



Rep. Anthony DeLuca

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10400SB0090ham003

LRB104 06245 SPS 29482 a

1 AMENDMENT TO SENATE BILL 90

2 AMENDMENT NO. _____. Amend Senate Bill 90 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Comptroller Act is amended by
5 changing Section 10.05 as follows:

6 (15 ILCS 405/10.05) (from Ch. 15, par. 210.05)

7 Sec. 10.05. Deductions from warrants; statement of reason
8 for deduction. Whenever any person shall be entitled to a
9 warrant or other payment from the treasury or other funds held
10 by the State Treasurer, on any account, against whom there
11 shall be any then due and payable account or claim in favor of
12 the State, the United States upon certification by the
13 Secretary of the Treasury of the United States, or his or her
14 delegate, pursuant to a reciprocal offset agreement under
15 subsection (i-1) of Section 10 of the Illinois State
16 Collection Act of 1986, or a unit of local government, a school

1 district, a public institution of higher education, as defined
2 in Section 1 of the Board of Higher Education Act, a public
3 agency or association organized under an intergovernmental
4 agreement in accordance with the provisions of the
5 Intergovernmental Cooperation Act, including an
6 intergovernmental risk management association or
7 self-insurance pool, or the clerk of a circuit court, upon
8 certification by that entity, the Comptroller, upon
9 notification thereof, shall ascertain the amount due and
10 payable to the State, the United States, the unit of local
11 government, the school district, the public institution of
12 higher education, the public agency or association organized
13 under an intergovernmental agreement in accordance with the
14 provisions of the Intergovernmental Cooperation Act, or the
15 clerk of the circuit court, as aforesaid, and draw a warrant on
16 the treasury or on other funds held by the State Treasurer,
17 stating the amount for which the party was entitled to a
18 warrant or other payment, the amount deducted therefrom, and
19 on what account, and directing the payment of the balance;
20 which warrant or payment as so drawn shall be entered on the
21 books of the Treasurer, and such balance only shall be paid.
22 The Comptroller may deduct any one or more of the following:
23 (i) the entire amount due and payable to the State or a portion
24 of the amount due and payable to the State in accordance with
25 the request of the notifying agency; (ii) the entire amount
26 due and payable to the United States or a portion of the amount

1 due and payable to the United States in accordance with a
2 reciprocal offset agreement under subsection (i-1) of Section
3 10 of the Illinois State Collection Act of 1986; or (iii) the
4 entire amount due and payable to the unit of local government,
5 the school district, the public institution of higher
6 education, the public agency or association organized under an
7 intergovernmental agreement in accordance with the provisions
8 of the Intergovernmental Cooperation Act, or the clerk of the
9 circuit court, or a portion of the amount due and payable to
10 that entity, in accordance with an intergovernmental agreement
11 authorized under this Section and Section 10.05d. No request
12 from a notifying agency, the Secretary of the Treasury of the
13 United States, a unit of local government, a school district,
14 a public institution of higher education, a public agency or
15 association organized under an intergovernmental agreement in
16 accordance with the provisions of the Intergovernmental
17 Cooperation Act, or the clerk of a circuit court for an amount
18 to be deducted under this Section from a wage or salary
19 payment, from a contractual payment to an individual for
20 personal services, or from pension annuity payments made under
21 the Illinois Pension Code shall exceed 25% of the net amount of
22 such payment. "Net amount" means that part of the earnings of
23 an individual remaining after deduction of any amounts
24 required by law to be withheld. For purposes of this
25 provision, wage, salary or other payments for personal
26 services shall not include final compensation payments for the

1 value of accrued vacation, overtime or sick leave. Whenever
2 the Comptroller draws a warrant or makes a payment involving a
3 deduction ordered under this Section, the Comptroller shall
4 notify the payee and the State agency that submitted the
5 voucher of the reason for the deduction and he or she shall
6 retain a record of such statement in his or her records. As
7 used in this Section, an "account or claim in favor of the
8 State" includes all amounts owing to "State agencies" as
9 defined in Section 7 of this Act. However, the Comptroller
10 shall not be required to accept accounts or claims owing to
11 funds not held by the State Treasurer, where such accounts or
12 claims do not exceed \$50, nor shall the Comptroller deduct
13 from funds held by the State Treasurer under the Senior
14 Citizens and Persons with Disabilities Property Tax Relief Act
15 or for payments to institutions from the Illinois Prepaid
16 Tuition Trust Fund (unless the Trust Fund moneys are used for
17 child support). The Comptroller shall not deduct from payments
18 to be disbursed from the Child Support Enforcement Trust Fund
19 as provided for under Section 12-10.2 of the Illinois Public
20 Aid Code, except for payments representing interest on child
21 support obligations under Section 10-16.5 of that Code. The
22 Comptroller and the Department of Revenue shall enter into an
23 interagency agreement to establish responsibilities, duties,
24 and procedures relating to deductions from lottery prizes
25 awarded under Section 20.1 of the Illinois Lottery Law. The
26 Comptroller may enter into an intergovernmental agreement with

1 the Department of Revenue and the Secretary of the Treasury of
2 the United States, or his or her delegate, to establish
3 responsibilities, duties, and procedures relating to
4 reciprocal offset of delinquent State and federal obligations
5 pursuant to subsection (i-1) of Section 10 of the Illinois
6 State Collection Act of 1986. The Comptroller may enter into
7 intergovernmental agreements with a ~~any~~ unit of local
8 government, a school district, a public institution of higher
9 education, a public agency or association organized under an
10 intergovernmental agreement in accordance with the provisions
11 of the Intergovernmental Cooperation Act, or the clerk of a
12 circuit court to establish responsibilities, duties, and
13 procedures to provide for the offset, by the Comptroller, of
14 obligations owed to those entities. A request for a deduction
15 by a public agency or association organized under an
16 intergovernmental agreement in accordance with the provisions
17 of the Intergovernmental Cooperation Act shall be accompanied
18 by a written agreement between the 2 parties or a court order
19 to that effect.

20 For the purposes of this Section, "clerk of a circuit
21 court" means the clerk of a circuit court in any county in the
22 State.

23 (Source: P.A. 99-143, eff. 7-27-15; 100-763, eff. 8-10-18.)

24 Section 99. Effective date. This Act takes effect July 1,
25 2026."