statute be revised to require periodic rather than annual audits of such funds based upon an analysis of risk.
30 ILCS 105/14a: Upon death of a State employee his estate is entitled to receive payment for any accrued vacation, accrued overtime, and accrued sick leave as would have been paid had he survived.	X	X	X		X	MATH AND SCIENCE ACADEMY: The Academy does not have a petty cash fund, rather the Academy has an Imprest Fund under the Comptroller Act (15 ILCS 405/21(f)). MATH AND SCIENCE ACADEMY: This provision apparently conflicts with the Sick Leave Bank Act under which the Academy has been operating. SOUTHERN ILLINOIS UNIVERSITY: Accrued vacations, sick leave and overtime is becoming such a large liability for the University that at some point it will become to large to pay. These regulations are extremely costly issues for the University. Current obligations should be frozen or paid off and replaced with a new benefit of a more fiscally sound nature.

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden Some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 105/14a: When a State employee under the Personnel Code retires or resigns, his accrued vacation, overtime, and sick leave shall be payable in a single lump sum, or credited to his account where he moved.	X	X	X		X	MATH AND SCIENCE ACADEMY: This provision apparently conflicts with the Sick Leave Bank Act under which the Academy has been operating.
30 ILCS 105/14a: On death, retirement, indeterminate layoff, or resignation, a State employee's retirement or disability benefits shall be computed as if he had remained in service at his most recent rate of compensation until his accumulated unused leave for vacation, sickness, or overtime would have been exhausted.	X	X	X		X	MATH AND SCIENCE ACADEMY: This provision apparently conflicts with the Sick Leave Bank Act under which the Academy has been operating.
30 ILCS 105/14a: Payment for accrued sick leave after an employee's death, retirement, resignation, or termination shall be for days earned on or after January 1, 1984. Prior unused sick pay shall be computed at 1/2 the number of days accumulated by the rate of compensation at time of termination of service.	X	X	X		X	MATH AND SCIENCE ACADEMY: This provision apparently conflicts with the Sick Leave Bank Act under which the Academy has been operating. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The requirement has created an ever increasing unfunded liability for sick leave costs. The Illinois Board of Higher Education is presently undertaking a study of this matter and is expected to offer specific recommendations in this regard for consideration during the upcoming legislation session.
30 ILCS 105/15a: Shall certify to the Auditor General that a contractual employee who has received early retirement incentives possesses unique expertise or is essential to the operation of the agency. Certification must be filed with the Auditor General prior to the execution of the contract.	X		X			ALCOHOLISM AND SUBSTANCE ABUSE: Define in CUSAS. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Certification requirement creates additional paperwork and may delay the appointment of needed personnel.

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ced	AGENCY COMMENTS
30 ILCS 105/25: Appropriations shall be spent during the Fiscal Year. Act specifies, deficiency and emergency appropriations shall only be available thru June 30 of the year when the Act making that appropriation is enacted, unless otherwise provided. Outstanding liabilities on June 30 may be paid from expiring appropriations until September 30.		X				ALCOHOLISM AND SUBSTANCE ABUSE: All agencies paying Medicaid should have same authority as Public Aid. SOUTHERN ILLINOIS UNIVERSITY: Fiscal year limitations should be restructured as to allow cost savings to be paid against whatever fiscal year would realize the most dollar savings. Don't use date of obligation as the only measure of fiscal year assessment.
30 ILCS 105/30: No officer, institution, department, board, or commission shall contract any indebtedness on behalf of the State, unless expressly authorized by law.						
30 ILCS 105/30c: An employee may accept a reduction in his compensation equivalent to the amount applied on an annuity contract provided by his employer (State) or receive in lieu of wages benefits not taxable under the Internal Revenue Code. Each agency may adopt rules to implement this Act.	X	X				SOUTHERN ILLINOIS UNIVERSITY: Third party annuity agencies should have the sole responsibility of seeing that participating employees remain tax compliant between their annuity contract and the IRS.
30 ILCS 105/34: All public funds received by an agency of the State, not subject to appropriation (with exception of bonding) shall be paid to the State Treasurer within the time established in the State Officers and Employees Money Disposition Act or specified in rules under Section (b) of Section 2.		X				BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Funds generated by tuition payments should be maintained and invested at the campus level. ECONOMIC AND FISCAL COMMISSION: No explanation provided.

[Handwritten signature]

State Finance Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 105/35: When a State agency receives a grant or contract from appropriated funds from another State agency, the expenditure of these funds is restricted to the terms and conditions under which the other agency received the appropriation.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Receive none.
	X					GENERAL ASSEMBLY (SENATE): No such grants.
	X					ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided.

Uncollected State Claims Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 205/2(a) THRU 205/2(e): After undertaking all reasonable and appropriate procedures available for collection of a debt over \$1,000 owed the agency, the agency shall request the Attorney General to certify the claim to be uncollectible.	X	X				<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION: No collectibles or receivables.</p> <p>UNIVERSITY OF ILLINOIS: After University has taken all reasonable and appropriate collection actions, University should be able to write off bad debts greater than \$1,000 without Attorney General certification. AG certification requirement should be removed or dollar threshold increased.</p> <p>BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The certification requirement does not aid the process of collecting debts and does not appear to serve any particular purpose.</p>
30 ILCS 205/2(f): Each agency which writes off claims or receivables pursuant to this sub-paragraph shall submit a listing of such write-offs to the Comptroller within 60 days.	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION: No collectibles or receivables.</p> <p>BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The data collection associated with this reporting requirement entails significant staff time and does not appear to serve any particular purpose.</p>

Uncollected State Claims Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden on State	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 205/2(k) THRU 205/2(l): Each State agency shall report in its annual report the total amount and number of claims due and payable to the State and shall describe the method used to collect debts, whether by private means or by the Attorney General.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION: No collectibles or receivables.
	X	X	X			MATH AND SCIENCE ACADEMY: The Auditor, as a practical matter, has allowed the Academy to write off debts under \$1,000 as long as the Academy has made an attempt to collect the debt.
	X					BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The reporting requirement involves considerable staff time and is unrelated to the debt collection process.
			X			COMMERCE COMMISSION: There appears to be substantial overlap between information required to be included in the "annual report" in this Section, and the information required to be submitted to the Comptroller under Section 4(b) of the Illinois State Collection Act of 1986.

Illinois State Collection Act of 1986

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 210/2 THRU 210/3: Provisions of this Act shall be utilized at all times by all offices under the Governor and is supplementary to existing State laws prescribing means of collection for money owed the State. Write-off provisions and reporting requirements shall be followed by all officers and agencies.	X		X			AGING: Debt. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Write-off procedures and reporting requirements contained in the Act do not serve a meaningful purpose.
30 ILCS 210/4(b): State agencies shall report to the Comptroller information concerning their accounts receivable and uncollectible claims in accordance with Comptroller's rules.		X	X			REHABILITATION SERVICES: Question need for quarterly reports as statute does not require such. COMMERCE AND COMMUNITY AFFAIRS: Appears to duplicate 30 ILCS 205/2(k).
30 ILCS 210/5: Shall adopt rules establishing dates for amounts owed and referral to private collection agencies.		X	X			COMMERCE AND COMMUNITY AFFAIRS: Appears to duplicate 30 ILCS 205/2.
30 ILCS 210/5(a): Shall adopt rules establishing due dates for amounts owed the State for seriously past due accounts to private collection agencies, unless expressly provided by rule or law.		X				TREASURER: Few debts to justify.
30 ILCS 210/5(c): All debts that exceed \$1,000 and are more than one year past due shall be placed in the Comptroller's Offset System, unless a deferred payment plan has been arranged or the referral for offset is not cost effective.		X				TREASURER: Few debts to justify.
30 ILCS 210/5(d): Shall develop internal procedures whereby agency initiated payments to its debtors may be offset without referral to the Comptroller's Offset System.		X				STATE UNIVERSITIES RETIREMENT SYSTEM: Requirement of rules unnecessary.

State Officers and Employees Money Disposition Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor cible	AGENCY COMMENTS
30 ILCS 230/1: All officers and offices under the Governor, Supreme Court, Appellate Courts, and State agencies come under this Act except the universities. Lists other funds and agencies to which the Act does not apply.	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Applicability of Act. MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.
30 ILCS 230/2(a): Shall keep in proper books detailed itemized account of all moneys received on behalf of State and shall pay into State Treasury the gross amount received: on actual date of receipt any amount over \$10,000; within 24 hours an accumulation of \$10,000; and within 48 hours an accumulation between \$500 and \$10,000.		X	X			MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.
30 ILCS 230/2(a): No money belonging to or left for use of the State shall be expended or applied except by appropriation made by law and on warrant of State Comptroller. Funds remitted to agencies by State Treasurer's draft shall be remitted to Comptroller to be placed in appropriate fund.		X	X			MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.
30 ILCS 230/2a THRU 230/2a.1: Shall notify State Treasurer of money paid under protest at time of paying into State Treasury.			X			TREASURER: Some interest allocation duplication. MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.
30 ILCS 230/2a.2: A State officer or employee shall not create, maintain, or participate in a trust fund, bank, or savings and loan deposit received by him by virtue of his office or employment except as provided by law. May establish a temporary trust fund or bank account with written approval of the Governor and State Comptroller until after end of session.		X	X			MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.
30 ILCS 230/2a.2: Shall make a complete report to each House at next regular session of General Assembly concerning the temporary trust. If General Assembly does not authorize the continuance, such temporary deposit shall be deposited in the General Revenue Fund.		X	X			MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.

State Officers and Employees Money Disposition Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 230/2a.3: Each officer or agency eligible for indirect cost reimbursement shall make timely application and keep accurate records of their receipt, deposit, and use, and shall deposit within 30 days into the designated fund, or General Revenue.		X	X			MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.
30 ILCS 230/2c: May demand and receive bond from institution where such funds are held and shall return with interest at end of deposit. A bond or pledged security shall be obtained for funds in excess of federal deposit insurance which shall be greater than the uninsured portion on deposit. Agency may sell security if bank fails to turn over within 5 days.			X			TREASURER: Deposits of State Money's Act for State Treasurer's Office. MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.
30 ILCS 230/2e: Refunds of State agency monies shall be made only on behalf of agencies for which the General Assembly has not enacted a current fiscal year appropriation for refunds and then only not to exceed \$10,000 for each agency for each fiscal year.		X	X			MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.
30 ILCS 230/5: Any State officer who willfully fails to keep a detailed accounting, or makes false or fraudulent entries, or refuses the Comptroller access to such records shall be guilty of a Class A misdemeanor.		X	X			MATH AND SCIENCE ACADEMY: To the extent that this Act accepts the universities and colleges of the State, the Academy should be exempted.

Public Funds Investment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Uninfor- mative	AGENCY COMMENTS
30 ILCS 235/2(a): Any public agency may invest public funds in securities under the conditions set forth in this Section.	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't invest public funds.</p> <p>GENERAL ASSEMBLY (SENATE): No such activity.</p> <p>TREASURER: Deposits of State Money's Act.</p> <p>STATE UNIVERSITIES RETIREMENT SYSTEM: Should not apply to public pension funds. Superseded by prudent person rule, 40 ILCS 5/15-157 and 40 ILCS 5/1-109, 1-110.</p>
30 ILCS 235/2(g)-(h): Government securities, unless registered or inscribed in the name of the agency, shall be purchased through banks or trust companies authorized to do business in Illinois. May not invest in repurchase agreements except those subject to the Government Securities Act of 1986 unless they meet the listed criteria.	X		X	X		<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't invest public funds.</p> <p>GENERAL ASSEMBLY (SENATE): No such activity.</p> <p>STATE UNIVERSITIES RETIREMENT SYSTEM: Should not apply to public pension funds. Superseded by prudent person rule, 40 ILCS 5/15-157 and 40 ILCS 5/1-109, 1-110.</p>

Public Funds Investment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Generator	AGENCY COMMENTS
<p>30 ILCS 235/2(d): No person employed by, or a financial officer of, a public agency shall have any interest, direct or indirect, in any investments in which the agency is authorized to invest, or receive any compensation from any investments in which the agency invests, sponsors, or manages.</p>	<p align="center">X</p>					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't invest public funds.</p> <p>GENERAL ASSEMBLY (SENATE): No such activity.</p> <p>TREASURER: State Treasurer's Act.</p> <p>STATE UNIVERSITIES RETIREMENT SYSTEM: Should not apply to public pension funds. Superseded by prudent person rule, 40 ILCS 5/15-157 and 40 ILCS 5/1-109, 1-110.</p>
	<p align="center">X</p>		<p align="center">X</p>			
			<p align="center">X</p>	<p align="center">X</p>		

Public Funds Investment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden-some	Duplicate	Obsolete	Unaffor-able	AGENCY COMMENTS
<p>30 ILCS 235/3: Agency shall be designated payee when securities are purchased under Section 2 and name of fund shall be added to agency name. If registered, both shall be so registered.</p>	<p align="center">X</p>					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't invest public funds.</p> <p>GENERAL ASSEMBLY (SENATE): No such activity.</p> <p>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: What fund securities should be deposited in.</p> <p>STATE UNIVERSITIES RETIREMENT SYSTEM: Should not apply to public pension funds. Superseded by prudent person rule, 40 ILCS 5/15-157 and 40 ILCS 5/1-109, 1-110.</p>
	<p align="center">X</p>		<p align="center">X</p>			
	<p align="center">X</p>		<p align="center">X</p>	<p align="center">X</p>		

Public Funds Investment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unsettled	AGENCY COMMENTS
<p>30 ILCS 235/4: All securities shall be held for the benefit of the public agency which purchased them and credited to the fund. Shall be deposited in a safe place and persons responsible shall be bonded for their safety. All payments from their sale shall be credited to the agency and fund by or for which they were purchased.</p>	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't invest public funds.</p> <p>GENERAL ASSEMBLY (SENATE): No such activity.</p> <p>STATE UNIVERSITIES RETIREMENT SYSTEM: Should not apply to public pension funds. Superseded by prudent person rule, 40 ILCS 5/15-157 and 40 ILCS 5/1-109, 1-110.</p>
<p>30 ILCS 235/5: This Act, without reference to any other statute, shall be deemed full and complete authority for the investment of public funds as herein provided, and shall be construed as an additional and alternative method therefore.</p>	X		X	X		<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't invest public funds.</p> <p>GENERAL ASSEMBLY (SENATE): No such activity.</p> <p>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Info. on act.</p> <p>STATE UNIVERSITIES RETIREMENT SYSTEM: Should not apply to public pension funds. Superseded by prudent person rule, 40 ILCS 5/15-157 and 40 ILCS 5/1-109, 1-110.</p>

Public Funds Investment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>30 ILCS 235/6(a) THRU 235/6(d): The amount of deposits not collateralized by an agency of the federal government shall not exceed 75% of the capital stock and surplus of the bank or savings and loan, or 50% of a credit union's unimpaired capital and surplus and the public agency submitting the deposit shall be responsible for money deposited in excess of such limitation.</p>	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't invest public funds.</p> <p>GENERAL ASSEMBLY (SENATE): No such activity.</p> <p>TREASURER: State Treasurer's Act.</p> <p>MATH AND SCIENCE ACADEMY: As state colleges and universities are exempted, the Academy should be exempted as well.</p> <p>STATE UNIVERSITIES RETIREMENT SYSTEM: Should not apply to public pension funds. Superseded by prudent person rule, 40 ILCS 5/15-157 and 40 ILCS 5/1-109, 1-110.</p> <p>SECRETARY OF STATE: On the banks, etc. should not each Department contact Commissioner of Banks instead of having bank furnish every State office a copy. Suggest legislative change to have Commissioner of Banks and/or Financial Institutions furnish each agency with an approved listing. Individual agencies would be unaware of other agencies' deposits.</p>
	X	X	X			
	X	X	X	X		

Public Funds Investment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor-ccable	AGENCY COMMENTS
30 ILCS 235/7: When investing or depositing public funds, each custodian shall, within the law and reasonable performance criteria, invest in minority owned financial institutions within the State.	X					EASTERN ILLINOIS UNIVERSITY: Programmatic. COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Don't invest public funds. GENERAL ASSEMBLY (SENATE): No such activity. STATE UNIVERSITIES RETIREMENT SYSTEM: Should not apply to public pension funds. Superseded by prudent person rule, 40 ILCS 5/15-157 and 40 ILCS 5/1-109, 1-110.
	X		X			
				X		

Human Services Provider Bond Reserve Payment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 435/15: Agency may authorize payment to a bond trustee in a new or renewed contract if the service provider is paid or reimbursed for providing human services to persons in Illinois.	X X					REHABILITATION SERVICES: DORS does not use. COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No such contracts.
30 ILCS 435/20: Trustee of reserve fund shall certify to State agency the amount required to meet obligation. Lists criteria. When certification is received, agency shall with next contract payment date occurring at least 15 days after certification, authorize payment to bond trustee.	X X X					GENERAL ASSEMBLY (SENATE): No such activity. REHABILITATION SERVICES: DORS does not use. COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No such contracts.
	X					GENERAL ASSEMBLY (SENATE): No such activity.

[Handwritten mark]

Human Services Provider Bond Reserve Payment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 435/25: Every State agency shall report to the Bureau of the Budget and the Auditor General annually by November 1 any direct payment to a bond paying agent during previous fiscal year.	X					REHABILITATION SERVICES: DORS does not use. COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No such contracts. GENERAL ASSEMBLY (SENATE): No such activity.

20

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 505/2: The principal of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts by or for any State agency.		X				COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: No explanation provided.
30 ILCS 505/4: Purchases, contracts, obligations, or expenditures of funds, except as provided, may be advertised by publication at least three times, the first and last 10 days apart in the official State newspaper. Such ads shall state the day, hour, and place when and where bids will be opened, along with other requirements. Any and all bids may be rejected. Advertisement shall be deemed to comply with competitive procurement requirements.	X					SOUTHERN ILLINOIS UNIVERSITY: This statute constitutes an unnecessary expenditure of resources for what you received in return. Very seldom do you get bidders from this solicitation, and when you do you have to get them qualified with Department of Human Rights and the University which requires additional time and usually delays the transaction. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Advertising requirement prevents timely acquisition of goods and services.
	X	X		X		ABANDONED MINED LANDS RECLAMATION COUNCIL: The "official newspaper" is usually unknown and often cannot even be purchased at the State Capitol building. There are better ways to advertise, through trade journals, service bulletins, etc. It would make more sense to require advertisement in a newspaper of general circulation in the area or region where goods or services are to be procured.
	X	X		X		CENTRAL MANAGEMENT SERVICES: Direct solicitation of vendors from established lists of vendors who have expressed interest in bidding is the most effective and efficient way to obtain competitive offerings.
	X					TEACHERS' RETIREMENT SYSTEM: Official state newspaper is generally not in wide circulation (Kewanee Courier).

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 505/5(a)-(b): Each State agency shall establish product or service specifications and make purchases of or contracts for supplies, commodities, equipment and utilities for its own use. To avoid interruption of necessary supplies, agency may make purchases after April 30 with delivery after June 30 and payment from next Fiscal Year appropriations.		X				CAPITAL DEVELOPMENT BOARD: CMS has specialized buyers
30 ILCS 505/5(c): All postage stamps purchased from State funds must be perforated.	X	X	X			EASTERN ILLINOIS UNIVERSITY: 20 ILCS 405/67.01. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Perforation requirement does not enhance accountability/security of stamp holdings. ECONOMIC AND FISCAL COMMISSION: No explanation provided. REVENUE: 20 ILCS 405/67.01. TEACHERS' RETIREMENT SYSTEM: Most postage is metered. WESTERN ILLINOIS UNIVERSITY: We have to acquire stamps and post cards from CMS when we could purchase locally.

203

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No. Adm. Provisions	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 505/5.1: Agencies may enter into multi-year contracts for the lease, lease purchase, or purchase of tangible property as provided in this Section. Every multi-year contract entered into pursuant to this section shall comply with the requirements of this section.	X	X				<p>BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The term requirement imposed is restrictive.</p> <p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The involvement of CMS in leasing electronic data processing equipment is not always necessary or beneficial. CMS should be relegated to an advisory/service role, rather than an authorization role.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p>
30 ILCS 505/5.2: Provisions of "Administrative Procedure Act" are expressly adopted and incorporated as though a part of this Act.	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY: IAPA does not apply to General Assembly.</p> <p>GENERAL ASSEMBLY (SENATE): Does not apply.</p>
30 ILCS 505/6: State agencies may require prospective contractors to be prequalified.	X	X				<p>COMMISSIONER AND SAVINGS AND RESIDENTIAL FINANCE: No explanation provided.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: The \$10,000 referred to in Section 505/6A(5) needs to be raised to be consistent with the \$25,000 cited in 505/6A(6) and (7) Section 505/6A. Would recommend an additional exemption be added to cover retail sale items and also allow these purchases to be brand specific.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p>

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor ceable	AGENCY COMMENTS
30 ILCS 505/6a: State agencies shall also provide that all purchases, contracts, and expenditures of funds be awarded pursuant to a competitive selection procedure, with the exceptions noted.	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.
30 ILCS 505/6a-1a: Separate specifications for plumbing, heating, ventilating, electrical, and general contracting shall be prepared for individual selection. Certain contracts require retention of a percentage of contract price until all work is completed and may be held in trust.	X	X	X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process. COMMISSION ON INTERGOVERNMENTAL COOPERATION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: No construction projects.
	X	X				LEGISLATIVE RESEARCH UNIT: No projects. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: This requirement for separate bidding of contracting activities has been superseded by recent legislation.
	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.
	X	X				GOVERNORS STATE UNIVERSITY: Eliminate separate specifications.
30 ILCS 505/6a-2: In contracts for supplies, materials, commodities, and equipment, where possible, proposals shall be required to be itemized as to kind and all proposals shall state the quantity of each item required.	X		X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process. ABANDONED MINED LANDS RECLAMATION COUNCIL: Statute merely states the obvious.

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- cible	AGENCY COMMENTS
30 ILCS 505/6a-3: All contracts for rental or lease of electronic data processing equipment shall include a clause that the more favorable terms shall apply if granted to another state agency or governmental unit.	X	X	X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process. EASTERN ILLINOIS UNIVERSITY: No explanation provided. COMMISSION ON INTERGOVERNMENTAL COOPERATION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION: Do not lease EDP. ECONOMIC AND FISCAL COMMISSION: No explanation provided.
	X				X	TEACHERS' RETIREMENT SYSTEM: "Most Favored Nation" clause is difficult to enforce due to data exchange problems.
					X	GOVERNORS STATE UNIVERSITY: No way to monitor other contracts.
30 ILCS 505/6b: Competitive procurement procedures shall be in conformance with accepted business practice.	X		X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process. ECONOMIC AND FISCAL COMMISSION: No explanation provided.
					X	TEACHERS' RETIREMENT SYSTEM: "Accepted Business Practice" not well-defined.

204

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cable	AGENCY COMMENTS
<p>30 ILCS 505/6c THRU 505/6h: Proposals shall be publicly opened at day, hour, and place specified in solicitations. Any contractor may be suspended for not more than one year for violation of competitive procurement procedures. Resident contractors must be allowed preference equal to non-resident's State preference. Use of recycled materials given preference if cost is not more than 10%.</p>	X	X	X			<p>TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process.</p> <p>COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: No explanation provided.</p> <p>MATH AND SCIENCE ACADEMY: I seem to remember that it is violative of the Privileges and Immunities Clause of the federal constitution for a state to require preference of in-state contractors over out-of-state contractors.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>GOVERNORS STATE UNIVERSITY: Eliminate resident preferences.</p>
	X				X	

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 505/6i: All contracts for the provision of goods or services shall provide that the vendor or contractor shall maintain, for a minimum of five years after the completion of the contract, adequate books, records, and supporting documents to verify the disbursements of funds. Auditor General shall have access to all documentation for audit purposes.</p>		<p align="center">X</p>	<p align="center">X</p>			<p>TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process.</p> <p>COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: No explanation provided.</p> <p>BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The maintenance of contracts for five years is unnecessarily long and creates storage problems.</p> <p>AUDITOR GENERAL: This provision requires contractors to maintain for 5 years records verifying amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract. I think this provision is <u>unnecessarily burdensome</u> and could be limited to retention of records necessary to support amounts paid under the contract (which may include uses of funds, but in most cases would probably not) and contracts over a certain dollar threshold (like \$5,000) and/or contracts that are not for a fixed price.</p> <p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The retention of records requirement may be unnecessarily burdensome in many cases when applied across the board.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>TEACHERS' RETIREMENT SYSTEM: Record keeping is a major burden, particularly for small vendors.</p> <p>WESTERN ILLINOIS UNIVERSITY: Creates unnecessary overhead for vendors dealing with the State.</p> <p>GOVERNORS STATE UNIVERSITY: Should not apply to</p>
	<p align="center">X</p>	<p align="center">X</p>			<p align="center">X</p>	
		<p align="center">X</p>				
	<p align="center">X</p>					
		<p align="center">X</p>				
		<p align="center">X</p>				
	<p align="center">X</p>					

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 505/6i: All contracts for the provision of goods or services shall provide that the vendor or contractor shall maintain, for a minimum of five years after the completion of the contract, adequate books, records, and supporting documents to verify the disbursements of funds. Auditor General shall have access to all documentation for audit purposes.	X					STATE BOARD OF EDUCATION: Never used.
30 ILCS 505/6-1: Persons submitting bids of over \$5,000 shall disclose a beneficial interest of any member of firm with 7-1/2% interest and if a corporation, the names of all officers and directors.	X	X	X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process. ABANDONED MINED LANDS RECLAMATION COUNCIL: Law enforcement should be left to law enforcement agencies. Other state agencies should not be placed in the position of having to police all potential vendors. The disclosure itself is meaningless when agency officials have no personal knowledge of corporate ownership and do not conduct investigations. GOVERNORS STATE UNIVERSITY: Contributes nothing.
30 ILCS 505/6-3: In service contracts over \$2,000 or over \$200 per month all services performed under contract shall be by employees receiving the prevailing wage rate and conditions prevailing in that locality.	X	X	X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process. EASTERN ILLINOIS UNIVERSITY: Programmatic and costly. GOVERNORS STATE UNIVERSITY: Additional cost burden. CITIZENS ASSEMBLY: Don't lease EDP.

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 505/6-4: All paper purchased by State agencies must be recyclable unless it does not meet the requirements of the agency.	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic--in some cases costlier. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Recycling paper is a process with attendant costs not reimbursed by the State.

2002

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 505/9: Any State agency making a contract for remodeling, renovation, or construction in excess of \$5,000 shall be subject to supervision of a licensed architect or engineer and no payment shall be made unless vouchers are accompanied by written certification of satisfactory completion of work. Periodic payments may be made.			X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process.
		X		X		EASTERN ILLINOIS UNIVERSITY: Amount should be increased.
			X			UNIVERSITY OF ILLINOIS: Dollar limit should be increased Architect supervision.
		X	X			BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS AND ILLINOIS STATE UNIVERSITIES: The amount established (\$5,000) above which work must be supervised by a licensed architect or engineer is too low and thus the requirement may add to the costs of a project. In addition, there is little evidence to suggest that the supervision is necessary to ensure that work is completed in an adequate or timely manner.
		X				COMMISSION ON INTERGOVERNMENTAL COOPERATION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: No construction projects.
						LEGISLATIVE RESEARCH UNIT: No projects.
			X			CENTRAL MANAGEMENT SERVICES: \$5,000 level too low - architect not justified.
		X				ECONOMIC AND FISCAL COMMISSION: No explanation provided.
			X			WESTERN ILLINOIS UNIVERSITY: \$5,000 is too small of amount, should be raised.

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 505/9: Any State agency making a contract for remodeling, renovation, or construction in excess of \$5,000 shall be subject to supervision of a licensed architect or engineer and no payment shall be made unless vouchers are accompanied by written certification of satisfactory completion of work. Periodic payments may be made.	X	X				GOVERNORS STATE UNIVERSITY: Raise minimum.
30 ILCS 505/9.01: Contracts for professional or artistic services over \$5,000 which are exempt from competitive procurement procedures must be in writing and filed with the Comptroller. All such are public record.	X	X	X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The restrictions included here do not bear any relationship to the objective of ensuring that projects meet appropriate standards of quality and are completed in a timely, cost-effective manner. SOUTHERN ILLINOIS UNIVERSITY: We question the worth of this statute. Perhaps the dollar limit needs to be increased to \$25,000 to agree with the purchase amount. Is it worth what it costs the University and the State to accumulate all these files? Whoever looks at them and for what? GOVERNORS STATE UNIVERSITY: Eliminate filing requirement.

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 505/9.02: No additional funds may be obligated for a contract for repairs, maintenance, remodeling, renovation, or construction unless the additional work or material is germane to the original contract, and may not, even when germane, exceed the original percentages without written approval by the Capital Development Board.</p>	X		X			<p>TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process.</p> <p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: No construction projects.</p> <p>LEGISLATIVE RESEARCH UNIT: No projects.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: Participation by Capital Development Board is redundant to the accountability/recommendations of the architect or engineer already involved. Input by A/E is by a licensed person, input by CDB may not be by a licensed person.</p> <p>CAPITAL DEVELOPMENT BOARD: Material received does not allow for careful detailed review. It places a liability on CDB that exceeds any benefits.</p> <p>BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The requirement of written authorization for exceptions by the Capital Development Board results in time delays and is not itself germane to project completion objectives.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p>
	X	X	X		X	
	X	X				
	X	X				

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adh Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 505/9.04: Consultant contracts by State agencies shall state whether a sub-contractor will be used, and shall include the names and addresses of all sub-contractors and anticipated amount of money to be received. Amendments shall be filed to include a consultant sub-contractor added at a later date.		X	X			TOLL HIGHWAY: Toll Highway used these as guide in preparation of its Bids and Specifications bidding process. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: This requirement neither enhances public accountability nor is necessary for decision-making.
30 ILCS 505/9.05: State agencies which provide grants or contracts for human services may, upon request of provider, review and adjust existing contract or grant if provider's property and casualty insurance increases by 25% or more.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: No such contracts/grants. LEGISLATIVE RESEARCH UNIT: No projects. GENERAL ASSEMBLY (SENATE): No such grants. ECONOMIC AND FISCAL COMMISSION: No explanation provided. WESTERN ILLINOIS UNIVERSITY: Unclear as to intent of this section. GOVERNORS STATE UNIVERSITY: Written during insurance "crisis" of mid-80's.
30 ILCS 505/10: Any contract entered into, or purchase, or expenditure of funds in violation of this Act or rules and regulations adopted in pursuance of the Act, shall be void and of no effect.	X		X			TOLL HIGHWAY: ISTHA uses these as guide when preparing its bid process and contracting agreement. ECONOMIC AND FISCAL COMMISSION: No explanation provided. GOVERNORS STATE UNIVERSITY: Make void action optional.

Handwritten mark

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 505/10.1: Shall not award a contract or sub-contract to a person or business who has been convicted of bribery, or attempted bribery, or has admitted guilt.			X			TOLL HIGHWAY: ISTHA uses these as guide when preparing its bid process and contracting agreement.
30 ILCS 505/10.2: Every bid submitted and contract executed shall contain a certification by the contractor that the contractor is not barred from being awarded a contract under Section 10.1.	X	X			X	GOVERNORS STATE UNIVERSITY: Eliminate certification requirement. SOUTHERN ILLINOIS UNIVERSITY: This is a good statute, however, we see no way to enforce this.
30 ILCS 505/10.3: Unless otherwise provided, no agency shall do business with a person or business convicted of felony from date of conviction to one year after completion of the sentence, unless no person held responsible for conviction continues to have involvement with the business.			X			TOLL HIGHWAY: ISTHA uses these as guide when preparing its bid process and contracting agreement. STATE BOARD OF EDUCATION: Would have no way of knowing about convictions. GOVERNORS STATE UNIVERSITY: No way to monitor.
30 ILCS 505/11.4: Any person participating in making a contract whose immediate family member receives more than 7 1/2%, or all together 15% in the aggregate of the income of the other contracting party, shall immediately file a written statement regarding the facts to be kept with the head of the office and available for public inspection.			X			TOLL HIGHWAY: ISTHA uses these as guide when preparing its bid process and contracting agreement.
30 ILCS 505/11.6: Every State agency which obtains two or more identical bids shall inform the Attorney General in writing within 30 days following disposition of bids received in the form and manner prescribed by the Attorney General.	X	X	X	X		TOLL HIGHWAY: ISTHA uses these as guide when preparing its bid process and contracting agreement. ECONOMIC AND FISCAL COMMISSION: No explanation provided. WESTERN ILLINOIS UNIVERSITY: When we send to Attorney General they ask us why. CAPITAL DEVELOPMENT BOARD: Reports not used. SOUTHERN ILLINOIS UNIVERSITY: What purpose does this serve? If we must have it, we feel a dollar limit needs to be assigned.

Illinois Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 505/11.7: Every State agency shall stock no more inventory than a 12 month supply unless authorized by the agency's regulations. Agency shall review inventory to assure compliance and transfer overstocked items.	X	X	X			TOLL HIGHWAY: ISTHA uses these as guide when preparing its bid process and contracting agreement. ABANDONED MINED LANDS RECLAMATION COUNCIL: This mandate is a ridiculous attempt to dictate common sense business practices, which should be left to administrative officials.
30 ILCS 505/13: This Act applies to purchases made under the State Printing Contracts Act and except where conflicts arise, the provisions of the State Printing Contracts Act shall govern. Does not apply to State agencies created by statute where the Act specifies purchasing procedures which include competitive bidding requirements.			X			TOLL HIGHWAY: ISTHA uses these as guide when preparing its bid process and contracting agreement.

206

State Paper Purchasing Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
30 ILCS 510/1: The State Paper Purchasing Act applies to all State agencies, officers, departments, hospitals, penitentiaries, boards, bureaus, commissions, or administrative units of State government except Math and Science Academy, University of Illinois, SIU, Board of Governors of State Colleges and Universities, its colleges, Board of Regents and its universities.	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Defines State agency.
30 ILCS 510/11: No State agency may purchase an item covered by the "State Paper Purchasing Act" without the prior written approval of DCMS stating that terms of purchase are consistent with this Act.	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.

2/11/11

State Printing Contracts Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
30 ILCS 515/6: Persons requesting emergency purchases authorization without bids must file an affidavit with the Auditor General and DCMS immediately on determination of the cost.						
30 ILCS 515/21: No State agency shall purchase printing covered by this Act without the prior approval of DCMS and that the terms of a proposed order are consistent with this Act.			X			ALCOHOLISM AND SUBSTANCE ABUSE: No explanation provided.
30 ILCS 515/21-1: Every printed annual report produced by a State agency shall indicate whether it was printed by the State or by contract, the number of copies printed, and the cost per copy.						
30 ILCS 515/38: The agency is responsible for verifying quantity received and alterations or added charges.						

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adh. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cible	AGENCY COMMENTS
30 ILCS 535/20: State agency shall establish prequalification procedures for firms seeking to provide architectural, engineering, and land surveying services or may use prequalification lists from other State agencies.	X					REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS. COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No such contracts. MATH AND SCIENCE ACADEMY: That the Academy currently goes through the Capital Development Board, which, in turn, follows the requirements of this provision. ENERGY AND NATURAL RESOURCES: Duplicative of Purchasing Act.
	X		X			
	X		X			



Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 535/25: Agency shall provide at least 14 days notice of projects, published in professional services bulletins and mailed to firms requesting same and pre-qualified firms, with project description and services to be procured.</p>	<p align="center">X</p>					<p>REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.</p> <p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No such contracts.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: Project amount should be specified or referenced.</p> <p>ENERGY AND NATURAL RESOURCES: Duplicative of Purchasing Act.</p> <p>MATH AND SCIENCE ACADEMY: That the Academy currently goes through the Capital Development Board, which, in turn, follows the requirements of this provision.</p>

Handwritten mark

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden None	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
30 ILCS 535/30: Agency shall evaluate firms submitting letters of interest. Agency shall establish committee to select firms to provide services. Prior to selecting firm for negotiation, agency shall not seek further information.	X					<p>REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.</p> <p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No such contracts.</p> <p>MATH AND SCIENCE ACADEMY: That the Academy currently goes through the Capital Development Board, which, in turn, follows the requirements of this provision.</p> <p>ENERGY AND NATURAL RESOURCES: Duplicative of Purchasing Act.</p>
	X		X			
	X		X			

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 535/35: Agency shall select at least three firms determined to be preferred and contact firm most preferred to negotiate. Decisions of agency shall be final and binding.	X		X			METROPOLITAN PIER AND EXPOSITION AUTHORITY: See 70 ILCS 210/25.1. REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.
	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION, ECONOMIC AND FISCAL COMMISSION: No such contracts.
		X				ABANDONED MINED LANDS RECLAMATION COUNCIL: The Architectural, Engineering and Land Surveying Qualifications Based Selection Act is too restrictive in its limitations on price competition. It is submitted that a State Agency, after selecting the top three firms based solely on qualifications, should be allowed to request and consider cost estimates from only those top- ranked firms. Limited price competition should result in lower costs to the State without a loss of quality.
	X		X			ENERGY AND NATURAL RESOURCES: No explanation provided.

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cesable	AGENCY COMMENTS
30 ILCS 535/40: Agency shall negotiate with highest qualified firm. If negotiations fail, agency shall proceed down list in order of preference. Agency may not establish formulas to eliminate firms.	X		X			<p>METROPOLITAN PIER AND EXPOSITION AUTHORITY: See 70 ILCS 210/25.1.</p> <p>REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.</p> <p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION, ECONOMIC AND FISCAL COMMISSION: No such contracts.</p> <p>ENERGY AND NATURAL RESOURCES: No explanation provided.</p>
	X		X			

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 535/45: Sections 25, 30 and 35 do not apply to contracts less than \$25,000.	X		X			METROPOLITAN PIER AND EXPOSITION AUTHORITY: See 70 ILCS 210/25.1.
	X					REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.
	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION, ECONOMIC AND FISCAL COMMISSION: No such contracts.
	X		X			ENERGY AND NATURAL RESOURCES: No explanation provided.
		X				UNIVERSITY OF ILLINOIS: Small contracts threshold should be increased and applied to only the fee excluding reimbursable expenses.

[Handwritten signature]

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 535/50: Sections 25, 30, and 35 do not apply to procurement of services in emergency situations.	X		X			<p>METROPOLITAN PIER AND EXPOSITION AUTHORITY: See 70 ILCS 210/25.1.</p> <p>REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.</p> <p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION, ECONOMIC AND FISCAL COMMISSION: No such contracts.</p> <p>ENERGY AND NATURAL RESOURCES: No explanation provided.</p>

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 535/55: Agency shall evaluate firm's performance on contract completion. Firm shall have access to evaluation and may make response. Information on evaluation and response is exempt from disclosure under Freedom of Information Act.	X		X			METROPOLITAN PIER AND EXPOSITION AUTHORITY: See 70 ILCS 210/25.1. REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS. COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION, ECONOMIC AND FISCAL COMMISSION: No such contracts.
	X		X			ENERGY AND NATURAL RESOURCES: No explanation provided.

[Handwritten mark]

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
30 ILCS 535/60: Agency and firm shall sign certificate of compliance on provisions of Act.	X		X			METROPOLITAN PIER AND EXPOSITION AUTHORITY: See 70 ILCS 210/25.1.
	X					REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.
	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION, ECONOMIC AND FISCAL COMMISSION: No such contracts.
	X	X				ABANDONED MINED LANDS RECLAMATION COUNCIL: Such certifications of compliance represent an opinion rather than fact. If the parties have entered into a contract, they are obviously satisfied and their opinion of compliance will be favorable. No one in their right mind would certify that they did not comply with the law. This mandate represents more useles paper work.
	X		X			ENERGY AND NATURAL RESOURCES: No explanation provided.

10/22/02

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-table	AGENCY COMMENTS
30 ILCS 535/65: No person, corporation, or partnership licensed under the Acts cited shall violate Act.	X		X			<p>METROPOLITAN PIER AND EXPOSITION AUTHORITY: See 70 ILCS 210/25.1.</p> <p>REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.</p> <p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION, ECONOMIC AND FISCAL COMMISSION: No such contracts.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: Violation by the opposite party is difficult to determine.</p> <p>ENERGY AND NATURAL RESOURCES: No explanation provided.</p>
	X		X		X	

7/2/88

Architectural, Engineering, and Land Surveying Qualifications Based Selection Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 535/70: Any contract, except supplement or extension of existing contract, made after January 1, 1992 in violation of Act is void, and Comptroller and Treasurer shall not process payment on contracts violating Act.	X		X			<p>METROPOLITAN PIER AND EXPOSITION AUTHORITY: See 70 ILCS 210/25.1.</p> <p>REHABILITATION SERVICES: The Capital Development Board provides architectural, engineering, and land surveying to DORS.</p> <p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE RESEARCH UNIT, LEGISLATIVE AUDIT COMMISSION, ECONOMIC AND FISCAL COMMISSION: No such contracts.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: Penalizes A/E firm when State agency doesn't comply completely with each requirement. Places burden of compliance with each step on A/E with A/E penalty. -- Places burden on State agency -- appropriately. Suggest proof of compliance needed.</p> <p>ENERGY AND NATURAL RESOURCES: No explanation provided.</p>
	X	X				
	X		X			

428

State Prompt Payment Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden Some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 540/1: The State Prompt Payment Act applies to any State office or agency authorized to make payment from State appropriations.	X	X				SOUTHERN ILLINOIS UNIVERSITY: Tracking of agency payment dates are very time consuming for the agency considering the amount of monetary benefit received by the average vendor. ECONOMIC AND FISCAL COMMISSION: No explanation provided.
30 ILCS 540/3-2: Beginning July 1, 1993, when a State official or agency is late in payment of a vendor's bill or invoice, the official or agency shall pay interest to the vendor in accordance with listed criteria.	X	X		X		EASTERN ILLINOIS UNIVERSITY: Cases when release of payment by Comptroller's Office is delayed and agency has been prompt can create problems for the agency. SOUTHERN ILLINOIS UNIVERSITY: Penalty rules should be simplified. ECONOMIC AND FISCAL COMMISSION: No explanation provided.
	X					BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The processing of vouchers for payment, not to mention the drawing of warrants on the State Treasury, is a multi-step process which may not be completed within the time period specified in this requirement. In addition, the 30- or 60-day period is arbitrary and should not be interpreted as meaning that vendors are satisfied by the promptness of the State's payment practices.

7/2/93

State Prompt Payment Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cible	AGENCY COMMENTS
30 ILCS 540/5: The State voucher or invoice shall indicate that payment of interest may be available for failure to comply with this Act.	X	X				SOUTHERN ILLINOIS UNIVERSITY: Interest payment rules and formulas should be simplified.
						ECONOMIC AND FISCAL COMMISSION: No explanation provided.
		X				MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Informational.
		X				BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: Failure to pay according to the time schedule established results in the imposition of a penalty upon an agency which may have made a good faith effort to expeditiously handle the account payable.
30 ILCS 540/6: The State agency may not request a vendor to waive his rights to interest for late payment as a condition or inducement to enter into a contract for goods or services.	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.

Minority and Female Business Enterprise Act

STATUTORY REQUIREMENTS	No Adverse Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 575/3: This Act shall be applied to all State agencies and State universities. NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate.
	X	X			X	DEVELOPMENT FINANCE AUTHORITY: We have no contracts or services which are governed by the Act. We do not use appropriated funds.
		X				ABANDONED MINED LANDS RECLAMATION COUNCIL: Application to all State agencies without regard to programmatic and regional considerations sometimes results in unnecessary effort and repeated exemptions and waivers.
	X	X			X	WESTERN ILLINOIS UNIVERSITY: Puts undue burden on vendors to get certified. Undue burden on university to find vendor.
				X		LIQUOR CONTROL COMMISSION: Act will be repealed in 3 months.

10/10/88

Minority and Female Business Enterprise Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor ceable	AGENCY COMMENTS
<p>30 ILCS 575/4: 12% of the dollar amount of State contracts awarded, as defined and approved by the Minority and Female Business Enterprise Council, shall be the goal, provided that contracts representing at least 5/12ths of contracts awarded to female and minority-owned business enterprises shall be awarded to female-owned businesses and 1/6th to minority-owned businesses which are 51% managed by disabled persons.</p> <p>NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.</p>	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate.
	X	X			X	DEVELOPMENT FINANCE AUTHORITY: We have no contracts or services which are governed by the Act. We do not use appropriated funds.
		X				COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: No explanation provided.
		X			X	ABANDONED MINED LANDS RECLAMATION COUNCIL: Application of quotas to all State agencies without regard to programmatic and regional considerations sometimes results in unnecessary effort followed by repeated exemptions and waivers.
				X		LIQUOR CONTROL COMMISSION: Act will be repealed in 3 months.
	X	X				WESTERN ILLINOIS UNIVERSITY: Law could be made easier to meet goals.

R. J. ...

Minority and Female Business Enterprise Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 575/5: Director of each State agency and chief executive officer of each State university shall appoint a liaison to the Council on Minority and Female Business Enterprise who shall be responsible for submitting any reports and documents required under the Act.	X					EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate.
NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.	X	X			X	DEVELOPMENT FINANCE AUTHORITY: We have no contracts or services which are governed by the Act. We do not use appropriated funds.
	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Not a member.
	X	X				SOUTHERN ILLINOIS UNIVERSITY: The requirement for the establishment of goals, submittal of semi-annual and annual reports takes considerable time and effort, all of which must be accomplished without any additional resources. To properly comply with the MAFBE Act, we basically need one person devoted to securing the firm's certifications, entering that information into our database, submittal of that information to MAFBE, preparation of reports, promoting Minority and Female vendors to do business with us, assisting them when necessary and attending minority functions, etc. Allow requested exemptions and reporting requirements by line item rather than the current detail (minor level). Change the reporting requirement from semi-annual to annual.
		X				COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: No explanation provided.
				X		LIQUOR CONTROL COMMISSION: Act will be repealed

Minority and Female Business Enterprise Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>30 ILCS 575/6: Each agency/university under this Act shall file with the Council an annual compliance plan outlining the agencies' minority and female business contracting goals, manner of attaining, and timetable. In addition, agency/universities shall file with the Council utilizations and self-evaluation reports of its efforts to meet its goals under the Act.</p> <p>NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.</p>	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate.
	X	X			X	DEVELOPMENT FINANCE AUTHORITY: MAFBE.
	X	X				
		X				COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: No explanation provided.
				X		LIQUOR CONTROL COMMISSION: Act will be repealed in 3 months.
	X	X				WESTERN ILLINOIS UNIVERSITY: New compliance report takes burden off CMS and gives it to agency.
	X					GOVERNORS STATE UNIVERSITY: Eliminate compliance plans.

Minority and Female Business Enterprise Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden- some	Duplicate	Obsolete	Unenforced	AGENCY COMMENTS
<p>30 ILCS 575/6a: Each agency and university under Act shall notify Council of proposed contracts for professional/artistic services no later than the day on which potential contractors are notified. Notification may be made through written communication or published in newspaper. Does not apply to agencies/universities who have awarded over \$5,000,000 to minority and female businesses.</p> <p>NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.</p>	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate.
	X	X			X	DEVELOPMENT FINANCE AUTHORITY: MAFBE.
	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.
	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Notification.
	X	X				WESTERN ILLINOIS UNIVERSITY: Most of our professional and artistic contracts are for the performing arts. These performers are selected based on popularity or content of topic.
			X			COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE: No explanation provided.
				X		LIQUOR CONTROL COMMISSION: Act will be repealed in 3 months.

234

Minority and Female Business Enterprise Act

STATUTORY REQUIREMENTS	No. of Benefit	Burden some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
30 ILCS 575/6(d): Notwithstanding any provisions to the contrary in this Act, any State agency or university which administers a construction program, for which federal law has established standards, shall implement a disadvantaged business enterprise program. NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate.
	X	X			X	DEVELOPMENT FINANCE AUTHORITY: MAFBE.
	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: No construction projects.
30 ILCS 575/7: The Council may permit exceptions as set forth in this section. Provisions of the federal law applies in case of conflict. NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.	X					LEGISLATIVE RESEARCH UNIT: No projects.
	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.
	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate.
	X	X			X	DEVELOPMENT FINANCE AUTHORITY: MAFBE.
	X					ECONOMIC AND FISCAL COMMISSION: No explanation provided.
				X		LIQUOR CONTROL COMMISSION: Act will be repealed in 3 months.

20

Minority and Female Business Enterprise Act

STATUTORY REQUIREMENTS	No Adn Benefit	Burden Some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 575/8: Council shall make findings and recommendations to the Governor to enforce the Act. Council may recommend agency revise its plan.</p> <p>NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.</p>	X	X			X	<p>EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate.</p> <p>DEVELOPMENT FINANCE AUTHORITY: MAFBE.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>EDUCATIONAL LABOR RELATIONS BOARD: No explanation provided.</p> <p>GOVERNORS STATE UNIVERSITY: Eliminate compliance plans.</p> <p>LIQUOR CONTROL COMMISSION: Act will be repealed in 3 months.</p>
<p>30 ILCS 575/8b: Council shall conduct regular meetings and shall discuss racial, ethnic, or gender discrimination which impacts State contracts with minority or female owned businesses. Council shall establish sheltered markets to address adverse findings. Council shall report such findings in its annual report.</p> <p>NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.</p>	X	X		X	X	<p>DEVELOPMENT FINANCE AUTHORITY: MAFBE.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>WESTERN ILLINOIS UNIVERSITY: Allows council to increase goal arbitrarily.</p>
<p>30 ILCS 575/8c: Council shall approve recommended rules and regulations for establishment of narrowly tailored shelter markets under Section 8b prior to submission to DCMS who shall submit them to the Joint Committee on Administrative Rules. Rules shall include goals, waivers, and procedures for use of shelter markets.</p> <p>NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.</p>	X	X			X	<p>EASTERN ILLINOIS UNIVERSITY: Programmatic.</p> <p>DEVELOPMENT FINANCE AUTHORITY: MAFBE.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p>

Minority and Female Business Enterprise Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 575/8d: In case of action against a State employee alleging deprivation of a civil or constitutional right arising from enforcement of this Act, the Attorney General shall defend the action. State shall indemnify employee for any damages awarded and attorney's fees. NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.	X	X			X	DEVELOPMENT FINANCE AUTHORITY: MAFBE. ECONOMIC AND FISCAL COMMISSION: No explanation provided. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Indemnification of employees.
30 ILCS 575/8e: Proceeds of a contract awarded under this Act may be assigned to secure financing necessary to enable performance of the contract. NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic; unfunded mandate. DEVELOPMENT FINANCE AUTHORITY: MAFBE. ECONOMIC AND FISCAL COMMISSION: No explanation provided.
30 ILCS 575/9: This Act repeals September 6, 1994. NOTE: 30 ILCS 575 <u>et seq.</u> was amended by P.A. 88-597.	X	X		X	X	DEVELOPMENT FINANCE AUTHORITY: MAFBE. BUREAU OF THE BUDGET, GOVERNOR'S OFFICE, LT. GOVERNOR'S OFFICE: Have been repealed or amended. MATH AND SCIENCE ACADEMY: To be repealed as of 9/6/94. ECONOMIC AND FISCAL COMMISSION: No explanation provided. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Repealer of act. LIQUOR CONTROL COMMISSION: Act will be repealed in 3 months.

Approved by the
 Board of Legislative
 Administration
 on 10/15/94

Drug Free Workplace Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 580/2: All State officers, boards, and commissions, whether executive, legislative, or judicial, including universities, bodies politic, and corporate outgrowths of State government created pursuant to statute, shall be subject to this Act.	X		X			REHABILITATION SERVICES: This is duplicative of federal law. ECONOMIC AND FISCAL COMMISSION: No explanation provided.
	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Applicability of act.
	X	X	X			ABANDONED MINED LANDS RECLAMATION COUNCIL: The Drug Free Workplace Act (DFWA) represents imposition of an unreasonable burden on State agencies, grantees and contractors, to complete paperwork, postings, and certifications to the effect that all involved will not violate or condone violation of criminal law statutes concerning illegal drugs. In many instances the DFWA is duplicative of prohibitions in criminal statutes. No grantee or contractor would ever refuse to certify that it would not violate or condone violation of a criminal law. It is doubtful that any potential drug violator would be inclined to admit the violation in order to obtain a State contract. And it is doubtful that the potential of losing a State contract serves as any more of a deterrent to criminal conduct than do fines and incarceration. Where will the certification absurdity end? Shall we require contractors to certify that they will not beat their employees, will not supply stolen material, and will not murder their competitors?
		X				CENTRAL MANAGEMENT SERVICES: A vendor's plan which meets federal requirements should be accepted.

Drug Free Workplace Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 580/3: No contractor or grantee shall receive or be considered for any State services unless that grantee or contractor has certified to the required provisions of this Act.	X	X	X			<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The Drug Free Workplace Act (DFWA) represents imposition of an unreasonable burden on State agencies, grantees and contractors, to complete paperwork, postings, and certifications to the effect that all involved will not violate or condone violation of criminal law statutes concerning illegal drugs. In many instances the DFWA is duplicative of prohibitions in criminal statutes. No grantee or contractor would ever refuse to certify that it would not violate or condone violation of a criminal law. It is doubtful that any potential drug violator would be inclined to admit the violation in order to obtain a State contract. And it is doubtful that the potential of losing a State contract serves as any more of a deterrent to criminal conduct than do fines and incarceration. Where will the certification absurdity end? Shall we require contractors to certify that they will not beat their employees, will not supply stolen material, and will not murder their competitors?</p> <p>CENTRAL MANAGEMENT SERVICES: Giving copy to each employee is too burdensome.</p> <p>GOVERNORS STATE UNIVERSITY: Duplicates federal law.</p>

40
11/11/11
11/11/11

Drug Free Workplace Act

STATUTORY REQUIREMENTS	No Adh Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 580/4: The State shall not enter a contract with an individual for more than \$5,000 or make a grant for more than \$5,000 unless the contract includes a certification by the individual that he will comply with this Act while under contract.	X	X	X			<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The Drug Free Workplace Act (DFWA) represents imposition of an unreasonable burden on State agencies, grantees and contractors, to complete paperwork, postings, and certifications to the effect that all involved will not violate or condone violation of criminal law statutes concerning illegal drugs. In many instances the DFWA is duplicative of prohibitions in criminal statutes. No grantee or contractor would ever refuse to certify that it would not violate or condone violation of a criminal law. It is doubtful that any potential drug violator would be inclined to admit the violation in order to obtain a State contract. And it is doubtful that the potential of losing a State contract serves as any more of a deterrent to criminal conduct than do fines and incarceration. Where will the certification absurdity end? Shall we require contractors to certify that they will not beat their employees, will not supply stolen material, and will not murder their competitors?</p> <p>GOVERNORS STATE UNIVERSITY: Duplicates federal law.</p>

1997
6/22
6/22

Drug Free Workplace Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden Some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 580/6: Each contract or grant awarded by the State shall be subject to suspension of payments or termination, or both, for making a false certification, failure to carry out the requirements, not taking remedial action, or failure to make a good faith effort to provide a drug free workplace.	X				X	EASTERN ILLINOIS UNIVERSITY: Programmatic.
	X	X	X			ABANDONED MINED LANDS RECLAMATION COUNCIL: The Drug Free Workplace Act (DFWA) represents imposition of an unreasonable burden on State agencies, grantees and contractors, to complete paperwork, postings, and certifications to the effect that all involved will not violate or condone violation of criminal law statutes concerning illegal drugs. In many instances the DFWA is duplicative of prohibitions in criminal statutes. No grantee or contractor would ever refuse to certify that it would not violate or condone violation of a criminal law. It is doubtful that any potential drug violator would be inclined to admit the violation in order to obtain a State contract. And it is doubtful that the potential of losing a State contract serves as any more of a deterrent to criminal conduct than do fines and incarceration. Where will the certification absurdity end? Shall we require contractors to certify that they will not beat their employees, will not supply stolen material, and will not murder their competitors?
		X				

Drug Free Workplace Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 580/7 THRU 580/8: Proceedings to suspend, terminate, or debar a contractor or grantee shall be in accordance with Illinois Administrative Procedure Act, and upon final decision to debar shall make contractor or grantee ineligible for award of any contract or grant of the State for at least one year, but not more than five.	X	X	X			<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: The Drug Free Workplace Act (DFWA) represents imposition of an unreasonable burden on State agencies, grantees and contractors, to complete paperwork, postings, and certifications to the effect that all involved will not violate or condone violation of criminal law statutes concerning illegal drugs. In many instances the DFWA is duplicative of prohibitions in criminal statutes. No grantee or contractor would ever refuse to certify that it would not violate or condone violation of a criminal law. It is doubtful that any potential drug violator would be inclined to admit the violation in order to obtain a State contract. And it is doubtful that the potential of losing a State contract serves as any more of a deterrent to criminal conduct than do fines and incarceration. Where will the certification absurdity end? Shall we require contractors to certify that they will not beat their employees, will not supply stolen material, and will not murder their competitors?</p> <p>GOVERNORS STATE UNIVERSITY: Duplicates federal law.</p>

Drug Free Workplace Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 580/10: The State agency, at time of letting contract, or issuing grant, must notify the other entity with 25 or more employees, of the application of this Act and the necessity of compliance.	X					SOUTHERN ILLINOIS UNIVERSITY: Costs outweigh benefit.
	X	X	X			ABANDONED MINED LANDS RECLAMATION COUNCIL: The Drug Free Workplace Act (DFWA) represents imposition of an unreasonable burden on State agencies, grantees and contractors, to complete paperwork, postings, and certifications to the effect that all involved will not violate or condone violation of criminal law statutes concerning illegal drugs. In many instances the DFWA is duplicative of prohibitions in criminal statutes. No grantee or contractor would ever refuse to certify that it would not violate or condone violation of a criminal law. It is doubtful that any potential drug violator would be inclined to admit the violation in order to obtain a State contract. And it is doubtful that the potential of losing a State contract serves as any more of a deterrent to criminal conduct than do fines and incarceration. Where will the certification absurdity end? Shall we require contractors to certify that they will not beat their employees, will not supply stolen material, and will not murder their competitors?
		X		X		

Data Processing Confidentiality Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
30 ILCS 585/1 THRU 585/2: A State agency governed by confidentiality requirements, shall notify the receiver of such information in writing of those confidentiality requirements, including penalties for violation.						

[Handwritten mark]

State Agency Employees Child Care Services Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 590/3: Where a State agency enters into a contract to construct, acquire, or lease all or a substantial portion of a building, in which more than 50 persons shall be employed, other than a renewal of an existing lease, after July 1, 1990, and where a need for has been demonstrated according to Section 4 of this Act, on-site child care services shall be provided for State employees.	X	X				METROPOLITAN PIER AND EXPOSITION AUTHORITY: No explanation provided. SOUTHERN ILLINOIS UNIVERSITY: No funding provided to comply. ECONOMIC AND FISCAL COMMISSION: No explanation provided. ENERGY AND NATURAL RESOURCES: No funding available.
	X		X		X	CAPITAL DEVELOPMENT BOARD: This statute cannot be enforced by CDB. The process of including a child care center in a State building (owned or leased) begins with a feasibility study. The rules promulgated under the statute assign responsibility for the feasibility study to the agency that will occupy the proposed building. Initiation of a feasibility study is external to CDB. CDB does not have the power to force agencies to conduct studies. CDB, does, however, question agencies as to whether a study was conducted during the development of a capital budget request for applicable new construction and renovation projects.
						Duplicates part of the 1987 amendment to Section 10.02b of the Capital Development Board Act (PA 85-919, ch. 127, new par. 780.02b) which reads as follows: "To conduct, before awarding any contract for the construction or substantial renovation of any facility to be used by any State agency, a study concerning the child care needs of the State employees located, or to be located, at the facility, and the feasibility of providing child care services at the facility, in accordance with the State Agency Employees Child Care Services Act, approved September 20, 1985. Such study

State Agency Employees Child Care Services Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenforceable	AGENCY COMMENTS
<p>30 ILCS 590/3: Where a State agency enters into a contract to construct, acquire, or lease all or a substantial portion of a building, in which more than 50 persons shall be employed, other than a renewal of an existing lease, and where a need for has been demonstrated, according to Section 4 of this Act, on-site child care services shall be provided for State employees.</p>						<p>CAPITAL DEVELOPMENT BOARD (cont.): shall be conducted in conjunction with the Department of Central Management Services. A study shall be required only when the number of State employees who shall work in the completed facility is 150 or more."</p> <p>This amendment makes <u>CDB</u> as the contracting agency, responsible for conducting feasibility studies, whereas, the rules promulgated under the subject statute make the occupying agencies responsible for conducting feasibility studies. This amendment also requires a feasibility study only when the proposed facility will house <u>150</u> or more state employees. The subject statute requires a study when the proposed facility will house <u>50</u> or more State employees. NOTE: The State Employees Child Care Services Act <u>may</u> supersede the amendment to the CDB Act. If true, the "Duplication" issue could be a moot point.</p>

State Agency Employees Child Care Services Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor ceable	AGENCY COMMENTS
30 ILCS 590/4: Shall demonstrate a need for such services prior to receiving authorization from DCMS. Any authorized agency shall have the sole responsibility for choosing the successful bidder and overseeing the operation of its program within the guidelines of DCMS.	X	X				<p>METROPOLITAN PIER AND EXPOSITION AUTHORITY: No explanation provided.</p> <p>SOUTHERN ILLINOIS UNIVERSITY: No funding provided to comply.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>ENERGY AND NATURAL RESOURCES: No explanation provided.</p> <p>COMMUNITY COLLEGE BOARD: Has not been an issue.</p> <p>CAPITAL DEVELOPMENT BOARD: This statute cannot be enforced by CDB. The process of including a child care center in a State building (owned or leased) begins with a feasibility study. The rules promulgated under the statute assign responsibility for the feasibility study to the agency that will occupy the proposed building. Initiation of a feasibility study is external to CDB. CDB does not have the power to force agencies to conduct studies. CDB, does, however, question agencies as to whether a study was conducted during the development of a capital budget request for applicable new construction and renovation projects. (Comment continued on next page)</p>

State Agency Employees Child Care Services Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
<p>30 ILCS 590/4: Shall demonstrate a need for such services prior to receiving authorization from DCMS. Any authorized agency shall have the sole responsibility for choosing the successful bidder and overseeing the operation of its program within the guidelines of DCMS.</p>						<p>CAPITAL DEVELOPMENT BOARD (cont.): Duplicates part of the 1987 amendment to Section 10.02b of the Capital Development Board Act (PA 85-919, ch. 127, new par. 780.02b) which reads as follows: "To conduct, before awarding any contract for the construction or substantial renovation of any facility to be used by any State agency, a study concerning the child care needs of the State employees located, or to be located, at the facility, and the feasibility of providing child care services at the facility, in accordance with the State Agency Employees Child Care Services Act, approved September 20, 1985. Such study shall be conducted in conjunction with the Department of Central Management Services. A study shall be required only when the number of State employees who shall work in the completed facility is 150 or more."</p> <p>This amendment makes <u>CDB</u> as the contracting agency, responsible for conducting feasibility studies, whereas, the rules promulgated under the subject statute make the <u>occupying agencies</u> responsible for conducting feasibility studies. This amendment also requires a feasibility study only when the proposed facility will house <u>150</u> or more State employees. The subject statute requires a study when the proposed facility will house <u>50</u> or more State employees.</p> <p>NOTE: The State Employees Child Care Services Act <u>may</u> supersede the amendment to the CDB Act. If true, the "Duplication" issue could be a moot point.</p>
<p>30 ILCS 590/4: The State agency's contract shall provide for the establishment of a licensed day care agency or arrangements for its use, as defined in the Child Care Act of 1969. Agencies with similar needs may group together and contract for the provision of child care services.</p>	X					<p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p> <p>ENERGY AND NATURAL RESOURCES: No explanation provided.</p>

State Property Control Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 605/4: Every responsible officer in charge of property shall be accountable to the administrator of DCMS for the supervision, control, and inventory of all property under his jurisdiction, and with consent of administrator may deputize one or more subordinates to carry out some or all of the duties under this Act.	X					GOVERNORS STATE UNIVERSITY: Provide for agency management of property, surplus and otherwise, including the right to dispose (by methods established by rule) and to retain proceeds from such disposal. This will create the incentive to commit resources to this effort, and will eliminate the need for State surplus property management efforts.
30 ILCS 605/6.01: Each responsible officer in charge of property shall each month report to the administrator of DCMS on forms furnished to him regarding all changes, additions, or deletions affecting the master record. Shall include all fixtures detached from buildings and structures, thereby becoming personal property, for the preceding month.		X	X			REHABILITATION SERVICES: There are also federal requirements with which DORS must comply because property is purchased with federal funds. BUREAU OF THE BUDGET, GOVERNOR'S OFFICE, LT. GOVERNOR'S OFFICE: May be considered unnecessarily burdensome.
30 ILCS 605/6.02: Each responsible officer shall maintain a permanent record of all items of property under his control, except for tangible personal property exempted by administrator. Shall include all property required by Comptroller to be capitalized in statewide financial statements. Each list shall be submitted to administrator at least annually.	X					UNIVERSITY OF ILLINOIS: The statute language does not comprehend the existence of sophisticated property accounting systems at the University and therefore affords no opportunity to avoid the expensive duplication of records by CMS with attendant reporting and operating costs for both bodies. GOVERNORS STATE UNIVERSITY: Make accountability local.
30 ILCS 605/6.03: The record of each item of property shall contain such information as will provide for the proper identification thereof.	X	X				GOVERNORS STATE UNIVERSITY: Make accountability local. MATH AND SCIENCE ACADEMY: The cost of maintaining this record, in terms of the time, effort and expense, is prohibitive and not outweighed by the benefit.
	X					GOVERNORS STATE UNIVERSITY: Make accountability local.

State Property Control Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 605/6.04: Annually, or upon at least 30 days notice, responsible officer may be required by administrator to make an actual physical inventory of all items which shall be certified to the administrator with a full accounting of errors and exceptions thereon.	X					GOVERNORS STATE UNIVERSITY: Make accountability local.

State Property Control Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Uninter- fering	AGENCY COMMENTS
30 ILCS 605/7: When responsible officer considers it in best interest of the State he may trade transferrable property for credit on a like replacement, and shall report the trade-in and replacement to the administrator on forms furnished by the administrator.		X				<p>SOUTHERN ILLINOIS UNIVERSITY: Allow electronic transmittal of documents to Department of Central Management Services -Surplus Property wherein we request the disposal of deteriorated or trade-in property and require a response within 30 days or the agency can consider the request approved.</p> <p>UNIVERSITY OF ILLINOIS: Disposition of State-owned property. There needs to be a more positive motivation for agencies to dispose of equipment and benefit in the most direct ways. Universities should be granted full authority to dispose of equipment through scrapping, cannibalization, trade-in, transfer, or sale. For equipment acquired with State appropriations, all proceeds from disposal of equipment should be deposited in the University Income Fund.</p> <p>For equipment acquired with non-State appropriated funds, the proceeds from disposal of equipment should be deposited in the university's treasury. For equipment acquired with donated funds or donated equipment, the proceeds would be used in accordance with the donor's intent.</p> <p>WESTERN ILLINOIS UNIVERSITY: Agencies should have the right to sell and keep funds from surplus equipment.</p> <p>GOVERNORS STATE UNIVERSITY: Assign to responsible officer.</p> <p>MATH AND SCIENCE ACADEMY: The cost of maintaining this record, in terms of the time, effort and expense, is prohibitive and not outweighed by the benefit.</p>
	X					
	X					
	X					

State Property Control Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 605/7: Items of disposed or transferred property shall first be determined if recyclable and any sale shall be in accordance with the rules. Disposable property shall first be offered to municipalities, counties, school districts, and charitable or not-for-profit organizations.	X	X				MATH AND SCIENCE ACADEMY: The cost of maintaining this record, in terms of the time, effort and expense, is prohibitive and not outweighed by the benefit.
	X					WESTERN ILLINOIS UNIVERSITY: Agencies should have the right to sell and keep funds from surplus equipment.
	X					GOVERNORS STATE UNIVERSITY: Assign to responsible officer.
30 ILCS 605/7: Electronic data processing equipment may be sold pursuant to contracts of the agencies, but not less than cost or depreciated value. Other transferable property shall be subject to advertisement at least seven days prior to sale and if no acceptable bids are received then property may be sold in any manner most profitable to the State.	X	X				MATH AND SCIENCE ACADEMY: The cost of maintaining this record, in terms of the time, effort and expense, is prohibitive and not outweighed by the benefit.
	X					WESTERN ILLINOIS UNIVERSITY: Agencies should have the right to sell and keep funds from surplus equipment.
	X					GOVERNORS STATE UNIVERSITY: Assign to responsible officer.

State Property Control Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 605/7a: Before purchasing new furniture, agencies shall check with DCMS to see if surplus furniture can be used. If unable to use surplus property, agency shall file affidavit with DCMS prior to purchase stating types, quantities, cost per type, and total cost and shall state why it is being purchased new. Affidavit shall be available for public inspection.	X	X				UNIVERSITY OF ILLINOIS: Public Act 88-15 adds Section 7(a) to require the filing of specific affidavits of non-availability of appropriate surplus furniture in the CMS warehouse to support EACH purchase order for new furniture. This burdensome, bureaucratic requirement (effective 1 July 94) should be removed. NORTHEASTERN ILLINOIS UNIVERSITY: Waste of time and money. MATH AND SCIENCE ACADEMY: The cost of maintaining this record, in terms of the time, effort and expense, is prohibitive and not outweighed by the benefit. BOARD OF GOVERNORS: Our experience under this statute has been that the available surplus furniture is generally obsolete and in poor condition. Submission of an affidavit testifying to these facts is not a productive use of resources. WESTERN ILLINOIS UNIVERSITY: We are aware that this law has been amended to just affect furniture purchases over \$500. However, our concern is still the same. We have often checked with surplus property for furniture. Most of the furniture available at surplus property is not usable. We still feel that this is unnecessarily burdensome and has no real administrative benefit. STUDENT ASSISTANCE COMMISSION: PA88-515 - Administratively a very costly procedure. Surplus useable assets should basically exist only when agencies or programs close or downsize. The alternative to this process should be that the Administrator should periodically send a listing to all agencies. The agencies should not have to go through the additional transactions to check on and have approved each and every purchase.

State Property Control Act

STATUTORY REQUIREMENTS	No Adh Benefit	Burden some	Duplicate	Obsolete	Unenfor ceable	AGENCY COMMENTS
30 ILCS 605/7a: Before purchasing new furniture, agencies shall check with DCMS to see if surplus furniture can be used. If unable to use surplus property, agency shall file affidavit with DCMS prior to purchase stating types, quantities, cost per type, and total cost and shall state why it is being purchased new. Affidavit shall be available for public inspection.	X	X				GOVERNORS STATE UNIVERSITY: Eliminate requirement. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS AND ILLINOIS STATE UNIVERSITIES: The filing of affidavits, even if electronically transmitted, as required by this provision may be excessively time consuming for university staff and thereby increase administrative costs. In addition, property available from the State Warehouse is rarely suitable to meet the needs experienced on campus. At a minimum, the statute should be amended to exclude individual purchases of under \$10,000.
30 ILCS 605/7.1: All responsible officers shall submit an annual real property utilization report to the administrator, on his forms, by October 30 of each year. Surplus real property held by the State of Illinois shall be disposed of by the administrator.		X				UNIVERSITY OF ILLINOIS: Disposal of surplus real property. Universities should be granted authority, subject to governing board approval, to (1) dispose of real property originally acquired with non-State appropriated funds or through bequests, and (2) retain monies from the sale of such real property in the university's treasury.
30 ILCS 605/7.3: Responsible officers shall periodically report all transferrable property at locations under their jurisdiction to administrator. These items may be transferred to another agency, sent to a warehouse, or disposed of after review by the administrator. Responsible officers shall be advised of the review and may appeal the determination.	X					GOVERNORS STATE UNIVERSITY: Assign to agency. BOARD OF REGENTS, SANGAMON STATE, NORTHERN ILLINOIS, AND ILLINOIS STATE UNIVERSITIES: The reporting requirement does not meet a known public policy objective (e.g., accountability to public, efficiency in use of funds, etc.) or purpose. MATH AND SCIENCE ACADEMY: The cost of maintaining this record, in terms of the time, effort and expense, is prohibitive and not outweighed by the benefit.
	X					GOVERNORS STATE UNIVERSITY: Assign to agency.

State Property Control Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 605/8.1: All responsible officers shall contribute to the clearing-house for the exchange of laboratory equipment which is transferable within meaning of this Act.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Don't have a laboratory.
	X					GENERAL ASSEMBLY (SENATE): No such activity.
	X					GOVERNORS STATE UNIVERSITY: Nothing done.
30 ILCS 605/9 THRU 605/12: Any responsible officer, person, or employee of State government who violates any of the provisions, rules, regulations, directions, and orders in this Act shall be guilty of a Class B misdemeanor. The Administrative Procedure Act is adopted and incorporated, and shall apply to all rules and regulations of this Act.	X	X				MATH AND SCIENCE ACADEMY: The cost of maintaining this record, in terms of the time, effort and expense, is prohibitive and not outweighed by the benefit.

State Vehicle Identification Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 610/2: All vehicles not exempt from identification by Section 4 of this Act shall be identified by a special registration plate.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, LEGISLATIVE RESEARCH UNIT, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION, LEGISLATIVE PRINTING UNIT: Have no vehicles. GUARDIANSHIP AND ADVOCACY: Requirement to affix special license plates to State automobiles has no perceived benefit to agency. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Use of State license plates on State vehicles.
30 ILCS 610/3: Every agency, board, commission, branch, or department of the State, or controlled by officers of the State shall insure that such vehicles are properly identified by affixing the special registration plate and shall arrange for replacement of missing plates.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Have no vehicles. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Use of State License plates.

State Vehicle Identification Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor- -table	AGENCY COMMENTS
<p>30 ILCS 610/4: This Act shall not apply to vehicles used by elective State officers, by executive heads of State agencies, by presidents of colleges and universities, or any investigative employee when used exclusively for this purpose and an exception has been requested by the agency head. Shall not apply to State Police or law officers of Department of Conservation, or Secretary of State police officers.</p>	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Have no vehicles.</p>

[Handwritten mark]

State Vehicle Mileage Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 615/1: All new passenger automobiles, except station wagons, vans, 4-wheel drive, emergency vehicles, fire, and police vehicles, leased or purchased by any State department, institution, agency, or university, must be of a model which according to the latest EPA report can achieve the minimum average fuel economy in mpg imposed in manufacturing by 15 USC 2001 <u>et seq.</u>	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Have no vehicles. ENERGY AND NATURAL RESOURCES: Purchases exclusively through CMS.
30 ILCS 615/2: DCMS shall make exemptions to agencies and universities who can demonstrate a need for an automobile which does not meet the minimum gas mileage standard. Such agencies may request an exemption in writing, which DCMS may grant based on rules and regulations it is empowered to make for determining the need consistent with this legislation.	X			X		TEACHERS' RETIREMENT SYSTEM: Many exemptions reduce value of statute. COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: Have no vehicles. ENERGY AND NATURAL RESOURCES: No explanation provided.

Illinois Grant Funds Recovery Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 705/3 THRU 705/4: This Act does not empower any grantor agency to make grants. Grant funds may not be used except pursuant to written grant agreement, and any grant without grant agreement is void.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Do not make grants.
	X				X	GENERAL ASSEMBLY (SENATE): No such program. ENERGY AND NATURAL RESOURCES: Requires Attorney General to enforce to fullest.
30 ILCS 705/5: No grant funds shall be available for longer than two years except as reimbursement of costs already incurred. Funds not obligated or spent at end of grant agreement must be returned to grantor within 45 days.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Do not make grants.
	X					GENERAL ASSEMBLY (SENATE): No such program.
30 ILCS 705/6: Misspent or improperly held grant funds are subject to recovery by action of the grantor agency or the Attorney General, by offsets against existing or future grants, or by collection methods. Grantee may be removed from grantor agency programs or future programs for up to two years.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Do not make grants.
	X					GENERAL ASSEMBLY (SENATE): No such program.

Illinois Grant Funds Recovery Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
30 ILCS 705/7: Prior to taking formal recovery action, grantor agency shall provide the grantee an opportunity for a hearing when it believes that grant funds are subject to recovery.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Do not make grants.
30 ILCS 705/8: Sets forth procedures to follow when a grantor agency resolves to recover grant funds.	X					GENERAL ASSEMBLY (SENATE): No such program.
30 ILCS 705/10: Interest earned on grant funds shall become part of the grant unless the agreement provides otherwise.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Do not make grants.
	X					GENERAL ASSEMBLY (SENATE): No such program.

Illinois Grant Funds Recovery Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 705/11: Grantee shall keep proper, complete, and accurate accounting records of all funds the grantee administers.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Do not make grants.
30 ILCS 705/12: When an entity or person subgrants these funds to another for obligation for specific purposes, then those funds shall be treated as grant funds.	X					GENERAL ASSEMBLY (SENATE): No such program. COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM: Do not make grants. GENERAL ASSEMBLY (SENATE): No such program. CITIZENS ASSEMBLY: No explanation provided.

State Mandates Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor-cible	AGENCY COMMENTS
30 ILCS 805/3(b): When the General Assembly enacts legislation to comply with a federal mandate, the State shall be exempt from the requirements of reimbursing for the cost of the mandated program.	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM: Do not enact legislation, issue executive orders, or make IAPA rules.</p> <p>LEGISLATIVE RESEARCH UNIT: Don't do.</p> <p>ALCOHOLISM AND SUBSTANCE ABUSE: The State Mandates Act rarely applies to activity by DASA, yet DASA is always required to speak to the issue during rule-making.</p> <p>CITIZENS ASSEMBLY: Legislative agencies do not make IAPA rules or issue executive orders.</p> <p>JOINT COMMITTEE ON ADMINISTRATIVE RULES: Do not enact legislation or issue executive orders.</p> <p>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Defines State mandate.</p>
	X	X				
	X					
	X					
	X					

State Mandates Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
30 ILCS 805/5: Any executive order or administrative rule that creates or enlarges a mandate shall have prepared for it a statement of policy objectives that justifies its imposition. It shall be filed with the Secretary of State and the rule published in the Illinois Register as provided in the Administrative Procedures Act.	X					LEGISLATIVE PRINTING UNIT, GENERAL ASSEMBLY (HOUSE), ILLINOIS CITIZENS ASSEMBLY: Do not issue Executive Orders or make IAPA rules. LEGISLATIVE SPACE NEEDS COMMISSION, COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM: Legislative support services agencies do not enact legislation, issue executive orders or make IAPA rules.
	X					LEGISLATIVE RESEARCH UNIT: Don't do.
	X				X	ENERGY AND NATURAL RESOURCES: Legislation not within agency control.
30 ILCS 805/6: Any costs accruing to local government as a direct result of mandates dealing with the organization and structure of local government or due process mandates, are not reimbursable by the State.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM: Legislative support services agencies do not enact legislation, issue executive orders, or make IAPA rules.
	X					LEGISLATIVE RESEARCH UNIT: Don't do.
	X					CITIZENS ASSEMBLY: Legislative agencies do not make IAPA rules or issue executive orders.
	X				X	JOINT COMMITTEE ON ADMINISTRATIVE RULES: Do not enact legislation or issue executive orders. ENERGY AND NATURAL RESOURCES: Legislation not within agency control.

State Mandates Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 805/6(b): At least 50% but not more than 100% of the increase in costs of a local government directly attributable to a service mandate enacted by the General Assembly or established administratively shall be reimbursed by the State unless there is a program of State-aid in existence for the service affected.	X					<p>COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM: Legislative support services agencies do not enact legislation, issue executive orders, or make IAPA rules.</p> <p>LEGISLATIVE RESEARCH UNIT: Don't do.</p> <p>CITIZENS ASSEMBLY: Legislative agencies do not make IAPA rules or issue executive orders.</p> <p>JOINT COMMITTEE ON ADMINISTRATIVE RULES: Do not enact legislation or issue executive orders.</p> <p>ENERGY AND NATURAL RESOURCES: Legislation not within agency control.</p>
	X				X	
	X					
	X					

266

State Mandates Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
30 ILCS 805/8.1 THRU 805/8.20: Lists under Sections 1 thru 19 acts which are exempt from this Act. Notwithstanding the provisions of Section 6 and 8 of this Act, no reimbursement by the State shall be required for the implementation of any mandate created by this Amendatory Act of 1991.	X					LEGISLATIVE SPACE NEEDS COMMISSION, LEGISLATIVE PRINTING UNIT: The General Assembly does not issue Executive Orders or make IAPA rules.
	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM: Does not enact legislation, issue Executive Orders or make IAPA rules.
	X					LEGISLATIVE RESEARCH UNIT: Don't do.
	X					CITIZENS ASSEMBLY: Legislative agencies do not make IAPA rules or issue executive orders.
	X					JOINT COMMITTEE ON ADMINISTRATIVE RULES: Do not enact legislation or issue executive orders.
						X

Counties Code

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden-some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
55 ILCS 5/6-30002: State or federal funds authorized to be disbursed by the State in counties with less than 2 million population, shall be disbursed only to County Treasurer for his appropriate distribution.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, LEGISLATIVE SPACE NEEDS COMMISSION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY: Don't disburse to counties. LEGISLATIVE RESEARCH UNIT: Don't do. GENERAL ASSEMBLY (SENATE): No such activity.
	X					
	X					

[Handwritten scribble]

Illinois Clean Indoor Air Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
410 ILCS 80/4 THRU 80/6: No person shall smoke in a public place except in that portion which may be established and posted as a smoking area. Elected and appointed officials of the State may establish a smoking area where smoking may be permitted.						
410 ILCS 80/8 thru 80/9: The department or any person affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act. No individual may be discriminated against because of exercise of rights afforded by this Act.						

Illinois Solid Waste Management Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
415 ILCS 20/3(c): Each State agency shall review its procurement procedures relating to the purchase of products or supplies containing recycled materials.						
415 ILCS 20/3(h): Every State agency shall procure products when feasible which consist of recycled or reusable materials.						

Degradable Plastic Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
415 ILCS 80/5: DCMS and all other State agencies shall purchase products that are degradable or recyclable when purchasing plastic products, when such products are available at reasonable cost and in the appropriate quantity and quality.						

Illinois Natural Areas Preservation Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
525 ILCS 30/17: Policy of every agency to evaluate through consultation with Department of Conservation whether capital projects would result in destruction of natural areas. Evaluation shall be conducted during planning stage.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, GENERAL ASSEMBLY (HOUSE), LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No capital projects. GENERAL ASSEMBLY (SENATE): No such activity.

Criminal Code

STATUTORY REQUIREMENTS	No Adm Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
720 ILCS 5/33E-9: Any change orders in public contracts must be authorized in writing with the listed reasons placed in the contract's file.	X	X				<p>ABANDONED MINED LANDS RECLAMATION COUNCIL: This mandate requires public officials to make a written determination before authorizing certain change orders. This "determination" is in practice nothing more than a form recitation which is made as a matter of course by conscientious, honest public officials who would not authorize a change order unless it was in fact necessary and appropriate. In the case of a corrupt public official, the determination itself is but a matter of opinion and therefore of no consequence. The mandate only creates a trap for the ignorant or unwary. A simple oversight should not result in the conviction of a Class 4 felony. The potential for such oversights with drastic consequences creates an unnecessarily stressful job situation for public officials.</p> <p>ECONOMIC AND FISCAL COMMISSION: No explanation provided.</p>

Land Trust Beneficial Interest Disclosure Act

STATUTORY REQUIREMENTS	No Adm. Benefit	Burden some	Duplicate	Obsolete	Unenfor- ceable	AGENCY COMMENTS
765 ILCS 405/2: Application or supplement to a lease of property to a State agency identifying each beneficiary of the land trust shall be filed with the head of the State agency at least 30 days before the lease is executed.	X					COMMISSION ON INTERGOVERNMENTAL COOPERATION, JOINT COMMITTEE ON ADMINISTRATIVE RULES, LEGISLATIVE PRINTING UNIT, LEGISLATIVE REFERENCE BUREAU, LEGISLATIVE AUDIT COMMISSION, LEGISLATIVE RESEARCH UNIT, LEGISLATIVE INFORMATION SYSTEM, ILLINOIS CITIZENS ASSEMBLY, ECONOMIC AND FISCAL COMMISSION: No real estate leases.

Illinois Human Rights Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
775 ILCS 5/2-102(E): Public employers shall not refuse to allow employees to change work schedules to practice religious beliefs.	X					EASTERN ILLINOIS UNIVERSITY: Programmatic.
775 ILCS 5/2-105(B)(1) THRU 5/2-105(B)(2): Every State executive department, board, commission, and entity shall comply with Department of Human Rights' regulations and provide information and assistance requested by Department.						
775 ILCS 5/2-105(B)(3): All State entities shall establish, maintain, and carry out an affirmative action plan consistent with the Department of Human Rights' regulations. Plan shall include detailed status report.	X	X				EASTERN ILLINOIS UNIVERSITY: Programmatic. ABANDONED MINED LANDS RECLAMATION COUNCIL: Reporting requirements are excessive. COMMERCE COMMISSION: See note to 5 ILCS 410/15 thru 410/20.
775 ILCS 5/2-105(B)(3)(e): State agencies shall establish numerical hiring goal for qualified disabled persons, based on proportion of persons with work disabilities in Illinois labor force as reflected by most recent decennial census.						
775 ILCS 5/2-105(B)(4): If agency has 1,000 or more employees, it shall appoint full time EEO officer, subject to Department of Human Rights' approval.			X			
775 ILCS 5/2-105(B)(5): Every State executive department, State agency, board, commission, and instrumentality shall establish, maintain, and carry out a sexual harassment program.	X					MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES: Defines disability.
775 ILCS 5/7-105(a): All State entities shall, on all forms used to collect information for official purposes, include extra space on form for "hispanics" where information is requested on ethnicity.						

Discriminatory Club Act

STATUTORY REQUIREMENTS	No Adm Benefit	Burden- some	Duplicate	Obsolete	Unenfor- table	AGENCY COMMENTS
775 ILCS 25/2: No private organization which sells goods or services to the State pursuant to the Illinois Purchasing Act, or any organization which receives State awards or grants, or any public body may pay for or reimburse employees for dues or fees to any discriminatory club.					X	GOVERNORS STATE UNIVERSITY: Impossible to monitor.
775 ILCS 25/3: No meetings may be held at any discriminatory club unless the organization does not discriminate in making its facilities available for purposes of meeting.						
775 ILCS 25/4: No State employee or State official may obligate the State to any discriminatory club.						