



Rep. Gregory Harris

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10000SB3531ham001

LRB100 18248 JWD 41178 a

1 AMENDMENT TO SENATE BILL 3531

2 AMENDMENT NO. _____. Amend Senate Bill 3531 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the
6 FY2019 Budget Implementation Act.

7 Section 1-5. Purpose. It is the purpose of this Act to make
8 changes in State programs that are necessary to implement the
9 State budget.

10 ARTICLE 5. AMENDATORY PROVISIONS

11 Section 5-5. The Election Code is amended by adding Section
12 1A-55 as follows:

1 (10 ILCS 5/1A-55 new)

2 Sec. 1A-55. Cyber security efforts. The State Board of
3 Elections shall provide by rule, after at least 2 public
4 hearings of the Board and in consultation with the election
5 authorities, a Cyber Navigator Program to support the efforts
6 of election authorities to defend against cyber breaches and
7 detect and recover from cyber attacks. The rules shall include
8 the Board's plan to allocate any resources received in
9 accordance with the Help America Vote Act and provide that no
10 less than half of any such funds received shall be allocated to
11 the Cyber Navigator Program. The Cyber Navigator Program should
12 be designed to provide equal support to all election
13 authorities, with allowable modifications based on need. The
14 remaining half of the Help America Vote Act funds shall be
15 distributed as the State Board of Elections may determine, but
16 no grants may be made to election authorities that do not
17 participate in the Cyber Navigator Program.

18 Section 5-10. The Balanced Budget Note Act is amended by
19 changing Section 5 as follows:

20 (25 ILCS 80/5) (from Ch. 63, par. 42.93-5)

21 Sec. 5. Supplemental Appropriation Bill Defined. For
22 purposes of this Act, "supplemental appropriation bill" means
23 any appropriation bill that is (a) introduced or amended
24 (including any changes to legislation by means of the

1 submission of a conference committee report) on or after July 1
2 of a fiscal year and (b) proposes (as introduced or as amended
3 as the case may be) to authorize, increase, decrease, or
4 reallocate any general funds appropriation for that same fiscal
5 year. The general funds consist of the General Revenue Fund,
6 the Common School Fund, the General Revenue Common School
7 Special Account Fund, ~~and~~ the Education Assistance Fund, the
8 Fund for the Advancement of Education, the Commitment to Human
9 Services Fund, and the Budget Stabilization Fund.

10 (Source: P.A. 87-688.)

11 Section 5-15. The State Finance Act is amended by changing
12 Sections 5.857 and 6z-100 as follows:

13 (30 ILCS 105/5.857)

14 (Section scheduled to be repealed on July 1, 2018)

15 Sec. 5.857. The Capital Development Board Revolving Fund.
16 This Section is repealed July 1, 2019 ~~2018~~.

17 (Source: P.A. 99-78, eff. 7-20-15; 99-523, eff. 6-30-16;
18 100-23, eff. 7-6-17.)

19 (30 ILCS 105/6z-100)

20 (Section scheduled to be repealed on July 1, 2018)

21 Sec. 6z-100. Capital Development Board Revolving Fund;
22 payments into and use. All monies received by the Capital
23 Development Board for publications or copies issued by the

1 Board, and all monies received for contract administration
2 fees, charges, or reimbursements owing to the Board shall be
3 deposited into a special fund known as the Capital Development
4 Board Revolving Fund, which is hereby created in the State
5 treasury. The monies in this Fund shall be used by the Capital
6 Development Board, as appropriated, for expenditures for
7 personal services, retirement, social security, contractual
8 services, legal services, travel, commodities, printing,
9 equipment, electronic data processing, or telecommunications.
10 Unexpended moneys in the Fund shall not be transferred or
11 allocated by the Comptroller or Treasurer to any other fund,
12 nor shall the Governor authorize the transfer or allocation of
13 those moneys to any other fund. This Section is repealed July
14 1, 2019 ~~2018~~.

15 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

16 Section 5-20. The State Finance Act is amended by changing
17 Sections 6z-27, 8g-1, and 13.2 as follows:

18 (30 ILCS 105/6z-27)

19 Sec. 6z-27. All moneys in the Audit Expense Fund shall be
20 transferred, appropriated and used only for the purposes
21 authorized by, and subject to the limitations and conditions
22 prescribed by, the State Auditing Act.

23 Within 30 days after the effective date of this amendatory
24 Act of the 100th General Assembly, the State Comptroller shall

order transferred and the State Treasurer shall transfer from the following funds moneys in the specified amounts for deposit into the Audit Expense Fund:

<u>Agricultural Premium Fund</u>	<u>18,792</u>
<u>Anna Veterans Home Fund</u>	<u>8,050</u>
<u>Appraisal Administration Fund</u>	<u>4,373</u>
<u>Attorney General Court Ordered and Voluntary Compliance</u>	
<u>Payment Projects Fund</u>	<u>14,421</u>
<u>Attorney General Whistleblower Reward and</u>	
<u>Protection Fund</u>	<u>9,220</u>
<u>Bank and Trust Company Fund</u>	<u>93,160</u>
<u>Budget Stabilization Fund</u>	<u>131,491</u>
<u>Care Provider Fund for Persons with a</u>	
<u>Developmental Disability</u>	<u>6,003</u>
<u>CDLIS/AAMVAnet/NMVTIS Trust Fund</u>	<u>2,495</u>
<u>Cemetery Oversight Licensing and Disciplinary Fund</u>	<u>5,583</u>
<u>Chicago State University Education Improvement Fund</u>	<u>4,233</u>
<u>Child Support Administrative Fund</u>	<u>2,299</u>
<u>Commitment to Human Services Fund</u>	<u>122,475</u>
<u>Common School Fund</u>	<u>433,663</u>
<u>Community Association Manager Licensing and</u>	
<u>Disciplinary Fund</u>	<u>877</u>
<u>Community Mental Health Medicaid Trust Fund</u>	<u>9,897</u>
<u>Credit Union Fund</u>	<u>22,441</u>
<u>Cycle Rider Safety Training Fund</u>	<u>1,084</u>
<u>DCFS Children's Services Fund</u>	<u>241,473</u>

1	<u>Department of Business Services Special</u>	
2	<u>Operations Fund</u>	<u>5,493</u>
3	<u>Department of Corrections Reimbursement</u>	
4	<u>and Education Fund</u>	<u>18,389</u>
5	<u>Department of Human Services Community Services Fund</u>	<u>5,399</u>
6	<u>Design Professionals Administration and</u>	
7	<u>Investigation Fund</u>	<u>5,378</u>
8	<u>The Downstate Public Transportation Fund</u>	<u>32,074</u>
9	<u>Downstate Transit Improvement Fund</u>	<u>1,251</u>
10	<u>Dram Shop Fund</u>	<u>514</u>
11	<u>Driver Services Administration Fund</u>	<u>897</u>
12	<u>Drivers Education Fund</u>	<u>1,417</u>
13	<u>Drug Rebate Fund</u>	<u>21,941</u>
14	<u>Drug Treatment Fund</u>	<u>527</u>
15	<u>The Education Assistance Fund</u>	<u>1,230,281</u>
16	<u>Electronic Health Record Incentive Fund</u>	<u>657</u>
17	<u>Energy Efficiency Portfolio Standards Fund</u>	<u>126,046</u>
18	<u>Facilities Management Revolving Fund</u>	<u>15,360</u>
19	<u>Fair and Exposition Fund</u>	<u>911</u>
20	<u>Federal High Speed Rail Trust Fund</u>	<u>59,579</u>
21	<u>Federal Workforce Training Fund</u>	<u>152,617</u>
22	<u>Feed Control Fund</u>	<u>1,584</u>
23	<u>Fertilizer Control Fund</u>	<u>1,369</u>
24	<u>The Fire Prevention Fund</u>	<u>3,183</u>
25	<u>Fund for the Advancement of Education</u>	<u>130,528</u>
26	<u>General Professions Dedicated Fund</u>	<u>19,678</u>

1	<u>The General Revenue Fund</u>	<u>17,653,153</u>
2	<u>Grade Crossing Protection Fund</u>	<u>2,379</u>
3	<u>Health and Human Services Medicaid Trust Fund</u>	<u>3,852</u>
4	<u>Healthcare Provider Relief Fund</u>	<u>71,263</u>
5	<u>Horse Racing Fund</u>	<u>215,160</u>
6	<u>Hospital Provider Fund</u>	<u>44,230</u>
7	<u>Illinois Affordable Housing Trust Fund</u>	<u>5,478</u>
8	<u>Illinois Capital Revolving Loan Fund</u>	<u>1,067</u>
9	<u>Illinois Charity Bureau Fund</u>	<u>2,236</u>
10	<u>Illinois Gaming Law Enforcement Fund</u>	<u>1,395</u>
11	<u>Illinois State Dental Disciplinary Fund</u>	<u>5,128</u>
12	<u>Illinois State Fair Fund</u>	<u>7,297</u>
13	<u>Illinois State Medical Disciplinary Fund</u>	<u>21,473</u>
14	<u>Illinois State Pharmacy Disciplinary Fund</u>	<u>8,839</u>
15	<u>Illinois Veterans Assistance Fund</u>	<u>3,863</u>
16	<u>Illinois Veterans' Rehabilitation Fund</u>	<u>634</u>
17	<u>Illinois Workers' Compensation Commission</u>	
18	<u> Operations Fund</u>	<u>4,758</u>
19	<u>IMSA Income Fund</u>	<u>6,823</u>
20	<u>Income Tax Refund Fund</u>	<u>176,034</u>
21	<u>Insurance Financial Regulation Fund</u>	<u>110,878</u>
22	<u>Insurance Premium Tax Refund Fund</u>	<u>16,534</u>
23	<u>Insurance Producer Administration Fund</u>	<u>107,833</u>
24	<u>Intermodal Facilities Promotion Fund</u>	<u>1,011</u>
25	<u>International Tourism Fund</u>	<u>6,566</u>
26	<u>LaSalle Veterans Home Fund</u>	<u>36,259</u>

1	<u>LEADS Maintenance Fund</u>	<u>1,050</u>
2	<u>Live and Learn Fund</u>	<u>10,805</u>
3	<u>Lobbyist Registration Administration Fund</u>	<u>521</u>
4	<u>The Local Government Distributive Fund</u>	<u>113,119</u>
5	<u>Local Tourism Fund</u>	<u>19,098</u>
6	<u>Long-Term Care Provider Fund</u>	<u>6,761</u>
7	<u>Manteno Veterans Home Fund</u>	<u>68,288</u>
8	<u>Medical Interagency Program Fund</u>	<u>602</u>
9	<u>Mental Health Fund</u>	<u>3,358</u>
10	<u>Money Laundering Asset Recovery Fund</u>	<u>1,115</u>
11	<u>Monitoring Device Driving Permit</u>	
12	<u>Administration Fee Fund</u>	<u>797</u>
13	<u>Motor Carrier Safety Inspection Fund</u>	<u>1,289</u>
14	<u>The Motor Fuel Tax Fund</u>	<u>101,821</u>
15	<u>Motor Vehicle License Plate Fund</u>	<u>5,094</u>
16	<u>Nursing Dedicated and Professional Fund</u>	<u>10,673</u>
17	<u>Optometric Licensing and Disciplinary Board Fund</u>	<u>1,608</u>
18	<u>Partners for Conservation Fund</u>	<u>8,973</u>
19	<u>The Personal Property Tax Replacement Fund</u>	<u>119,343</u>
20	<u>Pesticide Control Fund</u>	<u>5,826</u>
21	<u>Professional Services Fund</u>	<u>1,569</u>
22	<u>Professions Indirect Cost Fund</u>	<u>176,535</u>
23	<u>Public Pension Regulation Fund</u>	<u>9,236</u>
24	<u>The Public Transportation Fund</u>	<u>91,397</u>
25	<u>Quincy Veterans Home Fund</u>	<u>64,594</u>
26	<u>Real Estate License Administration Fund</u>	<u>34,822</u>

1	<u>Regional Transportation Authority Occupation and</u>	
2	<u>Use Tax Replacement Fund</u>	<u>3,486</u>
3	<u>Registered Certified Public Accountants' Administration</u>	
4	<u>and Disciplinary Fund</u>	<u>3,423</u>
5	<u>Rental Housing Support Program Fund</u>	<u>2,388</u>
6	<u>Residential Finance Regulatory Fund</u>	<u>17,742</u>
7	<u>The Road Fund</u>	<u>662,332</u>
8	<u>Roadside Memorial Fund</u>	<u>1,170</u>
9	<u>Savings Bank Regulatory Fund</u>	<u>2,270</u>
10	<u>School Infrastructure Fund</u>	<u>14,441</u>
11	<u>Secretary of State DUI Administration Fund</u>	<u>1,107</u>
12	<u>Secretary of State Identification Security and Theft</u>	
13	<u>Prevention Fund</u>	<u>6,154</u>
14	<u>Secretary of State Special License Plate Fund</u>	<u>2,210</u>
15	<u>Secretary of State Special Services Fund</u>	<u>10,306</u>
16	<u>Securities Audit and Enforcement Fund</u>	<u>3,972</u>
17	<u>Special Education Medicaid Matching Fund</u>	<u>2,346</u>
18	<u>State and Local Sales Tax Reform Fund</u>	<u>6,592</u>
19	<u>State Asset Forfeiture Fund</u>	<u>1,239</u>
20	<u>State Construction Account Fund</u>	<u>106,236</u>
21	<u>State Crime Laboratory Fund</u>	<u>4,020</u>
22	<u>State Gaming Fund</u>	<u>200,367</u>
23	<u>The State Garage Revolving Fund</u>	<u>5,521</u>
24	<u>The State Lottery Fund</u>	<u>215,561</u>
25	<u>State Offender DNA Identification System Fund</u>	<u>1,270</u>
26	<u>State Pensions Fund</u>	<u>500,000</u>

1	<u>State Police DUI Fund</u>	<u>1,050</u>
2	<u>State Police Firearm Services Fund</u>	<u>4,116</u>
3	<u>State Police Services Fund</u>	<u>11,485</u>
4	<u>State Police Vehicle Fund</u>	<u>6,004</u>
5	<u>State Police Whistleblower Reward</u>	
6	<u>and Protection Fund</u>	<u>3,519</u>
7	<u>Supplemental Low-Income Energy Assistance Fund</u>	<u>74,279</u>
8	<u>Tax Compliance and Administration Fund</u>	<u>1,479</u>
9	<u>Technology Management Revolving Fund</u>	<u>204,090</u>
10	<u>Tobacco Settlement Recovery Fund</u>	<u>1,855</u>
11	<u>Tourism Promotion Fund</u>	<u>40,541</u>
12	<u>University of Illinois Hospital Services Fund</u>	<u>1,924</u>
13	<u>The Vehicle Inspection Fund</u>	<u>1,469</u>
14	<u>Violent Crime Victims Assistance Fund</u>	<u>13,911</u>
15	<u>Weights and Measures Fund</u>	<u>5,660</u>
16	<u>The Working Capital Revolving Fund</u>	<u>18,184</u>
17	Agricultural Premium Fund	182,124
18	Assisted Living and Shared Housing Regulatory Fund.....	1,631
19	Capital Development Board Revolving Fund	8,023
20	Care Provider Fund for Persons with a	
21	Developmental Disability	17,737
22	Carolyn Adams Ticket for the Cure Grant Fund.....	1,080
23	CDLIS/AAMVA.net/NMVTIS Trust Fund	2,234
24	Chicago State University Education Improvement Fund	5,437
25	Child Support Administrative Fund	5,110
26	Common School Fund	312,638

1	Communications Revolving Fund	40,492
2	Community Mental Health Medicaid Trust Fund	30,952
3	Death Certificate Surcharge Fund	2,243
4	Death Penalty Abolition Fund	8,367
5	Department of Business Services Special Operations Fund	11,982
6	Department of Human Services Community Services Fund....	4,340
7	Downstate Public Transportation Fund	6,600
8	Driver Services Administration Fund	2,644
9	Drivers Education Fund	517
10	Drug Rebate Fund	17,541
11	Drug Treatment Fund	2,133
12	Drunk & Drugged Driving Prevention Fund	874
13	Education Assistance Fund	894,514
14	Electronic Health Record Incentive Fund	1,155
15	Emergency Public Health Fund	9,025
16	EMS Assistance Fund	3,705
17	Estate Tax Refund Fund	2,088
18	Facilities Management Revolving Fund	92,392
19	Facility Licensing Fund	3,189
20	Fair & Exposition Fund	13,059
21	Federal High Speed Rail Trust Fund	9,168
22	Feed Control Fund	14,955
23	Fertilizer Control Fund	9,404
24	Fire Prevention Fund	4,146
25	Food and Drug Safety Fund	1,101
26	Fund for the Advancement of Education	12,463

1	General Revenue Fund	17,653,153
2	Grade Crossing Protection Fund	965
3	Hazardous Waste Research Fund	543
4	Health Facility Plan Review Fund	3,704
5	Health and Human Services Medicaid Trust Fund	16,996
6	Healthcare Provider Relief Fund	147,619
7	Home Care Services Agency Licensure Fund	3,285
8	Hospital Provider Fund	76,973
9	ICJIA Violence Prevention Fund	8,062
10	Illinois Affordable Housing Trust Fund	6,878
11	Illinois Department of Agriculture Laboratory	
12	Services Revolving Fund	7,887
13	Illinois Health Facilities Planning Fund	4,816
14	IMSA Income Fund	6,876
15	Illinois School Asbestos Abatement Fund	2,058
16	Illinois Standardbred Breeders Fund	1,381
17	Illinois State Fair Fund	94,229
18	Illinois Thoroughbred Breeders Fund	3,974
19	Illinois Veterans' Rehabilitation Fund	1,308
20	Illinois Workers Compensation	
21	Commission Operations Fund	183,518
22	Income Tax Refund Fund	36,095
23	Lead Poisoning Screening, Prevention,	
24	and Abatement Fund	3,311
25	Live and Learn Fund	22,956
26	Livestock Management Facilities Fund	683

1	Lobbyist Registration Administration Fund	1,057
2	Local Government Distributive Fund	26,025
3	Long Term Care	
4	 Monitor/Receiver Fund	63,014
5	Long Term Care Provider Fund	15,082
6	Mandatory Arbitration Fund	2,484
7	Medical Interagency Program Fund	1,343
8	Mental Health Fund	9,176
9	Metabolic Screening and Treatment Fund	41,241
10	Monitoring Device Driving Permit	
11	 Administration Fee Fund	1,403
12	Motor Fuel Tax Fund	23,607
13	Motor Vehicle License Plate Fund	15,200
14	Motor Vehicle Theft	
15	 Prevention Trust Fund	4,803
16	Multiple Sclerosis Research Fund	5,380
17	Nursing Dedicated and Professional Fund	1,613
18	Partners for Conservation Fund	8,620
19	Personal Property Tax Replacement Fund	23,828
20	Pesticide Control Fund	83,517
21	Pet Population Control Fund	526
22	Plumbing Licensure and Program Fund	5,148
23	Professional Services Fund	6,487
24	Public Health Laboratory	
25	 Services Revolving Fund	11,242
26	Public Transportation Fund	16,112

1	Road Fund	746,799
2	Regional Transportation Authority Occupation	
3	and Use Tax Replacement Fund	563
4	School Infrastructure Fund	17,532
5	Secretary of State DUI Administration Fund	2,336
6	Secretary of State Identification Security	
7	and Theft Prevention Fund	11,609
8	Secretary of State Special License Plate Fund	4,561
9	Secretary of State Special Services Fund	24,693
10	Securities Audit and Enforcement Fund	9,137
11	Special Education Medicaid Matching Fund	5,019
12	State and Local Sales Tax Reform Fund	1,380
13	State Construction Account Fund	27,323
14	State Gaming Fund	79,018
15	State Garage Revolving Fund	15,516
16	State Lottery Fund	348,448
17	State Pensions Fund	500,000
18	State Surplus Property Revolving Fund	2,025
19	State Treasurer's Bank Services Trust Fund	551
20	Statistical Services Revolving Fund	63,131
21	Supreme Court Historic Preservation Fund	33,226
22	Tattoo and Body Piercing	
23	Establishment Registration Fund	812
24	Tobacco Settlement Recovery Fund	23,084
25	Trauma Center Fund	12,572
26	University of Illinois Hospital Services Fund	4,260

1 ~~Vehicle Inspection Fund~~ ~~3,266~~

2 ~~Weights and Measures Fund~~ ~~72,488~~

3 Notwithstanding any provision of the law to the contrary,
4 the General Assembly hereby authorizes the use of such funds
5 for the purposes set forth in this Section.

6 These provisions do not apply to funds classified by the
7 Comptroller as federal trust funds or State trust funds. The
8 Audit Expense Fund may receive transfers from those trust funds
9 only as directed herein, except where prohibited by the terms
10 of the trust fund agreement. The Auditor General shall notify
11 the trustees of those funds of the estimated cost of the audit
12 to be incurred under the Illinois State Auditing Act for the
13 fund. The trustees of those funds shall direct the State
14 Comptroller and Treasurer to transfer the estimated amount to
15 the Audit Expense Fund.

16 The Auditor General may bill entities that are not subject
17 to the above transfer provisions, including private entities,
18 related organizations and entities whose funds are
19 locally-held, for the cost of audits, studies, and
20 investigations incurred on their behalf. Any revenues received
21 under this provision shall be deposited into the Audit Expense
22 Fund.

23 In the event that moneys on deposit in any fund are
24 unavailable, by reason of deficiency or any other reason
25 preventing their lawful transfer, the State Comptroller shall
26 order transferred and the State Treasurer shall transfer the

1 amount deficient or otherwise unavailable from the General
2 Revenue Fund for deposit into the Audit Expense Fund.

3 On or before December 1, 1992, and each December 1
4 thereafter, the Auditor General shall notify the Governor's
5 Office of Management and Budget (formerly Bureau of the Budget)
6 of the amount estimated to be necessary to pay for audits,
7 studies, and investigations in accordance with the Illinois
8 State Auditing Act during the next succeeding fiscal year for
9 each State fund for which a transfer or reimbursement is
10 anticipated.

11 Beginning with fiscal year 1994 and during each fiscal year
12 thereafter, the Auditor General may direct the State
13 Comptroller and Treasurer to transfer moneys from funds
14 authorized by the General Assembly for that fund. In the event
15 funds, including federal and State trust funds but excluding
16 the General Revenue Fund, are transferred, during fiscal year
17 1994 and during each fiscal year thereafter, in excess of the
18 amount to pay actual costs attributable to audits, studies, and
19 investigations as permitted or required by the Illinois State
20 Auditing Act or specific action of the General Assembly, the
21 Auditor General shall, on September 30, or as soon thereafter
22 as is practicable, direct the State Comptroller and Treasurer
23 to transfer the excess amount back to the fund from which it
24 was originally transferred.

25 (Source: P.A. 99-38, eff. 7-14-15; 99-523, eff. 6-30-16;
26 100-23, eff. 7-6-17.)

1 (30 ILCS 105/8g-1)

2 Sec. 8g-1. Fund transfers.

3 (a) (Blank). ~~In addition to any other transfers that may be~~
4 ~~provided for by law, on and after July 1, 2012 and until May 1,~~
5 ~~2013, at the direction of and upon notification from the~~
6 ~~Governor, the State Comptroller shall direct and the State~~
7 ~~Treasurer shall transfer amounts not exceeding a total of~~
8 ~~\$80,000,000 from the General Revenue Fund to the Tobacco~~
9 ~~Settlement Recovery Fund. Any amounts so transferred shall be~~
10 ~~retransferred by the State Comptroller and the State Treasurer~~
11 ~~from the Tobacco Settlement Recovery Fund to the General~~
12 ~~Revenue Fund at the direction of and upon notification from the~~
13 ~~Governor, but in any event on or before June 30, 2013.~~

14 (b) (Blank). ~~In addition to any other transfers that may be~~
15 ~~provided for by law, on and after July 1, 2013 and until May 1,~~
16 ~~2014, at the direction of and upon notification from the~~
17 ~~Governor, the State Comptroller shall direct and the State~~
18 ~~Treasurer shall transfer amounts not exceeding a total of~~
19 ~~\$80,000,000 from the General Revenue Fund to the Tobacco~~
20 ~~Settlement Recovery Fund. Any amounts so transferred shall be~~
21 ~~retransferred by the State Comptroller and the State Treasurer~~
22 ~~from the Tobacco Settlement Recovery Fund to the General~~
23 ~~Revenue Fund at the direction of and upon notification from the~~
24 ~~Governor, but in any event on or before June 30, 2014.~~

25 (c) (Blank). ~~In addition to any other transfers that may be~~

1 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~
2 ~~practical, the State Comptroller shall direct and the State~~
3 ~~Treasurer shall transfer the sum of \$1,400,000 from the General~~
4 ~~Revenue Fund to the ICJIA Violence Prevention Fund.~~

5 (d) (Blank). ~~In addition to any other transfers that may be~~
6 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~
7 ~~practical, the State Comptroller shall direct and the State~~
8 ~~Treasurer shall transfer the sum of \$1,500,000 from the General~~
9 ~~Revenue Fund to the Illinois Veterans Assistance Fund.~~

10 (e) (Blank). ~~In addition to any other transfers that may be~~
11 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~
12 ~~practical, the State Comptroller shall direct and the State~~
13 ~~Treasurer shall transfer the sum of \$500,000 from the General~~
14 ~~Revenue Fund to the Senior Citizens Real Estate Deferred Tax~~
15 ~~Revolving Fund.~~

16 (f) (Blank). ~~In addition to any other transfers that may be~~
17 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~
18 ~~practical, the State Comptroller shall direct and the State~~
19 ~~Treasurer shall transfer the sum of \$4,000,000 from the General~~
20 ~~Revenue Fund to the Digital Divide Elimination Fund.~~

21 (g) (Blank). ~~In addition to any other transfers that may be~~
22 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~
23 ~~practical, the State Comptroller shall direct and the State~~
24 ~~Treasurer shall transfer the sum of \$5,000,000 from the General~~
25 ~~Revenue Fund to the Communications Revolving Fund.~~

26 (h) (Blank). ~~In addition to any other transfers that may be~~

1 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~
2 ~~practical, the State Comptroller shall direct and the State~~
3 ~~Treasurer shall transfer the sum of \$9,800,000 from the General~~
4 ~~Revenue Fund to the Presidential Library and Museum Operating~~
5 ~~Fund.~~

6 (i) (Blank). ~~In addition to any other transfers that may be~~
7 ~~provided for by law, on and after July 1, 2014 and until May 1,~~
8 ~~2015, at the direction of and upon notification from the~~
9 ~~Governor, the State Comptroller shall direct and the State~~
10 ~~Treasurer shall transfer amounts not exceeding a total of~~
11 ~~\$80,000,000 from the General Revenue Fund to the Tobacco~~
12 ~~Settlement Recovery Fund. Any amounts so transferred shall be~~
13 ~~retransferred by the State Comptroller and the State Treasurer~~
14 ~~from the Tobacco Settlement Recovery Fund to the General~~
15 ~~Revenue Fund at the direction of and upon notification from the~~
16 ~~Governor, but in any event on or before June 30, 2015.~~

17 (j) (Blank). ~~In addition to any other transfers that may be~~
18 ~~provided for by law, on July 1, 2014, or as soon thereafter as~~
19 ~~practical, the State Comptroller shall direct and the State~~
20 ~~Treasurer shall transfer the sum of \$10,000,000 from the~~
21 ~~General Revenue Fund to the Presidential Library and Museum~~
22 ~~Operating Fund.~~

23 (k) In addition to any other transfers that may be provided
24 for by law, on July 1, 2017, or as soon thereafter as
25 practical, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$500,000 from the General

1 Revenue Fund to the Grant Accountability and Transparency Fund.

2 (l) In addition to any other transfers that may be provided
3 for by law, on July 1, 2018, or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$800,000 from the General
6 Revenue Fund to the Grant Accountability and Transparency Fund.

7 (m) In addition to any other transfers that may be provided
8 for by law, on July 1, 2018, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$650,000 from the Capital
11 Development Board Contributory Trust Fund to the Facility
12 Management Revolving Fund.

13 (n) In addition to any other transfers that may be provided
14 for by law, on July 1, 2018, or as soon thereafter as
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$2,750,000 from the Capital
17 Development Board Contributory Trust Fund to the U.S.
18 Environmental Protection Fund.

19 (Source: P.A. 100-23, eff. 7-6-17.)

20 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

21 Sec. 13.2. Transfers among line item appropriations.

22 (a) Transfers among line item appropriations from the same
23 treasury fund for the objects specified in this Section may be
24 made in the manner provided in this Section when the balance
25 remaining in one or more such line item appropriations is

1 insufficient for the purpose for which the appropriation was
2 made.

3 (a-1) No transfers may be made from one agency to another
4 agency, nor may transfers be made from one institution of
5 higher education to another institution of higher education
6 except as provided by subsection (a-4).

7 (a-2) Except as otherwise provided in this Section,
8 transfers may be made only among the objects of expenditure
9 enumerated in this Section, except that no funds may be
10 transferred from any appropriation for personal services, from
11 any appropriation for State contributions to the State
12 Employees' Retirement System, from any separate appropriation
13 for employee retirement contributions paid by the employer, nor
14 from any appropriation for State contribution for employee
15 group insurance. During State fiscal year 2005, an agency may
16 transfer amounts among its appropriations within the same
17 treasury fund for personal services, employee retirement
18 contributions paid by employer, and State Contributions to
19 retirement systems; notwithstanding and in addition to the
20 transfers authorized in subsection (c) of this Section, the
21 fiscal year 2005 transfers authorized in this sentence may be
22 made in an amount not to exceed 2% of the aggregate amount
23 appropriated to an agency within the same treasury fund. During
24 State fiscal year 2007, the Departments of Children and Family
25 Services, Corrections, Human Services, and Juvenile Justice
26 may transfer amounts among their respective appropriations

1 within the same treasury fund for personal services, employee
2 retirement contributions paid by employer, and State
3 contributions to retirement systems. During State fiscal year
4 2010, the Department of Transportation may transfer amounts
5 among their respective appropriations within the same treasury
6 fund for personal services, employee retirement contributions
7 paid by employer, and State contributions to retirement
8 systems. During State fiscal years 2010 and 2014 only, an
9 agency may transfer amounts among its respective
10 appropriations within the same treasury fund for personal
11 services, employee retirement contributions paid by employer,
12 and State contributions to retirement systems.
13 Notwithstanding, and in addition to, the transfers authorized
14 in subsection (c) of this Section, these transfers may be made
15 in an amount not to exceed 2% of the aggregate amount
16 appropriated to an agency within the same treasury fund.

17 (a-2.5) During State fiscal year 2015 only, the State's
18 Attorneys Appellate Prosecutor may transfer amounts among its
19 respective appropriations contained in operational line items
20 within the same treasury fund. Notwithstanding, and in addition
21 to, the transfers authorized in subsection (c) of this Section,
22 these transfers may be made in an amount not to exceed 4% of
23 the aggregate amount appropriated to the State's Attorneys
24 Appellate Prosecutor within the same treasury fund.

25 (a-3) Further, if an agency receives a separate
26 appropriation for employee retirement contributions paid by

1 the employer, any transfer by that agency into an appropriation
2 for personal services must be accompanied by a corresponding
3 transfer into the appropriation for employee retirement
4 contributions paid by the employer, in an amount sufficient to
5 meet the employer share of the employee contributions required
6 to be remitted to the retirement system.

7 (a-4) Long-Term Care Rebalancing. The Governor may
8 designate amounts set aside for institutional services
9 appropriated from the General Revenue Fund or any other State
10 fund that receives monies for long-term care services to be
11 transferred to all State agencies responsible for the
12 administration of community-based long-term care programs,
13 including, but not limited to, community-based long-term care
14 programs administered by the Department of Healthcare and
15 Family Services, the Department of Human Services, and the
16 Department on Aging, provided that the Director of Healthcare
17 and Family Services first certifies that the amounts being
18 transferred are necessary for the purpose of assisting persons
19 in or at risk of being in institutional care to transition to
20 community-based settings, including the financial data needed
21 to prove the need for the transfer of funds. The total amounts
22 transferred shall not exceed 4% in total of the amounts
23 appropriated from the General Revenue Fund or any other State
24 fund that receives monies for long-term care services for each
25 fiscal year. A notice of the fund transfer must be made to the
26 General Assembly and posted at a minimum on the Department of

1 Healthcare and Family Services website, the Governor's Office
2 of Management and Budget website, and any other website the
3 Governor sees fit. These postings shall serve as notice to the
4 General Assembly of the amounts to be transferred. Notice shall
5 be given at least 30 days prior to transfer.

6 (b) In addition to the general transfer authority provided
7 under subsection (c), the following agencies have the specific
8 transfer authority granted in this subsection:

9 The Department of Healthcare and Family Services is
10 authorized to make transfers representing savings attributable
11 to not increasing grants due to the births of additional
12 children from line items for payments of cash grants to line
13 items for payments for employment and social services for the
14 purposes outlined in subsection (f) of Section 4-2 of the
15 Illinois Public Aid Code.

16 The Department of Children and Family Services is
17 authorized to make transfers not exceeding 2% of the aggregate
18 amount appropriated to it within the same treasury fund for the
19 following line items among these same line items: Foster Home
20 and Specialized Foster Care and Prevention, Institutions and
21 Group Homes and Prevention, and Purchase of Adoption and
22 Guardianship Services.

23 The Department on Aging is authorized to make transfers not
24 exceeding 2% of the aggregate amount appropriated to it within
25 the same treasury fund for the following Community Care Program
26 line items among these same line items: purchase of services

1 covered by the Community Care Program and Comprehensive Case
2 Coordination.

3 The State Treasurer is authorized to make transfers among
4 line item appropriations from the Capital Litigation Trust
5 Fund, with respect to costs incurred in fiscal years 2002 and
6 2003 only, when the balance remaining in one or more such line
7 item appropriations is insufficient for the purpose for which
8 the appropriation was made, provided that no such transfer may
9 be made unless the amount transferred is no longer required for
10 the purpose for which that appropriation was made.

11 The State Board of Education is authorized to make
12 transfers from line item appropriations within the same
13 treasury fund for General State Aid, General State Aid - Hold
14 Harmless, and Evidence-Based Funding, provided that no such
15 transfer may be made unless the amount transferred is no longer
16 required for the purpose for which that appropriation was made,
17 to the line item appropriation for Transitional Assistance when
18 the balance remaining in such line item appropriation is
19 insufficient for the purpose for which the appropriation was
20 made.

21 The State Board of Education is authorized to make
22 transfers between the following line item appropriations
23 within the same treasury fund: Disabled Student
24 Services/Materials (Section 14-13.01 of the School Code),
25 Disabled Student Transportation Reimbursement (Section
26 14-13.01 of the School Code), Disabled Student Tuition -

1 Private Tuition (Section 14-7.02 of the School Code),
2 Extraordinary Special Education (Section 14-7.02b of the
3 School Code), Reimbursement for Free Lunch/Breakfast Program,
4 Summer School Payments (Section 18-4.3 of the School Code), and
5 Transportation - Regular/Vocational Reimbursement (Section
6 29-5 of the School Code). Such transfers shall be made only
7 when the balance remaining in one or more such line item
8 appropriations is insufficient for the purpose for which the
9 appropriation was made and provided that no such transfer may
10 be made unless the amount transferred is no longer required for
11 the purpose for which that appropriation was made.

12 The Department of Healthcare and Family Services is
13 authorized to make transfers not exceeding 4% of the aggregate
14 amount appropriated to it, within the same treasury fund, among
15 the various line items appropriated for Medical Assistance.

16 (c) The sum of such transfers for an agency in a fiscal
17 year shall not exceed 2% of the aggregate amount appropriated
18 to it within the same treasury fund for the following objects:
19 Personal Services; Extra Help; Student and Inmate
20 Compensation; State Contributions to Retirement Systems; State
21 Contributions to Social Security; State Contribution for
22 Employee Group Insurance; Contractual Services; Travel;
23 Commodities; Printing; Equipment; Electronic Data Processing;
24 Operation of Automotive Equipment; Telecommunications
25 Services; Travel and Allowance for Committed, Paroled and
26 Discharged Prisoners; Library Books; Federal Matching Grants

1 for Student Loans; Refunds; Workers' Compensation,
2 Occupational Disease, and Tort Claims; and, in appropriations
3 to institutions of higher education, Awards and Grants.
4 Notwithstanding the above, any amounts appropriated for
5 payment of workers' compensation claims to an agency to which
6 the authority to evaluate, administer and pay such claims has
7 been delegated by the Department of Central Management Services
8 may be transferred to any other expenditure object where such
9 amounts exceed the amount necessary for the payment of such
10 claims.

11 (c-1) Special provisions for State fiscal year 2003.
12 Notwithstanding any other provision of this Section to the
13 contrary, for State fiscal year 2003 only, transfers among line
14 item appropriations to an agency from the same treasury fund
15 may be made provided that the sum of such transfers for an
16 agency in State fiscal year 2003 shall not exceed 3% of the
17 aggregate amount appropriated to that State agency for State
18 fiscal year 2003 for the following objects: personal services,
19 except that no transfer may be approved which reduces the
20 aggregate appropriations for personal services within an
21 agency; extra help; student and inmate compensation; State
22 contributions to retirement systems; State contributions to
23 social security; State contributions for employee group
24 insurance; contractual services; travel; commodities;
25 printing; equipment; electronic data processing; operation of
26 automotive equipment; telecommunications services; travel and

1 allowance for committed, paroled, and discharged prisoners;
2 library books; federal matching grants for student loans;
3 refunds; workers' compensation, occupational disease, and tort
4 claims; and, in appropriations to institutions of higher
5 education, awards and grants.

6 (c-2) Special provisions for State fiscal year 2005.
7 Notwithstanding subsections (a), (a-2), and (c), for State
8 fiscal year 2005 only, transfers may be made among any line
9 item appropriations from the same or any other treasury fund
10 for any objects or purposes, without limitation, when the
11 balance remaining in one or more such line item appropriations
12 is insufficient for the purpose for which the appropriation was
13 made, provided that the sum of those transfers by a State
14 agency shall not exceed 4% of the aggregate amount appropriated
15 to that State agency for fiscal year 2005.

16 (c-3) Special provisions for State fiscal year 2015.
17 Notwithstanding any other provision of this Section, for State
18 fiscal year 2015, transfers among line item appropriations to a
19 State agency from the same State treasury fund may be made for
20 operational or lump sum expenses only, provided that the sum of
21 such transfers for a State agency in State fiscal year 2015
22 shall not exceed 4% of the aggregate amount appropriated to
23 that State agency for operational or lump sum expenses for
24 State fiscal year 2015. For the purpose of this subsection,
25 "operational or lump sum expenses" includes the following
26 objects: personal services; extra help; student and inmate

1 compensation; State contributions to retirement systems; State
2 contributions to social security; State contributions for
3 employee group insurance; contractual services; travel;
4 commodities; printing; equipment; electronic data processing;
5 operation of automotive equipment; telecommunications
6 services; travel and allowance for committed, paroled, and
7 discharged prisoners; library books; federal matching grants
8 for student loans; refunds; workers' compensation,
9 occupational disease, and tort claims; lump sum and other
10 purposes; and lump sum operations. For the purpose of this
11 subsection (c-3), "State agency" does not include the Attorney
12 General, the Secretary of State, the Comptroller, the
13 Treasurer, or the legislative or judicial branches.

14 (c-4) Special provisions for State fiscal year 2018.
15 Notwithstanding any other provision of this Section, for State
16 fiscal year 2018, transfers among line item appropriations to a
17 State agency from the same State treasury fund may be made for
18 operational or lump sum expenses only, provided that the sum of
19 such transfers for a State agency in State fiscal year 2018
20 shall not exceed 4% of the aggregate amount appropriated to
21 that State agency for operational or lump sum expenses for
22 State fiscal year 2018. For the purpose of this subsection
23 (c-4), "operational or lump sum expenses" includes the
24 following objects: personal services; extra help; student and
25 inmate compensation; State contributions to retirement
26 systems; State contributions to social security; State

1 contributions for employee group insurance; contractual
2 services; travel; commodities; printing; equipment; electronic
3 data processing; operation of automotive equipment;
4 telecommunications services; travel and allowance for
5 committed, paroled, and discharged prisoners; library books;
6 federal matching grants for student loans; refunds; workers'
7 compensation, occupational disease, and tort claims; lump sum
8 and other purposes; and lump sum operations. For the purpose of
9 this subsection (c-4), "State agency" does not include the
10 Attorney General, the Secretary of State, the Comptroller, the
11 Treasurer, or the legislative or judicial branches.

12 (c-5) Special provisions for State fiscal year 2019.
13 Notwithstanding any other provision of this Section, for State
14 fiscal year 2019, transfers among line item appropriations to a
15 State agency from the same State treasury fund may be made for
16 operational or lump sum expenses only, provided that the sum of
17 such transfers for a State agency in State fiscal year 2019
18 shall not exceed 4% of the aggregate amount appropriated to
19 that State agency for operational or lump sum expenses for
20 State fiscal year 2019. For the purpose of this subsection
21 (c-5), "operational or lump sum expenses" includes the
22 following objects: personal services; extra help; student and
23 inmate compensation; State contributions to retirement
24 systems; State contributions to social security; State
25 contributions for employee group insurance; contractual
26 services; travel; commodities; printing; equipment; electronic

1 data processing; operation of automotive equipment;
2 telecommunications services; travel and allowance for
3 committed, paroled, and discharged prisoners; library books;
4 federal matching grants for student loans; refunds; workers'
5 compensation, occupational disease, and tort claims; lump sum
6 and other purposes; and lump sum operations. For the purpose of
7 this subsection (c-5), "State agency" does not include the
8 Attorney General, the Secretary of State, the Comptroller, the
9 Treasurer, or the legislative or judicial branches.

10 (d) Transfers among appropriations made to agencies of the
11 Legislative and Judicial departments and to the
12 constitutionally elected officers in the Executive branch
13 require the approval of the officer authorized in Section 10 of
14 this Act to approve and certify vouchers. Transfers among
15 appropriations made to the University of Illinois, Southern
16 Illinois University, Chicago State University, Eastern
17 Illinois University, Governors State University, Illinois
18 State University, Northeastern Illinois University, Northern
19 Illinois University, Western Illinois University, the Illinois
20 Mathematics and Science Academy and the Board of Higher
21 Education require the approval of the Board of Higher Education
22 and the Governor. Transfers among appropriations to all other
23 agencies require the approval of the Governor.

24 The officer responsible for approval shall certify that the
25 transfer is necessary to carry out the programs and purposes
26 for which the appropriations were made by the General Assembly

1 and shall transmit to the State Comptroller a certified copy of
2 the approval which shall set forth the specific amounts
3 transferred so that the Comptroller may change his records
4 accordingly. The Comptroller shall furnish the Governor with
5 information copies of all transfers approved for agencies of
6 the Legislative and Judicial departments and transfers
7 approved by the constitutionally elected officials of the
8 Executive branch other than the Governor, showing the amounts
9 transferred and indicating the dates such changes were entered
10 on the Comptroller's records.

11 (e) The State Board of Education, in consultation with the
12 State Comptroller, may transfer line item appropriations for
13 General State Aid or Evidence-Based Funding between the Common
14 School Fund and the Education Assistance Fund. With the advice
15 and consent of the Governor's Office of Management and Budget,
16 the State Board of Education, in consultation with the State
17 Comptroller, may transfer line item appropriations between the
18 General Revenue Fund and the Education Assistance Fund for the
19 following programs:

20 (1) Disabled Student Personnel Reimbursement (Section
21 14-13.01 of the School Code);

22 (2) Disabled Student Transportation Reimbursement
23 (subsection (b) of Section 14-13.01 of the School Code);

24 (3) Disabled Student Tuition - Private Tuition
25 (Section 14-7.02 of the School Code);

26 (4) Extraordinary Special Education (Section 14-7.02b

1 of the School Code);

2 (5) Reimbursement for Free Lunch/Breakfast Programs;

3 (6) Summer School Payments (Section 18-4.3 of the
4 School Code);

5 (7) Transportation - Regular/Vocational Reimbursement
6 (Section 29-5 of the School Code);

7 (8) Regular Education Reimbursement (Section 18-3 of
8 the School Code); and

9 (9) Special Education Reimbursement (Section 14-7.03
10 of the School Code).

11 (Source: P.A. 99-2, eff. 3-26-15; 100-23, eff. 7-6-17; 100-465,
12 eff. 8-31-17; revised 10-4-17.)

13 Section 5-25. The State Revenue Sharing Act is amended by
14 changing Section 12 and by adding Section 11.2 as follows:

15 (30 ILCS 115/11.2 new)

16 Sec. 11.2. Funding of certain school districts; fiscal year
17 2019.

18 (a) On July 1, 2018, or as soon as practical thereafter,
19 the State Board of Education shall identify to the Department
20 of Revenue school districts having Personal Property Tax
21 Replacement Fund receipts totaling 13% or more of their total
22 revenues in fiscal year 2017.

23 (b) In fiscal year 2019, any school district identified
24 under subsection (a) shall receive, in addition to its annual

1 distributions from the Personal Property Tax Replacement Fund,
2 16% of the total amount distributed to the school district from
3 the Personal Property Tax Replacement Fund during fiscal year
4 2017, provided that the total amount of additional
5 distributions under this Section shall not exceed \$4,300,000.

6 If the total additional distributions exceed \$4,300,000,
7 such distributions shall be calculated on a pro rata basis,
8 based on the percentage of each district's total fiscal year
9 2017 revenues to the total fiscal year 2017 revenues of all
10 districts qualifying for an additional distribution under this
11 Section.

12 (30 ILCS 115/12) (from Ch. 85, par. 616)

13 Sec. 12. Personal Property Tax Replacement Fund. There is
14 hereby created the Personal Property Tax Replacement Fund, a
15 special fund in the State Treasury into which shall be paid all
16 revenue realized:

17 (a) all amounts realized from the additional personal
18 property tax replacement income tax imposed by subsections (c)
19 and (d) of Section 201 of the Illinois Income Tax Act, except
20 for those amounts deposited into the Income Tax Refund Fund
21 pursuant to subsection (c) of Section 901 of the Illinois
22 Income Tax Act; and

23 (b) all amounts realized from the additional personal
24 property replacement invested capital taxes imposed by Section
25 2a.1 of the Messages Tax Act, Section 2a.1 of the Gas Revenue

1 Tax Act, Section 2a.1 of the Public Utilities Revenue Act, and
2 Section 3 of the Water Company Invested Capital Tax Act, and
3 amounts payable to the Department of Revenue under the
4 Telecommunications Infrastructure Maintenance Fee Act.

5 As soon as may be after the end of each month, the
6 Department of Revenue shall certify to the Treasurer and the
7 Comptroller the amount of all refunds paid out of the General
8 Revenue Fund through the preceding month on account of
9 overpayment of liability on taxes paid into the Personal
10 Property Tax Replacement Fund. Upon receipt of such
11 certification, the Treasurer and the Comptroller shall
12 transfer the amount so certified from the Personal Property Tax
13 Replacement Fund into the General Revenue Fund.

14 The payments of revenue into the Personal Property Tax
15 Replacement Fund shall be used exclusively for distribution to
16 taxing districts, regional offices and officials, and local
17 officials as provided in this Section and in the School Code,
18 payment of the ordinary and contingent expenses of the Property
19 Tax Appeal Board, payment of the expenses of the Department of
20 Revenue incurred in administering the collection and
21 distribution of monies paid into the Personal Property Tax
22 Replacement Fund and transfers due to refunds to taxpayers for
23 overpayment of liability for taxes paid into the Personal
24 Property Tax Replacement Fund.

25 In addition, moneys in the Personal Property Tax
26 Replacement Fund may be used to pay any of the following: (i)

1 salary, stipends, and additional compensation as provided by
2 law for chief election clerks, county clerks, and county
3 recorders; (ii) costs associated with regional offices of
4 education and educational service centers; (iii)
5 reimbursements payable by the State Board of Elections under
6 Section 4-25, 5-35, 6-71, 13-10, 13-10a, or 13-11 of the
7 Election Code; (iv) expenses of the Illinois Educational Labor
8 Relations Board; and (v) salary, personal services, and
9 additional compensation as provided by law for court reporters
10 under the Court Reporters Act.

11 As soon as may be after the effective date of this
12 amendatory Act of 1980, the Department of Revenue shall certify
13 to the Treasurer the amount of net replacement revenue paid
14 into the General Revenue Fund prior to that effective date from
15 the additional tax imposed by Section 2a.1 of the Messages Tax
16 Act; Section 2a.1 of the Gas Revenue Tax Act; Section 2a.1 of
17 the Public Utilities Revenue Act; Section 3 of the Water
18 Company Invested Capital Tax Act; amounts collected by the
19 Department of Revenue under the Telecommunications
20 Infrastructure Maintenance Fee Act; and the additional
21 personal property tax replacement income tax imposed by the
22 Illinois Income Tax Act, as amended by Public Act 81-1st
23 Special Session-1. Net replacement revenue shall be defined as
24 the total amount paid into and remaining in the General Revenue
25 Fund as a result of those Acts minus the amount outstanding and
26 obligated from the General Revenue Fund in state vouchers or

1 warrants prior to the effective date of this amendatory Act of
2 1980 as refunds to taxpayers for overpayment of liability under
3 those Acts.

4 All interest earned by monies accumulated in the Personal
5 Property Tax Replacement Fund shall be deposited in such Fund.
6 All amounts allocated pursuant to this Section are appropriated
7 on a continuing basis.

8 Prior to December 31, 1980, as soon as may be after the end
9 of each quarter beginning with the quarter ending December 31,
10 1979, and on and after December 31, 1980, as soon as may be
11 after January 1, March 1, April 1, May 1, July 1, August 1,
12 October 1 and December 1 of each year, the Department of
13 Revenue shall allocate to each taxing district as defined in
14 Section 1-150 of the Property Tax Code, in accordance with the
15 provisions of paragraph (2) of this Section the portion of the
16 funds held in the Personal Property Tax Replacement Fund which
17 is required to be distributed, as provided in paragraph (1),
18 for each quarter. Provided, however, under no circumstances
19 shall any taxing district during each of the first two years of
20 distribution of the taxes imposed by this amendatory Act of
21 1979 be entitled to an annual allocation which is less than the
22 funds such taxing district collected from the 1978 personal
23 property tax. Provided further that under no circumstances
24 shall any taxing district during the third year of distribution
25 of the taxes imposed by this amendatory Act of 1979 receive
26 less than 60% of the funds such taxing district collected from

1 the 1978 personal property tax. In the event that the total of
2 the allocations made as above provided for all taxing
3 districts, during either of such 3 years, exceeds the amount
4 available for distribution the allocation of each taxing
5 district shall be proportionately reduced. Except as provided
6 in Section 13 of this Act, the Department shall then certify,
7 pursuant to appropriation, such allocations to the State
8 Comptroller who shall pay over to the several taxing districts
9 the respective amounts allocated to them.

10 Any township which receives an allocation based in whole or
11 in part upon personal property taxes which it levied pursuant
12 to Section 6-507 or 6-512 of the Illinois Highway Code and
13 which was previously required to be paid over to a municipality
14 shall immediately pay over to that municipality a proportionate
15 share of the personal property replacement funds which such
16 township receives.

17 Any municipality or township, other than a municipality
18 with a population in excess of 500,000, which receives an
19 allocation based in whole or in part on personal property taxes
20 which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the
21 Illinois Local Library Act and which was previously required to
22 be paid over to a public library shall immediately pay over to
23 that library a proportionate share of the personal property tax
24 replacement funds which such municipality or township
25 receives; provided that if such a public library has converted
26 to a library organized under The Illinois Public Library

1 District Act, regardless of whether such conversion has
2 occurred on, after or before January 1, 1988, such
3 proportionate share shall be immediately paid over to the
4 library district which maintains and operates the library.
5 However, any library that has converted prior to January 1,
6 1988, and which hitherto has not received the personal property
7 tax replacement funds, shall receive such funds commencing on
8 January 1, 1988.

9 Any township which receives an allocation based in whole or
10 in part on personal property taxes which it levied pursuant to
11 Section 1c of the Public Graveyards Act and which taxes were
12 previously required to be paid over to or used for such public
13 cemetery or cemeteries shall immediately pay over to or use for
14 such public cemetery or cemeteries a proportionate share of the
15 personal property tax replacement funds which the township
16 receives.

17 Any taxing district which receives an allocation based in
18 whole or in part upon personal property taxes which it levied
19 for another governmental body or school district in Cook County
20 in 1976 or for another governmental body or school district in
21 the remainder of the State in 1977 shall immediately pay over
22 to that governmental body or school district the amount of
23 personal property replacement funds which such governmental
24 body or school district would receive directly under the
25 provisions of paragraph (2) of this Section, had it levied its
26 own taxes.

1 (1) The portion of the Personal Property Tax
2 Replacement Fund required to be distributed as of the time
3 allocation is required to be made shall be the amount
4 available in such Fund as of the time allocation is
5 required to be made.

6 The amount available for distribution shall be the
7 total amount in the fund at such time minus the necessary
8 administrative and other authorized expenses as limited by
9 the appropriation and the amount determined by: (a) \$2.8
10 million for fiscal year 1981; (b) for fiscal year 1982,
11 .54% of the funds distributed from the fund during the
12 preceding fiscal year; (c) for fiscal year 1983 through
13 fiscal year 1988, .54% of the funds distributed from the
14 fund during the preceding fiscal year less .02% of such
15 fund for fiscal year 1983 and less .02% of such funds for
16 each fiscal year thereafter; (d) for fiscal year 1989
17 through fiscal year 2011 no more than 105% of the actual
18 administrative expenses of the prior fiscal year; (e) for
19 fiscal year 2012 and beyond, a sufficient amount to pay (i)
20 stipends, additional compensation, salary reimbursements,
21 and other amounts directed to be paid out of this Fund for
22 local officials as authorized or required by statute and
23 (ii) no more than 105% of the actual administrative
24 expenses of the prior fiscal year, including payment of the
25 ordinary and contingent expenses of the Property Tax Appeal
26 Board and payment of the expenses of the Department of

1 Revenue incurred in administering the collection and
2 distribution of moneys paid into the Fund; (f) for fiscal
3 years 2012 and 2013 only, a sufficient amount to pay
4 stipends, additional compensation, salary reimbursements,
5 and other amounts directed to be paid out of this Fund for
6 regional offices and officials as authorized or required by
7 statute; or (g) for fiscal years ~~year~~ 2018 and 2019 only, a
8 sufficient amount to pay amounts directed to be paid out of
9 this Fund for public community college base operating
10 grants and local health protection grants to certified
11 local health departments as authorized or required by
12 appropriation or statute. Such portion of the fund shall be
13 determined after the transfer into the General Revenue Fund
14 due to refunds, if any, paid from the General Revenue Fund
15 during the preceding quarter. If at any time, for any
16 reason, there is insufficient amount in the Personal
17 Property Tax Replacement Fund for payments for regional
18 offices and officials or local officials or payment of
19 costs of administration or for transfers due to refunds at
20 the end of any particular month, the amount of such
21 insufficiency shall be carried over for the purposes of
22 payments for regional offices and officials, local
23 officials, transfers into the General Revenue Fund, and
24 costs of administration to the following month or months.
25 Net replacement revenue held, and defined above, shall be
26 transferred by the Treasurer and Comptroller to the

1 Personal Property Tax Replacement Fund within 10 days of
2 such certification.

3 (2) Each quarterly allocation shall first be
4 apportioned in the following manner: 51.65% for taxing
5 districts in Cook County and 48.35% for taxing districts in
6 the remainder of the State.

7 The Personal Property Replacement Ratio of each taxing
8 district outside Cook County shall be the ratio which the Tax
9 Base of that taxing district bears to the Downstate Tax Base.
10 The Tax Base of each taxing district outside of Cook County is
11 the personal property tax collections for that taxing district
12 for the 1977 tax year. The Downstate Tax Base is the personal
13 property tax collections for all taxing districts in the State
14 outside of Cook County for the 1977 tax year. The Department of
15 Revenue shall have authority to review for accuracy and
16 completeness the personal property tax collections for each
17 taxing district outside Cook County for the 1977 tax year.

18 The Personal Property Replacement Ratio of each Cook County
19 taxing district shall be the ratio which the Tax Base of that
20 taxing district bears to the Cook County Tax Base. The Tax Base
21 of each Cook County taxing district is the personal property
22 tax collections for that taxing district for the 1976 tax year.
23 The Cook County Tax Base is the personal property tax
24 collections for all taxing districts in Cook County for the
25 1976 tax year. The Department of Revenue shall have authority
26 to review for accuracy and completeness the personal property

1 tax collections for each taxing district within Cook County for
2 the 1976 tax year.

3 For all purposes of this Section 12, amounts paid to a
4 taxing district for such tax years as may be applicable by a
5 foreign corporation under the provisions of Section 7-202 of
6 the Public Utilities Act, as amended, shall be deemed to be
7 personal property taxes collected by such taxing district for
8 such tax years as may be applicable. The Director shall
9 determine from the Illinois Commerce Commission, for any tax
10 year as may be applicable, the amounts so paid by any such
11 foreign corporation to any and all taxing districts. The
12 Illinois Commerce Commission shall furnish such information to
13 the Director. For all purposes of this Section 12, the Director
14 shall deem such amounts to be collected personal property taxes
15 of each such taxing district for the applicable tax year or
16 years.

17 Taxing districts located both in Cook County and in one or
18 more other counties shall receive both a Cook County allocation
19 and a Downstate allocation determined in the same way as all
20 other taxing districts.

21 If any taxing district in existence on July 1, 1979 ceases
22 to exist, or discontinues its operations, its Tax Base shall
23 thereafter be deemed to be zero. If the powers, duties and
24 obligations of the discontinued taxing district are assumed by
25 another taxing district, the Tax Base of the discontinued
26 taxing district shall be added to the Tax Base of the taxing

1 district assuming such powers, duties and obligations.

2 If two or more taxing districts in existence on July 1,
3 1979, or a successor or successors thereto shall consolidate
4 into one taxing district, the Tax Base of such consolidated
5 taxing district shall be the sum of the Tax Bases of each of
6 the taxing districts which have consolidated.

7 If a single taxing district in existence on July 1, 1979,
8 or a successor or successors thereto shall be divided into two
9 or more separate taxing districts, the tax base of the taxing
10 district so divided shall be allocated to each of the resulting
11 taxing districts in proportion to the then current equalized
12 assessed value of each resulting taxing district.

13 If a portion of the territory of a taxing district is
14 disconnected and annexed to another taxing district of the same
15 type, the Tax Base of the taxing district from which
16 disconnection was made shall be reduced in proportion to the
17 then current equalized assessed value of the disconnected
18 territory as compared with the then current equalized assessed
19 value within the entire territory of the taxing district prior
20 to disconnection, and the amount of such reduction shall be
21 added to the Tax Base of the taxing district to which
22 annexation is made.

23 If a community college district is created after July 1,
24 1979, beginning on the effective date of this amendatory Act of
25 1995, its Tax Base shall be 3.5% of the sum of the personal
26 property tax collected for the 1977 tax year within the

1 territorial jurisdiction of the district.

2 The amounts allocated and paid to taxing districts pursuant
3 to the provisions of this amendatory Act of 1979 shall be
4 deemed to be substitute revenues for the revenues derived from
5 taxes imposed on personal property pursuant to the provisions
6 of the "Revenue Act of 1939" or "An Act for the assessment and
7 taxation of private car line companies", approved July 22,
8 1943, as amended, or Section 414 of the Illinois Insurance
9 Code, prior to the abolition of such taxes and shall be used
10 for the same purposes as the revenues derived from ad valorem
11 taxes on real estate.

12 Monies received by any taxing districts from the Personal
13 Property Tax Replacement Fund shall be first applied toward
14 payment of the proportionate amount of debt service which was
15 previously levied and collected from extensions against
16 personal property on bonds outstanding as of December 31, 1978
17 and next applied toward payment of the proportionate share of
18 the pension or retirement obligations of the taxing district
19 which were previously levied and collected from extensions
20 against personal property. For each such outstanding bond
21 issue, the County Clerk shall determine the percentage of the
22 debt service which was collected from extensions against real
23 estate in the taxing district for 1978 taxes payable in 1979,
24 as related to the total amount of such levies and collections
25 from extensions against both real and personal property. For
26 1979 and subsequent years' taxes, the County Clerk shall levy

1 and extend taxes against the real estate of each taxing
2 district which will yield the said percentage or percentages of
3 the debt service on such outstanding bonds. The balance of the
4 amount necessary to fully pay such debt service shall
5 constitute a first and prior lien upon the monies received by
6 each such taxing district through the Personal Property Tax
7 Replacement Fund and shall be first applied or set aside for
8 such purpose. In counties having fewer than 3,000,000
9 inhabitants, the amendments to this paragraph as made by this
10 amendatory Act of 1980 shall be first applicable to 1980 taxes
11 to be collected in 1981.

12 (Source: P.A. 100-23, eff. 7-6-17.)

13 Section 5-30. The Downstate Public Transportation Act is
14 amended by changing Section 2-3 as follows:

15 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

16 (Text of Section before amendment by P.A. 100-363)

17 Sec. 2-3. (a) As soon as possible after the first day of
18 each month, beginning July 1, 1984, upon certification of the
19 Department of Revenue, the Comptroller shall order
20 transferred, and the Treasurer shall transfer, from the General
21 Revenue Fund to a special fund in the State Treasury which is
22 hereby created, to be known as the "Downstate Public
23 Transportation Fund", an amount equal to 2/32 (beginning July
24 1, 2005, 3/32) of the net revenue realized from the "Retailers'

1 Occupation Tax Act", ~~as now or hereafter amended~~, the "Service
2 Occupation Tax Act", ~~as now or hereafter amended~~, the "Use Tax
3 Act", ~~as now or hereafter amended~~, and the "Service Use Tax
4 Act", ~~as now or hereafter amended~~, from persons incurring
5 municipal or county retailers' or service occupation tax
6 liability for the benefit of any municipality or county located
7 wholly within the boundaries of each participant, other than
8 any Metro-East Transit District participant certified pursuant
9 to subsection (c) of this Section during the preceding month,
10 except that the Department shall pay into the Downstate Public
11 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%
12 of the net revenue realized under the State tax Acts named
13 above within any municipality or county located wholly within
14 the boundaries of each participant, other than any Metro-East
15 participant, for tax periods beginning on or after January 1,
16 1990. Net revenue realized for a month shall be the revenue
17 collected by the State pursuant to such Acts during the
18 previous month from persons incurring municipal or county
19 retailers' or service occupation tax liability for the benefit
20 of any municipality or county located wholly within the
21 boundaries of a participant, less the amount paid out during
22 that same month as refunds or credit memoranda to taxpayers for
23 overpayment of liability under such Acts for the benefit of any
24 municipality or county located wholly within the boundaries of
25 a participant.

26 Notwithstanding any provision of law to the contrary,

1 beginning on July 6, 2017 (the effective date of Public Act
2 100-23) ~~this amendatory Act of the 100th General Assembly,~~
3 those amounts required under this subsection (a) to be
4 transferred by the Treasurer into the Downstate Public
5 Transportation Fund from the General Revenue Fund shall be
6 directly deposited into the Downstate Public Transportation
7 Fund as the revenues are realized from the taxes indicated.

8 (b) As soon as possible after the first day of each month,
9 beginning July 1, 1989, upon certification of the Department of
10 Revenue, the Comptroller shall order transferred, and the
11 Treasurer shall transfer, from the General Revenue Fund to a
12 special fund in the State Treasury which is hereby created, to
13 be known as the "Metro-East Public Transportation Fund", an
14 amount equal to $\frac{2}{32}$ of the net revenue realized, as above,
15 from within the boundaries of Madison, Monroe, and St. Clair
16 Counties, except that the Department shall pay into the
17 Metro-East Public Transportation Fund $\frac{2}{32}$ of 80% of the net
18 revenue realized under the State tax Acts specified in
19 subsection (a) of this Section within the boundaries of
20 Madison, Monroe and St. Clair Counties for tax periods
21 beginning on or after January 1, 1990. A local match equivalent
22 to an amount which could be raised by a tax levy at the rate of
23 .05% on the assessed value of property within the boundaries of
24 Madison County is required annually to cause a total of $\frac{2}{32}$ of
25 the net revenue to be deposited in the Metro-East Public
26 Transportation Fund. Failure to raise the required local match

1 annually shall result in only 1/32 being deposited into the
2 Metro-East Public Transportation Fund after July 1, 1989, or
3 1/32 of 80% of the net revenue realized for tax periods
4 beginning on or after January 1, 1990.

5 (b-5) As soon as possible after the first day of each
6 month, beginning July 1, 2005, upon certification of the
7 Department of Revenue, the Comptroller shall order
8 transferred, and the Treasurer shall transfer, from the General
9 Revenue Fund to the Downstate Public Transportation Fund, an
10 amount equal to 3/32 of 80% of the net revenue realized from
11 within the boundaries of Monroe and St. Clair Counties under
12 the State Tax Acts specified in subsection (a) of this Section
13 and provided further that, beginning July 1, 2005, the
14 provisions of subsection (b) shall no longer apply with respect
15 to such tax receipts from Monroe and St. Clair Counties.

16 Notwithstanding any provision of law to the contrary,
17 beginning on July 6, 2017 (the effective date of Public Act
18 100-23) ~~this amendatory Act of the 100th General Assembly,~~
19 those amounts required under this subsection (b-5) to be
20 transferred by the Treasurer into the Downstate Public
21 Transportation Fund from the General Revenue Fund shall be
22 directly deposited into the Downstate Public Transportation
23 Fund as the revenues are realized from the taxes indicated.

24 (b-6) As soon as possible after the first day of each
25 month, beginning July 1, 2008, upon certification by the
26 Department of Revenue, the Comptroller shall order transferred

1 and the Treasurer shall transfer, from the General Revenue Fund
2 to the Downstate Public Transportation Fund, an amount equal to
3 $\frac{3}{32}$ of 80% of the net revenue realized from within the
4 boundaries of Madison County under the State Tax Acts specified
5 in subsection (a) of this Section and provided further that,
6 beginning July 1, 2008, the provisions of subsection (b) shall
7 no longer apply with respect to such tax receipts from Madison
8 County.

9 Notwithstanding any provision of law to the contrary,
10 beginning on July 6, 2017 (the effective date of Public Act
11 100-23) ~~this amendatory Act of the 100th General Assembly,~~
12 those amounts required under this subsection (b-6) to be
13 transferred by the Treasurer into the Downstate Public
14 Transportation Fund from the General Revenue Fund shall be
15 directly deposited into the Downstate Public Transportation
16 Fund as the revenues are realized from the taxes indicated.

17 (c) The Department shall certify to the Department of
18 Revenue the eligible participants under this Article and the
19 territorial boundaries of such participants for the purposes of
20 the Department of Revenue in subsections (a) and (b) of this
21 Section.

22 (d) For the purposes of this Article, beginning in fiscal
23 year 2009 the General Assembly shall appropriate an amount from
24 the Downstate Public Transportation Fund equal to the sum total
25 funds projected to be paid to the participants pursuant to
26 Section 2-7. If the General Assembly fails to make

1 appropriations sufficient to cover the amounts projected to be
2 paid pursuant to Section 2-7, this Act shall constitute an
3 irrevocable and continuing appropriation from the Downstate
4 Public Transportation Fund of all amounts necessary for those
5 purposes.

6 (e) Notwithstanding anything in this Section to the
7 contrary, amounts transferred from the General Revenue Fund to
8 the Downstate Public Transportation Fund pursuant to this
9 Section shall not exceed \$169,000,000 in State fiscal year
10 2012.

11 (f) For State fiscal year 2018 only, notwithstanding any
12 provision of law to the contrary, the total amount of revenue
13 and deposits under this Section attributable to revenues
14 realized during State fiscal year 2018 shall be reduced by 10%.

15 (g) For State fiscal year 2019 only, notwithstanding any
16 provision of law to the contrary, the total amount of revenue
17 and deposits under this Section attributable to revenues
18 realized during State fiscal year 2019 shall be reduced by 5%.

19 (Source: P.A. 100-23, eff. 7-6-17; revised 10-20-17.)

20 (Text of Section after amendment by P.A. 100-363)

21 Sec. 2-3. (a) As soon as possible after the first day of
22 each month, beginning July 1, 1984, upon certification of the
23 Department of Revenue, the Comptroller shall order
24 transferred, and the Treasurer shall transfer, from the General
25 Revenue Fund to a special fund in the State Treasury which is

1 hereby created, to be known as the "Downstate Public
2 Transportation Fund", an amount equal to 2/32 (beginning July
3 1, 2005, 3/32) of the net revenue realized from the ~~"Retailers'~~
4 ~~Occupation Tax Act", as now or hereafter amended,~~ the ~~"Service~~
5 ~~Occupation Tax Act", as now or hereafter amended,~~ the ~~"Use Tax~~
6 ~~Act", as now or hereafter amended,~~ and the ~~"Service Use Tax~~
7 ~~Act", as now or hereafter amended,~~ from persons incurring
8 municipal or county retailers' or service occupation tax
9 liability for the benefit of any municipality or county located
10 wholly within the boundaries of each participant, other than
11 any Metro-East Transit District participant certified pursuant
12 to subsection (c) of this Section during the preceding month,
13 except that the Department shall pay into the Downstate Public
14 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%
15 of the net revenue realized under the State tax Acts named
16 above within any municipality or county located wholly within
17 the boundaries of each participant, other than any Metro-East
18 participant, for tax periods beginning on or after January 1,
19 1990. Net revenue realized for a month shall be the revenue
20 collected by the State pursuant to such Acts during the
21 previous month from persons incurring municipal or county
22 retailers' or service occupation tax liability for the benefit
23 of any municipality or county located wholly within the
24 boundaries of a participant, less the amount paid out during
25 that same month as refunds or credit memoranda to taxpayers for
26 overpayment of liability under such Acts for the benefit of any

1 municipality or county located wholly within the boundaries of
2 a participant.

3 Notwithstanding any provision of law to the contrary,
4 beginning on July 6, 2017 (the effective date of Public Act
5 100-23) ~~this amendatory Act of the 100th General Assembly,~~
6 those amounts required under this subsection (a) to be
7 transferred by the Treasurer into the Downstate Public
8 Transportation Fund from the General Revenue Fund shall be
9 directly deposited into the Downstate Public Transportation
10 Fund as the revenues are realized from the taxes indicated.

11 (b) As soon as possible after the first day of each month,
12 beginning July 1, 1989, upon certification of the Department of
13 Revenue, the Comptroller shall order transferred, and the
14 Treasurer shall transfer, from the General Revenue Fund to a
15 special fund in the State Treasury which is hereby created, to
16 be known as the "Metro-East Public Transportation Fund", an
17 amount equal to 2/32 of the net revenue realized, as above,
18 from within the boundaries of Madison, Monroe, and St. Clair
19 Counties, except that the Department shall pay into the
20 Metro-East Public Transportation Fund 2/32 of 80% of the net
21 revenue realized under the State tax Acts specified in
22 subsection (a) of this Section within the boundaries of
23 Madison, Monroe and St. Clair Counties for tax periods
24 beginning on or after January 1, 1990. A local match equivalent
25 to an amount which could be raised by a tax levy at the rate of
26 .05% on the assessed value of property within the boundaries of

1 Madison County is required annually to cause a total of 2/32 of
2 the net revenue to be deposited in the Metro-East Public
3 Transportation Fund. Failure to raise the required local match
4 annually shall result in only 1/32 being deposited into the
5 Metro-East Public Transportation Fund after July 1, 1989, or
6 1/32 of 80% of the net revenue realized for tax periods
7 beginning on or after January 1, 1990.

8 (b-5) As soon as possible after the first day of each
9 month, beginning July 1, 2005, upon certification of the
10 Department of Revenue, the Comptroller shall order
11 transferred, and the Treasurer shall transfer, from the General
12 Revenue Fund to the Downstate Public Transportation Fund, an
13 amount equal to 3/32 of 80% of the net revenue realized from
14 within the boundaries of Monroe and St. Clair Counties under
15 the State Tax Acts specified in subsection (a) of this Section
16 and provided further that, beginning July 1, 2005, the
17 provisions of subsection (b) shall no longer apply with respect
18 to such tax receipts from Monroe and St. Clair Counties.

19 Notwithstanding any provision of law to the contrary,
20 beginning on July 6, 2017 (the effective date of Public Act
21 100-23) ~~this amendatory Act of the 100th General Assembly,~~
22 those amounts required under this subsection (b-5) to be
23 transferred by the Treasurer into the Downstate Public
24 Transportation Fund from the General Revenue Fund shall be
25 directly deposited into the Downstate Public Transportation
26 Fund as the revenues are realized from the taxes indicated.

1 (b-6) As soon as possible after the first day of each
2 month, beginning July 1, 2008, upon certification by the
3 Department of Revenue, the Comptroller shall order transferred
4 and the Treasurer shall transfer, from the General Revenue Fund
5 to the Downstate Public Transportation Fund, an amount equal to
6 $\frac{3}{32}$ of 80% of the net revenue realized from within the
7 boundaries of Madison County under the State Tax Acts specified
8 in subsection (a) of this Section and provided further that,
9 beginning July 1, 2008, the provisions of subsection (b) shall
10 no longer apply with respect to such tax receipts from Madison
11 County.

12 Notwithstanding any provision of law to the contrary,
13 beginning on July 6, 2017 (the effective date of Public Act
14 100-23) ~~this amendatory Act of the 100th General Assembly,~~
15 those amounts required under this subsection (b-6) to be
16 transferred by the Treasurer into the Downstate Public
17 Transportation Fund from the General Revenue Fund shall be
18 directly deposited into the Downstate Public Transportation
19 Fund as the revenues are realized from the taxes indicated.

20 (b-7) Beginning July 1, 2018, notwithstanding the other
21 provisions of this Section, instead of the Comptroller making
22 monthly transfers from the General Revenue Fund to the
23 Downstate Public Transportation Fund, the Department of
24 Revenue shall deposit the designated fraction of the net
25 revenue realized from collections under the Retailers'
26 Occupation Tax Act, the Service Occupation Tax Act, the Use Tax

1 Act, and the Service Use Tax Act directly into the Downstate
2 Public Transportation Fund.

3 (c) The Department shall certify to the Department of
4 Revenue the eligible participants under this Article and the
5 territorial boundaries of such participants for the purposes of
6 the Department of Revenue in subsections (a) and (b) of this
7 Section.

8 (d) For the purposes of this Article, beginning in fiscal
9 year 2009 the General Assembly shall appropriate an amount from
10 the Downstate Public Transportation Fund equal to the sum total
11 funds projected to be paid to the participants pursuant to
12 Section 2-7. If the General Assembly fails to make
13 appropriations sufficient to cover the amounts projected to be
14 paid pursuant to Section 2-7, this Act shall constitute an
15 irrevocable and continuing appropriation from the Downstate
16 Public Transportation Fund of all amounts necessary for those
17 purposes.

18 (e) Notwithstanding anything in this Section to the
19 contrary, amounts transferred from the General Revenue Fund to
20 the Downstate Public Transportation Fund pursuant to this
21 Section shall not exceed \$169,000,000 in State fiscal year
22 2012.

23 (f) For State fiscal year 2018 only, notwithstanding any
24 provision of law to the contrary, the total amount of revenue
25 and deposits under this Section attributable to revenues
26 realized during State fiscal year 2018 shall be reduced by 10%.

1 (g) For State fiscal year 2019 only, notwithstanding any
2 provision of law to the contrary, the total amount of revenue
3 and deposits under this Section attributable to revenues
4 realized during State fiscal year 2019 shall be reduced by 5%.

5 (Source: P.A. 100-23, eff. 7-6-17; 100-363, eff. 7-1-18;
6 revised 10-20-17.)

7 Section 5-35. The Illinois Income Tax Act is amended by
8 changing Section 901 as follows:

9 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

10 Sec. 901. Collection authority.

11 (a) In general. The Department shall collect the taxes
12 imposed by this Act. The Department shall collect certified
13 past due child support amounts under Section 2505-650 of the
14 Department of Revenue Law of the Civil Administrative Code of
15 Illinois. Except as provided in subsections (b), (c), (e), (f),
16 (g), and (h) of this Section, money collected pursuant to
17 subsections (a) and (b) of Section 201 of this Act shall be
18 paid into the General Revenue Fund in the State treasury; money
19 collected pursuant to subsections (c) and (d) of Section 201 of
20 this Act shall be paid into the Personal Property Tax
21 Replacement Fund, a special fund in the State Treasury; and
22 money collected under Section 2505-650 of the Department of
23 Revenue Law of the Civil Administrative Code of Illinois ~~(20~~
24 ~~ILCS 2505/2505-650)~~ shall be paid into the Child Support

1 Enforcement Trust Fund, a special fund outside the State
2 Treasury, or to the State Disbursement Unit established under
3 Section 10-26 of the Illinois Public Aid Code, as directed by
4 the Department of Healthcare and Family Services.

5 (b) Local Government Distributive Fund. Beginning August
6 1, 1969, and continuing through June 30, 1994, the Treasurer
7 shall transfer each month from the General Revenue Fund to a
8 special fund in the State treasury, to be known as the "Local
9 Government Distributive Fund", an amount equal to 1/12 of the
10 net revenue realized from the tax imposed by subsections (a)
11 and (b) of Section 201 of this Act during the preceding month.
12 Beginning July 1, 1994, and continuing through June 30, 1995,
13 the Treasurer shall transfer each month from the General
14 Revenue Fund to the Local Government Distributive Fund an
15 amount equal to 1/11 of the net revenue realized from the tax
16 imposed by subsections (a) and (b) of Section 201 of this Act
17 during the preceding month. Beginning July 1, 1995 and
18 continuing through January 31, 2011, the Treasurer shall
19 transfer each month from the General Revenue Fund to the Local
20 Government Distributive Fund an amount equal to the net of (i)
21 1/10 of the net revenue realized from the tax imposed by
22 subsections (a) and (b) of Section 201 of the Illinois Income
23 Tax Act during the preceding month (ii) minus, beginning July
24 1, 2003 and ending June 30, 2004, \$6,666,666, and beginning
25 July 1, 2004, zero. Beginning February 1, 2011, and continuing
26 through January 31, 2015, the Treasurer shall transfer each

1 month from the General Revenue Fund to the Local Government
2 Distributive Fund an amount equal to the sum of (i) 6% (10% of
3 the ratio of the 3% individual income tax rate prior to 2011 to
4 the 5% individual income tax rate after 2010) of the net
5 revenue realized from the tax imposed by subsections (a) and
6 (b) of Section 201 of this Act upon individuals, trusts, and
7 estates during the preceding month and (ii) 6.86% (10% of the
8 ratio of the 4.8% corporate income tax rate prior to 2011 to
9 the 7% corporate income tax rate after 2010) of the net revenue
10 realized from the tax imposed by subsections (a) and (b) of
11 Section 201 of this Act upon corporations during the preceding
12 month. Beginning February 1, 2015 and continuing through July
13 31, 2017, the Treasurer shall transfer each month from the
14 General Revenue Fund to the Local Government Distributive Fund
15 an amount equal to the sum of (i) 8% (10% of the ratio of the 3%
16 individual income tax rate prior to 2011 to the 3.75%
17 individual income tax rate after 2014) of the net revenue
18 realized from the tax imposed by subsections (a) and (b) of
19 Section 201 of this Act upon individuals, trusts, and estates
20 during the preceding month and (ii) 9.14% (10% of the ratio of
21 the 4.8% corporate income tax rate prior to 2011 to the 5.25%
22 corporate income tax rate after 2014) of the net revenue
23 realized from the tax imposed by subsections (a) and (b) of
24 Section 201 of this Act upon corporations during the preceding
25 month. Beginning August 1, 2017, the Treasurer shall transfer
26 each month from the General Revenue Fund to the Local

1 Government Distributive Fund an amount equal to the sum of (i)
2 6.06% (10% of the ratio of the 3% individual income tax rate
3 prior to 2011 to the 4.95% individual income tax rate after
4 July 1, 2017) of the net revenue realized from the tax imposed
5 by subsections (a) and (b) of Section 201 of this Act upon
6 individuals, trusts, and estates during the preceding month and
7 (ii) 6.85% (10% of the ratio of the 4.8% corporate income tax
8 rate prior to 2011 to the 7% corporate income tax rate after
9 July 1, 2017) of the net revenue realized from the tax imposed
10 by subsections (a) and (b) of Section 201 of this Act upon
11 corporations during the preceding month. Net revenue realized
12 for a month shall be defined as the revenue from the tax
13 imposed by subsections (a) and (b) of Section 201 of this Act
14 which is deposited in the General Revenue Fund, the Education
15 Assistance Fund, the Income Tax Surcharge Local Government
16 Distributive Fund, the Fund for the Advancement of Education,
17 and the Commitment to Human Services Fund during the month
18 minus the amount paid out of the General Revenue Fund in State
19 warrants during that same month as refunds to taxpayers for
20 overpayment of liability under the tax imposed by subsections
21 (a) and (b) of Section 201 of this Act.

22 Notwithstanding any provision of law to the contrary,
23 beginning on July 6, 2017 (the effective date of Public Act
24 100-23) ~~this amendatory Act of the 100th General Assembly,~~
25 those amounts required under this subsection (b) to be
26 transferred by the Treasurer into the Local Government

1 Distributive Fund from the General Revenue Fund shall be
2 directly deposited into the Local Government Distributive Fund
3 as the revenue is realized from the tax imposed by subsections
4 (a) and (b) of Section 201 of this Act.

5 For State fiscal year 2018 only, notwithstanding any
6 provision of law to the contrary, the total amount of revenue
7 and deposits under this Section attributable to revenues
8 realized during State fiscal year 2018 shall be reduced by 10%.

9 For State fiscal year 2019 only, notwithstanding any
10 provision of law to the contrary, the total amount of revenue
11 and deposits under this Section attributable to revenues
12 realized during State fiscal year 2019 shall be reduced by 5%.

13 (c) Deposits Into Income Tax Refund Fund.

14 (1) Beginning on January 1, 1989 and thereafter, the
15 Department shall deposit a percentage of the amounts
16 collected pursuant to subsections (a) and (b)(1), (2), and
17 (3)~~7~~ of Section 201 of this Act into a fund in the State
18 treasury known as the Income Tax Refund Fund. The
19 Department shall deposit 6% of such amounts during the
20 period beginning January 1, 1989 and ending on June 30,
21 1989. Beginning with State fiscal year 1990 and for each
22 fiscal year thereafter, the percentage deposited into the
23 Income Tax Refund Fund during a fiscal year shall be the
24 Annual Percentage. For fiscal years 1999 through 2001, the
25 Annual Percentage shall be 7.1%. For fiscal year 2003, the
26 Annual Percentage shall be 8%. For fiscal year 2004, the

1 Annual Percentage shall be 11.7%. Upon the effective date
2 of Public Act 93-839 (July 30, 2004) ~~this amendatory Act of~~
3 ~~the 93rd General Assembly~~, the Annual Percentage shall be
4 10% for fiscal year 2005. For fiscal year 2006, the Annual
5 Percentage shall be 9.75%. For fiscal year 2007, the Annual
6 Percentage shall be 9.75%. For fiscal year 2008, the Annual
7 Percentage shall be 7.75%. For fiscal year 2009, the Annual
8 Percentage shall be 9.75%. For fiscal year 2010, the Annual
9 Percentage shall be 9.75%. For fiscal year 2011, the Annual
10 Percentage shall be 8.75%. For fiscal year 2012, the Annual
11 Percentage shall be 8.75%. For fiscal year 2013, the Annual
12 Percentage shall be 9.75%. For fiscal year 2014, the Annual
13 Percentage shall be 9.5%. For fiscal year 2015, the Annual
14 Percentage shall be 10%. For fiscal year 2018, the Annual
15 Percentage shall be 9.8%. For fiscal year 2019, the Annual
16 Percentage shall be 9.7%. For all other fiscal years, the
17 Annual Percentage shall be calculated as a fraction, the
18 numerator of which shall be the amount of refunds approved
19 for payment by the Department during the preceding fiscal
20 year as a result of overpayment of tax liability under
21 subsections (a) and (b) (1), (2), and (3) of Section 201 of
22 this Act plus the amount of such refunds remaining approved
23 but unpaid at the end of the preceding fiscal year, minus
24 the amounts transferred into the Income Tax Refund Fund
25 from the Tobacco Settlement Recovery Fund, and the
26 denominator of which shall be the amounts which will be

1 collected pursuant to subsections (a) and (b) (1), (2), and
2 (3) of Section 201 of this Act during the preceding fiscal
3 year; except that in State fiscal year 2002, the Annual
4 Percentage shall in no event exceed 7.6%. The Director of
5 Revenue shall certify the Annual Percentage to the
6 Comptroller on the last business day of the fiscal year
7 immediately preceding the fiscal year for which it is to be
8 effective.

9 (2) Beginning on January 1, 1989 and thereafter, the
10 Department shall deposit a percentage of the amounts
11 collected pursuant to subsections (a) and (b) (6), (7), and
12 (8), (c) and (d) of Section 201 of this Act into a fund in
13 the State treasury known as the Income Tax Refund Fund. The
14 Department shall deposit 18% of such amounts during the
15 period beginning January 1, 1989 and ending on June 30,
16 1989. Beginning with State fiscal year 1990 and for each
17 fiscal year thereafter, the percentage deposited into the
18 Income Tax Refund Fund during a fiscal year shall be the
19 Annual Percentage. For fiscal years 1999, 2000, and 2001,
20 the Annual Percentage shall be 19%. For fiscal year 2003,
21 the Annual Percentage shall be 27%. For fiscal year 2004,
22 the Annual Percentage shall be 32%. Upon the effective date
23 of Public Act 93-839 (July 30, 2004) ~~this amendatory Act of~~
24 ~~the 93rd General Assembly,~~ the Annual Percentage shall be
25 24% for fiscal year 2005. For fiscal year 2006, the Annual
26 Percentage shall be 20%. For fiscal year 2007, the Annual

1 Percentage shall be 17.5%. For fiscal year 2008, the Annual
2 Percentage shall be 15.5%. For fiscal year 2009, the Annual
3 Percentage shall be 17.5%. For fiscal year 2010, the Annual
4 Percentage shall be 17.5%. For fiscal year 2011, the Annual
5 Percentage shall be 17.5%. For fiscal year 2012, the Annual
6 Percentage shall be 17.5%. For fiscal year 2013, the Annual
7 Percentage shall be 14%. For fiscal year 2014, the Annual
8 Percentage shall be 13.4%. For fiscal year 2015, the Annual
9 Percentage shall be 14%. For fiscal year 2018, the Annual
10 Percentage shall be 17.5%. For fiscal year 2019, the Annual
11 Percentage shall be 15.5%. For all other fiscal years, the
12 Annual Percentage shall be calculated as a fraction, the
13 numerator of which shall be the amount of refunds approved
14 for payment by the Department during the preceding fiscal
15 year as a result of overpayment of tax liability under
16 subsections (a) and (b) (6), (7), and (8), (c) and (d) of
17 Section 201 of this Act plus the amount of such refunds
18 remaining approved but unpaid at the end of the preceding
19 fiscal year, and the denominator of which shall be the
20 amounts which will be collected pursuant to subsections (a)
21 and (b) (6), (7), and (8), (c) and (d) of Section 201 of
22 this Act during the preceding fiscal year; except that in
23 State fiscal year 2002, the Annual Percentage shall in no
24 event exceed 23%. The Director of Revenue shall certify the
25 Annual Percentage to the Comptroller on the last business
26 day of the fiscal year immediately preceding the fiscal

1 year for which it is to be effective.

2 (3) The Comptroller shall order transferred and the
3 Treasurer shall transfer from the Tobacco Settlement
4 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
5 in January, 2001, (ii) \$35,000,000 in January, 2002, and
6 (iii) \$35,000,000 in January, 2003.

7 (d) Expenditures from Income Tax Refund Fund.

8 (1) Beginning January 1, 1989, money in the Income Tax
9 Refund Fund shall be expended exclusively for the purpose
10 of paying refunds resulting from overpayment of tax
11 liability under Section 201 of this Act, for paying rebates
12 under Section 208.1 in the event that the amounts in the
13 Homeowners' Tax Relief Fund are insufficient for that
14 purpose, and for making transfers pursuant to this
15 subsection (d).

16 (2) The Director shall order payment of refunds
17 resulting from overpayment of tax liability under Section
18 201 of this Act from the Income Tax Refund Fund only to the
19 extent that amounts collected pursuant to Section 201 of
20 this Act and transfers pursuant to this subsection (d) and
21 item (3) of subsection (c) have been deposited and retained
22 in the Fund.

23 (3) As soon as possible after the end of each fiscal
24 year, the Director shall order transferred and the State
25 Treasurer and State Comptroller shall transfer from the
26 Income Tax Refund Fund to the Personal Property Tax

1 Replacement Fund an amount, certified by the Director to
2 the Comptroller, equal to the excess of the amount
3 collected pursuant to subsections (c) and (d) of Section
4 201 of this Act deposited into the Income Tax Refund Fund
5 during the fiscal year over the amount of refunds resulting
6 from overpayment of tax liability under subsections (c) and
7 (d) of Section 201 of this Act paid from the Income Tax
8 Refund Fund during the fiscal year.

9 (4) As soon as possible after the end of each fiscal
10 year, the Director shall order transferred and the State
11 Treasurer and State Comptroller shall transfer from the
12 Personal Property Tax Replacement Fund to the Income Tax
13 Refund Fund an amount, certified by the Director to the
14 Comptroller, equal to the excess of the amount of refunds
15 resulting from overpayment of tax liability under
16 subsections (c) and (d) of Section 201 of this Act paid
17 from the Income Tax Refund Fund during the fiscal year over
18 the amount collected pursuant to subsections (c) and (d) of
19 Section 201 of this Act deposited into the Income Tax
20 Refund Fund during the fiscal year.

21 (4.5) As soon as possible after the end of fiscal year
22 1999 and of each fiscal year thereafter, the Director shall
23 order transferred and the State Treasurer and State
24 Comptroller shall transfer from the Income Tax Refund Fund
25 to the General Revenue Fund any surplus remaining in the
26 Income Tax Refund Fund as of the end of such fiscal year;

1 excluding for fiscal years 2000, 2001, and 2002 amounts
2 attributable to transfers under item (3) of subsection (c)
3 less refunds resulting from the earned income tax credit.

4 (5) This Act shall constitute an irrevocable and
5 continuing appropriation from the Income Tax Refund Fund
6 for the purpose of paying refunds upon the order of the
7 Director in accordance with the provisions of this Section.

8 (e) Deposits into the Education Assistance Fund and the
9 Income Tax Surcharge Local Government Distributive Fund. On
10 July 1, 1991, and thereafter, of the amounts collected pursuant
11 to subsections (a) and (b) of Section 201 of this Act, minus
12 deposits into the Income Tax Refund Fund, the Department shall
13 deposit 7.3% into the Education Assistance Fund in the State
14 Treasury. Beginning July 1, 1991, and continuing through
15 January 31, 1993, of the amounts collected pursuant to
16 subsections (a) and (b) of Section 201 of the Illinois Income
17 Tax Act, minus deposits into the Income Tax Refund Fund, the
18 Department shall deposit 3.0% into the Income Tax Surcharge
19 Local Government Distributive Fund in the State Treasury.
20 Beginning February 1, 1993 and continuing through June 30,
21 1993, of the amounts collected pursuant to subsections (a) and
22 (b) of Section 201 of the Illinois Income Tax Act, minus
23 deposits into the Income Tax Refund Fund, the Department shall
24 deposit 4.4% into the Income Tax Surcharge Local Government
25 Distributive Fund in the State Treasury. Beginning July 1,
26 1993, and continuing through June 30, 1994, of the amounts

1 collected under subsections (a) and (b) of Section 201 of this
2 Act, minus deposits into the Income Tax Refund Fund, the
3 Department shall deposit 1.475% into the Income Tax Surcharge
4 Local Government Distributive Fund in the State Treasury.

5 (f) Deposits into the Fund for the Advancement of
6 Education. Beginning February 1, 2015, the Department shall
7 deposit the following portions of the revenue realized from the
8 tax imposed upon individuals, trusts, and estates by
9 subsections (a) and (b) of Section 201 of this Act during the
10 preceding month, minus deposits into the Income Tax Refund
11 Fund, into the Fund for the Advancement of Education:

12 (1) beginning February 1, 2015, and prior to February
13 1, 2025, 1/30; and

14 (2) beginning February 1, 2025, 1/26.

15 If the rate of tax imposed by subsection (a) and (b) of
16 Section 201 is reduced pursuant to Section 201.5 of this Act,
17 the Department shall not make the deposits required by this
18 subsection (f) on or after the effective date of the reduction.

19 (g) Deposits into the Commitment to Human Services Fund.
20 Beginning February 1, 2015, the Department shall deposit the
21 following portions of the revenue realized from the tax imposed
22 upon individuals, trusts, and estates by subsections (a) and
23 (b) of Section 201 of this Act during the preceding month,
24 minus deposits into the Income Tax Refund Fund, into the
25 Commitment to Human Services Fund:

26 (1) beginning February 1, 2015, and prior to February

1 1, 2025, 1/30; and

2 (2) beginning February 1, 2025, 1/26.

3 If the rate of tax imposed by subsection (a) and (b) of
4 Section 201 is reduced pursuant to Section 201.5 of this Act,
5 the Department shall not make the deposits required by this
6 subsection (g) on or after the effective date of the reduction.

7 (h) Deposits into the Tax Compliance and Administration
8 Fund. Beginning on the first day of the first calendar month to
9 occur on or after August 26, 2014 (the effective date of Public
10 Act 98-1098), each month the Department shall pay into the Tax
11 Compliance and Administration Fund, to be used, subject to
12 appropriation, to fund additional auditors and compliance
13 personnel at the Department, an amount equal to 1/12 of 5% of
14 the cash receipts collected during the preceding fiscal year by
15 the Audit Bureau of the Department from the tax imposed by
16 subsections (a), (b), (c), and (d) of Section 201 of this Act,
17 net of deposits into the Income Tax Refund Fund made from those
18 cash receipts.

19 (Source: P.A. 99-78, eff. 7-20-15; 100-22, eff. 7-6-17; 100-23,
20 eff. 7-6-17; revised 8-3-17.)

21 Section 5-40. The Regional Transportation Authority Act is
22 amended by changing Section 4.09 as follows:

23 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

24 Sec. 4.09. Public Transportation Fund and the Regional

1 Transportation Authority Occupation and Use Tax Replacement
2 Fund.

3 (a)(1) Except as otherwise provided in paragraph (4), as
4 soon as possible after the first day of each month, beginning
5 July 1, 1984, upon certification of the Department of Revenue,
6 the Comptroller shall order transferred and the Treasurer shall
7 transfer from the General Revenue Fund to a special fund in the
8 State Treasury to be known as the Public Transportation Fund an
9 amount equal to 25% of the net revenue, before the deduction of
10 the serviceman and retailer discounts pursuant to Section 9 of
11 the Service Occupation Tax Act and Section 3 of the Retailers'
12 Occupation Tax Act, realized from any tax imposed by the
13 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the
14 amounts deposited into the Regional Transportation Authority
15 tax fund created by Section 4.03 of this Act, from the County
16 and Mass Transit District Fund as provided in Section 6z-20 of
17 the State Finance Act and 25% of the amounts deposited into the
18 Regional Transportation Authority Occupation and Use Tax
19 Replacement Fund from the State and Local Sales Tax Reform Fund
20 as provided in Section 6z-17 of the State Finance Act. On the
21 first day of the month following the date that the Department
22 receives revenues from increased taxes under Section 4.03(m) as
23 authorized by this amendatory Act of the 95th General Assembly,
24 in lieu of the transfers authorized in the preceding sentence,
25 upon certification of the Department of Revenue, the
26 Comptroller shall order transferred and the Treasurer shall

1 transfer from the General Revenue Fund to the Public
2 Transportation Fund an amount equal to 25% of the net revenue,
3 before the deduction of the serviceman and retailer discounts
4 pursuant to Section 9 of the Service Occupation Tax Act and
5 Section 3 of the Retailers' Occupation Tax Act, realized from
6 (i) 80% of the proceeds of any tax imposed by the Authority at
7 a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any
8 tax imposed by the Authority at the rate of 1% in Cook County,
9 and (iii) one-third of the proceeds of any tax imposed by the
10 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
11 Lake, McHenry, and Will, all pursuant to Section 4.03, and 25%
12 of the net revenue realized from any tax imposed by the
13 Authority pursuant to Section 4.03.1, and 25% of the amounts
14 deposited into the Regional Transportation Authority tax fund
15 created by Section 4.03 of this Act from the County and Mass
16 Transit District Fund as provided in Section 6z-20 of the State
17 Finance Act, and 25% of the amounts deposited into the Regional
18 Transportation Authority Occupation and Use Tax Replacement
19 Fund from the State and Local Sales Tax Reform Fund as provided
20 in Section 6z-17 of the State Finance Act. As used in this
21 Section, net revenue realized for a month shall be the revenue
22 collected by the State pursuant to Sections 4.03 and 4.03.1
23 during the previous month from within the metropolitan region,
24 less the amount paid out during that same month as refunds to
25 taxpayers for overpayment of liability in the metropolitan
26 region under Sections 4.03 and 4.03.1.

1 Notwithstanding any provision of law to the contrary,
2 beginning on the effective date of this amendatory Act of the
3 100th General Assembly, those amounts required under this
4 paragraph (1) of subsection (a) to be transferred by the
5 Treasurer into the Public Transportation Fund from the General
6 Revenue Fund shall be directly deposited into the Public
7 Transportation Fund as the revenues are realized from the taxes
8 indicated.

9 (2) Except as otherwise provided in paragraph (4), on the
10 first day of the month following the effective date of this
11 amendatory Act of the 95th General Assembly and each month
12 thereafter, upon certification by the Department of Revenue,
13 the Comptroller shall order transferred and the Treasurer shall
14 transfer from the General Revenue Fund to the Public
15 Transportation Fund an amount equal to 5% of the net revenue,
16 before the deduction of the serviceman and retailer discounts
17 pursuant to Section 9 of the Service Occupation Tax Act and
18 Section 3 of the Retailers' Occupation Tax Act, realized from
19 any tax imposed by the Authority pursuant to Sections 4.03 and
20 4.03.1 and certified by the Department of Revenue under Section
21 4.03(n) of this Act to be paid to the Authority and 5% of the
22 amounts deposited into the Regional Transportation Authority
23 tax fund created by Section 4.03 of this Act from the County
24 and Mass Transit District Fund as provided in Section 6z-20 of
25 the State Finance Act, and 5% of the amounts deposited into the
26 Regional Transportation Authority Occupation and Use Tax

1 Replacement Fund from the State and Local Sales Tax Reform Fund
2 as provided in Section 6z-17 of the State Finance Act, and 5%
3 of the revenue realized by the Chicago Transit Authority as
4 financial assistance from the City of Chicago from the proceeds
5 of any tax imposed by the City of Chicago under Section 8-3-19
6 of the Illinois Municipal Code.

7 Notwithstanding any provision of law to the contrary,
8 beginning on July 6, 2017 (the effective date of Public Act
9 100-23) ~~this amendatory Act of the 100th General Assembly,~~
10 those amounts required under this paragraph (2) of subsection
11 (a) to be transferred by the Treasurer into the Public
12 Transportation Fund from the General Revenue Fund shall be
13 directly deposited into the Public Transportation Fund as the
14 revenues are realized from the taxes indicated.

15 (3) Except as otherwise provided in paragraph (4), as soon
16 as possible after the first day of January, 2009 and each month
17 thereafter, upon certification of the Department of Revenue
18 with respect to the taxes collected under Section 4.03, the
19 Comptroller shall order transferred and the Treasurer shall
20 transfer from the General Revenue Fund to the Public
21 Transportation Fund an amount equal to 25% of the net revenue,
22 before the deduction of the serviceman and retailer discounts
23 pursuant to Section 9 of the Service Occupation Tax Act and
24 Section 3 of the Retailers' Occupation Tax Act, realized from
25 (i) 20% of the proceeds of any tax imposed by the Authority at
26 a rate of 1.25% in Cook County, (ii) 25% of the proceeds of any

1 tax imposed by the Authority at the rate of 1% in Cook County,
2 and (iii) one-third of the proceeds of any tax imposed by the
3 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
4 Lake, McHenry, and Will, all pursuant to Section 4.03, and the
5 Comptroller shall order transferred and the Treasurer shall
6 transfer from the General Revenue Fund to the Public
7 Transportation Fund (iv) an amount equal to 25% of the revenue
8 realized by the Chicago Transit Authority as financial
9 assistance from the City of Chicago from the proceeds of any
10 tax imposed by the City of Chicago under Section 8-3-19 of the
11 Illinois Municipal Code.

12 Notwithstanding any provision of law to the contrary,
13 beginning on July 6, 2017 (the effective date of Public Act
14 100-23) ~~this amendatory Act of the 100th General Assembly,~~
15 those amounts required under this paragraph (3) of subsection
16 (a) to be transferred by the Treasurer into the Public
17 Transportation Fund from the General Revenue Fund shall be
18 directly deposited into the Public Transportation Fund as the
19 revenues are realized from the taxes indicated.

20 (4) Notwithstanding any provision of law to the contrary,
21 of the transfers to be made under paragraphs (1), (2), and (3)
22 of this subsection (a) from the General Revenue Fund to the
23 Public Transportation Fund, the first \$100,000,000 that would
24 have otherwise been transferred from the General Revenue Fund
25 shall be transferred from the Road Fund. The remaining balance
26 of such transfers shall be made from the General Revenue Fund.

1 (5) For State fiscal year 2018 only, notwithstanding any
2 provision of law to the contrary, the total amount of revenue
3 and deposits under this subsection (a) attributable to revenues
4 realized during State fiscal year 2018 shall be reduced by 10%.

5 (6) For State fiscal year 2019 only, notwithstanding any
6 provision of law to the contrary, the total amount of revenue
7 and deposits under this Section attributable to revenues
8 realized during State fiscal year 2019 shall be reduced by 5%.

9 (b)(1) All moneys deposited in the Public Transportation
10 Fund and the Regional Transportation Authority Occupation and
11 Use Tax Replacement Fund, whether deposited pursuant to this
12 Section or otherwise, are allocated to the Authority. The
13 Comptroller, as soon as possible after each monthly transfer
14 provided in this Section and after each deposit into the Public
15 Transportation Fund, shall order the Treasurer to pay to the
16 Authority out of the Public Transportation Fund the amount so
17 transferred or deposited. Any Additional State Assistance and
18 Additional Financial Assistance paid to the Authority under
19 this Section shall be expended by the Authority for its
20 purposes as provided in this Act. The balance of the amounts
21 paid to the Authority from the Public Transportation Fund shall
22 be expended by the Authority as provided in Section 4.03.3. The
23 Comptroller, as soon as possible after each deposit into the
24 Regional Transportation Authority Occupation and Use Tax
25 Replacement Fund provided in this Section and Section 6z-17 of
26 the State Finance Act, shall order the Treasurer to pay to the

1 Authority out of the Regional Transportation Authority
2 Occupation and Use Tax Replacement Fund the amount so
3 deposited. Such amounts paid to the Authority may be expended
4 by it for its purposes as provided in this Act. The provisions
5 directing the distributions from the Public Transportation
6 Fund and the Regional Transportation Authority Occupation and
7 Use Tax Replacement Fund provided for in this Section shall
8 constitute an irrevocable and continuing appropriation of all
9 amounts as provided herein. The State Treasurer and State
10 Comptroller are hereby authorized and directed to make
11 distributions as provided in this Section. (2) Provided,
12 however, no moneys deposited under subsection (a) of this
13 Section shall be paid from the Public Transportation Fund to
14 the Authority or its assignee for any fiscal year until the
15 Authority has certified to the Governor, the Comptroller, and
16 the Mayor of the City of Chicago that it has adopted for that
17 fiscal year an Annual Budget and Two-Year Financial Plan
18 meeting the requirements in Section 4.01(b).

19 (c) In recognition of the efforts of the Authority to
20 enhance the mass transportation facilities under its control,
21 the State shall provide financial assistance ("Additional
22 State Assistance") in excess of the amounts transferred to the
23 Authority from the General Revenue Fund under subsection (a) of
24 this Section. Additional State Assistance shall be calculated
25 as provided in subsection (d), but shall in no event exceed the
26 following specified amounts with respect to the following State

1 fiscal years:

2	1990	\$5,000,000;
3	1991	\$5,000,000;
4	1992	\$10,000,000;
5	1993	\$10,000,000;
6	1994	\$20,000,000;
7	1995	\$30,000,000;
8	1996	\$40,000,000;
9	1997	\$50,000,000;
10	1998	\$55,000,000; and
11	each year thereafter	\$55,000,000.

12 (c-5) The State shall provide financial assistance
13 ("Additional Financial Assistance") in addition to the
14 Additional State Assistance provided by subsection (c) and the
15 amounts transferred to the Authority from the General Revenue
16 Fund under subsection (a) of this Section. Additional Financial
17 Assistance provided by this subsection shall be calculated as
18 provided in subsection (d), but shall in no event exceed the
19 following specified amounts with respect to the following State
20 fiscal years:

21	2000	\$0;
22	2001	\$16,000,000;
23	2002	\$35,000,000;
24	2003	\$54,000,000;
25	2004	\$73,000,000;
26	2005	\$93,000,000; and

1 each year thereafter \$100,000,000.

2 (d) Beginning with State fiscal year 1990 and continuing
3 for each State fiscal year thereafter, the Authority shall
4 annually certify to the State Comptroller and State Treasurer,
5 separately with respect to each of subdivisions (g)(2) and
6 (g)(3) of Section 4.04 of this Act, the following amounts:

7 (1) The amount necessary and required, during the State
8 fiscal year with respect to which the certification is
9 made, to pay its obligations for debt service on all
10 outstanding bonds or notes issued by the Authority under
11 subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

12 (2) An estimate of the amount necessary and required to
13 pay its obligations for debt service for any bonds or notes
14 which the Authority anticipates it will issue under
15 subdivisions (g)(2) and (g)(3) of Section 4.04 during that
16 State fiscal year.

17 (3) Its debt service savings during the preceding State
18 fiscal year from refunding or advance refunding of bonds or
19 notes issued under subdivisions (g)(2) and (g)(3) of
20 Section 4.04.

21 (4) The amount of interest, if any, earned by the
22 Authority during the previous State fiscal year on the
23 proceeds of bonds or notes issued pursuant to subdivisions
24 (g)(2) and (g)(3) of Section 4.04, other than refunding or
25 advance refunding bonds or notes.

26 The certification shall include a specific schedule of debt

1 service payments, including the date and amount of each payment
2 for all outstanding bonds or notes and an estimated schedule of
3 anticipated debt service for all bonds and notes it intends to
4 issue, if any, during that State fiscal year, including the
5 estimated date and estimated amount of each payment.

6 Immediately upon the issuance of bonds for which an
7 estimated schedule of debt service payments was prepared, the
8 Authority shall file an amended certification with respect to
9 item (2) above, to specify the actual schedule of debt service
10 payments, including the date and amount of each payment, for
11 the remainder of the State fiscal year.

12 On the first day of each month of the State fiscal year in
13 which there are bonds outstanding with respect to which the
14 certification is made, the State Comptroller shall order
15 transferred and the State Treasurer shall transfer from the
16 Road Fund to the Public Transportation Fund the Additional
17 State Assistance and Additional Financial Assistance in an
18 amount equal to the aggregate of (i) one-twelfth of the sum of
19 the amounts certified under items (1) and (3) above less the
20 amount certified under item (4) above, plus (ii) the amount
21 required to pay debt service on bonds and notes issued during
22 the fiscal year, if any, divided by the number of months
23 remaining in the fiscal year after the date of issuance, or
24 some smaller portion as may be necessary under subsection (c)
25 or (c-5) of this Section for the relevant State fiscal year,
26 plus (iii) any cumulative deficiencies in transfers for prior

1 months, until an amount equal to the sum of the amounts
2 certified under items (1) and (3) above, plus the actual debt
3 service certified under item (2) above, less the amount
4 certified under item (4) above, has been transferred; except
5 that these transfers are subject to the following limits:

6 (A) In no event shall the total transfers in any State
7 fiscal year relating to outstanding bonds and notes issued
8 by the Authority under subdivision (g)(2) of Section 4.04
9 exceed the lesser of the annual maximum amount specified in
10 subsection (c) or the sum of the amounts certified under
11 items (1) and (3) above, plus the actual debt service
12 certified under item (2) above, less the amount certified
13 under item (4) above, with respect to those bonds and
14 notes.

15 (B) In no event shall the total transfers in any State
16 fiscal year relating to outstanding bonds and notes issued
17 by the Authority under subdivision (g)(3) of Section 4.04
18 exceed the lesser of the annual maximum amount specified in
19 subsection (c-5) or the sum of the amounts certified under
20 items (1) and (3) above, plus the actual debt service
21 certified under item (2) above, less the amount certified
22 under item (4) above, with respect to those bonds and
23 notes.

24 The term "outstanding" does not include bonds or notes for
25 which refunding or advance refunding bonds or notes have been
26 issued.

1 (e) Neither Additional State Assistance nor Additional
2 Financial Assistance may be pledged, either directly or
3 indirectly as general revenues of the Authority, as security
4 for any bonds issued by the Authority. The Authority may not
5 assign its right to receive Additional State Assistance or
6 Additional Financial Assistance, or direct payment of
7 Additional State Assistance or Additional Financial
8 Assistance, to a trustee or any other entity for the payment of
9 debt service on its bonds.

10 (f) The certification required under subsection (d) with
11 respect to outstanding bonds and notes of the Authority shall
12 be filed as early as practicable before the beginning of the
13 State fiscal year to which it relates. The certification shall
14 be revised as may be necessary to accurately state the debt
15 service requirements of the Authority.

16 (g) Within 6 months of the end of each fiscal year, the
17 Authority shall determine:

18 (i) whether the aggregate of all system generated
19 revenues for public transportation in the metropolitan
20 region which is provided by, or under grant or purchase of
21 service contracts with, the Service Boards equals 50% of
22 the aggregate of all costs of providing such public
23 transportation. "System generated revenues" include all
24 the proceeds of fares and charges for services provided,
25 contributions received in connection with public
26 transportation from units of local government other than

1 the Authority, except for contributions received by the
2 Chicago Transit Authority from a real estate transfer tax
3 imposed under subsection (i) of Section 8-3-19 of the
4 Illinois Municipal Code, and from the State pursuant to
5 subsection (i) of Section 2705-305 of the Department of
6 Transportation Law (20 ILCS 2705/2705-305), and all other
7 revenues properly included consistent with generally
8 accepted accounting principles but may not include: the
9 proceeds from any borrowing, and, beginning with the 2007
10 fiscal year, all revenues and receipts, including but not
11 limited to fares and grants received from the federal,
12 State or any unit of local government or other entity,
13 derived from providing ADA paratransit service pursuant to
14 Section 2.30 of the Regional Transportation Authority Act.
15 "Costs" include all items properly included as operating
16 costs consistent with generally accepted accounting
17 principles, including administrative costs, but do not
18 include: depreciation; payment of principal and interest
19 on bonds, notes or other evidences of obligations for
20 borrowed money of the Authority; payments with respect to
21 public transportation facilities made pursuant to
22 subsection (b) of Section 2.20; any payments with respect
23 to rate protection contracts, credit enhancements or
24 liquidity agreements made under Section 4.14; any other
25 cost as to which it is reasonably expected that a cash
26 expenditure will not be made; costs for passenger security

1 including grants, contracts, personnel, equipment and
2 administrative expenses, except in the case of the Chicago
3 Transit Authority, in which case the term does not include
4 costs spent annually by that entity for protection against
5 crime as required by Section 27a of the Metropolitan
6 Transit Authority Act; the costs of Debt Service paid by
7 the Chicago Transit Authority, as defined in Section 12c of
8 the Metropolitan Transit Authority Act, or bonds or notes
9 issued pursuant to that Section; the payment by the
10 Commuter Rail Division of debt service on bonds issued
11 pursuant to Section 3B.09; expenses incurred by the
12 Suburban Bus Division for the cost of new public
13 transportation services funded from grants pursuant to
14 Section 2.01e of this amendatory Act of the 95th General
15 Assembly for a period of 2 years from the date of
16 initiation of each such service; costs as exempted by the
17 Board for projects pursuant to Section 2.09 of this Act;
18 or, beginning with the 2007 fiscal year, expenses related
19 to providing ADA paratransit service pursuant to Section
20 2.30 of the Regional Transportation Authority Act; or in
21 fiscal years 2008 through 2012 inclusive, costs in the
22 amount of \$200,000,000 in fiscal year 2008, reducing by
23 \$40,000,000 in each fiscal year thereafter until this
24 exemption is eliminated. If said system generated revenues
25 are less than 50% of said costs, the Board shall remit an
26 amount equal to the amount of the deficit to the State. The

1 Treasurer shall deposit any such payment in the Road Fund;
2 and

3 (ii) whether, beginning with the 2007 fiscal year, the
4 aggregate of all fares charged and received for ADA
5 paratransit services equals the system generated ADA
6 paratransit services revenue recovery ratio percentage of
7 the aggregate of all costs of providing such ADA
8 paratransit services.

9 (h) If the Authority makes any payment to the State under
10 paragraph (g), the Authority shall reduce the amount provided
11 to a Service Board from funds transferred under paragraph (a)
12 in proportion to the amount by which that Service Board failed
13 to meet its required system generated revenues recovery ratio.
14 A Service Board which is affected by a reduction in funds under
15 this paragraph shall submit to the Authority concurrently with
16 its next due quarterly report a revised budget incorporating
17 the reduction in funds. The revised budget must meet the
18 criteria specified in clauses (i) through (vi) of Section
19 4.11(b)(2). The Board shall review and act on the revised
20 budget as provided in Section 4.11(b)(3).

21 (Source: P.A. 100-23, eff. 7-6-17.)

22 ARTICLE 10. RETIREMENT CONTRIBUTIONS

23 Section 10-5. The State Pension Funds Continuing
24 Appropriation Act is amended by changing Section 1.2 as

1 follows:

2 (40 ILCS 15/1.2)

3 Sec. 1.2. Appropriations for the State Employees'
4 Retirement System.

5 (a) From each fund from which an amount is appropriated for
6 personal services to a department or other employer under
7 Article 14 of the Illinois Pension Code, there is hereby
8 appropriated to that department or other employer, on a
9 continuing annual basis for each State fiscal year, an
10 additional amount equal to the amount, if any, by which (1) an
11 amount equal to the percentage of the personal services line
12 item for that department or employer from that fund for that
13 fiscal year that the Board of Trustees of the State Employees'
14 Retirement System of Illinois has certified under Section
15 14-135.08 of the Illinois Pension Code to be necessary to meet
16 the State's obligation under Section 14-131 of the Illinois
17 Pension Code for that fiscal year, exceeds (2) the amounts
18 otherwise appropriated to that department or employer from that
19 fund for State contributions to the State Employees' Retirement
20 System for that fiscal year. From the effective date of this
21 amendatory Act of the 93rd General Assembly through the final
22 payment from a department or employer's personal services line
23 item for fiscal year 2004, payments to the State Employees'
24 Retirement System that otherwise would have been made under
25 this subsection (a) shall be governed by the provisions in

1 subsection (a-1).

2 (a-1) If a Fiscal Year 2004 Shortfall is certified under
3 subsection (f) of Section 14-131 of the Illinois Pension Code,
4 there is hereby appropriated to the State Employees' Retirement
5 System of Illinois on a continuing basis from the General
6 Revenue Fund an additional aggregate amount equal to the Fiscal
7 Year 2004 Shortfall.

8 (a-2) If a Fiscal Year 2010 Shortfall is certified under
9 subsection (i) of Section 14-131 of the Illinois Pension Code,
10 there is hereby appropriated to the State Employees' Retirement
11 System of Illinois on a continuing basis from the General
12 Revenue Fund an additional aggregate amount equal to the Fiscal
13 Year 2010 Shortfall.

14 (a-3) If a Fiscal Year 2016 Shortfall is certified under
15 subsection (k) of Section 14-131 of the Illinois Pension Code,
16 there is hereby appropriated to the State Employees' Retirement
17 System of Illinois on a continuing basis from the General
18 Revenue Fund an additional aggregate amount equal to the Fiscal
19 Year 2016 Shortfall.

20 (a-4) If a Prior Fiscal Year Shortfall is certified under
21 subsection (k) of Section 14-131 of the Illinois Pension Code,
22 there is hereby appropriated to the State Employees' Retirement
23 System of Illinois on a continuing basis from the General
24 Revenue Fund an additional aggregate amount equal to the Fiscal
25 Year 2018 ~~2017~~ Shortfall.

26 (b) The continuing appropriations provided for by this

1 Section shall first be available in State fiscal year 1996.

2 (c) Beginning in Fiscal Year 2005, any continuing
3 appropriation under this Section arising out of an
4 appropriation for personal services from the Road Fund to the
5 Department of State Police or the Secretary of State shall be
6 payable from the General Revenue Fund rather than the Road
7 Fund.

8 (d) For State fiscal year 2010 only, a continuing
9 appropriation is provided to the State Employees' Retirement
10 System equal to the amount certified by the System on or before
11 December 31, 2008, less the gross proceeds of the bonds sold in
12 fiscal year 2010 under the authorization contained in
13 subsection (a) of Section 7.2 of the General Obligation Bond
14 Act.

15 (e) For State fiscal year 2011 only, the continuing
16 appropriation under this Section provided to the State
17 Employees' Retirement System is limited to an amount equal to
18 the amount certified by the System on or before December 31,
19 2009, less any amounts received pursuant to subsection (a-3) of
20 Section 14.1 of the State Finance Act.

21 (f) For State fiscal year 2011 only, a continuing
22 appropriation is provided to the State Employees' Retirement
23 System equal to the amount certified by the System on or before
24 April 1, 2011, less the gross proceeds of the bonds sold in
25 fiscal year 2011 under the authorization contained in
26 subsection (a) of Section 7.2 of the General Obligation Bond

1 Act.

2 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

3 ARTICLE 15. HUMAN SERVICES

4 Section 15-5. The Illinois Act on Aging is amended by
5 changing Section 4.02 as follows:

6 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

7 Sec. 4.02. Community Care Program. The Department shall
8 establish a program of services to prevent unnecessary
9 institutionalization of persons age 60 and older in need of
10 long term care or who are established as persons who suffer
11 from Alzheimer's disease or a related disorder under the
12 Alzheimer's Disease Assistance Act, thereby enabling them to
13 remain in their own homes or in other living arrangements. Such
14 preventive services, which may be coordinated with other
15 programs for the aged and monitored by area agencies on aging
16 in cooperation with the Department, may include, but are not
17 limited to, any or all of the following:

18 (a) (blank);

19 (b) (blank);

20 (c) home care aide services;

21 (d) personal assistant services;

22 (e) adult day services;

23 (f) home-delivered meals;

1 (g) education in self-care;

2 (h) personal care services;

3 (i) adult day health services;

4 (j) habilitation services;

5 (k) respite care;

6 (k-5) community reintegration services;

7 (k-6) flexible senior services;

8 (k-7) medication management;

9 (k-8) emergency home response;

10 (l) other nonmedical social services that may enable
11 the person to become self-supporting; or

12 (m) clearinghouse for information provided by senior
13 citizen home owners who want to rent rooms to or share
14 living space with other senior citizens.

15 The Department shall establish eligibility standards for
16 such services. In determining the amount and nature of services
17 for which a person may qualify, consideration shall not be
18 given to the value of cash, property or other assets held in
19 the name of the person's spouse pursuant to a written agreement
20 dividing marital property into equal but separate shares or
21 pursuant to a transfer of the person's interest in a home to
22 his spouse, provided that the spouse's share of the marital
23 property is not made available to the person seeking such
24 services.

25 Beginning January 1, 2008, the Department shall require as
26 a condition of eligibility that all new financially eligible

1 applicants apply for and enroll in medical assistance under
2 Article V of the Illinois Public Aid Code in accordance with
3 rules promulgated by the Department.

4 The Department shall, in conjunction with the Department of
5 Public Aid (now Department of Healthcare and Family Services),
6 seek appropriate amendments under Sections 1915 and 1924 of the
7 Social Security Act. The purpose of the amendments shall be to
8 extend eligibility for home and community based services under
9 Sections 1915 and 1924 of the Social Security Act to persons
10 who transfer to or for the benefit of a spouse those amounts of
11 income and resources allowed under Section 1924 of the Social
12 Security Act. Subject to the approval of such amendments, the
13 Department shall extend the provisions of Section 5-4 of the
14 Illinois Public Aid Code to persons who, but for the provision
15 of home or community-based services, would require the level of
16 care provided in an institution, as is provided for in federal
17 law. Those persons no longer found to be eligible for receiving
18 noninstitutional services due to changes in the eligibility
19 criteria shall be given 45 days notice prior to actual
20 termination. Those persons receiving notice of termination may
21 contact the Department and request the determination be
22 appealed at any time during the 45 day notice period. The
23 target population identified for the purposes of this Section
24 are persons age 60 and older with an identified service need.
25 Priority shall be given to those who are at imminent risk of
26 institutionalization. The services shall be provided to

1 eligible persons age 60 and older to the extent that the cost
2 of the services together with the other personal maintenance
3 expenses of the persons are reasonably related to the standards
4 established for care in a group facility appropriate to the
5 person's condition. These non-institutional services, pilot
6 projects or experimental facilities may be provided as part of
7 or in addition to those authorized by federal law or those
8 funded and administered by the Department of Human Services.
9 The Departments of Human Services, Healthcare and Family
10 Services, Public Health, Veterans' Affairs, and Commerce and
11 Economic Opportunity and other appropriate agencies of State,
12 federal and local governments shall cooperate with the
13 Department on Aging in the establishment and development of the
14 non-institutional services. The Department shall require an
15 annual audit from all personal assistant and home care aide
16 vendors contracting with the Department under this Section. The
17 annual audit shall assure that each audited vendor's procedures
18 are in compliance with Department's financial reporting
19 guidelines requiring an administrative and employee wage and
20 benefits cost split as defined in administrative rules. The
21 audit is a public record under the Freedom of Information Act.
22 The Department shall execute, relative to the nursing home
23 prescreening project, written inter-agency agreements with the
24 Department of Human Services and the Department of Healthcare
25 and Family Services, to effect the following: (1) intake
26 procedures and common eligibility criteria for those persons

1 who are receiving non-institutional services; and (2) the
2 establishment and development of non-institutional services in
3 areas of the State where they are not currently available or
4 are undeveloped. On and after July 1, 1996, all nursing home
5 prescreenings for individuals 60 years of age or older shall be
6 conducted by the Department.

7 As part of the Department on Aging's routine training of
8 case managers and case manager supervisors, the Department may
9 include information on family futures planning for persons who
10 are age 60 or older and who are caregivers of their adult
11 children with developmental disabilities. The content of the
12 training shall be at the Department's discretion.

13 The Department is authorized to establish a system of
14 recipient copayment for services provided under this Section,
15 such copayment to be based upon the recipient's ability to pay
16 but in no case to exceed the actual cost of the services
17 provided. Additionally, any portion of a person's income which
18 is equal to or less than the federal poverty standard shall not
19 be considered by the Department in determining the copayment.
20 The level of such copayment shall be adjusted whenever
21 necessary to reflect any change in the officially designated
22 federal poverty standard.

23 The Department, or the Department's authorized
24 representative, may recover the amount of moneys expended for
25 services provided to or in behalf of a person under this
26 Section by a claim against the person's estate or against the

1 estate of the person's surviving spouse, but no recovery may be
2 had until after the death of the surviving spouse, if any, and
3 then only at such time when there is no surviving child who is
4 under age 21 or blind or who has a permanent and total
5 disability. This paragraph, however, shall not bar recovery, at
6 the death of the person, of moneys for services provided to the
7 person or in behalf of the person under this Section to which
8 the person was not entitled; provided that such recovery shall
9 not be enforced against any real estate while it is occupied as
10 a homestead by the surviving spouse or other dependent, if no
11 claims by other creditors have been filed against the estate,
12 or, if such claims have been filed, they remain dormant for
13 failure of prosecution or failure of the claimant to compel
14 administration of the estate for the purpose of payment. This
15 paragraph shall not bar recovery from the estate of a spouse,
16 under Sections 1915 and 1924 of the Social Security Act and
17 Section 5-4 of the Illinois Public Aid Code, who precedes a
18 person receiving services under this Section in death. All
19 moneys for services paid to or in behalf of the person under
20 this Section shall be claimed for recovery from the deceased
21 spouse's estate. "Homestead", as used in this paragraph, means
22 the dwelling house and contiguous real estate occupied by a
23 surviving spouse or relative, as defined by the rules and
24 regulations of the Department of Healthcare and Family
25 Services, regardless of the value of the property.

26 The Department shall increase the effectiveness of the

1 existing Community Care Program by:

2 (1) ensuring that in-home services included in the care
3 plan are available on evenings and weekends;

4 (2) ensuring that care plans contain the services that
5 eligible participants need based on the number of days in a
6 month, not limited to specific blocks of time, as
7 identified by the comprehensive assessment tool selected
8 by the Department for use statewide, not to exceed the
9 total monthly service cost maximum allowed for each
10 service; the Department shall develop administrative rules
11 to implement this item (2);

12 (3) ensuring that the participants have the right to
13 choose the services contained in their care plan and to
14 direct how those services are provided, based on
15 administrative rules established by the Department;

16 (4) ensuring that the determination of need tool is
17 accurate in determining the participants' level of need; to
18 achieve this, the Department, in conjunction with the Older
19 Adult Services Advisory Committee, shall institute a study
20 of the relationship between the Determination of Need
21 scores, level of need, service cost maximums, and the
22 development and utilization of service plans no later than
23 May 1, 2008; findings and recommendations shall be
24 presented to the Governor and the General Assembly no later
25 than January 1, 2009; recommendations shall include all
26 needed changes to the service cost maximums schedule and

1 additional covered services;

2 (5) ensuring that homemakers can provide personal care
3 services that may or may not involve contact with clients,
4 including but not limited to:

5 (A) bathing;

6 (B) grooming;

7 (C) toileting;

8 (D) nail care;

9 (E) transferring;

10 (F) respiratory services;

11 (G) exercise; or

12 (H) positioning;

13 (6) ensuring that homemaker program vendors are not
14 restricted from hiring homemakers who are family members of
15 clients or recommended by clients; the Department may not,
16 by rule or policy, require homemakers who are family
17 members of clients or recommended by clients to accept
18 assignments in homes other than the client;

19 (7) ensuring that the State may access maximum federal
20 matching funds by seeking approval for the Centers for
21 Medicare and Medicaid Services for modifications to the
22 State's home and community based services waiver and
23 additional waiver opportunities, including applying for
24 enrollment in the Balance Incentive Payment Program by May
25 1, 2013, in order to maximize federal matching funds; this
26 shall include, but not be limited to, modification that

1 reflects all changes in the Community Care Program services
2 and all increases in the services cost maximum;

3 (8) ensuring that the determination of need tool
4 accurately reflects the service needs of individuals with
5 Alzheimer's disease and related dementia disorders;

6 (9) ensuring that services are authorized accurately
7 and consistently for the Community Care Program (CCP); the
8 Department shall implement a Service Authorization policy
9 directive; the purpose shall be to ensure that eligibility
10 and services are authorized accurately and consistently in
11 the CCP program; the policy directive shall clarify service
12 authorization guidelines to Care Coordination Units and
13 Community Care Program providers no later than May 1, 2013;

14 (10) working in conjunction with Care Coordination
15 Units, the Department of Healthcare and Family Services,
16 the Department of Human Services, Community Care Program
17 providers, and other stakeholders to make improvements to
18 the Medicaid claiming processes and the Medicaid
19 enrollment procedures or requirements as needed,
20 including, but not limited to, specific policy changes or
21 rules to improve the up-front enrollment of participants in
22 the Medicaid program and specific policy changes or rules
23 to insure more prompt submission of bills to the federal
24 government to secure maximum federal matching dollars as
25 promptly as possible; the Department on Aging shall have at
26 least 3 meetings with stakeholders by January 1, 2014 in

1 order to address these improvements;

2 (11) requiring home care service providers to comply
3 with the rounding of hours worked provisions under the
4 federal Fair Labor Standards Act (FLSA) and as set forth in
5 29 CFR 785.48(b) by May 1, 2013;

6 (12) implementing any necessary policy changes or
7 promulgating any rules, no later than January 1, 2014, to
8 assist the Department of Healthcare and Family Services in
9 moving as many participants as possible, consistent with
10 federal regulations, into coordinated care plans if a care
11 coordination plan that covers long term care is available
12 in the recipient's area; and

13 (13) maintaining fiscal year 2014 rates at the same
14 level established on January 1, 2013.

15 By January 1, 2009 or as soon after the end of the Cash and
16 Counseling Demonstration Project as is practicable, the
17 Department may, based on its evaluation of the demonstration
18 project, promulgate rules concerning personal assistant
19 services, to include, but need not be limited to,
20 qualifications, employment screening, rights under fair labor
21 standards, training, fiduciary agent, and supervision
22 requirements. All applicants shall be subject to the provisions
23 of the Health Care Worker Background Check Act.

24 The Department shall develop procedures to enhance
25 availability of services on evenings, weekends, and on an
26 emergency basis to meet the respite needs of caregivers.

1 Procedures shall be developed to permit the utilization of
2 services in successive blocks of 24 hours up to the monthly
3 maximum established by the Department. Workers providing these
4 services shall be appropriately trained.

5 Beginning on the effective date of this amendatory Act of
6 1991, no person may perform chore/housekeeping and home care
7 aide services under a program authorized by this Section unless
8 that person has been issued a certificate of pre-service to do
9 so by his or her employing agency. Information gathered to
10 effect such certification shall include (i) the person's name,
11 (ii) the date the person was hired by his or her current
12 employer, and (iii) the training, including dates and levels.
13 Persons engaged in the program authorized by this Section
14 before the effective date of this amendatory Act of 1991 shall
15 be issued a certificate of all pre- and in-service training
16 from his or her employer upon submitting the necessary
17 information. The employing agency shall be required to retain
18 records of all staff pre- and in-service training, and shall
19 provide such records to the Department upon request and upon
20 termination of the employer's contract with the Department. In
21 addition, the employing agency is responsible for the issuance
22 of certifications of in-service training completed to their
23 employees.

24 The Department is required to develop a system to ensure
25 that persons working as home care aides and personal assistants
26 receive increases in their wages when the federal minimum wage

1 is increased by requiring vendors to certify that they are
2 meeting the federal minimum wage statute for home care aides
3 and personal assistants. An employer that cannot ensure that
4 the minimum wage increase is being given to home care aides and
5 personal assistants shall be denied any increase in
6 reimbursement costs.

7 The Community Care Program Advisory Committee is created in
8 the Department on Aging. The Director shall appoint individuals
9 to serve in the Committee, who shall serve at their own
10 expense. Members of the Committee must abide by all applicable
11 ethics laws. The Committee shall advise the Department on
12 issues related to the Department's program of services to
13 prevent unnecessary institutionalization. The Committee shall
14 meet on a bi-monthly basis and shall serve to identify and
15 advise the Department on present and potential issues affecting
16 the service delivery network, the program's clients, and the
17 Department and to recommend solution strategies. Persons
18 appointed to the Committee shall be appointed on, but not
19 limited to, their own and their agency's experience with the
20 program, geographic representation, and willingness to serve.
21 The Director shall appoint members to the Committee to
22 represent provider, advocacy, policy research, and other
23 constituencies committed to the delivery of high quality home
24 and community-based services to older adults. Representatives
25 shall be appointed to ensure representation from community care
26 providers including, but not limited to, adult day service

1 providers, homemaker providers, case coordination and case
2 management units, emergency home response providers, statewide
3 trade or labor unions that represent home care aides and direct
4 care staff, area agencies on aging, adults over age 60,
5 membership organizations representing older adults, and other
6 organizational entities, providers of care, or individuals
7 with demonstrated interest and expertise in the field of home
8 and community care as determined by the Director.

9 Nominations may be presented from any agency or State
10 association with interest in the program. The Director, or his
11 or her designee, shall serve as the permanent co-chair of the
12 advisory committee. One other co-chair shall be nominated and
13 approved by the members of the committee on an annual basis.
14 Committee members' terms of appointment shall be for 4 years
15 with one-quarter of the appointees' terms expiring each year. A
16 member shall continue to serve until his or her replacement is
17 named. The Department shall fill vacancies that have a
18 remaining term of over one year, and this replacement shall
19 occur through the annual replacement of expiring terms. The
20 Director shall designate Department staff to provide technical
21 assistance and staff support to the committee. Department
22 representation shall not constitute membership of the
23 committee. All Committee papers, issues, recommendations,
24 reports, and meeting memoranda are advisory only. The Director,
25 or his or her designee, shall make a written report, as
26 requested by the Committee, regarding issues before the

1 Committee.

2 The Department on Aging and the Department of Human
3 Services shall cooperate in the development and submission of
4 an annual report on programs and services provided under this
5 Section. Such joint report shall be filed with the Governor and
6 the General Assembly on or before September 30 each year.

7 The requirement for reporting to the General Assembly shall
8 be satisfied by filing copies of the report with the Speaker,
9 the Minority Leader and the Clerk of the House of
10 Representatives and the President, the Minority Leader and the
11 Secretary of the Senate and the Legislative Research Unit, as
12 required by Section 3.1 of the General Assembly Organization
13 Act and filing such additional copies with the State Government
14 Report Distribution Center for the General Assembly as is
15 required under paragraph (t) of Section 7 of the State Library
16 Act.

17 Those persons previously found eligible for receiving
18 non-institutional services whose services were discontinued
19 under the Emergency Budget Act of Fiscal Year 1992, and who do
20 not meet the eligibility standards in effect on or after July
21 1, 1992, shall remain ineligible on and after July 1, 1992.
22 Those persons previously not required to cost-share and who
23 were required to cost-share effective March 1, 1992, shall
24 continue to meet cost-share requirements on and after July 1,
25 1992. Beginning July 1, 1992, all clients will be required to
26 meet eligibility, cost-share, and other requirements and will

1 have services discontinued or altered when they fail to meet
2 these requirements.

3 For the purposes of this Section, "flexible senior
4 services" refers to services that require one-time or periodic
5 expenditures including, but not limited to, respite care, home
6 modification, assistive technology, housing assistance, and
7 transportation.

8 The Department shall implement an electronic service
9 verification based on global positioning systems or other
10 cost-effective technology for the Community Care Program no
11 later than January 1, 2014.

12 The Department shall require, as a condition of
13 eligibility, enrollment in the medical assistance program
14 under Article V of the Illinois Public Aid Code (i) beginning
15 August 1, 2013, if the Auditor General has reported that the
16 Department has failed to comply with the reporting requirements
17 of Section 2-27 of the Illinois State Auditing Act; or (ii)
18 beginning June 1, 2014, if the Auditor General has reported
19 that the Department has not undertaken the required actions
20 listed in the report required by subsection (a) of Section 2-27
21 of the Illinois State Auditing Act.

22 The Department shall delay Community Care Program services
23 until an applicant is determined eligible for medical
24 assistance under Article V of the Illinois Public Aid Code (i)
25 beginning August 1, 2013, if the Auditor General has reported
26 that the Department has failed to comply with the reporting

1 requirements of Section 2-27 of the Illinois State Auditing
2 Act; or (ii) beginning June 1, 2014, if the Auditor General has
3 reported that the Department has not undertaken the required
4 actions listed in the report required by subsection (a) of
5 Section 2-27 of the Illinois State Auditing Act.

6 The Department shall implement co-payments for the
7 Community Care Program at the federally allowable maximum level
8 (i) beginning August 1, 2013, if the Auditor General has
9 reported that the Department has failed to comply with the
10 reporting requirements of Section 2-27 of the Illinois State
11 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor
12 General has reported that the Department has not undertaken the
13 required actions listed in the report required by subsection
14 (a) of Section 2-27 of the Illinois State Auditing Act.

15 The Department shall provide a bi-monthly report on the
16 progress of the Community Care Program reforms set forth in
17 this amendatory Act of the 98th General Assembly to the
18 Governor, the Speaker of the House of Representatives, the
19 Minority Leader of the House of Representatives, the President
20 of the Senate, and the Minority Leader of the Senate.

21 The Department shall conduct a quarterly review of Care
22 Coordination Unit performance and adherence to service
23 guidelines. The quarterly review shall be reported to the
24 Speaker of the House of Representatives, the Minority Leader of
25 the House of Representatives, the President of the Senate, and
26 the Minority Leader of the Senate. The Department shall collect

1 and report longitudinal data on the performance of each care
2 coordination unit. Nothing in this paragraph shall be construed
3 to require the Department to identify specific care
4 coordination units.

5 In regard to community care providers, failure to comply
6 with Department on Aging policies shall be cause for
7 disciplinary action, including, but not limited to,
8 disqualification from serving Community Care Program clients.
9 Each provider, upon submission of any bill or invoice to the
10 Department for payment for services rendered, shall include a
11 notarized statement, under penalty of perjury pursuant to
12 Section 1-109 of the Code of Civil Procedure, that the provider
13 has complied with all Department policies.

14 The Director of the Department on Aging shall make
15 information available to the State Board of Elections as may be
16 required by an agreement the State Board of Elections has
17 entered into with a multi-state voter registration list
18 maintenance system.

19 Within 30 days after July 6, 2017 (the effective date of
20 Public Act 100-23) ~~this amendatory Act of the 100th General~~
21 ~~Assembly~~, rates shall be increased to \$18.29 per hour, for the
22 purpose of increasing, by at least \$.72 per hour, the wages
23 paid by those vendors to their employees who provide homemaker
24 services. The Department shall pay an enhanced rate under the
25 Community Care Program to those in-home service provider
26 agencies that offer health insurance coverage as a benefit to

1 their direct service worker employees consistent with the
2 mandates of Public Act 95-713. For State fiscal years ~~year~~ 2018
3 and 2019, the enhanced rate shall be \$1.77 per hour. The rate
4 shall be adjusted using actuarial analysis based on the cost of
5 care, but shall not be set below \$1.77 per hour. The Department
6 shall adopt rules, including emergency rules under subsections
7 ~~subsection~~ (y) and (bb) of Section 5-45 of the Illinois
8 Administrative Procedure Act, to implement the provisions of
9 this paragraph.

10 The General Assembly finds it necessary to authorize an
11 aggressive Medicaid enrollment initiative designed to maximize
12 federal Medicaid funding for the Community Care Program which
13 produces significant savings for the State of Illinois. The
14 Department on Aging shall establish and implement a Community
15 Care Program Medicaid Initiative. Under the Initiative, the
16 Department on Aging shall, at a minimum: (i) provide an
17 enhanced rate to adequately compensate care coordination units
18 to enroll eligible Community Care Program clients into
19 Medicaid; (ii) use recommendations from a stakeholder
20 committee on how best to implement the Initiative; and (iii)
21 establish requirements for State agencies to make enrollment in
22 the State's Medical Assistance program easier for seniors.

23 The Community Care Program Medicaid Enrollment Oversight
24 Subcommittee is created as a subcommittee of the Older Adult
25 Services Advisory Committee established in Section 35 of the
26 Older Adult Services Act to make recommendations on how best to

1 increase the number of medical assistance recipients who are
2 enrolled in the Community Care Program. The Subcommittee shall
3 consist of all of the following persons who must be appointed
4 within 30 days after the effective date of this amendatory Act
5 of the 100th General Assembly:

6 (1) The Director of Aging, or his or her designee, who
7 shall serve as the chairperson of the Subcommittee.

8 (2) One representative of the Department of Healthcare
9 and Family Services, appointed by the Director of
10 Healthcare and Family Services.

11 (3) One representative of the Department of Human
12 Services, appointed by the Secretary of Human Services.

13 (4) One individual representing a care coordination
14 unit, appointed by the Director of Aging.

15 (5) One individual from a non-governmental statewide
16 organization that advocates for seniors, appointed by the
17 Director of Aging.

18 (6) One individual representing Area Agencies on
19 Aging, appointed by the Director of Aging.

20 (7) One individual from a statewide association
21 dedicated to Alzheimer's care, support, and research,
22 appointed by the Director of Aging.

23 (8) One individual from an organization that employs
24 persons who provide services under the Community Care
25 Program, appointed by the Director of Aging.

26 (9) One member of a trade or labor union representing

1 persons who provide services under the Community Care
2 Program, appointed by the Director of Aging.

3 (10) One member of the Senate, who shall serve as
4 co-chairperson, appointed by the President of the Senate.

5 (11) One member of the Senate, who shall serve as
6 co-chairperson, appointed by the Minority Leader of the
7 Senate.

8 (12) One member of the House of Representatives, who
9 shall serve as co-chairperson, appointed by the Speaker of
10 the House of Representatives.

11 (13) One member of the House of Representatives, who
12 shall serve as co-chairperson, appointed by the Minority
13 Leader of the House of Representatives.

14 (14) One individual appointed by a labor organization
15 representing frontline employees at the Department of
16 Human Services.

17 The Subcommittee shall provide oversight to the Community
18 Care Program Medicaid Initiative and shall meet quarterly. At
19 each Subcommittee meeting the Department on Aging shall provide
20 the following data sets to the Subcommittee: (A) the number of
21 Illinois residents, categorized by planning and service area,
22 who are receiving services under the Community Care Program and
23 are enrolled in the State's Medical Assistance Program; (B) the
24 number of Illinois residents, categorized by planning and
25 service area, who are receiving services under the Community
26 Care Program, but are not enrolled in the State's Medical

1 Assistance Program; and (C) the number of Illinois residents,
2 categorized by planning and service area, who are receiving
3 services under the Community Care Program and are eligible for
4 benefits under the State's Medical Assistance Program, but are
5 not enrolled in the State's Medical Assistance Program. In
6 addition to this data, the Department on Aging shall provide
7 the Subcommittee with plans on how the Department on Aging will
8 reduce the number of Illinois residents who are not enrolled in
9 the State's Medical Assistance Program but who are eligible for
10 medical assistance benefits. The Department on Aging shall
11 enroll in the State's Medical Assistance Program those Illinois
12 residents who receive services under the Community Care Program
13 and are eligible for medical assistance benefits but are not
14 enrolled in the State's Medicaid Assistance Program. The data
15 provided to the Subcommittee shall be made available to the
16 public via the Department on Aging's website.

17 The Department on Aging, with the involvement of the
18 Subcommittee, shall collaborate with the Department of Human
19 Services and the Department of Healthcare and Family Services
20 on how best to achieve the responsibilities of the Community
21 Care Program Medicaid Initiative.

22 The Department on Aging, the Department of Human Services,
23 and the Department of Healthcare and Family Services shall
24 coordinate and implement a streamlined process for seniors to
25 access benefits under the State's Medical Assistance Program.

26 The Subcommittee shall collaborate with the Department of

1 Human Services on the adoption of a uniform application
2 submission process. The Department of Human Services and any
3 other State agency involved with processing the medical
4 assistance application of any person enrolled in the Community
5 Care Program shall include the appropriate care coordination
6 unit in all communications related to the determination or
7 status of the application.

8 The Community Care Program Medicaid Initiative shall
9 provide targeted funding to care coordination units to help
10 seniors complete their applications for medical assistance
11 benefits. On and after July 1, 2019, care coordination units
12 shall receive no less than \$200 per completed application.

13 The Community Care Program Medicaid Initiative shall cease
14 operation 5 years after the effective date of this amendatory
15 Act of the 100th General Assembly, after which the Subcommittee
16 shall dissolve.

17 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17.)

18 Section 15-10. The Alcoholism and Other Drug Abuse and
19 Dependency Act is amended by adding Section 55-30 as follows:

20 (20 ILCS 301/55-30)

21 Sec. 55-30. Rate increase.

22 (a) Within 30 days after July 6, 2017 (the effective date
23 of Public Act 100-23) ~~this amendatory Act of the 100th General~~
24 Assembly, the Division of Alcoholism and Substance Abuse shall

1 by rule develop the increased rate methodology and annualize
2 the increased rate beginning with State fiscal year 2018
3 contracts to licensed providers of community based addiction
4 treatment, based on the additional amounts appropriated for the
5 purpose of providing a rate increase to licensed providers of
6 community based addiction treatment. The Department shall
7 adopt rules, including emergency rules under subsection (y) of
8 Section 5-45 of the Illinois Administrative Procedure Act, to
9 implement the provisions of this Section.

10 (b) Within 30 days after the effective date of this
11 amendatory Act of the 100th General Assembly, the Division of
12 Substance Use Prevention and Recovery shall apply an increase
13 in rates of 3% above the rate paid on June 30, 2017 to all
14 Medicaid and non-Medicaid reimbursable service rates. The
15 Department shall adopt rules, including emergency rules under
16 subsection (bb) of Section 5-45 of the Illinois Administrative
17 Procedure Act, to implement the provisions of this subsection
18 (b).

19 (Source: P.A. 100-23, eff. 7-6-17.)

20 Section 15-15. The Mental Health and Developmental
21 Disabilities Administrative Act is amended by adding Section 75
22 as follows:

23 (20 ILCS 1705/75)

24 Sec. 75. Rate increase. Within 30 days after July 6, 2017

1 (the effective date of Public Act 100-23) ~~this amendatory Act~~
2 ~~of the 100th General Assembly~~, the Division of Mental Health
3 shall by rule develop the increased rate methodology and
4 annualize the increased rate beginning with State fiscal year
5 2018 contracts to certified community mental health centers,
6 based on the additional amounts appropriated for the purpose of
7 providing a rate increase to certified community mental health
8 centers, with the annualization to be maintained in State
9 fiscal year 2019. The Department shall adopt rules, including
10 emergency rules under subsections ~~subsection~~ (y) and (bb) of
11 Section 5-45 of the Illinois Administrative Procedure Act, to
12 implement the provisions of this Section.
13 (Source: P.A. 100-23, eff. 7-6-17.)

14 Section 15-20. The Rehabilitation of Persons with
15 Disabilities Act is amended by changing Section 3 as follows:

16 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

17 Sec. 3. Powers and duties. The Department shall have the
18 powers and duties enumerated herein:

19 (a) To co-operate with the federal government in the
20 administration of the provisions of the federal
21 Rehabilitation Act of 1973, as amended, of the Workforce
22 Innovation and Opportunity Act, and of the federal Social
23 Security Act to the extent and in the manner provided in
24 these Acts.

1 (b) To prescribe and supervise such courses of
2 vocational training and provide such other services as may
3 be necessary for the habilitation and rehabilitation of
4 persons with one or more disabilities, including the
5 administrative activities under subsection (e) of this
6 Section, and to co-operate with State and local school
7 authorities and other recognized agencies engaged in
8 habilitation, rehabilitation and comprehensive
9 rehabilitation services; and to cooperate with the
10 Department of Children and Family Services regarding the
11 care and education of children with one or more
12 disabilities.

13 (c) (Blank).

14 (d) To report in writing, to the Governor, annually on
15 or before the first day of December, and at such other
16 times and in such manner and upon such subjects as the
17 Governor may require. The annual report shall contain (1) a
18 statement of the existing condition of comprehensive
19 rehabilitation services, habilitation and rehabilitation
20 in the State; (2) a statement of suggestions and
21 recommendations with reference to the development of
22 comprehensive rehabilitation services, habilitation and
23 rehabilitation in the State; and (3) an itemized statement
24 of the amounts of money received from federal, State and
25 other sources, and of the objects and purposes to which the
26 respective items of these several amounts have been

1 devoted.

2 (e) (Blank).

3 (f) To establish a program of services to prevent the
4 unnecessary institutionalization of persons in need of
5 long term care and who meet the criteria for blindness or
6 disability as defined by the Social Security Act, thereby
7 enabling them to remain in their own homes. Such preventive
8 services include any or all of the following:

9 (1) personal assistant services;

10 (2) homemaker services;

11 (3) home-delivered meals;

12 (4) adult day care services;

13 (5) respite care;

14 (6) home modification or assistive equipment;

15 (7) home health services;

16 (8) electronic home response;

17 (9) brain injury behavioral/cognitive services;

18 (10) brain injury habilitation;

19 (11) brain injury pre-vocational services; or

20 (12) brain injury supported employment.

21 The Department shall establish eligibility standards
22 for such services taking into consideration the unique
23 economic and social needs of the population for whom they
24 are to be provided. Such eligibility standards may be based
25 on the recipient's ability to pay for services; provided,
26 however, that any portion of a person's income that is

1 equal to or less than the "protected income" level shall
2 not be considered by the Department in determining
3 eligibility. The "protected income" level shall be
4 determined by the Department, shall never be less than the
5 federal poverty standard, and shall be adjusted each year
6 to reflect changes in the Consumer Price Index For All
7 Urban Consumers as determined by the United States
8 Department of Labor. The standards must provide that a
9 person may not have more than \$10,000 in assets to be
10 eligible for the services, and the Department may increase
11 or decrease the asset limitation by rule. The Department
12 may not decrease the asset level below \$10,000.

13 The services shall be provided, as established by the
14 Department by rule, to eligible persons to prevent
15 unnecessary or premature institutionalization, to the
16 extent that the cost of the services, together with the
17 other personal maintenance expenses of the persons, are
18 reasonably related to the standards established for care in
19 a group facility appropriate to their condition. These
20 non-institutional services, pilot projects or experimental
21 facilities may be provided as part of or in addition to
22 those authorized by federal law or those funded and
23 administered by the Illinois Department on Aging. The
24 Department shall set rates and fees for services in a fair
25 and equitable manner. Services identical to those offered
26 by the Department on Aging shall be paid at the same rate.

1 Except as otherwise provided in this paragraph,
2 personal ~~Personal~~ assistants shall be paid at a rate
3 negotiated between the State and an exclusive
4 representative of personal assistants under a collective
5 bargaining agreement. In no case shall the Department pay
6 personal assistants an hourly wage that is less than the
7 federal minimum wage. Within 30 days after July 6, 2017
8 (the effective date of Public Act 100-23) ~~this amendatory~~
9 ~~Act of the 100th General Assembly,~~ the hourly wage paid to
10 personal assistants and individual maintenance home health
11 workers shall be increased by \$0.48 per hour.

12 Solely for the purposes of coverage under the Illinois
13 Public Labor Relations Act, personal assistants providing
14 services under the Department's Home Services Program
15 shall be considered to be public employees and the State of
16 Illinois shall be considered to be their employer as of
17 July 16, 2003 (the effective date of Public Act 93-204)
18 ~~this amendatory Act of the 93rd General Assembly,~~ but not
19 before. Solely for the purposes of coverage under the
20 Illinois Public Labor Relations Act, home care and home
21 health workers who function as personal assistants and
22 individual maintenance home health workers and who also
23 provide services under the Department's Home Services
24 Program shall be considered to be public employees, no
25 matter whether the State provides such services through
26 direct fee-for-service arrangements, with the assistance

1 of a managed care organization or other intermediary, or
2 otherwise, and the State of Illinois shall be considered to
3 be the employer of those persons as of January 29, 2013
4 (the effective date of Public Act 97-1158), but not before
5 except as otherwise provided under this subsection (f). The
6 State shall engage in collective bargaining with an
7 exclusive representative of home care and home health
8 workers who function as personal assistants and individual
9 maintenance home health workers working under the Home
10 Services Program concerning their terms and conditions of
11 employment that are within the State's control. Nothing in
12 this paragraph shall be understood to limit the right of
13 the persons receiving services defined in this Section to
14 hire and fire home care and home health workers who
15 function as personal assistants and individual maintenance
16 home health workers working under the Home Services Program
17 or to supervise them within the limitations set by the Home
18 Services Program. The State shall not be considered to be
19 the employer of home care and home health workers who
20 function as personal assistants and individual maintenance
21 home health workers working under the Home Services Program
22 for any purposes not specifically provided in Public Act
23 93-204 or Public Act 97-1158, including but not limited to,
24 purposes of vicarious liability in tort and purposes of
25 statutory retirement or health insurance benefits. Home
26 care and home health workers who function as personal

1 assistants and individual maintenance home health workers
2 and who also provide services under the Department's Home
3 Services Program shall not be covered by the State
4 Employees Group Insurance Act of 1971.

5 The Department shall execute, relative to nursing home
6 prescreening, as authorized by Section 4.03 of the Illinois
7 Act on the Aging, written inter-agency agreements with the
8 Department on Aging and the Department of Healthcare and
9 Family Services, to effect the intake procedures and
10 eligibility criteria for those persons who may need long
11 term care. On and after July 1, 1996, all nursing home
12 prescreenings for individuals 18 through 59 years of age
13 shall be conducted by the Department, or a designee of the
14 Department.

15 The Department is authorized to establish a system of
16 recipient cost-sharing for services provided under this
17 Section. The cost-sharing shall be based upon the
18 recipient's ability to pay for services, but in no case
19 shall the recipient's share exceed the actual cost of the
20 services provided. Protected income shall not be
21 considered by the Department in its determination of the
22 recipient's ability to pay a share of the cost of services.
23 The level of cost-sharing shall be adjusted each year to
24 reflect changes in the "protected income" level. The
25 Department shall deduct from the recipient's share of the
26 cost of services any money expended by the recipient for

1 disability-related expenses.

2 To the extent permitted under the federal Social
3 Security Act, the Department, or the Department's
4 authorized representative, may recover the amount of
5 moneys expended for services provided to or in behalf of a
6 person under this Section by a claim against the person's
7 estate or against the estate of the person's surviving
8 spouse, but no recovery may be had until after the death of
9 the surviving spouse, if any, and then only at such time
10 when there is no surviving child who is under age 21 or
11 blind or who has a permanent and total disability. This
12 paragraph, however, shall not bar recovery, at the death of
13 the person, of moneys for services provided to the person
14 or in behalf of the person under this Section to which the
15 person was not entitled; provided that such recovery shall
16 not be enforced against any real estate while it is
17 occupied as a homestead by the surviving spouse or other
18 dependent, if no claims by other creditors have been filed
19 against the estate, or, if such claims have been filed,
20 they remain dormant for failure of prosecution or failure
21 of the claimant to compel administration of the estate for
22 the purpose of payment. This paragraph shall not bar
23 recovery from the estate of a spouse, under Sections 1915
24 and 1924 of the Social Security Act and Section 5-4 of the
25 Illinois Public Aid Code, who precedes a person receiving
26 services under this Section in death. All moneys for

1 services paid to or in behalf of the person under this
2 Section shall be claimed for recovery from the deceased
3 spouse's estate. "Homestead", as used in this paragraph,
4 means the dwelling house and contiguous real estate
5 occupied by a surviving spouse or relative, as defined by
6 the rules and regulations of the Department of Healthcare
7 and Family Services, regardless of the value of the
8 property.

9 The Department shall submit an annual report on
10 programs and services provided under this Section. The
11 report shall be filed with the Governor and the General
12 Assembly on or before March 30 each year.

13 The requirement for reporting to the General Assembly
14 shall be satisfied by filing copies of the report with the
15 Speaker, the Minority Leader and the Clerk of the House of
16 Representatives and the President, the Minority Leader and
17 the Secretary of the Senate and the Legislative Research
18 Unit, as required by Section 3.1 of the General Assembly
19 Organization Act, and filing additional copies with the
20 State Government Report Distribution Center for the
21 General Assembly as required under paragraph (t) of Section
22 7 of the State Library Act.

23 (g) To establish such subdivisions of the Department as
24 shall be desirable and assign to the various subdivisions
25 the responsibilities and duties placed upon the Department
26 by law.

1 (h) To cooperate and enter into any necessary
2 agreements with the Department of Employment Security for
3 the provision of job placement and job referral services to
4 clients of the Department, including job service
5 registration of such clients with Illinois Employment
6 Security offices and making job listings maintained by the
7 Department of Employment Security available to such
8 clients.

9 (i) To possess all powers reasonable and necessary for
10 the exercise and administration of the powers, duties and
11 responsibilities of the Department which are provided for
12 by law.

13 (j) (Blank).

14 (k) (Blank).

15 (l) To establish, operate, and maintain a Statewide
16 Housing Clearinghouse of information on available
17 government subsidized housing accessible to persons with
18 disabilities and available privately owned housing
19 accessible to persons with disabilities. The information
20 shall include, but not be limited to, the location, rental
21 requirements, access features and proximity to public
22 transportation of available housing. The Clearinghouse
23 shall consist of at least a computerized database for the
24 storage and retrieval of information and a separate or
25 shared toll free telephone number for use by those seeking
26 information from the Clearinghouse. Department offices and

1 personnel throughout the State shall also assist in the
2 operation of the Statewide Housing Clearinghouse.
3 Cooperation with local, State, and federal housing
4 managers shall be sought and extended in order to
5 frequently and promptly update the Clearinghouse's
6 information.

7 (m) To assure that the names and case records of
8 persons who received or are receiving services from the
9 Department, including persons receiving vocational
10 rehabilitation, home services, or other services, and
11 those attending one of the Department's schools or other
12 supervised facility shall be confidential and not be open
13 to the general public. Those case records and reports or
14 the information contained in those records and reports
15 shall be disclosed by the Director only to proper law
16 enforcement officials, individuals authorized by a court,
17 the General Assembly or any committee or commission of the
18 General Assembly, and other persons and for reasons as the
19 Director designates by rule. Disclosure by the Director may
20 be only in accordance with other applicable law.

21 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17;
22 100-477, eff. 9-8-17; revised 9-27-17.)

23 Section 15-25. The Older Adult Services Act is amended by
24 changing Section 35 as follows:

1 (320 ILCS 42/35)

2 Sec. 35. Older Adult Services Advisory Committee.

3 (a) The Older Adult Services Advisory Committee is created
4 to advise the directors of Aging, Healthcare and Family
5 Services, and Public Health on all matters related to this Act
6 and the delivery of services to older adults in general.

7 (b) The Advisory Committee shall be comprised of the
8 following:

9 (1) The Director of Aging or his or her designee, who
10 shall serve as chair and shall be an ex officio and
11 nonvoting member.

12 (2) The Director of Healthcare and Family Services and
13 the Director of Public Health or their designees, who shall
14 serve as vice-chairs and shall be ex officio and nonvoting
15 members.

16 (3) One representative each of the Governor's Office,
17 the Department of Healthcare and Family Services, the
18 Department of Public Health, the Department of Veterans'
19 Affairs, the Department of Human Services, the Department
20 of Insurance, the Department of Commerce and Economic
21 Opportunity, the Department on Aging, the Department on
22 Aging's State Long Term Care Ombudsman, the Illinois
23 Housing Finance Authority, and the Illinois Housing
24 Development Authority, each of whom shall be selected by
25 his or her respective director and shall be an ex officio
26 and nonvoting member.

1 (4) Thirty members appointed by the Director of Aging
2 in collaboration with the directors of Public Health and
3 Healthcare and Family Services, and selected from the
4 recommendations of statewide associations and
5 organizations, as follows:

6 (A) One member representing the Area Agencies on
7 Aging;

8 (B) Four members representing nursing homes or
9 licensed assisted living establishments;

10 (C) One member representing home health agencies;

11 (D) One member representing case management
12 services;

13 (E) One member representing statewide senior
14 center associations;

15 (F) One member representing Community Care Program
16 homemaker services;

17 (G) One member representing Community Care Program
18 adult day services;

19 (H) One member representing nutrition project
20 directors;

21 (I) One member representing hospice programs;

22 (J) One member representing individuals with
23 Alzheimer's disease and related dementias;

24 (K) Two members representing statewide trade or
25 labor unions;

26 (L) One advanced practice registered nurse with

1 experience in gerontological nursing;

2 (M) One physician specializing in gerontology;

3 (N) One member representing regional long-term
4 care ombudsmen;

5 (O) One member representing municipal, township,
6 or county officials;

7 (P) (Blank);

8 (Q) (Blank);

9 (R) One member representing the parish nurse
10 movement;

11 (S) One member representing pharmacists;

12 (T) Two members representing statewide
13 organizations engaging in advocacy or legal
14 representation on behalf of the senior population;

15 (U) Two family caregivers;

16 (V) Two citizen members over the age of 60;

17 (W) One citizen with knowledge in the area of
18 gerontology research or health care law;

19 (X) One representative of health care facilities
20 licensed under the Hospital Licensing Act; and

21 (Y) One representative of primary care service
22 providers.

23 The Director of Aging, in collaboration with the Directors
24 of Public Health and Healthcare and Family Services, may
25 appoint additional citizen members to the Older Adult Services
26 Advisory Committee. Each such additional member must be either

1 an individual age 60 or older or an uncompensated caregiver for
2 a family member or friend who is age 60 or older.

3 (c) Voting members of the Advisory Committee shall serve
4 for a term of 3 years or until a replacement is named. All
5 members shall be appointed no later than January 1, 2005. Of
6 the initial appointees, as determined by lot, 10 members shall
7 serve a term of one year; 10 shall serve for a term of 2 years;
8 and 12 shall serve for a term of 3 years. Any member appointed
9 to fill a vacancy occurring prior to the expiration of the term
10 for which his or her predecessor was appointed shall be
11 appointed for the remainder of that term. The Advisory
12 Committee shall meet at least quarterly and may meet more
13 frequently at the call of the Chair. A simple majority of those
14 appointed shall constitute a quorum. The affirmative vote of a
15 majority of those present and voting shall be necessary for
16 Advisory Committee action. Members of the Advisory Committee
17 shall receive no compensation for their services.

18 (d) The Advisory Committee shall have an Executive
19 Committee comprised of the Chair, the Vice Chairs, and up to 15
20 members of the Advisory Committee appointed by the Chair who
21 have demonstrated expertise in developing, implementing, or
22 coordinating the system restructuring initiatives defined in
23 Section 25. The Executive Committee shall have responsibility
24 to oversee and structure the operations of the Advisory
25 Committee and to create and appoint necessary subcommittees and
26 subcommittee members. The Advisory Committee's Community Care

1 Program Medicaid Enrollment Oversight Subcommittee shall have
2 the membership and powers and duties set forth in Section 4.02
3 of the Illinois Act on the Aging.

4 (e) The Advisory Committee shall study and make
5 recommendations related to the implementation of this Act,
6 including but not limited to system restructuring initiatives
7 as defined in Section 25 or otherwise related to this Act.

8 (Source: P.A. 100-513, eff. 1-1-18.)

9 ARTICLE 20. TAX COMPLIANCE AND ADMINISTRATION FUND

10 Section 20-5. The State Finance Act is amended by changing
11 Section 6z-20 as follows:

12 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

13 Sec. 6z-20. County and Mass Transit District Fund. Of the
14 money received from the 6.25% general rate (and, beginning July
15 1, 2000 and through December 31, 2000, the 1.25% rate on motor
16 fuel and gasohol, and beginning on August 6, 2010 through
17 August 15, 2010, the 1.25% rate on sales tax holiday items) on
18 sales subject to taxation under the Retailers' Occupation Tax
19 Act and Service Occupation Tax Act and paid into the County and
20 Mass Transit District Fund, distribution to the Regional
21 Transportation Authority tax fund, created pursuant to Section
22 4.03 of the Regional Transportation Authority Act, for deposit
23 therein shall be made based upon the retail sales occurring in

1 a county having more than 3,000,000 inhabitants. The remainder
2 shall be distributed to each county having 3,000,000 or fewer
3 inhabitants based upon the retail sales occurring in each such
4 county.

5 For the purpose of determining allocation to the local
6 government unit, a retail sale by a producer of coal or other
7 mineral mined in Illinois is a sale at retail at the place
8 where the coal or other mineral mined in Illinois is extracted
9 from the earth. This paragraph does not apply to coal or other
10 mineral when it is delivered or shipped by the seller to the
11 purchaser at a point outside Illinois so that the sale is
12 exempt under the United States Constitution as a sale in
13 interstate or foreign commerce.

14 Of the money received from the 6.25% general use tax rate
15 on tangible personal property which is purchased outside
16 Illinois at retail from a retailer and which is titled or
17 registered by any agency of this State's government and paid
18 into the County and Mass Transit District Fund, the amount for
19 which Illinois addresses for titling or registration purposes
20 are given as being in each county having more than 3,000,000
21 inhabitants shall be distributed into the Regional
22 Transportation Authority tax fund, created pursuant to Section
23 4.03 of the Regional Transportation Authority Act. The
24 remainder of the money paid from such sales shall be
25 distributed to each county based on sales for which Illinois
26 addresses for titling or registration purposes are given as

1 being located in the county. Any money paid into the Regional
2 Transportation Authority Occupation and Use Tax Replacement
3 Fund from the County and Mass Transit District Fund prior to
4 January 14, 1991, which has not been paid to the Authority
5 prior to that date, shall be transferred to the Regional
6 Transportation Authority tax fund.

7 Whenever the Department determines that a refund of money
8 paid into the County and Mass Transit District Fund should be
9 made to a claimant instead of issuing a credit memorandum, the
10 Department shall notify the State Comptroller, who shall cause
11 the order to be drawn for the amount specified, and to the
12 person named, in such notification from the Department. Such
13 refund shall be paid by the State Treasurer out of the County
14 and Mass Transit District Fund.

15 As soon as possible after the first day of each month,
16 beginning January 1, 2011, upon certification of the Department
17 of Revenue, the Comptroller shall order transferred, and the
18 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
19 local sales tax increment, as defined in the Innovation
20 Development and Economy Act, collected during the second
21 preceding calendar month for sales within a STAR bond district
22 and deposited into the County and Mass Transit District Fund,
23 less 3% of that amount, which shall be transferred into the Tax
24 Compliance and Administration Fund and shall be used by the
25 Department, subject to appropriation, to cover the costs of the
26 Department in administering the Innovation Development and

1 Economy Act.

2 After the monthly transfer to the STAR Bonds Revenue Fund,
3 on or before the 25th day of each calendar month, the
4 Department shall prepare and certify to the Comptroller the
5 disbursement of stated sums of money to the Regional
6 Transportation Authority and to named counties, the counties to
7 be those entitled to distribution, as hereinabove provided, of
8 taxes or penalties paid to the Department during the second
9 preceding calendar month. The amount to be paid to the Regional
10 Transportation Authority and each county having 3,000,000 or
11 fewer inhabitants shall be the amount (not including credit
12 memoranda) collected during the second preceding calendar
13 month by the Department and paid into the County and Mass
14 Transit District Fund, plus an amount the Department determines
15 is necessary to offset any amounts which were erroneously paid
16 to a different taxing body, and not including an amount equal
17 to the amount of refunds made during the second preceding
18 calendar month by the Department, and not including any amount
19 which the Department determines is necessary to offset any
20 amounts which were payable to a different taxing body but were
21 erroneously paid to the Regional Transportation Authority or
22 county, and not including any amounts that are transferred to
23 the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the amount to be
24 paid to the Regional Transportation Authority, which shall be
25 transferred into the Tax Compliance and Administration Fund.
26 The Department, at the time of each monthly disbursement to the

1 Regional Transportation Authority, shall prepare and certify
2 to the State Comptroller the amount to be transferred into the
3 Tax Compliance and Administration Fund under this Section.
4 Within 10 days after receipt, by the Comptroller, of the
5 disbursement certification to the Regional Transportation
6 Authority, counties, and the Tax Compliance and Administration
7 Fund provided for in this Section to be given to the
8 Comptroller by the Department, the Comptroller shall cause the
9 orders to be drawn for the respective amounts in accordance
10 with the directions contained in such certification.

11 When certifying the amount of a monthly disbursement to the
12 Regional Transportation Authority or to a county under this
13 Section, the Department shall increase or decrease that amount
14 by an amount necessary to offset any misallocation of previous
15 disbursements. The offset amount shall be the amount
16 erroneously disbursed within the 6 months preceding the time a
17 misallocation is discovered.

18 The provisions directing the distributions from the
19 special fund in the State Treasury provided for in this Section
20 and from the Regional Transportation Authority tax fund created
21 by Section 4.03 of the Regional Transportation Authority Act
22 shall constitute an irrevocable and continuing appropriation
23 of all amounts as provided herein. The State Treasurer and
24 State Comptroller are hereby authorized to make distributions
25 as provided in this Section.

26 In construing any development, redevelopment, annexation,

1 preannexation or other lawful agreement in effect prior to
2 September 1, 1990, which describes or refers to receipts from a
3 county or municipal retailers' occupation tax, use tax or
4 service occupation tax which now cannot be imposed, such
5 description or reference shall be deemed to include the
6 replacement revenue for such abolished taxes, distributed from
7 the County and Mass Transit District Fund or Local Government
8 Distributive Fund, as the case may be.

9 (Source: P.A. 100-23, eff. 7-6-17.)

10 Section 20-10. The Counties Code is amended by changing
11 Sections 5-1006, 5-1006.5, and 5-1007 as follows:

12 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

13 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
14 Law. Any county that is a home rule unit may impose a tax upon
15 all persons engaged in the business of selling tangible
16 personal property, other than an item of tangible personal
17 property titled or registered with an agency of this State's
18 government, at retail in the county on the gross receipts from
19 such sales made in the course of their business. If imposed,
20 this tax shall only be imposed in 1/4% increments. On and after
21 September 1, 1991, this additional tax may not be imposed on
22 the sales of food for human consumption which is to be consumed
23 off the premises where it is sold (other than alcoholic
24 beverages, soft drinks and food which has been prepared for

1 immediate consumption) and prescription and nonprescription
2 medicines, drugs, medical appliances and insulin, urine
3 testing materials, syringes and needles used by diabetics. The
4 tax imposed by a home rule county pursuant to this Section and
5 all civil penalties that may be assessed as an incident thereof
6 shall be collected and enforced by the State Department of
7 Revenue. The certificate of registration that is issued by the
8 Department to a retailer under the Retailers' Occupation Tax
9 Act shall permit the retailer to engage in a business that is
10 taxable under any ordinance or resolution enacted pursuant to
11 this Section without registering separately with the
12 Department under such ordinance or resolution or under this
13 Section. The Department shall have full power to administer and
14 enforce this Section; to collect all taxes and penalties due
15 hereunder; to dispose of taxes and penalties so collected in
16 the manner hereinafter provided; and to determine all rights to
17 credit memoranda arising on account of the erroneous payment of
18 tax or penalty hereunder. In the administration of, and
19 compliance with, this Section, the Department and persons who
20 are subject to this Section shall have the same rights,
21 remedies, privileges, immunities, powers and duties, and be
22 subject to the same conditions, restrictions, limitations,
23 penalties and definitions of terms, and employ the same modes
24 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
25 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
26 provisions therein other than the State rate of tax), 4, 5, 5a,

1 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
2 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
3 and Section 3-7 of the Uniform Penalty and Interest Act, as
4 fully as if those provisions were set forth herein.

5 No tax may be imposed by a home rule county pursuant to
6 this Section unless the county also imposes a tax at the same
7 rate pursuant to Section 5-1007.

8 Persons subject to any tax imposed pursuant to the
9 authority granted in this Section may reimburse themselves for
10 their seller's tax liability hereunder by separately stating
11 such tax as an additional charge, which charge may be stated in
12 combination, in a single amount, with State tax which sellers
13 are required to collect under the Use Tax Act, pursuant to such
14 bracket schedules as the Department may prescribe.

15 Whenever the Department determines that a refund should be
16 made under this Section to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the order to be drawn for the
19 amount specified and to the person named in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the home rule county retailers' occupation tax
22 fund.

23 The Department shall forthwith pay over to the State
24 Treasurer, ex officio, as trustee, all taxes and penalties
25 collected hereunder.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to named counties, the
12 counties to be those from which retailers have paid taxes or
13 penalties hereunder to the Department during the second
14 preceding calendar month. The amount to be paid to each county
15 shall be the amount (not including credit memoranda) collected
16 hereunder during the second preceding calendar month by the
17 Department plus an amount the Department determines is
18 necessary to offset any amounts that were erroneously paid to a
19 different taxing body, and not including an amount equal to the
20 amount of refunds made during the second preceding calendar
21 month by the Department on behalf of such county, and not
22 including any amount which the Department determines is
23 necessary to offset any amounts which were payable to a
24 different taxing body but were erroneously paid to the county,
25 and not including any amounts that are transferred to the STAR
26 Bonds Revenue Fund, less 1.5% ~~2%~~ of the remainder, which the

1 Department shall transfer into the Tax Compliance and
2 Administration Fund. The Department, at the time of each
3 monthly disbursement to the counties, shall prepare and certify
4 to the State Comptroller the amount to be transferred into the
5 Tax Compliance and Administration Fund under this Section.
6 Within 10 days after receipt, by the Comptroller, of the
7 disbursement certification to the counties and the Tax
8 Compliance and Administration Fund provided for in this Section
9 to be given to the Comptroller by the Department, the
10 Comptroller shall cause the orders to be drawn for the
11 respective amounts in accordance with the directions contained
12 in the certification.

13 In addition to the disbursement required by the preceding
14 paragraph, an allocation shall be made in March of each year to
15 each county that received more than \$500,000 in disbursements
16 under the preceding paragraph in the preceding calendar year.
17 The allocation shall be in an amount equal to the average
18 monthly distribution made to each such county under the
19 preceding paragraph during the preceding calendar year
20 (excluding the 2 months of highest receipts). The distribution
21 made in March of each year subsequent to the year in which an
22 allocation was made pursuant to this paragraph and the
23 preceding paragraph shall be reduced by the amount allocated
24 and disbursed under this paragraph in the preceding calendar
25 year. The Department shall prepare and certify to the
26 Comptroller for disbursement the allocations made in

1 accordance with this paragraph.

2 For the purpose of determining the local governmental unit
3 whose tax is applicable, a retail sale by a producer of coal or
4 other mineral mined in Illinois is a sale at retail at the
5 place where the coal or other mineral mined in Illinois is
6 extracted from the earth. This paragraph does not apply to coal
7 or other mineral when it is delivered or shipped by the seller
8 to the purchaser at a point outside Illinois so that the sale
9 is exempt under the United States Constitution as a sale in
10 interstate or foreign commerce.

11 Nothing in this Section shall be construed to authorize a
12 county to impose a tax upon the privilege of engaging in any
13 business which under the Constitution of the United States may
14 not be made the subject of taxation by this State.

15 An ordinance or resolution imposing or discontinuing a tax
16 hereunder or effecting a change in the rate thereof shall be
17 adopted and a certified copy thereof filed with the Department
18 on or before the first day of June, whereupon the Department
19 shall proceed to administer and enforce this Section as of the
20 first day of September next following such adoption and filing.
21 Beginning January 1, 1992, an ordinance or resolution imposing
22 or discontinuing the tax hereunder or effecting a change in the
23 rate thereof shall be adopted and a certified copy thereof
24 filed with the Department on or before the first day of July,
25 whereupon the Department shall proceed to administer and
26 enforce this Section as of the first day of October next

1 following such adoption and filing. Beginning January 1, 1993,
2 an ordinance or resolution imposing or discontinuing the tax
3 hereunder or effecting a change in the rate thereof shall be
4 adopted and a certified copy thereof filed with the Department
5 on or before the first day of October, whereupon the Department
6 shall proceed to administer and enforce this Section as of the
7 first day of January next following such adoption and filing.
8 Beginning April 1, 1998, an ordinance or resolution imposing or
9 discontinuing the tax hereunder or effecting a change in the
10 rate thereof shall either (i) be adopted and a certified copy
11 thereof filed with the Department on or before the first day of
12 April, whereupon the Department shall proceed to administer and
13 enforce this Section as of the first day of July next following
14 the adoption and filing; or (ii) be adopted and a certified
15 copy thereof filed with the Department on or before the first
16 day of October, whereupon the Department shall proceed to
17 administer and enforce this Section as of the first day of
18 January next following the adoption and filing.

19 When certifying the amount of a monthly disbursement to a
20 county under this Section, the Department shall increase or
21 decrease such amount by an amount necessary to offset any
22 misallocation of previous disbursements. The offset amount
23 shall be the amount erroneously disbursed within the previous 6
24 months from the time a misallocation is discovered.

25 This Section shall be known and may be cited as the Home
26 Rule County Retailers' Occupation Tax Law.

1 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

2 (55 ILCS 5/5-1006.5)

3 Sec. 5-1006.5. Special County Retailers' Occupation Tax
4 For Public Safety, Public Facilities, or Transportation.

5 (a) The county board of any county may impose a tax upon
6 all persons engaged in the business of selling tangible
7 personal property, other than personal property titled or
8 registered with an agency of this State's government, at retail
9 in the county on the gross receipts from the sales made in the
10 course of business to provide revenue to be used exclusively
11 for public safety, public facility, or transportation purposes
12 in that county, if a proposition for the tax has been submitted
13 to the electors of that county and approved by a majority of
14 those voting on the question. If imposed, this tax shall be
15 imposed only in one-quarter percent increments. By resolution,
16 the county board may order the proposition to be submitted at
17 any election. If the tax is imposed for transportation purposes
18 for expenditures for public highways or as authorized under the
19 Illinois Highway Code, the county board must publish notice of
20 the existence of its long-range highway transportation plan as
21 required or described in Section 5-301 of the Illinois Highway
22 Code and must make the plan publicly available prior to
23 approval of the ordinance or resolution imposing the tax. If
24 the tax is imposed for transportation purposes for expenditures
25 for passenger rail transportation, the county board must

1 publish notice of the existence of its long-range passenger
2 rail transportation plan and must make the plan publicly
3 available prior to approval of the ordinance or resolution
4 imposing the tax.

5 If a tax is imposed for public facilities purposes, then
6 the name of the project may be included in the proposition at
7 the discretion of the county board as determined in the
8 enabling resolution. For example, the "XXX Nursing Home" or the
9 "YYY Museum".

10 The county clerk shall certify the question to the proper
11 election authority, who shall submit the proposition at an
12 election in accordance with the general election law.

13 (1) The proposition for public safety purposes shall be
14 in substantially the following form:

15 "To pay for public safety purposes, shall (name of
16 county) be authorized to impose an increase on its share of
17 local sales taxes by (insert rate)?"

18 As additional information on the ballot below the
19 question shall appear the following:

20 "This would mean that a consumer would pay an
21 additional (insert amount) in sales tax for every \$100 of
22 tangible personal property bought at retail."

23 The county board may also opt to establish a sunset
24 provision at which time the additional sales tax would
25 cease being collected, if not terminated earlier by a vote
26 of the county board. If the county board votes to include a

1 sunset provision, the proposition for public safety
2 purposes shall be in substantially the following form:

3 "To pay for public safety purposes, shall (name of
4 county) be authorized to impose an increase on its share of
5 local sales taxes by (insert rate) for a period not to
6 exceed (insert number of years)?"

7 As additional information on the ballot below the
8 question shall appear the following:

9 "This would mean that a consumer would pay an
10 additional (insert amount) in sales tax for every \$100 of
11 tangible personal property bought at retail. If imposed,
12 the additional tax would cease being collected at the end
13 of (insert number of years), if not terminated earlier by a
14 vote of the county board."

15 For the purposes of the paragraph, "public safety
16 purposes" means crime prevention, detention, fire
17 fighting, police, medical, ambulance, or other emergency
18 services.

19 Votes shall be recorded as "Yes" or "No".

20 Beginning on the January 1 or July 1, whichever is
21 first, that occurs not less than 30 days after May 31, 2015
22 (the effective date of Public Act 99-4), Adams County may
23 impose a public safety retailers' occupation tax and
24 service occupation tax at the rate of 0.25%, as provided in
25 the referendum approved by the voters on April 7, 2015,
26 notwithstanding the omission of the additional information

1 that is otherwise required to be printed on the ballot
2 below the question pursuant to this item (1).

3 (2) The proposition for transportation purposes shall
4 be in substantially the following form:

5 "To pay for improvements to roads and other
6 transportation purposes, shall (name of county) be
7 authorized to impose an increase on its share of local
8 sales taxes by (insert rate)?"

9 As additional information on the ballot below the
10 question shall appear the following:

11 "This would mean that a consumer would pay an
12 additional (insert amount) in sales tax for every \$100 of
13 tangible personal property bought at retail."

14 The county board may also opt to establish a sunset
15 provision at which time the additional sales tax would
16 cease being collected, if not terminated earlier by a vote
17 of the county board. If the county board votes to include a
18 sunset provision, the proposition for transportation
19 purposes shall be in substantially the following form:

20 "To pay for road improvements and other transportation
21 purposes, shall (name of county) be authorized to impose an
22 increase on its share of local sales taxes by (insert rate)
23 for a period not to exceed (insert number of years)?"

24 As additional information on the ballot below the
25 question shall appear the following:

26 "This would mean that a consumer would pay an

1 additional (insert amount) in sales tax for every \$100 of
2 tangible personal property bought at retail. If imposed,
3 the additional tax would cease being collected at the end
4 of (insert number of years), if not terminated earlier by a
5 vote of the county board."

6 For the purposes of this paragraph, transportation
7 purposes means construction, maintenance, operation, and
8 improvement of public highways, any other purpose for which
9 a county may expend funds under the Illinois Highway Code,
10 and passenger rail transportation.

11 The votes shall be recorded as "Yes" or "No".

12 (3) The proposition for public facilities purposes
13 shall be in substantially the following form:

14 "To pay for public facilities purposes, shall (name of
15 county) be authorized to impose an increase on its share of
16 local sales taxes by (insert rate)?"

17 As additional information on the ballot below the
18 question shall appear the following:

19 "This would mean that a consumer would pay an
20 additional (insert amount) in sales tax for every \$100 of
21 tangible personal property bought at retail."

22 The county board may also opt to establish a sunset
23 provision at which time the additional sales tax would
24 cease being collected, if not terminated earlier by a vote
25 of the county board. If the county board votes to include a
26 sunset provision, the proposition for public facilities

1 purposes shall be in substantially the following form:

2 "To pay for public facilities purposes, shall (name of
3 county) be authorized to impose an increase on its share of
4 local sales taxes by (insert rate) for a period not to
5 exceed (insert number of years)?"

6 As additional information on the ballot below the
7 question shall appear the following:

8 "This would mean that a consumer would pay an
9 additional (insert amount) in sales tax for every \$100 of
10 tangible personal property bought at retail. If imposed,
11 the additional tax would cease being collected at the end
12 of (insert number of years), if not terminated earlier by a
13 vote of the county board."

14 For purposes of this Section, "public facilities
15 purposes" means the acquisition, development,
16 construction, reconstruction, rehabilitation, improvement,
17 financing, architectural planning, and installation of
18 capital facilities consisting of buildings, structures,
19 and durable equipment and for the acquisition and
20 improvement of real property and interest in real property
21 required, or expected to be required, in connection with
22 the public facilities, for use by the county for the
23 furnishing of governmental services to its citizens,
24 including but not limited to museums and nursing homes.

25 The votes shall be recorded as "Yes" or "No".

26 If a majority of the electors voting on the proposition

1 vote in favor of it, the county may impose the tax. A county
2 may not submit more than one proposition authorized by this
3 Section to the electors at any one time.

4 This additional tax may not be imposed on the sales of food
5 for human consumption that is to be consumed off the premises
6 where it is sold (other than alcoholic beverages, soft drinks,
7 and food which has been prepared for immediate consumption) and
8 prescription and non-prescription medicines, drugs, medical
9 appliances and insulin, urine testing materials, syringes, and
10 needles used by diabetics. The tax imposed by a county under
11 this Section and all civil penalties that may be assessed as an
12 incident of the tax shall be collected and enforced by the
13 Illinois Department of Revenue and deposited into a special
14 fund created for that purpose. The certificate of registration
15 that is issued by the Department to a retailer under the
16 Retailers' Occupation Tax Act shall permit the retailer to
17 engage in a business that is taxable without registering
18 separately with the Department under an ordinance or resolution
19 under this Section. The Department has full power to administer
20 and enforce this Section, to collect all taxes and penalties
21 due under this Section, to dispose of taxes and penalties so
22 collected in the manner provided in this Section, and to
23 determine all rights to credit memoranda arising on account of
24 the erroneous payment of a tax or penalty under this Section.
25 In the administration of and compliance with this Section, the
26 Department and persons who are subject to this Section shall

1 (i) have the same rights, remedies, privileges, immunities,
2 powers, and duties, (ii) be subject to the same conditions,
3 restrictions, limitations, penalties, and definitions of
4 terms, and (iii) employ the same modes of procedure as are
5 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
6 1n, 2 through 2-70 (in respect to all provisions contained in
7 those Sections other than the State rate of tax), 2a, 2b, 2c, 3
8 (except provisions relating to transaction returns and quarter
9 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
10 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
11 of the Retailers' Occupation Tax Act and Section 3-7 of the
12 Uniform Penalty and Interest Act as if those provisions were
13 set forth in this Section.

14 Persons subject to any tax imposed under the authority
15 granted in this Section may reimburse themselves for their
16 sellers' tax liability by separately stating the tax as an
17 additional charge, which charge may be stated in combination,
18 in a single amount, with State tax which sellers are required
19 to collect under the Use Tax Act, pursuant to such bracketed
20 schedules as the Department may prescribe.

21 Whenever the Department determines that a refund should be
22 made under this Section to a claimant instead of issuing a
23 credit memorandum, the Department shall notify the State
24 Comptroller, who shall cause the order to be drawn for the
25 amount specified and to the person named in the notification
26 from the Department. The refund shall be paid by the State

1 Treasurer out of the County Public Safety or Transportation
2 Retailers' Occupation Tax Fund.

3 (b) If a tax has been imposed under subsection (a), a
4 service occupation tax shall also be imposed at the same rate
5 upon all persons engaged, in the county, in the business of
6 making sales of service, who, as an incident to making those
7 sales of service, transfer tangible personal property within
8 the county as an incident to a sale of service. This tax may
9 not be imposed on sales of food for human consumption that is
10 to be consumed off the premises where it is sold (other than
11 alcoholic beverages, soft drinks, and food prepared for
12 immediate consumption) and prescription and non-prescription
13 medicines, drugs, medical appliances and insulin, urine
14 testing materials, syringes, and needles used by diabetics. The
15 tax imposed under this subsection and all civil penalties that
16 may be assessed as an incident thereof shall be collected and
17 enforced by the Department of Revenue. The Department has full
18 power to administer and enforce this subsection; to collect all
19 taxes and penalties due hereunder; to dispose of taxes and
20 penalties so collected in the manner hereinafter provided; and
21 to determine all rights to credit memoranda arising on account
22 of the erroneous payment of tax or penalty hereunder. In the
23 administration of, and compliance with this subsection, the
24 Department and persons who are subject to this paragraph shall
25 (i) have the same rights, remedies, privileges, immunities,
26 powers, and duties, (ii) be subject to the same conditions,

1 restrictions, limitations, penalties, exclusions, exemptions,
2 and definitions of terms, and (iii) employ the same modes of
3 procedure as are prescribed in Sections 2 (except that the
4 reference to State in the definition of supplier maintaining a
5 place of business in this State shall mean the county), 2a, 2b,
6 2c, 3 through 3-50 (in respect to all provisions therein other
7 than the State rate of tax), 4 (except that the reference to
8 the State shall be to the county), 5, 7, 8 (except that the
9 jurisdiction to which the tax shall be a debt to the extent
10 indicated in that Section 8 shall be the county), 9 (except as
11 to the disposition of taxes and penalties collected), 10, 11,
12 12 (except the reference therein to Section 2b of the
13 Retailers' Occupation Tax Act), 13 (except that any reference
14 to the State shall mean the county), Section 15, 16, 17, 18, 19
15 and 20 of the Service Occupation Tax Act and Section 3-7 of the
16 Uniform Penalty and Interest Act, as fully as if those
17 provisions were set forth herein.

18 Persons subject to any tax imposed under the authority
19 granted in this subsection may reimburse themselves for their
20 serviceman's tax liability by separately stating the tax as an
21 additional charge, which charge may be stated in combination,
22 in a single amount, with State tax that servicemen are
23 authorized to collect under the Service Use Tax Act, in
24 accordance with such bracket schedules as the Department may
25 prescribe.

26 Whenever the Department determines that a refund should be

1 made under this subsection to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the warrant to be drawn for the
4 amount specified, and to the person named, in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the County Public Safety or Transportation
7 Retailers' Occupation Fund.

8 Nothing in this subsection shall be construed to authorize
9 the county to impose a tax upon the privilege of engaging in
10 any business which under the Constitution of the United States
11 may not be made the subject of taxation by the State.

12 (c) The Department shall immediately pay over to the State
13 Treasurer, ex officio, as trustee, all taxes and penalties
14 collected under this Section to be deposited into the County
15 Public Safety or Transportation Retailers' Occupation Tax
16 Fund, which shall be an unappropriated trust fund held outside
17 of the State treasury.

18 As soon as possible after the first day of each month,
19 beginning January 1, 2011, upon certification of the Department
20 of Revenue, the Comptroller shall order transferred, and the
21 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
22 local sales tax increment, as defined in the Innovation
23 Development and Economy Act, collected under this Section
24 during the second preceding calendar month for sales within a
25 STAR bond district.

26 After the monthly transfer to the STAR Bonds Revenue Fund,

1 on or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 disbursement of stated sums of money to the counties from which
4 retailers have paid taxes or penalties to the Department during
5 the second preceding calendar month. The amount to be paid to
6 each county, and deposited by the county into its special fund
7 created for the purposes of this Section, shall be the amount
8 (not including credit memoranda) collected under this Section
9 during the second preceding calendar month by the Department
10 plus an amount the Department determines is necessary to offset
11 any amounts that were erroneously paid to a different taxing
12 body, and not including (i) an amount equal to the amount of
13 refunds made during the second preceding calendar month by the
14 Department on behalf of the county, (ii) any amount that the
15 Department determines is necessary to offset any amounts that
16 were payable to a different taxing body but were erroneously
17 paid to the county, (iii) any amounts that are transferred to
18 the STAR Bonds Revenue Fund, and (iv) 1.5% ~~2%~~ of the remainder,
19 which shall be transferred into the Tax Compliance and
20 Administration Fund. The Department, at the time of each
21 monthly disbursement to the counties, shall prepare and certify
22 to the State Comptroller the amount to be transferred into the
23 Tax Compliance and Administration Fund under this subsection.
24 Within 10 days after receipt by the Comptroller of the
25 disbursement certification to the counties and the Tax
26 Compliance and Administration Fund provided for in this Section

1 to be given to the Comptroller by the Department, the
2 Comptroller shall cause the orders to be drawn for the
3 respective amounts in accordance with directions contained in
4 the certification.

5 In addition to the disbursement required by the preceding
6 paragraph, an allocation shall be made in March of each year to
7 each county that received more than \$500,000 in disbursements
8 under the preceding paragraph in the preceding calendar year.
9 The allocation shall be in an amount equal to the average
10 monthly distribution made to each such county under the
11 preceding paragraph during the preceding calendar year
12 (excluding the 2 months of highest receipts). The distribution
13 made in March of each year subsequent to the year in which an
14 allocation was made pursuant to this paragraph and the
15 preceding paragraph shall be reduced by the amount allocated
16 and disbursed under this paragraph in the preceding calendar
17 year. The Department shall prepare and certify to the
18 Comptroller for disbursement the allocations made in
19 accordance with this paragraph.

20 A county may direct, by ordinance, that all or a portion of
21 the taxes and penalties collected under the Special County
22 Retailers' Occupation Tax For Public Safety or Transportation
23 be deposited into the Transportation Development Partnership
24 Trust Fund.

25 (d) For the purpose of determining the local governmental
26 unit whose tax is applicable, a retail sale by a producer of

1 coal or another mineral mined in Illinois is a sale at retail
2 at the place where the coal or other mineral mined in Illinois
3 is extracted from the earth. This paragraph does not apply to
4 coal or another mineral when it is delivered or shipped by the
5 seller to the purchaser at a point outside Illinois so that the
6 sale is exempt under the United States Constitution as a sale
7 in interstate or foreign commerce.

8 (e) Nothing in this Section shall be construed to authorize
9 a county to impose a tax upon the privilege of engaging in any
10 business that under the Constitution of the United States may
11 not be made the subject of taxation by this State.

12 (e-5) If a county imposes a tax under this Section, the
13 county board may, by ordinance, discontinue or lower the rate
14 of the tax. If the county board lowers the tax rate or
15 discontinues the tax, a referendum must be held in accordance
16 with subsection (a) of this Section in order to increase the
17 rate of the tax or to reimpose the discontinued tax.

18 (f) Beginning April 1, 1998 and through December 31, 2013,
19 the results of any election authorizing a proposition to impose
20 a tax under this Section or effecting a change in the rate of
21 tax, or any ordinance lowering the rate or discontinuing the
22 tax, shall be certified by the county clerk and filed with the
23 Illinois Department of Revenue either (i) on or before the
24 first day of April, whereupon the Department shall proceed to
25 administer and enforce the tax as of the first day of July next
26 following the filing; or (ii) on or before the first day of

1 October, whereupon the Department shall proceed to administer
2 and enforce the tax as of the first day of January next
3 following the filing.

4 Beginning January 1, 2014, the results of any election
5 authorizing a proposition to impose a tax under this Section or
6 effecting an increase in the rate of tax, along with the
7 ordinance adopted to impose the tax or increase the rate of the
8 tax, or any ordinance adopted to lower the rate or discontinue
9 the tax, shall be certified by the county clerk and filed with
10 the Illinois Department of Revenue either (i) on or before the
11 first day of May, whereupon the Department shall proceed to
12 administer and enforce the tax as of the first day of July next
13 following the adoption and filing; or (ii) on or before the
14 first day of October, whereupon the Department shall proceed to
15 administer and enforce the tax as of the first day of January
16 next following the adoption and filing.

17 (g) When certifying the amount of a monthly disbursement to
18 a county under this Section, the Department shall increase or
19 decrease the amounts by an amount necessary to offset any
20 miscalculation of previous disbursements. The offset amount
21 shall be the amount erroneously disbursed within the previous 6
22 months from the time a miscalculation is discovered.

23 (h) This Section may be cited as the "Special County
24 Occupation Tax For Public Safety, Public Facilities, or
25 Transportation Law".

26 (i) For purposes of this Section, "public safety" includes,

1 but is not limited to, crime prevention, detention, fire
2 fighting, police, medical, ambulance, or other emergency
3 services. The county may share tax proceeds received under this
4 Section for public safety purposes, including proceeds
5 received before August 4, 2009 (the effective date of Public
6 Act 96-124), with any fire protection district located in the
7 county. For the purposes of this Section, "transportation"
8 includes, but is not limited to, the construction, maintenance,
9 operation, and improvement of public highways, any other
10 purpose for which a county may expend funds under the Illinois
11 Highway Code, and passenger rail transportation. For the
12 purposes of this Section, "public facilities purposes"
13 includes, but is not limited to, the acquisition, development,
14 construction, reconstruction, rehabilitation, improvement,
15 financing, architectural planning, and installation of capital
16 facilities consisting of buildings, structures, and durable
17 equipment and for the acquisition and improvement of real
18 property and interest in real property required, or expected to
19 be required, in connection with the public facilities, for use
20 by the county for the furnishing of governmental services to
21 its citizens, including but not limited to museums and nursing
22 homes.

23 (j) The Department may promulgate rules to implement Public
24 Act 95-1002 only to the extent necessary to apply the existing
25 rules for the Special County Retailers' Occupation Tax for
26 Public Safety to this new purpose for public facilities.

1 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,
2 eff. 7-28-16; 100-23, eff. 7-6-17.)

3 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

4 Sec. 5-1007. Home Rule County Service Occupation Tax Law.
5 The corporate authorities of a home rule county may impose a
6 tax upon all persons engaged, in such county, in the business
7 of making sales of service at the same rate of tax imposed
8 pursuant to Section 5-1006 of the selling price of all tangible
9 personal property transferred by such servicemen either in the
10 form of tangible personal property or in the form of real
11 estate as an incident to a sale of service. If imposed, such
12 tax shall only be imposed in 1/4% increments. On and after
13 September 1, 1991, this additional tax may not be imposed on
14 the sales of food for human consumption which is to be consumed
15 off the premises where it is sold (other than alcoholic
16 beverages, soft drinks and food which has been prepared for
17 immediate consumption) and prescription and nonprescription
18 medicines, drugs, medical appliances and insulin, urine
19 testing materials, syringes and needles used by diabetics. The
20 tax imposed by a home rule county pursuant to this Section and
21 all civil penalties that may be assessed as an incident thereof
22 shall be collected and enforced by the State Department of
23 Revenue. The certificate of registration which is issued by the
24 Department to a retailer under the Retailers' Occupation Tax
25 Act or under the Service Occupation Tax Act shall permit such

1 registrant to engage in a business which is taxable under any
2 ordinance or resolution enacted pursuant to this Section
3 without registering separately with the Department under such
4 ordinance or resolution or under this Section. The Department
5 shall have full power to administer and enforce this Section;
6 to collect all taxes and penalties due hereunder; to dispose of
7 taxes and penalties so collected in the manner hereinafter
8 provided; and to determine all rights to credit memoranda
9 arising on account of the erroneous payment of tax or penalty
10 hereunder. In the administration of, and compliance with, this
11 Section the Department and persons who are subject to this
12 Section shall have the same rights, remedies, privileges,
13 immunities, powers and duties, and be subject to the same
14 conditions, restrictions, limitations, penalties and
15 definitions of terms, and employ the same modes of procedure,
16 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
17 respect to all provisions therein other than the State rate of
18 tax), 4 (except that the reference to the State shall be to the
19 taxing county), 5, 7, 8 (except that the jurisdiction to which
20 the tax shall be a debt to the extent indicated in that Section
21 8 shall be the taxing county), 9 (except as to the disposition
22 of taxes and penalties collected, and except that the returned
23 merchandise credit for this county tax may not be taken against
24 any State tax), 10, 11, 12 (except the reference therein to
25 Section 2b of the Retailers' Occupation Tax Act), 13 (except
26 that any reference to the State shall mean the taxing county),

1 the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the
2 Service Occupation Tax Act and Section 3-7 of the Uniform
3 Penalty and Interest Act, as fully as if those provisions were
4 set forth herein.

5 No tax may be imposed by a home rule county pursuant to
6 this Section unless such county also imposes a tax at the same
7 rate pursuant to Section 5-1006.

8 Persons subject to any tax imposed pursuant to the
9 authority granted in this Section may reimburse themselves for
10 their serviceman's tax liability hereunder by separately
11 stating such tax as an additional charge, which charge may be
12 stated in combination, in a single amount, with State tax which
13 servicemen are authorized to collect under the Service Use Tax
14 Act, pursuant to such bracket schedules as the Department may
15 prescribe.

16 Whenever the Department determines that a refund should be
17 made under this Section to a claimant instead of issuing credit
18 memorandum, the Department shall notify the State Comptroller,
19 who shall cause the order to be drawn for the amount specified,
20 and to the person named, in such notification from the
21 Department. Such refund shall be paid by the State Treasurer
22 out of the home rule county retailers' occupation tax fund.

23 The Department shall forthwith pay over to the State
24 Treasurer, ex-officio, as trustee, all taxes and penalties
25 collected hereunder.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to named counties, the
12 counties to be those from which suppliers and servicemen have
13 paid taxes or penalties hereunder to the Department during the
14 second preceding calendar month. The amount to be paid to each
15 county shall be the amount (not including credit memoranda)
16 collected hereunder during the second preceding calendar month
17 by the Department, and not including an amount equal to the
18 amount of refunds made during the second preceding calendar
19 month by the Department on behalf of such county, and not
20 including any amounts that are transferred to the STAR Bonds
21 Revenue Fund, less 1.5% ~~2%~~ of the remainder, which the
22 Department shall transfer into the Tax Compliance and
23 Administration Fund. The Department, at the time of each
24 monthly disbursement to the counties, shall prepare and certify
25 to the State Comptroller the amount to be transferred into the
26 Tax Compliance and Administration Fund under this Section.

1 Within 10 days after receipt, by the Comptroller, of the
2 disbursement certification to the counties and the Tax
3 Compliance and Administration Fund provided for in this Section
4 to be given to the Comptroller by the Department, the
5 Comptroller shall cause the orders to be drawn for the
6 respective amounts in accordance with the directions contained
7 in such certification.

8 In addition to the disbursement required by the preceding
9 paragraph, an allocation shall be made in each year to each
10 county which received more than \$500,000 in disbursements under
11 the preceding paragraph in the preceding calendar year. The
12 allocation shall be in an amount equal to the average monthly
13 distribution made to each such county under the preceding
14 paragraph during the preceding calendar year (excluding the 2
15 months of highest receipts). The distribution made in March of
16 each year subsequent to the year in which an allocation was
17 made pursuant to this paragraph and the preceding paragraph
18 shall be reduced by the amount allocated and disbursed under
19 this paragraph in the preceding calendar year. The Department
20 shall prepare and certify to the Comptroller for disbursement
21 the allocations made in accordance with this paragraph.

22 Nothing in this Section shall be construed to authorize a
23 county to impose a tax upon the privilege of engaging in any
24 business which under the Constitution of the United States may
25 not be made the subject of taxation by this State.

26 An ordinance or resolution imposing or discontinuing a tax

1 hereunder or effecting a change in the rate thereof shall be
2 adopted and a certified copy thereof filed with the Department
3 on or before the first day of June, whereupon the Department
4 shall proceed to administer and enforce this Section as of the
5 first day of September next following such adoption and filing.
6 Beginning January 1, 1992, an ordinance or resolution imposing
7 or discontinuing the tax hereunder or effecting a change in the
8 rate thereof shall be adopted and a certified copy thereof
9 filed with the Department on or before the first day of July,
10 whereupon the Department shall proceed to administer and
11 enforce this Section as of the first day of October next
12 following such adoption and filing. Beginning January 1, 1993,
13 an ordinance or resolution imposing or discontinuing the tax
14 hereunder or effecting a change in the rate thereof shall be
15 adopted and a certified copy thereof filed with the Department
16 on or before the first day of October, whereupon the Department
17 shall proceed to administer and enforce this Section as of the
18 first day of January next following such adoption and filing.
19 Beginning April 1, 1998, an ordinance or resolution imposing or
20 discontinuing the tax hereunder or effecting a change in the
21 rate thereof shall either (i) be adopted and a certified copy
22 thereof filed with the Department on or before the first day of
23 April, whereupon the Department shall proceed to administer and
24 enforce this Section as of the first day of July next following
25 the adoption and filing; or (ii) be adopted and a certified
26 copy thereof filed with the Department on or before the first

1 day of October, whereupon the Department shall proceed to
2 administer and enforce this Section as of the first day of
3 January next following the adoption and filing.

4 This Section shall be known and may be cited as the Home
5 Rule County Service Occupation Tax Law.

6 (Source: P.A. 100-23, eff. 7-6-17.)

7 Section 20-15. The Illinois Municipal Code is amended by
8 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,
9 8-11-1.7, and 8-11-5 as follows:

10 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

11 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
12 Act. The corporate authorities of a home rule municipality may
13 impose a tax upon all persons engaged in the business of
14 selling tangible personal property, other than an item of
15 tangible personal property titled or registered with an agency
16 of this State's government, at retail in the municipality on
17 the gross receipts from these sales made in the course of such
18 business. If imposed, the tax shall only be imposed in 1/4%
19 increments. On and after September 1, 1991, this additional tax
20 may not be imposed on the sales of food for human consumption
21 that is to be consumed off the premises where it is sold (other
22 than alcoholic beverages, soft drinks and food that has been
23 prepared for immediate consumption) and prescription and
24 nonprescription medicines, drugs, medical appliances and

1 insulin, urine testing materials, syringes and needles used by
2 diabetics. The tax imposed by a home rule municipality under
3 this Section and all civil penalties that may be assessed as an
4 incident of the tax shall be collected and enforced by the
5 State Department of Revenue. The certificate of registration
6 that is issued by the Department to a retailer under the
7 Retailers' Occupation Tax Act shall permit the retailer to
8 engage in a business that is taxable under any ordinance or
9 resolution enacted pursuant to this Section without
10 registering separately with the Department under such
11 ordinance or resolution or under this Section. The Department
12 shall have full power to administer and enforce this Section;
13 to collect all taxes and penalties due hereunder; to dispose of
14 taxes and penalties so collected in the manner hereinafter
15 provided; and to determine all rights to credit memoranda
16 arising on account of the erroneous payment of tax or penalty
17 hereunder. In the administration of, and compliance with, this
18 Section the Department and persons who are subject to this
19 Section shall have the same rights, remedies, privileges,
20 immunities, powers and duties, and be subject to the same
21 conditions, restrictions, limitations, penalties and
22 definitions of terms, and employ the same modes of procedure,
23 as are prescribed in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,
24 1m, 1n, 2 through 2-65 (in respect to all provisions therein
25 other than the State rate of tax), 2c, 3 (except as to the
26 disposition of taxes and penalties collected), 4, 5, 5a, 5b,

1 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,
2 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
3 Section 3-7 of the Uniform Penalty and Interest Act, as fully
4 as if those provisions were set forth herein.

5 No tax may be imposed by a home rule municipality under
6 this Section unless the municipality also imposes a tax at the
7 same rate under Section 8-11-5 of this Act.

8 Persons subject to any tax imposed under the authority
9 granted in this Section may reimburse themselves for their
10 seller's tax liability hereunder by separately stating that tax
11 as an additional charge, which charge may be stated in
12 combination, in a single amount, with State tax which sellers
13 are required to collect under the Use Tax Act, pursuant to such
14 bracket schedules as the Department may prescribe.

15 Whenever the Department determines that a refund should be
16 made under this Section to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the order to be drawn for the
19 amount specified and to the person named in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the home rule municipal retailers' occupation
22 tax fund.

23 The Department shall immediately pay over to the State
24 Treasurer, ex officio, as trustee, all taxes and penalties
25 collected hereunder.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to named municipalities,
12 the municipalities to be those from which retailers have paid
13 taxes or penalties hereunder to the Department during the
14 second preceding calendar month. The amount to be paid to each
15 municipality shall be the amount (not including credit
16 memoranda) collected hereunder during the second preceding
17 calendar month by the Department plus an amount the Department
18 determines is necessary to offset any amounts that were
19 erroneously paid to a different taxing body, and not including
20 an amount equal to the amount of refunds made during the second
21 preceding calendar month by the Department on behalf of such
22 municipality, and not including any amount that the Department
23 determines is necessary to offset any amounts that were payable
24 to a different taxing body but were erroneously paid to the
25 municipality, and not including any amounts that are
26 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the

1 remainder, which the Department shall transfer into the Tax
2 Compliance and Administration Fund. The Department, at the time
3 of each monthly disbursement to the municipalities, shall
4 prepare and certify to the State Comptroller the amount to be
5 transferred into the Tax Compliance and Administration Fund
6 under this Section. Within 10 days after receipt by the
7 Comptroller of the disbursement certification to the
8 municipalities and the Tax Compliance and Administration Fund
9 provided for in this Section to be given to the Comptroller by
10 the Department, the Comptroller shall cause the orders to be
11 drawn for the respective amounts in accordance with the
12 directions contained in the certification.

13 In addition to the disbursement required by the preceding
14 paragraph and in order to mitigate delays caused by
15 distribution procedures, an allocation shall, if requested, be
16 made within 10 days after January 14, 1991, and in November of
17 1991 and each year thereafter, to each municipality that
18 received more than \$500,000 during the preceding fiscal year,
19 (July 1 through June 30) whether collected by the municipality
20 or disbursed by the Department as required by this Section.
21 Within 10 days after January 14, 1991, participating
22 municipalities shall notify the Department in writing of their
23 intent to participate. In addition, for the initial
24 distribution, participating municipalities shall certify to
25 the Department the amounts collected by the municipality for
26 each month under its home rule occupation and service

1 occupation tax during the period July 1, 1989 through June 30,
2 1990. The allocation within 10 days after January 14, 1991,
3 shall be in an amount equal to the monthly average of these
4 amounts, excluding the 2 months of highest receipts. The
5 monthly average for the period of July 1, 1990 through June 30,
6 1991 will be determined as follows: the amounts collected by
7 the municipality under its home rule occupation and service
8 occupation tax during the period of July 1, 1990 through
9 September 30, 1990, plus amounts collected by the Department
10 and paid to such municipality through June 30, 1991, excluding
11 the 2 months of highest receipts. The monthly average for each
12 subsequent period of July 1 through June 30 shall be an amount
13 equal to the monthly distribution made to each such
14 municipality under the preceding paragraph during this period,
15 excluding the 2 months of highest receipts. The distribution
16 made in November 1991 and each year thereafter under this
17 paragraph and the preceding paragraph shall be reduced by the
18 amount allocated and disbursed under this paragraph in the
19 preceding period of July 1 through June 30. The Department
20 shall prepare and certify to the Comptroller for disbursement
21 the allocations made in accordance with this paragraph.

22 For the purpose of determining the local governmental unit
23 whose tax is applicable, a retail sale by a producer of coal or
24 other mineral mined in Illinois is a sale at retail at the
25 place where the coal or other mineral mined in Illinois is
26 extracted from the earth. This paragraph does not apply to coal

1 or other mineral when it is delivered or shipped by the seller
2 to the purchaser at a point outside Illinois so that the sale
3 is exempt under the United States Constitution as a sale in
4 interstate or foreign commerce.

5 Nothing in this Section shall be construed to authorize a
6 municipality to impose a tax upon the privilege of engaging in
7 any business which under the Constitution of the United States
8 may not be made the subject of taxation by this State.

9 An ordinance or resolution imposing or discontinuing a tax
10 hereunder or effecting a change in the rate thereof shall be
11 adopted and a certified copy thereof filed with the Department
12 on or before the first day of June, whereupon the Department
13 shall proceed to administer and enforce this Section as of the
14 first day of September next following the adoption and filing.
15 Beginning January 1, 1992, an ordinance or resolution imposing
16 or discontinuing the tax hereunder or effecting a change in the
17 rate thereof shall be adopted and a certified copy thereof
18 filed with the Department on or before the first day of July,
19 whereupon the Department shall proceed to administer and
20 enforce this Section as of the first day of October next
21 following such adoption and filing. Beginning January 1, 1993,
22 an ordinance or resolution imposing or discontinuing the tax
23 hereunder or effecting a change in the rate thereof shall be
24 adopted and a certified copy thereof filed with the Department
25 on or before the first day of October, whereupon the Department
26 shall proceed to administer and enforce this Section as of the

1 first day of January next following the adoption and filing.
2 However, a municipality located in a county with a population
3 in excess of 3,000,000 that elected to become a home rule unit
4 at the general primary election in 1994 may adopt an ordinance
5 or resolution imposing the tax under this Section and file a
6 certified copy of the ordinance or resolution with the
7 Department on or before July 1, 1994. The Department shall then
8 proceed to administer and enforce this Section as of October 1,
9 1994. Beginning April 1, 1998, an ordinance or resolution
10 imposing or discontinuing the tax hereunder or effecting a
11 change in the rate thereof shall either (i) be adopted and a
12 certified copy thereof filed with the Department on or before
13 the first day of April, whereupon the Department shall proceed
14 to administer and enforce this Section as of the first day of
15 July next following the adoption and filing; or (ii) be adopted
16 and a certified copy thereof filed with the Department on or
17 before the first day of October, whereupon the Department shall
18 proceed to administer and enforce this Section as of the first
19 day of January next following the adoption and filing.

20 When certifying the amount of a monthly disbursement to a
21 municipality under this Section, the Department shall increase
22 or decrease the amount by an amount necessary to offset any
23 misallocation of previous disbursements. The offset amount
24 shall be the amount erroneously disbursed within the previous 6
25 months from the time a misallocation is discovered.

26 Any unobligated balance remaining in the Municipal

1 Retailers' Occupation Tax Fund on December 31, 1989, which fund
2 was abolished by Public Act 85-1135, and all receipts of
3 municipal tax as a result of audits of liability periods prior
4 to January 1, 1990, shall be paid into the Local Government Tax
5 Fund for distribution as provided by this Section prior to the
6 enactment of Public Act 85-1135. All receipts of municipal tax
7 as a result of an assessment not arising from an audit, for
8 liability periods prior to January 1, 1990, shall be paid into
9 the Local Government Tax Fund for distribution before July 1,
10 1990, as provided by this Section prior to the enactment of
11 Public Act 85-1135; and on and after July 1, 1990, all such
12 receipts shall be distributed as provided in Section 6z-18 of
13 the State Finance Act.

14 As used in this Section, "municipal" and "municipality"
15 means a city, village or incorporated town, including an
16 incorporated town that has superseded a civil township.

17 This Section shall be known and may be cited as the Home
18 Rule Municipal Retailers' Occupation Tax Act.

19 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

20 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

21 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
22 Occupation Tax Act. The corporate authorities of a non-home
23 rule municipality may impose a tax upon all persons engaged in
24 the business of selling tangible personal property, other than
25 on an item of tangible personal property which is titled and

1 registered by an agency of this State's Government, at retail
2 in the municipality for expenditure on public infrastructure or
3 for property tax relief or both as defined in Section 8-11-1.2
4 if approved by referendum as provided in Section 8-11-1.1, of
5 the gross receipts from such sales made in the course of such
6 business. If the tax is approved by referendum on or after July
7 14, 2010 (the effective date of Public Act 96-1057), the
8 corporate authorities of a non-home rule municipality may,
9 until December 31, 2020, use the proceeds of the tax for
10 expenditure on municipal operations, in addition to or in lieu
11 of any expenditure on public infrastructure or for property tax
12 relief. The tax imposed may not be more than 1% and may be
13 imposed only in 1/4% increments. The tax may not be imposed on
14 the sale of food for human consumption that is to be consumed
15 off the premises where it is sold (other than alcoholic
16 beverages, soft drinks, and food that has been prepared for
17 immediate consumption) and prescription and nonprescription
18 medicines, drugs, medical appliances, and insulin, urine
19 testing materials, syringes, and needles used by diabetics. The
20 tax imposed by a municipality pursuant to this Section and all
21 civil penalties that may be assessed as an incident thereof
22 shall be collected and enforced by the State Department of
23 Revenue. The certificate of registration which is issued by the
24 Department to a retailer under the Retailers' Occupation Tax
25 Act shall permit such retailer to engage in a business which is
26 taxable under any ordinance or resolution enacted pursuant to

1 this Section without registering separately with the
2 Department under such ordinance or resolution or under this
3 Section. The Department shall have full power to administer and
4 enforce this Section; to collect all taxes and penalties due
5 hereunder; to dispose of taxes and penalties so collected in
6 the manner hereinafter provided, and to determine all rights to
7 credit memoranda, arising on account of the erroneous payment
8 of tax or penalty hereunder. In the administration of, and
9 compliance with, this Section, the Department and persons who
10 are subject to this Section shall have the same rights,
11 remedies, privileges, immunities, powers and duties, and be
12 subject to the same conditions, restrictions, limitations,
13 penalties and definitions of terms, and employ the same modes
14 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
15 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
16 therein other than the State rate of tax), 2c, 3 (except as to
17 the disposition of taxes and penalties collected), 4, 5, 5a,
18 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
19 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
20 and Section 3-7 of the Uniform Penalty and Interest Act as
21 fully as if those provisions were set forth herein.

22 No municipality may impose a tax under this Section unless
23 the municipality also imposes a tax at the same rate under
24 Section 8-11-1.4 of this Code.

25 Persons subject to any tax imposed pursuant to the
26 authority granted in this Section may reimburse themselves for

1 their seller's tax liability hereunder by separately stating
2 such tax as an additional charge, which charge may be stated in
3 combination, in a single amount, with State tax which sellers
4 are required to collect under the Use Tax Act, pursuant to such
5 bracket schedules as the Department may prescribe.

6 Whenever the Department determines that a refund should be
7 made under this Section to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the order to be drawn for the
10 amount specified, and to the person named, in such notification
11 from the Department. Such refund shall be paid by the State
12 Treasurer out of the non-home rule municipal retailers'
13 occupation tax fund.

14 The Department shall forthwith pay over to the State
15 Treasurer, ex officio, as trustee, all taxes and penalties
16 collected hereunder.

17 As soon as possible after the first day of each month,
18 beginning January 1, 2011, upon certification of the Department
19 of Revenue, the Comptroller shall order transferred, and the
20 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
21 local sales tax increment, as defined in the Innovation
22 Development and Economy Act, collected under this Section
23 during the second preceding calendar month for sales within a
24 STAR bond district.

25 After the monthly transfer to the STAR Bonds Revenue Fund,
26 on or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the
2 disbursement of stated sums of money to named municipalities,
3 the municipalities to be those from which retailers have paid
4 taxes or penalties hereunder to the Department during the
5 second preceding calendar month. The amount to be paid to each
6 municipality shall be the amount (not including credit
7 memoranda) collected hereunder during the second preceding
8 calendar month by the Department plus an amount the Department
9 determines is necessary to offset any amounts which were
10 erroneously paid to a different taxing body, and not including
11 an amount equal to the amount of refunds made during the second
12 preceding calendar month by the Department on behalf of such
13 municipality, and not including any amount which the Department
14 determines is necessary to offset any amounts which were
15 payable to a different taxing body but were erroneously paid to
16 the municipality, and not including any amounts that are
17 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the
18 remainder, which the Department shall transfer into the Tax
19 Compliance and Administration Fund. The Department, at the time
20 of each monthly disbursement to the municipalities, shall
21 prepare and certify to the State Comptroller the amount to be
22 transferred into the Tax Compliance and Administration Fund
23 under this Section. Within 10 days after receipt, by the
24 Comptroller, of the disbursement certification to the
25 municipalities and the Tax Compliance and Administration Fund
26 provided for in this Section to be given to the Comptroller by

1 the Department, the Comptroller shall cause the orders to be
2 drawn for the respective amounts in accordance with the
3 directions contained in such certification.

4 For the purpose of determining the local governmental unit
5 whose tax is applicable, a retail sale, by a producer of coal
6 or other mineral mined in Illinois, is a sale at retail at the
7 place where the coal or other mineral mined in Illinois is
8 extracted from the earth. This paragraph does not apply to coal
9 or other mineral when it is delivered or shipped by the seller
10 to the purchaser at a point outside Illinois so that the sale
11 is exempt under the Federal Constitution as a sale in
12 interstate or foreign commerce.

13 Nothing in this Section shall be construed to authorize a
14 municipality to impose a tax upon the privilege of engaging in
15 any business which under the constitution of the United States
16 may not be made the subject of taxation by this State.

17 When certifying the amount of a monthly disbursement to a
18 municipality under this Section, the Department shall increase
19 or decrease such amount by an amount necessary to offset any
20 misallocation of previous disbursements. The offset amount
21 shall be the amount erroneously disbursed within the previous 6
22 months from the time a misallocation is discovered.

23 The Department of Revenue shall implement this amendatory
24 Act of the 91st General Assembly so as to collect the tax on
25 and after January 1, 2002.

26 As used in this Section, "municipal" and "municipality"

1 means a city, village or incorporated town, including an
2 incorporated town which has superseded a civil township.

3 This Section shall be known and may be cited as the
4 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

5 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

6 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

7 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
8 Tax Act. The corporate authorities of a non-home rule
9 municipality may impose a tax upon all persons engaged, in such
10 municipality, in the business of making sales of service for
11 expenditure on public infrastructure or for property tax relief
12 or both as defined in Section 8-11-1.2 if approved by
13 referendum as provided in Section 8-11-1.1, of the selling
14 price of all tangible personal property transferred by such
15 servicemen either in the form of tangible personal property or
16 in the form of real estate as an incident to a sale of service.
17 If the tax is approved by referendum on or after July 14, 2010
18 (the effective date of Public Act 96-1057), the corporate
19 authorities of a non-home rule municipality may, until December
20 31, 2020, use the proceeds of the tax for expenditure on
21 municipal operations, in addition to or in lieu of any
22 expenditure on public infrastructure or for property tax
23 relief. The tax imposed may not be more than 1% and may be
24 imposed only in 1/4% increments. The tax may not be imposed on
25 the sale of food for human consumption that is to be consumed

1 off the premises where it is sold (other than alcoholic
2 beverages, soft drinks, and food that has been prepared for
3 immediate consumption) and prescription and nonprescription
4 medicines, drugs, medical appliances, and insulin, urine
5 testing materials, syringes, and needles used by diabetics. The
6 tax imposed by a municipality pursuant to this Section and all
7 civil penalties that may be assessed as an incident thereof
8 shall be collected and enforced by the State Department of
9 Revenue. The certificate of registration which is issued by the
10 Department to a retailer under the Retailers' Occupation Tax
11 Act or under the Service Occupation Tax Act shall permit such
12 registrant to engage in a business which is taxable under any
13 ordinance or resolution enacted pursuant to this Section
14 without registering separately with the Department under such
15 ordinance or resolution or under this Section. The Department
16 shall have full power to administer and enforce this Section;
17 to collect all taxes and penalties due hereunder; to dispose of
18 taxes and penalties so collected in the manner hereinafter
19 provided, and to determine all rights to credit memoranda
20 arising on account of the erroneous payment of tax or penalty
21 hereunder. In the administration of, and compliance with, this
22 Section the Department and persons who are subject to this
23 Section shall have the same rights, remedies, privileges,
24 immunities, powers and duties, and be subject to the same
25 conditions, restrictions, limitations, penalties and
26 definitions of terms, and employ the same modes of procedure,

1 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
2 respect to all provisions therein other than the State rate of
3 tax), 4 (except that the reference to the State shall be to the
4 taxing municipality), 5, 7, 8 (except that the jurisdiction to
5 which the tax shall be a debt to the extent indicated in that
6 Section 8 shall be the taxing municipality), 9 (except as to
7 the disposition of taxes and penalties collected, and except
8 that the returned merchandise credit for this municipal tax may
9 not be taken against any State tax), 10, 11, 12 (except the
10 reference therein to Section 2b of the Retailers' Occupation
11 Tax Act), 13 (except that any reference to the State shall mean
12 the taxing municipality), the first paragraph of Section 15,
13 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
14 Section 3-7 of the Uniform Penalty and Interest Act, as fully
15 as if those provisions were set forth herein.

16 No municipality may impose a tax under this Section unless
17 the municipality also imposes a tax at the same rate under
18 Section 8-11-1.3 of this Code.

19 Persons subject to any tax imposed pursuant to the
20 authority granted in this Section may reimburse themselves for
21 their serviceman's tax liability hereunder by separately
22 stating such tax as an additional charge, which charge may be
23 stated in combination, in a single amount, with State tax which
24 servicemen are authorized to collect under the Service Use Tax
25 Act, pursuant to such bracket schedules as the Department may
26 prescribe.

1 Whenever the Department determines that a refund should be
2 made under this Section to a claimant instead of issuing credit
3 memorandum, the Department shall notify the State Comptroller,
4 who shall cause the order to be drawn for the amount specified,
5 and to the person named, in such notification from the
6 Department. Such refund shall be paid by the State Treasurer
7 out of the municipal retailers' occupation tax fund.

8 The Department shall forthwith pay over to the State
9 Treasurer, ex officio, as trustee, all taxes and penalties
10 collected hereunder.

11 As soon as possible after the first day of each month,
12 beginning January 1, 2011, upon certification of the Department
13 of Revenue, the Comptroller shall order transferred, and the
14 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
15 local sales tax increment, as defined in the Innovation
16 Development and Economy Act, collected under this Section
17 during the second preceding calendar month for sales within a
18 STAR bond district.

19 After the monthly transfer to the STAR Bonds Revenue Fund,
20 on or before the 25th day of each calendar month, the
21 Department shall prepare and certify to the Comptroller the
22 disbursement of stated sums of money to named municipalities,
23 the municipalities to be those from which suppliers and
24 servicemen have paid taxes or penalties hereunder to the
25 Department during the second preceding calendar month. The
26 amount to be paid to each municipality shall be the amount (not

1 including credit memoranda) collected hereunder during the
2 second preceding calendar month by the Department, and not
3 including an amount equal to the amount of refunds made during
4 the second preceding calendar month by the Department on behalf
5 of such municipality, and not including any amounts that are
6 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the
7 remainder, which the Department shall transfer into the Tax
8 Compliance and Administration Fund. The Department, at the time
9 of each monthly disbursement to the municipalities, shall
10 prepare and certify to the State Comptroller the amount to be
11 transferred into the Tax Compliance and Administration Fund
12 under this Section. Within 10 days after receipt, by the
13 Comptroller, of the disbursement certification to the
14 municipalities, the General Revenue Fund, and the Tax
15 Compliance and Administration Fund provided for in this Section
16 to be given to the Comptroller by the Department, the
17 Comptroller shall cause the orders to be drawn for the
18 respective amounts in accordance with the directions contained
19 in such certification.

20 The Department of Revenue shall implement this amendatory
21 Act of the 91st General Assembly so as to collect the tax on
22 and after January 1, 2002.

23 Nothing in this Section shall be construed to authorize a
24 municipality to impose a tax upon the privilege of engaging in
25 any business which under the constitution of the United States
26 may not be made the subject of taxation by this State.

1 As used in this Section, "municipal" or "municipality"
2 means or refers to a city, village or incorporated town,
3 including an incorporated town which has superseded a civil
4 township.

5 This Section shall be known and may be cited as the
6 "Non-Home Rule Municipal Service Occupation Tax Act".
7 (Source: P.A. 100-23, eff. 7-6-17.)

8 (65 ILCS 5/8-11-1.6)

9 Sec. 8-11-1.6. Non-home rule municipal retailers
10 occupation tax; municipalities between 20,000 and 25,000. The
11 corporate authorities of a non-home rule municipality with a
12 population of more than 20,000 but less than 25,000 that has,
13 prior to January 1, 1987, established a Redevelopment Project
14 Area that has been certified as a State Sales Tax Boundary and
15 has issued bonds or otherwise incurred indebtedness to pay for
16 costs in excess of \$5,000,000, which is secured in part by a
17 tax increment allocation fund, in accordance with the
18 provisions of Division 11-74.4 of this Code may, by passage of
19 an ordinance, impose a tax upon all persons engaged in the
20 business of selling tangible personal property, other than on
21 an item of tangible personal property that is titled and
22 registered by an agency of this State's Government, at retail
23 in the municipality. This tax may not be imposed on the sales
24 of food for human consumption that is to be consumed off the
25 premises where it is sold (other than alcoholic beverages, soft

1 drinks, and food that has been prepared for immediate
2 consumption) and prescription and nonprescription medicines,
3 drugs, medical appliances and insulin, urine testing
4 materials, syringes, and needles used by diabetics. If imposed,
5 the tax shall only be imposed in .25% increments of the gross
6 receipts from such sales made in the course of business. Any
7 tax imposed by a municipality under this Section and all civil
8 penalties that may be assessed as an incident thereof shall be
9 collected and enforced by the State Department of Revenue. An
10 ordinance imposing a tax hereunder or effecting a change in the
11 rate thereof shall be adopted and a certified copy thereof
12 filed with the Department on or before the first day of
13 October, whereupon the Department shall proceed to administer
14 and enforce this Section as of the first day of January next
15 following such adoption and filing. The certificate of
16 registration that is issued by the Department to a retailer
17 under the Retailers' Occupation Tax Act shall permit the
18 retailer to engage in a business that is taxable under any
19 ordinance or resolution enacted under this Section without
20 registering separately with the Department under the ordinance
21 or resolution or under this Section. The Department shall have
22 full power to administer and enforce this Section, to collect
23 all taxes and penalties due hereunder, to dispose of taxes and
24 penalties so collected in the manner hereinafter provided, and
25 to determine all rights to credit memoranda, arising on account
26 of the erroneous payment of tax or penalty hereunder. In the

1 administration of, and compliance with this Section, the
2 Department and persons who are subject to this Section shall
3 have the same rights, remedies, privileges, immunities,
4 powers, and duties, and be subject to the same conditions,
5 restrictions, limitations, penalties, and definitions of
6 terms, and employ the same modes of procedure, as are
7 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
8 through 2-65 (in respect to all provisions therein other than
9 the State rate of tax), 2c, 3 (except as to the disposition of
10 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
11 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
13 the Uniform Penalty and Interest Act as fully as if those
14 provisions were set forth herein.

15 A tax may not be imposed by a municipality under this
16 Section unless the municipality also imposes a tax at the same
17 rate under Section 8-11-1.7 of this Act.

18 Persons subject to any tax imposed under the authority
19 granted in this Section, may reimburse themselves for their
20 seller's tax liability hereunder by separately stating the tax
21 as an additional charge, which charge may be stated in
22 combination, in a single amount, with State tax which sellers
23 are required to collect under the Use Tax Act, pursuant to such
24 bracket schedules as the Department may prescribe.

25 Whenever the Department determines that a refund should be
26 made under this Section to a claimant, instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the order to be drawn for the
3 amount specified, and to the person named in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the Non-Home Rule Municipal Retailers'
6 Occupation Tax Fund, which is hereby created.

7 The Department shall forthwith pay over to the State
8 Treasurer, ex officio, as trustee, all taxes and penalties
9 collected hereunder.

10 As soon as possible after the first day of each month,
11 beginning January 1, 2011, upon certification of the Department
12 of Revenue, the Comptroller shall order transferred, and the
13 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
14 local sales tax increment, as defined in the Innovation
15 Development and Economy Act, collected under this Section
16 during the second preceding calendar month for sales within a
17 STAR bond district.

18 After the monthly transfer to the STAR Bonds Revenue Fund,
19 on or before the 25th day of each calendar month, the
20 Department shall prepare and certify to the Comptroller the
21 disbursement of stated sums of money to named municipalities,
22 the municipalities to be those from which retailers have paid
23 taxes or penalties hereunder to the Department during the
24 second preceding calendar month. The amount to be paid to each
25 municipality shall be the amount (not including credit
26 memoranda) collected hereunder during the second preceding

1 calendar month by the Department plus an amount the Department
2 determines is necessary to offset any amounts that were
3 erroneously paid to a different taxing body, and not including
4 an amount equal to the amount of refunds made during the second
5 preceding calendar month by the Department on behalf of the
6 municipality, and not including any amount that the Department
7 determines is necessary to offset any amounts that were payable
8 to a different taxing body but were erroneously paid to the
9 municipality, and not including any amounts that are
10 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the
11 remainder, which the Department shall transfer into the Tax
12 Compliance and Administration Fund. The Department, at the time
13 of each monthly disbursement to the municipalities, shall
14 prepare and certify to the State Comptroller the amount to be
15 transferred into the Tax Compliance and Administration Fund
16 under this Section. Within 10 days after receipt by the
17 Comptroller of the disbursement certification to the
18 municipalities and the Tax Compliance and Administration Fund
19 provided for in this Section to be given to the Comptroller by
20 the Department, the Comptroller shall cause the orders to be
21 drawn for the respective amounts in accordance with the
22 directions contained in the certification.

23 For the purpose of determining the local governmental unit
24 whose tax is applicable, a retail sale by a producer of coal or
25 other mineral mined in Illinois is a sale at retail at the
26 place where the coal or other mineral mined in Illinois is

1 extracted from the earth. This paragraph does not apply to coal
2 or other mineral when it is delivered or shipped by the seller
3 to the purchaser at a point outside Illinois so that the sale
4 is exempt under the federal Constitution as a sale in
5 interstate or foreign commerce.

6 Nothing in this Section shall be construed to authorize a
7 municipality to impose a tax upon the privilege of engaging in
8 any business which under the constitution of the United States
9 may not be made the subject of taxation by this State.

10 When certifying the amount of a monthly disbursement to a
11 municipality under this Section, the Department shall increase
12 or decrease the amount by an amount necessary to offset any
13 misallocation of previous disbursements. The offset amount
14 shall be the amount erroneously disbursed within the previous 6
15 months from the time a misallocation is discovered.

16 As used in this Section, "municipal" and "municipality"
17 means a city, village, or incorporated town, including an
18 incorporated town that has superseded a civil township.

19 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
20 100-23, eff. 7-6-17; revised 10-3-17.)

21 (65 ILCS 5/8-11-1.7)

22 Sec. 8-11-1.7. Non-home rule municipal service occupation
23 tax; municipalities between 20,000 and 25,000. The corporate
24 authorities of a non-home rule municipality with a population
25 of more than 20,000 but less than 25,000 as determined by the

1 last preceding decennial census that has, prior to January 1,
2 1987, established a Redevelopment Project Area that has been
3 certified as a State Sales Tax Boundary and has issued bonds or
4 otherwise incurred indebtedness to pay for costs in excess of
5 \$5,000,000, which is secured in part by a tax increment
6 allocation fund, in accordance with the provisions of Division
7 11-74.4 of this Code may, by passage of an ordinance, impose a
8 tax upon all persons engaged in the municipality in the
9 business of making sales of service. If imposed, the tax shall
10 only be imposed in .25% increments of the selling price of all
11 tangible personal property transferred by such servicemen
12 either in the form of tangible personal property or in the form
13 of real estate as an incident to a sale of service. This tax
14 may not be imposed on the sales of food for human consumption
15 that is to be consumed off the premises where it is sold (other
16 than alcoholic beverages, soft drinks, and food that has been
17 prepared for immediate consumption) and prescription and
18 nonprescription medicines, drugs, medical appliances and
19 insulin, urine testing materials, syringes, and needles used by
20 diabetics. The tax imposed by a municipality under this Section
21 ~~See.~~ and all civil penalties that may be assessed as an
22 incident thereof shall be collected and enforced by the State
23 Department of Revenue. An ordinance imposing a tax hereunder or
24 effecting a change in the rate thereof shall be adopted and a
25 certified copy thereof filed with the Department on or before
26 the first day of October, whereupon the Department shall

1 proceed to administer and enforce this Section as of the first
2 day of January next following such adoption and filing. The
3 certificate of registration that is issued by the Department to
4 a retailer under the Retailers' Occupation Tax Act or under the
5 Service Occupation Tax Act shall permit the registrant to
6 engage in a business that is taxable under any ordinance or
7 resolution enacted under this Section without registering
8 separately with the Department under the ordinance or
9 resolution or under this Section. The Department shall have
10 full power to administer and enforce this Section, to collect
11 all taxes and penalties due hereunder, to dispose of taxes and
12 penalties so collected in a manner hereinafter provided, and to
13 determine all rights to credit memoranda arising on account of
14 the erroneous payment of tax or penalty hereunder. In the
15 administration of and compliance with this Section, the
16 Department and persons who are subject to this Section shall
17 have the same rights, remedies, privileges, immunities,
18 powers, and duties, and be subject to the same conditions,
19 restrictions, limitations, penalties and definitions of terms,
20 and employ the same modes of procedure, as are prescribed in
21 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
22 provisions therein other than the State rate of tax), 4 (except
23 that the reference to the State shall be to the taxing
24 municipality), 5, 7, 8 (except that the jurisdiction to which
25 the tax shall be a debt to the extent indicated in that Section
26 8 shall be the taxing municipality), 9 (except as to the

1 disposition of taxes and penalties collected, and except that
2 the returned merchandise credit for this municipal tax may not
3 be taken against any State tax), 10, 11, 12, (except the
4 reference therein to Section 2b of the Retailers' Occupation
5 Tax Act), 13 (except that any reference to the State shall mean
6 the taxing municipality), the first paragraph of Sections 15,
7 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and
8 Section 3-7 of the Uniform Penalty and Interest Act, as fully
9 as if those provisions were set forth herein.

10 A tax may not be imposed by a municipality under this
11 Section unless the municipality also imposes a tax at the same
12 rate under Section 8-11-1.6 of this Act.

13 Person subject to any tax imposed under the authority
14 granted in this Section may reimburse themselves for their
15 servicemen's tax liability hereunder by separately stating the
16 tax as an additional charge, which charge may be stated in
17 combination, in a single amount, with State tax that servicemen
18 are authorized to collect under the Service Use Tax Act, under
19 such bracket schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant instead of issuing credit
22 memorandum, the Department shall notify the State Comptroller,
23 who shall cause the order to be drawn for the amount specified,
24 and to the person named, in such notification from the
25 Department. The refund shall be paid by the State Treasurer out
26 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

1 The Department shall forthwith pay over to the State
2 Treasurer, ex officio, as trustee, all taxes and penalties
3 collected hereunder.

4 As soon as possible after the first day of each month,
5 beginning January 1, 2011, upon certification of the Department
6 of Revenue, the Comptroller shall order transferred, and the
7 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
8 local sales tax increment, as defined in the Innovation
9 Development and Economy Act, collected under this Section
10 during the second preceding calendar month for sales within a
11 STAR bond district.

12 After the monthly transfer to the STAR Bonds Revenue Fund,
13 on or before the 25th day of each calendar month, the
14 Department shall prepare and certify to the Comptroller the
15 disbursement of stated sums of money to named municipalities,
16 the municipalities to be those from which suppliers and
17 servicemen have paid taxes or penalties hereunder to the
18 Department during the second preceding calendar month. The
19 amount to be paid to each municipality shall be the amount (not
20 including credit memoranda) collected hereunder during the
21 second preceding calendar month by the Department, and not
22 including an amount equal to the amount of refunds made during
23 the second preceding calendar month by the Department on behalf
24 of such municipality, and not including any amounts that are
25 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the
26 remainder, which the Department shall transfer into the Tax

1 Compliance and Administration Fund. The Department, at the time
2 of each monthly disbursement to the municipalities, shall
3 prepare and certify to the State Comptroller the amount to be
4 transferred into the Tax Compliance and Administration Fund
5 under this Section. Within 10 days after receipt by the
6 Comptroller of the disbursement certification to the
7 municipalities, the Tax Compliance and Administration Fund,
8 and the General Revenue Fund, provided for in this Section to
9 be given to the Comptroller by the Department, the Comptroller
10 shall cause the orders to be drawn for the respective amounts
11 in accordance with the directions contained in the
12 certification.

13 When certifying the amount of a monthly disbursement to a
14 municipality under this Section, the Department shall increase
15 or decrease the amount by an amount necessary to offset any
16 misallocation of previous disbursements. The offset amount
17 shall be the amount erroneously disbursed within the previous 6
18 months from the time a misallocation is discovered.

19 Nothing in this Section shall be construed to authorize a
20 municipality to impose a tax upon the privilege of engaging in
21 any business which under the constitution of the United States
22 may not be made the subject of taxation by this State.

23 (Source: P.A. 100-23, eff. 7-6-17; revised 10-3-17.)

24 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

25 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax

1 Act. The corporate authorities of a home rule municipality may
2 impose a tax upon all persons engaged, in such municipality, in
3 the business of making sales of service at the same rate of tax
4 imposed pursuant to Section 8-11-1, of the selling price of all
5 tangible personal property transferred by such servicemen
6 either in the form of tangible personal property or in the form
7 of real estate as an incident to a sale of service. If imposed,
8 such tax shall only be imposed in 1/4% increments. On and after
9 September 1, 1991, this additional tax may not be imposed on
10 the sales of food for human consumption which is to be consumed
11 off the premises where it is sold (other than alcoholic
12 beverages, soft drinks and food which has been prepared for
13 immediate consumption) and prescription and nonprescription
14 medicines, drugs, medical appliances and insulin, urine
15 testing materials, syringes and needles used by diabetics. The
16 tax imposed by a home rule municipality pursuant to this
17 Section and all civil penalties that may be assessed as an
18 incident thereof shall be collected and enforced by the State
19 Department of Revenue. The certificate of registration which is
20 issued by the Department to a retailer under the Retailers'
21 Occupation Tax Act or under the Service Occupation Tax Act
22 shall permit such registrant to engage in a business which is
23 taxable under any ordinance or resolution enacted pursuant to
24 this Section without registering separately with the
25 Department under such ordinance or resolution or under this
26 Section. The Department shall have full power to administer and

1 enforce this Section; to collect all taxes and penalties due
2 hereunder; to dispose of taxes and penalties so collected in
3 the manner hereinafter provided, and to determine all rights to
4 credit memoranda arising on account of the erroneous payment of
5 tax or penalty hereunder. In the administration of, and
6 compliance with, this Section the Department and persons who
7 are subject to this Section shall have the same rights,
8 remedies, privileges, immunities, powers and duties, and be
9 subject to the same conditions, restrictions, limitations,
10 penalties and definitions of terms, and employ the same modes
11 of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3
12 through 3-50 (in respect to all provisions therein other than
13 the State rate of tax), 4 (except that the reference to the
14 State shall be to the taxing municipality), 5, 7, 8 (except
15 that the jurisdiction to which the tax shall be a debt to the
16 extent indicated in that Section 8 shall be the taxing
17 municipality), 9 (except as to the disposition of taxes and
18 penalties collected, and except that the returned merchandise
19 credit for this municipal tax may not be taken against any
20 State tax), 10, 11, 12 (except the reference therein to Section
21 2b of the Retailers' Occupation Tax Act), 13 (except that any
22 reference to the State shall mean the taxing municipality), the
23 first paragraph of Section 15, 16, 17 (except that credit
24 memoranda issued hereunder may not be used to discharge any
25 State tax liability), 18, 19 and 20 of the Service Occupation
26 Tax Act and Section 3-7 of the Uniform Penalty and Interest

1 Act, as fully as if those provisions were set forth herein.

2 No tax may be imposed by a home rule municipality pursuant
3 to this Section unless such municipality also imposes a tax at
4 the same rate pursuant to Section 8-11-1 of this Act.

5 Persons subject to any tax imposed pursuant to the
6 authority granted in this Section may reimburse themselves for
7 their serviceman's tax liability hereunder by separately
8 stating such tax as an additional charge, which charge may be
9 stated in combination, in a single amount, with State tax which
10 servicemen are authorized to collect under the Service Use Tax
11 Act, pursuant to such bracket schedules as the Department may
12 prescribe.

13 Whenever the Department determines that a refund should be
14 made under this Section to a claimant instead of issuing credit
15 memorandum, the Department shall notify the State Comptroller,
16 who shall cause the order to be drawn for the amount specified,
17 and to the person named, in such notification from the
18 Department. Such refund shall be paid by the State Treasurer
19 out of the home rule municipal retailers' occupation tax fund.

20 The Department shall forthwith pay over to the State
21 Treasurer, ex-officio, as trustee, all taxes and penalties
22 collected hereunder.

23 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the Department
25 of Revenue, the Comptroller shall order transferred, and the
26 Treasurer shall transfer, to the STAR Bonds Revenue Fund the

1 local sales tax increment, as defined in the Innovation
2 Development and Economy Act, collected under this Section
3 during the second preceding calendar month for sales within a
4 STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money to named municipalities,
9 the municipalities to be those from which suppliers and
10 servicemen have paid taxes or penalties hereunder to the
11 Department during the second preceding calendar month. The
12 amount to be paid to each municipality shall be the amount (not
13 including credit memoranda) collected hereunder during the
14 second preceding calendar month by the Department, and not
15 including an amount equal to the amount of refunds made during
16 the second preceding calendar month by the Department on behalf
17 of such municipality, and not including any amounts that are
18 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the
19 remainder, which the Department shall transfer into the Tax
20 Compliance and Administration Fund. The Department, at the time
21 of each monthly disbursement to the municipalities, shall
22 prepare and certify to the State Comptroller the amount to be
23 transferred into the Tax Compliance and Administration Fund
24 under this Section. Within 10 days after receipt, by the
25 Comptroller, of the disbursement certification to the
26 municipalities and the Tax Compliance and Administration Fund

1 provided for in this Section to be given to the Comptroller by
2 the Department, the Comptroller shall cause the orders to be
3 drawn for the respective amounts in accordance with the
4 directions contained in such certification.

5 In addition to the disbursement required by the preceding
6 paragraph and in order to mitigate delays caused by
7 distribution procedures, an allocation shall, if requested, be
8 made within 10 days after January 14, 1991, and in November of
9 1991 and each year thereafter, to each municipality that
10 received more than \$500,000 during the preceding fiscal year,
11 (July 1 through June 30) whether collected by the municipality
12 or disbursed by the Department as required by this Section.
13 Within 10 days after January 14, 1991, participating
14 municipalities shall notify the Department in writing of their
15 intent to participate. In addition, for the initial
16 distribution, participating municipalities shall certify to
17 the Department the amounts collected by the municipality for
18 each month under its home rule occupation and service
19 occupation tax during the period July 1, 1989 through June 30,
20 1990. The allocation within 10 days after January 14, 1991,
21 shall be in an amount equal to the monthly average of these
22 amounts, excluding the 2 months of highest receipts. Monthly
23 average for the period of July 1, 1990 through June 30, 1991
24 will be determined as follows: the amounts collected by the
25 municipality under its home rule occupation and service
26 occupation tax during the period of July 1, 1990 through

1 September 30, 1990, plus amounts collected by the Department
2 and paid to such municipality through June 30, 1991, excluding
3 the 2 months of highest receipts. The monthly average for each
4 subsequent period of July 1 through June 30 shall be an amount
5 equal to the monthly distribution made to each such
6 municipality under the preceding paragraph during this period,
7 excluding the 2 months of highest receipts. The distribution
8 made in November 1991 and each year thereafter under this
9 paragraph and the preceding paragraph shall be reduced by the
10 amount allocated and disbursed under this paragraph in the
11 preceding period of July 1 through June 30. The Department
12 shall prepare and certify to the Comptroller for disbursement
13 the allocations made in accordance with this paragraph.

14 Nothing in this Section shall be construed to authorize a
15 municipality to impose a tax upon the privilege of engaging in
16 any business which under the constitution of the United States
17 may not be made the subject of taxation by this State.

18 An ordinance or resolution imposing or discontinuing a tax
19 hereunder or effecting a change in the rate thereof shall be
20 adopted and a certified copy thereof filed with the Department
21 on or before the first day of June, whereupon the Department
22 shall proceed to administer and enforce this Section as of the
23 first day of September next following such adoption and filing.
24 Beginning January 1, 1992, an ordinance or resolution imposing
25 or discontinuing the tax hereunder or effecting a change in the
26 rate thereof shall be adopted and a certified copy thereof

1 filed with the Department on or before the first day of July,
2 whereupon the Department shall proceed to administer and
3 enforce this Section as of the first day of October next
4 following such adoption and filing. Beginning January 1, 1993,
5 an ordinance or resolution imposing or discontinuing the tax
6 hereunder or effecting a change in the rate thereof shall be
7 adopted and a certified copy thereof filed with the Department
8 on or before the first day of October, whereupon the Department
9 shall proceed to administer and enforce this Section as of the
10 first day of January next following such adoption and filing.
11 However, a municipality located in a county with a population
12 in excess of 3,000,000 that elected to become a home rule unit
13 at the general primary election in 1994 may adopt an ordinance
14 or resolution imposing the tax under this Section and file a
15 certified copy of the ordinance or resolution with the
16 Department on or before July 1, 1994. The Department shall then
17 proceed to administer and enforce this Section as of October 1,
18 1994. Beginning April 1, 1998, an ordinance or resolution
19 imposing or discontinuing the tax hereunder or effecting a
20 change in the rate thereof shall either (i) be adopted and a
21 certified copy thereof filed with the Department on or before
22 the first day of April, whereupon the Department shall proceed
23 to administer and enforce this Section as of the first day of
24 July next following the adoption and filing; or (ii) be adopted
25 and a certified copy thereof filed with the Department on or
26 before the first day of October, whereupon the Department shall

1 proceed to administer and enforce this Section as of the first
2 day of January next following the adoption and filing.

3 Any unobligated balance remaining in the Municipal
4 Retailers' Occupation Tax Fund on December 31, 1989, which fund
5 was abolished by Public Act 85-1135, and all receipts of
6 municipal tax as a result of audits of liability periods prior
7 to January 1, 1990, shall be paid into the Local Government Tax
8 Fund, for distribution as provided by this Section prior to the
9 enactment of Public Act 85-1135. All receipts of municipal tax
10 as a result of an assessment not arising from an audit, for
11 liability periods prior to January 1, 1990, shall be paid into
12 the Local Government Tax Fund for distribution before July 1,
13 1990, as provided by this Section prior to the enactment of
14 Public Act 85-1135, and on and after July 1, 1990, all such
15 receipts shall be distributed as provided in Section 6z-18 of
16 the State Finance Act.

17 As used in this Section, "municipal" and "municipality"
18 means a city, village or incorporated town, including an
19 incorporated town which has superseded a civil township.

20 This Section shall be known and may be cited as the Home
21 Rule Municipal Service Occupation Tax Act.

22 (Source: P.A. 100-23, eff. 7-6-17.)

23 Section 20-20. The Metropolitan Pier and Exposition
24 Authority Act is amended by changing Section 13 as follows:

1 (70 ILCS 210/13) (from Ch. 85, par. 1233)

2 Sec. 13. (a) The Authority shall not have power to levy
3 taxes for any purpose, except as provided in subsections (b),
4 (c), (d), (e), and (f).

5 (b) By ordinance the Authority shall, as soon as
6 practicable after July 1, 1992 (the effective date of Public
7 Act 87-733) ~~this amendatory Act of 1991~~, impose a Metropolitan
8 Pier and Exposition Authority Retailers' Occupation Tax upon
9 all persons engaged in the business of selling tangible
10 personal property at retail within the territory described in
11 this subsection at the rate of 1.0% of the gross receipts (i)
12 from the sale of food, alcoholic beverages, and soft drinks
13 sold for consumption on the premises where sold and (ii) from
14 the sale of food, alcoholic beverages, and soft drinks sold for
15 consumption off the premises where sold by a retailer whose
16 principal source of gross receipts is from the sale of food,
17 alcoholic beverages, and soft drinks prepared for immediate
18 consumption.

19 The tax imposed under this subsection and all civil
20 penalties that may be assessed as an incident to that tax shall
21 be collected and enforced by the Illinois Department of
22 Revenue. The Department shall have full power to administer and
23 enforce this subsection, to collect all taxes and penalties so
24 collected in the manner provided in this subsection, and to
25 determine all rights to credit memoranda arising on account of
26 the erroneous payment of tax or penalty under this subsection.

1 In the administration of and compliance with this subsection,
2 the Department and persons who are subject to this subsection
3 shall have the same rights, remedies, privileges, immunities,
4 powers, and duties, shall be subject to the same conditions,
5 restrictions, limitations, penalties, exclusions, exemptions,
6 and definitions of terms, and shall employ the same modes of
7 procedure applicable to this Retailers' Occupation Tax as are
8 prescribed in Sections 1, 2 through 2-65 (in respect to all
9 provisions of those Sections other than the State rate of
10 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes
11 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
12 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and, until January
13 1, 1994, 13.5 of the Retailers' Occupation Tax Act, and, on and
14 after January 1, 1994, all applicable provisions of the Uniform
15 Penalty and Interest Act that are not inconsistent with this
16 Act, as fully as if provisions contained in those Sections of
17 the Retailers' Occupation Tax Act were set forth in this
18 subsection.

19 Persons subject to any tax imposed under the authority
20 granted in this subsection may reimburse themselves for their
21 seller's tax liability under this subsection by separately
22 stating that tax as an additional charge, which charge may be
23 stated in combination, in a single amount, with State taxes
24 that sellers are required to collect under the Use Tax Act,
25 pursuant to bracket schedules as the Department may prescribe.
26 The retailer filing the return shall, at the time of filing the

1 return, pay to the Department the amount of tax imposed under
2 this subsection, less a discount of 1.75%, which is allowed to
3 reimburse the retailer for the expenses incurred in keeping
4 records, preparing and filing returns, remitting the tax, and
5 supplying data to the Department on request.

6 Whenever the Department determines that a refund should be
7 made under this subsection to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause a warrant to be drawn for the
10 amount specified and to the person named in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of the Metropolitan Pier and Exposition Authority
13 trust fund held by the State Treasurer as trustee for the
14 Authority.

15 Nothing in this subsection authorizes the Authority to
16 impose a tax upon the privilege of engaging in any business
17 that under the Constitution of the United States may not be
18 made the subject of taxation by this State.

19 The Department shall forthwith pay over to the State
20 Treasurer, ex officio, as trustee for the Authority, all taxes
21 and penalties collected under this subsection for deposit into
22 a trust fund held outside of the State Treasury.

23 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the Department
25 of Revenue, the Comptroller shall order transferred, and the
26 Treasurer shall transfer, to the STAR Bonds Revenue Fund the

1 local sales tax increment, as defined in the Innovation
2 Development and Economy Act, collected under this subsection
3 during the second preceding calendar month for sales within a
4 STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 amounts to be paid under subsection (g) of this Section, which
9 shall be the amounts, not including credit memoranda, collected
10 under this subsection during the second preceding calendar
11 month by the Department, less any amounts determined by the
12 Department to be necessary for the payment of refunds, less
13 1.5% ~~2%~~ of such balance, which sum shall be deposited by the
14 State Treasurer into the Tax Compliance and Administration Fund
15 in the State Treasury from which it shall be appropriated to
16 the Department to cover the costs of the Department in
17 administering and enforcing the provisions of this subsection,
18 and less any amounts that are transferred to the STAR Bonds
19 Revenue Fund. Within 10 days after receipt by the Comptroller
20 of the certification, the Comptroller shall cause the orders to
21 be drawn for the remaining amounts, and the Treasurer shall
22 administer those amounts as required in subsection (g).

23 A certificate of registration issued by the Illinois
24 Department of Revenue to a retailer under the Retailers'
25 Occupation Tax Act shall permit the registrant to engage in a
26 business that is taxed under the tax imposed under this

1 subsection, and no additional registration shall be required
2 under the ordinance imposing the tax or under this subsection.

3 A certified copy of any ordinance imposing or discontinuing
4 any tax under this subsection or effecting a change in the rate
5 of that tax shall be filed with the Department, whereupon the
6 Department shall proceed to administer and enforce this
7 subsection on behalf of the Authority as of the first day of
8 the third calendar month following the date of filing.

9 The tax authorized to be levied under this subsection may
10 be levied within all or any part of the following described
11 portions of the metropolitan area:

12 (1) that portion of the City of Chicago located within
13 the following area: Beginning at the point of intersection
14 of the Cook County - DuPage County line and York Road, then
15 North along York Road to its intersection with Touhy
16 Avenue, then east along Touhy Avenue to its intersection
17 with the Northwest Tollway, then southeast along the
18 Northwest Tollway to its intersection with Lee Street, then
19 south along Lee Street to Higgins Road, then south and east
20 along Higgins Road to its intersection with Mannheim Road,
21 then south along Mannheim Road to its intersection with
22 Irving Park Road, then west along Irving Park Road to its
23 intersection with the Cook County - DuPage County line,
24 then north and west along the county line to the point of
25 beginning; and

26 (2) that portion of the City of Chicago located within

1 the following area: Beginning at the intersection of West
2 55th Street with Central Avenue, then east along West 55th
3 Street to its intersection with South Cicero Avenue, then
4 south along South Cicero Avenue to its intersection with
5 West 63rd Street, then west along West 63rd Street to its
6 intersection with South Central Avenue, then north along
7 South Central Avenue to the point of beginning; and

8 (3) that portion of the City of Chicago located within
9 the following area: Beginning at the point 150 feet west of
10 the intersection of the west line of North Ashland Avenue
11 and the north line of West Diversey Avenue, then north 150
12 feet, then east along a line 150 feet north of the north
13 line of West Diversey Avenue extended to the shoreline of
14 Lake Michigan, then following the shoreline of Lake
15 Michigan (including Navy Pier and all other improvements
16 fixed to land, docks, or piers) to the point where the
17 shoreline of Lake Michigan and the Adlai E. Stevenson
18 Expressway extended east to that shoreline intersect, then
19 west along the Adlai E. Stevenson Expressway to a point 150
20 feet west of the west line of South Ashland Avenue, then
21 north along a line 150 feet west of the west line of South
22 and North Ashland Avenue to the point of beginning.

23 The tax authorized to be levied under this subsection may
24 also be levied on food, alcoholic beverages, and soft drinks
25 sold on boats and other watercraft departing from and returning
26 to the shoreline of Lake Michigan (including Navy Pier and all

1 other improvements fixed to land, docks, or piers) described in
2 item (3).

3 (c) By ordinance the Authority shall, as soon as
4 practicable after July 1, 1992 (the effective date of Public
5 Act 87-733) ~~this amendatory Act of 1991~~, impose an occupation
6 tax upon all persons engaged in the corporate limits of the
7 City of Chicago in the business of renting, leasing, or letting
8 rooms in a hotel, as defined in the Hotel Operators' Occupation
9 Tax Act, at a rate of 2.5% of the gross rental receipts from
10 the renting, leasing, or letting of hotel rooms within the City
11 of Chicago, excluding, however, from gross rental receipts the
12 proceeds of renting, leasing, or letting to permanent residents
13 of a hotel, as defined in that Act. Gross rental receipts shall
14 not include charges that are added on account of the liability
15 arising from any tax imposed by the State or any governmental
16 agency on the occupation of renting, leasing, or letting rooms
17 in a hotel.

18 The tax imposed by the Authority under this subsection and
19 all civil penalties that may be assessed as an incident to that
20 tax shall be collected and enforced by the Illinois Department
21 of Revenue. The certificate of registration that is issued by
22 the Department to a lessor under the Hotel Operators'
23 Occupation Tax Act shall permit that registrant to engage in a
24 business that is taxable under any ordinance enacted under this
25 subsection without registering separately with the Department
26 under that ordinance or under this subsection. The Department

1 shall have full power to administer and enforce this
2 subsection, to collect all taxes and penalties due under this
3 subsection, to dispose of taxes and penalties so collected in
4 the manner provided in this subsection, and to determine all
5 rights to credit memoranda arising on account of the erroneous
6 payment of tax or penalty under this subsection. In the
7 administration of and compliance with this subsection, the
8 Department and persons who are subject to this subsection shall
9 have the same rights, remedies, privileges, immunities,
10 powers, and duties, shall be subject to the same conditions,
11 restrictions, limitations, penalties, and definitions of
12 terms, and shall employ the same modes of procedure as are
13 prescribed in the Hotel Operators' Occupation Tax Act (except
14 where that Act is inconsistent with this subsection), as fully
15 as if the provisions contained in the Hotel Operators'
16 Occupation Tax Act were set out in this subsection.

17 Whenever the Department determines that a refund should be
18 made under this subsection to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause a warrant to be drawn for the
21 amount specified and to the person named in the notification
22 from the Department. The refund shall be paid by the State
23 Treasurer out of the Metropolitan Pier and Exposition Authority
24 trust fund held by the State Treasurer as trustee for the
25 Authority.

26 Persons subject to any tax imposed under the authority

1 granted in this subsection may reimburse themselves for their
2 tax liability for that tax by separately stating that tax as an
3 additional charge, which charge may be stated in combination,
4 in a single amount, with State taxes imposed under the Hotel
5 Operators' Occupation Tax Act, the municipal tax imposed under
6 Section 8-3-13 of the Illinois Municipal Code, and the tax
7 imposed under Section 19 of the Illinois Sports Facilities
8 Authority Act.

9 The person filing the return shall, at the time of filing
10 the return, pay to the Department the amount of tax, less a
11 discount of 2.1% or \$25 per calendar year, whichever is
12 greater, which is allowed to reimburse the operator for the
13 expenses incurred in keeping records, preparing and filing
14 returns, remitting the tax, and supplying data to the
15 Department on request.

16 Except as otherwise provided in this paragraph, the
17 Department shall forthwith pay over to the State Treasurer, ex
18 officio, as trustee for the Authority, all taxes and penalties
19 collected under this subsection for deposit into a trust fund
20 held outside the State Treasury. On or before the 25th day of
21 each calendar month, the Department shall certify to the
22 Comptroller the amounts to be paid under subsection (g) of this
23 Section, which shall be the amounts (not including credit
24 memoranda) collected under this subsection during the second
25 preceding calendar month by the Department, less any amounts
26 determined by the Department to be necessary for payment of

1 refunds, less 1.5% ~~2%~~ of the remainder, which the Department
2 shall transfer into the Tax Compliance and Administration Fund.
3 The Department, at the time of each monthly disbursement to the
4 Authority, shall prepare and certify to the State Comptroller
5 the amount to be transferred into the Tax Compliance and
6 Administration Fund under this subsection. Within 10 days after
7 receipt by the Comptroller of the Department's certification,
8 the Comptroller shall cause the orders to be drawn for such
9 amounts, and the Treasurer shall administer the amounts
10 distributed to the Authority as required in subsection (g).

11 A certified copy of any ordinance imposing or discontinuing
12 a tax under this subsection or effecting a change in the rate
13 of that tax shall be filed with the Illinois Department of
14 Revenue, whereupon the Department shall proceed to administer
15 and enforce this subsection on behalf of the Authority as of
16 the first day of the third calendar month following the date of
17 filing.

18 (d) By ordinance the Authority shall, as soon as
19 practicable after July 1, 1992 (the effective date of Public
20 Act 87-733) ~~this amendatory Act of 1991~~, impose a tax upon all
21 persons engaged in the business of renting automobiles in the
22 metropolitan area at the rate of 6% of the gross receipts from
23 that business, except that no tax shall be imposed on the
24 business of renting automobiles for use as taxicabs or in
25 livery service. The tax imposed under this subsection and all
26 civil penalties that may be assessed as an incident to that tax

1 shall be collected and enforced by the Illinois Department of
2 Revenue. The certificate of registration issued by the
3 Department to a retailer under the Retailers' Occupation Tax
4 Act or under the Automobile Renting Occupation and Use Tax Act
5 shall permit that person to engage in a business that is
6 taxable under any ordinance enacted under this subsection
7 without registering separately with the Department under that
8 ordinance or under this subsection. The Department shall have
9 full power to administer and enforce this subsection, to
10 collect all taxes and penalties due under this subsection, to
11 dispose of taxes and penalties so collected in the manner
12 provided in this subsection, and to determine all rights to
13 credit memoranda arising on account of the erroneous payment of
14 tax or penalty under this subsection. In the administration of
15 and compliance with this subsection, the Department and persons
16 who are subject to this subsection shall have the same rights,
17 remedies, privileges, immunities, powers, and duties, be
18 subject to the same conditions, restrictions, limitations,
19 penalties, and definitions of terms, and employ the same modes
20 of procedure as are prescribed in Sections 2 and 3 (in respect
21 to all provisions of those Sections other than the State rate
22 of tax; and in respect to the provisions of the Retailers'
23 Occupation Tax Act referred to in those Sections, except as to
24 the disposition of taxes and penalties collected, except for
25 the provision allowing retailers a deduction from the tax to
26 cover certain costs, and except that credit memoranda issued

1 under this subsection may not be used to discharge any State
2 tax liability) of the Automobile Renting Occupation and Use Tax
3 Act, as fully as if provisions contained in those Sections of
4 that Act were set forth in this subsection.

5 Persons subject to any tax imposed under the authority
6 granted in this subsection may reimburse themselves for their
7 tax liability under this subsection by separately stating that
8 tax as an additional charge, which charge may be stated in
9 combination, in a single amount, with State tax that sellers
10 are required to collect under the Automobile Renting Occupation
11 and Use Tax Act, pursuant to bracket schedules as the
12 Department may prescribe.

13 Whenever the Department determines that a refund should be
14 made under this subsection to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause a warrant to be drawn for the
17 amount specified and to the person named in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the Metropolitan Pier and Exposition Authority
20 trust fund held by the State Treasurer as trustee for the
21 Authority.

22 Except as otherwise provided in this paragraph, the
23 Department shall forthwith pay over to the State Treasurer, ex
24 officio, as trustee, all taxes and penalties collected under
25 this subsection for deposit into a trust fund held outside the
26 State Treasury. On or before the 25th day of each calendar

1 month, the Department shall certify to the Comptroller the
2 amounts to be paid under subsection (g) of this Section (not
3 including credit memoranda) collected under this subsection
4 during the second preceding calendar month by the Department,
5 less any amount determined by the Department to be necessary
6 for payment of refunds, less 1.5% ~~2%~~ of the remainder, which
7 the Department shall transfer into the Tax Compliance and
8 Administration Fund. The Department, at the time of each
9 monthly disbursement to the Authority, shall prepare and
10 certify to the State Comptroller the amount to be transferred
11 into the Tax Compliance and Administration Fund under this
12 subsection. Within 10 days after receipt by the Comptroller of
13 the Department's certification, the Comptroller shall cause
14 the orders to be drawn for such amounts, and the Treasurer
15 shall administer the amounts distributed to the Authority as
16 required in subsection (g).

17 Nothing in this subsection authorizes the Authority to
18 impose a tax upon the privilege of engaging in any business
19 that under the Constitution of the United States may not be
20 made the subject of taxation by this State.

21 A certified copy of any ordinance imposing or discontinuing
22 a tax under this subsection or effecting a change in the rate
23 of that tax shall be filed with the Illinois Department of
24 Revenue, whereupon the Department shall proceed to administer
25 and enforce this subsection on behalf of the Authority as of
26 the first day of the third calendar month following the date of

1 filing.

2 (e) By ordinance the Authority shall, as soon as
3 practicable after July 1, 1992 (the effective date of Public
4 Act 87-733) ~~this amendatory Act of 1991~~, impose a tax upon the
5 privilege of using in the metropolitan area an automobile that
6 is rented from a rentor outside Illinois and is titled or
7 registered with an agency of this State's government at a rate
8 of 6% of the rental price of that automobile, except that no
9 tax shall be imposed on the privilege of using automobiles
10 rented for use as taxicabs or in livery service. The tax shall
11 be collected from persons whose Illinois address for titling or
12 registration purposes is given as being in the metropolitan
13 area. The tax shall be collected by the Department of Revenue
14 for the Authority. The tax must be paid to the State or an
15 exemption determination must be obtained from the Department of
16 Revenue before the title or certificate of registration for the
17 property may be issued. The tax or proof of exemption may be
18 transmitted to the Department by way of the State agency with
19 which or State officer with whom the tangible personal property
20 must be titled or registered if the Department and that agency
21 or State officer determine that this procedure will expedite
22 the processing of applications for title or registration.

23 The Department shall have full power to administer and
24 enforce this subsection, to collect all taxes, penalties, and
25 interest due under this subsection, to dispose of taxes,
26 penalties, and interest so collected in the manner provided in

1 this subsection, and to determine all rights to credit
2 memoranda or refunds arising on account of the erroneous
3 payment of tax, penalty, or interest under this subsection. In
4 the administration of and compliance with this subsection, the
5 Department and persons who are subject to this subsection shall
6 have the same rights, remedies, privileges, immunities,
7 powers, and duties, be subject to the same conditions,
8 restrictions, limitations, penalties, and definitions of
9 terms, and employ the same modes of procedure as are prescribed
10 in Sections 2 and 4 (except provisions pertaining to the State
11 rate of tax; and in respect to the provisions of the Use Tax
12 Act referred to in that Section, except provisions concerning
13 collection or refunding of the tax by retailers, except the
14 provisions of Section 19 pertaining to claims by retailers,
15 except the last paragraph concerning refunds, and except that
16 credit memoranda issued under this subsection may not be used
17 to discharge any State tax liability) of the Automobile Renting
18 Occupation and Use Tax Act, as fully as if provisions contained
19 in those Sections of that Act were set forth in this
20 subsection.

21 Whenever the Department determines that a refund should be
22 made under this subsection to a claimant instead of issuing a
23 credit memorandum, the Department shall notify the State
24 Comptroller, who shall cause a warrant to be drawn for the
25 amount specified and to the person named in the notification
26 from the Department. The refund shall be paid by the State

1 Treasurer out of the Metropolitan Pier and Exposition Authority
2 trust fund held by the State Treasurer as trustee for the
3 Authority.

4 Except as otherwise provided in this paragraph, the
5 Department shall forthwith pay over to the State Treasurer, ex
6 officio, as trustee, all taxes, penalties, and interest
7 collected under this subsection for deposit into a trust fund
8 held outside the State Treasury. On or before the 25th day of
9 each calendar month, the Department shall certify to the State
10 Comptroller the amounts to be paid under subsection (g) of this
11 Section, which shall be the amounts (not including credit
12 memoranda) collected under this subsection during the second
13 preceding calendar month by the Department, less any amounts
14 determined by the Department to be necessary for payment of
15 refunds, less 1.5% ~~2%~~ of the remainder, which the Department
16 shall transfer into the Tax Compliance and Administration Fund.
17 The Department, at the time of each monthly disbursement to the
18 Authority, shall prepare and certify to the State Comptroller
19 the amount to be transferred into the Tax Compliance and
20 Administration Fund under this subsection. Within 10 days after
21 receipt by the State Comptroller of the Department's
22 certification, the Comptroller shall cause the orders to be
23 drawn for such amounts, and the Treasurer shall administer the
24 amounts distributed to the Authority as required in subsection
25 (g).

26 A certified copy of any ordinance imposing or discontinuing

1 a tax or effecting a change in the rate of that tax shall be
2 filed with the Illinois Department of Revenue, whereupon the
3 Department shall proceed to administer and enforce this
4 subsection on behalf of the Authority as of the first day of
5 the third calendar month following the date of filing.

6 (f) By ordinance the Authority shall, as soon as
7 practicable after July 1, 1992 (the effective date of Public
8 Act 87-733) ~~this amendatory Act of 1991~~, impose an occupation
9 tax on all persons, other than a governmental agency, engaged
10 in the business of providing ground transportation for hire to
11 passengers in the metropolitan area at a rate of (i) \$4 per
12 taxi or livery vehicle departure with passengers for hire from
13 commercial service airports in the metropolitan area, (ii) for
14 each departure with passengers for hire from a commercial
15 service airport in the metropolitan area in a bus or van
16 operated by a person other than a person described in item
17 (iii): \$18 per bus or van with a capacity of 1-12 passengers,
18 \$36 per bus or van with a capacity of 13-24 passengers, and \$54
19 per bus or van with a capacity of over 24 passengers, and (iii)
20 for each departure with passengers for hire from a commercial
21 service airport in the metropolitan area in a bus or van
22 operated by a person regulated by the Interstate Commerce
23 Commission or Illinois Commerce Commission, operating
24 scheduled service from the airport, and charging fares on a per
25 passenger basis: \$2 per passenger for hire in each bus or van.
26 The term "commercial service airports" means those airports

1 receiving scheduled passenger service and enplaning more than
2 100,000 passengers per year.

3 In the ordinance imposing the tax, the Authority may
4 provide for the administration and enforcement of the tax and
5 the collection of the tax from persons subject to the tax as
6 the Authority determines to be necessary or practicable for the
7 effective administration of the tax. The Authority may enter
8 into agreements as it deems appropriate with any governmental
9 agency providing for that agency to act as the Authority's
10 agent to collect the tax.

11 In the ordinance imposing the tax, the Authority may
12 designate a method or methods for persons subject to the tax to
13 reimburse themselves for the tax liability arising under the
14 ordinance (i) by separately stating the full amount of the tax
15 liability as an additional charge to passengers departing the
16 airports, (ii) by separately stating one-half of the tax
17 liability as an additional charge to both passengers departing
18 from and to passengers arriving at the airports, or (iii) by
19 some other method determined by the Authority.

20 All taxes, penalties, and interest collected under any
21 ordinance adopted under this subsection, less any amounts
22 determined to be necessary for the payment of refunds and less
23 the taxes, penalties, and interest attributable to any increase
24 in the rate of tax authorized by Public Act 96-898, shall be
25 paid forthwith to the State Treasurer, ex officio, for deposit
26 into a trust fund held outside the State Treasury and shall be

1 administered by the State Treasurer as provided in subsection
2 (g) of this Section. All taxes, penalties, and interest
3 attributable to any increase in the rate of tax authorized by
4 Public Act 96-898 shall be paid by the State Treasurer as
5 follows: 25% for deposit into the Convention Center Support
6 Fund, to be used by the Village of Rosemont for the repair,
7 maintenance, and improvement of the Donald E. Stephens
8 Convention Center and for debt service on debt instruments
9 issued for those purposes by the village and 75% to the
10 Authority to be used for grants to an organization meeting the
11 qualifications set out in Section 5.6 of this Act, provided the
12 Metropolitan Pier and Exposition Authority has entered into a
13 marketing agreement with such an organization.

14 (g) Amounts deposited from the proceeds of taxes imposed by
15 the Authority under subsections (b), (c), (d), (e), and (f) of
16 this Section and amounts deposited under Section 19 of the
17 Illinois Sports Facilities Authority Act shall be held in a
18 trust fund outside the State Treasury and, other than the
19 amounts transferred into the Tax Compliance and Administration
20 Fund under subsections (b), (c), (d), and (e), shall be
21 administered by the Treasurer as follows:

22 (1) An amount necessary for the payment of refunds with
23 respect to those taxes shall be retained in the trust fund
24 and used for those payments.

25 (2) On July 20 and on the 20th of each month
26 thereafter, provided that the amount requested in the

1 annual certificate of the Chairman of the Authority filed
2 under Section 8.25f of the State Finance Act has been
3 appropriated for payment to the Authority, 1/8 of the local
4 tax transfer amount, together with any cumulative
5 deficiencies in the amounts transferred into the McCormick
6 Place Expansion Project Fund under this subparagraph (2)
7 during the fiscal year for which the certificate has been
8 filed, shall be transferred from the trust fund into the
9 McCormick Place Expansion Project Fund in the State
10 treasury until 100% of the local tax transfer amount has
11 been so transferred. "Local tax transfer amount" shall mean
12 the amount requested in the annual certificate, minus the
13 reduction amount. "Reduction amount" shall mean \$41.7
14 million in fiscal year 2011, \$36.7 million in fiscal year
15 2012, \$36.7 million in fiscal year 2013, \$36.7 million in
16 fiscal year 2014, and \$31.7 million in each fiscal year
17 thereafter until 2032, provided that the reduction amount
18 shall be reduced by (i) the amount certified by the
19 Authority to the State Comptroller and State Treasurer
20 under Section 8.25 of the State Finance Act, as amended,
21 with respect to that fiscal year and (ii) in any fiscal
22 year in which the amounts deposited in the trust fund under
23 this Section exceed \$318.3 million, exclusive of amounts
24 set aside for refunds and for the reserve account, one
25 dollar for each dollar of the deposits in the trust fund
26 above \$318.3 million with respect to that year, exclusive

1 of amounts set aside for refunds and for the reserve
2 account.

3 (3) On July 20, 2010, the Comptroller shall certify to
4 the Governor, the Treasurer, and the Chairman of the
5 Authority the 2010 deficiency amount, which means the
6 cumulative amount of transfers that were due from the trust
7 fund to the McCormick Place Expansion Project Fund in
8 fiscal years 2008, 2009, and 2010 under Section 13(g) of
9 this Act, as it existed prior to May 27, 2010 (the
10 effective date of Public Act 96-898), but not made. On July
11 20, 2011 and on July 20 of each year through July 20, 2014,
12 the Treasurer shall calculate for the previous fiscal year
13 the surplus revenues in the trust fund and pay that amount
14 to the Authority. On July 20, 2015 and on July 20 of each
15 year thereafter to and including July 20, 2017, as long as
16 bonds and notes issued under Section 13.2 or bonds and
17 notes issued to refund those bonds and notes are
18 outstanding, the Treasurer shall calculate for the
19 previous fiscal year the surplus revenues in the trust fund
20 and pay one-half of that amount to the State Treasurer for
21 deposit into the General Revenue Fund until the 2010
22 deficiency amount has been paid and shall pay the balance
23 of the surplus revenues to the Authority. On July 20, 2018
24 and on July 20 of each year thereafter, the Treasurer shall
25 calculate for the previous fiscal year the surplus revenues
26 in the trust fund and pay all of such surplus revenues to

1 the State Treasurer for deposit into the General Revenue
2 Fund until the 2010 deficiency amount has been paid. After
3 the 2010 deficiency amount has been paid, the Treasurer
4 shall pay the balance of the surplus revenues to the
5 Authority. "Surplus revenues" means the amounts remaining
6 in the trust fund on June 30 of the previous fiscal year
7 (A) after the State Treasurer has set aside in the trust
8 fund (i) amounts retained for refunds under subparagraph
9 (1) and (ii) any amounts necessary to meet the reserve
10 account amount and (B) after the State Treasurer has
11 transferred from the trust fund to the General Revenue Fund
12 100% of any post-2010 deficiency amount. "Reserve account
13 amount" means \$15 million in fiscal year 2011 and \$30
14 million in each fiscal year thereafter. The reserve account
15 amount shall be set aside in the trust fund and used as a
16 reserve to be transferred to the McCormick Place Expansion
17 Project Fund in the event the proceeds of taxes imposed
18 under this Section 13 are not sufficient to fund the
19 transfer required in subparagraph (2). "Post-2010
20 deficiency amount" means any deficiency in transfers from
21 the trust fund to the McCormick Place Expansion Project
22 Fund with respect to fiscal years 2011 and thereafter. It
23 is the intention of this subparagraph (3) that no surplus
24 revenues shall be paid to the Authority with respect to any
25 year in which a post-2010 deficiency amount has not been
26 satisfied by the Authority.

1 Moneys received by the Authority as surplus revenues may be
2 used (i) for the purposes of paying debt service on the bonds
3 and notes issued by the Authority, including early redemption
4 of those bonds or notes, (ii) for the purposes of repair,
5 replacement, and improvement of the grounds, buildings, and
6 facilities of the Authority, and (iii) for the corporate
7 purposes of the Authority in fiscal years 2011 through 2015 in
8 an amount not to exceed \$20,000,000 annually or \$80,000,000
9 total, which amount shall be reduced \$0.75 for each dollar of
10 the receipts of the Authority in that year from any contract
11 entered into with respect to naming rights at McCormick Place
12 under Section 5(m) of this Act. When bonds and notes issued
13 under Section 13.2, or bonds or notes issued to refund those
14 bonds and notes, are no longer outstanding, the balance in the
15 trust fund shall be paid to the Authority.

16 (h) The ordinances imposing the taxes authorized by this
17 Section shall be repealed when bonds and notes issued under
18 Section 13.2 or bonds and notes issued to refund those bonds
19 and notes are no longer outstanding.

20 (Source: P.A. 100-23, Article 5, Section 5-35, eff. 7-6-17;
21 100-23, Article 35, Section 35-25, eff. 7-6-17; revised
22 8-15-17.)

23 Section 20-25. The Metro-East Park and Recreation District
24 Act is amended by changing Section 30 as follows:

1 (70 ILCS 1605/30)

2 Sec. 30. Taxes.

3 (a) The board shall impose a tax upon all persons engaged
4 in the business of selling tangible personal property, other
5 than personal property titled or registered with an agency of
6 this State's government, at retail in the District on the gross
7 receipts from the sales made in the course of business. This
8 tax shall be imposed only at the rate of one-tenth of one per
9 cent.

10 This additional tax may not be imposed on the sales of food
11 for human consumption that is to be consumed off the premises
12 where it is sold (other than alcoholic beverages, soft drinks,
13 and food which has been prepared for immediate consumption) and
14 prescription and non-prescription medicines, drugs, medical
15 appliances, and insulin, urine testing materials, syringes,
16 and needles used by diabetics. The tax imposed by the Board
17 under this Section and all civil penalties that may be assessed
18 as an incident of the tax shall be collected and enforced by
19 the Department of Revenue. The certificate of registration that
20 is issued by the Department to a retailer under the Retailers'
21 Occupation Tax Act shall permit the retailer to engage in a
22 business that is taxable without registering separately with
23 the Department under an ordinance or resolution under this
24 Section. The Department has full power to administer and
25 enforce this Section, to collect all taxes and penalties due
26 under this Section, to dispose of taxes and penalties so

1 collected in the manner provided in this Section, and to
2 determine all rights to credit memoranda arising on account of
3 the erroneous payment of a tax or penalty under this Section.
4 In the administration of and compliance with this Section, the
5 Department and persons who are subject to this Section shall
6 (i) have the same rights, remedies, privileges, immunities,
7 powers, and duties, (ii) be subject to the same conditions,
8 restrictions, limitations, penalties, and definitions of
9 terms, and (iii) employ the same modes of procedure as are
10 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
11 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained
12 in those Sections other than the State rate of tax), 2-12, 2-15
13 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to
14 transaction returns and quarter monthly payments), 4, 5, 5a,
15 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
16 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
17 Tax Act and the Uniform Penalty and Interest Act as if those
18 provisions were set forth in this Section.

19 Persons subject to any tax imposed under the authority
20 granted in this Section may reimburse themselves for their
21 sellers' tax liability by separately stating the tax as an
22 additional charge, which charge may be stated in combination,
23 in a single amount, with State tax which sellers are required
24 to collect under the Use Tax Act, pursuant to such bracketed
25 schedules as the Department may prescribe.

26 Whenever the Department determines that a refund should be

1 made under this Section to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the order to be drawn for the
4 amount specified and to the person named in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the State Metro-East Park and Recreation
7 District Fund.

8 (b) If a tax has been imposed under subsection (a), a
9 service occupation tax shall also be imposed at the same rate
10 upon all persons engaged, in the District, in the business of
11 making sales of service, who, as an incident to making those
12 sales of service, transfer tangible personal property within
13 the District as an incident to a sale of service. This tax may
14 not be imposed on sales of food for human consumption that is
15 to be consumed off the premises where it is sold (other than
16 alcoholic beverages, soft drinks, and food prepared for
17 immediate consumption) and prescription and non-prescription
18 medicines, drugs, medical appliances, and insulin, urine
19 testing materials, syringes, and needles used by diabetics. The
20 tax imposed under this subsection and all civil penalties that
21 may be assessed as an incident thereof shall be collected and
22 enforced by the Department of Revenue. The Department has full
23 power to administer and enforce this subsection; to collect all
24 taxes and penalties due hereunder; to dispose of taxes and
25 penalties so collected in the manner hereinafter provided; and
26 to determine all rights to credit memoranda arising on account

1 of the erroneous payment of tax or penalty hereunder. In the
2 administration of, and compliance with this subsection, the
3 Department and persons who are subject to this paragraph shall
4 (i) have the same rights, remedies, privileges, immunities,
5 powers, and duties, (ii) be subject to the same conditions,
6 restrictions, limitations, penalties, exclusions, exemptions,
7 and definitions of terms, and (iii) employ the same modes of
8 procedure as are prescribed in Sections 2 (except that the
9 reference to State in the definition of supplier maintaining a
10 place of business in this State shall mean the District), 2a,
11 2b, 2c, 3 through 3-50 (in respect to all provisions therein
12 other than the State rate of tax), 4 (except that the reference
13 to the State shall be to the District), 5, 7, 8 (except that
14 the jurisdiction to which the tax shall be a debt to the extent
15 indicated in that Section 8 shall be the District), 9 (except
16 as to the disposition of taxes and penalties collected), 10,
17 11, 12 (except the reference therein to Section 2b of the
18 Retailers' Occupation Tax Act), 13 (except that any reference
19 to the State shall mean the District), Sections 15, 16, 17, 18,
20 19 and 20 of the Service Occupation Tax Act and the Uniform
21 Penalty and Interest Act, as fully as if those provisions were
22 set forth herein.

23 Persons subject to any tax imposed under the authority
24 granted in this subsection may reimburse themselves for their
25 serviceman's tax liability by separately stating the tax as an
26 additional charge, which charge may be stated in combination,

1 in a single amount, with State tax that servicemen are
2 authorized to collect under the Service Use Tax Act, in
3 accordance with such bracket schedules as the Department may
4 prescribe.

5 Whenever the Department determines that a refund should be
6 made under this subsection to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the warrant to be drawn for the
9 amount specified, and to the person named, in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the State Metro-East Park and Recreation
12 District Fund.

13 Nothing in this subsection shall be construed to authorize
14 the board to impose a tax upon the privilege of engaging in any
15 business which under the Constitution of the United States may
16 not be made the subject of taxation by the State.

17 (c) The Department shall immediately pay over to the State
18 Treasurer, ex officio, as trustee, all taxes and penalties
19 collected under this Section to be deposited into the State
20 Metro-East Park and Recreation District Fund, which shall be an
21 unappropriated trust fund held outside of the State treasury.

22 As soon as possible after the first day of each month,
23 beginning January 1, 2011, upon certification of the Department
24 of Revenue, the Comptroller shall order transferred, and the
25 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
26 local sales tax increment, as defined in the Innovation

1 Development and Economy Act, collected under this Section
2 during the second preceding calendar month for sales within a
3 STAR bond district. The Department shall make this
4 certification only if the Metro East Park and Recreation
5 District imposes a tax on real property as provided in the
6 definition of "local sales taxes" under the Innovation
7 Development and Economy Act.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money pursuant to Section 35 of
12 this Act to the District from which retailers have paid taxes
13 or penalties to the Department during the second preceding
14 calendar month. The amount to be paid to the District shall be
15 the amount (not including credit memoranda) collected under
16 this Section during the second preceding calendar month by the
17 Department plus an amount the Department determines is
18 necessary to offset any amounts that were erroneously paid to a
19 different taxing body, and not including (i) an amount equal to
20 the amount of refunds made during the second preceding calendar
21 month by the Department on behalf of the District, (ii) any
22 amount that the Department determines is necessary to offset
23 any amounts that were payable to a different taxing body but
24 were erroneously paid to the District, (iii) any amounts that
25 are transferred to the STAR Bonds Revenue Fund, and (iv) 1.5%
26 ~~2%~~ of the remainder, which the Department shall transfer into

1 the Tax Compliance and Administration Fund. The Department, at
2 the time of each monthly disbursement to the District, shall
3 prepare and certify to the State Comptroller the amount to be
4 transferred into the Tax Compliance and Administration Fund
5 under this subsection. Within 10 days after receipt by the
6 Comptroller of the disbursement certification to the District
7 and the Tax Compliance and Administration Fund provided for in
8 this Section to be given to the Comptroller by the Department,
9 the Comptroller shall cause the orders to be drawn for the
10 respective amounts in accordance with directions contained in
11 the certification.

12 (d) For the purpose of determining whether a tax authorized
13 under this Section is applicable, a retail sale by a producer
14 of coal or another mineral mined in Illinois is a sale at
15 retail at the place where the coal or other mineral mined in
16 Illinois is extracted from the earth. This paragraph does not
17 apply to coal or another mineral when it is delivered or
18 shipped by the seller to the purchaser at a point outside
19 Illinois so that the sale is exempt under the United States
20 Constitution as a sale in interstate or foreign commerce.

21 (e) Nothing in this Section shall be construed to authorize
22 the board to impose a tax upon the privilege of engaging in any
23 business that under the Constitution of the United States may
24 not be made the subject of taxation by this State.

25 (f) An ordinance imposing a tax under this Section or an
26 ordinance extending the imposition of a tax to an additional

1 county or counties shall be certified by the board and filed
2 with the Department of Revenue either (i) on or before the
3 first day of April, whereupon the Department shall proceed to
4 administer and enforce the tax as of the first day of July next
5 following the filing; or (ii) on or before the first day of
6 October, whereupon the Department shall proceed to administer
7 and enforce the tax as of the first day of January next
8 following the filing.

9 (g) When certifying the amount of a monthly disbursement to
10 the District under this Section, the Department shall increase
11 or decrease the amounts by an amount necessary to offset any
12 misallocation of previous disbursements. The offset amount
13 shall be the amount erroneously disbursed within the previous 6
14 months from the time a misallocation is discovered.

15 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

16 Section 20-30. The Local Mass Transit District Act is
17 amended by changing Section 5.01 as follows:

18 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

19 Sec. 5.01. Metro East Mass Transit District; use and
20 occupation taxes.

21 (a) The Board of Trustees of any Metro East Mass Transit
22 District may, by ordinance adopted with the concurrence of
23 two-thirds of the then trustees, impose throughout the District
24 any or all of the taxes and fees provided in this Section. All

1 taxes and fees imposed under this Section shall be used only
2 for public mass transportation systems, and the amount used to
3 provide mass transit service to unserved areas of the District
4 shall be in the same proportion to the total proceeds as the
5 number of persons residing in the unserved areas is to the
6 total population of the District. Except as otherwise provided
7 in this Act, taxes imposed under this Section and civil
8 penalties imposed incident thereto shall be collected and
9 enforced by the State Department of Revenue. The Department
10 shall have the power to administer and enforce the taxes and to
11 determine all rights for refunds for erroneous payments of the
12 taxes.

13 (b) The Board may impose a Metro East Mass Transit District
14 Retailers' Occupation Tax upon all persons engaged in the
15 business of selling tangible personal property at retail in the
16 district at a rate of 1/4 of 1%, or as authorized under
17 subsection (d-5) of this Section, of the gross receipts from
18 the sales made in the course of such business within the
19 district. The tax imposed under this Section and all civil
20 penalties that may be assessed as an incident thereof shall be
21 collected and enforced by the State Department of Revenue. The
22 Department shall have full power to administer and enforce this
23 Section; to collect all taxes and penalties so collected in the
24 manner hereinafter provided; and to determine all rights to
25 credit memoranda arising on account of the erroneous payment of
26 tax or penalty hereunder. In the administration of, and

1 compliance with, this Section, the Department and persons who
2 are subject to this Section shall have the same rights,
3 remedies, privileges, immunities, powers and duties, and be
4 subject to the same conditions, restrictions, limitations,
5 penalties, exclusions, exemptions and definitions of terms and
6 employ the same modes of procedure, as are prescribed in
7 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
8 (in respect to all provisions therein other than the State rate
9 of tax), 2c, 3 (except as to the disposition of taxes and
10 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,
11 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13, and 14 of
12 the Retailers' Occupation Tax Act and Section 3-7 of the
13 Uniform Penalty and Interest Act, as fully as if those
14 provisions were set forth herein.

15 Persons subject to any tax imposed under the Section may
16 reimburse themselves for their seller's tax liability
17 hereunder by separately stating the tax as an additional
18 charge, which charge may be stated in combination, in a single
19 amount, with State taxes that sellers are required to collect
20 under the Use Tax Act, in accordance with such bracket
21 schedules as the Department may prescribe.

22 Whenever the Department determines that a refund should be
23 made under this Section to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the warrant to be drawn for the
26 amount specified, and to the person named, in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the Metro East Mass Transit District tax fund
3 established under paragraph (h) of this Section.

4 If a tax is imposed under this subsection (b), a tax shall
5 also be imposed under subsections (c) and (d) of this Section.

6 For the purpose of determining whether a tax authorized
7 under this Section is applicable, a retail sale, by a producer
8 of coal or other mineral mined in Illinois, is a sale at retail
9 at the place where the coal or other mineral mined in Illinois
10 is extracted from the earth. This paragraph does not apply to
11 coal or other mineral when it is delivered or shipped by the
12 seller to the purchaser at a point outside Illinois so that the
13 sale is exempt under the Federal Constitution as a sale in
14 interstate or foreign commerce.

15 No tax shall be imposed or collected under this subsection
16 on the sale of a motor vehicle in this State to a resident of
17 another state if that motor vehicle will not be titled in this
18 State.

19 Nothing in this Section shall be construed to authorize the
20 Metro East Mass Transit District to impose a tax upon the
21 privilege of engaging in any business which under the
22 Constitution of the United States may not be made the subject
23 of taxation by this State.

24 (c) If a tax has been imposed under subsection (b), a Metro
25 East Mass Transit District Service Occupation Tax shall also be
26 imposed upon all persons engaged, in the district, in the

1 business of making sales of service, who, as an incident to
2 making those sales of service, transfer tangible personal
3 property within the District, either in the form of tangible
4 personal property or in the form of real estate as an incident
5 to a sale of service. The tax rate shall be 1/4%, or as
6 authorized under subsection (d-5) of this Section, of the
7 selling price of tangible personal property so transferred
8 within the district. The tax imposed under this paragraph and
9 all civil penalties that may be assessed as an incident thereof
10 shall be collected and enforced by the State Department of
11 Revenue. The Department shall have full power to administer and
12 enforce this paragraph; to collect all taxes and penalties due
13 hereunder; to dispose of taxes and penalties so collected in
14 the manner hereinafter provided; and to determine all rights to
15 credit memoranda arising on account of the erroneous payment of
16 tax or penalty hereunder. In the administration of, and
17 compliance with this paragraph, the Department and persons who
18 are subject to this paragraph shall have the same rights,
19 remedies, privileges, immunities, powers and duties, and be
20 subject to the same conditions, restrictions, limitations,
21 penalties, exclusions, exemptions and definitions of terms and
22 employ the same modes of procedure as are prescribed in
23 Sections 1a-1, 2 (except that the reference to State in the
24 definition of supplier maintaining a place of business in this
25 State shall mean the Authority), 2a, 3 through 3-50 (in respect
26 to all provisions therein other than the State rate of tax), 4

1 (except that the reference to the State shall be to the
2 Authority), 5, 7, 8 (except that the jurisdiction to which the
3 tax shall be a debt to the extent indicated in that Section 8
4 shall be the District), 9 (except as to the disposition of
5 taxes and penalties collected, and except that the returned
6 merchandise credit for this tax may not be taken against any
7 State tax), 10, 11, 12 (except the reference therein to Section
8 2b of the Retailers' Occupation Tax Act), 13 (except that any
9 reference to the State shall mean the District), the first
10 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service
11 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
12 Interest Act, as fully as if those provisions were set forth
13 herein.

14 Persons subject to any tax imposed under the authority
15 granted in this paragraph may reimburse themselves for their
16 serviceman's tax liability hereunder by separately stating the
17 tax as an additional charge, which charge may be stated in
18 combination, in a single amount, with State tax that servicemen
19 are authorized to collect under the Service Use Tax Act, in
20 accordance with such bracket schedules as the Department may
21 prescribe.

22 Whenever the Department determines that a refund should be
23 made under this paragraph to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the warrant to be drawn for the
26 amount specified, and to the person named, in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the Metro East Mass Transit District tax fund
3 established under paragraph (h) of this Section.

4 Nothing in this paragraph shall be construed to authorize
5 the District to impose a tax upon the privilege of engaging in
6 any business which under the Constitution of the United States
7 may not be made the subject of taxation by the State.

8 (d) If a tax has been imposed under subsection (b), a Metro
9 East Mass Transit District Use Tax shall also be imposed upon
10 the privilege of using, in the district, any item of tangible
11 personal property that is purchased outside the district at
12 retail from a retailer, and that is titled or registered with
13 an agency of this State's government, at a rate of 1/4%, or as
14 authorized under subsection (d-5) of this Section, of the
15 selling price of the tangible personal property within the
16 District, as "selling price" is defined in the Use Tax Act. The
17 tax shall be collected from persons whose Illinois address for
18 titling or registration purposes is given as being in the
19 District. The tax shall be collected by the Department of
20 Revenue for the Metro East Mass Transit District. The tax must
21 be paid to the State, or an exemption determination must be
22 obtained from the Department of Revenue, before the title or
23 certificate of registration for the property may be issued. The
24 tax or proof of exemption may be transmitted to the Department
25 by way of the State agency with which, or the State officer
26 with whom, the tangible personal property must be titled or

1 registered if the Department and the State agency or State
2 officer determine that this procedure will expedite the
3 processing of applications for title or registration.

4 The Department shall have full power to administer and
5 enforce this paragraph; to collect all taxes, penalties and
6 interest due hereunder; to dispose of taxes, penalties and
7 interest so collected in the manner hereinafter provided; and
8 to determine all rights to credit memoranda or refunds arising
9 on account of the erroneous payment of tax, penalty or interest
10 hereunder. In the administration of, and compliance with, this
11 paragraph, the Department and persons who are subject to this
12 paragraph shall have the same rights, remedies, privileges,
13 immunities, powers and duties, and be subject to the same
14 conditions, restrictions, limitations, penalties, exclusions,
15 exemptions and definitions of terms and employ the same modes
16 of procedure, as are prescribed in Sections 2 (except the
17 definition of "retailer maintaining a place of business in this
18 State"), 3 through 3-80 (except provisions pertaining to the
19 State rate of tax, and except provisions concerning collection
20 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
21 19 (except the portions pertaining to claims by retailers and
22 except the last paragraph concerning refunds), 20, 21 and 22 of
23 the Use Tax Act and Section 3-7 of the Uniform Penalty and
24 Interest Act, that are not inconsistent with this paragraph, as
25 fully as if those provisions were set forth herein.

26 Whenever the Department determines that a refund should be

1 made under this paragraph to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the order to be drawn for the
4 amount specified, and to the person named, in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the Metro East Mass Transit District tax fund
7 established under paragraph (h) of this Section.

8 (d-5) (A) The county board of any county participating in
9 the Metro East Mass Transit District may authorize, by
10 ordinance, a referendum on the question of whether the tax
11 rates for the Metro East Mass Transit District Retailers'
12 Occupation Tax, the Metro East Mass Transit District Service
13 Occupation Tax, and the Metro East Mass Transit District Use
14 Tax for the District should be increased from 0.25% to 0.75%.
15 Upon adopting the ordinance, the county board shall certify the
16 proposition to the proper election officials who shall submit
17 the proposition to the voters of the District at the next
18 election, in accordance with the general election law.

19 The proposition shall be in substantially the following
20 form:

21 Shall the tax rates for the Metro East Mass Transit
22 District Retailers' Occupation Tax, the Metro East Mass
23 Transit District Service Occupation Tax, and the Metro East
24 Mass Transit District Use Tax be increased from 0.25% to
25 0.75%?

26 (B) Two thousand five hundred electors of any Metro East

1 Mass Transit District may petition the Chief Judge of the
2 Circuit Court, or any judge of that Circuit designated by the
3 Chief Judge, in which that District is located to cause to be
4 submitted to a vote of the electors the question whether the
5 tax rates for the Metro East Mass Transit District Retailers'
6 Occupation Tax, the Metro East Mass Transit District Service
7 Occupation Tax, and the Metro East Mass Transit District Use
8 Tax for the District should be increased from 0.25% to 0.75%.

9 Upon submission of such petition the court shall set a date
10 not less than 10 nor more than 30 days thereafter for a hearing
11 on the sufficiency thereof. Notice of the filing of such
12 petition and of such date shall be given in writing to the
13 District and the County Clerk at least 7 days before the date
14 of such hearing.

15 If such petition is found sufficient, the court shall enter
16 an order to submit that proposition at the next election, in
17 accordance with general election law.

18 The form of the petition shall be in substantially the
19 following form: To the Circuit Court of the County of (name of
20 county):

21 We, the undersigned electors of the (name of transit
22 district), respectfully petition your honor to submit to a
23 vote of the electors of (name of transit district) the
24 following proposition:

25 Shall the tax rates for the Metro East Mass Transit
26 District Retailers' Occupation Tax, the Metro East Mass

1 Transit District Service Occupation Tax, and the Metro East
2 Mass Transit District Use Tax be increased from 0.25% to
3 0.75%?

4 Name Address, with Street and Number.

5

6

7 (C) The votes shall be recorded as "YES" or "NO". If a
8 majority of all votes cast on the proposition are for the
9 increase in the tax rates, the Metro East Mass Transit District
10 shall begin imposing the increased rates in the District, and
11 the Department of Revenue shall begin collecting the increased
12 amounts, as provided under this Section. An ordinance imposing
13 or discontinuing a tax hereunder or effecting a change in the
14 rate thereof shall be adopted and a certified copy thereof
15 filed with the Department on or before the first day of
16 October, whereupon the Department shall proceed to administer
17 and enforce this Section as of the first day of January next
18 following the adoption and filing, or on or before the first
19 day of April, whereupon the Department shall proceed to
20 administer and enforce this Section as of the first day of July
21 next following the adoption and filing.

22 (D) If the voters have approved a referendum under this
23 subsection, before November 1, 1994, to increase the tax rate
24 under this subsection, the Metro East Mass Transit District
25 Board of Trustees may adopt by a majority vote an ordinance at
26 any time before January 1, 1995 that excludes from the rate

1 increase tangible personal property that is titled or
2 registered with an agency of this State's government. The
3 ordinance excluding titled or registered tangible personal
4 property from the rate increase must be filed with the
5 Department at least 15 days before its effective date. At any
6 time after adopting an ordinance excluding from the rate
7 increase tangible personal property that is titled or
8 registered with an agency of this State's government, the Metro
9 East Mass Transit District Board of Trustees may adopt an
10 ordinance applying the rate increase to that tangible personal
11 property. The ordinance shall be adopted, and a certified copy
12 of that ordinance shall be filed with the Department, on or
13 before October 1, whereupon the Department shall proceed to
14 administer and enforce the rate increase against tangible
15 personal property titled or registered with an agency of this
16 State's government as of the following January 1. After
17 December 31, 1995, any reimposed rate increase in effect under
18 this subsection shall no longer apply to tangible personal
19 property titled or registered with an agency of this State's
20 government. Beginning January 1, 1996, the Board of Trustees of
21 any Metro East Mass Transit District may never reimpose a
22 previously excluded tax rate increase on tangible personal
23 property titled or registered with an agency of this State's
24 government. After July 1, 2004, if the voters have approved a
25 referendum under this subsection to increase the tax rate under
26 this subsection, the Metro East Mass Transit District Board of

1 Trustees may adopt by a majority vote an ordinance that
2 excludes from the rate increase tangible personal property that
3 is titled or registered with an agency of this State's
4 government. The ordinance excluding titled or registered
5 tangible personal property from the rate increase shall be
6 adopted, and a certified copy of that ordinance shall be filed
7 with the Department on or before October 1, whereupon the
8 Department shall administer and enforce this exclusion from the
9 rate increase as of the following January 1, or on or before
10 April 1, whereupon the Department shall administer and enforce
11 this exclusion from the rate increase as of the following July
12 1. The Board of Trustees of any Metro East Mass Transit
13 District may never reimpose a previously excluded tax rate
14 increase on tangible personal property titled or registered
15 with an agency of this State's government.

16 (d-6) If the Board of Trustees of any Metro East Mass
17 Transit District has imposed a rate increase under subsection
18 (d-5) and filed an ordinance with the Department of Revenue
19 excluding titled property from the higher rate, then that Board
20 may, by ordinance adopted with the concurrence of two-thirds of
21 the then trustees, impose throughout the District a fee. The
22 fee on the excluded property shall not exceed \$20 per retail
23 transaction or an amount equal to the amount of tax excluded,
24 whichever is less, on tangible personal property that is titled
25 or registered with an agency of this State's government.
26 Beginning July 1, 2004, the fee shall apply only to titled

1 property that is subject to either the Metro East Mass Transit
2 District Retailers' Occupation Tax or the Metro East Mass
3 Transit District Service Occupation Tax. No fee shall be
4 imposed or collected under this subsection on the sale of a
5 motor vehicle in this State to a resident of another state if
6 that motor vehicle will not be titled in this State.

7 (d-7) Until June 30, 2004, if a fee has been imposed under
8 subsection (d-6), a fee shall also be imposed upon the
9 privilege of using, in the district, any item of tangible
10 personal property that is titled or registered with any agency
11 of this State's government, in an amount equal to the amount of
12 the fee imposed under subsection (d-6).

13 (d-7.1) Beginning July 1, 2004, any fee imposed by the
14 Board of Trustees of any Metro East Mass Transit District under
15 subsection (d-6) and all civil penalties that may be assessed
16 as an incident of the fees shall be collected and enforced by
17 the State Department of Revenue. Reference to "taxes" in this
18 Section shall be construed to apply to the administration,
19 payment, and remittance of all fees under this Section. For
20 purposes of any fee imposed under subsection (d-6), 4% of the
21 fee, penalty, and interest received by the Department in the
22 first 12 months that the fee is collected and enforced by the
23 Department and 2% of the fee, penalty, and interest following
24 the first 12 months shall be deposited into the Tax Compliance
25 and Administration Fund and shall be used by the Department,
26 subject to appropriation, to cover the costs of the Department.

1 No retailers' discount shall apply to any fee imposed under
2 subsection (d-6).

3 (d-8) No item of titled property shall be subject to both
4 the higher rate approved by referendum, as authorized under
5 subsection (d-5), and any fee imposed under subsection (d-6) or
6 (d-7).

7 (d-9) (Blank).

8 (d-10) (Blank).

9 (e) A certificate of registration issued by the State
10 Department of Revenue to a retailer under the Retailers'
11 Occupation Tax Act or under the Service Occupation Tax Act
12 shall permit the registrant to engage in a business that is
13 taxed under the tax imposed under paragraphs (b), (c) or (d) of
14 this Section and no additional registration shall be required
15 under the tax. A certificate issued under the Use Tax Act or
16 the Service Use Tax Act shall be applicable with regard to any
17 tax imposed under paragraph (c) of this Section.

18 (f) (Blank).

19 (g) Any ordinance imposing or discontinuing any tax under
20 this Section shall be adopted and a certified copy thereof
21 filed with the Department on or before June 1, whereupon the
22 Department of Revenue shall proceed to administer and enforce
23 this Section on behalf of the Metro East Mass Transit District
24 as of September 1 next following such adoption and filing.
25 Beginning January 1, 1992, an ordinance or resolution imposing
26 or discontinuing the tax hereunder shall be adopted and a

1 certified copy thereof filed with the Department on or before
2 the first day of July, whereupon the Department shall proceed
3 to administer and enforce this Section as of the first day of
4 October next following such adoption and filing. Beginning
5 January 1, 1993, except as provided in subsection (d-5) of this
6 Section, an ordinance or resolution imposing or discontinuing
7 the tax hereunder shall be adopted and a certified copy thereof
8 filed with the Department on or before the first day of
9 October, whereupon the Department shall proceed to administer
10 and enforce this Section as of the first day of January next
11 following such adoption and filing, or, beginning January 1,
12 2004, on or before the first day of April, whereupon the
13 Department shall proceed to administer and enforce this Section
14 as of the first day of July next following the adoption and
15 filing.

16 (h) Except as provided in subsection (d-7.1), the State
17 Department of Revenue shall, upon collecting any taxes as
18 provided in this Section, pay the taxes over to the State
19 Treasurer as trustee for the District. The taxes shall be held
20 in a trust fund outside the State Treasury.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the Department
23 of Revenue, the Comptroller shall order transferred, and the
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
25 local sales tax increment, as defined in the Innovation
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a
2 STAR bond district. The Department shall make this
3 certification only if the local mass transit district imposes a
4 tax on real property as provided in the definition of "local
5 sales taxes" under the Innovation Development and Economy Act.

6 After the monthly transfer to the STAR Bonds Revenue Fund,
7 on or before the 25th day of each calendar month, the State
8 Department of Revenue shall prepare and certify to the
9 Comptroller of the State of Illinois the amount to be paid to
10 the District, which shall be the amount (not including credit
11 memoranda) collected under this Section during the second
12 preceding calendar month by the Department plus an amount the
13 Department determines is necessary to offset any amounts that
14 were erroneously paid to a different taxing body, and not
15 including any amount equal to the amount of refunds made during
16 the second preceding calendar month by the Department on behalf
17 of the District, and not including any amount that the
18 Department determines is necessary to offset any amounts that
19 were payable to a different taxing body but were erroneously
20 paid to the District, and less any amounts that are transferred
21 to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the remainder,
22 which the Department shall transfer into the Tax Compliance and
23 Administration Fund. The Department, at the time of each
24 monthly disbursement to the District, shall prepare and certify
25 to the State Comptroller the amount to be transferred into the
26 Tax Compliance and Administration Fund under this subsection.

1 Within 10 days after receipt by the Comptroller of the
2 certification of the amount to be paid to the District and the
3 Tax Compliance and Administration Fund, the Comptroller shall
4 cause an order to be drawn for payment for the amount in
5 accordance with the direction in the certification.

6 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

7 Section 20-35. The Regional Transportation Authority Act
8 is amended by changing Section 4.03 as follows:

9 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

10 Sec. 4.03. Taxes.

11 (a) In order to carry out any of the powers or purposes of
12 the Authority, the Board may by ordinance adopted with the
13 concurrence of 12 of the then Directors, impose throughout the
14 metropolitan region any or all of the taxes provided in this
15 Section. Except as otherwise provided in this Act, taxes
16 imposed under this Section and civil penalties imposed incident
17 thereto shall be collected and enforced by the State Department
18 of Revenue. The Department shall have the power to administer
19 and enforce the taxes and to determine all rights for refunds
20 for erroneous payments of the taxes. Nothing in Public Act
21 95-708 is intended to invalidate any taxes currently imposed by
22 the Authority. The increased vote requirements to impose a tax
23 shall only apply to actions taken after January 1, 2008 (the
24 effective date of Public Act 95-708).

1 (b) The Board may impose a public transportation tax upon
2 all persons engaged in the metropolitan region in the business
3 of selling at retail motor fuel for operation of motor vehicles
4 upon public highways. The tax shall be at a rate not to exceed
5 5% of the gross receipts from the sales of motor fuel in the
6 course of the business. As used in this Act, the term "motor
7 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
8 The Board may provide for details of the tax. The provisions of
9 any tax shall conform, as closely as may be practicable, to the
10 provisions of the Municipal Retailers Occupation Tax Act,
11 including without limitation, conformity to penalties with
12 respect to the tax imposed and as to the powers of the State
13 Department of Revenue to promulgate and enforce rules and
14 regulations relating to the administration and enforcement of
15 the provisions of the tax imposed, except that reference in the
16 Act to any municipality shall refer to the Authority and the
17 tax shall be imposed only with regard to receipts from sales of
18 motor fuel in the metropolitan region, at rates as limited by
19 this Section.

20 (c) In connection with the tax imposed under paragraph (b)
21 of this Section the Board may impose a tax upon the privilege
22 of using in the metropolitan region motor fuel for the
23 operation of a motor vehicle upon public highways, the tax to
24 be at a rate not in excess of the rate of tax imposed under
25 paragraph (b) of this Section. The Board may provide for
26 details of the tax.

1 (d) The Board may impose a motor vehicle parking tax upon
2 the privilege of parking motor vehicles at off-street parking
3 facilities in the metropolitan region at which a fee is
4 charged, and may provide for reasonable classifications in and
5 exemptions to the tax, for administration and enforcement
6 thereof and for civil penalties and refunds thereunder and may
7 provide criminal penalties thereunder, the maximum penalties
8 not to exceed the maximum criminal penalties provided in the
9 Retailers' Occupation Tax Act. The Authority may collect and
10 enforce the tax itself or by contract with any unit of local
11 government. The State Department of Revenue shall have no
12 responsibility for the collection and enforcement unless the
13 Department agrees with the Authority to undertake the
14 collection and enforcement. As used in this paragraph, the term
15 "parking facility" means a parking area or structure having
16 parking spaces for more than 2 vehicles at which motor vehicles
17 are permitted to park in return for an hourly, daily, or other
18 periodic fee, whether publicly or privately owned, but does not
19 include parking spaces on a public street, the use of which is
20 regulated by parking meters.

21 (e) The Board may impose a Regional Transportation
22 Authority Retailers' Occupation Tax upon all persons engaged in
23 the business of selling tangible personal property at retail in
24 the metropolitan region. In Cook County the tax rate shall be
25 1.25% of the gross receipts from sales of food for human
26 consumption that is to be consumed off the premises where it is

1 sold (other than alcoholic beverages, soft drinks and food that
2 has been prepared for immediate consumption) and prescription
3 and nonprescription medicines, drugs, medical appliances and
4 insulin, urine testing materials, syringes and needles used by
5 diabetics, and 1% of the gross receipts from other taxable
6 sales made in the course of that business. In DuPage, Kane,
7 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
8 of the gross receipts from all taxable sales made in the course
9 of that business. The tax imposed under this Section and all
10 civil penalties that may be assessed as an incident thereof
11 shall be collected and enforced by the State Department of
12 Revenue. The Department shall have full power to administer and
13 enforce this Section; to collect all taxes and penalties so
14 collected in the manner hereinafter provided; and to determine
15 all rights to credit memoranda arising on account of the
16 erroneous payment of tax or penalty hereunder. In the
17 administration of, and compliance with this Section, the
18 Department and persons who are subject to this Section shall
19 have the same rights, remedies, privileges, immunities, powers
20 and duties, and be subject to the same conditions,
21 restrictions, limitations, penalties, exclusions, exemptions
22 and definitions of terms, and employ the same modes of
23 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
24 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
25 therein other than the State rate of tax), 2c, 3 (except as to
26 the disposition of taxes and penalties collected), 4, 5, 5a,

1 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
2 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
3 and Section 3-7 of the Uniform Penalty and Interest Act, as
4 fully as if those provisions were set forth herein.

5 Persons subject to any tax imposed under the authority
6 granted in this Section may reimburse themselves for their
7 seller's tax liability hereunder by separately stating the tax
8 as an additional charge, which charge may be stated in
9 combination in a single amount with State taxes that sellers
10 are required to collect under the Use Tax Act, under any
11 bracket schedules the Department may prescribe.

12 Whenever the Department determines that a refund should be
13 made under this Section to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the warrant to be drawn for the
16 amount specified, and to the person named, in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of the Regional Transportation Authority tax fund
19 established under paragraph (n) of this Section.

20 If a tax is imposed under this subsection (e), a tax shall
21 also be imposed under subsections (f) and (g) of this Section.

22 For the purpose of determining whether a tax authorized
23 under this Section is applicable, a retail sale by a producer
24 of coal or other mineral mined in Illinois, is a sale at retail
25 at the place where the coal or other mineral mined in Illinois
26 is extracted from the earth. This paragraph does not apply to

1 coal or other mineral when it is delivered or shipped by the
2 seller to the purchaser at a point outside Illinois so that the
3 sale is exempt under the Federal Constitution as a sale in
4 interstate or foreign commerce.

5 No tax shall be imposed or collected under this subsection
6 on the sale of a motor vehicle in this State to a resident of
7 another state if that motor vehicle will not be titled in this
8 State.

9 Nothing in this Section shall be construed to authorize the
10 Regional Transportation Authority to impose a tax upon the
11 privilege of engaging in any business that under the
12 Constitution of the United States may not be made the subject
13 of taxation by this State.

14 (f) If a tax has been imposed under paragraph (e), a
15 Regional Transportation Authority Service Occupation Tax shall
16 also be imposed upon all persons engaged, in the metropolitan
17 region in the business of making sales of service, who as an
18 incident to making the sales of service, transfer tangible
19 personal property within the metropolitan region, either in the
20 form of tangible personal property or in the form of real
21 estate as an incident to a sale of service. In Cook County, the
22 tax rate shall be: (1) 1.25% of the serviceman's cost price of
23 food prepared for immediate consumption and transferred
24 incident to a sale of service subject to the service occupation
25 tax by an entity licensed under the Hospital Licensing Act, the
26 Nursing Home Care Act, the Specialized Mental Health

1 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
2 the MC/DD Act that is located in the metropolitan region; (2)
3 1.25% of the selling price of food for human consumption that
4 is to be consumed off the premises where it is sold (other than
5 alcoholic beverages, soft drinks and food that has been
6 prepared for immediate consumption) and prescription and
7 nonprescription medicines, drugs, medical appliances and
8 insulin, urine testing materials, syringes and needles used by
9 diabetics; and (3) 1% of the selling price from other taxable
10 sales of tangible personal property transferred. In DuPage,
11 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%
12 of the selling price of all tangible personal property
13 transferred.

14 The tax imposed under this paragraph and all civil
15 penalties that may be assessed as an incident thereof shall be
16 collected and enforced by the State Department of Revenue. The
17 Department shall have full power to administer and enforce this
18 paragraph; to collect all taxes and penalties due hereunder; to
19 dispose of taxes and penalties collected in the manner
20 hereinafter provided; and to determine all rights to credit
21 memoranda arising on account of the erroneous payment of tax or
22 penalty hereunder. In the administration of and compliance with
23 this paragraph, the Department and persons who are subject to
24 this paragraph shall have the same rights, remedies,
25 privileges, immunities, powers and duties, and be subject to
26 the same conditions, restrictions, limitations, penalties,

1 exclusions, exemptions and definitions of terms, and employ the
2 same modes of procedure, as are prescribed in Sections 1a-1, 2,
3 2a, 3 through 3-50 (in respect to all provisions therein other
4 than the State rate of tax), 4 (except that the reference to
5 the State shall be to the Authority), 5, 7, 8 (except that the
6 jurisdiction to which the tax shall be a debt to the extent
7 indicated in that Section 8 shall be the Authority), 9 (except
8 as to the disposition of taxes and penalties collected, and
9 except that the returned merchandise credit for this tax may
10 not be taken against any State tax), 10, 11, 12 (except the
11 reference therein to Section 2b of the Retailers' Occupation
12 Tax Act), 13 (except that any reference to the State shall mean
13 the Authority), the first paragraph of Section 15, 16, 17, 18,
14 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
15 the Uniform Penalty and Interest Act, as fully as if those
16 provisions were set forth herein.

17 Persons subject to any tax imposed under the authority
18 granted in this paragraph may reimburse themselves for their
19 serviceman's tax liability hereunder by separately stating the
20 tax as an additional charge, that charge may be stated in
21 combination in a single amount with State tax that servicemen
22 are authorized to collect under the Service Use Tax Act, under
23 any bracket schedules the Department may prescribe.

24 Whenever the Department determines that a refund should be
25 made under this paragraph to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the warrant to be drawn for the
2 amount specified, and to the person named in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of the Regional Transportation Authority tax fund
5 established under paragraph (n) of this Section.

6 Nothing in this paragraph shall be construed to authorize
7 the Authority to impose a tax upon the privilege of engaging in
8 any business that under the Constitution of the United States
9 may not be made the subject of taxation by the State.

10 (g) If a tax has been imposed under paragraph (e), a tax
11 shall also be imposed upon the privilege of using in the
12 metropolitan region, any item of tangible personal property
13 that is purchased outside the metropolitan region at retail
14 from a retailer, and that is titled or registered with an
15 agency of this State's government. In Cook County the tax rate
16 shall be 1% of the selling price of the tangible personal
17 property, as "selling price" is defined in the Use Tax Act. In
18 DuPage, Kane, Lake, McHenry and Will counties the tax rate
19 shall be 0.75% of the selling price of the tangible personal
20 property, as "selling price" is defined in the Use Tax Act. The
21 tax shall be collected from persons whose Illinois address for
22 titling or registration purposes is given as being in the
23 metropolitan region. The tax shall be collected by the
24 Department of Revenue for the Regional Transportation
25 Authority. The tax must be paid to the State, or an exemption
26 determination must be obtained from the Department of Revenue,

1 before the title or certificate of registration for the
2 property may be issued. The tax or proof of exemption may be
3 transmitted to the Department by way of the State agency with
4 which, or the State officer with whom, the tangible personal
5 property must be titled or registered if the Department and the
6 State agency or State officer determine that this procedure
7 will expedite the processing of applications for title or
8 registration.

9 The Department shall have full power to administer and
10 enforce this paragraph; to collect all taxes, penalties and
11 interest due hereunder; to dispose of taxes, penalties and
12 interest collected in the manner hereinafter provided; and to
13 determine all rights to credit memoranda or refunds arising on
14 account of the erroneous payment of tax, penalty or interest
15 hereunder. In the administration of and compliance with this
16 paragraph, the Department and persons who are subject to this
17 paragraph shall have the same rights, remedies, privileges,
18 immunities, powers and duties, and be subject to the same
19 conditions, restrictions, limitations, penalties, exclusions,
20 exemptions and definitions of terms and employ the same modes
21 of procedure, as are prescribed in Sections 2 (except the
22 definition of "retailer maintaining a place of business in this
23 State"), 3 through 3-80 (except provisions pertaining to the
24 State rate of tax, and except provisions concerning collection
25 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
26 19 (except the portions pertaining to claims by retailers and

1 except the last paragraph concerning refunds), 20, 21 and 22 of
2 the Use Tax Act, and are not inconsistent with this paragraph,
3 as fully as if those provisions were set forth herein.

4 Whenever the Department determines that a refund should be
5 made under this paragraph to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the order to be drawn for the
8 amount specified, and to the person named in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the Regional Transportation Authority tax fund
11 established under paragraph (n) of this Section.

12 (h) The Authority may impose a replacement vehicle tax of
13 \$50 on any passenger car as defined in Section 1-157 of the
14 Illinois Vehicle Code purchased within the metropolitan region
15 by or on behalf of an insurance company to replace a passenger
16 car of an insured person in settlement of a total loss claim.
17 The tax imposed may not become effective before the first day
18 of the month following the passage of the ordinance imposing
19 the tax and receipt of a certified copy of the ordinance by the
20 Department of Revenue. The Department of Revenue shall collect
21 the tax for the Authority in accordance with Sections 3-2002
22 and 3-2003 of the Illinois Vehicle Code.

23 The Department shall immediately pay over to the State
24 Treasurer, ex officio, as trustee, all taxes collected
25 hereunder.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to the Authority. The
12 amount to be paid to the Authority shall be the amount
13 collected hereunder during the second preceding calendar month
14 by the Department, less any amount determined by the Department
15 to be necessary for the payment of refunds, and less any
16 amounts that are transferred to the STAR Bonds Revenue Fund.
17 Within 10 days after receipt by the Comptroller of the
18 disbursement certification to the Authority provided for in
19 this Section to be given to the Comptroller by the Department,
20 the Comptroller shall cause the orders to be drawn for that
21 amount in accordance with the directions contained in the
22 certification.

23 (i) The Board may not impose any other taxes except as it
24 may from time to time be authorized by law to impose.

25 (j) A certificate of registration issued by the State
26 Department of Revenue to a retailer under the Retailers'

1 Occupation Tax Act or under the Service Occupation Tax Act
2 shall permit the registrant to engage in a business that is
3 taxed under the tax imposed under paragraphs (b), (e), (f) or
4 (g) of this Section and no additional registration shall be
5 required under the tax. A certificate issued under the Use Tax
6 Act or the Service Use Tax Act shall be applicable with regard
7 to any tax imposed under paragraph (c) of this Section.

8 (k) The provisions of any tax imposed under paragraph (c)
9 of this Section shall conform as closely as may be practicable
10 to the provisions of the Use Tax Act, including without
11 limitation conformity as to penalties with respect to the tax
12 imposed and as to the powers of the State Department of Revenue
13 to promulgate and enforce rules and regulations relating to the
14 administration and enforcement of the provisions of the tax
15 imposed. The taxes shall be imposed only on use within the
16 metropolitan region and at rates as provided in the paragraph.

17 (l) The Board in imposing any tax as provided in paragraphs
18 (b) and (c) of this Section, shall, after seeking the advice of
19 the State Department of Revenue, provide means for retailers,
20 users or purchasers of motor fuel for purposes other than those
21 with regard to which the taxes may be imposed as provided in
22 those paragraphs to receive refunds of taxes improperly paid,
23 which provisions may be at variance with the refund provisions
24 as applicable under the Municipal Retailers Occupation Tax Act.
25 The State Department of Revenue may provide for certificates of
26 registration for users or purchasers of motor fuel for purposes

1 other than those with regard to which taxes may be imposed as
2 provided in paragraphs (b) and (c) of this Section to
3 facilitate the reporting and nontaxability of the exempt sales
4 or uses.

5 (m) Any ordinance imposing or discontinuing any tax under
6 this Section shall be adopted and a certified copy thereof
7 filed with the Department on or before June 1, whereupon the
8 Department of Revenue shall proceed to administer and enforce
9 this Section on behalf of the Regional Transportation Authority
10 as of September 1 next following such adoption and filing.
11 Beginning January 1, 1992, an ordinance or resolution imposing
12 or discontinuing the tax hereunder shall be adopted and a
13 certified copy thereof filed with the Department on or before
14 the first day of July, whereupon the Department shall proceed
15 to administer and enforce this Section as of the first day of
16 October next following such adoption and filing. Beginning
17 January 1, 1993, an ordinance or resolution imposing,
18 increasing, decreasing, or discontinuing the tax hereunder
19 shall be adopted and a certified copy thereof filed with the
20 Department, whereupon the Department shall proceed to
21 administer and enforce this Section as of the first day of the
22 first month to occur not less than 60 days following such
23 adoption and filing. Any ordinance or resolution of the
24 Authority imposing a tax under this Section and in effect on
25 August 1, 2007 shall remain in full force and effect and shall
26 be administered by the Department of Revenue under the terms

1 and conditions and rates of tax established by such ordinance
2 or resolution until the Department begins administering and
3 enforcing an increased tax under this Section as authorized by
4 Public Act 95-708. The tax rates authorized by Public Act
5 95-708 are effective only if imposed by ordinance of the
6 Authority.

7 (n) Except as otherwise provided in this subsection (n),
8 the State Department of Revenue shall, upon collecting any
9 taxes as provided in this Section, pay the taxes over to the
10 State Treasurer as trustee for the Authority. The taxes shall
11 be held in a trust fund outside the State Treasury. On or
12 before the 25th day of each calendar month, the State
13 Department of Revenue shall prepare and certify to the
14 Comptroller of the State of Illinois and to the Authority (i)
15 the amount of taxes collected in each County other than Cook
16 County in the metropolitan region, (ii) the amount of taxes
17 collected within the City of Chicago, and (iii) the amount
18 collected in that portion of Cook County outside of Chicago,
19 each amount less the amount necessary for the payment of
20 refunds to taxpayers located in those areas described in items
21 (i), (ii), and (iii), and less 1.5% ~~2%~~ of the remainder, which
22 shall be transferred from the trust fund into the Tax
23 Compliance and Administration Fund. The Department, at the time
24 of each monthly disbursement to the Authority, shall prepare
25 and certify to the State Comptroller the amount to be
26 transferred into the Tax Compliance and Administration Fund

1 under this subsection. Within 10 days after receipt by the
2 Comptroller of the certification of the amounts, the
3 Comptroller shall cause an order to be drawn for the transfer
4 of the amount certified into the Tax Compliance and
5 Administration Fund and the payment of two-thirds of the
6 amounts certified in item (i) of this subsection to the
7 Authority and one-third of the amounts certified in item (i) of
8 this subsection to the respective counties other than Cook
9 County and the amount certified in items (ii) and (iii) of this
10 subsection to the Authority.

11 In addition to the disbursement required by the preceding
12 paragraph, an allocation shall be made in July 1991 and each
13 year thereafter to the Regional Transportation Authority. The
14 allocation shall be made in an amount equal to the average
15 monthly distribution during the preceding calendar year
16 (excluding the 2 months of lowest receipts) and the allocation
17 shall include the amount of average monthly distribution from
18 the Regional Transportation Authority Occupation and Use Tax
19 Replacement Fund. The distribution made in July 1992 and each
20 year thereafter under this paragraph and the preceding
21 paragraph shall be reduced by the amount allocated and
22 disbursed under this paragraph in the preceding calendar year.
23 The Department of Revenue shall prepare and certify to the
24 Comptroller for disbursement the allocations made in
25 accordance with this paragraph.

26 (o) Failure to adopt a budget ordinance or otherwise to

1 comply with Section 4.01 of this Act or to adopt a Five-year
2 Capital Program or otherwise to comply with paragraph (b) of
3 Section 2.01 of this Act shall not affect the validity of any
4 tax imposed by the Authority otherwise in conformity with law.

5 (p) At no time shall a public transportation tax or motor
6 vehicle parking tax authorized under paragraphs (b), (c) and
7 (d) of this Section be in effect at the same time as any
8 retailers' occupation, use or service occupation tax
9 authorized under paragraphs (e), (f) and (g) of this Section is
10 in effect.

11 Any taxes imposed under the authority provided in
12 paragraphs (b), (c) and (d) shall remain in effect only until
13 the time as any tax authorized by paragraphs (e), (f) or (g) of
14 this Section are imposed and becomes effective. Once any tax
15 authorized by paragraphs (e), (f) or (g) is imposed the Board
16 may not reimpose taxes as authorized in paragraphs (b), (c) and
17 (d) of the Section unless any tax authorized by paragraphs (e),
18 (f) or (g) of this Section becomes ineffective by means other
19 than an ordinance of the Board.

20 (q) Any existing rights, remedies and obligations
21 (including enforcement by the Regional Transportation
22 Authority) arising under any tax imposed under paragraphs (b),
23 (c) or (d) of this Section shall not be affected by the
24 imposition of a tax under paragraphs (e), (f) or (g) of this
25 Section.

26 (Source: P.A. 99-180, eff. 7-29-15; 99-217, eff. 7-31-15;

99-642, eff. 7-28-16; 100-23, eff. 7-6-17.)

Section 20-40. The Water Commission Act of 1985 is amended
by changing Section 4 as follows:

(70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

Sec. 4. Taxes.

(a) The board of commissioners of any county water
commission may, by ordinance, impose throughout the territory
of the commission any or all of the taxes provided in this
Section for its corporate purposes. However, no county water
commission may impose any such tax unless the commission
certifies the proposition of imposing the tax to the proper
election officials, who shall submit the proposition to the
voters residing in the territory at an election in accordance
with the general election law, and the proposition has been
approved by a majority of those voting on the proposition.

The proposition shall be in the form provided in Section 5
or shall be substantially in the following form:

Shall the (insert corporate
name of county water commission) YES
impose (state type of tax or -----
taxes to be imposed) at the NO
rate of 1/4%?

1 Taxes imposed under this Section and civil penalties
2 imposed incident thereto shall be collected and enforced by the
3 State Department of Revenue. The Department shall have the
4 power to administer and enforce the taxes and to determine all
5 rights for refunds for erroneous payments of the taxes.

6 (b) The board of commissioners may impose a County Water
7 Commission Retailers' Occupation Tax upon all persons engaged
8 in the business of selling tangible personal property at retail
9 in the territory of the commission at a rate of 1/4% of the
10 gross receipts from the sales made in the course of such
11 business within the territory. The tax imposed under this
12 paragraph and all civil penalties that may be assessed as an
13 incident thereof shall be collected and enforced by the State
14 Department of Revenue. The Department shall have full power to
15 administer and enforce this paragraph; to collect all taxes and
16 penalties due hereunder; to dispose of taxes and penalties so
17 collected in the manner hereinafter provided; and to determine
18 all rights to credit memoranda arising on account of the
19 erroneous payment of tax or penalty hereunder. In the
20 administration of, and compliance with, this paragraph, the
21 Department and persons who are subject to this paragraph shall
22 have the same rights, remedies, privileges, immunities, powers
23 and duties, and be subject to the same conditions,
24 restrictions, limitations, penalties, exclusions, exemptions
25 and definitions of terms, and employ the same modes of
26 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,

1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicine, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act and under subsection (e) of Section 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the warrant to be drawn for the
2 amount specified, and to the person named, in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of a county water commission tax fund established
5 under subsection ~~paragraph~~ (g) of this Section.

6 For the purpose of determining whether a tax authorized
7 under this paragraph is applicable, a retail sale by a producer
8 of coal or other mineral mined in Illinois is a sale at retail
9 at the place where the coal or other mineral mined in Illinois
10 is extracted from the earth. This paragraph does not apply to
11 coal or other mineral when it is delivered or shipped by the
12 seller to the purchaser at a point outside Illinois so that the
13 sale is exempt under the Federal Constitution as a sale in
14 interstate or foreign commerce.

15 If a tax is imposed under this subsection (b), a tax shall
16 also be imposed under subsections (c) and (d) of this Section.

17 No tax shall be imposed or collected under this subsection
18 on the sale of a motor vehicle in this State to a resident of
19 another state if that motor vehicle will not be titled in this
20 State.

21 Nothing in this paragraph shall be construed to authorize a
22 county water commission to impose a tax upon the privilege of
23 engaging in any business which under the Constitution of the
24 United States may not be made the subject of taxation by this
25 State.

26 (c) If a tax has been imposed under subsection (b), a

1 County Water Commission Service Occupation Tax shall also be
2 imposed upon all persons engaged, in the territory of the
3 commission, in the business of making sales of service, who, as
4 an incident to making the sales of service, transfer tangible
5 personal property within the territory. The tax rate shall be
6 1/4% of the selling price of tangible personal property so
7 transferred within the territory. The tax imposed under this
8 paragraph and all civil penalties that may be assessed as an
9 incident thereof shall be collected and enforced by the State
10 Department of Revenue. The Department shall have full power to
11 administer and enforce this paragraph; to collect all taxes and
12 penalties due hereunder; to dispose of taxes and penalties so
13 collected in the manner hereinafter provided; and to determine
14 all rights to credit memoranda arising on account of the
15 erroneous payment of tax or penalty hereunder. In the
16 administration of, and compliance with, this paragraph, the
17 Department and persons who are subject to this paragraph shall
18 have the same rights, remedies, privileges, immunities, powers
19 and duties, and be subject to the same conditions,
20 restrictions, limitations, penalties, exclusions, exemptions
21 and definitions of terms, and employ the same modes of
22 procedure, as are prescribed in Sections 1a-1, 2 (except that
23 the reference to State in the definition of supplier
24 maintaining a place of business in this State shall mean the
25 territory of the commission), 2a, 3 through 3-50 (in respect to
26 all provisions therein other than the State rate of tax except

1 that food for human consumption that is to be consumed off the
2 premises where it is sold (other than alcoholic beverages, soft
3 drinks, and food that has been prepared for immediate
4 consumption) and prescription and nonprescription medicines,
5 drugs, medical appliances and insulin, urine testing
6 materials, syringes, and needles used by diabetics, for human
7 use, shall not be subject to tax hereunder), 4 (except that the
8 reference to the State shall be to the territory of the
9 commission), 5, 7, 8 (except that the jurisdiction to which the
10 tax shall be a debt to the extent indicated in that Section 8
11 shall be the commission), 9 (except as to the disposition of
12 taxes and penalties collected and except that the returned
13 merchandise credit for this tax may not be taken against any
14 State tax), 10, 11, 12 (except the reference therein to Section
15 2b of the Retailers' Occupation Tax Act), 13 (except that any
16 reference to the State shall mean the territory of the
17 commission), the first paragraph of Section 15, 15.5, 16, 17,
18 18, 19, and 20 of the Service Occupation Tax Act as fully as if
19 those provisions were set forth herein.

20 Persons subject to any tax imposed under the authority
21 granted in this paragraph may reimburse themselves for their
22 serviceman's tax liability hereunder by separately stating the
23 tax as an additional charge, which charge may be stated in
24 combination, in a single amount, with State tax that servicemen
25 are authorized to collect under the Service Use Tax Act, and
26 any tax for which servicemen may be liable under subsection (f)

1 of Section 4.03 of the Regional Transportation Authority Act,
2 in accordance with such bracket schedules as the Department may
3 prescribe.

4 Whenever the Department determines that a refund should be
5 made under this paragraph to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the warrant to be drawn for the
8 amount specified, and to the person named, in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of a county water commission tax fund established
11 under subsection ~~paragraph~~ (g) of this Section.

12 Nothing in this paragraph shall be construed to authorize a
13 county water commission to impose a tax upon the privilege of
14 engaging in any business which under the Constitution of the
15 United States may not be made the subject of taxation by the
16 State.

17 (d) If a tax has been imposed under subsection (b), a tax
18 shall also be imposed upon the privilege of using, in the
19 territory of the commission, any item of tangible personal
20 property that is purchased outside the territory at retail from
21 a retailer, and that is titled or registered with an agency of
22 this State's government, at a rate of 1/4% of the selling price
23 of the tangible personal property within the territory, as
24 "selling price" is defined in the Use Tax Act. The tax shall be
25 collected from persons whose Illinois address for titling or
26 registration purposes is given as being in the territory. The

1 tax shall be collected by the Department of Revenue for a
2 county water commission. The tax must be paid to the State, or
3 an exemption determination must be obtained from the Department
4 of Revenue, before the title or certificate of registration for
5 the property may be issued. The tax or proof of exemption may
6 be transmitted to the Department by way of the State agency
7 with which, or the State officer with whom, the tangible
8 personal property must be titled or registered if the
9 Department and the State agency or State officer determine that
10 this procedure will expedite the processing of applications for
11 title or registration.

12 The Department shall have full power to administer and
13 enforce this paragraph; to collect all taxes, penalties, and
14 interest due hereunder; to dispose of taxes, penalties, and
15 interest so collected in the manner hereinafter provided; and
16 to determine all rights to credit memoranda or refunds arising
17 on account of the erroneous payment of tax, penalty, or
18 interest hereunder. In the administration of 7 and compliance
19 with this paragraph, the Department and persons who are subject
20 to this paragraph shall have the same rights, remedies,
21 privileges, immunities, powers, and duties, and be subject to
22 the same conditions, restrictions, limitations, penalties,
23 exclusions, exemptions, and definitions of terms and employ the
24 same modes of procedure, as are prescribed in Sections 2
25 (except the definition of "retailer maintaining a place of
26 business in this State"), 3 through 3-80 (except provisions

1 pertaining to the State rate of tax, and except provisions
2 concerning collection or refunding of the tax by retailers, and
3 except that food for human consumption that is to be consumed
4 off the premises where it is sold (other than alcoholic
5 beverages, soft drinks, and food that has been prepared for
6 immediate consumption) and prescription and nonprescription
7 medicines, drugs, medical appliances and insulin, urine
8 testing materials, syringes, and needles used by diabetics, for
9 human use, shall not be subject to tax hereunder), 4, 11, 12,
10 12a, 14, 15, 19 (except the portions pertaining to claims by
11 retailers and except the last paragraph concerning refunds),
12 20, 21, and 22 of the Use Tax Act and Section 3-7 of the Uniform
13 Penalty and Interest Act that are not inconsistent with this
14 paragraph, as fully as if those provisions were set forth
15 herein.

16 Whenever the Department determines that a refund should be
17 made under this paragraph to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the order to be drawn for the
20 amount specified, and to the person named, in the notification
21 from the Department. The refund shall be paid by the State
22 Treasurer out of a county water commission tax fund established
23 under subsection ~~paragraph~~ (g) of this Section.

24 (e) A certificate of registration issued by the State
25 Department of Revenue to a retailer under the Retailers'
26 Occupation Tax Act or under the Service Occupation Tax Act

1 shall permit the registrant to engage in a business that is
2 taxed under the tax imposed under subsection ~~paragraphs~~ (b),
3 (c), L or (d) of this Section and no additional registration
4 shall be required under the tax. A certificate issued under the
5 Use Tax Act or the Service Use Tax Act shall be applicable with
6 regard to any tax imposed under subsection ~~paragraph~~ (c) of
7 this Section.

8 (f) Any ordinance imposing or discontinuing any tax under
9 this Section shall be adopted and a certified copy thereof
10 filed with the Department on or before June 1, whereupon the
11 Department of Revenue shall proceed to administer and enforce
12 this Section on behalf of the county water commission as of
13 September 1 next following the adoption and filing. Beginning
14 January 1, 1992, an ordinance or resolution imposing or
15 discontinuing the tax hereunder shall be adopted and a
16 certified copy thereof filed with the Department on or before
17 the first day of July, whereupon the Department shall proceed
18 to administer and enforce this Section as of the first day of
19 October next following such adoption and filing. Beginning
20 January 1, 1993, an ordinance or resolution imposing or
21 discontinuing the tax hereunder shall be adopted and a
22 certified copy thereof filed with the Department on or before
23 the first day of October, whereupon the Department shall
24 proceed to administer and enforce this Section as of the first
25 day of January next following such adoption and filing.

26 (g) The State Department of Revenue shall, upon collecting

1 any taxes as provided in this Section, pay the taxes over to
2 the State Treasurer as trustee for the commission. The taxes
3 shall be held in a trust fund outside the State Treasury.

4 As soon as possible after the first day of each month,
5 beginning January 1, 2011, upon certification of the Department
6 of Revenue, the Comptroller shall order transferred, and the
7 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
8 local sales tax increment, as defined in the Innovation
9 Development and Economy Act, collected under this Section
10 during the second preceding calendar month for sales within a
11 STAR bond district.

12 After the monthly transfer to the STAR Bonds Revenue Fund,
13 on or before the 25th day of each calendar month, the State
14 Department of Revenue shall prepare and certify to the
15 Comptroller of the State of Illinois the amount to be paid to
16 the commission, which shall be the amount (not including credit
17 memoranda) collected under this Section during the second
18 preceding calendar month by the Department plus an amount the
19 Department determines is necessary to offset any amounts that
20 were erroneously paid to a different taxing body, and not
21 including any amount equal to the amount of refunds made during
22 the second preceding calendar month by the Department on behalf
23 of the commission, and not including any amount that the
24 Department determines is necessary to offset any amounts that
25 were payable to a different taxing body but were erroneously
26 paid to the commission, and less any amounts that are

1 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the
2 remainder, which shall be transferred into the Tax Compliance
3 and Administration Fund. The Department, at the time of each
4 monthly disbursement to the commission, shall prepare and
5 certify to the State Comptroller the amount to be transferred
6 into the Tax Compliance and Administration Fund under this
7 subsection. Within 10 days after receipt by the Comptroller of
8 the certification of the amount to be paid to the commission
9 and the Tax Compliance and Administration Fund, the Comptroller
10 shall cause an order to be drawn for the payment for the amount
11 in accordance with the direction in the certification.

12 (h) Beginning June 1, 2016, any tax imposed pursuant to
13 this Section may no longer be imposed or collected, unless a
14 continuation of the tax is approved by the voters at a
15 referendum as set forth in this Section.

16 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
17 100-23, eff. 7-6-17; revised 10-3-17.)

18 ARTICLE 25. FISCAL YEAR LIMITATIONS

19 Section 25-5. The State Finance Act is amended by changing
20 Sections 5h.5 and 25 as follows:

21 (30 ILCS 105/5h.5)

22 Sec. 5h.5. Cash flow borrowing and general funds liquidity;
23 Fiscal Years ~~Year~~ 2018 and 2019.

1 (a) In order to meet cash flow deficits and to maintain
2 liquidity in general funds and the Health Insurance Reserve
3 Fund, on and after July 1, 2017 and through February 28, 2019
4 ~~December 31, 2018~~, the State Treasurer and the State
5 Comptroller, in consultation with the Governor's Office of
6 Management and Budget, shall make transfers to general funds
7 and the Health Insurance Reserve Fund, as directed by the State
8 Comptroller, out of special funds of the State, to the extent
9 allowed by federal law.

10 No such transfer may reduce the cumulative balance of all
11 of the special funds of the State to an amount less than the
12 total debt service payable during the 12 months immediately
13 following the date of the transfer on any bonded indebtedness
14 of the State and any certificates issued under the Short Term
15 Borrowing Act. At no time shall the outstanding total transfers
16 made from the special funds of the State to general funds and
17 the Health Insurance Reserve Fund under this Section exceed
18 \$1,200,000,000; once the amount of \$1,200,000,000 has been
19 transferred from the special funds of the State to general
20 funds and the Health Insurance Reserve Fund, additional
21 transfers may be made from the special funds of the State to
22 general funds and the Health Insurance Reserve Fund under this
23 Section only to the extent that moneys have first been
24 re-transferred from general funds and the Health Insurance
25 Reserve Fund to those special funds of the State.
26 Notwithstanding any other provision of this Section, no such

1 transfer may be made from any special fund that is exclusively
2 collected by or directly appropriated to any other
3 constitutional officer without the written approval of that
4 constitutional officer.

5 (b) If moneys have been transferred to general funds and
6 the Health Insurance Reserve Fund pursuant to subsection (a) of
7 this Section, this amendatory Act of the 100th General Assembly
8 shall constitute the continuing authority for and direction to
9 the State Treasurer and State Comptroller to reimburse the
10 funds of origin from general funds by transferring to the funds
11 of origin, at such times and in such amounts as directed by the
12 Comptroller when necessary to support appropriated
13 expenditures from the funds, an amount equal to that
14 transferred from them plus any interest that would have accrued
15 thereon had the transfer not occurred, except that any moneys
16 transferred pursuant to subsection (a) of this Section shall be
17 repaid to the fund of origin within 24 months after the date on
18 which they were borrowed. When any of the funds from which
19 moneys have been transferred pursuant to subsection (a) have
20 insufficient cash from which the State Comptroller may make
21 expenditures properly supported by appropriations from the
22 fund, then the State Treasurer and State Comptroller shall
23 transfer from general funds to the fund only such amount as is
24 immediately necessary to satisfy outstanding expenditure
25 obligations on a timely basis.

26 (c) On the first day of each quarterly period in each

1 fiscal year, until such time as a report indicates that all
2 moneys borrowed and interest pursuant to this Section have been
3 repaid, the Comptroller shall provide to the President and the
4 Minority Leader of the Senate, the Speaker and the Minority
5 Leader of the House of Representatives, and the Commission on
6 Government Forecasting and Accountability a report on all
7 transfers made pursuant to this Section in the prior quarterly
8 period. The report must be provided in electronic format. The
9 report must include all of the following:

10 (1) the date each transfer was made;

11 (2) the amount of each transfer;

12 (3) in the case of a transfer from general funds to a
13 fund of origin pursuant to subsection (b) of this Section,
14 the amount of interest being paid to the fund of origin;
15 and

16 (4) the end of day balance of the fund of origin, the
17 general funds, and the Health Insurance Reserve Fund on the
18 date the transfer was made.

19 (Source: P.A. 100-23, eff. 7-6-17.)

20 (30 ILCS 105/25) (from Ch. 127, par. 161)

21 Sec. 25. Fiscal year limitations.

22 (a) All appropriations shall be available for expenditure
23 for the fiscal year or for a lesser period if the Act making
24 that appropriation so specifies. A deficiency or emergency
25 appropriation shall be available for expenditure only through

1 June 30 of the year when the Act making that appropriation is
2 enacted unless that Act otherwise provides.

3 (b) Outstanding liabilities as of June 30, payable from
4 appropriations which have otherwise expired, may be paid out of
5 the expiring appropriations during the 2-month period ending at
6 the close of business on August 31. Any service involving
7 professional or artistic skills or any personal services by an
8 employee whose compensation is subject to income tax
9 withholding must be performed as of June 30 of the fiscal year
10 in order to be considered an "outstanding liability as of June
11 30" that is thereby eligible for payment out of the expiring
12 appropriation.

13 (b-1) However, payment of tuition reimbursement claims
14 under Section 14-7.03 or 18-3 of the School Code may be made by
15 the State Board of Education from its appropriations for those
16 respective purposes for any fiscal year, even though the claims
17 reimbursed by the payment may be claims attributable to a prior
18 fiscal year, and payments may be made at the direction of the
19 State Superintendent of Education from the fund from which the
20 appropriation is made without regard to any fiscal year
21 limitations, except as required by subsection (j) of this
22 Section. Beginning on June 30, 2021, payment of tuition
23 reimbursement claims under Section 14-7.03 or 18-3 of the
24 School Code as of June 30, payable from appropriations that
25 have otherwise expired, may be paid out of the expiring
26 appropriation during the 4-month period ending at the close of

1 business on October 31.

2 (b-2) All outstanding liabilities as of June 30, 2010,
3 payable from appropriations that would otherwise expire at the
4 conclusion of the lapse period for fiscal year 2010, and
5 interest penalties payable on those liabilities under the State
6 Prompt Payment Act, may be paid out of the expiring
7 appropriations until December 31, 2010, without regard to the
8 fiscal year in which the payment is made, as long as vouchers
9 for the liabilities are received by the Comptroller no later
10 than August 31, 2010.

11 (b-2.5) All outstanding liabilities as of June 30, 2011,
12 payable from appropriations that would otherwise expire at the
13 conclusion of the lapse period for fiscal year 2011, and
14 interest penalties payable on those liabilities under the State
15 Prompt Payment Act, may be paid out of the expiring
16 appropriations until December 31, 2011, without regard to the
17 fiscal year in which the payment is made, as long as vouchers
18 for the liabilities are received by the Comptroller no later
19 than August 31, 2011.

20 (b-2.6) All outstanding liabilities as of June 30, 2012,
21 payable from appropriations that would otherwise expire at the
22 conclusion of the lapse period for fiscal year 2012, and
23 interest penalties payable on those liabilities under the State
24 Prompt Payment Act, may be paid out of the expiring
25 appropriations until December 31, 2012, without regard to the
26 fiscal year in which the payment is made, as long as vouchers

1 for the liabilities are received by the Comptroller no later
2 than August 31, 2012.

3 (b-2.6a) All outstanding liabilities as of June 30, 2017,
4 payable from appropriations that would otherwise expire at the
5 conclusion of the lapse period for fiscal year 2017, and
6 interest penalties payable on those liabilities under the State
7 Prompt Payment Act, may be paid out of the expiring
8 appropriations until December 31, 2017, without regard to the
9 fiscal year in which the payment is made, as long as vouchers
10 for the liabilities are received by the Comptroller no later
11 than September 30, 2017.

12 (b-2.6b) All outstanding liabilities as of June 30, 2018,
13 payable from appropriations that would otherwise expire at the
14 conclusion of the lapse period for fiscal year 2018, and
15 interest penalties payable on those liabilities under the State
16 Prompt Payment Act, may be paid out of the expiring
17 appropriations until December 31, 2018, without regard to the
18 fiscal year in which the payment is made, as long as vouchers
19 for the liabilities are received by the Comptroller no later
20 than October 31, 2018.

21 (b-2.7) For fiscal years 2012, 2013, and 2014, interest
22 penalties payable under the State Prompt Payment Act associated
23 with a voucher for which payment is issued after June 30 may be
24 paid out of the next fiscal year's appropriation. The future
25 year appropriation must be for the same purpose and from the
26 same fund as the original payment. An interest penalty voucher

1 submitted against a future year appropriation must be submitted
2 within 60 days after the issuance of the associated voucher,
3 and the Comptroller must issue the interest payment within 60
4 days after acceptance of the interest voucher.

5 (b-3) Medical payments may be made by the Department of
6 Veterans' Affairs from its appropriations for those purposes
7 for any fiscal year, without regard to the fact that the
8 medical services being compensated for by such payment may have
9 been rendered in a prior fiscal year, except as required by
10 subsection (j) of this Section. Beginning on June 30, 2021,
11 medical payments payable from appropriations that have
12 otherwise expired may be paid out of the expiring appropriation
13 during the 4-month period ending at the close of business on
14 October 31.

15 (b-4) Medical payments and child care payments may be made
16 by the Department of Human Services (as successor to the
17 Department of Public Aid) from appropriations for those
18 purposes for any fiscal year, without regard to the fact that
19 the medical or child care services being compensated for by
20 such payment may have been rendered in a prior fiscal year; and
21 payments may be made at the direction of the Department of
22 Healthcare and Family Services (or successor agency) from the
23 Health Insurance Reserve Fund without regard to any fiscal year
24 limitations, except as required by subsection (j) of this
25 Section. Beginning on June 30, 2021, medical and child care
26 payments made by the Department of Human Services and payments

1 made at the discretion of the Department of Healthcare and
2 Family Services (or successor agency) from the Health Insurance
3 Reserve Fund and payable from appropriations that have
4 otherwise expired may be paid out of the expiring appropriation
5 during the 4-month period ending at the close of business on
6 October 31.

7 (b-5) Medical payments may be made by the Department of
8 Human Services from its appropriations relating to substance
9 abuse treatment services for any fiscal year, without regard to
10 the fact that the medical services being compensated for by
11 such payment may have been rendered in a prior fiscal year,
12 provided the payments are made on a fee-for-service basis
13 consistent with requirements established for Medicaid
14 reimbursement by the Department of Healthcare and Family
15 Services, except as required by subsection (j) of this Section.
16 Beginning on June 30, 2021, medical payments made by the
17 Department of Human Services relating to substance abuse
18 treatment services payable from appropriations that have
19 otherwise expired may be paid out of the expiring appropriation
20 during the 4-month period ending at the close of business on
21 October 31.

22 (b-6) Additionally, payments may be made by the Department
23 of Human Services from its appropriations, or any other State
24 agency from its appropriations with the approval of the
25 Department of Human Services, from the Immigration Reform and
26 Control Fund for purposes authorized pursuant to the

1 Immigration Reform and Control Act of 1986, without regard to
2 any fiscal year limitations, except as required by subsection
3 (j) of this Section. Beginning on June 30, 2021, payments made
4 by the Department of Human Services from the Immigration Reform
5 and Control Fund for purposes authorized pursuant to the
6 Immigration Reform and Control Act of 1986 payable from
7 appropriations that have otherwise expired may be paid out of
8 the expiring appropriation during the 4-month period ending at
9 the close of business on October 31.

10 (b-7) Payments may be made in accordance with a plan
11 authorized by paragraph (11) or (12) of Section 405-105 of the
12 Department of Central Management Services Law from
13 appropriations for those payments without regard to fiscal year
14 limitations.

15 (b-8) Reimbursements to eligible airport sponsors for the
16 construction or upgrading of Automated Weather Observation
17 Systems may be made by the Department of Transportation from
18 appropriations for those purposes for any fiscal year, without
19 regard to the fact that the qualification or obligation may
20 have occurred in a prior fiscal year, provided that at the time
21 the expenditure was made the project had been approved by the
22 Department of Transportation prior to June 1, 2012 and, as a
23 result of recent changes in federal funding formulas, can no
24 longer receive federal reimbursement.

25 (b-9) Medical payments not exceeding \$150,000,000 may be
26 made by the Department on Aging from its appropriations

1 relating to the Community Care Program for fiscal year 2014,
2 without regard to the fact that the medical services being
3 compensated for by such payment may have been rendered in a
4 prior fiscal year, provided the payments are made on a
5 fee-for-service basis consistent with requirements established
6 for Medicaid reimbursement by the Department of Healthcare and
7 Family Services, except as required by subsection (j) of this
8 Section.

9 (c) Further, payments may be made by the Department of
10 Public Health and the Department of Human Services (acting as
11 successor to the Department of Public Health under the
12 Department of Human Services Act) from their respective
13 appropriations for grants for medical care to or on behalf of
14 premature and high-mortality risk infants and their mothers and
15 for grants for supplemental food supplies provided under the
16 United States Department of Agriculture Women, Infants and
17 Children Nutrition Program, for any fiscal year without regard
18 to the fact that the services being compensated for by such
19 payment may have been rendered in a prior fiscal year, except
20 as required by subsection (j) of this Section. Beginning on
21 June 30, 2021, payments made by the Department of Public Health
22 and the Department of Human Services from their respective
23 appropriations for grants for medical care to or on behalf of
24 premature and high-mortality risk infants and their mothers and
25 for grants for supplemental food supplies provided under the
26 United States Department of Agriculture Women, Infants and

1 Children Nutrition Program payable from appropriations that
2 have otherwise expired may be paid out of the expiring
3 appropriations during the 4-month period ending at the close of
4 business on October 31.

5 (d) The Department of Public Health and the Department of
6 Human Services (acting as successor to the Department of Public
7 Health under the Department of Human Services Act) shall each
8 annually submit to the State Comptroller, Senate President,
9 Senate Minority Leader, Speaker of the House, House Minority
10 Leader, and the respective Chairmen and Minority Spokesmen of
11 the Appropriations Committees of the Senate and the House, on
12 or before December 31, a report of fiscal year funds used to
13 pay for services provided in any prior fiscal year. This report
14 shall document by program or service category those
15 expenditures from the most recently completed fiscal year used
16 to pay for services provided in prior fiscal years.

17 (e) The Department of Healthcare and Family Services, the
18 Department of Human Services (acting as successor to the
19 Department of Public Aid), and the Department of Human Services
20 making fee-for-service payments relating to substance abuse
21 treatment services provided during a previous fiscal year shall
22 each annually submit to the State Comptroller, Senate
23 President, Senate Minority Leader, Speaker of the House, House
24 Minority Leader, the respective Chairmen and Minority
25 Spokesmen of the Appropriations Committees of the Senate and
26 the House, on or before November 30, a report that shall

1 document by program or service category those expenditures from
2 the most recently completed fiscal year used to pay for (i)
3 services provided in prior fiscal years and (ii) services for
4 which claims were received in prior fiscal years.

5 (f) The Department of Human Services (as successor to the
6 Department of Public Aid) shall annually submit to the State
7 Comptroller, Senate President, Senate Minority Leader, Speaker
8 of the House, House Minority Leader, and the respective
9 Chairmen and Minority Spokesmen of the Appropriations
10 Committees of the Senate and the House, on or before December
11 31, a report of fiscal year funds used to pay for services
12 (other than medical care) provided in any prior fiscal year.
13 This report shall document by program or service category those
14 expenditures from the most recently completed fiscal year used
15 to pay for services provided in prior fiscal years.

16 (g) In addition, each annual report required to be
17 submitted by the Department of Healthcare and Family Services
18 under subsection (e) shall include the following information
19 with respect to the State's Medicaid program:

20 (1) Explanations of the exact causes of the variance
21 between the previous year's estimated and actual
22 liabilities.

23 (2) Factors affecting the Department of Healthcare and
24 Family Services' liabilities, including but not limited to
25 numbers of aid recipients, levels of medical service
26 utilization by aid recipients, and inflation in the cost of

1 medical services.

2 (3) The results of the Department's efforts to combat
3 fraud and abuse.

4 (h) As provided in Section 4 of the General Assembly
5 Compensation Act, any utility bill for service provided to a
6 General Assembly member's district office for a period
7 including portions of 2 consecutive fiscal years may be paid
8 from funds appropriated for such expenditure in either fiscal
9 year.

10 (i) An agency which administers a fund classified by the
11 Comptroller as an internal service fund may issue rules for:

12 (1) billing user agencies in advance for payments or
13 authorized inter-fund transfers based on estimated charges
14 for goods or services;

15 (2) issuing credits, refunding through inter-fund
16 transfers, or reducing future inter-fund transfers during
17 the subsequent fiscal year for all user agency payments or
18 authorized inter-fund transfers received during the prior
19 fiscal year which were in excess of the final amounts owed
20 by the user agency for that period; and

21 (3) issuing catch-up billings to user agencies during
22 the subsequent fiscal year for amounts remaining due when
23 payments or authorized inter-fund transfers received from
24 the user agency during the prior fiscal year were less than
25 the total amount owed for that period.

26 User agencies are authorized to reimburse internal service

1 funds for catch-up billings by vouchers drawn against their
2 respective appropriations for the fiscal year in which the
3 catch-up billing was issued or by increasing an authorized
4 inter-fund transfer during the current fiscal year. For the
5 purposes of this Act, "inter-fund transfers" means transfers
6 without the use of the voucher-warrant process, as authorized
7 by Section 9.01 of the State Comptroller Act.

8 (i-1) Beginning on July 1, 2021, all outstanding
9 liabilities, not payable during the 4-month lapse period as
10 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and
11 (c) of this Section, that are made from appropriations for that
12 purpose for any fiscal year, without regard to the fact that
13 the services being compensated for by those payments may have
14 been rendered in a prior fiscal year, are limited to only those
15 claims that have been incurred but for which a proper bill or
16 invoice as defined by the State Prompt Payment Act has not been
17 received by September 30th following the end of the fiscal year
18 in which the service was rendered.

19 (j) Notwithstanding any other provision of this Act, the
20 aggregate amount of payments to be made without regard for
21 fiscal year limitations as contained in subsections (b-1),
22 (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and
23 determined by using Generally Accepted Accounting Principles,
24 shall not exceed the following amounts:

25 (1) \$6,000,000,000 for outstanding liabilities related
26 to fiscal year 2012;

1 (2) \$5,300,000,000 for outstanding liabilities related
2 to fiscal year 2013;

3 (3) \$4,600,000,000 for outstanding liabilities related
4 to fiscal year 2014;

5 (4) \$4,000,000,000 for outstanding liabilities related
6 to fiscal year 2015;

7 (5) \$3,300,000,000 for outstanding liabilities related
8 to fiscal year 2016;

9 (6) \$2,600,000,000 for outstanding liabilities related
10 to fiscal year 2017;

11 (7) \$2,000,000,000 for outstanding liabilities related
12 to fiscal year 2018;

13 (8) \$1,300,000,000 for outstanding liabilities related
14 to fiscal year 2019;

15 (9) \$600,000,000 for outstanding liabilities related
16 to fiscal year 2020; and

17 (10) \$0 for outstanding liabilities related to fiscal
18 year 2021 and fiscal years thereafter.

19 (k) Department of Healthcare and Family Services Medical
20 Assistance Payments.

21 (1) Definition of Medical Assistance.

22 For purposes of this subsection, the term "Medical
23 Assistance" shall include, but not necessarily be
24 limited to, medical programs and services authorized
25 under Titles XIX and XXI of the Social Security Act,
26 the Illinois Public Aid Code, the Children's Health

1 Insurance Program Act, the Covering ALL KIDS Health
2 Insurance Act, the Long Term Acute Care Hospital
3 Quality Improvement Transfer Program Act, and medical
4 care to or on behalf of persons suffering from chronic
5 renal disease, persons suffering from hemophilia, and
6 victims of sexual assault.

7 (2) Limitations on Medical Assistance payments that
8 may be paid from future fiscal year appropriations.

9 (A) The maximum amounts of annual unpaid Medical
10 Assistance bills received and recorded by the
11 Department of Healthcare and Family Services on or
12 before June 30th of a particular fiscal year
13 attributable in aggregate to the General Revenue Fund,
14 Healthcare Provider Relief Fund, Tobacco Settlement
15 Recovery Fund, Long-Term Care Provider Fund, and the
16 Drug Rebate Fund that may be paid in total by the
17 Department from future fiscal year Medical Assistance
18 appropriations to those funds are: \$700,000,000 for
19 fiscal year 2013 and \$100,000,000 for fiscal year 2014
20 and each fiscal year thereafter.

21 (B) Bills for Medical Assistance services rendered
22 in a particular fiscal year, but received and recorded
23 by the Department of Healthcare and Family Services
24 after June 30th of that fiscal year, may be paid from
25 either appropriations for that fiscal year or future
26 fiscal year appropriations for Medical Assistance.

1 Such payments shall not be subject to the requirements
2 of subparagraph (A).

3 (C) Medical Assistance bills received by the
4 Department of Healthcare and Family Services in a
5 particular fiscal year, but subject to payment amount
6 adjustments in a future fiscal year may be paid from a
7 future fiscal year's appropriation for Medical
8 Assistance. Such payments shall not be subject to the
9 requirements of subparagraph (A).

10 (D) Medical Assistance payments made by the
11 Department of Healthcare and Family Services from
12 funds other than those specifically referenced in
13 subparagraph (A) may be made from appropriations for
14 those purposes for any fiscal year without regard to
15 the fact that the Medical Assistance services being
16 compensated for by such payment may have been rendered
17 in a prior fiscal year. Such payments shall not be
18 subject to the requirements of subparagraph (A).

19 (3) Extended lapse period for Department of Healthcare
20 and Family Services Medical Assistance payments.
21 Notwithstanding any other State law to the contrary,
22 outstanding Department of Healthcare and Family Services
23 Medical Assistance liabilities, as of June 30th, payable
24 from appropriations which have otherwise expired, may be
25 paid out of the expiring appropriations during the 6-month
26 period ending at the close of business on December 31st.

1 (1) The changes to this Section made by Public Act 97-691
2 shall be effective for payment of Medical Assistance bills
3 incurred in fiscal year 2013 and future fiscal years. The
4 changes to this Section made by Public Act 97-691 shall not be
5 applied to Medical Assistance bills incurred in fiscal year
6 2012 or prior fiscal years.

7 (m) The Comptroller must issue payments against
8 outstanding liabilities that were received prior to the lapse
9 period deadlines set forth in this Section as soon thereafter
10 as practical, but no payment may be issued after the 4 months
11 following the lapse period deadline without the signed
12 authorization of the Comptroller and the Governor.

13 (Source: P.A. 100-23, eff. 7-6-17.)

14 ARTICLE 30. FACILITY PAYMENT

15 Section 30-5. The Specialized Mental Health Rehabilitation
16 Act of 2013 is amended by adding Sections 5-104 and 5-105 as
17 follows:

18 (210 ILCS 49/5-104 new)

19 Sec. 5-104. Medicaid rates. Notwithstanding any provision
20 of law to the contrary, the Medicaid rates for Specialized
21 Mental Health Rehabilitation Facilities effective on July 1,
22 2018 must be equal to the rates in effect for Specialized
23 Mental Health Rehabilitation Facilities on June 30, 2018,

1 increased by 4%. The Department shall adopt rules, including
2 emergency rules under subsection (bb) of Section 5-45 of the
3 Illinois Administrative Procedure Act, to implement the
4 provisions of this Section.

5 (210 ILCS 49/5-105 new)

6 Sec. 5-105. Therapeutic visit rates. For a facility
7 licensed under this Act on or before June 1, 2018 or
8 provisionally licensed under this Act on or before June 1,
9 2018, a payment shall be made for therapeutic visits that have
10 been indicated by an interdisciplinary team as therapeutically
11 beneficial. Payment under this Section shall be at a rate of
12 75% of the facility's rate on the effective date of this
13 amendatory Act of the 100th General Assembly and may not exceed
14 20 days in a fiscal year and shall not exceed 10 days
15 consecutively.

16 ARTICLE 35. SECRETARY OF STATE

17 Section 35-5. The State Finance Act is amended by changing
18 Section 6z-70 as follows:

19 (30 ILCS 105/6z-70)

20 Sec. 6z-70. The Secretary of State Identification Security
21 and Theft Prevention Fund.

22 (a) The Secretary of State Identification Security and

1 Theft Prevention Fund is created as a special fund in the State
2 treasury. The Fund shall consist of any fund transfers, grants,
3 fees, or moneys from other sources received for the purpose of
4 funding identification security and theft prevention measures.

5 (b) All moneys in the Secretary of State Identification
6 Security and Theft Prevention Fund shall be used, subject to
7 appropriation, for any costs related to implementing
8 identification security and theft prevention measures.

9 (c) (Blank). ~~Notwithstanding any other provision of State~~
10 ~~law to the contrary, on or after July 1, 2007, and until June~~
11 ~~30, 2008, in addition to any other transfers that may be~~
12 ~~provided for by law, at the direction of and upon notification~~
13 ~~of the Secretary of State, the State Comptroller shall direct~~
14 ~~and the State Treasurer shall transfer amounts into the~~
15 ~~Secretary of State Identification Security and Theft~~
16 ~~Prevention Fund from the designated funds not exceeding the~~
17 ~~following totals:~~

18 ~~Lobbyist Registration Administration Fund \$100,000~~

19 ~~Registered Limited Liability Partnership Fund \$75,000~~

20 ~~Securities Investors Education Fund \$500,000~~

21 ~~Securities Audit and Enforcement Fund \$5,725,000~~

22 ~~Department of Business Services~~

23 ~~Special Operations Fund \$3,000,000~~

24 ~~Corporate Franchise Tax Refund Fund \$3,000,000.~~

25 (d) (Blank). ~~Notwithstanding any other provision of State~~
26 ~~law to the contrary, on or after July 1, 2008, and until June~~

1 ~~30, 2009, in addition to any other transfers that may be~~
2 ~~provided for by law, at the direction of and upon notification~~
3 ~~of the Secretary of State, the State Comptroller shall direct~~
4 ~~and the State Treasurer shall transfer amounts into the~~
5 ~~Secretary of State Identification Security and Theft~~
6 ~~Prevention Fund from the designated funds not exceeding the~~
7 ~~following totals:~~

8 ~~Lobbyist Registration Administration Fund \$100,000~~

9 ~~Registered Limited Liability Partnership Fund \$75,000~~

10 ~~Securities Investors Education Fund \$500,000~~

11 ~~Securities Audit and Enforcement Fund \$5,725,000~~

12 ~~Department of Business Services~~

13 ~~Special Operations Fund \$3,000,000~~

14 ~~Corporate Franchise Tax Refund Fund \$3,000,000~~

15 ~~State Parking Facility Maintenance Fund \$100,000~~

16 (e) (Blank). ~~Notwithstanding any other provision of State~~
17 ~~law to the contrary, on or after July 1, 2009, and until June~~
18 ~~30, 2010, in addition to any other transfers that may be~~
19 ~~provided for by law, at the direction of and upon notification~~
20 ~~of the Secretary of State, the State Comptroller shall direct~~
21 ~~and the State Treasurer shall transfer amounts into the~~
22 ~~Secretary of State Identification Security and Theft~~
23 ~~Prevention Fund from the designated funds not exceeding the~~
24 ~~following totals:~~

25 ~~Lobbyist Registration Administration Fund \$100,000~~

26 ~~Registered Limited Liability Partnership Fund \$175,000~~

~~Securities Investors Education Fund \$750,000~~

~~Securities Audit and Enforcement Fund \$750,000~~

~~Department of Business Services~~

~~Special Operations Fund \$3,000,000~~

~~Corporate Franchise Tax Refund Fund \$3,000,000~~

~~State Parking Facility Maintenance Fund \$100,000~~

~~(f) (Blank). Notwithstanding any other provision of State law to the contrary, on or after July 1, 2010, and until June 30, 2011, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Secretary of State, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Secretary of State Identification Security and Theft Prevention Fund from the designated funds not exceeding the following totals:~~

~~Registered Limited Liability Partnership Fund \$287,000~~

~~Securities Investors Education Board \$750,000~~

~~Securities Audit and Enforcement Fund \$750,000~~

~~Department of Business Services Special~~

~~Operations Fund \$3,000,000~~

~~Corporate Franchise Tax Refund Fund \$3,000,000~~

~~(g) (Blank). Notwithstanding any other provision of State law to the contrary, on or after July 1, 2011, and until June 30, 2012, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Secretary of State, the State Comptroller shall direct~~

~~and the State Treasurer shall transfer amounts into the Secretary of State Identification Security and Theft Prevention Fund from the designated funds not exceeding the following totals:~~

~~Division of Corporations Registered~~

~~Limited Liability Partnership Fund \$287,000~~

~~Securities Investors Education Fund \$750,000~~

~~Securities Audit and Enforcement Fund \$3,500,000~~

~~Department of Business Services~~

~~Special Operations Fund \$3,000,000~~

~~Corporate Franchise Tax Refund Fund \$3,000,000~~

~~(h) (Blank). Notwithstanding any other provision of State law to the contrary, on or after the effective date of this amendatory Act of the 98th General Assembly, and until June 30, 2014, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Secretary of State, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Secretary of State Identification Security and Theft Prevention Fund from the designated funds not exceeding the following totals:~~

~~Division of Corporations Registered Limited~~

~~Liability Partnership Fund \$287,000~~

~~Securities Investors Education Fund \$1,500,000~~

~~Department of Business Services Special~~

~~Operations Fund \$3,000,000~~

~~Securities Audit and Enforcement Fund \$3,500,000~~

1 ~~Corporate Franchise Tax Refund Fund \$3,000,000~~

2 (i) (Blank). ~~Notwithstanding any other provision of State~~
3 ~~law to the contrary, on or after the effective date of this~~
4 ~~amendatory Act of the 98th General Assembly, and until June 30,~~
5 ~~2015, in addition to any other transfers that may be provided~~
6 ~~for by law, at the direction of and upon notification of the~~
7 ~~Secretary of State, the State Comptroller shall direct and the~~
8 ~~State Treasurer shall transfer amounts into the Secretary of~~
9 ~~State Identification Security and Theft Prevention Fund from~~
10 ~~the designated funds not exceeding the following totals:~~

11 ~~Division of Corporations Registered Limited~~

12 ~~Liability Partnership Fund \$287,000~~

13 ~~Securities Investors Education Fund \$1,500,000~~

14 ~~Department of Business Services~~

15 ~~Special Operations Fund \$3,000,000~~

16 ~~Securities Audit and Enforcement Fund \$3,500,000~~

17 ~~Corporate Franchise Tax Refund Fund \$3,000,000~~

18 (j) Notwithstanding any other provision of State law to the
19 contrary, on or after July 1, 2017, and until June 30, 2018, in
20 addition to any other transfers that may be provided for by
21 law, at the direction of and upon notification of the Secretary
22 of State, the State Comptroller shall direct and the State
23 Treasurer shall transfer amounts into the Secretary of State
24 Identification Security and Theft Prevention Fund from the
25 designated funds not exceeding the following totals:

26 Registered Limited Liability Partnership Fund \$287,000

1 Securities Investors Education Fund \$1,500,000
2 Department of Business Services Special
3 Operations Fund \$3,000,000
4 Securities Audit and Enforcement Fund \$3,500,000
5 Corporate Franchise Tax Refund Fund \$3,000,000

6 (k) Notwithstanding any other provision of State law to the
7 contrary, on or after July 1, 2018, and until June 30, 2019, in
8 addition to any other transfers that may be provided for by
9 law, at the direction of and upon notification of the Secretary
10 of State, the State Comptroller shall direct and the State
11 Treasurer shall transfer amounts into the Secretary of State
12 Identification Security and Theft Prevention Fund from the
13 designated funds not exceeding the following totals:

14 Registered Limited Liability Partnership Fund \$287,000
15 Securities Investors Education Fund \$1,500,000
16 Department of Business Services Special Operations Fund ..
17 \$3,000,000
18 Securities Audit and Enforcement Fund \$3,500,000

19 (Source: P.A. 100-23, eff. 7-6-17.)

20 ARTICLE 45. HIGHER EDUCATION

21 Section 45-1. Legislative intent. It is the intent of this
22 Article to increase enrollment at public 4-year universities in
23 this State by providing those universities with the option for
24 additional funding through a new, merit-based and means-tested

1 matching scholarship for Illinois students. It is also the
2 intent of this Article that any public university participating
3 in this program should, in its best efforts, attempt to
4 delegate scholarship funds among a racially diverse range of
5 students and not use a student's race, color, religion, sex
6 (including gender identity, sexual orientation, or pregnancy),
7 national origin, age, disability, or genetic information to
8 disqualify him or her from receiving funds under the program.

9 Section 45-5. The Higher Education Student Assistance Act
10 is amended by changing Section 10 and adding Section 65.100 as
11 follows:

12 (110 ILCS 947/10)

13 Sec. 10. Definitions. In this Act, and except to the extent
14 that any of the following words or phrases is specifically
15 qualified by its context:

16 "Commission" means the Illinois Student Assistance
17 Commission created by this Act.

18 "Enrollment" means the establishment and maintenance of an
19 individual's status as a student in an institution of higher
20 learning, regardless of the terms used at the institution to
21 describe that status.

22 "Approved high school" means any public high school located
23 in this State; and any high school, located in this State or
24 elsewhere (whether designated as a high school, secondary

1 school, academy, preparatory school, or otherwise) which in the
2 judgment of the State Superintendent of Education provides a
3 course of instruction at the secondary level and maintains
4 standards of instruction substantially equivalent to those of
5 the public high schools located in this State.

6 "Institution of higher learning", "qualified institution",
7 or "institution" means an educational organization located in
8 this State which

9 (1) provides at least an organized 2 year program of
10 collegiate grade in the liberal arts or sciences, or both,
11 directly applicable toward the attainment of a
12 baccalaureate degree or a program in health education
13 directly applicable toward the attainment of a
14 certificate, diploma, or an associate degree;

15 (2) either is

16 (A) operated by this State, or

17 (B) operated publicly or privately, not for
18 profit, or

19 (C) operated for profit, provided such for profit
20 organization

21 (i) offers degree programs which have been
22 approved by the Board of Higher Education for a
23 minimum of 3 years under the Academic Degree Act,
24 and

25 (ii) enrolls a majority of its students in such
26 degree programs, and

1 (iii) maintains an accredited status with the
2 Commission on Institutions of Higher Education of
3 the North Central Association of Colleges and
4 Schools;

5 (3) in the judgment of the Commission meets standards
6 substantially equivalent to those of comparable
7 institutions operated by this State; and

8 (4) if so required by the Commission, uses the State as
9 its primary guarantor of student loans made under the
10 federal Higher Education Act of 1965.

11 For otherwise eligible educational organizations which provide
12 academic programs for incarcerated students, the terms
13 "institution of higher learning", "qualified institutions",
14 and "institution" shall specifically exclude academic programs
15 for incarcerated students.

16 "Academic Year" means a 12 month period of time, normally
17 but not exclusively, from September 1 of any year through
18 August 31 of the ensuing year.

19 "Full-time student" means any undergraduate student
20 enrolled in 12 or more semester or quarter hours of credit
21 courses in any given semester or quarter or in the equivalent
22 number of units of registration as determined by the
23 Commission.

24 "Part-time student" means any undergraduate student, other
25 than a full-time student, enrolled in 6 or more semester or
26 quarter hours of credit courses in any given semester or

1 quarter or in the equivalent number of units of registration as
2 determined by the Commission. Beginning with fiscal year 1999,
3 the Commission may, on a program by program basis, expand this
4 definition of "part-time student" to include students who
5 enroll in less than 6 semester or quarter hours of credit
6 courses in any given semester or quarter.

7 "Public university" means any public 4-year university in
8 this State.

9 "Public university campus" means any campus under the
10 governance or supervision of a public university.

11 (Source: P.A. 90-122, eff. 7-17-97; 91-250, eff. 7-22-99.)

12 (110 ILCS 947/65.100 new)

13 Sec. 65.100. AIM HIGH Grant Pilot Program.

14 (a) The General Assembly makes all of the following
15 findings:

16 (1) Both access and affordability are important
17 aspects of the Illinois Public Agenda for College and
18 Career Success report.

19 (2) This State is in the top quartile with respect to
20 the percentage of family income needed to pay for college.

21 (3) Research suggests that as loan amounts increase,
22 rather than an increase in grant amounts, the probability
23 of college attendance decreases.

24 (4) There is further research indicating that
25 socioeconomic status may affect the willingness of

1 students to use loans to attend college.

2 (5) Strategic use of tuition discounting can decrease
3 the amount of loans that students must use to pay for
4 tuition.

5 (6) A modest, individually tailored tuition discount
6 can make the difference in a student choosing to attend
7 college and enhance college access for low-income and
8 middle-income families.

9 (7) Even if the federally calculated financial need for
10 college attendance is met, the federally determined
11 Expected Family Contribution can still be a daunting
12 amount.

13 (8) This State is the second largest exporter of
14 students in the country.

15 (9) When talented Illinois students attend
16 universities in this State, the State and those
17 universities benefit.

18 (10) State universities in other states have adopted
19 pricing and incentives that allow many Illinois residents
20 to pay less to attend an out-of-state university than to
21 remain in this State for college.

22 (11) Supporting Illinois student attendance at
23 Illinois public universities can assist in State efforts to
24 maintain and educate a highly trained workforce.

25 (12) Modest tuition discounts that are individually
26 targeted and tailored can result in enhanced revenue for

1 public universities.

2 (13) By increasing a public university's capacity to
3 strategically use tuition discounting, the public
4 university will be capable of creating enhanced tuition
5 revenue by increasing enrollment yields.

6 (b) In this Section:

7 "Eligible applicant" means a student from any high school
8 in this State, whether or not recognized by the State Board of
9 Education, who is engaged in a program of study that will be
10 completed by the end of the school year and who meets all of
11 the qualifications and requirements under this Section.

12 "Tuition and other necessary fees" includes the customary
13 charge for instruction and use of facilities in general and the
14 additional fixed fees charged for specified purposes that are
15 required generally of non-grant recipients for each academic
16 period for which the grant applicant actually enrolls, but does
17 not include fees payable only once or breakage fees and other
18 contingent deposits that are refundable in whole or in part.
19 The Commission may adopt, by rule not inconsistent with this
20 Section, detailed provisions concerning the computation of
21 tuition and other necessary fees.

22 (c) Beginning with the 2019-2020 academic year, each public
23 university may establish a merit-based scholarship pilot
24 program known as the AIM HIGH Grant Pilot Program. Each year,
25 the Commission shall receive and consider applications from
26 public universities under this Section. Subject to

1 appropriation and any tuition waiver limitation established by
2 the Board of Higher Education, a public university campus may
3 award a grant to a student under this Section if it finds that
4 the applicant meets all of the following criteria:

5 (1) He or she is a resident of this State and a citizen
6 or eligible noncitizen of the United States.

7 (2) He or she files a Free Application for Federal
8 Student Aid and demonstrates financial need with a
9 household income no greater than 6 times the poverty
10 guidelines updated periodically in the Federal Register by
11 the U.S. Department of Health and Human Services under the
12 authority of 42 U.S.C. 9902(2).

13 (3) He or she meets the minimum cumulative grade point
14 average or ACT or SAT college admissions test score, as
15 determined by the public university campus.

16 (4) He or she is enrolled in a public university as an
17 undergraduate student on a full-time basis.

18 (5) He or she has not yet received a baccalaureate
19 degree or the equivalent of 135 semester credit hours.

20 (6) He or she is not incarcerated.

21 (7) He or she is not in default on any student loan or
22 does not owe a refund or repayment on any State or federal
23 grant or scholarship.

24 (8) Any other reasonable criteria, as determined by the
25 public university campus.

26 (d) Each public university campus shall determine grant

1 renewal criteria consistent with the requirements under this
2 Section.

3 (e) Each participating public university campus shall post
4 on its Internet website criteria and eligibility requirements
5 for receiving awards that use funds under this Section that
6 include a range in the sizes of these individual awards. The
7 criteria and amounts must also be reported to the Commission
8 and the Board of Higher Education, who shall post the
9 information on their respective Internet websites.

10 (f) After enactment of an appropriation for this Program,
11 the Commission shall determine an allocation of funds to each
12 public university in an amount proportionate to the number of
13 undergraduate students who are residents of this State and
14 citizens or eligible noncitizens of the United States and who
15 were enrolled at each public university campus in the previous
16 academic year. All applications must be made to the Commission
17 on or before a date determined by the Commission and on forms
18 that the Commission shall provide to each public university
19 campus. The form of the application and the information
20 required shall be determined by the Commission and shall
21 include, without limitation, the total public university
22 campus funds used to match funds received from the Commission
23 in the previous academic year under this Section, if any, the
24 total enrollment of undergraduate students who are residents of
25 this State from the previous academic year, and any supporting
26 documents as the Commission deems necessary. Each public

1 university campus shall match the amount of funds received by
2 the Commission with financial aid for eligible students.

3 A public university campus is not required to claim its
4 entire allocation. The Commission shall make available to all
5 public universities, on a date determined by the Commission,
6 any unclaimed funds and the funds must be made available to
7 those public university campuses in the proportion determined
8 under this subsection (f), excluding from the calculation those
9 public university campuses not claiming their full
10 allocations.

11 Each public university campus may determine the award
12 amounts for eligible students on an individual or broad basis,
13 but, subject to renewal eligibility, each renewed award may not
14 be less than the amount awarded to the eligible student in his
15 or her first year attending the public university campus.
16 Notwithstanding this limitation, a renewal grant may be reduced
17 due to changes in the student's cost of attendance, including,
18 but not limited to, if a student reduces the number of credit
19 hours in which he or she is enrolled, but remains a full-time
20 student, or switches to a course of study with a lower tuition
21 rate.

22 An eligible applicant awarded grant assistance under this
23 Section is eligible to receive other financial aid. Total grant
24 aid to the student from all sources may not exceed the total
25 cost of attendance at the public university campus.

26 (g) All money allocated to a public university campus under

1 this Section may be used only for financial aid purposes for
2 students attending the public university campus during the
3 academic year, not including summer terms. Any funds received
4 by a public university campus under this Section that are not
5 granted to students in the academic year for which the funds
6 are received must be refunded to the Commission before any new
7 funds are received by the public university campus for the next
8 academic year.

9 (h) Each public university campus that establishes a
10 Program under this Section must annually report to the
11 Commission, on or before a date determined by the Commission,
12 the number of undergraduate students enrolled at that campus
13 who are residents of this State.

14 (i) Each public university campus must report to the
15 Commission the total non-loan financial aid amount given by the
16 public university campus to undergraduate students in fiscal
17 year 2018. To be eligible to receive funds under the Program, a
18 public university campus may not decrease the total amount of
19 non-loan financial aid for undergraduate students to an amount
20 lower than the total non-loan financial aid amount given by the
21 public university campus to undergraduate students in fiscal
22 year 2018, not including any funds received from the Commission
23 under this Section or any funds used to match grant awards
24 under this Section.

25 (j) On or before a date determined by the Commission, each
26 public university campus that participates in the Program under

1 this Section shall annually submit a report to the Commission
2 with all of the following information:

3 (1) The Program's impact on tuition revenue and
4 enrollment goals and increase in access and affordability
5 at the public university campus.

6 (2) Total funds received by the public university
7 campus under the Program.

8 (3) Total non-loan financial aid awarded to
9 undergraduate students attending the public university
10 campus.

11 (4) Total amount of funds matched by the public
12 university campus.

13 (5) Total amount of funds refunded to the Commission by
14 the public university campus.

15 (6) The percentage of total financial aid distributed
16 under the Program by the public university campus.

17 (7) The total number of students receiving grants from
18 the public university campus under the Program and those
19 students' grade level, race, gender, income level, family
20 size, Monetary Award Program eligibility, Pell Grant
21 eligibility, and zip code of residence and the amount of
22 each grant award. This information shall include unit
23 record data on those students regarding variables
24 associated with the parameters of the public university's
25 Program, including, but not limited to, a student's ACT or
26 SAT college admissions test score, high school or

1 university cumulative grade point average, or program of
2 study.

3 On or before October 1, 2020 and annually on or before
4 October 1 thereafter, the Commission shall submit a report with
5 the findings under this subsection (j) and any other
6 information regarding the AIM HIGH Grant Pilot Program to (i)
7 the Governor, (ii) the Speaker of the House of Representatives,
8 (iii) the Minority Leader of the House of Representatives, (iv)
9 the President of the Senate, and (v) the Minority Leader of the
10 Senate. The reports to the General Assembly shall be filed with
11 the Clerk of the House of Representatives and the Secretary of
12 the Senate in electronic form only, in the manner that the
13 Clerk and the Secretary shall direct. The Commission's report
14 may not disaggregate data to a level that may disclose
15 personally identifying information of individual students.

16 The sharing and reporting of student data under this
17 subsection (j) must be in accordance with the requirements
18 under the federal Family Educational Rights and Privacy Act of
19 1974 and the Illinois School Student Records Act. All parties
20 must preserve the confidentiality of the information as
21 required by law. The names of the grant recipients under this
22 Section are not subject to disclosure under the Freedom of
23 Information Act.

24 Public university campuses that fail to submit a report
25 under this subsection (j) or that fail to adhere to any other
26 requirements under this Section may not be eligible for

1 distribution of funds under the Program for the next academic
2 year, but may be eligible for distribution of funds for each
3 academic year thereafter.

4 (k) The Commission shall adopt rules to implement this
5 Section.

6 (l) This Section is repealed on October 1, 2024.

7 ARTICLE 50. ADDITIONAL AMENDATORY PROVISIONS

8 Section 50-5. The Illinois Promotion Act is amended by
9 changing Section 4a as follows:

10 (20 ILCS 665/4a) (from Ch. 127, par. 200-24a)

11 Sec. 4a. Funds.

12 (1) All moneys deposited in the Tourism Promotion Fund
13 pursuant to this subsection are allocated to the Department for
14 utilization, as appropriated, in the performance of its powers
15 under Section 4; except that during fiscal year 2013, the
16 Department shall reserve \$9,800,000 of the total funds
17 available for appropriation in the Tourism Promotion Fund for
18 appropriation to the Historic Preservation Agency for the
19 operation of the Abraham Lincoln Presidential Library and
20 Museum and State historic sites; and except that beginning in
21 fiscal year 2019, moneys in the Tourism Promotion Fund may also
22 be allocated to the Illinois Department of Agriculture, the
23 Illinois Department of Natural Resources, and the Abraham

1 Lincoln Presidential Library and Museum for utilization, as
2 appropriated, to administer their responsibilities as State
3 agencies promoting tourism in Illinois, and for
4 tourism-related purposes.

5 As soon as possible after the first day of each month,
6 beginning July 1, 1997 and ending on the effective date of this
7 amendatory Act of the 100th General Assembly, upon
8 certification of the Department of Revenue, the Comptroller
9 shall order transferred and the Treasurer shall transfer from
10 the General Revenue Fund to the Tourism Promotion Fund an
11 amount equal to 13% of the net revenue realized from the Hotel
12 Operators' Occupation Tax Act plus an amount equal to 13% of
13 the net revenue realized from any tax imposed under Section
14 4.05 of the Chicago World's Fair-1992 Authority Act during the
15 preceding month. "Net revenue realized for a month" means the
16 revenue collected by the State under that Act during the
17 previous month less the amount paid out during that same month
18 as refunds to taxpayers for overpayment of liability under that
19 Act.

20 (1.1) (Blank).

21 (2) As soon as possible after the first day of each month,
22 beginning July 1, 1997 and ending on the effective date of this
23 amendatory Act of the 100th General Assembly, upon
24 certification of the Department of Revenue, the Comptroller
25 shall order transferred and the Treasurer shall transfer from
26 the General Revenue Fund to the Tourism Promotion Fund an

1 amount equal to 8% of the net revenue realized from the Hotel
2 Operators' Occupation Tax plus an amount equal to 8% of the net
3 revenue realized from any tax imposed under Section 4.05 of the
4 Chicago World's Fair-1992 Authority Act during the preceding
5 month. "Net revenue realized for a month" means the revenue
6 collected by the State under that Act during the previous month
7 less the amount paid out during that same month as refunds to
8 taxpayers for overpayment of liability under that Act.

9 All monies deposited in the Tourism Promotion Fund under
10 this subsection (2) shall be used solely as provided in this
11 subsection to advertise and promote tourism throughout
12 Illinois. Appropriations of monies deposited in the Tourism
13 Promotion Fund pursuant to this subsection (2) shall be used
14 solely for advertising to promote tourism, including but not
15 limited to advertising production and direct advertisement
16 costs, but shall not be used to employ any additional staff,
17 finance any individual event, or lease, rent or purchase any
18 physical facilities. The Department shall coordinate its
19 advertising under this subsection (2) with other public and
20 private entities in the State engaged in similar promotion
21 activities. Print or electronic media production made pursuant
22 to this subsection (2) for advertising promotion shall not
23 contain or include the physical appearance of or reference to
24 the name or position of any public officer. "Public officer"
25 means a person who is elected to office pursuant to statute, or
26 who is appointed to an office which is established, and the

1 qualifications and duties of which are prescribed, by statute,
2 to discharge a public duty for the State or any of its
3 political subdivisions.

4 (3) Notwithstanding anything in this Section to the
5 contrary, amounts transferred from the General Revenue Fund to
6 the Tourism Promotion Fund pursuant to this Section shall not
7 exceed \$26,300,000 in State fiscal year 2012.

8 (4) As soon as possible after the first day of each month,
9 beginning July 1, 2017 and ending June 30, 2018, if the amount
10 of revenue deposited into the Tourism Promotion Fund under
11 subsection (c) of Section 6 of the Hotel Operators' Occupation
12 Tax Act is less than 21% of the net revenue realized from the
13 Hotel Operators' Occupation Tax during the preceding month,
14 then, upon certification of the Department of Revenue, the
15 State Comptroller shall direct and the State Treasurer shall
16 transfer from the General Revenue Fund to the Tourism Promotion
17 Fund an amount equal to the difference between 21% of the net
18 revenue realized from the Hotel Operators' Occupation Tax
19 during the preceding month and the amount of revenue deposited
20 into the Tourism Promotion Fund under subsection (c) of Section
21 6 of the Hotel Operators' Occupation Tax Act.

22 (5) As soon as possible after the first day of each month,
23 beginning July 1, 2018, if the amount of revenue deposited into
24 the Tourism Promotion Fund under Section 6 of the Hotel
25 Operators' Occupation Tax Act is less than 21% of the net
26 revenue realized from the Hotel Operators' Occupation Tax

1 during the preceding month, then, upon certification of the
2 Department of Revenue, the State Comptroller shall direct and
3 the State Treasurer shall transfer from the General Revenue
4 Fund to the Tourism Promotion Fund an amount equal to the
5 difference between 21% of the net revenue realized from the
6 Hotel Operators' Occupation Tax during the preceding month and
7 the amount of revenue deposited into the Tourism Promotion Fund
8 under Section 6 of the Hotel Operators' Occupation Tax Act.

9 (Source: P.A. 100-23, eff. 7-6-17.)

10 Section 50-10. The Mental Health and Developmental
11 Disabilities Administrative Act is amended by changing Section
12 18.5 as follows:

13 (20 ILCS 1705/18.5)

14 Sec. 18.5. Community Developmental Disability Services
15 Medicaid Trust Fund; reimbursement.

16 (a) The Community Developmental Disability Services
17 Medicaid Trust Fund is hereby created in the State treasury.

18 (b) Beginning in State fiscal year 2019, Except as provided
19 in subsection (b-5), any funds in any fiscal year in amounts
20 not exceeding a total of \$60,000,000 paid to the State by the
21 federal government under Title XIX or Title XXI of the Social
22 Security Act for services delivered by community developmental
23 disability services providers ~~for services relating to~~
24 ~~Developmental Training and Community Integrated Living~~

1 ~~Arrangements as a result of the conversion of such providers~~
2 ~~from a grant payment methodology to a fee-for-service payment~~
3 ~~methodology, or any other funds paid to the State for any~~
4 ~~subsequent revenue maximization initiatives performed by such~~
5 ~~providers, and any interest earned thereon,~~ shall be deposited
6 ~~directly~~ into the Community Developmental Disability Services
7 Medicaid Trust Fund to pay for Medicaid-reimbursed community
8 developmental disability services provided to eligible
9 individuals.

10 (b-5) (Blank). ~~Beginning in State fiscal year 2008, any~~
11 ~~funds paid to the State by the federal government under Title~~
12 ~~XIX or Title XXI of the Social Security Act for services~~
13 ~~delivered through the Children's Residential Waiver and the~~
14 ~~Children's In Home Support Waiver shall be deposited directly~~
15 ~~into the Trust Fund and shall not be subject to the transfer~~
16 ~~provisions of subsection (b).~~

17 (b-7) The Community Developmental Disability Services
18 Medicaid Trust Fund is not subject to administrative
19 charge-backs.

20 (b-9) (Blank). ~~The Department of Human Services shall~~
21 ~~annually report to the Governor and the General Assembly, by~~
22 ~~September 1, on both the total revenue deposited into the Trust~~
23 ~~Fund and the total expenditures made from the Trust Fund for~~
24 ~~the previous fiscal year. This report shall include detailed~~
25 ~~descriptions of both revenues and expenditures regarding the~~
26 ~~Trust Fund from the previous fiscal year. This report shall be~~

~~presented by the Secretary of Human Services to the appropriate Appropriations Committee in the House of Representatives, as determined by the Speaker of the House, and in the Senate, as determined by the President of the Senate. This report shall be made available to the public and shall be published on the Department of Human Services' website in an appropriate location, a minimum of one week prior to presentation of the report to the General Assembly.~~

(b-10) Whenever a State developmental disabilities facility operated by the Department is closed and the real estate on which the facility is located is sold by the State, the net proceeds of the sale of the real estate shall be deposited into the Community Developmental Disability Services Medicaid Trust Fund and used for the purposes enumerated in subsections (c) and (d) of Section 4.6 of the Community Services Act; however, under subsection (e) of Section 4.6 of the Community Services Act, the Department may set aside a portion of the net proceeds of the sale of the real estate for deposit into the Human Services Priority Capital Program Fund. The portion set aside shall be used for the purposes enumerated in Section 6z-71 of the State Finance Act.

(c) For purposes of this Section:

"Trust Fund" means the Community Developmental Disability Services Medicaid Trust Fund.

"Medicaid-reimbursed developmental disability services" means services provided by a community developmental

1 disability provider under an agreement with the Department that
2 is eligible for reimbursement under the federal Title XIX
3 program or Title XXI program.

4 "Provider" means a qualified entity as defined in the
5 State's Home and Community-Based Services Waiver for Persons
6 with Developmental Disabilities that is funded by the
7 Department to provide a Medicaid-reimbursed service.

8 ~~"Revenue maximization alternatives" do not include~~
9 ~~increases in funds paid to the State as a result of growth in~~
10 ~~spending through service expansion or rate increases.~~

11 (Source: P.A. 98-815, eff. 8-1-14.)

12 Section 50-15. The Rehabilitation of Persons with
13 Disabilities Act is amended by changing Section 5b as follows:

14 (20 ILCS 2405/5b)

15 Sec. 5b. Home Services Medicaid Trust Fund.

16 (a) The Home Services Medicaid Trust Fund is hereby created
17 as a special fund in the State treasury.

18 (b) Amounts paid to the State during each State fiscal year
19 by the federal government under Title XIX or Title XXI of the
20 Social Security Act for services delivered in relation to the
21 Department's Home Services Program established pursuant to
22 Section 3 of this Act, beginning in State fiscal year 2019 in
23 amounts not exceeding a total of \$234,000,000 in any State
24 fiscal year, and any interest earned thereon, shall be

1 deposited into the Fund.

2 (c) Moneys in the Fund may be used by the Department for
3 the purchase of services, and operational and administrative
4 expenses, in relation to the Home Services Program.

5 (Source: P.A. 98-1004, eff. 8-18-14; 99-143, eff. 7-27-15.)

6 Section 50-20. The Illinois Emergency Management Agency
7 Act is amended by changing Sections 4 and 5 as follows:

8 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

9 Sec. 4. Definitions. As used in this Act, unless the
10 context clearly indicates otherwise, the following words and
11 terms have the meanings ascribed to them in this Section:

12 "Coordinator" means the staff assistant to the principal
13 executive officer of a political subdivision with the duty of
14 coordinating the emergency management programs of that
15 political subdivision.

16 "Disaster" means an occurrence or threat of widespread or
17 severe damage, injury or loss of life or property resulting
18 from any natural or technological cause, including but not
19 limited to fire, flood, earthquake, wind, storm, hazardous
20 materials spill or other water contamination requiring
21 emergency action to avert danger or damage, epidemic, air
22 contamination, blight, extended periods of severe and
23 inclement weather, drought, infestation, critical shortages of
24 essential fuels and energy, explosion, riot, hostile military

1 or paramilitary action, public health emergencies, or acts of
2 domestic terrorism.

3 "Emergency Management" means the efforts of the State and
4 the political subdivisions to develop, plan, analyze, conduct,
5 provide, implement and maintain programs for disaster
6 mitigation, preparedness, response and recovery.

7 "Emergency Services and Disaster Agency" means the agency
8 by this name, by the name Emergency Management Agency, or by
9 any other name that is established by ordinance within a
10 political subdivision to coordinate the emergency management
11 program within that political subdivision and with private
12 organizations, other political subdivisions, the State and
13 federal governments.

14 "Emergency Operations Plan" means the written plan of the
15 State and political subdivisions describing the organization,
16 mission, and functions of the government and supporting
17 services for responding to and recovering from disasters and
18 shall include plans that take into account the needs of those
19 individuals with household pets and service animals following a
20 major disaster or emergency.

21 "Emergency Services" means the coordination of functions
22 by the State and its political subdivision, other than
23 functions for which military forces are primarily responsible,
24 as may be necessary or proper to prevent, minimize, repair, and
25 alleviate injury and damage resulting from any natural or
26 technological causes. These functions include, without

1 limitation, fire fighting services, police services, emergency
2 aviation services, medical and health services, HazMat and
3 technical rescue teams, rescue, engineering, warning services,
4 communications, radiological, chemical and other special
5 weapons defense, evacuation of persons from stricken or
6 threatened areas, emergency assigned functions of plant
7 protection, temporary restoration of public utility services
8 and other functions related to civilian protection, together
9 with all other activities necessary or incidental to protecting
10 life or property.

11 "Exercise" means a planned event realistically simulating
12 a disaster, conducted for the purpose of evaluating the
13 political subdivision's coordinated emergency management
14 capabilities, including, but not limited to, testing the
15 emergency operations plan.

16 "HazMat team" means a career or volunteer mobile support
17 team that has been authorized by a unit of local government to
18 respond to hazardous materials emergencies and that is
19 primarily designed for emergency response to chemical or
20 biological terrorism, radiological emergencies, hazardous
21 material spills, releases, or fires, or other contamination
22 events.

23 "Illinois Emergency Management Agency" means the agency
24 established by this Act within the executive branch of State
25 Government responsible for coordination of the overall
26 emergency management program of the State and with private

1 organizations, political subdivisions, and the federal
2 government. Illinois Emergency Management Agency also means
3 the State Emergency Response Commission responsible for the
4 implementation of Title III of the Superfund Amendments and
5 Reauthorization Act of 1986.

6 "Mobile Support Team" means a group of individuals
7 designated as a team by the Governor or Director to train prior
8 to and to be dispatched, if the Governor or the Director so
9 determines, to aid and reinforce the State and political
10 subdivision emergency management efforts in response to a
11 disaster.

12 "Municipality" means any city, village, and incorporated
13 town.

14 "Political Subdivision" means any county, city, village,
15 or incorporated town or township if the township is in a county
16 having a population of more than 2,000,000.

17 "Principal Executive Officer" means chair of the county
18 board, supervisor of a township if the township is in a county
19 having a population of more than 2,000,000, mayor of a city or
20 incorporated town, president of a village, or in their absence
21 or disability, the interim successor as established under
22 Section 7 of the Emergency Interim Executive Succession Act.

23 "Public health emergency" means an occurrence or imminent
24 threat of an illness or health condition that:

25 (a) is believed to be caused by any of the following:

26 (i) bioterrorism;

1 (ii) the appearance of a novel or previously
2 controlled or eradicated infectious agent or
3 biological toxin;

4 (iii) a natural disaster;

5 (iv) a chemical attack or accidental release; or

6 (v) a nuclear attack or accident; and

7 (b) poses a high probability of any of the following
8 harms:

9 (i) a large number of deaths in the affected
10 population;

11 (ii) a large number of serious or long-term
12 disabilities in the affected population; or

13 (iii) widespread exposure to an infectious or
14 toxic agent that poses a significant risk of
15 substantial future harm to a large number of people in
16 the affected population.

17 "Statewide mutual aid organization" means an entity with
18 local government members throughout the State that facilitates
19 temporary assistance through its members in a particular public
20 safety discipline, such as police, fire or emergency
21 management, when an occurrence exceeds a member jurisdiction's
22 capabilities.

23 "Technical rescue team" means a career or volunteer mobile
24 support team that has been authorized by a unit of local
25 government to respond to building collapse, high angle rescue,
26 and other specialized rescue emergencies and that is primarily

1 designated for emergency response to technical rescue events.

2 (Source: P.A. 93-249, eff. 7-22-03; 94-334, eff. 1-1-06;
3 94-1081, eff. 6-1-07.)

4 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

5 Sec. 5. Illinois Emergency Management Agency.

6 (a) There is created within the executive branch of the
7 State Government an Illinois Emergency Management Agency and a
8 Director of the Illinois Emergency Management Agency, herein
9 called the "Director" who shall be the head thereof. The
10 Director shall be appointed by the Governor, with the advice
11 and consent of the Senate, and shall serve for a term of 2
12 years beginning on the third Monday in January of the
13 odd-numbered year, and until a successor is appointed and has
14 qualified; except that the term of the first Director appointed
15 under this Act shall expire on the third Monday in January,
16 1989. The Director shall not hold any other remunerative public
17 office. The Director shall receive an annual salary as set by
18 the Compensation Review Board.

19 (b) The Illinois Emergency Management Agency shall obtain,
20 under the provisions of the Personnel Code, technical,
21 clerical, stenographic and other administrative personnel, and
22 may make expenditures within the appropriation therefor as may
23 be necessary to carry out the purpose of this Act. The agency
24 created by this Act is intended to be a successor to the agency
25 created under the Illinois Emergency Services and Disaster

1 Agency Act of 1975 and the personnel, equipment, records, and
2 appropriations of that agency are transferred to the successor
3 agency as of the effective date of this Act.

4 (c) The Director, subject to the direction and control of
5 the Governor, shall be the executive head of the Illinois
6 Emergency Management Agency and the State Emergency Response
7 Commission and shall be responsible under the direction of the
8 Governor, for carrying out the program for emergency management
9 of this State. The Director shall also maintain liaison and
10 cooperate with the emergency management organizations of this
11 State and other states and of the federal government.

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

23 (e) The Illinois Emergency Management Agency and political
24 subdivisions shall be encouraged to form an emergency
25 management advisory committee composed of private and public
26 personnel representing the emergency management phases of

1 mitigation, preparedness, response, and recovery. The Local
2 Emergency Planning Committee, as created under the Illinois
3 Emergency Planning and Community Right to Know Act, shall serve
4 as an advisory committee to the emergency services and disaster
5 agency or agencies serving within the boundaries of that Local
6 Emergency Planning Committee planning district for:

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

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

11 (f) The Illinois Emergency Management Agency shall:

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

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

19 (2.5) Develop a comprehensive emergency preparedness
20 and response plan for any nuclear accident in accordance
21 with Section 65 of the Department of Nuclear Safety Law of
22 2004 (20 ILCS 3310) and in development of the Illinois
23 Nuclear Safety Preparedness program in accordance with
24 Section 8 of the Illinois Nuclear Safety Preparedness Act.

25 (2.6) Coordinate with the Department of Public Health
26 with respect to planning for and responding to public

1 health emergencies.

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

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

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

14 (5.5) Promulgate rules and requirements for the
15 political subdivision emergency management exercises,
16 including, but not limited to, exercises of the emergency
17 operations plans.

18 (5.10) Review, evaluate, and approve, in accordance
19 with Illinois Emergency Management Agency rules, political
20 subdivision emergency management exercises for those
21 political subdivisions required to have an emergency
22 services and disaster agency pursuant to this Act.

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

26 (7) Establish a register of persons with types of

1 emergency management training and skills in mitigation,
2 preparedness, response, and recovery.

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

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

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

23 (11) Develop agreements, if feasible, with medical
24 supply and equipment firms to supply resources as are
25 necessary to respond to an earthquake or any other disaster
26 as defined in this Act. These resources will be made

1 available upon notifying the vendor of the disaster.
2 Payment for the resources will be in accordance with
3 Section 7 of this Act. The Illinois Department of Public
4 Health shall determine which resources will be required and
5 requested.

6 (11.5) In coordination with the Department of State
7 Police, develop and implement a community outreach program
8 to promote awareness among the State's parents and children
9 of child abduction prevention and response.

10 (12) Out of funds appropriated for these purposes,
11 award capital and non-capital grants to Illinois hospitals
12 or health care facilities located outside of a city with a
13 population in excess of 1,000,000 to be used for purposes
14 that include, but are not limited to, preparing to respond
15 to mass casualties and disasters, maintaining and
16 improving patient safety and quality of care, and
17 protecting the confidentiality of patient information. No
18 single grant for a capital expenditure shall exceed
19 \$300,000. No single grant for a non-capital expenditure
20 shall exceed \$100,000. In awarding such grants, preference
21 shall be given to hospitals that serve a significant number
22 of Medicaid recipients, but do not qualify for
23 disproportionate share hospital adjustment payments under
24 the Illinois Public Aid Code. To receive such a grant, a
25 hospital or health care facility must provide funding of at
26 least 50% of the cost of the project for which the grant is

1 being requested. In awarding such grants the Illinois
2 Emergency Management Agency shall consider the
3 recommendations of the Illinois Hospital Association.

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

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

1 (g-5) The Illinois Emergency Management Agency is
2 authorized to make grants to not-for-profit organizations
3 which are exempt from federal income taxation under section
4 501(c)(3) of the Federal Internal Revenue Code for eligible
5 security improvements that assist the organization in
6 preventing, preparing for, or responding to acts of terrorism.
7 The Director shall establish procedures and forms by which
8 applicants may apply for a grant, and procedures for
9 distributing grants to recipients. The procedures shall
10 require each applicant to do the following:

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

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

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

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

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

1 assessment; and

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

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

7 (h) Except as provided in Section 17.5 of this Act, any
8 moneys received by the Agency from donations or sponsorships
9 shall be deposited in the Emergency Planning and Training Fund
10 and used by the Agency, subject to appropriation, to effectuate
11 planning and training activities.

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

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

24 (Source: P.A. 100-444, eff. 1-1-18; 100-508, eff. 9-15-17;
25 revised 9-28-17.)

1 Section 50-25. The State Finance Act is amended by changing
2 Sections 6z-45, 6z-68, 6z-71, 6z-81, 8.3, and 8.11 and adding
3 Sections 5.886 and 6z-105 as follows:

4 (30 ILCS 105/5.886 new)

5 Sec. 5.886. The VW Settlement Environmental Mitigation
6 Fund.

7 (30 ILCS 105/6z-68)

8 Sec. 6z-68. The Intercity Passenger Rail Fund.

9 (a) The Intercity Passenger Rail Fund is created as a
10 special fund in the State treasury. Moneys in the Fund may be
11 used by the Department of Transportation, subject to
12 appropriation, for the operation of intercity passenger rail
13 services in the State through Amtrak or its successor.

14 Moneys received for the purposes of this Section,
15 including, without limitation, income tax checkoff receipts
16 and gifts, grants, and awards from any public or private
17 entity, must be deposited into the Fund. Any interest earned on
18 moneys in the Fund must be deposited into the Fund.

19 (b) At least one month before the beginning of each fiscal
20 year, the chief operating officer of Amtrak or its successor
21 must certify to the State Treasurer the number of Amtrak
22 tickets sold at the State rate during that current fiscal year.

23 ~~On the first day of that next fiscal year, or as soon~~
24 ~~thereafter as practical, the State Treasurer must transfer,~~

1 ~~from the General Revenue Fund to the Intercity Passenger Rail~~
2 ~~Fund, an amount equal to the tickets certified by the chief~~
3 ~~operating officer of Amtrak multiplied by \$50.~~

4 (Source: P.A. 94-535, eff. 8-10-05.)

5 (30 ILCS 105/6z-71)

6 Sec. 6z-71. Human Services Priority Capital Program Fund.
7 The Human Services Priority Capital Program Fund is created as
8 a special fund in the State treasury. Subject to appropriation,
9 the Department of Human Services shall use moneys in the Human
10 Services Priority Capital Program Fund to make grants to the
11 Illinois Facilities Fund, a not-for-profit corporation, to
12 make long term below market rate loans to nonprofit human
13 service providers working under contract to the State of
14 Illinois to assist those providers in meeting their capital
15 needs. The loans shall be for the purpose of such capital
16 needs, including but not limited to special use facilities,
17 requirements for serving persons with disabilities, the
18 mentally ill, or substance abusers, and medical and technology
19 equipment. Loan repayments shall be deposited into the Human
20 Services Priority Capital Program Fund. Interest income may be
21 used to cover expenses of the program. The Illinois Facilities
22 Fund shall report to the Department of Human Services and the
23 General Assembly by April 1, 2008, and again by April 1, 2009,
24 as to the use and earnings of the program.

25 A portion of the proceeds from the sale of a mental health

1 facility or developmental disabilities facility operated by
2 the Department of Human Services may be deposited into the Fund
3 and may be used for the purposes described in this Section.

4 Notwithstanding any other provision of law, in addition to
5 any other transfers that may be provided by law, on July 1,
6 2018, or as soon thereafter as practical, the State Comptroller
7 shall direct and the State Treasurer shall transfer the
8 remaining balance from the Human Services Priority Capital
9 Program Fund into the General Revenue Fund. Upon completion of
10 the transfers, the Human Services Priority Capital Program Fund
11 is dissolved, and any future deposits due to that Fund and any
12 outstanding obligations or liabilities of that Fund pass to the
13 General Revenue Fund.

14 (Source: P.A. 98-815, eff. 8-1-14; 99-143, eff. 7-27-15.)

15 (30 ILCS 105/6z-81)

16 Sec. 6z-81. Healthcare Provider Relief Fund.

17 (a) There is created in the State treasury a special fund
18 to be known as the Healthcare Provider Relief Fund.

19 (b) The Fund is created for the purpose of receiving and
20 disbursing moneys in accordance with this Section.
21 Disbursements from the Fund shall be made only as follows:

22 (1) Subject to appropriation, for payment by the
23 Department of Healthcare and Family Services or by the
24 Department of Human Services of medical bills and related
25 expenses, including administrative expenses, for which the

1 State is responsible under Titles XIX and XXI of the Social
2 Security Act, the Illinois Public Aid Code, the Children's
3 Health Insurance Program Act, the Covering ALL KIDS Health
4 Insurance Act, and the Long Term Acute Care Hospital
5 Quality Improvement Transfer Program Act.

6 (2) For repayment of funds borrowed from other State
7 funds or from outside sources, including interest thereon.

8 (3) For State fiscal years 2017, ~~and~~ 2018, and 2019,
9 for making payments to the human poison control center
10 pursuant to Section 12-4.105 of the Illinois Public Aid
11 Code.

12 (c) The Fund shall consist of the following:

13 (1) Moneys received by the State from short-term
14 borrowing pursuant to the Short Term Borrowing Act on or
15 after the effective date of Public Act 96-820 ~~this~~
16 ~~amendatory Act of the 96th General Assembly.~~

17 (2) All federal matching funds received by the Illinois
18 Department of Healthcare and Family Services as a result of
19 expenditures made by the Department that are attributable
20 to moneys deposited in the Fund.

21 (3) All federal matching funds received by the Illinois
22 Department of Healthcare and Family Services as a result of
23 federal approval of Title XIX State plan amendment
24 transmittal number 07-09.

25 (4) All other moneys received for the Fund from any
26 other source, including interest earned thereon.

1 (5) All federal matching funds received by the Illinois
2 Department of Healthcare and Family Services as a result of
3 expenditures made by the Department for Medical Assistance
4 from the General Revenue Fund, the Tobacco Settlement
5 Recovery Fund, the Long-Term Care Provider Fund, and the
6 Drug Rebate Fund related to individuals eligible for
7 medical assistance pursuant to the Patient Protection and
8 Affordable Care Act (P.L. 111-148) and Section 5-2 of the
9 Illinois Public Aid Code.

10 (d) In addition to any other transfers that may be provided
11 for by law, on the effective date of Public Act 97-44 ~~this~~
12 ~~amendatory Act of the 97th General Assembly~~, or as soon
13 thereafter as practical, the State Comptroller shall direct and
14 the State Treasurer shall transfer the sum of \$365,000,000 from
15 the General Revenue Fund into the Healthcare Provider Relief
16 Fund.

17 (e) In addition to any other transfers that may be provided
18 for by law, on July 1, 2011, or as soon thereafter as
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$160,000,000 from the
21 General Revenue Fund to the Healthcare Provider Relief Fund.

22 (f) Notwithstanding any other State law to the contrary,
23 and in addition to any other transfers that may be provided for
24 by law, the State Comptroller shall order transferred and the
25 State Treasurer shall transfer \$500,000,000 to the Healthcare
26 Provider Relief Fund from the General Revenue Fund in equal

1 monthly installments of \$100,000,000, with the first transfer
2 to be made on July 1, 2012, or as soon thereafter as practical,
3 and with each of the remaining transfers to be made on August
4 1, 2012, September 1, 2012, October 1, 2012, and November 1,
5 2012, or as soon thereafter as practical. This transfer may
6 assist the Department of Healthcare and Family Services in
7 improving Medical Assistance bill processing timeframes or in
8 meeting the possible requirements of Senate Bill 3397, or other
9 similar legislation, of the 97th General Assembly should it
10 become law.

11 (g) Notwithstanding any other State law to the contrary,
12 and in addition to any other transfers that may be provided for
13 by law, on July 1, 2013, or as soon thereafter as may be
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$601,000,000 from the
16 General Revenue Fund to the Healthcare Provider Relief Fund.

17 (Source: P.A. 98-24, eff. 6-19-13; 98-463, eff. 8-16-13;
18 99-516, eff. 6-30-16.)

19 (30 ILCS 105/6z-105 new)

20 Sec. 6z-105. The VW Settlement Environmental Mitigation
21 Fund. The VW Settlement Environmental Mitigation Fund is
22 created as a special fund in the State Treasury to receive
23 moneys from the State Mitigation Trust established pursuant to
24 the Environmental Mitigation Trust Agreement for State
25 Beneficiaries ("Trust Agreement") pursuant to consent decrees

1 in In re: Volkswagen "Clean Diesel" Marketing, Sales Practices,
2 and Products Liability Litigation, MDL No. 2672 CRB (JSC) ("VW
3 Settlement"). All funds received by the State from the State
4 Mitigation Trust shall be deposited into the VW Settlement
5 Environmental Mitigation Fund to be used, subject to
6 appropriation by the General Assembly, by the Illinois
7 Environmental Protection Agency as designated lead agency for
8 the State of Illinois, to pay for costs of eligible mitigation
9 actions and related administrative expenditures as allowed
10 under the VW Settlement, the Trust Agreement, and the State's
11 Beneficiary Mitigation Plan.

12 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

13 Sec. 8.3. Money in the Road Fund shall, if and when the
14 State of Illinois incurs any bonded indebtedness for the
15 construction of permanent highways, be set aside and used for
16 the purpose of paying and discharging annually the principal
17 and interest on that bonded indebtedness then due and payable,
18 and for no other purpose. The surplus, if any, in the Road Fund
19 after the payment of principal and interest on that bonded
20 indebtedness then annually due shall be used as follows:

21 first -- to pay the cost of administration of Chapters
22 2 through 10 of the Illinois Vehicle Code, except the cost
23 of administration of Articles I and II of Chapter 3 of that
24 Code; and

25 secondly -- for expenses of the Department of

1 Transportation for construction, reconstruction,
2 improvement, repair, maintenance, operation, and
3 administration of highways in accordance with the
4 provisions of laws relating thereto, or for any purpose
5 related or incident to and connected therewith, including
6 the separation of grades of those highways with railroads
7 and with highways and including the payment of awards made
8 by the Illinois Workers' Compensation Commission under the
9 terms of the Workers' Compensation Act or Workers'
10 Occupational Diseases Act for injury or death of an
11 employee of the Division of Highways in the Department of
12 Transportation; or for the acquisition of land and the
13 erection of buildings for highway purposes, including the
14 acquisition of highway right-of-way or for investigations
15 to determine the reasonably anticipated future highway
16 needs; or for making of surveys, plans, specifications and
17 estimates for and in the construction and maintenance of
18 flight strips and of highways necessary to provide access
19 to military and naval reservations, to defense industries
20 and defense-industry sites, and to the sources of raw
21 materials and for replacing existing highways and highway
22 connections shut off from general public use at military
23 and naval reservations and defense-industry sites, or for
24 the purchase of right-of-way, except that the State shall
25 be reimbursed in full for any expense incurred in building
26 the flight strips; or for the operating and maintaining of

1 highway garages; or for patrolling and policing the public
2 highways and conserving the peace; or for the operating
3 expenses of the Department relating to the administration
4 of public transportation programs; or, during fiscal year
5 2012 only, for the purposes of a grant not to exceed
6 \$8,500,000 to the Regional Transportation Authority on
7 behalf of PACE for the purpose of ADA/Para-transit
8 expenses; or, during fiscal year 2013 only, for the
9 purposes of a grant not to exceed \$3,825,000 to the
10 Regional Transportation Authority on behalf of PACE for the
11 purpose of ADA/Para-transit expenses; or, during fiscal
12 year 2014 only, for the purposes of a grant not to exceed
13 \$3,825,000 to the Regional Transportation Authority on
14 behalf of PACE for the purpose of ADA/Para-transit
15 expenses; or, during fiscal year 2015 only, for the
16 purposes of a grant not to exceed \$3,825,000 to the
17 Regional Transportation Authority on behalf of PACE for the
18 purpose of ADA/Para-transit expenses; or, during fiscal
19 year 2016 only, for the purposes of a grant not to exceed
20 \$3,825,000 to the Regional Transportation Authority on
21 behalf of PACE for the purpose of ADA/Para-transit
22 expenses; or, during fiscal year 2017 only, for the
23 purposes of a grant not to exceed \$3,825,000 to the
24 Regional Transportation Authority on behalf of PACE for the
25 purpose of ADA/Para-transit expenses; or, during fiscal
26 year 2018 only, for the purposes of a grant not to exceed

1 \$3,825,000 to the Regional Transportation Authority on
2 behalf of PACE for the purpose of ADA/Para-transit
3 expenses; or, during fiscal year 2019 only, for the
4 purposes of a grant not to exceed \$3,825,000 to the
5 Regional Transportation Authority on behalf of PACE for the
6 purpose of ADA/Para-transit expenses; or for any of those
7 purposes or any other purpose that may be provided by law.

8 Appropriations for any of those purposes are payable from
9 the Road Fund. Appropriations may also be made from the Road
10 Fund for the administrative expenses of any State agency that
11 are related to motor vehicles or arise from the use of motor
12 vehicles.

13 Beginning with fiscal year 1980 and thereafter, no Road
14 Fund monies shall be appropriated to the following Departments
15 or agencies of State government for administration, grants, or
16 operations; but this limitation is not a restriction upon
17 appropriating for those purposes any Road Fund monies that are
18 eligible for federal reimbursement: †

19 1. Department of Public Health;

20 2. Department of Transportation, only with respect to
21 subsidies for one-half fare Student Transportation and
22 Reduced Fare for Elderly, except during fiscal year 2012
23 only when no more than \$40,000,000 may be expended and
24 except during fiscal year 2013 only when no more than
25 \$17,570,300 may be expended and except during fiscal year
26 2014 only when no more than \$17,570,000 may be expended and

1 except during fiscal year 2015 only when no more than
2 \$17,570,000 may be expended and except during fiscal year
3 2016 only when no more than \$17,570,000 may be expended and
4 except during fiscal year 2017 only when no more than
5 \$17,570,000 may be expended and except during fiscal year
6 2018 only when no more than \$17,570,000 may be expended and
7 except during fiscal year 2019 only when no more than
8 \$17,570,000 may be expended;

9 3. Department of Central Management Services, except
10 for expenditures incurred for group insurance premiums of
11 appropriate personnel;

12 4. Judicial Systems and Agencies.

13 Beginning with fiscal year 1981 and thereafter, no Road
14 Fund monies shall be appropriated to the following Departments
15 or agencies of State government for administration, grants, or
16 operations; but this limitation is not a restriction upon
17 appropriating for those purposes any Road Fund monies that are
18 eligible for federal reimbursement:

19 1. Department of State Police, except for expenditures
20 with respect to the Division of Operations;

21 2. Department of Transportation, only with respect to
22 Intercity Rail Subsidies, except during fiscal year 2012
23 only when no more than \$40,000,000 may be expended and
24 except during fiscal year 2013 only when no more than
25 \$26,000,000 may be expended and except during fiscal year
26 2014 only when no more than \$38,000,000 may be expended and

1 except during fiscal year 2015 only when no more than
2 \$42,000,000 may be expended and except during fiscal year
3 2016 only when no more than \$38,300,000 may be expended and
4 except during fiscal year 2017 only when no more than
5 \$50,000,000 may be expended and except during fiscal year
6 2018 only when no more than \$52,000,000 may be expended and
7 except during fiscal year 2019 only when no more than
8 \$52,000,000 may be expended, and Rail Freight Services.

9 Beginning with fiscal year 1982 and thereafter, no Road
10 Fund monies shall be appropriated to the following Departments
11 or agencies of State government for administration, grants, or
12 operations; but this limitation is not a restriction upon
13 appropriating for those purposes any Road Fund monies that are
14 eligible for federal reimbursement: Department of Central
15 Management Services, except for awards made by the Illinois
16 Workers' Compensation Commission under the terms of the
17 Workers' Compensation Act or Workers' Occupational Diseases
18 Act for injury or death of an employee of the Division of
19 Highways in the Department of Transportation.

20 Beginning with fiscal year 1984 and thereafter, no Road
21 Fund monies shall be appropriated to the following Departments
22 or agencies of State government for administration, grants, or
23 operations; but this limitation is not a restriction upon
24 appropriating for those purposes any Road Fund monies that are
25 eligible for federal reimbursement:

26 1. Department of State Police, except not more than 40%

1 of the funds appropriated for the Division of Operations;

2 2. State Officers.

3 Beginning with fiscal year 1984 and thereafter, no Road
4 Fund monies shall be appropriated to any Department or agency
5 of State government for administration, grants, or operations
6 except as provided hereafter; but this limitation is not a
7 restriction upon appropriating for those purposes any Road Fund
8 monies that are eligible for federal reimbursement. It shall
9 not be lawful to circumvent the above appropriation limitations
10 by governmental reorganization or other methods.
11 Appropriations shall be made from the Road Fund only in
12 accordance with the provisions of this Section.

13 Money in the Road Fund shall, if and when the State of
14 Illinois incurs any bonded indebtedness for the construction of
15 permanent highways, be set aside and used for the purpose of
16 paying and discharging during each fiscal year the principal
17 and interest on that bonded indebtedness as it becomes due and
18 payable as provided in the Transportation Bond Act, and for no
19 other purpose. The surplus, if any, in the Road Fund after the
20 payment of principal and interest on that bonded indebtedness
21 then annually due shall be used as follows:

22 first -- to pay the cost of administration of Chapters
23 2 through 10 of the Illinois Vehicle Code; and

24 secondly -- no Road Fund monies derived from fees,
25 excises, or license taxes relating to registration,
26 operation and use of vehicles on public highways or to

1 fuels used for the propulsion of those vehicles, shall be
2 appropriated or expended other than for costs of
3 administering the laws imposing those fees, excises, and
4 license taxes, statutory refunds and adjustments allowed
5 thereunder, administrative costs of the Department of
6 Transportation, including, but not limited to, the
7 operating expenses of the Department relating to the
8 administration of public transportation programs, payment
9 of debts and liabilities incurred in construction and
10 reconstruction of public highways and bridges, acquisition
11 of rights-of-way for and the cost of construction,
12 reconstruction, maintenance, repair, and operation of
13 public highways and bridges under the direction and
14 supervision of the State, political subdivision, or
15 municipality collecting those monies, or during fiscal
16 year 2012 only for the purposes of a grant not to exceed
17 \$8,500,000 to the Regional Transportation Authority on
18 behalf of PACE for the purpose of ADA/Para-transit
19 expenses, or during fiscal year 2013 only for the purposes
20 of a grant not to exceed \$3,825,000 to the Regional
21 Transportation Authority on behalf of PACE for the purpose
22 of ADA/Para-transit expenses, or during fiscal year 2014
23 only for the purposes of a grant not to exceed \$3,825,000
24 to the Regional Transportation Authority on behalf of PACE
25 for the purpose of ADA/Para-transit expenses, or during
26 fiscal year 2015 only for the purposes of a grant not to

1 exceed \$3,825,000 to the Regional Transportation Authority
2 on behalf of PACE for the purpose of ADA/Para-transit
3 expenses, or during fiscal year 2016 only for the purposes
4 of a grant not to exceed \$3,825,000 to the Regional
5 Transportation Authority on behalf of PACE for the purpose
6 of ADA/Para-transit expenses, or during fiscal year 2017
7 only for the purposes of a grant not to exceed \$3,825,000
8 to the Regional Transportation Authority on behalf of PACE
9 for the purpose of ADA/Para-transit expenses, or during
10 fiscal year 2018 only for the purposes of a grant not to
11 exceed \$3,825,000 to the Regional Transportation Authority
12 on behalf of PACE for the purpose of ADA/Para-transit
13 expenses, or during fiscal year 2019 only for the purposes
14 of a grant not to exceed \$3,825,000 to the Regional
15 Transportation Authority on behalf of PACE for the purpose
16 of ADA/Para-transit expenses, and the costs for patrolling
17 and policing the public highways (by State, political
18 subdivision, or municipality collecting that money) for
19 enforcement of traffic laws. The separation of grades of
20 such highways with railroads and costs associated with
21 protection of at-grade highway and railroad crossing shall
22 also be permissible.

23 Appropriations for any of such purposes are payable from
24 the Road Fund or the Grade Crossing Protection Fund as provided
25 in Section 8 of the Motor Fuel Tax Law.

26 Except as provided in this paragraph, beginning with fiscal

1 year 1991 and thereafter, no Road Fund monies shall be
2 appropriated to the Department of State Police for the purposes
3 of this Section in excess of its total fiscal year 1990 Road
4 Fund appropriations for those purposes unless otherwise
5 provided in Section 5g of this Act. For fiscal years 2003,
6 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
7 appropriated to the Department of State Police for the purposes
8 of this Section in excess of \$97,310,000. For fiscal year 2008
9 only, no Road Fund monies shall be appropriated to the
10 Department of State Police for the purposes of this Section in
11 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund
12 monies shall be appropriated to the Department of State Police
13 for the purposes of this Section in excess of \$114,700,000.
14 Beginning in fiscal year 2010, no road fund moneys shall be
15 appropriated to the Department of State Police. It shall not be
16 lawful to circumvent this limitation on appropriations by
17 governmental reorganization or other methods unless otherwise
18 provided in Section 5g of this Act.

19 In fiscal year 1994, no Road Fund monies shall be
20 appropriated to the Secretary of State for the purposes of this
21 Section in excess of the total fiscal year 1991 Road Fund
22 appropriations to the Secretary of State for those purposes,
23 plus \$9,800,000. It shall not be lawful to circumvent this
24 limitation on appropriations by governmental reorganization or
25 other method.

26 Beginning with fiscal year 1995 and thereafter, no Road

1 Fund monies shall be appropriated to the Secretary of State for
2 the purposes of this Section in excess of the total fiscal year
3 1994 Road Fund appropriations to the Secretary of State for
4 those purposes. It shall not be lawful to circumvent this
5 limitation on appropriations by governmental reorganization or
6 other methods.

7 Beginning with fiscal year 2000, total Road Fund
8 appropriations to the Secretary of State for the purposes of
9 this Section shall not exceed the amounts specified for the
10 following fiscal years:

11	Fiscal Year 2000	\$80,500,000;
12	Fiscal Year 2001	\$80,500,000;
13	Fiscal Year 2002	\$80,500,000;
14	Fiscal Year 2003	\$130,500,000;
15	Fiscal Year 2004	\$130,500,000;
16	Fiscal Year 2005	\$130,500,000;
17	Fiscal Year 2006	\$130,500,000;
18	Fiscal Year 2007	\$130,500,000;
19	Fiscal Year 2008	\$130,500,000;
20	Fiscal Year 2009	\$130,500,000.

21 For fiscal year 2010, no road fund moneys shall be
22 appropriated to the Secretary of State.

23 Beginning in fiscal year 2011, moneys in the Road Fund
24 shall be appropriated to the Secretary of State for the
25 exclusive purpose of paying refunds due to overpayment of fees
26 related to Chapter 3 of the Illinois Vehicle Code unless

1 otherwise provided for by law.

2 It shall not be lawful to circumvent this limitation on
3 appropriations by governmental reorganization or other
4 methods.

5 No new program may be initiated in fiscal year 1991 and
6 thereafter that is not consistent with the limitations imposed
7 by this Section for fiscal year 1984 and thereafter, insofar as
8 appropriation of Road Fund monies is concerned.

9 Nothing in this Section prohibits transfers from the Road
10 Fund to the State Construction Account Fund under Section 5e of
11 this Act; nor to the General Revenue Fund, as authorized by
12 Public Act 93-25 ~~this amendatory Act of the 93rd General~~
13 ~~Assembly.~~

14 The additional amounts authorized for expenditure in this
15 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
16 shall be repaid to the Road Fund from the General Revenue Fund
17 in the next succeeding fiscal year that the General Revenue
18 Fund has a positive budgetary balance, as determined by
19 generally accepted accounting principles applicable to
20 government.

21 The additional amounts authorized for expenditure by the
22 Secretary of State and the Department of State Police in this
23 Section by Public Act 94-91 ~~this amendatory Act of the 94th~~
24 ~~General Assembly~~ shall be repaid to the Road Fund from the
25 General Revenue Fund in the next succeeding fiscal year that
26 the General Revenue Fund has a positive budgetary balance, as

1 determined by generally accepted accounting principles
2 applicable to government.

3 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17;
4 revised 10-11-17.)

5 (30 ILCS 105/8.11) (from Ch. 127, par. 144.11)

6 Sec. 8.11. Except as otherwise provided in this Section,
7 appropriations from the State Parks Fund shall be made only to
8 the Department of Natural Resources and shall, except for the
9 additional moneys deposited under Section 805-550 of the
10 Department of Natural Resources (Conservation) Law of the Civil
11 Administrative Code of Illinois, be used only for the
12 maintenance, development, operation, control and acquisition
13 of State parks and historic sites.

14 Revenues derived from the Illinois and Michigan Canal from
15 the sale of Canal lands, lease of Canal lands, Canal
16 concessions, and other Canal activities, which have been placed
17 in the State Parks Fund may be appropriated to the Department
18 of Natural Resources for that Department to use, either
19 independently or in cooperation with any Department or Agency
20 of the Federal or State Government or any political subdivision
21 thereof for the development and management of the Canal and its
22 adjacent lands as outlined in the master plan for such
23 development and management.

24 (Source: P.A. 96-1160, eff. 1-1-11.)

1 (30 ILCS 105/5.703 rep.)

2 Section 50-30. The State Finance Act is amended by
3 repealing Section 5.703.

4 Section 50-40. The State Prompt Payment Act is amended by
5 adding Section 3-6 as follows:

6 (30 ILCS 540/3-6 new)

7 Sec. 3-6. Federal funds; lack of authority. If an agency
8 incurs an interest liability under this Act that cannot be
9 charged to the same expenditure authority account to which the
10 related goods or services were charged due to federal
11 prohibitions, the agency is authorized to pay the interest from
12 its available appropriations from the General Revenue Fund.

13 Section 50-45. The Illinois Coal Technology Development
14 Assistance Act is amended by changing Section 3 as follows:

15 (30 ILCS 730/3) (from Ch. 96 1/2, par. 8203)

16 Sec. 3. Transfers to Coal Technology Development
17 Assistance Fund.

18 (a) As soon as may be practicable after the first day of
19 each month, the Department of Revenue shall certify to the
20 Treasurer an amount equal to 1/64 of the revenue realized from
21 the tax imposed by the Electricity Excise Tax Law, Section 2 of
22 the Public Utilities Revenue Act, Section 2 of the Messages Tax

1 Act, and Section 2 of the Gas Revenue Tax Act, during the
2 preceding month. Upon receipt of the certification, the
3 Treasurer shall transfer the amount shown on such certification
4 from the General Revenue Fund to the Coal Technology
5 Development Assistance Fund, which is hereby created as a
6 special fund in the State treasury, except that no transfer
7 shall be made in any month in which the Fund has reached the
8 following balance:

9 (1) \$7,000,000 during fiscal year 1994.

10 (2) \$8,500,000 during fiscal year 1995.

11 (3) \$10,000,000 during fiscal years 1996 and 1997.

12 (4) During fiscal year 1998 through fiscal year 2004,
13 an amount equal to the sum of \$10,000,000 plus additional
14 moneys deposited into the Coal Technology Development
15 Assistance Fund from the Renewable Energy Resources and
16 Coal Technology Development Assistance Charge under
17 Section 6.5 of the Renewable Energy, Energy Efficiency, and
18 Coal Resources Development Law of 1997.

19 (5) During fiscal year 2005, an amount equal to the sum
20 of \$7,000,000 plus additional moneys deposited into the
21 Coal Technology Development Assistance Fund from the
22 Renewable Energy Resources and Coal Technology Development
23 Assistance Charge under Section 6.5 of the Renewable
24 Energy, Energy Efficiency, and Coal Resources Development
25 Law of 1997.

26 (6) During fiscal year 2006 and each fiscal year

1 thereafter, an amount equal to the sum of \$10,000,000 plus
2 additional moneys deposited into the Coal Technology
3 Development Assistance Fund from the Renewable Energy
4 Resources and Coal Technology Development Assistance
5 Charge under Section 6.5 of the Renewable Energy, Energy
6 Efficiency, and Coal Resources Development Law of 1997.

7 (b) During fiscal year 2019 only, the Treasurer shall make
8 no transfers from the General Revenue Fund to the Coal
9 Technology Development Assistance Fund.

10 (Source: P.A. 99-78, eff. 7-20-15.)

11 Section 50-50. The Illinois Public Aid Code is amended by
12 changing Section 12-5 as follows:

13 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

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

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

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

1 received into the Social Services Block Grant Fund as
2 reimbursement for expenditures from the General Revenue Fund
3 shall be transferred to the General Revenue Fund. All funds
4 received into the Social Services Block Grant fund for
5 reimbursement for expenditure out of the Local Initiative Fund
6 shall be transferred into the Local Initiative Fund. Any other
7 federal funds received into the Social Services Block Grant
8 Fund shall be transferred to the DHS Special Purposes Trust
9 Fund. All federal funds received by the Illinois Department as
10 reimbursement for Employment and Training Programs for
11 expenditures made by the Illinois Department from grants,
12 gifts, or legacies as provided in Section 12-4.18 or made by an
13 entity other than the Illinois Department and all federal funds
14 received from the Emergency Contingency Fund for State
15 Temporary Assistance for Needy Families Programs established
16 by the American Recovery and Reinvestment Act of 2009 shall be
17 deposited into the Employment and Training Fund.

18 During each State fiscal year, an amount not exceeding a
19 total of \$68,800,000 ~~Eighty percent~~ of the federal ~~financial~~
20 ~~participation~~ funds received by the Illinois Department under
21 the provisions of Title IV-A of the federal Social Security Act
22 ~~Emergency Assistance program as reimbursement for expenditures~~
23 ~~made from the Illinois Department of Children and Family~~
24 ~~Services appropriations for the costs of providing services in~~
25 ~~behalf of Department of Children and Family Services clients~~
26 shall be deposited into the DCFS Children's Services Fund.

1 All federal funds, except those covered by the foregoing 3
2 paragraphs, received as reimbursement for expenditures from
3 the General Revenue Fund shall be deposited in the General
4 Revenue Fund for administrative and distributive expenditures
5 properly chargeable by federal law or regulation to aid
6 programs established under Articles III through XII and Titles
7 IV, XVI, XIX and XX of the Federal Social Security Act. Any
8 other federal funds received by the Illinois Department under
9 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by
10 Section 12-10 of this Code to be paid into the DHS Special
11 Purposes Trust Fund shall be deposited into the DHS Special
12 Purposes Trust Fund. Any other federal funds received by the
13 Illinois Department pursuant to the Child Support Enforcement
14 Program established by Title IV-D of the Social Security Act
15 shall be deposited in the Child Support Enforcement Trust Fund
16 as required under Section 12-10.2 or in the Child Support
17 Administrative Fund as required under Section 12-10.2a of this
18 Code. Any other federal funds received by the Illinois
19 Department for expenditures made under Title XIX of the Social
20 Security Act and Articles V and VI of this Code that are
21 required by Section 15-2 of this Code to be paid into the
22 County Provider Trust Fund shall be deposited into the County
23 Provider Trust Fund. Any other federal funds received by the
24 Illinois Department for hospital inpatient, hospital
25 ambulatory care, and disproportionate share hospital
26 expenditures made under Title XIX of the Social Security Act

1 and Article V of this Code that are required by Section 5A-8 of
2 this Code to be paid into the Hospital Provider Fund shall be
3 deposited into the Hospital Provider Fund. Any other federal
4 funds received by the Illinois Department for medical
5 assistance program expenditures made under Title XIX of the
6 Social Security Act and Article V of this Code that are
7 required by Section 5B-8 of this Code to be paid into the
8 Long-Term Care Provider Fund shall be deposited into the
9 Long-Term Care Provider Fund. Any other federal funds received
10 by the Illinois Department for medical assistance program
11 expenditures made under Title XIX of the Social Security Act
12 and Article V of this Code that are required by Section 5C-7 of
13 this Code to be paid into the Care Provider Fund for Persons
14 with a Developmental Disability shall be deposited into the
15 Care Provider Fund for Persons with a Developmental Disability.
16 Any other federal funds received by the Illinois Department for
17 trauma center adjustment payments that are required by Section
18 5-5.03 of this Code and made under Title XIX of the Social
19 Security Act and Article V of this Code shall be deposited into
20 the Trauma Center Fund. Any other federal funds received by the
21 Illinois Department as reimbursement for expenses for early
22 intervention services paid from the Early Intervention
23 Services Revolving Fund shall be deposited into that Fund.

24 The Illinois Department shall report to the General
25 Assembly at the end of each fiscal quarter the amount of all
26 funds received and paid into the Social Services Block Grant

1 Fund and the Local Initiative Fund and the expenditures and
2 transfers of such funds for services, programs and other
3 purposes authorized by law. Such report shall be filed with the
4 Speaker, Minority Leader and Clerk of the House, with the
5 President, Minority Leader and Secretary of the Senate, with
6 the Chairmen of the House and Senate Appropriations Committees,
7 the House Human Resources Committee and the Senate Public
8 Health, Welfare and Corrections Committee, or the successor
9 standing Committees of each as provided by the rules of the
10 House and Senate, respectively, with the Legislative Research
11 Unit and with the State Government Report Distribution Center
12 for the General Assembly as is required under paragraph (t) of
13 Section 7 of the State Library Act shall be deemed sufficient
14 to comply with this Section.

15 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15;
16 99-933, Article 5, Section 5-130, eff. 1-27-17; 99-933, Article
17 15, Section 15-50, eff. 1-27-17; revised 2-15-17.)

18 Section 50-55. The Environmental Protection Act is amended
19 by changing Sections 22.15, 55.6, and 57.11 as follows:

20 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

21 Sec. 22.15. Solid Waste Management Fund; fees.

22 (a) There is hereby created within the State Treasury a
23 special fund to be known as the "Solid Waste Management Fund",
24 to be constituted from the fees collected by the State pursuant

1 to this Section, from repayments of loans made from the Fund
2 for solid waste projects, from registration fees collected
3 pursuant to the Consumer Electronics Recycling Act, and from
4 amounts transferred into the Fund pursuant to Public Act
5 100-433 ~~this amendatory Act of the 100th General Assembly.~~
6 Moneys received by the Department of Commerce and Economic
7 Opportunity in repayment of loans made pursuant to the Illinois
8 Solid Waste Management Act shall be deposited into the General
9 Revenue Fund.

10 (b) The Agency shall assess and collect a fee in the amount
11 set forth herein from the owner or operator of each sanitary
12 landfill permitted or required to be permitted by the Agency to
13 dispose of solid waste if the sanitary landfill is located off
14 the site where such waste was produced and if such sanitary
15 landfill is owned, controlled, and operated by a person other
16 than the generator of such waste. The Agency shall deposit all
17 fees collected into the Solid Waste Management Fund. If a site
18 is contiguous to one or more landfills owned or operated by the
19 same person, the volumes permanently disposed of by each
20 landfill shall be combined for purposes of determining the fee
21 under this subsection. Beginning on July 1, 2018, and on the
22 first day of each month thereafter during fiscal year 2019, the
23 State Comptroller shall direct and State Treasurer shall
24 transfer an amount equal to 1/12 of \$5,000,000 per fiscal year
25 from the Solid Waste Management Fund to the General Revenue
26 Fund.

1 (1) If more than 150,000 cubic yards of non-hazardous
2 solid waste is permanently disposed of at a site in a
3 calendar year, the owner or operator shall either pay a fee
4 of 95 cents per cubic yard or, alternatively, the owner or
5 operator may weigh the quantity of the solid waste
6 permanently disposed of with a device for which
7 certification has been obtained under the Weights and
8 Measures Act and pay a fee of \$2.00 per ton of solid waste
9 permanently disposed of. In no case shall the fee collected
10 or paid by the owner or operator under this paragraph
11 exceed \$1.55 per cubic yard or \$3.27 per ton.

12 (2) If more than 100,000 cubic yards but not more than
13 150,000 cubic yards of non-hazardous waste is permanently
14 disposed of at a site in a calendar year, the owner or
15 operator shall pay a fee of \$52,630.

16 (3) If more than 50,000 cubic yards but not more than
17 100,000 cubic yards of non-hazardous solid waste is
18 permanently disposed of at a site in a calendar year, the
19 owner or operator shall pay a fee of \$23,790.

20 (4) If more than 10,000 cubic yards but not more than
21 50,000 cubic yards of non-hazardous solid waste is
22 permanently disposed of at a site in a calendar year, the
23 owner or operator shall pay a fee of \$7,260.

24 (5) If not more than 10,000 cubic yards of
25 non-hazardous solid waste is permanently disposed of at a
26 site in a calendar year, the owner or operator shall pay a

1 fee of \$1050.

2 (c) (Blank).

3 (d) The Agency shall establish rules relating to the
4 collection of the fees authorized by this Section. Such rules
5 shall include, but not be limited to:

6 (1) necessary records identifying the quantities of
7 solid waste received or disposed;

8 (2) the form and submission of reports to accompany the
9 payment of fees to the Agency;

10 (3) the time and manner of payment of fees to the
11 Agency, which payments shall not be more often than
12 quarterly; and

13 (4) procedures setting forth criteria establishing
14 when an owner or operator may measure by weight or volume
15 during any given quarter or other fee payment period.

16 (e) Pursuant to appropriation, all monies in the Solid
17 Waste Management Fund shall be used by the Agency and the
18 Department of Commerce and Economic Opportunity for the
19 purposes set forth in this Section and in the Illinois Solid
20 Waste Management Act, including for the costs of fee collection
21 and administration, and for the administration of (1) the
22 Consumer Electronics Recycling Act and (2) until January 1,
23 2020, the Electronic Products Recycling and Reuse Act.

24 (f) The Agency is authorized to enter into such agreements
25 and to promulgate such rules as are necessary to carry out its
26 duties under this Section and the Illinois Solid Waste

1 Management Act.

2 (g) On the first day of January, April, July, and October
3 of each year, beginning on July 1, 1996, the State Comptroller
4 and Treasurer shall transfer \$500,000 from the Solid Waste
5 Management Fund to the Hazardous Waste Fund. Moneys transferred
6 under this subsection (g) shall be used only for the purposes
7 set forth in item (1) of subsection (d) of Section 22.2.

8 (h) The Agency is authorized to provide financial
9 assistance to units of local government for the performance of
10 inspecting, investigating and enforcement activities pursuant
11 to Section 4(r) at nonhazardous solid waste disposal sites.

12 (i) The Agency is authorized to conduct household waste
13 collection and disposal programs.

14 (j) A unit of local government, as defined in the Local
15 Solid Waste Disposal Act, in which a solid waste disposal
16 facility is located may establish a fee, tax, or surcharge with
17 regard to the permanent disposal of solid waste. All fees,
18 taxes, and surcharges collected under this subsection shall be
19 utilized for solid waste management purposes, including
20 long-term monitoring and maintenance of landfills, planning,
21 implementation, inspection, enforcement and other activities
22 consistent with the Solid Waste Management Act and the Local
23 Solid Waste Disposal Act, or for any other environment-related
24 purpose, including but not limited to an environment-related
25 public works project, but not for the construction of a new
26 pollution control facility other than a household hazardous

1 waste facility. However, the total fee, tax or surcharge
2 imposed by all units of local government under this subsection
3 (j) upon the solid waste disposal facility shall not exceed:

4 (1) 60¢ per cubic yard if more than 150,000 cubic yards
5 of non-hazardous solid waste is permanently disposed of at
6 the site in a calendar year, unless the owner or operator
7 weighs the quantity of the solid waste received with a
8 device for which certification has been obtained under the
9 Weights and Measures Act, in which case the fee shall not
10 exceed \$1.27 per ton of solid waste permanently disposed
11 of.

12 (2) \$33,350 if more than 100,000 cubic yards, but not
13 more than 150,000 cubic yards, of non-hazardous waste is
14 permanently disposed of at the site in a calendar year.

15 (3) \$15,500 if more than 50,000 cubic yards, but not
16 more than 100,000 cubic yards, of non-hazardous solid waste
17 is permanently disposed of at the site in a calendar year.

18 (4) \$4,650 if more than 10,000 cubic yards, but not
19 more than 50,000 cubic yards, of non-hazardous solid waste
20 is permanently disposed of at the site in a calendar year.

21 (5) ~~\$~~\$650 if not more than 10,000 cubic yards of
22 non-hazardous solid waste is permanently disposed of at the
23 site in a calendar year.

24 The corporate authorities of the unit of local government
25 may use proceeds from the fee, tax, or surcharge to reimburse a
26 highway commissioner whose road district lies wholly or

1 partially within the corporate limits of the unit of local
2 government for expenses incurred in the removal of
3 nonhazardous, nonfluid municipal waste that has been dumped on
4 public property in violation of a State law or local ordinance.

5 A county or Municipal Joint Action Agency that imposes a
6 fee, tax, or surcharge under this subsection may use the
7 proceeds thereof to reimburse a municipality that lies wholly
8 or partially within its boundaries for expenses incurred in the
9 removal of nonhazardous, nonfluid municipal waste that has been
10 dumped on public property in violation of a State law or local
11 ordinance.

12 If the fees are to be used to conduct a local sanitary
13 landfill inspection or enforcement program, the unit of local
14 government must enter into a written delegation agreement with
15 the Agency pursuant to subsection (r) of Section 4. The unit of
16 local government and the Agency shall enter into such a written
17 delegation agreement within 60 days after the establishment of
18 such fees. At least annually, the Agency shall conduct an audit
19 of the expenditures made by units of local government from the
20 funds granted by the Agency to the units of local government
21 for purposes of local sanitary landfill inspection and
22 enforcement programs, to ensure that the funds have been
23 expended for the prescribed purposes under the grant.

24 The fees, taxes or surcharges collected under this
25 subsection (j) shall be placed by the unit of local government
26 in a separate fund, and the interest received on the moneys in

1 the fund shall be credited to the fund. The monies in the fund
2 may be accumulated over a period of years to be expended in
3 accordance with this subsection.

4 A unit of local government, as defined in the Local Solid
5 Waste Disposal Act, shall prepare and distribute to the Agency,
6 in April of each year, a report that details spending plans for
7 monies collected in accordance with this subsection. The report
8 will at a minimum include the following:

9 (1) The total monies collected pursuant to this
10 subsection.

11 (2) The most current balance of monies collected
12 pursuant to this subsection.

13 (3) An itemized accounting of all monies expended for
14 the previous year pursuant to this subsection.

15 (4) An estimation of monies to be collected for the
16 following 3 years pursuant to this subsection.

17 (5) A narrative detailing the general direction and
18 scope of future expenditures for one, 2 and 3 years.

19 The exemptions granted under Sections 22.16 and 22.16a, and
20 under subsection (k) of this Section, shall be applicable to
21 any fee, tax or surcharge imposed under this subsection (j);
22 except that the fee, tax or surcharge authorized to be imposed
23 under this subsection (j) may be made applicable by a unit of
24 local government to the permanent disposal of solid waste after
25 December 31, 1986, under any contract lawfully executed before
26 June 1, 1986 under which more than 150,000 cubic yards (or

1 50,000 tons) of solid waste is to be permanently disposed of,
2 even though the waste is exempt from the fee imposed by the
3 State under subsection (b) of this Section pursuant to an
4 exemption granted under Section 22.16.

5 (k) In accordance with the findings and purposes of the
6 Illinois Solid Waste Management Act, beginning January 1, 1989
7 the fee under subsection (b) and the fee, tax or surcharge
8 under subsection (j) shall not apply to:

9 (1) waste ~~Waste~~ which is hazardous waste; ~~or~~

10 (2) waste ~~Waste~~ which is pollution control waste; ~~or~~

11 (3) waste ~~Waste~~ from recycling, reclamation or reuse
12 processes which have been approved by the Agency as being
13 designed to remove any contaminant from wastes so as to
14 render such wastes reusable, provided that the process
15 renders at least 50% of the waste reusable; ~~or~~

16 (4) non-hazardous ~~Non-hazardous~~ solid waste that is
17 received at a sanitary landfill and composted or recycled
18 through a process permitted by the Agency; or

19 (5) any ~~Any~~ landfill which is permitted by the Agency
20 to receive only demolition or construction debris or
21 landscape waste.

22 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;
23 revised 9-29-17.)

24 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

25 Sec. 55.6. Used Tire Management Fund.

1 (a) There is hereby created in the State Treasury a special
2 fund to be known as the Used Tire Management Fund. There shall
3 be deposited into the Fund all monies received as (1) recovered
4 costs or proceeds from the sale of used tires under Section
5 55.3 of this Act, (2) repayment of loans from the Used Tire
6 Management Fund, or (3) penalties or punitive damages for
7 violations of this Title, except as provided by subdivision
8 (b) (4) or (b) (4-5) of Section 42.

9 (b) Beginning January 1, 1992, in addition to any other
10 fees required by law, the owner or operator of each site
11 required to be registered or permitted under subsection (d) or
12 (d-5) of Section 55 shall pay to the Agency an annual fee of
13 \$100. Fees collected under this subsection shall be deposited
14 into the Environmental Protection Permit and Inspection Fund.

15 (c) Pursuant to appropriation, monies up to an amount of \$4
16 million per fiscal year from the Used Tire Management Fund
17 shall be allocated as follows:

18 (1) 38% shall be available to the Agency for the
19 following purposes, provided that priority shall be given
20 to item (i):

21 (i) To undertake preventive, corrective or removal
22 action as authorized by and in accordance with Section
23 55.3, and to recover costs in accordance with Section
24 55.3.

25 (ii) For the performance of inspection and
26 enforcement activities for used and waste tire sites.

1 (iii) (Blank).

2 (iv) To provide financial assistance to units of
3 local government for the performance of inspecting,
4 investigating and enforcement activities pursuant to
5 subsection (r) of Section 4 at used and waste tire
6 sites.

7 (v) To provide financial assistance for used and
8 waste tire collection projects sponsored by local
9 government or not-for-profit corporations.

10 (vi) For the costs of fee collection and
11 administration relating to used and waste tires, and to
12 accomplish such other purposes as are authorized by
13 this Act and regulations thereunder.

14 (vii) To provide financial assistance to units of
15 local government and private industry for the purposes
16 of:

17 (A) assisting in the establishment of
18 facilities and programs to collect, process, and
19 utilize used and waste tires and tire-derived
20 materials;

21 (B) demonstrating the feasibility of
22 innovative technologies as a means of collecting,
23 storing, processing, and utilizing used and waste
24 tires and tire-derived materials; and

25 (C) applying demonstrated technologies as a
26 means of collecting, storing, processing, and

1 utilizing used and waste tires and tire-derived
2 materials.

3 (2) For fiscal years beginning prior to July 1, 2004,
4 23% shall be available to the Department of Commerce and
5 Economic Opportunity for the following purposes, provided
6 that priority shall be given to item (A):

7 (A) To provide grants or loans for the purposes of:

8 (i) assisting units of local government and
9 private industry in the establishment of
10 facilities and programs to collect, process and
11 utilize used and waste tires and tire derived
12 materials;

13 (ii) demonstrating the feasibility of
14 innovative technologies as a means of collecting,
15 storing, processing and utilizing used and waste
16 tires and tire derived materials; and

17 (iii) applying demonstrated technologies as a
18 means of collecting, storing, processing, and
19 utilizing used and waste tires and tire derived
20 materials.

21 (B) To develop educational material for use by
22 officials and the public to better understand and
23 respond to the problems posed by used tires and
24 associated insects.

25 (C) (Blank).

26 (D) To perform such research as the Director deems

1 appropriate to help meet the purposes of this Act.

2 (E) To pay the costs of administration of its
3 activities authorized under this Act.

4 (2.1) For the fiscal year beginning July 1, 2004 and
5 for all fiscal years thereafter, 23% shall be deposited
6 into the General Revenue Fund. For fiscal year 2019 only,
7 such transfers are at the direction of the Department of
8 Revenue, and shall be made within 30 days after the end of
9 each quarter.

10 (3) 25% shall be available to the Illinois Department
11 of Public Health for the following purposes:

12 (A) To investigate threats or potential threats to
13 the public health related to mosquitoes and other
14 vectors of disease associated with the improper
15 storage, handling and disposal of tires, improper
16 waste disposal, or natural conditions.

17 (B) To conduct surveillance and monitoring
18 activities for mosquitoes and other arthropod vectors
19 of disease, and surveillance of animals which provide a
20 reservoir for disease-producing organisms.

21 (C) To conduct training activities to promote
22 vector control programs and integrated pest management
23 as defined in the Vector Control Act.

24 (D) To respond to inquiries, investigate
25 complaints, conduct evaluations and provide technical
26 consultation to help reduce or eliminate public health

1 hazards and nuisance conditions associated with
2 mosquitoes and other vectors.

3 (E) To provide financial assistance to units of
4 local government for training, investigation and
5 response to public nuisances associated with
6 mosquitoes and other vectors of disease.

7 (4) 2% shall be available to the Department of
8 Agriculture for its activities under the Illinois
9 Pesticide Act relating to used and waste tires.

10 (5) 2% shall be available to the Pollution Control
11 Board for administration of its activities relating to used
12 and waste tires.

13 (6) 10% shall be available to the University of
14 Illinois for the Prairie Research Institute to perform
15 research to study the biology, distribution, population
16 ecology, and biosystematics of tire-breeding arthropods,
17 especially mosquitoes, and the diseases they spread.

18 (d) By January 1, 1998, and biennially thereafter, each
19 State agency receiving an appropriation from the Used Tire
20 Management Fund shall report to the Governor and the General
21 Assembly on its activities relating to the Fund.

22 (e) Any monies appropriated from the Used Tire Management
23 Fund, but not obligated, shall revert to the Fund.

24 (f) In administering the provisions of subdivisions (1),
25 (2) and (3) of subsection (c) of this Section, the Agency, the
26 Department of Commerce and Economic Opportunity, and the

1 Illinois Department of Public Health shall ensure that
2 appropriate funding assistance is provided to any municipality
3 with a population over 1,000,000 or to any sanitary district
4 which serves a population over 1,000,000.

5 (g) Pursuant to appropriation, monies in excess of \$4
6 million per fiscal year from the Used Tire Management Fund
7 shall be used as follows:

8 (1) 55% shall be available to the Agency for the
9 following purposes, provided that priority shall be given
10 to subparagraph (A):

11 (A) To undertake preventive, corrective or renewed
12 action as authorized by and in accordance with Section
13 55.3 and to recover costs in accordance with Section
14 55.3.

15 (B) To provide financial assistance to units of
16 local government and private industry for the purposes
17 of:

18 (i) assisting in the establishment of
19 facilities and programs to collect, process, and
20 utilize used and waste tires and tire-derived
21 materials;

22 (ii) demonstrating the feasibility of
23 innovative technologies as a means of collecting,
24 storing, processing, and utilizing used and waste
25 tires and tire-derived materials; and

26 (iii) applying demonstrated technologies as a

1 means of collecting, storing, processing, and
2 utilizing used and waste tires and tire-derived
3 materials.

4 (C) To provide grants to public universities for
5 vector-related research, disease-related research, and
6 for related laboratory-based equipment and field-based
7 equipment.

8 (2) For fiscal years beginning prior to July 1, 2004,
9 45% shall be available to the Department of Commerce and
10 Economic Opportunity to provide grants or loans for the
11 purposes of:

12 (i) assisting units of local government and
13 private industry in the establishment of facilities
14 and programs to collect, process and utilize waste
15 tires and tire derived material;

16 (ii) demonstrating the feasibility of innovative
17 technologies as a means of collecting, storing,
18 processing, and utilizing used and waste tires and tire
19 derived materials; and

20 (iii) applying demonstrated technologies as a
21 means of collecting, storing, processing, and
22 utilizing used and waste tires and tire derived
23 materials.

24 (3) For the fiscal year beginning July 1, 2004 and for
25 all fiscal years thereafter, 45% shall be deposited into
26 the General Revenue Fund. For fiscal year 2019 only, such

1 transfers are at the direction of the Department of
2 Revenue, and shall be made within 30 days after the end of
3 each quarter.

4 (Source: P.A. 100-103, eff. 8-11-17; 100-327, eff. 8-24-17;
5 revised 10-2-17.)

6 (415 ILCS 5/57.11)

7 Sec. 57.11. Underground Storage Tank Fund; creation.

8 (a) There is hereby created in the State Treasury a special
9 fund to be known as the Underground Storage Tank Fund. There
10 shall be deposited into the Underground Storage Tank Fund all
11 monies received by the Office of the State Fire Marshal as fees
12 for underground storage tanks under Sections 4 and 5 of the
13 Gasoline Storage Act, fees pursuant to the Motor Fuel Tax Law,
14 and beginning July 1, 2013, payments pursuant to the Use Tax
15 Act, the Service Use Tax Act, the Service Occupation Tax Act,
16 and the Retailers' Occupation Tax Act. All amounts held in the
17 Underground Storage Tank Fund shall be invested at interest by
18 the State Treasurer. All income earned from the investments
19 shall be deposited into the Underground Storage Tank Fund no
20 less frequently than quarterly. In addition to any other
21 transfers that may be provided for by law, beginning on July 1,
22 2018 and on the first day of each month thereafter during
23 fiscal year 2019 only, the State Comptroller shall direct and
24 the State Treasurer shall transfer an amount equal to 1/12 of
25 \$10,000,000 from the Underground Storage Tank Fund to the

1 General Revenue Fund. Moneys in the Underground Storage Tank
2 Fund, pursuant to appropriation, may be used by the Agency and
3 the Office of the State Fire Marshal for the following
4 purposes:

5 (1) To take action authorized under Section 57.12 to
6 recover costs under Section 57.12.

7 (2) To assist in the reduction and mitigation of damage
8 caused by leaks from underground storage tanks, including
9 but not limited to, providing alternative water supplies to
10 persons whose drinking water has become contaminated as a
11 result of those leaks.

12 (3) To be used as a matching amount towards federal
13 assistance relative to the release of petroleum from
14 underground storage tanks.

15 (4) For the costs of administering activities of the
16 Agency and the Office of the State Fire Marshal relative to
17 the Underground Storage Tank Fund.

18 (5) For payment of costs of corrective action incurred
19 by and indemnification to operators of underground storage
20 tanks as provided in this Title.

21 (6) For a total of 2 demonstration projects in amounts
22 in excess of a \$10,000 deductible charge designed to assess
23 the viability of corrective action projects at sites which
24 have experienced contamination from petroleum releases.
25 Such demonstration projects shall be conducted in
26 accordance with the provision of this Title.

1 (7) Subject to appropriation, moneys in the
2 Underground Storage Tank Fund may also be used by the
3 Department of Revenue for the costs of administering its
4 activities relative to the Fund and for refunds provided
5 for in Section 13a.8 of the Motor Fuel Tax Act.

6 (b) Moneys in the Underground Storage Tank Fund may,
7 pursuant to appropriation, be used by the Office of the State
8 Fire Marshal or the Agency to take whatever emergency action is
9 necessary or appropriate to assure that the public health or
10 safety is not threatened whenever there is a release or
11 substantial threat of a release of petroleum from an
12 underground storage tank and for the costs of administering its
13 activities relative to the Underground Storage Tank Fund.

14 (c) Beginning July 1, 1993, the Governor shall certify to
15 the State Comptroller and State Treasurer the monthly amount
16 necessary to pay debt service on State obligations issued
17 pursuant to Section 6 of the General Obligation Bond Act. On
18 the last day of each month, the Comptroller shall order
19 transferred and the Treasurer shall transfer from the
20 Underground Storage Tank Fund to the General Obligation Bond
21 Retirement and Interest Fund the amount certified by the
22 Governor, plus any cumulative deficiency in those transfers for
23 prior months.

24 (d) Except as provided in subsection (c) of this Section,
25 the Underground Storage Tank Fund is not subject to
26 administrative charges authorized under Section 8h of the State

1 Finance Act that would in any way transfer any funds from the
2 Underground Storage Tank Fund into any other fund of the State.

3 (e) Each fiscal year, subject to appropriation, the Agency
4 may commit up to \$10,000,000 of the moneys in the Underground
5 Storage Tank Fund to the payment of corrective action costs for
6 legacy sites that meet one or more of the following criteria as
7 a result of the underground storage tank release: (i) the
8 presence of free product, (ii) contamination within a regulated
9 recharge area, a wellhead protection area, or the setback zone
10 of a potable water supply well, (iii) contamination extending
11 beyond the boundaries of the site where the release occurred,
12 or (iv) such other criteria as may be adopted in Agency rules.

13 (1) Fund moneys committed under this subsection (e)
14 shall be held in the Fund for payment of the corrective
15 action costs for which the moneys were committed.

16 (2) The Agency may adopt rules governing the commitment
17 of Fund moneys under this subsection (e).

18 (3) This subsection (e) does not limit the use of Fund
19 moneys at legacy sites as otherwise provided under this
20 Title.

21 (4) For the purposes of this subsection (e), the term
22 "legacy site" means a site for which (i) an underground
23 storage tank release was reported prior to January 1, 2005,
24 (ii) the owner or operator has been determined eligible to
25 receive payment from the Fund for corrective action costs,
26 and (iii) the Agency did not receive any applications for

1 payment prior to January 1, 2010.

2 (f) Beginning July 1, 2013, if the amounts deposited into
3 the Fund from moneys received by the Office of the State Fire
4 Marshal as fees for underground storage tanks under Sections 4
5 and 5 of the Gasoline Storage Act and as fees pursuant to the
6 Motor Fuel Tax Law during a State fiscal year are sufficient to
7 pay all claims for payment by the fund received during that
8 State fiscal year, then the amount of any payments into the
9 fund pursuant to the Use Tax Act, the Service Use Tax Act, the
10 Service Occupation Tax Act, and the Retailers' Occupation Tax
11 Act during that State fiscal year shall be deposited as
12 follows: 75% thereof shall be paid into the State treasury and
13 25% shall be reserved in a special account and used only for
14 the transfer to the Common School Fund as part of the monthly
15 transfer from the General Revenue Fund in accordance with
16 Section 8a of the State Finance Act.

17 (Source: P.A. 98-109, eff. 7-25-13.)

18 ARTICLE 55. RETIREMENT CONTRIBUTIONS

19 Section 55-5. The State Finance Act is amended by changing
20 Sections 8.12 and 14.1 as follows:

21 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

22 Sec. 8.12. State Pensions Fund.

23 (a) The moneys in the State Pensions Fund shall be used

1 exclusively for the administration of the Revised Uniform
2 Unclaimed Property Act and for the expenses incurred by the
3 Auditor General for administering the provisions of Section
4 2-8.1 of the Illinois State Auditing Act and for operational
5 expenses of the Office of the State Treasurer and for the
6 funding of the unfunded liabilities of the designated
7 retirement systems. Beginning in State fiscal year 2020 ~~2019~~,
8 payments to the designated retirement systems under this
9 Section shall be in addition to, and not in lieu of, any State
10 contributions required under the Illinois Pension Code.

11 "Designated retirement systems" means:

12 (1) the State Employees' Retirement System of
13 Illinois;

14 (2) the Teachers' Retirement System of the State of
15 Illinois;

16 (3) the State Universities Retirement System;

17 (4) the Judges Retirement System of Illinois; and

18 (5) the General Assembly Retirement System.

19 (b) Each year the General Assembly may make appropriations
20 from the State Pensions Fund for the administration of the
21 Revised Uniform Unclaimed Property Act.

22 (c) As soon as possible after July 30, 2004 (the effective
23 date of Public Act 93-839) ~~this amendatory Act of the 93rd~~
24 ~~General Assembly~~, the General Assembly shall appropriate from
25 the State Pensions Fund (1) to the State Universities
26 Retirement System the amount certified under Section 15-165

1 during the prior year, (2) to the Judges Retirement System of
2 Illinois the amount certified under Section 18-140 during the
3 prior year, and (3) to the General Assembly Retirement System
4 the amount certified under Section 2-134 during the prior year
5 as part of the required State contributions to each of those
6 designated retirement systems; except that amounts
7 appropriated under this subsection (c) in State fiscal year
8 2005 shall not reduce the amount in the State Pensions Fund
9 below \$5,000,000. If the amount in the State Pensions Fund does
10 not exceed the sum of the amounts certified in Sections 15-165,
11 18-140, and 2-134 by at least \$5,000,000, the amount paid to
12 each designated retirement system under this subsection shall
13 be reduced in proportion to the amount certified by each of
14 those designated retirement systems.

15 (c-5) For fiscal years 2006 through 2019 ~~2018~~, the General
16 Assembly shall appropriate from the State Pensions Fund to the
17 State Universities Retirement System the amount estimated to be
18 available during the fiscal year in the State Pensions Fund;
19 provided, however, that the amounts appropriated under this
20 subsection (c-5) shall not reduce the amount in the State
21 Pensions Fund below \$5,000,000.

22 (c-6) For fiscal year 2020 ~~2019~~ and each fiscal year
23 thereafter, as soon as may be practical after any money is
24 deposited into the State Pensions Fund from the Unclaimed
25 Property Trust Fund, the State Treasurer shall apportion the
26 deposited amount among the designated retirement systems as

1 defined in subsection (a) to reduce their actuarial reserve
2 deficiencies. The State Comptroller and State Treasurer shall
3 pay the apportioned amounts to the designated retirement
4 systems to fund the unfunded liabilities of the designated
5 retirement systems. The amount apportioned to each designated
6 retirement system shall constitute a portion of the amount
7 estimated to be available for appropriation from the State
8 Pensions Fund that is the same as that retirement system's
9 portion of the total actual reserve deficiency of the systems,
10 as determined annually by the Governor's Office of Management
11 and Budget at the request of the State Treasurer. The amounts
12 apportioned under this subsection shall not reduce the amount
13 in the State Pensions Fund below \$5,000,000.

14 (d) The Governor's Office of Management and Budget shall
15 determine the individual and total reserve deficiencies of the
16 designated retirement systems. For this purpose, the
17 Governor's Office of Management and Budget shall utilize the
18 latest available audit and actuarial reports of each of the
19 retirement systems and the relevant reports and statistics of
20 the Public Employee Pension Fund Division of the Department of
21 Insurance.

22 (d-1) As soon as practicable after March 5, 2004 (the
23 effective date of Public Act 93-665) ~~this amendatory Act of the~~
24 ~~93rd General Assembly~~, the Comptroller shall direct and the
25 Treasurer shall transfer from the State Pensions Fund to the
26 General Revenue Fund, as funds become available, a sum equal to

1 the amounts that would have been paid from the State Pensions
2 Fund to the Teachers' Retirement System of the State of
3 Illinois, the State Universities Retirement System, the Judges
4 Retirement System of Illinois, the General Assembly Retirement
5 System, and the State Employees' Retirement System of Illinois
6 after March 5, 2004 (the effective date of Public Act 93-665)
7 ~~this amendatory Act~~ during the remainder of fiscal year 2004 to
8 the designated retirement systems from the appropriations
9 provided for in this Section if the transfers provided in
10 Section 6z-61 had not occurred. The transfers described in this
11 subsection (d-1) are to partially repay the General Revenue
12 Fund for the costs associated with the bonds used to fund the
13 moneys transferred to the designated retirement systems under
14 Section 6z-61.

15 (e) The changes to this Section made by Public Act 88-593
16 ~~this amendatory Act of 1994~~ shall first apply to distributions
17 from the Fund for State fiscal year 1996.

18 (Source: P.A. 99-8, eff. 7-9-15; 99-78, eff. 7-20-15; 99-523,
19 eff. 6-30-16; 100-22, eff. 1-1-18; 100-23, eff. 7-6-17; revised
20 8-8-17.)

21 (30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

22 Sec. 14.1. Appropriations for State contributions to the
23 State Employees' Retirement System; payroll requirements.

24 (a) Appropriations for State contributions to the State
25 Employees' Retirement System of Illinois shall be expended in

1 the manner provided in this Section. Except as otherwise
2 provided in subsections (a-1), (a-2), (a-3), and (a-4) at the
3 time of each payment of salary to an employee under the
4 personal services line item, payment shall be made to the State
5 Employees' Retirement System, from the amount appropriated for
6 State contributions to the State Employees' Retirement System,
7 of an amount calculated at the rate certified for the
8 applicable fiscal year by the Board of Trustees of the State
9 Employees' Retirement System under Section 14-135.08 of the
10 Illinois Pension Code. If a line item appropriation to an
11 employer for this purpose is exhausted or is unavailable due to
12 any limitation on appropriations that may apply, (including,
13 but not limited to, limitations on appropriations from the Road
14 Fund under Section 8.3 of the State Finance Act), the amounts
15 shall be paid under the continuing appropriation for this
16 purpose contained in the State Pension Funds Continuing
17 Appropriation Act.

18 (a-1) Beginning on March 5, 2004 (the effective date of
19 Public Act 93-665) ~~this amendatory Act of the 93rd General~~
20 ~~Assembly~~ through the payment of the final payroll from fiscal
21 year 2004 appropriations, appropriations for State
22 contributions to the State Employees' Retirement System of
23 Illinois shall be expended in the manner provided in this
24 subsection (a-1). At the time of each payment of salary to an
25 employee under the personal services line item from a fund
26 other than the General Revenue Fund, payment shall be made for

1 deposit into the General Revenue Fund from the amount
2 appropriated for State contributions to the State Employees'
3 Retirement System of an amount calculated at the rate certified
4 for fiscal year 2004 by the Board of Trustees of the State
5 Employees' Retirement System under Section 14-135.08 of the
6 Illinois Pension Code. This payment shall be made to the extent
7 that a line item appropriation to an employer for this purpose
8 is available or unexhausted. No payment from appropriations for
9 State contributions shall be made in conjunction with payment
10 of salary to an employee under the personal services line item
11 from the General Revenue Fund.

12 (a-2) For fiscal year 2010 only, at the time of each
13 payment of salary to an employee under the personal services
14 line item from a fund other than the General Revenue Fund,
15 payment shall be made for deposit into the State Employees'
16 Retirement System of Illinois from the amount appropriated for
17 State contributions to the State Employees' Retirement System
18 of Illinois of an amount calculated at the rate certified for
19 fiscal year 2010 by the Board of Trustees of the State
20 Employees' Retirement System of Illinois under Section
21 14-135.08 of the Illinois Pension Code. This payment shall be
22 made to the extent that a line item appropriation to an
23 employer for this purpose is available or unexhausted. For
24 fiscal year 2010 only, no payment from appropriations for State
25 contributions shall be made in conjunction with payment of
26 salary to an employee under the personal services line item

1 from the General Revenue Fund.

2 (a-3) For fiscal year 2011 only, at the time of each
3 payment of salary to an employee under the personal services
4 line item from a fund other than the General Revenue Fund,
5 payment shall be made for deposit into the State Employees'
6 Retirement System of Illinois from the amount appropriated for
7 State contributions to the State Employees' Retirement System
8 of Illinois of an amount calculated at the rate certified for
9 fiscal year 2011 by the Board of Trustees of the State
10 Employees' Retirement System of Illinois under Section
11 14-135.08 of the Illinois Pension Code. This payment shall be
12 made to the extent that a line item appropriation to an
13 employer for this purpose is available or unexhausted. For
14 fiscal year 2011 only, no payment from appropriations for State
15 contributions shall be made in conjunction with payment of
16 salary to an employee under the personal services line item
17 from the General Revenue Fund.

18 (a-4) In fiscal years 2012 through 2019 ~~2018~~ only, at the
19 time of each payment of salary to an employee under the
20 personal services line item from a fund other than the General
21 Revenue Fund, payment shall be made for deposit into the State
22 Employees' Retirement System of Illinois from the amount
23 appropriated for State contributions to the State Employees'
24 Retirement System of Illinois of an amount calculated at the
25 rate certified for the applicable fiscal year by the Board of
26 Trustees of the State Employees' Retirement System of Illinois

1 under Section 14-135.08 of the Illinois Pension Code. In fiscal
2 years 2012 through 2019 ~~2018~~ only, no payment from
3 appropriations for State contributions shall be made in
4 conjunction with payment of salary to an employee under the
5 personal services line item from the General Revenue Fund.

6 (b) Except during the period beginning on March 5, 2004
7 (the effective date of Public Act 93-665) ~~this amendatory Act~~
8 ~~of the 93rd General Assembly~~ and ending at the time of the
9 payment of the final payroll from fiscal year 2004
10 appropriations, the State Comptroller shall not approve for
11 payment any payroll voucher that (1) includes payments of
12 salary to eligible employees in the State Employees' Retirement
13 System of Illinois and (2) does not include the corresponding
14 payment of State contributions to that retirement system at the
15 full rate certified under Section 14-135.08 for that fiscal
16 year for eligible employees, unless the balance in the fund on
17 which the payroll voucher is drawn is insufficient to pay the
18 total payroll voucher, or unavailable due to any limitation on
19 appropriations that may apply, including, but not limited to,
20 limitations on appropriations from the Road Fund under Section
21 8.3 of the State Finance Act. If the State Comptroller approves
22 a payroll voucher under this Section for which the fund balance
23 is insufficient to pay the full amount of the required State
24 contribution to the State Employees' Retirement System, the
25 Comptroller shall promptly so notify the Retirement System.

26 (b-1) For fiscal year 2010 and fiscal year 2011 only, the

1 State Comptroller shall not approve for payment any non-General
2 Revenue Fund payroll voucher that (1) includes payments of
3 salary to eligible employees in the State Employees' Retirement
4 System of Illinois and (2) does not include the corresponding
5 payment of State contributions to that retirement system at the
6 full rate certified under Section 14-135.08 for that fiscal
7 year for eligible employees, unless the balance in the fund on
8 which the payroll voucher is drawn is insufficient to pay the
9 total payroll voucher, or unavailable due to any limitation on
10 appropriations that may apply, including, but not limited to,
11 limitations on appropriations from the Road Fund under Section
12 8.3 of the State Finance Act. If the State Comptroller approves
13 a payroll voucher under this Section for which the fund balance
14 is insufficient to pay the full amount of the required State
15 contribution to the State Employees' Retirement System of
16 Illinois, the Comptroller shall promptly so notify the
17 retirement system.

18 (c) Notwithstanding any other provisions of law, beginning
19 July 1, 2007, required State and employee contributions to the
20 State Employees' Retirement System of Illinois relating to
21 affected legislative staff employees shall be paid out of
22 moneys appropriated for that purpose to the Commission on
23 Government Forecasting and Accountability, rather than out of
24 the lump-sum appropriations otherwise made for the payroll and
25 other costs of those employees.

26 These payments must be made pursuant to payroll vouchers

1 submitted by the employing entity as part of the regular
2 payroll voucher process.

3 For the purpose of this subsection, "affected legislative
4 staff employees" means legislative staff employees paid out of
5 lump-sum appropriations made to the General Assembly, an
6 Officer of the General Assembly, or the Senate Operations
7 Commission, but does not include district-office staff or
8 employees of legislative support services agencies.

9 (Source: P.A. 99-8, eff. 7-9-15; 99-523, eff. 6-30-16; 100-23,
10 eff. 7-6-17.)

11 Section 55-10. The Illinois Pension Code is amended by
12 changing Section 14-131 as follows:

13 (40 ILCS 5/14-131)

14 Sec. 14-131. Contributions by State.

15 (a) The State shall make contributions to the System by
16 appropriations of amounts which, together with other employer
17 contributions from trust, federal, and other funds, employee
18 contributions, investment income, and other income, will be
19 sufficient to meet the cost of maintaining and administering
20 the System on a 90% funded basis in accordance with actuarial
21 recommendations.

22 For the purposes of this Section and Section 14-135.08,
23 references to State contributions refer only to employer
24 contributions and do not include employee contributions that

1 are picked up or otherwise paid by the State or a department on
2 behalf of the employee.

3 (b) The Board shall determine the total amount of State
4 contributions required for each fiscal year on the basis of the
5 actuarial tables and other assumptions adopted by the Board,
6 using the formula in subsection (e).

7 The Board shall also determine a State contribution rate
8 for each fiscal year, expressed as a percentage of payroll,
9 based on the total required State contribution for that fiscal
10 year (less the amount received by the System from
11 appropriations under Section 8.12 of the State Finance Act and
12 Section 1 of the State Pension Funds Continuing Appropriation
13 Act, if any, for the fiscal year ending on the June 30
14 immediately preceding the applicable November 15 certification
15 deadline), the estimated payroll (including all forms of
16 compensation) for personal services rendered by eligible
17 employees, and the recommendations of the actuary.

18 For the purposes of this Section and Section 14.1 of the
19 State Finance Act, the term "eligible employees" includes
20 employees who participate in the System, persons who may elect
21 to participate in the System but have not so elected, persons
22 who are serving a qualifying period that is required for
23 participation, and annuitants employed by a department as
24 described in subdivision (a) (1) or (a) (2) of Section 14-111.

25 (c) Contributions shall be made by the several departments
26 for each pay period by warrants drawn by the State Comptroller

1 against their respective funds or appropriations based upon
2 vouchers stating the amount to be so contributed. These amounts
3 shall be based on the full rate certified by the Board under
4 Section 14-135.08 for that fiscal year. From March 5, 2004 (the
5 effective date of Public Act 93-665) ~~this amendatory Act of the~~
6 ~~93rd General Assembly~~ through the payment of the final payroll
7 from fiscal year 2004 appropriations, the several departments
8 shall not make contributions for the remainder of fiscal year
9 2004 but shall instead make payments as required under
10 subsection (a-1) of Section 14.1 of the State Finance Act. The
11 several departments shall resume those contributions at the
12 commencement of fiscal year 2005.

13 (c-1) Notwithstanding subsection (c) of this Section, for
14 fiscal years 2010, 2012, 2013, 2014, 2015, 2016, 2017, ~~and~~
15 2018, and 2019 only, contributions by the several departments
16 are not required to be made for General Revenue Funds payrolls
17 processed by the Comptroller. Payrolls paid by the several
18 departments from all other State funds must continue to be
19 processed pursuant to subsection (c) of this Section.

20 (c-2) For State fiscal years 2010, 2012, 2013, 2014, 2015,
21 2016, 2017, ~~and~~ 2018, and 2019 only, on or as soon as possible
22 after the 15th day of each month, the Board shall submit
23 vouchers for payment of State contributions to the System, in a
24 total monthly amount of one-twelfth of the fiscal year General
25 Revenue Fund contribution as certified by the System pursuant
26 to Section 14-135.08 of the Illinois Pension Code.

1 (d) If an employee is paid from trust funds or federal
2 funds, the department or other employer shall pay employer
3 contributions from those funds to the System at the certified
4 rate, unless the terms of the trust or the federal-State
5 agreement preclude the use of the funds for that purpose, in
6 which case the required employer contributions shall be paid by
7 the State. From March 5, 2004 (the effective date of Public Act
8 93-665) ~~this amendatory Act of the 93rd General Assembly~~
9 through the payment of the final payroll from fiscal year 2004
10 appropriations, the department or other employer shall not pay
11 contributions for the remainder of fiscal year 2004 but shall
12 instead make payments as required under subsection (a-1) of
13 Section 14.1 of the State Finance Act. The department or other
14 employer shall resume payment of contributions at the
15 commencement of fiscal year 2005.

16 (e) For State fiscal years 2012 through 2045, the minimum
17 contribution to the System to be made by the State for each
18 fiscal year shall be an amount determined by the System to be
19 sufficient to bring the total assets of the System up to 90% of
20 the total actuarial liabilities of the System by the end of
21 State fiscal year 2045. In making these determinations, the
22 required State contribution shall be calculated each year as a
23 level percentage of payroll over the years remaining to and
24 including fiscal year 2045 and shall be determined under the
25 projected unit credit actuarial cost method.

26 A change in an actuarial or investment assumption that

1 increases or decreases the required State contribution and
2 first applies in State fiscal year 2018 or thereafter shall be
3 implemented in equal annual amounts over a 5-year period
4 beginning in the State fiscal year in which the actuarial
5 change first applies to the required State contribution.

6 A change in an actuarial or investment assumption that
7 increases or decreases the required State contribution and
8 first applied to the State contribution in fiscal year 2014,
9 2015, 2016, or 2017 shall be implemented:

10 (i) as already applied in State fiscal years before
11 2018; and

12 (ii) in the portion of the 5-year period beginning in
13 the State fiscal year in which the actuarial change first
14 applied that occurs in State fiscal year 2018 or
15 thereafter, by calculating the change in equal annual
16 amounts over that 5-year period and then implementing it at
17 the resulting annual rate in each of the remaining fiscal
18 years in that 5-year period.

19 For State fiscal years 1996 through 2005, the State
20 contribution to the System, as a percentage of the applicable
21 employee payroll, shall be increased in equal annual increments
22 so that by State fiscal year 2011, the State is contributing at
23 the rate required under this Section; except that (i) for State
24 fiscal year 1998, for all purposes of this Code and any other
25 law of this State, the certified percentage of the applicable
26 employee payroll shall be 5.052% for employees earning eligible

1 creditable service under Section 14-110 and 6.500% for all
2 other employees, notwithstanding any contrary certification
3 made under Section 14-135.08 before July 7, 1997 (the effective
4 date of Public Act 90-65) ~~this amendatory Act of 1997~~, and (ii)
5 in the following specified State fiscal years, the State
6 contribution to the System shall not be less than the following
7 indicated percentages of the applicable employee payroll, even
8 if the indicated percentage will produce a State contribution
9 in excess of the amount otherwise required under this
10 subsection and subsection (a): 9.8% in FY 1999; 10.0% in FY
11 2000; 10.2% in FY 2001; 10.4% in FY 2002; 10.6% in FY 2003; and
12 10.8% in FY 2004.

13 Notwithstanding any other provision of this Article, the
14 total required State contribution to the System for State
15 fiscal year 2006 is \$203,783,900.

16 Notwithstanding any other provision of this Article, the
17 total required State contribution to the System for State
18 fiscal year 2007 is \$344,164,400.

19 For each of State fiscal years 2008 through 2009, the State
20 contribution to the System, as a percentage of the applicable
21 employee payroll, shall be increased in equal annual increments
22 from the required State contribution for State fiscal year
23 2007, so that by State fiscal year 2011, the State is
24 contributing at the rate otherwise required under this Section.

25 Notwithstanding any other provision of this Article, the
26 total required State General Revenue Fund contribution for

1 State fiscal year 2010 is \$723,703,100 and shall be made from
2 the proceeds of bonds sold in fiscal year 2010 pursuant to
3 Section 7.2 of the General Obligation Bond Act, less (i) the
4 pro rata share of bond sale expenses determined by the System's
5 share of total bond proceeds, (ii) any amounts received from
6 the General Revenue Fund in fiscal year 2010, and (iii) any
7 reduction in bond proceeds due to the issuance of discounted
8 bonds, if applicable.

9 Notwithstanding any other provision of this Article, the
10 total required State General Revenue Fund contribution for
11 State fiscal year 2011 is the amount recertified by the System
12 on or before April 1, 2011 pursuant to Section 14-135.08 and
13 shall be made from the proceeds of bonds sold in fiscal year
14 2011 pursuant to Section 7.2 of the General Obligation Bond
15 Act, less (i) the pro rata share of bond sale expenses
16 determined by the System's share of total bond proceeds, (ii)
17 any amounts received from the General Revenue Fund in fiscal
18 year 2011, and (iii) any reduction in bond proceeds due to the
19 issuance of discounted bonds, if applicable.

20 Beginning in State fiscal year 2046, the minimum State
21 contribution for each fiscal year shall be the amount needed to
22 maintain the total assets of the System at 90% of the total
23 actuarial liabilities of the System.

24 Amounts received by the System pursuant to Section 25 of
25 the Budget Stabilization Act or Section 8.12 of the State
26 Finance Act in any fiscal year do not reduce and do not

1 constitute payment of any portion of the minimum State
2 contribution required under this Article in that fiscal year.
3 Such amounts shall not reduce, and shall not be included in the
4 calculation of, the required State contributions under this
5 Article in any future year until the System has reached a
6 funding ratio of at least 90%. A reference in this Article to
7 the "required State contribution" or any substantially similar
8 term does not include or apply to any amounts payable to the
9 System under Section 25 of the Budget Stabilization Act.

10 Notwithstanding any other provision of this Section, the
11 required State contribution for State fiscal year 2005 and for
12 fiscal year 2008 and each fiscal year thereafter, as calculated
13 under this Section and certified under Section 14-135.08, shall
14 not exceed an amount equal to (i) the amount of the required
15 State contribution that would have been calculated under this
16 Section for that fiscal year if the System had not received any
17 payments under subsection (d) of Section 7.2 of the General
18 Obligation Bond Act, minus (ii) the portion of the State's
19 total debt service payments for that fiscal year on the bonds
20 issued in fiscal year 2003 for the purposes of that Section
21 7.2, as determined and certified by the Comptroller, that is
22 the same as the System's portion of the total moneys
23 distributed under subsection (d) of Section 7.2 of the General
24 Obligation Bond Act. In determining this maximum for State
25 fiscal years 2008 through 2010, however, the amount referred to
26 in item (i) shall be increased, as a percentage of the

1 applicable employee payroll, in equal increments calculated
2 from the sum of the required State contribution for State
3 fiscal year 2007 plus the applicable portion of the State's
4 total debt service payments for fiscal year 2007 on the bonds
5 issued in fiscal year 2003 for the purposes of Section 7.2 of
6 the General Obligation Bond Act, so that, by State fiscal year
7 2011, the State is contributing at the rate otherwise required
8 under this Section.

9 (f) After the submission of all payments for eligible
10 employees from personal services line items in fiscal year 2004
11 have been made, the Comptroller shall provide to the System a
12 certification of the sum of all fiscal year 2004 expenditures
13 for personal services that would have been covered by payments
14 to the System under this Section if the provisions of Public
15 Act 93-665 ~~this amendatory Act of the 93rd General Assembly~~ had
16 not been enacted. Upon receipt of the certification, the System
17 shall determine the amount due to the System based on the full
18 rate certified by the Board under Section 14-135.08 for fiscal
19 year 2004 in order to meet the State's obligation under this
20 Section. The System shall compare this amount due to the amount
21 received by the System in fiscal year 2004 through payments
22 under this Section and under Section 6z-61 of the State Finance
23 Act. If the amount due is more than the amount received, the
24 difference shall be termed the "Fiscal Year 2004 Shortfall" for
25 purposes of this Section, and the Fiscal Year 2004 Shortfall
26 shall be satisfied under Section 1.2 of the State Pension Funds

1 Continuing Appropriation Act. If the amount due is less than
2 the amount received, the difference shall be termed the "Fiscal
3 Year 2004 Overpayment" for purposes of this Section, and the
4 Fiscal Year 2004 Overpayment shall be repaid by the System to
5 the Pension Contribution Fund as soon as practicable after the
6 certification.

7 (g) For purposes of determining the required State
8 contribution to the System, the value of the System's assets
9 shall be equal to the actuarial value of the System's assets,
10 which shall be calculated as follows:

11 As of June 30, 2008, the actuarial value of the System's
12 assets shall be equal to the market value of the assets as of
13 that date. In determining the actuarial value of the System's
14 assets for fiscal years after June 30, 2008, any actuarial
15 gains or losses from investment return incurred in a fiscal
16 year shall be recognized in equal annual amounts over the
17 5-year period following that fiscal year.

18 (h) For purposes of determining the required State
19 contribution to the System for a particular year, the actuarial
20 value of assets shall be assumed to earn a rate of return equal
21 to the System's actuarially assumed rate of return.

22 (i) After the submission of all payments for eligible
23 employees from personal services line items paid from the
24 General Revenue Fund in fiscal year 2010 have been made, the
25 Comptroller shall provide to the System a certification of the
26 sum of all fiscal year 2010 expenditures for personal services

1 that would have been covered by payments to the System under
2 this Section if the provisions of Public Act 96-45 ~~this~~
3 ~~amendatory Act of the 96th General Assembly~~ had not been
4 enacted. Upon receipt of the certification, the System shall
5 determine the amount due to the System based on the full rate
6 certified by the Board under Section 14-135.08 for fiscal year
7 2010 in order to meet the State's obligation under this
8 Section. The System shall compare this amount due to the amount
9 received by the System in fiscal year 2010 through payments
10 under this Section. If the amount due is more than the amount
11 received, the difference shall be termed the "Fiscal Year 2010
12 Shortfall" for purposes of this Section, and the Fiscal Year
13 2010 Shortfall shall be satisfied under Section 1.2 of the
14 State Pension Funds Continuing Appropriation Act. If the amount
15 due is less than the amount received, the difference shall be
16 termed the "Fiscal Year 2010 Overpayment" for purposes of this
17 Section, and the Fiscal Year 2010 Overpayment shall be repaid
18 by the System to the General Revenue Fund as soon as
19 practicable after the certification.

20 (j) After the submission of all payments for eligible
21 employees from personal services line items paid from the
22 General Revenue Fund in fiscal year 2011 have been made, the
23 Comptroller shall provide to the System a certification of the
24 sum of all fiscal year 2011 expenditures for personal services
25 that would have been covered by payments to the System under
26 this Section if the provisions of Public Act 96-1497 ~~this~~

1 ~~amendatory Act of the 96th General Assembly~~ had not been
2 enacted. Upon receipt of the certification, the System shall
3 determine the amount due to the System based on the full rate
4 certified by the Board under Section 14-135.08 for fiscal year
5 2011 in order to meet the State's obligation under this
6 Section. The System shall compare this amount due to the amount
7 received by the System in fiscal year 2011 through payments
8 under this Section. If the amount due is more than the amount
9 received, the difference shall be termed the "Fiscal Year 2011
10 Shortfall" for purposes of this Section, and the Fiscal Year
11 2011 Shortfall shall be satisfied under Section 1.2 of the
12 State Pension Funds Continuing Appropriation Act. If the amount
13 due is less than the amount received, the difference shall be
14 termed the "Fiscal Year 2011 Overpayment" for purposes of this
15 Section, and the Fiscal Year 2011 Overpayment shall be repaid
16 by the System to the General Revenue Fund as soon as
17 practicable after the certification.

18 (k) For fiscal years 2012 through 2019 ~~2018~~ only, after the
19 submission of all payments for eligible employees from personal
20 services line items paid from the General Revenue Fund in the
21 fiscal year have been made, the Comptroller shall provide to
22 the System a certification of the sum of all expenditures in
23 the fiscal year for personal services. Upon receipt of the
24 certification, the System shall determine the amount due to the
25 System based on the full rate certified by the Board under
26 Section 14-135.08 for the fiscal year in order to meet the

1 State's obligation under this Section. The System shall compare
2 this amount due to the amount received by the System for the
3 fiscal year. If the amount due is more than the amount
4 received, the difference shall be termed the "Prior Fiscal Year
5 Shortfall" for purposes of this Section, and the Prior Fiscal
6 Year Shortfall shall be satisfied under Section 1.2 of the
7 State Pension Funds Continuing Appropriation Act. If the amount
8 due is less than the amount received, the difference shall be
9 termed the "Prior Fiscal Year Overpayment" for purposes of this
10 Section, and the Prior Fiscal Year Overpayment shall be repaid
11 by the System to the General Revenue Fund as soon as
12 practicable after the certification.

13 (Source: P.A. 99-8, eff. 7-9-15; 99-523, eff. 6-30-16; 100-23,
14 eff. 7-6-17.)

15 Section 55-20. The Revised Uniform Unclaimed Property Act
16 is amended by changing Section 15-801 as follows:

17 (765 ILCS 1026/15-801)

18 Sec. 15-801. Deposit of funds by administrator.

19 (a) Except as otherwise provided in this Section, the
20 administrator shall deposit in the Unclaimed Property Trust
21 Fund all funds received under this Act, including proceeds from
22 the sale of property under Article 7. The administrator may
23 deposit any amount in the Unclaimed Property Trust Fund into
24 the State Pensions Fund during the fiscal year at his or her

1 discretion; however, he or she shall, on April 15 and October
2 15 of each year, deposit any amount in the Unclaimed Property
3 Trust Fund exceeding \$2,500,000 into the State Pensions Fund.
4 If on either April 15 or October 15, the administrator
5 determines that a balance of \$2,500,000 is insufficient for the
6 prompt payment of unclaimed property claims authorized under
7 this Act, the administrator may retain more than \$2,500,000 in
8 the Unclaimed Property Trust Fund in order to ensure the prompt
9 payment of claims. Beginning in State fiscal year 2020 ~~2018~~,
10 all amounts that are deposited into the State Pensions Fund
11 from the Unclaimed Property Trust Fund shall be apportioned to
12 the designated retirement systems as provided in subsection
13 (c-6) of Section 8.12 of the State Finance Act to reduce their
14 actuarial reserve deficiencies.

15 (b) The administrator shall make prompt payment of claims
16 he or she duly allows as provided for in this Act from the
17 Unclaimed Property Trust Fund. This shall constitute an
18 irrevocable and continuing appropriation of all amounts in the
19 Unclaimed Property Trust Fund necessary to make prompt payment
20 of claims duly allowed by the administrator pursuant to this
21 Act.

22 (Source: P.A. 100-22, eff. 1-1-18.)

23 ARTICLE 60. REFUNDING BONDS

24 Section 60-5. The General Obligation Bond Act is amended by

1 changing Sections 9, 11, and 16 as follows:

2 (30 ILCS 330/9) (from Ch. 127, par. 659)

3 Sec. 9. Conditions for issuance and sale of Bonds;
4 requirements ~~Issuance and Sale of Bonds~~ ~~Requirements~~ for
5 Bonds.

6 (a) Except as otherwise provided in this subsection and
7 subsection (h), Bonds shall be issued and sold from time to
8 time, in one or more series, in such amounts and at such prices
9 as may be directed by the Governor, upon recommendation by the
10 Director of the Governor's Office of Management and Budget.
11 Bonds shall be in such form (either coupon, registered or book
12 entry), in such denominations, payable within 25 years from
13 their date, subject to such terms of redemption with or without
14 premium, bear interest payable at such times and at such fixed
15 or variable rate or rates, and be dated as shall be fixed and
16 determined by the Director of the Governor's Office of
17 Management and Budget in the order authorizing the issuance and
18 sale of any series of Bonds, which order shall be approved by
19 the Governor and is herein called a "Bond Sale Order"; provided
20 however, that interest payable at fixed or variable rates shall
21 not exceed that permitted in the Bond Authorization Act, as now
22 or hereafter amended. Bonds shall be payable at such place or
23 places, within or without the State of Illinois, and may be
24 made registrable as to either principal or as to both principal
25 and interest, as shall be specified in the Bond Sale Order.

1 Bonds may be callable or subject to purchase and retirement or
2 tender and remarketing as fixed and determined in the Bond Sale
3 Order. Bonds, other than Bonds issued under Section 3 of this
4 Act for the costs associated with the purchase and
5 implementation of information technology, (i) except for
6 refunding Bonds satisfying the requirements of Section 16 of
7 this Act and sold during fiscal year 2009, 2010, 2011, 2017, ~~or~~
8 2018, or 2019 must be issued with principal or mandatory
9 redemption amounts in equal amounts, with the first maturity
10 issued occurring within the fiscal year in which the Bonds are
11 issued or within the next succeeding fiscal year and (ii) must
12 mature or be subject to mandatory redemption each fiscal year
13 thereafter up to 25 years, except for refunding Bonds
14 satisfying the requirements of Section 16 of this Act and sold
15 during fiscal year 2009, 2010, or 2011 which must mature or be
16 subject to mandatory redemption each fiscal year thereafter up
17 to 16 years. Bonds issued under Section 3 of this Act for the
18 costs associated with the purchase and implementation of
19 information technology must be issued with principal or
20 mandatory redemption amounts in equal amounts, with the first
21 maturity issued occurring with the fiscal year in which the
22 respective bonds are issued or with the next succeeding fiscal
23 year, with the respective bonds issued maturing or subject to
24 mandatory redemption each fiscal year thereafter up to 10
25 years. Notwithstanding any provision of this Act to the
26 contrary, the Bonds authorized by Public Act 96-43 shall be

1 payable within 5 years from their date and must be issued with
2 principal or mandatory redemption amounts in equal amounts,
3 with payment of principal or mandatory redemption beginning in
4 the first fiscal year following the fiscal year in which the
5 Bonds are issued.

6 Notwithstanding any provision of this Act to the contrary,
7 the Bonds authorized by Public Act 96-1497 shall be payable
8 within 8 years from their date and shall be issued with payment
9 of maturing principal or scheduled mandatory redemptions in
10 accordance with the following schedule, except the following
11 amounts shall be prorated if less than the total additional
12 amount of Bonds authorized by Public Act 96-1497 are issued:

Fiscal Year After Issuance	Amount
1-2	\$0
3	\$110,712,120
4	\$332,136,360
5	\$664,272,720
6-8	\$996,409,080

19 Notwithstanding any provision of this Act to the contrary,
20 Income Tax Proceed Bonds issued under Section 7.6 shall be
21 payable 12 years from the date of sale and shall be issued with
22 payment of principal or mandatory redemption.

23 In the case of any series of Bonds bearing interest at a
24 variable interest rate ("Variable Rate Bonds"), in lieu of
25 determining the rate or rates at which such series of Variable
26 Rate Bonds shall bear interest and the price or prices at which

1 such Variable Rate Bonds shall be initially sold or remarketed
2 (in the event of purchase and subsequent resale), the Bond Sale
3 Order may provide that such interest rates and prices may vary
4 from time to time depending on criteria established in such
5 Bond Sale Order, which criteria may include, without
6 limitation, references to indices or variations in interest
7 rates as may, in the judgment of a remarketing agent, be
8 necessary to cause Variable Rate Bonds of such series to be
9 remarketable from time to time at a price equal to their
10 principal amount, and may provide for appointment of a bank,
11 trust company, investment bank, or other financial institution
12 to serve as remarketing agent in that connection. The Bond Sale
13 Order may provide that alternative interest rates or provisions
14 for establishing alternative interest rates, different
15 security or claim priorities, or different call or amortization
16 provisions will apply during such times as Variable Rate Bonds
17 of any series are held by a person providing credit or
18 liquidity enhancement arrangements for such Bonds as
19 authorized in subsection (b) of this Section. The Bond Sale
20 Order may also provide for such variable interest rates to be
21 established pursuant to a process generally known as an auction
22 rate process and may provide for appointment of one or more
23 financial institutions to serve as auction agents and
24 broker-dealers in connection with the establishment of such
25 interest rates and the sale and remarketing of such Bonds.

26 (b) In connection with the issuance of any series of Bonds,

1 the State may enter into arrangements to provide additional
2 security and liquidity for such Bonds, including, without
3 limitation, bond or interest rate insurance or letters of
4 credit, lines of credit, bond purchase contracts, or other
5 arrangements whereby funds are made available to retire or
6 purchase Bonds, thereby assuring the ability of owners of the
7 Bonds to sell or redeem their Bonds. The State may enter into
8 contracts and may agree to pay fees to persons providing such
9 arrangements, but only under circumstances where the Director
10 of the Governor's Office of Management and Budget certifies
11 that he or she reasonably expects the total interest paid or to
12 be paid on the Bonds, together with the fees for the
13 arrangements (being treated as if interest), would not, taken
14 together, cause the Bonds to bear interest, calculated to their
15 stated maturity, at a rate in excess of the rate that the Bonds
16 would bear in the absence of such arrangements.

17 The State may, with respect to Bonds issued or anticipated
18 to be issued, participate in and enter into arrangements with
19 respect to interest rate protection or exchange agreements,
20 guarantees, or financial futures contracts for the purpose of
21 limiting, reducing, or managing interest rate exposure. The
22 authority granted under this paragraph, however, shall not
23 increase the principal amount of Bonds authorized to be issued
24 by law. The arrangements may be executed and delivered by the
25 Director of the Governor's Office of Management and Budget on
26 behalf of the State. Net payments for such arrangements shall

1 constitute interest on the Bonds and shall be paid from the
2 General Obligation Bond Retirement and Interest Fund. The
3 Director of the Governor's Office of Management and Budget
4 shall at least annually certify to the Governor and the State
5 Comptroller his or her estimate of the amounts of such net
6 payments to be included in the calculation of interest required
7 to be paid by the State.

8 (c) Prior to the issuance of any Variable Rate Bonds
9 pursuant to subsection (a), the Director of the Governor's
10 Office of Management and Budget shall adopt an interest rate
11 risk management policy providing that the amount of the State's
12 variable rate exposure with respect to Bonds shall not exceed
13 20%. This policy shall remain in effect while any Bonds are
14 outstanding and the issuance of Bonds shall be subject to the
15 terms of such policy. The terms of this policy may be amended
16 from time to time by the Director of the Governor's Office of
17 Management and Budget but in no event shall any amendment cause
18 the permitted level of the State's variable rate exposure with
19 respect to Bonds to exceed 20%.

20 (d) "Build America Bonds" in this Section means Bonds
21 authorized by Section 54AA of the Internal Revenue Code of
22 1986, as amended ("Internal Revenue Code"), and bonds issued
23 from time to time to refund or continue to refund "Build
24 America Bonds".

25 (e) Notwithstanding any other provision of this Section,
26 Qualified School Construction Bonds shall be issued and sold

1 from time to time, in one or more series, in such amounts and
2 at such prices as may be directed by the Governor, upon
3 recommendation by the Director of the Governor's Office of
4 Management and Budget. Qualified School Construction Bonds
5 shall be in such form (either coupon, registered or book
6 entry), in such denominations, payable within 25 years from
7 their date, subject to such terms of redemption with or without
8 premium, and if the Qualified School Construction Bonds are
9 issued with a supplemental coupon, bear interest payable at
10 such times and at such fixed or variable rate or rates, and be
11 dated as shall be fixed and determined by the Director of the
12 Governor's Office of Management and Budget in the order
13 authorizing the issuance and sale of any series of Qualified
14 School Construction Bonds, which order shall be approved by the
15 Governor and is herein called a "Bond Sale Order"; except that
16 interest payable at fixed or variable rates, if any, shall not
17 exceed that permitted in the Bond Authorization Act, as now or
18 hereafter amended. Qualified School Construction Bonds shall
19 be payable at such place or places, within or without the State
20 of Illinois, and may be made registrable as to either principal
21 or as to both principal and interest, as shall be specified in
22 the Bond Sale Order. Qualified School Construction Bonds may be
23 callable or subject to purchase and retirement or tender and
24 remarketing as fixed and determined in the Bond Sale Order.
25 Qualified School Construction Bonds must be issued with
26 principal or mandatory redemption amounts or sinking fund

1 payments into the General Obligation Bond Retirement and
2 Interest Fund (or subaccount therefor) in equal amounts, with
3 the first maturity issued, mandatory redemption payment or
4 sinking fund payment occurring within the fiscal year in which
5 the Qualified School Construction Bonds are issued or within
6 the next succeeding fiscal year, with Qualified School
7 Construction Bonds issued maturing or subject to mandatory
8 redemption or with sinking fund payments thereof deposited each
9 fiscal year thereafter up to 25 years. Sinking fund payments
10 set forth in this subsection shall be permitted only to the
11 extent authorized in Section 54F of the Internal Revenue Code
12 or as otherwise determined by the Director of the Governor's
13 Office of Management and Budget. "Qualified School
14 Construction Bonds" in this subsection means Bonds authorized
15 by Section 54F of the Internal Revenue Code and for bonds
16 issued from time to time to refund or continue to refund such
17 "Qualified School Construction Bonds".

18 (f) Beginning with the next issuance by the Governor's
19 Office of Management and Budget to the Procurement Policy Board
20 of a request for quotation for the purpose of formulating a new
21 pool of qualified underwriting banks list, all entities
22 responding to such a request for quotation for inclusion on
23 that list shall provide a written report to the Governor's
24 Office of Management and Budget and the Illinois Comptroller.
25 The written report submitted to the Comptroller shall (i) be
26 published on the Comptroller's Internet website and (ii) be

1 used by the Governor's Office of Management and Budget for the
2 purposes of scoring such a request for quotation. The written
3 report, at a minimum, shall:

4 (1) disclose whether, within the past 3 months,
5 pursuant to its credit default swap market-making
6 activities, the firm has entered into any State of Illinois
7 credit default swaps ("CDS");

8 (2) include, in the event of State of Illinois CDS
9 activity, disclosure of the firm's cumulative notional
10 volume of State of Illinois CDS trades and the firm's
11 outstanding gross and net notional amount of State of
12 Illinois CDS, as of the end of the current 3-month period;

13 (3) indicate, pursuant to the firm's proprietary
14 trading activities, disclosure of whether the firm, within
15 the past 3 months, has entered into any proprietary trades
16 for its own account in State of Illinois CDS;

17 (4) include, in the event of State of Illinois
18 proprietary trades, disclosure of the firm's outstanding
19 gross and net notional amount of proprietary State of
20 Illinois CDS and whether the net position is short or long
21 credit protection, as of the end of the current 3-month
22 period;

23 (5) list all time periods during the past 3 months
24 during which the firm held net long or net short State of
25 Illinois CDS proprietary credit protection positions, the
26 amount of such positions, and whether those positions were

1 net long or net short credit protection positions; and

2 (6) indicate whether, within the previous 3 months, the
3 firm released any publicly available research or marketing
4 reports that reference State of Illinois CDS and include
5 those research or marketing reports as attachments.

6 (g) All entities included on a Governor's Office of
7 Management and Budget's pool of qualified underwriting banks
8 list shall, as soon as possible after March 18, 2011 (the
9 effective date of Public Act 96-1554), but not later than
10 January 21, 2011, and on a quarterly fiscal basis thereafter,
11 provide a written report to the Governor's Office of Management
12 and Budget and the Illinois Comptroller. The written reports
13 submitted to the Comptroller shall be published on the
14 Comptroller's Internet website. The written reports, at a
15 minimum, shall:

16 (1) disclose whether, within the past 3 months,
17 pursuant to its credit default swap market-making
18 activities, the firm has entered into any State of Illinois
19 credit default swaps ("CDS");

20 (2) include, in the event of State of Illinois CDS
21 activity, disclosure of the firm's cumulative notional
22 volume of State of Illinois CDS trades and the firm's
23 outstanding gross and net notional amount of State of
24 Illinois CDS, as of the end of the current 3-month period;

25 (3) indicate, pursuant to the firm's proprietary
26 trading activities, disclosure of whether the firm, within

1 the past 3 months, has entered into any proprietary trades
2 for its own account in State of Illinois CDS;

3 (4) include, in the event of State of Illinois
4 proprietary trades, disclosure of the firm's outstanding
5 gross and net notional amount of proprietary State of
6 Illinois CDS and whether the net position is short or long
7 credit protection, as of the end of the current 3-month
8 period;

9 (5) list all time periods during the past 3 months
10 during which the firm held net long or net short State of
11 Illinois CDS proprietary credit protection positions, the
12 amount of such positions, and whether those positions were
13 net long or net short credit protection positions; and

14 (6) indicate whether, within the previous 3 months, the
15 firm released any publicly available research or marketing
16 reports that reference State of Illinois CDS and include
17 those research or marketing reports as attachments.

18 (h) Notwithstanding any other provision of this Section,
19 for purposes of maximizing market efficiencies and cost
20 savings, Income Tax Proceed Bonds may be issued and sold from
21 time to time, in one or more series, in such amounts and at
22 such prices as may be directed by the Governor, upon
23 recommendation by the Director of the Governor's Office of
24 Management and Budget. Income Tax Proceed Bonds shall be in
25 such form, either coupon, registered, or book entry, in such
26 denominations, shall bear interest payable at such times and at

1 such fixed or variable rate or rates, and be dated as shall be
2 fixed and determined by the Director of the Governor's Office
3 of Management and Budget in the order authorizing the issuance
4 and sale of any series of Income Tax Proceed Bonds, which order
5 shall be approved by the Governor and is herein called a "Bond
6 Sale Order"; provided, however, that interest payable at fixed
7 or variable rates shall not exceed that permitted in the Bond
8 Authorization Act. Income Tax Proceed Bonds shall be payable at
9 such place or places, within or without the State of Illinois,
10 and may be made registrable as to either principal or as to
11 both principal and interest, as shall be specified in the Bond
12 Sale Order. Income Tax Proceed Bonds may be callable or subject
13 to purchase and retirement or tender and remarketing as fixed
14 and determined in the Bond Sale Order.

15 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section
16 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.
17 7-6-17; revised 8-8-17.)

18 (30 ILCS 330/11) (from Ch. 127, par. 661)

19 Sec. 11. Sale of Bonds. Except as otherwise provided in
20 this Section, Bonds shall be sold from time to time pursuant to
21 notice of sale and public bid or by negotiated sale in such
22 amounts and at such times as is directed by the Governor, upon
23 recommendation by the Director of the Governor's Office of
24 Management and Budget. At least 25%, based on total principal
25 amount, of all Bonds issued each fiscal year shall be sold

1 pursuant to notice of sale and public bid. At all times during
2 each fiscal year, no more than 75%, based on total principal
3 amount, of the Bonds issued each fiscal year, shall have been
4 sold by negotiated sale. Failure to satisfy the requirements in
5 the preceding 2 sentences shall not affect the validity of any
6 previously issued Bonds; provided that all Bonds authorized by
7 Public Act 96-43 and Public Act 96-1497 shall not be included
8 in determining compliance for any fiscal year with the
9 requirements of the preceding 2 sentences; and further provided
10 that refunding Bonds satisfying the requirements of Section 16
11 of this Act and sold during fiscal year 2009, 2010, 2011, 2017,
12 ~~or~~ 2018, or 2019 shall not be subject to the requirements in
13 the preceding 2 sentences.

14 If any Bonds, including refunding Bonds, are to be sold by
15 negotiated sale, the Director of the Governor's Office of
16 Management and Budget shall comply with the competitive request
17 for proposal process set forth in the Illinois Procurement Code
18 and all other applicable requirements of that Code.

19 If Bonds are to be sold pursuant to notice of sale and
20 public bid, the Director of the Governor's Office of Management
21 and Budget may, from time to time, as Bonds are to be sold,
22 advertise the sale of the Bonds in at least 2 daily newspapers,
23 one of which is published in the City of Springfield and one in
24 the City of Chicago. The sale of the Bonds shall also be
25 advertised in the volume of the Illinois Procurement Bulletin
26 that is published by the Department of Central Management

1 Services, and shall be published once at least 10 days prior to
2 the date fixed for the opening of the bids. The Director of the
3 Governor's Office of Management and Budget may reschedule the
4 date of sale upon the giving of such additional notice as the
5 Director deems adequate to inform prospective bidders of such
6 change; provided, however, that all other conditions of the
7 sale shall continue as originally advertised.

8 Executed Bonds shall, upon payment therefor, be delivered
9 to the purchaser, and the proceeds of Bonds shall be paid into
10 the State Treasury as directed by Section 12 of this Act.

11 All Income Tax Proceed Bonds shall comply with this
12 Section. Notwithstanding anything to the contrary, however,
13 for purposes of complying with this Section, Income Tax Proceed
14 Bonds, regardless of the number of series or issuances sold
15 thereunder, shall be considered a single issue or series.
16 Furthermore, for purposes of complying with the competitive
17 bidding requirements of this Section, the words "at all times"
18 shall not apply to any such sale of the Income Tax Proceed
19 Bonds. The Director of the Governor's Office of Management and
20 Budget shall determine the time and manner of any competitive
21 sale of the Income Tax Proceed Bonds; however, that sale shall
22 under no circumstances take place later than 60 days after the
23 State closes the sale of 75% of the Income Tax Proceed Bonds by
24 negotiated sale.

25 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section
26 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.

1 7-6-17; revised 8-15-17.)

2 (30 ILCS 330/16) (from Ch. 127, par. 666)

3 Sec. 16. Refunding Bonds. The State of Illinois is
4 authorized to issue, sell, and provide for the retirement of
5 General Obligation Bonds of the State of Illinois in the amount
6 of \$4,839,025,000, at any time and from time to time
7 outstanding, for the purpose of refunding any State of Illinois
8 general obligation Bonds then outstanding, including (i) the
9 payment of any redemption premium thereon, (ii) any reasonable
10 expenses of such refunding, (iii) any interest accrued or to
11 accrue to the earliest or any subsequent date of redemption or
12 maturity of such outstanding Bonds, (iv) for fiscal year 2019
13 only, any necessary payments to providers of interest rate
14 exchange agreements in connection with the termination of such
15 agreements by the State in connection with the refunding, and
16 (v) any interest to accrue to the first interest payment on the
17 refunding Bonds; provided that all non-refunding Bonds in an
18 issue that includes refunding Bonds shall mature no later than
19 the final maturity date of Bonds being refunded; provided that
20 no refunding Bonds shall be offered for sale unless the net
21 present value of debt service savings to be achieved by the
22 issuance of the refunding Bonds is 3% or more of the principal
23 amount of the refunding Bonds to be issued; and further
24 provided that, except for refunding Bonds sold in fiscal year
25 2009, 2010, 2011, 2017, ~~or~~ 2018, or 2019, the maturities of the

1 refunding Bonds shall not extend beyond the maturities of the
2 Bonds they refund, so that for each fiscal year in the maturity
3 schedule of a particular issue of refunding Bonds, the total
4 amount of refunding principal maturing and redemption amounts
5 due in that fiscal year and all prior fiscal years in that
6 schedule shall be greater than or equal to the total amount of
7 refunded principal and redemption amounts that had been due
8 over that year and all prior fiscal years prior to the
9 refunding.

10 The Governor shall notify the State Treasurer and
11 Comptroller of such refunding. The proceeds received from the
12 sale of refunding Bonds shall be used for the retirement at
13 maturity or redemption of such outstanding Bonds on any
14 maturity or redemption date and, pending such use, shall be
15 placed in escrow, subject to such terms and conditions as shall
16 be provided for in the Bond Sale Order relating to the
17 Refunding Bonds. Proceeds not needed for deposit in an escrow
18 account shall be deposited in the General Obligation Bond
19 Retirement and Interest Fund. This Act shall constitute an
20 irrevocable and continuing appropriation of all amounts
21 necessary to establish an escrow account for the purpose of
22 refunding outstanding general obligation Bonds and to pay the
23 reasonable expenses of such refunding and of the issuance and
24 sale of the refunding Bonds. Any such escrowed proceeds may be
25 invested and reinvested in direct obligations of the United
26 States of America, maturing at such time or times as shall be

1 appropriate to assure the prompt payment, when due, of the
2 principal of and interest and redemption premium, if any, on
3 the refunded Bonds. After the terms of the escrow have been
4 fully satisfied, any remaining balance of such proceeds and
5 interest, income and profits earned or realized on the
6 investments thereof shall be paid into the General Revenue
7 Fund. The liability of the State upon the Bonds shall continue,
8 provided that the holders thereof shall thereafter be entitled
9 to payment only out of the moneys deposited in the escrow
10 account.

11 Except as otherwise herein provided in this Section, such
12 refunding Bonds shall in all other respects be subject to the
13 terms and conditions of this Act.

14 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

15 Section 60-10. The Build Illinois Bond Act is amended by
16 changing Sections 6, 8, and 15 as follows:

17 (30 ILCS 425/6) (from Ch. 127, par. 2806)

18 Sec. 6. Conditions for Issuance and Sale of Bonds -
19 Requirements for Bonds - Master and Supplemental Indentures -
20 Credit and Liquidity Enhancement.

21 (a) Bonds shall be issued and sold from time to time, in
22 one or more series, in such amounts and at such prices as
23 directed by the Governor, upon recommendation by the Director
24 of the Governor's Office of Management and Budget. Bonds shall

1 be payable only from the specific sources and secured in the
2 manner provided in this Act. Bonds shall be in such form, in
3 such denominations, mature on such dates within 25 years from
4 their date of issuance, be subject to optional or mandatory
5 redemption, bear interest payable at such times and at such
6 rate or rates, fixed or variable, and be dated as shall be
7 fixed and determined by the Director of the Governor's Office
8 of Management and Budget in an order authorizing the issuance
9 and sale of any series of Bonds, which order shall be approved
10 by the Governor and is herein called a "Bond Sale Order";
11 provided, however, that interest payable at fixed rates shall
12 not exceed that permitted in "An Act to authorize public
13 corporations to issue bonds, other evidences of indebtedness
14 and tax anticipation warrants subject to interest rate
15 limitations set forth therein", approved May 26, 1970, as now
16 or hereafter amended, and interest payable at variable rates
17 shall not exceed the maximum rate permitted in the Bond Sale
18 Order. Said Bonds shall be payable at such place or places,
19 within or without the State of Illinois, and may be made
20 registrable as to either principal only or as to both principal
21 and interest, as shall be specified in the Bond Sale Order.
22 Bonds may be callable or subject to purchase and retirement or
23 remarketing as fixed and determined in the Bond Sale Order.
24 Bonds (i) except for refunding Bonds satisfying the
25 requirements of Section 15 of this Act and sold during fiscal
26 year 2009, 2010, 2011, 2017, ~~or~~ 2018, or 2019, must be issued

1 with principal or mandatory redemption amounts in equal
2 amounts, with the first maturity issued occurring within the
3 fiscal year in which the Bonds are issued or within the next
4 succeeding fiscal year and (ii) must mature or be subject to
5 mandatory redemption each fiscal year thereafter up to 25
6 years, except for refunding Bonds satisfying the requirements
7 of Section 15 of this Act and sold during fiscal year 2009,
8 2010, or 2011 which must mature or be subject to mandatory
9 redemption each fiscal year thereafter up to 16 years.

10 All Bonds authorized under this Act shall be issued
11 pursuant to a master trust indenture ("Master Indenture")
12 executed and delivered on behalf of the State by the Director
13 of the Governor's Office of Management and Budget, such Master
14 Indenture to be in substantially the form approved in the Bond
15 Sale Order authorizing the issuance and sale of the initial
16 series of Bonds issued under this Act. Such initial series of
17 Bonds may, and each subsequent series of Bonds shall, also be
18 issued pursuant to a supplemental trust indenture
19 ("Supplemental Indenture") executed and delivered on behalf of
20 the State by the Director of the Governor's Office of
21 Management and Budget, each such Supplemental Indenture to be
22 in substantially the form approved in the Bond Sale Order
23 relating to such series. The Master Indenture and any
24 Supplemental Indenture shall be entered into with a bank or
25 trust company in the State of Illinois having trust powers and
26 possessing capital and surplus of not less than \$100,000,000.

1 Such indentures shall set forth the terms and conditions of the
2 Bonds and provide for payment of and security for the Bonds,
3 including the establishment and maintenance of debt service and
4 reserve funds, and for other protections for holders of the
5 Bonds. The term "reserve funds" as used in this Act shall
6 include funds and accounts established under indentures to
7 provide for the payment of principal of and premium and
8 interest on Bonds, to provide for the purchase, retirement or
9 defeasance of Bonds, to provide for fees of trustees,
10 registrars, paying agents and other fiduciaries and to provide
11 for payment of costs of and debt service payable in respect of
12 credit or liquidity enhancement arrangements, interest rate
13 swaps or guarantees or financial futures contracts and indexing
14 and remarketing agents' services.

15 In the case of any series of Bonds bearing interest at a
16 variable interest rate ("Variable Rate Bonds"), in lieu of
17 determining the rate or rates at which such series of Variable
18 Rate Bonds shall bear interest and the price or prices at which
19 such Variable Rate Bonds shall be initially sold or remarketed
20 (in the event of purchase and subsequent resale), the Bond Sale
21 Order may provide that such interest rates and prices may vary
22 from time to time depending on criteria established in such
23 Bond Sale Order, which criteria may include, without
24 limitation, references to indices or variations in interest
25 rates as may, in the judgment of a remarketing agent, be
26 necessary to cause Bonds of such series to be remarketable from

1 time to time at a price equal to their principal amount (or
2 compound accreted value in the case of original issue discount
3 Bonds), and may provide for appointment of indexing agents and
4 a bank, trust company, investment bank or other financial
5 institution to serve as remarketing agent in that connection.
6 The Bond Sale Order may provide that alternative interest rates
7 or provisions for establishing alternative interest rates,
8 different security or claim priorities or different call or
9 amortization provisions will apply during such times as Bonds
10 of any series are held by a person providing credit or
11 liquidity enhancement arrangements for such Bonds as
12 authorized in subsection (b) of Section 6 of this Act.

13 (b) In connection with the issuance of any series of Bonds,
14 the State may enter into arrangements to provide additional
15 security and liquidity for such Bonds, including, without
16 limitation, bond or interest rate insurance or letters of
17 credit, lines of credit, bond purchase contracts or other
18 arrangements whereby funds are made available to retire or
19 purchase Bonds, thereby assuring the ability of owners of the
20 Bonds to sell or redeem their Bonds. The State may enter into
21 contracts and may agree to pay fees to persons providing such
22 arrangements, but only under circumstances where the Director
23 of the Bureau of the Budget (now Governor's Office of
24 Management and Budget) certifies that he reasonably expects the
25 total interest paid or to be paid on the Bonds, together with
26 the fees for the arrangements (being treated as if interest),

1 would not, taken together, cause the Bonds to bear interest,
2 calculated to their stated maturity, at a rate in excess of the
3 rate which the Bonds would bear in the absence of such
4 arrangements. Any bonds, notes or other evidences of
5 indebtedness issued pursuant to any such arrangements for the
6 purpose of retiring and discharging outstanding Bonds shall
7 constitute refunding Bonds under Section 15 of this Act. The
8 State may participate in and enter into arrangements with
9 respect to interest rate swaps or guarantees or financial
10 futures contracts for the purpose of limiting or restricting
11 interest rate risk; provided that such arrangements shall be
12 made with or executed through banks having capital and surplus
13 of not less than \$100,000,000 or insurance companies holding
14 the highest policyholder rating accorded insurers by A.M. Best
15 & Co. or any comparable rating service or government bond
16 dealers reporting to, trading with, and recognized as primary
17 dealers by a Federal Reserve Bank and having capital and
18 surplus of not less than \$100,000,000, or other persons whose
19 debt securities are rated in the highest long-term categories
20 by both Moody's Investors' Services, Inc. and Standard & Poor's
21 Corporation. Agreements incorporating any of the foregoing
22 arrangements may be executed and delivered by the Director of
23 the Governor's Office of Management and Budget on behalf of the
24 State in substantially the form approved in the Bond Sale Order
25 relating to such Bonds.

26 (c) "Build America Bonds" in this Section means Bonds

1 authorized by Section 54AA of the Internal Revenue Code of
2 1986, as amended ("Internal Revenue Code"), and bonds issued
3 from time to time to refund or continue to refund "Build
4 America Bonds".

5 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

6 (30 ILCS 425/8) (from Ch. 127, par. 2808)

7 Sec. 8. Sale of Bonds. Bonds, except as otherwise provided
8 in this Section, shall be sold from time to time pursuant to
9 notice of sale and public bid or by negotiated sale in such
10 amounts and at such times as are directed by the Governor, upon
11 recommendation by the Director of the Governor's Office of
12 Management and Budget. At least 25%, based on total principal
13 amount, of all Bonds issued each fiscal year shall be sold
14 pursuant to notice of sale and public bid. At all times during
15 each fiscal year, no more than 75%, based on total principal
16 amount, of the Bonds issued each fiscal year shall have been
17 sold by negotiated sale. Failure to satisfy the requirements in
18 the preceding 2 sentences shall not affect the validity of any
19 previously issued Bonds; and further provided that refunding
20 Bonds satisfying the requirements of Section 15 of this Act and
21 sold during fiscal year 2009, 2010, 2011, 2017, ~~or~~ 2018, or
22 2019 shall not be subject to the requirements in the preceding
23 2 sentences.

24 If any Bonds are to be sold pursuant to notice of sale and
25 public bid, the Director of the Governor's Office of Management

1 and Budget shall comply with the competitive request for
2 proposal process set forth in the Illinois Procurement Code and
3 all other applicable requirements of that Code.

4 If Bonds are to be sold pursuant to notice of sale and
5 public bid, the Director of the Governor's Office of Management
6 and Budget may, from time to time, as Bonds are to be sold,
7 advertise the sale of the Bonds in at least 2 daily newspapers,
8 one of which is published in the City of Springfield and one in
9 the City of Chicago. The sale of the Bonds shall also be
10 advertised in the volume of the Illinois Procurement Bulletin
11 that is published by the Department of Central Management
12 Services, and shall be published once at least 10 days prior to
13 the date fixed for the opening of the bids. The Director of the
14 Governor's Office of Management and Budget may reschedule the
15 date of sale upon the giving of such additional notice as the
16 Director deems adequate to inform prospective bidders of the
17 change; provided, however, that all other conditions of the
18 sale shall continue as originally advertised. Executed Bonds
19 shall, upon payment therefor, be delivered to the purchaser,
20 and the proceeds of Bonds shall be paid into the State Treasury
21 as directed by Section 9 of this Act. The Governor or the
22 Director of the Governor's Office of Management and Budget is
23 hereby authorized and directed to execute and deliver contracts
24 of sale with underwriters and to execute and deliver such
25 certificates, indentures, agreements and documents, including
26 any supplements or amendments thereto, and to take such actions

1 and do such things as shall be necessary or desirable to carry
2 out the purposes of this Act. Any action authorized or
3 permitted to be taken by the Director of the Governor's Office
4 of Management and Budget pursuant to this Act is hereby
5 authorized to be taken by any person specifically designated by
6 the Governor to take such action in a certificate signed by the
7 Governor and filed with the Secretary of State.

8 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

9 (30 ILCS 425/15) (from Ch. 127, par. 2815)

10 Sec. 15. Refunding Bonds. Refunding Bonds are hereby
11 authorized for the purpose of refunding any outstanding Bonds,
12 including the payment of any redemption premium thereon, any
13 reasonable expenses of such refunding, and any interest accrued
14 or to accrue to the earliest or any subsequent date of
15 redemption or maturity of outstanding Bonds; provided that all
16 non-refunding Bonds in an issue that includes refunding Bonds
17 shall mature no later than the final maturity date of Bonds
18 being refunded; provided that no refunding Bonds shall be
19 offered for sale unless the net present value of debt service
20 savings to be achieved by the issuance of the refunding Bonds
21 is 3% or more of the principal amount of the refunding Bonds to
22 be issued; and further provided that, except for refunding
23 Bonds sold in fiscal year 2009, 2010, 2011, 2017, ~~or~~ 2018, or
24 2019, the maturities of the refunding Bonds shall not extend
25 beyond the maturities of the Bonds they refund, so that for

1 each fiscal year in the maturity schedule of a particular issue
2 of refunding Bonds, the total amount of refunding principal
3 maturing and redemption amounts due in that fiscal year and all
4 prior fiscal years in that schedule shall be greater than or
5 equal to the total amount of refunded principal and redemption
6 amounts that had been due over that year and all prior fiscal
7 years prior to the refunding.

8 Refunding Bonds may be sold in such amounts and at such
9 times, as directed by the Governor upon recommendation by the
10 Director of the Governor's Office of Management and Budget. The
11 Governor shall notify the State Treasurer and Comptroller of
12 such refunding. The proceeds received from the sale of
13 refunding Bonds shall be used for the retirement at maturity or
14 redemption of such outstanding Bonds on any maturity or
15 redemption date and, pending such use, shall be placed in
16 escrow, subject to such terms and conditions as shall be
17 provided for in the Bond Sale Order relating to the refunding
18 Bonds. This Act shall constitute an irrevocable and continuing
19 appropriation of all amounts necessary to establish an escrow
20 account for the purpose of refunding outstanding Bonds and to
21 pay the reasonable expenses of such refunding and of the
22 issuance and sale of the refunding Bonds. Any such escrowed
23 proceeds may be invested and reinvested in direct obligations
24 of the United States of America, maturing at such time or times
25 as shall be appropriate to assure the prompt payment, when due,
26 of the principal of and interest and redemption premium, if

1 any, on the refunded Bonds. After the terms of the escrow have
2 been fully satisfied, any remaining balance of such proceeds
3 and interest, income and profits earned or realized on the
4 investments thereof shall be paid into the General Revenue
5 Fund. The liability of the State upon the refunded Bonds shall
6 continue, provided that the holders thereof shall thereafter be
7 entitled to payment only out of the moneys deposited in the
8 escrow account and the refunded Bonds shall be deemed paid,
9 discharged and no longer to be outstanding.

10 Except as otherwise herein provided in this Section, such
11 refunding Bonds shall in all other respects be issued pursuant
12 to and subject to the terms and conditions of this Act and
13 shall be secured by and payable from only the funds and sources
14 which are provided under this Act.

15 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

16 ARTICLE 65.

17 Section 65-15. The Illinois Public Aid Code is amended by
18 changing Sections 5-4.2, 5-5.01a, 9A-11, and 12-4.11 and by
19 adding Sections 5-5.05a and 5-5.12b as follows:

20 (305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)

21 Sec. 5-4.2. Ambulance services payments.

22 (a) For ambulance services provided to a recipient of aid
23 under this Article on or after January 1, 1993, the Illinois

1 Department shall reimburse ambulance service providers at
2 rates calculated in accordance with this Section. It is the
3 intent of the General Assembly to provide adequate
4 reimbursement for ambulance services so as to ensure adequate
5 access to services for recipients of aid under this Article and
6 to provide appropriate incentives to ambulance service
7 providers to provide services in an efficient and
8 cost-effective manner. Thus, it is the intent of the General
9 Assembly that the Illinois Department implement a
10 reimbursement system for ambulance services that, to the extent
11 practicable and subject to the availability of funds
12 appropriated by the General Assembly for this purpose, is
13 consistent with the payment principles of Medicare. To ensure
14 uniformity between the payment principles of Medicare and
15 Medicaid, the Illinois Department shall follow, to the extent
16 necessary and practicable and subject to the availability of
17 funds appropriated by the General Assembly for this purpose,
18 the statutes, laws, regulations, policies, procedures,
19 principles, definitions, guidelines, and manuals used to
20 determine the amounts paid to ambulance service providers under
21 Title XVIII of the Social Security Act (Medicare).

22 (b) For ambulance services provided to a recipient of aid
23 under this Article on or after January 1, 1996, the Illinois
24 Department shall reimburse ambulance service providers based
25 upon the actual distance traveled if a natural disaster,
26 weather conditions, road repairs, or traffic congestion

1 necessitates the use of a route other than the most direct
2 route.

3 (c) For purposes of this Section, "ambulance services"
4 includes medical transportation services provided by means of
5 an ambulance, medi-car, service car, or taxi.

6 (c-1) For purposes of this Section, "ground ambulance
7 service" means medical transportation services that are
8 described as ground ambulance services by the Centers for
9 Medicare and Medicaid Services and provided in a vehicle that
10 is licensed as an ambulance by the Illinois Department of
11 Public Health pursuant to the Emergency Medical Services (EMS)
12 Systems Act.

13 (c-2) For purposes of this Section, "ground ambulance
14 service provider" means a vehicle service provider as described
15 in the Emergency Medical Services (EMS) Systems Act that
16 operates licensed ambulances for the purpose of providing
17 emergency ambulance services, or non-emergency ambulance
18 services, or both. For purposes of this Section, this includes
19 both ambulance providers and ambulance suppliers as described
20 by the Centers for Medicare and Medicaid Services.

21 (d) This Section does not prohibit separate billing by
22 ambulance service providers for oxygen furnished while
23 providing advanced life support services.

24 (e) Beginning with services rendered on or after July 1,
25 2008, all providers of non-emergency medi-car and service car
26 transportation must certify that the driver and employee

1 attendant, as applicable, have completed a safety program
2 approved by the Department to protect both the patient and the
3 driver, prior to transporting a patient. The provider must
4 maintain this certification in its records. The provider shall
5 produce such documentation upon demand by the Department or its
6 representative. Failure to produce documentation of such
7 training shall result in recovery of any payments made by the
8 Department for services rendered by a non-certified driver or
9 employee attendant. Medi-car and service car providers must
10 maintain legible documentation in their records of the driver
11 and, as applicable, employee attendant that actually
12 transported the patient. Providers must recertify all drivers
13 and employee attendants every 3 years.

14 Notwithstanding the requirements above, any public
15 transportation provider of medi-car and service car
16 transportation that receives federal funding under 49 U.S.C.
17 5307 and 5311 need not certify its drivers and employee
18 attendants under this Section, since safety training is already
19 federally mandated.

20 (f) With respect to any policy or program administered by
21 the Department or its agent regarding approval of non-emergency
22 medical transportation by ground ambulance service providers,
23 including, but not limited to, the Non-Emergency
24 Transportation Services Prior Approval Program (NETSPAP), the
25 Department shall establish by rule a process by which ground
26 ambulance service providers of non-emergency medical

1 transportation may appeal any decision by the Department or its
2 agent for which no denial was received prior to the time of
3 transport that either (i) denies a request for approval for
4 payment of non-emergency transportation by means of ground
5 ambulance service or (ii) grants a request for approval of
6 non-emergency transportation by means of ground ambulance
7 service at a level of service that entitles the ground
8 ambulance service provider to a lower level of compensation
9 from the Department than the ground ambulance service provider
10 would have received as compensation for the level of service
11 requested. The rule shall be filed by December 15, 2012 and
12 shall provide that, for any decision rendered by the Department
13 or its agent on or after the date the rule takes effect, the
14 ground ambulance service provider shall have 60 days from the
15 date the decision is received to file an appeal. The rule
16 established by the Department shall be, insofar as is
17 practical, consistent with the Illinois Administrative
18 Procedure Act. The Director's decision on an appeal under this
19 Section shall be a final administrative decision subject to
20 review under the Administrative Review Law.

21 (f-5) Beginning 90 days after July 20, 2012 (the effective
22 date of Public Act 97-842), (i) no denial of a request for
23 approval for payment of non-emergency transportation by means
24 of ground ambulance service, and (ii) no approval of
25 non-emergency transportation by means of ground ambulance
26 service at a level of service that entitles the ground

1 ambulance service provider to a lower level of compensation
2 from the Department than would have been received at the level
3 of service submitted by the ground ambulance service provider,
4 may be issued by the Department or its agent unless the
5 Department has submitted the criteria for determining the
6 appropriateness of the transport for first notice publication
7 in the Illinois Register pursuant to Section 5-40 of the
8 Illinois Administrative Procedure Act.

9 (g) Whenever a patient covered by a medical assistance
10 program under this Code or by another medical program
11 administered by the Department is being discharged from a
12 facility, a physician discharge order as described in this
13 Section shall be required for each patient whose discharge
14 requires medically supervised ground ambulance services.
15 Facilities shall develop procedures for a physician with
16 medical staff privileges to provide a written and signed
17 physician discharge order. The physician discharge order shall
18 specify the level of ground ambulance services needed and
19 complete a medical certification establishing the criteria for
20 approval of non-emergency ambulance transportation, as
21 published by the Department of Healthcare and Family Services,
22 that is met by the patient. This order and the medical
23 certification shall be completed prior to ordering an ambulance
24 service and prior to patient discharge.

25 Pursuant to subsection (E) of Section 12-4.25 of this Code,
26 the Department is entitled to recover overpayments paid to a

1 provider or vendor, including, but not limited to, from the
2 discharging physician, the discharging facility, and the
3 ground ambulance service provider, in instances where a
4 non-emergency ground ambulance service is rendered as the
5 result of improper or false certification.

6 (h) On and after July 1, 2012, the Department shall reduce
7 any rate of reimbursement for services or other payments or
8 alter any methodologies authorized by this Code to reduce any
9 rate of reimbursement for services or other payments in
10 accordance with Section 5-5e.

11 (i) On and after July 1, 2018, the Department shall
12 increase the base rate of reimbursement for both base charges
13 and mileage charges for ground ambulance service providers for
14 medical transportation services provided by means of a ground
15 ambulance to a level not lower than 112% of the base rate in
16 effect as of June 30, 2018.

17 (Source: P.A. 97-584, eff. 8-26-11; 97-689, eff. 6-14-12;
18 97-842, eff. 7-20-12; 98-463, eff. 8-16-13.)

19 (305 ILCS 5/5-5.01a)

20 Sec. 5-5.01a. Supportive living facilities program.

21 (a) The Department shall establish and provide oversight
22 for a program of supportive living facilities that seek to
23 promote resident independence, dignity, respect, and
24 well-being in the most cost-effective manner.

25 A supportive living facility is (i) a free-standing

1 facility or (ii) a distinct physical and operational entity
2 within a mixed-use building that meets the criteria established
3 in subsection (d). A supportive living facility integrates
4 housing with health, personal care, and supportive services and
5 is a designated setting that offers residents their own
6 separate, private, and distinct living units.

7 Sites for the operation of the program shall be selected by
8 the Department based upon criteria that may include the need
9 for services in a geographic area, the availability of funding,
10 and the site's ability to meet the standards.

11 (b) Beginning July 1, 2014, subject to federal approval,
12 the Medicaid rates for supportive living facilities shall be
13 equal to the supportive living facility Medicaid rate effective
14 on June 30, 2014 increased by 8.85%. Once the assessment
15 imposed at Article V-G of this Code is determined to be a
16 permissible tax under Title XIX of the Social Security Act, the
17 Department shall increase the Medicaid rates for supportive
18 living facilities effective on July 1, 2014 by 9.09%. The
19 Department shall apply this increase retroactively to coincide
20 with the imposition of the assessment in Article V-G of this
21 Code in accordance with the approval for federal financial
22 participation by the Centers for Medicare and Medicaid
23 Services.

24 The Medicaid rates for supportive living facilities
25 effective on July 1, 2017 must be equal to the rates in effect
26 for supportive living facilities on June 30, 2017 increased by

1 2.8%.

2 The Medicaid rates for supportive living facilities
3 effective on July 1, 2018 must be equal to the rates in effect
4 for supportive living facilities on June 30, 2018.

5 (c) The Department may adopt rules to implement this
6 Section. Rules that establish or modify the services,
7 standards, and conditions for participation in the program
8 shall be adopted by the Department in consultation with the
9 Department on Aging, the Department of Rehabilitation
10 Services, and the Department of Mental Health and Developmental
11 Disabilities (or their successor agencies).

12 (d) Subject to federal approval by the Centers for Medicare
13 and Medicaid Services, the Department shall accept for
14 consideration of certification under the program any
15 application for a site or building where distinct parts of the
16 site or building are designated for purposes other than the
17 provision of supportive living services, but only if:

18 (1) those distinct parts of the site or building are
19 not designated for the purpose of providing assisted living
20 services as required under the Assisted Living and Shared
21 Housing Act;

22 (2) those distinct parts of the site or building are
23 completely separate from the part of the building used for
24 the provision of supportive living program services,
25 including separate entrances;

26 (3) those distinct parts of the site or building do not

1 share any common spaces with the part of the building used
2 for the provision of supportive living program services;
3 and

4 (4) those distinct parts of the site or building do not
5 share staffing with the part of the building used for the
6 provision of supportive living program services.

7 (e) Facilities or distinct parts of facilities which are
8 selected as supportive living facilities and are in good
9 standing with the Department's rules are exempt from the
10 provisions of the Nursing Home Care Act and the Illinois Health
11 Facilities Planning Act.

12 (Source: P.A. 100-23, eff. 7-6-17; 100-583, eff. 4-6-18.)

13 (305 ILCS 5/5-5.05a new)

14 Sec. 5-5.05a. Reimbursement rates; community mental health
15 centers. Notwithstanding the provisions of any other law,
16 reimbursement rates, including enhanced payment rates and rate
17 add-ons, for psychiatric and behavioral health services
18 provided in or by community mental health centers licensed or
19 certified by the Department of Human Services shall not be
20 lower than the rates for such services in effect on November 1,
21 2017. The Department of Healthcare and Family Services shall
22 apply for any waiver or State Plan amendment, if required, to
23 implement the reimbursement rates established in this Section.
24 Implementation of the reimbursement rates shall be contingent
25 on federal approval.

1 (305 ILCS 5/5-5.12b new)

2 Sec. 5-5.12b. Critical access care pharmacy program.

3 (a) As used in this Section:

4 "Critical access care pharmacy" means an Illinois-based
5 brick and mortar pharmacy that is located in a county with
6 fewer than 50,000 residents and that owns fewer than 10
7 pharmacies.

8 "Critical access care pharmacy program payment" means the
9 number of individual prescriptions a critical access care
10 pharmacy fills during that quarter multiplied by the lesser of
11 the individual payment amount or the dispensing reimbursement
12 rate made by the Department under the medical assistance
13 program as of April 1, 2018.

14 "Individual payment amount" means the dividend of 1/4 of
15 the annual amount appropriated for the critical access care
16 pharmacy program by the number of prescriptions filled by all
17 critical access care pharmacies reimbursed by Medicaid managed
18 care organizations that quarter.

19 (b) Subject to appropriations, the Department shall
20 establish a critical access care pharmacy program to ensure the
21 sustainability of critical access pharmacies throughout the
22 State of Illinois.

23 (c) The critical access care pharmacy program shall not
24 exceed \$10,000,000 annually and individual payment amounts per
25 prescription shall not exceed the dispensing rate that the

1 Department would have reimbursed under the Medical Assistance
2 Program as of April 1, 2018.

3 (d) Quarterly, the Department shall determine the number of
4 prescriptions filled by critical access care pharmacies
5 reimbursed by Medicaid managed care organizations utilizing
6 encounter data available to the Department. The Department
7 shall determine the individual payment amount per prescription
8 by dividing 1/4 of the annual amount appropriated for the
9 critical access care pharmacy program by the number of
10 prescriptions filled by all critical access care pharmacies
11 reimbursed by Medicaid managed care organizations that
12 quarter. If the individual payment amount per prescription as
13 calculated using quarterly prescription amounts exceeds the
14 reimbursement rate under the medical assistance program as of
15 April 1, 2018, then the individual payment amount per
16 prescription shall be the dispensing reimbursement rate under
17 the medical assistance program as of April 1, 2018.

18 (e) Quarterly, the Department shall distribute to critical
19 access care pharmacies a critical access care pharmacy program
20 payment. The first payment shall be calculated utilizing the
21 encounter data from the last quarter of State fiscal year 2018.

22 (f) The Department may adopt rules permitting an
23 Illinois-based brick and mortar pharmacy that owns fewer than
24 10 pharmacies to receive critical access care pharmacy program
25 payments in the same manner as a critical access care pharmacy,
26 regardless of whether the pharmacy is located in a county with

1 a population of less than 50,000.

2 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

3 Sec. 9A-11. Child care.

4 (a) The General Assembly recognizes that families with
5 children need child care in order to work. Child care is
6 expensive and families with low incomes, including those who
7 are transitioning from welfare to work, often struggle to pay
8 the costs of day care. The General Assembly understands the
9 importance of helping low income working families become and
10 remain self-sufficient. The General Assembly also believes
11 that it is the responsibility of families to share in the costs
12 of child care. It is also the preference of the General
13 Assembly that all working poor families should be treated
14 equally, regardless of their welfare status.

15 (b) To the extent resources permit, the Illinois Department
16 shall provide child care services to parents or other relatives
17 as defined by rule who are working or participating in
18 employment or Department approved education or training
19 programs. At a minimum, the Illinois Department shall cover the
20 following categories of families:

21 (1) recipients of TANF under Article IV participating
22 in work and training activities as specified in the
23 personal plan for employment and self-sufficiency;

24 (2) families transitioning from TANF to work;

25 (3) families at risk of becoming recipients of TANF;

1 (4) families with special needs as defined by rule;

2 (5) working families with very low incomes as defined
3 by rule; and

4 (6) families that are not recipients of TANF and that
5 need child care assistance to participate in education and
6 training activities.

7 The Department shall specify by rule the conditions of
8 eligibility, the application process, and the types, amounts,
9 and duration of services. Eligibility for child care benefits
10 and the amount of child care provided may vary based on family
11 size, income, and other factors as specified by rule.

12 In determining income eligibility for child care benefits,
13 the Department annually, at the beginning of each fiscal year,
14 shall establish, by rule, one income threshold for each family
15 size, in relation to percentage of State median income for a
16 family of that size, that makes families with incomes below the
17 specified threshold eligible for assistance and families with
18 incomes above the specified threshold ineligible for
19 assistance. Through and including fiscal year 2007, the
20 specified threshold must be no less than 50% of the
21 then-current State median income for each family size.
22 Beginning in fiscal year 2008, the specified threshold must be
23 no less than 185% of the then-current federal poverty level for
24 each family size.

25 In determining eligibility for assistance, the Department
26 shall not give preference to any category of recipients or give

1 preference to individuals based on their receipt of benefits
2 under this Code.

3 Nothing in this Section shall be construed as conferring
4 entitlement status to eligible families.

5 The Illinois Department is authorized to lower income
6 eligibility ceilings, raise parent co-payments, create waiting
7 lists, or take such other actions during a fiscal year as are
8 necessary to ensure that child care benefits paid under this
9 Article do not exceed the amounts appropriated for those child
10 care benefits. These changes may be accomplished by emergency
11 rule under Section 5-45 of the Illinois Administrative
12 Procedure Act, except that the limitation on the number of
13 emergency rules that may be adopted in a 24-month period shall
14 not apply.

15 The Illinois Department may contract with other State
16 agencies or child care organizations for the administration of
17 child care services.

18 (c) Payment shall be made for child care that otherwise
19 meets the requirements of this Section and applicable standards
20 of State and local law and regulation, including any
21 requirements the Illinois Department promulgates by rule in
22 addition to the licensure requirements promulgated by the
23 Department of Children and Family Services and Fire Prevention
24 and Safety requirements promulgated by the Office of the State
25 Fire Marshal and is provided in any of the following:

26 (1) a child care center which is licensed or exempt

1 from licensure pursuant to Section 2.09 of the Child Care
2 Act of 1969;

3 (2) a licensed child care home or home exempt from
4 licensing;

5 (3) a licensed group child care home;

6 (4) other types of child care, including child care
7 provided by relatives or persons living in the same home as
8 the child, as determined by the Illinois Department by
9 rule.

10 (c-5) Solely for the purposes of coverage under the
11 Illinois Public Labor Relations Act, child and day care home
12 providers, including licensed and license exempt,
13 participating in the Department's child care assistance
14 program shall be considered to be public employees and the
15 State of Illinois shall be considered to be their employer as
16 of the effective date of this amendatory Act of the 94th
17 General Assembly, but not before. The State shall engage in
18 collective bargaining with an exclusive representative of
19 child and day care home providers participating in the child
20 care assistance program concerning their terms and conditions
21 of employment that are within the State's control. Nothing in
22 this subsection shall be understood to limit the right of
23 families receiving services defined in this Section to select
24 child and day care home providers or supervise them within the
25 limits of this Section. The State shall not be considered to be
26 the employer of child and day care home providers for any

1 purposes not specifically provided in this amendatory Act of
2 the 94th General Assembly, including but not limited to,
3 purposes of vicarious liability in tort and purposes of
4 statutory retirement or health insurance benefits. Child and
5 day care home providers shall not be covered by the State
6 Employees Group Insurance Act of 1971.

7 In according child and day care home providers and their
8 selected representative rights under the Illinois Public Labor
9 Relations Act, the State intends that the State action
10 exemption to application of federal and State antitrust laws be
11 fully available to the extent that their activities are
12 authorized by this amendatory Act of the 94th General Assembly.

13 (d) The Illinois Department shall establish, by rule, a
14 co-payment scale that provides for cost sharing by families
15 that receive child care services, including parents whose only
16 income is from assistance under this Code. The co-payment shall
17 be based on family income and family size and may be based on
18 other factors as appropriate. Co-payments may be waived for
19 families whose incomes are at or below the federal poverty
20 level.

21 (d-5) The Illinois Department, in consultation with its
22 Child Care and Development Advisory Council, shall develop a
23 plan to revise the child care assistance program's co-payment
24 scale. The plan shall be completed no later than February 1,
25 2008, and shall include:

26 (1) findings as to the percentage of income that the

1 average American family spends on child care and the
2 relative amounts that low-income families and the average
3 American family spend on other necessities of life;

4 (2) recommendations for revising the child care
5 co-payment scale to assure that families receiving child
6 care services from the Department are paying no more than
7 they can reasonably afford;

8 (3) recommendations for revising the child care
9 co-payment scale to provide at-risk children with complete
10 access to Preschool for All and Head Start; and

11 (4) recommendations for changes in child care program
12 policies that affect the affordability of child care.

13 (e) (Blank).

14 (f) The Illinois Department shall, by rule, set rates to be
15 paid for the various types of child care. Child care may be
16 provided through one of the following methods:

17 (1) arranging the child care through eligible
18 providers by use of purchase of service contracts or
19 vouchers;

20 (2) arranging with other agencies and community
21 volunteer groups for non-reimbursed child care;

22 (3) (blank); or

23 (4) adopting such other arrangements as the Department
24 determines appropriate.

25 (f-1) Within 30 days after the effective date of this
26 amendatory Act of the 100th General Assembly, the Department of

1 Human Services shall establish rates for child care providers
2 that are no less than the rates in effect on January 1, 2018
3 increased by 4.26%.

4 (f-5) (Blank).

5 (g) Families eligible for assistance under this Section
6 shall be given the following options:

7 (1) receiving a child care certificate issued by the
8 Department or a subcontractor of the Department that may be
9 used by the parents as payment for child care and
10 development services only; or

11 (2) if space is available, enrolling the child with a
12 child care provider that has a purchase of service contract
13 with the Department or a subcontractor of the Department
14 for the provision of child care and development services.
15 The Department may identify particular priority
16 populations for whom they may request special
17 consideration by a provider with purchase of service
18 contracts, provided that the providers shall be permitted
19 to maintain a balance of clients in terms of household
20 incomes and families and children with special needs, as
21 defined by rule.

22 (Source: P.A. 100-387, eff. 8-25-17.)

23 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

24 Sec. 12-4.11. Grant amounts. The Department, with due
25 regard for and subject to budgetary limitations, shall

1 establish grant amounts for each of the programs, by
2 regulation. The grant amounts may vary by program, size of
3 assistance unit and geographic area. Grant amounts under the
4 Temporary Assistance for Needy Families (TANF) program may not
5 vary on the basis of a TANF recipient's county of residence.

6 Aid payments shall not be reduced except: (1) for changes
7 in the cost of items included in the grant amounts, or (2) for
8 changes in the expenses of the recipient, or (3) for changes in
9 the income or resources available to the recipient, or (4) for
10 changes in grants resulting from adoption of a consolidated
11 grant amount.

12 The maximum benefit levels provided to TANF recipients
13 shall increase as follows: beginning October 1, 2018, the
14 Department of Human Services shall increase TANF grant amounts
15 in effect on September 30, 2018 to at least 30% of the most
16 recent United States Department of Health and Human Services
17 Federal Poverty Guidelines for each family size.

18 TANF grants for child-only assistance units shall be at
19 least 75% of TANF grants for assistance units of the same size
20 that consist of a caretaker relative with children.

21 ~~Subject to appropriation, beginning on July 1, 2008, the~~
22 ~~Department of Human Services shall increase TANF grant amounts~~
23 ~~in effect on June 30, 2008 by 15%. The Department is authorized~~
24 ~~to administer this increase but may not otherwise adopt any~~
25 ~~rule to implement this increase.~~

26 In fixing standards to govern payments or reimbursements

1 for funeral and burial expenses, the Department shall establish
2 a minimum allowable amount of not less than \$1,000 for
3 Department payment of funeral services and not less than \$500
4 for Department payment of burial or cremation services. On
5 January 1, 2006, July 1, 2006, and July 1, 2007, the Department
6 shall increase the minimum reimbursement amount for funeral and
7 burial expenses under this Section by a percentage equal to the
8 percentage increase in the Consumer Price Index for All Urban
9 Consumers, if any, during the 12 months immediately preceding
10 that January 1 or July 1. In establishing the minimum allowable
11 amount, the Department shall take into account the services
12 essential to a dignified, low-cost (i) funeral and (ii) burial
13 or cremation, including reasonable amounts that may be
14 necessary for burial space and cemetery charges, and any
15 applicable taxes or other required governmental fees or
16 charges. If no person has agreed to pay the total cost of the
17 (i) funeral and (ii) burial or cremation charges, the
18 Department shall pay the vendor the actual costs of the (i)
19 funeral and (ii) burial or cremation, or the minimum allowable
20 amount for each service as established by the Department,
21 whichever is less, provided that the Department reduces its
22 payments by the amount available from the following sources:
23 the decedent's assets and available resources and the
24 anticipated amounts of any death benefits available to the
25 decedent's estate, and amounts paid and arranged to be paid by
26 the decedent's legally responsible relatives. A legally

1 responsible relative is expected to pay (i) funeral and (ii)
2 burial or cremation expenses unless financially unable to do
3 so.

4 Nothing contained in this Section or in any other Section
5 of this Code shall be construed to prohibit the Illinois
6 Department (1) from consolidating existing standards on the
7 basis of any standards which are or were in effect on, or
8 subsequent to July 1, 1969, or (2) from employing any
9 consolidated standards in determining need for public aid and
10 the amount of money payment or grant for individual recipients
11 or recipient families.

12 (Source: P.A. 95-744, eff. 7-18-08; 95-1055, eff. 4-10-09;
13 96-1000, eff. 7-2-10.)

14 ARTICLE 70. GENERAL ASSEMBLY

15 Section 70-5. The General Assembly Compensation Act is
16 amended by changing Section 1 as follows:

17 (25 ILCS 115/1) (from Ch. 63, par. 14)

18 Sec. 1. Each member of the General Assembly shall receive
19 an annual salary of \$28,000 or as set by the Compensation
20 Review Board, whichever is greater. The following named
21 officers, committee chairmen and committee minority spokesmen
22 shall receive additional amounts per year for their services as
23 such officers, committee chairmen and committee minority

1 spokesmen respectively, as set by the Compensation Review Board
2 or, as follows, whichever is greater: Beginning the second
3 Wednesday in January 1989, the Speaker and the minority leader
4 of the House of Representatives and the President and the
5 minority leader of the Senate, \$16,000 each; the majority
6 leader in the House of Representatives \$13,500; 6 assistant
7 majority leaders and 5 assistant minority leaders in the
8 Senate, \$12,000 each; 6 assistant majority leaders and 6
9 assistant minority leaders in the House of Representatives,
10 \$10,500 each; 2 Deputy Majority leaders in the House of
11 Representatives \$11,500 each; and 2 Deputy Minority leaders in
12 the House of Representatives, \$11,500 each; the majority caucus
13 chairman and minority caucus chairman in the Senate, \$12,000
14 each; and beginning the second Wednesday in January, 1989, the
15 majority conference chairman and the minority conference
16 chairman in the House of Representatives, \$10,500 each;
17 beginning the second Wednesday in January, 1989, the chairman
18 and minority spokesman of each standing committee of the
19 Senate, except the Rules Committee, the Committee on
20 Committees, and the Committee on Assignment of Bills, \$6,000
21 each; and beginning the second Wednesday in January, 1989, the
22 chairman and minority spokesman of each standing and select
23 committee of the House of Representatives, \$6,000 each. A
24 member who serves in more than one position as an officer,
25 committee chairman, or committee minority spokesman shall
26 receive only one additional amount based on the position paying

1 the highest additional amount. The compensation provided for in
2 this Section to be paid per year to members of the General
3 Assembly, including the additional sums payable per year to
4 officers of the General Assembly shall be paid in 12 equal
5 monthly installments. The first such installment is payable on
6 January 31, 1977. All subsequent equal monthly installments are
7 payable on the last working day of the month. A member who has
8 held office any part of a month is entitled to compensation for
9 an entire month.

10 Mileage shall be paid at the rate of 20 cents per mile
11 before January 9, 1985, and at the mileage allowance rate in
12 effect under regulations promulgated pursuant to 5 U.S.C.
13 5707(b)(2) beginning January 9, 1985, for the number of actual
14 highway miles necessarily and conveniently traveled by the most
15 feasible route to be present upon convening of the sessions of
16 the General Assembly by such member in each and every trip
17 during each session in going to and returning from the seat of
18 government, to be computed by the Comptroller. A member
19 traveling by public transportation for such purposes, however,
20 shall be paid his actual cost of that transportation instead of
21 on the mileage rate if his cost of public transportation
22 exceeds the amount to which he would be entitled on a mileage
23 basis. No member may be paid, whether on a mileage basis or for
24 actual costs of public transportation, for more than one such
25 trip for each week the General Assembly is actually in session.
26 Each member shall also receive an allowance of \$36 per day for

1 lodging and meals while in attendance at sessions of the
2 General Assembly before January 9, 1985; beginning January 9,
3 1985, such food and lodging allowance shall be equal to the
4 amount per day permitted to be deducted for such expenses under
5 the Internal Revenue Code; however, beginning May 31, 1995, no
6 allowance for food and lodging while in attendance at sessions
7 is authorized for periods of time after the last day in May of
8 each calendar year, except (i) if the General Assembly is
9 convened in special session by either the Governor or the
10 presiding officers of both houses, as provided by subsection
11 (b) of Section 5 of Article IV of the Illinois Constitution or
12 (ii) if the General Assembly is convened to consider bills
13 vetoed, item vetoed, reduced, or returned with specific
14 recommendations for change by the Governor as provided in
15 Section 9 of Article IV of the Illinois Constitution. For
16 fiscal year 2011 and for session days in fiscal years 2012,
17 2013, 2014, 2015, 2016, 2017, ~~and 2018,~~ and 2019 only (i) the
18 allowance for lodging and meals is \$111 per day and (ii)
19 mileage for automobile travel shall be reimbursed at a rate of
20 \$0.39 per mile.

21 Notwithstanding any other provision of law to the contrary,
22 beginning in fiscal year 2012, travel reimbursement for General
23 Assembly members on non-session days shall be calculated using
24 the guidelines set forth by the Legislative Travel Control
25 Board, except that fiscal year 2012, 2013, 2014, 2015, 2016,
26 2017, ~~and 2018,~~ and 2019 mileage reimbursement is set at a rate

1 of \$0.39 per mile.

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

6 (Source: P.A. 99-355, eff. 8-13-15; 99-523, eff. 6-30-16;
7 100-25, eff. 7-26-17.)

8 Section 70-10. The Compensation Review Act is amended by
9 adding Section 6.6 as follows:

10 (25 ILCS 120/6.6 new)

11 Sec. 6.6. FY19 COLAs prohibited. Notwithstanding any
12 former or current provision of this Act, any other law, any
13 report of the Compensation Review Board, or any resolution of
14 the General Assembly to the contrary, members of the General
15 Assembly, elected executive branch constitutional officers of
16 State government, and persons in certain appointed offices of
17 State government, including the membership of State
18 departments, agencies, boards, and commissions, whose annual
19 compensation previously was recommended or determined by the
20 Compensation Review Board, are prohibited from receiving and
21 shall not receive any increase in compensation that would
22 otherwise apply based on a cost of living adjustment, as
23 authorized by Senate Joint Resolution 192 of the 86th General
24 Assembly, for or during the fiscal year beginning July 1, 2018.

ARTICLE 75. TAX PROVISIONS

Section 75-5. The Illinois Income Tax Act is amended by changing Sections 223 and 227 as follows:

(35 ILCS 5/223)

Sec. 223. Hospital credit.

(a) For tax years ending on or after December 31, 2012 and ending on or before December 31, 2022, a taxpayer that is the owner of a hospital licensed under the Hospital Licensing Act, but not including an organization that is exempt from federal income taxes under the Internal Revenue Code, is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount equal to the lesser of the amount of real property taxes paid during the tax year on real property used for hospital purposes during the prior tax year or the cost of free or discounted services provided during the tax year pursuant to the hospital's charitable financial assistance policy, measured at cost.

(b) If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. A transfer of this credit may be made by the taxpayer earning the credit within

1 one year after the credit is earned in accordance with rules
2 adopted by the Department. The Department shall prescribe rules
3 to enforce and administer provisions of this Section. If the
4 amount of the credit exceeds the tax liability for the year,
5 then the excess credit may be carried forward and applied to
6 the tax liability of the 5 taxable years following the excess
7 credit year. The credit shall be applied to the earliest year
8 for which there is a tax liability. If there are credits from
9 more than one tax year that are available to offset a
10 liability, the earlier credit shall be applied first. In no
11 event shall a credit under this Section reduce the taxpayer's
12 liability to less than zero.

13 (Source: P.A. 97-688, eff. 6-14-12.)

14 (35 ILCS 5/227 new)

15 Sec. 227. Adoption credit.

16 (a) Beginning with tax years ending on or after December
17 31, 2018, in the case of an individual taxpayer there shall be
18 allowed a credit against the tax imposed by subsections (a) and
19 (b) of Section 201 in an amount equal to the amount of the
20 federal adoption tax credit received pursuant to Section 23 of
21 the Internal Revenue Code with respect to the adoption of a
22 qualifying dependent child, subject to the limitations set
23 forth in this subsection and subsection (b). The aggregate
24 amount of qualified adoption expenses which may be taken into
25 account under this Section for all taxable years with respect

1 to the adoption of a qualifying dependent child by the taxpayer
2 shall not exceed \$2,000 (\$1,000 in the case of a married
3 individual filing a separate return). The credit under this
4 Section shall be allowed: (i) in the case of any expense paid
5 or incurred before the taxable year in which such adoption
6 becomes final, for the taxable year following the taxable year
7 during which such expense is paid or incurred, and (ii) in the
8 case of an expense paid or incurred during or after the taxable
9 year in which such adoption becomes final, for the taxable year
10 in which such expense is paid or incurred. No credit shall be
11 allowed under this Section for any expense to the extent that
12 funds for such expense are received under any Federal, State,
13 or local program. For purposes of this Section, spouses filing
14 a joint return shall be considered one taxpayer.

15 For a non-resident or part-year resident, the amount of the
16 credit under this Section shall be in proportion to the amount
17 of income attributable to this State.

18 (b) Increased credit amount for resident children. With
19 respect to the adoption of an eligible child who is at least
20 one year old and resides in Illinois at the time the expenses
21 are paid or incurred, subsection (a) shall be applied by
22 substituting \$5,000 (\$2,500 in the case of a married individual
23 filing a separate return) for \$2,000.

24 (c) In no event shall a credit under this Section reduce
25 the taxpayer's liability to less than zero. If the amount of
26 the credit exceeds the income tax liability for the applicable

1 tax year, the excess may be carried forward and applied to the
2 tax liability of the 5 taxable years following the excess
3 credit year. The credit shall be applied to the earliest year
4 for which there is a tax liability. If there are credits from
5 more than one year that are available to offset a liability,
6 the earlier credit shall be applied first.

7 (d) The term "qualified adoption expenses" shall have the
8 same meaning as under Section 23(d) of the Internal Revenue
9 Code.

10 ARTICLE 80. MARKETPLACE FAIRNESS

11 Section 80-5. The Use Tax Act is amended by changing
12 Section 2 as follows:

13 (35 ILCS 105/2) (from Ch. 120, par. 439.2)

14 Sec. 2. Definitions.

15 "Use" means the exercise by any person of any right or
16 power over tangible personal property incident to the ownership
17 of that property, except that it does not include the sale of
18 such property in any form as tangible personal property in the
19 regular course of business to the extent that such property is
20 not first subjected to a use for which it was purchased, and
21 does not include the use of such property by its owner for
22 demonstration purposes: Provided that the property purchased
23 is deemed to be purchased for the purpose of resale, despite

1 first being used, to the extent to which it is resold as an
2 ingredient of an intentionally produced product or by-product
3 of manufacturing. "Use" does not mean the demonstration use or
4 interim use of tangible personal property by a retailer before
5 he sells that tangible personal property. For watercraft or
6 aircraft, if the period of demonstration use or interim use by
7 the retailer exceeds 18 months, the retailer shall pay on the
8 retailers' original cost price the tax imposed by this Act, and
9 no credit for that tax is permitted if the watercraft or
10 aircraft is subsequently sold by the retailer. "Use" does not
11 mean the physical incorporation of tangible personal property,
12 to the extent not first subjected to a use for which it was
13 purchased, as an ingredient or constituent, into other tangible
14 personal property (a) which is sold in the regular course of
15 business or (b) which the person incorporating such ingredient
16 or constituent therein has undertaken at the time of such
17 purchase to cause to be transported in interstate commerce to
18 destinations outside the State of Illinois: Provided that the
19 property purchased is deemed to be purchased for the purpose of
20 resale, despite first being used, to the extent to which it is
21 resold as an ingredient of an intentionally produced product or
22 by-product of manufacturing.

23 "Watercraft" means a Class 2, Class 3, or Class 4
24 watercraft as defined in Section 3-2 of the Boat Registration
25 and Safety Act, a personal watercraft, or any boat equipped
26 with an inboard motor.

1 "Purchase at retail" means the acquisition of the ownership
2 of or title to tangible personal property through a sale at
3 retail.

4 "Purchaser" means anyone who, through a sale at retail,
5 acquires the ownership of tangible personal property for a
6 valuable consideration.

7 "Sale at retail" means any transfer of the ownership of or
8 title to tangible personal property to a purchaser, for the
9 purpose of use, and not for the purpose of resale in any form
10 as tangible personal property to the extent not first subjected
11 to a use for which it was purchased, for a valuable
12 consideration: Provided that the property purchased is deemed
13 to be purchased for the purpose of resale, despite first being
14 used, to the extent to which it is resold as an ingredient of
15 an intentionally produced product or by-product of
16 manufacturing. For this purpose, slag produced as an incident
17 to manufacturing pig iron or steel and sold is considered to be
18 an intentionally produced by-product of manufacturing. "Sale
19 at retail" includes any such transfer made for resale unless
20 made in compliance with Section 2c of the Retailers' Occupation
21 Tax Act, as incorporated by reference into Section 12 of this
22 Act. Transactions whereby the possession of the property is
23 transferred but the seller retains the title as security for
24 payment of the selling price are sales.

25 "Sale at retail" shall also be construed to include any
26 Illinois florist's sales transaction in which the purchase

1 order is received in Illinois by a florist and the sale is for
2 use or consumption, but the Illinois florist has a florist in
3 another state deliver the property to the purchaser or the
4 purchaser's donee in such other state.

5 Nonreusable tangible personal property that is used by
6 persons engaged in the business of operating a restaurant,
7 cafeteria, or drive-in is a sale for resale when it is
8 transferred to customers in the ordinary course of business as
9 part of the sale of food or beverages and is used to deliver,
10 package, or consume food or beverages, regardless of where
11 consumption of the food or beverages occurs. Examples of those
12 items include, but are not limited to nonreusable, paper and
13 plastic cups, plates, baskets, boxes, sleeves, buckets or other
14 containers, utensils, straws, placemats, napkins, doggie bags,
15 and wrapping or packaging materials that are transferred to
16 customers as part of the sale of food or beverages in the
17 ordinary course of business.

18 The purchase, employment and transfer of such tangible
19 personal property as newsprint and ink for the primary purpose
20 of conveying news (with or without other information) is not a
21 purchase, use or sale of tangible personal property.

22 "Selling price" means the consideration for a sale valued
23 in money whether received in money or otherwise, including
24 cash, credits, property other than as hereinafter provided, and
25 services, but not including the value of or credit given for
26 traded-in tangible personal property where the item that is

1 traded-in is of like kind and character as that which is being
2 sold, and shall be determined without any deduction on account
3 of the cost of the property sold, the cost of materials used,
4 labor or service cost or any other expense whatsoever, but does
5 not include interest or finance charges which appear as
6 separate items on the bill of sale or sales contract nor
7 charges that are added to prices by sellers on account of the
8 seller's tax liability under the "Retailers' Occupation Tax
9 Act", or on account of the seller's duty to collect, from the
10 purchaser, the tax that is imposed by this Act, or, except as
11 otherwise provided with respect to any cigarette tax imposed by
12 a home rule unit, on account of the seller's tax liability
13 under any local occupation tax administered by the Department,
14 or, except as otherwise provided with respect to any cigarette
15 tax imposed by a home rule unit on account of the seller's duty
16 to collect, from the purchasers, the tax that is imposed under
17 any local use tax administered by the Department. Effective
18 December 1, 1985, "selling price" shall include charges that
19 are added to prices by sellers on account of the seller's tax
20 liability under the Cigarette Tax Act, on account of the
21 seller's duty to collect, from the purchaser, the tax imposed
22 under the Cigarette Use Tax Act, and on account of the seller's
23 duty to collect, from the purchaser, any cigarette tax imposed
24 by a home rule unit.

25 Notwithstanding any law to the contrary, for any motor
26 vehicle, as defined in Section 1-146 of the Vehicle Code, that

1 is sold on or after January 1, 2015 for the purpose of leasing
2 the vehicle for a defined period that is longer than one year
3 and (1) is a motor vehicle of the second division that: (A) is
4 a self-contained motor vehicle designed or permanently
5 converted to provide living quarters for recreational,
6 camping, or travel use, with direct walk through access to the
7 living quarters from the driver's seat; (B) is of the van
8 configuration designed for the transportation of not less than
9 7 nor more than 16 passengers; or (C) has a gross vehicle
10 weight rating of 8,000 pounds or less or (2) is a motor vehicle
11 of the first division, "selling price" or "amount of sale"
12 means the consideration received by the lessor pursuant to the
13 lease contract, including amounts due at lease signing and all
14 monthly or other regular payments charged over the term of the
15 lease. Also included in the selling price is any amount
16 received by the lessor from the lessee for the leased vehicle
17 that is not calculated at the time the lease is executed,
18 including, but not limited to, excess mileage charges and
19 charges for excess wear and tear. For sales that occur in
20 Illinois, with respect to any amount received by the lessor
21 from the lessee for the leased vehicle that is not calculated
22 at the time the lease is executed, the lessor who purchased the
23 motor vehicle does not incur the tax imposed by the Use Tax Act
24 on those amounts, and the retailer who makes the retail sale of
25 the motor vehicle to the lessor is not required to collect the
26 tax imposed by this Act or to pay the tax imposed by the

1 Retailers' Occupation Tax Act on those amounts. However, the
2 lessor who purchased the motor vehicle assumes the liability
3 for reporting and paying the tax on those amounts directly to
4 the Department in the same form (Illinois Retailers' Occupation
5 Tax, and local retailers' occupation taxes, if applicable) in
6 which the retailer would have reported and paid such tax if the
7 retailer had accounted for the tax to the Department. For
8 amounts received by the lessor from the lessee that are not
9 calculated at the time the lease is executed, the lessor must
10 file the return and pay the tax to the Department by the due
11 date otherwise required by this Act for returns other than
12 transaction returns. If the retailer is entitled under this Act
13 to a discount for collecting and remitting the tax imposed
14 under this Act to the Department with respect to the sale of
15 the motor vehicle to the lessor, then the right to the discount
16 provided in this Act shall be transferred to the lessor with
17 respect to the tax paid by the lessor for any amount received
18 by the lessor from the lessee for the leased vehicle that is
19 not calculated at the time the lease is executed; provided that
20 the discount is only allowed if the return is timely filed and
21 for amounts timely paid. The "selling price" of a motor vehicle
22 that is sold on or after January 1, 2015 for the purpose of
23 leasing for a defined period of longer than one year shall not
24 be reduced by the value of or credit given for traded-in
25 tangible personal property owned by the lessor, nor shall it be
26 reduced by the value of or credit given for traded-in tangible

1 personal property owned by the lessee, regardless of whether
2 the trade-in value thereof is assigned by the lessee to the
3 lessor. In the case of a motor vehicle that is sold for the
4 purpose of leasing for a defined period of longer than one
5 year, the sale occurs at the time of the delivery of the
6 vehicle, regardless of the due date of any lease payments. A
7 lessor who incurs a Retailers' Occupation Tax liability on the
8 sale of a motor vehicle coming off lease may not take a credit
9 against that liability for the Use Tax the lessor paid upon the
10 purchase of the motor vehicle (or for any tax the lessor paid
11 with respect to any amount received by the lessor from the
12 lessee for the leased vehicle that was not calculated at the
13 time the lease was executed) if the selling price of the motor
14 vehicle at the time of purchase was calculated using the
15 definition of "selling price" as defined in this paragraph.
16 Notwithstanding any other provision of this Act to the
17 contrary, lessors shall file all returns and make all payments
18 required under this paragraph to the Department by electronic
19 means in the manner and form as required by the Department.
20 This paragraph does not apply to leases of motor vehicles for
21 which, at the time the lease is entered into, the term of the
22 lease is not a defined period, including leases with a defined
23 initial period with the option to continue the lease on a
24 month-to-month or other basis beyond the initial defined
25 period.

26 The phrase "like kind and character" shall be liberally

1 construed (including but not limited to any form of motor
2 vehicle for any form of motor vehicle, or any kind of farm or
3 agricultural implement for any other kind of farm or
4 agricultural implement), while not including a kind of item
5 which, if sold at retail by that retailer, would be exempt from
6 retailers' occupation tax and use tax as an isolated or
7 occasional sale.

8 "Department" means the Department of Revenue.

9 "Person" means any natural individual, firm, partnership,
10 association, joint stock company, joint adventure, public or
11 private corporation, limited liability company, or a receiver,
12 executor, trustee, guardian or other representative appointed
13 by order of any court.

14 "Retailer" means and includes every person engaged in the
15 business of making sales at retail as defined in this Section.

16 A person who holds himself or herself out as being engaged
17 (or who habitually engages) in selling tangible personal
18 property at retail is a retailer hereunder with respect to such
19 sales (and not primarily in a service occupation)
20 notwithstanding the fact that such person designs and produces
21 such tangible personal property on special order for the
22 purchaser and in such a way as to render the property of value
23 only to such purchaser, if such tangible personal property so
24 produced on special order serves substantially the same
25 function as stock or standard items of tangible personal
26 property that are sold at retail.

1 A person whose activities are organized and conducted
2 primarily as a not-for-profit service enterprise, and who
3 engages in selling tangible personal property at retail
4 (whether to the public or merely to members and their guests)
5 is a retailer with respect to such transactions, excepting only
6 a person organized and operated exclusively for charitable,
7 religious or educational purposes either (1), to the extent of
8 sales by such person to its members, students, patients or
9 inmates of tangible personal property to be used primarily for
10 the purposes of such person, or (2), to the extent of sales by
11 such person of tangible personal property which is not sold or
12 offered for sale by persons organized for profit. The selling
13 of school books and school supplies by schools at retail to
14 students is not "primarily for the purposes of" the school
15 which does such selling. This paragraph does not apply to nor
16 subject to taxation occasional dinners, social or similar
17 activities of a person organized and operated exclusively for
18 charitable, religious or educational purposes, whether or not
19 such activities are open to the public.

20 A person who is the recipient of a grant or contract under
21 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
22 serves meals to participants in the federal Nutrition Program
23 for the Elderly in return for contributions established in
24 amount by the individual participant pursuant to a schedule of
25 suggested fees as provided for in the federal Act is not a
26 retailer under this Act with respect to such transactions.

1 Persons who engage in the business of transferring tangible
2 personal property upon the redemption of trading stamps are
3 retailers hereunder when engaged in such business.

4 The isolated or occasional sale of tangible personal
5 property at retail by a person who does not hold himself out as
6 being engaged (or who does not habitually engage) in selling
7 such tangible personal property at retail or a sale through a
8 bulk vending machine does not make such person a retailer
9 hereunder. However, any person who is engaged in a business
10 which is not subject to the tax imposed by the "Retailers'
11 Occupation Tax Act" because of involving the sale of or a
12 contract to sell real estate or a construction contract to
13 improve real estate, but who, in the course of conducting such
14 business, transfers tangible personal property to users or
15 consumers in the finished form in which it was purchased, and
16 which does not become real estate, under any provision of a
17 construction contract or real estate sale or real estate sales
18 agreement entered into with some other person arising out of or
19 because of such nontaxable business, is a retailer to the
20 extent of the value of the tangible personal property so
21 transferred. If, in such transaction, a separate charge is made
22 for the tangible personal property so transferred, the value of
23 such property, for the purposes of this Act, is the amount so
24 separately charged, but not less than the cost of such property
25 to the transferor; if no separate charge is made, the value of
26 such property, for the purposes of this Act, is the cost to the

1 transferor of such tangible personal property.

2 "Retailer maintaining a place of business in this State",
3 or any like term, means and includes any of the following
4 retailers:

5 (1) ~~1.~~ A retailer having or maintaining within this
6 State, directly or by a subsidiary, an office, distribution
7 house, sales house, warehouse or other place of business,
8 or any agent or other representative operating within this
9 State under the authority of the retailer or its
10 subsidiary, irrespective of whether such place of business
11 or agent or other representative is located here
12 permanently or temporarily, or whether such retailer or
13 subsidiary is licensed to do business in this State.
14 However, the ownership of property that is located at the
15 premises of a printer with which the retailer has
16 contracted for printing and that consists of the final
17 printed product, property that becomes a part of the final
18 printed product, or copy from which the printed product is
19 produced shall not result in the retailer being deemed to
20 have or maintain an office, distribution house, sales
21 house, warehouse, or other place of business within this
22 State.

23 (1.1) ~~1.1.~~ A retailer having a contract with a person
24 located in this State under which the person, for a
25 commission or other consideration based upon the sale of
26 tangible personal property by the retailer, directly or

1 indirectly refers potential customers to the retailer by
2 providing to the potential customers a promotional code or
3 other mechanism that allows the retailer to track purchases
4 referred by such persons. Examples of mechanisms that allow
5 the retailer to track purchases referred by such persons
6 include but are not limited to the use of a link on the
7 person's Internet website, promotional codes distributed
8 through the person's hand-delivered or mailed material,
9 and promotional codes distributed by the person through
10 radio or other broadcast media. The provisions of this
11 paragraph (1.1) ~~1.1~~ shall apply only if the cumulative
12 gross receipts from sales of tangible personal property by
13 the retailer to customers who are referred to the retailer
14 by all persons in this State under such contracts exceed
15 \$10,000 during the preceding 4 quarterly periods ending on
16 the last day of March, June, September, and December. A
17 retailer meeting the requirements of this paragraph (1.1)
18 ~~1.1~~ shall be presumed to be maintaining a place of business
19 in this State but may rebut this presumption by submitting
20 proof that the referrals or other activities pursued within
21 this State by such persons were not sufficient to meet the
22 nexus standards of the United States Constitution during
23 the preceding 4 quarterly periods.

24 (1.2) ~~1.2~~. Beginning July 1, 2011, a retailer having a
25 contract with a person located in this State under which:

26 (A) ~~A.~~ the retailer sells the same or substantially

1 similar line of products as the person located in this
2 State and does so using an identical or substantially
3 similar name, trade name, or trademark as the person
4 located in this State; and

5 (B) ~~B.~~ the retailer provides a commission or other
6 consideration to the person located in this State based
7 upon the sale of tangible personal property by the
8 retailer.

9 The provisions of this paragraph (1.2) ~~1.2~~ shall apply only
10 if the cumulative gross receipts from sales of tangible
11 personal property by the retailer to customers in this
12 State under all such contracts exceed \$10,000 during the
13 preceding 4 quarterly periods ending on the last day of
14 March, June, September, and December.

15 (2) ~~2.~~ A retailer soliciting orders for tangible
16 personal property by means of a telecommunication or
17 television shopping system (which utilizes toll free
18 numbers) which is intended by the retailer to be broadcast
19 by cable television or other means of broadcasting, to
20 consumers located in this State.

21 (3) ~~3.~~ A retailer, pursuant to a contract with a
22 broadcaster or publisher located in this State, soliciting
23 orders for tangible personal property by means of
24 advertising which is disseminated primarily to consumers
25 located in this State and only secondarily to bordering
26 jurisdictions.

1 (4) ~~4.~~ A retailer soliciting orders for tangible
2 personal property by mail if the solicitations are
3 substantial and recurring and if the retailer benefits from
4 any banking, financing, debt collection,
5 telecommunication, or marketing activities occurring in
6 this State or benefits from the location in this State of
7 authorized installation, servicing, or repair facilities.

8 (5) ~~5.~~ A retailer that is owned or controlled by the
9 same interests that own or control any retailer engaging in
10 business in the same or similar line of business in this
11 State.

12 (6) ~~6.~~ A retailer having a franchisee or licensee
13 operating under its trade name if the franchisee or
14 licensee is required to collect the tax under this Section.

15 (7) ~~7.~~ A retailer, pursuant to a contract with a cable
16 television operator located in this State, soliciting
17 orders for tangible personal property by means of
18 advertising which is transmitted or distributed over a
19 cable television system in this State.

20 (8) ~~8.~~ A retailer engaging in activities in Illinois,
21 which activities in the state in which the retail business
22 engaging in such activities is located would constitute
23 maintaining a place of business in that state.

24 (9) Beginning October 1, 2018, a retailer making sales
25 of tangible personal property to purchasers in Illinois
26 from outside of Illinois if:

1 (A) the cumulative gross receipts from sales of
2 tangible personal property to purchasers in Illinois
3 are \$100,000 or more; or

4 (B) the retailer enters into 200 or more separate
5 transactions for the sale of tangible personal
6 property to purchasers in Illinois.

7 The retailer shall determine on a quarterly basis,
8 ending on the last day of March, June, September, and
9 December, whether he or she meets the criteria of either
10 subparagraph (A) or (B) of this paragraph (9) for the
11 preceding 12-month period. If the retailer meets the
12 criteria of either subparagraph (A) or (B) for a 12-month
13 period, he or she is considered a retailer maintaining a
14 place of business in this State and is required to collect
15 and remit the tax imposed under this Act and file returns
16 for one year. At the end of that one-year period, the
17 retailer shall determine whether the retailer met the
18 criteria of either subparagraph (A) or (B) during the
19 preceding 12-month period. If the retailer met the criteria
20 in either subparagraph (A) or (B) for the preceding
21 12-month period, he or she is considered a retailer
22 maintaining a place of business in this State and is
23 required to collect and remit the tax imposed under this
24 Act and file returns for the subsequent year. If at the end
25 of a one-year period a retailer that was required to
26 collect and remit the tax imposed under this Act determines

1 that he or she did not meet the criteria in either
2 subparagraph (A) or (B) during the preceding 12-month
3 period, the retailer shall subsequently determine on a
4 quarterly basis, ending on the last day of March, June,
5 September, and December, whether he or she meets the
6 criteria of either subparagraph (A) or (B) for the
7 preceding 12-month period.

8 "Bulk vending machine" means a vending machine, containing
9 unsorted confections, nuts, toys, or other items designed
10 primarily to be used or played with by children which, when a
11 coin or coins of a denomination not larger than \$0.50 are
12 inserted, are dispensed in equal portions, at random and
13 without selection by the customer.

14 (Source: P.A. 98-628, eff. 1-1-15; 98-1080, eff. 8-26-14;
15 98-1089, eff. 1-1-15; 99-78, eff. 7-20-15.)

16 Section 80-10. The Service Use Tax Act is amended by
17 changing Section 2 as follows:

18 (35 ILCS 110/2) (from Ch. 120, par. 439.32)

19 Sec. 2. Definitions. In this Act:

20 "Use" means the exercise by any person of any right or
21 power over tangible personal property incident to the ownership
22 of that property, but does not include the sale or use for
23 demonstration by him of that property in any form as tangible
24 personal property in the regular course of business. "Use" does

1 not mean the interim use of tangible personal property nor the
2 physical incorporation of tangible personal property, as an
3 ingredient or constituent, into other tangible personal
4 property, (a) which is sold in the regular course of business
5 or (b) which the person incorporating such ingredient or
6 constituent therein has undertaken at the time of such purchase
7 to cause to be transported in interstate commerce to
8 destinations outside the State of Illinois.

9 "Purchased from a serviceman" means the acquisition of the
10 ownership of, or title to, tangible personal property through a
11 sale of service.

12 "Purchaser" means any person who, through a sale of
13 service, acquires the ownership of, or title to, any tangible
14 personal property.

15 "Cost price" means the consideration paid by the serviceman
16 for a purchase valued in money, whether paid in money or
17 otherwise, including cash, credits and services, and shall be
18 determined without any deduction on account of the supplier's
19 cost of the property sold or on account of any other expense
20 incurred by the supplier. When a serviceman contracts out part
21 or all of the services required in his sale of service, it
22 shall be presumed that the cost price to the serviceman of the
23 property transferred to him or her by his or her subcontractor
24 is equal to 50% of the subcontractor's charges to the
25 serviceman in the absence of proof of the consideration paid by
26 the subcontractor for the purchase of such property.

1 "Selling price" means the consideration for a sale valued
2 in money whether received in money or otherwise, including
3 cash, credits and service, and shall be determined without any
4 deduction on account of the serviceman's cost of the property
5 sold, the cost of materials used, labor or service cost or any
6 other expense whatsoever, but does not include interest or
7 finance charges which appear as separate items on the bill of
8 sale or sales contract nor charges that are added to prices by
9 sellers on account of the seller's duty to collect, from the
10 purchaser, the tax that is imposed by this Act.

11 "Department" means the Department of Revenue.

12 "Person" means any natural individual, firm, partnership,
13 association, joint stock company, joint venture, public or
14 private corporation, limited liability company, and any
15 receiver, executor, trustee, guardian or other representative
16 appointed by order of any court.

17 "Sale of service" means any transaction except:

18 (1) a retail sale of tangible personal property taxable
19 under the Retailers' Occupation Tax Act or under the Use
20 Tax Act.

21 (2) a sale of tangible personal property for the
22 purpose of resale made in compliance with Section 2c of the
23 Retailers' Occupation Tax Act.

24 (3) except as hereinafter provided, a sale or transfer
25 of tangible personal property as an incident to the
26 rendering of service for or by any governmental body, or

1 for or by any corporation, society, association,
2 foundation or institution organized and operated
3 exclusively for charitable, religious or educational
4 purposes or any not-for-profit corporation, society,
5 association, foundation, institution or organization which
6 has no compensated officers or employees and which is
7 organized and operated primarily for the recreation of
8 persons 55 years of age or older. A limited liability
9 company may qualify for the exemption under this paragraph
10 only if the limited liability company is organized and
11 operated exclusively for educational purposes.

12 (4) (blank).

13 (4a) a sale or transfer of tangible personal property
14 as an incident to the rendering of service for owners,
15 lessors, or shippers of tangible personal property which is
16 utilized by interstate carriers for hire for use as rolling
17 stock moving in interstate commerce so long as so used by
18 interstate carriers for hire, and equipment operated by a
19 telecommunications provider, licensed as a common carrier
20 by the Federal Communications Commission, which is
21 permanently installed in or affixed to aircraft moving in
22 interstate commerce.

23 (4a-5) on and after July 1, 2003 and through June 30,
24 2004, a sale or transfer of a motor vehicle of the second
25 division with a gross vehicle weight in excess of 8,000
26 pounds as an incident to the rendering of service if that

1 motor vehicle is subject to the commercial distribution fee
2 imposed under Section 3-815.1 of the Illinois Vehicle Code.
3 Beginning on July 1, 2004 and through June 30, 2005, the
4 use in this State of motor vehicles of the second division:
5 (i) with a gross vehicle weight rating in excess of 8,000
6 pounds; (ii) that are subject to the commercial
7 distribution fee imposed under Section 3-815.1 of the
8 Illinois Vehicle Code; and (iii) that are primarily used
9 for commercial purposes. Through June 30, 2005, this
10 exemption applies to repair and replacement parts added
11 after the initial purchase of such a motor vehicle if that
12 motor vehicle is used in a manner that would qualify for
13 the rolling stock exemption otherwise provided for in this
14 Act. For purposes of this paragraph, "used for commercial
15 purposes" means the transportation of persons or property
16 in furtherance of any commercial or industrial enterprise
17 whether for-hire or not.

18 (5) a sale or transfer of machinery and equipment used
19 primarily in the process of the manufacturing or
20 assembling, either in an existing, an expanded or a new
21 manufacturing facility, of tangible personal property for
22 wholesale or retail sale or lease, whether such sale or
23 lease is made directly by the manufacturer or by some other
24 person, whether the materials used in the process are owned
25 by the manufacturer or some other person, or whether such
26 sale or lease is made apart from or as an incident to the

1 seller's engaging in a service occupation and the
2 applicable tax is a Service Use Tax or Service Occupation
3 Tax, rather than Use Tax or Retailers' Occupation Tax. The
4 exemption provided by this paragraph (5) does not include
5 machinery and equipment used in (i) the generation of
6 electricity for wholesale or retail sale; (ii) the
7 generation or treatment of natural or artificial gas for
8 wholesale or retail sale that is delivered to customers
9 through pipes, pipelines, or mains; or (iii) the treatment
10 of water for wholesale or retail sale that is delivered to
11 customers through pipes, pipelines, or mains. The
12 provisions of Public Act 98-583 ~~this amendatory Act of the~~
13 ~~98th General Assembly~~ are declaratory of existing law as to
14 the meaning and scope of this exemption. The exemption
15 under this paragraph (5) is exempt from the provisions of
16 Section 3-75.

17 (5a) the repairing, reconditioning or remodeling, for
18 a common carrier by rail, of tangible personal property
19 which belongs to such carrier for hire, and as to which
20 such carrier receives the physical possession of the
21 repaired, reconditioned or remodeled item of tangible
22 personal property in Illinois, and which such carrier
23 transports, or shares with another common carrier in the
24 transportation of such property, out of Illinois on a
25 standard uniform bill of lading showing the person who
26 repaired, reconditioned or remodeled the property to a

1 destination outside Illinois, for use outside Illinois.

2 (5b) a sale or transfer of tangible personal property
3 which is produced by the seller thereof on special order in
4 such a way as to have made the applicable tax the Service
5 Occupation Tax or the Service Use Tax, rather than the
6 Retailers' Occupation Tax or the Use Tax, for an interstate
7 carrier by rail which receives the physical possession of
8 such property in Illinois, and which transports such
9 property, or shares with another common carrier in the
10 transportation of such property, out of Illinois on a
11 standard uniform bill of lading showing the seller of the
12 property as the shipper or consignor of such property to a
13 destination outside Illinois, for use outside Illinois.

14 (6) until July 1, 2003, a sale or transfer of
15 distillation machinery and equipment, sold as a unit or kit
16 and assembled or installed by the retailer, which machinery
17 and equipment is certified by the user to be used only for
18 the production of ethyl alcohol that will be used for
19 consumption as motor fuel or as a component of motor fuel
20 for the personal use of such user and not subject to sale
21 or resale.

22 (7) at the election of any serviceman not required to
23 be otherwise registered as a retailer under Section 2a of
24 the Retailers' Occupation Tax Act, made for each fiscal
25 year sales of service in which the aggregate annual cost
26 price of tangible personal property transferred as an

1 incident to the sales of service is less than 35%, or 75%
2 in the case of servicemen transferring prescription drugs
3 or servicemen engaged in graphic arts production, of the
4 aggregate annual total gross receipts from all sales of
5 service. The purchase of such tangible personal property by
6 the serviceman shall be subject to tax under the Retailers'
7 Occupation Tax Act and the Use Tax Act. However, if a
8 primary serviceman who has made the election described in
9 this paragraph subcontracts service work to a secondary
10 serviceman who has also made the election described in this
11 paragraph, the primary serviceman does not incur a Use Tax
12 liability if the secondary serviceman (i) has paid or will
13 pay Use Tax on his or her cost price of any tangible
14 personal property transferred to the primary serviceman
15 and (ii) certifies that fact in writing to the primary
16 serviceman.

17 Tangible personal property transferred incident to the
18 completion of a maintenance agreement is exempt from the tax
19 imposed pursuant to this Act.

20 Exemption (5) also includes machinery and equipment used in
21 the general maintenance or repair of such exempt machinery and
22 equipment or for in-house manufacture of exempt machinery and
23 equipment. On and after July 1, 2017, exemption (5) also
24 includes graphic arts machinery and equipment, as defined in
25 paragraph (5) of Section 3-5. The machinery and equipment
26 exemption does not include machinery and equipment used in (i)

1 the generation of electricity for wholesale or retail sale;
2 (ii) the generation or treatment of natural or artificial gas
3 for wholesale or retail sale that is delivered to customers
4 through pipes, pipelines, or mains; or (iii) the treatment of
5 water for wholesale or retail sale that is delivered to
6 customers through pipes, pipelines, or mains. The provisions of
7 Public Act 98-583 ~~this amendatory Act of the 98th General~~
8 ~~Assembly~~ are declaratory of existing law as to the meaning and
9 scope of this exemption. For the purposes of exemption (5),
10 each of these terms shall have the following meanings: (1)
11 "manufacturing process" shall mean the production of any
12 article of tangible personal property, whether such article is
13 a finished product or an article for use in the process of
14 manufacturing or assembling a different article of tangible
15 personal property, by procedures commonly regarded as
16 manufacturing, processing, fabricating, or refining which
17 changes some existing material or materials into a material
18 with a different form, use or name. In relation to a recognized
19 integrated business composed of a series of operations which
20 collectively constitute manufacturing, or individually
21 constitute manufacturing operations, the manufacturing process
22 shall be deemed to commence with the first operation or stage
23 of production in the series, and shall not be deemed to end
24 until the completion of the final product in the last operation
25 or stage of production in the series; and further, for purposes
26 of exemption (5), photoprocessing is deemed to be a

1 manufacturing process of tangible personal property for
2 wholesale or retail sale; (2) "assembling process" shall mean
3 the production of any article of tangible personal property,
4 whether such article is a finished product or an article for
5 use in the process of manufacturing or assembling a different
6 article of tangible personal property, by the combination of
7 existing materials in a manner commonly regarded as assembling
8 which results in a material of a different form, use or name;
9 (3) "machinery" shall mean major mechanical machines or major
10 components of such machines contributing to a manufacturing or
11 assembling process; and (4) "equipment" shall include any
12 independent device or tool separate from any machinery but
13 essential to an integrated manufacturing or assembly process;
14 including computers used primarily in a manufacturer's
15 computer assisted design, computer assisted manufacturing
16 (CAD/CAM) system; or any subunit or assembly comprising a
17 component of any machinery or auxiliary, adjunct or attachment
18 parts of machinery, such as tools, dies, jigs, fixtures,
19 patterns and molds; or any parts which require periodic
20 replacement in the course of normal operation; but shall not
21 include hand tools. Equipment includes chemicals or chemicals
22 acting as catalysts but only if the chemicals or chemicals
23 acting as catalysts effect a direct and immediate change upon a
24 product being manufactured or assembled for wholesale or retail
25 sale or lease. The purchaser of such machinery and equipment
26 who has an active resale registration number shall furnish such

1 number to the seller at the time of purchase. The user of such
2 machinery and equipment and tools without an active resale
3 registration number shall prepare a certificate of exemption
4 for each transaction stating facts establishing the exemption
5 for that transaction, which certificate shall be available to
6 the Department for inspection or audit. The Department shall
7 prescribe the form of the certificate.

8 Any informal rulings, opinions or letters issued by the
9 Department in response to an inquiry or request for any opinion
10 from any person regarding the coverage and applicability of
11 exemption (5) to specific devices shall be published,
12 maintained as a public record, and made available for public
13 inspection and copying. If the informal ruling, opinion or
14 letter contains trade secrets or other confidential
15 information, where possible the Department shall delete such
16 information prior to publication. Whenever such informal
17 rulings, opinions, or letters contain any policy of general
18 applicability, the Department shall formulate and adopt such
19 policy as a rule in accordance with the provisions of the
20 Illinois Administrative Procedure Act.

21 On and after July 1, 1987, no entity otherwise eligible
22 under exemption (3) of this Section shall make tax-free ~~tax~~
23 ~~free~~ purchases unless it has an active exemption identification
24 number issued by the Department.

25 The purchase, employment and transfer of such tangible
26 personal property as newsprint and ink for the primary purpose

1 of conveying news (with or without other information) is not a
2 purchase, use or sale of service or of tangible personal
3 property within the meaning of this Act.

4 "Serviceman" means any person who is engaged in the
5 occupation of making sales of service.

6 "Sale at retail" means "sale at retail" as defined in the
7 Retailers' Occupation Tax Act.

8 "Supplier" means any person who makes sales of tangible
9 personal property to servicemen for the purpose of resale as an
10 incident to a sale of service.

11 "Serviceman maintaining a place of business in this State",
12 or any like term, means and includes any serviceman:

13 (1) ~~1.~~ having or maintaining within this State,
14 directly or by a subsidiary, an office, distribution house,
15 sales house, warehouse or other place of business, or any
16 agent or other representative operating within this State
17 under the authority of the serviceman or its subsidiary,
18 irrespective of whether such place of business or agent or
19 other representative is located here permanently or
20 temporarily, or whether such serviceman or subsidiary is
21 licensed to do business in this State;

22 (1.1) ~~1.1.~~ having a contract with a person located in
23 this State under which the person, for a commission or
24 other consideration based on the sale of service by the
25 serviceman, directly or indirectly refers potential
26 customers to the serviceman by providing to the potential

1 customers a promotional code or other mechanism that allows
2 the serviceman to track purchases referred by such persons.
3 Examples of mechanisms that allow the serviceman to track
4 purchases referred by such persons include but are not
5 limited to the use of a link on the person's Internet
6 website, promotional codes distributed through the
7 person's hand-delivered or mailed material, and
8 promotional codes distributed by the person through radio
9 or other broadcast media. The provisions of this paragraph
10 (1.1) ~~1.1~~ shall apply only if the cumulative gross receipts
11 from sales of service by the serviceman to customers who
12 are referred to the serviceman by all persons in this State
13 under such contracts exceed \$10,000 during the preceding 4
14 quarterly periods ending on the last day of March, June,
15 September, and December; a serviceman meeting the
16 requirements of this paragraph (1.1) ~~1.1~~ shall be presumed
17 to be maintaining a place of business in this State but may
18 rebut this presumption by submitting proof that the
19 referrals or other activities pursued within this State by
20 such persons were not sufficient to meet the nexus
21 standards of the United States Constitution during the
22 preceding 4 quarterly periods;

23 (1.2) ~~1.2~~ beginning July 1, 2011, having a contract
24 with a person located in this State under which:

25 (A) ~~A.~~ the serviceman sells the same or
26 substantially similar line of services as the person

1 located in this State and does so using an identical or
2 substantially similar name, trade name, or trademark
3 as the person located in this State; and

4 (B) ~~B.~~ the serviceman provides a commission or
5 other consideration to the person located in this State
6 based upon the sale of services by the serviceman.

7 The provisions of this paragraph (1.2) ~~1.2~~ shall apply only
8 if the cumulative gross receipts from sales of service by
9 the serviceman to customers in this State under all such
10 contracts exceed \$10,000 during the preceding 4 quarterly
11 periods ending on the last day of March, June, September,
12 and December;

13 (2) ~~2.~~ soliciting orders for tangible personal
14 property by means of a telecommunication or television
15 shopping system (which utilizes toll free numbers) which is
16 intended by the retailer to be broadcast by cable
17 television or other means of broadcasting, to consumers
18 located in this State;

19 (3) ~~3.~~ pursuant to a contract with a broadcaster or
20 publisher located in this State, soliciting orders for
21 tangible personal property by means of advertising which is
22 disseminated primarily to consumers located in this State
23 and only secondarily to bordering jurisdictions;

24 (4) ~~4.~~ soliciting orders for tangible personal
25 property by mail if the solicitations are substantial and
26 recurring and if the retailer benefits from any banking,

1 financing, debt collection, telecommunication, or
2 marketing activities occurring in this State or benefits
3 from the location in this State of authorized installation,
4 servicing, or repair facilities;

5 (5) ~~5.~~ being owned or controlled by the same interests
6 which own or control any retailer engaging in business in
7 the same or similar line of business in this State;

8 (6) ~~6.~~ having a franchisee or licensee operating under
9 its trade name if the franchisee or licensee is required to
10 collect the tax under this Section;

11 (7) ~~7.~~ pursuant to a contract with a cable television
12 operator located in this State, soliciting orders for
13 tangible personal property by means of advertising which is
14 transmitted or distributed over a cable television system
15 in this State; ~~or~~

16 (8) ~~8.~~ engaging in activities in Illinois, which
17 activities in the state in which the supply business
18 engaging in such activities is located would constitute
19 maintaining a place of business in that state; or ~~-~~

20 (9) beginning October 1, 2018, making sales of service
21 to purchasers in Illinois from outside of Illinois if:

22 (A) the cumulative gross receipts from sales of
23 service to purchasers in Illinois are \$100,000 or more;
24 or

25 (B) the serviceman enters into 200 or more separate
26 transactions for sales of service to purchasers in

1 Illinois.

2 The serviceman shall determine on a quarterly basis,
3 ending on the last day of March, June, September, and
4 December, whether he or she meets the criteria of either
5 subparagraph (A) or (B) of this paragraph (9) for the
6 preceding 12-month period. If the serviceman meets the
7 criteria of either subparagraph (A) or (B) for a 12-month
8 period, he or she is considered a serviceman maintaining a
9 place of business in this State and is required to collect
10 and remit the tax imposed under this Act and file returns
11 for one year. At the end of that one-year period, the
12 serviceman shall determine whether the serviceman met the
13 criteria of either subparagraph (A) or (B) during the
14 preceding 12-month period. If the serviceman met the
15 criteria in either subparagraph (A) or (B) for the
16 preceding 12-month period, he or she is considered a
17 serviceman maintaining a place of business in this State
18 and is required to collect and remit the tax imposed under
19 this Act and file returns for the subsequent year. If at
20 the end of a one-year period a serviceman that was required
21 to collect and remit the tax imposed under this Act
22 determines that he or she did not meet the criteria in
23 either subparagraph (A) or (B) during the preceding
24 12-month period, the serviceman subsequently shall
25 determine on a quarterly basis, ending on the last day of
26 March, June, September, and December, whether he or she

1 meets the criteria of either subparagraph (A) or (B) for
2 the preceding 12-month period.

3 (Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17;
4 revised 9-27-17.)

5 ARTICLE 85. GAMING

6 Section 85-5. The Illinois Lottery Law is amended by
7 changing Sections 7.12 and 9.1 as follows:

8 (20 ILCS 1605/7.12)

9 (Section scheduled to be repealed on July 1, 2018)

10 Sec. 7.12. Internet program.

11 (a) The General Assembly finds that:

12 (1) the consumer market in Illinois has changed since
13 the creation of the Illinois State Lottery in 1974;

14 (2) the Internet has become an integral part of
15 everyday life for a significant number of Illinois
16 residents not only in regards to their professional life,
17 but also in regards to personal business and communication;
18 and

19 (3) the current practices of selling lottery tickets
20 does not appeal to the new form of market participants who
21 prefer to make purchases on the Internet at their own
22 convenience.

23 It is the intent of the General Assembly to create an

1 Internet program for the sale of lottery tickets to capture
2 this new form of market participant.

3 (b) The Department shall create a program that allows an
4 individual 18 years of age or older to purchase lottery tickets
5 or shares on the Internet without using a Lottery retailer with
6 on-line status, as those terms are defined by rule. The
7 Department shall restrict the sale of lottery tickets on the
8 Internet to transactions initiated and received or otherwise
9 made exclusively within the State of Illinois. The Department
10 shall adopt rules necessary for the administration of this
11 program. These rules shall include, among other things,
12 requirements for marketing of the Lottery to infrequent
13 players, as well as limitations on the purchases that may be
14 made through any one individual's lottery account. The
15 provisions of this Act and the rules adopted under this Act
16 shall apply to the sale of lottery tickets or shares under this
17 program.

18 Before beginning the program, the Department of the Lottery
19 must submit a request to the United States Department of
20 Justice for review of the State's plan to implement a program
21 for the sale of lottery tickets on the Internet and its
22 propriety under federal law. The Department shall implement the
23 Internet program only if the Department of Justice does not
24 object to the implementation of the program within a reasonable
25 period of time after its review.

26 The Department is obligated to implement the program set

1 forth in this Section and Sections 7.15 and 7.16 only at such
2 time, and to such extent, that the Department of Justice does
3 not object to the implementation of the program within a
4 reasonable period of time after its review. While the Illinois
5 Lottery may only offer Lotto, Mega Millions, and Powerball
6 games through the program, the Department shall request review
7 from the federal Department of Justice for the Illinois Lottery
8 to sell lottery tickets on the Internet on behalf of the State
9 of Illinois that are not limited to just these games.

10 The Department shall authorize the private manager to
11 implement and administer the program pursuant to the management
12 agreement entered into under Section 9.1 and in a manner
13 consistent with the provisions of this Section. If a private
14 manager has not been selected pursuant to Section 9.1 at the
15 time the Department is obligated to implement the program, then
16 the Department shall not proceed with the program until after
17 the selection of the private manager, at which time the
18 Department shall authorize the private manager to implement and
19 administer the program pursuant to the management agreement
20 entered into under Section 9.1 and in a manner consistent with
21 the provisions of this Section.

22 Nothing in this Section shall be construed as prohibiting
23 the Department from implementing and operating a website portal
24 whereby individuals who are 18 years of age or older with an
25 Illinois mailing address may apply to purchase lottery tickets
26 via subscription. Nothing in this Section shall also be

1 construed as prohibiting the sale of Lotto, Mega Millions, and
2 Powerball games by a lottery licensee pursuant to the
3 Department's rules.

4 (c) (Blank).

5 (d) This Section is repealed on July 1, 2019 ~~2018~~.

6 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17.)

7 (20 ILCS 1605/9.1)

8 Sec. 9.1. Private manager and management agreement.

9 (a) As used in this Section:

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

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

15 (1) Statements of qualifications.

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

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

1 agreement.

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

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

10 (c) Pursuant to the terms of this subsection, the
11 Department shall endeavor to expeditiously terminate the
12 existing contracts in support of the Lottery in effect on the
13 effective date of this amendatory Act of the 96th General
14 Assembly in connection with the selection of the private
15 manager. As part of its obligation to terminate these contracts
16 and select the private manager, the Department shall establish
17 a mutually agreeable timetable to transfer the functions of
18 existing contractors to the private manager so that existing
19 Lottery operations are not materially diminished or impaired
20 during the transition. To that end, the Department shall do the
21 following:

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

26 (2) upon the expiration of any initial term or renewal

1 term of the current Lottery contracts, the Department shall
2 not renew such contract for a term extending beyond the
3 mutually agreed timetable for transfer of functions; or

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

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

16 (c-5) The Department shall include provisions in the
17 management agreement whereby the private manager shall, for a
18 fee, and pursuant to a contract negotiated with the Department
19 (the "Employee Use Contract"), utilize the services of current
20 Department employees to assist in the administration and
21 operation of the Lottery. The Department shall be the employer
22 of all such bargaining unit employees assigned to perform such
23 work for the private manager, and such employees shall be State
24 employees, as defined by the Personnel Code. Department
25 employees shall operate under the same employment policies,
26 rules, regulations, and procedures, as other employees of the

1 Department. In addition, neither historical representation
2 rights under the Illinois Public Labor Relations Act, nor
3 existing collective bargaining agreements, shall be disturbed
4 by the management agreement with the private manager for the
5 management of the Lottery.

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

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

10 (2) A provision specifying that the Department:

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

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

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

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

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

23 (3) A provision imposing an affirmative duty on the
24 private manager to provide the Department with material
25 information and with any information the private manager
26 reasonably believes the Department would want to know to

1 enable the Department to conduct the Lottery.

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

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

17 (6) (Blank).

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

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

23 (8-5) A provision encouraging that at least 20% of the
24 cost of contracts entered into for goods and services by
25 the private manager in connection with its management of
26 the Lottery, other than contracts with sales agents or

1 technical advisors, be awarded to businesses that are a
2 minority-owned business, a women-owned business, or a
3 business owned by a person with disability, as those terms
4 are defined in the Business Enterprise for Minorities,
5 Women, and Persons with Disabilities Act.

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

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

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

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

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

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

22 (F) A system for determining (i) the type of
23 Lottery games, (ii) the method of selecting winning
24 tickets, (iii) the manner of payment of prizes to
25 holders of winning tickets, (iv) the frequency of
26 drawings of winning tickets, (v) the method to be used

1 in selling tickets, (vi) a system for verifying the
2 validity of tickets claimed to be winning tickets,
3 (vii) the basis upon which retailer commissions are
4 established by the manager, and (viii) minimum
5 payouts.

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

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

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

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

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

1 (15) Cash reserves requirements.

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

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

8 (18) Procedures for amendment of the agreement.

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

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

24 (21) Right of use of copyrights, trademarks, and
25 service marks held by the Department in the name of the
26 State. The agreement must provide that any use of them by

1 the manager shall only be for the purpose of fulfilling its
2 obligations under the management agreement during the term
3 of the agreement.

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

8 (e) Notwithstanding any other law to the contrary, the
9 Department shall select a private manager through a competitive
10 request for qualifications process consistent with Section
11 20-35 of the Illinois Procurement Code, which shall take into
12 account:

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

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

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

24 (4) the offeror's poor or inadequate past performance
25 in servicing, equipping, operating or managing a lottery on
26 behalf of Illinois, another State or foreign government and

1 attracting persons who are not currently regular players of
2 a lottery.

3 (f) The Department may retain the services of an advisor or
4 advisors with significant experience in financial services or
5 the management, operation, and procurement of goods, services,
6 and equipment for a government-run lottery to assist in the
7 preparation of the terms of the request for qualifications and
8 selection of the private manager. Any prospective advisor
9 seeking to provide services under this subsection (f) shall
10 disclose any material business or financial relationship
11 during the past 3 years with any potential offeror, or with a
12 contractor or subcontractor presently providing goods,
13 services, or equipment to the Department to support the
14 Lottery. The Department shall evaluate the material business or
15 financial relationship of each prospective advisor. The
16 Department shall not select any prospective advisor with a
17 substantial business or financial relationship that the
18 Department deems to impair the objectivity of the services to
19 be provided by the prospective advisor. During the course of
20 the advisor's engagement by the Department, and for a period of
21 one year thereafter, the advisor shall not enter into any
22 business or financial relationship with any offeror or any
23 vendor identified to assist an offeror in performing its
24 obligations under the management agreement. Any advisor
25 retained by the Department shall be disqualified from being an
26 offeror. The Department shall not include terms in the request

1 for qualifications that provide a material advantage whether
2 directly or indirectly to any potential offeror, or any
3 contractor or subcontractor presently providing goods,
4 services, or equipment to the Department to support the
5 Lottery, including terms contained in previous responses to
6 requests for proposals or qualifications submitted to
7 Illinois, another State or foreign government when those terms
8 are uniquely associated with a particular potential offeror,
9 contractor, or subcontractor. The request for proposals
10 offered by the Department on December 22, 2008 as
11 "LOT08GAMESYS" and reference number "22016176" is declared
12 void.

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

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

21 (2) The subject matter of the hearing.

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

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

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

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

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

26 (j) The Lottery shall remain, for so long as a private

1 manager manages the Lottery in accordance with provisions of
2 this Act, a Lottery conducted by the State, and the State shall
3 not be authorized to sell or transfer the Lottery to a third
4 party.

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

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

14 (m) Neither this Section nor any management agreement
15 entered into under this Section prohibits the General Assembly
16 from authorizing forms of gambling that are not in direct
17 competition with the Lottery.

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

26 (o) The powers conferred by this Section are in addition

1 and supplemental to the powers conferred by any other law. If
2 any other law or rule is inconsistent with this Section,
3 including, but not limited to, provisions of the Illinois
4 Procurement Code, then this Section controls as to any
5 management agreement entered into under this Section. This
6 Section and any rules adopted under this Section contain full
7 and complete authority for a management agreement between the
8 Department and a private manager. No law, procedure,
9 proceeding, publication, notice, consent, approval, order, or
10 act by the Department or any other officer, Department, agency,
11 or instrumentality of the State or any political subdivision is
12 required for the Department to enter into a management
13 agreement under this Section. This Section contains full and
14 complete authority for the Department to approve any contracts
15 entered into by a private manager with a vendor providing
16 goods, services, or both goods and services to the private
17 manager under the terms of the management agreement, including
18 subcontractors of such vendors.

19 Upon receipt of a written request from the Chief
20 Procurement Officer, the Department shall provide to the Chief
21 Procurement Officer a complete and un-redacted copy of the
22 management agreement or any contract that is subject to the
23 Department's approval authority under this subsection (o). The
24 Department shall provide a copy of the agreement or contract to
25 the Chief Procurement Officer in the time specified by the
26 Chief Procurement Officer in his or her written request, but no

1 later than 5 business days after the request is received by the
2 Department. The Chief Procurement Officer must retain any
3 portions of the management agreement or of any contract
4 designated by the Department as confidential, proprietary, or
5 trade secret information in complete confidence pursuant to
6 subsection (g) of Section 7 of the Freedom of Information Act.
7 The Department shall also provide the Chief Procurement Officer
8 with reasonable advance written notice of any contract that is
9 pending Department approval.

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

1 Except as provided in Sections 21.5, 21.6, 21.7, 21.8, and
2 21.9, the Department shall distribute all proceeds of lottery
3 tickets and shares sold in the following priority and manner:

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

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

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

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

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

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

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

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

21 (Source: P.A. 99-933, eff. 1-27-17; 100-391, eff. 8-25-17.)

22 ARTICLE 90. STUDY

23 Section 90-5. The Department of Healthcare and Family
24 Services Law of the Civil Administrative Code of Illinois is

1 amended by adding Section 2205-30 as follows:

2 (20 ILCS 2205/2205-30 new)

3 Sec. 2205-30. Long-term care services and supports
4 comprehensive study and actuarial modeling.

5 (a) The Department of Healthcare and Family Services shall
6 commission a comprehensive study of long-term care trends,
7 future projections, and actuarial analysis of a new long-term
8 services and supports benefit. Upon completion of the study,
9 the Department shall prepare a report on the study that
10 includes the following:

11 (1) an extensive analysis of long-term care trends in
12 Illinois, including the number of Illinoisans needing
13 long-term care, the number of paid and unpaid caregivers,
14 the existing long-term care programs' utilization and
15 impact on the State budget; out-of-pocket spending and
16 spend-down to qualify for medical assistance coverage, the
17 financial and health impacts of caregiving on the family,
18 wages of paid caregivers and the effects of compensation on
19 the availability of this workforce, the current market for
20 private long-term care insurance, and a brief assessment of
21 the existing system of long-term services and supports in
22 terms of health, well-being, and the ability of
23 participants to continue living in their communities;

24 (2) an analysis of long-term care costs and utilization
25 projections through at least 2050 and the estimated impact

1 of such costs and utilization projections on the State
2 budget, increases in the senior population; projections of
3 the number of paid and unpaid caregivers in relation to
4 demand for services, and projections of the impact of
5 housing cost burdens and a lack of affordable housing on
6 seniors and people with disabilities;

7 (3) an actuarial analysis of options for a new
8 long-term services and supports benefit program, including
9 an analysis of potential tax sources and necessary levels,
10 a vesting period, the maximum daily benefit dollar amount,
11 the total maximum dollar amount of the benefit, and the
12 duration of the benefit; and

13 (4) a qualitative analysis of a new benefit's impact on
14 seniors and people with disabilities, including their
15 families and caregivers, public and private long-term care
16 services, and the State budget.

17 The report must project under multiple possible
18 configurations the numbers of persons covered year over year,
19 utilization rates, total spending, and the benefit fund's ratio
20 balance and solvency. The benefit fund must initially be
21 structured to be solvent for 75 years. The report must detail
22 the sensitivity of these projections to the level of care
23 criteria that define long-term care need and examine the
24 feasibility of setting a lower threshold, based on a lower need
25 for ongoing assistance in routine life activities.

26 The report must also detail the amount of out-of-pocket

1 costs avoided, the number of persons who delayed or avoided
2 utilization of medical assistance benefits, an analysis on the
3 projected increased utilization of home-based and
4 community-based services over skilled nursing facilities and
5 savings therewith, and savings to the State's existing
6 long-term care programs due to the new long-term services and
7 supports benefit.

8 (b) The entity chosen to conduct the actuarial analysis
9 shall be a nationally-recognized organization with experience
10 modeling public and private long-term care financing programs.

11 (c) The study shall begin after January 1, 2019, and be
12 completed before December 1, 2019. Upon completion, the report
13 on the study shall be filed with the Clerk of the House of
14 Representatives and the Secretary of the Senate in electronic
15 form only, in the manner that the Clerk and the Secretary shall
16 direct.

17 (d) This Section is repealed December 1, 2020.

18 ARTICLE 95. EDUCATION AND RATES

19 Section 95-5. The Illinois Administrative Procedure Act is
20 amended by changing Section 5-45 as follows:

21 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

22 Sec. 5-45. Emergency rulemaking.

23 (a) "Emergency" means the existence of any situation that

1 any agency finds reasonably constitutes a threat to the public
2 interest, safety, or welfare.

3 (b) If any agency finds that an emergency exists that
4 requires adoption of a rule upon fewer days than is required by
5 Section 5-40 and states in writing its reasons for that
6 finding, the agency may adopt an emergency rule without prior
7 notice or hearing upon filing a notice of emergency rulemaking
8 with the Secretary of State under Section 5-70. The notice
9 shall include the text of the emergency rule and shall be
10 published in the Illinois Register. Consent orders or other
11 court orders adopting settlements negotiated by an agency may
12 be adopted under this Section. Subject to applicable
13 constitutional or statutory provisions, an emergency rule
14 becomes effective immediately upon filing under Section 5-65 or
15 at a stated date less than 10 days thereafter. The agency's
16 finding and a statement of the specific reasons for the finding
17 shall be filed with the rule. The agency shall take reasonable
18 and appropriate measures to make emergency rules known to the
19 persons who may be affected by them.

20 (c) An emergency rule may be effective for a period of not
21 longer than 150 days, but the agency's authority to adopt an
22 identical rule under Section 5-40 is not precluded. No
23 emergency rule may be adopted more than once in any 24-month
24 period, except that this limitation on the number of emergency
25 rules that may be adopted in a 24-month period does not apply
26 to (i) emergency rules that make additions to and deletions

1 from the Drug Manual under Section 5-5.16 of the Illinois
2 Public Aid Code or the generic drug formulary under Section
3 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
4 emergency rules adopted by the Pollution Control Board before
5 July 1, 1997 to implement portions of the Livestock Management
6 Facilities Act, (iii) emergency rules adopted by the Illinois
7 Department of Public Health under subsections (a) through (i)
8 of Section 2 of the Department of Public Health Act when
9 necessary to protect the public's health, (iv) emergency rules
10 adopted pursuant to subsection (n) of this Section, (v)
11 emergency rules adopted pursuant to subsection (o) of this
12 Section, or (vi) emergency rules adopted pursuant to subsection
13 (c-5) of this Section. Two or more emergency rules having
14 substantially the same purpose and effect shall be deemed to be
15 a single rule for purposes of this Section.

16 (c-5) To facilitate the maintenance of the program of group
17 health benefits provided to annuitants, survivors, and retired
18 employees under the State Employees Group Insurance Act of
19 1971, rules to alter the contributions to be paid by the State,
20 annuitants, survivors, retired employees, or any combination
21 of those entities, for that program of group health benefits,
22 shall be adopted as emergency rules. The adoption of those
23 rules shall be considered an emergency and necessary for the
24 public interest, safety, and welfare.

25 (d) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 1999 budget,

1 emergency rules to implement any provision of Public Act 90-587
2 or 90-588 or any other budget initiative for fiscal year 1999
3 may be adopted in accordance with this Section by the agency
4 charged with administering that provision or initiative,
5 except that the 24-month limitation on the adoption of
6 emergency rules and the provisions of Sections 5-115 and 5-125
7 do not apply to rules adopted under this subsection (d). The
8 adoption of emergency rules authorized by this subsection (d)
9 shall be deemed to be necessary for the public interest,
10 safety, and welfare.

11 (e) In order to provide for the expeditious and timely
12 implementation of the State's fiscal year 2000 budget,
13 emergency rules to implement any provision of Public Act 91-24
14 or any other budget initiative for fiscal year 2000 may be
15 adopted in accordance with this Section by the agency charged
16 with administering that provision or initiative, except that
17 the 24-month limitation on the adoption of emergency rules and
18 the provisions of Sections 5-115 and 5-125 do not apply to
19 rules adopted under this subsection (e). The adoption of
20 emergency rules authorized by this subsection (e) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare.

23 (f) In order to provide for the expeditious and timely
24 implementation of the State's fiscal year 2001 budget,
25 emergency rules to implement any provision of Public Act 91-712
26 or any other budget initiative for fiscal year 2001 may be

1 adopted in accordance with this Section by the agency charged
2 with administering that provision or initiative, except that
3 the 24-month limitation on the adoption of emergency rules and
4 the provisions of Sections 5-115 and 5-125 do not apply to
5 rules adopted under this subsection (f). The adoption of
6 emergency rules authorized by this subsection (f) shall be
7 deemed to be necessary for the public interest, safety, and
8 welfare.

9 (g) In order to provide for the expeditious and timely
10 implementation of the State's fiscal year 2002 budget,
11 emergency rules to implement any provision of Public Act 92-10
12 or any other budget initiative for fiscal year 2002 may be
13 adopted in accordance with this Section by the agency charged
14 with administering that provision or initiative, except that
15 the 24-month limitation on the adoption of emergency rules and
16 the provisions of Sections 5-115 and 5-125 do not apply to
17 rules adopted under this subsection (g). The adoption of
18 emergency rules authorized by this subsection (g) shall be
19 deemed to be necessary for the public interest, safety, and
20 welfare.

21 (h) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 2003 budget,
23 emergency rules to implement any provision of Public Act 92-597
24 or any other budget initiative for fiscal year 2003 may be
25 adopted in accordance with this Section by the agency charged
26 with administering that provision or initiative, except that

1 the 24-month limitation on the adoption of emergency rules and
2 the provisions of Sections 5-115 and 5-125 do not apply to
3 rules adopted under this subsection (h). The adoption of
4 emergency rules authorized by this subsection (h) shall be
5 deemed to be necessary for the public interest, safety, and
6 welfare.

7 (i) In order to provide for the expeditious and timely
8 implementation of the State's fiscal year 2004 budget,
9 emergency rules to implement any provision of Public Act 93-20
10 or any other budget initiative for fiscal year 2004 may be
11 adopted in accordance with this Section by the agency charged
12 with administering that provision or initiative, except that
13 the 24-month limitation on the adoption of emergency rules and
14 the provisions of Sections 5-115 and 5-125 do not apply to
15 rules adopted under this subsection (i). The adoption of
16 emergency rules authorized by this subsection (i) shall be
17 deemed to be necessary for the public interest, safety, and
18 welfare.

19 (j) In order to provide for the expeditious and timely
20 implementation of the provisions of the State's fiscal year
21 2005 budget as provided under the Fiscal Year 2005 Budget
22 Implementation (Human Services) Act, emergency rules to
23 implement any provision of the Fiscal Year 2005 Budget
24 Implementation (Human Services) Act may be adopted in
25 accordance with this Section by the agency charged with
26 administering that provision, except that the 24-month

1 limitation on the adoption of emergency rules and the
2 provisions of Sections 5-115 and 5-125 do not apply to rules
3 adopted under this subsection (j). The Department of Public Aid
4 may also adopt rules under this subsection (j) necessary to
5 administer the Illinois Public Aid Code and the Children's
6 Health Insurance Program Act. The adoption of emergency rules
7 authorized by this subsection (j) shall be deemed to be
8 necessary for the public interest, safety, and welfare.

9 (k) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2006 budget, emergency rules to implement any provision of
12 Public Act 94-48 or any other budget initiative for fiscal year
13 2006 may be adopted in accordance with this Section by the
14 agency charged with administering that provision or
15 initiative, except that the 24-month limitation on the adoption
16 of emergency rules and the provisions of Sections 5-115 and
17 5-125 do not apply to rules adopted under this subsection (k).
18 The Department of Healthcare and Family Services may also adopt
19 rules under this subsection (k) necessary to administer the
20 Illinois Public Aid Code, the Senior Citizens and Persons with
21 Disabilities Property Tax Relief Act, the Senior Citizens and
22 Disabled Persons Prescription Drug Discount Program Act (now
23 the Illinois Prescription Drug Discount Program Act), and the
24 Children's Health Insurance Program Act. The adoption of
25 emergency rules authorized by this subsection (k) shall be
26 deemed to be necessary for the public interest, safety, and

1 welfare.

2 (l) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2007 budget, the Department of Healthcare and Family Services
5 may adopt emergency rules during fiscal year 2007, including
6 rules effective July 1, 2007, in accordance with this
7 subsection to the extent necessary to administer the
8 Department's responsibilities with respect to amendments to
9 the State plans and Illinois waivers approved by the federal
10 Centers for Medicare and Medicaid Services necessitated by the
11 requirements of Title XIX and Title XXI of the federal Social
12 Security Act. The adoption of emergency rules authorized by
13 this subsection (l) shall be deemed to be necessary for the
14 public interest, safety, and welfare.

15 (m) In order to provide for the expeditious and timely
16 implementation of the provisions of the State's fiscal year
17 2008 budget, the Department of Healthcare and Family Services
18 may adopt emergency rules during fiscal year 2008, including
19 rules effective July 1, 2008, in accordance with this
20 subsection to the extent necessary to administer the
21 Department's responsibilities with respect to amendments to
22 the State plans and Illinois waivers approved by the federal
23 Centers for Medicare and Medicaid Services necessitated by the
24 requirements of Title XIX and Title XXI of the federal Social
25 Security Act. The adoption of emergency rules authorized by
26 this subsection (m) shall be deemed to be necessary for the

1 public interest, safety, and welfare.

2 (n) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2010 budget, emergency rules to implement any provision of
5 Public Act 96-45 or any other budget initiative authorized by
6 the 96th General Assembly for fiscal year 2010 may be adopted
7 in accordance with this Section by the agency charged with
8 administering that provision or initiative. The adoption of
9 emergency rules authorized by this subsection (n) shall be
10 deemed to be necessary for the public interest, safety, and
11 welfare. The rulemaking authority granted in this subsection
12 (n) shall apply only to rules promulgated during Fiscal Year
13 2010.

14 (o) In order to provide for the expeditious and timely
15 implementation of the provisions of the State's fiscal year
16 2011 budget, emergency rules to implement any provision of
17 Public Act 96-958 or any other budget initiative authorized by
18 the 96th General Assembly for fiscal year 2011 may be adopted
19 in accordance with this Section by the agency charged with
20 administering that provision or initiative. The adoption of
21 emergency rules authorized by this subsection (o) is deemed to
22 be necessary for the public interest, safety, and welfare. The
23 rulemaking authority granted in this subsection (o) applies
24 only to rules promulgated on or after July 1, 2010 (the
25 effective date of Public Act 96-958) through June 30, 2011.

26 (p) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 97-689,
2 emergency rules to implement any provision of Public Act 97-689
3 may be adopted in accordance with this subsection (p) by the
4 agency charged with administering that provision or
5 initiative. The 150-day limitation of the effective period of
6 emergency rules does not apply to rules adopted under this
7 subsection (p), and the effective period may continue through
8 June 30, 2013. The 24-month limitation on the adoption of
9 emergency rules does not apply to rules adopted under this
10 subsection (p). The adoption of emergency rules authorized by
11 this subsection (p) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (q) In order to provide for the expeditious and timely
14 implementation of the provisions of Articles 7, 8, 9, 11, and
15 12 of Public Act 98-104, emergency rules to implement any
16 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
17 may be adopted in accordance with this subsection (q) by the
18 agency charged with administering that provision or
19 initiative. The 24-month limitation on the adoption of
20 emergency rules does not apply to rules adopted under this
21 subsection (q). The adoption of emergency rules authorized by
22 this subsection (q) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (r) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 98-651,
26 emergency rules to implement Public Act 98-651 may be adopted

1 in accordance with this subsection (r) by the Department of
2 Healthcare and Family Services. The 24-month limitation on the
3 adoption of emergency rules does not apply to rules adopted
4 under this subsection (r). The adoption of emergency rules
5 authorized by this subsection (r) is deemed to be necessary for
6 the public interest, safety, and welfare.

7 (s) In order to provide for the expeditious and timely
8 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
9 the Illinois Public Aid Code, emergency rules to implement any
10 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
11 Public Aid Code may be adopted in accordance with this
12 subsection (s) by the Department of Healthcare and Family
13 Services. The rulemaking authority granted in this subsection
14 (s) shall apply only to those rules adopted prior to July 1,
15 2015. Notwithstanding any other provision of this Section, any
16 emergency rule adopted under this subsection (s) shall only
17 apply to payments made for State fiscal year 2015. The adoption
18 of emergency rules authorized by this subsection (s) is deemed
19 to be necessary for the public interest, safety, and welfare.

20 (t) In order to provide for the expeditious and timely
21 implementation of the provisions of Article II of Public Act
22 99-6, emergency rules to implement the changes made by Article
23 II of Public Act 99-6 to the Emergency Telephone System Act may
24 be adopted in accordance with this subsection (t) by the
25 Department of State Police. The rulemaking authority granted in
26 this subsection (t) shall apply only to those rules adopted

1 prior to July 1, 2016. The 24-month limitation on the adoption
2 of emergency rules does not apply to rules adopted under this
3 subsection (t). The adoption of emergency rules authorized by
4 this subsection (t) is deemed to be necessary for the public
5 interest, safety, and welfare.

6 (u) In order to provide for the expeditious and timely
7 implementation of the provisions of the Burn Victims Relief
8 Act, emergency rules to implement any provision of the Act may
9 be adopted in accordance with this subsection (u) by the
10 Department of Insurance. The rulemaking authority granted in
11 this subsection (u) shall apply only to those rules adopted
12 prior to December 31, 2015. The adoption of emergency rules
13 authorized by this subsection (u) is deemed to be necessary for
14 the public interest, safety, and welfare.

15 (v) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 99-516,
17 emergency rules to implement Public Act 99-516 may be adopted
18 in accordance with this subsection (v) by the Department of
19 Healthcare and Family Services. The 24-month limitation on the
20 adoption of emergency rules does not apply to rules adopted
21 under this subsection (v). The adoption of emergency rules
22 authorized by this subsection (v) is deemed to be necessary for
23 the public interest, safety, and welfare.

24 (w) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 99-796,
26 emergency rules to implement the changes made by Public Act

1 99-796 may be adopted in accordance with this subsection (w) by
2 the Adjutant General. The adoption of emergency rules
3 authorized by this subsection (w) is deemed to be necessary for
4 the public interest, safety, and welfare.

5 (x) In order to provide for the expeditious and timely
6 implementation of the provisions of Public Act 99-906,
7 emergency rules to implement subsection (i) of Section 16-115D,
8 subsection (g) of Section 16-128A, and subsection (a) of
9 Section 16-128B of the Public Utilities Act may be adopted in
10 accordance with this subsection (x) by the Illinois Commerce
11 Commission. The rulemaking authority granted in this
12 subsection (x) shall apply only to those rules adopted within
13 180 days after June 1, 2017 (the effective date of Public Act
14 99-906). The adoption of emergency rules authorized by this
15 subsection (x) is deemed to be necessary for the public
16 interest, safety, and welfare.

17 (y) In order to provide for the expeditious and timely
18 implementation of the provisions of this amendatory Act of the
19 100th General Assembly, emergency rules to implement the
20 changes made by this amendatory Act of the 100th General
21 Assembly to Section 4.02 of the Illinois Act on Aging, Sections
22 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30
23 of the Alcoholism and Other Drug Abuse and Dependency Act, and
24 Sections 74 and 75 of the Mental Health and Developmental
25 Disabilities Administrative Act may be adopted in accordance
26 with this subsection (y) by the respective Department. The

1 adoption of emergency rules authorized by this subsection (y)
2 is deemed to be necessary for the public interest, safety, and
3 welfare.

4 (z) In order to provide for the expeditious and timely
5 implementation of the provisions of this amendatory Act of the
6 100th General Assembly, emergency rules to implement the
7 changes made by this amendatory Act of the 100th General
8 Assembly to Section 4.7 of the Lobbyist Registration Act may be
9 adopted in accordance with this subsection (z) by the Secretary
10 of State. The adoption of emergency rules authorized by this
11 subsection (z) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (aa) In order to provide for the expeditious and timely
14 initial implementation of the changes made to Articles 5, 5A,
15 12, and 14 of the Illinois Public Aid Code under the provisions
16 of this amendatory Act of the 100th General Assembly, the
17 Department of Healthcare and Family Services may adopt
18 emergency rules in accordance with this subsection (aa). The
19 24-month limitation on the adoption of emergency rules does not
20 apply to rules to initially implement the changes made to
21 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code
22 adopted under this subsection (aa). The adoption of emergency
23 rules authorized by this subsection (aa) is deemed to be
24 necessary for the public interest, safety, and welfare.

25 (bb) In order to provide for the expeditious and timely
26 implementation of the provisions of this amendatory Act of the

1 100th General Assembly, emergency rules to implement the
2 changes made by this amendatory Act of the 100th General
3 Assembly to Section 4.02 of the Illinois Act on Aging, Sections
4 5.5.4 and 5-5.4i of the Illinois Public Aid Code, subsection
5 (b) of Section 55-30 of the Alcoholism and Other Drug Abuse and
6 Dependency Act, Section 5-104 of the Specialized Mental Health
7 Rehabilitation Act of 2013, and Section 75 and subsection (b)
8 of Section 74 of the Mental Health and Developmental
9 Disabilities Administrative Act may be adopted in accordance
10 with this subsection (bb) by the respective Department. The
11 adoption of emergency rules authorized by this subsection (bb)
12 is deemed to be necessary for the public interest, safety, and
13 welfare.

14 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,
15 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;
16 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;
17 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.
18 3-12-18.)

19 Section 95-10. The Mental Health and Developmental
20 Disabilities Administrative Act is amended by changing Section
21 74 as follows:

22 (20 ILCS 1705/74)

23 Sec. 74. Rates and reimbursements.

24 (a) Within 30 days after July 6, 2017 (the effective date

1 of Public Act 100-23) ~~this amendatory Act of the 100th General~~
2 ~~Assembly,~~ the Department shall increase rates and
3 reimbursements to fund a minimum of a \$0.75 per hour wage
4 increase for front-line personnel, including, but not limited
5 to, direct support persons, aides, front-line supervisors,
6 qualified intellectual disabilities professionals, nurses, and
7 non-administrative support staff working in community-based
8 provider organizations serving individuals with developmental
9 disabilities. The Department shall adopt rules, including
10 emergency rules under subsection (y) of Section 5-45 of the
11 Illinois Administrative Procedure Act, to implement the
12 provisions of this Section.

13 (b) Rates and reimbursements. Within 30 days after the
14 effective date of this amendatory Act of the 100th General
15 Assembly, the Department shall increase rates and
16 reimbursements to fund a minimum of a \$0.50 per hour wage
17 increase for front-line personnel, including, but not limited
18 to, direct support persons, aides, front-line supervisors,
19 qualified intellectual disabilities professionals, nurses, and
20 non-administrative support staff working in community-based
21 provider organizations serving individuals with developmental
22 disabilities. The Department shall adopt rules, including
23 emergency rules under subsection (bb) of Section 5-45 of the
24 Illinois Administrative Procedure Act, to implement the
25 provisions of this Section.

26 (Source: P.A. 100-23, eff. 7-6-17.)

1 Section 95-15. The School Code is amended by changing
2 Section 14-7.02 and by adding Section 3-16 as follows:

3 (105 ILCS 5/3-16 new)

4 Sec. 3-16. Grants to alternative schools, safe schools, and
5 alternative learning opportunities programs. The State Board
6 of Education, subject to appropriation, shall award grants to
7 alternative schools, safe schools, and alternative learning
8 opportunities programs operated by a regional office of
9 education. To calculate grant amounts to the programs operated
10 by regional offices of education, the State Board shall
11 calculate an amount equal to the greater of the regional
12 program's best 3 months of average daily attendance for the
13 2016-2017 school year or the average of the best 3 months of
14 average daily attendance for the 2014-2015 school year through
15 the 2016-2017 school year, multiplied by the amount of \$6,119.
16 This amount shall be termed the "Regional Program Increased
17 Enrollment Recognition". If the amount of the Regional Program
18 Increased Enrollment Recognition is greater than the amount of
19 the regional office of education program's Base Funding Minimum
20 for fiscal year 2018, calculated under Section 18-8.15, then
21 the State Board of Education shall pay the regional program a
22 grant equal to the difference between the regional program's
23 Regional Program Increased Enrollment Recognition and the Base
24 Funding Minimum for fiscal year 2018. Nothing in this Section

1 shall be construed to alter any payments or calculations under
2 Section 18-8.15.

3 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

4 Sec. 14-7.02. Children attending private schools, public
5 out-of-state schools, public school residential facilities or
6 private special education facilities. The General Assembly
7 recognizes that non-public schools or special education
8 facilities provide an important service in the educational
9 system in Illinois.

10 If because of his or her disability the special education
11 program of a district is unable to meet the needs of a child
12 and the child attends a non-public school or special education
13 facility, a public out-of-state school or a special education
14 facility owned and operated by a county government unit that
15 provides special educational services required by the child and
16 is in compliance with the appropriate rules and regulations of
17 the State Superintendent of Education, the school district in
18 which the child is a resident shall pay the actual cost of
19 tuition for special education and related services provided
20 during the regular school term and during the summer school
21 term if the child's educational needs so require, excluding
22 room, board and transportation costs charged the child by that
23 non-public school or special education facility, public
24 out-of-state school or county special education facility, or
25 \$4,500 per year, whichever is less, and shall provide him any

1 necessary transportation. "Nonpublic special education
2 facility" shall include a residential facility, within or
3 without the State of Illinois, which provides special education
4 and related services to meet the needs of the child by
5 utilizing private schools or public schools, whether located on
6 the site or off the site of the residential facility.

7 The State Board of Education shall promulgate rules and
8 regulations for determining when placement in a private special
9 education facility is appropriate. Such rules and regulations
10 shall take into account the various types of services needed by
11 a child and the availability of such services to the particular
12 child in the public school. In developing these rules and
13 regulations the State Board of Education shall consult with the
14 Advisory Council on Education of Children with Disabilities and
15 hold public hearings to secure recommendations from parents,
16 school personnel, and others concerned about this matter.

17 The State Board of Education shall also promulgate rules
18 and regulations for transportation to and from a residential
19 school. Transportation to and from home to a residential school
20 more than once each school term shall be subject to prior
21 approval by the State Superintendent in accordance with the
22 rules and regulations of the State Board.

23 A school district making tuition payments pursuant to this
24 Section is eligible for reimbursement from the State for the
25 amount of such payments actually made in excess of the district
26 per capita tuition charge for students not receiving special

1 education services. Such reimbursement shall be approved in
2 accordance with Section 14-12.01 and each district shall file
3 its claims, computed in accordance with rules prescribed by the
4 State Board of Education, on forms prescribed by the State
5 Superintendent of Education. Data used as a basis of
6 reimbursement claims shall be for the preceding regular school
7 term and summer school term. Each school district shall
8 transmit its claims to the State Board of Education on or
9 before August 15. The State Board of Education, before
10 approving any such claims, shall determine their accuracy and
11 whether they are based upon services and facilities provided
12 under approved programs. Upon approval the State Board shall
13 cause vouchers to be prepared showing the amount due for
14 payment of reimbursement claims to school districts, for
15 transmittal to the State Comptroller on the 30th day of
16 September, December, and March, respectively, and the final
17 voucher, no later than June 20. If the money appropriated by
18 the General Assembly for such purpose for any year is
19 insufficient, it shall be apportioned on the basis of the
20 claims approved.

21 No child shall be placed in a special education program
22 pursuant to this Section if the tuition cost for special
23 education and related services increases more than 10 percent
24 over the tuition cost for the previous school year or exceeds
25 \$4,500 per year unless such costs have been approved by the
26 Illinois Purchased Care Review Board. The Illinois Purchased

1 Care Review Board shall consist of the following persons, or
2 their designees: the Directors of Children and Family Services,
3 Public Health, Public Aid, and the Governor's Office of
4 Management and Budget; the Secretary of Human Services; the
5 State Superintendent of Education; and such other persons as
6 the Governor may designate. The Review Board shall also consist
7 of one non-voting member who is an administrator of a private,
8 nonpublic, special education school. The Review Board shall
9 establish rules and regulations for its determination of
10 allowable costs and payments made by local school districts for
11 special education, room and board, and other related services
12 provided by non-public schools or special education facilities
13 and shall establish uniform standards and criteria which it
14 shall follow. The Review Board shall approve the usual and
15 customary rate or rates of a special education program that (i)
16 is offered by an out-of-state, non-public provider of
17 integrated autism specific educational and autism specific
18 residential services, (ii) offers 2 or more levels of
19 residential care, including at least one locked facility, and
20 (iii) serves 12 or fewer Illinois students.

21 In determining rates based on allowable costs, the review
22 Board shall consider any wage increases awarded by the General
23 Assembly to front line personnel defined as direct support
24 persons, aides, front-line supervisors, qualified intellectual
25 disabilities professionals, nurses, and non-administrative
26 support staff working in service settings in community-based

1 settings within the State and adjust customary rates or rates
2 of a special education program to be equitable to the wage
3 increase awarded to similar staff positions in a community
4 residential setting. Any wage increase awarded by the General
5 Assembly to front line personnel defined as direct support
6 persons, aides, front-line supervisors, qualified intellectual
7 disabilities professionals, nurses, and non-administrative
8 support staff working in community-based settings within the
9 State shall also be a basis for any facility covered by this
10 Section to appeal its rate before the Review Board under the
11 process defined in Title 89, Part 900, Section 340 of the
12 Illinois Administrative Code. Illinois Administrative Code
13 Title 89, Part 900, Section 342 shall be updated to recognize
14 wage increases awarded to community-based settings to be a
15 basis for appeal.

16 The Review Board shall establish uniform definitions and
17 criteria for accounting separately by special education, room
18 and board and other related services costs. The Board shall
19 also establish guidelines for the coordination of services and
20 financial assistance provided by all State agencies to assure
21 that no otherwise qualified child with a disability receiving
22 services under Article 14 shall be excluded from participation
23 in, be denied the benefits of or be subjected to discrimination
24 under any program or activity provided by any State agency.

25 The Review Board shall review the costs for special
26 education and related services provided by non-public schools

1 or special education facilities and shall approve or disapprove
2 such facilities in accordance with the rules and regulations
3 established by it with respect to allowable costs.

4 The State Board of Education shall provide administrative
5 and staff support for the Review Board as deemed reasonable by
6 the State Superintendent of Education. This support shall not
7 include travel expenses or other compensation for any Review
8 Board member other than the State Superintendent of Education.

9 The Review Board shall seek the advice of the Advisory
10 Council on Education of Children with Disabilities on the rules
11 and regulations to be promulgated by it relative to providing
12 special education services.

13 If a child has been placed in a program in which the actual
14 per pupil costs of tuition for special education and related
15 services based on program enrollment, excluding room, board and
16 transportation costs, exceed \$4,500 and such costs have been
17 approved by the Review Board, the district shall pay such total
18 costs which exceed \$4,500. A district making such tuition
19 payments in excess of \$4,500 pursuant to this Section shall be
20 responsible for an amount in excess of \$4,500 equal to the
21 district per capita tuition charge and shall be eligible for
22 reimbursement from the State for the amount of such payments
23 actually made in excess of the districts per capita tuition
24 charge for students not receiving special education services.

25 If a child has been placed in an approved individual
26 program and the tuition costs including room and board costs

1 have been approved by the Review Board, then such room and
2 board costs shall be paid by the appropriate State agency
3 subject to the provisions of Section 14-8.01 of this Act. Room
4 and board costs not provided by a State agency other than the
5 State Board of Education shall be provided by the State Board
6 of Education on a current basis. In no event, however, shall
7 the State's liability for funding of these tuition costs begin
8 until after the legal obligations of third party payors have
9 been subtracted from such costs. If the money appropriated by
10 the General Assembly for such purpose for any year is
11 insufficient, it shall be apportioned on the basis of the
12 claims approved. Each district shall submit estimated claims to
13 the State Superintendent of Education. Upon approval of such
14 claims, the State Superintendent of Education shall direct the
15 State Comptroller to make payments on a monthly basis. The
16 frequency for submitting estimated claims and the method of
17 determining payment shall be prescribed in rules and
18 regulations adopted by the State Board of Education. Such
19 current state reimbursement shall be reduced by an amount equal
20 to the proceeds which the child or child's parents are eligible
21 to receive under any public or private insurance or assistance
22 program. Nothing in this Section shall be construed as
23 relieving an insurer or similar third party from an otherwise
24 valid obligation to provide or to pay for services provided to
25 a child with a disability.

26 If it otherwise qualifies, a school district is eligible

1 for the transportation reimbursement under Section 14-13.01
2 and for the reimbursement of tuition payments under this
3 Section whether the non-public school or special education
4 facility, public out-of-state school or county special
5 education facility, attended by a child who resides in that
6 district and requires special educational services, is within
7 or outside of the State of Illinois. However, a district is not
8 eligible to claim transportation reimbursement under this
9 Section unless the district certifies to the State
10 Superintendent of Education that the district is unable to
11 provide special educational services required by the child for
12 the current school year.

13 Nothing in this Section authorizes the reimbursement of a
14 school district for the amount paid for tuition of a child
15 attending a non-public school or special education facility,
16 public out-of-state school or county special education
17 facility unless the school district certifies to the State
18 Superintendent of Education that the special education program
19 of that district is unable to meet the needs of that child
20 because of his disability and the State Superintendent of
21 Education finds that the school district is in substantial
22 compliance with Section 14-4.01. However, if a child is
23 unilaterally placed by a State agency or any court in a
24 non-public school or special education facility, public
25 out-of-state school, or county special education facility, a
26 school district shall not be required to certify to the State

1 Superintendent of Education, for the purpose of tuition
2 reimbursement, that the special education program of that
3 district is unable to meet the needs of a child because of his
4 or her disability.

5 Any educational or related services provided, pursuant to
6 this Section in a non-public school or special education
7 facility or a special education facility owned and operated by
8 a county government unit shall be at no cost to the parent or
9 guardian of the child. However, current law and practices
10 relative to contributions by parents or guardians for costs
11 other than educational or related services are not affected by
12 this amendatory Act of 1978.

13 Reimbursement for children attending public school
14 residential facilities shall be made in accordance with the
15 provisions of this Section.

16 Notwithstanding any other provision of law, any school
17 district receiving a payment under this Section or under
18 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify
19 all or a portion of the funds that it receives in a particular
20 fiscal year or from general State aid pursuant to Section
21 18-8.05 of this Code as funds received in connection with any
22 funding program for which it is entitled to receive funds from
23 the State in that fiscal year (including, without limitation,
24 any funding program referenced in this Section), regardless of
25 the source or timing of the receipt. The district may not
26 classify more funds as funds received in connection with the

1 funding program than the district is entitled to receive in
2 that fiscal year for that program. Any classification by a
3 district must be made by a resolution of its board of
4 education. The resolution must identify the amount of any
5 payments or general State aid to be classified under this
6 paragraph and must specify the funding program to which the
7 funds are to be treated as received in connection therewith.
8 This resolution is controlling as to the classification of
9 funds referenced therein. A certified copy of the resolution
10 must be sent to the State Superintendent of Education. The
11 resolution shall still take effect even though a copy of the
12 resolution has not been sent to the State Superintendent of
13 Education in a timely manner. No classification under this
14 paragraph by a district shall affect the total amount or timing
15 of money the district is entitled to receive under this Code.
16 No classification under this paragraph by a district shall in
17 any way relieve the district from or affect any requirements
18 that otherwise would apply with respect to that funding
19 program, including any accounting of funds by source, reporting
20 expenditures by original source and purpose, reporting
21 requirements, or requirements of providing services.

22 (Source: P.A. 98-636, eff. 6-6-14; 98-1008, eff. 1-1-15; 99-78,
23 eff. 7-20-15; 99-143, eff. 7-27-15.)

24 Section 95-20. The Illinois Public Aid Code is amended by
25 changing Sections 5-5.4 and 5-5.4i and by adding Section 5-5.4j

1 as follows:

2 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

3 Sec. 5-5.4. Standards of Payment - Department of Healthcare
4 and Family Services. The Department of Healthcare and Family
5 Services shall develop standards of payment of nursing facility
6 and ICF/DD services in facilities providing such services under
7 this Article which:

8 (1) Provide for the determination of a facility's payment
9 for nursing facility or ICF/DD services on a prospective basis.
10 The amount of the payment rate for all nursing facilities
11 certified by the Department of Public Health under the ID/DD
12 Community Care Act or the Nursing Home Care Act as Intermediate
13 Care for the Developmentally Disabled facilities, Long Term
14 Care for Under Age 22 facilities, Skilled Nursing facilities,
15 or Intermediate Care facilities under the medical assistance
16 program shall be prospectively established annually on the
17 basis of historical, financial, and statistical data
18 reflecting actual costs from prior years, which shall be
19 applied to the current rate year and updated for inflation,
20 except that the capital cost element for newly constructed
21 facilities shall be based upon projected budgets. The annually
22 established payment rate shall take effect on July 1 in 1984
23 and subsequent years. No rate increase and no update for
24 inflation shall be provided on or after July 1, 1994, unless
25 specifically provided for in this Section. The changes made by

1 Public Act 93-841 extending the duration of the prohibition
2 against a rate increase or update for inflation are effective
3 retroactive to July 1, 2004.

4 For facilities licensed by the Department of Public Health
5 under the Nursing Home Care Act as Intermediate Care for the
6 Developmentally Disabled facilities or Long Term Care for Under
7 Age 22 facilities, the rates taking effect on July 1, 1998
8 shall include an increase of 3%. For facilities licensed by the
9 Department of Public Health under the Nursing Home Care Act as
10 Skilled Nursing facilities or Intermediate Care facilities,
11 the rates taking effect on July 1, 1998 shall include an
12 increase of 3% plus \$1.10 per resident-day, as defined by the
13 Department. For facilities licensed by the Department of Public
14 Health under the Nursing Home Care Act as Intermediate Care
15 Facilities for the Developmentally Disabled or Long Term Care
16 for Under Age 22 facilities, the rates taking effect on January
17 1, 2006 shall include an increase of 3%. For facilities
18 licensed by the Department of Public Health under the Nursing
19 Home Care Act as Intermediate Care Facilities for the
20 Developmentally Disabled or Long Term Care for Under Age 22
21 facilities, the rates taking effect on January 1, 2009 shall
22 include an increase sufficient to provide a \$0.50 per hour wage
23 increase for non-executive staff. For facilities licensed by
24 the Department of Public Health under the ID/DD Community Care
25 Act as ID/DD Facilities the rates taking effect within 30 days
26 after July 6, 2017 (the effective date of Public Act 100-23)

1 ~~this amendatory Act of the 100th General Assembly~~ shall include
2 an increase sufficient to provide a \$0.75 per hour wage
3 increase for non-executive staff. The Department shall adopt
4 rules, including emergency rules under subsection (y) of
5 Section 5-45 of the Illinois Administrative Procedure Act, to
6 implement the provisions of this paragraph. For facilities
7 licensed by the Department of Public Health under the ID/DD
8 Community Care Act as ID/DD Facilities and under the MC/DD Act
9 as MC/DD Facilities, the rates taking effect within 30 days
10 after the effective date of this amendatory Act of the 100th
11 General Assembly shall include an increase sufficient to
12 provide a \$0.50 per hour wage increase for non-executive
13 front-line personnel, including, but not limited to, direct
14 support persons, aides, front-line supervisors, qualified
15 intellectual disabilities professionals, nurses, and
16 non-administrative support staff. The Department shall adopt
17 rules, including emergency rules under subsection (bb) of
18 Section 5-45 of the Illinois Administrative Procedure Act, to
19 implement the provisions of this paragraph.

20 For facilities licensed by the Department of Public Health
21 under the Nursing Home Care Act as Intermediate Care for the
22 Developmentally Disabled facilities or Long Term Care for Under
23 Age 22 facilities, the rates taking effect on July 1, 1999
24 shall include an increase of 1.6% plus \$3.00 per resident-day,
25 as defined by the Department. For facilities licensed by the
26 Department of Public Health under the Nursing Home Care Act as

1 Skilled Nursing facilities or Intermediate Care facilities,
2 the rates taking effect on July 1, 1999 shall include an
3 increase of 1.6% and, for services provided on or after October
4 1, 1999, shall be increased by \$4.00 per resident-day, as
5 defined by the Department.

6 For facilities licensed by the Department of Public Health
7 under the Nursing Home Care Act as Intermediate Care for the
8 Developmentally Disabled facilities or Long Term Care for Under
9 Age 22 facilities, the rates taking effect on July 1, 2000
10 shall include an increase of 2.5% per resident-day, as defined
11 by the Department. For facilities licensed by the Department of
12 Public Health under the Nursing Home Care Act as Skilled
13 Nursing facilities or Intermediate Care facilities, the rates
14 taking effect on July 1, 2000 shall include an increase of 2.5%
15 per resident-day, as defined by the Department.

16 For facilities licensed by the Department of Public Health
17 under the Nursing Home Care Act as skilled nursing facilities
18 or intermediate care facilities, a new payment methodology must
19 be implemented for the nursing component of the rate effective
20 July 1, 2003. The Department of Public Aid (now Healthcare and
21 Family Services) shall develop the new payment methodology
22 using the Minimum Data Set (MDS) as the instrument to collect
23 information concerning nursing home resident condition
24 necessary to compute the rate. The Department shall develop the
25 new payment methodology to meet the unique needs of Illinois
26 nursing home residents while remaining subject to the

1 appropriations provided by the General Assembly. A transition
2 period from the payment methodology in effect on June 30, 2003
3 to the payment methodology in effect on July 1, 2003 shall be
4 provided for a period not exceeding 3 years and 184 days after
5 implementation of the new payment methodology as follows:

6 (A) For a facility that would receive a lower nursing
7 component rate per patient day under the new system than
8 the facility received effective on the date immediately
9 preceding the date that the Department implements the new
10 payment methodology, the nursing component rate per
11 patient day for the facility shall be held at the level in
12 effect on the date immediately preceding the date that the
13 Department implements the new payment methodology until a
14 higher nursing component rate of reimbursement is achieved
15 by that facility.

16 (B) For a facility that would receive a higher nursing
17 component rate per patient day under the payment
18 methodology in effect on July 1, 2003 than the facility
19 received effective on the date immediately preceding the
20 date that the Department implements the new payment
21 methodology, the nursing component rate per patient day for
22 the facility shall be adjusted.

23 (C) Notwithstanding paragraphs (A) and (B), the
24 nursing component rate per patient day for the facility
25 shall be adjusted subject to appropriations provided by the
26 General Assembly.

1 For facilities licensed by the Department of Public Health
2 under the Nursing Home Care Act as Intermediate Care for the
3 Developmentally Disabled facilities or Long Term Care for Under
4 Age 22 facilities, the rates taking effect on March 1, 2001
5 shall include a statewide increase of 7.85%, as defined by the
6 Department.

7 Notwithstanding any other provision of this Section, for
8 facilities licensed by the Department of Public Health under
9 the Nursing Home Care Act as skilled nursing facilities or
10 intermediate care facilities, except facilities participating
11 in the Department's demonstration program pursuant to the
12 provisions of Title 77, Part 300, Subpart T of the Illinois
13 Administrative Code, the numerator of the ratio used by the
14 Department of Healthcare and Family Services to compute the
15 rate payable under this Section using the Minimum Data Set
16 (MDS) methodology shall incorporate the following annual
17 amounts as the additional funds appropriated to the Department
18 specifically to pay for rates based on the MDS nursing
19 component methodology in excess of the funding in effect on
20 December 31, 2006:

21 (i) For rates taking effect January 1, 2007,
22 \$60,000,000.

23 (ii) For rates taking effect January 1, 2008,
24 \$110,000,000.

25 (iii) For rates taking effect January 1, 2009,
26 \$194,000,000.

1 (iv) For rates taking effect April 1, 2011, or the
2 first day of the month that begins at least 45 days after
3 the effective date of this amendatory Act of the 96th
4 General Assembly, \$416,500,000 or an amount as may be
5 necessary to complete the transition to the MDS methodology
6 for the nursing component of the rate. Increased payments
7 under this item (iv) are not due and payable, however,
8 until (i) the methodologies described in this paragraph are
9 approved by the federal government in an appropriate State
10 Plan amendment and (ii) the assessment imposed by Section
11 5B-2 of this Code is determined to be a permissible tax
12 under Title XIX of the Social Security Act.

13 Notwithstanding any other provision of this Section, for
14 facilities licensed by the Department of Public Health under
15 the Nursing Home Care Act as skilled nursing facilities or
16 intermediate care facilities, the support component of the
17 rates taking effect on January 1, 2008 shall be computed using
18 the most recent cost reports on file with the Department of
19 Healthcare and Family Services no later than April 1, 2005,
20 updated for inflation to January 1, 2006.

21 For facilities licensed by the Department of Public Health
22 under the Nursing Home Care Act as Intermediate Care for the
23 Developmentally Disabled facilities or Long Term Care for Under
24 Age 22 facilities, the rates taking effect on April 1, 2002
25 shall include a statewide increase of 2.0%, as defined by the
26 Department. This increase terminates on July 1, 2002; beginning

1 July 1, 2002 these rates are reduced to the level of the rates
2 in effect on March 31, 2002, as defined by the Department.

3 For facilities licensed by the Department of Public Health
4 under the Nursing Home Care Act as skilled nursing facilities
5 or intermediate care facilities, the rates taking effect on
6 July 1, 2001 shall be computed using the most recent cost
7 reports on file with the Department of Public Aid no later than
8 April 1, 2000, updated for inflation to January 1, 2001. For
9 rates effective July 1, 2001 only, rates shall be the greater
10 of the rate computed for July 1, 2001 or the rate effective on
11 June 30, 2001.

12 Notwithstanding any other provision of this Section, for
13 facilities licensed by the Department of Public Health under
14 the Nursing Home Care Act as skilled nursing facilities or
15 intermediate care facilities, the Illinois Department shall
16 determine by rule the rates taking effect on July 1, 2002,
17 which shall be 5.9% less than the rates in effect on June 30,
18 2002.

19 Notwithstanding any other provision of this Section, for
20 facilities licensed by the Department of Public Health under
21 the Nursing Home Care Act as skilled nursing facilities or
22 intermediate care facilities, if the payment methodologies
23 required under Section 5A-12 and the waiver granted under 42
24 CFR 433.68 are approved by the United States Centers for
25 Medicare and Medicaid Services, the rates taking effect on July
26 1, 2004 shall be 3.0% greater than the rates in effect on June

1 30, 2004. These rates shall take effect only upon approval and
2 implementation of the payment methodologies required under
3 Section 5A-12.

4 Notwithstanding any other provisions of this Section, for
5 facilities licensed by the Department of Public Health under
6 the Nursing Home Care Act as skilled nursing facilities or
7 intermediate care facilities, the rates taking effect on
8 January 1, 2005 shall be 3% more than the rates in effect on
9 December 31, 2004.

10 Notwithstanding any other provision of this Section, for
11 facilities licensed by the Department of Public Health under
12 the Nursing Home Care Act as skilled nursing facilities or
13 intermediate care facilities, effective January 1, 2009, the
14 per diem support component of the rates effective on January 1,
15 2008, computed using the most recent cost reports on file with
16 the Department of Healthcare and Family Services no later than
17 April 1, 2005, updated for inflation to January 1, 2006, shall
18 be increased to the amount that would have been derived using
19 standard Department of Healthcare and Family Services methods,
20 procedures, and inflators.

21 Notwithstanding any other provisions of this Section, for
22 facilities licensed by the Department of Public Health under
23 the Nursing Home Care Act as intermediate care facilities that
24 are federally defined as Institutions for Mental Disease, or
25 facilities licensed by the Department of Public Health under
26 the Specialized Mental Health Rehabilitation Act of 2013, a

1 socio-development component rate equal to 6.6% of the
2 facility's nursing component rate as of January 1, 2006 shall
3 be established and paid effective July 1, 2006. The
4 socio-development component of the rate shall be increased by a
5 factor of 2.53 on the first day of the month that begins at
6 least 45 days after January 11, 2008 (the effective date of
7 Public Act 95-707). As of August 1, 2008, the socio-development
8 component rate shall be equal to 6.6% of the facility's nursing
9 component rate as of January 1, 2006, multiplied by a factor of
10 3.53. For services provided on or after April 1, 2011, or the
11 first day of the month that begins at least 45 days after the
12 effective date of this amendatory Act of the 96th General
13 Assembly, whichever is later, the Illinois Department may by
14 rule adjust these socio-development component rates, and may
15 use different adjustment methodologies for those facilities
16 participating, and those not participating, in the Illinois
17 Department's demonstration program pursuant to the provisions
18 of Title 77, Part 300, Subpart T of the Illinois Administrative
19 Code, but in no case may such rates be diminished below those
20 in effect on August 1, 2008.

21 For facilities licensed by the Department of Public Health
22 under the Nursing Home Care Act as Intermediate Care for the
23 Developmentally Disabled facilities or as long-term care
24 facilities for residents under 22 years of age, the rates
25 taking effect on July 1, 2003 shall include a statewide
26 increase of 4%, as defined by the Department.

1 For facilities licensed by the Department of Public Health
2 under the Nursing Home Care Act as Intermediate Care for the
3 Developmentally Disabled facilities or Long Term Care for Under
4 Age 22 facilities, the rates taking effect on the first day of
5 the month that begins at least 45 days after the effective date
6 of this amendatory Act of the 95th General Assembly shall
7 include a statewide increase of 2.5%, as defined by the
8 Department.

9 Notwithstanding any other provision of this Section, for
10 facilities licensed by the Department of Public Health under
11 the Nursing Home Care Act as skilled nursing facilities or
12 intermediate care facilities, effective January 1, 2005,
13 facility rates shall be increased by the difference between (i)
14 a facility's per diem property, liability, and malpractice
15 insurance costs as reported in the cost report filed with the
16 Department of Public Aid and used to establish rates effective
17 July 1, 2001 and (ii) those same costs as reported in the
18 facility's 2002 cost report. These costs shall be passed
19 through to the facility without caps or limitations, except for
20 adjustments required under normal auditing procedures.

21 Rates established effective each July 1 shall govern
22 payment for services rendered throughout that fiscal year,
23 except that rates established on July 1, 1996 shall be
24 increased by 6.8% for services provided on or after January 1,
25 1997. Such rates will be based upon the rates calculated for
26 the year beginning July 1, 1990, and for subsequent years

1 thereafter until June 30, 2001 shall be based on the facility
2 cost reports for the facility fiscal year ending at any point
3 in time during the previous calendar year, updated to the
4 midpoint of the rate year. The cost report shall be on file
5 with the Department no later than April 1 of the current rate
6 year. Should the cost report not be on file by April 1, the
7 Department shall base the rate on the latest cost report filed
8 by each skilled care facility and intermediate care facility,
9 updated to the midpoint of the current rate year. In
10 determining rates for services rendered on and after July 1,
11 1985, fixed time shall not be computed at less than zero. The
12 Department shall not make any alterations of regulations which
13 would reduce any component of the Medicaid rate to a level
14 below what that component would have been utilizing in the rate
15 effective on July 1, 1984.

16 (2) Shall take into account the actual costs incurred by
17 facilities in providing services for recipients of skilled
18 nursing and intermediate care services under the medical
19 assistance program.

20 (3) Shall take into account the medical and psycho-social
21 characteristics and needs of the patients.

22 (4) Shall take into account the actual costs incurred by
23 facilities in meeting licensing and certification standards
24 imposed and prescribed by the State of Illinois, any of its
25 political subdivisions or municipalities and by the U.S.
26 Department of Health and Human Services pursuant to Title XIX

1 of the Social Security Act.

2 The Department of Healthcare and Family Services shall
3 develop precise standards for payments to reimburse nursing
4 facilities for any utilization of appropriate rehabilitative
5 personnel for the provision of rehabilitative services which is
6 authorized by federal regulations, including reimbursement for
7 services provided by qualified therapists or qualified
8 assistants, and which is in accordance with accepted
9 professional practices. Reimbursement also may be made for
10 utilization of other supportive personnel under appropriate
11 supervision.

12 The Department shall develop enhanced payments to offset
13 the additional costs incurred by a facility serving exceptional
14 need residents and shall allocate at least \$4,000,000 of the
15 funds collected from the assessment established by Section 5B-2
16 of this Code for such payments. For the purpose of this
17 Section, "exceptional needs" means, but need not be limited to,
18 ventilator care and traumatic brain injury care. The enhanced
19 payments for exceptional need residents under this paragraph
20 are not due and payable, however, until (i) the methodologies
21 described in this paragraph are approved by the federal
22 government in an appropriate State Plan amendment and (ii) the
23 assessment imposed by Section 5B-2 of this Code is determined
24 to be a permissible tax under Title XIX of the Social Security
25 Act.

26 Beginning January 1, 2014 the methodologies for

1 reimbursement of nursing facility services as provided under
2 this Section 5-5.4 shall no longer be applicable for services
3 provided on or after January 1, 2014.

4 No payment increase under this Section for the MDS
5 methodology, exceptional care residents, or the
6 socio-development component rate established by Public Act
7 96-1530 of the 96th General Assembly and funded by the
8 assessment imposed under Section 5B-2 of this Code shall be due
9 and payable until after the Department notifies the long-term
10 care providers, in writing, that the payment methodologies to
11 long-term care providers required under this Section have been
12 approved by the Centers for Medicare and Medicaid Services of
13 the U.S. Department of Health and Human Services and the
14 waivers under 42 CFR 433.68 for the assessment imposed by this
15 Section, if necessary, have been granted by the Centers for
16 Medicare and Medicaid Services of the U.S. Department of Health
17 and Human Services. Upon notification to the Department of
18 approval of the payment methodologies required under this
19 Section and the waivers granted under 42 CFR 433.68, all
20 increased payments otherwise due under this Section prior to
21 the date of notification shall be due and payable within 90
22 days of the date federal approval is received.

23 On and after July 1, 2012, the Department shall reduce any
24 rate of reimbursement for services or other payments or alter
25 any methodologies authorized by this Code to reduce any rate of
26 reimbursement for services or other payments in accordance with

1 Section 5-5e.

2 (Source: P.A. 100-23, eff. 7-6-17.)

3 (305 ILCS 5/5-5.4i)

4 Sec. 5-5.4i. Rates and reimbursements.

5 (a) Within 30 days after July 6, 2017 (the effective date
6 of Public Act 100-23) ~~this amendatory Act of the 100th General~~
7 ~~Assembly,~~ the Department shall increase rates and
8 reimbursements to fund a minimum of a \$0.75 per hour wage
9 increase for front-line personnel, including, but not limited
10 to, direct support persons, aides, front-line supervisors,
11 qualified intellectual disabilities professionals, nurses, and
12 non-administrative support staff working in community-based
13 provider organizations serving individuals with developmental
14 disabilities. The Department shall adopt rules, including
15 emergency rules under subsection (y) of Section 5-45 of the
16 Illinois Administrative Procedure Act, to implement the
17 provisions of this Section.

18 (b) Rates and reimbursements. Within 30 days after the
19 effective date of this amendatory Act of the 100th General
20 Assembly, the Department shall increase rates and
21 reimbursements to fund a minimum of a \$0.50 per hour wage
22 increase for front-line personnel, including, but not limited
23 to, direct support persons, aides, front-line supervisors,
24 qualified intellectual disabilities professionals, nurses, and
25 non-administrative support staff working in community-based

1 provider organizations serving individuals with developmental
2 disabilities. The Department shall adopt rules, including
3 emergency rules under subsection (bb) of Section 5-45 of the
4 Illinois Administrative Procedure Act, to implement the
5 provisions of this Section.

6 (Source: P.A. 100-23, eff. 7-6-17.)

7 (305 ILCS 5/5-5.4j new)

8 Sec. 5-5.4j. ID/DD targeted Medicaid rate enhancement.
9 Within 30 days after the effective date of this amendatory Act
10 of the 100th General Assembly, the Department shall increase
11 the Medicaid per diem rate by \$21.15 for facilities with more
12 than 16 beds licensed by the Department of Public Health under
13 the ID/DD Community Care Act located in the Department of
14 Public Health's Planning Area 7-B.

15 Section 95-25. The Illinois Public Aid Code is amended by
16 changing Sections 5-5, 5-30, and 5-30.1 as follows:

17 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

18 Sec. 5-5. Medical services. The Illinois Department, by
19 rule, shall determine the quantity and quality of and the rate
20 of reimbursement for the medical assistance for which payment
21 will be authorized, and the medical services to be provided,
22 which may include all or part of the following: (1) inpatient
23 hospital services; (2) outpatient hospital services; (3) other

1 laboratory and X-ray services; (4) skilled nursing home
2 services; (5) physicians' services whether furnished in the
3 office, the patient's home, a hospital, a skilled nursing home,
4 or elsewhere; (6) medical care, or any other type of remedial
5 care furnished by licensed practitioners; (7) home health care
6 services; (8) private duty nursing service; (9) clinic
7 services; (10) dental services, including prevention and
8 treatment of periodontal disease and dental caries disease for
9 pregnant women, provided by an individual licensed to practice
10 dentistry or dental surgery; for purposes of this item (10),
11 "dental services" means diagnostic, preventive, or corrective
12 procedures provided by or under the supervision of a dentist in
13 the practice of his or her profession; (11) physical therapy
14 and related services; (12) prescribed drugs, dentures, and
15 prosthetic devices; and eyeglasses prescribed by a physician
16 skilled in the diseases of the eye, or by an optometrist,
17 whichever the person may select; (13) other diagnostic,
18 screening, preventive, and rehabilitative services, including
19 to ensure that the individual's need for intervention or
20 treatment of mental disorders or substance use disorders or
21 co-occurring mental health and substance use disorders is
22 determined using a uniform screening, assessment, and
23 evaluation process inclusive of criteria, for children and
24 adults; for purposes of this item (13), a uniform screening,
25 assessment, and evaluation process refers to a process that
26 includes an appropriate evaluation and, as warranted, a

1 referral; "uniform" does not mean the use of a singular
2 instrument, tool, or process that all must utilize; (14)
3 transportation and such other expenses as may be necessary;
4 (15) medical treatment of sexual assault survivors, as defined
5 in Section 1a of the Sexual Assault Survivors Emergency
6 Treatment Act, for injuries sustained as a result of the sexual
7 assault, including examinations and laboratory tests to
8 discover evidence which may be used in criminal proceedings
9 arising from the sexual assault; (16) the diagnosis and
10 treatment of sickle cell anemia; and (17) any other medical
11 care, and any other type of remedial care recognized under the
12 laws of this State. The term "any other type of remedial care"
13 shall include nursing care and nursing home service for persons
14 who rely on treatment by spiritual means alone through prayer
15 for healing.

16 Notwithstanding any other provision of this Section, a
17 comprehensive tobacco use cessation program that includes
18 purchasing prescription drugs or prescription medical devices
19 approved by the Food and Drug Administration shall be covered
20 under the medical assistance program under this Article for
21 persons who are otherwise eligible for assistance under this
22 Article.

23 Notwithstanding any other provision of this Code,
24 reproductive health care that is otherwise legal in Illinois
25 shall be covered under the medical assistance program for
26 persons who are otherwise eligible for medical assistance under

1 this Article.

2 Notwithstanding any other provision of this Code, the
3 Illinois Department may not require, as a condition of payment
4 for any laboratory test authorized under this Article, that a
5 physician's handwritten signature appear on the laboratory
6 test order form. The Illinois Department may, however, impose
7 other appropriate requirements regarding laboratory test order
8 documentation.

9 Upon receipt of federal approval of an amendment to the
10 Illinois Title XIX State Plan for this purpose, the Department
11 shall authorize the Chicago Public Schools (CPS) to procure a
12 vendor or vendors to manufacture eyeglasses for individuals
13 enrolled in a school within the CPS system. CPS shall ensure
14 that its vendor or vendors are enrolled as providers in the
15 medical assistance program and in any capitated Medicaid
16 managed care entity (MCE) serving individuals enrolled in a
17 school within the CPS system. Under any contract procured under
18 this provision, the vendor or vendors must serve only
19 individuals enrolled in a school within the CPS system. Claims
20 for services provided by CPS's vendor or vendors to recipients
21 of benefits in the medical assistance program under this Code,
22 the Children's Health Insurance Program, or the Covering ALL
23 KIDS Health Insurance Program shall be submitted to the
24 Department or the MCE in which the individual is enrolled for
25 payment and shall be reimbursed at the Department's or the
26 MCE's established rates or rate methodologies for eyeglasses.

1 On and after July 1, 2012, the Department of Healthcare and
2 Family Services may provide the following services to persons
3 eligible for assistance under this Article who are
4 participating in education, training or employment programs
5 operated by the Department of Human Services as successor to
6 the Department of Public Aid:

7 (1) dental services provided by or under the
8 supervision of a dentist; and

9 (2) eyeglasses prescribed by a physician skilled in the
10 diseases of the eye, or by an optometrist, whichever the
11 person may select.

12 On and after July 1, 2018, the Department of Healthcare and
13 Family Services shall provide dental services to any adult who
14 is otherwise eligible for assistance under the medical
15 assistance program. As used in this paragraph, "dental
16 services" means diagnostic, preventative, restorative, or
17 corrective procedures, including procedures and services for
18 the prevention and treatment of periodontal disease and dental
19 caries disease, provided by an individual who is licensed to
20 practice dentistry or dental surgery or who is under the
21 supervision of a dentist in the practice of his or her
22 profession.

23 On and after July 1, 2018, targeted dental services, as set
24 forth in Exhibit D of the Consent Decree entered by the United
25 States District Court for the Northern District of Illinois,
26 Eastern Division, in the matter of Memisovski v. Maram, Case

1 No. 92 C 1982, that are provided to adults under the medical
2 assistance program shall be established at no less than the
3 rates set forth in the "New Rate" column in Exhibit D of the
4 Consent Decree for targeted dental services that are provided
5 to persons under the age of 18 under the medical assistance
6 program.

7 Notwithstanding any other provision of this Code and
8 subject to federal approval, the Department may adopt rules to
9 allow a dentist who is volunteering his or her service at no
10 cost to render dental services through an enrolled
11 not-for-profit health clinic without the dentist personally
12 enrolling as a participating provider in the medical assistance
13 program. A not-for-profit health clinic shall include a public
14 health clinic or Federally Qualified Health Center or other
15 enrolled provider, as determined by the Department, through
16 which dental services covered under this Section are performed.
17 The Department shall establish a process for payment of claims
18 for reimbursement for covered dental services rendered under
19 this provision.

20 The Illinois Department, by rule, may distinguish and
21 classify the medical services to be provided only in accordance
22 with the classes of persons designated in Section 5-2.

23 The Department of Healthcare and Family Services must
24 provide coverage and reimbursement for amino acid-based
25 elemental formulas, regardless of delivery method, for the
26 diagnosis and treatment of (i) eosinophilic disorders and (ii)

1 short bowel syndrome when the prescribing physician has issued
2 a written order stating that the amino acid-based elemental
3 formula is medically necessary.

4 The Illinois Department shall authorize the provision of,
5 and shall authorize payment for, screening by low-dose
6 mammography for the presence of occult breast cancer for women
7 35 years of age or older who are eligible for medical
8 assistance under this Article, as follows:

9 (A) A baseline mammogram for women 35 to 39 years of
10 age.

11 (B) An annual mammogram for women 40 years of age or
12 older.

13 (C) A mammogram at the age and intervals considered
14 medically necessary by the woman's health care provider for
15 women under 40 years of age and having a family history of
16 breast cancer, prior personal history of breast cancer,
17 positive genetic testing, or other risk factors.

18 (D) A comprehensive ultrasound screening and MRI of an
19 entire breast or breasts if a mammogram demonstrates
20 heterogeneous or dense breast tissue, when medically
21 necessary as determined by a physician licensed to practice
22 medicine in all of its branches.

23 (E) A screening MRI when medically necessary, as
24 determined by a physician licensed to practice medicine in
25 all of its branches.

26 All screenings shall include a physical breast exam,

1 instruction on self-examination and information regarding the
2 frequency of self-examination and its value as a preventative
3 tool. For purposes of this Section, "low-dose mammography"
4 means the x-ray examination of the breast using equipment
5 dedicated specifically for mammography, including the x-ray
6 tube, filter, compression device, and image receptor, with an
7 average radiation exposure delivery of less than one rad per
8 breast for 2 views of an average size breast. The term also
9 includes digital mammography and includes breast
10 tomosynthesis. As used in this Section, the term "breast
11 tomosynthesis" means a radiologic procedure that involves the
12 acquisition of projection images over the stationary breast to
13 produce cross-sectional digital three-dimensional images of
14 the breast. If, at any time, the Secretary of the United States
15 Department of Health and Human Services, or its successor
16 agency, promulgates rules or regulations to be published in the
17 Federal Register or publishes a comment in the Federal Register
18 or issues an opinion, guidance, or other action that would
19 require the State, pursuant to any provision of the Patient
20 Protection and Affordable Care Act (Public Law 111-148),
21 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any
22 successor provision, to defray the cost of any coverage for
23 breast tomosynthesis outlined in this paragraph, then the
24 requirement that an insurer cover breast tomosynthesis is
25 inoperative other than any such coverage authorized under
26 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and

1 the State shall not assume any obligation for the cost of
2 coverage for breast tomosynthesis set forth in this paragraph.

3 On and after January 1, 2016, the Department shall ensure
4 that all networks of care for adult clients of the Department
5 include access to at least one breast imaging Center of Imaging
6 Excellence as certified by the American College of Radiology.

7 On and after January 1, 2012, providers participating in a
8 quality improvement program approved by the Department shall be
9 reimbursed for screening and diagnostic mammography at the same
10 rate as the Medicare program's rates, including the increased
11 reimbursement for digital mammography.

12 The Department shall convene an expert panel including
13 representatives of hospitals, free-standing mammography
14 facilities, and doctors, including radiologists, to establish
15 quality standards for mammography.

16 On and after January 1, 2017, providers participating in a
17 breast cancer treatment quality improvement program approved
18 by the Department shall be reimbursed for breast cancer
19 treatment at a rate that is no lower than 95% of the Medicare
20 program's rates for the data elements included in the breast
21 cancer treatment quality program.

22 The Department shall convene an expert panel, including
23 representatives of hospitals, free standing breast cancer
24 treatment centers, breast cancer quality organizations, and
25 doctors, including breast surgeons, reconstructive breast
26 surgeons, oncologists, and primary care providers to establish

1 quality standards for breast cancer treatment.

2 Subject to federal approval, the Department shall
3 establish a rate methodology for mammography at federally
4 qualified health centers and other encounter-rate clinics.
5 These clinics or centers may also collaborate with other
6 hospital-based mammography facilities. By January 1, 2016, the
7 Department shall report to the General Assembly on the status
8 of the provision set forth in this paragraph.

9 The Department shall establish a methodology to remind
10 women who are age-appropriate for screening mammography, but
11 who have not received a mammogram within the previous 18
12 months, of the importance and benefit of screening mammography.
13 The Department shall work with experts in breast cancer
14 outreach and patient navigation to optimize these reminders and
15 shall establish a methodology for evaluating their
16 effectiveness and modifying the methodology based on the
17 evaluation.

18 The Department shall establish a performance goal for
19 primary care providers with respect to their female patients
20 over age 40 receiving an annual mammogram. This performance
21 goal shall be used to provide additional reimbursement in the
22 form of a quality performance bonus to primary care providers
23 who meet that goal.

24 The Department shall devise a means of case-managing or
25 patient navigation for beneficiaries diagnosed with breast
26 cancer. This program shall initially operate as a pilot program

1 in areas of the State with the highest incidence of mortality
2 related to breast cancer. At least one pilot program site shall
3 be in the metropolitan Chicago area and at least one site shall
4 be outside the metropolitan Chicago area. On or after July 1,
5 2016, the pilot program shall be expanded to include one site
6 in western Illinois, one site in southern Illinois, one site in
7 central Illinois, and 4 sites within metropolitan Chicago. An
8 evaluation of the pilot program shall be carried out measuring
9 health outcomes and cost of care for those served by the pilot
10 program compared to similarly situated patients who are not
11 served by the pilot program.

12 The Department shall require all networks of care to
13 develop a means either internally or by contract with experts
14 in navigation and community outreach to navigate cancer
15 patients to comprehensive care in a timely fashion. The
16 Department shall require all networks of care to include access
17 for patients diagnosed with cancer to at least one academic
18 commission on cancer-accredited cancer program as an
19 in-network covered benefit.

20 Any medical or health care provider shall immediately
21 recommend, to any pregnant woman who is being provided prenatal
22 services and is suspected of drug abuse or is addicted as
23 defined in the Alcoholism and Other Drug Abuse and Dependency
24 Act, referral to a local substance abuse treatment provider
25 licensed by the Department of Human Services or to a licensed
26 hospital which provides substance abuse treatment services.

1 The Department of Healthcare and Family Services shall assure
2 coverage for the cost of treatment of the drug abuse or
3 addiction for pregnant recipients in accordance with the
4 Illinois Medicaid Program in conjunction with the Department of
5 Human Services.

6 All medical providers providing medical assistance to
7 pregnant women under this Code shall receive information from
8 the Department on the availability of services under the Drug
9 Free Families with a Future or any comparable program providing
10 case management services for addicted women, including
11 information on appropriate referrals for other social services
12 that may be needed by addicted women in addition to treatment
13 for addiction.

14 The Illinois Department, in cooperation with the
15 Departments of Human Services (as successor to the Department
16 of Alcoholism and Substance Abuse) and Public Health, through a
17 public awareness campaign, may provide information concerning
18 treatment for alcoholism and drug abuse and addiction, prenatal
19 health care, and other pertinent programs directed at reducing
20 the number of drug-affected infants born to recipients of
21 medical assistance.

22 Neither the Department of Healthcare and Family Services
23 nor the Department of Human Services shall sanction the
24 recipient solely on the basis of her substance abuse.

25 The Illinois Department shall establish such regulations
26 governing the dispensing of health services under this Article

1 as it shall deem appropriate. The Department should seek the
2 advice of formal professional advisory committees appointed by
3 the Director of the Illinois Department for the purpose of
4 providing regular advice on policy and administrative matters,
5 information dissemination and educational activities for
6 medical and health care providers, and consistency in
7 procedures to the Illinois Department.

8 The Illinois Department may develop and contract with
9 Partnerships of medical providers to arrange medical services
10 for persons eligible under Section 5-2 of this Code.
11 Implementation of this Section may be by demonstration projects
12 in certain geographic areas. The Partnership shall be
13 represented by a sponsor organization. The Department, by rule,
14 shall develop qualifications for sponsors of Partnerships.
15 Nothing in this Section shall be construed to require that the
16 sponsor organization be a medical organization.

17 The sponsor must negotiate formal written contracts with
18 medical providers for physician services, inpatient and
19 outpatient hospital care, home health services, treatment for
20 alcoholism and substance abuse, and other services determined
21 necessary by the Illinois Department by rule for delivery by
22 Partnerships. Physician services must include prenatal and
23 obstetrical care. The Illinois Department shall reimburse
24 medical services delivered by Partnership providers to clients
25 in target areas according to provisions of this Article and the
26 Illinois Health Finance Reform Act, except that:

1 (1) Physicians participating in a Partnership and
2 providing certain services, which shall be determined by
3 the Illinois Department, to persons in areas covered by the
4 Partnership may receive an additional surcharge for such
5 services.

6 (2) The Department may elect to consider and negotiate
7 financial incentives to encourage the development of
8 Partnerships and the efficient delivery of medical care.

9 (3) Persons receiving medical services through
10 Partnerships may receive medical and case management
11 services above the level usually offered through the
12 medical assistance program.

13 Medical providers shall be required to meet certain
14 qualifications to participate in Partnerships to ensure the
15 delivery of high quality medical services. These
16 qualifications shall be determined by rule of the Illinois
17 Department and may be higher than qualifications for
18 participation in the medical assistance program. Partnership
19 sponsors may prescribe reasonable additional qualifications
20 for participation by medical providers, only with the prior
21 written approval of the Illinois Department.

22 Nothing in this Section shall limit the free choice of
23 practitioners, hospitals, and other providers of medical
24 services by clients. In order to ensure patient freedom of
25 choice, the Illinois Department shall immediately promulgate
26 all rules and take all other necessary actions so that provided

1 services may be accessed from therapeutically certified
2 optometrists to the full extent of the Illinois Optometric
3 Practice Act of 1987 without discriminating between service
4 providers.

5 The Department shall apply for a waiver from the United
6 States Health Care Financing Administration to allow for the
7 implementation of Partnerships under this Section.

8 The Illinois Department shall require health care
9 providers to maintain records that document the medical care
10 and services provided to recipients of Medical Assistance under
11 this Article. Such records must be retained for a period of not
12 less than 6 years from the date of service or as provided by
13 applicable State law, whichever period is longer, except that
14 if an audit is initiated within the required retention period
15 then the records must be retained until the audit is completed
16 and every exception is resolved. The Illinois Department shall
17 require health care providers to make available, when
18 authorized by the patient, in writing, the medical records in a
19 timely fashion to other health care providers who are treating
20 or serving persons eligible for Medical Assistance under this
21 Article. All dispensers of medical services shall be required
22 to maintain and retain business and professional records
23 sufficient to fully and accurately document the nature, scope,
24 details and receipt of the health care provided to persons
25 eligible for medical assistance under this Code, in accordance
26 with regulations promulgated by the Illinois Department. The

1 rules and regulations shall require that proof of the receipt
2 of prescription drugs, dentures, prosthetic devices and
3 eyeglasses by eligible persons under this Section accompany
4 each claim for reimbursement submitted by the dispenser of such
5 medical services. No such claims for reimbursement shall be
6 approved for payment by the Illinois Department without such
7 proof of receipt, unless the Illinois Department shall have put
8 into effect and shall be operating a system of post-payment
9 audit and review which shall, on a sampling basis, be deemed
10 adequate by the Illinois Department to assure that such drugs,
11 dentures, prosthetic devices and eyeglasses for which payment
12 is being made are actually being received by eligible
13 recipients. Within 90 days after September 16, 1984 (the
14 effective date of Public Act 83-1439), the Illinois Department
15 shall establish a current list of acquisition costs for all
16 prosthetic devices and any other items recognized as medical
17 equipment and supplies reimbursable under this Article and
18 shall update such list on a quarterly basis, except that the
19 acquisition costs of all prescription drugs shall be updated no
20 less frequently than every 30 days as required by Section
21 5-5.12.

22 Notwithstanding any other law to the contrary, the Illinois
23 Department shall, within 365 days after July 22, 2013 (the
24 effective date of Public Act 98-104), establish procedures to
25 permit skilled care facilities licensed under the Nursing Home
26 Care Act to submit monthly billing claims for reimbursement

1 purposes. Following development of these procedures, the
2 Department shall, by July 1, 2016, test the viability of the
3 new system and implement any necessary operational or
4 structural changes to its information technology platforms in
5 order to allow for the direct acceptance and payment of nursing
6 home claims.

7 Notwithstanding any other law to the contrary, the Illinois
8 Department shall, within 365 days after August 15, 2014 (the
9 effective date of Public Act 98-963), establish procedures to
10 permit ID/DD facilities licensed under the ID/DD Community Care
11 Act and MC/DD facilities licensed under the MC/DD Act to submit
12 monthly billing claims for reimbursement purposes. Following
13 development of these procedures, the Department shall have an
14 additional 365 days to test the viability of the new system and
15 to ensure that any necessary operational or structural changes
16 to its information technology platforms are implemented.

17 The Illinois Department shall require all dispensers of
18 medical services, other than an individual practitioner or
19 group of practitioners, desiring to participate in the Medical
20 Assistance program established under this Article to disclose
21 all financial, beneficial, ownership, equity, surety or other
22 interests in any and all firms, corporations, partnerships,
23 associations, business enterprises, joint ventures, agencies,
24 institutions or other legal entities providing any form of
25 health care services in this State under this Article.

26 The Illinois Department may require that all dispensers of

1 medical services desiring to participate in the medical
2 assistance program established under this Article disclose,
3 under such terms and conditions as the Illinois Department may
4 by rule establish, all inquiries from clients and attorneys
5 regarding medical bills paid by the Illinois Department, which
6 inquiries could indicate potential existence of claims or liens
7 for the Illinois Department.

8 Enrollment of a vendor shall be subject to a provisional
9 period and shall be conditional for one year. During the period
10 of conditional enrollment, the Department may terminate the
11 vendor's eligibility to participate in, or may disenroll the
12 vendor from, the medical assistance program without cause.
13 Unless otherwise specified, such termination of eligibility or
14 disenrollment is not subject to the Department's hearing
15 process. However, a disenrolled vendor may reapply without
16 penalty.

17 The Department has the discretion to limit the conditional
18 enrollment period for vendors based upon category of risk of
19 the vendor.

20 Prior to enrollment and during the conditional enrollment
21 period in the medical assistance program, all vendors shall be
22 subject to enhanced oversight, screening, and review based on
23 the risk of fraud, waste, and abuse that is posed by the
24 category of risk of the vendor. The Illinois Department shall
25 establish the procedures for oversight, screening, and review,
26 which may include, but need not be limited to: criminal and

1 financial background checks; fingerprinting; license,
2 certification, and authorization verifications; unscheduled or
3 unannounced site visits; database checks; prepayment audit
4 reviews; audits; payment caps; payment suspensions; and other
5 screening as required by federal or State law.

6 The Department shall define or specify the following: (i)
7 by provider notice, the "category of risk of the vendor" for
8 each type of vendor, which shall take into account the level of
9 screening applicable to a particular category of vendor under
10 federal law and regulations; (ii) by rule or provider notice,
11 the maximum length of the conditional enrollment period for
12 each category of risk of the vendor; and (iii) by rule, the
13 hearing rights, if any, afforded to a vendor in each category
14 of risk of the vendor that is terminated or disenrolled during
15 the conditional enrollment period.

16 To be eligible for payment consideration, a vendor's
17 payment claim or bill, either as an initial claim or as a
18 resubmitted claim following prior rejection, must be received
19 by the Illinois Department, or its fiscal intermediary, no
20 later than 180 days after the latest date on the claim on which
21 medical goods or services were provided, with the following
22 exceptions:

23 (1) In the case of a provider whose enrollment is in
24 process by the Illinois Department, the 180-day period
25 shall not begin until the date on the written notice from
26 the Illinois Department that the provider enrollment is

1 complete.

2 (2) In the case of errors attributable to the Illinois
3 Department or any of its claims processing intermediaries
4 which result in an inability to receive, process, or
5 adjudicate a claim, the 180-day period shall not begin
6 until the provider has been notified of the error.

7 (3) In the case of a provider for whom the Illinois
8 Department initiates the monthly billing process.

9 (4) In the case of a provider operated by a unit of
10 local government with a population exceeding 3,000,000
11 when local government funds finance federal participation
12 for claims payments.

13 For claims for services rendered during a period for which
14 a recipient received retroactive eligibility, claims must be
15 filed within 180 days after the Department determines the
16 applicant is eligible. For claims for which the Illinois
17 Department is not the primary payer, claims must be submitted
18 to the Illinois Department within 180 days after the final
19 adjudication by the primary payer.

20 In the case of long term care facilities, within 45
21 calendar days of receipt by the facility of required
22 prescreening information, new admissions with associated
23 admission documents shall be submitted through the Medical
24 Electronic Data Interchange (MEDI) or the Recipient
25 Eligibility Verification (REV) System or shall be submitted
26 directly to the Department of Human Services using required

1 admission forms. Effective September 1, 2014, admission
2 documents, including all prescreening information, must be
3 submitted through MEDI or REV. Confirmation numbers assigned to
4 an accepted transaction shall be retained by a facility to
5 verify timely submittal. Once an admission transaction has been
6 completed, all resubmitted claims following prior rejection
7 are subject to receipt no later than 180 days after the
8 admission transaction has been completed.

9 Claims that are not submitted and received in compliance
10 with the foregoing requirements shall not be eligible for
11 payment under the medical assistance program, and the State
12 shall have no liability for payment of those claims.

13 To the extent consistent with applicable information and
14 privacy, security, and disclosure laws, State and federal
15 agencies and departments shall provide the Illinois Department
16 access to confidential and other information and data necessary
17 to perform eligibility and payment verifications and other
18 Illinois Department functions. This includes, but is not
19 limited to: information pertaining to licensure;
20 certification; earnings; immigration status; citizenship; wage
21 reporting; unearned and earned income; pension income;
22 employment; supplemental security income; social security
23 numbers; National Provider Identifier (NPI) numbers; the
24 National Practitioner Data Bank (NPDB); program and agency
25 exclusions; taxpayer identification numbers; tax delinquency;
26 corporate information; and death records.

1 The Illinois Department shall enter into agreements with
2 State agencies and departments, and is authorized to enter into
3 agreements with federal agencies and departments, under which
4 such agencies and departments shall share data necessary for
5 medical assistance program integrity functions and oversight.
6 The Illinois Department shall develop, in cooperation with
7 other State departments and agencies, and in compliance with
8 applicable federal laws and regulations, appropriate and
9 effective methods to share such data. At a minimum, and to the
10 extent necessary to provide data sharing, the Illinois
11 Department shall enter into agreements with State agencies and
12 departments, and is authorized to enter into agreements with
13 federal agencies and departments, including but not limited to:
14 the Secretary of State; the Department of Revenue; the
15 Department of Public Health; the Department of Human Services;
16 and the Department of Financial and Professional Regulation.

17 Beginning in fiscal year 2013, the Illinois Department
18 shall set forth a request for information to identify the
19 benefits of a pre-payment, post-adjudication, and post-edit
20 claims system with the goals of streamlining claims processing
21 and provider reimbursement, reducing the number of pending or
22 rejected claims, and helping to ensure a more transparent
23 adjudication process through the utilization of: (i) provider
24 data verification and provider screening technology; and (ii)
25 clinical code editing; and (iii) pre-pay, pre- or
26 post-adjudicated predictive modeling with an integrated case

1 management system with link analysis. Such a request for
2 information shall not be considered as a request for proposal
3 or as an obligation on the part of the Illinois Department to
4 take any action or acquire any products or services.

5 The Illinois Department shall establish policies,
6 procedures, standards and criteria by rule for the acquisition,
7 repair and replacement of orthotic and prosthetic devices and
8 durable medical equipment. Such rules shall provide, but not be
9 limited to, the following services: (1) immediate repair or
10 replacement of such devices by recipients; and (2) rental,
11 lease, purchase or lease-purchase of durable medical equipment
12 in a cost-effective manner, taking into consideration the
13 recipient's medical prognosis, the extent of the recipient's
14 needs, and the requirements and costs for maintaining such
15 equipment. Subject to prior approval, such rules shall enable a
16 recipient to temporarily acquire and use alternative or
17 substitute devices or equipment pending repairs or
18 replacements of any device or equipment previously authorized
19 for such recipient by the Department. Notwithstanding any
20 provision of Section 5-5f to the contrary, the Department may,
21 by rule, exempt certain replacement wheelchair parts from prior
22 approval and, for wheelchairs, wheelchair parts, wheelchair
23 accessories, and related seating and positioning items,
24 determine the wholesale price by methods other than actual
25 acquisition costs.

26 The Department shall require, by rule, all providers of

1 durable medical equipment to be accredited by an accreditation
2 organization approved by the federal Centers for Medicare and
3 Medicaid Services and recognized by the Department in order to
4 bill the Department for providing durable medical equipment to
5 recipients. No later than 15 months after the effective date of
6 the rule adopted pursuant to this paragraph, all providers must
7 meet the accreditation requirement.

8 The Department shall execute, relative to the nursing home
9 prescreening project, written inter-agency agreements with the
10 Department of Human Services and the Department on Aging, to
11 effect the following: (i) intake procedures and common
12 eligibility criteria for those persons who are receiving
13 non-institutional services; and (ii) the establishment and
14 development of non-institutional services in areas of the State
15 where they are not currently available or are undeveloped; and
16 (iii) notwithstanding any other provision of law, subject to
17 federal approval, on and after July 1, 2012, an increase in the
18 determination of need (DON) scores from 29 to 37 for applicants
19 for institutional and home and community-based long term care;
20 if and only if federal approval is not granted, the Department
21 may, in conjunction with other affected agencies, implement
22 utilization controls or changes in benefit packages to
23 effectuate a similar savings amount for this population; and
24 (iv) no later than July 1, 2013, minimum level of care
25 eligibility criteria for institutional and home and
26 community-based long term care; and (v) no later than October

1 1, 2013, establish procedures to permit long term care
2 providers access to eligibility scores for individuals with an
3 admission date who are seeking or receiving services from the
4 long term care provider. In order to select the minimum level
5 of care eligibility criteria, the Governor shall establish a
6 workgroup that includes affected agency representatives and
7 stakeholders representing the institutional and home and
8 community-based long term care interests. This Section shall
9 not restrict the Department from implementing lower level of
10 care eligibility criteria for community-based services in
11 circumstances where federal approval has been granted.

12 The Illinois Department shall develop and operate, in
13 cooperation with other State Departments and agencies and in
14 compliance with applicable federal laws and regulations,
15 appropriate and effective systems of health care evaluation and
16 programs for monitoring of utilization of health care services
17 and facilities, as it affects persons eligible for medical
18 assistance under this Code.

19 The Illinois Department shall report annually to the
20 General Assembly, no later than the second Friday in April of
21 1979 and each year thereafter, in regard to:

22 (a) actual statistics and trends in utilization of
23 medical services by public aid recipients;

24 (b) actual statistics and trends in the provision of
25 the various medical services by medical vendors;

26 (c) current rate structures and proposed changes in

1 those rate structures for the various medical vendors; and

2 (d) efforts at utilization review and control by the
3 Illinois Department.

4 The period covered by each report shall be the 3 years
5 ending on the June 30 prior to the report. The report shall
6 include suggested legislation for consideration by the General
7 Assembly. The filing of one copy of the report with the
8 Speaker, one copy with the Minority Leader and one copy with
9 the Clerk of the House of Representatives, one copy with the
10 President, one copy with the Minority Leader and one copy with
11 the Secretary of the Senate, one copy with the Legislative
12 Research Unit, and such additional copies with the State
13 Government Report Distribution Center for the General Assembly
14 as is required under paragraph (t) of Section 7 of the State
15 Library Act shall be deemed sufficient to comply with this
16 Section.

17 Rulemaking authority to implement Public Act 95-1045, if
18 any, is conditioned on the rules being adopted in accordance
19 with all provisions of the Illinois Administrative Procedure
20 Act and all rules and procedures of the Joint Committee on
21 Administrative Rules; any purported rule not so adopted, for
22 whatever reason, is unauthorized.

23 On and after July 1, 2012, the Department shall reduce any
24 rate of reimbursement for services or other payments or alter
25 any methodologies authorized by this Code to reduce any rate of
26 reimbursement for services or other payments in accordance with

1 Section 5-5e.

2 Because kidney transplantation can be an appropriate, cost
3 effective alternative to renal dialysis when medically
4 necessary and notwithstanding the provisions of Section 1-11 of
5 this Code, beginning October 1, 2014, the Department shall
6 cover kidney transplantation for noncitizens with end-stage
7 renal disease who are not eligible for comprehensive medical
8 benefits, who meet the residency requirements of Section 5-3 of
9 this Code, and who would otherwise meet the financial
10 requirements of the appropriate class of eligible persons under
11 Section 5-2 of this Code. To qualify for coverage of kidney
12 transplantation, such person must be receiving emergency renal
13 dialysis services covered by the Department. Providers under
14 this Section shall be prior approved and certified by the
15 Department to perform kidney transplantation and the services
16 under this Section shall be limited to services associated with
17 kidney transplantation.

18 Notwithstanding any other provision of this Code to the
19 contrary, on or after July 1, 2015, all FDA approved forms of
20 medication assisted treatment prescribed for the treatment of
21 alcohol dependence or treatment of opioid dependence shall be
22 covered under both fee for service and managed care medical
23 assistance programs for persons who are otherwise eligible for
24 medical assistance under this Article and shall not be subject
25 to any (1) utilization control, other than those established
26 under the American Society of Addiction Medicine patient

1 placement criteria, (2) prior authorization mandate, or (3)
2 lifetime restriction limit mandate.

3 On or after July 1, 2015, opioid antagonists prescribed for
4 the treatment of an opioid overdose, including the medication
5 product, administration devices, and any pharmacy fees related
6 to the dispensing and administration of the opioid antagonist,
7 shall be covered under the medical assistance program for
8 persons who are otherwise eligible for medical assistance under
9 this Article. As used in this Section, "opioid antagonist"
10 means a drug that binds to opioid receptors and blocks or
11 inhibits the effect of opioids acting on those receptors,
12 including, but not limited to, naloxone hydrochloride or any
13 other similarly acting drug approved by the U.S. Food and Drug
14 Administration.

15 Upon federal approval, the Department shall provide
16 coverage and reimbursement for all drugs that are approved for
17 marketing by the federal Food and Drug Administration and that
18 are recommended by the federal Public Health Service or the
19 United States Centers for Disease Control and Prevention for
20 pre-exposure prophylaxis and related pre-exposure prophylaxis
21 services, including, but not limited to, HIV and sexually
22 transmitted infection screening, treatment for sexually
23 transmitted infections, medical monitoring, assorted labs, and
24 counseling to reduce the likelihood of HIV infection among
25 individuals who are not infected with HIV but who are at high
26 risk of HIV infection.

1 (Source: P.A. 99-78, eff. 7-20-15; 99-180, eff. 7-29-15;
2 99-236, eff. 8-3-15; 99-407 (see Section 20 of P.A. 99-588 for
3 the effective date of P.A. 99-407); 99-433, eff. 8-21-15;
4 99-480, eff. 9-9-15; 99-588, eff. 7-20-16; 99-642, eff.
5 7-28-16; 99-772, eff. 1-1-17; 99-895, eff. 1-1-17; 100-201,
6 eff. 8-18-17; 100-395, eff. 1-1-18; 100-449, eff. 1-1-18;
7 100-538, eff. 1-1-18; revised 10-26-17.)

8 (305 ILCS 5/5-30)

9 Sec. 5-30. Care coordination.

10 (a) At least 50% of recipients eligible for comprehensive
11 medical benefits in all medical assistance programs or other
12 health benefit programs administered by the Department,
13 including the Children's Health Insurance Program Act and the
14 Covering ALL KIDS Health Insurance Act, shall be enrolled in a
15 care coordination program by no later than January 1, 2015. For
16 purposes of this Section, "coordinated care" or "care
17 coordination" means delivery systems where recipients will
18 receive their care from providers who participate under
19 contract in integrated delivery systems that are responsible
20 for providing or arranging the majority of care, including
21 primary care physician services, referrals from primary care
22 physicians, diagnostic and treatment services, behavioral
23 health services, in-patient and outpatient hospital services,
24 dental services, and rehabilitation and long-term care
25 services. The Department shall designate or contract for such

1 integrated delivery systems (i) to ensure enrollees have a
2 choice of systems and of primary care providers within such
3 systems; (ii) to ensure that enrollees receive quality care in
4 a culturally and linguistically appropriate manner; and (iii)
5 to ensure that coordinated care programs meet the diverse needs
6 of enrollees with developmental, mental health, physical, and
7 age-related disabilities.

8 (b) Payment for such coordinated care shall be based on
9 arrangements where the State pays for performance related to
10 health care outcomes, the use of evidence-based practices, the
11 use of primary care delivered through comprehensive medical
12 homes, the use of electronic medical records, and the
13 appropriate exchange of health information electronically made
14 either on a capitated basis in which a fixed monthly premium
15 per recipient is paid and full financial risk is assumed for
16 the delivery of services, or through other risk-based payment
17 arrangements.

18 (c) To qualify for compliance with this Section, the 50%
19 goal shall be achieved by enrolling medical assistance
20 enrollees from each medical assistance enrollment category,
21 including parents, children, seniors, and people with
22 disabilities to the extent that current State Medicaid payment
23 laws would not limit federal matching funds for recipients in
24 care coordination programs. In addition, services must be more
25 comprehensively defined and more risk shall be assumed than in
26 the Department's primary care case management program as of

1 January 25, 2011 (the effective date of Public Act 96-1501).

2 (d) The Department shall report to the General Assembly in
3 a separate part of its annual medical assistance program
4 report, beginning April, 2012 until April, 2016, on the
5 progress and implementation of the care coordination program
6 initiatives established by the provisions of Public Act
7 96-1501. The Department shall include in its April 2011 report
8 a full analysis of federal laws or regulations regarding upper
9 payment limitations to providers and the necessary revisions or
10 adjustments in rate methodologies and payments to providers
11 under this Code that would be necessary to implement
12 coordinated care with full financial risk by a party other than
13 the Department.

14 (e) Integrated Care Program for individuals with chronic
15 mental health conditions.

16 (1) The Integrated Care Program shall encompass
17 services administered to recipients of medical assistance
18 under this Article to prevent exacerbations and
19 complications using cost-effective, evidence-based
20 practice guidelines and mental health management
21 strategies.

22 (2) The Department may utilize and expand upon existing
23 contractual arrangements with integrated care plans under
24 the Integrated Care Program for providing the coordinated
25 care provisions of this Section.

26 (3) Payment for such coordinated care shall be based on

1 arrangements where the State pays for performance related
2 to mental health outcomes on a capitated basis in which a
3 fixed monthly premium per recipient is paid and full
4 financial risk is assumed for the delivery of services, or
5 through other risk-based payment arrangements such as
6 provider-based care coordination.

7 (4) The Department shall examine whether chronic
8 mental health management programs and services for
9 recipients with specific chronic mental health conditions
10 do any or all of the following:

11 (A) Improve the patient's overall mental health in
12 a more expeditious and cost-effective manner.

13 (B) Lower costs in other aspects of the medical
14 assistance program, such as hospital admissions,
15 emergency room visits, or more frequent and
16 inappropriate psychotropic drug use.

17 (5) The Department shall work with the facilities and
18 any integrated care plan participating in the program to
19 identify and correct barriers to the successful
20 implementation of this subsection (e) prior to and during
21 the implementation to best facilitate the goals and
22 objectives of this subsection (e).

23 (f) A hospital that is located in a county of the State in
24 which the Department mandates some or all of the beneficiaries
25 of the Medical Assistance Program residing in the county to
26 enroll in a Care Coordination Program, as set forth in Section

1 5-30 of this Code, shall not be eligible for any non-claims
2 based payments not mandated by Article V-A of this Code for
3 which it would otherwise be qualified to receive, unless the
4 hospital is a Coordinated Care Participating Hospital no later
5 than 60 days after June 14, 2012 (the effective date of Public
6 Act 97-689) or 60 days after the first mandatory enrollment of
7 a beneficiary in a Coordinated Care program. For purposes of
8 this subsection, "Coordinated Care Participating Hospital"
9 means a hospital that meets one of the following criteria:

10 (1) The hospital has entered into a contract to provide
11 hospital services with one or more MCOs to enrollees of the
12 care coordination program.

13 (2) The hospital has not been offered a contract by a
14 care coordination plan that the Department has determined
15 to be a good faith offer and that pays at least as much as
16 the Department would pay, on a fee-for-service basis, not
17 including disproportionate share hospital adjustment
18 payments or any other supplemental adjustment or add-on
19 payment to the base fee-for-service rate, except to the
20 extent such adjustments or add-on payments are
21 incorporated into the development of the applicable MCO
22 capitated rates.

23 As used in this subsection (f), "MCO" means any entity
24 which contracts with the Department to provide services where
25 payment for medical services is made on a capitated basis.

26 (g) No later than August 1, 2013, the Department shall

1 issue a purchase of care solicitation for Accountable Care
2 Entities (ACE) to serve any children and parents or caretaker
3 relatives of children eligible for medical assistance under
4 this Article. An ACE may be a single corporate structure or a
5 network of providers organized through contractual
6 relationships with a single corporate entity. The solicitation
7 shall require that:

8 (1) An ACE operating in Cook County be capable of
9 serving at least 40,000 eligible individuals in that
10 county; an ACE operating in Lake, Kane, DuPage, or Will
11 Counties be capable of serving at least 20,000 eligible
12 individuals in those counties and an ACE operating in other
13 regions of the State be capable of serving at least 10,000
14 eligible individuals in the region in which it operates.
15 During initial periods of mandatory enrollment, the
16 Department shall require its enrollment services
17 contractor to use a default assignment algorithm that
18 ensures if possible an ACE reaches the minimum enrollment
19 levels set forth in this paragraph.

20 (2) An ACE must include at a minimum the following
21 types of providers: primary care, specialty care,
22 hospitals, and behavioral healthcare.

23 (3) An ACE shall have a governance structure that
24 includes the major components of the health care delivery
25 system, including one representative from each of the
26 groups listed in paragraph (2).

1 (4) An ACE must be an integrated delivery system,
2 including a network able to provide the full range of
3 services needed by Medicaid beneficiaries and system
4 capacity to securely pass clinical information across
5 participating entities and to aggregate and analyze that
6 data in order to coordinate care.

7 (5) An ACE must be capable of providing both care
8 coordination and complex case management, as necessary, to
9 beneficiaries. To be responsive to the solicitation, a
10 potential ACE must outline its care coordination and
11 complex case management model and plan to reduce the cost
12 of care.

13 (6) In the first 18 months of operation, unless the ACE
14 selects a shorter period, an ACE shall be paid care
15 coordination fees on a per member per month basis that are
16 projected to be cost neutral to the State during the term
17 of their payment and, subject to federal approval, be
18 eligible to share in additional savings generated by their
19 care coordination.

20 (7) In months 19 through 36 of operation, unless the
21 ACE selects a shorter period, an ACE shall be paid on a
22 pre-paid capitation basis for all medical assistance
23 covered services, under contract terms similar to Managed
24 Care Organizations (MCO), with the Department sharing the
25 risk through either stop-loss insurance for extremely high
26 cost individuals or corridors of shared risk based on the

1 overall cost of the total enrollment in the ACE. The ACE
2 shall be responsible for claims processing, encounter data
3 submission, utilization control, and quality assurance.

4 (8) In the fourth and subsequent years of operation, an
5 ACE shall convert to a Managed Care Community Network
6 (MCCN), as defined in this Article, or Health Maintenance
7 Organization pursuant to the Illinois Insurance Code,
8 accepting full-risk capitation payments.

9 The Department shall allow potential ACE entities 5 months
10 from the date of the posting of the solicitation to submit
11 proposals. After the solicitation is released, in addition to
12 the MCO rate development data available on the Department's
13 website, subject to federal and State confidentiality and
14 privacy laws and regulations, the Department shall provide 2
15 years of de-identified summary service data on the targeted
16 population, split between children and adults, showing the
17 historical type and volume of services received and the cost of
18 those services to those potential bidders that sign a data use
19 agreement. The Department may add up to 2 non-state government
20 employees with expertise in creating integrated delivery
21 systems to its review team for the purchase of care
22 solicitation described in this subsection. Any such
23 individuals must sign a no-conflict disclosure and
24 confidentiality agreement and agree to act in accordance with
25 all applicable State laws.

26 During the first 2 years of an ACE's operation, the

1 Department shall provide claims data to the ACE on its
2 enrollees on a periodic basis no less frequently than monthly.

3 Nothing in this subsection shall be construed to limit the
4 Department's mandate to enroll 50% of its beneficiaries into
5 care coordination systems by January 1, 2015, using all
6 available care coordination delivery systems, including Care
7 Coordination Entities (CCE), MCCNs, or MCOs, nor be construed
8 to affect the current CCEs, MCCNs, and MCOs selected to serve
9 seniors and persons with disabilities prior to that date.

10 Nothing in this subsection precludes the Department from
11 considering future proposals for new ACEs or expansion of
12 existing ACEs at the discretion of the Department.

13 (h) Department contracts with MCOs and other entities
14 reimbursed by risk based capitation shall have a minimum
15 medical loss ratio of 85%, shall require the entity to
16 establish an appeals and grievances process for consumers and
17 providers, and shall require the entity to provide a quality
18 assurance and utilization review program. Entities contracted
19 with the Department to coordinate healthcare regardless of risk
20 shall be measured utilizing the same quality metrics. The
21 quality metrics may be population specific. Any contracted
22 entity serving at least 5,000 seniors or people with
23 disabilities or 15,000 individuals in other populations
24 covered by the Medical Assistance Program that has been
25 receiving full-risk capitation for a year shall be accredited
26 by a national accreditation organization authorized by the

1 Department within 2 years after the date it is eligible to
2 become accredited. The requirements of this subsection shall
3 apply to contracts with MCOs entered into or renewed or
4 extended after June 1, 2013.

5 (h-5) The Department shall monitor and enforce compliance
6 by MCOs with agreements they have entered into with providers
7 on issues that include, but are not limited to, timeliness of
8 payment, payment rates, and processes for obtaining prior
9 approval. The Department may impose sanctions on MCOs for
10 violating provisions of those agreements that include, but are
11 not limited to, financial penalties, suspension of enrollment
12 of new enrollees, and termination of the MCO's contract with
13 the Department. As used in this subsection (h-5), "MCO" has the
14 meaning ascribed to that term in Section 5-30.1 of this Code.

15 (i) Unless otherwise required by federal law, Medicaid
16 Managed Care Entities and their respective business associates
17 shall not disclose, directly or indirectly, including by
18 sending a bill or explanation of benefits, information
19 concerning the sensitive health services received by enrollees
20 of the Medicaid Managed Care Entity to any person other than
21 covered entities and business associates, which may receive,
22 use, and further disclose such information solely for the
23 purposes permitted under applicable federal and State laws and
24 regulations if such use and further disclosure satisfies all
25 applicable requirements of such laws and regulations. The
26 Medicaid Managed Care Entity or its respective business

1 associates may disclose information concerning the sensitive
2 health services if the enrollee who received the sensitive
3 health services requests the information from the Medicaid
4 Managed Care Entity or its respective business associates and
5 authorized the sending of a bill or explanation of benefits.
6 Communications including, but not limited to, statements of
7 care received or appointment reminders either directly or
8 indirectly to the enrollee from the health care provider,
9 health care professional, and care coordinators, remain
10 permissible. Medicaid Managed Care Entities or their
11 respective business associates may communicate directly with
12 their enrollees regarding care coordination activities for
13 those enrollees.

14 For the purposes of this subsection, the term "Medicaid
15 Managed Care Entity" includes Care Coordination Entities,
16 Accountable Care Entities, Managed Care Organizations, and
17 Managed Care Community Networks.

18 For purposes of this subsection, the term "sensitive health
19 services" means mental health services, substance abuse
20 treatment services, reproductive health services, family
21 planning services, services for sexually transmitted
22 infections and sexually transmitted diseases, and services for
23 sexual assault or domestic abuse. Services include prevention,
24 screening, consultation, examination, treatment, or follow-up.

25 For purposes of this subsection, "business associate",
26 "covered entity", "disclosure", and "use" have the meanings

1 ascribed to those terms in 45 CFR 160.103.

2 Nothing in this subsection shall be construed to relieve a
3 Medicaid Managed Care Entity or the Department of any duty to
4 report incidents of sexually transmitted infections to the
5 Department of Public Health or to the local board of health in
6 accordance with regulations adopted under a statute or
7 ordinance or to report incidents of sexually transmitted
8 infections as necessary to comply with the requirements under
9 Section 5 of the Abused and Neglected Child Reporting Act or as
10 otherwise required by State or federal law.

11 The Department shall create policy in order to implement
12 the requirements in this subsection.

13 (j) Managed Care Entities (MCEs), including MCOs and all
14 other care coordination organizations, shall develop and
15 maintain a written language access policy that sets forth the
16 standards, guidelines, and operational plan to ensure language
17 appropriate services and that is consistent with the standard
18 of meaningful access for populations with limited English
19 proficiency. The language access policy shall describe how the
20 MCEs will provide all of the following required services:

21 (1) Translation (the written replacement of text from
22 one language into another) of all vital documents and forms
23 as identified by the Department.

24 (2) Qualified interpreter services (the oral
25 communication of a message from one language into another
26 by a qualified interpreter).

1 (3) Staff training on the language access policy,
2 including how to identify language needs, access and
3 provide language assistance services, work with
4 interpreters, request translations, and track the use of
5 language assistance services.

6 (4) Data tracking that identifies the language need.

7 (5) Notification to participants on the availability
8 of language access services and on how to access such
9 services.

10 (k) The Department shall actively monitor the contractual
11 relationship between Managed Care Organizations (MCOs) and any
12 dental administrator contracted by an MCO to provide dental
13 services. The Department shall adopt appropriate dental
14 Healthcare Effectiveness Data and Information Set (HEDIS)
15 measures and shall include the Annual Dental Visit (ADV) HEDIS
16 measure in its Health Plan Comparison Tool and Illinois
17 Medicaid Plan Report Card that is available on the Department's
18 website for enrolled individuals.

19 The Department shall collect from each MCO specific
20 information about the types of contracted, broad-based care
21 coordination occurring between the MCO and any dental
22 administrator, including, but not limited to, pregnant women
23 and diabetic patients in need of oral care.

24 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
25 99-106, eff. 1-1-16; 99-181, eff. 7-29-15; 99-566, eff. 1-1-17;
26 99-642, eff. 7-28-16.)

1 (305 ILCS 5/5-30.1)

2 Sec. 5-30.1. Managed care protections.

3 (a) As used in this Section:

4 "Managed care organization" or "MCO" means any entity which
5 contracts with the Department to provide services where payment
6 for medical services is made on a capitated basis.

7 "Emergency services" include:

8 (1) emergency services, as defined by Section 10 of the
9 Managed Care Reform and Patient Rights Act;

10 (2) emergency medical screening examinations, as
11 defined by Section 10 of the Managed Care Reform and
12 Patient Rights Act;

13 (3) post-stabilization medical services, as defined by
14 Section 10 of the Managed Care Reform and Patient Rights
15 Act; and

16 (4) emergency medical conditions, as defined by
17 Section 10 of the Managed Care Reform and Patient Rights
18 Act.

19 (b) As provided by Section 5-16.12, managed care
20 organizations are subject to the provisions of the Managed Care
21 Reform and Patient Rights Act.

22 (c) An MCO shall pay any provider of emergency services
23 that does not have in effect a contract with the contracted
24 Medicaid MCO. The default rate of reimbursement shall be the
25 rate paid under Illinois Medicaid fee-for-service program

1 methodology, including all policy adjusters, including but not
2 limited to Medicaid High Volume Adjustments, Medicaid
3 Percentage Adjustments, Outpatient High Volume Adjustments,
4 and all outlier add-on adjustments to the extent such
5 adjustments are incorporated in the development of the
6 applicable MCO capitated rates.

7 (d) An MCO shall pay for all post-stabilization services as
8 a covered service in any of the following situations:

9 (1) the MCO authorized such services;

10 (2) such services were administered to maintain the
11 enrollee's stabilized condition within one hour after a
12 request to the MCO for authorization of further
13 post-stabilization services;

14 (3) the MCO did not respond to a request to authorize
15 such services within one hour;

16 (4) the MCO could not be contacted; or

17 (5) the MCO and the treating provider, if the treating
18 provider is a non-affiliated provider, could not reach an
19 agreement concerning the enrollee's care and an affiliated
20 provider was unavailable for a consultation, in which case
21 the MCO must pay for such services rendered by the treating
22 non-affiliated provider until an affiliated provider was
23 reached and either concurred with the treating
24 non-affiliated provider's plan of care or assumed
25 responsibility for the enrollee's care. Such payment shall
26 be made at the default rate of reimbursement paid under

1 Illinois Medicaid fee-for-service program methodology,
2 including all policy adjusters, including but not limited
3 to Medicaid High Volume Adjustments, Medicaid Percentage
4 Adjustments, Outpatient High Volume Adjustments and all
5 outlier add-on adjustments to the extent that such
6 adjustments are incorporated in the development of the
7 applicable MCO capitated rates.

8 (e) The following requirements apply to MCOs in determining
9 payment for all emergency services:

10 (1) MCOs shall not impose any requirements for prior
11 approval of emergency services.

12 (2) The MCO shall cover emergency services provided to
13 enrollees who are temporarily away from their residence and
14 outside the contracting area to the extent that the
15 enrollees would be entitled to the emergency services if
16 they still were within the contracting area.

17 (3) The MCO shall have no obligation to cover medical
18 services provided on an emergency basis that are not
19 covered services under the contract.

20 (4) The MCO shall not condition coverage for emergency
21 services on the treating provider notifying the MCO of the
22 enrollee's screening and treatment within 10 days after
23 presentation for emergency services.

24 (5) The determination of the attending emergency
25 physician, or the provider actually treating the enrollee,
26 of whether an enrollee is sufficiently stabilized for

1 discharge or transfer to another facility, shall be binding
2 on the MCO. The MCO shall cover emergency services for all
3 enrollees whether the emergency services are provided by an
4 affiliated or non-affiliated provider.

5 (6) The MCO's financial responsibility for
6 post-stabilization care services it has not pre-approved
7 ends when:

8 (A) a plan physician with privileges at the
9 treating hospital assumes responsibility for the
10 enrollee's care;

11 (B) a plan physician assumes responsibility for
12 the enrollee's care through transfer;

13 (C) a contracting entity representative and the
14 treating physician reach an agreement concerning the
15 enrollee's care; or

16 (D) the enrollee is discharged.

17 (f) Network adequacy and transparency.

18 (1) The Department shall:

19 (A) ensure that an adequate provider network is in
20 place, taking into consideration health professional
21 shortage areas and medically underserved areas;

22 (B) publicly release an explanation of its process
23 for analyzing network adequacy;

24 (C) periodically ensure that an MCO continues to
25 have an adequate network in place; and

26 (D) require MCOs, including Medicaid Managed Care

1 Entities as defined in Section 5-30.2, to meet provider
2 directory requirements under Section 5-30.3.

3 (2) Each MCO shall confirm its receipt of information
4 submitted specific to physician or dentist additions or
5 physician or dentist deletions from the MCO's provider
6 network within 3 days after receiving all required
7 information from contracted physicians or dentists, and
8 electronic physician and dental directories must be
9 updated consistent with current rules as published by the
10 Centers for Medicare and Medicaid Services or its successor
11 agency.

12 (g) Timely payment of claims.

13 (1) The MCO shall pay a claim within 30 days of
14 receiving a claim that contains all the essential
15 information needed to adjudicate the claim.

16 (2) The MCO shall notify the billing party of its
17 inability to adjudicate a claim within 30 days of receiving
18 that claim.

19 (3) The MCO shall pay a penalty that is at least equal
20 to the penalty imposed under the Illinois Insurance Code
21 for any claims not timely paid.

22 (4) The Department may establish a process for MCOs to
23 expedite payments to providers based on criteria
24 established by the Department.

25 (g-5) Recognizing that the rapid transformation of the
26 Illinois Medicaid program may have unintended operational

1 challenges for both payers and providers:

2 (1) in no instance shall a medically necessary covered
3 service rendered in good faith, based upon eligibility
4 information documented by the provider, be denied coverage
5 or diminished in payment amount if the eligibility or
6 coverage information available at the time the service was
7 rendered is later found to be inaccurate; and

8 (2) the Department shall, by December 31, 2016, adopt
9 rules establishing policies that shall be included in the
10 Medicaid managed care policy and procedures manual
11 addressing payment resolutions in situations in which a
12 provider renders services based upon information obtained
13 after verifying a patient's eligibility and coverage plan
14 through either the Department's current enrollment system
15 or a system operated by the coverage plan identified by the
16 patient presenting for services:

17 (A) such medically necessary covered services
18 shall be considered rendered in good faith;

19 (B) such policies and procedures shall be
20 developed in consultation with industry
21 representatives of the Medicaid managed care health
22 plans and representatives of provider associations
23 representing the majority of providers within the
24 identified provider industry; and

25 (C) such rules shall be published for a review and
26 comment period of no less than 30 days on the

1 Department's website with final rules remaining
2 available on the Department's website.

3 (3) The rules on payment resolutions shall include, but
4 not be limited to:

5 (A) the extension of the timely filing period;

6 (B) retroactive prior authorizations; and

7 (C) guaranteed minimum payment rate of no less than
8 the current, as of the date of service, fee-for-service
9 rate, plus all applicable add-ons, when the resulting
10 service relationship is out of network.

11 (4) The rules shall be applicable for both MCO coverage
12 and fee-for-service coverage.

13 (g-6) MCO Performance Metrics Report.

14 (1) The Department shall publish, on at least a
15 quarterly basis, each MCO's operational performance,
16 including, but not limited to, the following categories of
17 metrics:

18 (A) claims payment, including timeliness and
19 accuracy;

20 (B) prior authorizations;

21 (C) grievance and appeals;

22 (D) utilization statistics;

23 (E) provider disputes;

24 (F) provider credentialing; and

25 (G) member and provider customer service.

26 (2) The Department shall ensure that the metrics report

1 is accessible to providers online by January 1, 2017.

2 (3) The metrics shall be developed in consultation with
3 industry representatives of the Medicaid managed care
4 health plans and representatives of associations
5 representing the majority of providers within the
6 identified industry.

7 (4) Metrics shall be defined and incorporated into the
8 applicable Managed Care Policy Manual issued by the
9 Department.

10 (g-7) MCO claims processing and performance analysis. In
11 order to monitor MCO payments to hospital providers, pursuant
12 to this amendatory Act of the 100th General Assembly, the
13 Department shall post an analysis of MCO claims processing and
14 payment performance on its website every 6 months. Such
15 analysis shall include a review and evaluation of a
16 representative sample of hospital claims that are rejected and
17 denied for clean and unclean claims and the top 5 reasons for
18 such actions and timeliness of claims adjudication, which
19 identifies the percentage of claims adjudicated within 30, 60,
20 90, and over 90 days, and the dollar amounts associated with
21 those claims. The Department shall post the contracted claims
22 report required by HealthChoice Illinois on its website every 3
23 months.

24 (h) The Department shall not expand mandatory MCO
25 enrollment into new counties beyond those counties already
26 designated by the Department as of June 1, 2014 for the

1 individuals whose eligibility for medical assistance is not the
2 seniors or people with disabilities population until the
3 Department provides an opportunity for accountable care
4 entities and MCOs to participate in such newly designated
5 counties.

6 (i) The requirements of this Section apply to contracts
7 with accountable care entities and MCOs entered into, amended,
8 or renewed after June 16, 2014 (the effective date of Public
9 Act 98-651).

10 (Source: P.A. 99-725, eff. 8-5-16; 99-751, eff. 8-5-16;
11 100-201, eff. 8-18-17; 100-580, eff. 3-12-18.)

12 ARTICLE 100. BONDING

13 Section 100-5. The General Obligation Bond Act is amended
14 by changing Sections 2, 3, and 5 as follows:

15 (30 ILCS 330/2) (from Ch. 127, par. 652)

16 Sec. 2. Authorization for Bonds. The State of Illinois is
17 authorized to issue, sell and provide for the retirement of
18 General Obligation Bonds of the State of Illinois for the
19 categories and specific purposes expressed in Sections 2
20 through 8 of this Act, in the total amount of \$57,717,925,743
21 ~~\$55,917,925,743~~.

22 The bonds authorized in this Section 2 and in Section 16 of
23 this Act are herein called "Bonds".

1 Of the total amount of Bonds authorized in this Act, up to
2 \$2,200,000,000 in aggregate original principal amount may be
3 issued and sold in accordance with the Baccalaureate Savings
4 Act in the form of General Obligation College Savings Bonds.

5 Of the total amount of Bonds authorized in this Act, up to
6 \$300,000,000 in aggregate original principal amount may be
7 issued and sold in accordance with the Retirement Savings Act
8 in the form of General Obligation Retirement Savings Bonds.

9 Of the total amount of Bonds authorized in this Act, the
10 additional \$10,000,000,000 authorized by Public Act 93-2, the
11 \$3,466,000,000 authorized by Public Act 96-43, and the
12 \$4,096,348,300 authorized by Public Act 96-1497 shall be used
13 solely as provided in Section 7.2.

14 Of the total amount of Bonds authorized in this Act, the
15 additional \$6,000,000,000 authorized by this amendatory Act of
16 the 100th General Assembly shall be used solely as provided in
17 Section 7.6 and shall be issued by December 31, 2017.

18 Of the total amount of Bonds authorized in this Act,
19 \$1,000,000,000 of the additional amount authorized by this
20 amendatory Act of the 100th General Assembly shall be used
21 solely as provided in Section 7.7.

22 The issuance and sale of Bonds pursuant to the General
23 Obligation Bond Act is an economical and efficient method of
24 financing the long-term capital needs of the State. This Act
25 will permit the issuance of a multi-purpose General Obligation
26 Bond with uniform terms and features. This will not only lower

1 the cost of registration but also reduce the overall cost of
2 issuing debt by improving the marketability of Illinois General
3 Obligation Bonds.

4 (Source: P.A. 100-23, eff. 7-6-17.)

5 (30 ILCS 330/3) (from Ch. 127, par. 653)

6 Sec. 3. Capital Facilities. The amount of \$10,538,963,443
7 ~~\$9,753,963,443~~ is authorized to be used for the acquisition,
8 development, construction, reconstruction, improvement,
9 financing, architectural planning and installation of capital
10 facilities within the State, consisting of buildings,
11 structures, durable equipment, land, interests in land, and the
12 costs associated with the purchase and implementation of
13 information technology, including but not limited to the
14 purchase of hardware and software, for the following specific
15 purposes:

16 (a) \$3,433,228,000 ~~\$3,393,228,000~~ for educational
17 purposes by State universities and colleges, the Illinois
18 Community College Board created by the Public Community
19 College Act and for grants to public community colleges as
20 authorized by Sections 5-11 and 5-12 of the Public
21 Community College Act;

22 (b) \$1,648,420,000 for correctional purposes at State
23 prison and correctional centers;

24 (c) \$599,183,000 for open spaces, recreational and
25 conservation purposes and the protection of land;

1 (d) \$764,317,000 ~~\$751,317,000~~ for child care
2 facilities, mental and public health facilities, and
3 facilities for the care of veterans with disabilities and
4 their spouses;

5 (e) \$2,884,790,000 ~~\$2,152,790,000~~ for use by the
6 State, its departments, authorities, public corporations,
7 commissions and agencies;

8 (f) \$818,100 for cargo handling facilities at port
9 districts and for breakwaters, including harbor entrances,
10 at port districts in conjunction with facilities for small
11 boats and pleasure crafts;

12 (g) \$297,177,074 for water resource management
13 projects;

14 (h) \$16,940,269 for the provision of facilities for
15 food production research and related instructional and
16 public service activities at the State universities and
17 public community colleges;

18 (i) \$36,000,000 for grants by the Secretary of State,
19 as State Librarian, for central library facilities
20 authorized by Section 8 of the Illinois Library System Act
21 and for grants by the Capital Development Board to units of
22 local government for public library facilities;

23 (j) \$25,000,000 for the acquisition, development,
24 construction, reconstruction, improvement, financing,
25 architectural planning and installation of capital
26 facilities consisting of buildings, structures, durable

1 equipment and land for grants to counties, municipalities
2 or public building commissions with correctional
3 facilities that do not comply with the minimum standards of
4 the Department of Corrections under Section 3-15-2 of the
5 Unified Code of Corrections;

6 (k) \$5,000,000 for grants in fiscal year 1988 by the
7 Department of Conservation for improvement or expansion of
8 aquarium facilities located on property owned by a park
9 district;

10 (l) \$599,590,000 to State agencies for grants to local
11 governments for the acquisition, financing, architectural
12 planning, development, alteration, installation, and
13 construction of capital facilities consisting of
14 buildings, structures, durable equipment, and land; and

15 (m) \$228,500,000 for the Illinois Open Land Trust
16 Program as defined by the Illinois Open Land Trust Act.

17 The amounts authorized above for capital facilities may be
18 used for the acquisition, installation, alteration,
19 construction, or reconstruction of capital facilities and for
20 the purchase of equipment for the purpose of major capital
21 improvements which will reduce energy consumption in State
22 buildings or facilities.

23 (Source: P.A. 98-94, eff. 7-17-13; 99-143, eff. 7-27-15.)

24 (30 ILCS 330/5) (from Ch. 127, par. 655)

25 Sec. 5. School Construction.

1 (a) The amount of \$58,450,000 is authorized to make grants
2 to local school districts for the acquisition, development,
3 construction, reconstruction, rehabilitation, improvement,
4 financing, architectural planning and installation of capital
5 facilities, including but not limited to those required for
6 special education building projects provided for in Article 14
7 of The School Code, consisting of buildings, structures, and
8 durable equipment, and for the acquisition and improvement of
9 real property and interests in real property required, or
10 expected to be required, in connection therewith.

11 (b) \$22,550,000, or so much thereof as may be necessary,
12 for grants to school districts for the making of principal and
13 interest payments, required to be made, on bonds issued by such
14 school districts after January 1, 1969, pursuant to any
15 indenture, ordinance, resolution, agreement or contract to
16 provide funds for the acquisition, development, construction,
17 reconstruction, rehabilitation, improvement, architectural
18 planning and installation of capital facilities consisting of
19 buildings, structures, durable equipment and land for
20 educational purposes or for lease payments required to be made
21 by a school district for principal and interest payments on
22 bonds issued by a Public Building Commission after January 1,
23 1969.

24 (c) \$10,000,000 for grants to school districts for the
25 acquisition, development, construction, reconstruction,
26 rehabilitation, improvement, architectural planning and

1 installation of capital facilities consisting of buildings
2 structures, durable equipment and land for special education
3 building projects.

4 (d) \$9,000,000 for grants to school districts for the
5 reconstruction, rehabilitation, improvement, financing and
6 architectural planning of capital facilities, including
7 construction at another location to replace such capital
8 facilities, consisting of those public school buildings and
9 temporary school facilities which, prior to January 1, 1984,
10 were condemned by the regional superintendent under Section
11 3-14.22 of The School Code or by any State official having
12 jurisdiction over building safety.

13 (e) \$3,050,000,000 for grants to school districts for
14 school improvement projects authorized by the School
15 Construction Law. The bonds shall be sold in amounts not to
16 exceed the following schedule, except any bonds not sold during
17 one year shall be added to the bonds to be sold during the
18 remainder of the schedule:

19	First year	\$200,000,000
20	Second year	\$450,000,000
21	Third year	\$500,000,000
22	Fourth year	\$500,000,000
23	Fifth year	\$800,000,000
24	Sixth year and thereafter	\$600,000,000

25 (f) \$1,615,000,000 ~~\$1,600,000,000~~ grants to school
26 districts for school implemented projects authorized by the

1 School Construction Law.

2 (Source: P.A. 98-94, eff. 7-17-13.)

3 Section 100-10. The Build Illinois Bond Act is amended by
4 changing Sections 2 and 4 as follows:

5 (30 ILCS 425/2) (from Ch. 127, par. 2802)

6 Sec. 2. Authorization for Bonds. The State of Illinois is
7 authorized to issue, sell and provide for the retirement of
8 limited obligation bonds, notes and other evidences of
9 indebtedness of the State of Illinois in the total principal
10 amount of \$6,815,259,000 ~~\$6,246,009,000~~ herein called "Bonds".
11 Such authorized amount of Bonds shall be reduced from time to
12 time by amounts, if any, which are equal to the moneys received
13 by the Department of Revenue in any fiscal year pursuant to
14 Section 3-1001 of the "Illinois Vehicle Code", as amended, in
15 excess of the Annual Specified Amount (as defined in Section 3
16 of the "Retailers' Occupation Tax Act", as amended) and
17 transferred at the end of such fiscal year from the General
18 Revenue Fund to the Build Illinois Purposes Fund (now
19 abolished) as provided in Section 3-1001 of said Code;
20 provided, however, that no such reduction shall affect the
21 validity or enforceability of any Bonds issued prior to such
22 reduction. Such amount of authorized Bonds shall be exclusive
23 of any refunding Bonds issued pursuant to Section 15 of this
24 Act and exclusive of any Bonds issued pursuant to this Section

1 which are redeemed, purchased, advance refunded, or defeased in
2 accordance with paragraph (f) of Section 4 of this Act. Bonds
3 shall be issued for the categories and specific purposes
4 expressed in Section 4 of this Act.

5 (Source: P.A. 98-94, eff. 7-17-13.)

6 (30 ILCS 425/4) (from Ch. 127, par. 2804)

7 Sec. 4. Purposes of Bonds. Bonds shall be issued for the
8 following purposes and in the approximate amounts as set forth
9 below:

10 (a) \$3,767,300,000 ~~\$3,222,800,000~~ for the expenses of
11 issuance and sale of Bonds, including bond discounts, and for
12 planning, engineering, acquisition, construction,
13 reconstruction, development, improvement and extension of the
14 public infrastructure in the State of Illinois, including: the
15 making of loans or grants to local governments for waste
16 disposal systems, water and sewer line extensions and water
17 distribution and purification facilities, rail or air or water
18 port improvements, gas and electric utility extensions,
19 publicly owned industrial and commercial sites, buildings used
20 for public administration purposes and other public
21 infrastructure capital improvements; the making of loans or
22 grants to units of local government for financing and
23 construction of wastewater facilities, including grants to
24 serve unincorporated areas; refinancing or retiring bonds
25 issued between January 1, 1987 and January 1, 1990 by home rule

1 municipalities, debt service on which is provided from a tax
2 imposed by home rule municipalities prior to January 1, 1990 on
3 the sale of food and drugs pursuant to Section 8-11-1 of the
4 Home Rule Municipal Retailers' Occupation Tax Act or Section
5 8-11-5 of the Home Rule Municipal Service Occupation Tax Act;
6 the making of deposits not to exceed \$70,000,000 in the
7 aggregate into the Water Pollution Control Revolving Fund to
8 provide assistance in accordance with the provisions of Title
9 IV-A of the Environmental Protection Act; the planning,
10 engineering, acquisition, construction, reconstruction,
11 alteration, expansion, extension and improvement of highways,
12 bridges, structures separating highways and railroads, rest
13 areas, interchanges, access roads to and from any State or
14 local highway and other transportation improvement projects
15 which are related to economic development activities; the
16 making of loans or grants for planning, engineering,
17 rehabilitation, improvement or construction of rail and
18 transit facilities; the planning, engineering, acquisition,
19 construction, reconstruction and improvement of watershed,
20 drainage, flood control, recreation and related improvements
21 and facilities, including expenses related to land and easement
22 acquisition, relocation, control structures, channel work and
23 clearing and appurtenant work; the making of grants for
24 improvement and development of zoos and park district field
25 houses and related structures; and the making of grants for
26 improvement and development of Navy Pier and related

1 structures.

2 (b) \$864,000,000 ~~\$849,000,000~~ for fostering economic
3 development and increased employment and the well being of the
4 citizens of Illinois, including: the making of grants for
5 improvement and development of McCormick Place and related
6 structures; the planning and construction of a
7 microelectronics research center, including the planning,
8 engineering, construction, improvement, renovation and
9 acquisition of buildings, equipment and related utility
10 support systems; the making of loans to businesses and
11 investments in small businesses; acquiring real properties for
12 industrial or commercial site development; acquiring,
13 rehabilitating and reconveying industrial and commercial
14 properties for the purpose of expanding employment and
15 encouraging private and other public sector investment in the
16 economy of Illinois; the payment of expenses associated with
17 siting the Superconducting Super Collider Particle Accelerator
18 in Illinois and with its acquisition, construction,
19 maintenance, operation, promotion and support; the making of
20 loans for the planning, engineering, acquisition,
21 construction, improvement and conversion of facilities and
22 equipment which will foster the use of Illinois coal; the
23 payment of expenses associated with the promotion,
24 establishment, acquisition and operation of small business
25 incubator facilities and agribusiness research facilities,
26 including the lease, purchase, renovation, planning,

1 engineering, construction and maintenance of buildings,
2 utility support systems and equipment designated for such
3 purposes and the establishment and maintenance of centralized
4 support services within such facilities; and the making of
5 grants or loans to units of local government for Urban
6 Development Action Grant and Housing Partnership programs.

7 (c) \$1,947,808,100 ~~\$1,944,058,100~~ for the development and
8 improvement of educational, scientific, technical and
9 vocational programs and facilities and the expansion of health
10 and human services for all citizens of Illinois, including: the
11 making of construction and improvement grants and loans to
12 public libraries and library systems; the making of grants and
13 loans for planning, engineering, acquisition and construction
14 of a new State central library in Springfield; the planning,
15 engineering, acquisition and construction of an animal and
16 dairy sciences facility; the planning, engineering,
17 acquisition and construction of a campus and all related
18 buildings, facilities, equipment and materials for Richland
19 Community College; the acquisition, rehabilitation and
20 installation of equipment and materials for scientific and
21 historical surveys; the making of grants or loans for
22 distribution to eligible vocational education instructional
23 programs for the upgrading of vocational education programs,
24 school shops and laboratories, including the acquisition,
25 rehabilitation and installation of technical equipment and
26 materials; the making of grants or loans for distribution to

1 eligible local educational agencies for the upgrading of math
2 and science instructional programs, including the acquisition
3 of instructional equipment and materials; miscellaneous
4 capital improvements for universities and community colleges
5 including the planning, engineering, construction,
6 reconstruction, remodeling, improvement, repair and
7 installation of capital facilities and costs of planning,
8 supplies, equipment, materials, services, and all other
9 required expenses; the making of grants or loans for repair,
10 renovation and miscellaneous capital improvements for
11 privately operated colleges and universities and community
12 colleges, including the planning, engineering, acquisition,
13 construction, reconstruction, remodeling, improvement, repair
14 and installation of capital facilities and costs of planning,
15 supplies, equipment, materials, services, and all other
16 required expenses; and the making of grants or loans for
17 distribution to local governments for hospital and other health
18 care facilities including the planning, engineering,
19 acquisition, construction, reconstruction, remodeling,
20 improvement, repair and installation of capital facilities and
21 costs of planning, supplies, equipment, materials, services
22 and all other required expenses.

23 (d) \$236,150,900 ~~\$230,150,900~~ for protection,
24 preservation, restoration and conservation of environmental
25 and natural resources, including: the making of grants to soil
26 and water conservation districts for the planning and

1 implementation of conservation practices and for funding
2 contracts with the Soil Conservation Service for watershed
3 planning; the making of grants to units of local government for
4 the capital development and improvement of recreation areas,
5 including planning and engineering costs, sewer projects,
6 including planning and engineering costs and water projects,
7 including planning and engineering costs, and for the
8 acquisition of open space lands, including the acquisition of
9 easements and other property interests of less than fee simple
10 ownership; the acquisition and related costs and development
11 and management of natural heritage lands, including natural
12 areas and areas providing habitat for endangered species and
13 nongame wildlife, and buffer area lands; the acquisition and
14 related costs and development and management of habitat lands,
15 including forest, wildlife habitat and wetlands; and the
16 removal and disposition of hazardous substances, including the
17 cost of project management, equipment, laboratory analysis,
18 and contractual services necessary for preventative and
19 corrective actions related to the preservation, restoration
20 and conservation of the environment, including deposits not to
21 exceed \$60,000,000 in the aggregate into the Hazardous Waste
22 Fund and the Brownfields Redevelopment Fund for improvements in
23 accordance with the provisions of Titles V and XVII of the
24 Environmental Protection Act.

25 (e) The amount specified in paragraph (a) above shall
26 include an amount necessary to pay reasonable expenses of each

1 issuance and sale of the Bonds, as specified in the related
2 Bond Sale Order (hereinafter defined).

3 (f) Any unexpended proceeds from any sale of Bonds which
4 are held in the Build Illinois Bond Fund may be used to redeem,
5 purchase, advance refund, or defease any Bonds outstanding.

6 (Source: P.A. 98-94, eff. 7-17-13.)

7 ARTICLE 110. PENSION CODE: RECERTIFICATION

8 Section 110-5. The Illinois Administrative Procedure Act
9 is amended by changing Section 5-45 as follows:

10 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

11 Sec. 5-45. Emergency rulemaking.

12 (a) "Emergency" means the existence of any situation that
13 any agency finds reasonably constitutes a threat to the public
14 interest, safety, or welfare.

15 (b) If any agency finds that an emergency exists that
16 requires adoption of a rule upon fewer days than is required by
17 Section 5-40 and states in writing its reasons for that
18 finding, the agency may adopt an emergency rule without prior
19 notice or hearing upon filing a notice of emergency rulemaking
20 with the Secretary of State under Section 5-70. The notice
21 shall include the text of the emergency rule and shall be
22 published in the Illinois Register. Consent orders or other
23 court orders adopting settlements negotiated by an agency may

1 be adopted under this Section. Subject to applicable
2 constitutional or statutory provisions, an emergency rule
3 becomes effective immediately upon filing under Section 5-65 or
4 at a stated date less than 10 days thereafter. The agency's
5 finding and a statement of the specific reasons for the finding
6 shall be filed with the rule. The agency shall take reasonable
7 and appropriate measures to make emergency rules known to the
8 persons who may be affected by them.

9 (c) An emergency rule may be effective for a period of not
10 longer than 150 days, but the agency's authority to adopt an
11 identical rule under Section 5-40 is not precluded. No
12 emergency rule may be adopted more than once in any 24-month
13 period, except that this limitation on the number of emergency
14 rules that may be adopted in a 24-month period does not apply
15 to (i) emergency rules that make additions to and deletions
16 from the Drug Manual under Section 5-5.16 of the Illinois
17 Public Aid Code or the generic drug formulary under Section
18 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
19 emergency rules adopted by the Pollution Control Board before
20 July 1, 1997 to implement portions of the Livestock Management
21 Facilities Act, (iii) emergency rules adopted by the Illinois
22 Department of Public Health under subsections (a) through (i)
23 of Section 2 of the Department of Public Health Act when
24 necessary to protect the public's health, (iv) emergency rules
25 adopted pursuant to subsection (n) of this Section, (v)
26 emergency rules adopted pursuant to subsection (o) of this

1 Section, or (vi) emergency rules adopted pursuant to subsection
2 (c-5) of this Section. Two or more emergency rules having
3 substantially the same purpose and effect shall be deemed to be
4 a single rule for purposes of this Section.

5 (c-5) To facilitate the maintenance of the program of group
6 health benefits provided to annuitants, survivors, and retired
7 employees under the State Employees Group Insurance Act of
8 1971, rules to alter the contributions to be paid by the State,
9 annuitants, survivors, retired employees, or any combination
10 of those entities, for that program of group health benefits,
11 shall be adopted as emergency rules. The adoption of those
12 rules shall be considered an emergency and necessary for the
13 public interest, safety, and welfare.

14 (d) In order to provide for the expeditious and timely
15 implementation of the State's fiscal year 1999 budget,
16 emergency rules to implement any provision of Public Act 90-587
17 or 90-588 or any other budget initiative for fiscal year 1999
18 may be adopted in accordance with this Section by the agency
19 charged with administering that provision or initiative,
20 except that the 24-month limitation on the adoption of
21 emergency rules and the provisions of Sections 5-115 and 5-125
22 do not apply to rules adopted under this subsection (d). The
23 adoption of emergency rules authorized by this subsection (d)
24 shall be deemed to be necessary for the public interest,
25 safety, and welfare.

26 (e) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2000 budget,
2 emergency rules to implement any provision of Public Act 91-24
3 or any other budget initiative for fiscal year 2000 may be
4 adopted in accordance with this Section by the agency charged
5 with administering that provision or initiative, except that
6 the 24-month limitation on the adoption of emergency rules and
7 the provisions of Sections 5-115 and 5-125 do not apply to
8 rules adopted under this subsection (e). The adoption of
9 emergency rules authorized by this subsection (e) shall be
10 deemed to be necessary for the public interest, safety, and
11 welfare.

12 (f) In order to provide for the expeditious and timely
13 implementation of the State's fiscal year 2001 budget,
14 emergency rules to implement any provision of Public Act 91-712
15 or any other budget initiative for fiscal year 2001 may be
16 adopted in accordance with this Section by the agency charged
17 with administering that provision or initiative, except that
18 the 24-month limitation on the adoption of emergency rules and
19 the provisions of Sections 5-115 and 5-125 do not apply to
20 rules adopted under this subsection (f). The adoption of
21 emergency rules authorized by this subsection (f) shall be
22 deemed to be necessary for the public interest, safety, and
23 welfare.

24 (g) In order to provide for the expeditious and timely
25 implementation of the State's fiscal year 2002 budget,
26 emergency rules to implement any provision of Public Act 92-10

1 or any other budget initiative for fiscal year 2002 may be
2 adopted in accordance with this Section by the agency charged
3 with administering that provision or initiative, except that
4 the 24-month limitation on the adoption of emergency rules and
5 the provisions of Sections 5-115 and 5-125 do not apply to
6 rules adopted under this subsection (g). The adoption of
7 emergency rules authorized by this subsection (g) shall be
8 deemed to be necessary for the public interest, safety, and
9 welfare.

10 (h) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 2003 budget,
12 emergency rules to implement any provision of Public Act 92-597
13 or any other budget initiative for fiscal year 2003 may be
14 adopted in accordance with this Section by the agency charged
15 with administering that provision or initiative, except that
16 the 24-month limitation on the adoption of emergency rules and
17 the provisions of Sections 5-115 and 5-125 do not apply to
18 rules adopted under this subsection (h). The adoption of
19 emergency rules authorized by this subsection (h) shall be
20 deemed to be necessary for the public interest, safety, and
21 welfare.

22 (i) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2004 budget,
24 emergency rules to implement any provision of Public Act 93-20
25 or any other budget initiative for fiscal year 2004 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (i). The adoption of
5 emergency rules authorized by this subsection (i) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

8 (j) In order to provide for the expeditious and timely
9 implementation of the provisions of the State's fiscal year
10 2005 budget as provided under the Fiscal Year 2005 Budget
11 Implementation (Human Services) Act, emergency rules to
12 implement any provision of the Fiscal Year 2005 Budget
13 Implementation (Human Services) Act may be adopted in
14 accordance with this Section by the agency charged with
15 administering that provision, except that the 24-month
16 limitation on the adoption of emergency rules and the
17 provisions of Sections 5-115 and 5-125 do not apply to rules
18 adopted under this subsection (j). The Department of Public Aid
19 may also adopt rules under this subsection (j) necessary to
20 administer the Illinois Public Aid Code and the Children's
21 Health Insurance Program Act. The adoption of emergency rules
22 authorized by this subsection (j) shall be deemed to be
23 necessary for the public interest, safety, and welfare.

24 (k) In order to provide for the expeditious and timely
25 implementation of the provisions of the State's fiscal year
26 2006 budget, emergency rules to implement any provision of

1 Public Act 94-48 or any other budget initiative for fiscal year
2 2006 may be adopted in accordance with this Section by the
3 agency charged with administering that provision or
4 initiative, except that the 24-month limitation on the adoption
5 of emergency rules and the provisions of Sections 5-115 and
6 5-125 do not apply to rules adopted under this subsection (k).
7 The Department of Healthcare and Family Services may also adopt
8 rules under this subsection (k) necessary to administer the
9 Illinois Public Aid Code, the Senior Citizens and Persons with
10 Disabilities Property Tax Relief Act, the Senior Citizens and
11 Disabled Persons Prescription Drug Discount Program Act (now
12 the Illinois Prescription Drug Discount Program Act), and the
13 Children's Health Insurance Program Act. The adoption of
14 emergency rules authorized by this subsection (k) shall be
15 deemed to be necessary for the public interest, safety, and
16 welfare.

17 (1) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2007 budget, the Department of Healthcare and Family Services
20 may adopt emergency rules during fiscal year 2007, including
21 rules effective July 1, 2007, in accordance with this
22 subsection to the extent necessary to administer the
23 Department's responsibilities with respect to amendments to
24 the State plans and Illinois waivers approved by the federal
25 Centers for Medicare and Medicaid Services necessitated by the
26 requirements of Title XIX and Title XXI of the federal Social

1 Security Act. The adoption of emergency rules authorized by
2 this subsection (l) shall be deemed to be necessary for the
3 public interest, safety, and welfare.

4 (m) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2008 budget, the Department of Healthcare and Family Services
7 may adopt emergency rules during fiscal year 2008, including
8 rules effective July 1, 2008, in accordance with this
9 subsection to the extent necessary to administer the
10 Department's responsibilities with respect to amendments to
11 the State plans and Illinois waivers approved by the federal
12 Centers for Medicare and Medicaid Services necessitated by the
13 requirements of Title XIX and Title XXI of the federal Social
14 Security Act. The adoption of emergency rules authorized by
15 this subsection (m) shall be deemed to be necessary for the
16 public interest, safety, and welfare.

17 (n) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2010 budget, emergency rules to implement any provision of
20 Public Act 96-45 or any other budget initiative authorized by
21 the 96th General Assembly for fiscal year 2010 may be adopted
22 in accordance with this Section by the agency charged with
23 administering that provision or initiative. The adoption of
24 emergency rules authorized by this subsection (n) shall be
25 deemed to be necessary for the public interest, safety, and
26 welfare. The rulemaking authority granted in this subsection

1 (n) shall apply only to rules promulgated during Fiscal Year
2 2010.

3 (o) In order to provide for the expeditious and timely
4 implementation of the provisions of the State's fiscal year
5 2011 budget, emergency rules to implement any provision of
6 Public Act 96-958 or any other budget initiative authorized by
7 the 96th General Assembly for fiscal year 2011 may be adopted
8 in accordance with this Section by the agency charged with
9 administering that provision or initiative. The adoption of
10 emergency rules authorized by this subsection (o) is deemed to
11 be necessary for the public interest, safety, and welfare. The
12 rulemaking authority granted in this subsection (o) applies
13 only to rules promulgated on or after July 1, 2010 (the
14 effective date of Public Act 96-958) through June 30, 2011.

15 (p) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 97-689,
17 emergency rules to implement any provision of Public Act 97-689
18 may be adopted in accordance with this subsection (p) by the
19 agency charged with administering that provision or
20 initiative. The 150-day limitation of the effective period of
21 emergency rules does not apply to rules adopted under this
22 subsection (p), and the effective period may continue through
23 June 30, 2013. The 24-month limitation on the adoption of
24 emergency rules does not apply to rules adopted under this
25 subsection (p). The adoption of emergency rules authorized by
26 this subsection (p) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (q) In order to provide for the expeditious and timely
3 implementation of the provisions of Articles 7, 8, 9, 11, and
4 12 of Public Act 98-104, emergency rules to implement any
5 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
6 may be adopted in accordance with this subsection (q) by the
7 agency charged with administering that provision or
8 initiative. The 24-month limitation on the adoption of
9 emergency rules does not apply to rules adopted under this
10 subsection (q). The adoption of emergency rules authorized by
11 this subsection (q) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (r) In order to provide for the expeditious and timely
14 implementation of the provisions of Public Act 98-651,
15 emergency rules to implement Public Act 98-651 may be adopted
16 in accordance with this subsection (r) by the Department of
17 Healthcare and Family Services. The 24-month limitation on the
18 adoption of emergency rules does not apply to rules adopted
19 under this subsection (r). The adoption of emergency rules
20 authorized by this subsection (r) is deemed to be necessary for
21 the public interest, safety, and welfare.

22 (s) In order to provide for the expeditious and timely
23 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
24 the Illinois Public Aid Code, emergency rules to implement any
25 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
26 Public Aid Code may be adopted in accordance with this

1 subsection (s) by the Department of Healthcare and Family
2 Services. The rulemaking authority granted in this subsection
3 (s) shall apply only to those rules adopted prior to July 1,
4 2015. Notwithstanding any other provision of this Section, any
5 emergency rule adopted under this subsection (s) shall only
6 apply to payments made for State fiscal year 2015. The adoption
7 of emergency rules authorized by this subsection (s) is deemed
8 to be necessary for the public interest, safety, and welfare.

9 (t) In order to provide for the expeditious and timely
10 implementation of the provisions of Article II of Public Act
11 99-6, emergency rules to implement the changes made by Article
12 II of Public Act 99-6 to the Emergency Telephone System Act may
13 be adopted in accordance with this subsection (t) by the
14 Department of State Police. The rulemaking authority granted in
15 this subsection (t) shall apply only to those rules adopted
16 prior to July 1, 2016. The 24-month limitation on the adoption
17 of emergency rules does not apply to rules adopted under this
18 subsection (t). The adoption of emergency rules authorized by
19 this subsection (t) is deemed to be necessary for the public
20 interest, safety, and welfare.

21 (u) In order to provide for the expeditious and timely
22 implementation of the provisions of the Burn Victims Relief
23 Act, emergency rules to implement any provision of the Act may
24 be adopted in accordance with this subsection (u) by the
25 Department of Insurance. The rulemaking authority granted in
26 this subsection (u) shall apply only to those rules adopted

1 prior to December 31, 2015. The adoption of emergency rules
2 authorized by this subsection (u) is deemed to be necessary for
3 the public interest, safety, and welfare.

4 (v) In order to provide for the expeditious and timely
5 implementation of the provisions of Public Act 99-516,
6 emergency rules to implement Public Act 99-516 may be adopted
7 in accordance with this subsection (v) by the Department of
8 Healthcare and Family Services. The 24-month limitation on the
9 adoption of emergency rules does not apply to rules adopted
10 under this subsection (v). The adoption of emergency rules
11 authorized by this subsection (v) is deemed to be necessary for
12 the public interest, safety, and welfare.

13 (w) In order to provide for the expeditious and timely
14 implementation of the provisions of Public Act 99-796,
15 emergency rules to implement the changes made by Public Act
16 99-796 may be adopted in accordance with this subsection (w) by
17 the Adjutant General. The adoption of emergency rules
18 authorized by this subsection (w) is deemed to be necessary for
19 the public interest, safety, and welfare.

20 (x) In order to provide for the expeditious and timely
21 implementation of the provisions of Public Act 99-906,
22 emergency rules to implement subsection (i) of Section 16-115D,
23 subsection (g) of Section 16-128A, and subsection (a) of
24 Section 16-128B of the Public Utilities Act may be adopted in
25 accordance with this subsection (x) by the Illinois Commerce
26 Commission. The rulemaking authority granted in this

1 subsection (x) shall apply only to those rules adopted within
2 180 days after June 1, 2017 (the effective date of Public Act
3 99-906). The adoption of emergency rules authorized by this
4 subsection (x) is deemed to be necessary for the public
5 interest, safety, and welfare.

6 (y) In order to provide for the expeditious and timely
7 implementation of the provisions of this amendatory Act of the
8 100th General Assembly, emergency rules to implement the
9 changes made by this amendatory Act of the 100th General
10 Assembly to Section 4.02 of the Illinois Act on Aging, Sections
11 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30
12 of the Alcoholism and Other Drug Abuse and Dependency Act, and
13 Sections 74 and 75 of the Mental Health and Developmental
14 Disabilities Administrative Act may be adopted in accordance
15 with this subsection (y) by the respective Department. The
16 adoption of emergency rules authorized by this subsection (y)
17 is deemed to be necessary for the public interest, safety, and
18 welfare.

19 (z) In order to provide for the expeditious and timely
20 implementation of the provisions of this amendatory Act of the
21 100th General Assembly, emergency rules to implement the
22 changes made by this amendatory Act of the 100th General
23 Assembly to Section 4.7 of the Lobbyist Registration Act may be
24 adopted in accordance with this subsection (z) by the Secretary
25 of State. The adoption of emergency rules authorized by this
26 subsection (z) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (aa) In order to provide for the expeditious and timely
3 initial implementation of the changes made to Articles 5, 5A,
4 12, and 14 of the Illinois Public Aid Code under the provisions
5 of this amendatory Act of the 100th General Assembly, the
6 Department of Healthcare and Family Services may adopt
7 emergency rules in accordance with this subsection (aa). The
8 24-month limitation on the adoption of emergency rules does not
9 apply to rules to initially implement the changes made to
10 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code
11 adopted under this subsection (aa). The adoption of emergency
12 rules authorized by this subsection (aa) is deemed to be
13 necessary for the public interest, safety, and welfare.

14 (bb) In order to provide for the expeditious and timely
15 implementation of the provisions of this amendatory Act of the
16 100th General Assembly, emergency rules may be adopted in
17 accordance with this subsection (bb) to implement the changes
18 made by this amendatory Act of the 100th General Assembly to:
19 Sections 14-147.5 and 14-147.6 of the Illinois Pension Code by
20 the Board created under Article 14 of the Code; Sections
21 15-185.5 and 15-185.6 of the Illinois Pension Code by the Board
22 created under Article 15 of the Code; and Sections 16-190.5 and
23 16-190.6 of the Illinois Pension Code by the Board created
24 under Article 16 of the Code. The adoption of emergency rules
25 authorized by this subsection (bb) is deemed to be necessary
26 for the public interest, safety, and welfare.

1 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,
2 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;
3 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;
4 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.
5 3-12-18.)

6 Section 110-10. The State Employees Group Insurance Act of
7 1971 is amended by changing Sections 3 and 10 as follows:

8 (5 ILCS 375/3) (from Ch. 127, par. 523)

9 Sec. 3. Definitions. Unless the context otherwise
10 requires, the following words and phrases as used in this Act
11 shall have the following meanings. The Department may define
12 these and other words and phrases separately for the purpose of
13 implementing specific programs providing benefits under this
14 Act.

15 (a) "Administrative service organization" means any
16 person, firm or corporation experienced in the handling of
17 claims which is fully qualified, financially sound and capable
18 of meeting the service requirements of a contract of
19 administration executed with the Department.

20 (b) "Annuitant" means (1) an employee who retires, or has
21 retired, on or after January 1, 1966 on an immediate annuity
22 under the provisions of Articles 2, 14 (including an employee
23 who has elected to receive an alternative retirement
24 cancellation payment under Section 14-108.5 of the Illinois

1 Pension Code in lieu of an annuity or who meets the criteria
2 for retirement, but in lieu of receiving an annuity under that
3 Article has elected to receive an accelerated pension benefit
4 payment under Section 14-147.5 of that Article), 15 (including
5 an employee who has retired under the optional retirement
6 program established under Section 15-158.2 or who meets the
7 criteria for retirement but in lieu of receiving an annuity
8 under that Article has elected to receive an accelerated
9 pension benefit payment under Section 15-185.5 of the Article),
10 paragraphs (2), (3), or (5) of Section 16-106 (including an
11 employee who meets the criteria for retirement, but in lieu of
12 receiving an annuity under that Article has elected to receive
13 an accelerated pension benefit payment under Section 16-190.5
14 of the Illinois Pension Code), or Article 18 of the Illinois
15 Pension Code; (2) any person who was receiving group insurance
16 coverage under this Act as of March 31, 1978 by reason of his
17 status as an annuitant, even though the annuity in relation to
18 which such coverage was provided is a proportional annuity
19 based on less than the minimum period of service required for a
20 retirement annuity in the system involved; (3) any person not
21 otherwise covered by this Act who has retired as a
22 participating member under Article 2 of the Illinois Pension
23 Code but is ineligible for the retirement annuity under Section
24 2-119 of the Illinois Pension Code; (4) the spouse of any
25 person who is receiving a retirement annuity under Article 18
26 of the Illinois Pension Code and who is covered under a group

1 health insurance program sponsored by a governmental employer
2 other than the State of Illinois and who has irrevocably
3 elected to waive his or her coverage under this Act and to have
4 his or her spouse considered as the "annuitant" under this Act
5 and not as a "dependent"; or (5) an employee who retires, or
6 has retired, from a qualified position, as determined according
7 to rules promulgated by the Director, under a qualified local
8 government, a qualified rehabilitation facility, a qualified
9 domestic violence shelter or service, or a qualified child
10 advocacy center. (For definition of "retired employee", see (p)
11 post).

12 (b-5) (Blank).

13 (b-6) (Blank).

14 (b-7) (Blank).

15 (c) "Carrier" means (1) an insurance company, a corporation
16 organized under the Limited Health Service Organization Act or
17 the Voluntary Health Services Plan Act, a partnership, or other
18 nongovernmental organization, which is authorized to do group
19 life or group health insurance business in Illinois, or (2) the
20 State of Illinois as a self-insurer.

21 (d) "Compensation" means salary or wages payable on a
22 regular payroll by the State Treasurer on a warrant of the
23 State Comptroller out of any State, trust or federal fund, or
24 by the Governor of the State through a disbursing officer of
25 the State out of a trust or out of federal funds, or by any
26 Department out of State, trust, federal or other funds held by

1 the State Treasurer or the Department, to any person for
2 personal services currently performed, and ordinary or
3 accidental disability benefits under Articles 2, 14, 15
4 (including ordinary or accidental disability benefits under
5 the optional retirement program established under Section
6 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
7 Article 18 of the Illinois Pension Code, for disability
8 incurred after January 1, 1966, or benefits payable under the
9 Workers' Compensation or Occupational Diseases Act or benefits
10 payable under a sick pay plan established in accordance with
11 Section 36 of the State Finance Act. "Compensation" also means
12 salary or wages paid to an employee of any qualified local
13 government, qualified rehabilitation facility, qualified
14 domestic violence shelter or service, or qualified child
15 advocacy center.

16 (e) "Commission" means the State Employees Group Insurance
17 Advisory Commission authorized by this Act. Commencing July 1,
18 1984, "Commission" as used in this Act means the Commission on
19 Government Forecasting and Accountability as established by
20 the Legislative Commission Reorganization Act of 1984.

21 (f) "Contributory", when referred to as contributory
22 coverage, shall mean optional coverages or benefits elected by
23 the member toward the cost of which such member makes
24 contribution, or which are funded in whole or in part through
25 the acceptance of a reduction in earnings or the foregoing of
26 an increase in earnings by an employee, as distinguished from

1 noncontributory coverage or benefits which are paid entirely by
2 the State of Illinois without reduction of the member's salary.

3 (g) "Department" means any department, institution, board,
4 commission, officer, court or any agency of the State
5 government receiving appropriations and having power to
6 certify payrolls to the Comptroller authorizing payments of
7 salary and wages against such appropriations as are made by the
8 General Assembly from any State fund, or against trust funds
9 held by the State Treasurer and includes boards of trustees of
10 the retirement systems created by Articles 2, 14, 15, 16 and 18
11 of the Illinois Pension Code. "Department" also includes the
12 Illinois Comprehensive Health Insurance Board, the Board of
13 Examiners established under the Illinois Public Accounting
14 Act, and the Illinois Finance Authority.

15 (h) "Dependent", when the term is used in the context of
16 the health and life plan, means a member's spouse and any child
17 (1) from birth to age 26 including an adopted child, a child
18 who lives with the member from the time of the placement for
19 adoption until entry of an order of adoption, a stepchild or
20 adjudicated child, or a child who lives with the member if such
21 member is a court appointed guardian of the child or (2) age 19
22 or over who has a mental or physical disability from a cause
23 originating prior to the age of 19 (age 26 if enrolled as an
24 adult child dependent). For the health plan only, the term
25 "dependent" also includes (1) any person enrolled prior to the
26 effective date of this Section who is dependent upon the member

1 to the extent that the member may claim such person as a
2 dependent for income tax deduction purposes and (2) any person
3 who has received after June 30, 2000 an organ transplant and
4 who is financially dependent upon the member and eligible to be
5 claimed as a dependent for income tax purposes. A member
6 requesting to cover any dependent must provide documentation as
7 requested by the Department of Central Management Services and
8 file with the Department any and all forms required by the
9 Department.

10 (i) "Director" means the Director of the Illinois
11 Department of Central Management Services.

12 (j) "Eligibility period" means the period of time a member
13 has to elect enrollment in programs or to select benefits
14 without regard to age, sex or health.

15 (k) "Employee" means and includes each officer or employee
16 in the service of a department who (1) receives his
17 compensation for service rendered to the department on a
18 warrant issued pursuant to a payroll certified by a department
19 or on a warrant or check issued and drawn by a department upon
20 a trust, federal or other fund or on a warrant issued pursuant
21 to a payroll certified by an elected or duly appointed officer
22 of the State or who receives payment of the performance of
23 personal services on a warrant issued pursuant to a payroll
24 certified by a Department and drawn by the Comptroller upon the
25 State Treasurer against appropriations made by the General
26 Assembly from any fund or against trust funds held by the State

1 Treasurer, and (2) is employed full-time or part-time in a
2 position normally requiring actual performance of duty during
3 not less than 1/2 of a normal work period, as established by
4 the Director in cooperation with each department, except that
5 persons elected by popular vote will be considered employees
6 during the entire term for which they are elected regardless of
7 hours devoted to the service of the State, and (3) except that
8 "employee" does not include any person who is not eligible by
9 reason of such person's employment to participate in one of the
10 State retirement systems under Articles 2, 14, 15 (either the
11 regular Article 15 system or the optional retirement program
12 established under Section 15-158.2) or 18, or under paragraph
13 (2), (3), or (5) of Section 16-106, of the Illinois Pension
14 Code, but such term does include persons who are employed
15 during the 6 month qualifying period under Article 14 of the
16 Illinois Pension Code. Such term also includes any person who
17 (1) after January 1, 1966, is receiving ordinary or accidental
18 disability benefits under Articles 2, 14, 15 (including
19 ordinary or accidental disability benefits under the optional
20 retirement program established under Section 15-158.2),
21 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
22 the Illinois Pension Code, for disability incurred after
23 January 1, 1966, (2) receives total permanent or total
24 temporary disability under the Workers' Compensation Act or
25 Occupational Disease Act as a result of injuries sustained or
26 illness contracted in the course of employment with the State

1 of Illinois, or (3) is not otherwise covered under this Act and
2 has retired as a participating member under Article 2 of the
3 Illinois Pension Code but is ineligible for the retirement
4 annuity under Section 2-119 of the Illinois Pension Code.
5 However, a person who satisfies the criteria of the foregoing
6 definition of "employee" except that such person is made
7 ineligible to participate in the State Universities Retirement
8 System by clause (4) of subsection (a) of Section 15-107 of the
9 Illinois Pension Code is also an "employee" for the purposes of
10 this Act. "Employee" also includes any person receiving or
11 eligible for benefits under a sick pay plan established in
12 accordance with Section 36 of the State Finance Act. "Employee"
13 also includes (i) each officer or employee in the service of a
14 qualified local government, including persons appointed as
15 trustees of sanitary districts regardless of hours devoted to
16 the service of the sanitary district, (ii) each employee in the
17 service of a qualified rehabilitation facility, (iii) each
18 full-time employee in the service of a qualified domestic
19 violence shelter or service, and (iv) each full-time employee
20 in the service of a qualified child advocacy center, as
21 determined according to rules promulgated by the Director.

22 (1) "Member" means an employee, annuitant, retired
23 employee or survivor. In the case of an annuitant or retired
24 employee who first becomes an annuitant or retired employee on
25 or after the effective date of this amendatory Act of the 97th
26 General Assembly, the individual must meet the minimum vesting

1 requirements of the applicable retirement system in order to be
2 eligible for group insurance benefits under that system. In the
3 case of a survivor who first becomes a survivor on or after the
4 effective date of this amendatory Act of the 97th General
5 Assembly, the deceased employee, annuitant, or retired
6 employee upon whom the annuity is based must have been eligible
7 to participate in the group insurance system under the
8 applicable retirement system in order for the survivor to be
9 eligible for group insurance benefits under that system.

10 (m) "Optional coverages or benefits" means those coverages
11 or benefits available to the member on his or her voluntary
12 election, and at his or her own expense.

13 (n) "Program" means the group life insurance, health
14 benefits and other employee benefits designed and contracted
15 for by the Director under this Act.

16 (o) "Health plan" means a health benefits program offered
17 by the State of Illinois for persons eligible for the plan.

18 (p) "Retired employee" means any person who would be an
19 annuitant as that term is defined herein but for the fact that
20 such person retired prior to January 1, 1966. Such term also
21 includes any person formerly employed by the University of
22 Illinois in the Cooperative Extension Service who would be an
23 annuitant but for the fact that such person was made ineligible
24 to participate in the State Universities Retirement System by
25 clause (4) of subsection (a) of Section 15-107 of the Illinois
26 Pension Code.

1 (q) "Survivor" means a person receiving an annuity as a
2 survivor of an employee or of an annuitant. "Survivor" also
3 includes: (1) the surviving dependent of a person who satisfies
4 the definition of "employee" except that such person is made
5 ineligible to participate in the State Universities Retirement
6 System by clause (4) of subsection (a) of Section 15-107 of the
7 Illinois Pension Code; (2) the surviving dependent of any
8 person formerly employed by the University of Illinois in the
9 Cooperative Extension Service who would be an annuitant except
10 for the fact that such person was made ineligible to
11 participate in the State Universities Retirement System by
12 clause (4) of subsection (a) of Section 15-107 of the Illinois
13 Pension Code; and (3) the surviving dependent of a person who
14 was an annuitant under this Act by virtue of receiving an
15 alternative retirement cancellation payment under Section
16 14-108.5 of the Illinois Pension Code.

17 (q-2) "SERS" means the State Employees' Retirement System
18 of Illinois, created under Article 14 of the Illinois Pension
19 Code.

20 (q-3) "SURS" means the State Universities Retirement
21 System, created under Article 15 of the Illinois Pension Code.

22 (q-4) "TRS" means the Teachers' Retirement System of the
23 State of Illinois, created under Article 16 of the Illinois
24 Pension Code.

25 (q-5) (Blank).

26 (q-6) (Blank).

1 (q-7) (Blank).

2 (r) "Medical services" means the services provided within
3 the scope of their licenses by practitioners in all categories
4 licensed under the Medical Practice Act of 1987.

5 (s) "Unit of local government" means any county,
6 municipality, township, school district (including a
7 combination of school districts under the Intergovernmental
8 Cooperation Act), special district or other unit, designated as
9 a unit of local government by law, which exercises limited
10 governmental powers or powers in respect to limited
11 governmental subjects, any not-for-profit association with a
12 membership that primarily includes townships and township
13 officials, that has duties that include provision of research
14 service, dissemination of information, and other acts for the
15 purpose of improving township government, and that is funded
16 wholly or partly in accordance with Section 85-15 of the
17 Township Code; any not-for-profit corporation or association,
18 with a membership consisting primarily of municipalities, that
19 operates its own utility system, and provides research,
20 training, dissemination of information, or other acts to
21 promote cooperation between and among municipalities that
22 provide utility services and for the advancement of the goals
23 and purposes of its membership; the Southern Illinois
24 Collegiate Common Market, which is a consortium of higher
25 education institutions in Southern Illinois; the Illinois
26 Association of Park Districts; and any hospital provider that

1 is owned by a county that has 100 or fewer hospital beds and
2 has not already joined the program. "Qualified local
3 government" means a unit of local government approved by the
4 Director and participating in a program created under
5 subsection (i) of Section 10 of this Act.

6 (t) "Qualified rehabilitation facility" means any
7 not-for-profit organization that is accredited by the
8 Commission on Accreditation of Rehabilitation Facilities or
9 certified by the Department of Human Services (as successor to
10 the Department of Mental Health and Developmental
11 Disabilities) to provide services to persons with disabilities
12 and which receives funds from the State of Illinois for
13 providing those services, approved by the Director and
14 participating in a program created under subsection (j) of
15 Section 10 of this Act.

16 (u) "Qualified domestic violence shelter or service" means
17 any Illinois domestic violence shelter or service and its
18 administrative offices funded by the Department of Human
19 Services (as successor to the Illinois Department of Public
20 Aid), approved by the Director and participating in a program
21 created under subsection (k) of Section 10.

22 (v) "TRS benefit recipient" means a person who:

23 (1) is not a "member" as defined in this Section; and

24 (2) is receiving a monthly benefit or retirement
25 annuity under Article 16 of the Illinois Pension Code; and

26 (3) either (i) has at least 8 years of creditable

1 service under Article 16 of the Illinois Pension Code, or
2 (ii) was enrolled in the health insurance program offered
3 under that Article on January 1, 1996, or (iii) is the
4 survivor of a benefit recipient who had at least 8 years of
5 creditable service under Article 16 of the Illinois Pension
6 Code or was enrolled in the health insurance program
7 offered under that Article on the effective date of this
8 amendatory Act of 1995, or (iv) is a recipient or survivor
9 of a recipient of a disability benefit under Article 16 of
10 the Illinois Pension Code.

11 (w) "TRS dependent beneficiary" means a person who:

12 (1) is not a "member" or "dependent" as defined in this
13 Section; and

14 (2) is a TRS benefit recipient's: (A) spouse, (B)
15 dependent parent who is receiving at least half of his or
16 her support from the TRS benefit recipient, or (C) natural,
17 step, adjudicated, or adopted child who is (i) under age
18 26, (ii) was, on January 1, 1996, participating as a
19 dependent beneficiary in the health insurance program
20 offered under Article 16 of the Illinois Pension Code, or
21 (iii) age 19 or over who has a mental or physical
22 disability from a cause originating prior to the age of 19
23 (age 26 if enrolled as an adult child).

24 "TRS dependent beneficiary" does not include, as indicated
25 under paragraph (2) of this subsection (w), a dependent of the
26 survivor of a TRS benefit recipient who first becomes a

1 dependent of a survivor of a TRS benefit recipient on or after
2 the effective date of this amendatory Act of the 97th General
3 Assembly unless that dependent would have been eligible for
4 coverage as a dependent of the deceased TRS benefit recipient
5 upon whom the survivor benefit is based.

6 (x) "Military leave" refers to individuals in basic
7 training for reserves, special/advanced training, annual
8 training, emergency call up, activation by the President of the
9 United States, or any other training or duty in service to the
10 United States Armed Forces.

11 (y) (Blank).

12 (z) "Community college benefit recipient" means a person
13 who:

14 (1) is not a "member" as defined in this Section; and

15 (2) is receiving a monthly survivor's annuity or
16 retirement annuity under Article 15 of the Illinois Pension
17 Code; and

18 (3) either (i) was a full-time employee of a community
19 college district or an association of community college
20 boards created under the Public Community College Act
21 (other than an employee whose last employer under Article
22 15 of the Illinois Pension Code was a community college
23 district subject to Article VII of the Public Community
24 College Act) and was eligible to participate in a group
25 health benefit plan as an employee during the time of
26 employment with a community college district (other than a

1 community college district subject to Article VII of the
2 Public Community College Act) or an association of
3 community college boards, or (ii) is the survivor of a
4 person described in item (i).

5 (aa) "Community college dependent beneficiary" means a
6 person who:

7 (1) is not a "member" or "dependent" as defined in this
8 Section; and

9 (2) is a community college benefit recipient's: (A)
10 spouse, (B) dependent parent who is receiving at least half
11 of his or her support from the community college benefit
12 recipient, or (C) natural, step, adjudicated, or adopted
13 child who is (i) under age 26, or (ii) age 19 or over and
14 has a mental or physical disability from a cause
15 originating prior to the age of 19 (age 26 if enrolled as
16 an adult child).

17 "Community college dependent beneficiary" does not
18 include, as indicated under paragraph (2) of this subsection
19 (aa), a dependent of the survivor of a community college
20 benefit recipient who first becomes a dependent of a survivor
21 of a community college benefit recipient on or after the
22 effective date of this amendatory Act of the 97th General
23 Assembly unless that dependent would have been eligible for
24 coverage as a dependent of the deceased community college
25 benefit recipient upon whom the survivor annuity is based.

26 (bb) "Qualified child advocacy center" means any Illinois

1 child advocacy center and its administrative offices funded by
2 the Department of Children and Family Services, as defined by
3 the Children's Advocacy Center Act (55 ILCS 80/), approved by
4 the Director and participating in a program created under
5 subsection (n) of Section 10.

6 (cc) "Placement for adoption" means the assumption and
7 retention by a member of a legal obligation for total or
8 partial support of a child in anticipation of adoption of the
9 child. The child's placement with the member terminates upon
10 the termination of such legal obligation.

11 (Source: P.A. 99-143, eff. 7-27-15; 100-355, eff. 1-1-18.)

12 (5 ILCS 375/10) (from Ch. 127, par. 530)

13 Sec. 10. Contributions by the State and members.

14 (a) The State shall pay the cost of basic non-contributory
15 group life insurance and, subject to member paid contributions
16 set by the Department or required by this Section and except as
17 provided in this Section, the basic program of group health
18 benefits on each eligible member, except a member, not
19 otherwise covered by this Act, who has retired as a
20 participating member under Article 2 of the Illinois Pension
21 Code but is ineligible for the retirement annuity under Section
22 2-119 of the Illinois Pension Code, and part of each eligible
23 member's and retired member's premiums for health insurance
24 coverage for enrolled dependents as provided by Section 9. The
25 State shall pay the cost of the basic program of group health

1 benefits only after benefits are reduced by the amount of
2 benefits covered by Medicare for all members and dependents who
3 are eligible for benefits under Social Security or the Railroad
4 Retirement system or who had sufficient Medicare-covered
5 government employment, except that such reduction in benefits
6 shall apply only to those members and dependents who (1) first
7 become eligible for such Medicare coverage on or after July 1,
8 1992; or (2) are Medicare-eligible members or dependents of a
9 local government unit which began participation in the program
10 on or after July 1, 1992; or (3) remain eligible for, but no
11 longer receive Medicare coverage which they had been receiving
12 on or after July 1, 1992. The Department may determine the
13 aggregate level of the State's contribution on the basis of
14 actual cost of medical services adjusted for age, sex or
15 geographic or other demographic characteristics which affect
16 the costs of such programs.

17 The cost of participation in the basic program of group
18 health benefits for the dependent or survivor of a living or
19 deceased retired employee who was formerly employed by the
20 University of Illinois in the Cooperative Extension Service and
21 would be an annuitant but for the fact that he or she was made
22 ineligible to participate in the State Universities Retirement
23 System by clause (4) of subsection (a) of Section 15-107 of the
24 Illinois Pension Code shall not be greater than the cost of
25 participation that would otherwise apply to that dependent or
26 survivor if he or she were the dependent or survivor of an

1 annuitant under the State Universities Retirement System.

2 (a-1) (Blank).

3 (a-2) (Blank).

4 (a-3) (Blank).

5 (a-4) (Blank).

6 (a-5) (Blank).

7 (a-6) (Blank).

8 (a-7) (Blank).

9 (a-8) Any annuitant, survivor, or retired employee may
10 waive or terminate coverage in the program of group health
11 benefits. Any such annuitant, survivor, or retired employee who
12 has waived or terminated coverage may enroll or re-enroll in
13 the program of group health benefits only during the annual
14 benefit choice period, as determined by the Director; except
15 that in the event of termination of coverage due to nonpayment
16 of premiums, the annuitant, survivor, or retired employee may
17 not re-enroll in the program.

18 (a-8.5) Beginning on the effective date of this amendatory
19 Act of the 97th General Assembly, the Director of Central
20 Management Services shall, on an annual basis, determine the
21 amount that the State shall contribute toward the basic program
22 of group health benefits on behalf of annuitants (including
23 individuals who (i) participated in the General Assembly
24 Retirement System, the State Employees' Retirement System of
25 Illinois, the State Universities Retirement System, the
26 Teachers' Retirement System of the State of Illinois, or the

1 Judges Retirement System of Illinois and (ii) qualify as
2 annuitants under subsection (b) of Section 3 of this Act),
3 survivors (including individuals who (i) receive an annuity as
4 a survivor of an individual who participated in the General
5 Assembly Retirement System, the State Employees' Retirement
6 System of Illinois, the State Universities Retirement System,
7 the Teachers' Retirement System of the State of Illinois, or
8 the Judges Retirement System of Illinois and (ii) qualify as
9 survivors under subsection (q) of Section 3 of this Act), and
10 retired employees (as defined in subsection (p) of Section 3 of
11 this Act). The remainder of the cost of coverage for each
12 annuitant, survivor, or retired employee, as determined by the
13 Director of Central Management Services, shall be the
14 responsibility of that annuitant, survivor, or retired
15 employee.

16 Contributions required of annuitants, survivors, and
17 retired employees shall be the same for all retirement systems
18 and shall also be based on whether an individual has made an
19 election under Section 15-135.1 of the Illinois Pension Code.
20 Contributions may be based on annuitants', survivors', or
21 retired employees' Medicare eligibility, but may not be based
22 on Social Security eligibility.

23 (a-9) No later than May 1 of each calendar year, the
24 Director of Central Management Services shall certify in
25 writing to the Executive Secretary of the State Employees'
26 Retirement System of Illinois the amounts of the Medicare

1 supplement health care premiums and the amounts of the health
2 care premiums for all other retirees who are not Medicare
3 eligible.

4 A separate calculation of the premiums based upon the
5 actual cost of each health care plan shall be so certified.

6 The Director of Central Management Services shall provide
7 to the Executive Secretary of the State Employees' Retirement
8 System of Illinois such information, statistics, and other data
9 as he or she may require to review the premium amounts
10 certified by the Director of Central Management Services.

11 The Department of Central Management Services, or any
12 successor agency designated to procure healthcare contracts
13 pursuant to this Act, is authorized to establish funds,
14 separate accounts provided by any bank or banks as defined by
15 the Illinois Banking Act, or separate accounts provided by any
16 savings and loan association or associations as defined by the
17 Illinois Savings and Loan Act of 1985 to be held by the
18 Director, outside the State treasury, for the purpose of
19 receiving the transfer of moneys from the Local Government
20 Health Insurance Reserve Fund. The Department may promulgate
21 rules further defining the methodology for the transfers. Any
22 interest earned by moneys in the funds or accounts shall inure
23 to the Local Government Health Insurance Reserve Fund. The
24 transferred moneys, and interest accrued thereon, shall be used
25 exclusively for transfers to administrative service
26 organizations or their financial institutions for payments of

1 claims to claimants and providers under the self-insurance
2 health plan. The transferred moneys, and interest accrued
3 thereon, shall not be used for any other purpose including, but
4 not limited to, reimbursement of administration fees due the
5 administrative service organization pursuant to its contract
6 or contracts with the Department.

7 (a-10) To the extent that participation, benefits, or
8 premiums under this Act are based on a person's service credit
9 under an Article of the Illinois Pension Code, service credit
10 terminated in exchange for an accelerated pension benefit
11 payment under Section 14-147.5, 15-185.5, or 16-190.5 of that
12 Code shall be included in determining a person's service credit
13 for the purposes of this Act.

14 (b) State employees who become eligible for this program on
15 or after January 1, 1980 in positions normally requiring actual
16 performance of duty not less than 1/2 of a normal work period
17 but not equal to that of a normal work period, shall be given
18 the option of participating in the available program. If the
19 employee elects coverage, the State shall contribute on behalf
20 of such employee to the cost of the employee's benefit and any
21 applicable dependent supplement, that sum which bears the same
22 percentage as that percentage of time the employee regularly
23 works when compared to normal work period.

24 (c) The basic non-contributory coverage from the basic
25 program of group health benefits shall be continued for each
26 employee not in pay status or on active service by reason of

1 (1) leave of absence due to illness or injury, (2) authorized
2 educational leave of absence or sabbatical leave, or (3)
3 military leave. This coverage shall continue until expiration
4 of authorized leave and return to active service, but not to
5 exceed 24 months for leaves under item (1) or (2). This
6 24-month limitation and the requirement of returning to active
7 service shall not apply to persons receiving ordinary or
8 accidental disability benefits or retirement benefits through
9 the appropriate State retirement system or benefits under the
10 Workers' Compensation or Occupational Disease Act.

11 (d) The basic group life insurance coverage shall continue,
12 with full State contribution, where such person is (1) absent
13 from active service by reason of disability arising from any
14 cause other than self-inflicted, (2) on authorized educational
15 leave of absence or sabbatical leave, or (3) on military leave.

16 (e) Where the person is in non-pay status for a period in
17 excess of 30 days or on leave of absence, other than by reason
18 of disability, educational or sabbatical leave, or military
19 leave, such person may continue coverage only by making
20 personal payment equal to the amount normally contributed by
21 the State on such person's behalf. Such payments and coverage
22 may be continued: (1) until such time as the person returns to
23 a status eligible for coverage at State expense, but not to
24 exceed 24 months or (2) until such person's employment or
25 annuitant status with the State is terminated (exclusive of any
26 additional service imposed pursuant to law).

1 (f) The Department shall establish by rule the extent to
2 which other employee benefits will continue for persons in
3 non-pay status or who are not in active service.

4 (g) The State shall not pay the cost of the basic
5 non-contributory group life insurance, program of health
6 benefits and other employee benefits for members who are
7 survivors as defined by paragraphs (1) and (2) of subsection
8 (q) of Section 3 of this Act. The costs of benefits for these
9 survivors shall be paid by the survivors or by the University
10 of Illinois Cooperative Extension Service, or any combination
11 thereof. However, the State shall pay the amount of the
12 reduction in the cost of participation, if any, resulting from
13 the amendment to subsection (a) made by this amendatory Act of
14 the 91st General Assembly.

15 (h) Those persons occupying positions with any department
16 as a result of emergency appointments pursuant to Section 8b.8
17 of the Personnel Code who are not considered employees under
18 this Act shall be given the option of participating in the
19 programs of group life insurance, health benefits and other
20 employee benefits. Such persons electing coverage may
21 participate only by making payment equal to the amount normally
22 contributed by the State for similarly situated employees. Such
23 amounts shall be determined by the Director. Such payments and
24 coverage may be continued until such time as the person becomes
25 an employee pursuant to this Act or such person's appointment
26 is terminated.

1 (i) Any unit of local government within the State of
2 Illinois may apply to the Director to have its employees,
3 annuitants, and their dependents provided group health
4 coverage under this Act on a non-insured basis. To participate,
5 a unit of local government must agree to enroll all of its
6 employees, who may select coverage under either the State group
7 health benefits plan or a health maintenance organization that
8 has contracted with the State to be available as a health care
9 provider for employees as defined in this Act. A unit of local
10 government must remit the entire cost of providing coverage
11 under the State group health benefits plan or, for coverage
12 under a health maintenance organization, an amount determined
13 by the Director based on an analysis of the sex, age,
14 geographic location, or other relevant demographic variables
15 for its employees, except that the unit of local government
16 shall not be required to enroll those of its employees who are
17 covered spouses or dependents under this plan or another group
18 policy or plan providing health benefits as long as (1) an
19 appropriate official from the unit of local government attests
20 that each employee not enrolled is a covered spouse or
21 dependent under this plan or another group policy or plan, and
22 (2) at least 50% of the employees are enrolled and the unit of
23 local government remits the entire cost of providing coverage
24 to those employees, except that a participating school district
25 must have enrolled at least 50% of its full-time employees who
26 have not waived coverage under the district's group health plan

1 by participating in a component of the district's cafeteria
2 plan. A participating school district is not required to enroll
3 a full-time employee who has waived coverage under the
4 district's health plan, provided that an appropriate official
5 from the participating school district attests that the
6 full-time employee has waived coverage by participating in a
7 component of the district's cafeteria plan. For the purposes of
8 this subsection, "participating school district" includes a
9 unit of local government whose primary purpose is education as
10 defined by the Department's rules.

11 Employees of a participating unit of local government who
12 are not enrolled due to coverage under another group health
13 policy or plan may enroll in the event of a qualifying change
14 in status, special enrollment, special circumstance as defined
15 by the Director, or during the annual Benefit Choice Period. A
16 participating unit of local government may also elect to cover
17 its annuitants. Dependent coverage shall be offered on an
18 optional basis, with the costs paid by the unit of local
19 government, its employees, or some combination of the two as
20 determined by the unit of local government. The unit of local
21 government shall be responsible for timely collection and
22 transmission of dependent premiums.

23 The Director shall annually determine monthly rates of
24 payment, subject to the following constraints:

- 25 (1) In the first year of coverage, the rates shall be
26 equal to the amount normally charged to State employees for

1 elected optional coverages or for enrolled dependents
2 coverages or other contributory coverages, or contributed
3 by the State for basic insurance coverages on behalf of its
4 employees, adjusted for differences between State
5 employees and employees of the local government in age,
6 sex, geographic location or other relevant demographic
7 variables, plus an amount sufficient to pay for the
8 additional administrative costs of providing coverage to
9 employees of the unit of local government and their
10 dependents.

11 (2) In subsequent years, a further adjustment shall be
12 made to reflect the actual prior years' claims experience
13 of the employees of the unit of local government.

14 In the case of coverage of local government employees under
15 a health maintenance organization, the Director shall annually
16 determine for each participating unit of local government the
17 maximum monthly amount the unit may contribute toward that
18 coverage, based on an analysis of (i) the age, sex, geographic
19 location, and other relevant demographic variables of the
20 unit's employees and (ii) the cost to cover those employees
21 under the State group health benefits plan. The Director may
22 similarly determine the maximum monthly amount each unit of
23 local government may contribute toward coverage of its
24 employees' dependents under a health maintenance organization.

25 Monthly payments by the unit of local government or its
26 employees for group health benefits plan or health maintenance

1 organization coverage shall be deposited in the Local
2 Government Health Insurance Reserve Fund.

3 The Local Government Health Insurance Reserve Fund is
4 hereby created as a nonappropriated trust fund to be held
5 outside the State Treasury, with the State Treasurer as
6 custodian. The Local Government Health Insurance Reserve Fund
7 shall be a continuing fund not subject to fiscal year
8 limitations. The Local Government Health Insurance Reserve
9 Fund is not subject to administrative charges or charge-backs,
10 including but not limited to those authorized under Section 8h
11 of the State Finance Act. All revenues arising from the
12 administration of the health benefits program established
13 under this Section shall be deposited into the Local Government
14 Health Insurance Reserve Fund. Any interest earned on moneys in
15 the Local Government Health Insurance Reserve Fund shall be
16 deposited into the Fund. All expenditures from this Fund shall
17 be used for payments for health care benefits for local
18 government and rehabilitation facility employees, annuitants,
19 and dependents, and to reimburse the Department or its
20 administrative service organization for all expenses incurred
21 in the administration of benefits. No other State funds may be
22 used for these purposes.

23 A local government employer's participation or desire to
24 participate in a program created under this subsection shall
25 not limit that employer's duty to bargain with the
26 representative of any collective bargaining unit of its

1 employees.

2 (j) Any rehabilitation facility within the State of
3 Illinois may apply to the Director to have its employees,
4 annuitants, and their eligible dependents provided group
5 health coverage under this Act on a non-insured basis. To
6 participate, a rehabilitation facility must agree to enroll all
7 of its employees and remit the entire cost of providing such
8 coverage for its employees, except that the rehabilitation
9 facility shall not be required to enroll those of its employees
10 who are covered spouses or dependents under this plan or
11 another group policy or plan providing health benefits as long
12 as (1) an appropriate official from the rehabilitation facility
13 attests that each employee not enrolled is a covered spouse or
14 dependent under this plan or another group policy or plan, and
15 (2) at least 50% of the employees are enrolled and the
16 rehabilitation facility remits the entire cost of providing
17 coverage to those employees. Employees of a participating
18 rehabilitation facility who are not enrolled due to coverage
19 under another group health policy or plan may enroll in the
20 event of a qualifying change in status, special enrollment,
21 special circumstance as defined by the Director, or during the
22 annual Benefit Choice Period. A participating rehabilitation
23 facility may also elect to cover its annuitants. Dependent
24 coverage shall be offered on an optional basis, with the costs
25 paid by the rehabilitation facility, its employees, or some
26 combination of the 2 as determined by the rehabilitation

1 facility. The rehabilitation facility shall be responsible for
2 timely collection and transmission of dependent premiums.

3 The Director shall annually determine quarterly rates of
4 payment, subject to the following constraints:

5 (1) In the first year of coverage, the rates shall be
6 equal to the amount normally charged to State employees for
7 elected optional coverages or for enrolled dependents
8 coverages or other contributory coverages on behalf of its
9 employees, adjusted for differences between State
10 employees and employees of the rehabilitation facility in
11 age, sex, geographic location or other relevant
12 demographic variables, plus an amount sufficient to pay for
13 the additional administrative costs of providing coverage
14 to employees of the rehabilitation facility and their
15 dependents.

16 (2) In subsequent years, a further adjustment shall be
17 made to reflect the actual prior years' claims experience
18 of the employees of the rehabilitation facility.

19 Monthly payments by the rehabilitation facility or its
20 employees for group health benefits shall be deposited in the
21 Local Government Health Insurance Reserve Fund.

22 (k) Any domestic violence shelter or service within the
23 State of Illinois may apply to the Director to have its
24 employees, annuitants, and their dependents provided group
25 health coverage under this Act on a non-insured basis. To
26 participate, a domestic violence shelter or service must agree

1 to enroll all of its employees and pay the entire cost of
2 providing such coverage for its employees. The domestic
3 violence shelter shall not be required to enroll those of its
4 employees who are covered spouses or dependents under this plan
5 or another group policy or plan providing health benefits as
6 long as (1) an appropriate official from the domestic violence
7 shelter attests that each employee not enrolled is a covered
8 spouse or dependent under this plan or another group policy or
9 plan and (2) at least 50% of the employees are enrolled and the
10 domestic violence shelter remits the entire cost of providing
11 coverage to those employees. Employees of a participating
12 domestic violence shelter who are not enrolled due to coverage
13 under another group health policy or plan may enroll in the
14 event of a qualifying change in status, special enrollment, or
15 special circumstance as defined by the Director or during the
16 annual Benefit Choice Period. A participating domestic
17 violence shelter may also elect to cover its annuitants.
18 Dependent coverage shall be offered on an optional basis, with
19 employees, or some combination of the 2 as determined by the
20 domestic violence shelter or service. The domestic violence
21 shelter or service shall be responsible for timely collection
22 and transmission of dependent premiums.

23 The Director shall annually determine rates of payment,
24 subject to the following constraints:

- 25 (1) In the first year of coverage, the rates shall be
26 equal to the amount normally charged to State employees for

1 elected optional coverages or for enrolled dependents
2 coverages or other contributory coverages on behalf of its
3 employees, adjusted for differences between State
4 employees and employees of the domestic violence shelter or
5 service in age, sex, geographic location or other relevant
6 demographic variables, plus an amount sufficient to pay for
7 the additional administrative costs of providing coverage
8 to employees of the domestic violence shelter or service
9 and their dependents.

10 (2) In subsequent years, a further adjustment shall be
11 made to reflect the actual prior years' claims experience
12 of the employees of the domestic violence shelter or
13 service.

14 Monthly payments by the domestic violence shelter or
15 service or its employees for group health insurance shall be
16 deposited in the Local Government Health Insurance Reserve
17 Fund.

18 (1) A public community college or entity organized pursuant
19 to the Public Community College Act may apply to the Director
20 initially to have only annuitants not covered prior to July 1,
21 1992 by the district's health plan provided health coverage
22 under this Act on a non-insured basis. The community college
23 must execute a 2-year contract to participate in the Local
24 Government Health Plan. Any annuitant may enroll in the event
25 of a qualifying change in status, special enrollment, special
26 circumstance as defined by the Director, or during the annual

1 Benefit Choice Period.

2 The Director shall annually determine monthly rates of
3 payment subject to the following constraints: for those
4 community colleges with annuitants only enrolled, first year
5 rates shall be equal to the average cost to cover claims for a
6 State member adjusted for demographics, Medicare
7 participation, and other factors; and in the second year, a
8 further adjustment of rates shall be made to reflect the actual
9 first year's claims experience of the covered annuitants.

10 (l-5) The provisions of subsection (l) become inoperative
11 on July 1, 1999.

12 (m) The Director shall adopt any rules deemed necessary for
13 implementation of this amendatory Act of 1989 (Public Act
14 86-978).

15 (n) Any child advocacy center within the State of Illinois
16 may apply to the Director to have its employees, annuitants,
17 and their dependents provided group health coverage under this
18 Act on a non-insured basis. To participate, a child advocacy
19 center must agree to enroll all of its employees and pay the
20 entire cost of providing coverage for its employees. The child
21 advocacy center shall not be required to enroll those of its
22 employees who are covered spouses or dependents under this plan
23 or another group policy or plan providing health benefits as
24 long as (1) an appropriate official from the child advocacy
25 center attests that each employee not enrolled is a covered
26 spouse or dependent under this plan or another group policy or

1 plan and (2) at least 50% of the employees are enrolled and the
2 child advocacy center remits the entire cost of providing
3 coverage to those employees. Employees of a participating child
4 advocacy center who are not enrolled due to coverage under
5 another group health policy or plan may enroll in the event of
6 a qualifying change in status, special enrollment, or special
7 circumstance as defined by the Director or during the annual
8 Benefit Choice Period. A participating child advocacy center
9 may also elect to cover its annuitants. Dependent coverage
10 shall be offered on an optional basis, with the costs paid by
11 the child advocacy center, its employees, or some combination
12 of the 2 as determined by the child advocacy center. The child
13 advocacy center shall be responsible for timely collection and
14 transmission of dependent premiums.

15 The Director shall annually determine rates of payment,
16 subject to the following constraints:

17 (1) In the first year of coverage, the rates shall be
18 equal to the amount normally charged to State employees for
19 elected optional coverages or for enrolled dependents
20 coverages or other contributory coverages on behalf of its
21 employees, adjusted for differences between State
22 employees and employees of the child advocacy center in
23 age, sex, geographic location, or other relevant
24 demographic variables, plus an amount sufficient to pay for
25 the additional administrative costs of providing coverage
26 to employees of the child advocacy center and their

1 dependents.

2 (2) In subsequent years, a further adjustment shall be
3 made to reflect the actual prior years' claims experience
4 of the employees of the child advocacy center.

5 Monthly payments by the child advocacy center or its
6 employees for group health insurance shall be deposited into
7 the Local Government Health Insurance Reserve Fund.

8 (Source: P.A. 97-695, eff. 7-1-12; 98-488, eff. 8-16-13.)

9 Section 110-15. The General Obligation Bond Act is amended
10 by changing Sections 2.5, 9, 11, 12, and 13 and by adding
11 Section 7.7 as follows:

12 (30 ILCS 330/2.5)

13 Sec. 2.5. Limitation on issuance of Bonds.

14 (a) Except as provided in subsection (b), no Bonds may be
15 issued if, after the issuance, in the next State fiscal year
16 after the issuance of the Bonds, the amount of debt service
17 (including principal, whether payable at maturity or pursuant
18 to mandatory sinking fund installments, and interest) on all
19 then-outstanding Bonds, other than (i) Bonds authorized by
20 Public Act 100-23 ~~this amendatory Act of the 100th General~~
21 ~~Assembly,~~ (ii) Bonds issued by Public Act 96-43, ~~and~~ (iii)
22 Bonds authorized by Public Act 96-1497, and (iv) Bonds
23 authorized by this amendatory Act of the 100th General
24 Assembly, would exceed 7% of the aggregate appropriations from

1 the general funds (which consist of the General Revenue Fund,
2 the Common School Fund, the General Revenue Common School
3 Special Account Fund, and the Education Assistance Fund) and
4 the Road Fund for the fiscal year immediately prior to the
5 fiscal year of the issuance.

6 (b) If the Comptroller and Treasurer each consent in
7 writing, Bonds may be issued even if the issuance does not
8 comply with subsection (a). In addition, \$2,000,000,000 in
9 Bonds for the purposes set forth in Sections 3, 4, 5, 6, and 7,
10 and \$2,000,000,000 in Refunding Bonds under Section 16, may be
11 issued during State fiscal year 2017 without complying with
12 subsection (a). In addition, \$2,000,000,000 in Bonds for the
13 purposes set forth in Sections 3, 4, 5, 6, and 7, and
14 \$2,000,000,000 in Refunding Bonds under Section 16, may be
15 issued during State fiscal year 2018 without complying with
16 subsection (a).

17 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section
18 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.
19 7-6-17; revised 8-8-17.)

20 (30 ILCS 330/7.7 new)

21 Sec. 7.7. State Pension Obligation Acceleration Bonds.

22 (a) As used in this Act, "State Pension Obligation
23 Acceleration Bonds" means Bonds authorized by this amendatory
24 Act of the 100th General Assembly and used for the purpose of
25 making accelerated pension benefit payments under Articles 14,

1 15, and 16 of the Illinois Pension Code.

2 (b) State Pension Obligation Acceleration Bonds in the
3 amount of \$1,000,000,000 are hereby authorized to be used for
4 the purpose of making accelerated pension benefit payments
5 under Articles 14, 15, and 16 of the Illinois Pension Code.

6 (c) The proceeds of State Pension Obligation Acceleration
7 Bonds authorized in subsection (b) of this Section, less the
8 amounts authorized in the Bond Sale Order to be directly paid
9 out for bond sale expenses under Section 8, shall be deposited
10 directly into the State Pension Obligation Acceleration Bond
11 Fund, and the Comptroller and the Treasurer shall, as soon as
12 practical, make accelerated pension benefit payments under
13 Articles 14, 15, and 16 of the Illinois Pension Code.

14 (d) There is created the State Pension Obligation
15 Acceleration Bond Fund as a special fund in the State Treasury.
16 Funds deposited in the State Pension Obligation Acceleration
17 Bond Fund may only be used for the purpose of making
18 accelerated pension benefit payments under Articles 14, 15, and
19 16 of the Illinois Pension Code or for the payment of principal
20 and interest due on State Pension Obligation Acceleration
21 Bonds. This subsection shall constitute an irrevocable and
22 continuing appropriation of all amounts necessary for such
23 purposes.

24 (30 ILCS 330/9) (from Ch. 127, par. 659)

25 Sec. 9. Conditions for issuance and sale of Bonds;

1 requirements ~~Issuance and Sale of Bonds - Requirements~~ for
2 Bonds.

3 (a) Except as otherwise provided in this subsection, ~~and~~
4 subsection (h), and subsection (i), Bonds shall be issued and
5 sold from time to time, in one or more series, in such amounts
6 and at such prices as may be directed by the Governor, upon
7 recommendation by the Director of the Governor's Office of
8 Management and Budget. Bonds shall be in such form (either
9 coupon, registered or book entry), in such denominations,
10 payable within 25 years from their date, subject to such terms
11 of redemption with or without premium, bear interest payable at
12 such times and at such fixed or variable rate or rates, and be
13 dated as shall be fixed and determined by the Director of the
14 Governor's Office of Management and Budget in the order
15 authorizing the issuance and sale of any series of Bonds, which
16 order shall be approved by the Governor and is herein called a
17 "Bond Sale Order"; provided however, that interest payable at
18 fixed or variable rates shall not exceed that permitted in the
19 Bond Authorization Act, as now or hereafter amended. Bonds
20 shall be payable at such place or places, within or without the
21 State of Illinois, and may be made registrable as to either
22 principal or as to both principal and interest, as shall be
23 specified in the Bond Sale Order. Bonds may be callable or
24 subject to purchase and retirement or tender and remarketing as
25 fixed and determined in the Bond Sale Order. Bonds, other than
26 Bonds issued under Section 3 of this Act for the costs

1 associated with the purchase and implementation of information
2 technology, (i) except for refunding Bonds satisfying the
3 requirements of Section 16 of this Act and sold during fiscal
4 year 2009, 2010, 2011, 2017, or 2018 must be issued with
5 principal or mandatory redemption amounts in equal amounts,
6 with the first maturity issued occurring within the fiscal year
7 in which the Bonds are issued or within the next succeeding
8 fiscal year and (ii) must mature or be subject to mandatory
9 redemption each fiscal year thereafter up to 25 years, except
10 for refunding Bonds satisfying the requirements of Section 16
11 of this Act and sold during fiscal year 2009, 2010, or 2011
12 which must mature or be subject to mandatory redemption each
13 fiscal year thereafter up to 16 years. Bonds issued under
14 Section 3 of this Act for the costs associated with the
15 purchase and implementation of information technology must be
16 issued with principal or mandatory redemption amounts in equal
17 amounts, with the first maturity issued occurring with the
18 fiscal year in which the respective bonds are issued or with
19 the next succeeding fiscal year, with the respective bonds
20 issued maturing or subject to mandatory redemption each fiscal
21 year thereafter up to 10 years. Notwithstanding any provision
22 of this Act to the contrary, the Bonds authorized by Public Act
23 96-43 shall be payable within 5 years from their date and must
24 be issued with principal or mandatory redemption amounts in
25 equal amounts, with payment of principal or mandatory
26 redemption beginning in the first fiscal year following the

1 fiscal year in which the Bonds are issued.

2 Notwithstanding any provision of this Act to the contrary,
3 the Bonds authorized by Public Act 96-1497 shall be payable
4 within 8 years from their date and shall be issued with payment
5 of maturing principal or scheduled mandatory redemptions in
6 accordance with the following schedule, except the following
7 amounts shall be prorated if less than the total additional
8 amount of Bonds authorized by Public Act 96-1497 are issued:

9	Fiscal Year After Issuance	Amount
10	1-2	\$0
11	3	\$110,712,120
12	4	\$332,136,360
13	5	\$664,272,720
14	6-8	\$996,409,080

15 Notwithstanding any provision of this Act to the contrary,
16 Income Tax Proceed Bonds issued under Section 7.6 shall be
17 payable 12 years from the date of sale and shall be issued with
18 payment of principal or mandatory redemption.

19 In the case of any series of Bonds bearing interest at a
20 variable interest rate ("Variable Rate Bonds"), in lieu of
21 determining the rate or rates at which such series of Variable
22 Rate Bonds shall bear interest and the price or prices at which
23 such Variable Rate Bonds shall be initially sold or remarketed
24 (in the event of purchase and subsequent resale), the Bond Sale
25 Order may provide that such interest rates and prices may vary
26 from time to time depending on criteria established in such

1 Bond Sale Order, which criteria may include, without
2 limitation, references to indices or variations in interest
3 rates as may, in the judgment of a remarketing agent, be
4 necessary to cause Variable Rate Bonds of such series to be
5 remarketable from time to time at a price equal to their
6 principal amount, and may provide for appointment of a bank,
7 trust company, investment bank, or other financial institution
8 to serve as remarketing agent in that connection. The Bond Sale
9 Order may provide that alternative interest rates or provisions
10 for establishing alternative interest rates, different
11 security or claim priorities, or different call or amortization
12 provisions will apply during such times as Variable Rate Bonds
13 of any series are held by a person providing credit or
14 liquidity enhancement arrangements for such Bonds as
15 authorized in subsection (b) of this Section. The Bond Sale
16 Order may also provide for such variable interest rates to be
17 established pursuant to a process generally known as an auction
18 rate process and may provide for appointment of one or more
19 financial institutions to serve as auction agents and
20 broker-dealers in connection with the establishment of such
21 interest rates and the sale and remarketing of such Bonds.

22 (b) In connection with the issuance of any series of Bonds,
23 the State may enter into arrangements to provide additional
24 security and liquidity for such Bonds, including, without
25 limitation, bond or interest rate insurance or letters of
26 credit, lines of credit, bond purchase contracts, or other

1 arrangements whereby funds are made available to retire or
2 purchase Bonds, thereby assuring the ability of owners of the
3 Bonds to sell or redeem their Bonds. The State may enter into
4 contracts and may agree to pay fees to persons providing such
5 arrangements, but only under circumstances where the Director
6 of the Governor's Office of Management and Budget certifies
7 that he or she reasonably expects the total interest paid or to
8 be paid on the Bonds, together with the fees for the
9 arrangements (being treated as if interest), would not, taken
10 together, cause the Bonds to bear interest, calculated to their
11 stated maturity, at a rate in excess of the rate that the Bonds
12 would bear in the absence of such arrangements.

13 The State may, with respect to Bonds issued or anticipated
14 to be issued, participate in and enter into arrangements with
15 respect to interest rate protection or exchange agreements,
16 guarantees, or financial futures contracts for the purpose of
17 limiting, reducing, or managing interest rate exposure. The
18 authority granted under this paragraph, however, shall not
19 increase the principal amount of Bonds authorized to be issued
20 by law. The arrangements may be executed and delivered by the
21 Director of the Governor's Office of Management and Budget on
22 behalf of the State. Net payments for such arrangements shall
23 constitute interest on the Bonds and shall be paid from the
24 General Obligation Bond Retirement and Interest Fund. The
25 Director of the Governor's Office of Management and Budget
26 shall at least annually certify to the Governor and the State

1 Comptroller his or her estimate of the amounts of such net
2 payments to be included in the calculation of interest required
3 to be paid by the State.

4 (c) Prior to the issuance of any Variable Rate Bonds
5 pursuant to subsection (a), the Director of the Governor's
6 Office of Management and Budget shall adopt an interest rate
7 risk management policy providing that the amount of the State's
8 variable rate exposure with respect to Bonds shall not exceed
9 20%. This policy shall remain in effect while any Bonds are
10 outstanding and the issuance of Bonds shall be subject to the
11 terms of such policy. The terms of this policy may be amended
12 from time to time by the Director of the Governor's Office of
13 Management and Budget but in no event shall any amendment cause
14 the permitted level of the State's variable rate exposure with
15 respect to Bonds to exceed 20%.

16 (d) "Build America Bonds" in this Section means Bonds
17 authorized by Section 54AA of the Internal Revenue Code of
18 1986, as amended ("Internal Revenue Code"), and bonds issued
19 from time to time to refund or continue to refund "Build
20 America Bonds".

21 (e) Notwithstanding any other provision of this Section,
22 Qualified School Construction Bonds shall be issued and sold
23 from time to time, in one or more series, in such amounts and
24 at such prices as may be directed by the Governor, upon
25 recommendation by the Director of the Governor's Office of
26 Management and Budget. Qualified School Construction Bonds

1 shall be in such form (either coupon, registered or book
2 entry), in such denominations, payable within 25 years from
3 their date, subject to such terms of redemption with or without
4 premium, and if the Qualified School Construction Bonds are
5 issued with a supplemental coupon, bear interest payable at
6 such times and at such fixed or variable rate or rates, and be
7 dated as shall be fixed and determined by the Director of the
8 Governor's Office of Management and Budget in the order
9 authorizing the issuance and sale of any series of Qualified
10 School Construction Bonds, which order shall be approved by the
11 Governor and is herein called a "Bond Sale Order"; except that
12 interest payable at fixed or variable rates, if any, shall not
13 exceed that permitted in the Bond Authorization Act, as now or
14 hereafter amended. Qualified School Construction Bonds shall
15 be payable at such place or places, within or without the State
16 of Illinois, and may be made registrable as to either principal
17 or as to both principal and interest, as shall be specified in
18 the Bond Sale Order. Qualified School Construction Bonds may be
19 callable or subject to purchase and retirement or tender and
20 remarketing as fixed and determined in the Bond Sale Order.
21 Qualified School Construction Bonds must be issued with
22 principal or mandatory redemption amounts or sinking fund
23 payments into the General Obligation Bond Retirement and
24 Interest Fund (or subaccount therefor) in equal amounts, with
25 the first maturity issued, mandatory redemption payment or
26 sinking fund payment occurring within the fiscal year in which

1 the Qualified School Construction Bonds are issued or within
2 the next succeeding fiscal year, with Qualified School
3 Construction Bonds issued maturing or subject to mandatory
4 redemption or with sinking fund payments thereof deposited each
5 fiscal year thereafter up to 25 years. Sinking fund payments
6 set forth in this subsection shall be permitted only to the
7 extent authorized in Section 54F of the Internal Revenue Code
8 or as otherwise determined by the Director of the Governor's
9 Office of Management and Budget. "Qualified School
10 Construction Bonds" in this subsection means Bonds authorized
11 by Section 54F of the Internal Revenue Code and for bonds
12 issued from time to time to refund or continue to refund such
13 "Qualified School Construction Bonds".

14 (f) Beginning with the next issuance by the Governor's
15 Office of Management and Budget to the Procurement Policy Board
16 of a request for quotation for the purpose of formulating a new
17 pool of qualified underwriting banks list, all entities
18 responding to such a request for quotation for inclusion on
19 that list shall provide a written report to the Governor's
20 Office of Management and Budget and the Illinois Comptroller.
21 The written report submitted to the Comptroller shall (i) be
22 published on the Comptroller's Internet website and (ii) be
23 used by the Governor's Office of Management and Budget for the
24 purposes of scoring such a request for quotation. The written
25 report, at a minimum, shall:

26 (1) disclose whether, within the past 3 months,

1 pursuant to its credit default swap market-making
2 activities, the firm has entered into any State of Illinois
3 credit default swaps ("CDS");

4 (2) include, in the event of State of Illinois CDS
5 activity, disclosure of the firm's cumulative notional
6 volume of State of Illinois CDS trades and the firm's
7 outstanding gross and net notional amount of State of
8 Illinois CDS, as of the end of the current 3-month period;

9 (3) indicate, pursuant to the firm's proprietary
10 trading activities, disclosure of whether the firm, within
11 the past 3 months, has entered into any proprietary trades
12 for its own account in State of Illinois CDS;

13 (4) include, in the event of State of Illinois
14 proprietary trades, disclosure of the firm's outstanding
15 gross and net notional amount of proprietary State of
16 Illinois CDS and whether the net position is short or long
17 credit protection, as of the end of the current 3-month
18 period;

19 (5) list all time periods during the past 3 months
20 during which the firm held net long or net short State of
21 Illinois CDS proprietary credit protection positions, the
22 amount of such positions, and whether those positions were
23 net long or net short credit protection positions; and

24 (6) indicate whether, within the previous 3 months, the
25 firm released any publicly available research or marketing
26 reports that reference State of Illinois CDS and include

1 those research or marketing reports as attachments.

2 (g) All entities included on a Governor's Office of
3 Management and Budget's pool of qualified underwriting banks
4 list shall, as soon as possible after March 18, 2011 (the
5 effective date of Public Act 96-1554), but not later than
6 January 21, 2011, and on a quarterly fiscal basis thereafter,
7 provide a written report to the Governor's Office of Management
8 and Budget and the Illinois Comptroller. The written reports
9 submitted to the Comptroller shall be published on the
10 Comptroller's Internet website. The written reports, at a
11 minimum, shall:

12 (1) disclose whether, within the past 3 months,
13 pursuant to its credit default swap market-making
14 activities, the firm has entered into any State of Illinois
15 credit default swaps ("CDS");

16 (2) include, in the event of State of Illinois CDS
17 activity, disclosure of the firm's cumulative notional
18 volume of State of Illinois CDS trades and the firm's
19 outstanding gross and net notional amount of State of
20 Illinois CDS, as of the end of the current 3-month period;

21 (3) indicate, pursuant to the firm's proprietary
22 trading activities, disclosure of whether the firm, within
23 the past 3 months, has entered into any proprietary trades
24 for its own account in State of Illinois CDS;

25 (4) include, in the event of State of Illinois
26 proprietary trades, disclosure of the firm's outstanding

1 gross and net notional amount of proprietary State of
2 Illinois CDS and whether the net position is short or long
3 credit protection, as of the end of the current 3-month
4 period;

5 (5) list all time periods during the past 3 months
6 during which the firm held net long or net short State of
7 Illinois CDS proprietary credit protection positions, the
8 amount of such positions, and whether those positions were
9 net long or net short credit protection positions; and

10 (6) indicate whether, within the previous 3 months, the
11 firm released any publicly available research or marketing
12 reports that reference State of Illinois CDS and include
13 those research or marketing reports as attachments.

14 (h) Notwithstanding any other provision of this Section,
15 for purposes of maximizing market efficiencies and cost
16 savings, Income Tax Proceed Bonds may be issued and sold from
17 time to time, in one or more series, in such amounts and at
18 such prices as may be directed by the Governor, upon
19 recommendation by the Director of the Governor's Office of
20 Management and Budget. Income Tax Proceed Bonds shall be in
21 such form, either coupon, registered, or book entry, in such
22 denominations, shall bear interest payable at such times and at
23 such fixed or variable rate or rates, and be dated as shall be
24 fixed and determined by the Director of the Governor's Office
25 of Management and Budget in the order authorizing the issuance
26 and sale of any series of Income Tax Proceed Bonds, which order

1 shall be approved by the Governor and is herein called a "Bond
2 Sale Order"; provided, however, that interest payable at fixed
3 or variable rates shall not exceed that permitted in the Bond
4 Authorization Act. Income Tax Proceed Bonds shall be payable at
5 such place or places, within or without the State of Illinois,
6 and may be made registrable as to either principal or as to
7 both principal and interest, as shall be specified in the Bond
8 Sale Order. Income Tax Proceed Bonds may be callable or subject
9 to purchase and retirement or tender and remarketing as fixed
10 and determined in the Bond Sale Order.

11 (i) Notwithstanding any other provision of this Section,
12 for purposes of maximizing market efficiencies and cost
13 savings, State Pension Obligation Acceleration Bonds may be
14 issued and sold from time to time, in one or more series, in
15 such amounts and at such prices as may be directed by the
16 Governor, upon recommendation by the Director of the Governor's
17 Office of Management and Budget. State Pension Obligation
18 Acceleration Bonds shall be in such form, either coupon,
19 registered, or book entry, in such denominations, shall bear
20 interest payable at such times and at such fixed or variable
21 rate or rates, and be dated as shall be fixed and determined by
22 the Director of the Governor's Office of Management and Budget
23 in the order authorizing the issuance and sale of any series of
24 State Pension Obligation Acceleration Bonds, which order shall
25 be approved by the Governor and is herein called a "Bond Sale
26 Order"; provided, however, that interest payable at fixed or

1 variable rates shall not exceed that permitted in the Bond
2 Authorization Act. State Pension Obligation Acceleration Bonds
3 shall be payable at such place or places, within or without the
4 State of Illinois, and may be made registrable as to either
5 principal or as to both principal and interest, as shall be
6 specified in the Bond Sale Order. State Pension Obligation
7 Acceleration Bonds may be callable or subject to purchase and
8 retirement or tender and remarketing as fixed and determined in
9 the Bond Sale Order.

10 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section
11 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.
12 7-6-17; revised 8-8-17.)

13 (30 ILCS 330/11) (from Ch. 127, par. 661)

14 Sec. 11. Sale of Bonds. Except as otherwise provided in
15 this Section, Bonds shall be sold from time to time pursuant to
16 notice of sale and public bid or by negotiated sale in such
17 amounts and at such times as is directed by the Governor, upon
18 recommendation by the Director of the Governor's Office of
19 Management and Budget. At least 25%, based on total principal
20 amount, of all Bonds issued each fiscal year shall be sold
21 pursuant to notice of sale and public bid. At all times during
22 each fiscal year, no more than 75%, based on total principal
23 amount, of the Bonds issued each fiscal year, shall have been
24 sold by negotiated sale. Failure to satisfy the requirements in
25 the preceding 2 sentences shall not affect the validity of any

1 previously issued Bonds; provided that all Bonds authorized by
2 Public Act 96-43 and Public Act 96-1497 shall not be included
3 in determining compliance for any fiscal year with the
4 requirements of the preceding 2 sentences; and further provided
5 that refunding Bonds satisfying the requirements of Section 16
6 of this Act and sold during fiscal year 2009, 2010, 2011, 2017,
7 or 2018 shall not be subject to the requirements in the
8 preceding 2 sentences.

9 If any Bonds, including refunding Bonds, are to be sold by
10 negotiated sale, the Director of the Governor's Office of
11 Management and Budget shall comply with the competitive request
12 for proposal process set forth in the Illinois Procurement Code
13 and all other applicable requirements of that Code.

14 If Bonds are to be sold pursuant to notice of sale and
15 public bid, the Director of the Governor's Office of Management
16 and Budget may, from time to time, as Bonds are to be sold,
17 advertise the sale of the Bonds in at least 2 daily newspapers,
18 one of which is published in the City of Springfield and one in
19 the City of Chicago. The sale of the Bonds shall also be
20 advertised in the volume of the Illinois Procurement Bulletin
21 that is published by the Department of Central Management
22 Services, and shall be published once at least 10 days prior to
23 the date fixed for the opening of the bids. The Director of the
24 Governor's Office of Management and Budget may reschedule the
25 date of sale upon the giving of such additional notice as the
26 Director deems adequate to inform prospective bidders of such

1 change; provided, however, that all other conditions of the
2 sale shall continue as originally advertised.

3 Executed Bonds shall, upon payment therefor, be delivered
4 to the purchaser, and the proceeds of Bonds shall be paid into
5 the State Treasury as directed by Section 12 of this Act.

6 All Income Tax Proceed Bonds shall comply with this
7 Section. Notwithstanding anything to the contrary, however,
8 for purposes of complying with this Section, Income Tax Proceed
9 Bonds, regardless of the number of series or issuances sold
10 thereunder, shall be considered a single issue or series.
11 Furthermore, for purposes of complying with the competitive
12 bidding requirements of this Section, the words "at all times"
13 shall not apply to any such sale of the Income Tax Proceed
14 Bonds. The Director of the Governor's Office of Management and
15 Budget shall determine the time and manner of any competitive
16 sale of the Income Tax Proceed Bonds; however, that sale shall
17 under no circumstances take place later than 60 days after the
18 State closes the sale of 75% of the Income Tax Proceed Bonds by
19 negotiated sale.

20 All State Pension Obligation Acceleration Bonds shall
21 comply with this Section. Notwithstanding anything to the
22 contrary, however, for purposes of complying with this Section,
23 State Pension Obligation Acceleration Bonds, regardless of the
24 number of series or issuances sold thereunder, shall be
25 considered a single issue or series. Furthermore, for purposes
26 of complying with the competitive bidding requirements of this

1 Section, the words "at all times" shall not apply to any such
2 sale of the State Pension Obligation Acceleration Bonds. The
3 Director of the Governor's Office of Management and Budget
4 shall determine the time and manner of any competitive sale of
5 the State Pension Obligation Acceleration Bonds; however, that
6 sale shall under no circumstances take place later than 60 days
7 after the State closes the sale of 75% of the State Pension
8 Obligation Acceleration Bonds by negotiated sale.

9 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section
10 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.
11 7-6-17; revised 8-15-17.)

12 (30 ILCS 330/12) (from Ch. 127, par. 662)

13 Sec. 12. Allocation of proceeds from sale of Bonds.

14 (a) Proceeds from the sale of Bonds, authorized by Section
15 3 of this Act, shall be deposited in the separate fund known as
16 the Capital Development Fund.

17 (b) Proceeds from the sale of Bonds, authorized by
18 paragraph (a) of Section 4 of this Act, shall be deposited in
19 the separate fund known as the Transportation Bond, Series A
20 Fund.

21 (c) Proceeds from the sale of Bonds, authorized by
22 paragraphs (b) and (c) of Section 4 of this Act, shall be
23 deposited in the separate fund known as the Transportation
24 Bond, Series B Fund.

25 (c-1) Proceeds from the sale of Bonds, authorized by

1 paragraph (d) of Section 4 of this Act, shall be deposited into
2 the Transportation Bond Series D Fund, which is hereby created.

3 (d) Proceeds from the sale of Bonds, authorized by Section
4 5 of this Act, shall be deposited in the separate fund known as
5 the School Construction Fund.

6 (e) Proceeds from the sale of Bonds, authorized by Section
7 6 of this Act, shall be deposited in the separate fund known as
8 the Anti-Pollution Fund.

9 (f) Proceeds from the sale of Bonds, authorized by Section
10 7 of this Act, shall be deposited in the separate fund known as
11 the Coal Development Fund.

12 (f-2) Proceeds from the sale of Bonds, authorized by
13 Section 7.2 of this Act, shall be deposited as set forth in
14 Section 7.2.

15 (f-5) Proceeds from the sale of Bonds, authorized by
16 Section 7.5 of this Act, shall be deposited as set forth in
17 Section 7.5.

18 (f-7) Proceeds from the sale of Bonds, authorized by
19 Section 7.6 of this Act, shall be deposited as set forth in
20 Section 7.6.

21 (f-8) Proceeds from the sale of Bonds, authorized by
22 Section 7.7 of this Act, shall be deposited as set forth in
23 Section 7.7.

24 (g) Proceeds from the sale of Bonds, authorized by Section
25 8 of this Act, shall be deposited in the Capital Development
26 Fund.

1 (h) Subsequent to the issuance of any Bonds for the
2 purposes described in Sections 2 through 8 of this Act, the
3 Governor and the Director of the Governor's Office of
4 Management and Budget may provide for the reallocation of
5 unspent proceeds of such Bonds to any other purposes authorized
6 under said Sections of this Act, subject to the limitations on
7 aggregate principal amounts contained therein. Upon any such
8 reallocation, such unspent proceeds shall be transferred to the
9 appropriate funds as determined by reference to paragraphs (a)
10 through (g) of this Section.

11 (Source: P.A. 100-23, eff. 7-6-17.)

12 (30 ILCS 330/13) (from Ch. 127, par. 663)

13 Sec. 13. Appropriation of proceeds from sale of Bonds.

14 (a) At all times, the proceeds from the sale of Bonds
15 issued pursuant to this Act are subject to appropriation by the
16 General Assembly and, except as provided in Sections 7.2, ~~and~~
17 7.6, and 7.7, may be obligated or expended only with the
18 written approval of the Governor, in such amounts, at such
19 times, and for such purposes as the respective State agencies,
20 as defined in Section 1-7 of the Illinois State Auditing Act,
21 as amended, deem necessary or desirable for the specific
22 purposes contemplated in Sections 2 through 8 of this Act.
23 Notwithstanding any other provision of this Act, proceeds from
24 the sale of Bonds issued pursuant to this Act appropriated by
25 the General Assembly to the Architect of the Capitol may be

1 obligated or expended by the Architect of the Capitol without
2 the written approval of the Governor.

3 (b) Proceeds from the sale of Bonds for the purpose of
4 development of coal and alternative forms of energy shall be
5 expended in such amounts and at such times as the Department of
6 Commerce and Economic Opportunity, with the advice and
7 recommendation of the Illinois Coal Development Board for coal
8 development projects, may deem necessary and desirable for the
9 specific purpose contemplated by Section 7 of this Act. In
10 considering the approval of projects to be funded, the
11 Department of Commerce and Economic Opportunity shall give
12 special consideration to projects designed to remove sulfur and
13 other pollutants in the preparation and utilization of coal,
14 and in the use and operation of electric utility generating
15 plants and industrial facilities which utilize Illinois coal as
16 their primary source of fuel.

17 (c) Except as directed in subsection (c-1) or (c-2), any
18 monies received by any officer or employee of the state
19 representing a reimbursement of expenditures previously paid
20 from general obligation bond proceeds shall be deposited into
21 the General Obligation Bond Retirement and Interest Fund
22 authorized in Section 14 of this Act.

23 (c-1) Any money received by the Department of
24 Transportation as reimbursement for expenditures for high
25 speed rail purposes pursuant to appropriations from the
26 Transportation Bond, Series B Fund for (i) CREATE (Chicago

1 Region Environmental and Transportation Efficiency), (ii) High
2 Speed Rail, or (iii) AMTRAK projects authorized by the federal
3 government under the provisions of the American Recovery and
4 Reinvestment Act of 2009 or the Safe Accountable Flexible
5 Efficient Transportation Equity Act-A Legacy for Users
6 (SAFETEA-LU), or any successor federal transportation
7 authorization Act, shall be deposited into the Federal High
8 Speed Rail Trust Fund.

9 (c-2) Any money received by the Department of
10 Transportation as reimbursement for expenditures for transit
11 capital purposes pursuant to appropriations from the
12 Transportation Bond, Series B Fund for projects authorized by
13 the federal government under the provisions of the American
14 Recovery and Reinvestment Act of 2009 or the Safe Accountable
15 Flexible Efficient Transportation Equity Act-A Legacy for
16 Users (SAFETEA-LU), or any successor federal transportation
17 authorization Act, shall be deposited into the Federal Mass
18 Transit Trust Fund.

19 (Source: P.A. 100-23, eff. 7-6-17.)

20 Section 110-20. The Illinois Pension Code is amended by
21 adding Sections 14-103.41, 14-147.5, 14-147.6, 15-185.5,
22 15-185.6, 16-106.41, 16-158, 16-190.5, and 16-190.6 and
23 amending Sections 14-135.08, 14-152.1, 15-155, 15-165, 15-198,
24 and 16-203 as follows:

1 (40 ILCS 5/14-103.41 new)

2 Sec. 14-103.41. Tier 1 member. "Tier 1 member": A member of
3 this System who first became a member or participant before
4 January 1, 2011 under any reciprocal retirement system or
5 pension fund established under this Code other than a
6 retirement system or pension fund established under Article 2,
7 3, 4, 5, 6, or 18 of this Code.

8 (40 ILCS 5/14-135.08) (from Ch. 108 1/2, par. 14-135.08)

9 Sec. 14-135.08. To certify required State contributions.

10 (a) To certify to the Governor and to each department, on
11 or before November 15 of each year until November 15, 2011, the
12 required rate for State contributions to the System for the
13 next State fiscal year, as determined under subsection (b) of
14 Section 14-131. The certification to the Governor under this
15 subsection (a) shall include a copy of the actuarial
16 recommendations upon which the rate is based and shall
17 specifically identify the System's projected State normal cost
18 for that fiscal year.

19 (a-5) On or before November 1 of each year, beginning
20 November 1, 2012, the Board shall submit to the State Actuary,
21 the Governor, and the General Assembly a proposed certification
22 of the amount of the required State contribution to the System
23 for the next fiscal year, along with all of the actuarial
24 assumptions, calculations, and data upon which that proposed
25 certification is based. On or before January 1 of each year

1 beginning January 1, 2013, the State Actuary shall issue a
2 preliminary report concerning the proposed certification and
3 identifying, if necessary, recommended changes in actuarial
4 assumptions that the Board must consider before finalizing its
5 certification of the required State contributions. On or before
6 January 15, 2013 and each January 15 thereafter, the Board
7 shall certify to the Governor and the General Assembly the
8 amount of the required State contribution for the next fiscal
9 year. The Board's certification must note any deviations from
10 the State Actuary's recommended changes, the reason or reasons
11 for not following the State Actuary's recommended changes, and
12 the fiscal impact of not following the State Actuary's
13 recommended changes on the required State contribution.

14 (b) The certifications under subsections (a) and (a-5)
15 shall include an additional amount necessary to pay all
16 principal of and interest on those general obligation bonds due
17 the next fiscal year authorized by Section 7.2(a) of the
18 General Obligation Bond Act and issued to provide the proceeds
19 deposited by the State with the System in July 2003,
20 representing deposits other than amounts reserved under
21 Section 7.2(c) of the General Obligation Bond Act. For State
22 fiscal year 2005, the Board shall make a supplemental
23 certification of the additional amount necessary to pay all
24 principal of and interest on those general obligation bonds due
25 in State fiscal years 2004 and 2005 authorized by Section
26 7.2(a) of the General Obligation Bond Act and issued to provide

1 the proceeds deposited by the State with the System in July
2 2003, representing deposits other than amounts reserved under
3 Section 7.2(c) of the General Obligation Bond Act, as soon as
4 practical after the effective date of this amendatory Act of
5 the 93rd General Assembly.

6 On or before May 1, 2004, the Board shall recalculate and
7 recertify to the Governor and to each department the amount of
8 the required State contribution to the System and the required
9 rates for State contributions to the System for State fiscal
10 year 2005, taking into account the amounts appropriated to and
11 received by the System under subsection (d) of Section 7.2 of
12 the General Obligation Bond Act.

13 On or before July 1, 2005, the Board shall recalculate and
14 recertify to the Governor and to each department the amount of
15 the required State contribution to the System and the required
16 rates for State contributions to the System for State fiscal
17 year 2006, taking into account the changes in required State
18 contributions made by this amendatory Act of the 94th General
19 Assembly.

20 On or before April 1, 2011, the Board shall recalculate and
21 recertify to the Governor and to each department the amount of
22 the required State contribution to the System for State fiscal
23 year 2011, applying the changes made by Public Act 96-889 to
24 the System's assets and liabilities as of June 30, 2009 as
25 though Public Act 96-889 was approved on that date.

26 By November 1, 2017, the Board shall recalculate and

1 recertify to the State Actuary, the Governor, and the General
2 Assembly the amount of the State contribution to the System for
3 State fiscal year 2018, taking into account the changes in
4 required State contributions made by this amendatory Act of the
5 100th General Assembly. The State Actuary shall review the
6 assumptions and valuations underlying the Board's revised
7 certification and issue a preliminary report concerning the
8 proposed recertification and identifying, if necessary,
9 recommended changes in actuarial assumptions that the Board
10 must consider before finalizing its certification of the
11 required State contributions. The Board's final certification
12 must note any deviations from the State Actuary's recommended
13 changes, the reason or reasons for not following the State
14 Actuary's recommended changes, and the fiscal impact of not
15 following the State Actuary's recommended changes on the
16 required State contribution.

17 On or after June 15, 2019, but no later than June 30, 2019,
18 the Board shall recalculate and recertify to the Governor and
19 the General Assembly the amount of the State contribution to
20 the System for State fiscal year 2019, taking into account the
21 changes in required State contributions made by this amendatory
22 Act of the 100th General Assembly. The recalculation shall be
23 made using assumptions adopted by the Board for the original
24 fiscal year 2019 certification. The monthly voucher for the
25 12th month of fiscal year 2019 shall be paid by the Comptroller
26 after the recertification required pursuant to this paragraph

1 is submitted to the Governor, Comptroller, and General
2 Assembly. The recertification submitted to the General
3 Assembly shall be filed with the Clerk of the House of
4 Representatives and the Secretary of the Senate in electronic
5 form only, in the manner that the Clerk and the Secretary shall
6 direct.

7 (Source: P.A. 100-23, eff. 7-6-17.)

8 (40 ILCS 5/14-147.5 new)

9 Sec. 14-147.5. Accelerated pension benefit payment in lieu
10 of any pension benefit.

11 (a) As used in this Section:

12 "Eligible person" means a person who:

13 (1) has terminated service;

14 (2) has accrued sufficient service credit to be
15 eligible to receive a retirement annuity under this
16 Article;

17 (3) has not received any retirement annuity under this
18 Article; and

19 (4) has not made the election under Section 14-147.6.

20 "Pension benefit" means the benefits under this Article, or
21 Article 1 as it relates to those benefits, including any
22 anticipated annual increases, that an eligible person is
23 entitled to upon attainment of the applicable retirement age.
24 "Pension benefit" also includes applicable survivor's or
25 disability benefits.

1 (b) As soon as practical after the effective date of this
2 amendatory Act of the 100th General Assembly, the System shall
3 calculate, using actuarial tables and other assumptions
4 adopted by the Board, the present value of pension benefits for
5 each eligible person who requests that information and shall
6 offer each eligible person the opportunity to irrevocably elect
7 to receive an amount determined by the System to be equal to
8 60% of the present value of his or her pension benefits in lieu
9 of receiving any pension benefit. The offer shall specify the
10 dollar amount that the eligible person will receive if he or
11 she so elects and shall expire when a subsequent offer is made
12 to an eligible person. An eligible person is limited to one
13 calculation and offer per calendar year. The System shall make
14 a good faith effort to contact every eligible person to notify
15 him or her of the election.

16 Until June 30, 2021, an eligible person may irrevocably
17 elect to receive an accelerated pension benefit payment in the
18 amount that the System offers under this subsection in lieu of
19 receiving any pension benefit. A person who elects to receive
20 an accelerated pension benefit payment under this Section may
21 not elect to proceed under the Retirement Systems Reciprocal
22 Act with respect to service under this Article.

23 (c) A person's creditable service under this Article shall
24 be terminated upon the person's receipt of an accelerated
25 pension benefit payment under this Section, and no other
26 benefit shall be paid under this Article based on the

1 terminated creditable service, including any retirement,
2 survivor, or other benefit; except that to the extent that
3 participation, benefits, or premiums under the State Employees
4 Group Insurance Act of 1971 are based on the amount of service
5 credit, the terminated service credit shall be used for that
6 purpose.

7 (d) If a person who has received an accelerated pension
8 benefit payment under this Section returns to active service
9 under this Article, then:

10 (1) Any benefits under the System earned as a result of
11 that return to active service shall be based solely on the
12 person's creditable service arising from the return to
13 active service.

14 (2) The accelerated pension benefit payment may not be
15 repaid to the System, and the terminated creditable service
16 may not under any circumstances be reinstated.

17 (e) As a condition of receiving an accelerated pension
18 benefit payment, the accelerated pension benefit payment must
19 be transferred into a tax qualified retirement plan or account.
20 The accelerated pension benefit payment under this Section may
21 be subject to withholding or payment of applicable taxes, but
22 to the extent permitted by federal law, a person who receives
23 an accelerated pension benefit payment under this Section must
24 direct the System to pay all of that payment as a rollover into
25 another retirement plan or account qualified under the Internal
26 Revenue Code of 1986, as amended.

1 (f) Upon receipt of a member's irrevocable election to
2 receive an accelerated pension benefit payment under this
3 Section, the System shall submit a voucher to the Comptroller
4 for payment of the member's accelerated pension benefit
5 payment. The Comptroller shall transfer the amount of the
6 voucher from the State Pension Obligation Acceleration Bond
7 Fund to the System, and the System shall transfer the amount
8 into the member's eligible retirement plan or qualified
9 account.

10 (g) The Board shall adopt any rules, including emergency
11 rules, necessary to implement this Section.

12 (h) No provision of this Section shall be interpreted in a
13 way that would cause the applicable System to cease to be a
14 qualified plan under the Internal Revenue Code of 1986.

15 (40 ILCS 5/14-147.6 new)

16 Sec. 14-147.6. Accelerated pension benefit payment for a
17 reduction in annual retirement annuity and survivor's annuity
18 increases.

19 (a) As used in this Section:

20 "Accelerated pension benefit payment" means a lump sum
21 payment equal to 70% of the difference of the present value of
22 the automatic annual increases to a Tier 1 member's retirement
23 annuity and survivor's annuity using the formula applicable to
24 the Tier 1 member and the present value of the automatic annual
25 increases to the Tier 1 member's retirement annuity using the

1 formula provided under subsection (b-5) and survivor's annuity
2 using the formula provided under subsection (b-6).

3 "Eligible person" means a person who:

4 (1) is a Tier 1 member;

5 (2) has submitted an application for a retirement
6 annuity under this Article;

7 (3) meets the age and service requirements for
8 receiving a retirement annuity under this Article;

9 (4) has not received any retirement annuity under this
10 Article; and

11 (5) has not made the election under Section 14-147.5.

12 (b) As soon as practical after the effective date of this
13 amendatory Act of the 100th General Assembly and until June 30,
14 2021, the System shall implement an accelerated pension benefit
15 payment option for eligible persons. Upon the request of an
16 eligible person, the System shall calculate, using actuarial
17 tables and other assumptions adopted by the Board, an
18 accelerated pension benefit payment amount and shall offer that
19 eligible person the opportunity to irrevocably elect to have
20 his or her automatic annual increases in retirement annuity
21 calculated in accordance with the formula provided under
22 subsection (b-5) and any increases in survivor's annuity
23 payable to his or her survivor's annuity beneficiary calculated
24 in accordance with the formula provided under subsection (b-6)
25 in exchange for the accelerated pension benefit payment. The
26 election under this subsection must be made before the eligible

1 person receives the first payment of a retirement annuity
2 otherwise payable under this Article.

3 (b-5) Notwithstanding any other provision of law, the
4 retirement annuity of a person who made the election under
5 subsection (b) shall be subject to annual increases on the
6 January 1 occurring either on or after the attainment of age 67
7 or the first anniversary of the annuity start date, whichever
8 is later. Each annual increase shall be calculated at 1.5% of
9 the originally granted retirement annuity.

10 (b-6) Notwithstanding any other provision of law, a
11 survivor's annuity payable to a survivor's annuity beneficiary
12 of a person who made the election under subsection (b) shall be
13 subject to annual increases on the January 1 occurring on or
14 after the first anniversary of the commencement of the annuity.
15 Each annual increase shall be calculated at 1.5% of the
16 originally granted survivor's annuity.

17 (c) If a person who has received an accelerated pension
18 benefit payment returns to active service under this Article,
19 then:

20 (1) the calculation of any future automatic annual
21 increase in retirement annuity shall be calculated in
22 accordance with the formula provided under subsection
23 (b-5); and

24 (2) the accelerated pension benefit payment may not be
25 repaid to the System.

26 (d) As a condition of receiving an accelerated pension

1 benefit payment, the accelerated pension benefit payment must
2 be transferred into a tax qualified retirement plan or account.
3 The accelerated pension benefit payment under this Section may
4 be subject to withholding or payment of applicable taxes, but
5 to the extent permitted by federal law, a person who receives
6 an accelerated pension benefit payment under this Section must
7 direct the System to pay all of that payment as a rollover into
8 another retirement plan or account qualified under the Internal
9 Revenue Code of 1986, as amended.

10 (d-5) Upon receipt of a member's irrevocable election to
11 receive an accelerated pension benefit payment under this
12 Section, the System shall submit a voucher to the Comptroller
13 for payment of the member's accelerated pension benefit
14 payment. The Comptroller shall transfer the amount of the
15 voucher to the System, and the System shall transfer the amount
16 into a member's eligible retirement plan or qualified account.

17 (e) The Board shall adopt any rules, including emergency
18 rules, necessary to implement this Section.

19 (f) No provision of this Section shall be interpreted in a
20 way that would cause the applicable System to cease to be a
21 qualified plan under the Internal Revenue Code of 1986.

22 (40 ILCS 5/14-152.1)

23 Sec. 14-152.1. Application and expiration of new benefit
24 increases.

25 (a) As used in this Section, "new benefit increase" means

1 an increase in the amount of any benefit provided under this
2 Article, or an expansion of the conditions of eligibility for
3 any benefit under this Article, that results from an amendment
4 to this Code that takes effect after June 1, 2005 (the
5 effective date of Public Act 94-4). "New benefit increase",
6 however, does not include any benefit increase resulting from
7 the changes made to Article 1 or this Article by Public Act
8 96-37, Public Act 100-23, or this amendatory Act of the 100th
9 General Assembly ~~or by this amendatory Act of the 100th General~~
10 ~~Assembly.~~

11 (b) Notwithstanding any other provision of this Code or any
12 subsequent amendment to this Code, every new benefit increase
13 is subject to this Section and shall be deemed to be granted
14 only in conformance with and contingent upon compliance with
15 the provisions of this Section.

16 (c) The Public Act enacting a new benefit increase must
17 identify and provide for payment to the System of additional
18 funding at least sufficient to fund the resulting annual
19 increase in cost to the System as it accrues.

20 Every new benefit increase is contingent upon the General
21 Assembly providing the additional funding required under this
22 subsection. The Commission on Government Forecasting and
23 Accountability shall analyze whether adequate additional
24 funding has been provided for the new benefit increase and
25 shall report its analysis to the Public Pension Division of the
26 Department of Insurance. A new benefit increase created by a

1 Public Act that does not include the additional funding
2 required under this subsection is null and void. If the Public
3 Pension Division determines that the additional funding
4 provided for a new benefit increase under this subsection is or
5 has become inadequate, it may so certify to the Governor and
6 the State Comptroller and, in the absence of corrective action
7 by the General Assembly, the new benefit increase shall expire
8 at the end of the fiscal year in which the certification is
9 made.

10 (d) Every new benefit increase shall expire 5 years after
11 its effective date or on such earlier date as may be specified
12 in the language enacting the new benefit increase or provided
13 under subsection (c). This does not prevent the General
14 Assembly from extending or re-creating a new benefit increase
15 by law.

16 (e) Except as otherwise provided in the language creating
17 the new benefit increase, a new benefit increase that expires
18 under this Section continues to apply to persons who applied
19 and qualified for the affected benefit while the new benefit
20 increase was in effect and to the affected beneficiaries and
21 alternate payees of such persons, but does not apply to any
22 other person, including without limitation a person who
23 continues in service after the expiration date and did not
24 apply and qualify for the affected benefit while the new
25 benefit increase was in effect.

26 (Source: P.A. 100-23, eff. 7-6-17.)

1 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

2 Sec. 15-155. Employer contributions.

3 (a) The State of Illinois shall make contributions by
4 appropriations of amounts which, together with the other
5 employer contributions from trust, federal, and other funds,
6 employee contributions, income from investments, and other
7 income of this System, will be sufficient to meet the cost of
8 maintaining and administering the System on a 90% funded basis
9 in accordance with actuarial recommendations.

10 The Board shall determine the amount of State contributions
11 required for each fiscal year on the basis of the actuarial
12 tables and other assumptions adopted by the Board and the
13 recommendations of the actuary, using the formula in subsection
14 (a-1).

15 (a-1) For State fiscal years 2012 through 2045, the minimum
16 contribution to the System to be made by the State for each
17 fiscal year shall be an amount determined by the System to be
18 sufficient to bring the total assets of the System up to 90% of
19 the total actuarial liabilities of the System by the end of
20 State fiscal year 2045. In making these determinations, the
21 required State contribution shall be calculated each year as a
22 level percentage of payroll over the years remaining to and
23 including fiscal year 2045 and shall be determined under the
24 projected unit credit actuarial cost method.

25 For each of State fiscal years 2018, 2019, and 2020, the

1 State shall make an additional contribution to the System equal
2 to 2% of the total payroll of each employee who is deemed to
3 have elected the benefits under Section 1-161 or who has made
4 the election under subsection (c) of Section 1-161.

5 A change in an actuarial or investment assumption that
6 increases or decreases the required State contribution and
7 first applies in State fiscal year 2018 or thereafter shall be
8 implemented in equal annual amounts over a 5-year period
9 beginning in the State fiscal year in which the actuarial
10 change first applies to the required State contribution.

11 A change in an actuarial or investment assumption that
12 increases or decreases the required State contribution and
13 first applied to the State contribution in fiscal year 2014,
14 2015, 2016, or 2017 shall be implemented:

15 (i) as already applied in State fiscal years before
16 2018; and

17 (ii) in the portion of the 5-year period beginning in
18 the State fiscal year in which the actuarial change first
19 applied that occurs in State fiscal year 2018 or
20 thereafter, by calculating the change in equal annual
21 amounts over that 5-year period and then implementing it at
22 the resulting annual rate in each of the remaining fiscal
23 years in that 5-year period.

24 For State fiscal years 1996 through 2005, the State
25 contribution to the System, as a percentage of the applicable
26 employee payroll, shall be increased in equal annual increments

1 so that by State fiscal year 2011, the State is contributing at
2 the rate required under this Section.

3 Notwithstanding any other provision of this Article, the
4 total required State contribution for State fiscal year 2006 is
5 \$166,641,900.

6 Notwithstanding any other provision of this Article, the
7 total required State contribution for State fiscal year 2007 is
8 \$252,064,100.

9 For each of State fiscal years 2008 through 2009, the State
10 contribution to the System, as a percentage of the applicable
11 employee payroll, shall be increased in equal annual increments
12 from the required State contribution for State fiscal year
13 2007, so that by State fiscal year 2011, the State is
14 contributing at the rate otherwise required under this Section.

15 Notwithstanding any other provision of this Article, the
16 total required State contribution for State fiscal year 2010 is
17 \$702,514,000 and shall be made from the State Pensions Fund and
18 proceeds of bonds sold in fiscal year 2010 pursuant to Section
19 7.2 of the General Obligation Bond Act, less (i) the pro rata
20 share of bond sale expenses determined by the System's share of
21 total bond proceeds, (ii) any amounts received from the General
22 Revenue Fund in fiscal year 2010, (iii) any reduction in bond
23 proceeds due to the issuance of discounted bonds, if
24 applicable.

25 Notwithstanding any other provision of this Article, the
26 total required State contribution for State fiscal year 2011 is

1 the amount recertified by the System on or before April 1, 2011
2 pursuant to Section 15-165 and shall be made from the State
3 Pensions Fund and proceeds of bonds sold in fiscal year 2011
4 pursuant to Section 7.2 of the General Obligation Bond Act,
5 less (i) the pro rata share of bond sale expenses determined by
6 the System's share of total bond proceeds, (ii) any amounts
7 received from the General Revenue Fund in fiscal year 2011, and
8 (iii) any reduction in bond proceeds due to the issuance of
9 discounted bonds, if applicable.

10 Beginning in State fiscal year 2046, the minimum State
11 contribution for each fiscal year shall be the amount needed to
12 maintain the total assets of the System at 90% of the total
13 actuarial liabilities of the System.

14 Amounts received by the System pursuant to Section 25 of
15 the Budget Stabilization Act or Section 8.12 of the State
16 Finance Act in any fiscal year do not reduce and do not
17 constitute payment of any portion of the minimum State
18 contribution required under this Article in that fiscal year.
19 Such amounts shall not reduce, and shall not be included in the
20 calculation of, the required State contributions under this
21 Article in any future year until the System has reached a
22 funding ratio of at least 90%. A reference in this Article to
23 the "required State contribution" or any substantially similar
24 term does not include or apply to any amounts payable to the
25 System under Section 25 of the Budget Stabilization Act.

26 Notwithstanding any other provision of this Section, the

1 required State contribution for State fiscal year 2005 and for
2 fiscal year 2008 and each fiscal year thereafter, as calculated
3 under this Section and certified under Section 15-165, shall
4 not exceed an amount equal to (i) the amount of the required
5 State contribution that would have been calculated under this
6 Section for that fiscal year if the System had not received any
7 payments under subsection (d) of Section 7.2 of the General
8 Obligation Bond Act, minus (ii) the portion of the State's
9 total debt service payments for that fiscal year on the bonds
10 issued in fiscal year 2003 for the purposes of that Section
11 7.2, as determined and certified by the Comptroller, that is
12 the same as the System's portion of the total moneys
13 distributed under subsection (d) of Section 7.2 of the General
14 Obligation Bond Act. In determining this maximum for State
15 fiscal years 2008 through 2010, however, the amount referred to
16 in item (i) shall be increased, as a percentage of the
17 applicable employee payroll, in equal increments calculated
18 from the sum of the required State contribution for State
19 fiscal year 2007 plus the applicable portion of the State's
20 total debt service payments for fiscal year 2007 on the bonds
21 issued in fiscal year 2003 for the purposes of Section 7.2 of
22 the General Obligation Bond Act, so that, by State fiscal year
23 2011, the State is contributing at the rate otherwise required
24 under this Section.

25 (a-2) Beginning in fiscal year 2018, each employer under
26 this Article shall pay to the System a required contribution

1 determined as a percentage of projected payroll and sufficient
2 to produce an annual amount equal to:

3 (i) for each of fiscal years 2018, 2019, and 2020, the
4 defined benefit normal cost of the defined benefit plan,
5 less the employee contribution, for each employee of that
6 employer who has elected or who is deemed to have elected
7 the benefits under Section 1-161 or who has made the
8 election under subsection (c) of Section 1-161; for fiscal
9 year 2021 and each fiscal year thereafter, the defined
10 benefit normal cost of the defined benefit plan, less the
11 employee contribution, plus 2%, for each employee of that
12 employer who has elected or who is deemed to have elected
13 the benefits under Section 1-161 or who has made the
14 election under subsection (c) of Section 1-161; plus

15 (ii) the amount required for that fiscal year to
16 amortize any unfunded actuarial accrued liability
17 associated with the present value of liabilities
18 attributable to the employer's account under Section
19 15-155.2, determined as a level percentage of payroll over
20 a 30-year rolling amortization period.

21 In determining contributions required under item (i) of
22 this subsection, the System shall determine an aggregate rate
23 for all employers, expressed as a percentage of projected
24 payroll.

25 In determining the contributions required under item (ii)
26 of this subsection, the amount shall be computed by the System

1 on the basis of the actuarial assumptions and tables used in
2 the most recent actuarial valuation of the System that is
3 available at the time of the computation.

4 The contributions required under this subsection (a-2)
5 shall be paid by an employer concurrently with that employer's
6 payroll payment period. The State, as the actual employer of an
7 employee, shall make the required contributions under this
8 subsection.

9 As used in this subsection, "academic year" means the
10 12-month period beginning September 1.

11 (b) If an employee is paid from trust or federal funds, the
12 employer shall pay to the Board contributions from those funds
13 which are sufficient to cover the accruing normal costs on
14 behalf of the employee. However, universities having employees
15 who are compensated out of local auxiliary funds, income funds,
16 or service enterprise funds are not required to pay such
17 contributions on behalf of those employees. The local auxiliary
18 funds, income funds, and service enterprise funds of
19 universities shall not be considered trust funds for the
20 purpose of this Article, but funds of alumni associations,
21 foundations, and athletic associations which are affiliated
22 with the universities included as employers under this Article
23 and other employers which do not receive State appropriations
24 are considered to be trust funds for the purpose of this
25 Article.

26 (b-1) The City of Urbana and the City of Champaign shall

1 each make employer contributions to this System for their
2 respective firefighter employees who participate in this
3 System pursuant to subsection (h) of Section 15-107. The rate
4 of contributions to be made by those municipalities shall be
5 determined annually by the Board on the basis of the actuarial
6 assumptions adopted by the Board and the recommendations of the
7 actuary, and shall be expressed as a percentage of salary for
8 each such employee. The Board shall certify the rate to the
9 affected municipalities as soon as may be practical. The
10 employer contributions required under this subsection shall be
11 remitted by the municipality to the System at the same time and
12 in the same manner as employee contributions.

13 (c) Through State fiscal year 1995: The total employer
14 contribution shall be apportioned among the various funds of
15 the State and other employers, whether trust, federal, or other
16 funds, in accordance with actuarial procedures approved by the
17 Board. State of Illinois contributions for employers receiving
18 State appropriations for personal services shall be payable
19 from appropriations made to the employers or to the System. The
20 contributions for Class I community colleges covering earnings
21 other than those paid from trust and federal funds, shall be
22 payable solely from appropriations to the Illinois Community
23 College Board or the System for employer contributions.

24 (d) Beginning in State fiscal year 1996, the required State
25 contributions to the System shall be appropriated directly to
26 the System and shall be payable through vouchers issued in

1 accordance with subsection (c) of Section 15-165, except as
2 provided in subsection (g).

3 (e) The State Comptroller shall draw warrants payable to
4 the System upon proper certification by the System or by the
5 employer in accordance with the appropriation laws and this
6 Code.

7 (f) Normal costs under this Section means liability for
8 pensions and other benefits which accrues to the System because
9 of the credits earned for service rendered by the participants
10 during the fiscal year and expenses of administering the
11 System, but shall not include the principal of or any
12 redemption premium or interest on any bonds issued by the Board
13 or any expenses incurred or deposits required in connection
14 therewith.

15 (g) For academic years beginning on or after June 1, 2005
16 and before July 1, 2018 and for earnings paid to a participant
17 under a contract or collective bargaining agreement entered
18 into, amended, or renewed before the effective date of this
19 amendatory Act of the 100th General Assembly, if ~~if~~ the amount
20 of a participant's earnings for any academic year used to
21 determine the final rate of earnings, determined on a full-time
22 equivalent basis, exceeds the amount of his or her earnings
23 with the same employer for the previous academic year,
24 determined on a full-time equivalent basis, by more than 6%,
25 the participant's employer shall pay to the System, in addition
26 to all other payments required under this Section and in

1 accordance with guidelines established by the System, the
2 present value of the increase in benefits resulting from the
3 portion of the increase in earnings that is in excess of 6%.
4 This present value shall be computed by the System on the basis
5 of the actuarial assumptions and tables used in the most recent
6 actuarial valuation of the System that is available at the time
7 of the computation. The System may require the employer to
8 provide any pertinent information or documentation.

9 Whenever it determines that a payment is or may be required
10 under this subsection (g), the System shall calculate the
11 amount of the payment and bill the employer for that amount.
12 The bill shall specify the calculations used to determine the
13 amount due. If the employer disputes the amount of the bill, it
14 may, within 30 days after receipt of the bill, apply to the
15 System in writing for a recalculation. The application must
16 specify in detail the grounds of the dispute and, if the
17 employer asserts that the calculation is subject to subsection
18 (h) or (i) of this Section or that subsection (g-1) applies,
19 must include an affidavit setting forth and attesting to all
20 facts within the employer's knowledge that are pertinent to the
21 applicability of that subsection ~~subsection (h) or (i)~~. Upon
22 receiving a timely application for recalculation, the System
23 shall review the application and, if appropriate, recalculate
24 the amount due.

25 The employer contributions required under this subsection
26 (g) may be paid in the form of a lump sum within 90 days after

1 receipt of the bill. If the employer contributions are not paid
2 within 90 days after receipt of the bill, then interest will be
3 charged at a rate equal to the System's annual actuarially
4 assumed rate of return on investment compounded annually from
5 the 91st day after receipt of the bill. Payments must be
6 concluded within 3 years after the employer's receipt of the
7 bill.

8 When assessing payment for any amount due under this
9 subsection (g), the System shall include earnings, to the
10 extent not established by a participant under Section 15-113.11
11 or 15-113.12, that would have been paid to the participant had
12 the participant not taken (i) periods of voluntary or
13 involuntary furlough occurring on or after July 1, 2015 and on
14 or before June 30, 2017 or (ii) periods of voluntary pay
15 reduction in lieu of furlough occurring on or after July 1,
16 2015 and on or before June 30, 2017. Determining earnings that
17 would have been paid to a participant had the participant not
18 taken periods of voluntary or involuntary furlough or periods
19 of voluntary pay reduction shall be the responsibility of the
20 employer, and shall be reported in a manner prescribed by the
21 System.

22 This subsection (g) does not apply to (1) Tier 2 hybrid
23 plan members and (2) Tier 2 defined benefit members who first
24 participate under this Article on or after the implementation
25 date of the Optional Hybrid Plan.

26 (g-1) For academic years beginning on or after July 1, 2018

1 and for earnings paid to a participant under a contract or
2 collective bargaining agreement entered into, amended, or
3 renewed on or after the effective date of this amendatory Act
4 of the 100th General Assembly, if the amount of a participant's
5 earnings for any academic year used to determine the final rate
6 of earnings, determined on a full-time equivalent basis,
7 exceeds the amount of his or her earnings with the same
8 employer for the previous academic year, determined on a
9 full-time equivalent basis, by more than 3%, then the
10 participant's employer shall pay to the System, in addition to
11 all other payments required under this Section and in
12 accordance with guidelines established by the System, the
13 present value of the increase in benefits resulting from the
14 portion of the increase in earnings that is in excess of 3%.
15 This present value shall be computed by the System on the basis
16 of the actuarial assumptions and tables used in the most recent
17 actuarial valuation of the System that is available at the time
18 of the computation. The System may require the employer to
19 provide any pertinent information or documentation.

20 Whenever it determines that a payment is or may be required
21 under this subsection (g-1), the System shall calculate the
22 amount of the payment and bill the employer for that amount.
23 The bill shall specify the calculations used to determine the
24 amount due. If the employer disputes the amount of the bill, it
25 may, within 30 days after receipt of the bill, apply to the
26 System in writing for a recalculation. The application must

1 specify in detail the grounds of the dispute and, if the
2 employer asserts that subsection (g) of this Section applies,
3 must include an affidavit setting forth and attesting to all
4 facts within the employer's knowledge that are pertinent to the
5 applicability of subsection (g). Upon receiving a timely
6 application for recalculation, the System shall review the
7 application and, if appropriate, recalculate the amount due.

8 The employer contributions required under this subsection
9 (g-1) may be paid in the form of a lump sum within 90 days after
10 receipt of the bill. If the employer contributions are not paid
11 within 90 days after receipt of the bill, then interest shall
12 be charged at a rate equal to the System's annual actuarially
13 assumed rate of return on investment compounded annually from
14 the 91st day after receipt of the bill. Payments must be
15 concluded within 3 years after the employer's receipt of the
16 bill.

17 This subsection (g-1) does not apply to (1) Tier 2 hybrid
18 plan members and (2) Tier 2 defined benefit members who first
19 participate under this Article on or after the implementation
20 date of the Optional Hybrid Plan.

21 (h) This subsection (h) applies only to payments made or
22 salary increases given on or after June 1, 2005 but before July
23 1, 2011. The changes made by Public Act 94-1057 shall not
24 require the System to refund any payments received before July
25 31, 2006 (the effective date of Public Act 94-1057).

26 When assessing payment for any amount due under subsection

1 (g), the System shall exclude earnings increases paid to
2 participants under contracts or collective bargaining
3 agreements entered into, amended, or renewed before June 1,
4 2005.

5 When assessing payment for any amount due under subsection
6 (g), the System shall exclude earnings increases paid to a
7 participant at a time when the participant is 10 or more years
8 from retirement eligibility under Section 15-135.

9 When assessing payment for any amount due under subsection
10 (g), the System shall exclude earnings increases resulting from
11 overload work, including a contract for summer teaching, or
12 overtime when the employer has certified to the System, and the
13 System has approved the certification, that: (i) in the case of
14 overloads (A) the overload work is for the sole purpose of
15 academic instruction in excess of the standard number of
16 instruction hours for a full-time employee occurring during the
17 academic year that the overload is paid and (B) the earnings
18 increases are equal to or less than the rate of pay for
19 academic instruction computed using the participant's current
20 salary rate and work schedule; and (ii) in the case of
21 overtime, the overtime was necessary for the educational
22 mission.

23 When assessing payment for any amount due under subsection
24 (g), the System shall exclude any earnings increase resulting
25 from (i) a promotion for which the employee moves from one
26 classification to a higher classification under the State

1 Universities Civil Service System, (ii) a promotion in academic
2 rank for a tenured or tenure-track faculty position, or (iii) a
3 promotion that the Illinois Community College Board has
4 recommended in accordance with subsection (k) of this Section.
5 These earnings increases shall be excluded only if the
6 promotion is to a position that has existed and been filled by
7 a member for no less than one complete academic year and the
8 earnings increase as a result of the promotion is an increase
9 that results in an amount no greater than the average salary
10 paid for other similar positions.

11 (i) When assessing payment for any amount due under
12 subsection (g), the System shall exclude any salary increase
13 described in subsection (h) of this Section given on or after
14 July 1, 2011 but before July 1, 2014 under a contract or
15 collective bargaining agreement entered into, amended, or
16 renewed on or after June 1, 2005 but before July 1, 2011.
17 Notwithstanding any other provision of this Section, any
18 payments made or salary increases given after June 30, 2014
19 shall be used in assessing payment for any amount due under
20 subsection (g) of this Section.

21 (j) The System shall prepare a report and file copies of
22 the report with the Governor and the General Assembly by
23 January 1, 2007 that contains all of the following information:

24 (1) The number of recalculations required by the
25 changes made to this Section by Public Act 94-1057 for each
26 employer.

1 (2) The dollar amount by which each employer's
2 contribution to the System was changed due to
3 recalculations required by Public Act 94-1057.

4 (3) The total amount the System received from each
5 employer as a result of the changes made to this Section by
6 Public Act 94-4.

7 (4) The increase in the required State contribution
8 resulting from the changes made to this Section by Public
9 Act 94-1057.

10 (j-5) For academic years beginning on or after July 1,
11 2017, if the amount of a participant's earnings for any school
12 year, determined on a full-time equivalent basis, exceeds the
13 amount of the salary set for the Governor, the participant's
14 employer shall pay to the System, in addition to all other
15 payments required under this Section and in accordance with
16 guidelines established by the System, an amount determined by
17 the System to be equal to the employer normal cost, as
18 established by the System and expressed as a total percentage
19 of payroll, multiplied by the amount of earnings in excess of
20 the amount of the salary set for the Governor. This amount
21 shall be computed by the System on the basis of the actuarial
22 assumptions and tables used in the most recent actuarial
23 valuation of the System that is available at the time of the
24 computation. The System may require the employer to provide any
25 pertinent information or documentation.

26 Whenever it determines that a payment is or may be required

1 under this subsection, the System shall calculate the amount of
2 the payment and bill the employer for that amount. The bill
3 shall specify the calculations used to determine the amount
4 due. If the employer disputes the amount of the bill, it may,
5 within 30 days after receipt of the bill, apply to the System
6 in writing for a recalculation. The application must specify in
7 detail the grounds of the dispute. Upon receiving a timely
8 application for recalculation, the System shall review the
9 application and, if appropriate, recalculate the amount due.

10 The employer contributions required under this subsection
11 may be paid in the form of a lump sum within 90 days after
12 receipt of the bill. If the employer contributions are not paid
13 within 90 days after receipt of the bill, then interest will be
14 charged at a rate equal to the System's annual actuarially
15 assumed rate of return on investment compounded annually from
16 the 91st day after receipt of the bill. Payments must be
17 concluded within 3 years after the employer's receipt of the
18 bill.

19 (k) The Illinois Community College Board shall adopt rules
20 for recommending lists of promotional positions submitted to
21 the Board by community colleges and for reviewing the
22 promotional lists on an annual basis. When recommending
23 promotional lists, the Board shall consider the similarity of
24 the positions submitted to those positions recognized for State
25 universities by the State Universities Civil Service System.
26 The Illinois Community College Board shall file a copy of its

1 findings with the System. The System shall consider the
2 findings of the Illinois Community College Board when making
3 determinations under this Section. The System shall not exclude
4 any earnings increases resulting from a promotion when the
5 promotion was not submitted by a community college. Nothing in
6 this subsection (k) shall require any community college to
7 submit any information to the Community College Board.

8 (l) For purposes of determining the required State
9 contribution to the System, the value of the System's assets
10 shall be equal to the actuarial value of the System's assets,
11 which shall be calculated as follows:

12 As of June 30, 2008, the actuarial value of the System's
13 assets shall be equal to the market value of the assets as of
14 that date. In determining the actuarial value of the System's
15 assets for fiscal years after June 30, 2008, any actuarial
16 gains or losses from investment return incurred in a fiscal
17 year shall be recognized in equal annual amounts over the
18 5-year period following that fiscal year.

19 (m) For purposes of determining the required State
20 contribution to the system for a particular year, the actuarial
21 value of assets shall be assumed to earn a rate of return equal
22 to the system's actuarially assumed rate of return.

23 (Source: P.A. 99-897, eff. 1-1-17; 100-23, eff. 7-6-17.)

24 (40 ILCS 5/15-165) (from Ch. 108 1/2, par. 15-165)

25 Sec. 15-165. To certify amounts and submit vouchers.

1 (a) The Board shall certify to the Governor on or before
2 November 15 of each year until November 15, 2011 the
3 appropriation required from State funds for the purposes of
4 this System for the following fiscal year. The certification
5 under this subsection (a) shall include a copy of the actuarial
6 recommendations upon which it is based and shall specifically
7 identify the System's projected State normal cost for that
8 fiscal year and the projected State cost for the self-managed
9 plan for that fiscal year.

10 On or before May 1, 2004, the Board shall recalculate and
11 recertify to the Governor the amount of the required State
12 contribution to the System for State fiscal year 2005, taking
13 into account the amounts appropriated to and received by the
14 System under subsection (d) of Section 7.2 of the General
15 Obligation Bond Act.

16 On or before July 1, 2005, the Board shall recalculate and
17 recertify to the Governor the amount of the required State
18 contribution to the System for State fiscal year 2006, taking
19 into account the changes in required State contributions made
20 by this amendatory Act of the 94th General Assembly.

21 On or before April 1, 2011, the Board shall recalculate and
22 recertify to the Governor the amount of the required State
23 contribution to the System for State fiscal year 2011, applying
24 the changes made by Public Act 96-889 to the System's assets
25 and liabilities as of June 30, 2009 as though Public Act 96-889
26 was approved on that date.

1 (a-5) On or before November 1 of each year, beginning
2 November 1, 2012, the Board shall submit to the State Actuary,
3 the Governor, and the General Assembly a proposed certification
4 of the amount of the required State contribution to the System
5 for the next fiscal year, along with all of the actuarial
6 assumptions, calculations, and data upon which that proposed
7 certification is based. On or before January 1 of each year,
8 beginning January 1, 2013, the State Actuary shall issue a
9 preliminary report concerning the proposed certification and
10 identifying, if necessary, recommended changes in actuarial
11 assumptions that the Board must consider before finalizing its
12 certification of the required State contributions. On or before
13 January 15, 2013 and each January 15 thereafter, the Board
14 shall certify to the Governor and the General Assembly the
15 amount of the required State contribution for the next fiscal
16 year. The Board's certification must note, in a written
17 response to the State Actuary, any deviations from the State
18 Actuary's recommended changes, the reason or reasons for not
19 following the State Actuary's recommended changes, and the
20 fiscal impact of not following the State Actuary's recommended
21 changes on the required State contribution.

22 (a-10) By November 1, 2017, the Board shall recalculate and
23 recertify to the State Actuary, the Governor, and the General
24 Assembly the amount of the State contribution to the System for
25 State fiscal year 2018, taking into account the changes in
26 required State contributions made by this amendatory Act of the

1 100th General Assembly. The State Actuary shall review the
2 assumptions and valuations underlying the Board's revised
3 certification and issue a preliminary report concerning the
4 proposed recertification and identifying, if necessary,
5 recommended changes in actuarial assumptions that the Board
6 must consider before finalizing its certification of the
7 required State contributions. The Board's final certification
8 must note any deviations from the State Actuary's recommended
9 changes, the reason or reasons for not following the State
10 Actuary's recommended changes, and the fiscal impact of not
11 following the State Actuary's recommended changes on the
12 required State contribution.

13 (a-15) On or after June 15, 2019, but no later than June
14 30, 2019, the Board shall recalculate and recertify to the
15 Governor and the General Assembly the amount of the State
16 contribution to the System for State fiscal year 2019, taking
17 into account the changes in required State contributions made
18 by this amendatory Act of the 100th General Assembly. The
19 recalculation shall be made using assumptions adopted by the
20 Board for the original fiscal year 2019 certification. The
21 monthly voucher for the 12th month of fiscal year 2019 shall be
22 paid by the Comptroller after the recertification required
23 pursuant to this subsection is submitted to the Governor,
24 Comptroller, and General Assembly. The recertification
25 submitted to the General Assembly shall be filed with the Clerk
26 of the House of Representatives and the Secretary of the Senate

1 in electronic form only, in the manner that the Clerk and the
2 Secretary shall direct.

3 (b) The Board shall certify to the State Comptroller or
4 employer, as the case may be, from time to time, by its
5 chairperson and secretary, with its seal attached, the amounts
6 payable to the System from the various funds.

7 (c) Beginning in State fiscal year 1996, on or as soon as
8 possible after the 15th day of each month the Board shall
9 submit vouchers for payment of State contributions to the
10 System, in a total monthly amount of one-twelfth of the
11 required annual State contribution certified under subsection
12 (a). From the effective date of this amendatory Act of the 93rd
13 General Assembly through June 30, 2004, the Board shall not
14 submit vouchers for the remainder of fiscal year 2004 in excess
15 of the fiscal year 2004 certified contribution amount
16 determined under this Section after taking into consideration
17 the transfer to the System under subsection (b) of Section
18 6z-61 of the State Finance Act. These vouchers shall be paid by
19 the State Comptroller and Treasurer by warrants drawn on the
20 funds appropriated to the System for that fiscal year.

21 If in any month the amount remaining unexpended from all
22 other appropriations to the System for the applicable fiscal
23 year (including the appropriations to the System under Section
24 8.12 of the State Finance Act and Section 1 of the State
25 Pension Funds Continuing Appropriation Act) is less than the
26 amount lawfully vouchered under this Section, the difference

1 shall be paid from the General Revenue Fund under the
2 continuing appropriation authority provided in Section 1.1 of
3 the State Pension Funds Continuing Appropriation Act.

4 (d) So long as the payments received are the full amount
5 lawfully vouchered under this Section, payments received by the
6 System under this Section shall be applied first toward the
7 employer contribution to the self-managed plan established
8 under Section 15-158.2. Payments shall be applied second toward
9 the employer's portion of the normal costs of the System, as
10 defined in subsection (f) of Section 15-155. The balance shall
11 be applied toward the unfunded actuarial liabilities of the
12 System.

13 (e) In the event that the System does not receive, as a
14 result of legislative enactment or otherwise, payments
15 sufficient to fully fund the employer contribution to the
16 self-managed plan established under Section 15-158.2 and to
17 fully fund that portion of the employer's portion of the normal
18 costs of the System, as calculated in accordance with Section
19 15-155(a-1), then any payments received shall be applied
20 proportionately to the optional retirement program established
21 under Section 15-158.2 and to the employer's portion of the
22 normal costs of the System, as calculated in accordance with
23 Section 15-155(a-1).

24 (Source: P.A. 100-23, eff. 7-6-17.)

1 Sec. 15-185.5. Accelerated pension benefit payment in lieu
2 of any pension benefit.

3 (a) As used in this Section:

4 "Eligible person" means a person who:

5 (1) has terminated service;

6 (2) has accrued sufficient service credit to be
7 eligible to receive a retirement annuity under this
8 Article;

9 (3) has not received any retirement annuity under this
10 Article;

11 (4) has not made the election under Section 15-185.6;
12 and

13 (5) is not a participant in the self-managed plan under
14 Section 15-158.2.

15 "Implementation date" means the earliest date upon which
16 the Board authorizes eligible persons to begin irrevocably
17 electing the accelerated pension benefit payment option under
18 this Section. The Board shall endeavor to make such
19 participation available as soon as possible after the effective
20 date of this amendatory Act of the 100th General Assembly and
21 shall establish an implementation date by Board resolution.

22 "Pension benefit" means the benefits under this Article, or
23 Article 1 as it relates to those benefits, including any
24 anticipated annual increases, that an eligible person is
25 entitled to upon attainment of the applicable retirement age.

26 "Pension benefit" also includes applicable survivors benefits,

1 disability benefits, or disability retirement annuity
2 benefits.

3 (b) Beginning on the implementation date, the System shall
4 offer each eligible person the opportunity to irrevocably elect
5 to receive an amount determined by the System to be equal to
6 60% of the present value of his or her pension benefits in lieu
7 of receiving any pension benefit. The System shall calculate,
8 using actuarial tables and other assumptions adopted by the
9 Board, the present value of pension benefits for each eligible
10 person upon his or her request in writing to the System. The
11 System shall not perform more than one calculation per eligible
12 member in a State fiscal year. The offer shall specify the
13 dollar amount that the eligible person will receive if he or
14 she so elects and shall expire when a subsequent offer is made
15 to an eligible person. The System shall make a good faith
16 effort to contact every eligible person to notify him or her of
17 the election.

18 Beginning on the implementation date and until June 30,
19 2021, an eligible person may irrevocably elect to receive an
20 accelerated pension benefit payment in the amount that the
21 System offers under this subsection in lieu of receiving any
22 pension benefit. A person who elects to receive an accelerated
23 pension benefit payment under this Section may not elect to
24 proceed under the Retirement Systems Reciprocal Act with
25 respect to service under this Article.

26 (c) Upon payment of an accelerated pension benefit payment

1 under this Section, the person forfeits all accrued rights and
2 credits in the System and no other benefit shall be paid under
3 this Article based on those forfeited rights and credits,
4 including any retirement, survivor, or other benefit; except
5 that to the extent that participation, benefits, or premiums
6 under the State Employees Group Insurance Act of 1971 are based
7 on the amount of service credit, the terminated service credit
8 shall be used for that purpose.

9 (d) If a person who has received an accelerated pension
10 benefit payment under this Section returns to participation
11 under this Article, any benefits under the System earned as a
12 result of that return to participation shall be based solely on
13 the person's credits and creditable service arising from the
14 return to participation. Upon return to participation, the
15 person shall be considered a new employee subject to all the
16 qualifying conditions for participation and eligibility for
17 benefits applicable to new employees.

18 (d-5) The accelerated pension benefit payment may not be
19 repaid to the System, and the forfeited rights and credits may
20 not under any circumstances be reinstated.

21 (e) As a condition of receiving an accelerated pension
22 benefit payment, the accelerated pension benefit payment must
23 be deposited into a tax qualified retirement plan or account
24 identified by the eligible person at the time of the election.
25 The accelerated pension benefit payment under this Section may
26 be subject to withholding or payment of applicable taxes, but

1 to the extent permitted by federal law, a person who receives
2 an accelerated pension benefit payment under this Section must
3 direct the System to pay all of that payment as a rollover into
4 another retirement plan or account qualified under the Internal
5 Revenue Code of 1986, as amended.

6 (f) The System shall submit vouchers to the State
7 Comptroller for the payment of accelerated pension benefit
8 payments under this Section. The State Comptroller shall pay
9 the amounts of the vouchers from the State Pension Obligation
10 Acceleration Bond Fund to the System, and the System shall
11 deposit the amounts into the applicable tax qualified plans or
12 accounts.

13 (g) The Board shall adopt any rules, including emergency
14 rules, necessary to implement this Section.

15 (h) No provision of this Section shall be interpreted in a
16 way that would cause the System to cease to be a qualified plan
17 under the Internal Revenue Code of 1986.

18 (40 ILCS 5/15-185.6 new)

19 Sec. 15-185.6. Accelerated pension benefit payment for a
20 reduction in an annual increase to a retirement annuity and an
21 annuity benefit payable as a result of death.

22 (a) As used in this Section:

23 "Accelerated pension benefit payment" means a lump sum
24 payment equal to 70% of the difference of: (i) the present
25 value of the automatic annual increases to a Tier 1 member's

1 retirement annuity, including any increases to any annuity
2 benefit payable as a result of his or her death, using the
3 formula applicable to the Tier 1 member; and (ii) the present
4 value of the automatic annual increases to the Tier 1 member's
5 retirement annuity, including any increases to any annuity
6 benefit payable as a result of his or her death, using the
7 formula provided under subsection (b-5).

8 "Eligible person" means a person who:

9 (1) is a Tier 1 member;

10 (2) has submitted an application for a retirement
11 annuity under this Article;

12 (3) meets the age and service requirements for
13 receiving a retirement annuity under this Article;

14 (4) has not received any retirement annuity under this
15 Article;

16 (5) has not made the election under Section 15-185.5;
17 and

18 (6) is not a participant in the self-managed plan under
19 Section 15-158.2.

20 "Implementation date" means the earliest date upon which
21 the Board authorizes eligible persons to begin irrevocably
22 electing the accelerated pension benefit payment option under
23 this Section. The Board shall endeavor to make such
24 participation available as soon as possible after the effective
25 date of this amendatory Act of the 100th General Assembly and
26 shall establish an implementation date by Board resolution.

1 (b) Beginning on the implementation date and until June 30,
2 2021, the System shall implement an accelerated pension benefit
3 payment option for eligible persons. The System shall
4 calculate, using actuarial tables and other assumptions
5 adopted by the Board, an accelerated pension benefit payment
6 amount for an eligible person upon his or her request in
7 writing to the System and shall offer that eligible person the
8 opportunity to irrevocably elect to have his or her automatic
9 annual increases in retirement annuity and any annuity benefit
10 payable as a result of his or her death calculated in
11 accordance with the formula provided in subsection (b-5) in
12 exchange for the accelerated pension benefit payment. The
13 System shall not perform more than one calculation under this
14 Section per eligible person in a State fiscal year. The
15 election under this subsection must be made before any
16 retirement annuity is paid to the eligible person, and the
17 eligible survivor, spouse, or contingent annuitant, as
18 applicable, must consent to the election under this subsection.

19 (b-5) Notwithstanding any other provision of law, the
20 retirement annuity of a person who made the election under
21 subsection (b) shall be increased annually beginning on the
22 January 1 occurring either on or after the attainment of age 67
23 or the first anniversary of the annuity start date, whichever
24 is later, and any annuity benefit payable as a result of his or
25 her death shall be increased annually beginning on: (1) the
26 January 1 occurring on or after the commencement of the annuity

1 if the deceased Tier 1 member died while receiving a retirement
2 annuity; or (2) the January 1 occurring after the first
3 anniversary of the commencement of the benefit. Each annual
4 increase shall be calculated at 1.5% of the originally granted
5 retirement annuity or annuity benefit payable as a result of
6 the Tier 1 member's death.

7 (c) If an annuitant who has received an accelerated pension
8 benefit payment returns to participation under this Article,
9 the calculation of any future automatic annual increase in
10 retirement annuity under subsection (c) of Section 15-139 shall
11 be calculated in accordance with the formula provided in
12 subsection (b-5).

13 (c-5) The accelerated pension benefit payment may not be
14 repaid to the System.

15 (d) As a condition of receiving an accelerated pension
16 benefit payment, the accelerated pension benefit payment must
17 be deposited into a tax qualified retirement plan or account
18 identified by the eligible person at the time of election. The
19 accelerated pension benefit payment under this Section may be
20 subject to withholding or payment of applicable taxes, but to
21 the extent permitted by federal law, a person who receives an
22 accelerated pension benefit payment under this Section must
23 direct the System to pay all of that payment as a rollover into
24 another retirement plan or account qualified under the Internal
25 Revenue Code of 1986, as amended.

26 (d-5) The System shall submit vouchers to the State

1 Comptroller for the payment of accelerated pension benefit
2 payments under this Section. The State Comptroller shall pay
3 the amounts of the vouchers from the State Pension Obligation
4 Acceleration Bond Fund to the System, and the System shall
5 deposit the amounts into the applicable tax qualified plans or
6 accounts.

7 (e) The Board shall adopt any rules, including emergency
8 rules, necessary to implement this Section.

9 (f) No provision of this Section shall be interpreted in a
10 way that would cause the System to cease to be a qualified plan
11 under the Internal Revenue Code of 1986.

12 (40 ILCS 5/15-198)

13 Sec. 15-198. Application and expiration of new benefit
14 increases.

15 (a) As used in this Section, "new benefit increase" means
16 an increase in the amount of any benefit provided under this
17 Article, or an expansion of the conditions of eligibility for
18 any benefit under this Article, that results from an amendment
19 to this Code that takes effect after the effective date of this
20 amendatory Act of the 94th General Assembly. "New benefit
21 increase", however, does not include any benefit increase
22 resulting from the changes made to Article 1 or this Article by
23 Public Act 100-23 or this amendatory Act of the 100th General
24 Assembly ~~this amendatory Act of the 100th General Assembly.~~

25 (b) Notwithstanding any other provision of this Code or any

1 subsequent amendment to this Code, every new benefit increase
2 is subject to this Section and shall be deemed to be granted
3 only in conformance with and contingent upon compliance with
4 the provisions of this Section.

5 (c) The Public Act enacting a new benefit increase must
6 identify and provide for payment to the System of additional
7 funding at least sufficient to fund the resulting annual
8 increase in cost to the System as it accrues.

9 Every new benefit increase is contingent upon the General
10 Assembly providing the additional funding required under this
11 subsection. The Commission on Government Forecasting and
12 Accountability shall analyze whether adequate additional
13 funding has been provided for the new benefit increase and
14 shall report its analysis to the Public Pension Division of the
15 Department of Insurance. A new benefit increase created by a
16 Public Act that does not include the additional funding
17 required under this subsection is null and void. If the Public
18 Pension Division determines that the additional funding
19 provided for a new benefit increase under this subsection is or
20 has become inadequate, it may so certify to the Governor and
21 the State Comptroller and, in the absence of corrective action
22 by the General Assembly, the new benefit increase shall expire
23 at the end of the fiscal year in which the certification is
24 made.

25 (d) Every new benefit increase shall expire 5 years after
26 its effective date or on such earlier date as may be specified

1 in the language enacting the new benefit increase or provided
2 under subsection (c). This does not prevent the General
3 Assembly from extending or re-creating a new benefit increase
4 by law.

5 (e) Except as otherwise provided in the language creating
6 the new benefit increase, a new benefit increase that expires
7 under this Section continues to apply to persons who applied
8 and qualified for the affected benefit while the new benefit
9 increase was in effect and to the affected beneficiaries and
10 alternate payees of such persons, but does not apply to any
11 other person, including without limitation a person who
12 continues in service after the expiration date and did not
13 apply and qualify for the affected benefit while the new
14 benefit increase was in effect.

15 (Source: P.A. 100-23, eff. 7-6-17.)

16 (40 ILCS 5/16-106.41 new)

17 Sec. 16-106.41. Tier 1 member. "Tier 1 member": A member
18 under this Article who first became a member or participant
19 before January 1, 2011 under any reciprocal retirement system
20 or pension fund established under this Code other than a
21 retirement system or pension fund established under Article 2,
22 3, 4, 5, 6, or 18 of this Code.

23 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

24 Sec. 16-158. Contributions by State and other employing

1 units.

2 (a) The State shall make contributions to the System by
3 means of appropriations from the Common School Fund and other
4 State funds of amounts which, together with other employer
5 contributions, employee contributions, investment income, and
6 other income, will be sufficient to meet the cost of
7 maintaining and administering the System on a 90% funded basis
8 in accordance with actuarial recommendations.

9 The Board shall determine the amount of State contributions
10 required for each fiscal year on the basis of the actuarial
11 tables and other assumptions adopted by the Board and the
12 recommendations of the actuary, using the formula in subsection
13 (b-3).

14 (a-1) Annually, on or before November 15 until November 15,
15 2011, the Board shall certify to the Governor the amount of the
16 required State contribution for the coming fiscal year. The
17 certification under this subsection (a-1) shall include a copy
18 of the actuarial recommendations upon which it is based and
19 shall specifically identify the System's projected State
20 normal cost for that fiscal year.

21 On or before May 1, 2004, the Board shall recalculate and
22 recertify to the Governor the amount of the required State
23 contribution to the System for State fiscal year 2005, taking
24 into account the amounts appropriated to and received by the
25 System under subsection (d) of Section 7.2 of the General
26 Obligation Bond Act.

1 On or before July 1, 2005, the Board shall recalculate and
2 recertify to the Governor the amount of the required State
3 contribution to the System for State fiscal year 2006, taking
4 into account the changes in required State contributions made
5 by Public Act 94-4 ~~this amendatory Act of the 94th General~~
6 ~~Assembly.~~

7 On or before April 1, 2011, the Board shall recalculate and
8 recertify to the Governor the amount of the required State
9 contribution to the System for State fiscal year 2011, applying
10 the changes made by Public Act 96-889 to the System's assets
11 and liabilities as of June 30, 2009 as though Public Act 96-889
12 was approved on that date.

13 (a-5) On or before November 1 of each year, beginning
14 November 1, 2012, the Board shall submit to the State Actuary,
15 the Governor, and the General Assembly a proposed certification
16 of the amount of the required State contribution to the System
17 for the next fiscal year, along with all of the actuarial
18 assumptions, calculations, and data upon which that proposed
19 certification is based. On or before January 1 of each year,
20 beginning January 1, 2013, the State Actuary shall issue a
21 preliminary report concerning the proposed certification and
22 identifying, if necessary, recommended changes in actuarial
23 assumptions that the Board must consider before finalizing its
24 certification of the required State contributions. On or before
25 January 15, 2013 and each January 15 thereafter, the Board
26 shall certify to the Governor and the General Assembly the

1 amount of the required State contribution for the next fiscal
2 year. The Board's certification must note any deviations from
3 the State Actuary's recommended changes, the reason or reasons
4 for not following the State Actuary's recommended changes, and
5 the fiscal impact of not following the State Actuary's
6 recommended changes on the required State contribution.

7 (a-10) By November 1, 2017, the Board shall recalculate and
8 recertify to the State Actuary, the Governor, and the General
9 Assembly the amount of the State contribution to the System for
10 State fiscal year 2018, taking into account the changes in
11 required State contributions made by Public Act 100-23 ~~this~~
12 ~~amendatory Act of the 100th General Assembly~~. The State Actuary
13 shall review the assumptions and valuations underlying the
14 Board's revised certification and issue a preliminary report
15 concerning the proposed recertification and identifying, if
16 necessary, recommended changes in actuarial assumptions that
17 the Board must consider before finalizing its certification of
18 the required State contributions. The Board's final
19 certification must note any deviations from the State Actuary's
20 recommended changes, the reason or reasons for not following
21 the State Actuary's recommended changes, and the fiscal impact
22 of not following the State Actuary's recommended changes on the
23 required State contribution.

24 (a-15) On or after June 15, 2019, but no later than June
25 30, 2019, the Board shall recalculate and recertify to the
26 Governor and the General Assembly the amount of the State

1 contribution to the System for State fiscal year 2019, taking
2 into account the changes in required State contributions made
3 by this amendatory Act of the 100th General Assembly. The
4 recalculation shall be made using assumptions adopted by the
5 Board for the original fiscal year 2019 certification. The
6 monthly voucher for the 12th month of fiscal year 2019 shall be
7 paid by the Comptroller after the recertification required
8 pursuant to this subsection is submitted to the Governor,
9 Comptroller, and General Assembly. The recertification
10 submitted to the General Assembly shall be filed with the Clerk
11 of the House of Representatives and the Secretary of the Senate
12 in electronic form only, in the manner that the Clerk and the
13 Secretary shall direct.

14 (b) Through State fiscal year 1995, the State contributions
15 shall be paid to the System in accordance with Section 18-7 of
16 the School Code.

17 (b-1) Beginning in State fiscal year 1996, on the 15th day
18 of each month, or as soon thereafter as may be practicable, the
19 Board shall submit vouchers for payment of State contributions
20 to the System, in a total monthly amount of one-twelfth of the
21 required annual State contribution certified under subsection
22 (a-1). From March 5, 2004 (the effective date of Public Act
23 93-665) ~~this amendatory Act of the 93rd General Assembly~~
24 through June 30, 2004, the Board shall not submit vouchers for
25 the remainder of fiscal year 2004 in excess of the fiscal year
26 2004 certified contribution amount determined under this

1 Section after taking into consideration the transfer to the
2 System under subsection (a) of Section 6z-61 of the State
3 Finance Act. These vouchers shall be paid by the State
4 Comptroller and Treasurer by warrants drawn on the funds
5 appropriated to the System for that fiscal year.

6 If in any month the amount remaining unexpended from all
7 other appropriations to the System for the applicable fiscal
8 year (including the appropriations to the System under Section
9 8.12 of the State Finance Act and Section 1 of the State
10 Pension Funds Continuing Appropriation Act) is less than the
11 amount lawfully vouchered under this subsection, the
12 difference shall be paid from the Common School Fund under the
13 continuing appropriation authority provided in Section 1.1 of
14 the State Pension Funds Continuing Appropriation Act.

15 (b-2) Allocations from the Common School Fund apportioned
16 to school districts not coming under this System shall not be
17 diminished or affected by the provisions of this Article.

18 (b-3) For State fiscal years 2012 through 2045, the minimum
19 contribution to the System to be made by the State for each
20 fiscal year shall be an amount determined by the System to be
21 sufficient to bring the total assets of the System up to 90% of
22 the total actuarial liabilities of the System by the end of
23 State fiscal year 2045. In making these determinations, the
24 required State contribution shall be calculated each year as a
25 level percentage of payroll over the years remaining to and
26 including fiscal year 2045 and shall be determined under the

1 projected unit credit actuarial cost method.

2 For each of State fiscal years 2018, 2019, and 2020, the
3 State shall make an additional contribution to the System equal
4 to 2% of the total payroll of each employee who is deemed to
5 have elected the benefits under Section 1-161 or who has made
6 the election under subsection (c) of Section 1-161.

7 A change in an actuarial or investment assumption that
8 increases or decreases the required State contribution and
9 first applies in State fiscal year 2018 or thereafter shall be
10 implemented in equal annual amounts over a 5-year period
11 beginning in the State fiscal year in which the actuarial
12 change first applies to the required State contribution.

13 A change in an actuarial or investment assumption that
14 increases or decreases the required State contribution and
15 first applied to the State contribution in fiscal year 2014,
16 2015, 2016, or 2017 shall be implemented:

17 (i) as already applied in State fiscal years before
18 2018; and

19 (ii) in the portion of the 5-year period beginning in
20 the State fiscal year in which the actuarial change first
21 applied that occurs in State fiscal year 2018 or
22 thereafter, by calculating the change in equal annual
23 amounts over that 5-year period and then implementing it at
24 the resulting annual rate in each of the remaining fiscal
25 years in that 5-year period.

26 For State fiscal years 1996 through 2005, the State

1 contribution to the System, as a percentage of the applicable
2 employee payroll, shall be increased in equal annual increments
3 so that by State fiscal year 2011, the State is contributing at
4 the rate required under this Section; except that in the
5 following specified State fiscal years, the State contribution
6 to the System shall not be less than the following indicated
7 percentages of the applicable employee payroll, even if the
8 indicated percentage will produce a State contribution in
9 excess of the amount otherwise required under this subsection
10 and subsection (a), and notwithstanding any contrary
11 certification made under subsection (a-1) before May 27, 1998
12 (the effective date of Public Act 90-582) ~~this amendatory Act~~
13 ~~of 1998~~: 10.02% in FY 1999; 10.77% in FY 2000; 11.47% in FY
14 2001; 12.16% in FY 2002; 12.86% in FY 2003; and 13.56% in FY
15 2004.

16 Notwithstanding any other provision of this Article, the
17 total required State contribution for State fiscal year 2006 is
18 \$534,627,700.

19 Notwithstanding any other provision of this Article, the
20 total required State contribution for State fiscal year 2007 is
21 \$738,014,500.

22 For each of State fiscal years 2008 through 2009, the State
23 contribution to the System, as a percentage of the applicable
24 employee payroll, shall be increased in equal annual increments
25 from the required State contribution for State fiscal year
26 2007, so that by State fiscal year 2011, the State is

1 contributing at the rate otherwise required under this Section.

2 Notwithstanding any other provision of this Article, the
3 total required State contribution for State fiscal year 2010 is
4 \$2,089,268,000 and shall be made from the proceeds of bonds
5 sold in fiscal year 2010 pursuant to Section 7.2 of the General
6 Obligation Bond Act, less (i) the pro rata share of bond sale
7 expenses determined by the System's share of total bond
8 proceeds, (ii) any amounts received from the Common School Fund
9 in fiscal year 2010, and (iii) any reduction in bond proceeds
10 due to the issuance of discounted bonds, if applicable.

11 Notwithstanding any other provision of this Article, the
12 total required State contribution for State fiscal year 2011 is
13 the amount recertified by the System on or before April 1, 2011
14 pursuant to subsection (a-1) of this Section and shall be made
15 from the proceeds of bonds sold in fiscal year 2011 pursuant to
16 Section 7.2 of the General Obligation Bond Act, less (i) the
17 pro rata share of bond sale expenses determined by the System's
18 share of total bond proceeds, (ii) any amounts received from
19 the Common School Fund in fiscal year 2011, and (iii) any
20 reduction in bond proceeds due to the issuance of discounted
21 bonds, if applicable. This amount shall include, in addition to
22 the amount certified by the System, an amount necessary to meet
23 employer contributions required by the State as an employer
24 under paragraph (e) of this Section, which may also be used by
25 the System for contributions required by paragraph (a) of
26 Section 16-127.

1 Beginning in State fiscal year 2046, the minimum State
2 contribution for each fiscal year shall be the amount needed to
3 maintain the total assets of the System at 90% of the total
4 actuarial liabilities of the System.

5 Amounts received by the System pursuant to Section 25 of
6 the Budget Stabilization Act or Section 8.12 of the State
7 Finance Act in any fiscal year do not reduce and do not
8 constitute payment of any portion of the minimum State
9 contribution required under this Article in that fiscal year.
10 Such amounts shall not reduce, and shall not be included in the
11 calculation of, the required State contributions under this
12 Article in any future year until the System has reached a
13 funding ratio of at least 90%. A reference in this Article to
14 the "required State contribution" or any substantially similar
15 term does not include or apply to any amounts payable to the
16 System under Section 25 of the Budget Stabilization Act.

17 Notwithstanding any other provision of this Section, the
18 required State contribution for State fiscal year 2005 and for
19 fiscal year 2008 and each fiscal year thereafter, as calculated
20 under this Section and certified under subsection (a-1), shall
21 not exceed an amount equal to (i) the amount of the required
22 State contribution that would have been calculated under this
23 Section for that fiscal year if the System had not received any
24 payments under subsection (d) of Section 7.2 of the General
25 Obligation Bond Act, minus (ii) the portion of the State's
26 total debt service payments for that fiscal year on the bonds

1 issued in fiscal year 2003 for the purposes of that Section
2 7.2, as determined and certified by the Comptroller, that is
3 the same as the System's portion of the total moneys
4 distributed under subsection (d) of Section 7.2 of the General
5 Obligation Bond Act. In determining this maximum for State
6 fiscal years 2008 through 2010, however, the amount referred to
7 in item (i) shall be increased, as a percentage of the
8 applicable employee payroll, in equal increments calculated
9 from the sum of the required State contribution for State
10 fiscal year 2007 plus the applicable portion of the State's
11 total debt service payments for fiscal year 2007 on the bonds
12 issued in fiscal year 2003 for the purposes of Section 7.2 of
13 the General Obligation Bond Act, so that, by State fiscal year
14 2011, the State is contributing at the rate otherwise required
15 under this Section.

16 (b-4) Beginning in fiscal year 2018, each employer under
17 this Article shall pay to the System a required contribution
18 determined as a percentage of projected payroll and sufficient
19 to produce an annual amount equal to:

20 (i) for each of fiscal years 2018, 2019, and 2020, the
21 defined benefit normal cost of the defined benefit plan,
22 less the employee contribution, for each employee of that
23 employer who has elected or who is deemed to have elected
24 the benefits under Section 1-161 or who has made the
25 election under subsection (b) of Section 1-161; for fiscal
26 year 2021 and each fiscal year thereafter, the defined

1 benefit normal cost of the defined benefit plan, less the
2 employee contribution, plus 2%, for each employee of that
3 employer who has elected or who is deemed to have elected
4 the benefits under Section 1-161 or who has made the
5 election under subsection (b) of Section 1-161; plus

6 (ii) the amount required for that fiscal year to
7 amortize any unfunded actuarial accrued liability
8 associated with the present value of liabilities
9 attributable to the employer's account under Section
10 16-158.3, determined as a level percentage of payroll over
11 a 30-year rolling amortization period.

12 In determining contributions required under item (i) of
13 this subsection, the System shall determine an aggregate rate
14 for all employers, expressed as a percentage of projected
15 payroll.

16 In determining the contributions required under item (ii)
17 of this subsection, the amount shall be computed by the System
18 on the basis of the actuarial assumptions and tables used in
19 the most recent actuarial valuation of the System that is
20 available at the time of the computation.

21 The contributions required under this subsection (b-4)
22 shall be paid by an employer concurrently with that employer's
23 payroll payment period. The State, as the actual employer of an
24 employee, shall make the required contributions under this
25 subsection.

26 (c) Payment of the required State contributions and of all

1 pensions, retirement annuities, death benefits, refunds, and
2 other benefits granted under or assumed by this System, and all
3 expenses in connection with the administration and operation
4 thereof, are obligations of the State.

5 If members are paid from special trust or federal funds
6 which are administered by the employing unit, whether school
7 district or other unit, the employing unit shall pay to the
8 System from such funds the full accruing retirement costs based
9 upon that service, which, beginning July 1, 2017, shall be at a
10 rate, expressed as a percentage of salary, equal to the total
11 employer's normal cost, expressed as a percentage of payroll,
12 as determined by the System. Employer contributions, based on
13 salary paid to members from federal funds, may be forwarded by
14 the distributing agency of the State of Illinois to the System
15 prior to allocation, in an amount determined in accordance with
16 guidelines established by such agency and the System. Any
17 contribution for fiscal year 2015 collected as a result of the
18 change made by Public Act 98-674 ~~this amendatory Act of the~~
19 ~~98th General Assembly~~ shall be considered a State contribution
20 under subsection (b-3) of this Section.

21 (d) Effective July 1, 1986, any employer of a teacher as
22 defined in paragraph (8) of Section 16-106 shall pay the
23 employer's normal cost of benefits based upon the teacher's
24 service, in addition to employee contributions, as determined
25 by the System. Such employer contributions shall be forwarded
26 monthly in accordance with guidelines established by the

1 System.

2 However, with respect to benefits granted under Section
3 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
4 of Section 16-106, the employer's contribution shall be 12%
5 (rather than 20%) of the member's highest annual salary rate
6 for each year of creditable service granted, and the employer
7 shall also pay the required employee contribution on behalf of
8 the teacher. For the purposes of Sections 16-133.4 and
9 16-133.5, a teacher as defined in paragraph (8) of Section
10 16-106 who is serving in that capacity while on leave of
11 absence from another employer under this Article shall not be
12 considered an employee of the employer from which the teacher
13 is on leave.

14 (e) Beginning July 1, 1998, every employer of a teacher
15 shall pay to the System an employer contribution computed as
16 follows:

17 (1) Beginning July 1, 1998 through June 30, 1999, the
18 employer contribution shall be equal to 0.3% of each
19 teacher's salary.

20 (2) Beginning July 1, 1999 and thereafter, the employer
21 contribution shall be equal to 0.58% of each teacher's
22 salary.

23 The school district or other employing unit may pay these
24 employer contributions out of any source of funding available
25 for that purpose and shall forward the contributions to the
26 System on the schedule established for the payment of member

1 contributions.

2 These employer contributions are intended to offset a
3 portion of the cost to the System of the increases in
4 retirement benefits resulting from Public Act 90-582 ~~this~~
5 ~~amendatory Act of 1998~~.

6 Each employer of teachers is entitled to a credit against
7 the contributions required under this subsection (e) with
8 respect to salaries paid to teachers for the period January 1,
9 2002 through June 30, 2003, equal to the amount paid by that
10 employer under subsection (a-5) of Section 6.6 of the State
11 Employees Group Insurance Act of 1971 with respect to salaries
12 paid to teachers for that period.

13 The additional 1% employee contribution required under
14 Section 16-152 by Public Act 90-582 ~~this amendatory Act of 1998~~
15 is the responsibility of the teacher and not the teacher's
16 employer, unless the employer agrees, through collective
17 bargaining or otherwise, to make the contribution on behalf of
18 the teacher.

19 If an employer is required by a contract in effect on May
20 1, 1998 between the employer and an employee organization to
21 pay, on behalf of all its full-time employees covered by this
22 Article, all mandatory employee contributions required under
23 this Article, then the employer shall be excused from paying
24 the employer contribution required under this subsection (e)
25 for the balance of the term of that contract. The employer and
26 the employee organization shall jointly certify to the System

1 the existence of the contractual requirement, in such form as
2 the System may prescribe. This exclusion shall cease upon the
3 termination, extension, or renewal of the contract at any time
4 after May 1, 1998.

5 (f) For school years beginning on or after June 1, 2005 and
6 before July 1, 2018 and for salary paid to a teacher under a
7 contract or collective bargaining agreement entered into,
8 amended, or renewed before the effective date of this
9 amendatory Act of the 100th General Assembly, if ~~If~~ the amount
10 of a teacher's salary for any school year used to determine
11 final average salary exceeds the member's annual full-time
12 salary rate with the same employer for the previous school year
13 by more than 6%, the teacher's employer shall pay to the
14 System, in addition to all other payments required under this
15 Section and in accordance with guidelines established by the
16 System, the present value of the increase in benefits resulting
17 from the portion of the increase in salary that is in excess of
18 6%. This present value shall be computed by the System on the
19 basis of the actuarial assumptions and tables used in the most
20 recent actuarial valuation of the System that is available at
21 the time of the computation. If a teacher's salary for the
22 2005-2006 school year is used to determine final average salary
23 under this subsection (f), then the changes made to this
24 subsection (f) by Public Act 94-1057 shall apply in calculating
25 whether the increase in his or her salary is in excess of 6%.
26 For the purposes of this Section, change in employment under

1 Section 10-21.12 of the School Code on or after June 1, 2005
2 shall constitute a change in employer. The System may require
3 the employer to provide any pertinent information or
4 documentation. The changes made to this subsection (f) by
5 Public Act 94-1111 ~~this amendatory Act of the 94th General~~
6 ~~Assembly~~ apply without regard to whether the teacher was in
7 service on or after its effective date.

8 Whenever it determines that a payment is or may be required
9 under this subsection, the System shall calculate the amount of
10 the payment and bill the employer for that amount. The bill
11 shall specify the calculations used to determine the amount
12 due. If the employer disputes the amount of the bill, it may,
13 within 30 days after receipt of the bill, apply to the System
14 in writing for a recalculation. The application must specify in
15 detail the grounds of the dispute and, if the employer asserts
16 that the calculation is subject to subsection (g) or (h) of
17 this Section or that subsection (f-1) of this Section applies,
18 must include an affidavit setting forth and attesting to all
19 facts within the employer's knowledge that are pertinent to the
20 applicability of that subsection. Upon receiving a timely
21 application for recalculation, the System shall review the
22 application and, if appropriate, recalculate the amount due.

23 The employer contributions required under this subsection
24 (f) may be paid in the form of a lump sum within 90 days after
25 receipt of the bill. If the employer contributions are not paid
26 within 90 days after receipt of the bill, then interest will be

1 charged at a rate equal to the System's annual actuarially
2 assumed rate of return on investment compounded annually from
3 the 91st day after receipt of the bill. Payments must be
4 concluded within 3 years after the employer's receipt of the
5 bill.

6 (f-1) For school years beginning on or after July 1, 2018
7 and for salary paid to a teacher under a contract or collective
8 bargaining agreement entered into, amended, or renewed on or
9 after the effective date of this amendatory Act of the 100th
10 General Assembly, if the amount of a teacher's salary for any
11 school year used to determine final average salary exceeds the
12 member's annual full-time salary rate with the same employer
13 for the previous school year by more than 3%, then the
14 teacher's employer shall pay to the System, in addition to all
15 other payments required under this Section and in accordance
16 with guidelines established by the System, the present value of
17 the increase in benefits resulting from the portion of the
18 increase in salary that is in excess of 3%. This present value
19 shall be computed by the System on the basis of the actuarial
20 assumptions and tables used in the most recent actuarial
21 valuation of the System that is available at the time of the
22 computation. The System may require the employer to provide any
23 pertinent information or documentation.

24 Whenever it determines that a payment is or may be required
25 under this subsection (f-1), the System shall calculate the
26 amount of the payment and bill the employer for that amount.

1 The bill shall specify the calculations used to determine the
2 amount due. If the employer disputes the amount of the bill, it
3 shall, within 30 days after receipt of the bill, apply to the
4 System in writing for a recalculation. The application must
5 specify in detail the grounds of the dispute and, if the
6 employer asserts that subsection (f) of this Section applies,
7 must include an affidavit setting forth and attesting to all
8 facts within the employer's knowledge that are pertinent to the
9 applicability of subsection (f). Upon receiving a timely
10 application for recalculation, the System shall review the
11 application and, if appropriate, recalculate the amount due.

12 The employer contributions required under this subsection
13 (f-1) may be paid in the form of a lump sum within 90 days after
14 receipt of the bill. If the employer contributions are not paid
15 within 90 days after receipt of the bill, then interest shall
16 be charged at a rate equal to the System's annual actuarially
17 assumed rate of return on investment compounded annually from
18 the 91st day after receipt of the bill. Payments must be
19 concluded within 3 years after the employer's receipt of the
20 bill.

21 (g) This subsection (g) applies only to payments made or
22 salary increases given on or after June 1, 2005 but before July
23 1, 2011. The changes made by Public Act 94-1057 shall not
24 require the System to refund any payments received before July
25 31, 2006 (the effective date of Public Act 94-1057).

26 When assessing payment for any amount due under subsection

1 (f), the System shall exclude salary increases paid to teachers
2 under contracts or collective bargaining agreements entered
3 into, amended, or renewed before June 1, 2005.

4 When assessing payment for any amount due under subsection
5 (f), the System shall exclude salary increases paid to a
6 teacher at a time when the teacher is 10 or more years from
7 retirement eligibility under Section 16-132 or 16-133.2.

8 When assessing payment for any amount due under subsection
9 (f), the System shall exclude salary increases resulting from
10 overload work, including summer school, when the school
11 district has certified to the System, and the System has
12 approved the certification, that (i) the overload work is for
13 the sole purpose of classroom instruction in excess of the
14 standard number of classes for a full-time teacher in a school
15 district during a school year and (ii) the salary increases are
16 equal to or less than the rate of pay for classroom instruction
17 computed on the teacher's current salary and work schedule.

18 When assessing payment for any amount due under subsection
19 (f), the System shall exclude a salary increase resulting from
20 a promotion (i) for which the employee is required to hold a
21 certificate or supervisory endorsement issued by the State
22 Teacher Certification Board that is a different certification
23 or supervisory endorsement than is required for the teacher's
24 previous position and (ii) to a position that has existed and
25 been filled by a member for no less than one complete academic
26 year and the salary increase from the promotion is an increase

1 that results in an amount no greater than the lesser of the
2 average salary paid for other similar positions in the district
3 requiring the same certification or the amount stipulated in
4 the collective bargaining agreement for a similar position
5 requiring the same certification.

6 When assessing payment for any amount due under subsection
7 (f), the System shall exclude any payment to the teacher from
8 the State of Illinois or the State Board of Education over
9 which the employer does not have discretion, notwithstanding
10 that the payment is included in the computation of final
11 average salary.

12 (h) When assessing payment for any amount due under
13 subsection (f), the System shall exclude any salary increase
14 described in subsection (g) of this Section given on or after
15 July 1, 2011 but before July 1, 2014 under a contract or
16 collective bargaining agreement entered into, amended, or
17 renewed on or after June 1, 2005 but before July 1, 2011.
18 Notwithstanding any other provision of this Section, any
19 payments made or salary increases given after June 30, 2014
20 shall be used in assessing payment for any amount due under
21 subsection (f) of this Section.

22 (i) The System shall prepare a report and file copies of
23 the report with the Governor and the General Assembly by
24 January 1, 2007 that contains all of the following information:

25 (1) The number of recalculations required by the
26 changes made to this Section by Public Act 94-1057 for each

1 employer.

2 (2) The dollar amount by which each employer's
3 contribution to the System was changed due to
4 recalculations required by Public Act 94-1057.

5 (3) The total amount the System received from each
6 employer as a result of the changes made to this Section by
7 Public Act 94-4.

8 (4) The increase in the required State contribution
9 resulting from the changes made to this Section by Public
10 Act 94-1057.

11 (i-5) For school years beginning on or after July 1, 2017,
12 if the amount of a participant's salary for any school year,
13 determined on a full-time equivalent basis, exceeds the amount
14 of the salary set for the Governor, the participant's employer
15 shall pay to the System, in addition to all other payments
16 required under this Section and in accordance with guidelines
17 established by the System, an amount determined by the System
18 to be equal to the employer normal cost, as established by the
19 System and expressed as a total percentage of payroll,
20 multiplied by the amount of salary in excess of the amount of
21 the salary set for the Governor. This amount shall be computed
22 by the System on the basis of the actuarial assumptions and
23 tables used in the most recent actuarial valuation of the
24 System that is available at the time of the computation. The
25 System may require the employer to provide any pertinent
26 information or documentation.

1 Whenever it determines that a payment is or may be required
2 under this subsection, the System shall calculate the amount of
3 the payment and bill the employer for that amount. The bill
4 shall specify the calculations used to determine the amount
5 due. If the employer disputes the amount of the bill, it may,
6 within 30 days after receipt of the bill, apply to the System
7 in writing for a recalculation. The application must specify in
8 detail the grounds of the dispute. Upon receiving a timely
9 application for recalculation, the System shall review the
10 application and, if appropriate, recalculate the amount due.

11 The employer contributions required under this subsection
12 may be paid in the form of a lump sum within 90 days after
13 receipt of the bill. If the employer contributions are not paid
14 within 90 days after receipt of the bill, then interest will be
15 charged at a rate equal to the System's annual actuarially
16 assumed rate of return on investment compounded annually from
17 the 91st day after receipt of the bill. Payments must be
18 concluded within 3 years after the employer's receipt of the
19 bill.

20 (j) For purposes of determining the required State
21 contribution to the System, the value of the System's assets
22 shall be equal to the actuarial value of the System's assets,
23 which shall be calculated as follows:

24 As of June 30, 2008, the actuarial value of the System's
25 assets shall be equal to the market value of the assets as of
26 that date. In determining the actuarial value of the System's

1 assets for fiscal years after June 30, 2008, any actuarial
2 gains or losses from investment return incurred in a fiscal
3 year shall be recognized in equal annual amounts over the
4 5-year period following that fiscal year.

5 (k) For purposes of determining the required State
6 contribution to the system for a particular year, the actuarial
7 value of assets shall be assumed to earn a rate of return equal
8 to the system's actuarially assumed rate of return.

9 (Source: P.A. 100-23, eff. 7-6-17; 100-340, eff. 8-25-17;
10 revised 9-25-17.)

11 (40 ILCS 5/16-190.5 new)

12 Sec. 16-190.5. Accelerated pension benefit payment in lieu
13 of any pension benefit.

14 (a) As used in this Section:

15 "Eligible person" means a person who:

16 (1) has terminated service;

17 (2) has accrued sufficient service credit to be
18 eligible to receive a retirement annuity under this
19 Article;

20 (3) has not received any retirement annuity under this
21 Article; and

22 (4) has not made the election under Section 16-190.6.

23 "Pension benefit" means the benefits under this Article, or
24 Article 1 as it relates to those benefits, including any
25 anticipated annual increases, that an eligible person is

1 entitled to upon attainment of the applicable retirement age.
2 "Pension benefit" also includes applicable survivor's or
3 disability benefits.

4 (b) As soon as practical after the effective date of this
5 amendatory Act of the 100th General Assembly, the System shall
6 calculate, using actuarial tables and other assumptions
7 adopted by the Board, the present value of pension benefits for
8 each eligible person who requests that information and shall
9 offer each eligible person the opportunity to irrevocably elect
10 to receive an amount determined by the System to be equal to
11 60% of the present value of his or her pension benefits in lieu
12 of receiving any pension benefit. The offer shall specify the
13 dollar amount that the eligible person will receive if he or
14 she so elects and shall expire when a subsequent offer is made
15 to an eligible person. The System shall make a good faith
16 effort to contact every eligible person to notify him or her of
17 the election.

18 Until June 30, 2021, an eligible person may irrevocably
19 elect to receive an accelerated pension benefit payment in the
20 amount that the System offers under this subsection in lieu of
21 receiving any pension benefit. A person who elects to receive
22 an accelerated pension benefit payment under this Section may
23 not elect to proceed under the Retirement Systems Reciprocal
24 Act with respect to service under this Article.

25 (c) A person's creditable service under this Article shall
26 be terminated upon the person's receipt of an accelerated

1 pension benefit payment under this Section, and no other
2 benefit shall be paid under this Article based on the
3 terminated creditable service, including any retirement,
4 survivor, or other benefit; except that to the extent that
5 participation, benefits, or premiums under the State Employees
6 Group Insurance Act of 1971 are based on the amount of service
7 credit, the terminated service credit shall be used for that
8 purpose.

9 (d) If a person who has received an accelerated pension
10 benefit payment under this Section returns to active service
11 under this Article, then:

12 (1) Any benefits under the System earned as a result of
13 that return to active service shall be based solely on the
14 person's creditable service arising from the return to
15 active service.

16 (2) The accelerated pension benefit payment may not be
17 repaid to the System, and the terminated creditable service
18 may not under any circumstances be reinstated.

19 (e) As a condition of receiving an accelerated pension
20 benefit payment, the accelerated pension benefit payment must
21 be transferred into a tax qualified retirement plan or account.
22 The accelerated pension benefit payment under this Section may
23 be subject to withholding or payment of applicable taxes, but
24 to the extent permitted by federal law, a person who receives
25 an accelerated pension benefit payment under this Section must
26 direct the System to pay all of that payment as a rollover into

1 another retirement plan or account qualified under the Internal
2 Revenue Code of 1986, as amended.

3 (f) Upon receipt of a member's irrevocable election to
4 receive an accelerated pension benefit payment under this
5 Section, the System shall submit a voucher to the Comptroller
6 for payment of the member's accelerated pension benefit
7 payment. The Comptroller shall transfer the amount of the
8 voucher from the State Pension Obligation Acceleration Bond
9 Fund to the System, and the System shall transfer the amount
10 into the member's eligible retirement plan or qualified
11 account.

12 (g) The Board shall adopt any rules, including emergency
13 rules, necessary to implement this Section.

14 (h) No provision of this amendatory Act of the 100th
15 General Assembly shall be interpreted in a way that would cause
16 the applicable System to cease to be a qualified plan under the
17 Internal Revenue Code of 1986.

18 (40 ILCS 5/16-190.6 new)

19 Sec. 16-190.6. Accelerated pension benefit payment for a
20 reduction in annual retirement annuity and survivor's annuity
21 increases.

22 (a) As used in this Section:

23 "Accelerated pension benefit payment" means a lump sum
24 payment equal to 70% of the difference of the present value of
25 the automatic annual increases to a Tier 1 member's retirement

1 annuity and survivor's annuity using the formula applicable to
2 the Tier 1 member and the present value of the automatic annual
3 increases to the Tier 1 member's retirement annuity using the
4 formula provided under subsection (b-5) and the survivor's
5 annuity using the formula provided under subsection (b-6).

6 "Eligible person" means a person who:

7 (1) is a Tier 1 member;

8 (2) has submitted an application for a retirement
9 annuity under this Article;

10 (3) meets the age and service requirements for
11 receiving a retirement annuity under this Article;

12 (4) has not received any retirement annuity under this
13 Article; and

14 (5) has not made the election under Section 16-190.5.

15 (b) As soon as practical after the effective date of this
16 amendatory Act of the 100th General Assembly and until June 30,
17 2021, the System shall implement an accelerated pension benefit
18 payment option for eligible persons. Upon the request of an
19 eligible person, the System shall calculate, using actuarial
20 tables and other assumptions adopted by the Board, an
21 accelerated pension benefit payment amount and shall offer that
22 eligible person the opportunity to irrevocably elect to have
23 his or her automatic annual increases in retirement annuity
24 calculated in accordance with the formula provided under
25 subsection (b-5) and any increases in survivor's annuity
26 payable to his or her survivor's annuity beneficiary calculated

1 in accordance with the formula provided under subsection (b-6)
2 in exchange for the accelerated pension benefit payment. The
3 election under this subsection must be made before the eligible
4 person receives the first payment of a retirement annuity
5 otherwise payable under this Article.

6 (b-5) Notwithstanding any other provision of law, the
7 retirement annuity of a person who made the election under
8 subsection (b) shall be subject to annual increases on the
9 January 1 occurring either on or after the attainment of age 67
10 or the first anniversary of the annuity start date, whichever
11 is later. Each annual increase shall be calculated at 1.5% of
12 the originally granted retirement annuity.

13 (b-6) Notwithstanding any other provision of law, a
14 survivor's annuity payable to a survivor's annuity beneficiary
15 of a person who made the election under subsection (b) shall be
16 subject to annual increases on the January 1 occurring on or
17 after the first anniversary of the commencement of the annuity.
18 Each annual increase shall be calculated at 1.5% of the
19 originally granted survivor's annuity.

20 (c) If a person who has received an accelerated pension
21 benefit payment returns to active service under this Article,
22 then:

23 (1) the calculation of any future automatic annual
24 increase in retirement annuity shall be calculated in
25 accordance with the formula provided in subsection (b-5);
26 and

1 (2) the accelerated pension benefit payment may not be
2 repaid to the System.

3 (d) As a condition of receiving an accelerated pension
4 benefit payment, the accelerated pension benefit payment must
5 be transferred into a tax qualified retirement plan or account.
6 The accelerated pension benefit payment under this Section may
7 be subject to withholding or payment of applicable taxes, but
8 to the extent permitted by federal law, a person who receives
9 an accelerated pension benefit payment under this Section must
10 direct the System to pay all of that payment as a rollover into
11 another retirement plan or account qualified under the Internal
12 Revenue Code of 1986, as amended.

13 (d-5) Upon receipt of a member's irrevocable election to
14 receive an accelerated pension benefit payment under this
15 Section, the System shall submit a voucher to the Comptroller
16 for payment of the member's accelerated pension benefit
17 payment. The Comptroller shall transfer the amount of the
18 voucher from the State Pension Obligation Acceleration Bond
19 Fund to the System, and the System shall transfer the amount
20 into the member's eligible retirement plan or qualified
21 account.

22 (e) The Board shall adopt any rules, including emergency
23 rules, necessary to implement this Section.

24 (f) No provision of this Section shall be interpreted in a
25 way that would cause the applicable System to cease to be a
26 qualified plan under the Internal Revenue Code of 1986.

1 (40 ILCS 5/16-203)

2 Sec. 16-203. Application and expiration of new benefit
3 increases.

4 (a) As used in this Section, "new benefit increase" means
5 an increase in the amount of any benefit provided under this
6 Article, or an expansion of the conditions of eligibility for
7 any benefit under this Article, that results from an amendment
8 to this Code that takes effect after June 1, 2005 (the
9 effective date of Public Act 94-4). "New benefit increase",
10 however, does not include any benefit increase resulting from
11 the changes made to Article 1 or this Article by Public Act
12 95-910, Public Act 100-23, or this amendatory Act of the 100th
13 General Assembly ~~or this amendatory Act of the 100th General~~
14 ~~Assembly.~~

15 (b) Notwithstanding any other provision of this Code or any
16 subsequent amendment to this Code, every new benefit increase
17 is subject to this Section and shall be deemed to be granted
18 only in conformance with and contingent upon compliance with
19 the provisions of this Section.

20 (c) The Public Act enacting a new benefit increase must
21 identify and provide for payment to the System of additional
22 funding at least sufficient to fund the resulting annual
23 increase in cost to the System as it accrues.

24 Every new benefit increase is contingent upon the General
25 Assembly providing the additional funding required under this

1 subsection. The Commission on Government Forecasting and
2 Accountability shall analyze whether adequate additional
3 funding has been provided for the new benefit increase and
4 shall report its analysis to the Public Pension Division of the
5 Department of Insurance. A new benefit increase created by a
6 Public Act that does not include the additional funding
7 required under this subsection is null and void. If the Public
8 Pension Division determines that the additional funding
9 provided for a new benefit increase under this subsection is or
10 has become inadequate, it may so certify to the Governor and
11 the State Comptroller and, in the absence of corrective action
12 by the General Assembly, the new benefit increase shall expire
13 at the end of the fiscal year in which the certification is
14 made.

15 (d) Every new benefit increase shall expire 5 years after
16 its effective date or on such earlier date as may be specified
17 in the language enacting the new benefit increase or provided
18 under subsection (c). This does not prevent the General
19 Assembly from extending or re-creating a new benefit increase
20 by law.

21 (e) Except as otherwise provided in the language creating
22 the new benefit increase, a new benefit increase that expires
23 under this Section continues to apply to persons who applied
24 and qualified for the affected benefit while the new benefit
25 increase was in effect and to the affected beneficiaries and
26 alternate payees of such persons, but does not apply to any

1 other person, including without limitation a person who
2 continues in service after the expiration date and did not
3 apply and qualify for the affected benefit while the new
4 benefit increase was in effect.

5 (Source: P.A. 100-23, eff. 7-6-17.)

6 (40 ILCS 5/14-103.40 rep.)

7 (40 ILCS 5/16-106.4 rep.)

8 Section 110-25. The Illinois Pension Code is amended by
9 repealing Sections 14-103.40 and 16-106.4.

10 Section 110-30. The State Pension Funds Continuing
11 Appropriation Act is amended by adding Section 1.9 as follows:

12 (40 ILCS 15/1.9 new)

13 Sec. 1.9. Appropriations for State Pension Obligation
14 Acceleration Bonds. If for any reason the aggregate
15 appropriations made available are insufficient to meet the
16 levels required for the payment of principal and interest due
17 on State Pension Obligation Acceleration Bonds under Section
18 7.7 of the General Obligation Bond Act, this Section shall
19 constitute a continuing appropriation of all amounts necessary
20 for those purposes.

1 Section 115-5. The State Treasurer Act is amended by
2 changing Section 20 as follows:

3 (15 ILCS 505/20)

4 Sec. 20. State Treasurer administrative charge. The State
5 Treasurer may retain an administrative charge for both the
6 costs of services associated with the deposit of moneys that
7 are remitted directly to the State Treasurer and the investment
8 or safekeeping of funds by the State Treasurer. The
9 administrative charges ~~charge~~ collected under this Section
10 shall be deposited into the State Treasurer's Administrative
11 Fund. The amount of the administrative charges ~~charge~~ may be
12 determined by the State Treasurer. Administrative charges from
13 the deposit of moneys remitted directly to the State Treasurer
14 ~~and~~ shall not exceed 2% of the amount deposited. Administrative
15 charges from the investment or safekeeping of funds by the
16 State Treasurer shall be charged no more than monthly and the
17 total amount charged per fiscal year shall not exceed
18 \$12,000,000 plus any amounts required as employer
19 contributions under Section 14-131 of the Illinois Pension Code
20 and Section 10 of the State Employees Group Insurance Act of
21 1971.

22 Administrative charges for the deposit of moneys ~~This~~
23 ~~Section~~ shall apply to fines, fees, or other amounts remitted
24 directly to the State Treasurer by circuit clerks, county
25 clerks, and other entities for deposit into a fund in the State

1 treasury. Administrative charges for the deposit of moneys do
2 ~~This Section does~~ not apply to amounts remitted by State
3 agencies or certified collection specialists as defined in 74
4 Ill. Admin. Code 1200.50. Administrative charges for the
5 deposit of moneys ~~This Section~~ shall apply only to any form of
6 fines, fees, or other collections created on or after August
7 15, 2014 (the effective date of Public Act 98-965) ~~this~~
8 ~~amendatory Act of the 98th General Assembly.~~

9 Moneys in the State Treasurer's Administrative Fund are
10 subject to appropriation by the General Assembly.

11 (Source: P.A. 98-965, eff. 8-15-14.)

12 Section 115-10. The State Treasurer's Bank Services Trust
13 Fund Act is amended by changing Section 10 as follows:

14 (30 ILCS 212/10)

15 Sec. 10. Creation of Fund. There is hereby created in the
16 State treasury a special fund to be known as the State
17 Treasurer's Bank Services Trust Fund. Moneys deposited in the
18 Fund shall be used by the State Treasurer to pay the cost of
19 the following banking services: processing of payments of
20 taxes, fees, and other moneys due the State; transactional,
21 technological, consultant, ~~and~~ legal service charges, and
22 other operational expenses of the State Treasurer's Office
23 related to the investment or safekeeping of funds under the
24 Treasurer's control; and the cost of paying bondholders and

1 legal services under the State's general obligation bond
2 program.

3 (Source: P.A. 98-909, eff. 8-15-14.)

4 ARTICLE 120. NATURAL DISASTER CREDIT

5 Section 120-5. The Illinois Income Tax Act is amended by
6 changing Section 226 as follows:

7 (35 ILCS 5/226)

8 Sec. 226. Natural disaster credit.

9 (a) For taxable years that begin on or after January 1,
10 2017 and begin prior to January 1, 2019 ~~2018~~, each taxpayer who
11 owns qualified real property located in a county in Illinois
12 that was declared a State disaster area by the Governor due to
13 flooding in 2017 or 2018 is entitled to a credit against the
14 taxes imposed by subsections (a) and (b) of Section 201 of this
15 Act in an amount equal to the lesser of \$750 or the deduction
16 allowed (whether or not the taxpayer determines taxable income
17 under subsection (b) of Section 63 of the Internal Revenue
18 Code) with respect to the qualified property under Section 165
19 of the Internal Revenue Code, determined without regard to the
20 limitations imposed under subsection (h) of that Section. The
21 township assessor or, if the township assessor is unable, the
22 chief county assessment officer of the county in which the
23 property is located, shall issue a certificate to the taxpayer

1 identifying the taxpayer's property as damaged as a result of
2 the natural disaster. The certificate shall include the name
3 and address of the property owner, as well as the property
4 index number or permanent index number (PIN) of the damaged
5 property. The taxpayer shall attach a copy of such certificate
6 to the taxpayer's return for the taxable year for which the
7 credit is allowed.

8 (b) In no event shall a credit under this Section reduce a
9 taxpayer's liability to less than zero. If the amount of credit
10 exceeds the tax liability for the year, the excess may be
11 carried forward and applied to the tax liability for the 5
12 taxable years following the excess credit year. The tax credit
13 shall be applied to the earliest year for which there is a tax
14 liability. If there are credits for more than one year that are
15 available to offset liability, the earlier credit shall be
16 applied first.

17 (c) If the taxpayer is a partnership or Subchapter S
18 corporation, the credit shall be allowed to the partners or
19 shareholders in accordance with the determination of income and
20 distributive share of income under Sections 702 and 704 and
21 Subchapter S of the Internal Revenue Code.

22 (d) A taxpayer is not entitled to the credit under this
23 Section if the taxpayer receives a Natural Disaster Homestead
24 Exemption under Section 15-173 of the Property Tax Code with
25 respect to the qualified real property as a result of the
26 natural disaster.

1 (e) The township assessor or, if the township assessor is
2 unable to certify, the chief county assessment officer of the
3 county in which the property is located, shall certify to the
4 Department a listing of the properties located within the
5 county that have been damaged as a result of the natural
6 disaster (including the name and address of the property owner
7 and the property index number or permanent index number (PIN)
8 of each damage property).

9 (f) As used in this Section:

10 (1) "Qualified real property" means real property that
11 is: (i) the taxpayer's principal residence or owned by a
12 small business; (ii) damaged during the taxable year as a
13 result of a disaster; and (iii) not used in a rental or
14 leasing business.

15 (2) "Small business" has the meaning given to that term
16 in Section 1-75 of the Illinois Administrative Procedure
17 Act.

18 (Source: P.A. 100-555, eff. 11-16-17.)

19 ARTICLE 999. MISCELLANEOUS PROVISIONS

20 Section 999-90. The State Mandates Act is amended by adding
21 Section 8.42 as follows:

22 (30 ILCS 805/8.42 new)

23 Sec. 8.42. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 100th General Assembly.

4 Section 999-95. No acceleration or delay. Where this Act
5 makes changes in a statute that is represented in this Act by
6 text that is not yet or no longer in effect (for example, a
7 Section represented by multiple versions), the use of that text
8 does not accelerate or delay the taking effect of (i) the
9 changes made by this Act or (ii) provisions derived from any
10 other Public Act.

11 Section 999-99. Effective date. This Act takes effect upon
12 becoming law.".