

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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:

13 (10 ILCS 5/1A-55 new)

14 Sec. 1A-55. Cyber security efforts. The State Board of  
15 Elections shall provide by rule, after at least 2 public  
16 hearings of the Board and in consultation with the election  
17 authorities, a Cyber Navigator Program to support the efforts  
18 of election authorities to defend against cyber breaches and  
19 detect and recover from cyber attacks. The rules shall include

1 the Board's plan to allocate any resources received in  
2 accordance with the Help America Vote Act and provide that no  
3 less than half of any such funds received shall be allocated to  
4 the Cyber Navigator Program. The Cyber Navigator Program should  
5 be designed to provide equal support to all election  
6 authorities, with allowable modifications based on need. The  
7 remaining half of the Help America Vote Act funds shall be  
8 distributed as the State Board of Elections may determine, but  
9 no grants may be made to election authorities that do not  
10 participate in the Cyber Navigator Program.

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

13 (25 ILCS 80/5) (from Ch. 63, par. 42.93-5)

14 Sec. 5. Supplemental Appropriation Bill Defined. For  
15 purposes of this Act, "supplemental appropriation bill" means  
16 any appropriation bill that is (a) introduced or amended  
17 (including any changes to legislation by means of the  
18 submission of a conference committee report) on or after July 1  
19 of a fiscal year and (b) proposes (as introduced or as amended  
20 as the case may be) to authorize, increase, decrease, or  
21 reallocate any general funds appropriation for that same fiscal  
22 year. The general funds consist of the General Revenue Fund,  
23 the Common School Fund, the General Revenue Common School  
24 Special Account Fund, ~~and~~ the Education Assistance Fund, the

1 Fund for the Advancement of Education, the Commitment to Human  
2 Services Fund, and the Budget Stabilization Fund.

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

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

6 (30 ILCS 105/5.857)

7 (Section scheduled to be repealed on July 1, 2018)

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

10 (Source: P.A. 99-78, eff. 7-20-15; 99-523, eff. 6-30-16;  
11 100-23, eff. 7-6-17.)

12 (30 ILCS 105/6z-100)

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

14 Sec. 6z-100. Capital Development Board Revolving Fund;  
15 payments into and use. All monies received by the Capital  
16 Development Board for publications or copies issued by the  
17 Board, and all monies received for contract administration  
18 fees, charges, or reimbursements owing to the Board shall be  
19 deposited into a special fund known as the Capital Development  
20 Board Revolving Fund, which is hereby created in the State  
21 treasury. The monies in this Fund shall be used by the Capital  
22 Development Board, as appropriated, for expenditures for  
23 personal services, retirement, social security, contractual

1 services, legal services, travel, commodities, printing,  
 2 equipment, electronic data processing, or telecommunications.  
 3 Unexpended moneys in the Fund shall not be transferred or  
 4 allocated by the Comptroller or Treasurer to any other fund,  
 5 nor shall the Governor authorize the transfer or allocation of  
 6 those moneys to any other fund. This Section is repealed July  
 7 1, 2019 ~~2018~~.

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

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

11 (30 ILCS 105/6z-27)

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

16 Within 30 days after the effective date of this amendatory  
 17 Act of the 100th General Assembly, the State Comptroller shall  
 18 order transferred and the State Treasurer shall transfer from  
 19 the following funds moneys in the specified amounts for deposit  
 20 into the Audit Expense Fund:

21	<u>Agricultural Premium Fund</u> .....	<u>18,792</u>
22	<u>Anna Veterans Home Fund</u> .....	<u>8,050</u>
23	<u>Appraisal Administration Fund</u> .....	<u>4,373</u>
24	<u>Attorney General Court Ordered and Voluntary Compliance</u>	

1	<u>Payment Projects Fund</u> .....	<u>14,421</u>
2	<u>Attorney General Whistleblower Reward and</u>	
3	<u>Protection Fund</u> .....	<u>9,220</u>
4	<u>Bank and Trust Company Fund</u> .....	<u>93,160</u>
5	<u>Budget Stabilization Fund</u> .....	<u>131,491</u>
6	<u>Care Provider Fund for Persons with a</u>	
7	<u>Developmental Disability</u> .....	<u>6,003</u>
8	<u>CDLIS/AAMVAnet/NMVTIS Trust Fund</u> .....	<u>2,495</u>
9	<u>Cemetery Oversight Licensing and Disciplinary Fund</u> .....	<u>5,583</u>
10	<u>Chicago State University Education Improvement Fund</u> .....	<u>4,233</u>
11	<u>Child Support Administrative Fund</u> .....	<u>2,299</u>
12	<u>Commitment to Human Services Fund</u> .....	<u>122,475</u>
13	<u>Common School Fund</u> .....	<u>433,663</u>
14	<u>Community Association Manager Licensing and</u>	
15	<u>Disciplinary Fund</u> .....	<u>877</u>
16	<u>Community Mental Health Medicaid Trust Fund</u> .....	<u>9,897</u>
17	<u>Credit Union Fund</u> .....	<u>22,441</u>
18	<u>Cycle Rider Safety Training Fund</u> .....	<u>1,084</u>
19	<u>DCFS Children's Services Fund</u> .....	<u>241,473</u>
20	<u>Department of Business Services Special</u>	
21	<u>Operations Fund</u> .....	<u>5,493</u>
22	<u>Department of Corrections Reimbursement</u>	
23	<u>and Education Fund</u> .....	<u>18,389</u>
24	<u>Department of Human Services Community Services Fund</u> ....	<u>5,399</u>
25	<u>Design Professionals Administration and</u>	
26	<u>Investigation Fund</u> .....	<u>5,378</u>

1	<u>The Downstate Public Transportation Fund</u>	<u>32,074</u>
2	<u>Downstate Transit Improvement Fund</u>	<u>1,251</u>
3	<u>Dram Shop Fund</u>	<u>514</u>
4	<u>Driver Services Administration Fund</u>	<u>897</u>
5	<u>Drivers Education Fund</u>	<u>1,417</u>
6	<u>Drug Rebate Fund</u>	<u>21,941</u>
7	<u>Drug Treatment Fund</u>	<u>527</u>
8	<u>The Education Assistance Fund</u>	<u>1,230,281</u>
9	<u>Electronic Health Record Incentive Fund</u>	<u>657</u>
10	<u>Energy Efficiency Portfolio Standards Fund</u>	<u>126,046</u>
11	<u>Facilities Management Revolving Fund</u>	<u>15,360</u>
12	<u>Fair and Exposition Fund</u>	<u>911</u>
13	<u>Federal High Speed Rail Trust Fund</u>	<u>59,579</u>
14	<u>Federal Workforce Training Fund</u>	<u>152,617</u>
15	<u>Feed Control Fund</u>	<u>1,584</u>
16	<u>Fertilizer Control Fund</u>	<u>1,369</u>
17	<u>The Fire Prevention Fund</u>	<u>3,183</u>
18	<u>Fund for the Advancement of Education</u>	<u>130,528</u>
19	<u>General Professions Dedicated Fund</u>	<u>19,678</u>
20	<u>The General Revenue Fund</u>	<u>17,653,153</u>
21	<u>Grade Crossing Protection Fund</u>	<u>2,379</u>
22	<u>Health and Human Services Medicaid Trust Fund</u>	<u>3,852</u>
23	<u>Healthcare Provider Relief Fund</u>	<u>71,263</u>
24	<u>Horse Racing Fund</u>	<u>215,160</u>
25	<u>Hospital Provider Fund</u>	<u>44,230</u>
26	<u>Illinois Affordable Housing Trust Fund</u>	<u>5,478</u>

1	<u>Illinois Capital Revolving Loan Fund</u>	<u>1,067</u>
2	<u>Illinois Charity Bureau Fund</u>	<u>2,236</u>
3	<u>Illinois Gaming Law Enforcement Fund</u>	<u>1,395</u>
4	<u>Illinois State Dental Disciplinary Fund</u>	<u>5,128</u>
5	<u>Illinois State Fair Fund</u>	<u>7,297</u>
6	<u>Illinois State Medical Disciplinary Fund</u>	<u>21,473</u>
7	<u>Illinois State Pharmacy Disciplinary Fund</u>	<u>8,839</u>
8	<u>Illinois Veterans Assistance Fund</u>	<u>3,863</u>
9	<u>Illinois Veterans' Rehabilitation Fund</u>	<u>634</u>
10	<u>Illinois Workers' Compensation Commission</u>	
11	<u>Operations Fund</u>	<u>4,758</u>
12	<u>IMSA Income Fund</u>	<u>6,823</u>
13	<u>Income Tax Refund Fund</u>	<u>176,034</u>
14	<u>Insurance Financial Regulation Fund</u>	<u>110,878</u>
15	<u>Insurance Premium Tax Refund Fund</u>	<u>16,534</u>
16	<u>Insurance Producer Administration Fund</u>	<u>107,833</u>
17	<u>Intermodal Facilities Promotion Fund</u>	<u>1,011</u>
18	<u>International Tourism Fund</u>	<u>6,566</u>
19	<u>LaSalle Veterans Home Fund</u>	<u>36,259</u>
20	<u>LEADS Maintenance Fund</u>	<u>1,050</u>
21	<u>Live and Learn Fund</u>	<u>10,805</u>
22	<u>Lobbyist Registration Administration Fund</u>	<u>521</u>
23	<u>The Local Government Distributive Fund</u>	<u>113,119</u>
24	<u>Local Tourism Fund</u>	<u>19,098</u>
25	<u>Long-Term Care Provider Fund</u>	<u>6,761</u>
26	<u>Manteno Veterans Home Fund</u>	<u>68,288</u>

1	<u>Medical Interagency Program Fund</u> .....	<u>602</u>
2	<u>Mental Health Fund</u> .....	<u>3,358</u>
3	<u>Money Laundering Asset Recovery Fund</u> .....	<u>1,115</u>
4	<u>Monitoring Device Driving Permit</u>	
5	<u>Administration Fee Fund</u> .....	<u>797</u>
6	<u>Motor Carrier Safety Inspection Fund</u> .....	<u>1,289</u>
7	<u>The Motor Fuel Tax Fund</u> .....	<u>101,821</u>
8	<u>Motor Vehicle License Plate Fund</u> .....	<u>5,094</u>
9	<u>Nursing Dedicated and Professional Fund</u> .....	<u>10,673</u>
10	<u>Optometric Licensing and Disciplinary Board Fund</u> .....	<u>1,608</u>
11	<u>Partners for Conservation Fund</u> .....	<u>8,973</u>
12	<u>The Personal Property Tax Replacement Fund</u> .....	<u>119,343</u>
13	<u>Pesticide Control Fund</u> .....	<u>5,826</u>
14	<u>Professional Services Fund</u> .....	<u>1,569</u>
15	<u>Professions Indirect Cost Fund</u> .....	<u>176,535</u>
16	<u>Public Pension Regulation Fund</u> .....	<u>9,236</u>
17	<u>The Public Transportation Fund</u> .....	<u>91,397</u>
18	<u>Quincy Veterans Home Fund</u> .....	<u>64,594</u>
19	<u>Real Estate License Administration Fund</u> .....	<u>34,822</u>
20	<u>Regional Transportation Authority Occupation and</u>	
21	<u>Use Tax Replacement Fund</u> .....	<u>3,486</u>
22	<u>Registered Certified Public Accountants' Administration</u>	
23	<u>and Disciplinary Fund</u> .....	<u>3,423</u>
24	<u>Rental Housing Support Program Fund</u> .....	<u>2,388</u>
25	<u>Residential Finance Regulatory Fund</u> .....	<u>17,742</u>
26	<u>The Road Fund</u> .....	<u>662,332</u>



1	<u>Roadside Memorial Fund</u> .....	<u>1,170</u>
2	<u>Savings Bank Regulatory Fund</u> .....	<u>2,270</u>
3	<u>School Infrastructure Fund</u> .....	<u>14,441</u>
4	<u>Secretary of State DUI Administration Fund</u> .....	<u>1,107</u>
5	<u>Secretary of State Identification Security and Theft</u>	
6	<u>Prevention Fund</u> .....	<u>6,154</u>
7	<u>Secretary of State Special License Plate Fund</u> .....	<u>2,210</u>
8	<u>Secretary of State Special Services Fund</u> .....	<u>10,306</u>
9	<u>Securities Audit and Enforcement Fund</u> .....	<u>3,972</u>
10	<u>Special Education Medicaid Matching Fund</u> .....	<u>2,346</u>
11	<u>State and Local Sales Tax Reform Fund</u> .....	<u>6,592</u>
12	<u>State Asset Forfeiture Fund</u> .....	<u>1,239</u>
13	<u>State Construction Account Fund</u> .....	<u>106,236</u>
14	<u>State Crime Laboratory Fund</u> .....	<u>4,020</u>
15	<u>State Gaming Fund</u> .....	<u>200,367</u>
16	<u>The State Garage Revolving Fund</u> .....	<u>5,521</u>
17	<u>The State Lottery Fund</u> .....	<u>215,561</u>
18	<u>State Offender DNA Identification System Fund</u> .....	<u>1,270</u>
19	<u>State Pensions Fund</u> .....	<u>500,000</u>
20	<u>State Police DUI Fund</u> .....	<u>1,050</u>
21	<u>State Police Firearm Services Fund</u> .....	<u>4,116</u>
22	<u>State Police Services Fund</u> .....	<u>11,485</u>
23	<u>State Police Vehicle Fund</u> .....	<u>6,004</u>
24	<u>State Police Whistleblower Reward</u>	
25	<u>and Protection Fund</u> .....	<u>3,519</u>
26	<u>Supplemental Low-Income Energy Assistance Fund</u> .....	<u>74,279</u>

1	<u>Tax Compliance and Administration Fund</u> .....	<u>1,479</u>
2	<u>Technology Management Revolving Fund</u> .....	<u>204,090</u>
3	<u>Tobacco Settlement Recovery Fund</u> .....	<u>1,855</u>
4	<u>Tourism Promotion Fund</u> .....	<u>40,541</u>
5	<u>University of Illinois Hospital Services Fund</u> .....	<u>1,924</u>
6	<u>The Vehicle Inspection Fund</u> .....	<u>1,469</u>
7	<u>Violent Crime Victims Assistance Fund</u> .....	<u>13,911</u>
8	<u>Weights and Measures Fund</u> .....	<u>5,660</u>
9	<u>The Working Capital Revolving Fund</u> .....	<u>18,184</u>
10	<del>Agricultural Premium Fund</del> .....	<del>182,124</del>
11	<del>Assisted Living and Shared Housing Regulatory Fund</del> .....	<del>1,631</del>
12	<del>Capital Development Board Revolving Fund</del> .....	<del>8,023</del>
13	<del>Care Provider Fund for Persons with a</del>	
14	<del>Developmental Disability</del> .....	<del>17,737</del>
15	<del>Carolyn Adams Ticket for the Cure Grant Fund</del> .....	<del>1,080</del>
16	<del>CDLIS/AAMVAnet/NMVTIS Trust Fund</del> .....	<del>2,234</del>
17	<del>Chicago State University Education Improvement Fund</del> .....	<del>5,437</del>
18	<del>Child Support Administrative Fund</del> .....	<del>5,110</del>
19	<del>Common School Fund</del> .....	<del>312,638</del>
20	<del>Communications Revolving Fund</del> .....	<del>40,492</del>
21	<del>Community Mental Health Medicaid Trust Fund</del> .....	<del>30,952</del>
22	<del>Death Certificate Surcharge Fund</del> .....	<del>2,243</del>
23	<del>Death Penalty Abolition Fund</del> .....	<del>8,367</del>
24	<del>Department of Business Services Special Operations Fund</del>	<del>11,982</del>
25	<del>Department of Human Services Community Services Fund</del> .....	<del>4,340</del>
26	<del>Downstate Public Transportation Fund</del> .....	<del>6,600</del>

1	<del>Driver Services Administration Fund .....</del>	<del>2,644</del>
2	<del>Drivers Education Fund .....</del>	<del>517</del>
3	<del>Drug Rebate Fund .....</del>	<del>17,541</del>
4	<del>Drug Treatment Fund .....</del>	<del>2,133</del>
5	<del>Drunk &amp; Drugged Driving Prevention Fund .....</del>	<del>874</del>
6	<del>Education Assistance Fund .....</del>	<del>894,514</del>
7	<del>Electronic Health Record Incentive Fund .....</del>	<del>1,155</del>
8	<del>Emergency Public Health Fund .....</del>	<del>9,025</del>
9	<del>EMS Assistance Fund .....</del>	<del>3,705</del>
10	<del>Estate Tax Refund Fund .....</del>	<del>2,088</del>
11	<del>Facilities Management Revolving Fund .....</del>	<del>92,392</del>
12	<del>Facility Licensing Fund .....</del>	<del>3,189</del>
13	<del>Fair &amp; Exposition Fund .....</del>	<del>13,059</del>
14	<del>Federal High Speed Rail Trust Fund .....</del>	<del>9,168</del>
15	<del>Feed Control Fund .....</del>	<del>14,955</del>
16	<del>Fertilizer Control Fund .....</del>	<del>9,404</del>
17	<del>Fire Prevention Fund .....</del>	<del>4,146</del>
18	<del>Food and Drug Safety Fund .....</del>	<del>1,101</del>
19	<del>Fund for the Advancement of Education .....</del>	<del>12,463</del>
20	<del>General Revenue Fund .....</del>	<del>17,653,153</del>
21	<del>Grade Crossing Protection Fund .....</del>	<del>965</del>
22	<del>Hazardous Waste Research Fund .....</del>	<del>543</del>
23	<del>Health Facility Plan Review Fund .....</del>	<del>3,704</del>
24	<del>Health and Human Services Medicaid Trust Fund .....</del>	<del>16,996</del>
25	<del>Healthcare Provider Relief Fund .....</del>	<del>147,619</del>
26	<del>Home Care Services Agency Licensure Fund .....</del>	<del>3,285</del>

1	<del>Hospital Provider Fund .....</del>	<del>76,973</del>
2	<del>ICJIA Violence Prevention Fund .....</del>	<del>8,062</del>
3	<del>Illinois Affordable Housing Trust Fund .....</del>	<del>6,878</del>
4	<del>Illinois Department of Agriculture Laboratory</del>	
5	<del>    Services Revolving Fund .....</del>	<del>7,887</del>
6	<del>Illinois Health Facilities Planning Fund .....</del>	<del>4,816</del>
7	<del>IMSA Income Fund .....</del>	<del>6,876</del>
8	<del>Illinois School Asbestos Abatement Fund .....</del>	<del>2,058</del>
9	<del>Illinois Standardbred Breeders Fund .....</del>	<del>1,381</del>
10	<del>Illinois State Fair Fund .....</del>	<del>94,229</del>
11	<del>Illinois Thoroughbred Breeders Fund .....</del>	<del>3,974</del>
12	<del>Illinois Veterans' Rehabilitation Fund .....</del>	<del>1,308</del>
13	<del>Illinois Workers Compensation</del>	
14	<del>    Commission Operations Fund .....</del>	<del>183,518</del>
15	<del>Income Tax Refund Fund .....</del>	<del>36,095</del>
16	<del>Lead Poisoning Screening, Prevention,</del>	
17	<del>    and Abatement Fund .....</del>	<del>3,311</del>
18	<del>Live and Learn Fund .....</del>	<del>22,956</del>
19	<del>Livestock Management Facilities Fund .....</del>	<del>683</del>
20	<del>Lobbyist Registration Administration Fund .....</del>	<del>1,057</del>
21	<del>Local Government Distributive Fund .....</del>	<del>26,025</del>
22	<del>Long Term Care</del>	
23	<del>    Monitor/Receiver Fund .....</del>	<del>63,014</del>
24	<del>Long Term Care Provider Fund .....</del>	<del>15,082</del>
25	<del>Mandatory Arbitration Fund .....</del>	<del>2,484</del>
26	<del>Medical Interagency Program Fund .....</del>	<del>1,343</del>

1	<del>Mental Health Fund</del> .....	9,176
2	<del>Metabolic Screening and Treatment Fund</del> .....	41,241
3	<del>Monitoring Device Driving Permit</del>	
4	<del>Administration Fee Fund</del> .....	1,403
5	<del>Motor Fuel Tax Fund</del> .....	23,607
6	<del>Motor Vehicle License Plate Fund</del> .....	15,200
7	<del>Motor Vehicle Theft</del>	
8	<del>Prevention Trust Fund</del> .....	4,803
9	<del>Multiple Sclerosis Research Fund</del> .....	5,380
10	<del>Nursing Dedicated and Professional Fund</del> .....	1,613
11	<del>Partners for Conservation Fund</del> .....	8,620
12	<del>Personal Property Tax Replacement Fund</del> .....	23,828
13	<del>Pesticide Control Fund</del> .....	83,517
14	<del>Pet Population Control Fund</del> .....	526
15	<del>Plumbing Licensure and Program Fund</del> .....	5,148
16	<del>Professional Services Fund</del> .....	6,487
17	<del>Public Health Laboratory</del>	
18	<del>Services Revolving Fund</del> .....	11,242
19	<del>Public Transportation Fund</del> .....	16,112
20	<del>Road Fund</del> .....	746,799
21	<del>Regional Transportation Authority Occupation</del>	
22	<del>and Use Tax Replacement Fund</del> .....	563
23	<del>School Infrastructure Fund</del> .....	17,532
24	<del>Secretary of State DUI Administration Fund</del> .....	2,336
25	<del>Secretary of State Identification Security</del>	
26	<del>and Theft Prevention Fund</del> .....	11,609

1	<del>Secretary of State Special License Plate Fund .....</del>	<del>4,561</del>
2	<del>Secretary of State Special Services Fund .....</del>	<del>24,693</del>
3	<del>Securities Audit and Enforcement Fund .....</del>	<del>9,137</del>
4	<del>Special Education Medicaid Matching Fund .....</del>	<del>5,019</del>
5	<del>State and Local Sales Tax Reform Fund .....</del>	<del>1,380</del>
6	<del>State Construction Account Fund .....</del>	<del>27,323</del>
7	<del>State Gaming Fund .....</del>	<del>79,018</del>
8	<del>State Garage Revolving Fund .....</del>	<del>15,516</del>
9	<del>State Lottery Fund .....</del>	<del>348,448</del>
10	<del>State Pensions Fund .....</del>	<del>500,000</del>
11	<del>State Surplus Property Revolving Fund .....</del>	<del>2,025</del>
12	<del>State Treasurer's Bank Services Trust Fund .....</del>	<del>551</del>
13	<del>Statistical Services Revolving Fund .....</del>	<del>63,131</del>
14	<del>Supreme Court Historic Preservation Fund .....</del>	<del>33,226</del>
15	<del>Tattoo and Body Piercing</del>	
16	<del>    Establishment Registration Fund .....</del>	<del>812</del>
17	<del>Tobacco Settlement Recovery Fund .....</del>	<del>23,084</del>
18	<del>Trauma Center Fund .....</del>	<del>12,572</del>
19	<del>University of Illinois Hospital Services Fund .....</del>	<del>4,260</del>
20	<del>Vehicle Inspection Fund .....</del>	<del>3,266</del>
21	<del>Weights and Measures Fund .....</del>	<del>72,488</del>

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

25       These provisions do not apply to funds classified by the  
 26       Comptroller as federal trust funds or State trust funds. The

1 Audit Expense Fund may receive transfers from those trust funds  
2 only as directed herein, except where prohibited by the terms  
3 of the trust fund agreement. The Auditor General shall notify  
4 the trustees of those funds of the estimated cost of the audit  
5 to be incurred under the Illinois State Auditing Act for the  
6 fund. The trustees of those funds shall direct the State  
7 Comptroller and Treasurer to transfer the estimated amount to  
8 the Audit Expense Fund.

9 The Auditor General may bill entities that are not subject  
10 to the above transfer provisions, including private entities,  
11 related organizations and entities whose funds are  
12 locally-held, for the cost of audits, studies, and  
13 investigations incurred on their behalf. Any revenues received  
14 under this provision shall be deposited into the Audit Expense  
15 Fund.

16 In the event that moneys on deposit in any fund are  
17 unavailable, by reason of deficiency or any other reason  
18 preventing their lawful transfer, the State Comptroller shall  
19 order transferred and the State Treasurer shall transfer the  
20 amount deficient or otherwise unavailable from the General  
21 Revenue Fund for deposit into the Audit Expense Fund.

22 On or before December 1, 1992, and each December 1  
23 thereafter, the Auditor General shall notify the Governor's  
24 Office of Management and Budget (formerly Bureau of the Budget)  
25 of the amount estimated to be necessary to pay for audits,  
26 studies, and investigations in accordance with the Illinois

1 State Auditing Act during the next succeeding fiscal year for  
2 each State fund for which a transfer or reimbursement is  
3 anticipated.

4 Beginning with fiscal year 1994 and during each fiscal year  
5 thereafter, the Auditor General may direct the State  
6 Comptroller and Treasurer to transfer moneys from funds  
7 authorized by the General Assembly for that fund. In the event  
8 funds, including federal and State trust funds but excluding  
9 the General Revenue Fund, are transferred, during fiscal year  
10 1994 and during each fiscal year thereafter, in excess of the  
11 amount to pay actual costs attributable to audits, studies, and  
12 investigations as permitted or required by the Illinois State  
13 Auditing Act or specific action of the General Assembly, the  
14 Auditor General shall, on September 30, or as soon thereafter  
15 as is practicable, direct the State Comptroller and Treasurer  
16 to transfer the excess amount back to the fund from which it  
17 was originally transferred.

18 (Source: P.A. 99-38, eff. 7-14-15; 99-523, eff. 6-30-16;  
19 100-23, eff. 7-6-17.)

20 (30 ILCS 105/8g-1)

21 Sec. 8g-1. Fund transfers.

22 (a) (Blank). ~~In addition to any other transfers that may be~~  
23 ~~provided for by law, on and after July 1, 2012 and until May 1,~~  
24 ~~2013, at the direction of and upon notification from the~~  
25 ~~Governor, the State Comptroller shall direct and the State~~



1 ~~Treasurer shall transfer amounts not exceeding a total of~~  
2 ~~\$80,000,000 from the General Revenue Fund to the Tobacco~~  
3 ~~Settlement Recovery Fund. Any amounts so transferred shall be~~  
4 ~~retransferred by the State Comptroller and the State Treasurer~~  
5 ~~from the Tobacco Settlement Recovery Fund to the General~~  
6 ~~Revenue Fund at the direction of and upon notification from the~~  
7 ~~Governor, but in any event on or before June 30, 2013.~~

8 (b) (Blank). ~~In addition to any other transfers that may be~~  
9 ~~provided for by law, on and after July 1, 2013 and until May 1,~~  
10 ~~2014, at the direction of and upon notification from the~~  
11 ~~Governor, the State Comptroller shall direct and the State~~  
12 ~~Treasurer shall transfer amounts not exceeding a total of~~  
13 ~~\$80,000,000 from the General Revenue Fund to the Tobacco~~  
14 ~~Settlement Recovery Fund. Any amounts so transferred shall be~~  
15 ~~retransferred by the State Comptroller and the State Treasurer~~  
16 ~~from the Tobacco Settlement Recovery Fund to the General~~  
17 ~~Revenue Fund at the direction of and upon notification from the~~  
18 ~~Governor, but in any event on or before June 30, 2014.~~

19 (c) (Blank). ~~In addition to any other transfers that may be~~  
20 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~  
21 ~~practical, the State Comptroller shall direct and the State~~  
22 ~~Treasurer shall transfer the sum of \$1,400,000 from the General~~  
23 ~~Revenue Fund to the ICJIA Violence Prevention Fund.~~

24 (d) (Blank). ~~In addition to any other transfers that may be~~  
25 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~  
26 ~~practical, the State Comptroller shall direct and the State~~

1 ~~Treasurer shall transfer the sum of \$1,500,000 from the General~~  
2 ~~Revenue Fund to the Illinois Veterans Assistance Fund.~~

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

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

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

19 (h) (Blank). ~~In addition to any other transfers that may be~~  
20 ~~provided for by law, on July 1, 2013, or as soon thereafter as~~  
21 ~~practical, the State Comptroller shall direct and the State~~  
22 ~~Treasurer shall transfer the sum of \$9,800,000 from the General~~  
23 ~~Revenue Fund to the Presidential Library and Museum Operating~~  
24 ~~Fund.~~

25 (i) (Blank). ~~In addition to any other transfers that may be~~  
26 ~~provided for by law, on and after July 1, 2014 and until May 1,~~

1 ~~2015, at the direction of and upon notification from the~~  
2 ~~Governor, the State Comptroller shall direct and the State~~  
3 ~~Treasurer shall transfer amounts not exceeding a total of~~  
4 ~~\$80,000,000 from the General Revenue Fund to the Tobacco~~  
5 ~~Settlement Recovery Fund. Any amounts so transferred shall be~~  
6 ~~retransferred by the State Comptroller and the State Treasurer~~  
7 ~~from the Tobacco Settlement Recovery Fund to the General~~  
8 ~~Revenue Fund at the direction of and upon notification from the~~  
9 ~~Governor, but in any event on or before June 30, 2015.~~

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

16 (k) In addition to any other transfers that may be provided  
17 for by law, on July 1, 2017, or as soon thereafter as  
18 practical, the State Comptroller shall direct and the State  
19 Treasurer shall transfer the sum of \$500,000 from the General  
20 Revenue Fund to the Grant Accountability and Transparency Fund.

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

26 (m) In addition to any other transfers that may be provided

1 for by law, on July 1, 2018, or as soon thereafter as  
2 practical, the State Comptroller shall direct and the State  
3 Treasurer shall transfer the sum of \$650,000 from the Capital  
4 Development Board Contributory Trust Fund to the Facility  
5 Management Revolving Fund.

6 (m) In addition to any other transfers that may be provided  
7 for by law, on July 1, 2018, or as soon thereafter as  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$2,750,000 from the Capital  
10 Development Board Contributory Trust Fund to the U.S.  
11 Environmental Protection Fund.

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

13 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

14 Sec. 13.2. Transfers among line item appropriations.

15 (a) Transfers among line item appropriations from the same  
16 treasury fund for the objects specified in this Section may be  
17 made in the manner provided in this Section when the balance  
18 remaining in one or more such line item appropriations is  
19 insufficient for the purpose for which the appropriation was  
20 made.

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

25 (a-2) Except as otherwise provided in this Section,

1 transfers may be made only among the objects of expenditure  
2 enumerated in this Section, except that no funds may be  
3 transferred from any appropriation for personal services, from  
4 any appropriation for State contributions to the State  
5 Employees' Retirement System, from any separate appropriation  
6 for employee retirement contributions paid by the employer, nor  
7 from any appropriation for State contribution for employee  
8 group insurance. During State fiscal year 2005, an agency may  
9 transfer amounts among its appropriations within the same  
10 treasury fund for personal services, employee retirement  
11 contributions paid by employer, and State Contributions to  
12 retirement systems; notwithstanding and in addition to the  
13 transfers authorized in subsection (c) of this Section, the  
14 fiscal year 2005 transfers authorized in this sentence may be  
15 made in an amount not to exceed 2% of the aggregate amount  
16 appropriated to an agency within the same treasury fund. During  
17 State fiscal year 2007, the Departments of Children and Family  
18 Services, Corrections, Human Services, and Juvenile Justice  
19 may transfer amounts among their respective appropriations  
20 within the same treasury fund for personal services, employee  
21 retirement contributions paid by employer, and State  
22 contributions to retirement systems. During State fiscal year  
23 2010, the Department of Transportation may transfer amounts  
24 among their respective appropriations within the same treasury  
25 fund for personal services, employee retirement contributions  
26 paid by employer, and State contributions to retirement

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

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

18 (a-3) Further, if an agency receives a separate  
19 appropriation for employee retirement contributions paid by  
20 the employer, any transfer by that agency into an appropriation  
21 for personal services must be accompanied by a corresponding  
22 transfer into the appropriation for employee retirement  
23 contributions paid by the employer, in an amount sufficient to  
24 meet the employer share of the employee contributions required  
25 to be remitted to the retirement system.

26 (a-4) Long-Term Care Rebalancing. The Governor may

1 designate amounts set aside for institutional services  
2 appropriated from the General Revenue Fund or any other State  
3 fund that receives monies for long-term care services to be  
4 transferred to all State agencies responsible for the  
5 administration of community-based long-term care programs,  
6 including, but not limited to, community-based long-term care  
7 programs administered by the Department of Healthcare and  
8 Family Services, the Department of Human Services, and the  
9 Department on Aging, provided that the Director of Healthcare  
10 and Family Services first certifies that the amounts being  
11 transferred are necessary for the purpose of assisting persons  
12 in or at risk of being in institutional care to transition to  
13 community-based settings, including the financial data needed  
14 to prove the need for the transfer of funds. The total amounts  
15 transferred shall not exceed 4% in total of the amounts  
16 appropriated from the General Revenue Fund or any other State  
17 fund that receives monies for long-term care services for each  
18 fiscal year. A notice of the fund transfer must be made to the  
19 General Assembly and posted at a minimum on the Department of  
20 Healthcare and Family Services website, the Governor's Office  
21 of Management and Budget website, and any other website the  
22 Governor sees fit. These postings shall serve as notice to the  
23 General Assembly of the amounts to be transferred. Notice shall  
24 be given at least 30 days prior to transfer.

25 (b) In addition to the general transfer authority provided  
26 under subsection (c), the following agencies have the specific

1 transfer authority granted in this subsection:

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

9 The Department of Children and Family Services is  
10 authorized to make transfers not exceeding 2% of the aggregate  
11 amount appropriated to it within the same treasury fund for the  
12 following line items among these same line items: Foster Home  
13 and Specialized Foster Care and Prevention, Institutions and  
14 Group Homes and Prevention, and Purchase of Adoption and  
15 Guardianship Services.

16 The Department on Aging is authorized to make transfers not  
17 exceeding 2% of the aggregate amount appropriated to it within  
18 the same treasury fund for the following Community Care Program  
19 line items among these same line items: purchase of services  
20 covered by the Community Care Program and Comprehensive Case  
21 Coordination.

22 The State Treasurer is authorized to make transfers among  
23 line item appropriations from the Capital Litigation Trust  
24 Fund, with respect to costs incurred in fiscal years 2002 and  
25 2003 only, when the balance remaining in one or more such line  
26 item appropriations is insufficient for the purpose for which



1 the appropriation was made, provided that no such transfer may  
2 be made unless the amount transferred is no longer required for  
3 the purpose for which that appropriation was made.

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

14 The State Board of Education is authorized to make  
15 transfers between the following line item appropriations  
16 within the same treasury fund: Disabled Student  
17 Services/Materials (Section 14-13.01 of the School Code),  
18 Disabled Student Transportation Reimbursement (Section  
19 14-13.01 of the School Code), Disabled Student Tuition -  
20 Private Tuition (Section 14-7.02 of the School Code),  
21 Extraordinary Special Education (Section 14-7.02b of the  
22 School Code), Reimbursement for Free Lunch/Breakfast Program,  
23 Summer School Payments (Section 18-4.3 of the School Code), and  
24 Transportation - Regular/Vocational Reimbursement (Section  
25 29-5 of the School Code). Such transfers shall be made only  
26 when the balance remaining in one or more such line item

1 appropriations is insufficient for the purpose for which the  
2 appropriation was made and provided that no such transfer may  
3 be made unless the amount transferred is no longer required for  
4 the purpose for which that appropriation was made.

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

9 (c) The sum of such transfers for an agency in a fiscal  
10 year shall not exceed 2% of the aggregate amount appropriated  
11 to it within the same treasury fund for the following objects:  
12 Personal Services; Extra Help; Student and Inmate  
13 Compensation; State Contributions to Retirement Systems; State  
14 Contributions to Social Security; State Contribution for  
15 Employee Group Insurance; Contractual Services; Travel;  
16 Commodities; Printing; Equipment; Electronic Data Processing;  
17 Operation of Automotive Equipment; Telecommunications  
18 Services; Travel and Allowance for Committed, Paroled and  
19 Discharged Prisoners; Library Books; Federal Matching Grants  
20 for Student Loans; Refunds; Workers' Compensation,  
21 Occupational Disease, and Tort Claims; and, in appropriations  
22 to institutions of higher education, Awards and Grants.  
23 Notwithstanding the above, any amounts appropriated for  
24 payment of workers' compensation claims to an agency to which  
25 the authority to evaluate, administer and pay such claims has  
26 been delegated by the Department of Central Management Services

1 may be transferred to any other expenditure object where such  
2 amounts exceed the amount necessary for the payment of such  
3 claims.

4 (c-1) Special provisions for State fiscal year 2003.  
5 Notwithstanding any other provision of this Section to the  
6 contrary, for State fiscal year 2003 only, transfers among line  
7 item appropriations to an agency from the same treasury fund  
8 may be made provided that the sum of such transfers for an  
9 agency in State fiscal year 2003 shall not exceed 3% of the  
10 aggregate amount appropriated to that State agency for State  
11 fiscal year 2003 for the following objects: personal services,  
12 except that no transfer may be approved which reduces the  
13 aggregate appropriations for personal services within an  
14 agency; extra help; student and inmate compensation; State  
15 contributions to retirement systems; State contributions to  
16 social security; State contributions for employee group  
17 insurance; contractual services; travel; commodities;  
18 printing; equipment; electronic data processing; operation of  
19 automotive equipment; telecommunications services; travel and  
20 allowance for committed, paroled, and discharged prisoners;  
21 library books; federal matching grants for student loans;  
22 refunds; workers' compensation, occupational disease, and tort  
23 claims; and, in appropriations to institutions of higher  
24 education, awards and grants.

25 (c-2) Special provisions for State fiscal year 2005.  
26 Notwithstanding subsections (a), (a-2), and (c), for State

1 fiscal year 2005 only, transfers may be made among any line  
2 item appropriations from the same or any other treasury fund  
3 for any objects or purposes, without limitation, when the  
4 balance remaining in one or more such line item appropriations  
5 is insufficient for the purpose for which the appropriation was  
6 made, provided that the sum of those transfers by a State  
7 agency shall not exceed 4% of the aggregate amount appropriated  
8 to that State agency for fiscal year 2005.

9 (c-3) Special provisions for State fiscal year 2015.  
10 Notwithstanding any other provision of this Section, for State  
11 fiscal year 2015, transfers among line item appropriations to a  
12 State agency from the same State treasury fund may be made for  
13 operational or lump sum expenses only, provided that the sum of  
14 such transfers for a State agency in State fiscal year 2015  
15 shall not exceed 4% of the aggregate amount appropriated to  
16 that State agency for operational or lump sum expenses for  
17 State fiscal year 2015. For the purpose of this subsection,  
18 "operational or lump sum expenses" includes the following  
19 objects: personal services; extra help; student and inmate  
20 compensation; State contributions to retirement systems; State  
21 contributions to social security; State contributions 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; lump sum and other  
3 purposes; and lump sum operations. For the purpose of this  
4 subsection (c-3), "State agency" does not include the Attorney  
5 General, the Secretary of State, the Comptroller, the  
6 Treasurer, or the legislative or judicial branches.

7 (c-4) Special provisions for State fiscal year 2018.  
8 Notwithstanding any other provision of this Section, for State  
9 fiscal year 2018, transfers among line item appropriations to a  
10 State agency from the same State treasury fund may be made for  
11 operational or lump sum expenses only, provided that the sum of  
12 such transfers for a State agency in State fiscal year 2018  
13 shall not exceed 4% of the aggregate amount appropriated to  
14 that State agency for operational or lump sum expenses for  
15 State fiscal year 2018. For the purpose of this subsection  
16 (c-4), "operational or lump sum expenses" includes the  
17 following objects: personal services; extra help; student and  
18 inmate compensation; State contributions to retirement  
19 systems; State contributions to social security; State  
20 contributions for employee group insurance; contractual  
21 services; travel; commodities; printing; equipment; electronic  
22 data processing; operation of automotive equipment;  
23 telecommunications services; travel and allowance for  
24 committed, paroled, and discharged prisoners; library books;  
25 federal matching grants for student loans; refunds; workers'  
26 compensation, occupational disease, and tort claims; lump sum

1 and other purposes; and lump sum operations. For the purpose of  
2 this subsection (c-4), "State agency" does not include the  
3 Attorney General, the Secretary of State, the Comptroller, the  
4 Treasurer, or the legislative or judicial branches.

5 (c-5) Special provisions for State fiscal year 2019.  
6 Notwithstanding any other provision of this Section, for State  
7 fiscal year 2019, transfers among line item appropriations to a  
8 State agency from the same State treasury fund may be made for  
9 operational or lump sum expenses only, provided that the sum of  
10 such transfers for a State agency in State fiscal year 2019  
11 shall not exceed 4% of the aggregate amount appropriated to  
12 that State agency for operational or lump sum expenses for  
13 State fiscal year 2019. For the purpose of this subsection  
14 (c-5), "operational or lump sum expenses" includes the  
15 following objects: personal services; extra help; student and  
16 inmate compensation; State contributions to retirement  
17 systems; State contributions to social security; State  
18 contributions for employee group insurance; contractual  
19 services; travel; commodities; printing; equipment; electronic  
20 data processing; operation of automotive equipment;  
21 telecommunications services; travel and allowance for  
22 committed, paroled, and discharged prisoners; library books;  
23 federal matching grants for student loans; refunds; workers'  
24 compensation, occupational disease, and tort claims; lump sum  
25 and other purposes; and lump sum operations. For the purpose of  
26 this subsection (c-5), "State agency" does not include the

1 Attorney General, the Secretary of State, the Comptroller, the  
2 Treasurer, or the legislative or judicial branches.

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

17 The officer responsible for approval shall certify that the  
18 transfer is necessary to carry out the programs and purposes  
19 for which the appropriations were made by the General Assembly  
20 and shall transmit to the State Comptroller a certified copy of  
21 the approval which shall set forth the specific amounts  
22 transferred so that the Comptroller may change his records  
23 accordingly. The Comptroller shall furnish the Governor with  
24 information copies of all transfers approved for agencies of  
25 the Legislative and Judicial departments and transfers  
26 approved by the constitutionally elected officials of the

1 Executive branch other than the Governor, showing the amounts  
2 transferred and indicating the dates such changes were entered  
3 on the Comptroller's records.

4 (e) The State Board of Education, in consultation with the  
5 State Comptroller, may transfer line item appropriations for  
6 General State Aid or Evidence-Based Funding between the Common  
7 School Fund and the Education Assistance Fund. With the advice  
8 and consent of the Governor's Office of Management and Budget,  
9 the State Board of Education, in consultation with the State  
10 Comptroller, may transfer line item appropriations between the  
11 General Revenue Fund and the Education Assistance Fund for the  
12 following programs:

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

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

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

19 (4) Extraordinary Special Education (Section 14-7.02b  
20 of the School Code);

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

22 (6) Summer School Payments (Section 18-4.3 of the  
23 School Code);

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

26 (8) Regular Education Reimbursement (Section 18-3 of



1 the School Code); and

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

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

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

8 (30 ILCS 115/11.2 new)

9 Sec. 11.2. Funding of certain school districts; fiscal year  
10 2019.

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

16 (b) In fiscal year 2019, any school district identified  
17 under subsection (a) shall receive, in addition to its annual  
18 distributions from the Personal Property Tax Replacement Fund,  
19 16% of the total amount distributed to the school district from  
20 the Personal Property Tax Replacement Fund during fiscal year  
21 2017, provided that the total amount of additional  
22 distributions under this Section shall not exceed \$4,300,000.

23 If the total additional distributions exceed \$4,300,000,  
24 such distributions shall be calculated on a pro rata basis,

1 based on the percentage of each district's total fiscal year  
2 2017 revenues to the total fiscal year 2017 revenues of all  
3 districts qualifying for an additional distribution under this  
4 Section.

5 (30 ILCS 115/12) (from Ch. 85, par. 616)

6 Sec. 12. Personal Property Tax Replacement Fund. There is  
7 hereby created the Personal Property Tax Replacement Fund, a  
8 special fund in the State Treasury into which shall be paid all  
9 revenue realized:

10 (a) all amounts realized from the additional personal  
11 property tax replacement income tax imposed by subsections (c)  
12 and (d) of Section 201 of the Illinois Income Tax Act, except  
13 for those amounts deposited into the Income Tax Refund Fund  
14 pursuant to subsection (c) of Section 901 of the Illinois  
15 Income Tax Act; and

16 (b) all amounts realized from the additional personal  
17 property replacement invested capital taxes imposed by Section  
18 2a.1 of the Messages Tax Act, Section 2a.1 of the Gas Revenue  
19 Tax Act, Section 2a.1 of the Public Utilities Revenue Act, and  
20 Section 3 of the Water Company Invested Capital Tax Act, and  
21 amounts payable to the Department of Revenue under the  
22 Telecommunications Infrastructure Maintenance Fee Act.

23 As soon as may be after the end of each month, the  
24 Department of Revenue shall certify to the Treasurer and the  
25 Comptroller the amount of all refunds paid out of the General

1 Revenue Fund through the preceding month on account of  
2 overpayment of liability on taxes paid into the Personal  
3 Property Tax Replacement Fund. Upon receipt of such  
4 certification, the Treasurer and the Comptroller shall  
5 transfer the amount so certified from the Personal Property Tax  
6 Replacement Fund into the General Revenue Fund.

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

18 In addition, moneys in the Personal Property Tax  
19 Replacement Fund may be used to pay any of the following: (i)  
20 salary, stipends, and additional compensation as provided by  
21 law for chief election clerks, county clerks, and county  
22 recorders; (ii) costs associated with regional offices of  
23 education and educational service centers; (iii)  
24 reimbursements payable by the State Board of Elections under  
25 Section 4-25, 5-35, 6-71, 13-10, 13-10a, or 13-11 of the  
26 Election Code; (iv) expenses of the Illinois Educational Labor

1 Relations Board; and (v) salary, personal services, and  
2 additional compensation as provided by law for court reporters  
3 under the Court Reporters Act.

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

23 All interest earned by monies accumulated in the Personal  
24 Property Tax Replacement Fund shall be deposited in such Fund.  
25 All amounts allocated pursuant to this Section are appropriated  
26 on a continuing basis.

1           Prior to December 31, 1980, as soon as may be after the end  
2 of each quarter beginning with the quarter ending December 31,  
3 1979, and on and after December 31, 1980, as soon as may be  
4 after January 1, March 1, April 1, May 1, July 1, August 1,  
5 October 1 and December 1 of each year, the Department of  
6 Revenue shall allocate to each taxing district as defined in  
7 Section 1-150 of the Property Tax Code, in accordance with the  
8 provisions of paragraph (2) of this Section the portion of the  
9 funds held in the Personal Property Tax Replacement Fund which  
10 is required to be distributed, as provided in paragraph (1),  
11 for each quarter. Provided, however, under no circumstances  
12 shall any taxing district during each of the first two years of  
13 distribution of the taxes imposed by this amendatory Act of  
14 1979 be entitled to an annual allocation which is less than the  
15 funds such taxing district collected from the 1978 personal  
16 property tax. Provided further that under no circumstances  
17 shall any taxing district during the third year of distribution  
18 of the taxes imposed by this amendatory Act of 1979 receive  
19 less than 60% of the funds such taxing district collected from  
20 the 1978 personal property tax. In the event that the total of  
21 the allocations made as above provided for all taxing  
22 districts, during either of such 3 years, exceeds the amount  
23 available for distribution the allocation of each taxing  
24 district shall be proportionately reduced. Except as provided  
25 in Section 13 of this Act, the Department shall then certify,  
26 pursuant to appropriation, such allocations to the State

1 Comptroller who shall pay over to the several taxing districts  
2 the respective amounts allocated to them.

3 Any township which receives an allocation based in whole or  
4 in part upon personal property taxes which it levied pursuant  
5 to Section 6-507 or 6-512 of the Illinois Highway Code and  
6 which was previously required to be paid over to a municipality  
7 shall immediately pay over to that municipality a proportionate  
8 share of the personal property replacement funds which such  
9 township receives.

10 Any municipality or township, other than a municipality  
11 with a population in excess of 500,000, which receives an  
12 allocation based in whole or in part on personal property taxes  
13 which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the  
14 Illinois Local Library Act and which was previously required to  
15 be paid over to a public library shall immediately pay over to  
16 that library a proportionate share of the personal property tax  
17 replacement funds which such municipality or township  
18 receives; provided that if such a public library has converted  
19 to a library organized under The Illinois Public Library  
20 District Act, regardless of whether such conversion has  
21 occurred on, after or before January 1, 1988, such  
22 proportionate share shall be immediately paid over to the  
23 library district which maintains and operates the library.  
24 However, any library that has converted prior to January 1,  
25 1988, and which hitherto has not received the personal property  
26 tax replacement funds, shall receive such funds commencing on

1 January 1, 1988.

2 Any township which receives an allocation based in whole or  
3 in part on personal property taxes which it levied pursuant to  
4 Section 1c of the Public Graveyards Act and which taxes were  
5 previously required to be paid over to or used for such public  
6 cemetery or cemeteries shall immediately pay over to or use for  
7 such public cemetery or cemeteries a proportionate share of the  
8 personal property tax replacement funds which the township  
9 receives.

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

20 (1) The portion of the Personal Property Tax  
21 Replacement Fund required to be distributed as of the time  
22 allocation is required to be made shall be the amount  
23 available in such Fund as of the time allocation is  
24 required to be made.

25 The amount available for distribution shall be the  
26 total amount in the fund at such time minus the necessary

1 administrative and other authorized expenses as limited by  
2 the appropriation and the amount determined by: (a) \$2.8  
3 million for fiscal year 1981; (b) for fiscal year 1982,  
4 .54% of the funds distributed from the fund during the  
5 preceding fiscal year; (c) for fiscal year 1983 through  
6 fiscal year 1988, .54% of the funds distributed from the  
7 fund during the preceding fiscal year less .02% of such  
8 fund for fiscal year 1983 and less .02% of such funds for  
9 each fiscal year thereafter; (d) for fiscal year 1989  
10 through fiscal year 2011 no more than 105% of the actual  
11 administrative expenses of the prior fiscal year; (e) for  
12 fiscal year 2012 and beyond, a sufficient amount to pay (i)  
13 stipends, additional compensation, salary reimbursements,  
14 and other amounts directed to be paid out of this Fund for  
15 local officials as authorized or required by statute and  
16 (ii) no more than 105% of the actual administrative  
17 expenses of the prior fiscal year, including payment of the  
18 ordinary and contingent expenses of the Property Tax Appeal  
19 Board and payment of the expenses of the Department of  
20 Revenue incurred in administering the collection and  
21 distribution of moneys paid into the Fund; (f) for fiscal  
22 years 2012 and 2013 only, a sufficient amount to pay  
23 stipends, additional compensation, salary reimbursements,  
24 and other amounts directed to be paid out of this Fund for  
25 regional offices and officials as authorized or required by  
26 statute; or (g) for fiscal years ~~year~~ 2018 and 2019 only, a



1 sufficient amount to pay amounts directed to be paid out of  
2 this Fund for public community college base operating  
3 grants and local health protection grants to certified  
4 local health departments as authorized or required by  
5 appropriation or statute. Such portion of the fund shall be  
6 determined after the transfer into the General Revenue Fund  
7 due to refunds, if any, paid from the General Revenue Fund  
8 during the preceding quarter. If at any time, for any  
9 reason, there is insufficient amount in the Personal  
10 Property Tax Replacement Fund for payments for regional  
11 offices and officials or local officials or payment of  
12 costs of administration or for transfers due to refunds at  
13 the end of any particular month, the amount of such  
14 insufficiency shall be carried over for the purposes of  
15 payments for regional offices and officials, local  
16 officials, transfers into the General Revenue Fund, and  
17 costs of administration to the following month or months.  
18 Net replacement revenue held, and defined above, shall be  
19 transferred by the Treasurer and Comptroller to the  
20 Personal Property Tax Replacement Fund within 10 days of  
21 such certification.

22 (2) Each quarterly allocation shall first be  
23 apportioned in the following manner: 51.65% for taxing  
24 districts in Cook County and 48.35% for taxing districts in  
25 the remainder of the State.

26 The Personal Property Replacement Ratio of each taxing

1 district outside Cook County shall be the ratio which the Tax  
2 Base of that taxing district bears to the Downstate Tax Base.  
3 The Tax Base of each taxing district outside of Cook County is  
4 the personal property tax collections for that taxing district  
5 for the 1977 tax year. The Downstate Tax Base is the personal  
6 property tax collections for all taxing districts in the State  
7 outside of Cook County for the 1977 tax year. The Department of  
8 Revenue shall have authority to review for accuracy and  
9 completeness the personal property tax collections for each  
10 taxing district outside Cook County for the 1977 tax year.

11 The Personal Property Replacement Ratio of each Cook County  
12 taxing district shall be the ratio which the Tax Base of that  
13 taxing district bears to the Cook County Tax Base. The Tax Base  
14 of each Cook County taxing district is the personal property  
15 tax collections for that taxing district for the 1976 tax year.  
16 The Cook County Tax Base is the personal property tax  
17 collections for all taxing districts in Cook County for the  
18 1976 tax year. The Department of Revenue shall have authority  
19 to review for accuracy and completeness the personal property  
20 tax collections for each taxing district within Cook County for  
21 the 1976 tax year.

22 For all purposes of this Section 12, amounts paid to a  
23 taxing district for such tax years as may be applicable by a  
24 foreign corporation under the provisions of Section 7-202 of  
25 the Public Utilities Act, as amended, shall be deemed to be  
26 personal property taxes collected by such taxing district for

1 such tax years as may be applicable. The Director shall  
2 determine from the Illinois Commerce Commission, for any tax  
3 year as may be applicable, the amounts so paid by any such  
4 foreign corporation to any and all taxing districts. The  
5 Illinois Commerce Commission shall furnish such information to  
6 the Director. For all purposes of this Section 12, the Director  
7 shall deem such amounts to be collected personal property taxes  
8 of each such taxing district for the applicable tax year or  
9 years.

10 Taxing districts located both in Cook County and in one or  
11 more other counties shall receive both a Cook County allocation  
12 and a Downstate allocation determined in the same way as all  
13 other taxing districts.

14 If any taxing district in existence on July 1, 1979 ceases  
15 to exist, or discontinues its operations, its Tax Base shall  
16 thereafter be deemed to be zero. If the powers, duties and  
17 obligations of the discontinued taxing district are assumed by  
18 another taxing district, the Tax Base of the discontinued  
19 taxing district shall be added to the Tax Base of the taxing  
20 district assuming such powers, duties and obligations.

21 If two or more taxing districts in existence on July 1,  
22 1979, or a successor or successors thereto shall consolidate  
23 into one taxing district, the Tax Base of such consolidated  
24 taxing district shall be the sum of the Tax Bases of each of  
25 the taxing districts which have consolidated.

26 If a single taxing district in existence on July 1, 1979,

1 or a successor or successors thereto shall be divided into two  
2 or more separate taxing districts, the tax base of the taxing  
3 district so divided shall be allocated to each of the resulting  
4 taxing districts in proportion to the then current equalized  
5 assessed value of each resulting taxing district.

6 If a portion of the territory of a taxing district is  
7 disconnected and annexed to another taxing district of the same  
8 type, the Tax Base of the taxing district from which  
9 disconnection was made shall be reduced in proportion to the  
10 then current equalized assessed value of the disconnected  
11 territory as compared with the then current equalized assessed  
12 value within the entire territory of the taxing district prior  
13 to disconnection, and the amount of such reduction shall be  
14 added to the Tax Base of the taxing district to which  
15 annexation is made.

16 If a community college district is created after July 1,  
17 1979, beginning on the effective date of this amendatory Act of  
18 1995, its Tax Base shall be 3.5% of the sum of the personal  
19 property tax collected for the 1977 tax year within the  
20 territorial jurisdiction of the district.

21 The amounts allocated and paid to taxing districts pursuant  
22 to the provisions of this amendatory Act of 1979 shall be  
23 deemed to be substitute revenues for the revenues derived from  
24 taxes imposed on personal property pursuant to the provisions  
25 of the "Revenue Act of 1939" or "An Act for the assessment and  
26 taxation of private car line companies", approved July 22,

1 1943, as amended, or Section 414 of the Illinois Insurance  
2 Code, prior to the abolition of such taxes and shall be used  
3 for the same purposes as the revenues derived from ad valorem  
4 taxes on real estate.

5 Monies received by any taxing districts from the Personal  
6 Property Tax Replacement Fund shall be first applied toward  
7 payment of the proportionate amount of debt service which was  
8 previously levied and collected from extensions against  
9 personal property on bonds outstanding as of December 31, 1978  
10 and next applied toward payment of the proportionate share of  
11 the pension or retirement obligations of the taxing district  
12 which were previously levied and collected from extensions  
13 against personal property. For each such outstanding bond  
14 issue, the County Clerk shall determine the percentage of the  
15 debt service which was collected from extensions against real  
16 estate in the taxing district for 1978 taxes payable in 1979,  
17 as related to the total amount of such levies and collections  
18 from extensions against both real and personal property. For  
19 1979 and subsequent years' taxes, the County Clerk shall levy  
20 and extend taxes against the real estate of each taxing  
21 district which will yield the said percentage or percentages of  
22 the debt service on such outstanding bonds. The balance of the  
23 amount necessary to fully pay such debt service shall  
24 constitute a first and prior lien upon the monies received by  
25 each such taxing district through the Personal Property Tax  
26 Replacement Fund and shall be first applied or set aside for

1 such purpose. In counties having fewer than 3,000,000  
2 inhabitants, the amendments to this paragraph as made by this  
3 amendatory Act of 1980 shall be first applicable to 1980 taxes  
4 to be collected in 1981.

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

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

8 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

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

10 Sec. 2-3. (a) As soon as possible after the first day of  
11 each month, beginning July 1, 1984, upon certification of the  
12 Department of Revenue, the Comptroller shall order  
13 transferred, and the Treasurer shall transfer, from the General  
14 Revenue Fund to a special fund in the State Treasury which is  
15 hereby created, to be known as the "Downstate Public  
16 Transportation Fund", an amount equal to 2/32 (beginning July  
17 1, 2005, 3/32) of the net revenue realized from the ~~"Retailers'~~  
18 ~~Occupation Tax Act", as now or hereafter amended,~~ the "Service  
19 ~~Occupation Tax Act", as now or hereafter amended,~~ the "Use Tax  
20 ~~Act", as now or hereafter amended,~~ and the "Service Use Tax  
21 ~~Act", as now or hereafter amended,~~ from persons incurring  
22 municipal or county retailers' or service occupation tax  
23 liability for the benefit of any municipality or county located  
24 wholly within the boundaries of each participant, other than

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

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

24           (b-5) As soon as possible after the first day of each  
25 month, beginning July 1, 2005, upon certification of the  
26 Department of Revenue, the Comptroller shall order



1 transferred, and the Treasurer shall transfer, from the General  
2 Revenue Fund to the Downstate Public Transportation Fund, an  
3 amount equal to  $\frac{3}{32}$  of 80% of the net revenue realized from  
4 within the boundaries of Monroe and St. Clair Counties under  
5 the State Tax Acts specified in subsection (a) of this Section  
6 and provided further that, beginning July 1, 2005, the  
7 provisions of subsection (b) shall no longer apply with respect  
8 to such tax receipts from Monroe and St. Clair Counties.

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

1 County.

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

10 (c) The Department shall certify to the Department of  
11 Revenue the eligible participants under this Article and the  
12 territorial boundaries of such participants for the purposes of  
13 the Department of Revenue in subsections (a) and (b) of this  
14 Section.

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

25 (e) Notwithstanding anything in this Section to the  
26 contrary, amounts transferred from the General Revenue Fund to

1 the Downstate Public Transportation Fund pursuant to this  
2 Section shall not exceed \$169,000,000 in State fiscal year  
3 2012.

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

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

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

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

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

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

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 (a) to be  
26 transferred by the Treasurer into the Downstate Public

1 Transportation Fund from the General Revenue Fund shall be  
2 directly deposited into the Downstate Public Transportation  
3 Fund as the revenues are realized from the taxes indicated.

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

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

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-5) 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-6) As soon as possible after the first day of each  
21 month, beginning July 1, 2008, upon certification by the  
22 Department of Revenue, the Comptroller shall order transferred  
23 and the Treasurer shall transfer, from the General Revenue Fund  
24 to the Downstate Public Transportation Fund, an amount equal to  
25  $\frac{3}{32}$  of 80% of the net revenue realized from within the  
26 boundaries of Madison County under the State Tax Acts specified

1 in subsection (a) of this Section and provided further that,  
2 beginning July 1, 2008, the provisions of subsection (b) shall  
3 no longer apply with respect to such tax receipts from Madison  
4 County.

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

13 (b-7) Beginning July 1, 2018, notwithstanding the other  
14 provisions of this Section, instead of the Comptroller making  
15 monthly transfers from the General Revenue Fund to the  
16 Downstate Public Transportation Fund, the Department of  
17 Revenue shall deposit the designated fraction of the net  
18 revenue realized from collections under the Retailers'  
19 Occupation Tax Act, the Service Occupation Tax Act, the Use Tax  
20 Act, and the Service Use Tax Act directly into the Downstate  
21 Public Transportation Fund.

22 (c) The Department shall certify to the Department of  
23 Revenue the eligible participants under this Article and the  
24 territorial boundaries of such participants for the purposes of  
25 the Department of Revenue in subsections (a) and (b) of this  
26 Section.

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

11 (e) Notwithstanding anything in this Section to the  
12 contrary, amounts transferred from the General Revenue Fund to  
13 the Downstate Public Transportation Fund pursuant to this  
14 Section shall not exceed \$169,000,000 in State fiscal year  
15 2012.

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

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

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



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

3 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

4 Sec. 901. Collection authority.

5 (a) In general. The Department shall collect the taxes  
6 imposed by this Act. The Department shall collect certified  
7 past due child support amounts under Section 2505-650 of the  
8 Department of Revenue Law of the Civil Administrative Code of  
9 Illinois. Except as provided in subsections (b), (c), (e), (f),  
10 (g), and (h) of this Section, money collected pursuant to  
11 subsections (a) and (b) of Section 201 of this Act shall be  
12 paid into the General Revenue Fund in the State treasury; money  
13 collected pursuant to subsections (c) and (d) of Section 201 of  
14 this Act shall be paid into the Personal Property Tax  
15 Replacement Fund, a special fund in the State Treasury; and  
16 money collected under Section 2505-650 of the Department of  
17 Revenue Law of the Civil Administrative Code of Illinois ~~(20~~  
18 ~~ILCS 2505/2505-650)~~ shall be paid into the Child Support  
19 Enforcement Trust Fund, a special fund outside the State  
20 Treasury, or to the State Disbursement Unit established under  
21 Section 10-26 of the Illinois Public Aid Code, as directed by  
22 the Department of Healthcare and Family Services.

23 (b) Local Government Distributive Fund. Beginning August  
24 1, 1969, and continuing through June 30, 1994, the Treasurer  
25 shall transfer each month from the General Revenue Fund to a

1 special fund in the State treasury, to be known as the "Local  
2 Government Distributive Fund", an amount equal to 1/12 of the  
3 net revenue realized from the tax imposed by subsections (a)  
4 and (b) of Section 201 of this Act during the preceding month.  
5 Beginning July 1, 1994, and continuing through June 30, 1995,  
6 the Treasurer shall transfer each month from the General  
7 Revenue Fund to the Local Government Distributive Fund an  
8 amount equal to 1/11 of the net revenue realized from the tax  
9 imposed by subsections (a) and (b) of Section 201 of this Act  
10 during the preceding month. Beginning July 1, 1995 and  
11 continuing through January 31, 2011, the Treasurer shall  
12 transfer each month from the General Revenue Fund to the Local  
13 Government Distributive Fund an amount equal to the net of (i)  
14 1/10 of the net revenue realized from the tax imposed by  
15 subsections (a) and (b) of Section 201 of the Illinois Income  
16 Tax Act during the preceding month (ii) minus, beginning July  
17 1, 2003 and ending June 30, 2004, \$6,666,666, and beginning  
18 July 1, 2004, zero. Beginning February 1, 2011, and continuing  
19 through January 31, 2015, the Treasurer shall transfer each  
20 month from the General Revenue Fund to the Local Government  
21 Distributive Fund an amount equal to the sum of (i) 6% (10% of  
22 the ratio of the 3% individual income tax rate prior to 2011 to  
23 the 5% individual income tax rate after 2010) of the net  
24 revenue realized from the tax imposed by subsections (a) and  
25 (b) of Section 201 of this Act upon individuals, trusts, and  
26 estates during the preceding month and (ii) 6.86% (10% of the

1 ratio of the 4.8% corporate income tax rate prior to 2011 to  
2 the 7% corporate income tax rate after 2010) of the net revenue  
3 realized from the tax imposed by subsections (a) and (b) of  
4 Section 201 of this Act upon corporations during the preceding  
5 month. Beginning February 1, 2015 and continuing through July  
6 31, 2017, the Treasurer shall transfer each month from the  
7 General Revenue Fund to the Local Government Distributive Fund  
8 an amount equal to the sum of (i) 8% (10% of the ratio of the 3%  
9 individual income tax rate prior to 2011 to the 3.75%  
10 individual income tax rate after 2014) of the net revenue  
11 realized from the tax imposed by subsections (a) and (b) of  
12 Section 201 of this Act upon individuals, trusts, and estates  
13 during the preceding month and (ii) 9.14% (10% of the ratio of  
14 the 4.8% corporate income tax rate prior to 2011 to the 5.25%  
15 corporate income tax rate after 2014) of the net revenue  
16 realized from the tax imposed by subsections (a) and (b) of  
17 Section 201 of this Act upon corporations during the preceding  
18 month. Beginning August 1, 2017, the Treasurer shall transfer  
19 each month from the General Revenue Fund to the Local  
20 Government Distributive Fund an amount equal to the sum of (i)  
21 6.06% (10% of the ratio of the 3% individual income tax rate  
22 prior to 2011 to the 4.95% individual income tax rate after  
23 July 1, 2017) of the net revenue realized from the tax imposed  
24 by subsections (a) and (b) of Section 201 of this Act upon  
25 individuals, trusts, and estates during the preceding month and  
26 (ii) 6.85% (10% of the ratio of the 4.8% corporate income tax

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

15 Notwithstanding any provision of law to the contrary,  
16 beginning on July 6, 2017 (the effective date of Public Act  
17 100-23) ~~this amendatory Act of the 100th General Assembly,~~  
18 those amounts required under this subsection (b) to be  
19 transferred by the Treasurer into the Local Government  
20 Distributive Fund from the General Revenue Fund shall be  
21 directly deposited into the Local Government Distributive Fund  
22 as the revenue is realized from the tax imposed by subsections  
23 (a) and (b) of Section 201 of this Act.

24 For State fiscal year 2018 only, notwithstanding any  
25 provision of law to the contrary, the total amount of revenue  
26 and deposits under this Section attributable to revenues

1 realized during State fiscal year 2018 shall be reduced by 10%.

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

6 (c) Deposits Into Income Tax Refund Fund.

7 (1) Beginning on January 1, 1989 and thereafter, the  
8 Department shall deposit a percentage of the amounts  
9 collected pursuant to subsections (a) and (b) (1), (2), and  
10 (3)~~7~~ of Section 201 of this Act into a fund in the State  
11 treasury known as the Income Tax Refund Fund. The  
12 Department shall deposit 6% of such amounts during the  
13 period beginning January 1, 1989 and ending on June 30,  
14 1989. Beginning with State fiscal year 1990 and for each  
15 fiscal year thereafter, the percentage deposited into the  
16 Income Tax Refund Fund during a fiscal year shall be the  
17 Annual Percentage. For fiscal years 1999 through 2001, the  
18 Annual Percentage shall be 7.1%. For fiscal year 2003, the  
19 Annual Percentage shall be 8%. For fiscal year 2004, the  
20 Annual Percentage shall be 11.7%. Upon the effective date  
21 of Public Act 93-839 (July 30, 2004) ~~this amendatory Act of~~  
22 ~~the 93rd General Assembly,~~ the Annual Percentage shall be  
23 10% for fiscal year 2005. For fiscal year 2006, the Annual  
24 Percentage shall be 9.75%. For fiscal year 2007, the Annual  
25 Percentage shall be 9.75%. For fiscal year 2008, the Annual  
26 Percentage shall be 7.75%. For fiscal year 2009, the Annual

1 Percentage shall be 9.75%. For fiscal year 2010, the Annual  
2 Percentage shall be 9.75%. For fiscal year 2011, the Annual  
3 Percentage shall be 8.75%. For fiscal year 2012, the Annual  
4 Percentage shall be 8.75%. For fiscal year 2013, the Annual  
5 Percentage shall be 9.75%. For fiscal year 2014, the Annual  
6 Percentage shall be 9.5%. For fiscal year 2015, the Annual  
7 Percentage shall be 10%. For fiscal year 2018, the Annual  
8 Percentage shall be 9.8%. For fiscal year 2019, the Annual  
9 Percentage shall be 9.7%. For all other fiscal years, the  
10 Annual Percentage shall be calculated as a fraction, the  
11 numerator of which shall be the amount of refunds approved  
12 for payment by the Department during the preceding fiscal  
13 year as a result of overpayment of tax liability under  
14 subsections (a) and (b) (1), (2), and (3) of Section 201 of  
15 this Act plus the amount of such refunds remaining approved  
16 but unpaid at the end of the preceding fiscal year, minus  
17 the amounts transferred into the Income Tax Refund Fund  
18 from the Tobacco Settlement Recovery Fund, and the  
19 denominator of which shall be the amounts which will be  
20 collected pursuant to subsections (a) and (b) (1), (2), and  
21 (3) of Section 201 of this Act during the preceding fiscal  
22 year; except that in State fiscal year 2002, the Annual  
23 Percentage shall in no event exceed 7.6%. The Director of  
24 Revenue shall certify the Annual Percentage to the  
25 Comptroller on the last business day of the fiscal year  
26 immediately preceding the fiscal year for which it is to be

1 effective.

2 (2) Beginning on January 1, 1989 and thereafter, the  
3 Department shall deposit a percentage of the amounts  
4 collected pursuant to subsections (a) and (b) (6), (7), and  
5 (8), (c) and (d) of Section 201 of this Act into a fund in  
6 the State treasury known as the Income Tax Refund Fund. The  
7 Department shall deposit 18% of such amounts during the  
8 period beginning January 1, 1989 and ending on June 30,  
9 1989. Beginning with State fiscal year 1990 and for each  
10 fiscal year thereafter, the percentage deposited into the  
11 Income Tax Refund Fund during a fiscal year shall be the  
12 Annual Percentage. For fiscal years 1999, 2000, and 2001,  
13 the Annual Percentage shall be 19%. For fiscal year 2003,  
14 the Annual Percentage shall be 27%. For fiscal year 2004,  
15 the Annual Percentage shall be 32%. Upon the effective date  
16 of Public Act 93-839 (July 30, 2004) ~~this amendatory Act of~~  
17 ~~the 93rd General Assembly~~, the Annual Percentage shall be  
18 24% for fiscal year 2005. For fiscal year 2006, the Annual  
19 Percentage shall be 20%. For fiscal year 2007, the Annual  
20 Percentage shall be 17.5%. For fiscal year 2008, the Annual  
21 Percentage shall be 15.5%. For fiscal year 2009, the Annual  
22 Percentage shall be 17.5%. For fiscal year 2010, the Annual  
23 Percentage shall be 17.5%. For fiscal year 2011, the Annual  
24 Percentage shall be 17.5%. For fiscal year 2012, the Annual  
25 Percentage shall be 17.5%. For fiscal year 2013, the Annual  
26 Percentage shall be 14%. For fiscal year 2014, the Annual

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

21 (3) The Comptroller shall order transferred and the  
22 Treasurer shall transfer from the Tobacco Settlement  
23 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000  
24 in January, 2001, (ii) \$35,000,000 in January, 2002, and  
25 (iii) \$35,000,000 in January, 2003.

26 (d) Expenditures from Income Tax Refund Fund.



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

9           (2) The Director shall order payment of refunds  
10 resulting from overpayment of tax liability under Section  
11 201 of this Act from the Income Tax Refund Fund only to the  
12 extent that amounts collected pursuant to Section 201 of  
13 this Act and transfers pursuant to this subsection (d) and  
14 item (3) of subsection (c) have been deposited and retained  
15 in the Fund.

16           (3) As soon as possible after the end of each fiscal  
17 year, the Director shall order transferred and the State  
18 Treasurer and State Comptroller shall transfer from the  
19 Income Tax Refund Fund to the Personal Property Tax  
20 Replacement Fund an amount, certified by the Director to  
21 the Comptroller, equal to the excess of the amount  
22 collected pursuant to subsections (c) and (d) of Section  
23 201 of this Act deposited into the Income Tax Refund Fund  
24 during the fiscal year over the amount of refunds resulting  
25 from overpayment of tax liability under subsections (c) and  
26 (d) of Section 201 of this Act paid from the Income Tax

1 Refund Fund during the fiscal year.

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

14 (4.5) As soon as possible after the end of fiscal year  
15 1999 and of each fiscal year thereafter, the Director shall  
16 order transferred and the State Treasurer and State  
17 Comptroller shall transfer from the Income Tax Refund Fund  
18 to the General Revenue Fund any surplus remaining in the  
19 Income Tax Refund Fund as of the end of such fiscal year;  
20 excluding for fiscal years 2000, 2001, and 2002 amounts  
21 attributable to transfers under item (3) of subsection (c)  
22 less refunds resulting from the earned income tax credit.

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

1           (e) Deposits into the Education Assistance Fund and the  
2 Income Tax Surcharge Local Government Distributive Fund. On  
3 July 1, 1991, and thereafter, of the amounts collected pursuant  
4 to subsections (a) and (b) of Section 201 of this Act, minus  
5 deposits into the Income Tax Refund Fund, the Department shall  
6 deposit 7.3% into the Education Assistance Fund in the State  
7 Treasury. Beginning July 1, 1991, and continuing through  
8 January 31, 1993, of the amounts collected pursuant to  
9 subsections (a) and (b) of Section 201 of the Illinois Income  
10 Tax Act, minus deposits into the Income Tax Refund Fund, the  
11 Department shall deposit 3.0% into the Income Tax Surcharge  
12 Local Government Distributive Fund in the State Treasury.  
13 Beginning February 1, 1993 and continuing through June 30,  
14 1993, of the amounts collected pursuant to subsections (a) and  
15 (b) of Section 201 of the Illinois Income Tax Act, minus  
16 deposits into the Income Tax Refund Fund, the Department shall  
17 deposit 4.4% into the Income Tax Surcharge Local Government  
18 Distributive Fund in the State Treasury. Beginning July 1,  
19 1993, and continuing through June 30, 1994, of the amounts  
20 collected under subsections (a) and (b) of Section 201 of this  
21 Act, minus deposits into the Income Tax Refund Fund, the  
22 Department shall deposit 1.475% into the Income Tax Surcharge  
23 Local Government Distributive Fund in the State Treasury.

24           (f) Deposits into the Fund for the Advancement of  
25 Education. Beginning February 1, 2015, the Department shall  
26 deposit the following portions of the revenue realized from the

1 tax imposed upon individuals, trusts, and estates by  
2 subsections (a) and (b) of Section 201 of this Act during the  
3 preceding month, minus deposits into the Income Tax Refund  
4 Fund, into the Fund for the Advancement of Education:

5 (1) beginning February 1, 2015, and prior to February  
6 1, 2025, 1/30; and

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

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

12 (g) Deposits into the Commitment to Human Services Fund.  
13 Beginning February 1, 2015, the Department shall deposit the  
14 following portions of the revenue realized from the tax imposed  
15 upon individuals, trusts, and estates by subsections (a) and  
16 (b) of Section 201 of this Act during the preceding month,  
17 minus deposits into the Income Tax Refund Fund, into the  
18 Commitment to Human Services Fund:

19 (1) beginning February 1, 2015, and prior to February  
20 1, 2025, 1/30; and

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

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

26 (h) Deposits into the Tax Compliance and Administration

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

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

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

16 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

17 Sec. 4.09. Public Transportation Fund and the Regional  
18 Transportation Authority Occupation and Use Tax Replacement  
19 Fund.

20 (a) (1) Except as otherwise provided in paragraph (4), as  
21 soon as possible after the first day of each month, beginning  
22 July 1, 1984, upon certification of the Department of Revenue,  
23 the Comptroller shall order transferred and the Treasurer shall  
24 transfer from the General Revenue Fund to a special fund in the

1 State Treasury to be known as the Public Transportation Fund an  
2 amount equal to 25% of the net revenue, before the deduction of  
3 the serviceman and retailer discounts pursuant to Section 9 of  
4 the Service Occupation Tax Act and Section 3 of the Retailers'  
5 Occupation Tax Act, realized from any tax imposed by the  
6 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the  
7 amounts deposited into the Regional Transportation Authority  
8 tax fund created by Section 4.03 of this Act, from the County  
9 and Mass Transit District Fund as provided in Section 6z-20 of  
10 the State Finance Act and 25% of the amounts deposited into the  
11 Regional Transportation Authority Occupation and Use Tax  
12 Replacement Fund from the State and Local Sales Tax Reform Fund  
13 as provided in Section 6z-17 of the State Finance Act. On the  
14 first day of the month following the date that the Department  
15 receives revenues from increased taxes under Section 4.03(m) as  
16 authorized by this amendatory Act of the 95th General Assembly,  
17 in lieu of the transfers authorized in the preceding sentence,  
18 upon certification of the Department of Revenue, 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) 80% of the proceeds of any tax imposed by the Authority at  
26 a rate of 1.25% in Cook County, (ii) 75% 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 25%  
5 of the net revenue realized from any tax imposed by the  
6 Authority pursuant to Section 4.03.1, and 25% of the amounts  
7 deposited into the Regional Transportation Authority tax fund  
8 created by Section 4.03 of this Act from the County and Mass  
9 Transit District Fund as provided in Section 6z-20 of the State  
10 Finance Act, and 25% of the amounts deposited into the Regional  
11 Transportation Authority Occupation and Use Tax Replacement  
12 Fund from the State and Local Sales Tax Reform Fund as provided  
13 in Section 6z-17 of the State Finance Act. As used in this  
14 Section, net revenue realized for a month shall be the revenue  
15 collected by the State pursuant to Sections 4.03 and 4.03.1  
16 during the previous month from within the metropolitan region,  
17 less the amount paid out during that same month as refunds to  
18 taxpayers for overpayment of liability in the metropolitan  
19 region under Sections 4.03 and 4.03.1.

20 Notwithstanding any provision of law to the contrary,  
21 beginning on the effective date of this amendatory Act of the  
22 100th General Assembly, those amounts required under this  
23 paragraph (1) of subsection (a) to be transferred by the  
24 Treasurer into the Public Transportation Fund from the General  
25 Revenue Fund shall be directly deposited into the Public  
26 Transportation Fund as the revenues are realized from the taxes

1 indicated.

2 (2) Except as otherwise provided in paragraph (4), on the  
3 first day of the month following the effective date of this  
4 amendatory Act of the 95th General Assembly and each month  
5 thereafter, upon certification by the Department of Revenue,  
6 the Comptroller shall order transferred and the Treasurer shall  
7 transfer from the General Revenue Fund to the Public  
8 Transportation Fund an amount equal to 5% of the net revenue,  
9 before the deduction of the serviceman and retailer discounts  
10 pursuant to Section 9 of the Service Occupation Tax Act and  
11 Section 3 of the Retailers' Occupation Tax Act, realized from  
12 any tax imposed by the Authority pursuant to Sections 4.03 and  
13 4.03.1 and certified by the Department of Revenue under Section  
14 4.03(n) of this Act to be paid to the Authority and 5% of the  
15 amounts deposited into the Regional Transportation Authority  
16 tax fund created by Section 4.03 of this Act from the County  
17 and Mass Transit District Fund as provided in Section 6z-20 of  
18 the State Finance Act, and 5% of the amounts deposited into the  
19 Regional Transportation Authority Occupation and Use Tax  
20 Replacement Fund from the State and Local Sales Tax Reform Fund  
21 as provided in Section 6z-17 of the State Finance Act, and 5%  
22 of the revenue realized by the Chicago Transit Authority as  
23 financial assistance from the City of Chicago from the proceeds  
24 of any tax imposed by the City of Chicago under Section 8-3-19  
25 of the Illinois Municipal Code.

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 paragraph (2) of subsection  
4 (a) to be transferred by the Treasurer into the Public  
5 Transportation Fund from the General Revenue Fund shall be  
6 directly deposited into the Public Transportation Fund as the  
7 revenues are realized from the taxes indicated.

8 (3) Except as otherwise provided in paragraph (4), as soon  
9 as possible after the first day of January, 2009 and each month  
10 thereafter, upon certification of the Department of Revenue  
11 with respect to the taxes collected under Section 4.03, the  
12 Comptroller shall order transferred and the Treasurer shall  
13 transfer from the General Revenue Fund to the Public  
14 Transportation Fund an amount equal to 25% of the net revenue,  
15 before the deduction of the serviceman and retailer discounts  
16 pursuant to Section 9 of the Service Occupation Tax Act and  
17 Section 3 of the Retailers' Occupation Tax Act, realized from  
18 (i) 20% of the proceeds of any tax imposed by the Authority at  
19 a rate of 1.25% in Cook County, (ii) 25% of the proceeds of any  
20 tax imposed by the Authority at the rate of 1% in Cook County,  
21 and (iii) one-third of the proceeds of any tax imposed by the  
22 Authority at the rate of 0.75% in the Counties of DuPage, Kane,  
23 Lake, McHenry, and Will, all pursuant to Section 4.03, and the  
24 Comptroller shall order transferred and the Treasurer shall  
25 transfer from the General Revenue Fund to the Public  
26 Transportation Fund (iv) an amount equal to 25% of the revenue

1 realized by the Chicago Transit Authority as financial  
2 assistance from the City of Chicago from the proceeds of any  
3 tax imposed by the City of Chicago under Section 8-3-19 of the  
4 Illinois Municipal Code.

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

13 (4) Notwithstanding any provision of law to the contrary,  
14 of the transfers to be made under paragraphs (1), (2), and (3)  
15 of this subsection (a) from the General Revenue Fund to the  
16 Public Transportation Fund, the first \$100,000,000 that would  
17 have otherwise been transferred from the General Revenue Fund  
18 shall be transferred from the Road Fund. The remaining balance  
19 of such transfers shall be made from the General Revenue Fund.

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

24 (6) For State fiscal year 2019 only, notwithstanding any  
25 provision of law to the contrary, the total amount of revenue  
26 and deposits under this Section attributable to revenues

1 realized during State fiscal year 2019 shall be reduced by 5%.

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

1 constitute an irrevocable and continuing appropriation of all  
2 amounts as provided herein. The State Treasurer and State  
3 Comptroller are hereby authorized and directed to make  
4 distributions as provided in this Section. (2) Provided,  
5 however, no moneys deposited under subsection (a) of this  
6 Section shall be paid from the Public Transportation Fund to  
7 the Authority or its assignee for any fiscal year until the  
8 Authority has certified to the Governor, the Comptroller, and  
9 the Mayor of the City of Chicago that it has adopted for that  
10 fiscal year an Annual Budget and Two-Year Financial Plan  
11 meeting the requirements in Section 4.01(b).

12 (c) In recognition of the efforts of the Authority to  
13 enhance the mass transportation facilities under its control,  
14 the State shall provide financial assistance ("Additional  
15 State Assistance") in excess of the amounts transferred to the  
16 Authority from the General Revenue Fund under subsection (a) of  
17 this Section. Additional State Assistance shall be calculated  
18 as 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	1990	\$5,000,000;
22	1991	\$5,000,000;
23	1992	\$10,000,000;
24	1993	\$10,000,000;
25	1994	\$20,000,000;
26	1995	\$30,000,000;

1           1996                   \$40,000,000;  
2           1997                   \$50,000,000;  
3           1998                   \$55,000,000; and  
4           each year thereafter   \$55,000,000.

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

14          2000                   \$0;  
15          2001                   \$16,000,000;  
16          2002                   \$35,000,000;  
17          2003                   \$54,000,000;  
18          2004                   \$73,000,000;  
19          2005                   \$93,000,000; and  
20          each year thereafter   \$100,000,000.

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

26                 (1) The amount necessary and required, during the State

1 fiscal year with respect to which the certification is  
2 made, to pay its obligations for debt service on all  
3 outstanding bonds or notes issued by the Authority under  
4 subdivisions (g) (2) and (g) (3) of Section 4.04 of this Act.

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

10 (3) Its debt service savings during the preceding State  
11 fiscal year from refunding or advance refunding of bonds or  
12 notes issued under subdivisions (g) (2) and (g) (3) of  
13 Section 4.04.

14 (4) The amount of interest, if any, earned by the  
15 Authority during the previous State fiscal year on the  
16 proceeds of bonds or notes issued pursuant to subdivisions  
17 (g) (2) and (g) (3) of Section 4.04, other than refunding or  
18 advance refunding bonds or notes.

19 The certification shall include a specific schedule of debt  
20 service payments, including the date and amount of each payment  
21 for all outstanding bonds or notes and an estimated schedule of  
22 anticipated debt service for all bonds and notes it intends to  
23 issue, if any, during that State fiscal year, including the  
24 estimated date and estimated amount of each payment.

25 Immediately upon the issuance of bonds for which an  
26 estimated schedule of debt service payments was prepared, the

1 Authority shall file an amended certification with respect to  
2 item (2) above, to specify the actual schedule of debt service  
3 payments, including the date and amount of each payment, for  
4 the remainder of the State fiscal year.

5 On the first day of each month of the State fiscal year in  
6 which there are bonds outstanding with respect to which the  
7 certification is made, the State Comptroller shall order  
8 transferred and the State Treasurer shall transfer from the  
9 Road Fund to the Public Transportation Fund the Additional  
10 State Assistance and Additional Financial Assistance in an  
11 amount equal to the aggregate of (i) one-twelfth of the sum of  
12 the amounts certified under items (1) and (3) above less the  
13 amount certified under item (4) above, plus (ii) the amount  
14 required to pay debt service on bonds and notes issued during  
15 the fiscal year, if any, divided by the number of months  
16 remaining in the fiscal year after the date of issuance, or  
17 some smaller portion as may be necessary under subsection (c)  
18 or (c-5) of this Section for the relevant State fiscal year,  
19 plus (iii) any cumulative deficiencies in transfers for prior  
20 months, until an amount equal to the sum of the amounts  
21 certified under items (1) and (3) above, plus the actual debt  
22 service certified under item (2) above, less the amount  
23 certified under item (4) above, has been transferred; except  
24 that these transfers are subject to the following limits:

25 (A) In no event shall the total transfers in any State  
26 fiscal year relating to outstanding bonds and notes issued

1 by the Authority under subdivision (g) (2) of Section 4.04  
2 exceed the lesser of the annual maximum amount specified in  
3 subsection (c) or the sum of the amounts certified under  
4 items (1) and (3) above, plus the actual debt service  
5 certified under item (2) above, less the amount certified  
6 under item (4) above, with respect to those bonds and  
7 notes.

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

17 The term "outstanding" does not include bonds or notes for  
18 which refunding or advance refunding bonds or notes have been  
19 issued.

20 (e) Neither Additional State Assistance nor Additional  
21 Financial Assistance may be pledged, either directly or  
22 indirectly as general revenues of the Authority, as security  
23 for any bonds issued by the Authority. The Authority may not  
24 assign its right to receive Additional State Assistance or  
25 Additional Financial Assistance, or direct payment of  
26 Additional State Assistance or Additional Financial



1 Assistance, to a trustee or any other entity for the payment of  
2 debt service on its bonds.

3 (f) The certification required under subsection (d) with  
4 respect to outstanding bonds and notes of the Authority shall  
5 be filed as early as practicable before the beginning of the  
6 State fiscal year to which it relates. The certification shall  
7 be revised as may be necessary to accurately state the debt  
8 service requirements of the Authority.

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

11 (i) whether the aggregate of all system generated  
12 revenues for public transportation in the metropolitan  
13 region which is provided by, or under grant or purchase of  
14 service contracts with, the Service Boards equals 50% of  
15 the aggregate of all costs of providing such public  
16 transportation. "System generated revenues" include all  
17 the proceeds of fares and charges for services provided,  
18 contributions received in connection with public  
19 transportation from units of local government other than  
20 the Authority, except for contributions received by the  
21 Chicago Transit Authority from a real estate transfer tax  
22 imposed under subsection (i) of Section 8-3-19 of the  
23 Illinois Municipal Code, and from the State pursuant to  
24 subsection (i) of Section 2705-305 of the Department of  
25 Transportation Law (20 ILCS 2705/2705-305), and all other  
26 revenues properly included consistent with generally

1       accepted accounting principles but may not include: the  
2       proceeds from any borrowing, and, beginning with the 2007  
3       fiscal year, all revenues and receipts, including but not  
4       limited to fares and grants received from the federal,  
5       State or any unit of local government or other entity,  
6       derived from providing ADA paratransit service pursuant to  
7       Section 2.30 of the Regional Transportation Authority Act.  
8       "Costs" include all items properly included as operating  
9       costs consistent with generally accepted accounting  
10      principles, including administrative costs, but do not  
11      include: depreciation; payment of principal and interest  
12      on bonds, notes or other evidences of obligations for  
13      borrowed money of the Authority; payments with respect to  
14      public transportation facilities made pursuant to  
15      subsection (b) of Section 2.20; any payments with respect  
16      to rate protection contracts, credit enhancements or  
17      liquidity agreements made under Section 4.14; any other  
18      cost as to which it is reasonably expected that a cash  
19      expenditure will not be made; costs for passenger security  
20      including grants, contracts, personnel, equipment and  
21      administrative expenses, except in the case of the Chicago  
22      Transit Authority, in which case the term does not include  
23      costs spent annually by that entity for protection against  
24      crime as required by Section 27a of the Metropolitan  
25      Transit Authority Act; the costs of Debt Service paid by  
26      the Chicago Transit Authority, as defined in Section 12c of

1 the Metropolitan Transit Authority Act, or bonds or notes  
2 issued pursuant to that Section; the payment by the  
3 Commuter Rail Division of debt service on bonds issued  
4 pursuant to Section 3B.09; expenses incurred by the  
5 Suburban Bus Division for the cost of new public  
6 transportation services funded from grants pursuant to  
7 Section 2.01e of this amendatory Act of the 95th General  
8 Assembly for a period of 2 years from the date of  
9 initiation of each such service; costs as exempted by the  
10 Board for projects pursuant to Section 2.09 of this Act;  
11 or, beginning with the 2007 fiscal year, expenses related  
12 to providing ADA paratransit service pursuant to Section  
13 2.30 of the Regional Transportation Authority Act; or in  
14 fiscal years 2008 through 2012 inclusive, costs in the  
15 amount of \$200,000,000 in fiscal year 2008, reducing by  
16 \$40,000,000 in each fiscal year thereafter until this  
17 exemption is eliminated. If said system generated revenues  
18 are less than 50% of said costs, the Board shall remit an  
19 amount equal to the amount of the deficit to the State. The  
20 Treasurer shall deposit any such payment in the Road Fund;  
21 and

22 (ii) whether, beginning with the 2007 fiscal year, the  
23 aggregate of all fares charged and received for ADA  
24 paratransit services equals the system generated ADA  
25 paratransit services revenue recovery ratio percentage of  
26 the aggregate of all costs of providing such ADA

1 paratransit services.

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

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

15 ARTICLE 10. RETIREMENT CONTRIBUTIONS

16 Section 10-5. The State Pension Funds Continuing  
17 Appropriation Act is amended by changing Section 1.2 as  
18 follows:

19 (40 ILCS 15/1.2)

20 Sec. 1.2. Appropriations for the State Employees'  
21 Retirement System.

22 (a) From each fund from which an amount is appropriated for  
23 personal services to a department or other employer under

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

21 (a-1) If a Fiscal Year 2004 Shortfall is certified under  
22 subsection (f) of Section 14-131 of the Illinois Pension Code,  
23 there is hereby appropriated to the State Employees' Retirement  
24 System of Illinois on a continuing basis from the General  
25 Revenue Fund an additional aggregate amount equal to the Fiscal  
26 Year 2004 Shortfall.

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

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

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

19           (b) The continuing appropriations provided for by this  
20 Section shall first be available in State fiscal year 1996.

21           (c) Beginning in Fiscal Year 2005, any continuing  
22 appropriation under this Section arising out of an  
23 appropriation for personal services from the Road Fund to the  
24 Department of State Police or the Secretary of State shall be  
25 payable from the General Revenue Fund rather than the Road  
26 Fund.



1 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

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

- 13 (a) (blank);  
14 (b) (blank);  
15 (c) home care aide services;  
16 (d) personal assistant services;  
17 (e) adult day services;  
18 (f) home-delivered meals;  
19 (g) education in self-care;  
20 (h) personal care services;  
21 (i) adult day health services;  
22 (j) habilitation services;  
23 (k) respite care;  
24 (k-5) community reintegration services;  
25 (k-6) flexible senior services;



1 (k-7) medication management;

2 (k-8) emergency home response;

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

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

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

18 Beginning January 1, 2008, the Department shall require as  
19 a condition of eligibility that all new financially eligible  
20 applicants apply for and enroll in medical assistance under  
21 Article V of the Illinois Public Aid Code in accordance with  
22 rules promulgated by the Department.

23 The Department shall, in conjunction with the Department of  
24 Public Aid (now Department of Healthcare and Family Services),  
25 seek appropriate amendments under Sections 1915 and 1924 of the  
26 Social Security Act. The purpose of the amendments shall be to

1 extend eligibility for home and community based services under  
2 Sections 1915 and 1924 of the Social Security Act to persons  
3 who transfer to or for the benefit of a spouse those amounts of  
4 income and resources allowed under Section 1924 of the Social  
5 Security Act. Subject to the approval of such amendments, the  
6 Department shall extend the provisions of Section 5-4 of the  
7 Illinois Public Aid Code to persons who, but for the provision  
8 of home or community-based services, would require the level of  
9 care provided in an institution, as is provided for in federal  
10 law. Those persons no longer found to be eligible for receiving  
11 noninstitutional services due to changes in the eligibility  
12 criteria shall be given 45 days notice prior to actual  
13 termination. Those persons receiving notice of termination may  
14 contact the Department and request the determination be  
15 appealed at any time during the 45 day notice period. The  
16 target population identified for the purposes of this Section  
17 are persons age 60 and older with an identified service need.  
18 Priority shall be given to those who are at imminent risk of  
19 institutionalization. The services shall be provided to  
20 eligible persons age 60 and older to the extent that the cost  
21 of the services together with the other personal maintenance  
22 expenses of the persons are reasonably related to the standards  
23 established for care in a group facility appropriate to the  
24 person's condition. These non-institutional services, pilot  
25 projects or experimental facilities may be provided as part of  
26 or in addition to those authorized by federal law or those

1 funded and administered by the Department of Human Services.  
2 The Departments of Human Services, Healthcare and Family  
3 Services, Public Health, Veterans' Affairs, and Commerce and  
4 Economic Opportunity and other appropriate agencies of State,  
5 federal and local governments shall cooperate with the  
6 Department on Aging in the establishment and development of the  
7 non-institutional services. The Department shall require an  
8 annual audit from all personal assistant and home care aide  
9 vendors contracting with the Department under this Section. The  
10 annual audit shall assure that each audited vendor's procedures  
11 are in compliance with Department's financial reporting  
12 guidelines requiring an administrative and employee wage and  
13 benefits cost split as defined in administrative rules. The  
14 audit is a public record under the Freedom of Information Act.  
15 The Department shall execute, relative to the nursing home  
16 prescreening project, written inter-agency agreements with the  
17 Department of Human Services and the Department of Healthcare  
18 and Family Services, to effect the following: (1) intake  
19 procedures and common eligibility criteria for those persons  
20 who are receiving non-institutional services; and (2) the  
21 establishment and development of non-institutional services in  
22 areas of the State where they are not currently available or  
23 are undeveloped. On and after July 1, 1996, all nursing home  
24 prescreenings for individuals 60 years of age or older shall be  
25 conducted by the Department.

26 As part of the Department on Aging's routine training of

1 case managers and case manager supervisors, the Department may  
2 include information on family futures planning for persons who  
3 are age 60 or older and who are caregivers of their adult  
4 children with developmental disabilities. The content of the  
5 training shall be at the Department's discretion.

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

16 The Department, or the Department's authorized  
17 representative, may recover the amount of moneys expended for  
18 services provided to or in behalf of a person under this  
19 Section by a claim against the person's estate or against the  
20 estate of the person's surviving spouse, but no recovery may be  
21 had until after the death of the surviving spouse, if any, and  
22 then only at such time when there is no surviving child who is  
23 under age 21 or blind or who has a permanent and total  
24 disability. This paragraph, however, shall not bar recovery, at  
25 the death of the person, of moneys for services provided to the  
26 person or in behalf of the person under this Section to which

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

19 The Department shall increase the effectiveness of the  
20 existing Community Care Program by:

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

23 (2) ensuring that care plans contain the services that  
24 eligible participants need based on the number of days in a  
25 month, not limited to specific blocks of time, as  
26 identified by the comprehensive assessment tool selected

1 by the Department for use statewide, not to exceed the  
2 total monthly service cost maximum allowed for each  
3 service; the Department shall develop administrative rules  
4 to implement this item (2);

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

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

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

24 (A) bathing;

25 (B) grooming;

26 (C) toileting;

- 1 (D) nail care;
- 2 (E) transferring;
- 3 (F) respiratory services;
- 4 (G) exercise; or
- 5 (H) positioning;

6 (6) ensuring that homemaker program vendors are not  
7 restricted from hiring homemakers who are family members of  
8 clients or recommended by clients; the Department may not,  
9 by rule or policy, require homemakers who are family  
10 members of clients or recommended by clients to accept  
11 assignments in homes other than the client;

12 (7) ensuring that the State may access maximum federal  
13 matching funds by seeking approval for the Centers for  
14 Medicare and Medicaid Services for modifications to the  
15 State's home and community based services waiver and  
16 additional waiver opportunities, including applying for  
17 enrollment in the Balance Incentive Payment Program by May  
18 1, 2013, in order to maximize federal matching funds; this  
19 shall include, but not be limited to, modification that  
20 reflects all changes in the Community Care Program services  
21 and all increases in the services cost maximum;

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

25 (9) ensuring that services are authorized accurately  
26 and consistently for the Community Care Program (CCP); the

1 Department shall implement a Service Authorization policy  
2 directive; the purpose shall be to ensure that eligibility  
3 and services are authorized accurately and consistently in  
4 the CCP program; the policy directive shall clarify service  
5 authorization guidelines to Care Coordination Units and  
6 Community Care Program providers no later than May 1, 2013;

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

21 (11) requiring home care service providers to comply  
22 with the rounding of hours worked provisions under the  
23 federal Fair Labor Standards Act (FLSA) and as set forth in  
24 29 CFR 785.48(b) by May 1, 2013;

25 (12) implementing any necessary policy changes or  
26 promulgating any rules, no later than January 1, 2014, to



1 assist the Department of Healthcare and Family Services in  
2 moving as many participants as possible, consistent with  
3 federal regulations, into coordinated care plans if a care  
4 coordination plan that covers long term care is available  
5 in the recipient's area; and

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

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

17 The Department shall develop procedures to enhance  
18 availability of services on evenings, weekends, and on an  
19 emergency basis to meet the respite needs of caregivers.  
20 Procedures shall be developed to permit the utilization of  
21 services in successive blocks of 24 hours up to the monthly  
22 maximum established by the Department. Workers providing these  
23 services shall be appropriately trained.

24 Beginning on the effective date of this amendatory Act of  
25 1991, no person may perform chore/housekeeping and home care  
26 aide services under a program authorized by this Section unless

1 that person has been issued a certificate of pre-service to do  
2 so by his or her employing agency. Information gathered to  
3 effect such certification shall include (i) the person's name,  
4 (ii) the date the person was hired by his or her current  
5 employer, and (iii) the training, including dates and levels.  
6 Persons engaged in the program authorized by this Section  
7 before the effective date of this amendatory Act of 1991 shall  
8 be issued a certificate of all pre- and in-service training  
9 from his or her employer upon submitting the necessary  
10 information. The employing agency shall be required to retain  
11 records of all staff pre- and in-service training, and shall  
12 provide such records to the Department upon request and upon  
13 termination of the employer's contract with the Department. In  
14 addition, the employing agency is responsible for the issuance  
15 of certifications of in-service training completed to their  
16 employees.

17 The Department is required to develop a system to ensure  
18 that persons working as home care aides and personal assistants  
19 receive increases in their wages when the federal minimum wage  
20 is increased by requiring vendors to certify that they are  
21 meeting the federal minimum wage statute for home care aides  
22 and personal assistants. An employer that cannot ensure that  
23 the minimum wage increase is being given to home care aides and  
24 personal assistants shall be denied any increase in  
25 reimbursement costs.

26 The Community Care Program Advisory Committee is created in

1 the Department on Aging. The Director shall appoint individuals  
2 to serve in the Committee, who shall serve at their own  
3 expense. Members of the Committee must abide by all applicable  
4 ethics laws. The Committee shall advise the Department on  
5 issues related to the Department's program of services to  
6 prevent unnecessary institutionalization. The Committee shall  
7 meet on a bi-monthly basis and shall serve to identify and  
8 advise the Department on present and potential issues affecting  
9 the service delivery network, the program's clients, and the  
10 Department and to recommend solution strategies. Persons  
11 appointed to the Committee shall be appointed on, but not  
12 limited to, their own and their agency's experience with the  
13 program, geographic representation, and willingness to serve.  
14 The Director shall appoint members to the Committee to  
15 represent provider, advocacy, policy research, and other  
16 constituencies committed to the delivery of high quality home  
17 and community-based services to older adults. Representatives  
18 shall be appointed to ensure representation from community care  
19 providers including, but not limited to, adult day service  
20 providers, homemaker providers, case coordination and case  
21 management units, emergency home response providers, statewide  
22 trade or labor unions that represent home care aides and direct  
23 care staff, area agencies on aging, adults over age 60,  
24 membership organizations representing older adults, and other  
25 organizational entities, providers of care, or individuals  
26 with demonstrated interest and expertise in the field of home

1 and community care as determined by the Director.

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

21 The Department on Aging and the Department of Human  
22 Services shall cooperate in the development and submission of  
23 an annual report on programs and services provided under this  
24 Section. Such joint report shall be filed with the Governor and  
25 the General Assembly on or before September 30 each year.

26 The requirement for reporting to the General Assembly shall

1 be satisfied by filing copies of the report with the Speaker,  
2 the Minority Leader and the Clerk of the House of  
3 Representatives and the President, the Minority Leader and the  
4 Secretary of the Senate and the Legislative Research Unit, as  
5 required by Section 3.1 of the General Assembly Organization  
6 Act and filing such additional copies with the State Government  
7 Report Distribution Center for the General Assembly as is  
8 required under paragraph (t) of Section 7 of the State Library  
9 Act.

10 Those persons previously found eligible for receiving  
11 non-institutional services whose services were discontinued  
12 under the Emergency Budget Act of Fiscal Year 1992, and who do  
13 not meet the eligibility standards in effect on or after July  
14 1, 1992, shall remain ineligible on and after July 1, 1992.  
15 Those persons previously not required to cost-share and who  
16 were required to cost-share effective March 1, 1992, shall  
17 continue to meet cost-share requirements on and after July 1,  
18 1992. Beginning July 1, 1992, all clients will be required to  
19 meet eligibility, cost-share, and other requirements and will  
20 have services discontinued or altered when they fail to meet  
21 these requirements.

22 For the purposes of this Section, "flexible senior  
23 services" refers to services that require one-time or periodic  
24 expenditures including, but not limited to, respite care, home  
25 modification, assistive technology, housing assistance, and  
26 transportation.

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

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

15           The Department shall delay Community Care Program services  
16 until an applicant is determined eligible for medical  
17 assistance under Article V of the Illinois Public Aid Code (i)  
18 beginning August 1, 2013, if the Auditor General has reported  
19 that the Department has failed to comply with the reporting  
20 requirements of Section 2-27 of the Illinois State Auditing  
21 Act; or (ii) beginning June 1, 2014, if the Auditor General has  
22 reported that the Department has not undertaken the required  
23 actions listed in the report required by subsection (a) of  
24 Section 2-27 of the Illinois State Auditing Act.

25           The Department shall implement co-payments for the  
26 Community Care Program at the federally allowable maximum level

1 (i) beginning August 1, 2013, if the Auditor General has  
2 reported that the Department has failed to comply with the  
3 reporting requirements of Section 2-27 of the Illinois State  
4 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor  
5 General has reported that the Department has not undertaken the  
6 required actions listed in the report required by subsection  
7 (a) of Section 2-27 of the Illinois State Auditing Act.

8 The Department shall provide a bi-monthly report on the  
9 progress of the Community Care Program reforms set forth in  
10 this amendatory Act of the 98th General Assembly to the  
11 Governor, the Speaker of the House of Representatives, the  
12 Minority Leader of the House of Representatives, the President  
13 of the Senate, and the Minority Leader of the Senate.

14 The Department shall conduct a quarterly review of Care  
15 Coordination Unit performance and adherence to service  
16 guidelines. The quarterly review shall be reported to the  
17 Speaker of the House of Representatives, the Minority Leader of  
18 the House of Representatives, the President of the Senate, and  
19 the Minority Leader of the Senate. The Department shall collect  
20 and report longitudinal data on the performance of each care  
21 coordination unit. Nothing in this paragraph shall be construed  
22 to require the Department to identify specific care  
23 coordination units.

24 In regard to community care providers, failure to comply  
25 with Department on Aging policies shall be cause for  
26 disciplinary action, including, but not limited to,

1 disqualification from serving Community Care Program clients.  
2 Each provider, upon submission of any bill or invoice to the  
3 Department for payment for services rendered, shall include a  
4 notarized statement, under penalty of perjury pursuant to  
5 Section 1-109 of the Code of Civil Procedure, that the provider  
6 has complied with all Department policies.

7 The Director of the Department on Aging shall make  
8 information available to the State Board of Elections as may be  
9 required by an agreement the State Board of Elections has  
10 entered into with a multi-state voter registration list  
11 maintenance system.

12 Within 30 days after July 6, 2017 (the effective date of  
13 Public Act 100-23) ~~this amendatory Act of the 100th General~~  
14 ~~Assembly~~, rates shall be increased to \$18.29 per hour, for the  
15 purpose of increasing, by at least \$.72 per hour, the wages  
16 paid by those vendors to their employees who provide homemaker  
17 services. The Department shall pay an enhanced rate under the  
18 Community Care Program to those in-home service provider  
19 agencies that offer health insurance coverage as a benefit to  
20 their direct service worker employees consistent with the  
21 mandates of Public Act 95-713. For State fiscal years ~~year~~ 2018  
22 and 2019, the enhanced rate shall be \$1.77 per hour. The rate  
23 shall be adjusted using actuarial analysis based on the cost of  
24 care, but shall not be set below \$1.77 per hour. The Department  
25 shall adopt rules, including emergency rules under subsections  
26 ~~subsection~~ (y) and (bb) of Section 5-45 of the Illinois



1 Administrative Procedure Act, to implement the provisions of  
2 this paragraph.

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

16 The Community Care Program Medicaid Enrollment Oversight  
17 Subcommittee is created as a subcommittee of the Older Adult  
18 Services Advisory Committee established in Section 35 of the  
19 Older Adult Services Act to make recommendations on how best to  
20 increase the number of medical assistance recipients who are  
21 enrolled in the Community Care Program. The Subcommittee shall  
22 consist of all of the following persons who must be appointed  
23 within 30 days after the effective date of this amendatory Act  
24 of the 100th General Assembly:

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

1           (2) One representative of the Department of Healthcare  
2           and Family Services, appointed by the Director of  
3           Healthcare and Family Services.

4           (3) One representative of the Department of Human  
5           Services, appointed by the Secretary of Human Services.

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

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

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

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

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

19           (9) One member of a trade or labor union representing  
20           persons who provide services under the Community Care  
21           Program, appointed by the Director of Aging.

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

24           (11) One member of the Senate, who shall serve as  
25           co-chairperson, appointed by the Minority Leader of the  
26           Senate.

1           (12) One member of the House of Representatives, who  
2           shall serve as co-chairperson, appointed by the Speaker of  
3           the House of Representatives.

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

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

10          The Subcommittee shall provide oversight to the Community  
11          Care Program Medicaid Initiative and shall meet quarterly. At  
12          each Subcommittee meeting the Department on Aging shall provide  
13          the following data sets to the Subcommittee: (A) the number of  
14          Illinois residents, categorized by planning and service area,  
15          who are receiving services under the Community Care Program and  
16          are enrolled in the State's Medical Assistance Program; (B) the  
17          number of Illinois residents, categorized by planning and  
18          service area, who are receiving services under the Community  
19          Care Program, but are not enrolled in the State's Medical  
20          Assistance Program; and (C) the number of Illinois residents,  
21          categorized by planning and service area, who are receiving  
22          services under the Community Care Program and are eligible for  
23          benefits under the State's Medical Assistance Program, but are  
24          not enrolled in the State's Medical Assistance Program. In  
25          addition to this data, the Department on Aging shall provide  
26          the Subcommittee with plans on how the Department on Aging will

1 reduce the number of Illinois residents who are not enrolled in  
2 the State's Medical Assistance Program but who are eligible for  
3 medical assistance benefits. The Department on Aging shall  
4 enroll in the State's Medical Assistance Program those Illinois  
5 residents who receive services under the Community Care Program  
6 and are eligible for medical assistance benefits but are not  
7 enrolled in the State's Medicaid Assistance Program. The data  
8 provided to the Subcommittee shall be made available to the  
9 public via the Department on Aging's website.

10 The Department on Aging, with the involvement of the  
11 Subcommittee, shall collaborate with the Department of Human  
12 Services and the Department of Healthcare and Family Services  
13 on how best to achieve the responsibilities of the Community  
14 Care Program Medicaid Initiative.

15 The Department on Aging, the Department of Human Services,  
16 and the Department of Healthcare and Family Services shall  
17 coordinate and implement a streamlined process for seniors to  
18 access benefits under the State's Medical Assistance Program.

19 The Subcommittee shall collaborate with the Department of  
20 Human Services on the adoption of a uniform application  
21 submission process. The Department of Human Services and any  
22 other State agency involved with processing the medical  
23 assistance application of any person enrolled in the Community  
24 Care Program shall include the appropriate care coordination  
25 unit in all communications related to the determination or  
26 status of the application.

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

6       The Community Care Program Medicaid Initiative shall cease  
7 operation 5 years after the effective date of this amendatory  
8 Act of the 100th General Assembly, after which the Subcommittee  
9 shall dissolve.

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

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

13       (20 ILCS 301/55-30)

14       Sec. 55-30. Rate increase.

15       (a) Within 30 days after July 6, 2017 (the effective date  
16 of Public Act 100-23) this amendatory Act of the 100th General  
17 Assembly, the Division of Alcoholism and Substance Abuse shall  
18 by rule develop the increased rate methodology and annualize  
19 the increased rate beginning with State fiscal year 2018  
20 contracts to licensed providers of community based addiction  
21 treatment, based on the additional amounts appropriated for the  
22 purpose of providing a rate increase to licensed providers of  
23 community based addiction treatment. The Department shall  
24 adopt rules, including emergency rules under subsection (y) of

1 Section 5-45 of the Illinois Administrative Procedure Act, to  
2 implement the provisions of this Section.

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

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

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

16 (20 ILCS 1705/75)

17 Sec. 75. Rate increase. Within 30 days after July 6, 2017  
18 (the effective date of Public Act 100-23) ~~this amendatory Act~~  
19 ~~of the 100th General Assembly,~~ the Division of Mental Health  
20 shall by rule develop the increased rate methodology and  
21 annualize the increased rate beginning with State fiscal year  
22 2018 contracts to certified community mental health centers,  
23 based on the additional amounts appropriated for the purpose of  
24 providing a rate increase to certified community mental health

1 centers, with the annualization to be maintained in State  
2 fiscal year 2019. The Department shall adopt rules, including  
3 emergency rules under subsections ~~subsection~~ (y) and (bb) of  
4 Section 5-45 of the Illinois Administrative Procedure Act, to  
5 implement the provisions of this Section.

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

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

9 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

10 Sec. 3. Powers and duties. The Department shall have the  
11 powers and duties enumerated herein:

12 (a) To co-operate with the federal government in the  
13 administration of the provisions of the federal  
14 Rehabilitation Act of 1973, as amended, of the Workforce  
15 Innovation and Opportunity Act, and of the federal Social  
16 Security Act to the extent and in the manner provided in  
17 these Acts.

18 (b) To prescribe and supervise such courses of  
19 vocational training and provide such other services as may  
20 be necessary for the habilitation and rehabilitation of  
21 persons with one or more disabilities, including the  
22 administrative activities under subsection (e) of this  
23 Section, and to co-operate with State and local school  
24 authorities and other recognized agencies engaged in

1           habilitation,           rehabilitation           and           comprehensive  
2           rehabilitation services; and to cooperate with the  
3           Department of Children and Family Services regarding the  
4           care and education of children with one or more  
5           disabilities.

6           (c) (Blank).

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

21          (e) (Blank).

22          (f) To establish a program of services to prevent the  
23          unnecessary institutionalization of persons in need of  
24          long term care and who meet the criteria for blindness or  
25          disability as defined by the Social Security Act, thereby  
26          enabling them to remain in their own homes. Such preventive



1 services include any or all of the following:

2 (1) personal assistant services;

3 (2) homemaker services;

4 (3) home-delivered meals;

5 (4) adult day care services;

6 (5) respite care;

7 (6) home modification or assistive equipment;

8 (7) home health services;

9 (8) electronic home response;

10 (9) brain injury behavioral/cognitive services;

11 (10) brain injury habilitation;

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

13 (12) brain injury supported employment.

14 The Department shall establish eligibility standards  
15 for such services taking into consideration the unique  
16 economic and social needs of the population for whom they  
17 are to be provided. Such eligibility standards may be based  
18 on the recipient's ability to pay for services; provided,  
19 however, that any portion of a person's income that is  
20 equal to or less than the "protected income" level shall  
21 not be considered by the Department in determining  
22 eligibility. The "protected income" level shall be  
23 determined by the Department, shall never be less than the  
24 federal poverty standard, and shall be adjusted each year  
25 to reflect changes in the Consumer Price Index For All  
26 Urban Consumers as determined by the United States

1 Department of Labor. The standards must provide that a  
2 person may not have more than \$10,000 in assets to be  
3 eligible for the services, and the Department may increase  
4 or decrease the asset limitation by rule. The Department  
5 may not decrease the asset level below \$10,000.

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

20 Except as otherwise provided in this paragraph,  
21 personal ~~Personal~~ assistants shall be paid at a rate  
22 negotiated between the State and an exclusive  
23 representative of personal assistants under a collective  
24 bargaining agreement. In no case shall the Department pay  
25 personal assistants an hourly wage that is less than the  
26 federal minimum wage. Within 30 days after July 6, 2017

1        ~~(the effective date of Public Act 100-23) this amendatory~~  
2        ~~Act of the 100th General Assembly,~~ the hourly wage paid to  
3        personal assistants and individual maintenance home health  
4        workers shall be increased by \$0.48 per hour.

5                Solely for the purposes of coverage under the Illinois  
6        Public Labor Relations Act, personal assistants providing  
7        services under the Department's Home Services Program  
8        shall be considered to be public employees and the State of  
9        Illinois shall be considered to be their employer as of  
10       July 16, 2003 (the effective date of Public Act 93-204)  
11       ~~this amendatory Act of the 93rd General Assembly,~~ but not  
12       before. Solely for the purposes of coverage under the  
13       Illinois Public Labor Relations Act, home care and home  
14       health workers who function as personal assistants and  
15       individual maintenance home health workers and who also  
16       provide services under the Department's Home Services  
17       Program shall be considered to be public employees, no  
18       matter whether the State provides such services through  
19       direct fee-for-service arrangements, with the assistance  
20       of a managed care organization or other intermediary, or  
21       otherwise, and the State of Illinois shall be considered to  
22       be the employer of those persons as of January 29, 2013  
23       (the effective date of Public Act 97-1158), but not before  
24       except as otherwise provided under this subsection (f). The  
25       State shall engage in collective bargaining with an  
26       exclusive representative of home care and home health

1 workers who function as personal assistants and individual  
2 maintenance home health workers working under the Home  
3 Services Program concerning their terms and conditions of  
4 employment that are within the State's control. Nothing in  
5 this paragraph shall be understood to limit the right of  
6 the persons receiving services defined in this Section to  
7 hire and fire home care and home health workers who  
8 function as personal assistants and individual maintenance  
9 home health workers working under the Home Services Program  
10 or to supervise them within the limitations set by the Home  
11 Services Program. The State shall not be considered to be  
12 the employer of home care and home health workers who  
13 function as personal assistants and individual maintenance  
14 home health workers working under the Home Services Program  
15 for any purposes not specifically provided in Public Act  
16 93-204 or Public Act 97-1158, including but not limited to,  
17 purposes of vicarious liability in tort and purposes of  
18 statutory retirement or health insurance benefits. Home  
19 care and home health workers who function as personal  
20 assistants and individual maintenance home health workers  
21 and who also provide services under the Department's Home  
22 Services Program shall not be covered by the State  
23 Employees Group Insurance Act of 1971.

24 The Department shall execute, relative to nursing home  
25 prescreening, as authorized by Section 4.03 of the Illinois  
26 Act on the Aging, written inter-agency agreements with the

1 Department on Aging and the Department of Healthcare and  
2 Family Services, to effect the intake procedures and  
3 eligibility criteria for those persons who may need long  
4 term care. On and after July 1, 1996, all nursing home  
5 prescreenings for individuals 18 through 59 years of age  
6 shall be conducted by the Department, or a designee of the  
7 Department.

8 The Department is authorized to establish a system of  
9 recipient cost-sharing for services provided under this  
10 Section. The cost-sharing shall be based upon the  
11 recipient's ability to pay for services, but in no case  
12 shall the recipient's share exceed the actual cost of the  
13 services provided. Protected income shall not be  
14 considered by the Department in its determination of the  
15 recipient's ability to pay a share of the cost of services.  
16 The level of cost-sharing shall be adjusted each year to  
17 reflect changes in the "protected income" level. The  
18 Department shall deduct from the recipient's share of the  
19 cost of services any money expended by the recipient for  
20 disability-related expenses.

21 To the extent permitted under the federal Social  
22 Security Act, the Department, or the Department's  
23 authorized representative, may recover the amount of  
24 moneys expended for services provided to or in behalf of a  
25 person under this Section by a claim against the person's  
26 estate or against the estate of the person's surviving

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

1 property.

2 The Department shall submit an annual report on  
3 programs and services provided under this Section. The  
4 report shall be filed with the Governor and the General  
5 Assembly on or before March 30 each year.

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

16 (g) To establish such subdivisions of the Department as  
17 shall be desirable and assign to the various subdivisions  
18 the responsibilities and duties placed upon the Department  
19 by law.

20 (h) To cooperate and enter into any necessary  
21 agreements with the Department of Employment Security for  
22 the provision of job placement and job referral services to  
23 clients of the Department, including job service  
24 registration of such clients with Illinois Employment  
25 Security offices and making job listings maintained by the  
26 Department of Employment Security available to such

1 clients.

2 (i) To possess all powers reasonable and necessary for  
3 the exercise and administration of the powers, duties and  
4 responsibilities of the Department which are provided for  
5 by law.

6 (j) (Blank).

7 (k) (Blank).

8 (l) To establish, operate, and maintain a Statewide  
9 Housing Clearinghouse of information on available  
10 government subsidized housing accessible to persons with  
11 disabilities and available privately owned housing  
12 accessible to persons with disabilities. The information  
13 shall include, but not be limited to, the location, rental  
14 requirements, access features and proximity to public  
15 transportation of available housing. The Clearinghouse  
16 shall consist of at least a computerized database for the  
17 storage and retrieval of information and a separate or  
18 shared toll free telephone number for use by those seeking  
19 information from the Clearinghouse. Department offices and  
20 personnel throughout the State shall also assist in the  
21 operation of the Statewide Housing Clearinghouse.  
22 Cooperation with local, State, and federal housing  
23 managers shall be sought and extended in order to  
24 frequently and promptly update the Clearinghouse's  
25 information.

26 (m) To assure that the names and case records of



1 persons who received or are receiving services from the  
2 Department, including persons receiving vocational  
3 rehabilitation, home services, or other services, and  
4 those attending one of the Department's schools or other  
5 supervised facility shall be confidential and not be open  
6 to the general public. Those case records and reports or  
7 the information contained in those records and reports  
8 shall be disclosed by the Director only to proper law  
9 enforcement officials, individuals authorized by a court,  
10 the General Assembly or any committee or commission of the  
11 General Assembly, and other persons and for reasons as the  
12 Director designates by rule. Disclosure by the Director may  
13 be only in accordance with other applicable law.

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

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

18 (320 ILCS 42/35)

19 Sec. 35. Older Adult Services Advisory Committee.

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

24 (b) The Advisory Committee shall be comprised of the

1 following:

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

5 (2) The Director of Healthcare and Family Services and  
6 the Director of Public Health or their designees, who shall  
7 serve as vice-chairs and shall be ex officio and nonvoting  
8 members.

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

20 (4) Thirty members appointed by the Director of Aging  
21 in collaboration with the directors of Public Health and  
22 Healthcare and Family Services, and selected from the  
23 recommendations of statewide associations and  
24 organizations, as follows:

25 (A) One member representing the Area Agencies on  
26 Aging;

1 (B) Four members representing nursing homes or  
2 licensed assisted living establishments;

3 (C) One member representing home health agencies;

4 (D) One member representing case management  
5 services;

6 (E) One member representing statewide senior  
7 center associations;

8 (F) One member representing Community Care Program  
9 homemaker services;

10 (G) One member representing Community Care Program  
11 adult day services;

12 (H) One member representing nutrition project  
13 directors;

14 (I) One member representing hospice programs;

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

17 (K) Two members representing statewide trade or  
18 labor unions;

19 (L) One advanced practice registered nurse with  
20 experience in gerontological nursing;

21 (M) One physician specializing in gerontology;

22 (N) One member representing regional long-term  
23 care ombudsmen;

24 (O) One member representing municipal, township,  
25 or county officials;

26 (P) (Blank);

1 (Q) (Blank);

2 (R) One member representing the parish nurse  
3 movement;

4 (S) One member representing pharmacists;

5 (T) Two members representing statewide  
6 organizations engaging in advocacy or legal  
7 representation on behalf of the senior population;

8 (U) Two family caregivers;

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

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

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

14 (Y) One representative of primary care service  
15 providers.

16 The Director of Aging, in collaboration with the Directors  
17 of Public Health and Healthcare and Family Services, may  
18 appoint additional citizen members to the Older Adult Services  
19 Advisory Committee. Each such additional member must be either  
20 an individual age 60 or older or an uncompensated caregiver for  
21 a family member or friend who is age 60 or older.

22 (c) Voting members of the Advisory Committee shall serve  
23 for a term of 3 years or until a replacement is named. All  
24 members shall be appointed no later than January 1, 2005. Of  
25 the initial appointees, as determined by lot, 10 members shall  
26 serve a term of one year; 10 shall serve for a term of 2 years;

1 and 12 shall serve for a term of 3 years. Any member appointed  
2 to fill a vacancy occurring prior to the expiration of the term  
3 for which his or her predecessor was appointed shall be  
4 appointed for the remainder of that term. The Advisory  
5 Committee shall meet at least quarterly and may meet more  
6 frequently at the call of the Chair. A simple majority of those  
7 appointed shall constitute a quorum. The affirmative vote of a  
8 majority of those present and voting shall be necessary for  
9 Advisory Committee action. Members of the Advisory Committee  
10 shall receive no compensation for their services.

11 (d) The Advisory Committee shall have an Executive  
12 Committee comprised of the Chair, the Vice Chairs, and up to 15  
13 members of the Advisory Committee appointed by the Chair who  
14 have demonstrated expertise in developing, implementing, or  
15 coordinating the system restructuring initiatives defined in  
16 Section 25. The Executive Committee shall have responsibility  
17 to oversee and structure the operations of the Advisory  
18 Committee and to create and appoint necessary subcommittees and  
19 subcommittee members. The Advisory Committee's Community Care  
20 Program Medicaid Enrollment Oversight Subcommittee shall have  
21 the membership and powers and duties set forth in Section 4.02  
22 of the Illinois Act on the Aging.

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

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

2 ARTICLE 20. TAX COMPLIANCE AND ADMINISTRATION FUND

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

5 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

6 Sec. 6z-20. County and Mass Transit District Fund. Of the  
7 money received from the 6.25% general rate (and, beginning July  
8 1, 2000 and through December 31, 2000, the 1.25% rate on motor  
9 fuel and gasohol, and beginning on August 6, 2010 through  
10 August 15, 2010, the 1.25% rate on sales tax holiday items) on  
11 sales subject to taxation under the Retailers' Occupation Tax  
12 Act and Service Occupation Tax Act and paid into the County and  
13 Mass Transit District Fund, distribution to the Regional  
14 Transportation Authority tax fund, created pursuant to Section  
15 4.03 of the Regional Transportation Authority Act, for deposit  
16 therein shall be made based upon the retail sales occurring in  
17 a county having more than 3,000,000 inhabitants. The remainder  
18 shall be distributed to each county having 3,000,000 or fewer  
19 inhabitants based upon the retail sales occurring in each such  
20 county.

21 For the purpose of determining allocation to the local  
22 government unit, a retail sale by a producer of coal or other  
23 mineral mined in Illinois is a sale at retail at the place

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

7 Of the money received from the 6.25% general use tax rate  
8 on tangible personal property which is purchased outside  
9 Illinois at retail from a retailer and which is titled or  
10 registered by any agency of this State's government and paid  
11 into the County and Mass Transit District Fund, the amount for  
12 which Illinois addresses for titling or registration purposes  
13 are given as being in each county having more than 3,000,000  
14 inhabitants shall be distributed into the Regional  
15 Transportation Authority tax fund, created pursuant to Section  
16 4.03 of the Regional Transportation Authority Act. The  
17 remainder of the money paid from such sales shall be  
18 distributed to each county based on sales for which Illinois  
19 addresses for titling or registration purposes are given as  
20 being located in the county. Any money paid into the Regional  
21 Transportation Authority Occupation and Use Tax Replacement  
22 Fund from the County and Mass Transit District Fund prior to  
23 January 14, 1991, which has not been paid to the Authority  
24 prior to that date, shall be transferred to the Regional  
25 Transportation Authority tax fund.

26 Whenever the Department determines that a refund of money

1 paid into the County and Mass Transit District Fund should be  
2 made to a claimant instead of issuing a credit memorandum, the  
3 Department shall notify the State Comptroller, who shall cause  
4 the order to be drawn for the amount specified, and to the  
5 person named, in such notification from the Department. Such  
6 refund shall be paid by the State Treasurer out of the County  
7 and Mass Transit District Fund.

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

21 After the monthly transfer to the STAR Bonds Revenue Fund,  
22 on or before the 25th day of each calendar month, the  
23 Department shall prepare and certify to the Comptroller the  
24 disbursement of stated sums of money to the Regional  
25 Transportation Authority and to named counties, the counties to  
26 be those entitled to distribution, as hereinabove provided, of



1 taxes or penalties paid to the Department during the second  
2 preceding calendar month. The amount to be paid to the Regional  
3 Transportation Authority and each county having 3,000,000 or  
4 fewer inhabitants shall be the amount (not including credit  
5 memoranda) collected during the second preceding calendar  
6 month by the Department and paid into the County and Mass  
7 Transit District Fund, plus an amount the Department determines  
8 is necessary to offset any amounts which were erroneously paid  
9 to a different taxing body, and not including an amount equal  
10 to the amount of refunds made during the second preceding  
11 calendar month by the Department, and not including any amount  
12 which the Department determines is necessary to offset any  
13 amounts which were payable to a different taxing body but were  
14 erroneously paid to the Regional Transportation Authority or  
15 county, and not including any amounts that are transferred to  
16 the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the amount to be  
17 paid to the Regional Transportation Authority, which shall be  
18 transferred into the Tax Compliance and Administration Fund.  
19 The Department, at the time of each monthly disbursement to the  
20 Regional Transportation Authority, shall prepare and certify  
21 to the State Comptroller the amount to be transferred into the  
22 Tax Compliance and Administration Fund under this Section.  
23 Within 10 days after receipt, by the Comptroller, of the  
24 disbursement certification to the Regional Transportation  
25 Authority, counties, and the Tax Compliance and Administration  
26 Fund provided for in this Section to be given to the

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

4 When certifying the amount of a monthly disbursement to the  
5 Regional Transportation Authority or to a county under this  
6 Section, the Department shall increase or decrease that amount  
7 by an amount necessary to offset any misallocation of previous  
8 disbursements. The offset amount shall be the amount  
9 erroneously disbursed within the 6 months preceding the time a  
10 misallocation is discovered.

11 The provisions directing the distributions from the  
12 special fund in the State Treasury provided for in this Section  
13 and from the Regional Transportation Authority tax fund created  
14 by Section 4.03 of the Regional Transportation Authority Act  
15 shall constitute an irrevocable and continuing appropriation  
16 of all amounts as provided herein. The State Treasurer and  
17 State Comptroller are hereby authorized to make distributions  
18 as provided in this Section.

19 In construing any development, redevelopment, annexation,  
20 preannexation or other lawful agreement in effect prior to  
21 September 1, 1990, which describes or refers to receipts from a  
22 county or municipal retailers' occupation tax, use tax or  
23 service occupation tax which now cannot be imposed, such  
24 description or reference shall be deemed to include the  
25 replacement revenue for such abolished taxes, distributed from  
26 the County and Mass Transit District Fund or Local Government

1 Distributive Fund, as the case may be.

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

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

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

6 Sec. 5-1006. Home Rule County Retailers' Occupation Tax  
7 Law. Any county that is a home rule unit may impose a tax upon  
8 all persons engaged in the business of selling tangible  
9 personal property, other than an item of tangible personal  
10 property titled or registered with an agency of this State's  
11 government, at retail in the county on the gross receipts from  
12 such sales made in the course of their business. If imposed,  
13 this tax shall only be imposed in 1/4% increments. On and after  
14 September 1, 1991, this additional tax may not be imposed on  
15 the sales of food for human consumption which is to be consumed  
16 off the premises where it is sold (other than alcoholic  
17 beverages, soft drinks and food which has been prepared for  
18 immediate consumption) and prescription and nonprescription  
19 medicines, drugs, medical appliances and insulin, urine  
20 testing materials, syringes and needles used by diabetics. The  
21 tax imposed by a home rule county pursuant to this Section and  
22 all civil penalties that may be assessed as an incident thereof  
23 shall be collected and enforced by the State Department of  
24 Revenue. The certificate of registration that is issued by the

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

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

1           Persons subject to any tax imposed pursuant to the  
2 authority granted in this Section may reimburse themselves for  
3 their seller's tax liability hereunder by separately stating  
4 such tax as an additional charge, which charge may be stated in  
5 combination, in a single amount, with State tax which sellers  
6 are required to collect under the Use Tax Act, pursuant to such  
7 bracket schedules as the Department may prescribe.

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

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

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

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

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

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

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

1 to the purchaser at a point outside Illinois so that the sale  
2 is exempt under the United States Constitution as a sale in  
3 interstate or foreign commerce.

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

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



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

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

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

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

21 (55 ILCS 5/5-1006.5)

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

24 (a) The county board of any county may impose a tax upon  
25 all persons engaged in the business of selling tangible

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

24 If a tax is imposed for public facilities purposes, then  
25 the name of the project may be included in the proposition at  
26 the discretion of the county board as determined in the

1 enabling resolution. For example, the "XXX Nursing Home" or the  
2 "YYY Museum".

3 The county clerk shall certify the question to the proper  
4 election authority, who shall submit the proposition at an  
5 election in accordance with the general election law.

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

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

11 As additional information on the ballot below the  
12 question shall appear the following:

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

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

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

26 As additional information on the ballot below the

1 question shall appear the following:

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

8 For the purposes of the paragraph, "public safety  
9 purposes" means crime prevention, detention, fire  
10 fighting, police, medical, ambulance, or other emergency  
11 services.

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

13 Beginning on the January 1 or July 1, whichever is  
14 first, that occurs not less than 30 days after May 31, 2015  
15 (the effective date of Public Act 99-4), Adams County may  
16 impose a public safety retailers' occupation tax and  
17 service occupation tax at the rate of 0.25%, as provided in  
18 the referendum approved by the voters on April 7, 2015,  
19 notwithstanding the omission of the additional information  
20 that is otherwise required to be printed on the ballot  
21 below the question pursuant to this item (1).

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

24 "To pay for improvements to roads and other  
25 transportation purposes, shall (name of county) be  
26 authorized to impose an increase on its share of local

1 sales taxes by (insert rate)?"

2 As additional information on the ballot below the  
3 question shall appear the following:

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

7 The county board may also opt to establish a sunset  
8 provision at which time the additional sales tax would  
9 cease being collected, if not terminated earlier by a vote  
10 of the county board. If the county board votes to include a  
11 sunset provision, the proposition for transportation  
12 purposes shall be in substantially the following form:

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

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. If imposed,  
22 the additional tax would cease being collected at the end  
23 of (insert number of years), if not terminated earlier by a  
24 vote of the county board."

25 For the purposes of this paragraph, transportation  
26 purposes means construction, maintenance, operation, and

1 improvement of public highways, any other purpose for which  
2 a county may expend funds under the Illinois Highway Code,  
3 and passenger rail transportation.

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

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

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

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

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

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

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

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

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

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

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

19            If a majority of the electors voting on the proposition  
20 vote in favor of it, the county may impose the tax. A county  
21 may not submit more than one proposition authorized by this  
22 Section to the electors at any one time.

23            This additional tax may not be imposed on the sales of food  
24 for human consumption that is to be consumed off the premises  
25 where it is sold (other than alcoholic beverages, soft drinks,  
26 and food which has been prepared for immediate consumption) and

1 prescription and non-prescription medicines, drugs, medical  
2 appliances and insulin, urine testing materials, syringes, and  
3 needles used by diabetics. The tax imposed by a county under  
4 this Section and all civil penalties that may be assessed as an  
5 incident of the tax shall be collected and enforced by the  
6 Illinois Department of Revenue and deposited into a special  
7 fund created for that purpose. The certificate of registration  
8 that is issued by the Department to a retailer under the  
9 Retailers' Occupation Tax Act shall permit the retailer to  
10 engage in a business that is taxable without registering  
11 separately with the Department under an ordinance or resolution  
12 under this Section. The Department has full power to administer  
13 and enforce this Section, to collect all taxes and penalties  
14 due under this Section, to dispose of taxes and penalties so  
15 collected in the manner provided in this Section, and to  
16 determine all rights to credit memoranda arising on account of  
17 the erroneous payment of a tax or penalty under this Section.  
18 In the administration of and compliance with this Section, the  
19 Department and persons who are subject to this Section shall  
20 (i) have the same rights, remedies, privileges, immunities,  
21 powers, and duties, (ii) be subject to the same conditions,  
22 restrictions, limitations, penalties, and definitions of  
23 terms, and (iii) employ the same modes of procedure as are  
24 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,  
25 1n, 2 through 2-70 (in respect to all provisions contained in  
26 those Sections other than the State rate of tax), 2a, 2b, 2c, 3



1 (except provisions relating to transaction returns and quarter  
2 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
3 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13  
4 of the Retailers' Occupation Tax Act and Section 3-7 of the  
5 Uniform Penalty and Interest Act as if those provisions were  
6 set forth in this Section.

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

14 Whenever the Department determines that a refund should be  
15 made under this Section to a claimant instead of issuing a  
16 credit memorandum, the Department shall notify the State  
17 Comptroller, who shall cause the order to be drawn for the  
18 amount specified and to the person named in the notification  
19 from the Department. The refund shall be paid by the State  
20 Treasurer out of the County Public Safety or Transportation  
21 Retailers' Occupation Tax Fund.

22 (b) If a tax has been imposed under subsection (a), a  
23 service occupation tax shall also be imposed at the same rate  
24 upon all persons engaged, in the county, in the business of  
25 making sales of service, who, as an incident to making those  
26 sales of service, transfer tangible personal property within

1 the county as an incident to a sale of service. This tax may  
2 not be imposed on sales of food for human consumption that is  
3 to be consumed off the premises where it is sold (other than  
4 alcoholic beverages, soft drinks, and food prepared for  
5 immediate consumption) and prescription and non-prescription  
6 medicines, drugs, medical appliances and insulin, urine  
7 testing materials, syringes, and needles used by diabetics. The  
8 tax imposed under this subsection and all civil penalties that  
9 may be assessed as an incident thereof shall be collected and  
10 enforced by the Department of Revenue. The Department has full  
11 power to administer and enforce this subsection; to collect all  
12 taxes and penalties due hereunder; to dispose of taxes and  
13 penalties so collected in the manner hereinafter provided; and  
14 to determine all rights to credit memoranda arising on account  
15 of the erroneous payment of tax or penalty hereunder. In the  
16 administration of, and compliance with this subsection, the  
17 Department and persons who are subject to this paragraph shall  
18 (i) have the same rights, remedies, privileges, immunities,  
19 powers, and duties, (ii) be subject to the same conditions,  
20 restrictions, limitations, penalties, exclusions, exemptions,  
21 and definitions of terms, and (iii) employ the same modes of  
22 procedure as are prescribed in Sections 2 (except that the  
23 reference to State in the definition of supplier maintaining a  
24 place of business in this State shall mean the county), 2a, 2b,  
25 2c, 3 through 3-50 (in respect to all provisions therein other  
26 than the State rate of tax), 4 (except that the reference to

1 the State shall be to the county), 5, 7, 8 (except that the  
2 jurisdiction to which the tax shall be a debt to the extent  
3 indicated in that Section 8 shall be the county), 9 (except as  
4 to the disposition of taxes and penalties collected), 10, 11,  
5 12 (except the reference therein to Section 2b of the  
6 Retailers' Occupation Tax Act), 13 (except that any reference  
7 to the State shall mean the county), Section 15, 16, 17, 18, 19  
8 and 20 of the Service Occupation Tax Act and Section 3-7 of the  
9 Uniform Penalty and Interest Act, as fully as if those  
10 provisions were set forth herein.

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

19 Whenever the Department determines that a refund should be  
20 made under this subsection to a claimant instead of issuing a  
21 credit memorandum, the Department shall notify the State  
22 Comptroller, who shall cause the warrant to be drawn for the  
23 amount specified, and to the person named, in the notification  
24 from the Department. The refund shall be paid by the State  
25 Treasurer out of the County Public Safety or Transportation  
26 Retailers' Occupation Fund.

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

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

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 the counties from which  
23 retailers have paid taxes or penalties to the Department during  
24 the second preceding calendar month. The amount to be paid to  
25 each county, and deposited by the county into its special fund  
26 created for the purposes of this Section, shall be the amount

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

24 In addition to the disbursement required by the preceding  
25 paragraph, an allocation shall be made in March of each year to  
26 each county that received more than \$500,000 in disbursements

1 under the preceding paragraph in the preceding calendar year.  
2 The allocation shall be in an amount equal to the average  
3 monthly distribution made to each such county under the  
4 preceding paragraph during the preceding calendar year  
5 (excluding the 2 months of highest receipts). The distribution  
6 made in March of each year subsequent to the year in which an  
7 allocation was made pursuant to this paragraph and the  
8 preceding paragraph shall be reduced by the amount allocated  
9 and disbursed under this paragraph in the preceding calendar  
10 year. The Department shall prepare and certify to the  
11 Comptroller for disbursement the allocations made in  
12 accordance with this paragraph.

13 A county may direct, by ordinance, that all or a portion of  
14 the taxes and penalties collected under the Special County  
15 Retailers' Occupation Tax For Public Safety or Transportation  
16 be deposited into the Transportation Development Partnership  
17 Trust Fund.

18 (d) For the purpose of determining the local governmental  
19 unit whose tax is applicable, a retail sale by a producer of  
20 coal or another mineral mined in Illinois is a sale at retail  
21 at the place where the coal or other mineral mined in Illinois  
22 is extracted from the earth. This paragraph does not apply to  
23 coal or another mineral when it is delivered or shipped by the  
24 seller to the purchaser at a point outside Illinois so that the  
25 sale is exempt under the United States Constitution as a sale  
26 in interstate or foreign commerce.

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

5           (e-5) If a county imposes a tax under this Section, the  
6 county board may, by ordinance, discontinue or lower the rate  
7 of the tax. If the county board lowers the tax rate or  
8 discontinues the tax, a referendum must be held in accordance  
9 with subsection (a) of this Section in order to increase the  
10 rate of the tax or to reimpose the discontinued tax.

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

23           Beginning January 1, 2014, the results of any election  
24 authorizing a proposition to impose a tax under this Section or  
25 effecting an increase in the rate of tax, along with the  
26 ordinance adopted to impose the tax or increase the rate of the

1 tax, or any ordinance adopted to lower the rate or discontinue  
2 the tax, shall be certified by the county clerk and filed with  
3 the Illinois Department of Revenue either (i) on or before the  
4 first day of May, whereupon the Department shall proceed to  
5 administer and enforce the tax as of the first day of July next  
6 following the adoption and filing; or (ii) on or before the  
7 first day of October, whereupon the Department shall proceed to  
8 administer and enforce the tax as of the first day of January  
9 next following the adoption and filing.

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

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

19 (i) For purposes of this Section, "public safety" includes,  
20 but is not limited to, crime prevention, detention, fire  
21 fighting, police, medical, ambulance, or other emergency  
22 services. The county may share tax proceeds received under this  
23 Section for public safety purposes, including proceeds  
24 received before August 4, 2009 (the effective date of Public  
25 Act 96-124), with any fire protection district located in the  
26 county. For the purposes of this Section, "transportation"



1 includes, but is not limited to, the construction, maintenance,  
2 operation, and improvement of public highways, any other  
3 purpose for which a county may expend funds under the Illinois  
4 Highway Code, and passenger rail transportation. For the  
5 purposes of this Section, "public facilities purposes"  
6 includes, but is not limited to, the acquisition, development,  
7 construction, reconstruction, rehabilitation, improvement,  
8 financing, architectural planning, and installation of capital  
9 facilities consisting of buildings, structures, and durable  
10 equipment and for the acquisition and improvement of real  
11 property and interest in real property required, or expected to  
12 be required, in connection with the public facilities, for use  
13 by the county for the furnishing of governmental services to  
14 its citizens, including but not limited to museums and nursing  
15 homes.

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

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

22 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

23 Sec. 5-1007. Home Rule County Service Occupation Tax Law.  
24 The corporate authorities of a home rule county may impose a  
25 tax upon all persons engaged, in such county, in the business

1 of making sales of service at the same rate of tax imposed  
2 pursuant to Section 5-1006 of the selling price of all tangible  
3 personal property transferred by such servicemen either in the  
4 form of tangible personal property or in the form of real  
5 estate as an incident to a sale of service. If imposed, such  
6 tax shall only be imposed in 1/4% increments. On and after  
7 September 1, 1991, this additional tax may not be imposed on  
8 the sales of food for human consumption which is to be consumed  
9 off the premises where it is sold (other than alcoholic  
10 beverages, soft drinks and food which has been prepared for  
11 immediate consumption) and prescription and nonprescription  
12 medicines, drugs, medical appliances and insulin, urine  
13 testing materials, syringes and needles used by diabetics. The  
14 tax imposed by a home rule county pursuant to this Section and  
15 all civil penalties that may be assessed as an incident thereof  
16 shall be collected and enforced by the State Department of  
17 Revenue. The certificate of registration which is issued by the  
18 Department to a retailer under the Retailers' Occupation Tax  
19 Act or under the Service Occupation Tax Act shall permit such  
20 registrant to engage in a business which is taxable under any  
21 ordinance or resolution enacted pursuant to this Section  
22 without registering separately with the Department under such  
23 ordinance or resolution or under this Section. The Department  
24 shall have full power to administer and enforce this Section;  
25 to collect all taxes and penalties due hereunder; to dispose of  
26 taxes and penalties so collected in the manner hereinafter

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 20-15. The Illinois Municipal Code is amended by  
2 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,  
3 8-11-1.7, and 8-11-5 as follows:

4 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

5 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax  
6 Act. The corporate authorities of a home rule municipality may  
7 impose a tax upon all persons engaged in the business of  
8 selling tangible personal property, other than an item of  
9 tangible personal property titled or registered with an agency  
10 of this State's government, at retail in the municipality on  
11 the gross receipts from these sales made in the course of such  
12 business. If imposed, the tax shall only be imposed in 1/4%  
13 increments. On and after September 1, 1991, this additional 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 home rule municipality under  
21 this Section and all civil penalties that may be assessed as an  
22 incident of the tax shall be collected and enforced by the  
23 State Department of Revenue. The certificate of registration  
24 that is issued by the Department to a retailer under the  
25 Retailers' Occupation Tax Act shall permit the retailer to



1 engage in a business that is taxable under any ordinance or  
2 resolution enacted pursuant to this Section without  
3 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 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,  
17 1m, 1n, 2 through 2-65 (in respect to all provisions therein  
18 other than the State rate of tax), 2c, 3 (except as to the  
19 disposition of taxes and penalties collected), 4, 5, 5a, 5b,  
20 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,  
21 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and  
22 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
23 as if those provisions were set forth herein.

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

1           Persons subject to any tax imposed under the authority  
2 granted in this Section may reimburse themselves for their  
3 seller's tax liability hereunder by separately stating that tax  
4 as an additional charge, which charge may be stated in  
5 combination, in a single amount, with State tax which sellers  
6 are required to collect under the Use Tax Act, pursuant to such  
7 bracket schedules as the Department may prescribe.

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

16           The Department shall immediately pay over to the State  
17 Treasurer, ex officio, as trustee, all taxes and penalties  
18 collected hereunder.

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

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

1 municipalities and the Tax Compliance and Administration Fund  
2 provided for in this Section to be given to the Comptroller by  
3 the Department, the Comptroller shall cause the orders to be  
4 drawn for the respective amounts in accordance with the  
5 directions contained in the certification.

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

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

15 For the purpose of determining the local governmental unit  
16 whose tax is applicable, a retail sale by a producer of coal or  
17 other mineral mined in Illinois is a sale at retail at the  
18 place where the coal or other mineral mined in Illinois is  
19 extracted from the earth. This paragraph does not apply to coal  
20 or other mineral when it is delivered or shipped by the seller  
21 to the purchaser at a point outside Illinois so that the sale  
22 is exempt under the United States Constitution as a sale in  
23 interstate or foreign commerce.

24 Nothing in this Section shall be construed to authorize a  
25 municipality to impose a tax upon the privilege of engaging in  
26 any business which under the Constitution of the United States

1 may not be made the subject of taxation by this State.

2 An ordinance or resolution imposing or discontinuing a 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 June, whereupon the Department  
6 shall proceed to administer and enforce this Section as of the  
7 first day of September next following the adoption and filing.  
8 Beginning January 1, 1992, an ordinance or resolution imposing  
9 or discontinuing the tax hereunder or effecting a change in the  
10 rate thereof shall be adopted and a certified copy thereof  
11 filed with the Department on or before the first day of July,  
12 whereupon the Department shall proceed to administer and  
13 enforce this Section as of the first day of October next  
14 following such adoption and filing. Beginning January 1, 1993,  
15 an ordinance or resolution imposing or discontinuing the 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 October, whereupon the Department  
19 shall proceed to administer and enforce this Section as of the  
20 first day of January next following the adoption and filing.  
21 However, a municipality located in a county with a population  
22 in excess of 3,000,000 that elected to become a home rule unit  
23 at the general primary election in 1994 may adopt an ordinance  
24 or resolution imposing the tax under this Section and file a  
25 certified copy of the ordinance or resolution with the  
26 Department on or before July 1, 1994. The Department shall then

1 proceed to administer and enforce this Section as of October 1,  
2 1994. Beginning April 1, 1998, an ordinance or resolution  
3 imposing or discontinuing the tax hereunder or effecting a  
4 change in the rate thereof shall either (i) be adopted and a  
5 certified copy thereof filed with the Department on or before  
6 the first day of April, whereupon the Department shall proceed  
7 to administer and enforce this Section as of the first day of  
8 July next following the adoption and filing; or (ii) be adopted  
9 and a certified copy thereof filed with the Department on or  
10 before the first day of October, whereupon the Department shall  
11 proceed to administer and enforce this Section as of the first  
12 day of January next following the adoption and filing.

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 Any unobligated balance remaining in the Municipal  
20 Retailers' Occupation Tax Fund on December 31, 1989, which fund  
21 was abolished by Public Act 85-1135, and all receipts of  
22 municipal tax as a result of audits of liability periods prior  
23 to January 1, 1990, shall be paid into the Local Government Tax  
24 Fund for distribution as provided by this Section prior to the  
25 enactment of Public Act 85-1135. All receipts of municipal tax  
26 as a result of an assessment not arising from an audit, for

1 liability periods prior to January 1, 1990, shall be paid into  
2 the Local Government Tax Fund for distribution before July 1,  
3 1990, as provided by this Section prior to the enactment of  
4 Public Act 85-1135; and on and after July 1, 1990, all such  
5 receipts shall be distributed as provided in Section 6z-18 of  
6 the State Finance Act.

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

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

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

13 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

14 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'  
15 Occupation Tax Act. The corporate authorities of a non-home  
16 rule municipality may impose a tax upon all persons engaged in  
17 the business of selling tangible personal property, other than  
18 on an item of tangible personal property which is titled and  
19 registered by an agency of this State's Government, at retail  
20 in the municipality for expenditure on public infrastructure or  
21 for property tax relief or both as defined in Section 8-11-1.2  
22 if approved by referendum as provided in Section 8-11-1.1, of  
23 the gross receipts from such sales made in the course of such  
24 business. If the tax is approved by referendum on or after July  
25 14, 2010 (the effective date of Public Act 96-1057), the



1 corporate authorities of a non-home rule municipality may,  
2 until December 31, 2020, use the proceeds of the tax for  
3 expenditure on municipal operations, in addition to or in lieu  
4 of any expenditure on public infrastructure or for property tax  
5 relief. The tax imposed may not be more than 1% and may be  
6 imposed only in 1/4% increments. The tax may not be imposed on  
7 the sale of food for human consumption that is to be consumed  
8 off the premises where it is sold (other than alcoholic  
9 beverages, soft drinks, and food that has been prepared for  
10 immediate consumption) and prescription and nonprescription  
11 medicines, drugs, medical appliances, and insulin, urine  
12 testing materials, syringes, and needles used by diabetics. The  
13 tax imposed by a municipality pursuant to this Section and all  
14 civil penalties that may be assessed as an incident thereof  
15 shall be collected and enforced by the State Department of  
16 Revenue. The certificate of registration which is issued by the  
17 Department to a retailer under the Retailers' Occupation Tax  
18 Act shall permit such retailer to engage in a business which is  
19 taxable under any ordinance or resolution enacted pursuant to  
20 this Section without registering separately with the  
21 Department under such ordinance or resolution or under this  
22 Section. The Department shall have full power to administer and  
23 enforce this Section; to collect all taxes and penalties due  
24 hereunder; to dispose of taxes and penalties so collected in  
25 the manner hereinafter provided, and to determine all rights to  
26 credit memoranda, arising on account of the erroneous payment

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

15 No municipality may impose a tax under this Section unless  
16 the municipality also imposes a tax at the same rate under  
17 Section 8-11-1.4 of this Code.

18 Persons subject to any tax imposed pursuant to the  
19 authority granted in this Section may reimburse themselves for  
20 their seller's tax liability hereunder by separately stating  
21 such tax 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 such notification  
4 from the Department. Such refund shall be paid by the State  
5 Treasurer out of the non-home rule municipal retailers'  
6 occupation tax fund.

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 which 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 such  
6 municipality, and not including any amount which the Department  
7 determines is necessary to offset any amounts which were  
8 payable to a different taxing body but were erroneously paid to  
9 the 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 such certification.

23 For the purpose of determining the local governmental unit  
24 whose tax is applicable, a retail sale, by a producer of coal  
25 or 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 such 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 The Department of Revenue shall implement this amendatory  
17 Act of the 91st General Assembly so as to collect the tax on  
18 and after January 1, 2002.

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

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

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

25 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

1           Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation  
2 Tax Act. The corporate authorities of a non-home rule  
3 municipality may impose a tax upon all persons engaged, in such  
4 municipality, in the business of making sales of service for  
5 expenditure on public infrastructure or for property tax relief  
6 or both as defined in Section 8-11-1.2 if approved by  
7 referendum as provided in Section 8-11-1.1, of the selling  
8 price of all tangible personal property transferred by such  
9 servicemen either in the form of tangible personal property or  
10 in the form of real estate as an incident to a sale of service.  
11 If the tax is approved by referendum on or after July 14, 2010  
12 (the effective date of Public Act 96-1057), the corporate  
13 authorities of a non-home rule municipality may, until December  
14 31, 2020, use the proceeds of the tax for expenditure on  
15 municipal operations, in addition to or in lieu of any  
16 expenditure on public infrastructure or for property tax  
17 relief. The tax imposed may not be more than 1% and may be  
18 imposed only in 1/4% increments. The tax may not be imposed on  
19 the sale of food for human consumption that is to be consumed  
20 off the premises where it is sold (other than alcoholic  
21 beverages, soft drinks, and food that has been prepared for  
22 immediate consumption) and prescription and nonprescription  
23 medicines, drugs, medical appliances, and insulin, urine  
24 testing materials, syringes, and needles used by diabetics. The  
25 tax imposed by a municipality pursuant to this Section and all  
26 civil penalties that may be assessed as an incident thereof

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

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

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

12 Persons subject to any tax imposed pursuant to the  
13 authority granted in this Section may reimburse themselves for  
14 their serviceman's tax liability hereunder by separately  
15 stating such tax as an additional charge, which charge may be  
16 stated in combination, in a single amount, with State tax which  
17 servicemen are authorized to collect under the Service Use Tax  
18 Act, pursuant to such bracket schedules as the Department may  
19 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. Such refund shall be paid by the State Treasurer  
26 out of the 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 General Revenue Fund, 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 such certification.

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

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

20 As used in this Section, "municipal" or "municipality"  
21 means or refers to a city, village or incorporated town,  
22 including an incorporated town which has superseded a civil  
23 township.

24 This Section shall be known and may be cited as the  
25 "Non-Home Rule Municipal Service Occupation Tax Act".

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

1 (65 ILCS 5/8-11-1.6)

2 Sec. 8-11-1.6. Non-home rule municipal retailers  
3 occupation tax; municipalities between 20,000 and 25,000. The  
4 corporate authorities of a non-home rule municipality with a  
5 population of more than 20,000 but less than 25,000 that has,  
6 prior to January 1, 1987, established a Redevelopment Project  
7 Area that has been certified as a State Sales Tax Boundary and  
8 has issued bonds or otherwise incurred indebtedness to pay for  
9 costs in excess of \$5,000,000, which is secured in part by a  
10 tax increment allocation fund, in accordance with the  
11 provisions of Division 11-74.4 of this Code may, by passage of  
12 an ordinance, impose a tax upon all persons engaged in the  
13 business of selling tangible personal property, other than on  
14 an item of tangible personal property that is titled and  
15 registered by an agency of this State's Government, at retail  
16 in the municipality. This tax may not be imposed on the sales  
17 of food for human consumption that is to be consumed off the  
18 premises where it is sold (other than alcoholic beverages, soft  
19 drinks, and food that has been prepared for immediate  
20 consumption) and prescription and nonprescription medicines,  
21 drugs, medical appliances and insulin, urine testing  
22 materials, syringes, and needles used by diabetics. If imposed,  
23 the tax shall only be imposed in .25% increments of the gross  
24 receipts from such sales made in the course of business. Any  
25 tax imposed by a municipality under this Section and all civil

1 penalties that may be assessed as an incident thereof shall be  
2 collected and enforced by the State Department of Revenue. An  
3 ordinance imposing a tax hereunder or effecting a change in the  
4 rate thereof shall be adopted and a certified copy thereof  
5 filed with the Department on or before the first day of  
6 October, whereupon the Department shall proceed to administer  
7 and enforce this Section as of the first day of January next  
8 following such adoption and filing. The certificate of  
9 registration that is issued by the Department to a retailer  
10 under the Retailers' Occupation Tax Act shall permit the  
11 retailer to engage in a business that is taxable under any  
12 ordinance or resolution enacted under this Section without  
13 registering separately with the Department under the ordinance  
14 or resolution or under this Section. The Department shall have  
15 full power to administer and enforce this Section, to collect  
16 all taxes and penalties due hereunder, to dispose of taxes and  
17 penalties so collected in the manner hereinafter provided, and  
18 to determine all rights to credit memoranda, arising on account  
19 of the erroneous payment of tax or penalty hereunder. In the  
20 administration of, and compliance with this Section, the  
21 Department and persons who are subject to this Section shall  
22 have the same rights, remedies, privileges, immunities,  
23 powers, and duties, and be subject to the same conditions,  
24 restrictions, limitations, penalties, and definitions of  
25 terms, and employ the same modes of procedure, as are  
26 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2

1 through 2-65 (in respect to all provisions therein other than  
2 the State rate of tax), 2c, 3 (except as to the disposition of  
3 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,  
4 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12  
5 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of  
6 the Uniform Penalty and Interest Act as fully as if those  
7 provisions were set forth herein.

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

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

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

26 The Department shall forthwith pay over to the State

1 Treasurer, ex officio, as trustee, all taxes and penalties  
2 collected hereunder.

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

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

1 to a different taxing body but were erroneously paid to the  
2 municipality, and not including any amounts that are  
3 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the  
4 remainder, which the Department shall transfer into the Tax  
5 Compliance and Administration Fund. The Department, at the time  
6 of each monthly disbursement to the municipalities, shall  
7 prepare and certify to the State Comptroller the amount to be  
8 transferred into the Tax Compliance and Administration Fund  
9 under this Section. Within 10 days after receipt by the  
10 Comptroller of the disbursement certification to the  
11 municipalities and the Tax Compliance and Administration Fund  
12 provided for in this Section to be given to the Comptroller by  
13 the Department, the Comptroller shall cause the orders to be  
14 drawn for the respective amounts in accordance with the  
15 directions contained in the certification.

16 For the purpose of determining the local governmental unit  
17 whose tax is applicable, a retail sale by a producer of coal or  
18 other mineral mined in Illinois is a sale at retail at the  
19 place where the coal or other mineral mined in Illinois is  
20 extracted from the earth. This paragraph does not apply to coal  
21 or other mineral when it is delivered or shipped by the seller  
22 to the purchaser at a point outside Illinois so that the sale  
23 is exempt under the federal Constitution as a sale in  
24 interstate or foreign commerce.

25 Nothing in this Section shall be construed to authorize a  
26 municipality to impose a tax upon the privilege of engaging in

1 any business which under the constitution of the United States  
2 may not be made the subject of taxation by this State.

3 When certifying the amount of a monthly disbursement to a  
4 municipality under this Section, the Department shall increase  
5 or decrease the amount by an amount necessary to offset any  
6 misallocation of previous disbursements. The offset amount  
7 shall be the amount erroneously disbursed within the previous 6  
8 months from the time a misallocation is discovered.

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

12 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;  
13 100-23, eff. 7-6-17; revised 10-3-17.)

14 (65 ILCS 5/8-11-1.7)

15 Sec. 8-11-1.7. Non-home rule municipal service occupation  
16 tax; municipalities between 20,000 and 25,000. The corporate  
17 authorities of a non-home rule municipality with a population  
18 of more than 20,000 but less than 25,000 as determined by the  
19 last preceding decennial census that has, prior to January 1,  
20 1987, established a Redevelopment Project Area that has been  
21 certified as a State Sales Tax Boundary and has issued bonds or  
22 otherwise incurred indebtedness to pay for costs in excess of  
23 \$5,000,000, which is secured in part by a tax increment  
24 allocation fund, in accordance with the provisions of Division  
25 11-74.4 of this Code may, by passage of an ordinance, impose a



1 tax upon all persons engaged in the municipality in the  
2 business of making sales of service. If imposed, the tax shall  
3 only be imposed in .25% increments of the selling price of all  
4 tangible personal property transferred by such servicemen  
5 either in the form of tangible personal property or in the form  
6 of real estate as an incident to a sale of service. This tax  
7 may not be imposed on the sales of food for human consumption  
8 that is to be consumed off the premises where it is sold (other  
9 than alcoholic beverages, soft drinks, and food that has been  
10 prepared for immediate consumption) and prescription and  
11 nonprescription medicines, drugs, medical appliances and  
12 insulin, urine testing materials, syringes, and needles used by  
13 diabetics. The tax imposed by a municipality under this Section  
14 ~~Sec.~~ and all civil penalties that may be assessed as an  
15 incident thereof shall be collected and enforced by the State  
16 Department of Revenue. An ordinance imposing a tax hereunder or  
17 effecting a change in the rate thereof shall be adopted and a  
18 certified copy thereof filed with the Department on or before  
19 the first day of October, whereupon the Department shall  
20 proceed to administer and enforce this Section as of the first  
21 day of January next following such adoption and filing. The  
22 certificate of registration that is issued by the Department to  
23 a retailer under the Retailers' Occupation Tax Act or under the  
24 Service Occupation Tax Act shall permit the registrant to  
25 engage in a business that is taxable under any ordinance or  
26 resolution enacted under this Section without registering

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

1 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
2 as if those provisions were set forth herein.

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

6 Person subject to any tax imposed under the authority  
7 granted in this Section may reimburse themselves for their  
8 servicemen's tax liability hereunder by separately stating the  
9 tax as an additional charge, which charge may be stated in  
10 combination, in a single amount, with State tax that servicemen  
11 are authorized to collect under the Service Use Tax Act, under  
12 such bracket schedules as the Department may 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. The refund shall be paid by the State Treasurer out  
19 of the Non-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, the Tax Compliance and Administration Fund,

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

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

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

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

17 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

18 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax  
19 Act. The corporate authorities of a home rule municipality may  
20 impose a tax upon all persons engaged, in such municipality, in  
21 the business of making sales of service at the same rate of tax  
22 imposed pursuant to Section 8-11-1, of the selling price of all  
23 tangible personal property transferred by such servicemen  
24 either in the form of tangible personal property or in the form  
25 of real estate as an incident to a sale of service. If imposed,

1 such tax shall only be imposed in 1/4% increments. On and after  
2 September 1, 1991, this additional tax may not be imposed on  
3 the sales of food for human consumption which is to be consumed  
4 off the premises where it is sold (other than alcoholic  
5 beverages, soft drinks and food which 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. The  
9 tax imposed by a home rule municipality pursuant to this  
10 Section and all civil penalties that may be assessed as an  
11 incident thereof shall be collected and enforced by the State  
12 Department of Revenue. The certificate of registration which is  
13 issued by the Department to a retailer under the Retailers'  
14 Occupation Tax Act or under the Service Occupation Tax Act  
15 shall permit such registrant to engage in a business which is  
16 taxable under any ordinance or resolution enacted pursuant to  
17 this Section without registering separately with the  
18 Department under such ordinance or resolution or under this  
19 Section. The Department shall have full power to administer and  
20 enforce this Section; to collect all taxes and penalties due  
21 hereunder; to dispose of taxes and penalties so collected in  
22 the manner hereinafter provided, and to determine all rights to  
23 credit memoranda arising on account of the erroneous payment of  
24 tax or penalty hereunder. In the administration of, and  
25 compliance with, this Section the Department and persons who  
26 are subject to this Section shall have the same rights,

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

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

24 Persons subject to any tax imposed pursuant to the  
25 authority granted in this Section may reimburse themselves for  
26 their serviceman's tax liability hereunder by separately

1 stating such tax as an additional charge, which charge may be  
2 stated in combination, in a single amount, with State tax which  
3 servicemen are authorized to collect under the Service Use Tax  
4 Act, pursuant to such bracket schedules as the Department may  
5 prescribe.

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

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

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

24 After the monthly transfer to the STAR Bonds Revenue Fund,  
25 on or before the 25th day of each calendar month, the  
26 Department shall prepare and certify to the Comptroller the



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

24 In addition to the disbursement required by the preceding  
25 paragraph and in order to mitigate delays caused by  
26 distribution procedures, an allocation shall, if requested, be

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

1 made in November 1991 and each year thereafter under this  
2 paragraph and the preceding paragraph shall be reduced by the  
3 amount allocated and disbursed under this paragraph in the  
4 preceding period of July 1 through June 30. The Department  
5 shall prepare and certify to the Comptroller for disbursement  
6 the allocations made in accordance with this paragraph.

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

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

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

22 Any unobligated balance remaining in the Municipal  
23 Retailers' Occupation Tax Fund on December 31, 1989, which fund  
24 was abolished by Public Act 85-1135, and all receipts of  
25 municipal tax as a result of audits of liability periods prior  
26 to January 1, 1990, shall be paid into the Local Government Tax

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

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

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

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

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

18 (70 ILCS 210/13) (from Ch. 85, par. 1233)

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

22 (b) By ordinance the Authority shall, as soon as  
23 practicable after July 1, 1992 (the effective date of Public  
24 Act 87-733) ~~this amendatory Act of 1991~~, impose a Metropolitan

1 Pier and Exposition Authority Retailers' Occupation Tax upon  
2 all persons engaged in the business of selling tangible  
3 personal property at retail within the territory described in  
4 this subsection at the rate of 1.0% of the gross receipts (i)  
5 from the sale of food, alcoholic beverages, and soft drinks  
6 sold for consumption on the premises where sold and (ii) from  
7 the sale of food, alcoholic beverages, and soft drinks sold for  
8 consumption off the premises where sold by a retailer whose  
9 principal source of gross receipts is from the sale of food,  
10 alcoholic beverages, and soft drinks prepared for immediate  
11 consumption.

12 The tax imposed under this subsection and all civil  
13 penalties that may be assessed as an incident to that tax shall  
14 be collected and enforced by the Illinois Department of  
15 Revenue. The Department shall have full power to administer and  
16 enforce this subsection, to collect all taxes and penalties so  
17 collected in the manner provided in this subsection, and to  
18 determine all rights to credit memoranda arising on account of  
19 the erroneous payment of tax or penalty under this subsection.  
20 In the administration of and compliance with this subsection,  
21 the Department and persons who are subject to this subsection  
22 shall have the same rights, remedies, privileges, immunities,  
23 powers, and duties, shall be subject to the same conditions,  
24 restrictions, limitations, penalties, exclusions, exemptions,  
25 and definitions of terms, and shall employ the same modes of  
26 procedure applicable to this Retailers' Occupation Tax as are

1 prescribed in Sections 1, 2 through 2-65 (in respect to all  
2 provisions of those Sections other than the State rate of  
3 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes  
4 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,  
5 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and, until January  
6 1, 1994, 13.5 of the Retailers' Occupation Tax Act, and, on and  
7 after January 1, 1994, all applicable provisions of the Uniform  
8 Penalty and Interest Act that are not inconsistent with this  
9 Act, as fully as if provisions contained in those Sections of  
10 the Retailers' Occupation Tax Act were set forth in this  
11 subsection.

12 Persons subject to any tax imposed under the authority  
13 granted in this subsection may reimburse themselves for their  
14 seller's tax liability under this subsection by separately  
15 stating that tax as an additional charge, which charge may be  
16 stated in combination, in a single amount, with State taxes  
17 that sellers are required to collect under the Use Tax Act,  
18 pursuant to bracket schedules as the Department may prescribe.  
19 The retailer filing the return shall, at the time of filing the  
20 return, pay to the Department the amount of tax imposed under  
21 this subsection, less a discount of 1.75%, which is allowed to  
22 reimburse the retailer for the expenses incurred in keeping  
23 records, preparing and filing returns, remitting the tax, and  
24 supplying data to the Department on request.

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

1 credit memorandum, the Department shall notify the State  
2 Comptroller, who shall cause a warrant 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 Metropolitan Pier and Exposition Authority  
6 trust fund held by the State Treasurer as trustee for the  
7 Authority.

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

12 The Department shall forthwith pay over to the State  
13 Treasurer, *ex officio*, as trustee for the Authority, all taxes  
14 and penalties collected under this subsection for deposit into  
15 a trust fund held outside of the State Treasury.

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

24 After the monthly transfer to the STAR Bonds Revenue Fund,  
25 on or before the 25th day of each calendar month, the  
26 Department shall prepare and certify to the Comptroller the



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

16 A certificate of registration issued by the Illinois  
17 Department of Revenue to a retailer under the Retailers'  
18 Occupation Tax Act shall permit the registrant to engage in a  
19 business that is taxed under the tax imposed under this  
20 subsection, and no additional registration shall be required  
21 under the ordinance imposing the tax or under this subsection.

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

1 the third calendar month following the date of filing.

2 The tax authorized to be levied under this subsection may  
3 be levied within all or any part of the following described  
4 portions of the metropolitan area:

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

19 (2) that portion of the City of Chicago located within  
20 the following area: Beginning at the intersection of West  
21 55th Street with Central Avenue, then east along West 55th  
22 Street to its intersection with South Cicero Avenue, then  
23 south along South Cicero Avenue to its intersection with  
24 West 63rd Street, then west along West 63rd Street to its  
25 intersection with South Central Avenue, then north along  
26 South Central Avenue to the point of beginning; and

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

16          The tax authorized to be levied under this subsection may  
17          also be levied on food, alcoholic beverages, and soft drinks  
18          sold on boats and other watercraft departing from and returning  
19          to the shoreline of Lake Michigan (including Navy Pier and all  
20          other improvements fixed to land, docks, or piers) described in  
21          item (3).

22          (c) By ordinance the Authority shall, as soon as  
23          practicable after July 1, 1992 (the effective date of Public  
24          Act 87-733) ~~this amendatory Act of 1991~~, impose an occupation  
25          tax upon all persons engaged in the corporate limits of the  
26          City of Chicago in the business of renting, leasing, or letting

1 rooms in a hotel, as defined in the Hotel Operators' Occupation  
2 Tax Act, at a rate of 2.5% of the gross rental receipts from  
3 the renting, leasing, or letting of hotel rooms within the City  
4 of Chicago, excluding, however, from gross rental receipts the  
5 proceeds of renting, leasing, or letting to permanent residents  
6 of a hotel, as defined in that Act. Gross rental receipts shall  
7 not include charges that are added on account of the liability  
8 arising from any tax imposed by the State or any governmental  
9 agency on the occupation of renting, leasing, or letting rooms  
10 in a hotel.

11 The tax imposed by the Authority under this subsection and  
12 all civil penalties that may be assessed as an incident to that  
13 tax shall be collected and enforced by the Illinois Department  
14 of Revenue. The certificate of registration that is issued by  
15 the Department to a lessor under the Hotel Operators'  
16 Occupation Tax Act shall permit that registrant to engage in a  
17 business that is taxable under any ordinance enacted under this  
18 subsection without registering separately with the Department  
19 under that ordinance or under this subsection. The Department  
20 shall have full power to administer and enforce this  
21 subsection, to collect all taxes and penalties due under this  
22 subsection, to dispose of taxes and penalties so collected in  
23 the manner provided in this subsection, and to determine all  
24 rights to credit memoranda arising on account of the erroneous  
25 payment of tax or penalty under this subsection. In the  
26 administration of and compliance with this subsection, the

1 Department and persons who are subject to this subsection shall  
2 have the same rights, remedies, privileges, immunities,  
3 powers, and duties, shall be subject to the same conditions,  
4 restrictions, limitations, penalties, and definitions of  
5 terms, and shall employ the same modes of procedure as are  
6 prescribed in the Hotel Operators' Occupation Tax Act (except  
7 where that Act is inconsistent with this subsection), as fully  
8 as if the provisions contained in the Hotel Operators'  
9 Occupation Tax Act were set out in this subsection.

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

19 Persons subject to any tax imposed under the authority  
20 granted in this subsection may reimburse themselves for their  
21 tax liability for that tax by separately stating that tax as an  
22 additional charge, which charge may be stated in combination,  
23 in a single amount, with State taxes imposed under the Hotel  
24 Operators' Occupation Tax Act, the municipal tax imposed under  
25 Section 8-3-13 of the Illinois Municipal Code, and the tax  
26 imposed under Section 19 of the Illinois Sports Facilities

1 Authority Act.

2 The person filing the return shall, at the time of filing  
3 the return, pay to the Department the amount of tax, less a  
4 discount of 2.1% or \$25 per calendar year, whichever is  
5 greater, which is allowed to reimburse the operator for the  
6 expenses incurred in keeping records, preparing and filing  
7 returns, remitting the tax, and supplying data to the  
8 Department on request.

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

1 the Comptroller shall cause the orders to be drawn for such  
2 amounts, and the Treasurer shall administer the amounts  
3 distributed to the Authority as required in subsection (g).

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

11 (d) By ordinance the Authority shall, as soon as  
12 practicable after July 1, 1992 (the effective date of Public  
13 Act 87-733) ~~this amendatory Act of 1991~~, impose a tax upon all  
14 persons engaged in the business of renting automobiles in the  
15 metropolitan area at the rate of 6% of the gross receipts from  
16 that business, except that no tax shall be imposed on the  
17 business of renting automobiles for use as taxicabs or in  
18 livery service. The tax imposed under this subsection and all  
19 civil penalties that may be assessed as an incident to that tax  
20 shall be collected and enforced by the Illinois Department of  
21 Revenue. The certificate of registration issued by the  
22 Department to a retailer under the Retailers' Occupation Tax  
23 Act or under the Automobile Renting Occupation and Use Tax Act  
24 shall permit that person to engage in a business that is  
25 taxable under any ordinance enacted under this subsection  
26 without registering separately with the Department under that

1 ordinance or under this subsection. The Department shall have  
2 full power to administer and enforce this subsection, to  
3 collect all taxes and penalties due under this subsection, to  
4 dispose of taxes and penalties so collected in the manner  
5 provided in this subsection, and to determine all rights to  
6 credit memoranda arising on account of the erroneous payment of  
7 tax or penalty under this subsection. In the administration of  
8 and compliance with this subsection, the Department and persons  
9 who are subject to this subsection shall have the same rights,  
10 remedies, privileges, immunities, powers, and duties, be  
11 subject to the same conditions, restrictions, limitations,  
12 penalties, and definitions of terms, and employ the same modes  
13 of procedure as are prescribed in Sections 2 and 3 (in respect  
14 to all provisions of those Sections other than the State rate  
15 of tax; and in respect to the provisions of the Retailers'  
16 Occupation Tax Act referred to in those Sections, except as to  
17 the disposition of taxes and penalties collected, except for  
18 the provision allowing retailers a deduction from the tax to  
19 cover certain costs, and except that credit memoranda issued  
20 under this subsection may not be used to discharge any State  
21 tax liability) of the Automobile Renting Occupation and Use Tax  
22 Act, as fully as if provisions contained in those Sections of  
23 that Act were set forth in this subsection.

24 Persons subject to any tax imposed under the authority  
25 granted in this subsection may reimburse themselves for their  
26 tax liability under this subsection by separately stating that



1 tax as an additional charge, which charge may be stated in  
2 combination, in a single amount, with State tax that sellers  
3 are required to collect under the Automobile Renting Occupation  
4 and Use Tax Act, pursuant to bracket schedules as the  
5 Department may prescribe.

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 Except as otherwise provided in this paragraph, the  
16 Department shall forthwith pay over to the State Treasurer, ex  
17 officio, as trustee, all taxes and penalties collected under  
18 this subsection for deposit into a trust fund held outside the  
19 State Treasury. On or before the 25th day of each calendar  
20 month, the Department shall certify to the Comptroller the  
21 amounts to be paid under subsection (g) of this Section (not  
22 including credit memoranda) collected under this subsection  
23 during the second preceding calendar month by the Department,  
24 less any amount determined by the Department to be necessary  
25 for payment of refunds, less 1.5% ~~2%~~ of the remainder, which  
26 the Department shall transfer into the Tax Compliance and

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

10 Nothing in this subsection authorizes the Authority to  
11 impose a tax upon the privilege of engaging in any business  
12 that under the Constitution of the United States may not be  
13 made the subject of taxation by this State.

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

21 (e) By ordinance the Authority shall, as soon as  
22 practicable after July 1, 1992 (the effective date of Public  
23 Act 87-733) ~~this amendatory Act of 1991~~, impose a tax upon the  
24 privilege of using in the metropolitan area an automobile that  
25 is rented from a rentor outside Illinois and is titled or  
26 registered with an agency of this State's government at a rate

1 of 6% of the rental price of that automobile, except that no  
2 tax shall be imposed on the privilege of using automobiles  
3 rented for use as taxicabs or in livery service. The tax shall  
4 be collected from persons whose Illinois address for titling or  
5 registration purposes is given as being in the metropolitan  
6 area. The tax shall be collected by the Department of Revenue  
7 for the Authority. The tax must be paid to the State or an  
8 exemption determination must be obtained from the Department of  
9 Revenue before the title or certificate of registration for the  
10 property may be issued. The tax or proof of exemption may be  
11 transmitted to the Department by way of the State agency with  
12 which or State officer with whom the tangible personal property  
13 must be titled or registered if the Department and that agency  
14 or State officer determine that this procedure will expedite  
15 the processing of applications for title or registration.

16 The Department shall have full power to administer and  
17 enforce this subsection, to collect all taxes, penalties, and  
18 interest due under this subsection, to dispose of taxes,  
19 penalties, and interest so collected in the manner provided in  
20 this subsection, and to determine all rights to credit  
21 memoranda or refunds arising on account of the erroneous  
22 payment of tax, penalty, or interest under this subsection. In  
23 the administration of and compliance with this subsection, the  
24 Department and persons who are subject to this subsection shall  
25 have the same rights, remedies, privileges, immunities,  
26 powers, and duties, be subject to the same conditions,

1 restrictions, limitations, penalties, and definitions of  
2 terms, and employ the same modes of procedure as are prescribed  
3 in Sections 2 and 4 (except provisions pertaining to the State  
4 rate of tax; and in respect to the provisions of the Use Tax  
5 Act referred to in that Section, except provisions concerning  
6 collection or refunding of the tax by retailers, except the  
7 provisions of Section 19 pertaining to claims by retailers,  
8 except the last paragraph concerning refunds, and except that  
9 credit memoranda issued under this subsection may not be used  
10 to discharge any State tax liability) of the Automobile Renting  
11 Occupation and Use Tax Act, as fully as if provisions contained  
12 in those Sections of that Act were set forth in this  
13 subsection.

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

23 Except as otherwise provided in this paragraph, the  
24 Department shall forthwith pay over to the State Treasurer, ex  
25 officio, as trustee, all taxes, penalties, and interest  
26 collected under this subsection for deposit into a trust fund

1 held outside the State Treasury. On or before the 25th day of  
2 each calendar month, the Department shall certify to the State  
3 Comptroller the amounts to be paid under subsection (g) of this  
4 Section, which shall be the amounts (not including credit  
5 memoranda) collected under this subsection during the second  
6 preceding calendar month by the Department, less any amounts  
7 determined by the Department to be necessary for payment of  
8 refunds, less 1.5% ~~2%~~ of the remainder, which the Department  
9 shall transfer into the Tax Compliance and Administration Fund.  
10 The Department, at the time of each monthly disbursement to the  
11 Authority, shall prepare and certify to the State Comptroller  
12 the amount to be transferred into the Tax Compliance and  
13 Administration Fund under this subsection. Within 10 days after  
14 receipt by the State Comptroller of the Department's  
15 certification, the Comptroller shall cause the orders to be  
16 drawn for such amounts, and the Treasurer shall administer the  
17 amounts distributed to the Authority as required in subsection  
18 (g).

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

25 (f) By ordinance the Authority shall, as soon as  
26 practicable after July 1, 1992 (the effective date of Public

1 Act 87-733) ~~this amendatory Act of 1991~~, impose an occupation  
2 tax on all persons, other than a governmental agency, engaged  
3 in the business of providing ground transportation for hire to  
4 passengers in the metropolitan area at a rate of (i) \$4 per  
5 taxi or livery vehicle departure with passengers for hire from  
6 commercial service airports in the metropolitan area, (ii) for  
7 each departure with passengers for hire from a commercial  
8 service airport in the metropolitan area in a bus or van  
9 operated by a person other than a person described in item  
10 (iii): \$18 per bus or van with a capacity of 1-12 passengers,  
11 \$36 per bus or van with a capacity of 13-24 passengers, and \$54  
12 per bus or van with a capacity of over 24 passengers, and (iii)  
13 for each departure with passengers for hire from a commercial  
14 service airport in the metropolitan area in a bus or van  
15 operated by a person regulated by the Interstate Commerce  
16 Commission or Illinois Commerce Commission, operating  
17 scheduled service from the airport, and charging fares on a per  
18 passenger basis: \$2 per passenger for hire in each bus or van.  
19 The term "commercial service airports" means those airports  
20 receiving scheduled passenger service and enplaning more than  
21 100,000 passengers per year.

22 In the ordinance imposing the tax, the Authority may  
23 provide for the administration and enforcement of the tax and  
24 the collection of the tax from persons subject to the tax as  
25 the Authority determines to be necessary or practicable for the  
26 effective administration of the tax. The Authority may enter

1 into agreements as it deems appropriate with any governmental  
2 agency providing for that agency to act as the Authority's  
3 agent to collect the tax.

4 In the ordinance imposing the tax, the Authority may  
5 designate a method or methods for persons subject to the tax to  
6 reimburse themselves for the tax liability arising under the  
7 ordinance (i) by separately stating the full amount of the tax  
8 liability as an additional charge to passengers departing the  
9 airports, (ii) by separately stating one-half of the tax  
10 liability as an additional charge to both passengers departing  
11 from and to passengers arriving at the airports, or (iii) by  
12 some other method determined by the Authority.

13 All taxes, penalties, and interest collected under any  
14 ordinance adopted under this subsection, less any amounts  
15 determined to be necessary for the payment of refunds and less  
16 the taxes, penalties, and interest attributable to any increase  
17 in the rate of tax authorized by Public Act 96-898, shall be  
18 paid forthwith to the State Treasurer, ex officio, for deposit  
19 into a trust fund held outside the State Treasury and shall be  
20 administered by the State Treasurer as provided in subsection  
21 (g) of this Section. All taxes, penalties, and interest  
22 attributable to any increase in the rate of tax authorized by  
23 Public Act 96-898 shall be paid by the State Treasurer as  
24 follows: 25% for deposit into the Convention Center Support  
25 Fund, to be used by the Village of Rosemont for the repair,  
26 maintenance, and improvement of the Donald E. Stephens

1 Convention Center and for debt service on debt instruments  
2 issued for those purposes by the village and 75% to the  
3 Authority to be used for grants to an organization meeting the  
4 qualifications set out in Section 5.6 of this Act, provided the  
5 Metropolitan Pier and Exposition Authority has entered into a  
6 marketing agreement with such an organization.

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

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

18 (2) On July 20 and on the 20th of each month  
19 thereafter, provided that the amount requested in the  
20 annual certificate of the Chairman of the Authority filed  
21 under Section 8.25f of the State Finance Act has been  
22 appropriated for payment to the Authority, 1/8 of the local  
23 tax transfer amount, together with any cumulative  
24 deficiencies in the amounts transferred into the McCormick  
25 Place Expansion Project Fund under this subparagraph (2)  
26 during the fiscal year for which the certificate has been



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

22 (3) On July 20, 2010, the Comptroller shall certify to  
23 the Governor, the Treasurer, and the Chairman of the  
24 Authority the 2010 deficiency amount, which means the  
25 cumulative amount of transfers that were due from the trust  
26 fund to the McCormick Place Expansion Project Fund in

1 fiscal years 2008, 2009, and 2010 under Section 13(g) of  
2 this Act, as it existed prior to May 27, 2010 (the  
3 effective date of Public Act 96-898), but not made. On July  
4 20, 2011 and on July 20 of each year through July 20, 2014,  
5 the Treasurer shall calculate for the previous fiscal year  
6 the surplus revenues in the trust fund and pay that amount  
7 to the Authority. On July 20, 2015 and on July 20 of each  
8 year thereafter to and including July 20, 2017, as long as  
9 bonds and notes issued under Section 13.2 or bonds and  
10 notes issued to refund those bonds and notes are  
11 outstanding, the Treasurer shall calculate for the  
12 previous fiscal year the surplus revenues in the trust fund  
13 and pay one-half of that amount to the State Treasurer for  
14 deposit into the General Revenue Fund until the 2010  
15 deficiency amount has been paid and shall pay the balance  
16 of the surplus revenues to the Authority. On July 20, 2018  
17 and on July 20 of each year thereafter, the Treasurer shall  
18 calculate for the previous fiscal year the surplus revenues  
19 in the trust fund and pay all of such surplus revenues to  
20 the State Treasurer for deposit into the General Revenue  
21 Fund until the 2010 deficiency amount has been paid. After  
22 the 2010 deficiency amount has been paid, the Treasurer  
23 shall pay the balance of the surplus revenues to the  
24 Authority. "Surplus revenues" means the amounts remaining  
25 in the trust fund on June 30 of the previous fiscal year  
26 (A) after the State Treasurer has set aside in the trust

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

20 Moneys received by the Authority as surplus revenues may be  
21 used (i) for the purposes of paying debt service on the bonds  
22 and notes issued by the Authority, including early redemption  
23 of those bonds or notes, (ii) for the purposes of repair,  
24 replacement, and improvement of the grounds, buildings, and  
25 facilities of the Authority, and (iii) for the corporate  
26 purposes of the Authority in fiscal years 2011 through 2015 in

1 an amount not to exceed \$20,000,000 annually or \$80,000,000  
2 total, which amount shall be reduced \$0.75 for each dollar of  
3 the receipts of the Authority in that year from any contract  
4 entered into with respect to naming rights at McCormick Place  
5 under Section 5(m) of this Act. When bonds and notes issued  
6 under Section 13.2, or bonds or notes issued to refund those  
7 bonds and notes, are no longer outstanding, the balance in the  
8 trust fund shall be paid to the Authority.

9 (h) The ordinances imposing the taxes authorized by this  
10 Section shall be repealed when bonds and notes issued under  
11 Section 13.2 or bonds and notes issued to refund those bonds  
12 and notes are no longer outstanding.

13 (Source: P.A. 100-23, Article 5, Section 5-35, eff. 7-6-17;  
14 100-23, Article 35, Section 35-25, eff. 7-6-17; revised  
15 8-15-17.)

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

18 (70 ILCS 1605/30)

19 Sec. 30. Taxes.

20 (a) The board shall impose a tax upon all persons engaged  
21 in the business of selling tangible personal property, other  
22 than personal property titled or registered with an agency of  
23 this State's government, at retail in the District on the gross  
24 receipts from the sales made in the course of business. This

1 tax shall be imposed only at the rate of one-tenth of one per  
2 cent.

3 This additional tax may not be imposed on the sales of food  
4 for human consumption that is to be consumed off the premises  
5 where it is sold (other than alcoholic beverages, soft drinks,  
6 and food which has been prepared for immediate consumption) and  
7 prescription and non-prescription medicines, drugs, medical  
8 appliances, and insulin, urine testing materials, syringes,  
9 and needles used by diabetics. The tax imposed by the Board  
10 under this Section and all civil penalties that may be assessed  
11 as an incident of the tax shall be collected and enforced by  
12 the Department of Revenue. The certificate of registration that  
13 is issued by the Department to a retailer under the Retailers'  
14 Occupation Tax Act shall permit the retailer to engage in a  
15 business that is taxable without registering separately with  
16 the Department under an ordinance or resolution under this  
17 Section. The Department has full power to administer and  
18 enforce this Section, to collect all taxes and penalties due  
19 under this Section, to dispose of taxes and penalties so  
20 collected in the manner provided in this Section, and to  
21 determine all rights to credit memoranda arising on account of  
22 the erroneous payment of a tax or penalty under this Section.  
23 In the administration of and compliance with this Section, the  
24 Department and persons who are subject to this Section 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, and definitions of  
2 terms, and (iii) employ the same modes of procedure as are  
3 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,  
4 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained  
5 in those Sections other than the State rate of tax), 2-12, 2-15  
6 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to  
7 transaction returns and quarter monthly payments), 4, 5, 5a,  
8 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
9 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation  
10 Tax Act and the Uniform Penalty and Interest Act as if those  
11 provisions were set forth in this Section.

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

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

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

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

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

24 Whenever the Department determines that a refund should be  
25 made under this subsection 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 State Metro-East Park and Recreation  
5 District Fund.

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

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

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 under this Section  
21 during the second preceding calendar month for sales within a  
22 STAR bond district. The Department shall make this  
23 certification only if the Metro East Park and Recreation  
24 District imposes a tax on real property as provided in the  
25 definition of "local sales taxes" under the Innovation  
26 Development and Economy Act.

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

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

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

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

18 (f) An ordinance imposing a tax under this Section or an  
19 ordinance extending the imposition of a tax to an additional  
20 county or counties shall be certified by the board and filed  
21 with the Department of Revenue either (i) on or before the  
22 first day of April, whereupon the Department shall proceed to  
23 administer and enforce the tax as of the first day of July next  
24 following the filing; or (ii) on or before the first day of  
25 October, whereupon the Department shall proceed to administer  
26 and enforce the tax as of the first day of January next

1 following the filing.

2 (g) When certifying the amount of a monthly disbursement to  
3 the District under this Section, the Department shall increase  
4 or decrease the amounts by an amount necessary to offset any  
5 misallocation of previous disbursements. The offset amount  
6 shall be the amount erroneously disbursed within the previous 6  
7 months from the time a misallocation is discovered.

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

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

11 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

12 Sec. 5.01. Metro East Mass Transit District; use and  
13 occupation taxes.

14 (a) The Board of Trustees of any Metro East Mass Transit  
15 District may, by ordinance adopted with the concurrence of  
16 two-thirds of the then trustees, impose throughout the District  
17 any or all of the taxes and fees provided in this Section. All  
18 taxes and fees imposed under this Section shall be used only  
19 for public mass transportation systems, and the amount used to  
20 provide mass transit service to unserved areas of the District  
21 shall be in the same proportion to the total proceeds as the  
22 number of persons residing in the unserved areas is to the  
23 total population of the District. Except as otherwise provided  
24 in this Act, taxes imposed under this Section and civil

1 penalties imposed incident thereto shall be collected and  
2 enforced by the State Department of Revenue. The Department  
3 shall have the power to administer and enforce the taxes and to  
4 determine all rights for refunds for erroneous payments of the  
5 taxes.

6 (b) The Board may impose a Metro East Mass Transit District  
7 Retailers' Occupation Tax upon all persons engaged in the  
8 business of selling tangible personal property at retail in the  
9 district at a rate of 1/4 of 1%, or as authorized under  
10 subsection (d-5) of this Section, of the gross receipts from  
11 the sales made in the course of such business within the  
12 district. The tax imposed under this Section and all civil  
13 penalties that may be assessed as an incident thereof shall be  
14 collected and enforced by the State Department of Revenue. The  
15 Department shall have full power to administer and enforce this  
16 Section; to collect all taxes and penalties so collected in the  
17 manner hereinafter provided; and to determine all rights to  
18 credit memoranda arising on account of the erroneous payment of  
19 tax or penalty hereunder. In the administration of, and  
20 compliance with, this Section, the Department and persons who  
21 are subject to this Section shall have the same rights,  
22 remedies, privileges, immunities, powers and duties, and be  
23 subject to the same conditions, restrictions, limitations,  
24 penalties, exclusions, exemptions and definitions of terms and  
25 employ the same modes of procedure, as are prescribed in  
26 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65

1 (in respect to all provisions therein other than the State rate  
2 of tax), 2c, 3 (except as to the disposition of taxes and  
3 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,  
4 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13, and 14 of  
5 the Retailers' Occupation Tax Act and Section 3-7 of the  
6 Uniform Penalty and Interest Act, as fully as if those  
7 provisions were set forth herein.

8 Persons subject to any tax imposed under the Section may  
9 reimburse themselves for their seller's tax liability  
10 hereunder by separately stating the tax as an additional  
11 charge, which charge may be stated in combination, in a single  
12 amount, with State taxes that sellers are required to collect  
13 under the Use Tax Act, in accordance with such bracket  
14 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 warrant 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 Metro East Mass Transit District tax fund  
22 established under paragraph (h) of this Section.

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

25 For the purpose of determining whether a tax authorized  
26 under this Section is applicable, a retail sale, by a producer

1 of coal or other 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 other 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 Federal Constitution as a sale in  
7 interstate or foreign commerce.

8 No tax shall be imposed or collected under this subsection  
9 on the sale of a motor vehicle in this State to a resident of  
10 another state if that motor vehicle will not be titled in this  
11 State.

12 Nothing in this Section shall be construed to authorize the  
13 Metro East Mass Transit District to impose a tax upon the  
14 privilege of engaging in any business which under the  
15 Constitution of the United States may not be made the subject  
16 of taxation by this State.

17 (c) If a tax has been imposed under subsection (b), a Metro  
18 East Mass Transit District Service Occupation Tax shall also be  
19 imposed upon all persons engaged, in the district, in the  
20 business of making sales of service, who, as an incident to  
21 making those sales of service, transfer tangible personal  
22 property within the District, either in the form of tangible  
23 personal property or in the form of real estate as an incident  
24 to a sale of service. The tax rate shall be 1/4%, or as  
25 authorized under subsection (d-5) of this Section, of the  
26 selling price of tangible personal property so transferred

1 within the district. The tax imposed under this paragraph and  
2 all civil penalties that may be assessed as an incident thereof  
3 shall be collected and enforced by the State Department of  
4 Revenue. The Department shall have full power to administer and  
5 enforce this paragraph; to collect all taxes and penalties due  
6 hereunder; to dispose of taxes and penalties so collected in  
7 the manner hereinafter provided; and to determine all rights to  
8 credit memoranda arising on account of the erroneous payment of  
9 tax or penalty hereunder. In the administration of, and  
10 compliance with this paragraph, the Department and persons who  
11 are subject to this paragraph shall have the same rights,  
12 remedies, privileges, immunities, powers and duties, and be  
13 subject to the same conditions, restrictions, limitations,  
14 penalties, exclusions, exemptions and definitions of terms and  
15 employ the same modes of procedure as are prescribed in  
16 Sections 1a-1, 2 (except that the reference to State in the  
17 definition of supplier maintaining a place of business in this  
18 State shall mean the Authority), 2a, 3 through 3-50 (in respect  
19 to all provisions therein other than the State rate of tax), 4  
20 (except that the reference to the State shall be to the  
21 Authority), 5, 7, 8 (except that the jurisdiction to which the  
22 tax shall be a debt to the extent indicated in that Section 8  
23 shall be the District), 9 (except as to the disposition of  
24 taxes and penalties collected, and except that the returned  
25 merchandise credit for this tax may not be taken against any  
26 State tax), 10, 11, 12 (except the reference therein to Section



1 2b of the Retailers' Occupation Tax Act), 13 (except that any  
2 reference to the State shall mean the District), the first  
3 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service  
4 Occupation Tax Act and Section 3-7 of the Uniform Penalty and  
5 Interest Act, as fully as if those provisions were set forth  
6 herein.

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

15 Whenever the Department determines that a refund should be  
16 made under this paragraph to a claimant instead of issuing a  
17 credit memorandum, the Department shall notify the State  
18 Comptroller, who shall cause the warrant 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 Metro East Mass Transit District tax fund  
22 established under paragraph (h) of this Section.

23 Nothing in this paragraph shall be construed to authorize  
24 the District 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 the State.

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

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

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

19 Whenever the Department determines that a refund should be  
20 made under this paragraph to a claimant instead of issuing a  
21 credit memorandum, the Department shall notify the State  
22 Comptroller, who shall cause the order to be drawn for the  
23 amount specified, and to the person named, in the notification  
24 from the Department. The refund shall be paid by the State  
25 Treasurer out of the Metro East Mass Transit District tax fund  
26 established under paragraph (h) of this Section.

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

12 The proposition shall be in substantially the following  
13 form:

14 Shall the tax rates for the Metro East Mass Transit  
15 District Retailers' Occupation Tax, the Metro East Mass  
16 Transit District Service Occupation Tax, and the Metro East  
17 Mass Transit District Use Tax be increased from 0.25% to  
18 0.75%?

19 (B) Two thousand five hundred electors of any Metro East  
20 Mass Transit District may petition the Chief Judge of the  
21 Circuit Court, or any judge of that Circuit designated by the  
22 Chief Judge, in which that District is located to cause to be  
23 submitted to a vote of the electors the question whether the  
24 tax rates for the Metro East Mass Transit District Retailers'  
25 Occupation Tax, the Metro East Mass Transit District Service  
26 Occupation Tax, and the Metro East Mass Transit District Use

1 Tax for the District should be increased from 0.25% to 0.75%.

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

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

11 The form of the petition shall be in substantially the  
12 following form: To the Circuit Court of the County of (name of  
13 county):

14 We, the undersigned electors of the (name of transit  
15 district), respectfully petition your honor to submit to a  
16 vote of the electors of (name of transit district) the  
17 following proposition:

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

23 Name Address, with Street and Number.

24 .....

25 .....

26 (C) The votes shall be recorded as "YES" or "NO". If a

1 majority of all votes cast on the proposition are for the  
2 increase in the tax rates, the Metro East Mass Transit District  
3 shall begin imposing the increased rates in the District, and  
4 the Department of Revenue shall begin collecting the increased  
5 amounts, as provided under this Section. An ordinance imposing  
6 or discontinuing a tax hereunder or effecting a change in the  
7 rate thereof 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 the adoption and filing, or on or before the first  
12 day of April, whereupon the Department shall proceed to  
13 administer and enforce this Section as of the first day of July  
14 next following the adoption and filing.

15 (D) If the voters have approved a referendum under this  
16 subsection, before November 1, 1994, to increase the tax rate  
17 under this subsection, the Metro East Mass Transit District  
18 Board of Trustees may adopt by a majority vote an ordinance at  
19 any time before January 1, 1995 that excludes from the rate  
20 increase tangible personal property that is titled or  
21 registered with an agency of this State's government. The  
22 ordinance excluding titled or registered tangible personal  
23 property from the rate increase must be filed with the  
24 Department at least 15 days before its effective date. At any  
25 time after adopting an ordinance excluding from the rate  
26 increase tangible personal property that is titled or

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

1 Department shall administer and enforce this exclusion from the  
2 rate increase as of the following January 1, or on or before  
3 April 1, whereupon the Department shall administer and enforce  
4 this exclusion from the rate increase as of the following July  
5 1. The Board of Trustees of any Metro East Mass Transit  
6 District may never reimpose a previously excluded tax rate  
7 increase on tangible personal property titled or registered  
8 with an agency of this State's government.

9 (d-6) If the Board of Trustees of any Metro East Mass  
10 Transit District has imposed a rate increase under subsection  
11 (d-5) and filed an ordinance with the Department of Revenue  
12 excluding titled property from the higher rate, then that Board  
13 may, by ordinance adopted with the concurrence of two-thirds of  
14 the then trustees, impose throughout the District a fee. The  
15 fee on the excluded property shall not exceed \$20 per retail  
16 transaction or an amount equal to the amount of tax excluded,  
17 whichever is less, on tangible personal property that is titled  
18 or registered with an agency of this State's government.  
19 Beginning July 1, 2004, the fee shall apply only to titled  
20 property that is subject to either the Metro East Mass Transit  
21 District Retailers' Occupation Tax or the Metro East Mass  
22 Transit District Service Occupation Tax. No fee shall be  
23 imposed or collected under this subsection on the sale of a  
24 motor vehicle in this State to a resident of another state if  
25 that motor vehicle will not be titled in this State.

26 (d-7) Until June 30, 2004, if a fee has been imposed under



1 subsection (d-6), a fee shall also be imposed upon the  
2 privilege of using, in the district, any item of tangible  
3 personal property that is titled or registered with any agency  
4 of this State's government, in an amount equal to the amount of  
5 the fee imposed under subsection (d-6).

6 (d-7.1) Beginning July 1, 2004, any fee imposed by the  
7 Board of Trustees of any Metro East Mass Transit District under  
8 subsection (d-6) and all civil penalties that may be assessed  
9 as an incident of the fees shall be collected and enforced by  
10 the State Department of Revenue. Reference to "taxes" in this  
11 Section shall be construed to apply to the administration,  
12 payment, and remittance of all fees under this Section. For  
13 purposes of any fee imposed under subsection (d-6), 4% of the  
14 fee, penalty, and interest received by the Department in the  
15 first 12 months that the fee is collected and enforced by the  
16 Department and 2% of the fee, penalty, and interest following  
17 the first 12 months shall be deposited into the Tax Compliance  
18 and Administration Fund and shall be used by the Department,  
19 subject to appropriation, to cover the costs of the Department.  
20 No retailers' discount shall apply to any fee imposed under  
21 subsection (d-6).

22 (d-8) No item of titled property shall be subject to both  
23 the higher rate approved by referendum, as authorized under  
24 subsection (d-5), and any fee imposed under subsection (d-6) or  
25 (d-7).

26 (d-9) (Blank).

1 (d-10) (Blank).

2 (e) A certificate of registration issued by the State  
3 Department of Revenue to a retailer under the Retailers'  
4 Occupation Tax Act or under the Service Occupation Tax Act  
5 shall permit the registrant to engage in a business that is  
6 taxed under the tax imposed under paragraphs (b), (c) or (d) of  
7 this Section and no additional registration shall be required  
8 under the tax. A certificate issued under the Use Tax Act or  
9 the Service Use Tax Act shall be applicable with regard to any  
10 tax imposed under paragraph (c) of this Section.

11 (f) (Blank).

12 (g) Any ordinance imposing or discontinuing any tax under  
13 this Section shall be adopted and a certified copy thereof  
14 filed with the Department on or before June 1, whereupon the  
15 Department of Revenue shall proceed to administer and enforce  
16 this Section on behalf of the Metro East Mass Transit District  
17 as of September 1 next following such adoption and filing.  
18 Beginning January 1, 1992, an ordinance or resolution imposing  
19 or discontinuing the tax hereunder shall be adopted and a  
20 certified copy thereof filed with the Department on or before  
21 the first day of July, whereupon the Department shall proceed  
22 to administer and enforce this Section as of the first day of  
23 October next following such adoption and filing. Beginning  
24 January 1, 1993, except as provided in subsection (d-5) of this  
25 Section, an ordinance or resolution imposing or discontinuing  
26 the tax hereunder shall be adopted and a certified copy thereof

1 filed with the Department on or before the first day of  
2 October, whereupon the Department shall proceed to administer  
3 and enforce this Section as of the first day of January next  
4 following such adoption and filing, or, beginning January 1,  
5 2004, on or before the first day of April, whereupon the  
6 Department shall proceed to administer and enforce this Section  
7 as of the first day of July next following the adoption and  
8 filing.

9 (h) Except as provided in subsection (d-7.1), the State  
10 Department of Revenue shall, upon collecting any taxes as  
11 provided in this Section, pay the taxes over to the State  
12 Treasurer as trustee for the District. The taxes shall be held  
13 in a trust fund outside the State Treasury.

14 As soon as possible after the first day of each month,  
15 beginning January 1, 2011, upon certification of the Department  
16 of Revenue, the Comptroller shall order transferred, and the  
17 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
18 local sales tax increment, as defined in the Innovation  
19 Development and Economy Act, collected under this Section  
20 during the second preceding calendar month for sales within a  
21 STAR bond district. The Department shall make this  
22 certification only if the local mass transit district imposes a  
23 tax on real property as provided in the definition of "local  
24 sales taxes" under the Innovation Development and Economy Act.

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

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

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

1           Section 20-35. The Regional Transportation Authority Act  
2 is amended by changing Section 4.03 as follows:

3           (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

4           Sec. 4.03. Taxes.

5           (a) In order to carry out any of the powers or purposes of  
6 the Authority, the Board may by ordinance adopted with the  
7 concurrence of 12 of the then Directors, impose throughout the  
8 metropolitan region any or all of the taxes provided in this  
9 Section. Except as otherwise provided in this Act, taxes  
10 imposed under this Section and civil penalties imposed incident  
11 thereto shall be collected and enforced by the State Department  
12 of Revenue. The Department shall have the power to administer  
13 and enforce the taxes and to determine all rights for refunds  
14 for erroneous payments of the taxes. Nothing in Public Act  
15 95-708 is intended to invalidate any taxes currently imposed by  
16 the Authority. The increased vote requirements to impose a tax  
17 shall only apply to actions taken after January 1, 2008 (the  
18 effective date of Public Act 95-708).

19           (b) The Board may impose a public transportation tax upon  
20 all persons engaged in the metropolitan region in the business  
21 of selling at retail motor fuel for operation of motor vehicles  
22 upon public highways. The tax shall be at a rate not to exceed  
23 5% of the gross receipts from the sales of motor fuel in the  
24 course of the business. As used in this Act, the term "motor  
25 fuel" shall have the same meaning as in the Motor Fuel Tax Law.

1 The Board may provide for details of the tax. The provisions of  
2 any tax shall conform, as closely as may be practicable, to the  
3 provisions of the Municipal Retailers Occupation Tax Act,  
4 including without limitation, conformity to penalties with  
5 respect to the tax imposed and as to the powers of the State  
6 Department of Revenue to promulgate and enforce rules and  
7 regulations relating to the administration and enforcement of  
8 the provisions of the tax imposed, except that reference in the  
9 Act to any municipality shall refer to the Authority and the  
10 tax shall be imposed only with regard to receipts from sales of  
11 motor fuel in the metropolitan region, at rates as limited by  
12 this Section.

13 (c) In connection with the tax imposed under paragraph (b)  
14 of this Section the Board may impose a tax upon the privilege  
15 of using in the metropolitan region motor fuel for the  
16 operation of a motor vehicle upon public highways, the tax to  
17 be at a rate not in excess of the rate of tax imposed under  
18 paragraph (b) of this Section. The Board may provide for  
19 details of the tax.

20 (d) The Board may impose a motor vehicle parking tax upon  
21 the privilege of parking motor vehicles at off-street parking  
22 facilities in the metropolitan region at which a fee is  
23 charged, and may provide for reasonable classifications in and  
24 exemptions to the tax, for administration and enforcement  
25 thereof and for civil penalties and refunds thereunder and may  
26 provide criminal penalties thereunder, the maximum penalties

1 not to exceed the maximum criminal penalties provided in the  
2 Retailers' Occupation Tax Act. The Authority may collect and  
3 enforce the tax itself or by contract with any unit of local  
4 government. The State Department of Revenue shall have no  
5 responsibility for the collection and enforcement unless the  
6 Department agrees with the Authority to undertake the  
7 collection and enforcement. As used in this paragraph, the term  
8 "parking facility" means a parking area or structure having  
9 parking spaces for more than 2 vehicles at which motor vehicles  
10 are permitted to park in return for an hourly, daily, or other  
11 periodic fee, whether publicly or privately owned, but does not  
12 include parking spaces on a public street, the use of which is  
13 regulated by parking meters.

14 (e) The Board may impose a Regional Transportation  
15 Authority Retailers' Occupation Tax upon all persons engaged in  
16 the business of selling tangible personal property at retail in  
17 the metropolitan region. In Cook County the tax rate shall be  
18 1.25% of the gross receipts from sales of food for human  
19 consumption that is to be consumed off the premises where it is  
20 sold (other than alcoholic beverages, soft drinks and food that  
21 has been prepared for immediate consumption) and prescription  
22 and nonprescription medicines, drugs, medical appliances and  
23 insulin, urine testing materials, syringes and needles used by  
24 diabetics, and 1% of the gross receipts from other taxable  
25 sales made in the course of that business. In DuPage, Kane,  
26 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%

1 of the gross receipts from all taxable sales made in the course  
2 of that business. The tax imposed under this Section and all  
3 civil penalties that may be assessed as an incident thereof  
4 shall be collected and enforced by the State Department of  
5 Revenue. The Department shall have full power to administer and  
6 enforce this Section; to collect all taxes and penalties so  
7 collected in the manner hereinafter provided; and to determine  
8 all rights to credit memoranda arising on account of the  
9 erroneous payment of tax or penalty hereunder. In the  
10 administration of, and compliance with this Section, the  
11 Department and persons who are subject to this Section shall  
12 have the same rights, remedies, privileges, immunities, powers  
13 and duties, and be subject to the same conditions,  
14 restrictions, limitations, penalties, exclusions, exemptions  
15 and definitions of terms, and employ the same modes of  
16 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
17 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
18 therein other than the State rate of tax), 2c, 3 (except as to  
19 the disposition of taxes and penalties collected), 4, 5, 5a,  
20 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
21 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act  
22 and Section 3-7 of the Uniform Penalty and Interest Act, as  
23 fully as if those provisions were set forth herein.

24 Persons subject to any tax imposed under the authority  
25 granted in this Section may reimburse themselves for their  
26 seller's tax liability hereunder by separately stating the tax



1 as an additional charge, which charge may be stated in  
2 combination in a single amount with State taxes that sellers  
3 are required to collect under the Use Tax Act, under any  
4 bracket schedules the Department may prescribe.

5 Whenever the Department determines that a refund should be  
6 made under this Section 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 Regional Transportation Authority tax fund  
12 established under paragraph (n) of this Section.

13 If a tax is imposed under this subsection (e), a tax shall  
14 also be imposed under subsections (f) and (g) of this Section.

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

24 No tax shall be imposed or collected under this subsection  
25 on the sale of a motor vehicle in this State to a resident of  
26 another state if that motor vehicle will not be titled in this

1 State.

2 Nothing in this Section shall be construed to authorize the  
3 Regional Transportation Authority to impose a tax upon the  
4 privilege of engaging in any business that under the  
5 Constitution of the United States may not be made the subject  
6 of taxation by this State.

7 (f) If a tax has been imposed under paragraph (e), a  
8 Regional Transportation Authority Service Occupation Tax shall  
9 also be imposed upon all persons engaged, in the metropolitan  
10 region in the business of making sales of service, who as an  
11 incident to making the sales of service, transfer tangible  
12 personal property within the metropolitan region, either in the  
13 form of tangible personal property or in the form of real  
14 estate as an incident to a sale of service. In Cook County, the  
15 tax rate shall be: (1) 1.25% of the serviceman's cost price of  
16 food prepared for immediate consumption and transferred  
17 incident to a sale of service subject to the service occupation  
18 tax by an entity licensed under the Hospital Licensing Act, the  
19 Nursing Home Care Act, the Specialized Mental Health  
20 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
21 the MC/DD Act that is located in the metropolitan region; (2)  
22 1.25% of the selling price of food for human consumption that  
23 is to be consumed off the premises where it is sold (other than  
24 alcoholic beverages, soft drinks and food that has been  
25 prepared for immediate consumption) and prescription and  
26 nonprescription medicines, drugs, medical appliances and

1 insulin, urine testing materials, syringes and needles used by  
2 diabetics; and (3) 1% of the selling price from other taxable  
3 sales of tangible personal property transferred. In DuPage,  
4 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%  
5 of the selling price of all tangible personal property  
6 transferred.

7 The tax imposed under this paragraph 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. The  
10 Department shall have full power to administer and enforce this  
11 paragraph; to collect all taxes and penalties due hereunder; to  
12 dispose of taxes and penalties collected in the manner  
13 hereinafter provided; and to determine all rights to credit  
14 memoranda arising on account of the erroneous payment of tax or  
15 penalty hereunder. In the administration of and compliance with  
16 this paragraph, the Department and persons who are subject to  
17 this paragraph shall have the same rights, remedies,  
18 privileges, immunities, powers and duties, and be subject to  
19 the same conditions, restrictions, limitations, penalties,  
20 exclusions, exemptions and definitions of terms, and employ the  
21 same modes of procedure, as are prescribed in Sections 1a-1, 2,  
22 2a, 3 through 3-50 (in respect to all provisions therein other  
23 than the State rate of tax), 4 (except that the reference to  
24 the State shall be to the Authority), 5, 7, 8 (except that the  
25 jurisdiction to which the tax shall be a debt to the extent  
26 indicated in that Section 8 shall be the Authority), 9 (except

1 as to the disposition of taxes and penalties collected, and  
2 except that the returned merchandise credit for this tax may  
3 not 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 Authority), the first paragraph of Section 15, 16, 17, 18,  
7 19 and 20 of the Service Occupation Tax Act and Section 3-7 of  
8 the Uniform Penalty and Interest Act, as fully as if those  
9 provisions were set forth herein.

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

17 Whenever the Department determines that a refund should be  
18 made under this paragraph to a claimant instead of issuing a  
19 credit memorandum, the Department shall notify the State  
20 Comptroller, who shall cause the 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 Regional Transportation Authority tax fund  
24 established under paragraph (n) of this Section.

25 Nothing in this paragraph shall be construed to authorize  
26 the Authority to impose a tax upon the privilege of engaging in

1 any business that under the Constitution of the United States  
2 may not be made the subject of taxation by the State.

3 (g) If a tax has been imposed under paragraph (e), a tax  
4 shall also be imposed upon the privilege of using in the  
5 metropolitan region, any item of tangible personal property  
6 that is purchased outside the metropolitan region at retail  
7 from a retailer, and that is titled or registered with an  
8 agency of this State's government. In Cook County the tax rate  
9 shall be 1% of the selling price of the tangible personal  
10 property, as "selling price" is defined in the Use Tax Act. In  
11 DuPage, Kane, Lake, McHenry and Will counties the tax rate  
12 shall be 0.75% of the selling price of the tangible personal  
13 property, as "selling price" is defined in the Use Tax Act. The  
14 tax shall be collected from persons whose Illinois address for  
15 titling or registration purposes is given as being in the  
16 metropolitan region. The tax shall be collected by the  
17 Department of Revenue for the Regional Transportation  
18 Authority. The tax must be paid to the State, or an exemption  
19 determination must be obtained from the Department of Revenue,  
20 before the title or certificate of registration for the  
21 property may be issued. The tax or proof of exemption may be  
22 transmitted to the Department by way of the State agency with  
23 which, or the State officer with whom, the tangible personal  
24 property must be titled or registered if the Department and the  
25 State agency or State officer determine that this procedure  
26 will expedite the processing of applications for title or

1 registration.

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

23 Whenever the Department determines that a refund should be  
24 made under this paragraph to a claimant instead of issuing a  
25 credit memorandum, the Department shall notify the State  
26 Comptroller, who shall cause the order to be drawn for the

1 amount specified, and to the person named in the notification  
2 from the Department. The refund shall be paid by the State  
3 Treasurer out of the Regional Transportation Authority tax fund  
4 established under paragraph (n) of this Section.

5 (h) The Authority may impose a replacement vehicle tax of  
6 \$50 on any passenger car as defined in Section 1-157 of the  
7 Illinois Vehicle Code purchased within the metropolitan region  
8 by or on behalf of an insurance company to replace a passenger  
9 car of an insured person in settlement of a total loss claim.  
10 The tax imposed may not become effective before the first day  
11 of the month following the passage of the ordinance imposing  
12 the tax and receipt of a certified copy of the ordinance by the  
13 Department of Revenue. The Department of Revenue shall collect  
14 the tax for the Authority in accordance with Sections 3-2002  
15 and 3-2003 of the Illinois Vehicle Code.

16 The Department shall immediately pay over to the State  
17 Treasurer, ex officio, as trustee, all taxes collected  
18 hereunder.

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

1           After the monthly transfer to the STAR Bonds Revenue Fund,  
2           on or before the 25th day of each calendar month, the  
3           Department shall prepare and certify to the Comptroller the  
4           disbursement of stated sums of money to the Authority. The  
5           amount to be paid to the Authority shall be the amount  
6           collected hereunder during the second preceding calendar month  
7           by the Department, less any amount determined by the Department  
8           to be necessary for the payment of refunds, and less any  
9           amounts that are transferred to the STAR Bonds Revenue Fund.  
10          Within 10 days after receipt by the Comptroller of the  
11          disbursement certification to the Authority provided for in  
12          this Section to be given to the Comptroller by the Department,  
13          the Comptroller shall cause the orders to be drawn for that  
14          amount in accordance with the directions contained in the  
15          certification.

16           (i) The Board may not impose any other taxes except as it  
17          may from time to time be authorized by law to impose.

18           (j) A certificate of registration issued by the State  
19          Department of Revenue to a retailer under the Retailers'  
20          Occupation Tax Act or under the Service Occupation Tax Act  
21          shall permit the registrant to engage in a business that is  
22          taxed under the tax imposed under paragraphs (b), (e), (f) or  
23          (g) of this Section and no additional registration shall be  
24          required under the tax. A certificate issued under the Use Tax  
25          Act or the Service Use Tax Act shall be applicable with regard  
26          to any tax imposed under paragraph (c) of this Section.



1           (k) The provisions of any tax imposed under paragraph (c)  
2 of this Section shall conform as closely as may be practicable  
3 to the provisions of the Use Tax Act, including without  
4 limitation conformity as to penalties with respect to the tax  
5 imposed and as to the powers of the State Department of Revenue  
6 to promulgate and enforce rules and regulations relating to the  
7 administration and enforcement of the provisions of the tax  
8 imposed. The taxes shall be imposed only on use within the  
9 metropolitan region and at rates as provided in the paragraph.

10           (l) The Board in imposing any tax as provided in paragraphs  
11 (b) and (c) of this Section, shall, after seeking the advice of  
12 the State Department of Revenue, provide means for retailers,  
13 users or purchasers of motor fuel for purposes other than those  
14 with regard to which the taxes may be imposed as provided in  
15 those paragraphs to receive refunds of taxes improperly paid,  
16 which provisions may be at variance with the refund provisions  
17 as applicable under the Municipal Retailers Occupation Tax Act.  
18 The State Department of Revenue may provide for certificates of  
19 registration for users or purchasers of motor fuel for purposes  
20 other than those with regard to which taxes may be imposed as  
21 provided in paragraphs (b) and (c) of this Section to  
22 facilitate the reporting and nontaxability of the exempt sales  
23 or uses.

24           (m) Any ordinance imposing or discontinuing any tax under  
25 this Section shall be adopted and a certified copy thereof  
26 filed with the Department on or before June 1, whereupon the

1 Department of Revenue shall proceed to administer and enforce  
2 this Section on behalf of the Regional Transportation Authority  
3 as of September 1 next following such adoption and filing.  
4 Beginning January 1, 1992, an ordinance or resolution imposing  
5 or discontinuing the tax hereunder shall be adopted and a  
6 certified copy thereof filed with the Department on or before  
7 the first day of July, whereupon the Department shall proceed  
8 to administer and enforce this Section as of the first day of  
9 October next following such adoption and filing. Beginning  
10 January 1, 1993, an ordinance or resolution imposing,  
11 increasing, decreasing, or discontinuing the tax hereunder  
12 shall be adopted and a certified copy thereof filed with the  
13 Department, whereupon the Department shall proceed to  
14 administer and enforce this Section as of the first day of the  
15 first month to occur not less than 60 days following such  
16 adoption and filing. Any ordinance or resolution of the  
17 Authority imposing a tax under this Section and in effect on  
18 August 1, 2007 shall remain in full force and effect and shall  
19 be administered by the Department of Revenue under the terms  
20 and conditions and rates of tax established by such ordinance  
21 or resolution until the Department begins administering and  
22 enforcing an increased tax under this Section as authorized by  
23 Public Act 95-708. The tax rates authorized by Public Act  
24 95-708 are effective only if imposed by ordinance of the  
25 Authority.

26 (n) Except as otherwise provided in this subsection (n),

1 the State Department of Revenue shall, upon collecting any  
2 taxes as provided in this Section, pay the taxes over to the  
3 State Treasurer as trustee for the Authority. The taxes shall  
4 be held in a trust fund outside the State Treasury. On or  
5 before the 25th day of each calendar month, the State  
6 Department of Revenue shall prepare and certify to the  
7 Comptroller of the State of Illinois and to the Authority (i)  
8 the amount of taxes collected in each County other than Cook  
9 County in the metropolitan region, (ii) the amount of taxes  
10 collected within the City of Chicago, and (iii) the amount  
11 collected in that portion of Cook County outside of Chicago,  
12 each amount less the amount necessary for the payment of  
13 refunds to taxpayers located in those areas described in items  
14 (i), (ii), and (iii), and less 1.5% ~~2%~~ of the remainder, which  
15 shall be transferred from the trust fund into the Tax  
16 Compliance and Administration Fund. The Department, at the time  
17 of each monthly disbursement to the Authority, shall prepare  
18 and certify to the State Comptroller the amount to be  
19 transferred into the Tax Compliance and Administration Fund  
20 under this subsection. Within 10 days after receipt by the  
21 Comptroller of the certification of the amounts, the  
22 Comptroller shall cause an order to be drawn for the transfer  
23 of the amount certified into the Tax Compliance and  
24 Administration Fund and the payment of two-thirds of the  
25 amounts certified in item (i) of this subsection to the  
26 Authority and one-third of the amounts certified in item (i) of

1 this subsection to the respective counties other than Cook  
2 County and the amount certified in items (ii) and (iii) of this  
3 subsection to the Authority.

4 In addition to the disbursement required by the preceding  
5 paragraph, an allocation shall be made in July 1991 and each  
6 year thereafter to the Regional Transportation Authority. The  
7 allocation shall be made in an amount equal to the average  
8 monthly distribution during the preceding calendar year  
9 (excluding the 2 months of lowest receipts) and the allocation  
10 shall include the amount of average monthly distribution from  
11 the Regional Transportation Authority Occupation and Use Tax  
12 Replacement Fund. The distribution made in July 1992 and each  
13 year thereafter under this paragraph and the preceding  
14 paragraph shall be reduced by the amount allocated and  
15 disbursed under this paragraph in the preceding calendar year.  
16 The Department of Revenue shall prepare and certify to the  
17 Comptroller for disbursement the allocations made in  
18 accordance with this paragraph.

19 (o) Failure to adopt a budget ordinance or otherwise to  
20 comply with Section 4.01 of this Act or to adopt a Five-year  
21 Capital Program or otherwise to comply with paragraph (b) of  
22 Section 2.01 of this Act shall not affect the validity of any  
23 tax imposed by the Authority otherwise in conformity with law.

24 (p) At no time shall a public transportation tax or motor  
25 vehicle parking tax authorized under paragraphs (b), (c) and  
26 (d) of this Section be in effect at the same time as any

1 retailers' occupation, use or service occupation tax  
2 authorized under paragraphs (e), (f) and (g) of this Section is  
3 in effect.

4 Any taxes imposed under the authority provided in  
5 paragraphs (b), (c) and (d) shall remain in effect only until  
6 the time as any tax authorized by paragraphs (e), (f) or (g) of  
7 this Section are imposed and becomes effective. Once any tax  
8 authorized by paragraphs (e), (f) or (g) is imposed the Board  
9 may not reimpose taxes as authorized in paragraphs (b), (c) and  
10 (d) of the Section unless any tax authorized by paragraphs (e),  
11 (f) or (g) of this Section becomes ineffective by means other  
12 than an ordinance of the Board.

13 (q) Any existing rights, remedies and obligations  
14 (including enforcement by the Regional Transportation  
15 Authority) arising under any tax imposed under paragraphs (b),  
16 (c) or (d) of this Section shall not be affected by the  
17 imposition of a tax under paragraphs (e), (f) or (g) of this  
18 Section.

19 (Source: P.A. 99-180, eff. 7-29-15; 99-217, eff. 7-31-15;  
20 99-642, eff. 7-28-16; 100-23, eff. 7-6-17.)

21 Section 20-40. The Water Commission Act of 1985 is amended  
22 by changing Section 4 as follows:

23 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

24 Sec. 4. Taxes.



1 in the business of selling tangible personal property at retail  
2 in the territory of the commission at a rate of 1/4% of the  
3 gross receipts from the sales made in the course of such  
4 business within the territory. The tax imposed under this  
5 paragraph and all civil penalties that may be assessed as an  
6 incident thereof shall be collected and enforced by the State  
7 Department of Revenue. The Department shall have full power to  
8 administer and enforce this paragraph; to collect all taxes and  
9 penalties due hereunder; to dispose of taxes and penalties so  
10 collected in the manner hereinafter provided; and to determine  
11 all rights to credit memoranda arising on account of the  
12 erroneous payment of tax or penalty hereunder. In the  
13 administration of, and compliance with, this paragraph, the  
14 Department and persons who are subject to this paragraph shall  
15 have the same rights, remedies, privileges, immunities, powers  
16 and duties, and be subject to the same conditions,  
17 restrictions, limitations, penalties, exclusions, exemptions  
18 and definitions of terms, and employ the same modes of  
19 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
20 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
21 therein other than the State rate of tax except that food for  
22 human consumption that is to be consumed off the premises where  
23 it is sold (other than alcoholic beverages, soft drinks, and  
24 food that has been prepared for immediate consumption) and  
25 prescription and nonprescription medicine, drugs, medical  
26 appliances and insulin, urine testing materials, syringes, and

1 needles used by diabetics, for human use, shall not be subject  
2 to tax hereunder), 2c, 3 (except as to the disposition of taxes  
3 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,  
4 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13 and 13  
5 of the Retailers' Occupation Tax Act and Section 3-7 of the  
6 Uniform Penalty and Interest Act, as fully as if those  
7 provisions were set forth herein.

8 Persons subject to any tax imposed under the authority  
9 granted in this paragraph may reimburse themselves for their  
10 seller's tax liability hereunder by separately stating the tax  
11 as an additional charge, which charge may be stated in  
12 combination, in a single amount, with State taxes that sellers  
13 are required to collect under the Use Tax Act and under  
14 subsection (e) of Section 4.03 of the Regional Transportation  
15 Authority Act, in accordance with such bracket schedules as the  
16 Department may prescribe.

17 Whenever the Department determines that a refund should be  
18 made under this paragraph to a claimant instead of issuing a  
19 credit memorandum, the Department shall notify the State  
20 Comptroller, who shall cause the 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 a county water commission tax fund established  
24 under subsection ~~paragraph~~ (g) of this Section.

25 For the purpose of determining whether a tax authorized  
26 under this paragraph is applicable, a retail sale by a producer



1 of coal or other 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 other 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 Federal Constitution as a sale in  
7 interstate or foreign commerce.

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

10 No tax shall be imposed or collected under this subsection  
11 on the sale of a motor vehicle in this State to a resident of  
12 another state if that motor vehicle will not be titled in this  
13 State.

14 Nothing in this paragraph shall be construed to authorize a  
15 county water commission to impose a tax upon the privilege of  
16 engaging in any business which under the Constitution of the  
17 United States may not be made the subject of taxation by this  
18 State.

19 (c) If a tax has been imposed under subsection (b), a  
20 County Water Commission Service Occupation Tax shall also be  
21 imposed upon all persons engaged, in the territory of the  
22 commission, in the business of making sales of service, who, as  
23 an incident to making the sales of service, transfer tangible  
24 personal property within the territory. The tax rate shall be  
25 1/4% of the selling price of tangible personal property so  
26 transferred within the territory. The tax imposed under this

1 paragraph and all civil penalties that may be assessed as an  
2 incident thereof shall be collected and enforced by the State  
3 Department of Revenue. The Department shall have full power to  
4 administer and enforce this paragraph; to collect all taxes and  
5 penalties due hereunder; to dispose of taxes and penalties so  
6 collected in the manner hereinafter provided; and to determine  
7 all rights to credit memoranda arising on account of the  
8 erroneous payment of tax or penalty hereunder. In the  
9 administration of, and compliance with, this paragraph, the  
10 Department and persons who are subject to this paragraph shall  
11 have the same rights, remedies, privileges, immunities, powers  
12 and duties, and be subject to the same conditions,  
13 restrictions, limitations, penalties, exclusions, exemptions  
14 and definitions of terms, and employ the same modes of  
15 procedure, as are prescribed in Sections 1a-1, 2 (except that  
16 the reference to State in the definition of supplier  
17 maintaining a place of business in this State shall mean the  
18 territory of the commission), 2a, 3 through 3-50 (in respect to  
19 all provisions therein other than the State rate of tax except  
20 that food for human consumption that is to be consumed off the  
21 premises where it is sold (other than alcoholic beverages, soft  
22 drinks, and food that has been prepared for immediate  
23 consumption) and prescription and nonprescription medicines,  
24 drugs, medical appliances and insulin, urine testing  
25 materials, syringes, and needles used by diabetics, for human  
26 use, shall not be subject to tax hereunder), 4 (except that the

1 reference to the State shall be to the territory of the  
2 commission), 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 commission), 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 territory of the  
10 commission), the first paragraph of Section 15, 15.5, 16, 17,  
11 18, 19, and 20 of the Service Occupation Tax Act as fully as if  
12 those provisions were set forth herein.

13 Persons subject to any tax imposed under the authority  
14 granted in this paragraph may reimburse themselves for their  
15 serviceman'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, and  
19 any tax for which servicemen may be liable under subsection (f)  
20 of Section 4.03 of the Regional Transportation Authority Act,  
21 in accordance with such bracket schedules as the Department may  
22 prescribe.

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

1 amount specified, and to the person named, in the notification  
2 from the Department. The refund shall be paid by the State  
3 Treasurer out of a county water commission tax fund established  
4 under subsection ~~paragraph~~ (g) of this Section.

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

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

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

5 The Department shall have full power to administer and  
6 enforce this paragraph; to collect all taxes, penalties, and  
7 interest due hereunder; to dispose of taxes, penalties, and  
8 interest so collected in the manner hereinafter provided; and  
9 to determine all rights to credit memoranda or refunds arising  
10 on account of the erroneous payment of tax, penalty, or  
11 interest hereunder. In the administration of and compliance  
12 with this paragraph, the Department and persons who are subject  
13 to this paragraph shall have the same rights, remedies,  
14 privileges, immunities, powers, and duties, and be subject to  
15 the same conditions, restrictions, limitations, penalties,  
16 exclusions, exemptions, and definitions of terms and employ the  
17 same modes of procedure, as are prescribed in Sections 2  
18 (except the definition of "retailer maintaining a place of  
19 business in this State"), 3 through 3-80 (except provisions  
20 pertaining to the State rate of tax, and except provisions  
21 concerning collection or refunding of the tax by retailers, and  
22 except that food for human consumption that is to be consumed  
23 off the premises where it is sold (other than alcoholic  
24 beverages, soft drinks, and food that has been prepared for  
25 immediate consumption) and prescription and nonprescription  
26 medicines, drugs, medical appliances and insulin, urine

1 testing materials, syringes, and needles used by diabetics, for  
2 human use, shall not be subject to tax hereunder), 4, 11, 12,  
3 12a, 14, 15, 19 (except the portions pertaining to claims by  
4 retailers and except the last paragraph concerning refunds),  
5 20, 21, and 22 of the Use Tax Act and Section 3-7 of the Uniform  
6 Penalty and Interest Act that are not inconsistent with this  
7 paragraph, as fully as if those provisions were set forth  
8 herein.

9 Whenever the Department determines that a refund should be  
10 made under this paragraph to a claimant instead of issuing a  
11 credit memorandum, the Department shall notify the State  
12 Comptroller, who shall cause the order to be drawn for the  
13 amount specified, and to the person named, in the notification  
14 from the Department. The refund shall be paid by the State  
15 Treasurer out of a county water commission tax fund established  
16 under subsection ~~paragraph~~ (g) of this Section.

17 (e) A certificate of registration issued by the State  
18 Department of Revenue to a retailer under the Retailers'  
19 Occupation Tax Act or under the Service Occupation Tax Act  
20 shall permit the registrant to engage in a business that is  
21 taxed under the tax imposed under subsection ~~paragraphs~~ (b),  
22 (c), or (d) of this Section and no additional registration  
23 shall be required under the tax. A certificate issued under the  
24 Use Tax Act or the Service Use Tax Act shall be applicable with  
25 regard to any tax imposed under subsection ~~paragraph~~ (c) of  
26 this Section.

1           (f) Any ordinance imposing or discontinuing any tax under  
2 this Section shall be adopted and a certified copy thereof  
3 filed with the Department on or before June 1, whereupon the  
4 Department of Revenue shall proceed to administer and enforce  
5 this Section on behalf of the county water commission as of  
6 September 1 next following the adoption and filing. Beginning  
7 January 1, 1992, an ordinance or resolution imposing or  
8 discontinuing the tax hereunder shall be adopted and a  
9 certified copy thereof filed with the Department on or before  
10 the first day of July, whereupon the Department shall proceed  
11 to administer and enforce this Section as of the first day of  
12 October next following such adoption and filing. Beginning  
13 January 1, 1993, an ordinance or resolution imposing or  
14 discontinuing the tax hereunder shall be adopted and a  
15 certified copy thereof filed with the Department on or before  
16 the first day of October, whereupon the Department shall  
17 proceed to administer and enforce this Section as of the first  
18 day of January next following such adoption and filing.

19           (g) The State Department of Revenue shall, upon collecting  
20 any taxes as provided in this Section, pay the taxes over to  
21 the State Treasurer as trustee for the commission. The taxes  
22 shall be held in a trust fund outside 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 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 State  
7 Department of Revenue shall prepare and certify to the  
8 Comptroller of the State of Illinois the amount to be paid to  
9 the commission, which shall be the amount (not including credit  
10 memoranda) collected under this Section during the second  
11 preceding calendar month by the Department plus an amount the  
12 Department determines is necessary to offset any amounts that  
13 were erroneously paid to a different taxing body, and not  
14 including any amount equal to the amount of refunds made during  
15 the second preceding calendar month by the Department on behalf  
16 of the commission, and not including any amount that the  
17 Department determines is necessary to offset any amounts that  
18 were payable to a different taxing body but were erroneously  
19 paid to the commission, and less any amounts that are  
20 transferred to the STAR Bonds Revenue Fund, less 1.5% ~~2%~~ of the  
21 remainder, which shall be transferred into the Tax Compliance  
22 and Administration Fund. The Department, at the time of each  
23 monthly disbursement to the commission, shall prepare and  
24 certify to the State Comptroller the amount to be transferred  
25 into the Tax Compliance and Administration Fund under this  
26 subsection. Within 10 days after receipt by the Comptroller of



1 the certification of the amount to be paid to the commission  
2 and the Tax Compliance and Administration Fund, the Comptroller  
3 shall cause an order to be drawn for the payment for the amount  
4 in accordance with the direction in the certification.

5 (h) Beginning June 1, 2016, any tax imposed pursuant to  
6 this Section may no longer be imposed or collected, unless a  
7 continuation of the tax is approved by the voters at a  
8 referendum as set forth in this Section.

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

11 ARTICLE 25. FISCAL YEAR LIMITATIONS

12 Section 25-5. The State Finance Act is amended by changing  
13 Sections 5h.5 and 25 as follows:

14 (30 ILCS 105/5h.5)

15 Sec. 5h.5. Cash flow borrowing and general funds liquidity;  
16 Fiscal Years ~~Year~~ 2018 and 2019.

17 (a) In order to meet cash flow deficits and to maintain  
18 liquidity in general funds and the Health Insurance Reserve  
19 Fund, on and after July 1, 2017 and through March 1, 2019  
20 ~~December 31, 2018~~, the State Treasurer and the State  
21 Comptroller, in consultation with the Governor's Office of  
22 Management and Budget, shall make transfers to general funds  
23 and the Health Insurance Reserve Fund, as directed by the State

1 Comptroller, out of special funds of the State, to the extent  
2 allowed by federal law.

3 No such transfer may reduce the cumulative balance of all  
4 of the special funds of the State to an amount less than the  
5 total debt service payable during the 12 months immediately  
6 following the date of the transfer on any bonded indebtedness  
7 of the State and any certificates issued under the Short Term  
8 Borrowing Act. At no time shall the outstanding total transfers  
9 made from the special funds of the State to general funds and  
10 the Health Insurance Reserve Fund under this Section exceed  
11 \$1,200,000,000; once the amount of \$1,200,000,000 has been  
12 transferred from the special funds of the State to general  
13 funds and the Health Insurance Reserve Fund, additional  
14 transfers may be made from the special funds of the State to  
15 general funds and the Health Insurance Reserve Fund under this  
16 Section only to the extent that moneys have first been  
17 re-transferred from general funds and the Health Insurance  
18 Reserve Fund to those special funds of the State.  
19 Notwithstanding any other provision of this Section, no such  
20 transfer may be made from any special fund that is exclusively  
21 collected by or directly appropriated to any other  
22 constitutional officer without the written approval of that  
23 constitutional officer.

24 (b) If moneys have been transferred to general funds and  
25 the Health Insurance Reserve Fund pursuant to subsection (a) of  
26 this Section, this amendatory Act of the 100th General Assembly

1 shall constitute the continuing authority for and direction to  
2 the State Treasurer and State Comptroller to reimburse the  
3 funds of origin from general funds by transferring to the funds  
4 of origin, at such times and in such amounts as directed by the  
5 Comptroller when necessary to support appropriated  
6 expenditures from the funds, an amount equal to that  
7 transferred from them plus any interest that would have accrued  
8 thereon had the transfer not occurred, except that any moneys  
9 transferred pursuant to subsection (a) of this Section shall be  
10 repaid to the fund of origin within 24 months after the date on  
11 which they were borrowed. When any of the funds from which  
12 moneys have been transferred pursuant to subsection (a) have  
13 insufficient cash from which the State Comptroller may make  
14 expenditures properly supported by appropriations from the  
15 fund, then the State Treasurer and State Comptroller shall  
16 transfer from general funds to the fund only such amount as is  
17 immediately necessary to satisfy outstanding expenditure  
18 obligations on a timely basis.

19 (c) On the first day of each quarterly period in each  
20 fiscal year, until such time as a report indicates that all  
21 moneys borrowed and interest pursuant to this Section have been  
22 repaid, the Comptroller shall provide to the President and the  
23 Minority Leader of the Senate, the Speaker and the Minority  
24 Leader of the House of Representatives, and the Commission on  
25 Government Forecasting and Accountability a report on all  
26 transfers made pursuant to this Section in the prior quarterly

1 period. The report must be provided in electronic format. The  
2 report must include all of the following:

3 (1) the date each transfer was made;

4 (2) the amount of each transfer;

5 (3) in the case of a transfer from general funds to a  
6 fund of origin pursuant to subsection (b) of this Section,  
7 the amount of interest being paid to the fund of origin;  
8 and

9 (4) the end of day balance of the fund of origin, the  
10 general funds, and the Health Insurance Reserve Fund on the  
11 date the transfer was made.

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

13 (30 ILCS 105/25) (from Ch. 127, par. 161)

14 Sec. 25. Fiscal year limitations.

15 (a) All appropriations shall be available for expenditure  
16 for the fiscal year or for a lesser period if the Act making  
17 that appropriation so specifies. A deficiency or emergency  
18 appropriation shall be available for expenditure only through  
19 June 30 of the year when the Act making that appropriation is  
20 enacted unless that Act otherwise provides.

21 (b) Outstanding liabilities as of June 30, payable from  
22 appropriations which have otherwise expired, may be paid out of  
23 the expiring appropriations during the 2-month period ending at  
24 the close of business on August 31. Any service involving  
25 professional or artistic skills or any personal services by an

1 employee whose compensation is subject to income tax  
2 withholding must be performed as of June 30 of the fiscal year  
3 in order to be considered an "outstanding liability as of June  
4 30" that is thereby eligible for payment out of the expiring  
5 appropriation.

6 (b-1) However, payment of tuition reimbursement claims  
7 under Section 14-7.03 or 18-3 of the School Code may be made by  
8 the State Board of Education from its appropriations for those  
9 respective purposes for any fiscal year, even though the claims  
10 reimbursed by the payment may be claims attributable to a prior  
11 fiscal year, and payments may be made at the direction of the  
12 State Superintendent of Education from the fund from which the  
13 appropriation is made without regard to any fiscal year  
14 limitations, except as required by subsection (j) of this  
15 Section. Beginning on June 30, 2021, payment of tuition  
16 reimbursement claims under Section 14-7.03 or 18-3 of the  
17 School Code as of June 30, payable from appropriations that  
18 have otherwise expired, may be paid out of the expiring  
19 appropriation during the 4-month period ending at the close of  
20 business on October 31.

21 (b-2) All outstanding liabilities as of June 30, 2010,  
22 payable from appropriations that would otherwise expire at the  
23 conclusion of the lapse period for fiscal year 2010, and  
24 interest penalties payable on those liabilities under the State  
25 Prompt Payment Act, may be paid out of the expiring  
26 appropriations until December 31, 2010, without regard to the

1 fiscal year in which the payment is made, as long as vouchers  
2 for the liabilities are received by the Comptroller no later  
3 than August 31, 2010.

4 (b-2.5) All outstanding liabilities as of June 30, 2011,  
5 payable from appropriations that would otherwise expire at the  
6 conclusion of the lapse period for fiscal year 2011, and  
7 interest penalties payable on those liabilities under the State  
8 Prompt Payment Act, may be paid out of the expiring  
9 appropriations until December 31, 2011, without regard to the  
10 fiscal year in which the payment is made, as long as vouchers  
11 for the liabilities are received by the Comptroller no later  
12 than August 31, 2011.

13 (b-2.6) All outstanding liabilities as of June 30, 2012,  
14 payable from appropriations that would otherwise expire at the  
15 conclusion of the lapse period for fiscal year 2012, and  
16 interest penalties payable on those liabilities under the State  
17 Prompt Payment Act, may be paid out of the expiring  
18 appropriations until December 31, 2012, without regard to the  
19 fiscal year in which the payment is made, as long as vouchers  
20 for the liabilities are received by the Comptroller no later  
21 than August 31, 2012.

22 (b-2.6a) All outstanding liabilities as of June 30, 2017,  
23 payable from appropriations that would otherwise expire at the  
24 conclusion of the lapse period for fiscal year 2017, and  
25 interest penalties payable on those liabilities under the State  
26 Prompt Payment Act, may be paid out of the expiring

1 appropriations until December 31, 2017, without regard to the  
2 fiscal year in which the payment is made, as long as vouchers  
3 for the liabilities are received by the Comptroller no later  
4 than September 30, 2017.

5 (b-2.6b) All outstanding liabilities as of June 30, 2018,  
6 payable from appropriations that would otherwise expire at the  
7 conclusion of the lapse period for fiscal year 2018, and  
8 interest penalties payable on those liabilities under the State  
9 Prompt Payment Act, may be paid out of the expiring  
10 appropriations until December 31, 2018, without regard to the  
11 fiscal year in which the payment is made, as long as vouchers  
12 for the liabilities are received by the Comptroller no later  
13 than October 31, 2018.

14 (b-2.7) For fiscal years 2012, 2013, and 2014, interest  
15 penalties payable under the State Prompt Payment Act associated  
16 with a voucher for which payment is issued after June 30 may be  
17 paid out of the next fiscal year's appropriation. The future  
18 year appropriation must be for the same purpose and from the  
19 same fund as the original payment. An interest penalty voucher  
20 submitted against a future year appropriation must be submitted  
21 within 60 days after the issuance of the associated voucher,  
22 and the Comptroller must issue the interest payment within 60  
23 days after acceptance of the interest voucher.

24 (b-3) Medical payments may be made by the Department of  
25 Veterans' Affairs from its appropriations for those purposes  
26 for any fiscal year, without regard to the fact that the

1 medical services being compensated for by such payment may have  
2 been rendered in a prior fiscal year, except as required by  
3 subsection (j) of this Section. Beginning on June 30, 2021,  
4 medical payments payable from appropriations that have  
5 otherwise expired may be paid out of the expiring appropriation  
6 during the 4-month period ending at the close of business on  
7 October 31.

8 (b-4) Medical payments and child care payments may be made  
9 by the Department of Human Services (as successor to the  
10 Department of Public Aid) from appropriations for those  
11 purposes for any fiscal year, without regard to the fact that  
12 the medical or child care services being compensated for by  
13 such payment may have been rendered in a prior fiscal year; and  
14 payments may be made at the direction of the Department of  
15 Healthcare and Family Services (or successor agency) from the  
16 Health Insurance Reserve Fund without regard to any fiscal year  
17 limitations, except as required by subsection (j) of this  
18 Section. Beginning on June 30, 2021, medical and child care  
19 payments made by the Department of Human Services and payments  
20 made at the discretion of the Department of Healthcare and  
21 Family Services (or successor agency) from the Health Insurance  
22 Reserve Fund and payable from appropriations that have  
23 otherwise expired may be paid out of the expiring appropriation  
24 during the 4-month period ending at the close of business on  
25 October 31.

26 (b-5) Medical payments may be made by the Department of



1 Human Services from its appropriations relating to substance  
2 abuse treatment services for any fiscal year, without regard to  
3 the fact that the medical services being compensated for by  
4 such payment may have been rendered in a prior fiscal year,  
5 provided the payments are made on a fee-for-service basis  
6 consistent with requirements established for Medicaid  
7 reimbursement by the Department of Healthcare and Family  
8 Services, except as required by subsection (j) of this Section.  
9 Beginning on June 30, 2021, medical payments made by the  
10 Department of Human Services relating to substance abuse  
11 treatment services 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-6) Additionally, payments may be made by the Department  
16 of Human Services from its appropriations, or any other State  
17 agency from its appropriations with the approval of the  
18 Department of Human Services, from the Immigration Reform and  
19 Control Fund for purposes authorized pursuant to the  
20 Immigration Reform and Control Act of 1986, without regard to  
21 any fiscal year limitations, except as required by subsection  
22 (j) of this Section. Beginning on June 30, 2021, payments made  
23 by the Department of Human Services from the Immigration Reform  
24 and Control Fund for purposes authorized pursuant to the  
25 Immigration Reform and Control Act of 1986 payable from  
26 appropriations that have otherwise expired may be paid out of

1 the expiring appropriation during the 4-month period ending at  
2 the close of business on October 31.

3 (b-7) Payments may be made in accordance with a plan  
4 authorized by paragraph (11) or (12) of Section 405-105 of the  
5 Department of Central Management Services Law from  
6 appropriations for those payments without regard to fiscal year  
7 limitations.

8 (b-8) Reimbursements to eligible airport sponsors for the  
9 construction or upgrading of Automated Weather Observation  
10 Systems may be made by the Department of Transportation from  
11 appropriations for those purposes for any fiscal year, without  
12 regard to the fact that the qualification or obligation may  
13 have occurred in a prior fiscal year, provided that at the time  
14 the expenditure was made the project had been approved by the  
15 Department of Transportation prior to June 1, 2012 and, as a  
16 result of recent changes in federal funding formulas, can no  
17 longer receive federal reimbursement.

18 (b-9) Medical payments not exceeding \$150,000,000 may be  
19 made by the Department on Aging from its appropriations  
20 relating to the Community Care Program for fiscal year 2014,  
21 without regard to the fact that the medical services being  
22 compensated for by such payment may have been rendered in a  
23 prior fiscal year, provided the payments are made on a  
24 fee-for-service basis consistent with requirements established  
25 for Medicaid reimbursement by the Department of Healthcare and  
26 Family Services, except as required by subsection (j) of this

1 Section.

2 (c) Further, payments may be made by the Department of  
3 Public Health and the Department of Human Services (acting as  
4 successor to the Department of Public Health under the  
5 Department of Human Services Act) from their respective  
6 appropriations for grants for medical care to or on behalf of  
7 premature and high-mortality risk infants and their mothers and  
8 for grants for supplemental food supplies provided under the  
9 United States Department of Agriculture Women, Infants and  
10 Children Nutrition Program, for any fiscal year without regard  
11 to the fact that the services being compensated for by such  
12 payment may have been rendered in a prior fiscal year, except  
13 as required by subsection (j) of this Section. Beginning on  
14 June 30, 2021, payments made by the Department of Public Health  
15 and the Department of Human Services from their respective  
16 appropriations for grants for medical care to or on behalf of  
17 premature and high-mortality risk infants and their mothers and  
18 for grants for supplemental food supplies provided under the  
19 United States Department of Agriculture Women, Infants and  
20 Children Nutrition Program payable from appropriations that  
21 have otherwise expired may be paid out of the expiring  
22 appropriations during the 4-month period ending at the close of  
23 business on October 31.

24 (d) The Department of Public Health and the Department of  
25 Human Services (acting as successor to the Department of Public  
26 Health under the Department of Human Services Act) shall each

1 annually submit to the State Comptroller, Senate President,  
2 Senate Minority Leader, Speaker of the House, House Minority  
3 Leader, and the respective Chairmen and Minority Spokesmen of  
4 the Appropriations Committees of the Senate and the House, on  
5 or before December 31, a report of fiscal year funds used to  
6 pay for services provided in any prior fiscal year. This report  
7 shall document by program or service category those  
8 expenditures from the most recently completed fiscal year used  
9 to pay for services provided in prior fiscal years.

10 (e) The Department of Healthcare and Family Services, the  
11 Department of Human Services (acting as successor to the  
12 Department of Public Aid), and the Department of Human Services  
13 making fee-for-service payments relating to substance abuse  
14 treatment services provided during a previous fiscal year shall  
15 each annually submit to the State Comptroller, Senate  
16 President, Senate Minority Leader, Speaker of the House, House  
17 Minority Leader, the respective Chairmen and Minority  
18 Spokesmen of the Appropriations Committees of the Senate and  
19 the House, on or before November 30, a report that shall  
20 document by program or service category those expenditures from  
21 the most recently completed fiscal year used to pay for (i)  
22 services provided in prior fiscal years and (ii) services for  
23 which claims were received in prior fiscal years.

24 (f) The Department of Human Services (as successor to the  
25 Department of Public Aid) shall annually submit to the State  
26 Comptroller, Senate President, Senate Minority Leader, Speaker

1 of the House, House Minority Leader, and the respective  
2 Chairmen and Minority Spokesmen of the Appropriations  
3 Committees of the Senate and the House, on or before December  
4 31, a report of fiscal year funds used to pay for services  
5 (other than medical care) provided in any prior fiscal year.  
6 This report shall document by program or service category those  
7 expenditures from the most recently completed fiscal year used  
8 to pay for services provided in prior fiscal years.

9 (g) In addition, each annual report required to be  
10 submitted by the Department of Healthcare and Family Services  
11 under subsection (e) shall include the following information  
12 with respect to the State's Medicaid program:

13 (1) Explanations of the exact causes of the variance  
14 between the previous year's estimated and actual  
15 liabilities.

16 (2) Factors affecting the Department of Healthcare and  
17 Family Services' liabilities, including but not limited to  
18 numbers of aid recipients, levels of medical service  
19 utilization by aid recipients, and inflation in the cost of  
20 medical services.

21 (3) The results of the Department's efforts to combat  
22 fraud and abuse.

23 (h) As provided in Section 4 of the General Assembly  
24 Compensation Act, any utility bill for service provided to a  
25 General Assembly member's district office for a period  
26 including portions of 2 consecutive fiscal years may be paid

1 from funds appropriated for such expenditure in either fiscal  
2 year.

3 (i) An agency which administers a fund classified by the  
4 Comptroller as an internal service fund may issue rules for:

5 (1) billing user agencies in advance for payments or  
6 authorized inter-fund transfers based on estimated charges  
7 for goods or services;

8 (2) issuing credits, refunding through inter-fund  
9 transfers, or reducing future inter-fund transfers during  
10 the subsequent fiscal year for all user agency payments or  
11 authorized inter-fund transfers received during the prior  
12 fiscal year which were in excess of the final amounts owed  
13 by the user agency for that period; and

14 (3) issuing catch-up billings to user agencies during  
15 the subsequent fiscal year for amounts remaining due when  
16 payments or authorized inter-fund transfers received from  
17 the user agency during the prior fiscal year were less than  
18 the total amount owed for that period.

19 User agencies are authorized to reimburse internal service  
20 funds for catch-up billings by vouchers drawn against their  
21 respective appropriations for the fiscal year in which the  
22 catch-up billing was issued or by increasing an authorized  
23 inter-fund transfer during the current fiscal year. For the  
24 purposes of this Act, "inter-fund transfers" means transfers  
25 without the use of the voucher-warrant process, as authorized  
26 by Section 9.01 of the State Comptroller Act.

1 (i-1) Beginning on July 1, 2021, all outstanding  
2 liabilities, not payable during the 4-month lapse period as  
3 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and  
4 (c) of this Section, that are made from appropriations for that  
5 purpose for any fiscal year, without regard to the fact that  
6 the services being compensated for by those payments may have  
7 been rendered in a prior fiscal year, are limited to only those  
8 claims that have been incurred but for which a proper bill or  
9 invoice as defined by the State Prompt Payment Act has not been  
10 received by September 30th following the end of the fiscal year  
11 in which the service was rendered.

12 (j) Notwithstanding any other provision of this Act, the  
13 aggregate amount of payments to be made without regard for  
14 fiscal year limitations as contained in subsections (b-1),  
15 (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and  
16 determined by using Generally Accepted Accounting Principles,  
17 shall not exceed the following amounts:

18 (1) \$6,000,000,000 for outstanding liabilities related  
19 to fiscal year 2012;

20 (2) \$5,300,000,000 for outstanding liabilities related  
21 to fiscal year 2013;

22 (3) \$4,600,000,000 for outstanding liabilities related  
23 to fiscal year 2014;

24 (4) \$4,000,000,000 for outstanding liabilities related  
25 to fiscal year 2015;

26 (5) \$3,300,000,000 for outstanding liabilities related

1 to fiscal year 2016;

2 (6) \$2,600,000,000 for outstanding liabilities related  
3 to fiscal year 2017;

4 (7) \$2,000,000,000 for outstanding liabilities related  
5 to fiscal year 2018;

6 (8) \$1,300,000,000 for outstanding liabilities related  
7 to fiscal year 2019;

8 (9) \$600,000,000 for outstanding liabilities related  
9 to fiscal year 2020; and

10 (10) \$0 for outstanding liabilities related to fiscal  
11 year 2021 and fiscal years thereafter.

12 (k) Department of Healthcare and Family Services Medical  
13 Assistance Payments.

14 (1) Definition of Medical Assistance.

15 For purposes of this subsection, the term "Medical  
16 Assistance" shall include, but not necessarily be  
17 limited to, medical programs and services authorized  
18 under Titles XIX and XXI of the Social Security Act,  
19 the Illinois Public Aid Code, the Children's Health  
20 Insurance Program Act, the Covering ALL KIDS Health  
21 Insurance Act, the Long Term Acute Care Hospital  
22 Quality Improvement Transfer Program Act, and medical  
23 care to or on behalf of persons suffering from chronic  
24 renal disease, persons suffering from hemophilia, and  
25 victims of sexual assault.

26 (2) Limitations on Medical Assistance payments that



1           may be paid from future fiscal year appropriations.

2           (A) The maximum amounts of annual unpaid Medical  
3           Assistance bills received and recorded by the  
4           Department of Healthcare and Family Services on or  
5           before June 30th of a particular fiscal year  
6           attributable in aggregate to the General Revenue Fund,  
7           Healthcare Provider Relief Fund, Tobacco Settlement  
8           Recovery Fund, Long-Term Care Provider Fund, and the  
9           Drug Rebate Fund that may be paid in total by the  
10          Department from future fiscal year Medical Assistance  
11          appropriations to those funds are: \$700,000,000 for  
12          fiscal year 2013 and \$100,000,000 for fiscal year 2014  
13          and each fiscal year thereafter.

14          (B) Bills for Medical Assistance services rendered  
15          in a particular fiscal year, but received and recorded  
16          by the Department of Healthcare and Family Services  
17          after June 30th of that fiscal year, may be paid from  
18          either appropriations for that fiscal year or future  
19          fiscal year appropriations for Medical Assistance.  
20          Such payments shall not be subject to the requirements  
21          of subparagraph (A).

22          (C) Medical Assistance bills received by the  
23          Department of Healthcare and Family Services in a  
24          particular fiscal year, but subject to payment amount  
25          adjustments in a future fiscal year may be paid from a  
26          future fiscal year's appropriation for Medical

1 Assistance. Such payments shall not be subject to the  
2 requirements of subparagraph (A).

3 (D) Medical Assistance payments made by the  
4 Department of Healthcare and Family Services from  
5 funds other than those specifically referenced in  
6 subparagraph (A) may be made from appropriations for  
7 those purposes for any fiscal year without regard to  
8 the fact that the Medical Assistance services being  
9 compensated for by such payment may have been rendered  
10 in a prior fiscal year. Such payments shall not be  
11 subject to the requirements of subparagraph (A).

12 (3) Extended lapse period for Department of Healthcare  
13 and Family Services Medical Assistance payments.  
14 Notwithstanding any other State law to the contrary,  
15 outstanding Department of Healthcare and Family Services  
16 Medical Assistance liabilities, as of June 30th, payable  
17 from appropriations which have otherwise expired, may be  
18 paid out of the expiring appropriations during the 6-month  
19 period ending at the close of business on December 31st.

20 (1) The changes to this Section made by Public Act 97-691  
21 shall be effective for payment of Medical Assistance bills  
22 incurred in fiscal year 2013 and future fiscal years. The  
23 changes to this Section made by Public Act 97-691 shall not be  
24 applied to Medical Assistance bills incurred in fiscal year  
25 2012 or prior fiscal years.

26 (m) The Comptroller must issue payments against

1 outstanding liabilities that were received prior to the lapse  
2 period deadlines set forth in this Section as soon thereafter  
3 as practical, but no payment may be issued after the 4 months  
4 following the lapse period deadline without the signed  
5 authorization of the Comptroller and the Governor.

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

7 ARTICLE 30. FACILITY PAYMENT

8 Section 30-5. The Specialized Mental Health Rehabilitation  
9 Act of 2013 is amended by adding Sections 5-104 and 5-105 as  
10 follows:

11 (210 ILCS 49/5-104 new)

12 Sec. 5-104. Medicaid rates. Notwithstanding any provision  
13 of law to the contrary, the Medicaid rates for Specialized  
14 Mental Health Rehabilitation Facilities effective on July 1,  
15 2018 must be equal to the rates in effect for Specialized  
16 Mental Health Rehabilitation Facilities on June 30, 2018,  
17 increased by 4%. The Department shall adopt rules, including  
18 emergency rules under subsection (bb) of Section 5-45 of the  
19 Illinois Administrative Procedure Act, to implement the  
20 provisions of this Section.

21 (210 ILCS 49/5-105 new)

22 Sec. 5-105. Therapeutic visit rates. For a facility

1 licensed under this Act on or before June 1, 2018 or  
2 provisionally licensed under this Act on or before June 1,  
3 2018, a payment shall be made for therapeutic visits that have  
4 been indicated by an interdisciplinary team as therapeutically  
5 beneficial. Payment under this Section shall be at a rate of  
6 75% of the facility's rate on the effective date of this  
7 amendatory Act of the 100th General Assembly and may not exceed  
8 20 days in a fiscal year and shall not exceed 10 days  
9 consecutively.

10 ARTICLE 35. SECRETARY OF STATE

11 Section 35-5. The State Finance Act is amended by changing  
12 Section 6z-70 as follows:

13 (30 ILCS 105/6z-70)

14 Sec. 6z-70. The Secretary of State Identification Security  
15 and Theft Prevention Fund.

16 (a) The Secretary of State Identification Security and  
17 Theft Prevention Fund is created as a special fund in the State  
18 treasury. The Fund shall consist of any fund transfers, grants,  
19 fees, or moneys from other sources received for the purpose of  
20 funding identification security and theft prevention measures.

21 (b) All moneys in the Secretary of State Identification  
22 Security and Theft Prevention Fund shall be used, subject to  
23 appropriation, for any costs related to implementing

1 identification security and theft prevention measures.

2 (c) (Blank). ~~Notwithstanding any other provision of State~~  
3 ~~law to the contrary, on or after July 1, 2007, and until June~~  
4 ~~30, 2008, in addition to any other transfers that may be~~  
5 ~~provided for by law, at the direction of and upon notification~~  
6 ~~of the Secretary of State, the State Comptroller shall direct~~  
7 ~~and the State Treasurer shall transfer amounts into the~~  
8 ~~Secretary of State Identification Security and Theft~~  
9 ~~Prevention Fund from the designated funds not exceeding the~~  
10 ~~following totals:~~

11	<del>Lobbyist Registration Administration Fund .....</del>	<del>\$100,000</del>
12	<del>Registered Limited Liability Partnership Fund ....</del>	<del>\$75,000</del>
13	<del>Securities Investors Education Fund .....</del>	<del>\$500,000</del>
14	<del>Securities Audit and Enforcement Fund .....</del>	<del>\$5,725,000</del>
15	<del>Department of Business Services</del>	
16	<del>Special Operations Fund .....</del>	<del>\$3,000,000</del>
17	<del>Corporate Franchise Tax Refund Fund .....</del>	<del>\$3,000,000.</del>

18 (d) (Blank). ~~Notwithstanding any other provision of State~~  
19 ~~law to the contrary, on or after July 1, 2008, and until June~~  
20 ~~30, 2009, in addition to any other transfers that may be~~  
21 ~~provided for by law, at the direction of and upon notification~~  
22 ~~of the Secretary of State, the State Comptroller shall direct~~  
23 ~~and the State Treasurer shall transfer amounts into the~~  
24 ~~Secretary of State Identification Security and Theft~~  
25 ~~Prevention Fund from the designated funds not exceeding the~~  
26 ~~following totals:~~

1       ~~Lobbyist Registration Administration Fund ..... \$100,000~~  
2       ~~Registered Limited Liability Partnership Fund .... \$75,000~~  
3       ~~Securities Investors Education Fund ..... \$500,000~~  
4       ~~Securities Audit and Enforcement Fund ..... \$5,725,000~~  
5       ~~Department of Business Services~~

6           ~~Special Operations Fund ..... \$3,000,000~~  
7       ~~Corporate Franchise Tax Refund Fund ..... \$3,000,000~~  
8       ~~State Parking Facility Maintenance Fund ..... \$100,000~~

9       ~~(e) (Blank). Notwithstanding any other provision of State~~  
10 ~~law to the contrary, on or after July 1, 2009, and until June~~  
11 ~~30, 2010, 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 .... \$175,000~~  
20       ~~Securities Investors Education Fund ..... \$750,000~~  
21       ~~Securities Audit and Enforcement Fund ..... \$750,000~~  
22       ~~Department of Business Services~~

23           ~~Special Operations Fund ..... \$3,000,000~~  
24       ~~Corporate Franchise Tax Refund Fund ..... \$3,000,000~~  
25       ~~State Parking Facility Maintenance Fund ..... \$100,000~~

26       ~~(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~~

~~Corporate Franchise Tax Refund Fund ..... \$3,000,000~~

~~(i) (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, 2015, 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 ..... \$1,500,000~~

~~Department of Business Services~~

~~Special Operations Fund ..... \$3,000,000~~

~~Securities Audit and Enforcement Fund ..... \$3,500,000~~

~~Corporate Franchise Tax Refund Fund ..... \$3,000,000~~

(j) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2017, and until June 30, 2018, 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 Fund ..... \$1,500,000

Department of Business Services Special

Operations Fund ..... \$3,000,000

Securities Audit and Enforcement Fund ..... \$3,500,000

Corporate Franchise Tax Refund Fund ..... \$3,000,000

(k) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2018, and until June 30, 2019, in



1 disqualify him or her from receiving funds under the program.

2 Section 45-5. The Higher Education Student Assistance Act  
3 is amended by changing Section 10 and adding Section 65.100 as  
4 follows:

5 (110 ILCS 947/10)

6 Sec. 10. Definitions. In this Act, and except to the extent  
7 that any of the following words or phrases is specifically  
8 qualified by its context:

9 "Commission" means the Illinois Student Assistance  
10 Commission created by this Act.

11 "Enrollment" means the establishment and maintenance of an  
12 individual's status as a student in an institution of higher  
13 learning, regardless of the terms used at the institution to  
14 describe that status.

15 "Approved high school" means any public high school located  
16 in this State; and any high school, located in this State or  
17 elsewhere (whether designated as a high school, secondary  
18 school, academy, preparatory school, or otherwise) which in the  
19 judgment of the State Superintendent of Education provides a  
20 course of instruction at the secondary level and maintains  
21 standards of instruction substantially equivalent to those of  
22 the public high schools located in this State.

23 "Institution of higher learning", "qualified institution",  
24 or "institution" means an educational organization located in

1 this State which

2 (1) provides at least an organized 2 year program of  
3 collegiate grade in the liberal arts or sciences, or both,  
4 directly applicable toward the attainment of a  
5 baccalaureate degree or a program in health education  
6 directly applicable toward the attainment of a  
7 certificate, diploma, or an associate degree;

8 (2) either is

9 (A) operated by this State, or

10 (B) operated publicly or privately, not for  
11 profit, or

12 (C) operated for profit, provided such for profit  
13 organization

14 (i) offers degree programs which have been  
15 approved by the Board of Higher Education for a  
16 minimum of 3 years under the Academic Degree Act,  
17 and

18 (ii) enrolls a majority of its students in such  
19 degree programs, and

20 (iii) maintains an accredited status with the  
21 Commission on Institutions of Higher Education of  
22 the North Central Association of Colleges and  
23 Schools;

24 (3) in the judgment of the Commission meets standards  
25 substantially equivalent to those of comparable  
26 institutions operated by this State; and

1           (4) if so required by the Commission, uses the State as  
2           its primary guarantor of student loans made under the  
3           federal Higher Education Act of 1965.

4           For otherwise eligible educational organizations which provide  
5           academic programs for incarcerated students, the terms  
6           "institution of higher learning", "qualified institutions",  
7           and "institution" shall specifically exclude academic programs  
8           for incarcerated students.

9           "Academic Year" means a 12 month period of time, normally  
10          but not exclusively, from September 1 of any year through  
11          August 31 of the ensuing year.

12          "Full-time student" means any undergraduate student  
13          enrolled in 12 or more semester or quarter hours of credit  
14          courses in any given semester or quarter or in the equivalent  
15          number of units of registration as determined by the  
16          Commission.

17          "Part-time student" means any undergraduate student, other  
18          than a full-time student, enrolled in 6 or more semester or  
19          quarter hours of credit courses in any given semester or  
20          quarter or in the equivalent number of units of registration as  
21          determined by the Commission. Beginning with fiscal year 1999,  
22          the Commission may, on a program by program basis, expand this  
23          definition of "part-time student" to include students who  
24          enroll in less than 6 semester or quarter hours of credit  
25          courses in any given semester or quarter.

26          "Public university" means any public 4-year university in

1 this State.

2 "Public university campus" means any campus under the  
3 governance or supervision of a public university.

4 (Source: P.A. 90-122, eff. 7-17-97; 91-250, eff. 7-22-99.)

5 (110 ILCS 947/65.100 new)

6 Sec. 65.100. AIM HIGH Grant Pilot Program.

7 (a) The General Assembly makes all of the following  
8 findings:

9 (1) Both access and affordability are important  
10 aspects of the Illinois Public Agenda for College and  
11 Career Success report.

12 (2) This State is in the top quartile with respect to  
13 the percentage of family income needed to pay for college.

14 (3) Research suggests that as loan amounts increase,  
15 rather than an increase in grant amounts, the probability  
16 of college attendance decreases.

17 (4) There is further research indicating that  
18 socioeconomic status may affect the willingness of  
19 students to use loans to attend college.

20 (5) Strategic use of tuition discounting can decrease  
21 the amount of loans that students must use to pay for  
22 tuition.

23 (6) A modest, individually tailored tuition discount  
24 can make the difference in a student choosing to attend  
25 college and enhance college access for low-income and

1 middle-income families.

2 (7) Even if the federally calculated financial need for  
3 college attendance is met, the federally determined  
4 Expected Family Contribution can still be a daunting  
5 amount.

6 (8) This State is the second largest exporter of  
7 students in the country.

8 (9) When talented Illinois students attend  
9 universities in this State, the State and those  
10 universities benefit.

11 (10) State universities in other states have adopted  
12 pricing and incentives that allow many Illinois residents  
13 to pay less to attend an out-of-state university than to  
14 remain in this State for college.

15 (11) Supporting Illinois student attendance at  
16 Illinois public universities can assist in State efforts to  
17 maintain and educate a highly trained workforce.

18 (12) Modest tuition discounts that are individually  
19 targeted and tailored can result in enhanced revenue for  
20 public universities.

21 (13) By increasing a public university's capacity to  
22 strategically use tuition discounting, the public  
23 university will be capable of creating enhanced tuition  
24 revenue by increasing enrollment yields.

25 (b) In this Section:

26 "Eligible applicant" means a student from any high school

1 in this State, whether or not recognized by the State Board of  
2 Education, who is engaged in a program of study that will be  
3 completed by the end of the school year and who meets all of  
4 the qualifications and requirements under this Section.

5 "Tuition and other necessary fees" includes the customary  
6 charge for instruction and use of facilities in general and the  
7 additional fixed fees charged for specified purposes that are  
8 required generally of non-grant recipients for each academic  
9 period for which the grant applicant actually enrolls, but does  
10 not include fees payable only once or breakage fees and other  
11 contingent deposits that are refundable in whole or in part.  
12 The Commission may adopt, by rule not inconsistent with this  
13 Section, detailed provisions concerning the computation of  
14 tuition and other necessary fees.

15 (c) Beginning with the 2019-2020 academic year, each public  
16 university may establish a merit-based scholarship pilot  
17 program known as the AIM HIGH Grant Pilot Program. Each year,  
18 the Commission shall receive and consider applications from  
19 public universities under this Section. Subject to  
20 appropriation and any tuition waiver limitation established by  
21 the Board of Higher Education, a public university campus may  
22 award a grant to a student under this Section if it finds that  
23 the applicant meets all of the following criteria:

24 (1) He or she is a resident of this State and a citizen  
25 or eligible noncitizen of the United States.

26 (2) He or she files a Free Application for Federal



1       Student Aid and demonstrates financial need with a  
2       household income no greater than 6 times the poverty  
3       guidelines updated periodically in the Federal Register by  
4       the U.S. Department of Health and Human Services under the  
5       authority of 42 U.S.C. 9902(2).

6           (3) He or she meets the minimum cumulative grade point  
7           average or ACT or SAT college admissions test score, as  
8           determined by the public university campus.

9           (4) He or she is enrolled in a public university as an  
10          undergraduate student on a full-time basis.

11          (5) He or she has not yet received a baccalaureate  
12          degree or the equivalent of 135 semester credit hours.

13          (6) He or she is not incarcerated.

14          (7) He or she is not in default on any student loan or  
15          does not owe a refund or repayment on any State or federal  
16          grant or scholarship.

17          (8) Any other reasonable criteria, as determined by the  
18          public university campus.

19          (d) Each public university campus shall determine grant  
20          renewal criteria consistent with the requirements under this  
21          Section.

22          (e) Each participating public university campus shall post  
23          on its Internet website criteria and eligibility requirements  
24          for receiving awards that use funds under this Section that  
25          include a range in the sizes of these individual awards. The  
26          criteria and amounts must also be reported to the Commission

1 and the Board of Higher Education, who shall post the  
2 information on their respective Internet websites.

3 (f) After enactment of an appropriation for this Program,  
4 the Commission shall determine an allocation of funds to each  
5 public university in an amount proportionate to the number of  
6 undergraduate students who are residents of this State and  
7 citizens or eligible noncitizens of the United States and who  
8 were enrolled at each public university campus in the previous  
9 academic year. All applications must be made to the Commission  
10 on or before a date determined by the Commission and on forms  
11 that the Commission shall provide to each public university  
12 campus. The form of the application and the information  
13 required shall be determined by the Commission and shall  
14 include, without limitation, the total public university  
15 campus funds used to match funds received from the Commission  
16 in the previous academic year under this Section, if any, the  
17 total enrollment of undergraduate students who are residents of  
18 this State from the previous academic year, and any supporting  
19 documents as the Commission deems necessary. Each public  
20 university campus shall match the amount of funds received by  
21 the Commission with financial aid for eligible students.

22 A public university campus is not required to claim its  
23 entire allocation. The Commission shall make available to all  
24 public universities, on a date determined by the Commission,  
25 any unclaimed funds and the funds must be made available to  
26 those public university campuses in the proportion determined

1 under this subsection (f), excluding from the calculation those  
2 public university campuses not claiming their full  
3 allocations.

4 Each public university campus may determine the award  
5 amounts for eligible students on an individual or broad basis,  
6 but, subject to renewal eligibility, each renewed award may not  
7 be less than the amount awarded to the eligible student in his  
8 or her first year attending the public university campus.  
9 Notwithstanding this limitation, a renewal grant may be reduced  
10 due to changes in the student's cost of attendance, including,  
11 but not limited to, if a student reduces the number of credit  
12 hours in which he or she is enrolled, but remains a full-time  
13 student, or switches to a course of study with a lower tuition  
14 rate.

15 An eligible applicant awarded grant assistance under this  
16 Section is eligible to receive other financial aid. Total grant  
17 aid to the student from all sources may not exceed the total  
18 cost of attendance at the public university campus.

19 (g) All money allocated to a public university campus under  
20 this Section may be used only for financial aid purposes for  
21 students attending the public university campus during the  
22 academic year, not including summer terms. Any funds received  
23 by a public university campus under this Section that are not  
24 granted to students in the academic year for which the funds  
25 are received must be refunded to the Commission before any new  
26 funds are received by the public university campus for the next

1 academic year.

2 (h) Each public university campus that establishes a  
3 Program under this Section must annually report to the  
4 Commission, on or before a date determined by the Commission,  
5 the number of undergraduate students enrolled at that campus  
6 who are residents of this State.

7 (i) Each public university campus must report to the  
8 Commission the total non-loan financial aid amount given by the  
9 public university campus to undergraduate students in fiscal  
10 year 2018. To be eligible to receive funds under the Program, a  
11 public university campus may not decrease the total amount of  
12 non-loan financial aid for undergraduate students to an amount  
13 lower than the total non-loan financial aid amount given by the  
14 public university campus to undergraduate students in fiscal  
15 year 2018, not including any funds received from the Commission  
16 under this Section or any funds used to match grant awards  
17 under this Section.

18 (j) On or before a date determined by the Commission, each  
19 public university campus that participates in the Program under  
20 this Section shall annually submit a report to the Commission  
21 with all of the following information:

22 (1) The Program's impact on tuition revenue and  
23 enrollment goals and increase in access and affordability  
24 at the public university campus.

25 (2) Total funds received by the public university  
26 campus under the Program.

1           (3) Total non-loan financial aid awarded to  
2           undergraduate students attending the public university  
3           campus.

4           (4) Total amount of funds matched by the public  
5           university campus.

6           (5) Total amount of funds refunded to the Commission by  
7           the public university campus.

8           (6) The percentage of total financial aid distributed  
9           under the Program by the public university campus.

10           (7) The total number of students receiving grants from  
11           the public university campus under the Program and those  
12           students' grade level, race, gender, income level, family  
13           size, Monetary Award Program eligibility, Pell Grant  
14           eligibility, and zip code of residence and the amount of  
15           each grant award. This information shall include unit  
16           record data on those students regarding variables  
17           associated with the parameters of the public university's  
18           Program, including, but not limited to, a student's ACT or  
19           SAT college admissions test score, high school or  
20           university cumulative grade point average, or program of  
21           study.

22           On or before October 1, 2020 and annually on or before  
23           October 1 thereafter, the Commission shall submit a report with  
24           the findings under this subsection (j) and any other  
25           information regarding the AIM HIGH Grant Pilot Program to (i)  
26           the Governor, (ii) the Speaker of the House of Representatives,

1 (iii) the Minority Leader of the House of Representatives, (iv)  
2 the President of the Senate, and (v) the Minority Leader of the  
3 Senate. The reports to the General Assembly shall be filed with  
4 the Clerk of the House of Representatives and the Secretary of  
5 the Senate in electronic form only, in the manner that the  
6 Clerk and the Secretary shall direct. The Commission's report  
7 may not disaggregate data to a level that may disclose  
8 personally identifying information of individual students.

9 The sharing and reporting of student data under this  
10 subsection (j) must be in accordance with the requirements  
11 under the federal Family Educational Rights and Privacy Act of  
12 1974 and the Illinois School Student Records Act. All parties  
13 must preserve the confidentiality of the information as  
14 required by law. The names of the grant recipients under this  
15 Section are not subject to disclosure under the Freedom of  
16 Information Act.

17 Public university campuses that fail to submit a report  
18 under this subsection (j) or that fail to adhere to any other  
19 requirements under this Section may not be eligible for  
20 distribution of funds under the Program for the next academic  
21 year, but may be eligible for distribution of funds for each  
22 academic year thereafter.

23 (k) The Commission shall adopt rules to implement this  
24 Section.

25 (l) This Section is repealed on October 1, 2024.

## 1 ARTICLE 50. ADDITIONAL AMENDATORY PROVISIONS

2 Section 50-5. The Illinois Promotion Act is amended by  
3 changing Section 4a as follows:

4 (20 ILCS 665/4a) (from Ch. 127, par. 200-24a)

5 Sec. 4a. Funds.

6 (1) All moneys deposited in the Tourism Promotion Fund  
7 pursuant to this subsection are allocated to the Department for  
8 utilization, as appropriated, in the performance of its powers  
9 under Section 4; except that during fiscal year 2013, the  
10 Department shall reserve \$9,800,000 of the total funds  
11 available for appropriation in the Tourism Promotion Fund for  
12 appropriation to the Historic Preservation Agency for the  
13 operation of the Abraham Lincoln Presidential Library and  
14 Museum and State historic sites; and except that beginning in  
15 fiscal year 2019, moneys in the Tourism Promotion Fund may also  
16 be allocated to the Illinois Department of Agriculture, the  
17 Illinois Department of Natural Resources, and the Abraham  
18 Lincoln Presidential Library and Museum for utilization, as  
19 appropriated, to administer their responsibilities as State  
20 agencies promoting tourism in Illinois, and for  
21 tourism-related purposes.

22 As soon as possible after the first day of each month,  
23 beginning July 1, 1997 and ending on the effective date of this  
24 amendatory Act of the 100th General Assembly, upon

1 certification of the Department of Revenue, the Comptroller  
2 shall order transferred and the Treasurer shall transfer from  
3 the General Revenue Fund to the Tourism Promotion Fund an  
4 amount equal to 13% of the net revenue realized from the Hotel  
5 Operators' Occupation Tax Act plus an amount equal to 13% of  
6 the net revenue realized from any tax imposed under Section  
7 4.05 of the Chicago World's Fair-1992 Authority Act during the  
8 preceding month. "Net revenue realized for a month" means the  
9 revenue collected by the State under that Act during the  
10 previous month less the amount paid out during that same month  
11 as refunds to taxpayers for overpayment of liability under that  
12 Act.

13 (1.1) (Blank).

14 (2) As soon as possible after the first day of each month,  
15 beginning July 1, 1997 and ending on the effective date of this  
16 amendatory Act of the 100th General Assembly, upon  
17 certification of the Department of Revenue, the Comptroller  
18 shall order transferred and the Treasurer shall transfer from  
19 the General Revenue Fund to the Tourism Promotion Fund an  
20 amount equal to 8% of the net revenue realized from the Hotel  
21 Operators' Occupation Tax plus an amount equal to 8% of the net  
22 revenue realized from any tax imposed under Section 4.05 of the  
23 Chicago World's Fair-1992 Authority Act during the preceding  
24 month. "Net revenue realized for a month" means the revenue  
25 collected by the State under that Act during the previous month  
26 less the amount paid out during that same month as refunds to



1 taxpayers for overpayment of liability under that Act.

2 All monies deposited in the Tourism Promotion Fund under  
3 this subsection (2) shall be used solely as provided in this  
4 subsection to advertise and promote tourism throughout  
5 Illinois. Appropriations of monies deposited in the Tourism  
6 Promotion Fund pursuant to this subsection (2) shall be used  
7 solely for advertising to promote tourism, including but not  
8 limited to advertising production and direct advertisement  
9 costs, but shall not be used to employ any additional staff,  
10 finance any individual event, or lease, rent or purchase any  
11 physical facilities. The Department shall coordinate its  
12 advertising under this subsection (2) with other public and  
13 private entities in the State engaged in similar promotion  
14 activities. Print or electronic media production made pursuant  
15 to this subsection (2) for advertising promotion shall not  
16 contain or include the physical appearance of or reference to  
17 the name or position of any public officer. "Public officer"  
18 means a person who is elected to office pursuant to statute, or  
19 who is appointed to an office which is established, and the  
20 qualifications and duties of which are prescribed, by statute,  
21 to discharge a public duty for the State or any of its  
22 political subdivisions.

23 (3) Notwithstanding anything in this Section to the  
24 contrary, amounts transferred from the General Revenue Fund to  
25 the Tourism Promotion Fund pursuant to this Section shall not  
26 exceed \$26,300,000 in State fiscal year 2012.

1           (4) As soon as possible after the first day of each month,  
2 beginning July 1, 2017 and ending June 30, 2018, if the amount  
3 of revenue deposited into the Tourism Promotion Fund under  
4 subsection (c) of Section 6 of the Hotel Operators' Occupation  
5 Tax Act is less than 21% of the net revenue realized from the  
6 Hotel Operators' Occupation Tax during the preceding month,  
7 then, upon certification of the Department of Revenue, the  
8 State Comptroller shall direct and the State Treasurer shall  
9 transfer from the General Revenue Fund to the Tourism Promotion  
10 Fund an amount equal to the difference between 21% of the net  
11 revenue realized from the Hotel Operators' Occupation Tax  
12 during the preceding month and the amount of revenue deposited  
13 into the Tourism Promotion Fund under subsection (c) of Section  
14 6 of the Hotel Operators' Occupation Tax Act.

15           (5) As soon as possible after the first day of each month,  
16 beginning July 1, 2018, if the amount of revenue deposited into  
17 the Tourism Promotion Fund under Section 6 of the Hotel  
18 Operators' Occupation Tax Act is less than 21% of the net  
19 revenue realized from the Hotel Operators' Occupation Tax  
20 during the preceding month, then, upon certification of the  
21 Department of Revenue, the State Comptroller shall direct and  
22 the State Treasurer shall transfer from the General Revenue  
23 Fund to the Tourism Promotion Fund an amount equal to the  
24 difference between 21% of the net revenue realized from the  
25 Hotel Operators' Occupation Tax during the preceding month and  
26 the amount of revenue deposited into the Tourism Promotion Fund

1 under Section 6 of the Hotel Operators' Occupation Tax Act.

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

3 Section 50-10. The Mental Health and Developmental  
4 Disabilities Administrative Act is amended by changing Section  
5 18.5 as follows:

6 (20 ILCS 1705/18.5)

7 Sec. 18.5. Community Developmental Disability Services  
8 Medicaid Trust Fund; reimbursement.

9 (a) The Community Developmental Disability Services  
10 Medicaid Trust Fund is hereby created in the State treasury.

11 (b) Beginning in State fiscal year 2019, ~~Except as provided~~  
12 ~~in subsection (b-5), any funds in any fiscal year in amounts~~  
13 ~~not exceeding a total of \$60,000,000 paid to the State by the~~  
14 ~~federal government under Title XIX or Title XXI of the Social~~  
15 ~~Security Act for services delivered by community developmental~~  
16 ~~disability services providers for services relating to~~  
17 ~~Developmental Training and Community Integrated Living~~  
18 ~~Arrangements as a result of the conversion of such providers~~  
19 ~~from a grant payment methodology to a fee-for-service payment~~  
20 ~~methodology, or any other funds paid to the State for any~~  
21 ~~subsequent revenue maximization initiatives performed by such~~  
22 ~~providers, and any interest earned thereon,~~ shall be deposited  
23 ~~directly~~ into the Community Developmental Disability Services  
24 Medicaid Trust Fund to pay for Medicaid-reimbursed community

1 developmental disability services provided to eligible  
2 individuals.

3 (b-5) (Blank). ~~Beginning in State fiscal year 2008, any~~  
4 ~~funds paid to the State by the federal government under Title~~  
5 ~~XIX or Title XXI of the Social Security Act for services~~  
6 ~~delivered through the Children's Residential Waiver and the~~  
7 ~~Children's In Home Support Waiver shall be deposited directly~~  
8 ~~into the Trust Fund and shall not be subject to the transfer~~  
9 ~~provisions of subsection (b).~~

10 (b-7) The Community Developmental Disability Services  
11 Medicaid Trust Fund is not subject to administrative  
12 charge-backs.

13 (b-9) (Blank). ~~The Department of Human Services shall~~  
14 ~~annually report to the Governor and the General Assembly, by~~  
15 ~~September 1, on both the total revenue deposited into the Trust~~  
16 ~~Fund and the total expenditures made from the Trust Fund for~~  
17 ~~the previous fiscal year. This report shall include detailed~~  
18 ~~descriptions of both revenues and expenditures regarding the~~  
19 ~~Trust Fund from the previous fiscal year. This report shall be~~  
20 ~~presented by the Secretary of Human Services to the appropriate~~  
21 ~~Appropriations Committee in the House of Representatives, as~~  
22 ~~determined by the Speaker of the House, and in the Senate, as~~  
23 ~~determined by the President of the Senate. This report shall be~~  
24 ~~made available to the public and shall be published on the~~  
25 ~~Department of Human Services' website in an appropriate~~  
26 ~~location, a minimum of one week prior to presentation of the~~

1 ~~report to the General Assembly.~~

2 (b-10) Whenever a State developmental disabilities  
3 facility operated by the Department is closed and the real  
4 estate on which the facility is located is sold by the State,  
5 the net proceeds of the sale of the real estate shall be  
6 deposited into the Community Developmental Disability Services  
7 Medicaid Trust Fund and used for the purposes enumerated in  
8 subsections (c) and (d) of Section 4.6 of the Community  
9 Services Act; however, under subsection (e) of Section 4.6 of  
10 the Community Services Act, the Department may set aside a  
11 portion of the net proceeds of the sale of the real estate for  
12 deposit into the Human Services Priority Capital Program Fund.  
13 The portion set aside shall be used for the purposes enumerated  
14 in Section 6z-71 of the State Finance Act.

15 (c) For purposes of this Section:

16 "Trust Fund" means the Community Developmental Disability  
17 Services Medicaid Trust Fund.

18 "Medicaid-reimbursed developmental disability services"  
19 means services provided by a community developmental  
20 disability provider under an agreement with the Department that  
21 is eligible for reimbursement under the federal Title XIX  
22 program or Title XXI program.

23 "Provider" means a qualified entity as defined in the  
24 State's Home and Community-Based Services Waiver for Persons  
25 with Developmental Disabilities that is funded by the  
26 Department to provide a Medicaid-reimbursed service.

1       ~~"Revenue maximization alternatives" do not include~~  
2       ~~increases in funds paid to the State as a result of growth in~~  
3       ~~spending through service expansion or rate increases.~~

4       (Source: P.A. 98-815, eff. 8-1-14.)

5       Section 50-15. The Rehabilitation of Persons with  
6       Disabilities Act is amended by changing Section 5b as follows:

7             (20 ILCS 2405/5b)

8       Sec. 5b. Home Services Medicaid Trust Fund.

9       (a) The Home Services Medicaid Trust Fund is hereby created  
10       as a special fund in the State treasury.

11       (b) Amounts paid to the State during each State fiscal year  
12       by the federal government under Title XIX or Title XXI of the  
13       Social Security Act for services delivered in relation to the  
14       Department's Home Services Program established pursuant to  
15       Section 3 of this Act, beginning in State fiscal year 2019 in  
16       amounts not exceeding a total of \$234,000,000 in any State  
17       fiscal year, and any interest earned thereon, shall be  
18       deposited into the Fund.

19       (c) Moneys in the Fund may be used by the Department for  
20       the purchase of services, and operational and administrative  
21       expenses, in relation to the Home Services Program.

22       (Source: P.A. 98-1004, eff. 8-18-14; 99-143, eff. 7-27-15.)

23       Section 50-20. The Illinois Emergency Management Agency

1 Act is amended by changing Sections 4 and 5 as follows:

2 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

3 Sec. 4. Definitions. As used in this Act, unless the  
4 context clearly indicates otherwise, the following words and  
5 terms have the meanings ascribed to them in this Section:

6 "Coordinator" means the staff assistant to the principal  
7 executive officer of a political subdivision with the duty of  
8 coordinating the emergency management programs of that  
9 political subdivision.

10 "Disaster" means an occurrence or threat of widespread or  
11 severe damage, injury or loss of life or property resulting  
12 from any natural or technological cause, including but not  
13 limited to fire, flood, earthquake, wind, storm, hazardous  
14 materials spill or other water contamination requiring  
15 emergency action to avert danger or damage, epidemic, air  
16 contamination, blight, extended periods of severe and  
17 inclement weather, drought, infestation, critical shortages of  
18 essential fuels and energy, explosion, riot, hostile military  
19 or paramilitary action, public health emergencies, or acts of  
20 domestic terrorism.

21 "Emergency Management" means the efforts of the State and  
22 the political subdivisions to develop, plan, analyze, conduct,  
23 provide, implement and maintain programs for disaster  
24 mitigation, preparedness, response and recovery.

25 "Emergency Services and Disaster Agency" means the agency

1 by this name, by the name Emergency Management Agency, or by  
2 any other name that is established by ordinance within a  
3 political subdivision to coordinate the emergency management  
4 program within that political subdivision and with private  
5 organizations, other political subdivisions, the State and  
6 federal governments.

7 "Emergency Operations Plan" means the written plan of the  
8 State and political subdivisions describing the organization,  
9 mission, and functions of the government and supporting  
10 services for responding to and recovering from disasters and  
11 shall include plans that take into account the needs of those  
12 individuals with household pets and service animals following a  
13 major disaster or emergency.

14 "Emergency Services" means the coordination of functions  
15 by the State and its political subdivision, other than  
16 functions for which military forces are primarily responsible,  
17 as may be necessary or proper to prevent, minimize, repair, and  
18 alleviate injury and damage resulting from any natural or  
19 technological causes. These functions include, without  
20 limitation, fire fighting services, police services, emergency  
21 aviation services, medical and health services, HazMat and  
22 technical rescue teams, rescue, engineering, warning services,  
23 communications, radiological, chemical and other special  
24 weapons defense, evacuation of persons from stricken or  
25 threatened areas, emergency assigned functions of plant  
26 protection, temporary restoration of public utility services



1 and other functions related to civilian protection, together  
2 with all other activities necessary or incidental to protecting  
3 life or property.

4 "Exercise" means a planned event realistically simulating  
5 a disaster, conducted for the purpose of evaluating the  
6 political subdivision's coordinated emergency management  
7 capabilities, including, but not limited to, testing the  
8 emergency operations plan.

9 "HazMat team" means a career or volunteer mobile support  
10 team that has been authorized by a unit of local government to  
11 respond to hazardous materials emergencies and that is  
12 primarily designed for emergency response to chemical or  
13 biological terrorism, radiological emergencies, hazardous  
14 material spills, releases, or fires, or other contamination  
15 events.

16 "Illinois Emergency Management Agency" means the agency  
17 established by this Act within the executive branch of State  
18 Government responsible for coordination of the overall  
19 emergency management program of the State and with private  
20 organizations, political subdivisions, and the federal  
21 government. Illinois Emergency Management Agency also means  
22 the State Emergency Response Commission responsible for the  
23 implementation of Title III of the Superfund Amendments and  
24 Reauthorization Act of 1986.

25 "Mobile Support Team" means a group of individuals  
26 designated as a team by the Governor or Director to train prior

1 to and to be dispatched, if the Governor or the Director so  
2 determines, to aid and reinforce the State and political  
3 subdivision emergency management efforts in response to a  
4 disaster.

5 "Municipality" means any city, village, and incorporated  
6 town.

7 "Political Subdivision" means any county, city, village,  
8 or incorporated town or township if the township is in a county  
9 having a population of more than 2,000,000.

10 "Principal Executive Officer" means chair of the county  
11 board, supervisor of a township if the township is in a county  
12 having a population of more than 2,000,000, mayor of a city or  
13 incorporated town, president of a village, or in their absence  
14 or disability, the interim successor as established under  
15 Section 7 of the Emergency Interim Executive Succession Act.

16 "Public health emergency" means an occurrence or imminent  
17 threat of an illness or health condition that:

18 (a) is believed to be caused by any of the following:

19 (i) bioterrorism;

20 (ii) the appearance of a novel or previously  
21 controlled or eradicated infectious agent or  
22 biological toxin;

23 (iii) a natural disaster;

24 (iv) a chemical attack or accidental release; or

25 (v) a nuclear attack or accident; and

26 (b) poses a high probability of any of the following

1 harms:

2 (i) a large number of deaths in the affected  
3 population;

4 (ii) a large number of serious or long-term  
5 disabilities in the affected population; or

6 (iii) widespread exposure to an infectious or  
7 toxic agent that poses a significant risk of  
8 substantial future harm to a large number of people in  
9 the affected population.

10 "Statewide mutual aid organization" means an entity with  
11 local government members throughout the State that facilitates  
12 temporary assistance through its members in a particular public  
13 safety discipline, such as police, fire or emergency  
14 management, when an occurrence exceeds a member jurisdiction's  
15 capabilities.

16 "Technical rescue team" means a career or volunteer mobile  
17 support team that has been authorized by a unit of local  
18 government to respond to building collapse, high angle rescue,  
19 and other specialized rescue emergencies and that is primarily  
20 designated for emergency response to technical rescue events.

21 (Source: P.A. 93-249, eff. 7-22-03; 94-334, eff. 1-1-06;  
22 94-1081, eff. 6-1-07.)

23 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

24 Sec. 5. Illinois Emergency Management Agency.

25 (a) There is created within the executive branch of the

1 State Government an Illinois Emergency Management Agency and a  
2 Director of the Illinois Emergency Management Agency, herein  
3 called the "Director" who shall be the head thereof. The  
4 Director shall be appointed by the Governor, with the advice  
5 and consent of the Senate, and shall serve for a term of 2  
6 years beginning on the third Monday in January of the  
7 odd-numbered year, and until a successor is appointed and has  
8 qualified; except that the term of the first Director appointed  
9 under this Act shall expire on the third Monday in January,  
10 1989. The Director shall not hold any other remunerative public  
11 office. The Director shall receive an annual salary as set by  
12 the Compensation Review Board.

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

23 (c) The Director, subject to the direction and control of  
24 the Governor, shall be the executive head of the Illinois  
25 Emergency Management Agency and the State Emergency Response  
26 Commission and shall be responsible under the direction of the

1 Governor, for carrying out the program for emergency management  
2 of this State. The Director shall also maintain liaison and  
3 cooperate with the emergency management organizations of this  
4 State and other states and of the federal government.

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

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

26 (1) the development of emergency operations plan

1 provisions for hazardous chemical emergencies; and

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

4 (f) The Illinois Emergency Management Agency shall:

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

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

12 (2.5) Develop a comprehensive emergency preparedness  
13 and response plan for any nuclear accident in accordance  
14 with Section 65 of the Department of Nuclear Safety Law of  
15 2004 (20 ILCS 3310) and in development of the Illinois  
16 Nuclear Safety Preparedness program in accordance with  
17 Section 8 of the Illinois Nuclear Safety Preparedness Act.

18 (2.6) Coordinate with the Department of Public Health  
19 with respect to planning for and responding to public  
20 health emergencies.

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

24 (4) Promulgate rules and requirements for political  
25 subdivision emergency operations plans that are not  
26 inconsistent with and are at least as stringent as

1 applicable federal laws and regulations.

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

7 (5.5) Promulgate rules and requirements for the  
8 political subdivision emergency management exercises,  
9 including, but not limited to, exercises of the emergency  
10 operations plans.

11 (5.10) Review, evaluate, and approve, in accordance  
12 with Illinois Emergency Management Agency rules, political  
13 subdivision emergency management exercises for those  
14 political subdivisions required to have an emergency  
15 services and disaster agency pursuant to this Act.

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

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

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

24 (9) Expand the Earthquake Awareness Program and its  
25 efforts to distribute earthquake preparedness materials to  
26 schools, political subdivisions, community groups, civic

1 organizations, and the media. Emphasis will be placed on  
2 those areas of the State most at risk from an earthquake.  
3 Maintain the list of all school districts, hospitals,  
4 airports, power plants, including nuclear power plants,  
5 lakes, dams, emergency response facilities of all types,  
6 and all other major public or private structures which are  
7 at the greatest risk of damage from earthquakes under  
8 circumstances where the damage would cause subsequent harm  
9 to the surrounding communities and residents.

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

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

25 (11.5) In coordination with the Department of State  
26 Police, develop and implement a community outreach program



1 to promote awareness among the State's parents and children  
2 of child abduction prevention and response.

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

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

25 (g) The Illinois Emergency Management Agency is authorized  
26 to make grants to various higher education institutions, public

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

20 (g-5) The Illinois Emergency Management Agency is  
21 authorized to make grants to not-for-profit organizations  
22 which are exempt from federal income taxation under section  
23 501(c)(3) of the Federal Internal Revenue Code for eligible  
24 security improvements that assist the organization in  
25 preventing, preparing for, or responding to acts of terrorism.  
26 The Director shall establish procedures and forms by which

1 applicants may apply for a grant, and procedures for  
2 distributing grants to recipients. The procedures shall  
3 require each applicant to do the following:

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

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

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

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

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

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

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

26 (h) Except as provided in Section 17.5 of this Act, any

1 moneys received by the Agency from donations or sponsorships  
2 shall be deposited in the Emergency Planning and Training Fund  
3 and used by the Agency, subject to appropriation, to effectuate  
4 planning and training activities.

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

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

17 (Source: P.A. 100-444, eff. 1-1-18; 100-508, eff. 9-15-17;  
18 revised 9-28-17.)

19 Section 50-25. The State Finance Act is amended by changing  
20 Sections 6z-68, 6z-71, 6z-81, 8.3, and 8.11 and adding Sections  
21 5.886 and 6z-105 as follows:

22 (30 ILCS 105/5.886 new)

23 Sec. 5.886. The VW Settlement Environmental Mitigation  
24 Fund.

1 (30 ILCS 105/6z-68)

2 Sec. 6z-68. The Intercity Passenger Rail Fund.

3 (a) The Intercity Passenger Rail Fund is created as a  
4 special fund in the State treasury. Moneys in the Fund may be  
5 used by the Department of Transportation, subject to  
6 appropriation, for the operation of intercity passenger rail  
7 services in the State through Amtrak or its successor.

8 Moneys received for the purposes of this Section,  
9 including, without limitation, income tax checkoff receipts  
10 and gifts, grants, and awards from any public or private  
11 entity, must be deposited into the Fund. Any interest earned on  
12 moneys in the Fund must be deposited into the Fund.

13 (b) At least one month before the beginning of each fiscal  
14 year, the chief operating officer of Amtrak or its successor  
15 must certify to the State Treasurer the number of Amtrak  
16 tickets sold at the State rate during that current fiscal year.

17 ~~On the first day of that next fiscal year, or as soon~~  
18 ~~thereafter as practical, the State Treasurer must transfer,~~  
19 ~~from the General Revenue Fund to the Intercity Passenger Rail~~  
20 ~~Fund, an amount equal to the tickets certified by the chief~~  
21 ~~operating officer of Amtrak multiplied by \$50.~~

22 (Source: P.A. 94-535, eff. 8-10-05.)

23 (30 ILCS 105/6z-71)

24 Sec. 6z-71. Human Services Priority Capital Program Fund.

1 The Human Services Priority Capital Program Fund is created as  
2 a special fund in the State treasury. Subject to appropriation,  
3 the Department of Human Services shall use moneys in the Human  
4 Services Priority Capital Program Fund to make grants to the  
5 Illinois Facilities Fund, a not-for-profit corporation, to  
6 make long term below market rate loans to nonprofit human  
7 service providers working under contract to the State of  
8 Illinois to assist those providers in meeting their capital  
9 needs. The loans shall be for the purpose of such capital  
10 needs, including but not limited to special use facilities,  
11 requirements for serving persons with disabilities, the  
12 mentally ill, or substance abusers, and medical and technology  
13 equipment. Loan repayments shall be deposited into the Human  
14 Services Priority Capital Program Fund. Interest income may be  
15 used to cover expenses of the program. The Illinois Facilities  
16 Fund shall report to the Department of Human Services and the  
17 General Assembly by April 1, 2008, and again by April 1, 2009,  
18 as to the use and earnings of the program.

19 A portion of the proceeds from the sale of a mental health  
20 facility or developmental disabilities facility operated by  
21 the Department of Human Services may be deposited into the Fund  
22 and may be used for the purposes described in this Section.

23 Notwithstanding any other provision of law, in addition to  
24 any other transfers that may be provided by law, on July 1,  
25 2018, or as soon thereafter as practical, the State Comptroller  
26 shall direct and the State Treasurer shall transfer the

1 remaining balance from the Human Services Priority Capital  
2 Program Fund into the General Revenue Fund. Upon completion of  
3 the transfers, the Human Services Priority Capital Program Fund  
4 is dissolved, and any future deposits due to that Fund and any  
5 outstanding obligations or liabilities of that Fund pass to the  
6 General Revenue Fund.

7 (Source: P.A. 98-815, eff. 8-1-14; 99-143, eff. 7-27-15.)

8 (30 ILCS 105/6z-81)

9 Sec. 6z-81. Healthcare Provider Relief Fund.

10 (a) There is created in the State treasury a special fund  
11 to be known as the Healthcare Provider Relief Fund.

12 (b) The Fund is created for the purpose of receiving and  
13 disbursing moneys in accordance with this Section.  
14 Disbursements from the Fund shall be made only as follows:

15 (1) Subject to appropriation, for payment by the  
16 Department of Healthcare and Family Services or by the  
17 Department of Human Services of medical bills and related  
18 expenses, including administrative expenses, for which the  
19 State is responsible under Titles XIX and XXI of the Social  
20 Security Act, the Illinois Public Aid Code, the Children's  
21 Health Insurance Program Act, the Covering ALL KIDS Health  
22 Insurance Act, and the Long Term Acute Care Hospital  
23 Quality Improvement Transfer Program Act.

24 (2) For repayment of funds borrowed from other State  
25 funds or from outside sources, including interest thereon.

1           (3) For State fiscal years 2017, ~~and~~ 2018, and 2019,  
2           for making payments to the human poison control center  
3           pursuant to Section 12-4.105 of the Illinois Public Aid  
4           Code.

5           (c) The Fund shall consist of the following:

6           (1) Moneys received by the State from short-term  
7           borrowing pursuant to the Short Term Borrowing Act on or  
8           after the effective date of Public Act 96-820 ~~this~~  
9           ~~amendatory Act of the 96th General Assembly.~~

10          (2) All federal matching funds received by the Illinois  
11          Department of Healthcare and Family Services as a result of  
12          expenditures made by the Department that are attributable  
13          to moneys deposited in the Fund.

14          (3) All federal matching funds received by the Illinois  
15          Department of Healthcare and Family Services as a result of  
16          federal approval of Title XIX State plan amendment  
17          transmittal number 07-09.

18          (4) All other moneys received for the Fund from any  
19          other source, including interest earned thereon.

20          (5) All federal matching funds received by the Illinois  
21          Department of Healthcare and Family Services as a result of  
22          expenditures made by the Department for Medical Assistance  
23          from the General Revenue Fund, the Tobacco Settlement  
24          Recovery Fund, the Long-Term Care Provider Fund, and the  
25          Drug Rebate Fund related to individuals eligible for  
26          medical assistance pursuant to the Patient Protection and



1           Affordable Care Act (P.L. 111-148) and Section 5-2 of the  
2           Illinois Public Aid Code.

3           (d) In addition to any other transfers that may be provided  
4           for by law, on the effective date of Public Act 97-44 ~~this~~  
5           ~~amendatory Act of the 97th General Assembly~~, or as soon  
6           thereafter as practical, the State Comptroller shall direct and  
7           the State Treasurer shall transfer the sum of \$365,000,000 from  
8           the General Revenue Fund into the Healthcare Provider Relief  
9           Fund.

10          (e) In addition to any other transfers that may be provided  
11          for by law, on July 1, 2011, or as soon thereafter as  
12          practical, the State Comptroller shall direct and the State  
13          Treasurer shall transfer the sum of \$160,000,000 from the  
14          General Revenue Fund to the Healthcare Provider Relief Fund.

15          (f) Notwithstanding any other State law to the contrary,  
16          and in addition to any other transfers that may be provided for  
17          by law, the State Comptroller shall order transferred and the  
18          State Treasurer shall transfer \$500,000,000 to the Healthcare  
19          Provider Relief Fund from the General Revenue Fund in equal  
20          monthly installments of \$100,000,000, with the first transfer  
21          to be made on July 1, 2012, or as soon thereafter as practical,  
22          and with each of the remaining transfers to be made on August  
23          1, 2012, September 1, 2012, October 1, 2012, and November 1,  
24          2012, or as soon thereafter as practical. This transfer may  
25          assist the Department of Healthcare and Family Services in  
26          improving Medical Assistance bill processing timeframes or in

1 meeting the possible requirements of Senate Bill 3397, or other  
2 similar legislation, of the 97th General Assembly should it  
3 become law.

4 (g) Notwithstanding any other State law to the contrary,  
5 and in addition to any other transfers that may be provided for  
6 by law, on July 1, 2013, or as soon thereafter as may be  
7 practical, the State Comptroller shall direct and the State  
8 Treasurer shall transfer the sum of \$601,000,000 from the  
9 General Revenue Fund to the Healthcare Provider Relief Fund.

10 (Source: P.A. 98-24, eff. 6-19-13; 98-463, eff. 8-16-13;  
11 99-516, eff. 6-30-16.)

12 (30 ILCS 105/6z-105 new)

13 Sec. 6z-105. The VW Settlement Environmental Mitigation  
14 Fund. The VW Settlement Environmental Mitigation Fund is  
15 created as a special fund in the State Treasury to receive  
16 moneys from the State Mitigation Trust established pursuant to  
17 the Environmental Mitigation Trust Agreement for State  
18 Beneficiaries ("Trust Agreement") pursuant to consent decrees  
19 in In re: Volkswagen "Clean Diesel" Marketing, Sales Practices,  
20 and Products Liability Litigation, MDL No. 2672 CRB (JSC) ("VW  
21 Settlement"). All funds received by the State from the State  
22 Mitigation Trust shall be deposited into the VW Settlement  
23 Environmental Mitigation Fund to be used, subject to  
24 appropriation by the General Assembly, by the Illinois  
25 Environmental Protection Agency as designated lead agency for

1 the State of Illinois, to pay for costs of eligible mitigation  
2 actions and related administrative expenditures as allowed  
3 under the VW Settlement, the Trust Agreement, and the State's  
4 Beneficiary Mitigation Plan.

5 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

6 Sec. 8.3. Money in the Road Fund shall, if and when the  
7 State of Illinois incurs any bonded indebtedness for the  
8 construction of permanent highways, be set aside and used for  
9 the purpose of paying and discharging annually the principal  
10 and interest on that bonded indebtedness then due and payable,  
11 and for no other purpose. The surplus, if any, in the Road Fund  
12 after the payment of principal and interest on that bonded  
13 indebtedness then annually due shall be used as follows:

14 first -- to pay the cost of administration of Chapters  
15 2 through 10 of the Illinois Vehicle Code, except the cost  
16 of administration of Articles I and II of Chapter 3 of that  
17 Code; and

18 secondly -- for expenses of the Department of  
19 Transportation for construction, reconstruction,  
20 improvement, repair, maintenance, operation, and  
21 administration of highways in accordance with the  
22 provisions of laws relating thereto, or for any purpose  
23 related or incident to and connected therewith, including  
24 the separation of grades of those highways with railroads  
25 and with highways and including the payment of awards made

1 by the Illinois Workers' Compensation Commission under the  
2 terms of the Workers' Compensation Act or Workers'  
3 Occupational Diseases Act for injury or death of an  
4 employee of the Division of Highways in the Department of  
5 Transportation; or for the acquisition of land and the  
6 erection of buildings for highway purposes, including the  
7 acquisition of highway right-of-way or for investigations  
8 to determine the reasonably anticipated future highway  
9 needs; or for making of surveys, plans, specifications and  
10 estimates for and in the construction and maintenance of  
11 flight strips and of highways necessary to provide access  
12 to military and naval reservations, to defense industries  
13 and defense-industry sites, and to the sources of raw  
14 materials and for replacing existing highways and highway  
15 connections shut off from general public use at military  
16 and naval reservations and defense-industry sites, or for  
17 the purchase of right-of-way, except that the State shall  
18 be reimbursed in full for any expense incurred in building  
19 the flight strips; or for the operating and maintaining of  
20 highway garages; or for patrolling and policing the public  
21 highways and conserving the peace; or for the operating  
22 expenses of the Department relating to the administration  
23 of public transportation programs; or, during fiscal year  
24 2012 only, for the purposes of a grant not to exceed  
25 \$8,500,000 to the Regional Transportation Authority on  
26 behalf of PACE for the purpose of ADA/Para-transit

1 expenses; or, during fiscal year 2013 only, for the  
2 purposes of a grant not to exceed \$3,825,000 to the  
3 Regional Transportation Authority on behalf of PACE for the  
4 purpose of ADA/Para-transit expenses; or, during fiscal  
5 year 2014 only, for the purposes of a grant not to exceed  
6 \$3,825,000 to the Regional Transportation Authority on  
7 behalf of PACE for the purpose of ADA/Para-transit  
8 expenses; or, during fiscal year 2015 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 2016 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 2017 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 2018 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 2019 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 for any of those  
26 purposes or any other purpose that may be provided by law.

1           Appropriations for any of those purposes are payable from  
2 the Road Fund. Appropriations may also be made from the Road  
3 Fund for the administrative expenses of any State agency that  
4 are related to motor vehicles or arise from the use of motor  
5 vehicles.

6           Beginning with fiscal year 1980 and thereafter, no Road  
7 Fund monies shall be appropriated to the following Departments  
8 or agencies of State government for administration, grants, or  
9 operations; but this limitation is not a restriction upon  
10 appropriating for those purposes any Road Fund monies that are  
11 eligible for federal reimbursement: †

12           1. Department of Public Health;

13           2. Department of Transportation, only with respect to  
14 subsidies for one-half fare Student Transportation and  
15 Reduced Fare for Elderly, except during fiscal year 2012  
16 only when no more than \$40,000,000 may be expended and  
17 except during fiscal year 2013 only when no more than  
18 \$17,570,300 may be expended and except during fiscal year  
19 2014 only when no more than \$17,570,000 may be expended and  
20 except during fiscal year 2015 only when no more than  
21 \$17,570,000 may be expended and except during fiscal year  
22 2016 only when no more than \$17,570,000 may be expended and  
23 except during fiscal year 2017 only when no more than  
24 \$17,570,000 may be expended and except during fiscal year  
25 2018 only when no more than \$17,570,000 may be expended and  
26 except during fiscal year 2019 only when no more than

1       \$17,570,000 may be expended;

2             3. Department of Central Management Services, except  
3       for expenditures incurred for group insurance premiums of  
4       appropriate personnel;

5             4. Judicial Systems and Agencies.

6       Beginning with fiscal year 1981 and thereafter, no Road  
7       Fund monies shall be appropriated to the following Departments  
8       or agencies of State government for administration, grants, or  
9       operations; but this limitation is not a restriction upon  
10      appropriating for those purposes any Road Fund monies that are  
11      eligible for federal reimbursement:

12            1. Department of State Police, except for expenditures  
13      with respect to the Division of Operations;

14            2. Department of Transportation, only with respect to  
15      Intercity Rail Subsidies, except during fiscal year 2012  
16      only when no more than \$40,000,000 may be expended and  
17      except during fiscal year 2013 only when no more than  
18      \$26,000,000 may be expended and except during fiscal year  
19      2014 only when no more than \$38,000,000 may be expended and  
20      except during fiscal year 2015 only when no more than  
21      \$42,000,000 may be expended and except during fiscal year  
22      2016 only when no more than \$38,300,000 may be expended and  
23      except during fiscal year 2017 only when no more than  
24      \$50,000,000 may be expended and except during fiscal year  
25      2018 only when no more than \$52,000,000 may be expended and  
26      except during fiscal year 2019 only when no more than

1           \$52,000,000 may be expended, and Rail Freight Services.

2           Beginning with fiscal year 1982 and thereafter, no Road  
3 Fund monies shall be appropriated to the following Departments  
4 or agencies of State government for administration, grants, or  
5 operations; but this limitation is not a restriction upon  
6 appropriating for those purposes any Road Fund monies that are  
7 eligible for federal reimbursement: Department of Central  
8 Management Services, except for awards made by the Illinois  
9 Workers' Compensation Commission under the terms of the  
10 Workers' Compensation Act or Workers' Occupational Diseases  
11 Act for injury or death of an employee of the Division of  
12 Highways in the Department of Transportation.

13           Beginning with fiscal year 1984 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 not more than 40%  
20           of the funds appropriated for the Division of Operations;  
21           2. State Officers.

22           Beginning with fiscal year 1984 and thereafter, no Road  
23 Fund monies shall be appropriated to any Department or agency  
24 of State government for administration, grants, or operations  
25 except as provided hereafter; but this limitation is not a  
26 restriction upon appropriating for those purposes any Road Fund



1 monies that are eligible for federal reimbursement. It shall  
2 not be lawful to circumvent the above appropriation limitations  
3 by governmental reorganization or other methods.  
4 Appropriations shall be made from the Road Fund only in  
5 accordance with the provisions of this Section.

6 Money in the Road Fund shall, if and when the State of  
7 Illinois incurs any bonded indebtedness for the construction of  
8 permanent highways, be set aside and used for the purpose of  
9 paying and discharging during each fiscal year the principal  
10 and interest on that bonded indebtedness as it becomes due and  
11 payable as provided in the Transportation Bond Act, and for no  
12 other purpose. The surplus, if any, in the Road Fund after the  
13 payment of principal and interest on that bonded indebtedness  
14 then annually due shall be used as follows:

15 first -- to pay the cost of administration of Chapters  
16 2 through 10 of the Illinois Vehicle Code; and

17 secondly -- no Road Fund monies derived from fees,  
18 excises, or license taxes relating to registration,  
19 operation and use of vehicles on public highways or to  
20 fuels used for the propulsion of those vehicles, shall be  
21 appropriated or expended other than for costs of  
22 administering the laws imposing those fees, excises, and  
23 license taxes, statutory refunds and adjustments allowed  
24 thereunder, administrative costs of the Department of  
25 Transportation, including, but not limited to, the  
26 operating expenses of the Department relating to the

1 administration of public transportation programs, payment  
2 of debts and liabilities incurred in construction and  
3 reconstruction of public highways and bridges, acquisition  
4 of rights-of-way for and the cost of construction,  
5 reconstruction, maintenance, repair, and operation of  
6 public highways and bridges under the direction and  
7 supervision of the State, political subdivision, or  
8 municipality collecting those monies, or during fiscal  
9 year 2012 only for the purposes of a grant not to exceed  
10 \$8,500,000 to the Regional Transportation Authority on  
11 behalf of PACE for the purpose of ADA/Para-transit  
12 expenses, or during fiscal year 2013 only for the purposes  
13 of a grant not to exceed \$3,825,000 to the Regional  
14 Transportation Authority on behalf of PACE for the purpose  
15 of ADA/Para-transit expenses, or during fiscal year 2014  
16 only for the purposes of a grant not to exceed \$3,825,000  
17 to the Regional Transportation Authority on behalf of PACE  
18 for the purpose of ADA/Para-transit expenses, or during  
19 fiscal year 2015 only for the purposes of a grant not to  
20 exceed \$3,825,000 to the Regional Transportation Authority  
21 on behalf of PACE for the purpose of ADA/Para-transit  
22 expenses, or during fiscal year 2016 only for the purposes  
23 of a grant not to exceed \$3,825,000 to the Regional  
24 Transportation Authority on behalf of PACE for the purpose  
25 of ADA/Para-transit expenses, or during fiscal year 2017  
26 only for the purposes of a grant not to exceed \$3,825,000

1 to the Regional Transportation Authority on behalf of PACE  
2 for the purpose of ADA/Para-transit expenses, or during  
3 fiscal year 2018 only for the purposes of a grant not to  
4 exceed \$3,825,000 to the Regional Transportation Authority  
5 on behalf of PACE for the purpose of ADA/Para-transit  
6 expenses, or during fiscal year 2019 only for the purposes  
7 of a grant not to exceed \$3,825,000 to the Regional  
8 Transportation Authority on behalf of PACE for the purpose  
9 of ADA/Para-transit expenses, and the costs for patrolling  
10 and policing the public highways (by State, political  
11 subdivision, or municipality collecting that money) for  
12 enforcement of traffic laws. The separation of grades of  
13 such highways with railroads and costs associated with  
14 protection of at-grade highway and railroad crossing shall  
15 also be permissible.

16 Appropriations for any of such purposes are payable from  
17 the Road Fund or the Grade Crossing Protection Fund as provided  
18 in Section 8 of the Motor Fuel Tax Law.

19 Except as provided in this paragraph, beginning with fiscal  
20 year 1991 and thereafter, no Road Fund monies shall be  
21 appropriated to the Department of State Police for the purposes  
22 of this Section in excess of its total fiscal year 1990 Road  
23 Fund appropriations for those purposes unless otherwise  
24 provided in Section 5g of this Act. For fiscal years 2003,  
25 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
26 appropriated to the Department of State Police for the purposes

1 of this Section in excess of \$97,310,000. For fiscal year 2008  
2 only, no Road Fund monies shall be appropriated to the  
3 Department of State Police for the purposes of this Section in  
4 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund  
5 monies shall be appropriated to the Department of State Police  
6 for the purposes of this Section in excess of \$114,700,000.  
7 Beginning in fiscal year 2010, no road fund moneys shall be  
8 appropriated to the Department of State Police. It shall not be  
9 lawful to circumvent this limitation on appropriations by  
10 governmental reorganization or other methods unless otherwise  
11 provided in Section 5g of this Act.

12 In fiscal year 1994, no Road Fund monies shall be  
13 appropriated to the Secretary of State for the purposes of this  
14 Section in excess of the total fiscal year 1991 Road Fund  
15 appropriations to the Secretary of State for those purposes,  
16 plus \$9,800,000. It shall not be lawful to circumvent this  
17 limitation on appropriations by governmental reorganization or  
18 other method.

19 Beginning with fiscal year 1995 and thereafter, no Road  
20 Fund monies shall be appropriated to the Secretary of State for  
21 the purposes of this Section in excess of the total fiscal year  
22 1994 Road Fund appropriations to the Secretary of State for  
23 those purposes. It shall not be lawful to circumvent this  
24 limitation on appropriations by governmental reorganization or  
25 other methods.

26 Beginning with fiscal year 2000, total Road Fund

1 appropriations to the Secretary of State for the purposes of  
2 this Section shall not exceed the amounts specified for the  
3 following fiscal years:

4	Fiscal Year 2000	\$80,500,000;
5	Fiscal Year 2001	\$80,500,000;
6	Fiscal Year 2002	\$80,500,000;
7	Fiscal Year 2003	\$130,500,000;
8	Fiscal Year 2004	\$130,500,000;
9	Fiscal Year 2005	\$130,500,000;
10	Fiscal Year 2006	\$130,500,000;
11	Fiscal Year 2007	\$130,500,000;
12	Fiscal Year 2008	\$130,500,000;
13	Fiscal Year 2009	\$130,500,000.

14 For fiscal year 2010, no road fund moneys shall be  
15 appropriated to the Secretary of State.

16 Beginning in fiscal year 2011, moneys in the Road Fund  
17 shall be appropriated to the Secretary of State for the  
18 exclusive purpose of paying refunds due to overpayment of fees  
19 related to Chapter 3 of the Illinois Vehicle Code unless  
20 otherwise provided for by law.

21 It shall not be lawful to circumvent this limitation on  
22 appropriations by governmental reorganization or other  
23 methods.

24 No new program may be initiated in fiscal year 1991 and  
25 thereafter that is not consistent with the limitations imposed  
26 by this Section for fiscal year 1984 and thereafter, insofar as

1 appropriation of Road Fund monies is concerned.

2 Nothing in this Section prohibits transfers from the Road  
3 Fund to the State Construction Account Fund under Section 5e of  
4 this Act; nor to the General Revenue Fund, as authorized by  
5 Public Act 93-25 ~~this amendatory Act of the 93rd General~~  
6 ~~Assembly.~~

7 The additional amounts authorized for expenditure in this  
8 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
9 shall be repaid to the Road Fund from the General Revenue Fund  
10 in the next succeeding fiscal year that the General Revenue  
11 Fund has a positive budgetary balance, as determined by  
12 generally accepted accounting principles applicable to  
13 government.

14 The additional amounts authorized for expenditure by the  
15 Secretary of State and the Department of State Police in this  
16 Section by Public Act 94-91 ~~this amendatory Act of the 94th~~  
17 ~~General Assembly~~ shall be repaid to the Road Fund from the  
18 General Revenue Fund in the next succeeding fiscal year that  
19 the General Revenue Fund has a positive budgetary balance, as  
20 determined by generally accepted accounting principles  
21 applicable to government.

22 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17;  
23 revised 10-11-17.)

24 (30 ILCS 105/8.11) (from Ch. 127, par. 144.11)

25 Sec. 8.11. Except as otherwise provided in this Section,

1 appropriations from the State Parks Fund shall be made only to  
2 the Department of Natural Resources and shall, except for the  
3 additional moneys deposited under Section 805-550 of the  
4 Department of Natural Resources (Conservation) Law of the Civil  
5 Administrative Code of Illinois, be used only for the  
6 maintenance, development, operation, control and acquisition  
7 of State parks and historic sites.

8 Revenues derived from the Illinois and Michigan Canal from  
9 the sale of Canal lands, lease of Canal lands, Canal  
10 concessions, and other Canal activities, which have been placed  
11 in the State Parks Fund may be appropriated to the Department  
12 of Natural Resources for that Department to use, either  
13 independently or in cooperation with any Department or Agency  
14 of the Federal or State Government or any political subdivision  
15 thereof for the development and management of the Canal and its  
16 adjacent lands as outlined in the master plan for such  
17 development and management.

18 (Source: P.A. 96-1160, eff. 1-1-11.)

19 (30 ILCS 105/5.703 rep.)

20 Section 50-30. The State Finance Act is amended by  
21 repealing Section 5.703.

22 Section 50-40. The State Prompt Payment Act is amended by  
23 adding Section 3-6 as follows:

1 (30 ILCS 540/3-6 new)

2 Sec. 3-6. Federal funds; lack of authority. If an agency  
3 incurs an interest liability under this Act that cannot be  
4 charged to the same expenditure authority account to which the  
5 related goods or services were charged due to federal  
6 prohibitions, the agency is authorized to pay the interest from  
7 its available appropriations from the General Revenue Fund.

8 Section 50-45. The Illinois Coal Technology Development  
9 Assistance Act is amended by changing Section 3 as follows:

10 (30 ILCS 730/3) (from Ch. 96 1/2, par. 8203)

11 Sec. 3. Transfers to Coal Technology Development  
12 Assistance Fund.

13 (a) As soon as may be practicable after the first day of  
14 each month, the Department of Revenue shall certify to the  
15 Treasurer an amount equal to 1/64 of the revenue realized from  
16 the tax imposed by the Electricity Excise Tax Law, Section 2 of  
17 the Public Utilities Revenue Act, Section 2 of the Messages Tax  
18 Act, and Section 2 of the Gas Revenue Tax Act, during the  
19 preceding month. Upon receipt of the certification, the  
20 Treasurer shall transfer the amount shown on such certification  
21 from the General Revenue Fund to the Coal Technology  
22 Development Assistance Fund, which is hereby created as a  
23 special fund in the State treasury, except that no transfer  
24 shall be made in any month in which the Fund has reached the



1 following balance:

2 (1) \$7,000,000 during fiscal year 1994.

3 (2) \$8,500,000 during fiscal year 1995.

4 (3) \$10,000,000 during fiscal years 1996 and 1997.

5 (4) During fiscal year 1998 through fiscal year 2004,  
6 an amount equal to the sum of \$10,000,000 plus additional  
7 moneys deposited into the Coal Technology Development  
8 Assistance Fund from the Renewable Energy Resources and  
9 Coal Technology Development Assistance Charge under  
10 Section 6.5 of the Renewable Energy, Energy Efficiency, and  
11 Coal Resources Development Law of 1997.

12 (5) During fiscal year 2005, an amount equal to the sum  
13 of \$7,000,000 plus additional moneys deposited into the  
14 Coal Technology Development Assistance Fund from the  
15 Renewable Energy Resources and Coal Technology Development  
16 Assistance Charge under Section 6.5 of the Renewable  
17 Energy, Energy Efficiency, and Coal Resources Development  
18 Law of 1997.

19 (6) During fiscal year 2006 and each fiscal year  
20 thereafter, an amount equal to the sum of \$10,000,000 plus  
21 additional moneys deposited into the Coal Technology  
22 Development Assistance Fund from the Renewable Energy  
23 Resources and Coal Technology Development Assistance  
24 Charge under Section 6.5 of the Renewable Energy, Energy  
25 Efficiency, and Coal Resources Development Law of 1997.

26 (b) During fiscal year 2019 only, the Treasurer shall make

1 no transfers from the General Revenue Fund to the Coal  
2 Technology Development Assistance Fund.

3 (Source: P.A. 99-78, eff. 7-20-15.)

4 Section 50-50. The Illinois Public Aid Code is amended by  
5 changing Section 12-5 as follows:

6 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

7 Sec. 12-5. Appropriations; uses; federal grants; report to  
8 General Assembly. From the sums appropriated by the General  
9 Assembly, the Illinois Department shall order for payment by  
10 warrant from the State Treasury grants for public aid under  
11 Articles III, IV, and V, including grants for funeral and  
12 burial expenses, and all costs of administration of the  
13 Illinois Department and the County Departments relating  
14 thereto. Moneys appropriated to the Illinois Department for  
15 public aid under Article VI may be used, with the consent of  
16 the Governor, to co-operate with federal, State, and local  
17 agencies in the development of work projects designed to  
18 provide suitable employment for persons receiving public aid  
19 under Article VI. The Illinois Department, with the consent of  
20 the Governor, may be the agent of the State for the receipt and  
21 disbursement of federal funds or commodities for public aid  
22 purposes under Article VI and for related purposes in which the  
23 co-operation of the Illinois Department is sought by the  
24 federal government, and, in connection therewith, may make

1 necessary expenditures from moneys appropriated for public aid  
2 under any Article of this Code and for administration. The  
3 Illinois Department, with the consent of the Governor, may be  
4 the agent of the State for the receipt and disbursement of  
5 federal funds pursuant to the Immigration Reform and Control  
6 Act of 1986 and may make necessary expenditures from monies  
7 appropriated to it for operations, administration, and grants,  
8 including payment to the Health Insurance Reserve Fund for  
9 group insurance costs at the rate certified by the Department  
10 of Central Management Services. All amounts received by the  
11 Illinois Department pursuant to the Immigration Reform and  
12 Control Act of 1986 shall be deposited in the Immigration  
13 Reform and Control Fund. All amounts received into the  
14 Immigration Reform and Control Fund as reimbursement for  
15 expenditures from the General Revenue Fund shall be transferred  
16 to the General Revenue Fund.

17 All grants received by the Illinois Department for programs  
18 funded by the Federal Social Services Block Grant shall be  
19 deposited in the Social Services Block Grant Fund. All funds  
20 received into the Social Services Block Grant Fund as  
21 reimbursement for expenditures from the General Revenue Fund  
22 shall be transferred to the General Revenue Fund. All funds  
23 received into the Social Services Block Grant fund for  
24 reimbursement for expenditure out of the Local Initiative Fund  
25 shall be transferred into the Local Initiative Fund. Any other  
26 federal funds received into the Social Services Block Grant

1 Fund shall be transferred to the DHS Special Purposes Trust  
2 Fund. All federal funds received by the Illinois Department as  
3 reimbursement for Employment and Training Programs for  
4 expenditures made by the Illinois Department from grants,  
5 gifts, or legacies as provided in Section 12-4.18 or made by an  
6 entity other than the Illinois Department and all federal funds  
7 received from the Emergency Contingency Fund for State  
8 Temporary Assistance for Needy Families Programs established  
9 by the American Recovery and Reinvestment Act of 2009 shall be  
10 deposited into the Employment and Training Fund.

11 During each State fiscal year, an amount not exceeding a  
12 total of \$68,800,000 ~~Eighty percent~~ of the federal ~~financial~~  
13 ~~participation~~ funds received by the Illinois Department under  
14 the provisions of Title IV-A of the federal Social Security Act  
15 ~~Emergency Assistance program as reimbursement for expenditures~~  
16 ~~made from the Illinois Department of Children and Family~~  
17 ~~Services appropriations for the costs of providing services in~~  
18 ~~behalf of Department of Children and Family Services clients~~  
19 shall be deposited into the DCFS Children's Services Fund.

20 All federal funds, except those covered by the foregoing 3  
21 paragraphs, received as reimbursement for expenditures from  
22 the General Revenue Fund shall be deposited in the General  
23 Revenue Fund for administrative and distributive expenditures  
24 properly chargeable by federal law or regulation to aid  
25 programs established under Articles III through XII and Titles  
26 IV, XVI, XIX and XX of the Federal Social Security Act. Any

1 other federal funds received by the Illinois Department under  
2 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
3 Section 12-10 of this Code to be paid into the DHS Special  
4 Purposes Trust Fund shall be deposited into the DHS Special  
5 Purposes Trust Fund. Any other federal funds received by the  
6 Illinois Department pursuant to the Child Support Enforcement  
7 Program established by Title IV-D of the Social Security Act  
8 shall be deposited in the Child Support Enforcement Trust Fund  
9 as required under Section 12-10.2 or in the Child Support  
10 Administrative Fund as required under Section 12-10.2a of this  
11 Code. Any other federal funds received by the Illinois  
12 Department for expenditures made under Title XIX of the Social  
13 Security Act and Articles V and VI of this Code that are  
14 required by Section 15-2 of this Code to be paid into the  
15 County Provider Trust Fund shall be deposited into the County  
16 Provider Trust Fund. Any other federal funds received by the  
17 Illinois Department for hospital inpatient, hospital  
18 ambulatory care, and disproportionate share hospital  
19 expenditures made under Title XIX of the Social Security Act  
20 and Article V of this Code that are required by Section 5A-8 of  
21 this Code to be paid into the Hospital Provider Fund shall be  
22 deposited into the Hospital Provider Fund. Any other federal  
23 funds received by the Illinois Department for medical  
24 assistance program expenditures made under Title XIX of the  
25 Social Security Act and Article V of this Code that are  
26 required by Section 5B-8 of this Code to be paid into the

1 Long-Term Care Provider Fund shall be deposited into the  
2 Long-Term Care Provider Fund. Any other federal funds received  
3 by the Illinois Department for medical assistance program  
4 expenditures made under Title XIX of the Social Security Act  
5 and Article V of this Code that are required by Section 5C-7 of  
6 this Code to be paid into the Care Provider Fund for Persons  
7 with a Developmental Disability shall be deposited into the  
8 Care Provider Fund for Persons with a Developmental Disability.  
9 Any other federal funds received by the Illinois Department for  
10 trauma center adjustment payments that are required by Section  
11 5-5.03 of this Code and made under Title XIX of the Social  
12 Security Act and Article V of this Code shall be deposited into  
13 the Trauma Center Fund. Any other federal funds received by the  
14 Illinois Department as reimbursement for expenses for early  
15 intervention services paid from the Early Intervention  
16 Services Revolving Fund shall be deposited into that Fund.

17 The Illinois Department shall report to the General  
18 Assembly at the end of each fiscal quarter the amount of all  
19 funds received and paid into the Social Services Block Grant  
20 Fund and the Local Initiative Fund and the expenditures and  
21 transfers of such funds for services, programs and other  
22 purposes authorized by law. Such report shall be filed with the  
23 Speaker, Minority Leader and Clerk of the House, with the  
24 President, Minority Leader and Secretary of the Senate, with  
25 the Chairmen of the House and Senate Appropriations Committees,  
26 the House Human Resources Committee and the Senate Public

1 Health, Welfare and Corrections Committee, or the successor  
2 standing Committees of each as provided by the rules of the  
3 House and Senate, respectively, with the Legislative Research  
4 Unit and with the State Government Report Distribution Center  
5 for the General Assembly as is required under paragraph (t) of  
6 Section 7 of the State Library Act shall be deemed sufficient  
7 to comply with this Section.

8 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15;  
9 99-933, Article 5, Section 5-130, eff. 1-27-17; 99-933, Article  
10 15, Section 15-50, eff. 1-27-17; revised 2-15-17.)

11 Section 50-55. The Environmental Protection Act is amended  
12 by changing Sections 22.15, 55.6, and 57.11 as follows:

13 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

14 Sec. 22.15. Solid Waste Management Fund; fees.

15 (a) There is hereby created within the State Treasury a  
16 special fund to be known as the "Solid Waste Management Fund",  
17 to be constituted from the fees collected by the State pursuant  
18 to this Section, from repayments of loans made from the Fund  
19 for solid waste projects, from registration fees collected  
20 pursuant to the Consumer Electronics Recycling Act, and from  
21 amounts transferred into the Fund pursuant to Public Act  
22 100-433 ~~this amendatory Act of the 100th General Assembly.~~  
23 Moneys received by the Department of Commerce and Economic  
24 Opportunity in repayment of loans made pursuant to the Illinois

1 Solid Waste Management Act shall be deposited into the General  
2 Revenue Fund.

3 (b) The Agency shall assess and collect a fee in the amount  
4 set forth herein from the owner or operator of each sanitary  
5 landfill permitted or required to be permitted by the Agency to  
6 dispose of solid waste if the sanitary landfill is located off  
7 the site where such waste was produced and if such sanitary  
8 landfill is owned, controlled, and operated by a person other  
9 than the generator of such waste. The Agency shall deposit all  
10 fees collected into the Solid Waste Management Fund. If a site  
11 is contiguous to one or more landfills owned or operated by the  
12 same person, the volumes permanently disposed of by each  
13 landfill shall be combined for purposes of determining the fee  
14 under this subsection. Beginning on July 1, 2018, and on the  
15 first day of each month thereafter during fiscal year 2019, the  
16 State Comptroller shall direct and State Treasurer shall  
17 transfer an amount equal to 1/12 of \$5,000,000 per fiscal year  
18 from the Solid Waste Management Fund to the General Revenue  
19 Fund.

20 (1) If more than 150,000 cubic yards of non-hazardous  
21 solid waste is permanently disposed of at a site in a  
22 calendar year, the owner or operator shall either pay a fee  
23 of 95 cents per cubic yard or, alternatively, the owner or  
24 operator may weigh the quantity of the solid waste  
25 permanently disposed of with a device for which  
26 certification has been obtained under the Weights and



1 Measures Act and pay a fee of \$2.00 per ton of solid waste  
2 permanently disposed of. In no case shall the fee collected  
3 or paid by the owner or operator under this paragraph  
4 exceed \$1.55 per cubic yard or \$3.27 per ton.

5 (2) If more than 100,000 cubic yards but not more than  
6 150,000 cubic yards of non-hazardous waste is permanently  
7 disposed of at a site in a calendar year, the owner or  
8 operator shall pay a fee of \$52,630.

9 (3) If more than 50,000 cubic yards but not more than  
10 100,000 cubic yards of non-hazardous solid waste is  
11 permanently disposed of at a site in a calendar year, the  
12 owner or operator shall pay a fee of \$23,790.

13 (4) If more than 10,000 cubic yards but not more than  
14 50,000 cubic yards of non-hazardous solid waste is  
15 permanently disposed of at a site in a calendar year, the  
16 owner or operator shall pay a fee of \$7,260.

17 (5) If not more than 10,000 cubic yards of  
18 non-hazardous solid waste is permanently disposed of at a  
19 site in a calendar year, the owner or operator shall pay a  
20 fee of \$1050.

21 (c) (Blank).

22 (d) The Agency shall establish rules relating to the  
23 collection of the fees authorized by this Section. Such rules  
24 shall include, but not be limited to:

25 (1) necessary records identifying the quantities of  
26 solid waste received or disposed;

1           (2) the form and submission of reports to accompany the  
2           payment of fees to the Agency;

3           (3) the time and manner of payment of fees to the  
4           Agency, which payments shall not be more often than  
5           quarterly; and

6           (4) procedures setting forth criteria establishing  
7           when an owner or operator may measure by weight or volume  
8           during any given quarter or other fee payment period.

9           (e) Pursuant to appropriation, all monies in the Solid  
10          Waste Management Fund shall be used by the Agency and the  
11          Department of Commerce and Economic Opportunity for the  
12          purposes set forth in this Section and in the Illinois Solid  
13          Waste Management Act, including for the costs of fee collection  
14          and administration, and for the administration of (1) the  
15          Consumer Electronics Recycling Act and (2) until January 1,  
16          2020, the Electronic Products Recycling and Reuse Act.

17          (f) The Agency is authorized to enter into such agreements  
18          and to promulgate such rules as are necessary to carry out its  
19          duties under this Section and the Illinois Solid Waste  
20          Management Act.

21          (g) On the first day of January, April, July, and October  
22          of each year, beginning on July 1, 1996, the State Comptroller  
23          and Treasurer shall transfer \$500,000 from the Solid Waste  
24          Management Fund to the Hazardous Waste Fund. Moneys transferred  
25          under this subsection (g) shall be used only for the purposes  
26          set forth in item (1) of subsection (d) of Section 22.2.

1           (h) The Agency is authorized to provide financial  
2 assistance to units of local government for the performance of  
3 inspecting, investigating and enforcement activities pursuant  
4 to Section 4(r) at nonhazardous solid waste disposal sites.

5           (i) The Agency is authorized to conduct household waste  
6 collection and disposal programs.

7           (j) A unit of local government, as defined in the Local  
8 Solid Waste Disposal Act, in which a solid waste disposal  
9 facility is located may establish a fee, tax, or surcharge with  
10 regard to the permanent disposal of solid waste. All fees,  
11 taxes, and surcharges collected under this subsection shall be  
12 utilized for solid waste management purposes, including  
13 long-term monitoring and maintenance of landfills, planning,  
14 implementation, inspection, enforcement and other activities  
15 consistent with the Solid Waste Management Act and the Local  
16 Solid Waste Disposal Act, or for any other environment-related  
17 purpose, including but not limited to an environment-related  
18 public works project, but not for the construction of a new  
19 pollution control facility other than a household hazardous  
20 waste facility. However, the total fee, tax or surcharge  
21 imposed by all units of local government under this subsection  
22 (j) upon the solid waste disposal facility shall not exceed:

23           (1) 60¢ per cubic yard if more than 150,000 cubic yards  
24 of non-hazardous solid waste is permanently disposed of at  
25 the site in a calendar year, unless the owner or operator  
26 weighs the quantity of the solid waste received with a

1 device for which certification has been obtained under the  
2 Weights and Measures Act, in which case the fee shall not  
3 exceed \$1.27 per ton of solid waste permanently disposed  
4 of.

5 (2) \$33,350 if more than 100,000 cubic yards, but not  
6 more than 150,000 cubic yards, of non-hazardous waste is  
7 permanently disposed of at the site in a calendar year.

8 (3) \$15,500 if more than 50,000 cubic yards, but not  
9 more than 100,000 cubic yards, of non-hazardous solid waste  
10 is permanently disposed of at the site in a calendar year.

11 (4) \$4,650 if more than 10,000 cubic yards, but not  
12 more than 50,000 cubic yards, of non-hazardous solid waste  
13 is permanently disposed of at the site in a calendar year.

14 (5) ~~5~~\$650 if not more than 10,000 cubic yards of  
15 non-hazardous solid waste is permanently disposed of at the  
16 site in a calendar year.

17 The corporate authorities of the unit of local government  
18 may use proceeds from the fee, tax, or surcharge to reimburse a  
19 highway commissioner whose road district lies wholly or  
20 partially within the corporate limits of the unit of local  
21 government for expenses incurred in the removal of  
22 nonhazardous, nonfluid municipal waste that has been dumped on  
23 public property in violation of a State law or local ordinance.

24 A county or Municipal Joint Action Agency that imposes a  
25 fee, tax, or surcharge under this subsection may use the  
26 proceeds thereof to reimburse a municipality that lies wholly

1 or partially within its boundaries for expenses incurred in the  
2 removal of nonhazardous, nonfluid municipal waste that has been  
3 dumped on public property in violation of a State law or local  
4 ordinance.

5 If the fees are to be used to conduct a local sanitary  
6 landfill inspection or enforcement program, the unit of local  
7 government must enter into a written delegation agreement with  
8 the Agency pursuant to subsection (r) of Section 4. The unit of  
9 local government and the Agency shall enter into such a written  
10 delegation agreement within 60 days after the establishment of  
11 such fees. At least annually, the Agency shall conduct an audit  
12 of the expenditures made by units of local government from the  
13 funds granted by the Agency to the units of local government  
14 for purposes of local sanitary landfill inspection and  
15 enforcement programs, to ensure that the funds have been  
16 expended for the prescribed purposes under the grant.

17 The fees, taxes or surcharges collected under this  
18 subsection (j) shall be placed by the unit of local government  
19 in a separate fund, and the interest received on the moneys in  
20 the fund shall be credited to the fund. The monies in the fund  
21 may be accumulated over a period of years to be expended in  
22 accordance with this subsection.

23 A unit of local government, as defined in the Local Solid  
24 Waste Disposal Act, shall prepare and distribute to the Agency,  
25 in April of each year, a report that details spending plans for  
26 monies collected in accordance with this subsection. The report

1 will at a minimum include the following:

2 (1) The total monies collected pursuant to this  
3 subsection.

4 (2) The most current balance of monies collected  
5 pursuant to this subsection.

6 (3) An itemized accounting of all monies expended for  
7 the previous year pursuant to this subsection.

8 (4) An estimation of monies to be collected for the  
9 following 3 years pursuant to this subsection.

10 (5) A narrative detailing the general direction and  
11 scope of future expenditures for one, 2 and 3 years.

12 The exemptions granted under Sections 22.16 and 22.16a, and  
13 under subsection (k) of this Section, shall be applicable to  
14 any fee, tax or surcharge imposed under this subsection (j);  
15 except that the fee, tax or surcharge authorized to be imposed  
16 under this subsection (j) may be made applicable by a unit of  
17 local government to the permanent disposal of solid waste after  
18 December 31, 1986, under any contract lawfully executed before  
19 June 1, 1986 under which more than 150,000 cubic yards (or  
20 50,000 tons) of solid waste is to be permanently disposed of,  
21 even though the waste is exempt from the fee imposed by the  
22 State under subsection (b) of this Section pursuant to an  
23 exemption granted under Section 22.16.

24 (k) In accordance with the findings and purposes of the  
25 Illinois Solid Waste Management Act, beginning January 1, 1989  
26 the fee under subsection (b) and the fee, tax or surcharge

1 under subsection (j) shall not apply to:

2 (1) waste ~~Waste~~ which is hazardous waste; ~~or~~

3 (2) waste ~~Waste~~ which is pollution control waste; ~~or~~

4 (3) waste ~~Waste~~ from recycling, reclamation or reuse  
5 processes which have been approved by the Agency as being  
6 designed to remove any contaminant from wastes so as to  
7 render such wastes reusable, provided that the process  
8 renders at least 50% of the waste reusable; ~~or~~

9 (4) non-hazardous ~~Non-hazardous~~ solid waste that is  
10 received at a sanitary landfill and composted or recycled  
11 through a process permitted by the Agency; or

12 (5) any ~~Any~~ landfill which is permitted by the Agency  
13 to receive only demolition or construction debris or  
14 landscape waste.

15 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;  
16 revised 9-29-17.)

17 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

18 Sec. 55.6. Used Tire Management Fund.

19 (a) There is hereby created in the State Treasury a special  
20 fund to be known as the Used Tire Management Fund. There shall  
21 be deposited into the Fund all monies received as (1) recovered  
22 costs or proceeds from the sale of used tires under Section  
23 55.3 of this Act, (2) repayment of loans from the Used Tire  
24 Management Fund, or (3) penalties or punitive damages for  
25 violations of this Title, except as provided by subdivision

1 (b) (4) or (b) (4-5) of Section 42.

2 (b) Beginning January 1, 1992, in addition to any other  
3 fees required by law, the owner or operator of each site  
4 required to be registered or permitted under subsection (d) or  
5 (d-5) of Section 55 shall pay to the Agency an annual fee of  
6 \$100. Fees collected under this subsection shall be deposited  
7 into the Environmental Protection Permit and Inspection Fund.

8 (c) Pursuant to appropriation, monies up to an amount of \$4  
9 million per fiscal year from the Used Tire Management Fund  
10 shall be allocated as follows:

11 (1) 38% shall be available to the Agency for the  
12 following purposes, provided that priority shall be given  
13 to item (i):

14 (i) To undertake preventive, corrective or removal  
15 action as authorized by and in accordance with Section  
16 55.3, and to recover costs in accordance with Section  
17 55.3.

18 (ii) For the performance of inspection and  
19 enforcement activities for used and waste tire sites.

20 (iii) (Blank).

21 (iv) To provide financial assistance to units of  
22 local government for the performance of inspecting,  
23 investigating and enforcement activities pursuant to  
24 subsection (r) of Section 4 at used and waste tire  
25 sites.

26 (v) To provide financial assistance for used and



1 waste tire collection projects sponsored by local  
2 government or not-for-profit corporations.

3 (vi) For the costs of fee collection and  
4 administration relating to used and waste tires, and to  
5 accomplish such other purposes as are authorized by  
6 this Act and regulations thereunder.

7 (vii) To provide financial assistance to units of  
8 local government and private industry for the purposes  
9 of:

10 (A) assisting in the establishment of  
11 facilities and programs to collect, process, and  
12 utilize used and waste tires and tire-derived  
13 materials;

14 (B) demonstrating the feasibility of  
15 innovative technologies as a means of collecting,  
16 storing, processing, and utilizing used and waste  
17 tires and tire-derived materials; and

18 (C) applying demonstrated technologies as a  
19 means of collecting, storing, processing, and  
20 utilizing used and waste tires and tire-derived  
21 materials.

22 (2) For fiscal years beginning prior to July 1, 2004,  
23 23% shall be available to the Department of Commerce and  
24 Economic Opportunity for the following purposes, provided  
25 that priority shall be given to item (A):

26 (A) To provide grants or loans for the purposes of:

1 (i) assisting units of local government and  
2 private industry in the establishment of  
3 facilities and programs to collect, process and  
4 utilize used and waste tires and tire derived  
5 materials;

6 (ii) demonstrating the feasibility of  
7 innovative technologies as a means of collecting,  
8 storing, processing and utilizing used and waste  
9 tires and tire derived materials; and

10 (iii) applying demonstrated technologies as a  
11 means of collecting, storing, processing, and  
12 utilizing used and waste tires and tire derived  
13 materials.

14 (B) To develop educational material for use by  
15 officials and the public to better understand and  
16 respond to the problems posed by used tires and  
17 associated insects.

18 (C) (Blank).

19 (D) To perform such research as the Director deems  
20 appropriate to help meet the purposes of this Act.

21 (E) To pay the costs of administration of its  
22 activities authorized under this Act.

23 (2.1) For the fiscal year beginning July 1, 2004 and  
24 for all fiscal years thereafter, 23% shall be deposited  
25 into the General Revenue Fund. For fiscal year 2019 only,  
26 such transfers are at the direction of the Department of

1       Revenue, and shall be made within 30 days after the end of  
2       each quarter.

3           (3) 25% shall be available to the Illinois Department  
4       of Public Health for the following purposes:

5                   (A) To investigate threats or potential threats to  
6       the public health related to mosquitoes and other  
7       vectors of disease associated with the improper  
8       storage, handling and disposal of tires, improper  
9       waste disposal, or natural conditions.

10                   (B) To conduct surveillance and monitoring  
11       activities for mosquitoes and other arthropod vectors  
12       of disease, and surveillance of animals which provide a  
13       reservoir for disease-producing organisms.

14                   (C) To conduct training activities to promote  
15       vector control programs and integrated pest management  
16       as defined in the Vector Control Act.

17                   (D) To respond to inquiries, investigate  
18       complaints, conduct evaluations and provide technical  
19       consultation to help reduce or eliminate public health  
20       hazards and nuisance conditions associated with  
21       mosquitoes and other vectors.

22                   (E) To provide financial assistance to units of  
23       local government for training, investigation and  
24       response to public nuisances associated with  
25       mosquitoes and other vectors of disease.

26           (4) 2% shall be available to the Department of

1 Agriculture for its activities under the Illinois  
2 Pesticide Act relating to used and waste tires.

3 (5) 2% shall be available to the Pollution Control  
4 Board for administration of its activities relating to used  
5 and waste tires.

6 (6) 10% shall be available to the University of  
7 Illinois for the Prairie Research Institute to perform  
8 research to study the biology, distribution, population  
9 ecology, and biosystematics of tire-breeding arthropods,  
10 especially mosquitoes, and the diseases they spread.

11 (d) By January 1, 1998, and biennially thereafter, each  
12 State agency receiving an appropriation from the Used Tire  
13 Management Fund shall report to the Governor and the General  
14 Assembly on its activities relating to the Fund.

15 (e) Any monies appropriated from the Used Tire Management  
16 Fund, but not obligated, shall revert to the Fund.

17 (f) In administering the provisions of subdivisions (1),  
18 (2) and (3) of subsection (c) of this Section, the Agency, the  
19 Department of Commerce and Economic Opportunity, and the  
20 Illinois Department of Public Health shall ensure that  
21 appropriate funding assistance is provided to any municipality  
22 with a population over 1,000,000 or to any sanitary district  
23 which serves a population over 1,000,000.

24 (g) Pursuant to appropriation, monies in excess of \$4  
25 million per fiscal year from the Used Tire Management Fund  
26 shall be used as follows:

1           (1) 55% shall be available to the Agency for the  
2 following purposes, provided that priority shall be given  
3 to subparagraph (A):

4           (A) To undertake preventive, corrective or renewed  
5 action as authorized by and in accordance with Section  
6 55.3 and to recover costs in accordance with Section  
7 55.3.

8           (B) To provide financial assistance to units of  
9 local government and private industry for the purposes  
10 of:

11           (i) assisting in the establishment of  
12 facilities and programs to collect, process, and  
13 utilize used and waste tires and tire-derived  
14 materials;

15           (ii) demonstrating the feasibility of  
16 innovative technologies as a means of collecting,  
17 storing, processing, and utilizing used and waste  
18 tires and tire-derived materials; and

19           (iii) applying demonstrated technologies as a  
20 means of collecting, storing, processing, and  
21 utilizing used and waste tires and tire-derived  
22 materials.

23           (C) To provide grants to public universities for  
24 vector-related research, disease-related research, and  
25 for related laboratory-based equipment and field-based  
26 equipment.

1           (2) For fiscal years beginning prior to July 1, 2004,  
2           45% shall be available to the Department of Commerce and  
3           Economic Opportunity to provide grants or loans for the  
4           purposes of:

5                   (i) assisting units of local government and  
6                   private industry in the establishment of facilities  
7                   and programs to collect, process and utilize waste  
8                   tires and tire derived material;

9                   (ii) demonstrating the feasibility of innovative  
10                   technologies as a means of collecting, storing,  
11                   processing, and utilizing used and waste tires and tire  
12                   derived materials; and

13                   (iii) applying demonstrated technologies as a  
14                   means of collecting, storing, processing, and  
15                   utilizing used and waste tires and tire derived  
16                   materials.

17           (3) For the fiscal year beginning July 1, 2004 and for  
18           all fiscal years thereafter, 45% shall be deposited into  
19           the General Revenue Fund. For fiscal year 2019 only, such  
20           transfers are at the direction of the Department of  
21           Revenue, and shall be made within 30 days after the end of  
22           each quarter.

23           (Source: P.A. 100-103, eff. 8-11-17; 100-327, eff. 8-24-17;  
24           revised 10-2-17.)

25           (415 ILCS 5/57.11)

1           Sec. 57.11. Underground Storage Tank Fund; creation.

2           (a) There is hereby created in the State Treasury a special  
3 fund to be known as the Underground Storage Tank Fund. There  
4 shall be deposited into the Underground Storage Tank Fund all  
5 monies received by the Office of the State Fire Marshal as fees  
6 for underground storage tanks under Sections 4 and 5 of the  
7 Gasoline Storage Act, fees pursuant to the Motor Fuel Tax Law,  
8 and beginning July 1, 2013, payments pursuant to the Use Tax  
9 Act, the Service Use Tax Act, the Service Occupation Tax Act,  
10 and the Retailers' Occupation Tax Act. All amounts held in the  
11 Underground Storage Tank Fund shall be invested at interest by  
12 the State Treasurer. All income earned from the investments  
13 shall be deposited into the Underground Storage Tank Fund no  
14 less frequently than quarterly. In addition to any other  
15 transfers that may be provided for by law, beginning on July 1,  
16 2018 and on the first day of each month thereafter during  
17 fiscal year 2019 only, the State Comptroller shall direct and  
18 the State Treasurer shall transfer an amount equal to 1/12 of  
19 \$10,000,000 from the Underground Storage Tank Fund to the  
20 General Revenue Fund. Moneys in the Underground Storage Tank  
21 Fund, pursuant to appropriation, may be used by the Agency and  
22 the Office of the State Fire Marshal for the following  
23 purposes:

24           (1) To take action authorized under Section 57.12 to  
25 recover costs under Section 57.12.

26           (2) To assist in the reduction and mitigation of damage

1           caused by leaks from underground storage tanks, including  
2           but not limited to, providing alternative water supplies to  
3           persons whose drinking water has become contaminated as a  
4           result of those leaks.

5           (3) To be used as a matching amount towards federal  
6           assistance relative to the release of petroleum from  
7           underground storage tanks.

8           (4) For the costs of administering activities of the  
9           Agency and the Office of the State Fire Marshal relative to  
10          the Underground Storage Tank Fund.

11          (5) For payment of costs of corrective action incurred  
12          by and indemnification to operators of underground storage  
13          tanks as provided in this Title.

14          (6) For a total of 2 demonstration projects in amounts  
15          in excess of a \$10,000 deductible charge designed to assess  
16          the viability of corrective action projects at sites which  
17          have experienced contamination from petroleum releases.  
18          Such demonstration projects shall be conducted in  
19          accordance with the provision of this Title.

20          (7) Subject to appropriation, moneys in the  
21          Underground Storage Tank Fund may also be used by the  
22          Department of Revenue for the costs of administering its  
23          activities relative to the Fund and for refunds provided  
24          for in Section 13a.8 of the Motor Fuel Tax Act.

25          (b) Moneys in the Underground Storage Tank Fund may,  
26          pursuant to appropriation, be used by the Office of the State



1 Fire Marshal or the Agency to take whatever emergency action is  
2 necessary or appropriate to assure that the public health or  
3 safety is not threatened whenever there is a release or  
4 substantial threat of a release of petroleum from an  
5 underground storage tank and for the costs of administering its  
6 activities relative to the Underground Storage Tank Fund.

7 (c) Beginning July 1, 1993, the Governor shall certify to  
8 the State Comptroller and State Treasurer the monthly amount  
9 necessary to pay debt service on State obligations issued  
10 pursuant to Section 6 of the General Obligation Bond Act. On  
11 the last day of each month, the Comptroller shall order  
12 transferred and the Treasurer shall transfer from the  
13 Underground Storage Tank Fund to the General Obligation Bond  
14 Retirement and Interest Fund the amount certified by the  
15 Governor, plus any cumulative deficiency in those transfers for  
16 prior months.

17 (d) Except as provided in subsection (c) of this Section,  
18 the Underground Storage Tank Fund is not subject to  
19 administrative charges authorized under Section 8h of the State  
20 Finance Act that would in any way transfer any funds from the  
21 Underground Storage Tank Fund into any other fund of the State.

22 (e) Each fiscal year, subject to appropriation, the Agency  
23 may commit up to \$10,000,000 of the moneys in the Underground  
24 Storage Tank Fund to the payment of corrective action costs for  
25 legacy sites that meet one or more of the following criteria as  
26 a result of the underground storage tank release: (i) the

1 presence of free product, (ii) contamination within a regulated  
2 recharge area, a wellhead protection area, or the setback zone  
3 of a potable water supply well, (iii) contamination extending  
4 beyond the boundaries of the site where the release occurred,  
5 or (iv) such other criteria as may be adopted in Agency rules.

6 (1) Fund moneys committed under this subsection (e)  
7 shall be held in the Fund for payment of the corrective  
8 action costs for which the moneys were committed.

9 (2) The Agency may adopt rules governing the commitment  
10 of Fund moneys under this subsection (e).

11 (3) This subsection (e) does not limit the use of Fund  
12 moneys at legacy sites as otherwise provided under this  
13 Title.

14 (4) For the purposes of this subsection (e), the term  
15 "legacy site" means a site for which (i) an underground  
16 storage tank release was reported prior to January 1, 2005,  
17 (ii) the owner or operator has been determined eligible to  
18 receive payment from the Fund for corrective action costs,  
19 and (iii) the Agency did not receive any applications for  
20 payment prior to January 1, 2010.

21 (f) Beginning July 1, 2013, if the amounts deposited into  
22 the Fund from moneys received by the Office of the State Fire  
23 Marshal as fees for underground storage tanks under Sections 4  
24 and 5 of the Gasoline Storage Act and as fees pursuant to the  
25 Motor Fuel Tax Law during a State fiscal year are sufficient to  
26 pay all claims for payment by the fund received during that

1 State fiscal year, then the amount of any payments into the  
2 fund pursuant to the Use Tax Act, the Service Use Tax Act, the  
3 Service Occupation Tax Act, and the Retailers' Occupation Tax  
4 Act during that State fiscal year shall be deposited as  
5 follows: 75% thereof shall be paid into the State treasury and  
6 25% shall be reserved in a special account and used only for  
7 the transfer to the Common School Fund as part of the monthly  
8 transfer from the General Revenue Fund in accordance with  
9 Section 8a of the State Finance Act.

10 (Source: P.A. 98-109, eff. 7-25-13.)

11 ARTICLE 55. RETIREMENT CONTRIBUTIONS

12 Section 55-5. The State Finance Act is amended by changing  
13 Sections 8.12 and 14.1 as follows:

14 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

15 Sec. 8.12. State Pensions Fund.

16 (a) The moneys in the State Pensions Fund shall be used  
17 exclusively for the administration of the Revised Uniform  
18 Unclaimed Property Act and for the expenses incurred by the  
19 Auditor General for administering the provisions of Section  
20 2-8.1 of the Illinois State Auditing Act and for operational  
21 expenses of the Office of the State Treasurer and for the  
22 funding of the unfunded liabilities of the designated  
23 retirement systems. Beginning in State fiscal year 2020 ~~2019~~,

1 payments to the designated retirement systems under this  
2 Section shall be in addition to, and not in lieu of, any State  
3 contributions required under the Illinois Pension Code.

4 "Designated retirement systems" means:

5 (1) the State Employees' Retirement System of  
6 Illinois;

7 (2) the Teachers' Retirement System of the State of  
8 Illinois;

9 (3) the State Universities Retirement System;

10 (4) the Judges Retirement System of Illinois; and

11 (5) the General Assembly Retirement System.

12 (b) Each year the General Assembly may make appropriations  
13 from the State Pensions Fund for the administration of the  
14 Revised Uniform Unclaimed Property Act.

15 (c) As soon as possible after July 30, 2004 (the effective  
16 date of Public Act 93-839) ~~this amendatory Act of the 93rd~~  
17 ~~General Assembly~~, the General Assembly shall appropriate from  
18 the State Pensions Fund (1) to the State Universities  
19 Retirement System the amount certified under Section 15-165  
20 during the prior year, (2) to the Judges Retirement System of  
21 Illinois the amount certified under Section 18-140 during the  
22 prior year, and (3) to the General Assembly Retirement System  
23 the amount certified under Section 2-134 during the prior year  
24 as part of the required State contributions to each of those  
25 designated retirement systems; except that amounts  
26 appropriated under this subsection (c) in State fiscal year

1 2005 shall not reduce the amount in the State Pensions Fund  
2 below \$5,000,000. If the amount in the State Pensions Fund does  
3 not exceed the sum of the amounts certified in Sections 15-165,  
4 18-140, and 2-134 by at least \$5,000,000, the amount paid to  
5 each designated retirement system under this subsection shall  
6 be reduced in proportion to the amount certified by each of  
7 those designated retirement systems.

8 (c-5) For fiscal years 2006 through 2019 ~~2018~~, the General  
9 Assembly shall appropriate from the State Pensions Fund to the  
10 State Universities Retirement System the amount estimated to be  
11 available during the fiscal year in the State Pensions Fund;  
12 provided, however, that the amounts appropriated under this  
13 subsection (c-5) shall not reduce the amount in the State  
14 Pensions Fund below \$5,000,000.

15 (c-6) For fiscal year 2020 ~~2019~~ and each fiscal year  
16 thereafter, as soon as may be practical after any money is  
17 deposited into the State Pensions Fund from the Unclaimed  
18 Property Trust Fund, the State Treasurer shall apportion the  
19 deposited amount among the designated retirement systems as  
20 defined in subsection (a) to reduce their actuarial reserve  
21 deficiencies. The State Comptroller and State Treasurer shall  
22 pay the apportioned amounts to the designated retirement  
23 systems to fund the unfunded liabilities of the designated  
24 retirement systems. The amount apportioned to each designated  
25 retirement system shall constitute a portion of the amount  
26 estimated to be available for appropriation from the State

1 Pensions Fund that is the same as that retirement system's  
2 portion of the total actual reserve deficiency of the systems,  
3 as determined annually by the Governor's Office of Management  
4 and Budget at the request of the State Treasurer. The amounts  
5 apportioned under this subsection shall not reduce the amount  
6 in the State Pensions Fund below \$5,000,000.

7 (d) The Governor's Office of Management and Budget shall  
8 determine the individual and total reserve deficiencies of the  
9 designated retirement systems. For this purpose, the  
10 Governor's Office of Management and Budget shall utilize the  
11 latest available audit and actuarial reports of each of the  
12 retirement systems and the relevant reports and statistics of  
13 the Public Employee Pension Fund Division of the Department of  
14 Insurance.

15 (d-1) As soon as practicable after March 5, 2004 (the  
16 effective date of Public Act 93-665) ~~this amendatory Act of the~~  
17 ~~93rd General Assembly~~, the Comptroller shall direct and the  
18 Treasurer shall transfer from the State Pensions Fund to the  
19 General Revenue Fund, as funds become available, a sum equal to  
20 the amounts that would have been paid from the State Pensions  
21 Fund to the Teachers' Retirement System of the State of  
22 Illinois, the State Universities Retirement System, the Judges  
23 Retirement System of Illinois, the General Assembly Retirement  
24 System, and the State Employees' Retirement System of Illinois  
25 after March 5, 2004 (the effective date of Public Act 93-665)  
26 ~~this amendatory Act~~ during the remainder of fiscal year 2004 to

1 the designated retirement systems from the appropriations  
2 provided for in this Section if the transfers provided in  
3 Section 6z-61 had not occurred. The transfers described in this  
4 subsection (d-1) are to partially repay the General Revenue  
5 Fund for the costs associated with the bonds used to fund the  
6 moneys transferred to the designated retirement systems under  
7 Section 6z-61.

8 (e) The changes to this Section made by Public Act 88-593  
9 ~~this amendatory Act of 1994~~ shall first apply to distributions  
10 from the Fund for State fiscal year 1996.

11 (Source: P.A. 99-8, eff. 7-9-15; 99-78, eff. 7-20-15; 99-523,  
12 eff. 6-30-16; 100-22, eff. 1-1-18; 100-23, eff. 7-6-17; revised  
13 8-8-17.)

14 (30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

15 Sec. 14.1. Appropriations for State contributions to the  
16 State Employees' Retirement System; payroll requirements.

17 (a) Appropriations for State contributions to the State  
18 Employees' Retirement System of Illinois shall be expended in  
19 the manner provided in this Section. Except as otherwise  
20 provided in subsections (a-1), (a-2), (a-3), and (a-4) at the  
21 time of each payment of salary to an employee under the  
22 personal services line item, payment shall be made to the State  
23 Employees' Retirement System, from the amount appropriated for  
24 State contributions to the State Employees' Retirement System,  
25 of an amount calculated at the rate certified for the

1 applicable fiscal year by the Board of Trustees of the State  
2 Employees' Retirement System under Section 14-135.08 of the  
3 Illinois Pension Code. If a line item appropriation to an  
4 employer for this purpose is exhausted or is unavailable due to  
5 any limitation on appropriations that may apply, (including,  
6 but not limited to, limitations on appropriations from the Road  
7 Fund under Section 8.3 of the State Finance Act), the amounts  
8 shall be paid under the continuing appropriation for this  
9 purpose contained in the State Pension Funds Continuing  
10 Appropriation Act.

11 (a-1) Beginning on March 5, 2004 (the effective date of  
12 Public Act 93-665) ~~this amendatory Act of the 93rd General~~  
13 ~~Assembly~~ through the payment of the final payroll from fiscal  
14 year 2004 appropriations, appropriations for State  
15 contributions to the State Employees' Retirement System of  
16 Illinois shall be expended in the manner provided in this  
17 subsection (a-1). At the time of each payment of salary to an  
18 employee under the personal services line item from a fund  
19 other than the General Revenue Fund, payment shall be made for  
20 deposit into the General Revenue Fund from the amount  
21 appropriated for State contributions to the State Employees'  
22 Retirement System of an amount calculated at the rate certified  
23 for fiscal year 2004 by the Board of Trustees of the State  
24 Employees' Retirement System under Section 14-135.08 of the  
25 Illinois Pension Code. This payment shall be made to the extent  
26 that a line item appropriation to an employer for this purpose



1 is available or unexhausted. No payment from appropriations for  
2 State contributions shall be made in conjunction with payment  
3 of salary to an employee under the personal services line item  
4 from the General Revenue Fund.

5 (a-2) For fiscal year 2010 only, at the time of each  
6 payment of salary to an employee under the personal services  
7 line item from a fund other than the General Revenue Fund,  
8 payment shall be made for deposit into the State Employees'  
9 Retirement System of Illinois from the amount appropriated for  
10 State contributions to the State Employees' Retirement System  
11 of Illinois of an amount calculated at the rate certified for  
12 fiscal year 2010 by the Board of Trustees of the State  
13 Employees' Retirement System of Illinois under Section  
14 14-135.08 of the Illinois Pension Code. This payment shall be  
15 made to the extent that a line item appropriation to an  
16 employer for this purpose is available or unexhausted. For  
17 fiscal year 2010 only, no payment from appropriations for State  
18 contributions shall be made in conjunction with payment of  
19 salary to an employee under the personal services line item  
20 from the General Revenue Fund.

21 (a-3) For fiscal year 2011 only, at the time of each  
22 payment of salary to an employee under the personal services  
23 line item from a fund other than the General Revenue Fund,  
24 payment shall be made for deposit into the State Employees'  
25 Retirement System of Illinois from the amount appropriated for  
26 State contributions to the State Employees' Retirement System

1 of Illinois of an amount calculated at the rate certified for  
2 fiscal year 2011 by the Board of Trustees of the State  
3 Employees' Retirement System of Illinois under Section  
4 14-135.08 of the Illinois Pension Code. This payment shall be  
5 made to the extent that a line item appropriation to an  
6 employer for this purpose is available or unexhausted. For  
7 fiscal year 2011 only, no payment from appropriations for State  
8 contributions shall be made in conjunction with payment of  
9 salary to an employee under the personal services line item  
10 from the General Revenue Fund.

11 (a-4) In fiscal years 2012 through 2019 ~~2018~~ only, at the  
12 time of each payment of salary to an employee under the  
13 personal services line item from a fund other than the General  
14 Revenue Fund, payment shall be made for deposit into the State  
15 Employees' Retirement System of Illinois from the amount  
16 appropriated for State contributions to the State Employees'  
17 Retirement System of Illinois of an amount calculated at the  
18 rate certified for the applicable fiscal year by the Board of  
19 Trustees of the State Employees' Retirement System of Illinois  
20 under Section 14-135.08 of the Illinois Pension Code. In fiscal  
21 years 2012 through 2019 ~~2018~~ only, no payment from  
22 appropriations for State contributions shall be made in  
23 conjunction with payment of salary to an employee under the  
24 personal services line item from the General Revenue Fund.

25 (b) Except during the period beginning on March 5, 2004  
26 (the effective date of Public Act 93-665) ~~this amendatory Act~~

1 ~~of the 93rd General Assembly~~ and ending at the time of the  
2 payment of the final payroll from fiscal year 2004  
3 appropriations, the State Comptroller shall not approve for  
4 payment any payroll voucher that (1) includes payments of  
5 salary to eligible employees in the State Employees' Retirement  
6 System of Illinois and (2) does not include the corresponding  
7 payment of State contributions to that retirement system at the  
8 full rate certified under Section 14-135.08 for that fiscal  
9 year for eligible employees, unless the balance in the fund on  
10 which the payroll voucher is drawn is insufficient to pay the  
11 total payroll voucher, or unavailable due to any limitation on  
12 appropriations that may apply, including, but not limited to,  
13 limitations on appropriations from the Road Fund under Section  
14 8.3 of the State Finance Act. If the State Comptroller approves  
15 a payroll voucher under this Section for which the fund balance  
16 is insufficient to pay the full amount of the required State  
17 contribution to the State Employees' Retirement System, the  
18 Comptroller shall promptly so notify the Retirement System.

19 (b-1) For fiscal year 2010 and fiscal year 2011 only, the  
20 State Comptroller shall not approve for payment any non-General  
21 Revenue Fund payroll voucher that (1) includes payments of  
22 salary to eligible employees in the State Employees' Retirement  
23 System of Illinois and (2) does not include the corresponding  
24 payment of State contributions to that retirement system at the  
25 full rate certified under Section 14-135.08 for that fiscal  
26 year for eligible employees, unless the balance in the fund on

1 which the payroll voucher is drawn is insufficient to pay the  
2 total payroll voucher, or unavailable due to any limitation on  
3 appropriations that may apply, including, but not limited to,  
4 limitations on appropriations from the Road Fund under Section  
5 8.3 of the State Finance Act. If the State Comptroller approves  
6 a payroll voucher under this Section for which the fund balance  
7 is insufficient to pay the full amount of the required State  
8 contribution to the State Employees' Retirement System of  
9 Illinois, the Comptroller shall promptly so notify the  
10 retirement system.

11 (c) Notwithstanding any other provisions of law, beginning  
12 July 1, 2007, required State and employee contributions to the  
13 State Employees' Retirement System of Illinois relating to  
14 affected legislative staff employees shall be paid out of  
15 moneys appropriated for that purpose to the Commission on  
16 Government Forecasting and Accountability, rather than out of  
17 the lump-sum appropriations otherwise made for the payroll and  
18 other costs of those employees.

19 These payments must be made pursuant to payroll vouchers  
20 submitted by the employing entity as part of the regular  
21 payroll voucher process.

22 For the purpose of this subsection, "affected legislative  
23 staff employees" means legislative staff employees paid out of  
24 lump-sum appropriations made to the General Assembly, an  
25 Officer of the General Assembly, or the Senate Operations  
26 Commission, but does not include district-office staff or

1 employees of legislative support services agencies.

2 (Source: P.A. 99-8, eff. 7-9-15; 99-523, eff. 6-30-16; 100-23,  
3 eff. 7-6-17.)

4 Section 55-10. The Illinois Pension Code is amended by  
5 changing Section 14-131 as follows:

6 (40 ILCS 5/14-131)

7 Sec. 14-131. Contributions by State.

8 (a) The State shall make contributions to the System by  
9 appropriations of amounts which, together with other employer  
10 contributions from trust, federal, and other funds, employee  
11 contributions, investment income, and other income, will be  
12 sufficient to meet the cost of maintaining and administering  
13 the System on a 90% funded basis in accordance with actuarial  
14 recommendations.

15 For the purposes of this Section and Section 14-135.08,  
16 references to State contributions refer only to employer  
17 contributions and do not include employee contributions that  
18 are picked up or otherwise paid by the State or a department on  
19 behalf of the employee.

20 (b) The Board shall determine the total amount of State  
21 contributions required for each fiscal year on the basis of the  
22 actuarial tables and other assumptions adopted by the Board,  
23 using the formula in subsection (e).

24 The Board shall also determine a State contribution rate

1 for each fiscal year, expressed as a percentage of payroll,  
2 based on the total required State contribution for that fiscal  
3 year (less the amount received by the System from  
4 appropriations under Section 8.12 of the State Finance Act and  
5 Section 1 of the State Pension Funds Continuing Appropriation  
6 Act, if any, for the fiscal year ending on the June 30  
7 immediately preceding the applicable November 15 certification  
8 deadline), the estimated payroll (including all forms of  
9 compensation) for personal services rendered by eligible  
10 employees, and the recommendations of the actuary.

11 For the purposes of this Section and Section 14.1 of the  
12 State Finance Act, the term "eligible employees" includes  
13 employees who participate in the System, persons who may elect  
14 to participate in the System but have not so elected, persons  
15 who are serving a qualifying period that is required for  
16 participation, and annuitants employed by a department as  
17 described in subdivision (a) (1) or (a) (2) of Section 14-111.

18 (c) Contributions shall be made by the several departments  
19 for each pay period by warrants drawn by the State Comptroller  
20 against their respective funds or appropriations based upon  
21 vouchers stating the amount to be so contributed. These amounts  
22 shall be based on the full rate certified by the Board under  
23 Section 14-135.08 for that fiscal year. From March 5, 2004 (the  
24 effective date of Public Act 93-665) ~~this amendatory Act of the~~  
25 ~~93rd General Assembly~~ through the payment of the final payroll  
26 from fiscal year 2004 appropriations, the several departments

1 shall not make contributions for the remainder of fiscal year  
2 2004 but shall instead make payments as required under  
3 subsection (a-1) of Section 14.1 of the State Finance Act. The  
4 several departments shall resume those contributions at the  
5 commencement of fiscal year 2005.

6 (c-1) Notwithstanding subsection (c) of this Section, for  
7 fiscal years 2010, 2012, 2013, 2014, 2015, 2016, 2017, ~~and~~  
8 2018, and 2019 only, contributions by the several departments  
9 are not required to be made for General Revenue Funds payrolls  
10 processed by the Comptroller. Payrolls paid by the several  
11 departments from all other State funds must continue to be  
12 processed pursuant to subsection (c) of this Section.

13 (c-2) For State fiscal years 2010, 2012, 2013, 2014, 2015,  
14 2016, 2017, ~~and~~ 2018, and 2019 only, on or as soon as possible  
15 after the 15th day of each month, the Board shall submit  
16 vouchers for payment of State contributions to the System, in a  
17 total monthly amount of one-twelfth of the fiscal year General  
18 Revenue Fund contribution as certified by the System pursuant  
19 to Section 14-135.08 of the Illinois Pension Code.

20 (d) If an employee is paid from trust funds or federal  
21 funds, the department or other employer shall pay employer  
22 contributions from those funds to the System at the certified  
23 rate, unless the terms of the trust or the federal-State  
24 agreement preclude the use of the funds for that purpose, in  
25 which case the required employer contributions shall be paid by  
26 the State. From March 5, 2004 (the effective date of Public Act

1 ~~93-665) this amendatory Act of the 93rd General Assembly~~  
2 through the payment of the final payroll from fiscal year 2004  
3 appropriations, the department or other employer shall not pay  
4 contributions for the remainder of fiscal year 2004 but shall  
5 instead make payments as required under subsection (a-1) of  
6 Section 14.1 of the State Finance Act. The department or other  
7 employer shall resume payment of contributions at the  
8 commencement of fiscal year 2005.

9 (e) For State fiscal years 2012 through 2045, the minimum  
10 contribution to the System to be made by the State for each  
11 fiscal year shall be an amount determined by the System to be  
12 sufficient to bring the total assets of the System up to 90% of  
13 the total actuarial liabilities of the System by the end of  
14 State fiscal year 2045. In making these determinations, the  
15 required State contribution shall be calculated each year as a  
16 level percentage of payroll over the years remaining to and  
17 including fiscal year 2045 and shall be determined under the  
18 projected unit credit actuarial cost method.

19 A change in an actuarial or investment assumption that  
20 increases or decreases the required State contribution and  
21 first applies in State fiscal year 2018 or thereafter shall be  
22 implemented in equal annual amounts over a 5-year period  
23 beginning in the State fiscal year in which the actuarial  
24 change first applies to the required State contribution.

25 A change in an actuarial or investment assumption that  
26 increases or decreases the required State contribution and



1 first applied to the State contribution in fiscal year 2014,  
2 2015, 2016, or 2017 shall be implemented:

3 (i) as already applied in State fiscal years before  
4 2018; and

5 (ii) in the portion of the 5-year period beginning in  
6 the State fiscal year in which the actuarial change first  
7 applied that occurs in State fiscal year 2018 or  
8 thereafter, by calculating the change in equal annual  
9 amounts over that 5-year period and then implementing it at  
10 the resulting annual rate in each of the remaining fiscal  
11 years in that 5-year period.

12 For State fiscal years 1996 through 2005, the State  
13 contribution to the System, as a percentage of the applicable  
14 employee payroll, shall be increased in equal annual increments  
15 so that by State fiscal year 2011, the State is contributing at  
16 the rate required under this Section; except that (i) for State  
17 fiscal year 1998, for all purposes of this Code and any other  
18 law of this State, the certified percentage of the applicable  
19 employee payroll shall be 5.052% for employees earning eligible  
20 creditable service under Section 14-110 and 6.500% for all  
21 other employees, notwithstanding any contrary certification  
22 made under Section 14-135.08 before July 7, 1997 (the effective  
23 date of Public Act 90-65) ~~this amendatory Act of 1997~~, and (ii)  
24 in the following specified State fiscal years, the State  
25 contribution to the System shall not be less than the following  
26 indicated percentages of the applicable employee payroll, even

1 if the indicated percentage will produce a State contribution  
2 in excess of the amount otherwise required under this  
3 subsection and subsection (a): 9.8% in FY 1999; 10.0% in FY  
4 2000; 10.2% in FY 2001; 10.4% in FY 2002; 10.6% in FY 2003; and  
5 10.8% in FY 2004.

6 Notwithstanding any other provision of this Article, the  
7 total required State contribution to the System for State  
8 fiscal year 2006 is \$203,783,900.

9 Notwithstanding any other provision of this Article, the  
10 total required State contribution to the System for State  
11 fiscal year 2007 is \$344,164,400.

12 For each of State fiscal years 2008 through 2009, the State  
13 contribution to the System, as a percentage of the applicable  
14 employee payroll, shall be increased in equal annual increments  
15 from the required State contribution for State fiscal year  
16 2007, so that by State fiscal year 2011, the State is  
17 contributing at the rate otherwise required under this Section.

18 Notwithstanding any other provision of this Article, the  
19 total required State General Revenue Fund contribution for  
20 State fiscal year 2010 is \$723,703,100 and shall be made from  
21 the proceeds of bonds sold in fiscal year 2010 pursuant to  
22 Section 7.2 of the General Obligation Bond Act, less (i) the  
23 pro rata share of bond sale expenses determined by the System's  
24 share of total bond proceeds, (ii) any amounts received from  
25 the General Revenue Fund in fiscal year 2010, and (iii) any  
26 reduction in bond proceeds due to the issuance of discounted

1 bonds, if applicable.

2 Notwithstanding any other provision of this Article, the  
3 total required State General Revenue Fund contribution for  
4 State fiscal year 2011 is the amount recertified by the System  
5 on or before April 1, 2011 pursuant to Section 14-135.08 and  
6 shall be made from the proceeds of bonds sold in fiscal year  
7 2011 pursuant to Section 7.2 of the General Obligation Bond  
8 Act, less (i) the pro rata share of bond sale expenses  
9 determined by the System's share of total bond proceeds, (ii)  
10 any amounts received from the General Revenue Fund in fiscal  
11 year 2011, and (iii) any reduction in bond proceeds due to the  
12 issuance of discounted bonds, if applicable.

13 Beginning in State fiscal year 2046, the minimum State  
14 contribution for each fiscal year shall be the amount needed to  
15 maintain the total assets of the System at 90% of the total  
16 actuarial liabilities of the System.

17 Amounts received by the System pursuant to Section 25 of  
18 the Budget Stabilization Act or Section 8.12 of the State  
19 Finance Act in any fiscal year do not reduce and do not  
20 constitute payment of any portion of the minimum State  
21 contribution required under this Article in that fiscal year.  
22 Such amounts shall not reduce, and shall not be included in the  
23 calculation of, the required State contributions under this  
24 Article in any future year until the System has reached a  
25 funding ratio of at least 90%. A reference in this Article to  
26 the "required State contribution" or any substantially similar

1 term does not include or apply to any amounts payable to the  
2 System under Section 25 of the Budget Stabilization Act.

3 Notwithstanding any other provision of this Section, the  
4 required State contribution for State fiscal year 2005 and for  
5 fiscal year 2008 and each fiscal year thereafter, as calculated  
6 under this Section and certified under Section 14-135.08, shall  
7 not exceed an amount equal to (i) the amount of the required  
8 State contribution that would have been calculated under this  
9 Section for that fiscal year if the System had not received any  
10 payments under subsection (d) of Section 7.2 of the General  
11 Obligation Bond Act, minus (ii) the portion of the State's  
12 total debt service payments for that fiscal year on the bonds  
13 issued in fiscal year 2003 for the purposes of that Section  
14 7.2, as determined and certified by the Comptroller, that is  
15 the same as the System's portion of the total moneys  
16 distributed under subsection (d) of Section 7.2 of the General  
17 Obligation Bond Act. In determining this maximum for State  
18 fiscal years 2008 through 2010, however, the amount referred to  
19 in item (i) shall be increased, as a percentage of the  
20 applicable employee payroll, in equal increments calculated  
21 from the sum of the required State contribution for State  
22 fiscal year 2007 plus the applicable portion of the State's  
23 total debt service payments for fiscal year 2007 on the bonds  
24 issued in fiscal year 2003 for the purposes of Section 7.2 of  
25 the General Obligation Bond Act, so that, by State fiscal year  
26 2011, the State is contributing at the rate otherwise required

1 under this Section.

2 (f) After the submission of all payments for eligible  
3 employees from personal services line items in fiscal year 2004  
4 have been made, the Comptroller shall provide to the System a  
5 certification of the sum of all fiscal year 2004 expenditures  
6 for personal services that would have been covered by payments  
7 to the System under this Section if the provisions of Public  
8 Act 93-665 ~~this amendatory Act of the 93rd General Assembly~~ had  
9 not been enacted. Upon receipt of the certification, the System  
10 shall determine the amount due to the System based on the full  
11 rate certified by the Board under Section 14-135.08 for fiscal  
12 year 2004 in order to meet the State's obligation under this  
13 Section. The System shall compare this amount due to the amount  
14 received by the System in fiscal year 2004 through payments  
15 under this Section and under Section 6z-61 of the State Finance  
16 Act. If the amount due is more than the amount received, the  
17 difference shall be termed the "Fiscal Year 2004 Shortfall" for  
18 purposes of this Section, and the Fiscal Year 2004 Shortfall  
19 shall be satisfied under Section 1.2 of the State Pension Funds  
20 Continuing Appropriation Act. If the amount due is less than  
21 the amount received, the difference shall be termed the "Fiscal  
22 Year 2004 Overpayment" for purposes of this Section, and the  
23 Fiscal Year 2004 Overpayment shall be repaid by the System to  
24 the Pension Contribution Fund as soon as practicable after the  
25 certification.

26 (g) For purposes of determining the required State

1 contribution to the System, the value of the System's assets  
2 shall be equal to the actuarial value of the System's assets,  
3 which shall be calculated as follows:

4 As of June 30, 2008, the actuarial value of the System's  
5 assets shall be equal to the market value of the assets as of  
6 that date. In determining the actuarial value of the System's  
7 assets for fiscal years after June 30, 2008, any actuarial  
8 gains or losses from investment return incurred in a fiscal  
9 year shall be recognized in equal annual amounts over the  
10 5-year period following that fiscal year.

11 (h) For purposes of determining the required State  
12 contribution to the System for a particular year, the actuarial  
13 value of assets shall be assumed to earn a rate of return equal  
14 to the System's actuarially assumed rate of return.

15 (i) After the submission of all payments for eligible  
16 employees from personal services line items paid from the  
17 General Revenue Fund in fiscal year 2010 have been made, the  
18 Comptroller shall provide to the System a certification of the  
19 sum of all fiscal year 2010 expenditures for personal services  
20 that would have been covered by payments to the System under  
21 this Section if the provisions of Public Act 96-45 ~~this~~  
22 ~~amendatory Act of the 96th General Assembly~~ had not been  
23 enacted. Upon receipt of the certification, the System shall  
24 determine the amount due to the System based on the full rate  
25 certified by the Board under Section 14-135.08 for fiscal year  
26 2010 in order to meet the State's obligation under this

1 Section. The System shall compare this amount due to the amount  
2 received by the System in fiscal year 2010 through payments  
3 under this Section. If the amount due is more than the amount  
4 received, the difference shall be termed the "Fiscal Year 2010  
5 Shortfall" for purposes of this Section, and the Fiscal Year  
6 2010 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 "Fiscal Year 2010 Overpayment" for purposes of this  
10 Section, and the Fiscal Year 2010 Overpayment shall be repaid  
11 by the System to the General Revenue Fund as soon as  
12 practicable after the certification.

13 (j) After the submission of all payments for eligible  
14 employees from personal services line items paid from the  
15 General Revenue Fund in fiscal year 2011 have been made, the  
16 Comptroller shall provide to the System a certification of the  
17 sum of all fiscal year 2011 expenditures for personal services  
18 that would have been covered by payments to the System under  
19 this Section if the provisions of Public Act 96-1497 ~~this~~  
20 ~~amendatory Act of the 96th General Assembly~~ had not been  
21 enacted. Upon receipt of the certification, the System shall  
22 determine the amount due to the System based on the full rate  
23 certified by the Board under Section 14-135.08 for fiscal year  
24 2011 in order to meet the State's obligation under this  
25 Section. The System shall compare this amount due to the amount  
26 received by the System in fiscal year 2011 through payments

1 under this Section. If the amount due is more than the amount  
2 received, the difference shall be termed the "Fiscal Year 2011  
3 Shortfall" for purposes of this Section, and the Fiscal Year  
4 2011 Shortfall shall be satisfied under Section 1.2 of the  
5 State Pension Funds Continuing Appropriation Act. If the amount  
6 due is less than the amount received, the difference shall be  
7 termed the "Fiscal Year 2011 Overpayment" for purposes of this  
8 Section, and the Fiscal Year 2011 Overpayment shall be repaid  
9 by the System to the General Revenue Fund as soon as  
10 practicable after the certification.

11 (k) For fiscal years 2012 through 2019 ~~2018~~ only, after the  
12 submission of all payments for eligible employees from personal  
13 services line items paid from the General Revenue Fund in the  
14 fiscal year have been made, the Comptroller shall provide to  
15 the System a certification of the sum of all expenditures in  
16 the fiscal year for personal services. Upon receipt of the  
17 certification, the System shall determine the amount due to the  
18 System based on the full rate certified by the Board under  
19 Section 14-135.08 for the fiscal year in order to meet the  
20 State's obligation under this Section. The System shall compare  
21 this amount due to the amount received by the System for the  
22 fiscal year. If the amount due is more than the amount  
23 received, the difference shall be termed the "Prior Fiscal Year  
24 Shortfall" for purposes of this Section, and the Prior Fiscal  
25 Year Shortfall shall be satisfied under Section 1.2 of the  
26 State Pension Funds Continuing Appropriation Act. If the amount



1 due is less than the amount received, the difference shall be  
2 termed the "Prior Fiscal Year Overpayment" for purposes of this  
3 Section, and the Prior Fiscal Year Overpayment shall be repaid  
4 by the System to the General Revenue Fund as soon as  
5 practicable after the certification.

6 (Source: P.A. 99-8, eff. 7-9-15; 99-523, eff. 6-30-16; 100-23,  
7 eff. 7-6-17.)

8 Section 55-20. The Revised Uniform Unclaimed Property Act  
9 is amended by changing Section 15-801 as follows:

10 (765 ILCS 1026/15-801)

11 Sec. 15-801. Deposit of funds by administrator.

12 (a) Except as otherwise provided in this Section, the  
13 administrator shall deposit in the Unclaimed Property Trust  
14 Fund all funds received under this Act, including proceeds from  
15 the sale of property under Article 7. The administrator may  
16 deposit any amount in the Unclaimed Property Trust Fund into  
17 the State Pensions Fund during the fiscal year at his or her  
18 discretion; however, he or she shall, on April 15 and October  
19 15 of each year, deposit any amount in the Unclaimed Property  
20 Trust Fund exceeding \$2,500,000 into the State Pensions Fund.  
21 If on either April 15 or October 15, the administrator  
22 determines that a balance of \$2,500,000 is insufficient for the  
23 prompt payment of unclaimed property claims authorized under  
24 this Act, the administrator may retain more than \$2,500,000 in

1 the Unclaimed Property Trust Fund in order to ensure the prompt  
2 payment of claims. Beginning in State fiscal year 2020 ~~2018~~,  
3 all amounts that are deposited into the State Pensions Fund  
4 from the Unclaimed Property Trust Fund shall be apportioned to  
5 the designated retirement systems as provided in subsection  
6 (c-6) of Section 8.12 of the State Finance Act to reduce their  
7 actuarial reserve deficiencies.

8 (b) The administrator shall make prompt payment of claims  
9 he or she duly allows as provided for in this Act from the  
10 Unclaimed Property Trust Fund. This shall constitute an  
11 irrevocable and continuing appropriation of all amounts in the  
12 Unclaimed Property Trust Fund necessary to make prompt payment  
13 of claims duly allowed by the administrator pursuant to this  
14 Act.

15 (Source: P.A. 100-22, eff. 1-1-18.)

16 ARTICLE 60. REFUNDING BONDS

17 Section 60-5. The General Obligation Bond Act is amended by  
18 changing Sections 9, 11, and 16 as follows:

19 (30 ILCS 330/9) (from Ch. 127, par. 659)

20 Sec. 9. Conditions for issuance and sale of Bonds;  
21 requirements ~~Issuance and Sale of Bonds~~ ~~Requirements~~ for  
22 Bonds.

23 (a) Except as otherwise provided in this subsection and

1 subsection (h), Bonds shall be issued and sold from time to  
2 time, in one or more series, in such amounts and at such prices  
3 as may be directed by the Governor, upon recommendation by the  
4 Director of the Governor's Office of Management and Budget.  
5 Bonds 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, bear interest payable at such times and at such fixed  
9 or variable rate or rates, and be dated as shall be fixed and  
10 determined by the Director of the Governor's Office of  
11 Management and Budget in the order authorizing the issuance and  
12 sale of any series of Bonds, which order shall be approved by  
13 the Governor and is herein called a "Bond Sale Order"; provided  
14 however, that interest payable at fixed or variable rates shall  
15 not exceed that permitted in the Bond Authorization Act, as now  
16 or hereafter amended. Bonds shall be payable at such place or  
17 places, within or without the State of Illinois, and may be  
18 made registrable as to either principal or as to both principal  
19 and interest, as shall be specified in the Bond Sale Order.  
20 Bonds may be callable or subject to purchase and retirement or  
21 tender and remarketing as fixed and determined in the Bond Sale  
22 Order. Bonds, other than Bonds issued under Section 3 of this  
23 Act for the costs associated with the purchase and  
24 implementation of information technology, (i) except for  
25 refunding Bonds satisfying the requirements of Section 16 of  
26 this Act and sold during fiscal year 2009, 2010, 2011, 2017, ~~or~~

1 2018, or 2019 must be issued with principal or mandatory  
2 redemption amounts in equal amounts, with the first maturity  
3 issued occurring within the fiscal year in which the Bonds are  
4 issued or within the next succeeding fiscal year and (ii) must  
5 mature or be subject to mandatory redemption each fiscal year  
6 thereafter up to 25 years, except for refunding Bonds  
7 satisfying the requirements of Section 16 of this Act and sold  
8 during fiscal year 2009, 2010, or 2011 which must mature or be  
9 subject to mandatory redemption each fiscal year thereafter up  
10 to 16 years. Bonds issued under Section 3 of this Act for the  
11 costs associated with the purchase and implementation of  
12 information technology must be issued with principal or  
13 mandatory redemption amounts in equal amounts, with the first  
14 maturity issued occurring with the fiscal year in which the  
15 respective bonds are issued or with the next succeeding fiscal  
16 year, with the respective bonds issued maturing or subject to  
17 mandatory redemption each fiscal year thereafter up to 10  
18 years. Notwithstanding any provision of this Act to the  
19 contrary, the Bonds authorized by Public Act 96-43 shall be  
20 payable within 5 years from their date and must be issued with  
21 principal or mandatory redemption amounts in equal amounts,  
22 with payment of principal or mandatory redemption beginning in  
23 the first fiscal year following the fiscal year in which the  
24 Bonds are issued.

25 Notwithstanding any provision of this Act to the contrary,  
26 the Bonds authorized by Public Act 96-1497 shall be payable

1 within 8 years from their date and shall be issued with payment  
2 of maturing principal or scheduled mandatory redemptions in  
3 accordance with the following schedule, except the following  
4 amounts shall be prorated if less than the total additional  
5 amount of Bonds authorized by Public Act 96-1497 are issued:

6	Fiscal Year After Issuance	Amount
7	1-2	\$0
8	3	\$110,712,120
9	4	\$332,136,360
10	5	\$664,272,720
11	6-8	\$996,409,080

12 Notwithstanding any provision of this Act to the contrary,  
13 Income Tax Proceed Bonds issued under Section 7.6 shall be  
14 payable 12 years from the date of sale and shall be issued with  
15 payment of principal or mandatory redemption.

16 In the case of any series of Bonds bearing interest at a  
17 variable interest rate ("Variable Rate Bonds"), in lieu of  
18 determining the rate or rates at which such series of Variable  
19 Rate Bonds shall bear interest and the price or prices at which  
20 such Variable Rate Bonds shall be initially sold or remarketed  
21 (in the event of purchase and subsequent resale), the Bond Sale  
22 Order may provide that such interest rates and prices may vary  
23 from time to time depending on criteria established in such  
24 Bond Sale Order, which criteria may include, without  
25 limitation, references to indices or variations in interest  
26 rates as may, in the judgment of a remarketing agent, be

1 necessary to cause Variable Rate Bonds of such series to be  
2 remarketable from time to time at a price equal to their  
3 principal amount, and may provide for appointment of a bank,  
4 trust company, investment bank, or other financial institution  
5 to serve as remarketing agent in that connection. The Bond Sale  
6 Order may provide that alternative interest rates or provisions  
7 for establishing alternative interest rates, different  
8 security or claim priorities, or different call or amortization  
9 provisions will apply during such times as Variable Rate 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 this Section. The Bond Sale  
13 Order may also provide for such variable interest rates to be  
14 established pursuant to a process generally known as an auction  
15 rate process and may provide for appointment of one or more  
16 financial institutions to serve as auction agents and  
17 broker-dealers in connection with the establishment of such  
18 interest rates and the sale and remarketing of such Bonds.

19 (b) In connection with the issuance of any series of Bonds,  
20 the State may enter into arrangements to provide additional  
21 security and liquidity for such Bonds, including, without  
22 limitation, bond or interest rate insurance or letters of  
23 credit, lines of credit, bond purchase contracts, or other  
24 arrangements whereby funds are made available to retire or  
25 purchase Bonds, thereby assuring the ability of owners of the  
26 Bonds to sell or redeem their Bonds. The State may enter into

1 contracts and may agree to pay fees to persons providing such  
2 arrangements, but only under circumstances where the Director  
3 of the Governor's Office of Management and Budget certifies  
4 that he or she reasonably expects the total interest paid or to  
5 be paid on the Bonds, together with the fees for the  
6 arrangements (being treated as if interest), would not, taken  
7 together, cause the Bonds to bear interest, calculated to their  
8 stated maturity, at a rate in excess of the rate that the Bonds  
9 would bear in the absence of such arrangements.

10 The State may, with respect to Bonds issued or anticipated  
11 to be issued, participate in and enter into arrangements with  
12 respect to interest rate protection or exchange agreements,  
13 guarantees, or financial futures contracts for the purpose of  
14 limiting, reducing, or managing interest rate exposure. The  
15 authority granted under this paragraph, however, shall not  
16 increase the principal amount of Bonds authorized to be issued  
17 by law. The arrangements may be executed and delivered by the  
18 Director of the Governor's Office of Management and Budget on  
19 behalf of the State. Net payments for such arrangements shall  
20 constitute interest on the Bonds and shall be paid from the  
21 General Obligation Bond Retirement and Interest Fund. The  
22 Director of the Governor's Office of Management and Budget  
23 shall at least annually certify to the Governor and the State  
24 Comptroller his or her estimate of the amounts of such net  
25 payments to be included in the calculation of interest required  
26 to be paid by the State.

1 (c) Prior to the issuance of any Variable Rate Bonds  
2 pursuant to subsection (a), the Director of the Governor's  
3 Office of Management and Budget shall adopt an interest rate  
4 risk management policy providing that the amount of the State's  
5 variable rate exposure with respect to Bonds shall not exceed  
6 20%. This policy shall remain in effect while any Bonds are  
7 outstanding and the issuance of Bonds shall be subject to the  
8 terms of such policy. The terms of this policy may be amended  
9 from time to time by the Director of the Governor's Office of  
10 Management and Budget but in no event shall any amendment cause  
11 the permitted level of the State's variable rate exposure with  
12 respect to Bonds to exceed 20%.

13 (d) "Build America Bonds" in this Section means Bonds  
14 authorized by Section 54AA of the Internal Revenue Code of  
15 1986, as amended ("Internal Revenue Code"), and bonds issued  
16 from time to time to refund or continue to refund "Build  
17 America Bonds".

18 (e) Notwithstanding any other provision of this Section,  
19 Qualified School Construction Bonds shall be issued and sold  
20 from time to time, in one or more series, in such amounts and  
21 at such prices as may be directed by the Governor, upon  
22 recommendation by the Director of the Governor's Office of  
23 Management and Budget. Qualified School Construction Bonds  
24 shall be in such form (either coupon, registered or book  
25 entry), in such denominations, payable within 25 years from  
26 their date, subject to such terms of redemption with or without



1 premium, and if the Qualified School Construction Bonds are  
2 issued with a supplemental coupon, bear interest payable at  
3 such times and at such fixed or variable rate or rates, and be  
4 dated as shall be fixed and determined by the Director of the  
5 Governor's Office of Management and Budget in the order  
6 authorizing the issuance and sale of any series of Qualified  
7 School Construction Bonds, which order shall be approved by the  
8 Governor and is herein called a "Bond Sale Order"; except that  
9 interest payable at fixed or variable rates, if any, shall not  
10 exceed that permitted in the Bond Authorization Act, as now or  
11 hereafter amended. Qualified School Construction Bonds shall  
12 be payable at such place or places, within or without the State  
13 of Illinois, and may be made registrable as to either principal  
14 or as to both principal and interest, as shall be specified in  
15 the Bond Sale Order. Qualified School Construction Bonds may be  
16 callable or subject to purchase and retirement or tender and  
17 remarketing as fixed and determined in the Bond Sale Order.  
18 Qualified School Construction Bonds must be issued with  
19 principal or mandatory redemption amounts or sinking fund  
20 payments into the General Obligation Bond Retirement and  
21 Interest Fund (or subaccount therefor) in equal amounts, with  
22 the first maturity issued, mandatory redemption payment or  
23 sinking fund payment occurring within the fiscal year in which  
24 the Qualified School Construction Bonds are issued or within  
25 the next succeeding fiscal year, with Qualified School  
26 Construction Bonds issued maturing or subject to mandatory

1 redemption or with sinking fund payments thereof deposited each  
2 fiscal year thereafter up to 25 years. Sinking fund payments  
3 set forth in this subsection shall be permitted only to the  
4 extent authorized in Section 54F of the Internal Revenue Code  
5 or as otherwise determined by the Director of the Governor's  
6 Office of Management and Budget. "Qualified School  
7 Construction Bonds" in this subsection means Bonds authorized  
8 by Section 54F of the Internal Revenue Code and for bonds  
9 issued from time to time to refund or continue to refund such  
10 "Qualified School Construction Bonds".

11 (f) Beginning with the next issuance by the Governor's  
12 Office of Management and Budget to the Procurement Policy Board  
13 of a request for quotation for the purpose of formulating a new  
14 pool of qualified underwriting banks list, all entities  
15 responding to such a request for quotation for inclusion on  
16 that list shall provide a written report to the Governor's  
17 Office of Management and Budget and the Illinois Comptroller.  
18 The written report submitted to the Comptroller shall (i) be  
19 published on the Comptroller's Internet website and (ii) be  
20 used by the Governor's Office of Management and Budget for the  
21 purposes of scoring such a request for quotation. The written  
22 report, at a minimum, shall:

23 (1) disclose whether, within the past 3 months,  
24 pursuant to its credit default swap market-making  
25 activities, the firm has entered into any State of Illinois  
26 credit default swaps ("CDS");

1           (2) include, in the event of State of Illinois CDS  
2 activity, disclosure of the firm's cumulative notional  
3 volume of State of Illinois CDS trades and the firm's  
4 outstanding gross and net notional amount of State of  
5 Illinois CDS, as of the end of the current 3-month period;

6           (3) indicate, pursuant to the firm's proprietary  
7 trading activities, disclosure of whether the firm, within  
8 the past 3 months, has entered into any proprietary trades  
9 for its own account in State of Illinois CDS;

10          (4) include, in the event of State of Illinois  
11 proprietary trades, disclosure of the firm's outstanding  
12 gross and net notional amount of proprietary State of  
13 Illinois CDS and whether the net position is short or long  
14 credit protection, as of the end of the current 3-month  
15 period;

16          (5) list all time periods during the past 3 months  
17 during which the firm held net long or net short State of  
18 Illinois CDS proprietary credit protection positions, the  
19 amount of such positions, and whether those positions were  
20 net long or net short credit protection positions; and

21          (6) indicate whether, within the previous 3 months, the  
22 firm released any publicly available research or marketing  
23 reports that reference State of Illinois CDS and include  
24 those research or marketing reports as attachments.

25          (g) All entities included on a Governor's Office of  
26 Management and Budget's pool of qualified underwriting banks

1 list shall, as soon as possible after March 18, 2011 (the  
2 effective date of Public Act 96-1554), but not later than  
3 January 21, 2011, and on a quarterly fiscal basis thereafter,  
4 provide a written report to the Governor's Office of Management  
5 and Budget and the Illinois Comptroller. The written reports  
6 submitted to the Comptroller shall be published on the  
7 Comptroller's Internet website. The written reports, at a  
8 minimum, shall:

9 (1) disclose whether, within the past 3 months,  
10 pursuant to its credit default swap market-making  
11 activities, the firm has entered into any State of Illinois  
12 credit default swaps ("CDS");

13 (2) include, in the event of State of Illinois CDS  
14 activity, disclosure of the firm's cumulative notional  
15 volume of State of Illinois CDS trades and the firm's  
16 outstanding gross and net notional amount of State of  
17 Illinois CDS, as of the end of the current 3-month period;

18 (3) indicate, pursuant to the firm's proprietary  
19 trading activities, disclosure of whether the firm, within  
20 the past 3 months, has entered into any proprietary trades  
21 for its own account in State of Illinois CDS;

22 (4) include, in the event of State of Illinois  
23 proprietary trades, disclosure of the firm's outstanding  
24 gross and net notional amount of proprietary State of  
25 Illinois CDS and whether the net position is short or long  
26 credit protection, as of the end of the current 3-month

1 period;

2 (5) list all time periods during the past 3 months  
3 during which the firm held net long or net short State of  
4 Illinois CDS proprietary credit protection positions, the  
5 amount of such positions, and whether those positions were  
6 net long or net short credit protection positions; and

7 (6) indicate whether, within the previous 3 months, the  
8 firm released any publicly available research or marketing  
9 reports that reference State of Illinois CDS and include  
10 those research or marketing reports as attachments.

11 (h) Notwithstanding any other provision of this Section,  
12 for purposes of maximizing market efficiencies and cost  
13 savings, Income Tax Proceed Bonds may be issued and sold from  
14 time to time, in one or more series, in such amounts and at  
15 such prices as may be directed by the Governor, upon  
16 recommendation by the Director of the Governor's Office of  
17 Management and Budget. Income Tax Proceed Bonds shall be in  
18 such form, either coupon, registered, or book entry, in such  
19 denominations, shall bear interest payable at such times and at  
20 such fixed or variable rate or rates, and be dated as shall be  
21 fixed and determined by the Director of the Governor's Office  
22 of Management and Budget in the order authorizing the issuance  
23 and sale of any series of Income Tax Proceed Bonds, which order  
24 shall be approved by the Governor and is herein called a "Bond  
25 Sale Order"; provided, however, that interest payable at fixed  
26 or variable rates shall not exceed that permitted in the Bond

1 Authorization Act. Income Tax Proceed Bonds shall be payable at  
2 such place or places, within or without the State of Illinois,  
3 and may be made registrable as to either principal or as to  
4 both principal and interest, as shall be specified in the Bond  
5 Sale Order. Income Tax Proceed Bonds may be callable or subject  
6 to purchase and retirement or tender and remarketing as fixed  
7 and determined in the Bond Sale Order.

8 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section  
9 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.  
10 7-6-17; revised 8-8-17.)

11 (30 ILCS 330/11) (from Ch. 127, par. 661)

12 Sec. 11. Sale of Bonds. Except as otherwise provided in  
13 this Section, Bonds shall be sold from time to time pursuant to  
14 notice of sale and public bid or by negotiated sale in such  
15 amounts and at such times as is directed by the Governor, upon  
16 recommendation by the Director of the Governor's Office of  
17 Management and Budget. At least 25%, based on total principal  
18 amount, of all Bonds issued each fiscal year shall be sold  
19 pursuant to notice of sale and public bid. At all times during  
20 each fiscal year, no more than 75%, based on total principal  
21 amount, of the Bonds issued each fiscal year, shall have been  
22 sold by negotiated sale. Failure to satisfy the requirements in  
23 the preceding 2 sentences shall not affect the validity of any  
24 previously issued Bonds; provided that all Bonds authorized by  
25 Public Act 96-43 and Public Act 96-1497 shall not be included

1 in determining compliance for any fiscal year with the  
2 requirements of the preceding 2 sentences; and further provided  
3 that refunding Bonds satisfying the requirements of Section 16  
4 of this Act and sold during fiscal year 2009, 2010, 2011, 2017,  
5 ~~or~~ 2018, or 2019 shall not be subject to the requirements in  
6 the preceding 2 sentences.

7 If any Bonds, including refunding Bonds, are to be sold by  
8 negotiated sale, the Director of the Governor's Office of  
9 Management and Budget shall comply with the competitive request  
10 for proposal process set forth in the Illinois Procurement Code  
11 and all other applicable requirements of that Code.

12 If Bonds are to be sold pursuant to notice of sale and  
13 public bid, the Director of the Governor's Office of Management  
14 and Budget may, from time to time, as Bonds are to be sold,  
15 advertise the sale of the Bonds in at least 2 daily newspapers,  
16 one of which is published in the City of Springfield and one in  
17 the City of Chicago. The sale of the Bonds shall also be  
18 advertised in the volume of the Illinois Procurement Bulletin  
19 that is published by the Department of Central Management  
20 Services, and shall be published once at least 10 days prior to  
21 the date fixed for the opening of the bids. The Director of the  
22 Governor's Office of Management and Budget may reschedule the  
23 date of sale upon the giving of such additional notice as the  
24 Director deems adequate to inform prospective bidders of such  
25 change; provided, however, that all other conditions of the  
26 sale shall continue as originally advertised.

1 Executed Bonds shall, upon payment therefor, be delivered  
2 to the purchaser, and the proceeds of Bonds shall be paid into  
3 the State Treasury as directed by Section 12 of this Act.

4 All Income Tax Proceed Bonds shall comply with this  
5 Section. Notwithstanding anything to the contrary, however,  
6 for purposes of complying with this Section, Income Tax Proceed  
7 Bonds, regardless of the number of series or issuances sold  
8 thereunder, shall be considered a single issue or series.  
9 Furthermore, for purposes of complying with the competitive  
10 bidding requirements of this Section, the words "at all times"  
11 shall not apply to any such sale of the Income Tax Proceed  
12 Bonds. The Director of the Governor's Office of Management and  
13 Budget shall determine the time and manner of any competitive  
14 sale of the Income Tax Proceed Bonds; however, that sale shall  
15 under no circumstances take place later than 60 days after the  
16 State closes the sale of 75% of the Income Tax Proceed Bonds by  
17 negotiated sale.

18 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section  
19 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.  
20 7-6-17; revised 8-15-17.)

21 (30 ILCS 330/16) (from Ch. 127, par. 666)

22 Sec. 16. Refunding Bonds. The State of Illinois is  
23 authorized to issue, sell, and provide for the retirement of  
24 General Obligation Bonds of the State of Illinois in the amount  
25 of \$4,839,025,000, at any time and from time to time



1 outstanding, for the purpose of refunding any State of Illinois  
2 general obligation Bonds then outstanding, including (i) the  
3 payment of any redemption premium thereon, (ii) any reasonable  
4 expenses of such refunding, (iii) any interest accrued or to  
5 accrue to the earliest or any subsequent date of redemption or  
6 maturity of such outstanding Bonds, (iv) for fiscal year 2019  
7 only, any necessary payments to providers of interest rate  
8 exchange agreements in connection with the termination of such  
9 agreements by the State in connection with the refunding, and  
10 (v) any interest to accrue to the first interest payment on the  
11 refunding Bonds; provided that all non-refunding Bonds in an  
12 issue that includes refunding Bonds shall mature no later than  
13 the final maturity date of Bonds being refunded; provided that  
14 no refunding Bonds shall be offered for sale unless the net  
15 present value of debt service savings to be achieved by the  
16 issuance of the refunding Bonds is 3% or more of the principal  
17 amount of the refunding Bonds to be issued; and further  
18 provided that, except for refunding Bonds sold in fiscal year  
19 2009, 2010, 2011, 2017, ~~or~~ 2018, or 2019, the maturities of the  
20 refunding Bonds shall not extend beyond the maturities of the  
21 Bonds they refund, so that for each fiscal year in the maturity  
22 schedule of a particular issue of refunding Bonds, the total  
23 amount of refunding principal maturing and redemption amounts  
24 due in that fiscal year and all prior fiscal years in that  
25 schedule shall be greater than or equal to the total amount of  
26 refunded principal and redemption amounts that had been due

1 over that year and all prior fiscal years prior to the  
2 refunding.

3 The Governor shall notify the State Treasurer and  
4 Comptroller of such refunding. The proceeds received from the  
5 sale of refunding Bonds shall be used for the retirement at  
6 maturity or redemption of such outstanding Bonds on any  
7 maturity or redemption date and, pending such use, shall be  
8 placed in escrow, subject to such terms and conditions as shall  
9 be provided for in the Bond Sale Order relating to the  
10 Refunding Bonds. Proceeds not needed for deposit in an escrow  
11 account shall be deposited in the General Obligation Bond  
12 Retirement and Interest Fund. This Act shall constitute an  
13 irrevocable and continuing appropriation of all amounts  
14 necessary to establish an escrow account for the purpose of  
15 refunding outstanding general obligation Bonds and to pay the  
16 reasonable expenses of such refunding and of the issuance and  
17 sale of the refunding Bonds. Any such escrowed proceeds may be  
18 invested and reinvested in direct obligations of the United  
19 States of America, maturing at such time or times as shall be  
20 appropriate to assure the prompt payment, when due, of the  
21 principal of and interest and redemption premium, if any, on  
22 the refunded Bonds. After the terms of the escrow have been  
23 fully satisfied, any remaining balance of such proceeds and  
24 interest, income and profits earned or realized on the  
25 investments thereof shall be paid into the General Revenue  
26 Fund. The liability of the State upon the Bonds shall continue,

1 provided that the holders thereof shall thereafter be entitled  
2 to payment only out of the moneys deposited in the escrow  
3 account.

4 Except as otherwise herein provided in this Section, such  
5 refunding Bonds shall in all other respects be subject to the  
6 terms and conditions of this Act.

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

8 Section 60-10. The Build Illinois Bond Act is amended by  
9 changing Sections 6, 8, and 15 as follows:

10 (30 ILCS 425/6) (from Ch. 127, par. 2806)

11 Sec. 6. Conditions for Issuance and Sale of Bonds -  
12 Requirements for Bonds - Master and Supplemental Indentures -  
13 Credit and Liquidity Enhancement.

14 (a) Bonds shall be issued and sold from time to time, in  
15 one or more series, in such amounts and at such prices as  
16 directed by the Governor, upon recommendation by the Director  
17 of the Governor's Office of Management and Budget. Bonds shall  
18 be payable only from the specific sources and secured in the  
19 manner provided in this Act. Bonds shall be in such form, in  
20 such denominations, mature on such dates within 25 years from  
21 their date of issuance, be subject to optional or mandatory  
22 redemption, bear interest payable at such times and at such  
23 rate or rates, fixed or variable, and be dated as shall be  
24 fixed and determined by the Director of the Governor's Office

1 of Management and Budget in an order authorizing the issuance  
2 and sale of any series of Bonds, which order shall be approved  
3 by the Governor and is herein called a "Bond Sale Order";  
4 provided, however, that interest payable at fixed rates shall  
5 not exceed that permitted in "An Act to authorize public  
6 corporations to issue bonds, other evidences of indebtedness  
7 and tax anticipation warrants subject to interest rate  
8 limitations set forth therein", approved May 26, 1970, as now  
9 or hereafter amended, and interest payable at variable rates  
10 shall not exceed the maximum rate permitted in the Bond Sale  
11 Order. Said Bonds shall be payable at such place or places,  
12 within or without the State of Illinois, and may be made  
13 registrable as to either principal only or as to both principal  
14 and interest, as shall be specified in the Bond Sale Order.  
15 Bonds may be callable or subject to purchase and retirement or  
16 remarketing as fixed and determined in the Bond Sale Order.  
17 Bonds (i) except for refunding Bonds satisfying the  
18 requirements of Section 15 of this Act and sold during fiscal  
19 year 2009, 2010, 2011, 2017, ~~or~~ or 2019, must be issued  
20 with principal or mandatory redemption amounts in equal  
21 amounts, with the first maturity issued occurring within the  
22 fiscal year in which the Bonds are issued or within the next  
23 succeeding fiscal year and (ii) must mature or be subject to  
24 mandatory redemption each fiscal year thereafter up to 25  
25 years, except for refunding Bonds satisfying the requirements  
26 of Section 15 of this Act and sold during fiscal year 2009,

1 2010, or 2011 which must mature or be subject to mandatory  
2 redemption each fiscal year thereafter up to 16 years.

3 All Bonds authorized under this Act shall be issued  
4 pursuant to a master trust indenture ("Master Indenture")  
5 executed and delivered on behalf of the State by the Director  
6 of the Governor's Office of Management and Budget, such Master  
7 Indenture to be in substantially the form approved in the Bond  
8 Sale Order authorizing the issuance and sale of the initial  
9 series of Bonds issued under this Act. Such initial series of  
10 Bonds may, and each subsequent series of Bonds shall, also be  
11 issued pursuant to a supplemental trust indenture  
12 ("Supplemental Indenture") executed and delivered on behalf of  
13 the State by the Director of the Governor's Office of  
14 Management and Budget, each such Supplemental Indenture to be  
15 in substantially the form approved in the Bond Sale Order  
16 relating to such series. The Master Indenture and any  
17 Supplemental Indenture shall be entered into with a bank or  
18 trust company in the State of Illinois having trust powers and  
19 possessing capital and surplus of not less than \$100,000,000.  
20 Such indentures shall set forth the terms and conditions of the  
21 Bonds and provide for payment of and security for the Bonds,  
22 including the establishment and maintenance of debt service and  
23 reserve funds, and for other protections for holders of the  
24 Bonds. The term "reserve funds" as used in this Act shall  
25 include funds and accounts established under indentures to  
26 provide for the payment of principal of and premium and

1 interest on Bonds, to provide for the purchase, retirement or  
2 defeasance of Bonds, to provide for fees of trustees,  
3 registrars, paying agents and other fiduciaries and to provide  
4 for payment of costs of and debt service payable in respect of  
5 credit or liquidity enhancement arrangements, interest rate  
6 swaps or guarantees or financial futures contracts and indexing  
7 and remarketing agents' services.

8 In the case of any series of Bonds bearing interest at a  
9 variable interest rate ("Variable Rate Bonds"), in lieu of  
10 determining the rate or rates at which such series of Variable  
11 Rate Bonds shall bear interest and the price or prices at which  
12 such Variable Rate Bonds shall be initially sold or remarketed  
13 (in the event of purchase and subsequent resale), the Bond Sale  
14 Order may provide that such interest rates and prices may vary  
15 from time to time depending on criteria established in such  
16 Bond Sale Order, which criteria may include, without  
17 limitation, references to indices or variations in interest  
18 rates as may, in the judgment of a remarketing agent, be  
19 necessary to cause Bonds of such series to be remarketable from  
20 time to time at a price equal to their principal amount (or  
21 compound accreted value in the case of original issue discount  
22 Bonds), and may provide for appointment of indexing agents and  
23 a bank, trust company, investment bank or other financial  
24 institution to serve as remarketing agent in that connection.  
25 The Bond Sale Order may provide that alternative interest rates  
26 or provisions for establishing alternative interest rates,

1 different security or claim priorities or different call or  
2 amortization provisions will apply during such times as Bonds  
3 of any series are held by a person providing credit or  
4 liquidity enhancement arrangements for such Bonds as  
5 authorized in subsection (b) of Section 6 of this Act.

6 (b) In connection with the issuance of any series of Bonds,  
7 the State may enter into arrangements to provide additional  
8 security and liquidity for such Bonds, including, without  
9 limitation, bond or interest rate insurance or letters of  
10 credit, lines of credit, bond purchase contracts or other  
11 arrangements whereby funds are made available to retire or  
12 purchase Bonds, thereby assuring the ability of owners of the  
13 Bonds to sell or redeem their Bonds. The State may enter into  
14 contracts and may agree to pay fees to persons providing such  
15 arrangements, but only under circumstances where the Director  
16 of the Bureau of the Budget (now Governor's Office of  
17 Management and Budget) certifies that he reasonably expects the  
18 total interest paid or to be paid on the Bonds, together with  
19 the fees for the arrangements (being treated as if interest),  
20 would not, taken together, cause the Bonds to bear interest,  
21 calculated to their stated maturity, at a rate in excess of the  
22 rate which the Bonds would bear in the absence of such  
23 arrangements. Any bonds, notes or other evidences of  
24 indebtedness issued pursuant to any such arrangements for the  
25 purpose of retiring and discharging outstanding Bonds shall  
26 constitute refunding Bonds under Section 15 of this Act. The

1 State may participate in and enter into arrangements with  
2 respect to interest rate swaps or guarantees or financial  
3 futures contracts for the purpose of limiting or restricting  
4 interest rate risk; provided that such arrangements shall be  
5 made with or executed through banks having capital and surplus  
6 of not less than \$100,000,000 or insurance companies holding  
7 the highest policyholder rating accorded insurers by A.M. Best  
8 & Co. or any comparable rating service or government bond  
9 dealers reporting to, trading with, and recognized as primary  
10 dealers by a Federal Reserve Bank and having capital and  
11 surplus of not less than \$100,000,000, or other persons whose  
12 debt securities are rated in the highest long-term categories  
13 by both Moody's Investors' Services, Inc. and Standard & Poor's  
14 Corporation. Agreements incorporating any of the foregoing  
15 arrangements may be executed and delivered by the Director of  
16 the Governor's Office of Management and Budget on behalf of the  
17 State in substantially the form approved in the Bond Sale Order  
18 relating to such Bonds.

19 (c) "Build America Bonds" in this Section means Bonds  
20 authorized by Section 54AA of the Internal Revenue Code of  
21 1986, as amended ("Internal Revenue Code"), and bonds issued  
22 from time to time to refund or continue to refund "Build  
23 America Bonds".

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

25 (30 ILCS 425/8) (from Ch. 127, par. 2808)



1           Sec. 8. Sale of Bonds. Bonds, except as otherwise provided  
2 in this Section, shall be sold from time to time pursuant to  
3 notice of sale and public bid or by negotiated sale in such  
4 amounts and at such times as are directed by the Governor, upon  
5 recommendation by the Director of the Governor's Office of  
6 Management and Budget. At least 25%, based on total principal  
7 amount, of all Bonds issued each fiscal year shall be sold  
8 pursuant to notice of sale and public bid. At all times during  
9 each fiscal year, no more than 75%, based on total principal  
10 amount, of the Bonds issued each fiscal year shall have been  
11 sold by negotiated sale. Failure to satisfy the requirements in  
12 the preceding 2 sentences shall not affect the validity of any  
13 previously issued Bonds; and further provided that refunding  
14 Bonds satisfying the requirements of Section 15 of this Act and  
15 sold during fiscal year 2009, 2010, 2011, 2017, ~~or~~ 2018, or  
16 2019 shall not be subject to the requirements in the preceding  
17 2 sentences.

18           If any Bonds are to be sold pursuant to notice of sale and  
19 public bid, the Director of the Governor's Office of Management  
20 and Budget shall comply with the competitive request for  
21 proposal process set forth in the Illinois Procurement Code and  
22 all other applicable requirements of that Code.

23           If Bonds are to be sold pursuant to notice of sale and  
24 public bid, the Director of the Governor's Office of Management  
25 and Budget may, from time to time, as Bonds are to be sold,  
26 advertise the sale of the Bonds in at least 2 daily newspapers,

1 one of which is published in the City of Springfield and one in  
2 the City of Chicago. The sale of the Bonds shall also be  
3 advertised in the volume of the Illinois Procurement Bulletin  
4 that is published by the Department of Central Management  
5 Services, and shall be published once at least 10 days prior to  
6 the date fixed for the opening of the bids. The Director of the  
7 Governor's Office of Management and Budget may reschedule the  
8 date of sale upon the giving of such additional notice as the  
9 Director deems adequate to inform prospective bidders of the  
10 change; provided, however, that all other conditions of the  
11 sale shall continue as originally advertised. Executed Bonds  
12 shall, upon payment therefor, be delivered to the purchaser,  
13 and the proceeds of Bonds shall be paid into the State Treasury  
14 as directed by Section 9 of this Act. The Governor or the  
15 Director of the Governor's Office of Management and Budget is  
16 hereby authorized and directed to execute and deliver contracts  
17 of sale with underwriters and to execute and deliver such  
18 certificates, indentures, agreements and documents, including  
19 any supplements or amendments thereto, and to take such actions  
20 and do such things as shall be necessary or desirable to carry  
21 out the purposes of this Act. Any action authorized or  
22 permitted to be taken by the Director of the Governor's Office  
23 of Management and Budget pursuant to this Act is hereby  
24 authorized to be taken by any person specifically designated by  
25 the Governor to take such action in a certificate signed by the  
26 Governor and filed with the Secretary of State.

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

2 (30 ILCS 425/15) (from Ch. 127, par. 2815)

3 Sec. 15. Refunding Bonds. Refunding Bonds are hereby  
4 authorized for the purpose of refunding any outstanding Bonds,  
5 including the payment of any redemption premium thereon, any  
6 reasonable expenses of such refunding, and any interest accrued  
7 or to accrue to the earliest or any subsequent date of  
8 redemption or maturity of outstanding Bonds; provided that all  
9 non-refunding Bonds in an issue that includes refunding Bonds  
10 shall mature no later than the final maturity date of Bonds  
11 being refunded; provided that no refunding Bonds shall be  
12 offered for sale unless the net present value of debt service  
13 savings to be achieved by the issuance of the refunding Bonds  
14 is 3% or more of the principal amount of the refunding Bonds to  
15 be issued; and further provided that, except for refunding  
16 Bonds sold in fiscal year 2009, 2010, 2011, 2017, ~~or~~ 2018, or  
17 2019, the maturities of the refunding Bonds shall not extend  
18 beyond the maturities of the Bonds they refund, so that for  
19 each fiscal year in the maturity schedule of a particular issue  
20 of refunding Bonds, the total amount of refunding principal  
21 maturing and redemption amounts due in that fiscal year and all  
22 prior fiscal years in that schedule shall be greater than or  
23 equal to the total amount of refunded principal and redemption  
24 amounts that had been due over that year and all prior fiscal  
25 years prior to the refunding.

1           Refunding Bonds may be sold in such amounts and at such  
2 times, as directed by the Governor upon recommendation by the  
3 Director of the Governor's Office of Management and Budget. The  
4 Governor shall notify the State Treasurer and Comptroller of  
5 such refunding. The proceeds received from the sale of  
6 refunding Bonds shall be used for the retirement at maturity or  
7 redemption of such outstanding Bonds on any maturity or  
8 redemption date and, pending such use, shall be placed in  
9 escrow, subject to such terms and conditions as shall be  
10 provided for in the Bond Sale Order relating to the refunding  
11 Bonds. This Act shall constitute an irrevocable and continuing  
12 appropriation of all amounts necessary to establish an escrow  
13 account for the purpose of refunding outstanding Bonds and to  
14 pay the reasonable expenses of such refunding and of the  
15 issuance and sale of the refunding Bonds. Any such escrowed  
16 proceeds may be invested and reinvested in direct obligations  
17 of the United States of America, maturing at such time or times  
18 as shall be appropriate to assure the prompt payment, when due,  
19 of the principal of and interest and redemption premium, if  
20 any, on the refunded Bonds. After the terms of the escrow have  
21 been fully satisfied, any remaining balance of such proceeds  
22 and interest, income and profits earned or realized on the  
23 investments thereof shall be paid into the General Revenue  
24 Fund. The liability of the State upon the refunded Bonds shall  
25 continue, provided that the holders thereof shall thereafter be  
26 entitled to payment only out of the moneys deposited in the

1 escrow account and the refunded Bonds shall be deemed paid,  
2 discharged and no longer to be outstanding.

3 Except as otherwise herein provided in this Section, such  
4 refunding Bonds shall in all other respects be issued pursuant  
5 to and subject to the terms and conditions of this Act and  
6 shall be secured by and payable from only the funds and sources  
7 which are provided under this Act.

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

9 ARTICLE 65.

10 Section 65-15. The Illinois Public Aid Code is amended by  
11 changing Sections 5-4.2, 5-5.01a, 9A-11, and 12-4.11 and by  
12 adding Sections 5-5.05a and 5-5.12b as follows:

13 (305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)

14 Sec. 5-4.2. Ambulance services payments.

15 (a) For ambulance services provided to a recipient of aid  
16 under this Article on or after January 1, 1993, the Illinois  
17 Department shall reimburse ambulance service providers at  
18 rates calculated in accordance with this Section. It is the  
19 intent of the General Assembly to provide adequate  
20 reimbursement for ambulance services so as to ensure adequate  
21 access to services for recipients of aid under this Article and  
22 to provide appropriate incentives to ambulance service  
23 providers to provide services in an efficient and

1 cost-effective manner. Thus, it is the intent of the General  
2 Assembly that the Illinois Department implement a  
3 reimbursement system for ambulance services that, to the extent  
4 practicable and subject to the availability of funds  
5 appropriated by the General Assembly for this purpose, is  
6 consistent with the payment principles of Medicare. To ensure  
7 uniformity between the payment principles of Medicare and  
8 Medicaid, the Illinois Department shall follow, to the extent  
9 necessary and practicable and subject to the availability of  
10 funds appropriated by the General Assembly for this purpose,  
11 the statutes, laws, regulations, policies, procedures,  
12 principles, definitions, guidelines, and manuals used to  
13 determine the amounts paid to ambulance service providers under  
14 Title XVIII of the Social Security Act (Medicare).

15 (b) For ambulance services provided to a recipient of aid  
16 under this Article on or after January 1, 1996, the Illinois  
17 Department shall reimburse ambulance service providers based  
18 upon the actual distance traveled if a natural disaster,  
19 weather conditions, road repairs, or traffic congestion  
20 necessitates the use of a route other than the most direct  
21 route.

22 (c) For purposes of this Section, "ambulance services"  
23 includes medical transportation services provided by means of  
24 an ambulance, medi-car, service car, or taxi.

25 (c-1) For purposes of this Section, "ground ambulance  
26 service" means medical transportation services that are

1 described as ground ambulance services by the Centers for  
2 Medicare and Medicaid Services and provided in a vehicle that  
3 is licensed as an ambulance by the Illinois Department of  
4 Public Health pursuant to the Emergency Medical Services (EMS)  
5 Systems Act.

6 (c-2) For purposes of this Section, "ground ambulance  
7 service provider" means a vehicle service provider as described  
8 in the Emergency Medical Services (EMS) Systems Act that  
9 operates licensed ambulances for the purpose of providing  
10 emergency ambulance services, or non-emergency ambulance  
11 services, or both. For purposes of this Section, this includes  
12 both ambulance providers and ambulance suppliers as described  
13 by the Centers for Medicare and Medicaid Services.

14 (d) This Section does not prohibit separate billing by  
15 ambulance service providers for oxygen furnished while  
16 providing advanced life support services.

17 (e) Beginning with services rendered on or after July 1,  
18 2008, all providers of non-emergency medi-car and service car  
19 transportation must certify that the driver and employee  
20 attendant, as applicable, have completed a safety program  
21 approved by the Department to protect both the patient and the  
22 driver, prior to transporting a patient. The provider must  
23 maintain this certification in its records. The provider shall  
24 produce such documentation upon demand by the Department or its  
25 representative. Failure to produce documentation of such  
26 training shall result in recovery of any payments made by the

1 Department for services rendered by a non-certified driver or  
2 employee attendant. Medi-car and service car providers must  
3 maintain legible documentation in their records of the driver  
4 and, as applicable, employee attendant that actually  
5 transported the patient. Providers must recertify all drivers  
6 and employee attendants every 3 years.

7 Notwithstanding the requirements above, any public  
8 transportation provider of medi-car and service car  
9 transportation that receives federal funding under 49 U.S.C.  
10 5307 and 5311 need not certify its drivers and employee  
11 attendants under this Section, since safety training is already  
12 federally mandated.

13 (f) With respect to any policy or program administered by  
14 the Department or its agent regarding approval of non-emergency  
15 medical transportation by ground ambulance service providers,  
16 including, but not limited to, the Non-Emergency  
17 Transportation Services Prior Approval Program (NETSPAP), the  
18 Department shall establish by rule a process by which ground  
19 ambulance service providers of non-emergency medical  
20 transportation may appeal any decision by the Department or its  
21 agent for which no denial was received prior to the time of  
22 transport that either (i) denies a request for approval for  
23 payment of non-emergency transportation by means of ground  
24 ambulance service or (ii) grants a request for 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 the ground ambulance service provider  
3 would have received as compensation for the level of service  
4 requested. The rule shall be filed by December 15, 2012 and  
5 shall provide that, for any decision rendered by the Department  
6 or its agent on or after the date the rule takes effect, the  
7 ground ambulance service provider shall have 60 days from the  
8 date the decision is received to file an appeal. The rule  
9 established by the Department shall be, insofar as is  
10 practical, consistent with the Illinois Administrative  
11 Procedure Act. The Director's decision on an appeal under this  
12 Section shall be a final administrative decision subject to  
13 review under the Administrative Review Law.

14 (f-5) Beginning 90 days after July 20, 2012 (the effective  
15 date of Public Act 97-842), (i) no denial of a request for  
16 approval for payment of non-emergency transportation by means  
17 of ground ambulance service, and (ii) no approval of  
18 non-emergency transportation by means of ground ambulance  
19 service at a level of service that entitles the ground  
20 ambulance service provider to a lower level of compensation  
21 from the Department than would have been received at the level  
22 of service submitted by the ground ambulance service provider,  
23 may be issued by the Department or its agent unless the  
24 Department has submitted the criteria for determining the  
25 appropriateness of the transport for first notice publication  
26 in the Illinois Register pursuant to Section 5-40 of the

1 Illinois Administrative Procedure Act.

2 (g) Whenever a patient covered by a medical assistance  
3 program under this Code or by another medical program  
4 administered by the Department is being discharged from a  
5 facility, a physician discharge order as described in this  
6 Section shall be required for each patient whose discharge  
7 requires medically supervised ground ambulance services.  
8 Facilities shall develop procedures for a physician with  
9 medical staff privileges to provide a written and signed  
10 physician discharge order. The physician discharge order shall  
11 specify the level of ground ambulance services needed and  
12 complete a medical certification establishing the criteria for  
13 approval of non-emergency ambulance transportation, as  
14 published by the Department of Healthcare and Family Services,  
15 that is met by the patient. This order and the medical  
16 certification shall be completed prior to ordering an ambulance  
17 service and prior to patient discharge.

18 Pursuant to subsection (E) of Section 12-4.25 of this Code,  
19 the Department is entitled to recover overpayments paid to a  
20 provider or vendor, including, but not limited to, from the  
21 discharging physician, the discharging facility, and the  
22 ground ambulance service provider, in instances where a  
23 non-emergency ground ambulance service is rendered as the  
24 result of improper or false certification.

25 (h) On and after July 1, 2012, the Department shall reduce  
26 any rate of reimbursement for services or other payments or

1 alter any methodologies authorized by this Code to reduce any  
2 rate of reimbursement for services or other payments in  
3 accordance with Section 5-5e.

4 (i) On and after July 1, 2018, the Department shall  
5 increase the base rate of reimbursement for both base charges  
6 and mileage charges for ground ambulance service providers for  
7 medical transportation services provided by means of a ground  
8 ambulance to a level not lower than 112% of the base rate in  
9 effect as of June 30, 2018.

10 (Source: P.A. 97-584, eff. 8-26-11; 97-689, eff. 6-14-12;  
11 97-842, eff. 7-20-12; 98-463, eff. 8-16-13.)

12 (305 ILCS 5/5-5.01a)

13 Sec. 5-5.01a. Supportive living facilities program.

14 (a) The Department shall establish and provide oversight  
15 for a program of supportive living facilities that seek to  
16 promote resident independence, dignity, respect, and  
17 well-being in the most cost-effective manner.

18 A supportive living facility is (i) a free-standing  
19 facility or (ii) a distinct physical and operational entity  
20 within a mixed-use building that meets the criteria established  
21 in subsection (d). A supportive living facility integrates  
22 housing with health, personal care, and supportive services and  
23 is a designated setting that offers residents their own  
24 separate, private, and distinct living units.

25 Sites for the operation of the program shall be selected by

1 the Department based upon criteria that may include the need  
2 for services in a geographic area, the availability of funding,  
3 and the site's ability to meet the standards.

4 (b) Beginning July 1, 2014, subject to federal approval,  
5 the Medicaid rates for supportive living facilities shall be  
6 equal to the supportive living facility Medicaid rate effective  
7 on June 30, 2014 increased by 8.85%. Once the assessment  
8 imposed at Article V-G of this Code is determined to be a  
9 permissible tax under Title XIX of the Social Security Act, the  
10 Department shall increase the Medicaid rates for supportive  
11 living facilities effective on July 1, 2014 by 9.09%. The  
12 Department shall apply this increase retroactively to coincide  
13 with the imposition of the assessment in Article V-G of this  
14 Code in accordance with the approval for federal financial  
15 participation by the Centers for Medicare and Medicaid  
16 Services.

17 The Medicaid rates for supportive living facilities  
18 effective on July 1, 2017 must be equal to the rates in effect  
19 for supportive living facilities on June 30, 2017 increased by  
20 2.8%.

21 The Medicaid rates for supportive living facilities  
22 effective on July 1, 2018 must be equal to the rates in effect  
23 for supportive living facilities on June 30, 2018.

24 (c) The Department may adopt rules to implement this  
25 Section. Rules that establish or modify the services,  
26 standards, and conditions for participation in the program

1 shall be adopted by the Department in consultation with the  
2 Department on Aging, the Department of Rehabilitation  
3 Services, and the Department of Mental Health and Developmental  
4 Disabilities (or their successor agencies).

5 (d) Subject to federal approval by the Centers for Medicare  
6 and Medicaid Services, the Department shall accept for  
7 consideration of certification under the program any  
8 application for a site or building where distinct parts of the  
9 site or building are designated for purposes other than the  
10 provision of supportive living services, but only if:

11 (1) those distinct parts of the site or building are  
12 not designated for the purpose of providing assisted living  
13 services as required under the Assisted Living and Shared  
14 Housing Act;

15 (2) those distinct parts of the site or building are  
16 completely separate from the part of the building used for  
17 the provision of supportive living program services,  
18 including separate entrances;

19 (3) those distinct parts of the site or building do not  
20 share any common spaces with the part of the building used  
21 for the provision of supportive living program services;  
22 and

23 (4) those distinct parts of the site or building do not  
24 share staffing with the part of the building used for the  
25 provision of supportive living program services.

26 (e) Facilities or distinct parts of facilities which are

1 selected as supportive living facilities and are in good  
2 standing with the Department's rules are exempt from the  
3 provisions of the Nursing Home Care Act and the Illinois Health  
4 Facilities Planning Act.

5 (Source: P.A. 100-23, eff. 7-6-17; 100-583, eff. 4-6-18.)

6 (305 ILCS 5/5-5.05a new)

7 Sec. 5-5.05a. Reimbursement rates; community mental health  
8 centers. Notwithstanding the provisions of any other law,  
9 reimbursement rates, including enhanced payment rates and rate  
10 add-ons, for psychiatric and behavioral health services  
11 provided in or by community mental health centers licensed or  
12 certified by the Department of Human Services shall not be  
13 lower than the rates for such services in effect on November 1,  
14 2017. The Department of Healthcare and Family Services shall  
15 apply for any waiver or State Plan amendment, if required, to  
16 implement the reimbursement rates established in this Section.  
17 Implementation of the reimbursement rates shall be contingent  
18 on federal approval.

19 (305 ILCS 5/5-5.12b new)

20 Sec. 5-5.12b. Critical access care pharmacy program.

21 (a) As used in this Section:

22 "Critical access care pharmacy" means an Illinois-based  
23 brick and mortar pharmacy that is located in a county with  
24 fewer than 50,000 residents and that owns fewer than 10

1 pharmacies.

2 "Critical access care pharmacy program payment" means the  
3 number of individual prescriptions a critical access care  
4 pharmacy fills during that quarter multiplied by the lesser of  
5 the individual payment amount or the dispensing reimbursement  
6 rate made by the Department under the medical assistance  
7 program as of April 1, 2018.

8 "Individual payment amount" means the dividend of 1/4 of  
9 the annual amount appropriated for the critical access care  
10 pharmacy program by the number of prescriptions filled by all  
11 critical access care pharmacies reimbursed by Medicaid managed  
12 care organizations that quarter.

13 (b) Subject to appropriations, the Department shall  
14 establish a critical access care pharmacy program to ensure the  
15 sustainability of critical access pharmacies throughout the  
16 State of Illinois.

17 (c) The critical access care pharmacy program shall not  
18 exceed \$10,000,000 annually and individual payment amounts per  
19 prescription shall not exceed the dispensing rate that the  
20 Department would have reimbursed under the Medical Assistance  
21 Program as of April 1, 2018.

22 (d) Quarterly, the Department shall determine the number of  
23 prescriptions filled by critical access care pharmacies  
24 reimbursed by Medicaid managed care organizations utilizing  
25 encounter data available to the Department. The Department  
26 shall determine the individual payment amount per prescription

1 by dividing 1/4 of the annual amount appropriated for the  
2 critical access care pharmacy program by the number of  
3 prescriptions filled by all critical access care pharmacies  
4 reimbursed by Medicaid managed care organizations that  
5 quarter. If the individual payment amount per prescription as  
6 calculated using quarterly prescription amounts exceeds the  
7 reimbursement rate under the medical assistance program as of  
8 April 1, 2018, then the individual payment amount per  
9 prescription shall be the dispensing reimbursement rate under  
10 the medical assistance program as of April 1, 2018.

11 (e) Quarterly, the Department shall distribute to critical  
12 access care pharmacies a critical access care pharmacy program  
13 payment. The first payment shall be calculated utilizing the  
14 encounter data from the last quarter of State fiscal year 2018.

15 (f) The Department may adopt rules permitting an  
16 Illinois-based brick and mortar pharmacy that owns fewer than  
17 10 pharmacies to receive critical access care pharmacy program  
18 payments in the same manner as a critical access care pharmacy,  
19 regardless of whether the pharmacy is located in a county with  
20 a population of less than 50,000.

21 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

22 Sec. 9A-11. Child care.

23 (a) The General Assembly recognizes that families with  
24 children need child care in order to work. Child care is  
25 expensive and families with low incomes, including those who



1 are transitioning from welfare to work, often struggle to pay  
2 the costs of day care. The General Assembly understands the  
3 importance of helping low income working families become and  
4 remain self-sufficient. The General Assembly also believes  
5 that it is the responsibility of families to share in the costs  
6 of child care. It is also the preference of the General  
7 Assembly that all working poor families should be treated  
8 equally, regardless of their welfare status.

9 (b) To the extent resources permit, the Illinois Department  
10 shall provide child care services to parents or other relatives  
11 as defined by rule who are working or participating in  
12 employment or Department approved education or training  
13 programs. At a minimum, the Illinois Department shall cover the  
14 following categories of families:

15 (1) recipients of TANF under Article IV participating  
16 in work and training activities as specified in the  
17 personal plan for employment and self-sufficiency;

18 (2) families transitioning from TANF to work;

19 (3) families at risk of becoming recipients of TANF;

20 (4) families with special needs as defined by rule;

21 (5) working families with very low incomes as defined  
22 by rule; and

23 (6) families that are not recipients of TANF and that  
24 need child care assistance to participate in education and  
25 training activities.

26 The Department shall specify by rule the conditions of

1 eligibility, the application process, and the types, amounts,  
2 and duration of services. Eligibility for child care benefits  
3 and the amount of child care provided may vary based on family  
4 size, income, and other factors as specified by rule.

5 In determining income eligibility for child care benefits,  
6 the Department annually, at the beginning of each fiscal year,  
7 shall establish, by rule, one income threshold for each family  
8 size, in relation to percentage of State median income for a  
9 family of that size, that makes families with incomes below the  
10 specified threshold eligible for assistance and families with  
11 incomes above the specified threshold ineligible for  
12 assistance. Through and including fiscal year 2007, the  
13 specified threshold must be no less than 50% of the  
14 then-current State median income for each family size.  
15 Beginning in fiscal year 2008, the specified threshold must be  
16 no less than 185% of the then-current federal poverty level for  
17 each family size.

18 In determining eligibility for assistance, the Department  
19 shall not give preference to any category of recipients or give  
20 preference to individuals based on their receipt of benefits  
21 under this Code.

22 Nothing in this Section shall be construed as conferring  
23 entitlement status to eligible families.

24 The Illinois Department is authorized to lower income  
25 eligibility ceilings, raise parent co-payments, create waiting  
26 lists, or take such other actions during a fiscal year as are

1 necessary to ensure that child care benefits paid under this  
2 Article do not exceed the amounts appropriated for those child  
3 care benefits. These changes may be accomplished by emergency  
4 rule under Section 5-45 of the Illinois Administrative  
5 Procedure Act, except that the limitation on the number of  
6 emergency rules that may be adopted in a 24-month period shall  
7 not apply.

8 The Illinois Department may contract with other State  
9 agencies or child care organizations for the administration of  
10 child care services.

11 (c) Payment shall be made for child care that otherwise  
12 meets the requirements of this Section and applicable standards  
13 of State and local law and regulation, including any  
14 requirements the Illinois Department promulgates by rule in  
15 addition to the licensure requirements promulgated by the  
16 Department of Children and Family Services and Fire Prevention  
17 and Safety requirements promulgated by the Office of the State  
18 Fire Marshal and is provided in any of the following:

19 (1) a child care center which is licensed or exempt  
20 from licensure pursuant to Section 2.09 of the Child Care  
21 Act of 1969;

22 (2) a licensed child care home or home exempt from  
23 licensing;

24 (3) a licensed group child care home;

25 (4) other types of child care, including child care  
26 provided by relatives or persons living in the same home as

1 the child, as determined by the Illinois Department by  
2 rule.

3 (c-5) Solely for the purposes of coverage under the  
4 Illinois Public Labor Relations Act, child and day care home  
5 providers, including licensed and license exempt,  
6 participating in the Department's child care assistance  
7 program shall be considered to be public employees and the  
8 State of Illinois shall be considered to be their employer as  
9 of the effective date of this amendatory Act of the 94th  
10 General Assembly, but not before. The State shall engage in  
11 collective bargaining with an exclusive representative of  
12 child and day care home providers participating in the child  
13 care assistance program concerning their terms and conditions  
14 of employment that are within the State's control. Nothing in  
15 this subsection shall be understood to limit the right of  
16 families receiving services defined in this Section to select  
17 child and day care home providers or supervise them within the  
18 limits of this Section. The State shall not be considered to be  
19 the employer of child and day care home providers for any  
20 purposes not specifically provided in this amendatory Act of  
21 the 94th General Assembly, including but not limited to,  
22 purposes of vicarious liability in tort and purposes of  
23 statutory retirement or health insurance benefits. Child and  
24 day care home providers shall not be covered by the State  
25 Employees Group Insurance Act of 1971.

26 In according child and day care home providers and their

1 selected representative rights under the Illinois Public Labor  
2 Relations Act, the State intends that the State action  
3 exemption to application of federal and State antitrust laws be  
4 fully available to the extent that their activities are  
5 authorized by this amendatory Act of the 94th General Assembly.

6 (d) The Illinois Department shall establish, by rule, a  
7 co-payment scale that provides for cost sharing by families  
8 that receive child care services, including parents whose only  
9 income is from assistance under this Code. The co-payment shall  
10 be based on family income and family size and may be based on  
11 other factors as appropriate. Co-payments may be waived for  
12 families whose incomes are at or below the federal poverty  
13 level.

14 (d-5) The Illinois Department, in consultation with its  
15 Child Care and Development Advisory Council, shall develop a  
16 plan to revise the child care assistance program's co-payment  
17 scale. The plan shall be completed no later than February 1,  
18 2008, and shall include:

19 (1) findings as to the percentage of income that the  
20 average American family spends on child care and the  
21 relative amounts that low-income families and the average  
22 American family spend on other necessities of life;

23 (2) recommendations for revising the child care  
24 co-payment scale to assure that families receiving child  
25 care services from the Department are paying no more than  
26 they can reasonably afford;

1 (3) recommendations for revising the child care  
2 co-payment scale to provide at-risk children with complete  
3 access to Preschool for All and Head Start; and

4 (4) recommendations for changes in child care program  
5 policies that affect the affordability of child care.

6 (e) (Blank).

7 (f) The Illinois Department shall, by rule, set rates to be  
8 paid for the various types of child care. Child care may be  
9 provided through one of the following methods:

10 (1) arranging the child care through eligible  
11 providers by use of purchase of service contracts or  
12 vouchers;

13 (2) arranging with other agencies and community  
14 volunteer groups for non-reimbursed child care;

15 (3) (blank); or

16 (4) adopting such other arrangements as the Department  
17 determines appropriate.

18 (f-1) Within 30 days after the effective date of this  
19 amendatory Act of the 100th General Assembly, the Department of  
20 Human Services shall establish rates for child care providers  
21 that are no less than the rates in effect on January 1, 2018  
22 increased by 4.26%.

23 (f-5) (Blank).

24 (g) Families eligible for assistance under this Section  
25 shall be given the following options:

26 (1) receiving a child care certificate issued by the

1 Department or a subcontractor of the Department that may be  
2 used by the parents as payment for child care and  
3 development services only; or

4 (2) if space is available, enrolling the child with a  
5 child care provider that has a purchase of service contract  
6 with the Department or a subcontractor of the Department  
7 for the provision of child care and development services.  
8 The Department may identify particular priority  
9 populations for whom they may request special  
10 consideration by a provider with purchase of service  
11 contracts, provided that the providers shall be permitted  
12 to maintain a balance of clients in terms of household  
13 incomes and families and children with special needs, as  
14 defined by rule.

15 (Source: P.A. 100-387, eff. 8-25-17.)

16 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

17 Sec. 12-4.11. Grant amounts. The Department, with due  
18 regard for and subject to budgetary limitations, shall  
19 establish grant amounts for each of the programs, by  
20 regulation. The grant amounts may vary by program, size of  
21 assistance unit and geographic area. Grant amounts under the  
22 Temporary Assistance for Needy Families (TANF) program may not  
23 vary on the basis of a TANF recipient's county of residence.

24 Aid payments shall not be reduced except: (1) for changes  
25 in the cost of items included in the grant amounts, or (2) for

1 changes in the expenses of the recipient, or (3) for changes in  
2 the income or resources available to the recipient, or (4) for  
3 changes in grants resulting from adoption of a consolidated  
4 grant amount.

5 The maximum benefit levels provided to TANF recipients  
6 shall increase as follows: beginning October 1, 2018, the  
7 Department of Human Services shall increase TANF grant amounts  
8 in effect on September 30, 2018 to at least 30% of the most  
9 recent United States Department of Health and Human Services  
10 Federal Poverty Guidelines for each family size.

11 TANF grants for child-only assistance units shall be at  
12 least 75% of TANF grants for assistance units of the same size  
13 that consist of a caretaker relative with children.

14 ~~Subject to appropriation, beginning on July 1, 2008, the~~  
15 ~~Department of Human Services shall increase TANF grant amounts~~  
16 ~~in effect on June 30, 2008 by 15%. The Department is authorized~~  
17 ~~to administer this increase but may not otherwise adopt any~~  
18 ~~rule to implement this increase.~~

19 In fixing standards to govern payments or reimbursements  
20 for funeral and burial expenses, the Department shall establish  
21 a minimum allowable amount of not less than \$1,000 for  
22 Department payment of funeral services and not less than \$500  
23 for Department payment of burial or cremation services. On  
24 January 1, 2006, July 1, 2006, and July 1, 2007, the Department  
25 shall increase the minimum reimbursement amount for funeral and  
26 burial expenses under this Section by a percentage equal to the



1 percentage increase in the Consumer Price Index for All Urban  
2 Consumers, if any, during the 12 months immediately preceding  
3 that January 1 or July 1. In establishing the minimum allowable  
4 amount, the Department shall take into account the services  
5 essential to a dignified, low-cost (i) funeral and (ii) burial  
6 or cremation, including reasonable amounts that may be  
7 necessary for burial space and cemetery charges, and any  
8 applicable taxes or other required governmental fees or  
9 charges. If no person has agreed to pay the total cost of the  
10 (i) funeral and (ii) burial or cremation charges, the  
11 Department shall pay the vendor the actual costs of the (i)  
12 funeral and (ii) burial or cremation, or the minimum allowable  
13 amount for each service as established by the Department,  
14 whichever is less, provided that the Department reduces its  
15 payments by the amount available from the following sources:  
16 the decedent's assets and available resources and the  
17 anticipated amounts of any death benefits available to the  
18 decedent's estate, and amounts paid and arranged to be paid by  
19 the decedent's legally responsible relatives. A legally  
20 responsible relative is expected to pay (i) funeral and (ii)  
21 burial or cremation expenses unless financially unable to do  
22 so.

23 Nothing contained in this Section or in any other Section  
24 of this Code shall be construed to prohibit the Illinois  
25 Department (1) from consolidating existing standards on the  
26 basis of any standards which are or were in effect on, or

1 subsequent to July 1, 1969, or (2) from employing any  
2 consolidated standards in determining need for public aid and  
3 the amount of money payment or grant for individual recipients  
4 or recipient families.

5 (Source: P.A. 95-744, eff. 7-18-08; 95-1055, eff. 4-10-09;  
6 96-1000, eff. 7-2-10.)

7 ARTICLE 70. GENERAL ASSEMBLY

8 Section 70-5. The General Assembly Compensation Act is  
9 amended by changing Section 1 as follows:

10 (25 ILCS 115/1) (from Ch. 63, par. 14)

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

1 Senate, \$12,000 each; 6 assistant majority leaders and 6  
2 assistant minority leaders in the House of Representatives,  
3 \$10,500 each; 2 Deputy Majority leaders in the House of  
4 Representatives \$11,500 each; and 2 Deputy Minority leaders in  
5 the House of Representatives, \$11,500 each; the majority caucus  
6 chairman and minority caucus chairman in the Senate, \$12,000  
7 each; and beginning the second Wednesday in January, 1989, the  
8 majority conference chairman and the minority conference  
9 chairman in the House of Representatives, \$10,500 each;  
10 beginning the second Wednesday in January, 1989, the chairman  
11 and minority spokesman of each standing committee of the  
12 Senate, except the Rules Committee, the Committee on  
13 Committees, and the Committee on Assignment of Bills, \$6,000  
14 each; and beginning the second Wednesday in January, 1989, the  
15 chairman and minority spokesman of each standing and select  
16 committee of the House of Representatives, \$6,000 each. A  
17 member who serves in more than one position as an officer,  
18 committee chairman, or committee minority spokesman shall  
19 receive only one additional amount based on the position paying  
20 the highest additional amount. The compensation provided for in  
21 this Section to be paid per year to members of the General  
22 Assembly, including the additional sums payable per year to  
23 officers of the General Assembly shall be paid in 12 equal  
24 monthly installments. The first such installment is payable on  
25 January 31, 1977. All subsequent equal monthly installments are  
26 payable on the last working day of the month. A member who has

1 held office any part of a month is entitled to compensation for  
2 an entire month.

3 Mileage shall be paid at the rate of 20 cents per mile  
4 before January 9, 1985, and at the mileage allowance rate in  
5 effect under regulations promulgated pursuant to 5 U.S.C.  
6 5707(b)(2) beginning January 9, 1985, for the number of actual  
7 highway miles necessarily and conveniently traveled by the most  
8 feasible route to be present upon convening of the sessions of  
9 the General Assembly by such member in each and every trip  
10 during each session in going to and returning from the seat of  
11 government, to be computed by the Comptroller. A member  
12 traveling by public transportation for such purposes, however,  
13 shall be paid his actual cost of that transportation instead of  
14 on the mileage rate if his cost of public transportation  
15 exceeds the amount to which he would be entitled on a mileage  
16 basis. No member may be paid, whether on a mileage basis or for  
17 actual costs of public transportation, for more than one such  
18 trip for each week the General Assembly is actually in session.  
19 Each member shall also receive an allowance of \$36 per day for  
20 lodging and meals while in attendance at sessions of the  
21 General Assembly before January 9, 1985; beginning January 9,  
22 1985, such food and lodging allowance shall be equal to the  
23 amount per day permitted to be deducted for such expenses under  
24 the Internal Revenue Code; however, beginning May 31, 1995, no  
25 allowance for food and lodging while in attendance at sessions  
26 is authorized for periods of time after the last day in May of

1 each calendar year, except (i) if the General Assembly is  
2 convened in special session by either the Governor or the  
3 presiding officers of both houses, as provided by subsection  
4 (b) of Section 5 of Article IV of the Illinois Constitution or  
5 (ii) if the General Assembly is convened to consider bills  
6 vetoed, item vetoed, reduced, or returned with specific  
7 recommendations for change by the Governor as provided in  
8 Section 9 of Article IV of the Illinois Constitution. For  
9 fiscal year 2011 and for session days in fiscal years 2012,  
10 2013, 2014, 2015, 2016, 2017, ~~and 2018~~, and 2019 only (i) the  
11 allowance for lodging and meals is \$111 per day and (ii)  
12 mileage for automobile travel shall be reimbursed at a rate of  
13 \$0.39 per mile.

14 Notwithstanding any other provision of law to the contrary,  
15 beginning in fiscal year 2012, travel reimbursement for General  
16 Assembly members on non-session days shall be calculated using  
17 the guidelines set forth by the Legislative Travel Control  
18 Board, except that fiscal year 2012, 2013, 2014, 2015, 2016,  
19 2017, ~~and 2018~~, and 2019 mileage reimbursement is set at a rate  
20 of \$0.39 per mile.

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

25 (Source: P.A. 99-355, eff. 8-13-15; 99-523, eff. 6-30-16;  
26 100-25, eff. 7-26-17.)

1 Section 70-10. The Compensation Review Act is amended by  
2 adding Section 6.6 as follows:

3 (25 ILCS 120/6.6 new)

4 Sec. 6.6. FY19 COLAs prohibited. Notwithstanding any  
5 former or current provision of this Act, any other law, any  
6 report of the Compensation Review Board, or any resolution of  
7 the General Assembly to the contrary, members of the General  
8 Assembly, elected executive branch constitutional officers of  
9 State government, and persons in certain appointed offices of  
10 State government, including the membership of State  
11 departments, agencies, boards, and commissions, whose annual  
12 compensation previously was recommended or determined by the  
13 Compensation Review Board, are prohibited from receiving and  
14 shall not receive any increase in compensation that would  
15 otherwise apply based on a cost of living adjustment, as  
16 authorized by Senate Joint Resolution 192 of the 86th General  
17 Assembly, for or during the fiscal year beginning July 1, 2018.

18 ARTICLE 75. TAX PROVISIONS

19 Section 75-5. The Illinois Income Tax Act is amended by  
20 changing Sections 223 and 227 as follows:

21 (35 ILCS 5/223)

1           Sec. 223. Hospital credit.

2           (a) For tax years ending on or after December 31, 2012 and  
3 ending on or before December 31, 2022, a taxpayer that is the  
4 owner of a hospital licensed under the Hospital Licensing Act,  
5 but not including an organization that is exempt from federal  
6 income taxes under the Internal Revenue Code, is entitled to a  
7 credit against the taxes imposed under subsections (a) and (b)  
8 of Section 201 of this Act in an amount equal to the lesser of  
9 the amount of real property taxes paid during the tax year on  
10 real property used for hospital purposes during the prior tax  
11 year or the cost of free or discounted services provided during  
12 the tax year pursuant to the hospital's charitable financial  
13 assistance policy, measured at cost.

14           (b) If the taxpayer is a partnership or Subchapter S  
15 corporation, the credit is allowed to the partners or  
16 shareholders in accordance with the determination of income and  
17 distributive share of income under Sections 702 and 704 and  
18 Subchapter S of the Internal Revenue Code. A transfer of this  
19 credit may be made by the taxpayer earning the credit within  
20 one year after the credit is earned in accordance with rules  
21 adopted by the Department. The Department shall prescribe rules  
22 to enforce and administer provisions of this Section. If the  
23 amount of the credit exceeds the tax liability for the year,  
24 then the excess credit may be carried forward and applied to  
25 the tax liability of the 5 taxable years following the excess  
26 credit year. The credit shall be applied to the earliest year

1 for which there is a tax liability. If there are credits from  
2 more than one tax year that are available to offset a  
3 liability, the earlier credit shall be applied first. In no  
4 event shall a credit under this Section reduce the taxpayer's  
5 liability to less than zero.

6 (Source: P.A. 97-688, eff. 6-14-12.)

7 (35 ILCS 5/227 new)

8 Sec. 227. Adoption credit.

9 (a) Beginning with tax years ending on or after December  
10 31, 2018, in the case of an individual taxpayer there shall be  
11 allowed a credit against the tax imposed by subsections (a) and  
12 (b) of Section 201 in an amount equal to the amount of the  
13 federal adoption tax credit received pursuant to Section 23 of  
14 the Internal Revenue Code with respect to the adoption of a  
15 qualifying dependent child, subject to the limitations set  
16 forth in this subsection and subsection (b). The aggregate  
17 amount of qualified adoption expenses which may be taken into  
18 account under this Section for all taxable years with respect  
19 to the adoption of a qualifying dependent child by the taxpayer  
20 shall not exceed \$2,000 (\$1,000 in the case of a married  
21 individual filing a separate return). The credit under this  
22 Section shall be allowed: (i) in the case of any expense paid  
23 or incurred before the taxable year in which such adoption  
24 becomes final, for the taxable year following the taxable year  
25 during which such expense is paid or incurred, and (ii) in the



1 case of an expense paid or incurred during or after the taxable  
2 year in which such adoption becomes final, for the taxable year  
3 in which such expense is paid or incurred. No credit shall be  
4 allowed under this Section for any expense to the extent that  
5 funds for such expense are received under any Federal, State,  
6 or local program. For purposes of this Section, spouses filing  
7 a joint return shall be considered one taxpayer.

8 For a non-resident or part-year resident, the amount of the  
9 credit under this Section shall be in proportion to the amount  
10 of income attributable to this State.

11 (b) Increased credit amount for resident children. With  
12 respect to the adoption of an eligible child who is at least  
13 one year old and resides in Illinois at the time the expenses  
14 are paid or incurred, subsection (a) shall be applied by  
15 substituting \$5,000 (\$2,500 in the case of a married individual  
16 filing a separate return) for \$2,000.

17 (c) In no event shall a credit under this Section reduce  
18 the taxpayer's liability to less than zero. If the amount of  
19 the credit exceeds the income tax liability for the applicable  
20 tax year, the excess may be carried forward and applied to the  
21 tax liability of the 5 taxable years following the excess  
22 credit year. The credit shall be applied to the earliest year  
23 for which there is a tax liability. If there are credits from  
24 more than one year that are available to offset a liability,  
25 the earlier credit shall be applied first.

26 (d) The term "qualified adoption expenses" shall have the

1 same meaning as under Section 23(d) of the Internal Revenue  
2 Code.

3 ARTICLE 80. MARKETPLACE FAIRNESS

4 Section 80-5. The Use Tax Act is amended by changing  
5 Section 2 as follows:

6 (35 ILCS 105/2) (from Ch. 120, par. 439.2)

7 Sec. 2. Definitions.

8 "Use" means the exercise by any person of any right or  
9 power over tangible personal property incident to the ownership  
10 of that property, except that it does not include the sale of  
11 such property in any form as tangible personal property in the  
12 regular course of business to the extent that such property is  
13 not first subjected to a use for which it was purchased, and  
14 does not include the use of such property by its owner for  
15 demonstration purposes: Provided that the property purchased  
16 is deemed to be purchased for the purpose of resale, despite  
17 first being used, to the extent to which it is resold as an  
18 ingredient of an intentionally produced product or by-product  
19 of manufacturing. "Use" does not mean the demonstration use or  
20 interim use of tangible personal property by a retailer before  
21 he sells that tangible personal property. For watercraft or  
22 aircraft, if the period of demonstration use or interim use by  
23 the retailer exceeds 18 months, the retailer shall pay on the

1 retailers' original cost price the tax imposed by this Act, and  
2 no credit for that tax is permitted if the watercraft or  
3 aircraft is subsequently sold by the retailer. "Use" does not  
4 mean the physical incorporation of tangible personal property,  
5 to the extent not first subjected to a use for which it was  
6 purchased, as an ingredient or constituent, into other tangible  
7 personal property (a) which is sold in the regular course of  
8 business or (b) which the person incorporating such ingredient  
9 or constituent therein has undertaken at the time of such  
10 purchase to cause to be transported in interstate commerce to  
11 destinations outside the State of Illinois: Provided that the  
12 property purchased is deemed to be purchased for the purpose of  
13 resale, despite first being used, to the extent to which it is  
14 resold as an ingredient of an intentionally produced product or  
15 by-product of manufacturing.

16 "Watercraft" means a Class 2, Class 3, or Class 4  
17 watercraft as defined in Section 3-2 of the Boat Registration  
18 and Safety Act, a personal watercraft, or any boat equipped  
19 with an inboard motor.

20 "Purchase at retail" means the acquisition of the ownership  
21 of or title to tangible personal property through a sale at  
22 retail.

23 "Purchaser" means anyone who, through a sale at retail,  
24 acquires the ownership of tangible personal property for a  
25 valuable consideration.

26 "Sale at retail" means any transfer of the ownership of or

1 title to tangible personal property to a purchaser, for the  
2 purpose of use, and not for the purpose of resale in any form  
3 as tangible personal property to the extent not first subjected  
4 to a use for which it was purchased, for a valuable  
5 consideration: Provided that the property purchased is deemed  
6 to be purchased for the purpose of resale, despite first being  
7 used, to the extent to which it is resold as an ingredient of  
8 an intentionally produced product or by-product of  
9 manufacturing. For this purpose, slag produced as an incident  
10 to manufacturing pig iron or steel and sold is considered to be  
11 an intentionally produced by-product of manufacturing. "Sale  
12 at retail" includes any such transfer made for resale unless  
13 made in compliance with Section 2c of the Retailers' Occupation  
14 Tax Act, as incorporated by reference into Section 12 of this  
15 Act. Transactions whereby the possession of the property is  
16 transferred but the seller retains the title as security for  
17 payment of the selling price are sales.

18 "Sale at retail" shall also be construed to include any  
19 Illinois florist's sales transaction in which the purchase  
20 order is received in Illinois by a florist and the sale is for  
21 use or consumption, but the Illinois florist has a florist in  
22 another state deliver the property to the purchaser or the  
23 purchaser's donee in such other state.

24 Nonreusable tangible personal property that is used by  
25 persons engaged in the business of operating a restaurant,  
26 cafeteria, or drive-in is a sale for resale when it is

1 transferred to customers in the ordinary course of business as  
2 part of the sale of food or beverages and is used to deliver,  
3 package, or consume food or beverages, regardless of where  
4 consumption of the food or beverages occurs. Examples of those  
5 items include, but are not limited to nonreusable, paper and  
6 plastic cups, plates, baskets, boxes, sleeves, buckets or other  
7 containers, utensils, straws, placemats, napkins, doggie bags,  
8 and wrapping or packaging materials that are transferred to  
9 customers as part of the sale of food or beverages in the  
10 ordinary course of business.

11 The purchase, employment and transfer of such tangible  
12 personal property as newsprint and ink for the primary purpose  
13 of conveying news (with or without other information) is not a  
14 purchase, use or sale of tangible personal property.

15 "Selling price" means the consideration for a sale valued  
16 in money whether received in money or otherwise, including  
17 cash, credits, property other than as hereinafter provided, and  
18 services, but not including the value of or credit given for  
19 traded-in tangible personal property where the item that is  
20 traded-in is of like kind and character as that which is being  
21 sold, and shall be determined without any deduction on account  
22 of the cost of the property sold, the cost of materials used,  
23 labor or service cost or any other expense whatsoever, but does  
24 not include interest or finance charges which appear as  
25 separate items on the bill of sale or sales contract nor  
26 charges that are added to prices by sellers on account of the

1 seller's tax liability under the "Retailers' Occupation Tax  
2 Act", or on account of the seller's duty to collect, from the  
3 purchaser, the tax that is imposed by this Act, or, except as  
4 otherwise provided with respect to any cigarette tax imposed by  
5 a home rule unit, on account of the seller's tax liability  
6 under any local occupation tax administered by the Department,  
7 or, except as otherwise provided with respect to any cigarette  
8 tax imposed by a home rule unit on account of the seller's duty  
9 to collect, from the purchasers, the tax that is imposed under  
10 any local use tax administered by the Department. Effective  
11 December 1, 1985, "selling price" shall include charges that  
12 are added to prices by sellers on account of the seller's tax  
13 liability under the Cigarette Tax Act, on account of the  
14 seller's duty to collect, from the purchaser, the tax imposed  
15 under the Cigarette Use Tax Act, and on account of the seller's  
16 duty to collect, from the purchaser, any cigarette tax imposed  
17 by a home rule unit.

18 Notwithstanding any law to the contrary, for any motor  
19 vehicle, as defined in Section 1-146 of the Vehicle Code, that  
20 is sold on or after January 1, 2015 for the purpose of leasing  
21 the vehicle for a defined period that is longer than one year  
22 and (1) is a motor vehicle of the second division that: (A) is  
23 a self-contained motor vehicle designed or permanently  
24 converted to provide living quarters for recreational,  
25 camping, or travel use, with direct walk through access to the  
26 living quarters from the driver's seat; (B) is of the van

1 configuration designed for the transportation of not less than  
2 7 nor more than 16 passengers; or (C) has a gross vehicle  
3 weight rating of 8,000 pounds or less or (2) is a motor vehicle  
4 of the first division, "selling price" or "amount of sale"  
5 means the consideration received by the lessor pursuant to the  
6 lease contract, including amounts due at lease signing and all  
7 monthly or other regular payments charged over the term of the  
8 lease. Also included in the selling price is any amount  
9 received by the lessor from the lessee for the leased vehicle  
10 that is not calculated at the time the lease is executed,  
11 including, but not limited to, excess mileage charges and  
12 charges for excess wear and tear. For sales that occur in  
13 Illinois, with respect to any amount received by the lessor  
14 from the lessee for the leased vehicle that is not calculated  
15 at the time the lease is executed, the lessor who purchased the  
16 motor vehicle does not incur the tax imposed by the Use Tax Act  
17 on those amounts, and the retailer who makes the retail sale of  
18 the motor vehicle to the lessor is not required to collect the  
19 tax imposed by this Act or to pay the tax imposed by the  
20 Retailers' Occupation Tax Act on those amounts. However, the  
21 lessor who purchased the motor vehicle assumes the liability  
22 for reporting and paying the tax on those amounts directly to  
23 the Department in the same form (Illinois Retailers' Occupation  
24 Tax, and local retailers' occupation taxes, if applicable) in  
25 which the retailer would have reported and paid such tax if the  
26 retailer had accounted for the tax to the Department. For

1 amounts received by the lessor from the lessee that are not  
2 calculated at the time the lease is executed, the lessor must  
3 file the return and pay the tax to the Department by the due  
4 date otherwise required by this Act for returns other than  
5 transaction returns. If the retailer is entitled under this Act  
6 to a discount for collecting and remitting the tax imposed  
7 under this Act to the Department with respect to the sale of  
8 the motor vehicle to the lessor, then the right to the discount  
9 provided in this Act shall be transferred to the lessor with  
10 respect to the tax paid by the lessor for any amount received  
11 by the lessor from the lessee for the leased vehicle that is  
12 not calculated at the time the lease is executed; provided that  
13 the discount is only allowed if the return is timely filed and  
14 for amounts timely paid. The "selling price" of a motor vehicle  
15 that is sold on or after January 1, 2015 for the purpose of  
16 leasing for a defined period of longer than one year shall not  
17 be reduced by the value of or credit given for traded-in  
18 tangible personal property owned by the lessor, nor shall it be  
19 reduced by the value of or credit given for traded-in tangible  
20 personal property owned by the lessee, regardless of whether  
21 the trade-in value thereof is assigned by the lessee to the  
22 lessor. In the case of a motor vehicle that is sold for the  
23 purpose of leasing for a defined period of longer than one  
24 year, the sale occurs at the time of the delivery of the  
25 vehicle, regardless of the due date of any lease payments. A  
26 lessor who incurs a Retailers' Occupation Tax liability on the



1 sale of a motor vehicle coming off lease may not take a credit  
2 against that liability for the Use Tax the lessor paid upon the  
3 purchase of the motor vehicle (or for any tax the lessor paid  
4 with respect to any amount received by the lessor from the  
5 lessee for the leased vehicle that was not calculated at the  
6 time the lease was executed) if the selling price of the motor  
7 vehicle at the time of purchase was calculated using the  
8 definition of "selling price" as defined in this paragraph.  
9 Notwithstanding any other provision of this Act to the  
10 contrary, lessors shall file all returns and make all payments  
11 required under this paragraph to the Department by electronic  
12 means in the manner and form as required by the Department.  
13 This paragraph does not apply to leases of motor vehicles for  
14 which, at the time the lease is entered into, the term of the  
15 lease is not a defined period, including leases with a defined  
16 initial period with the option to continue the lease on a  
17 month-to-month or other basis beyond the initial defined  
18 period.

19 The phrase "like kind and character" shall be liberally  
20 construed (including but not limited to any form of motor  
21 vehicle for any form of motor vehicle, or any kind of farm or  
22 agricultural implement for any other kind of farm or  
23 agricultural implement), while not including a kind of item  
24 which, if sold at retail by that retailer, would be exempt from  
25 retailers' occupation tax and use tax as an isolated or  
26 occasional sale.

1 "Department" means the Department of Revenue.

2 "Person" means any natural individual, firm, partnership,  
3 association, joint stock company, joint adventure, public or  
4 private corporation, limited liability company, or a receiver,  
5 executor, trustee, guardian or other representative appointed  
6 by order of any court.

7 "Retailer" means and includes every person engaged in the  
8 business of making sales at retail as defined in this Section.

9 A person who holds himself or herself out as being engaged  
10 (or who habitually engages) in selling tangible personal  
11 property at retail is a retailer hereunder with respect to such  
12 sales (and not primarily in a service occupation)  
13 notwithstanding the fact that such person designs and produces  
14 such tangible personal property on special order for the  
15 purchaser and in such a way as to render the property of value  
16 only to such purchaser, if such tangible personal property so  
17 produced on special order serves substantially the same  
18 function as stock or standard items of tangible personal  
19 property that are sold at retail.

20 A person whose activities are organized and conducted  
21 primarily as a not-for-profit service enterprise, and who  
22 engages in selling tangible personal property at retail  
23 (whether to the public or merely to members and their guests)  
24 is a retailer with respect to such transactions, excepting only  
25 a person organized and operated exclusively for charitable,  
26 religious or educational purposes either (1), to the extent of

1 sales by such person to its members, students, patients or  
2 inmates of tangible personal property to be used primarily for  
3 the purposes of such person, or (2), to the extent of sales by  
4 such person of tangible personal property which is not sold or  
5 offered for sale by persons organized for profit. The selling  
6 of school books and school supplies by schools at retail to  
7 students is not "primarily for the purposes of" the school  
8 which does such selling. This paragraph does not apply to nor  
9 subject to taxation occasional dinners, social or similar  
10 activities of a person organized and operated exclusively for  
11 charitable, religious or educational purposes, whether or not  
12 such activities are open to the public.

13 A person who is the recipient of a grant or contract under  
14 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and  
15 serves meals to participants in the federal Nutrition Program  
16 for the Elderly in return for contributions established in  
17 amount by the individual participant pursuant to a schedule of  
18 suggested fees as provided for in the federal Act is not a  
19 retailer under this Act with respect to such transactions.

20 Persons who engage in the business of transferring tangible  
21 personal property upon the redemption of trading stamps are  
22 retailers hereunder when engaged in such business.

23 The isolated or occasional sale of tangible personal  
24 property at retail by a person who does not hold himself out as  
25 being engaged (or who does not habitually engage) in selling  
26 such tangible personal property at retail or a sale through a

1 bulk vending machine does not make such person a retailer  
2 hereunder. However, any person who is engaged in a business  
3 which is not subject to the tax imposed by the "Retailers'  
4 Occupation Tax Act" because of involving the sale of or a  
5 contract to sell real estate or a construction contract to  
6 improve real estate, but who, in the course of conducting such  
7 business, transfers tangible personal property to users or  
8 consumers in the finished form in which it was purchased, and  
9 which does not become real estate, under any provision of a  
10 construction contract or real estate sale or real estate sales  
11 agreement entered into with some other person arising out of or  
12 because of such nontaxable business, is a retailer to the  
13 extent of the value of the tangible personal property so  
14 transferred. If, in such transaction, a separate charge is made  
15 for the tangible personal property so transferred, the value of  
16 such property, for the purposes of this Act, is the amount so  
17 separately charged, but not less than the cost of such property  
18 to the transferor; if no separate charge is made, the value of  
19 such property, for the purposes of this Act, is the cost to the  
20 transferor of such tangible personal property.

21 "Retailer maintaining a place of business in this State",  
22 or any like term, means and includes any of the following  
23 retailers:

24 (1) ~~1.~~ A retailer having or maintaining within this  
25 State, directly or by a subsidiary, an office, distribution  
26 house, sales house, warehouse or other place of business,

1 or any agent or other representative operating within this  
2 State under the authority of the retailer or its  
3 subsidiary, irrespective of whether such place of business  
4 or agent or other representative is located here  
5 permanently or temporarily, or whether such retailer or  
6 subsidiary is licensed to do business in this State.  
7 However, the ownership of property that is located at the  
8 premises of a printer with which the retailer has  
9 contracted for printing and that consists of the final  
10 printed product, property that becomes a part of the final  
11 printed product, or copy from which the printed product is  
12 produced shall not result in the retailer being deemed to  
13 have or maintain an office, distribution house, sales  
14 house, warehouse, or other place of business within this  
15 State.

16 (1.1) ~~1.1~~. A retailer having a contract with a person  
17 located in this State under which the person, for a  
18 commission or other consideration based upon the sale of  
19 tangible personal property by the retailer, directly or  
20 indirectly refers potential customers to the retailer by  
21 providing to the potential customers a promotional code or  
22 other mechanism that allows the retailer to track purchases  
23 referred by such persons. Examples of mechanisms that allow  
24 the retailer to track purchases referred by such persons  
25 include but are not limited to the use of a link on the  
26 person's Internet website, promotional codes distributed

1 through the person's hand-delivered or mailed material,  
2 and promotional codes distributed by the person through  
3 radio or other broadcast media. The provisions of this  
4 paragraph (1.1) ~~1.1~~ shall apply only if the cumulative  
5 gross receipts from sales of tangible personal property by  
6 the retailer to customers who are referred to the retailer  
7 by all persons in this State under such contracts exceed  
8 \$10,000 during the preceding 4 quarterly periods ending on  
9 the last day of March, June, September, and December. A  
10 retailer meeting the requirements of this paragraph (1.1)  
11 ~~1.1~~ shall be presumed to be maintaining a place of business  
12 in this State but may rebut this presumption by submitting  
13 proof that the referrals or other activities pursued within  
14 this State by such persons were not sufficient to meet the  
15 nexus standards of the United States Constitution during  
16 the preceding 4 quarterly periods.

17 (1.2) ~~1.2~~. Beginning July 1, 2011, a retailer having a  
18 contract with a person located in this State under which:

19 (A) ~~A~~. the retailer sells the same or substantially  
20 similar line of products as the person located in this  
21 State and does so using an identical or substantially  
22 similar name, trade name, or trademark as the person  
23 located in this State; and

24 (B) ~~B~~. the retailer provides a commission or other  
25 consideration to the person located in this State based  
26 upon the sale of tangible personal property by the

1           retailer.

2           The provisions of this paragraph (1.2) ~~1.2~~ shall apply only  
3           if the cumulative gross receipts from sales of tangible  
4           personal property by the retailer to customers in this  
5           State under all such contracts exceed \$10,000 during the  
6           preceding 4 quarterly periods ending on the last day of  
7           March, June, September, and December.

8           (2) ~~2.~~ A retailer soliciting orders for tangible  
9           personal property by means of a telecommunication or  
10          television shopping system (which utilizes toll free  
11          numbers) which is intended by the retailer to be broadcast  
12          by cable television or other means of broadcasting, to  
13          consumers located in this State.

14          (3) ~~3.~~ A retailer, pursuant to a contract with a  
15          broadcaster or publisher located in this State, soliciting  
16          orders for tangible personal property by means of  
17          advertising which is disseminated primarily to consumers  
18          located in this State and only secondarily to bordering  
19          jurisdictions.

20          (4) ~~4.~~ A retailer soliciting orders for tangible  
21          personal property by mail if the solicitations are  
22          substantial and recurring and if the retailer benefits from  
23          any        banking,        financing,        debt        collection,  
24          telecommunication, or marketing activities occurring in  
25          this State or benefits from the location in this State of  
26          authorized installation, servicing, or repair facilities.

1           (5) ~~5.~~ A retailer that is owned or controlled by the  
2 same interests that own or control any retailer engaging in  
3 business in the same or similar line of business in this  
4 State.

5           (6) ~~6.~~ A retailer having a franchisee or licensee  
6 operating under its trade name if the franchisee or  
7 licensee is required to collect the tax under this Section.

8           (7) ~~7.~~ A retailer, pursuant to a contract with a cable  
9 television operator located in this State, soliciting  
10 orders for tangible personal property by means of  
11 advertising which is transmitted or distributed over a  
12 cable television system in this State.

13           (8) ~~8.~~ A retailer engaging in activities in Illinois,  
14 which activities in the state in which the retail business  
15 engaging in such activities is located would constitute  
16 maintaining a place of business in that state.

17           (9) Beginning October 1, 2018, a retailer making sales  
18 of tangible personal property to purchasers in Illinois  
19 from outside of Illinois if:

20                   (A) the cumulative gross receipts from sales of  
21 tangible personal property to purchasers in Illinois  
22 are \$100,000 or more; or

23                   (B) the retailer enters into 200 or more separate  
24 transactions for the sale of tangible personal  
25 property to purchasers in Illinois.

26           The retailer shall determine on a quarterly basis,



1 ending on the last day of March, June, September, and  
2 December, whether he or she meets the criteria of either  
3 subparagraph (A) or (B) of this paragraph (9) for the  
4 preceding 12-month period. If the retailer meets the  
5 criteria of either subparagraph (A) or (B) for a 12-month  
6 period, he or she is considered a retailer maintaining a  
7 place of business in this State and is required to collect  
8 and remit the tax imposed under this Act and file returns  
9 for one year. At the end of that one-year period, the  
10 retailer shall determine whether the retailer met the  
11 criteria of either subparagraph (A) or (B) during the  
12 preceding 12-month period. If the retailer met the criteria  
13 in either subparagraph (A) or (B) for the preceding  
14 12-month period, he or she is considered a retailer  
15 maintaining a place of business in this State and is  
16 required to collect and remit the tax imposed under this  
17 Act and file returns for the subsequent year. If at the end  
18 of a one-year period a retailer that was required to  
19 collect and remit the tax imposed under this Act determines  
20 that he or she did not meet the criteria in either  
21 subparagraph (A) or (B) during the preceding 12-month  
22 period, the retailer shall subsequently determine on a  
23 quarterly basis, ending on the last day of March, June,  
24 September, and December, whether he or she meets the  
25 criteria of either subparagraph (A) or (B) for the  
26 preceding 12-month period.

1 "Bulk vending machine" means a vending machine, containing  
2 unsorted confections, nuts, toys, or other items designed  
3 primarily to be used or played with by children which, when a  
4 coin or coins of a denomination not larger than \$0.50 are  
5 inserted, are dispensed in equal portions, at random and  
6 without selection by the customer.

7 (Source: P.A. 98-628, eff. 1-1-15; 98-1080, eff. 8-26-14;  
8 98-1089, eff. 1-1-15; 99-78, eff. 7-20-15.)

9 Section 80-10. The Service Use Tax Act is amended by  
10 changing Section 2 as follows:

11 (35 ILCS 110/2) (from Ch. 120, par. 439.32)

12 Sec. 2. Definitions. In this Act:

13 "Use" means the exercise by any person of any right or  
14 power over tangible personal property incident to the ownership  
15 of that property, but does not include the sale or use for  
16 demonstration by him of that property in any form as tangible  
17 personal property in the regular course of business. "Use" does  
18 not mean the interim use of tangible personal property nor the  
19 physical incorporation of tangible personal property, as an  
20 ingredient or constituent, into other tangible personal  
21 property, (a) which is sold in the regular course of business  
22 or (b) which the person incorporating such ingredient or  
23 constituent therein has undertaken at the time of such purchase  
24 to cause to be transported in interstate commerce to

1 destinations outside the State of Illinois.

2 "Purchased from a serviceman" means the acquisition of the  
3 ownership of, or title to, tangible personal property through a  
4 sale of service.

5 "Purchaser" means any person who, through a sale of  
6 service, acquires the ownership of, or title to, any tangible  
7 personal property.

8 "Cost price" means the consideration paid by the serviceman  
9 for a purchase valued in money, whether paid in money or  
10 otherwise, including cash, credits and services, and shall be  
11 determined without any deduction on account of the supplier's  
12 cost of the property sold or on account of any other expense  
13 incurred by the supplier. When a serviceman contracts out part  
14 or all of the services required in his sale of service, it  
15 shall be presumed that the cost price to the serviceman of the  
16 property transferred to him or her by his or her subcontractor  
17 is equal to 50% of the subcontractor's charges to the  
18 serviceman in the absence of proof of the consideration paid by  
19 the subcontractor for the purchase of such property.

20 "Selling price" means the consideration for a sale valued  
21 in money whether received in money or otherwise, including  
22 cash, credits and service, and shall be determined without any  
23 deduction on account of the serviceman's cost of the property  
24 sold, the cost of materials used, labor or service cost or any  
25 other expense whatsoever, but does not include interest or  
26 finance charges which appear as separate items on the bill of

1 sale or sales contract nor charges that are added to prices by  
2 sellers on account of the seller's duty to collect, from the  
3 purchaser, the tax that is imposed by this Act.

4 "Department" means the Department of Revenue.

5 "Person" means any natural individual, firm, partnership,  
6 association, joint stock company, joint venture, public or  
7 private corporation, limited liability company, and any  
8 receiver, executor, trustee, guardian or other representative  
9 appointed by order of any court.

10 "Sale of service" means any transaction except:

11 (1) a retail sale of tangible personal property taxable  
12 under the Retailers' Occupation Tax Act or under the Use  
13 Tax Act.

14 (2) a sale of tangible personal property for the  
15 purpose of resale made in compliance with Section 2c of the  
16 Retailers' Occupation Tax Act.

17 (3) except as hereinafter provided, a sale or transfer  
18 of tangible personal property as an incident to the  
19 rendering of service for or by any governmental body, or  
20 for or by any corporation, society, association,  
21 foundation or institution organized and operated  
22 exclusively for charitable, religious or educational  
23 purposes or any not-for-profit corporation, society,  
24 association, foundation, institution or organization which  
25 has no compensated officers or employees and which is  
26 organized and operated primarily for the recreation of

1 persons 55 years of age or older. A limited liability  
2 company may qualify for the exemption under this paragraph  
3 only if the limited liability company is organized and  
4 operated exclusively for educational purposes.

5 (4) (blank).

6 (4a) a sale or transfer of tangible personal property  
7 as an incident to the rendering of service for owners,  
8 lessors, or shippers of tangible personal property which is  
9 utilized by interstate carriers for hire for use as rolling  
10 stock moving in interstate commerce so long as so used by  
11 interstate carriers for hire, and equipment operated by a  
12 telecommunications provider, licensed as a common carrier  
13 by the Federal Communications Commission, which is  
14 permanently installed in or affixed to aircraft moving in  
15 interstate commerce.

16 (4a-5) on and after July 1, 2003 and through June 30,  
17 2004, a sale or transfer of a motor vehicle of the second  
18 division with a gross vehicle weight in excess of 8,000  
19 pounds as an incident to the rendering of service if that  
20 motor vehicle is subject to the commercial distribution fee  
21 imposed under Section 3-815.1 of the Illinois Vehicle Code.  
22 Beginning on July 1, 2004 and through June 30, 2005, the  
23 use in this State of motor vehicles of the second division:  
24 (i) with a gross vehicle weight rating in excess of 8,000  
25 pounds; (ii) that are subject to the commercial  
26 distribution fee imposed under Section 3-815.1 of the

1 Illinois Vehicle Code; and (iii) that are primarily used  
2 for commercial purposes. Through June 30, 2005, this  
3 exemption applies to repair and replacement parts added  
4 after the initial purchase of such a motor vehicle if that  
5 motor vehicle is used in a manner that would qualify for  
6 the rolling stock exemption otherwise provided for in this  
7 Act. For purposes of this paragraph, "used for commercial  
8 purposes" means the transportation of persons or property  
9 in furtherance of any commercial or industrial enterprise  
10 whether for-hire or not.

11 (5) a sale or transfer of machinery and equipment used  
12 primarily in the process of the manufacturing or  
13 assembling, either in an existing, an expanded or a new  
14 manufacturing facility, of tangible personal property for  
15 wholesale or retail sale or lease, whether such sale or  
16 lease is made directly by the manufacturer or by some other  
17 person, whether the materials used in the process are owned  
18 by the manufacturer or some other person, or whether such  
19 sale or lease is made apart from or as an incident to the  
20 seller's engaging in a service occupation and the  
21 applicable tax is a Service Use Tax or Service Occupation  
22 Tax, rather than Use Tax or Retailers' Occupation Tax. The  
23 exemption provided by this paragraph (5) does not include  
24 machinery and equipment used in (i) the generation of  
25 electricity for wholesale or retail sale; (ii) the  
26 generation or treatment of natural or artificial gas for

1 wholesale or retail sale that is delivered to customers  
2 through pipes, pipelines, or mains; or (iii) the treatment  
3 of water for wholesale or retail sale that is delivered to  
4 customers through pipes, pipelines, or mains. The  
5 provisions of Public Act 98-583 ~~this amendatory Act of the~~  
6 ~~98th General Assembly~~ are declaratory of existing law as to  
7 the meaning and scope of this exemption. The exemption  
8 under this paragraph (5) is exempt from the provisions of  
9 Section 3-75.

10 (5a) the repairing, reconditioning or remodeling, for  
11 a common carrier by rail, of tangible personal property  
12 which belongs to such carrier for hire, and as to which  
13 such carrier receives the physical possession of the  
14 repaired, reconditioned or remodeled item of tangible  
15 personal property in Illinois, and which such carrier  
16 transports, or shares with another common carrier in the  
17 transportation of such property, out of Illinois on a  
18 standard uniform bill of lading showing the person who  
19 repaired, reconditioned or remodeled the property to a  
20 destination outside Illinois, for use outside Illinois.

21 (5b) a sale or transfer of tangible personal property  
22 which is produced by the seller thereof on special order in  
23 such a way as to have made the applicable tax the Service  
24 Occupation Tax or the Service Use Tax, rather than the  
25 Retailers' Occupation Tax or the Use Tax, for an interstate  
26 carrier by rail which receives the physical possession of

1       such property in Illinois, and which transports such  
2       property, or shares with another common carrier in the  
3       transportation of such property, out of Illinois on a  
4       standard uniform bill of lading showing the seller of the  
5       property as the shipper or consignor of such property to a  
6       destination outside Illinois, for use outside Illinois.

7           (6) until July 1, 2003, a sale or transfer of  
8       distillation machinery and equipment, sold as a unit or kit  
9       and assembled or installed by the retailer, which machinery  
10      and equipment is certified by the user to be used only for  
11      the production of ethyl alcohol that will be used for  
12      consumption as motor fuel or as a component of motor fuel  
13      for the personal use of such user and not subject to sale  
14      or resale.

15          (7) at the election of any serviceman not required to  
16      be otherwise registered as a retailer under Section 2a of  
17      the Retailers' Occupation Tax Act, made for each fiscal  
18      year sales of service in which the aggregate annual cost  
19      price of tangible personal property transferred as an  
20      incident to the sales of service is less than 35%, or 75%  
21      in the case of servicemen transferring prescription drugs  
22      or servicemen engaged in graphic arts production, of the  
23      aggregate annual total gross receipts from all sales of  
24      service. The purchase of such tangible personal property by  
25      the serviceman shall be subject to tax under the Retailers'  
26      Occupation Tax Act and the Use Tax Act. However, if a



1 primary serviceman who has made the election described in  
2 this paragraph subcontracts service work to a secondary  
3 serviceman who has also made the election described in this  
4 paragraph, the primary serviceman does not incur a Use Tax  
5 liability if the secondary serviceman (i) has paid or will  
6 pay Use Tax on his or her cost price of any tangible  
7 personal property transferred to the primary serviceman  
8 and (ii) certifies that fact in writing to the primary  
9 serviceman.

10 Tangible personal property transferred incident to the  
11 completion of a maintenance agreement is exempt from the tax  
12 imposed pursuant to this Act.

13 Exemption (5) also includes machinery and equipment used in  
14 the general maintenance or repair of such exempt machinery and  
15 equipment or for in-house manufacture of exempt machinery and  
16 equipment. On and after July 1, 2017, exemption (5) also  
17 includes graphic arts machinery and equipment, as defined in  
18 paragraph (5) of Section 3-5. The machinery and equipment  
19 exemption does not include machinery and equipment used in (i)  
20 the generation of electricity for wholesale or retail sale;  
21 (ii) the generation or treatment of natural or artificial gas  
22 for wholesale or retail sale that is delivered to customers  
23 through pipes, pipelines, or mains; or (iii) the treatment of  
24 water for wholesale or retail sale that is delivered to  
25 customers through pipes, pipelines, or mains. The provisions of  
26 Public Act 98-583 ~~this amendatory Act of the 98th General~~

1 ~~Assembly~~ are declaratory of existing law as to the meaning and  
2 scope of this exemption. For the purposes of exemption (5),  
3 each of these terms shall have the following meanings: (1)  
4 "manufacturing process" shall mean the production of any  
5 article of tangible personal property, whether such article is  
6 a finished product or an article for use in the process of  
7 manufacturing or assembling a different article of tangible  
8 personal property, by procedures commonly regarded as  
9 manufacturing, processing, fabricating, or refining which  
10 changes some existing material or materials into a material  
11 with a different form, use or name. In relation to a recognized  
12 integrated business composed of a series of operations which  
13 collectively constitute manufacturing, or individually  
14 constitute manufacturing operations, the manufacturing process  
15 shall be deemed to commence with the first operation or stage  
16 of production in the series, and shall not be deemed to end  
17 until the completion of the final product in the last operation  
18 or stage of production in the series; and further, for purposes  
19 of exemption (5), photoprocessing is deemed to be a  
20 manufacturing process of tangible personal property for  
21 wholesale or retail sale; (2) "assembling process" shall mean  
22 the production of any article of tangible personal property,  
23 whether such article is a finished product or an article for  
24 use in the process of manufacturing or assembling a different  
25 article of tangible personal property, by the combination of  
26 existing materials in a manner commonly regarded as assembling

1 which results in a material of a different form, use or name;  
2 (3) "machinery" shall mean major mechanical machines or major  
3 components of such machines contributing to a manufacturing or  
4 assembling process; and (4) "equipment" shall include any  
5 independent device or tool separate from any machinery but  
6 essential to an integrated manufacturing or assembly process;  
7 including computers used primarily in a manufacturer's  
8 computer assisted design, computer assisted manufacturing  
9 (CAD/CAM) system; or any subunit or assembly comprising a  
10 component of any machinery or auxiliary, adjunct or attachment  
11 parts of machinery, such as tools, dies, jigs, fixtures,  
12 patterns and molds; or any parts which require periodic  
13 replacement in the course of normal operation; but shall not  
14 include hand tools. Equipment includes chemicals or chemicals  
15 acting as catalysts but only if the chemicals or chemicals  
16 acting as catalysts effect a direct and immediate change upon a  
17 product being manufactured or assembled for wholesale or retail  
18 sale or lease. The purchaser of such machinery and equipment  
19 who has an active resale registration number shall furnish such  
20 number to the seller at the time of purchase. The user of such  
21 machinery and equipment and tools without an active resale  
22 registration number shall prepare a certificate of exemption  
23 for each transaction stating facts establishing the exemption  
24 for that transaction, which certificate shall be available to  
25 the Department for inspection or audit. The Department shall  
26 prescribe the form of the certificate.

1 Any informal rulings, opinions or letters issued by the  
2 Department in response to an inquiry or request for any opinion  
3 from any person regarding the coverage and applicability of  
4 exemption (5) to specific devices shall be published,  
5 maintained as a public record, and made available for public  
6 inspection and copying. If the informal ruling, opinion or  
7 letter contains trade secrets or other confidential  
8 information, where possible the Department shall delete such  
9 information prior to publication. Whenever such informal  
10 rulings, opinions, or letters contain any policy of general  
11 applicability, the Department shall formulate and adopt such  
12 policy as a rule in accordance with the provisions of the  
13 Illinois Administrative Procedure Act.

14 On and after July 1, 1987, no entity otherwise eligible  
15 under exemption (3) of this Section shall make tax-free ~~tax~~  
16 ~~free~~ purchases unless it has an active exemption identification  
17 number issued by the Department.

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 service or of tangible personal  
22 property within the meaning of this Act.

23 "Serviceman" means any person who is engaged in the  
24 occupation of making sales of service.

25 "Sale at retail" means "sale at retail" as defined in the  
26 Retailers' Occupation Tax Act.

1 "Supplier" means any person who makes sales of tangible  
2 personal property to servicemen for the purpose of resale as an  
3 incident to a sale of service.

4 "Serviceman maintaining a place of business in this State",  
5 or any like term, means and includes any serviceman:

6 (1) ~~1.~~ having or maintaining within this State,  
7 directly or by a subsidiary, an office, distribution house,  
8 sales house, warehouse or other place of business, or any  
9 agent or other representative operating within this State  
10 under the authority of the serviceman or its subsidiary,  
11 irrespective of whether such place of business or agent or  
12 other representative is located here permanently or  
13 temporarily, or whether such serviceman or subsidiary is  
14 licensed to do business in this State;

15 (1.1) ~~1.1.~~ having a contract with a person located in  
16 this State under which the person, for a commission or  
17 other consideration based on the sale of service by the  
18 serviceman, directly or indirectly refers potential  
19 customers to the serviceman by providing to the potential  
20 customers a promotional code or other mechanism that allows  
21 the serviceman to track purchases referred by such persons.  
22 Examples of mechanisms that allow the serviceman to track  
23 purchases referred by such persons include but are not  
24 limited to the use of a link on the person's Internet  
25 website, promotional codes distributed through the  
26 person's hand-delivered or mailed material, and

1 promotional codes distributed by the person through radio  
2 or other broadcast media. The provisions of this paragraph  
3 (1.1) ~~1.1~~ shall apply only if the cumulative gross receipts  
4 from sales of service by the serviceman to customers who  
5 are referred to the serviceman by all persons in this State  
6 under such contracts exceed \$10,000 during the preceding 4  
7 quarterly periods ending on the last day of March, June,  
8 September, and December; a serviceman meeting the  
9 requirements of this paragraph (1.1) ~~1.1~~ shall be presumed  
10 to be maintaining a place of business in this State but may  
11 rebut this presumption by submitting proof that the  
12 referrals or other activities pursued within this State by  
13 such persons were not sufficient to meet the nexus  
14 standards of the United States Constitution during the  
15 preceding 4 quarterly periods;

16 (1.2) ~~1.2~~ beginning July 1, 2011, having a contract  
17 with a person located in this State under which:

18 (A) ~~A.~~ the serviceman sells the same or  
19 substantially similar line of services as the person  
20 located in this State and does so using an identical or  
21 substantially similar name, trade name, or trademark  
22 as the person located in this State; and

23 (B) ~~B.~~ the serviceman provides a commission or  
24 other consideration to the person located in this State  
25 based upon the sale of services by the serviceman.

26 The provisions of this paragraph (1.2) ~~1.2~~ shall apply only

1 if the cumulative gross receipts from sales of service by  
2 the serviceman to customers in this State under all such  
3 contracts exceed \$10,000 during the preceding 4 quarterly  
4 periods ending on the last day of March, June, September,  
5 and December;

6 (2) ~~2.~~ soliciting orders for tangible personal  
7 property by means of a telecommunication or television  
8 shopping system (which utilizes toll free numbers) which is  
9 intended by the retailer to be broadcast by cable  
10 television or other means of broadcasting, to consumers  
11 located in this State;

12 (3) ~~3.~~ pursuant to a contract with a broadcaster or  
13 publisher located in this State, soliciting orders for  
14 tangible personal property by means of advertising which is  
15 disseminated primarily to consumers located in this State  
16 and only secondarily to bordering jurisdictions;

17 (4) ~~4.~~ soliciting orders for tangible personal  
18 property by mail if the solicitations are substantial and  
19 recurring and if the retailer benefits from any banking,  
20 financing, debt collection, telecommunication, or  
21 marketing activities occurring in this State or benefits  
22 from the location in this State of authorized installation,  
23 servicing, or repair facilities;

24 (5) ~~5.~~ being owned or controlled by the same interests  
25 which own or control any retailer engaging in business in  
26 the same or similar line of business in this State;

1           (6) ~~6.~~ having a franchisee or licensee operating under  
2 its trade name if the franchisee or licensee is required to  
3 collect the tax under this Section;

4           (7) ~~7.~~ pursuant to a contract with a cable television  
5 operator located in this State, soliciting orders for  
6 tangible personal property by means of advertising which is  
7 transmitted or distributed over a cable television system  
8 in this State; ~~or~~

9           (8) ~~8.~~ engaging in activities in Illinois, which  
10 activities in the state in which the supply business  
11 engaging in such activities is located would constitute  
12 maintaining a place of business in that state; or ~~or~~

13           (9) beginning October 1, 2018, making sales of service  
14 to purchasers in Illinois from outside of Illinois if:

15                   (A) the cumulative gross receipts from sales of  
16 service to purchasers in Illinois are \$100,000 or more;  
17 or

18                   (B) the serviceman enters into 200 or more separate  
19 transactions for sales of service to purchasers in  
20 Illinois.

21           The serviceman shall determine on a quarterly basis,  
22 ending on the last day of March, June, September, and  
23 December, whether he or she meets the criteria of either  
24 subparagraph (A) or (B) of this paragraph (9) for the  
25 preceding 12-month period. If the serviceman meets the  
26 criteria of either subparagraph (A) or (B) for a 12-month



1 period, he or she is considered a serviceman maintaining a  
2 place of business in this State and is required to collect  
3 and remit the tax imposed under this Act and file returns  
4 for one year. At the end of that one-year period, the  
5 serviceman shall determine whether the serviceman met the  
6 criteria of either subparagraph (A) or (B) during the  
7 preceding 12-month period. If the serviceman met the  
8 criteria in either subparagraph (A) or (B) for the  
9 preceding 12-month period, he or she is considered a  
10 serviceman maintaining a place of business in this State  
11 and is required to collect and remit the tax imposed under  
12 this Act and file returns for the subsequent year. If at  
13 the end of a one-year period a serviceman that was required  
14 to collect and remit the tax imposed under this Act  
15 determines that he or she did not meet the criteria in  
16 either subparagraph (A) or (B) during the preceding  
17 12-month period, the serviceman subsequently shall  
18 determine on a quarterly basis, ending on the last day of  
19 March, June, September, and December, whether he or she  
20 meets the criteria of either subparagraph (A) or (B) for  
21 the preceding 12-month period.

22 (Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17;  
23 revised 9-27-17.)

1 Section 85-5. The Illinois Lottery Law is amended by  
2 changing Sections 7.12 and 9.1 as follows:

3 (20 ILCS 1605/7.12)

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

5 Sec. 7.12. Internet program.

6 (a) The General Assembly finds that:

7 (1) the consumer market in Illinois has changed since  
8 the creation of the Illinois State Lottery in 1974;

9 (2) the Internet has become an integral part of  
10 everyday life for a significant number of Illinois  
11 residents not only in regards to their professional life,  
12 but also in regards to personal business and communication;  
13 and

14 (3) the current practices of selling lottery tickets  
15 does not appeal to the new form of market participants who  
16 prefer to make purchases on the Internet at their own  
17 convenience.

18 It is the intent of the General Assembly to create an  
19 Internet program for the sale of lottery tickets to capture  
20 this new form of market participant.

21 (b) The Department shall create a program that allows an  
22 individual 18 years of age or older to purchase lottery tickets  
23 or shares on the Internet without using a Lottery retailer with  
24 on-line status, as those terms are defined by rule. The  
25 Department shall restrict the sale of lottery tickets on the

1 Internet to transactions initiated and received or otherwise  
2 made exclusively within the State of Illinois. The Department  
3 shall adopt rules necessary for the administration of this  
4 program. These rules shall include, among other things,  
5 requirements for marketing of the Lottery to infrequent  
6 players, as well as limitations on the purchases that may be  
7 made through any one individual's lottery account. The  
8 provisions of this Act and the rules adopted under this Act  
9 shall apply to the sale of lottery tickets or shares under this  
10 program.

11 Before beginning the program, the Department of the Lottery  
12 must submit a request to the United States Department of  
13 Justice for review of the State's plan to implement a program  
14 for the sale of lottery tickets on the Internet and its  
15 propriety under federal law. The Department shall implement the  
16 Internet program only if the Department of Justice does not  
17 object to the implementation of the program within a reasonable  
18 period of time after its review.

19 The Department is obligated to implement the program set  
20 forth in this Section and Sections 7.15 and 7.16 only at such  
21 time, and to such extent, that the Department of Justice does  
22 not object to the implementation of the program within a  
23 reasonable period of time after its review. While the Illinois  
24 Lottery may only offer Lotto, Mega Millions, and Powerball  
25 games through the program, the Department shall request review  
26 from the federal Department of Justice for the Illinois Lottery

1 to sell lottery tickets on the Internet on behalf of the State  
2 of Illinois that are not limited to just these games.

3 The Department shall authorize the private manager to  
4 implement and administer the program pursuant to the management  
5 agreement entered into under Section 9.1 and in a manner  
6 consistent with the provisions of this Section. If a private  
7 manager has not been selected pursuant to Section 9.1 at the  
8 time the Department is obligated to implement the program, then  
9 the Department shall not proceed with the program until after  
10 the selection of the private manager, at which time the  
11 Department shall authorize the private manager to implement and  
12 administer the program pursuant to the management agreement  
13 entered into under Section 9.1 and in a manner consistent with  
14 the provisions of this Section.

15 Nothing in this Section shall be construed as prohibiting  
16 the Department from implementing and operating a website portal  
17 whereby individuals who are 18 years of age or older with an  
18 Illinois mailing address may apply to purchase lottery tickets  
19 via subscription. Nothing in this Section shall also be  
20 construed as prohibiting the sale of Lotto, Mega Millions, and  
21 Powerball games by a lottery licensee pursuant to the  
22 Department's rules.

23 (c) (Blank).

24 (d) This Section is repealed on July 1, 2019 ~~2018~~.

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

1 (20 ILCS 1605/9.1)

2 Sec. 9.1. Private manager and management agreement.

3 (a) As used in this Section:

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

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

9 (1) Statements of qualifications.

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

15 "Final offer" means the last proposal submitted by an  
16 offeror in response to the request for qualifications,  
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 offeror" means the offeror ultimately selected by  
22 the Governor to be the private manager for the Lottery under  
23 subsection (h) of this Section.

24 (b) By September 15, 2010, the Governor shall select a  
25 private manager for the total management of the Lottery with  
26 integrated functions, such as lottery game design, supply of

1 goods and services, and advertising and as specified in this  
2 Section.

3 (c) Pursuant to the terms of this subsection, the  
4 Department shall endeavor to expeditiously terminate the  
5 existing contracts in support of the Lottery in effect on the  
6 effective date of this amendatory Act of the 96th General  
7 Assembly in connection with the selection of the private  
8 manager. As part of its obligation to terminate these contracts  
9 and select the private manager, the Department shall establish  
10 a mutually agreeable timetable to transfer the functions of  
11 existing contractors to the private manager so that existing  
12 Lottery operations are not materially diminished or impaired  
13 during the transition. To that end, the Department shall do the  
14 following:

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

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

23 (3) in the event any current contract provides for  
24 termination of that contract upon the implementation of a  
25 contract with the private manager, the Department shall  
26 perform all necessary actions to terminate the contract on

1           the date that coincides with the mutually agreed timetable  
2           for transfer of functions.

3           If the contracts to support the current operation of the  
4           Lottery in effect on the effective date of this amendatory Act  
5           of the 96th General Assembly are not subject to termination as  
6           provided for in this subsection (c), then the Department may  
7           include a provision in the contract with the private manager  
8           specifying a mutually agreeable methodology for incorporation.

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

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

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

3           (2) A provision specifying that the Department:

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

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

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

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

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

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

21           (4) A provision requiring the private manager to  
22 provide the Department with advance notice of any operating  
23 decision that bears significantly on the public interest,  
24 including, but not limited to, decisions on the kinds of  
25 games to be offered to the public and decisions affecting  
26 the relative risk and reward of the games being offered, so



1 the Department has a reasonable opportunity to evaluate and  
2 countermand that decision.

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

10 (6) (Blank).

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

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

16 (8-5) A provision encouraging that at least 20% of the  
17 cost of contracts entered into for goods and services by  
18 the private manager in connection with its management of  
19 the Lottery, other than contracts with sales agents or  
20 technical advisors, be awarded to businesses that are a  
21 minority-owned business, a women-owned business, or a  
22 business owned by a person with disability, as those terms  
23 are defined in the Business Enterprise for Minorities,  
24 Women, and Persons with Disabilities Act.

25 (9) A requirement that so long as the private manager  
26 complies with all the conditions of the agreement under the

1 oversight of the Department, the private manager shall have  
2 the following duties and obligations with respect to the  
3 management of the Lottery:

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

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

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

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

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

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

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

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

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

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

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

20           (15) Cash reserves requirements.

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

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

1 (18) Procedures for amendment of the agreement.

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

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

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

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

1           (e) Notwithstanding any other law to the contrary, the  
2 Department shall select a private manager through a competitive  
3 request for qualifications process consistent with Section  
4 20-35 of the Illinois Procurement Code, which shall take into  
5 account:

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

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

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

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

22           (f) The Department may retain the services of an advisor or  
23 advisors with significant experience in financial services or  
24 the management, operation, and procurement of goods, services,  
25 and equipment for a government-run lottery to assist in the  
26 preparation of the terms of the request for qualifications and

1 selection of the private manager. Any prospective advisor  
2 seeking to provide services under this subsection (f) shall  
3 disclose any material business or financial relationship  
4 during the past 3 years with any potential offeror, or with a  
5 contractor or subcontractor presently providing goods,  
6 services, or equipment to the Department to support the  
7 Lottery. The Department shall evaluate the material business or  
8 financial relationship of each prospective advisor. The  
9 Department shall not select any prospective advisor with a  
10 substantial business or financial relationship that the  
11 Department deems to impair the objectivity of the services to  
12 be provided by the prospective advisor. During the course of  
13 the advisor's engagement by the Department, and for a period of  
14 one year thereafter, the advisor shall not enter into any  
15 business or financial relationship with any offeror or any  
16 vendor identified to assist an offeror in performing its  
17 obligations under the management agreement. Any advisor  
18 retained by the Department shall be disqualified from being an  
19 offeror. The Department shall not include terms in the request  
20 for qualifications that provide a material advantage whether  
21 directly or indirectly to any potential offeror, or any  
22 contractor or subcontractor presently providing goods,  
23 services, or equipment to the Department to support the  
24 Lottery, including terms contained in previous responses to  
25 requests for proposals or qualifications submitted to  
26 Illinois, another State or foreign government when those terms

1 are uniquely associated with a particular potential offeror,  
2 contractor, or subcontractor. The request for proposals  
3 offered by the Department on December 22, 2008 as  
4 "LOT08GAMESYS" and reference number "22016176" is declared  
5 void.

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

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

14 (2) The subject matter of the hearing.

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

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

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

20 (h) At the public hearing, the Department shall (i) provide  
21 sufficient time for each finalist to present and explain its  
22 proposal to the Department and the Governor or the Governor's  
23 designee, including an opportunity to respond to questions  
24 posed by the Department, Governor, or designee and (ii) allow  
25 the public and non-selected offerors to comment on the  
26 presentations. The Governor or a designee shall attend the

1 public hearing. After the public hearing, the Department shall  
2 have 14 calendar days to recommend to the Governor whether a  
3 management agreement should be entered into with a particular  
4 finalist. After reviewing the Department's recommendation, the  
5 Governor may accept or reject the Department's recommendation,  
6 and shall select a final offeror as the private manager by  
7 publication of a notice in the Illinois Procurement Bulletin on  
8 or before September 15, 2010. The Governor shall include in the  
9 notice a detailed explanation and the reasons why the final  
10 offeror is superior to other offerors and will provide  
11 management services in a manner that best achieves the  
12 objectives of this Section. The Governor shall also sign the  
13 management agreement with the private manager.

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

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

24 (k) Any tangible personal property used exclusively in  
25 connection with the lottery that is owned by the Department and  
26 leased to the private manager shall be owned by the Department



1 in the name of the State and shall be considered to be public  
2 property devoted to an essential public and governmental  
3 function.

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

7 (m) Neither this Section nor any management agreement  
8 entered into under this Section prohibits the General Assembly  
9 from authorizing forms of gambling that are not in direct  
10 competition with the Lottery.

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

19 (o) The powers conferred by this Section are in addition  
20 and supplemental to the powers conferred by any other law. If  
21 any other law or rule is inconsistent with this Section,  
22 including, but not limited to, provisions of the Illinois  
23 Procurement Code, then this Section controls as to any  
24 management agreement entered into under this Section. This  
25 Section and any rules adopted under this Section contain full  
26 and complete authority for a management agreement between the

1 Department and a private manager. No law, procedure,  
2 proceeding, publication, notice, consent, approval, order, or  
3 act by the Department or any other officer, Department, agency,  
4 or instrumentality of the State or any political subdivision is  
5 required for the Department to enter into a management  
6 agreement under this Section. This Section contains full and  
7 complete authority for the Department to approve any contracts  
8 entered into by a private manager with a vendor providing  
9 goods, services, or both goods and services to the private  
10 manager under the terms of the management agreement, including  
11 subcontractors of such vendors.

12 Upon receipt of a written request from the Chief  
13 Procurement Officer, the Department shall provide to the Chief  
14 Procurement Officer a complete and un-redacted copy of the  
15 management agreement or any contract that is subject to the  
16 Department's approval authority under this subsection (o). The  
17 Department shall provide a copy of the agreement or contract to  
18 the Chief Procurement Officer in the time specified by the  
19 Chief Procurement Officer in his or her written request, but no  
20 later than 5 business days after the request is received by the  
21 Department. The Chief Procurement Officer must retain any  
22 portions of the management agreement or of any contract  
23 designated by the Department as confidential, proprietary, or  
24 trade secret information in complete confidence pursuant to  
25 subsection (g) of Section 7 of the Freedom of Information Act.  
26 The Department shall also provide the Chief Procurement Officer

1 with reasonable advance written notice of any contract that is  
2 pending Department approval.

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

20 Except as provided in Sections 21.5, 21.6, 21.7, 21.8, and  
21 21.9, the Department shall distribute all proceeds of lottery  
22 tickets and shares sold in the following priority and manner:

23 (1) The payment of prizes and retailer bonuses.

24 (2) The payment of costs incurred in the operation and  
25 administration of the Lottery, including the payment of  
26 sums due to the private manager under the management

1 agreement with the Department.

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

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

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

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

26 (2) upon request of the Chief Procurement Officer, the

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

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

14 (Source: P.A. 99-933, eff. 1-27-17; 100-391, eff. 8-25-17.)

15 ARTICLE 90. STUDY

16 Section 90-5. The Department of Healthcare and Family  
17 Services Law of the Civil Administrative Code of Illinois is  
18 amended by adding Section 2205-30 as follows:

19 (20 ILCS 2205/2205-30 new)

20 Sec. 2205-30. Long-term care services and supports  
21 comprehensive study and actuarial modeling.

22 (a) The Department of Healthcare and Family Services shall  
23 commission a comprehensive study of long-term care trends,

1 future projections, and actuarial analysis of a new long-term  
2 services and supports benefit. Upon completion of the study,  
3 the Department shall prepare a report on the study that  
4 includes the following:

5 (1) an extensive analysis of long-term care trends in  
6 Illinois, including the number of Illinoisans needing  
7 long-term care, the number of paid and unpaid caregivers,  
8 the existing long-term care programs' utilization and  
9 impact on the State budget; out-of-pocket spending and  
10 spend-down to qualify for medical assistance coverage, the  
11 financial and health impacts of caregiving on the family,  
12 wages of paid caregivers and the effects of compensation on  
13 the availability of this workforce, the current market for  
14 private long-term care insurance, and a brief assessment of  
15 the existing system of long-term services and supports in  
16 terms of health, well-being, and the ability of  
17 participants to continue living in their communities;

18 (2) an analysis of long-term care costs and utilization  
19 projections through at least 2050 and the estimated impact  
20 of such costs and utilization projections on the State  
21 budget, increases in the senior population; projections of  
22 the number of paid and unpaid caregivers in relation to  
23 demand for services, and projections of the impact of  
24 housing cost burdens and a lack of affordable housing on  
25 seniors and people with disabilities;

26 (3) an actuarial analysis of options for a new

1 long-term services and supports benefit program, including  
2 an analysis of potential tax sources and necessary levels,  
3 a vesting period, the maximum daily benefit dollar amount,  
4 the total maximum dollar amount of the benefit, and the  
5 duration of the benefit; and

6 (4) a qualitative analysis of a new benefit's impact on  
7 seniors and people with disabilities, including their  
8 families and caregivers, public and private long-term care  
9 services, and the State budget.

10 The report must project under multiple possible  
11 configurations the numbers of persons covered year over year,  
12 utilization rates, total spending, and the benefit fund's ratio  
13 balance and solvency. The benefit fund must initially be  
14 structured to be solvent for 75 years. The report must detail  
15 the sensitivity of these projections to the level of care  
16 criteria that define long-term care need and examine the  
17 feasibility of setting a lower threshold, based on a lower need  
18 for ongoing assistance in routine life activities.

19 The report must also detail the amount of out-of-pocket  
20 costs avoided, the number of persons who delayed or avoided  
21 utilization of medical assistance benefits, an analysis on the  
22 projected increased utilization of home-based and  
23 community-based services over skilled nursing facilities and  
24 savings therewith, and savings to the State's existing  
25 long-term care programs due to the new long-term services and  
26 supports benefit.

1       (b) The entity chosen to conduct the actuarial analysis  
2       shall be a nationally-recognized organization with experience  
3       modeling public and private long-term care financing programs.

4       (c) The study shall begin after January 1, 2019, and be  
5       completed before December 1, 2019. Upon completion, the report  
6       on the study shall be filed with the Clerk of the House of  
7       Representatives and the Secretary of the Senate in electronic  
8       form only, in the manner that the Clerk and the Secretary shall  
9       direct.

10       (d) This Section is repealed December 1, 2020.

11                                   ARTICLE 95. EDUCATION AND RATES

12           Section 95-5. The Illinois Administrative Procedure Act is  
13       amended by changing Section 5-45 as follows:

14           (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

15           Sec. 5-45. Emergency rulemaking.

16           (a) "Emergency" means the existence of any situation that  
17       any agency finds reasonably constitutes a threat to the public  
18       interest, safety, or welfare.

19           (b) If any agency finds that an emergency exists that  
20       requires adoption of a rule upon fewer days than is required by  
21       Section 5-40 and states in writing its reasons for that  
22       finding, the agency may adopt an emergency rule without prior  
23       notice or hearing upon filing a notice of emergency rulemaking



1 with the Secretary of State under Section 5-70. The notice  
2 shall include the text of the emergency rule and shall be  
3 published in the Illinois Register. Consent orders or other  
4 court orders adopting settlements negotiated by an agency may  
5 be adopted under this Section. Subject to applicable  
6 constitutional or statutory provisions, an emergency rule  
7 becomes effective immediately upon filing under Section 5-65 or  
8 at a stated date less than 10 days thereafter. The agency's  
9 finding and a statement of the specific reasons for the finding  
10 shall be filed with the rule. The agency shall take reasonable  
11 and appropriate measures to make emergency rules known to the  
12 persons who may be affected by them.

13 (c) An emergency rule may be effective for a period of not  
14 longer than 150 days, but the agency's authority to adopt an  
15 identical rule under Section 5-40 is not precluded. No  
16 emergency rule may be adopted more than once in any 24-month  
17 period, except that this limitation on the number of emergency  
18 rules that may be adopted in a 24-month period does not apply  
19 to (i) emergency rules that make additions to and deletions  
20 from the Drug Manual under Section 5-5.16 of the Illinois  
21 Public Aid Code or the generic drug formulary under Section  
22 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
23 emergency rules adopted by the Pollution Control Board before  
24 July 1, 1997 to implement portions of the Livestock Management  
25 Facilities Act, (iii) emergency rules adopted by the Illinois  
26 Department of Public Health under subsections (a) through (i)

1 of Section 2 of the Department of Public Health Act when  
2 necessary to protect the public's health, (iv) emergency rules  
3 adopted pursuant to subsection (n) of this Section, (v)  
4 emergency rules adopted pursuant to subsection (o) of this  
5 Section, or (vi) emergency rules adopted pursuant to subsection  
6 (c-5) of this Section. Two or more emergency rules having  
7 substantially the same purpose and effect shall be deemed to be  
8 a single rule for purposes of this Section.

9 (c-5) To facilitate the maintenance of the program of group  
10 health benefits provided to annuitants, survivors, and retired  
11 employees under the State Employees Group Insurance Act of  
12 1971, rules to alter the contributions to be paid by the State,  
13 annuitants, survivors, retired employees, or any combination  
14 of those entities, for that program of group health benefits,  
15 shall be adopted as emergency rules. The adoption of those  
16 rules shall be considered an emergency and necessary for the  
17 public interest, safety, and welfare.

18 (d) In order to provide for the expeditious and timely  
19 implementation of the State's fiscal year 1999 budget,  
20 emergency rules to implement any provision of Public Act 90-587  
21 or 90-588 or any other budget initiative for fiscal year 1999  
22 may be adopted in accordance with this Section by the agency  
23 charged with administering that provision or initiative,  
24 except that the 24-month limitation on the adoption of  
25 emergency rules and the provisions of Sections 5-115 and 5-125  
26 do not apply to rules adopted under this subsection (d). The

1 adoption of emergency rules authorized by this subsection (d)  
2 shall be deemed to be necessary for the public interest,  
3 safety, and welfare.

4 (e) In order to provide for the expeditious and timely  
5 implementation of the State's fiscal year 2000 budget,  
6 emergency rules to implement any provision of Public Act 91-24  
7 or any other budget initiative for fiscal year 2000 may be  
8 adopted in accordance with this Section by the agency charged  
9 with administering that provision or initiative, except that  
10 the 24-month limitation on the adoption of emergency rules and  
11 the provisions of Sections 5-115 and 5-125 do not apply to  
12 rules adopted under this subsection (e). The adoption of  
13 emergency rules authorized by this subsection (e) shall be  
14 deemed to be necessary for the public interest, safety, and  
15 welfare.

16 (f) In order to provide for the expeditious and timely  
17 implementation of the State's fiscal year 2001 budget,  
18 emergency rules to implement any provision of Public Act 91-712  
19 or any other budget initiative for fiscal year 2001 may be  
20 adopted in accordance with this Section by the agency charged  
21 with administering that provision or initiative, except that  
22 the 24-month limitation on the adoption of emergency rules and  
23 the provisions of Sections 5-115 and 5-125 do not apply to  
24 rules adopted under this subsection (f). The adoption of  
25 emergency rules authorized by this subsection (f) shall be  
26 deemed to be necessary for the public interest, safety, and

1 welfare.

2 (g) In order to provide for the expeditious and timely  
3 implementation of the State's fiscal year 2002 budget,  
4 emergency rules to implement any provision of Public Act 92-10  
5 or any other budget initiative for fiscal year 2002 may be  
6 adopted in accordance with this Section by the agency charged  
7 with administering that provision or initiative, except that  
8 the 24-month limitation on the adoption of emergency rules and  
9 the provisions of Sections 5-115 and 5-125 do not apply to  
10 rules adopted under this subsection (g). The adoption of  
11 emergency rules authorized by this subsection (g) shall be  
12 deemed to be necessary for the public interest, safety, and  
13 welfare.

14 (h) In order to provide for the expeditious and timely  
15 implementation of the State's fiscal year 2003 budget,  
16 emergency rules to implement any provision of Public Act 92-597  
17 or any other budget initiative for fiscal year 2003 may be  
18 adopted in accordance with this Section by the agency charged  
19 with administering that provision or initiative, except that  
20 the 24-month limitation on the adoption of emergency rules and  
21 the provisions of Sections 5-115 and 5-125 do not apply to  
22 rules adopted under this subsection (h). The adoption of  
23 emergency rules authorized by this subsection (h) shall be  
24 deemed to be necessary for the public interest, safety, and  
25 welfare.

26 (i) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2004 budget,  
2 emergency rules to implement any provision of Public Act 93-20  
3 or any other budget initiative for fiscal year 2004 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 (i). The adoption of  
9 emergency rules authorized by this subsection (i) shall be  
10 deemed to be necessary for the public interest, safety, and  
11 welfare.

12 (j) In order to provide for the expeditious and timely  
13 implementation of the provisions of the State's fiscal year  
14 2005 budget as provided under the Fiscal Year 2005 Budget  
15 Implementation (Human Services) Act, emergency rules to  
16 implement any provision of the Fiscal Year 2005 Budget  
17 Implementation (Human Services) Act may be adopted in  
18 accordance with this Section by the agency charged with  
19 administering that provision, except that the 24-month  
20 limitation on the adoption of emergency rules and the  
21 provisions of Sections 5-115 and 5-125 do not apply to rules  
22 adopted under this subsection (j). The Department of Public Aid  
23 may also adopt rules under this subsection (j) necessary to  
24 administer the Illinois Public Aid Code and the Children's  
25 Health Insurance Program Act. The adoption of emergency rules  
26 authorized by this subsection (j) shall be deemed to be

1 necessary for the public interest, safety, and welfare.

2 (k) In order to provide for the expeditious and timely  
3 implementation of the provisions of the State's fiscal year  
4 2006 budget, emergency rules to implement any provision of  
5 Public Act 94-48 or any other budget initiative for fiscal year  
6 2006 may be adopted in accordance with this Section by the  
7 agency charged with administering that provision or  
8 initiative, except that the 24-month limitation on the adoption  
9 of emergency rules and the provisions of Sections 5-115 and  
10 5-125 do not apply to rules adopted under this subsection (k).  
11 The Department of Healthcare and Family Services may also adopt  
12 rules under this subsection (k) necessary to administer the  
13 Illinois Public Aid Code, the Senior Citizens and Persons with  
14 Disabilities Property Tax Relief Act, the Senior Citizens and  
15 Disabled Persons Prescription Drug Discount Program Act (now  
16 the Illinois Prescription Drug Discount Program Act), and the  
17 Children's Health Insurance Program Act. The adoption of  
18 emergency rules authorized by this subsection (k) shall be  
19 deemed to be necessary for the public interest, safety, and  
20 welfare.

21 (l) In order to provide for the expeditious and timely  
22 implementation of the provisions of the State's fiscal year  
23 2007 budget, the Department of Healthcare and Family Services  
24 may adopt emergency rules during fiscal year 2007, including  
25 rules effective July 1, 2007, in accordance with this  
26 subsection to the extent necessary to administer the

1 Department's responsibilities with respect to amendments to  
2 the State plans and Illinois waivers approved by the federal  
3 Centers for Medicare and Medicaid Services necessitated by the  
4 requirements of Title XIX and Title XXI of the federal Social  
5 Security Act. The adoption of emergency rules authorized by  
6 this subsection (l) shall be deemed to be necessary for the  
7 public interest, safety, and welfare.

8 (m) In order to provide for the expeditious and timely  
9 implementation of the provisions of the State's fiscal year  
10 2008 budget, the Department of Healthcare and Family Services  
11 may adopt emergency rules during fiscal year 2008, including  
12 rules effective July 1, 2008, in accordance with this  
13 subsection to the extent necessary to administer the  
14 Department's responsibilities with respect to amendments to  
15 the State plans and Illinois waivers approved by the federal  
16 Centers for Medicare and Medicaid Services necessitated by the  
17 requirements of Title XIX and Title XXI of the federal Social  
18 Security Act. The adoption of emergency rules authorized by  
19 this subsection (m) shall be deemed to be necessary for the  
20 public interest, safety, and welfare.

21 (n) In order to provide for the expeditious and timely  
22 implementation of the provisions of the State's fiscal year  
23 2010 budget, emergency rules to implement any provision of  
24 Public Act 96-45 or any other budget initiative authorized by  
25 the 96th General Assembly for fiscal year 2010 may be adopted  
26 in accordance with this Section by the agency charged with

1 administering that provision or initiative. The adoption of  
2 emergency rules authorized by this subsection (n) shall be  
3 deemed to be necessary for the public interest, safety, and  
4 welfare. The rulemaking authority granted in this subsection  
5 (n) shall apply only to rules promulgated during Fiscal Year  
6 2010.

7 (o) In order to provide for the expeditious and timely  
8 implementation of the provisions of the State's fiscal year  
9 2011 budget, emergency rules to implement any provision of  
10 Public Act 96-958 or any other budget initiative authorized by  
11 the 96th General Assembly for fiscal year 2011 may be adopted  
12 in accordance with this Section by the agency charged with  
13 administering that provision or initiative. The adoption of  
14 emergency rules authorized by this subsection (o) is deemed to  
15 be necessary for the public interest, safety, and welfare. The  
16 rulemaking authority granted in this subsection (o) applies  
17 only to rules promulgated on or after July 1, 2010 (the  
18 effective date of Public Act 96-958) through June 30, 2011.

19 (p) In order to provide for the expeditious and timely  
20 implementation of the provisions of Public Act 97-689,  
21 emergency rules to implement any provision of Public Act 97-689  
22 may be adopted in accordance with this subsection (p) by the  
23 agency charged with administering that provision or  
24 initiative. The 150-day limitation of the effective period of  
25 emergency rules does not apply to rules adopted under this  
26 subsection (p), and the effective period may continue through



1 June 30, 2013. The 24-month limitation on the adoption of  
2 emergency rules does not apply to rules adopted under this  
3 subsection (p). The adoption of emergency rules authorized by  
4 this subsection (p) is deemed to be necessary for the public  
5 interest, safety, and welfare.

6 (q) In order to provide for the expeditious and timely  
7 implementation of the provisions of Articles 7, 8, 9, 11, and  
8 12 of Public Act 98-104, emergency rules to implement any  
9 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
10 may be adopted in accordance with this subsection (q) by the  
11 agency charged with administering that provision or  
12 initiative. The 24-month limitation on the adoption of  
13 emergency rules does not apply to rules adopted under this  
14 subsection (q). The adoption of emergency rules authorized by  
15 this subsection (q) is deemed to be necessary for the public  
16 interest, safety, and welfare.

17 (r) In order to provide for the expeditious and timely  
18 implementation of the provisions of Public Act 98-651,  
19 emergency rules to implement Public Act 98-651 may be adopted  
20 in accordance with this subsection (r) by the Department of  
21 Healthcare and Family Services. The 24-month limitation on the  
22 adoption of emergency rules does not apply to rules adopted  
23 under this subsection (r). The adoption of emergency rules  
24 authorized by this subsection (r) is deemed to be necessary for  
25 the public interest, safety, and welfare.

26 (s) In order to provide for the expeditious and timely

1 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
2 the Illinois Public Aid Code, emergency rules to implement any  
3 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
4 Public Aid Code may be adopted in accordance with this  
5 subsection (s) by the Department of Healthcare and Family  
6 Services. The rulemaking authority granted in this subsection  
7 (s) shall apply only to those rules adopted prior to July 1,  
8 2015. Notwithstanding any other provision of this Section, any  
9 emergency rule adopted under this subsection (s) shall only  
10 apply to payments made for State fiscal year 2015. The adoption  
11 of emergency rules authorized by this subsection (s) is deemed  
12 to be necessary for the public interest, safety, and welfare.

13 (t) In order to provide for the expeditious and timely  
14 implementation of the provisions of Article II of Public Act  
15 99-6, emergency rules to implement the changes made by Article  
16 II of Public Act 99-6 to the Emergency Telephone System Act may  
17 be adopted in accordance with this subsection (t) by the  
18 Department of State Police. The rulemaking authority granted in  
19 this subsection (t) shall apply only to those rules adopted  
20 prior to July 1, 2016. The 24-month limitation on the adoption  
21 of emergency rules does not apply to rules adopted under this  
22 subsection (t). The adoption of emergency rules authorized by  
23 this subsection (t) is deemed to be necessary for the public  
24 interest, safety, and welfare.

25 (u) In order to provide for the expeditious and timely  
26 implementation of the provisions of the Burn Victims Relief

1 Act, emergency rules to implement any provision of the Act may  
2 be adopted in accordance with this subsection (u) by the  
3 Department of Insurance. The rulemaking authority granted in  
4 this subsection (u) shall apply only to those rules adopted  
5 prior to December 31, 2015. The adoption of emergency rules  
6 authorized by this subsection (u) is deemed to be necessary for  
7 the public interest, safety, and welfare.

8 (v) In order to provide for the expeditious and timely  
9 implementation of the provisions of Public Act 99-516,  
10 emergency rules to implement Public Act 99-516 may be adopted  
11 in accordance with this subsection (v) by the Department of  
12 Healthcare and Family Services. The 24-month limitation on the  
13 adoption of emergency rules does not apply to rules adopted  
14 under this subsection (v). The adoption of emergency rules  
15 authorized by this subsection (v) is deemed to be necessary for  
16 the public interest, safety, and welfare.

17 (w) In order to provide for the expeditious and timely  
18 implementation of the provisions of Public Act 99-796,  
19 emergency rules to implement the changes made by Public Act  
20 99-796 may be adopted in accordance with this subsection (w) by  
21 the Adjutant General. The adoption of emergency rules  
22 authorized by this subsection (w) is deemed to be necessary for  
23 the public interest, safety, and welfare.

24 (x) In order to provide for the expeditious and timely  
25 implementation of the provisions of Public Act 99-906,  
26 emergency rules to implement subsection (i) of Section 16-115D,

1 subsection (g) of Section 16-128A, and subsection (a) of  
2 Section 16-128B of the Public Utilities Act may be adopted in  
3 accordance with this subsection (x) by the Illinois Commerce  
4 Commission. The rulemaking authority granted in this  
5 subsection (x) shall apply only to those rules adopted within  
6 180 days after June 1, 2017 (the effective date of Public Act  
7 99-906). The adoption of emergency rules authorized by this  
8 subsection (x) is deemed to be necessary for the public  
9 interest, safety, and welfare.

10 (y) In order to provide for the expeditious and timely  
11 implementation of the provisions of this amendatory Act of the  
12 100th General Assembly, emergency rules to implement the  
13 changes made by this amendatory Act of the 100th General  
14 Assembly to Section 4.02 of the Illinois Act on Aging, Sections  
15 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30  
16 of the Alcoholism and Other Drug Abuse and Dependency Act, and  
17 Sections 74 and 75 of the Mental Health and Developmental  
18 Disabilities Administrative Act may be adopted in accordance  
19 with this subsection (y) by the respective Department. The  
20 adoption of emergency rules authorized by this subsection (y)  
21 is deemed to be necessary for the public interest, safety, and  
22 welfare.

23 (z) In order to provide for the expeditious and timely  
24 implementation of the provisions of this amendatory Act of the  
25 100th General Assembly, emergency rules to implement the  
26 changes made by this amendatory Act of the 100th General

1 Assembly to Section 4.7 of the Lobbyist Registration Act may be  
2 adopted in accordance with this subsection (z) by the Secretary  
3 of State. The adoption of emergency rules authorized by this  
4 subsection (z) is deemed to be necessary for the public  
5 interest, safety, and welfare.

6 (aa) In order to provide for the expeditious and timely  
7 initial implementation of the changes made to Articles 5, 5A,  
8 12, and 14 of the Illinois Public Aid Code under the provisions  
9 of this amendatory Act of the 100th General Assembly, the  
10 Department of Healthcare and Family Services may adopt  
11 emergency rules in accordance with this subsection (aa). The  
12 24-month limitation on the adoption of emergency rules does not  
13 apply to rules to initially implement the changes made to  
14 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code  
15 adopted under this subsection (aa). The adoption of emergency  
16 rules authorized by this subsection (aa) is deemed to be  
17 necessary for the public interest, safety, and welfare.

18 (bb) In order to provide for the expeditious and timely  
19 implementation of the provisions of this amendatory Act of the  
20 100th General Assembly, emergency rules to implement the  
21 changes made by this amendatory Act of the 100th General  
22 Assembly to Section 4.02 of the Illinois Act on Aging, Sections  
23 5.5.4 and 5-5.4i of the Illinois Public Aid Code, subsection  
24 (b) of Section 55-30 of the Alcoholism and Other Drug Abuse and  
25 Dependency Act, Section 5-104 of the Specialized Mental Health  
26 Rehabilitation Act of 2013, and Section 75 and subsection (b)

1 of Section 74 of the Mental Health and Developmental  
2 Disabilities Administrative Act may be adopted in accordance  
3 with this subsection (bb) by the respective Department. The  
4 adoption of emergency rules authorized by this subsection (bb)  
5 is deemed to be necessary for the public interest, safety, and  
6 welfare.

7 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,  
8 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;  
9 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;  
10 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.  
11 3-12-18.)

12 Section 95-10. The Mental Health and Developmental  
13 Disabilities Administrative Act is amended by changing Section  
14 74 as follows:

15 (20 ILCS 1705/74)

16 Sec. 74. Rates and reimbursements.

17 (a) Within 30 days after July 6, 2017 (the effective date  
18 of Public Act 100-23) ~~this amendatory Act of the 100th General~~  
19 Assembly, the Department shall increase rates and  
20 reimbursements to fund a minimum of a \$0.75 per hour wage  
21 increase for front-line personnel, including, but not limited  
22 to, direct support persons, aides, front-line supervisors,  
23 qualified intellectual disabilities professionals, nurses, and  
24 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 (y) of Section 5-45 of the  
4 Illinois Administrative Procedure Act, to implement the  
5 provisions of this Section.

6 (b) Rates and reimbursements. Within 30 days after the  
7 effective date of this amendatory Act of the 100th General  
8 Assembly, the Department shall increase rates and  
9 reimbursements to fund a minimum of a \$0.50 per hour wage  
10 increase for front-line personnel, including, but not limited  
11 to, direct support persons, aides, front-line supervisors,  
12 qualified intellectual disabilities professionals, nurses, and  
13 non-administrative support staff working in community-based  
14 provider organizations serving individuals with developmental  
15 disabilities. The Department shall adopt rules, including  
16 emergency rules under subsection (bb) of Section 5-45 of the  
17 Illinois Administrative Procedure Act, to implement the  
18 provisions of this Section.

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

20 Section 95-15. The School Code is amended by changing  
21 Section 14-7.02 and by adding Section 3-16 as follows:

22 (105 ILCS 5/3-16 new)

23 Sec. 3-16. Grants to alternative schools, safe schools, and  
24 alternative learning opportunities programs. The State Board

1 of Education, subject to appropriation, shall award grants to  
2 alternative schools, safe schools, and alternative learning  
3 opportunities programs operated by a regional office of  
4 education. To calculate grant amounts to the programs operated  
5 by regional offices of education, the State Board shall  
6 calculate an amount equal to the greater of the regional  
7 program's best 3 months of average daily attendance for the  
8 2016-2017 school year or the average of the best 3 months of  
9 average daily attendance for the 2014-2015 school year through  
10 the 2016-2017 school year, multiplied by the amount of \$6,119.  
11 This amount shall be termed the "Regional Program Increased  
12 Enrollment Recognition". If the amount of the Regional Program  
13 Increased Enrollment Recognition is greater than the amount of  
14 the regional office of education program's Base Funding Minimum  
15 for fiscal year 2018, calculated under Section 18-8.15, then  
16 the State Board of Education shall pay the regional program a  
17 grant equal to the difference between the regional program's  
18 Regional Program Increased Enrollment Recognition and the Base  
19 Funding Minimum for fiscal year 2018. Nothing in this Section  
20 shall be construed to alter any payments or calculations under  
21 Section 18-8.15.

22 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

23 Sec. 14-7.02. Children attending private schools, public  
24 out-of-state schools, public school residential facilities or  
25 private special education facilities. The General Assembly



1 recognizes that non-public schools or special education  
2 facilities provide an important service in the educational  
3 system in Illinois.

4 If because of his or her disability the special education  
5 program of a district is unable to meet the needs of a child  
6 and the child attends a non-public school or special education  
7 facility, a public out-of-state school or a special education  
8 facility owned and operated by a county government unit that  
9 provides special educational services required by the child and  
10 is in compliance with the appropriate rules and regulations of  
11 the State Superintendent of Education, the school district in  
12 which the child is a resident shall pay the actual cost of  
13 tuition for special education and related services provided  
14 during the regular school term and during the summer school  
15 term if the child's educational needs so require, excluding  
16 room, board and transportation costs charged the child by that  
17 non-public school or special education facility, public  
18 out-of-state school or county special education facility, or  
19 \$4,500 per year, whichever is less, and shall provide him any  
20 necessary transportation. "Nonpublic special education  
21 facility" shall include a residential facility, within or  
22 without the State of Illinois, which provides special education  
23 and related services to meet the needs of the child by  
24 utilizing private schools or public schools, whether located on  
25 the site or off the site of the residential facility.

26 The State Board of Education shall promulgate rules and

1 regulations for determining when placement in a private special  
2 education facility is appropriate. Such rules and regulations  
3 shall take into account the various types of services needed by  
4 a child and the availability of such services to the particular  
5 child in the public school. In developing these rules and  
6 regulations the State Board of Education shall consult with the  
7 Advisory Council on Education of Children with Disabilities and  
8 hold public hearings to secure recommendations from parents,  
9 school personnel, and others concerned about this matter.

10 The State Board of Education shall also promulgate rules  
11 and regulations for transportation to and from a residential  
12 school. Transportation to and from home to a residential school  
13 more than once each school term shall be subject to prior  
14 approval by the State Superintendent in accordance with the  
15 rules and regulations of the State Board.

16 A school district making tuition payments pursuant to this  
17 Section is eligible for reimbursement from the State for the  
18 amount of such payments actually made in excess of the district  
19 per capita tuition charge for students not receiving special  
20 education services. Such reimbursement shall be approved in  
21 accordance with Section 14-12.01 and each district shall file  
22 its claims, computed in accordance with rules prescribed by the  
23 State Board of Education, on forms prescribed by the State  
24 Superintendent of Education. Data used as a basis of  
25 reimbursement claims shall be for the preceding regular school  
26 term and summer school term. Each school district shall

1 transmit its claims to the State Board of Education on or  
2 before August 15. The State Board of Education, before  
3 approving any such claims, shall determine their accuracy and  
4 whether they are based upon services and facilities provided  
5 under approved programs. Upon approval the State Board shall  
6 cause vouchers to be prepared showing the amount due for  
7 payment of reimbursement claims to school districts, for  
8 transmittal to the State Comptroller on the 30th day of  
9 September, December, and March, respectively, and the final  
10 voucher, no later than June 20. If the money appropriated by  
11 the General Assembly for such purpose for any year is  
12 insufficient, it shall be apportioned on the basis of the  
13 claims approved.

14 No child shall be placed in a special education program  
15 pursuant to this Section if the tuition cost for special  
16 education and related services increases more than 10 percent  
17 over the tuition cost for the previous school year or exceeds  
18 \$4,500 per year unless such costs have been approved by the  
19 Illinois Purchased Care Review Board. The Illinois Purchased  
20 Care Review Board shall consist of the following persons, or  
21 their designees: the Directors of Children and Family Services,  
22 Public Health, Public Aid, and the Governor's Office of  
23 Management and Budget; the Secretary of Human Services; the  
24 State Superintendent of Education; and such other persons as  
25 the Governor may designate. The Review Board shall also consist  
26 of one non-voting member who is an administrator of a private,

1 nonpublic, special education school. The Review Board shall  
2 establish rules and regulations for its determination of  
3 allowable costs and payments made by local school districts for  
4 special education, room and board, and other related services  
5 provided by non-public schools or special education facilities  
6 and shall establish uniform standards and criteria which it  
7 shall follow. The Review Board shall approve the usual and  
8 customary rate or rates of a special education program that (i)  
9 is offered by an out-of-state, non-public provider of  
10 integrated autism specific educational and autism specific  
11 residential services, (ii) offers 2 or more levels of  
12 residential care, including at least one locked facility, and  
13 (iii) serves 12 or fewer Illinois students.

14 In determining rates based on allowable costs, the review  
15 Board shall consider any wage increases awarded by the General  
16 Assembly to front line personnel defined as direct support  
17 persons, aides, front-line supervisors, qualified intellectual  
18 disabilities professionals, nurses, and non-administrative  
19 support staff working in service settings in community-based  
20 settings within the State and adjust customary rates or rates  
21 of a special education program to be equitable to the wage  
22 increase awarded to similar staff positions in a community  
23 residential setting. Any wage increase awarded by the General  
24 Assembly to front line personnel defined as direct support  
25 persons, aides, front-line supervisors, qualified intellectual  
26 disabilities professionals, nurses, and non-administrative

1 support staff working in community-based settings within the  
2 State shall also be a basis for any facility covered by this  
3 Section to appeal its rate before the Review Board under the  
4 process defined in Title 89, Part 900, Section 340 of the  
5 Illinois Administrative Code. Illinois Administrative Code  
6 Title 89, Part 900, Section 342 shall be updated to recognize  
7 wage increases awarded to community-based settings to be a  
8 basis for appeal.

9       The Review Board shall establish uniform definitions and  
10 criteria for accounting separately by special education, room  
11 and board and other related services costs. The Board shall  
12 also establish guidelines for the coordination of services and  
13 financial assistance provided by all State agencies to assure  
14 that no otherwise qualified child with a disability receiving  
15 services under Article 14 shall be excluded from participation  
16 in, be denied the benefits of or be subjected to discrimination  
17 under any program or activity provided by any State agency.

18       The Review Board shall review the costs for special  
19 education and related services provided by non-public schools  
20 or special education facilities and shall approve or disapprove  
21 such facilities in accordance with the rules and regulations  
22 established by it with respect to allowable costs.

23       The State Board of Education shall provide administrative  
24 and staff support for the Review Board as deemed reasonable by  
25 the State Superintendent of Education. This support shall not  
26 include travel expenses or other compensation for any Review

1 Board member other than the State Superintendent of Education.

2 The Review Board shall seek the advice of the Advisory  
3 Council on Education of Children with Disabilities on the rules  
4 and regulations to be promulgated by it relative to providing  
5 special education services.

6 If a child has been placed in a program in which the actual  
7 per pupil costs of tuition for special education and related  
8 services based on program enrollment, excluding room, board and  
9 transportation costs, exceed \$4,500 and such costs have been  
10 approved by the Review Board, the district shall pay such total  
11 costs which exceed \$4,500. A district making such tuition  
12 payments in excess of \$4,500 pursuant to this Section shall be  
13 responsible for an amount in excess of \$4,500 equal to the  
14 district per capita tuition charge and shall be eligible for  
15 reimbursement from the State for the amount of such payments  
16 actually made in excess of the districts per capita tuition  
17 charge for students not receiving special education services.

18 If a child has been placed in an approved individual  
19 program and the tuition costs including room and board costs  
20 have been approved by the Review Board, then such room and  
21 board costs shall be paid by the appropriate State agency  
22 subject to the provisions of Section 14-8.01 of this Act. Room  
23 and board costs not provided by a State agency other than the  
24 State Board of Education shall be provided by the State Board  
25 of Education on a current basis. In no event, however, shall  
26 the State's liability for funding of these tuition costs begin

1 until after the legal obligations of third party payors have  
2 been subtracted from such costs. If the money appropriated by  
3 the General Assembly for such purpose for any year is  
4 insufficient, it shall be apportioned on the basis of the  
5 claims approved. Each district shall submit estimated claims to  
6 the State Superintendent of Education. Upon approval of such  
7 claims, the State Superintendent of Education shall direct the  
8 State Comptroller to make payments on a monthly basis. The  
9 frequency for submitting estimated claims and the method of  
10 determining payment shall be prescribed in rules and  
11 regulations adopted by the State Board of Education. Such  
12 current state reimbursement shall be reduced by an amount equal  
13 to the proceeds which the child or child's parents are eligible  
14 to receive under any public or private insurance or assistance  
15 program. Nothing in this Section shall be construed as  
16 relieving an insurer or similar third party from an otherwise  
17 valid obligation to provide or to pay for services provided to  
18 a child with a disability.

19 If it otherwise qualifies, a school district is eligible  
20 for the transportation reimbursement under Section 14-13.01  
21 and for the reimbursement of tuition payments under this  
22 Section whether the non-public school or special education  
23 facility, public out-of-state school or county special  
24 education facility, attended by a child who resides in that  
25 district and requires special educational services, is within  
26 or outside of the State of Illinois. However, a district is not

1 eligible to claim transportation reimbursement under this  
2 Section unless the district certifies to the State  
3 Superintendent of Education that the district is unable to  
4 provide special educational services required by the child for  
5 the current school year.

6 Nothing in this Section authorizes the reimbursement of a  
7 school district for the amount paid for tuition of a child  
8 attending a non-public school or special education facility,  
9 public out-of-state school or county special education  
10 facility unless the school district certifies to the State  
11 Superintendent of Education that the special education program  
12 of that district is unable to meet the needs of that child  
13 because of his disability and the State Superintendent of  
14 Education finds that the school district is in substantial  
15 compliance with Section 14-4.01. However, if a child is  
16 unilaterally placed by a State agency or any court in a  
17 non-public school or special education facility, public  
18 out-of-state school, or county special education facility, a  
19 school district shall not be required to certify to the State  
20 Superintendent of Education, for the purpose of tuition  
21 reimbursement, that the special education program of that  
22 district is unable to meet the needs of a child because of his  
23 or her disability.

24 Any educational or related services provided, pursuant to  
25 this Section in a non-public school or special education  
26 facility or a special education facility owned and operated by



1 a county government unit shall be at no cost to the parent or  
2 guardian of the child. However, current law and practices  
3 relative to contributions by parents or guardians for costs  
4 other than educational or related services are not affected by  
5 this amendatory Act of 1978.

6 Reimbursement for children attending public school  
7 residential facilities shall be made in accordance with the  
8 provisions of this Section.

9 Notwithstanding any other provision of law, any school  
10 district receiving a payment under this Section or under  
11 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify  
12 all or a portion of the funds that it receives in a particular  
13 fiscal year or from general State aid pursuant to Section  
14 18-8.05 of this Code as funds received in connection with any  
15 funding program for which it is entitled to receive funds from  
16 the State in that fiscal year (including, without limitation,  
17 any funding program referenced in this Section), regardless of  
18 the source or timing of the receipt. The district may not  
19 classify more funds as funds received in connection with the  
20 funding program than the district is entitled to receive in  
21 that fiscal year for that program. Any classification by a  
22 district must be made by a resolution of its board of  
23 education. The resolution must identify the amount of any  
24 payments or general State aid to be classified under this  
25 paragraph and must specify the funding program to which the  
26 funds are to be treated as received in connection therewith.

1 This resolution is controlling as to the classification of  
2 funds referenced therein. A certified copy of the resolution  
3 must be sent to the State Superintendent of Education. The  
4 resolution shall still take effect even though a copy of the  
5 resolution has not been sent to the State Superintendent of  
6 Education in a timely manner. No classification under this  
7 paragraph by a district shall affect the total amount or timing  
8 of money the district is entitled to receive under this Code.  
9 No classification under this paragraph by a district shall in  
10 any way relieve the district from or affect any requirements  
11 that otherwise would apply with respect to that funding  
12 program, including any accounting of funds by source, reporting  
13 expenditures by original source and purpose, reporting  
14 requirements, or requirements of providing services.

15 (Source: P.A. 98-636, eff. 6-6-14; 98-1008, eff. 1-1-15; 99-78,  
16 eff. 7-20-15; 99-143, eff. 7-27-15.)

17 Section 95-20. The Illinois Public Aid Code is amended by  
18 changing Sections 5-5.4 and 5-5.4i and by adding Section 5-5.4j  
19 as follows:

20 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

21 Sec. 5-5.4. Standards of Payment - Department of Healthcare  
22 and Family Services. The Department of Healthcare and Family  
23 Services shall develop standards of payment of nursing facility  
24 and ICF/DD services in facilities providing such services under

1 this Article which:

2 (1) Provide for the determination of a facility's payment  
3 for nursing facility or ICF/DD services on a prospective basis.  
4 The amount of the payment rate for all nursing facilities  
5 certified by the Department of Public Health under the ID/DD  
6 Community Care Act or the Nursing Home Care Act as Intermediate  
7 Care for the Developmentally Disabled facilities, Long Term  
8 Care for Under Age 22 facilities, Skilled Nursing facilities,  
9 or Intermediate Care facilities under the medical assistance  
10 program shall be prospectively established annually on the  
11 basis of historical, financial, and statistical data  
12 reflecting actual costs from prior years, which shall be  
13 applied to the current rate year and updated for inflation,  
14 except that the capital cost element for newly constructed  
15 facilities shall be based upon projected budgets. The annually  
16 established payment rate shall take effect on July 1 in 1984  
17 and subsequent years. No rate increase and no update for  
18 inflation shall be provided on or after July 1, 1994, unless  
19 specifically provided for in this Section. The changes made by  
20 Public Act 93-841 extending the duration of the prohibition  
21 against a rate increase or update for inflation are effective  
22 retroactive to July 1, 2004.

23 For facilities licensed by the Department of Public Health  
24 under the Nursing Home Care Act as Intermediate Care for the  
25 Developmentally Disabled facilities or Long Term Care for Under  
26 Age 22 facilities, the rates taking effect on July 1, 1998

1 shall include an increase of 3%. For facilities licensed by the  
2 Department of Public Health under the Nursing Home Care Act as  
3 Skilled Nursing facilities or Intermediate Care facilities,  
4 the rates taking effect on July 1, 1998 shall include an  
5 increase of 3% plus \$1.10 per resident-day, as defined by the  
6 Department. For facilities licensed by the Department of Public  
7 Health under the Nursing Home Care Act as Intermediate Care  
8 Facilities for the Developmentally Disabled or Long Term Care  
9 for Under Age 22 facilities, the rates taking effect on January  
10 1, 2006 shall include an increase of 3%. For facilities  
11 licensed by the Department of Public Health under the Nursing  
12 Home Care Act as Intermediate Care Facilities for the  
13 Developmentally Disabled or Long Term Care for Under Age 22  
14 facilities, the rates taking effect on January 1, 2009 shall  
15 include an increase sufficient to provide a \$0.50 per hour wage  
16 increase for non-executive staff. For facilities licensed by  
17 the Department of Public Health under the ID/DD Community Care  
18 Act as ID/DD Facilities the rates taking effect within 30 days  
19 after July 6, 2017 (the effective date of Public Act 100-23)  
20 ~~this amendatory Act of the 100th General Assembly~~ shall include  
21 an increase sufficient to provide a \$0.75 per hour wage  
22 increase for non-executive staff. The Department shall adopt  
23 rules, including emergency rules under subsection (y) of  
24 Section 5-45 of the Illinois Administrative Procedure Act, to  
25 implement the provisions of this paragraph. For facilities  
26 licensed by the Department of Public Health under the ID/DD

1 Community Care Act as ID/DD Facilities and under the MC/DD Act  
2 as MC/DD Facilities, the rates taking effect within 30 days  
3 after the effective date of this amendatory Act of the 100th  
4 General Assembly shall include an increase sufficient to  
5 provide a \$0.50 per hour wage increase for non-executive  
6 front-line personnel, including, but not limited to, direct  
7 support persons, aides, front-line supervisors, qualified  
8 intellectual disabilities professionals, nurses, and  
9 non-administrative support staff. The Department shall adopt  
10 rules, including emergency rules under subsection (bb) of  
11 Section 5-45 of the Illinois Administrative Procedure Act, to  
12 implement the provisions of this paragraph.

13 For facilities licensed by the Department of Public Health  
14 under the Nursing Home Care Act as Intermediate Care for the  
15 Developmentally Disabled facilities or Long Term Care for Under  
16 Age 22 facilities, the rates taking effect on July 1, 1999  
17 shall include an increase of 1.6% plus \$3.00 per resident-day,  
18 as defined by the Department. For facilities licensed by the  
19 Department of Public Health under the Nursing Home Care Act as  
20 Skilled Nursing facilities or Intermediate Care facilities,  
21 the rates taking effect on July 1, 1999 shall include an  
22 increase of 1.6% and, for services provided on or after October  
23 1, 1999, shall be increased by \$4.00 per resident-day, as  
24 defined by the Department.

25 For facilities licensed by the Department of Public Health  
26 under the Nursing Home Care Act as Intermediate Care for the

1 Developmentally Disabled facilities or Long Term Care for Under  
2 Age 22 facilities, the rates taking effect on July 1, 2000  
3 shall include an increase of 2.5% per resident-day, as defined  
4 by the Department. For facilities licensed by the Department of  
5 Public Health under the Nursing Home Care Act as Skilled  
6 Nursing facilities or Intermediate Care facilities, the rates  
7 taking effect on July 1, 2000 shall include an increase of 2.5%  
8 per resident-day, as defined by the Department.

9 For facilities licensed by the Department of Public Health  
10 under the Nursing Home Care Act as skilled nursing facilities  
11 or intermediate care facilities, a new payment methodology must  
12 be implemented for the nursing component of the rate effective  
13 July 1, 2003. The Department of Public Aid (now Healthcare and  
14 Family Services) shall develop the new payment methodology  
15 using the Minimum Data Set (MDS) as the instrument to collect  
16 information concerning nursing home resident condition  
17 necessary to compute the rate. The Department shall develop the  
18 new payment methodology to meet the unique needs of Illinois  
19 nursing home residents while remaining subject to the  
20 appropriations provided by the General Assembly. A transition  
21 period from the payment methodology in effect on June 30, 2003  
22 to the payment methodology in effect on July 1, 2003 shall be  
23 provided for a period not exceeding 3 years and 184 days after  
24 implementation of the new payment methodology as follows:

25 (A) For a facility that would receive a lower nursing  
26 component rate per patient day under the new system than

1 the facility received effective on the date immediately  
2 preceding the date that the Department implements the new  
3 payment methodology, the nursing component rate per  
4 patient day for the facility shall be held at the level in  
5 effect on the date immediately preceding the date that the  
6 Department implements the new payment methodology until a  
7 higher nursing component rate of reimbursement is achieved  
8 by that facility.

9 (B) For a facility that would receive a higher nursing  
10 component rate per patient day under the payment  
11 methodology in effect on July 1, 2003 than the facility  
12 received effective on the date immediately preceding the  
13 date that the Department implements the new payment  
14 methodology, the nursing component rate per patient day for  
15 the facility shall be adjusted.

16 (C) Notwithstanding paragraphs (A) and (B), the  
17 nursing component rate per patient day for the facility  
18 shall be adjusted subject to appropriations provided by the  
19 General Assembly.

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 March 1, 2001  
24 shall include a statewide increase of 7.85%, as defined by the  
25 Department.

26 Notwithstanding any other provision of this Section, for

1 facilities licensed by the Department of Public Health under  
2 the Nursing Home Care Act as skilled nursing facilities or  
3 intermediate care facilities, except facilities participating  
4 in the Department's demonstration program pursuant to the  
5 provisions of Title 77, Part 300, Subpart T of the Illinois  
6 Administrative Code, the numerator of the ratio used by the  
7 Department of Healthcare and Family Services to compute the  
8 rate payable under this Section using the Minimum Data Set  
9 (MDS) methodology shall incorporate the following annual  
10 amounts as the additional funds appropriated to the Department  
11 specifically to pay for rates based on the MDS nursing  
12 component methodology in excess of the funding in effect on  
13 December 31, 2006:

14 (i) For rates taking effect January 1, 2007,  
15 \$60,000,000.

16 (ii) For rates taking effect January 1, 2008,  
17 \$110,000,000.

18 (iii) For rates taking effect January 1, 2009,  
19 \$194,000,000.

20 (iv) For rates taking effect April 1, 2011, or the  
21 first day of the month that begins at least 45 days after  
22 the effective date of this amendatory Act of the 96th  
23 General Assembly, \$416,500,000 or an amount as may be  
24 necessary to complete the transition to the MDS methodology  
25 for the nursing component of the rate. Increased payments  
26 under this item (iv) are not due and payable, however,



1           until (i) the methodologies described in this paragraph are  
2           approved by the federal government in an appropriate State  
3           Plan amendment and (ii) the assessment imposed by Section  
4           5B-2 of this Code is determined to be a permissible tax  
5           under Title XIX of the Social Security Act.

6           Notwithstanding any other provision of this Section, for  
7           facilities licensed by the Department of Public Health under  
8           the Nursing Home Care Act as skilled nursing facilities or  
9           intermediate care facilities, the support component of the  
10          rates taking effect on January 1, 2008 shall be computed using  
11          the most recent cost reports on file with the Department of  
12          Healthcare and Family Services no later than April 1, 2005,  
13          updated for inflation to January 1, 2006.

14          For facilities licensed by the Department of Public Health  
15          under the Nursing Home Care Act as Intermediate Care for the  
16          Developmentally Disabled facilities or Long Term Care for Under  
17          Age 22 facilities, the rates taking effect on April 1, 2002  
18          shall include a statewide increase of 2.0%, as defined by the  
19          Department. This increase terminates on July 1, 2002; beginning  
20          July 1, 2002 these rates are reduced to the level of the rates  
21          in effect on March 31, 2002, as defined by the Department.

22          For facilities licensed by the Department of Public Health  
23          under the Nursing Home Care Act as skilled nursing facilities  
24          or intermediate care facilities, the rates taking effect on  
25          July 1, 2001 shall be computed using the most recent cost  
26          reports on file with the Department of Public Aid no later than

1 April 1, 2000, updated for inflation to January 1, 2001. For  
2 rates effective July 1, 2001 only, rates shall be the greater  
3 of the rate computed for July 1, 2001 or the rate effective on  
4 June 30, 2001.

5 Notwithstanding any other provision of this Section, for  
6 facilities licensed by the Department of Public Health under  
7 the Nursing Home Care Act as skilled nursing facilities or  
8 intermediate care facilities, the Illinois Department shall  
9 determine by rule the rates taking effect on July 1, 2002,  
10 which shall be 5.9% less than the rates in effect on June 30,  
11 2002.

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, if the payment methodologies  
16 required under Section 5A-12 and the waiver granted under 42  
17 CFR 433.68 are approved by the United States Centers for  
18 Medicare and Medicaid Services, the rates taking effect on July  
19 1, 2004 shall be 3.0% greater than the rates in effect on June  
20 30, 2004. These rates shall take effect only upon approval and  
21 implementation of the payment methodologies required under  
22 Section 5A-12.

23 Notwithstanding any other provisions of this Section, for  
24 facilities licensed by the Department of Public Health under  
25 the Nursing Home Care Act as skilled nursing facilities or  
26 intermediate care facilities, the rates taking effect on

1 January 1, 2005 shall be 3% more than the rates in effect on  
2 December 31, 2004.

3 Notwithstanding any other provision of this Section, for  
4 facilities licensed by the Department of Public Health under  
5 the Nursing Home Care Act as skilled nursing facilities or  
6 intermediate care facilities, effective January 1, 2009, the  
7 per diem support component of the rates effective on January 1,  
8 2008, computed using the most recent cost reports on file with  
9 the Department of Healthcare and Family Services no later than  
10 April 1, 2005, updated for inflation to January 1, 2006, shall  
11 be increased to the amount that would have been derived using  
12 standard Department of Healthcare and Family Services methods,  
13 procedures, and inflators.

14 Notwithstanding any other provisions of this Section, for  
15 facilities licensed by the Department of Public Health under  
16 the Nursing Home Care Act as intermediate care facilities that  
17 are federally defined as Institutions for Mental Disease, or  
18 facilities licensed by the Department of Public Health under  
19 the Specialized Mental Health Rehabilitation Act of 2013, a  
20 socio-development component rate equal to 6.6% of the  
21 facility's nursing component rate as of January 1, 2006 shall  
22 be established and paid effective July 1, 2006. The  
23 socio-development component of the rate shall be increased by a  
24 factor of 2.53 on the first day of the month that begins at  
25 least 45 days after January 11, 2008 (the effective date of  
26 Public Act 95-707). As of August 1, 2008, the socio-development

1 component rate shall be equal to 6.6% of the facility's nursing  
2 component rate as of January 1, 2006, multiplied by a factor of  
3 3.53. For services provided on or after April 1, 2011, or the  
4 first day of the month that begins at least 45 days after the  
5 effective date of this amendatory Act of the 96th General  
6 Assembly, whichever is later, the Illinois Department may by  
7 rule adjust these socio-development component rates, and may  
8 use different adjustment methodologies for those facilities  
9 participating, and those not participating, in the Illinois  
10 Department's demonstration program pursuant to the provisions  
11 of Title 77, Part 300, Subpart T of the Illinois Administrative  
12 Code, but in no case may such rates be diminished below those  
13 in effect on August 1, 2008.

14 For facilities licensed by the Department of Public Health  
15 under the Nursing Home Care Act as Intermediate Care for the  
16 Developmentally Disabled facilities or as long-term care  
17 facilities for residents under 22 years of age, the rates  
18 taking effect on July 1, 2003 shall include a statewide  
19 increase of 4%, as defined by the Department.

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 the first day of  
24 the month that begins at least 45 days after the effective date  
25 of this amendatory Act of the 95th General Assembly shall  
26 include a statewide increase of 2.5%, as defined by the

1 Department.

2 Notwithstanding any other provision of this Section, for  
3 facilities licensed by the Department of Public Health under  
4 the Nursing Home Care Act as skilled nursing facilities or  
5 intermediate care facilities, effective January 1, 2005,  
6 facility rates shall be increased by the difference between (i)  
7 a facility's per diem property, liability, and malpractice  
8 insurance costs as reported in the cost report filed with the  
9 Department of Public Aid and used to establish rates effective  
10 July 1, 2001 and (ii) those same costs as reported in the  
11 facility's 2002 cost report. These costs shall be passed  
12 through to the facility without caps or limitations, except for  
13 adjustments required under normal auditing procedures.

14 Rates established effective each July 1 shall govern  
15 payment for services rendered throughout that fiscal year,  
16 except that rates established on July 1, 1996 shall be  
17 increased by 6.8% for services provided on or after January 1,  
18 1997. Such rates will be based upon the rates calculated for  
19 the year beginning July 1, 1990, and for subsequent years  
20 thereafter until June 30, 2001 shall be based on the facility  
21 cost reports for the facility fiscal year ending at any point  
22 in time during the previous calendar year, updated to the  
23 midpoint of the rate year. The cost report shall be on file  
24 with the Department no later than April 1 of the current rate  
25 year. Should the cost report not be on file by April 1, the  
26 Department shall base the rate on the latest cost report filed

1 by each skilled care facility and intermediate care facility,  
2 updated to the midpoint of the current rate year. In  
3 determining rates for services rendered on and after July 1,  
4 1985, fixed time shall not be computed at less than zero. The  
5 Department shall not make any alterations of regulations which  
6 would reduce any component of the Medicaid rate to a level  
7 below what that component would have been utilizing in the rate  
8 effective on July 1, 1984.

9 (2) Shall take into account the actual costs incurred by  
10 facilities in providing services for recipients of skilled  
11 nursing and intermediate care services under the medical  
12 assistance program.

13 (3) Shall take into account the medical and psycho-social  
14 characteristics and needs of the patients.

15 (4) Shall take into account the actual costs incurred by  
16 facilities in meeting licensing and certification standards  
17 imposed and prescribed by the State of Illinois, any of its  
18 political subdivisions or municipalities and by the U.S.  
19 Department of Health and Human Services pursuant to Title XIX  
20 of the Social Security Act.

21 The Department of Healthcare and Family Services shall  
22 develop precise standards for payments to reimburse nursing  
23 facilities for any utilization of appropriate rehabilitative  
24 personnel for the provision of rehabilitative services which is  
25 authorized by federal regulations, including reimbursement for  
26 services provided by qualified therapists or qualified

1 assistants, and which is in accordance with accepted  
2 professional practices. Reimbursement also may be made for  
3 utilization of other supportive personnel under appropriate  
4 supervision.

5 The Department shall develop enhanced payments to offset  
6 the additional costs incurred by a facility serving exceptional  
7 need residents and shall allocate at least \$4,000,000 of the  
8 funds collected from the assessment established by Section 5B-2  
9 of this Code for such payments. For the purpose of this  
10 Section, "exceptional needs" means, but need not be limited to,  
11 ventilator care and traumatic brain injury care. The enhanced  
12 payments for exceptional need residents under this paragraph  
13 are not due and payable, however, until (i) the methodologies  
14 described in this paragraph are approved by the federal  
15 government in an appropriate State Plan amendment and (ii) the  
16 assessment imposed by Section 5B-2 of this Code is determined  
17 to be a permissible tax under Title XIX of the Social Security  
18 Act.

19 Beginning January 1, 2014 the methodologies for  
20 reimbursement of nursing facility services as provided under  
21 this Section 5-5.4 shall no longer be applicable for services  
22 provided on or after January 1, 2014.

23 No payment increase under this Section for the MDS  
24 methodology, exceptional care residents, or the  
25 socio-development component rate established by Public Act  
26 96-1530 of the 96th General Assembly and funded by the

1 assessment imposed under Section 5B-2 of this Code shall be due  
2 and payable until after the Department notifies the long-term  
3 care providers, in writing, that the payment methodologies to  
4 long-term care providers required under this Section have been  
5 approved by the Centers for Medicare and Medicaid Services of  
6 the U.S. Department of Health and Human Services and the  
7 waivers under 42 CFR 433.68 for the assessment imposed by this  
8 Section, if necessary, have been granted by the Centers for  
9 Medicare and Medicaid Services of the U.S. Department of Health  
10 and Human Services. Upon notification to the Department of  
11 approval of the payment methodologies required under this  
12 Section and the waivers granted under 42 CFR 433.68, all  
13 increased payments otherwise due under this Section prior to  
14 the date of notification shall be due and payable within 90  
15 days of the date federal approval is received.

16 On and after July 1, 2012, the Department shall reduce any  
17 rate of reimbursement for services or other payments or alter  
18 any methodologies authorized by this Code to reduce any rate of  
19 reimbursement for services or other payments in accordance with  
20 Section 5-5e.

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

22 (305 ILCS 5/5-5.4i)

23 Sec. 5-5.4i. Rates and reimbursements.

24 (a) Within 30 days after July 6, 2017 (the effective date  
25 of Public Act 100-23) ~~this amendatory Act of the 100th General~~



1 ~~Assembly~~, the Department shall increase rates and  
2 reimbursements to fund a minimum of a \$0.75 per hour wage  
3 increase for front-line personnel, including, but not limited  
4 to, direct support persons, aides, front-line supervisors,  
5 qualified intellectual disabilities professionals, nurses, and  
6 non-administrative support staff working in community-based  
7 provider organizations serving individuals with developmental  
8 disabilities. The Department shall adopt rules, including  
9 emergency rules under subsection (y) of Section 5-45 of the  
10 Illinois Administrative Procedure Act, to implement the  
11 provisions of this Section.

12 (b) Rates and reimbursements. Within 30 days after the  
13 effective date of this amendatory Act of the 100th General  
14 Assembly, the Department shall increase rates and  
15 reimbursements to fund a minimum of a \$0.50 per hour wage  
16 increase for front-line personnel, including, but not limited  
17 to, direct support persons, aides, front-line supervisors,  
18 qualified intellectual disabilities professionals, nurses, and  
19 non-administrative support staff working in community-based  
20 provider organizations serving individuals with developmental  
21 disabilities. The Department shall adopt rules, including  
22 emergency rules under subsection (bb) of Section 5-45 of the  
23 Illinois Administrative Procedure Act, to implement the  
24 provisions of this Section.

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

1 (305 ILCS 5/5-5.4j new)

2 Sec. 5-5.4j. ID/DD targeted Medicaid rate enhancement.  
3 Within 30 days after the effective date of this amendatory Act  
4 of the 100th General Assembly, the Department shall increase  
5 the Medicaid per diem rate by \$21.15 for facilities with more  
6 than 16 beds licensed by the Department of Public Health under  
7 the ID/DD Community Care Act located in the Department of  
8 Public Health's Planning Area 7-B.

9 Section 95-25. The Illinois Public Aid Code is amended by  
10 changing Sections 5-5, 5-30, and 5-30.1 as follows:

11 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

12 Sec. 5-5. Medical services. The Illinois Department, by  
13 rule, shall determine the quantity and quality of and the rate  
14 of reimbursement for the medical assistance for which payment  
15 will be authorized, and the medical services to be provided,  
16 which may include all or part of the following: (1) inpatient  
17 hospital services; (2) outpatient hospital services; (3) other  
18 laboratory and X-ray services; (4) skilled nursing home  
19 services; (5) physicians' services whether furnished in the  
20 office, the patient's home, a hospital, a skilled nursing home,  
21 or elsewhere; (6) medical care, or any other type of remedial  
22 care furnished by licensed practitioners; (7) home health care  
23 services; (8) private duty nursing service; (9) clinic  
24 services; (10) dental services, including prevention and

1 treatment of periodontal disease and dental caries disease for  
2 pregnant women, provided by an individual licensed to practice  
3 dentistry or dental surgery; for purposes of this item (10),  
4 "dental services" means diagnostic, preventive, or corrective  
5 procedures provided by or under the supervision of a dentist in  
6 the practice of his or her profession; (11) physical therapy  
7 and related services; (12) prescribed drugs, dentures, and  
8 prosthetic devices; and eyeglasses prescribed by a physician  
9 skilled in the diseases of the eye, or by an optometrist,  
10 whichever the person may select; (13) other diagnostic,  
11 screening, preventive, and rehabilitative services, including  
12 to ensure that the individual's need for intervention or  
13 treatment of mental disorders or substance use disorders or  
14 co-occurring mental health and substance use disorders is  
15 determined using a uniform screening, assessment, and  
16 evaluation process inclusive of criteria, for children and  
17 adults; for purposes of this item (13), a uniform screening,  
18 assessment, and evaluation process refers to a process that  
19 includes an appropriate evaluation and, as warranted, a  
20 referral; "uniform" does not mean the use of a singular  
21 instrument, tool, or process that all must utilize; (14)  
22 transportation and such other expenses as may be necessary;  
23 (15) medical treatment of sexual assault survivors, as defined  
24 in Section 1a of the Sexual Assault Survivors Emergency  
25 Treatment Act, for injuries sustained as a result of the sexual  
26 assault, including examinations and laboratory tests to

1 discover evidence which may be used in criminal proceedings  
2 arising from the sexual assault; (16) the diagnosis and  
3 treatment of sickle cell anemia; and (17) any other medical  
4 care, and any other type of remedial care recognized under the  
5 laws of this State. The term "any other type of remedial care"  
6 shall include nursing care and nursing home service for persons  
7 who rely on treatment by spiritual means alone through prayer  
8 for healing.

9 Notwithstanding any other provision of this Section, a  
10 comprehensive tobacco use cessation program that includes  
11 purchasing prescription drugs or prescription medical devices  
12 approved by the Food and Drug Administration shall be covered  
13 under the medical assistance program under this Article for  
14 persons who are otherwise eligible for assistance under this  
15 Article.

16 Notwithstanding any other provision of this Code,  
17 reproductive health care that is otherwise legal in Illinois  
18 shall be covered under the medical assistance program for  
19 persons who are otherwise eligible for medical assistance under  
20 this Article.

21 Notwithstanding any other provision of this Code, the  
22 Illinois Department may not require, as a condition of payment  
23 for any laboratory test authorized under this Article, that a  
24 physician's handwritten signature appear on the laboratory  
25 test order form. The Illinois Department may, however, impose  
26 other appropriate requirements regarding laboratory test order

1 documentation.

2       Upon receipt of federal approval of an amendment to the  
3 Illinois Title XIX State Plan for this purpose, the Department  
4 shall authorize the Chicago Public Schools (CPS) to procure a  
5 vendor or vendors to manufacture eyeglasses for individuals  
6 enrolled in a school within the CPS system. CPS shall ensure  
7 that its vendor or vendors are enrolled as providers in the  
8 medical assistance program and in any capitated Medicaid  
9 managed care entity (MCE) serving individuals enrolled in a  
10 school within the CPS system. Under any contract procured under  
11 this provision, the vendor or vendors must serve only  
12 individuals enrolled in a school within the CPS system. Claims  
13 for services provided by CPS's vendor or vendors to recipients  
14 of benefits in the medical assistance program under this Code,  
15 the Children's Health Insurance Program, or the Covering ALL  
16 KIDS Health Insurance Program shall be submitted to the  
17 Department or the MCE in which the individual is enrolled for  
18 payment and shall be reimbursed at the Department's or the  
19 MCE's established rates or rate methodologies for eyeglasses.

20       On and after July 1, 2012, the Department of Healthcare and  
21 Family Services may provide the following services to persons  
22 eligible for assistance under this Article who are  
23 participating in education, training or employment programs  
24 operated by the Department of Human Services as successor to  
25 the Department of Public Aid:

26           (1) dental services provided by or under the

1 supervision of a dentist; and

2 (2) eyeglasses prescribed by a physician skilled in the  
3 diseases of the eye, or by an optometrist, whichever the  
4 person may select.

5 On and after July 1, 2018, the Department of Healthcare and  
6 Family Services shall provide dental services to any adult who  
7 is otherwise eligible for assistance under the medical  
8 assistance program. As used in this paragraph, "dental  
9 services" means diagnostic, preventative, restorative, or  
10 corrective procedures, including procedures and services for  
11 the prevention and treatment of periodontal disease and dental  
12 caries disease, provided by an individual who is licensed to  
13 practice dentistry or dental surgery or who is under the  
14 supervision of a dentist in the practice of his or her  
15 profession.

16 On and after July 1, 2018, targeted dental services, as set  
17 forth in Exhibit D of the Consent Decree entered by the United  
18 States District Court for the Northern District of Illinois,  
19 Eastern Division, in the matter of Memisovski v. Maram, Case  
20 No. 92 C 1982, that are provided to adults under the medical  
21 assistance program shall be established at no less than the  
22 rates set forth in the "New Rate" column in Exhibit D of the  
23 Consent Decree for targeted dental services that are provided  
24 to persons under the age of 18 under the medical assistance  
25 program.

26 Notwithstanding any other provision of this Code and

1 subject to federal approval, the Department may adopt rules to  
2 allow a dentist who is volunteering his or her service at no  
3 cost to render dental services through an enrolled  
4 not-for-profit health clinic without the dentist personally  
5 enrolling as a participating provider in the medical assistance  
6 program. A not-for-profit health clinic shall include a public  
7 health clinic or Federally Qualified Health Center or other  
8 enrolled provider, as determined by the Department, through  
9 which dental services covered under this Section are performed.  
10 The Department shall establish a process for payment of claims  
11 for reimbursement for covered dental services rendered under  
12 this provision.

13 The Illinois Department, by rule, may distinguish and  
14 classify the medical services to be provided only in accordance  
15 with the classes of persons designated in Section 5-2.

16 The Department of Healthcare and Family Services must  
17 provide coverage and reimbursement for amino acid-based  
18 elemental formulas, regardless of delivery method, for the  
19 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
20 short bowel syndrome when the prescribing physician has issued  
21 a written order stating that the amino acid-based elemental  
22 formula is medically necessary.

23 The Illinois Department shall authorize the provision of,  
24 and shall authorize payment for, screening by low-dose  
25 mammography for the presence of occult breast cancer for women  
26 35 years of age or older who are eligible for medical

1 assistance under this Article, as follows:

2 (A) A baseline mammogram for women 35 to 39 years of  
3 age.

4 (B) An annual mammogram for women 40 years of age or  
5 older.

6 (C) A mammogram at the age and intervals considered  
7 medically necessary by the woman's health care provider for  
8 women under 40 years of age and having a family history of  
9 breast cancer, prior personal history of breast cancer,  
10 positive genetic testing, or other risk factors.

11 (D) A comprehensive ultrasound screening and MRI of an  
12 entire breast or breasts if a mammogram demonstrates  
13 heterogeneous or dense breast tissue, when medically  
14 necessary as determined by a physician licensed to practice  
15 medicine in all of its branches.

16 (E) A screening MRI when medically necessary, as  
17 determined by a physician licensed to practice medicine in  
18 all of its branches.

19 All screenings shall include a physical breast exam,  
20 instruction on self-examination and information regarding the  
21 frequency of self-examination and its value as a preventative  
22 tool. For purposes of this Section, "low-dose mammography"  
23 means the x-ray examination of the breast using equipment  
24 dedicated specifically for mammography, including the x-ray  
25 tube, filter, compression device, and image receptor, with an  
26 average radiation exposure delivery of less than one rad per



1 breast for 2 views of an average size breast. The term also  
2 includes digital mammography and includes breast  
3 tomosynthesis. As used in this Section, the term "breast  
4 tomosynthesis" means a radiologic procedure that involves the  
5 acquisition of projection images over the stationary breast to  
6 produce cross-sectional digital three-dimensional images of  
7 the breast. If, at any time, the Secretary of the United States  
8 Department of Health and Human Services, or its successor  
9 agency, promulgates rules or regulations to be published in the  
10 Federal Register or publishes a comment in the Federal Register  
11 or issues an opinion, guidance, or other action that would  
12 require the State, pursuant to any provision of the Patient  
13 Protection and Affordable Care Act (Public Law 111-148),  
14 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any  
15 successor provision, to defray the cost of any coverage for  
16 breast tomosynthesis outlined in this paragraph, then the  
17 requirement that an insurer cover breast tomosynthesis is  
18 inoperative other than any such coverage authorized under  
19 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and  
20 the State shall not assume any obligation for the cost of  
21 coverage for breast tomosynthesis set forth in this paragraph.

22 On and after January 1, 2016, the Department shall ensure  
23 that all networks of care for adult clients of the Department  
24 include access to at least one breast imaging Center of Imaging  
25 Excellence as certified by the American College of Radiology.

26 On and after January 1, 2012, providers participating in a

1 quality improvement program approved by the Department shall be  
2 reimbursed for screening and diagnostic mammography at the same  
3 rate as the Medicare program's rates, including the increased  
4 reimbursement for digital mammography.

5 The Department shall convene an expert panel including  
6 representatives of hospitals, free-standing mammography  
7 facilities, and doctors, including radiologists, to establish  
8 quality standards for mammography.

9 On and after January 1, 2017, providers participating in a  
10 breast cancer treatment quality improvement program approved  
11 by the Department shall be reimbursed for breast cancer  
12 treatment at a rate that is no lower than 95% of the Medicare  
13 program's rates for the data elements included in the breast  
14 cancer treatment quality program.

15 The Department shall convene an expert panel, including  
16 representatives of hospitals, free standing breast cancer  
17 treatment centers, breast cancer quality organizations, and  
18 doctors, including breast surgeons, reconstructive breast  
19 surgeons, oncologists, and primary care providers to establish  
20 quality standards for breast cancer treatment.

21 Subject to federal approval, the Department shall  
22 establish a rate methodology for mammography at federally  
23 qualified health centers and other encounter-rate clinics.  
24 These clinics or centers may also collaborate with other  
25 hospital-based mammography facilities. By January 1, 2016, the  
26 Department shall report to the General Assembly on the status

1 of the provision set forth in this paragraph.

2 The Department shall establish a methodology to remind  
3 women who are age-appropriate for screening mammography, but  
4 who have not received a mammogram within the previous 18  
5 months, of the importance and benefit of screening mammography.  
6 The Department shall work with experts in breast cancer  
7 outreach and patient navigation to optimize these reminders and  
8 shall establish a methodology for evaluating their  
9 effectiveness and modifying the methodology based on the  
10 evaluation.

11 The Department shall establish a performance goal for  
12 primary care providers with respect to their female patients  
13 over age 40 receiving an annual mammogram. This performance  
14 goal shall be used to provide additional reimbursement in the  
15 form of a quality performance bonus to primary care providers  
16 who meet that goal.

17 The Department shall devise a means of case-managing or  
18 patient navigation for beneficiaries diagnosed with breast  
19 cancer. This program shall initially operate as a pilot program  
20 in areas of the State with the highest incidence of mortality  
21 related to breast cancer. At least one pilot program site shall  
22 be in the metropolitan Chicago area and at least one site shall  
23 be outside the metropolitan Chicago area. On or after July 1,  
24 2016, the pilot program shall be expanded to include one site  
25 in western Illinois, one site in southern Illinois, one site in  
26 central Illinois, and 4 sites within metropolitan Chicago. An

1 evaluation of the pilot program shall be carried out measuring  
2 health outcomes and cost of care for those served by the pilot  
3 program compared to similarly situated patients who are not  
4 served by the pilot program.

5 The Department shall require all networks of care to  
6 develop a means either internally or by contract with experts  
7 in navigation and community outreach to navigate cancer  
8 patients to comprehensive care in a timely fashion. The  
9 Department shall require all networks of care to include access  
10 for patients diagnosed with cancer to at least one academic  
11 commission on cancer-accredited cancer program as an  
12 in-network covered benefit.

13 Any medical or health care provider shall immediately  
14 recommend, to any pregnant woman who is being provided prenatal  
15 services and is suspected of drug abuse or is addicted as  
16 defined in the Alcoholism and Other Drug Abuse and Dependency  
17 Act, referral to a local substance abuse treatment provider  
18 licensed by the Department of Human Services or to a licensed  
19 hospital which provides substance abuse treatment services.  
20 The Department of Healthcare and Family Services shall assure  
21 coverage for the cost of treatment of the drug abuse or  
22 addiction for pregnant recipients in accordance with the  
23 Illinois Medicaid Program in conjunction with the Department of  
24 Human Services.

25 All medical providers providing medical assistance to  
26 pregnant women under this Code shall receive information from

1 the Department on the availability of services under the Drug  
2 Free Families with a Future or any comparable program providing  
3 case management services for addicted women, including  
4 information on appropriate referrals for other social services  
5 that may be needed by addicted women in addition to treatment  
6 for addiction.

7 The Illinois Department, in cooperation with the  
8 Departments of Human Services (as successor to the Department  
9 of Alcoholism and Substance Abuse) and Public Health, through a  
10 public awareness campaign, may provide information concerning  
11 treatment for alcoholism and drug abuse and addiction, prenatal  
12 health care, and other pertinent programs directed at reducing  
13 the number of drug-affected infants born to recipients of  
14 medical assistance.

15 Neither the Department of Healthcare and Family Services  
16 nor the Department of Human Services shall sanction the  
17 recipient solely on the basis of her substance abuse.

18 The Illinois Department shall establish such regulations  
19 governing the dispensing of health services under this Article  
20 as it shall deem appropriate. The Department should seek the  
21 advice of formal professional advisory committees appointed by  
22 the Director of the Illinois Department for the purpose of  
23 providing regular advice on policy and administrative matters,  
24 information dissemination and educational activities for  
25 medical and health care providers, and consistency in  
26 procedures to the Illinois Department.

1           The Illinois Department may develop and contract with  
2 Partnerships of medical providers to arrange medical services  
3 for persons eligible under Section 5-2 of this Code.  
4 Implementation of this Section may be by demonstration projects  
5 in certain geographic areas. The Partnership shall be  
6 represented by a sponsor organization. The Department, by rule,  
7 shall develop qualifications for sponsors of Partnerships.  
8 Nothing in this Section shall be construed to require that the  
9 sponsor organization be a medical organization.

10           The sponsor must negotiate formal written contracts with  
11 medical providers for physician services, inpatient and  
12 outpatient hospital care, home health services, treatment for  
13 alcoholism and substance abuse, and other services determined  
14 necessary by the Illinois Department by rule for delivery by  
15 Partnerships. Physician services must include prenatal and  
16 obstetrical care. The Illinois Department shall reimburse  
17 medical services delivered by Partnership providers to clients  
18 in target areas according to provisions of this Article and the  
19 Illinois Health Finance Reform Act, except that:

20           (1) Physicians participating in a Partnership and  
21 providing certain services, which shall be determined by  
22 the Illinois Department, to persons in areas covered by the  
23 Partnership may receive an additional surcharge for such  
24 services.

25           (2) The Department may elect to consider and negotiate  
26 financial incentives to encourage the development of

1 Partnerships and the efficient delivery of medical care.

2 (3) Persons receiving medical services through  
3 Partnerships may receive medical and case management  
4 services above the level usually offered through the  
5 medical assistance program.

6 Medical providers shall be required to meet certain  
7 qualifications to participate in Partnerships to ensure the  
8 delivery of high quality medical services. These  
9 qualifications shall be determined by rule of the Illinois  
10 Department and may be higher than qualifications for  
11 participation in the medical assistance program. Partnership  
12 sponsors may prescribe reasonable additional qualifications  
13 for participation by medical providers, only with the prior  
14 written approval of the Illinois Department.

15 Nothing in this Section shall limit the free choice of  
16 practitioners, hospitals, and other providers of medical  
17 services by clients. In order to ensure patient freedom of  
18 choice, the Illinois Department shall immediately promulgate  
19 all rules and take all other necessary actions so that provided  
20 services may be accessed from therapeutically certified  
21 optometrists to the full extent of the Illinois Optometric  
22 Practice Act of 1987 without discriminating between service  
23 providers.

24 The Department shall apply for a waiver from the United  
25 States Health Care Financing Administration to allow for the  
26 implementation of Partnerships under this Section.

1           The Illinois Department shall require health care  
2 providers to maintain records that document the medical care  
3 and services provided to recipients of Medical Assistance under  
4 this Article. Such records must be retained for a period of not  
5 less than 6 years from the date of service or as provided by  
6 applicable State law, whichever period is longer, except that  
7 if an audit is initiated within the required retention period  
8 then the records must be retained until the audit is completed  
9 and every exception is resolved. The Illinois Department shall  
10 require health care providers to make available, when  
11 authorized by the patient, in writing, the medical records in a  
12 timely fashion to other health care providers who are treating  
13 or serving persons eligible for Medical Assistance under this  
14 Article. All dispensers of medical services shall be required  
15 to maintain and retain business and professional records  
16 sufficient to fully and accurately document the nature, scope,  
17 details and receipt of the health care provided to persons  
18 eligible for medical assistance under this Code, in accordance  
19 with regulations promulgated by the Illinois Department. The  
20 rules and regulations shall require that proof of the receipt  
21 of prescription drugs, dentures, prosthetic devices and  
22 eyeglasses by eligible persons under this Section accompany  
23 each claim for reimbursement submitted by the dispenser of such  
24 medical services. No such claims for reimbursement shall be  
25 approved for payment by the Illinois Department without such  
26 proof of receipt, unless the Illinois Department shall have put



1 into effect and shall be operating a system of post-payment  
2 audit and review which shall, on a sampling basis, be deemed  
3 adequate by the Illinois Department to assure that such drugs,  
4 dentures, prosthetic devices and eyeglasses for which payment  
5 is being made are actually being received by eligible  
6 recipients. Within 90 days after September 16, 1984 (the  
7 effective date of Public Act 83-1439), the Illinois Department  
8 shall establish a current list of acquisition costs for all  
9 prosthetic devices and any other items recognized as medical  
10 equipment and supplies reimbursable under this Article and  
11 shall update such list on a quarterly basis, except that the  
12 acquisition costs of all prescription drugs shall be updated no  
13 less frequently than every 30 days as required by Section  
14 5-5.12.

15 Notwithstanding any other law to the contrary, the Illinois  
16 Department shall, within 365 days after July 22, 2013 (the  
17 effective date of Public Act 98-104), establish procedures to  
18 permit skilled care facilities licensed under the Nursing Home  
19 Care Act to submit monthly billing claims for reimbursement  
20 purposes. Following development of these procedures, the  
21 Department shall, by July 1, 2016, test the viability of the  
22 new system and implement any necessary operational or  
23 structural changes to its information technology platforms in  
24 order to allow for the direct acceptance and payment of nursing  
25 home claims.

26 Notwithstanding any other law to the contrary, the Illinois

1 Department shall, within 365 days after August 15, 2014 (the  
2 effective date of Public Act 98-963), establish procedures to  
3 permit ID/DD facilities licensed under the ID/DD Community Care  
4 Act and MC/DD facilities licensed under the MC/DD Act to submit  
5 monthly billing claims for reimbursement purposes. Following  
6 development of these procedures, the Department shall have an  
7 additional 365 days to test the viability of the new system and  
8 to ensure that any necessary operational or structural changes  
9 to its information technology platforms are implemented.

10 The Illinois Department shall require all dispensers of  
11 medical services, other than an individual practitioner or  
12 group of practitioners, desiring to participate in the Medical  
13 Assistance program established under this Article to disclose  
14 all financial, beneficial, ownership, equity, surety or other  
15 interests in any and all firms, corporations, partnerships,  
16 associations, business enterprises, joint ventures, agencies,  
17 institutions or other legal entities providing any form of  
18 health care services in this State under this Article.

19 The Illinois Department may require that all dispensers of  
20 medical services desiring to participate in the medical  
21 assistance program established under this Article disclose,  
22 under such terms and conditions as the Illinois Department may  
23 by rule establish, all inquiries from clients and attorneys  
24 regarding medical bills paid by the Illinois Department, which  
25 inquiries could indicate potential existence of claims or liens  
26 for the Illinois Department.

1 Enrollment of a vendor shall be subject to a provisional  
2 period and shall be conditional for one year. During the period  
3 of conditional enrollment, the Department may terminate the  
4 vendor's eligibility to participate in, or may disenroll the  
5 vendor from, the medical assistance program without cause.  
6 Unless otherwise specified, such termination of eligibility or  
7 disenrollment is not subject to the Department's hearing  
8 process. However, a disenrolled vendor may reapply without  
9 penalty.

10 The Department has the discretion to limit the conditional  
11 enrollment period for vendors based upon category of risk of  
12 the vendor.

13 Prior to enrollment and during the conditional enrollment  
14 period in the medical assistance program, all vendors shall be  
15 subject to enhanced oversight, screening, and review based on  
16 the risk of fraud, waste, and abuse that is posed by the  
17 category of risk of the vendor. The Illinois Department shall  
18 establish the procedures for oversight, screening, and review,  
19 which may include, but need not be limited to: criminal and  
20 financial background checks; fingerprinting; license,  
21 certification, and authorization verifications; unscheduled or  
22 unannounced site visits; database checks; prepayment audit  
23 reviews; audits; payment caps; payment suspensions; and other  
24 screening as required by federal or State law.

25 The Department shall define or specify the following: (i)  
26 by provider notice, the "category of risk of the vendor" for

1 each type of vendor, which shall take into account the level of  
2 screening applicable to a particular category of vendor under  
3 federal law and regulations; (ii) by rule or provider notice,  
4 the maximum length of the conditional enrollment period for  
5 each category of risk of the vendor; and (iii) by rule, the  
6 hearing rights, if any, afforded to a vendor in each category  
7 of risk of the vendor that is terminated or disenrolled during  
8 the conditional enrollment period.

9 To be eligible for payment consideration, a vendor's  
10 payment claim or bill, either as an initial claim or as a  
11 resubmitted claim following prior rejection, must be received  
12 by the Illinois Department, or its fiscal intermediary, no  
13 later than 180 days after the latest date on the claim on which  
14 medical goods or services were provided, with the following  
15 exceptions:

16 (1) In the case of a provider whose enrollment is in  
17 process by the Illinois Department, the 180-day period  
18 shall not begin until the date on the written notice from  
19 the Illinois Department that the provider enrollment is  
20 complete.

21 (2) In the case of errors attributable to the Illinois  
22 Department or any of its claims processing intermediaries  
23 which result in an inability to receive, process, or  
24 adjudicate a claim, the 180-day period shall not begin  
25 until the provider has been notified of the error.

26 (3) In the case of a provider for whom the Illinois

1 Department initiates the monthly billing process.

2 (4) In the case of a provider operated by a unit of  
3 local government with a population exceeding 3,000,000  
4 when local government funds finance federal participation  
5 for claims payments.

6 For claims for services rendered during a period for which  
7 a recipient received retroactive eligibility, claims must be  
8 filed within 180 days after the Department determines the  
9 applicant is eligible. For claims for which the Illinois  
10 Department is not the primary payer, claims must be submitted  
11 to the Illinois Department within 180 days after the final  
12 adjudication by the primary payer.

13 In the case of long term care facilities, within 45  
14 calendar days of receipt by the facility of required  
15 prescreening information, new admissions with associated  
16 admission documents shall be submitted through the Medical  
17 Electronic Data Interchange (MEDI) or the Recipient  
18 Eligibility Verification (REV) System or shall be submitted  
19 directly to the Department of Human Services using required  
20 admission forms. Effective September 1, 2014, admission  
21 documents, including all prescreening information, must be  
22 submitted through MEDI or REV. Confirmation numbers assigned to  
23 an accepted transaction shall be retained by a facility to  
24 verify timely submittal. Once an admission transaction has been  
25 completed, all resubmitted claims following prior rejection  
26 are subject to receipt no later than 180 days after the

1 admission transaction has been completed.

2 Claims that are not submitted and received in compliance  
3 with the foregoing requirements shall not be eligible for  
4 payment under the medical assistance program, and the State  
5 shall have no liability for payment of those claims.

6 To the extent consistent with applicable information and  
7 privacy, security, and disclosure laws, State and federal  
8 agencies and departments shall provide the Illinois Department  
9 access to confidential and other information and data necessary  
10 to perform eligibility and payment verifications and other  
11 Illinois Department functions. This includes, but is not  
12 limited to: information pertaining to licensure;  
13 certification; earnings; immigration status; citizenship; wage  
14 reporting; unearned and earned income; pension income;  
15 employment; supplemental security income; social security  
16 numbers; National Provider Identifier (NPI) numbers; the  
17 National Practitioner Data Bank (NPDB); program and agency  
18 exclusions; taxpayer identification numbers; tax delinquency;  
19 corporate information; and death records.

20 The Illinois Department shall enter into agreements with  
21 State agencies and departments, and is authorized to enter into  
22 agreements with federal agencies and departments, under which  
23 such agencies and departments shall share data necessary for  
24 medical assistance program integrity functions and oversight.  
25 The Illinois Department shall develop, in cooperation with  
26 other State departments and agencies, and in compliance with

1 applicable federal laws and regulations, appropriate and  
2 effective methods to share such data. At a minimum, and to the  
3 extent necessary to provide data sharing, the Illinois  
4 Department shall enter into agreements with State agencies and  
5 departments, and is authorized to enter into agreements with  
6 federal agencies and departments, including but not limited to:  
7 the Secretary of State; the Department of Revenue; the  
8 Department of Public Health; the Department of Human Services;  
9 and the Department of Financial and Professional Regulation.

10 Beginning in fiscal year 2013, the Illinois Department  
11 shall set forth a request for information to identify the  
12 benefits of a pre-payment, post-adjudication, and post-edit  
13 claims system with the goals of streamlining claims processing  
14 and provider reimbursement, reducing the number of pending or  
15 rejected claims, and helping to ensure a more transparent  
16 adjudication process through the utilization of: (i) provider  
17 data verification and provider screening technology; and (ii)  
18 clinical code editing; and (iii) pre-pay, pre- or  
19 post-adjudicated predictive modeling with an integrated case  
20 management system with link analysis. Such a request for  
21 information shall not be considered as a request for proposal  
22 or as an obligation on the part of the Illinois Department to  
23 take any action or acquire any products or services.

24 The Illinois Department shall establish policies,  
25 procedures, standards and criteria by rule for the acquisition,  
26 repair and replacement of orthotic and prosthetic devices and

1 durable medical equipment. Such rules shall provide, but not be  
2 limited to, the following services: (1) immediate repair or  
3 replacement of such devices by recipients; and (2) rental,  
4 lease, purchase or lease-purchase of durable medical equipment  
5 in a cost-effective manner, taking into consideration the  
6 recipient's medical prognosis, the extent of the recipient's  
7 needs, and the requirements and costs for maintaining such  
8 equipment. Subject to prior approval, such rules shall enable a  
9 recipient to temporarily acquire and use alternative or  
10 substitute devices or equipment pending repairs or  
11 replacements of any device or equipment previously authorized  
12 for such recipient by the Department. Notwithstanding any  
13 provision of Section 5-5f to the contrary, the Department may,  
14 by rule, exempt certain replacement wheelchair parts from prior  
15 approval and, for wheelchairs, wheelchair parts, wheelchair  
16 accessories, and related seating and positioning items,  
17 determine the wholesale price by methods other than actual  
18 acquisition costs.

19 The Department shall require, by rule, all providers of  
20 durable medical equipment to be accredited by an accreditation  
21 organization approved by the federal Centers for Medicare and  
22 Medicaid Services and recognized by the Department in order to  
23 bill the Department for providing durable medical equipment to  
24 recipients. No later than 15 months after the effective date of  
25 the rule adopted pursuant to this paragraph, all providers must  
26 meet the accreditation requirement.



1           The Department shall execute, relative to the nursing home  
2 prescreening project, written inter-agency agreements with the  
3 Department of Human Services and the Department on Aging, to  
4 effect the following: (i) intake procedures and common  
5 eligibility criteria for those persons who are receiving  
6 non-institutional services; and (ii) the establishment and  
7 development of non-institutional services in areas of the State  
8 where they are not currently available or are undeveloped; and  
9 (iii) notwithstanding any other provision of law, subject to  
10 federal approval, on and after July 1, 2012, an increase in the  
11 determination of need (DON) scores from 29 to 37 for applicants  
12 for institutional and home and community-based long term care;  
13 if and only if federal approval is not granted, the Department  
14 may, in conjunction with other affected agencies, implement  
15 utilization controls or changes in benefit packages to  
16 effectuate a similar savings amount for this population; and  
17 (iv) no later than July 1, 2013, minimum level of care  
18 eligibility criteria for institutional and home and  
19 community-based long term care; and (v) no later than October  
20 1, 2013, establish procedures to permit long term care  
21 providers access to eligibility scores for individuals with an  
22 admission date who are seeking or receiving services from the  
23 long term care provider. In order to select the minimum level  
24 of care eligibility criteria, the Governor shall establish a  
25 workgroup that includes affected agency representatives and  
26 stakeholders representing the institutional and home and

1 community-based long term care interests. This Section shall  
2 not restrict the Department from implementing lower level of  
3 care eligibility criteria for community-based services in  
4 circumstances where federal approval has been granted.

5 The Illinois Department shall develop and operate, in  
6 cooperation with other State Departments and agencies and in  
7 compliance with applicable federal laws and regulations,  
8 appropriate and effective systems of health care evaluation and  
9 programs for monitoring of utilization of health care services  
10 and facilities, as it affects persons eligible for medical  
11 assistance under this Code.

12 The Illinois Department shall report annually to the  
13 General Assembly, no later than the second Friday in April of  
14 1979 and each year thereafter, in regard to:

15 (a) actual statistics and trends in utilization of  
16 medical services by public aid recipients;

17 (b) actual statistics and trends in the provision of  
18 the various medical services by medical vendors;

19 (c) current rate structures and proposed changes in  
20 those rate structures for the various medical vendors; and

21 (d) efforts at utilization review and control by the  
22 Illinois Department.

23 The period covered by each report shall be the 3 years  
24 ending on the June 30 prior to the report. The report shall  
25 include suggested legislation for consideration by the General  
26 Assembly. The filing of one copy of the report with the

1 Speaker, one copy with the Minority Leader and one copy with  
2 the Clerk of the House of Representatives, one copy with the  
3 President, one copy with the Minority Leader and one copy with  
4 the Secretary of the Senate, one copy with the Legislative  
5 Research Unit, and such additional copies with the State  
6 Government Report Distribution Center for the General Assembly  
7 as is required under paragraph (t) of Section 7 of the State  
8 Library Act shall be deemed sufficient to comply with this  
9 Section.

10 Rulemaking authority to implement Public Act 95-1045, if  
11 any, is conditioned on the rules being adopted in accordance  
12 with all provisions of the Illinois Administrative Procedure  
13 Act and all rules and procedures of the Joint Committee on  
14 Administrative Rules; any purported rule not so adopted, for  
15 whatever reason, is unauthorized.

16 On and after July 1, 2012, the Department shall reduce any  
17 rate of reimbursement for services or other payments or alter  
18 any methodologies authorized by this Code to reduce any rate of  
19 reimbursement for services or other payments in accordance with  
20 Section 5-5e.

21 Because kidney transplantation can be an appropriate, cost  
22 effective alternative to renal dialysis when medically  
23 necessary and notwithstanding the provisions of Section 1-11 of  
24 this Code, beginning October 1, 2014, the Department shall  
25 cover kidney transplantation for noncitizens with end-stage  
26 renal disease who are not eligible for comprehensive medical

1 benefits, who meet the residency requirements of Section 5-3 of  
2 this Code, and who would otherwise meet the financial  
3 requirements of the appropriate class of eligible persons under  
4 Section 5-2 of this Code. To qualify for coverage of kidney  
5 transplantation, such person must be receiving emergency renal  
6 dialysis services covered by the Department. Providers under  
7 this Section shall be prior approved and certified by the  
8 Department to perform kidney transplantation and the services  
9 under this Section shall be limited to services associated with  
10 kidney transplantation.

11 Notwithstanding any other provision of this Code to the  
12 contrary, on or after July 1, 2015, all FDA approved forms of  
13 medication assisted treatment prescribed for the treatment of  
14 alcohol dependence or treatment of opioid dependence shall be  
15 covered under both fee for service and managed care medical  
16 assistance programs for persons who are otherwise eligible for  
17 medical assistance under this Article and shall not be subject  
18 to any (1) utilization control, other than those established  
19 under the American Society of Addiction Medicine patient  
20 placement criteria, (2) prior authorization mandate, or (3)  
21 lifetime restriction limit mandate.

22 On or after July 1, 2015, opioid antagonists prescribed for  
23 the treatment of an opioid overdose, including the medication  
24 product, administration devices, and any pharmacy fees related  
25 to the dispensing and administration of the opioid antagonist,  
26 shall be covered under the medical assistance program for

1 persons who are otherwise eligible for medical assistance under  
2 this Article. As used in this Section, "opioid antagonist"  
3 means a drug that binds to opioid receptors and blocks or  
4 inhibits the effect of opioids acting on those receptors,  
5 including, but not limited to, naloxone hydrochloride or any  
6 other similarly acting drug approved by the U.S. Food and Drug  
7 Administration.

8       Upon federal approval, the Department shall provide  
9 coverage and reimbursement for all drugs that are approved for  
10 marketing by the federal Food and Drug Administration and that  
11 are recommended by the federal Public Health Service or the  
12 United States Centers for Disease Control and Prevention for  
13 pre-exposure prophylaxis and related pre-exposure prophylaxis  
14 services, including, but not limited to, HIV and sexually  
15 transmitted infection screening, treatment for sexually  
16 transmitted infections, medical monitoring, assorted labs, and  
17 counseling to reduce the likelihood of HIV infection among  
18 individuals who are not infected with HIV but who are at high  
19 risk of HIV infection.

20 (Source: P.A. 99-78, eff. 7-20-15; 99-180, eff. 7-29-15;  
21 99-236, eff. 8-3-15; 99-407 (see Section 20 of P.A. 99-588 for  
22 the effective date of P.A. 99-407); 99-433, eff. 8-21-15;  
23 99-480, eff. 9-9-15; 99-588, eff. 7-20-16; 99-642, eff.  
24 7-28-16; 99-772, eff. 1-1-17; 99-895, eff. 1-1-17; 100-201,  
25 eff. 8-18-17; 100-395, eff. 1-1-18; 100-449, eff. 1-1-18;  
26 100-538, eff. 1-1-18; revised 10-26-17.)

1 (305 ILCS 5/5-30)

2 Sec. 5-30. Care coordination.

3 (a) At least 50% of recipients eligible for comprehensive  
4 medical benefits in all medical assistance programs or other  
5 health benefit programs administered by the Department,  
6 including the Children's Health Insurance Program Act and the  
7 Covering ALL KIDS Health Insurance Act, shall be enrolled in a  
8 care coordination program by no later than January 1, 2015. For  
9 purposes of this Section, "coordinated care" or "care  
10 coordination" means delivery systems where recipients will  
11 receive their care from providers who participate under  
12 contract in integrated delivery systems that are responsible  
13 for providing or arranging the majority of care, including  
14 primary care physician services, referrals from primary care  
15 physicians, diagnostic and treatment services, behavioral  
16 health services, in-patient and outpatient hospital services,  
17 dental services, and rehabilitation and long-term care  
18 services. The Department shall designate or contract for such  
19 integrated delivery systems (i) to ensure enrollees have a  
20 choice of systems and of primary care providers within such  
21 systems; (ii) to ensure that enrollees receive quality care in  
22 a culturally and linguistically appropriate manner; and (iii)  
23 to ensure that coordinated care programs meet the diverse needs  
24 of enrollees with developmental, mental health, physical, and  
25 age-related disabilities.

1           (b) Payment for such coordinated care shall be based on  
2 arrangements where the State pays for performance related to  
3 health care outcomes, the use of evidence-based practices, the  
4 use of primary care delivered through comprehensive medical  
5 homes, the use of electronic medical records, and the  
6 appropriate exchange of health information electronically made  
7 either on a capitated basis in which a fixed monthly premium  
8 per recipient is paid and full financial risk is assumed for  
9 the delivery of services, or through other risk-based payment  
10 arrangements.

11           (c) To qualify for compliance with this Section, the 50%  
12 goal shall be achieved by enrolling medical assistance  
13 enrollees from each medical assistance enrollment category,  
14 including parents, children, seniors, and people with  
15 disabilities to the extent that current State Medicaid payment  
16 laws would not limit federal matching funds for recipients in  
17 care coordination programs. In addition, services must be more  
18 comprehensively defined and more risk shall be assumed than in  
19 the Department's primary care case management program as of  
20 January 25, 2011 (the effective date of Public Act 96-1501).

21           (d) The Department shall report to the General Assembly in  
22 a separate part of its annual medical assistance program  
23 report, beginning April, 2012 until April, 2016, on the  
24 progress and implementation of the care coordination program  
25 initiatives established by the provisions of Public Act  
26 96-1501. The Department shall include in its April 2011 report

1 a full analysis of federal laws or regulations regarding upper  
2 payment limitations to providers and the necessary revisions or  
3 adjustments in rate methodologies and payments to providers  
4 under this Code that would be necessary to implement  
5 coordinated care with full financial risk by a party other than  
6 the Department.

7 (e) Integrated Care Program for individuals with chronic  
8 mental health conditions.

9 (1) The Integrated Care Program shall encompass  
10 services administered to recipients of medical assistance  
11 under this Article to prevent exacerbations and  
12 complications using cost-effective, evidence-based  
13 practice guidelines and mental health management  
14 strategies.

15 (2) The Department may utilize and expand upon existing  
16 contractual arrangements with integrated care plans under  
17 the Integrated Care Program for providing the coordinated  
18 care provisions of this Section.

19 (3) Payment for such coordinated care shall be based on  
20 arrangements where the State pays for performance related  
21 to mental health outcomes on a capitated basis in which a  
22 fixed monthly premium per recipient is paid and full  
23 financial risk is assumed for the delivery of services, or  
24 through other risk-based payment arrangements such as  
25 provider-based care coordination.

26 (4) The Department shall examine whether chronic



1 mental health management programs and services for  
2 recipients with specific chronic mental health conditions  
3 do any or all of the following:

4 (A) Improve the patient's overall mental health in  
5 a more expeditious and cost-effective manner.

6 (B) Lower costs in other aspects of the medical  
7 assistance program, such as hospital admissions,  
8 emergency room visits, or more frequent and  
9 inappropriate psychotropic drug use.

10 (5) The Department shall work with the facilities and  
11 any integrated care plan participating in the program to  
12 identify and correct barriers to the successful  
13 implementation of this subsection (e) prior to and during  
14 the implementation to best facilitate the goals and  
15 objectives of this subsection (e).

16 (f) A hospital that is located in a county of the State in  
17 which the Department mandates some or all of the beneficiaries  
18 of the Medical Assistance Program residing in the county to  
19 enroll in a Care Coordination Program, as set forth in Section  
20 5-30 of this Code, shall not be eligible for any non-claims  
21 based payments not mandated by Article V-A of this Code for  
22 which it would otherwise be qualified to receive, unless the  
23 hospital is a Coordinated Care Participating Hospital no later  
24 than 60 days after June 14, 2012 (the effective date of Public  
25 Act 97-689) or 60 days after the first mandatory enrollment of  
26 a beneficiary in a Coordinated Care program. For purposes of

1 this subsection, "Coordinated Care Participating Hospital"  
2 means a hospital that meets one of the following criteria:

3 (1) The hospital has entered into a contract to provide  
4 hospital services with one or more MCOs to enrollees of the  
5 care coordination program.

6 (2) The hospital has not been offered a contract by a  
7 care coordination plan that the Department has determined  
8 to be a good faith offer and that pays at least as much as  
9 the Department would pay, on a fee-for-service basis, not  
10 including disproportionate share hospital adjustment  
11 payments or any other supplemental adjustment or add-on  
12 payment to the base fee-for-service rate, except to the  
13 extent such adjustments or add-on payments are  
14 incorporated into the development of the applicable MCO  
15 capitated rates.

16 As used in this subsection (f), "MCO" means any entity  
17 which contracts with the Department to provide services where  
18 payment for medical services is made on a capitated basis.

19 (g) No later than August 1, 2013, the Department shall  
20 issue a purchase of care solicitation for Accountable Care  
21 Entities (ACE) to serve any children and parents or caretaker  
22 relatives of children eligible for medical assistance under  
23 this Article. An ACE may be a single corporate structure or a  
24 network of providers organized through contractual  
25 relationships with a single corporate entity. The solicitation  
26 shall require that:

1           (1) An ACE operating in Cook County be capable of  
2           serving at least 40,000 eligible individuals in that  
3           county; an ACE operating in Lake, Kane, DuPage, or Will  
4           Counties be capable of serving at least 20,000 eligible  
5           individuals in those counties and an ACE operating in other  
6           regions of the State be capable of serving at least 10,000  
7           eligible individuals in the region in which it operates.  
8           During initial periods of mandatory enrollment, the  
9           Department shall require its enrollment services  
10          contractor to use a default assignment algorithm that  
11          ensures if possible an ACE reaches the minimum enrollment  
12          levels set forth in this paragraph.

13          (2) An ACE must include at a minimum the following  
14          types of providers: primary care, specialty care,  
15          hospitals, and behavioral healthcare.

16          (3) An ACE shall have a governance structure that  
17          includes the major components of the health care delivery  
18          system, including one representative from each of the  
19          groups listed in paragraph (2).

20          (4) An ACE must be an integrated delivery system,  
21          including a network able to provide the full range of  
22          services needed by Medicaid beneficiaries and system  
23          capacity to securely pass clinical information across  
24          participating entities and to aggregate and analyze that  
25          data in order to coordinate care.

26          (5) An ACE must be capable of providing both care

1 coordination and complex case management, as necessary, to  
2 beneficiaries. To be responsive to the solicitation, a  
3 potential ACE must outline its care coordination and  
4 complex case management model and plan to reduce the cost  
5 of care.

6 (6) In the first 18 months of operation, unless the ACE  
7 selects a shorter period, an ACE shall be paid care  
8 coordination fees on a per member per month basis that are  
9 projected to be cost neutral to the State during the term  
10 of their payment and, subject to federal approval, be  
11 eligible to share in additional savings generated by their  
12 care coordination.

13 (7) In months 19 through 36 of operation, unless the  
14 ACE selects a shorter period, an ACE shall be paid on a  
15 pre-paid capitation basis for all medical assistance  
16 covered services, under contract terms similar to Managed  
17 Care Organizations (MCO), with the Department sharing the  
18 risk through either stop-loss insurance for extremely high  
19 cost individuals or corridors of shared risk based on the  
20 overall cost of the total enrollment in the ACE. The ACE  
21 shall be responsible for claims processing, encounter data  
22 submission, utilization control, and quality assurance.

23 (8) In the fourth and subsequent years of operation, an  
24 ACE shall convert to a Managed Care Community Network  
25 (MCCN), as defined in this Article, or Health Maintenance  
26 Organization pursuant to the Illinois Insurance Code,

1 accepting full-risk capitation payments.

2 The Department shall allow potential ACE entities 5 months  
3 from the date of the posting of the solicitation to submit  
4 proposals. After the solicitation is released, in addition to  
5 the MCO rate development data available on the Department's  
6 website, subject to federal and State confidentiality and  
7 privacy laws and regulations, the Department shall provide 2  
8 years of de-identified summary service data on the targeted  
9 population, split between children and adults, showing the  
10 historical type and volume of services received and the cost of  
11 those services to those potential bidders that sign a data use  
12 agreement. The Department may add up to 2 non-state government  
13 employees with expertise in creating integrated delivery  
14 systems to its review team for the purchase of care  
15 solicitation described in this subsection. Any such  
16 individuals must sign a no-conflict disclosure and  
17 confidentiality agreement and agree to act in accordance with  
18 all applicable State laws.

19 During the first 2 years of an ACE's operation, the  
20 Department shall provide claims data to the ACE on its  
21 enrollees on a periodic basis no less frequently than monthly.

22 Nothing in this subsection shall be construed to limit the  
23 Department's mandate to enroll 50% of its beneficiaries into  
24 care coordination systems by January 1, 2015, using all  
25 available care coordination delivery systems, including Care  
26 Coordination Entities (CCE), MCCNs, or MCOs, nor be construed

1 to affect the current CCEs, MCCNs, and MCOs selected to serve  
2 seniors and persons with disabilities prior to that date.

3 Nothing in this subsection precludes the Department from  
4 considering future proposals for new ACEs or expansion of  
5 existing ACEs at the discretion of the Department.

6 (h) Department contracts with MCOs and other entities  
7 reimbursed by risk based capitation shall have a minimum  
8 medical loss ratio of 85%, shall require the entity to  
9 establish an appeals and grievances process for consumers and  
10 providers, and shall require the entity to provide a quality  
11 assurance and utilization review program. Entities contracted  
12 with the Department to coordinate healthcare regardless of risk  
13 shall be measured utilizing the same quality metrics. The  
14 quality metrics may be population specific. Any contracted  
15 entity serving at least 5,000 seniors or people with  
16 disabilities or 15,000 individuals in other populations  
17 covered by the Medical Assistance Program that has been  
18 receiving full-risk capitation for a year shall be accredited  
19 by a national accreditation organization authorized by the  
20 Department within 2 years after the date it is eligible to  
21 become accredited. The requirements of this subsection shall  
22 apply to contracts with MCOs entered into or renewed or  
23 extended after June 1, 2013.

24 (h-5) The Department shall monitor and enforce compliance  
25 by MCOs with agreements they have entered into with providers  
26 on issues that include, but are not limited to, timeliness of

1 payment, payment rates, and processes for obtaining prior  
2 approval. The Department may impose sanctions on MCOs for  
3 violating provisions of those agreements that include, but are  
4 not limited to, financial penalties, suspension of enrollment  
5 of new enrollees, and termination of the MCO's contract with  
6 the Department. As used in this subsection (h-5), "MCO" has the  
7 meaning ascribed to that term in Section 5-30.1 of this Code.

8 (i) Unless otherwise required by federal law, Medicaid  
9 Managed Care Entities and their respective business associates  
10 shall not disclose, directly or indirectly, including by  
11 sending a bill or explanation of benefits, information  
12 concerning the sensitive health services received by enrollees  
13 of the Medicaid Managed Care Entity to any person other than  
14 covered entities and business associates, which may receive,  
15 use, and further disclose such information solely for the  
16 purposes permitted under applicable federal and State laws and  
17 regulations if such use and further disclosure satisfies all  
18 applicable requirements of such laws and regulations. The  
19 Medicaid Managed Care Entity or its respective business  
20 associates may disclose information concerning the sensitive  
21 health services if the enrollee who received the sensitive  
22 health services requests the information from the Medicaid  
23 Managed Care Entity or its respective business associates and  
24 authorized the sending of a bill or explanation of benefits.  
25 Communications including, but not limited to, statements of  
26 care received or appointment reminders either directly or

1 indirectly to the enrollee from the health care provider,  
2 health care professional, and care coordinators, remain  
3 permissible. Medicaid Managed Care Entities or their  
4 respective business associates may communicate directly with  
5 their enrollees regarding care coordination activities for  
6 those enrollees.

7 For the purposes of this subsection, the term "Medicaid  
8 Managed Care Entity" includes Care Coordination Entities,  
9 Accountable Care Entities, Managed Care Organizations, and  
10 Managed Care Community Networks.

11 For purposes of this subsection, the term "sensitive health  
12 services" means mental health services, substance abuse  
13 treatment services, reproductive health services, family  
14 planning services, services for sexually transmitted  
15 infections and sexually transmitted diseases, and services for  
16 sexual assault or domestic abuse. Services include prevention,  
17 screening, consultation, examination, treatment, or follow-up.

18 For purposes of this subsection, "business associate",  
19 "covered entity", "disclosure", and "use" have the meanings  
20 ascribed to those terms in 45 CFR 160.103.

21 Nothing in this subsection shall be construed to relieve a  
22 Medicaid Managed Care Entity or the Department of any duty to  
23 report incidents of sexually transmitted infections to the  
24 Department of Public Health or to the local board of health in  
25 accordance with regulations adopted under a statute or  
26 ordinance or to report incidents of sexually transmitted



1 infections as necessary to comply with the requirements under  
2 Section 5 of the Abused and Neglected Child Reporting Act or as  
3 otherwise required by State or federal law.

4 The Department shall create policy in order to implement  
5 the requirements in this subsection.

6 (j) Managed Care Entities (MCEs), including MCOs and all  
7 other care coordination organizations, shall develop and  
8 maintain a written language access policy that sets forth the  
9 standards, guidelines, and operational plan to ensure language  
10 appropriate services and that is consistent with the standard  
11 of meaningful access for populations with limited English  
12 proficiency. The language access policy shall describe how the  
13 MCEs will provide all of the following required services:

14 (1) Translation (the written replacement of text from  
15 one language into another) of all vital documents and forms  
16 as identified by the Department.

17 (2) Qualified interpreter services (the oral  
18 communication of a message from one language into another  
19 by a qualified interpreter).

20 (3) Staff training on the language access policy,  
21 including how to identify language needs, access and  
22 provide language assistance services, work with  
23 interpreters, request translations, and track the use of  
24 language assistance services.

25 (4) Data tracking that identifies the language need.

26 (5) Notification to participants on the availability

1 of language access services and on how to access such  
2 services.

3 (k) The Department shall actively monitor the contractual  
4 relationship between Managed Care Organizations (MCOs) and any  
5 dental administrator contracted by an MCO to provide dental  
6 services. The Department shall adopt appropriate dental  
7 Healthcare Effectiveness Data and Information Set (HEDIS)  
8 measures and shall include the Annual Dental Visit (ADV) HEDIS  
9 measure in its Health Plan Comparison Tool and Illinois  
10 Medicaid Plan Report Card that is available on the Department's  
11 website for enrolled individuals.

12 The Department shall collect from each MCO specific  
13 information about the types of contracted, broad-based care  
14 coordination occurring between the MCO and any dental  
15 administrator, including, but not limited to, pregnant women  
16 and diabetic patients in need of oral care.

17 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;  
18 99-106, eff. 1-1-16; 99-181, eff. 7-29-15; 99-566, eff. 1-1-17;  
19 99-642, eff. 7-28-16.)

20 (305 ILCS 5/5-30.1)

21 Sec. 5-30.1. Managed care protections.

22 (a) As used in this Section:

23 "Managed care organization" or "MCO" means any entity which  
24 contracts with the Department to provide services where payment  
25 for medical services is made on a capitated basis.

1 "Emergency services" include:

2 (1) emergency services, as defined by Section 10 of the  
3 Managed Care Reform and Patient Rights Act;

4 (2) emergency medical screening examinations, as  
5 defined by Section 10 of the Managed Care Reform and  
6 Patient Rights Act;

7 (3) post-stabilization medical services, as defined by  
8 Section 10 of the Managed Care Reform and Patient Rights  
9 Act; and

10 (4) emergency medical conditions, as defined by  
11 Section 10 of the Managed Care Reform and Patient Rights  
12 Act.

13 (b) As provided by Section 5-16.12, managed care  
14 organizations are subject to the provisions of the Managed Care  
15 Reform and Patient Rights Act.

16 (c) An MCO shall pay any provider of emergency services  
17 that does not have in effect a contract with the contracted  
18 Medicaid MCO. The default rate of reimbursement shall be the  
19 rate paid under Illinois Medicaid fee-for-service program  
20 methodology, including all policy adjusters, including but not  
21 limited to Medicaid High Volume Adjustments, Medicaid  
22 Percentage Adjustments, Outpatient High Volume Adjustments,  
23 and all outlier add-on adjustments to the extent such  
24 adjustments are incorporated in the development of the  
25 applicable MCO capitated rates.

26 (d) An MCO shall pay for all post-stabilization services as

1 a covered service in any of the following situations:

2 (1) the MCO authorized such services;

3 (2) such services were administered to maintain the  
4 enrollee's stabilized condition within one hour after a  
5 request to the MCO for authorization of further  
6 post-stabilization services;

7 (3) the MCO did not respond to a request to authorize  
8 such services within one hour;

9 (4) the MCO could not be contacted; or

10 (5) the MCO and the treating provider, if the treating  
11 provider is a non-affiliated provider, could not reach an  
12 agreement concerning the enrollee's care and an affiliated  
13 provider was unavailable for a consultation, in which case  
14 the MCO must pay for such services rendered by the treating  
15 non-affiliated provider until an affiliated provider was  
16 reached and either concurred with the treating  
17 non-affiliated provider's plan of care or assumed  
18 responsibility for the enrollee's care. Such payment shall  
19 be made at the default rate of reimbursement paid under  
20 Illinois Medicaid fee-for-service program methodology,  
21 including all policy adjusters, including but not limited  
22 to Medicaid High Volume Adjustments, Medicaid Percentage  
23 Adjustments, Outpatient High Volume Adjustments and all  
24 outlier add-on adjustments to the extent that such  
25 adjustments are incorporated in the development of the  
26 applicable MCO capitated rates.

1 (e) The following requirements apply to MCOs in determining  
2 payment for all emergency services:

3 (1) MCOs shall not impose any requirements for prior  
4 approval of emergency services.

5 (2) The MCO shall cover emergency services provided to  
6 enrollees who are temporarily away from their residence and  
7 outside the contracting area to the extent that the  
8 enrollees would be entitled to the emergency services if  
9 they still were within the contracting area.

10 (3) The MCO shall have no obligation to cover medical  
11 services provided on an emergency basis that are not  
12 covered services under the contract.

13 (4) The MCO shall not condition coverage for emergency  
14 services on the treating provider notifying the MCO of the  
15 enrollee's screening and treatment within 10 days after  
16 presentation for emergency services.

17 (5) The determination of the attending emergency  
18 physician, or the provider actually treating the enrollee,  
19 of whether an enrollee is sufficiently stabilized for  
20 discharge or transfer to another facility, shall be binding  
21 on the MCO. The MCO shall cover emergency services for all  
22 enrollees whether the emergency services are provided by an  
23 affiliated or non-affiliated provider.

24 (6) The MCO's financial responsibility for  
25 post-stabilization care services it has not pre-approved  
26 ends when:

1 (A) a plan physician with privileges at the  
2 treating hospital assumes responsibility for the  
3 enrollee's care;

4 (B) a plan physician assumes responsibility for  
5 the enrollee's care through transfer;

6 (C) a contracting entity representative and the  
7 treating physician reach an agreement concerning the  
8 enrollee's care; or

9 (D) the enrollee is discharged.

10 (f) Network adequacy and transparency.

11 (1) The Department shall:

12 (A) ensure that an adequate provider network is in  
13 place, taking into consideration health professional  
14 shortage areas and medically underserved areas;

15 (B) publicly release an explanation of its process  
16 for analyzing network adequacy;

17 (C) periodically ensure that an MCO continues to  
18 have an adequate network in place; and

19 (D) require MCOs, including Medicaid Managed Care  
20 Entities as defined in Section 5-30.2, to meet provider  
21 directory requirements under Section 5-30.3.

22 (2) Each MCO shall confirm its receipt of information  
23 submitted specific to physician or dentist additions or  
24 physician or dentist deletions from the MCO's provider  
25 network within 3 days after receiving all required  
26 information from contracted physicians or dentists, and

1 electronic physician and dental directories must be  
2 updated consistent with current rules as published by the  
3 Centers for Medicare and Medicaid Services or its successor  
4 agency.

5 (g) Timely payment of claims.

6 (1) The MCO shall pay a claim within 30 days of  
7 receiving a claim that contains all the essential  
8 information needed to adjudicate the claim.

9 (2) The MCO shall notify the billing party of its  
10 inability to adjudicate a claim within 30 days of receiving  
11 that claim.

12 (3) The MCO shall pay a penalty that is at least equal  
13 to the penalty imposed under the Illinois Insurance Code  
14 for any claims not timely paid.

15 (4) The Department may establish a process for MCOs to  
16 expedite payments to providers based on criteria  
17 established by the Department.

18 (g-5) Recognizing that the rapid transformation of the  
19 Illinois Medicaid program may have unintended operational  
20 challenges for both payers and providers:

21 (1) in no instance shall a medically necessary covered  
22 service rendered in good faith, based upon eligibility  
23 information documented by the provider, be denied coverage  
24 or diminished in payment amount if the eligibility or  
25 coverage information available at the time the service was  
26 rendered is later found to be inaccurate; and

1           (2) the Department shall, by December 31, 2016, adopt  
2 rules establishing policies that shall be included in the  
3 Medicaid managed care policy and procedures manual  
4 addressing payment resolutions in situations in which a  
5 provider renders services based upon information obtained  
6 after verifying a patient's eligibility and coverage plan  
7 through either the Department's current enrollment system  
8 or a system operated by the coverage plan identified by the  
9 patient presenting for services:

10           (A) such medically necessary covered services  
11 shall be considered rendered in good faith;

12           (B) such policies and procedures shall be  
13 developed in consultation with industry  
14 representatives of the Medicaid managed care health  
15 plans and representatives of provider associations  
16 representing the majority of providers within the  
17 identified provider industry; and

18           (C) such rules shall be published for a review and  
19 comment period of no less than 30 days on the  
20 Department's website with final rules remaining  
21 available on the Department's website.

22           (3) The rules on payment resolutions shall include, but  
23 not be limited to:

24           (A) the extension of the timely filing period;

25           (B) retroactive prior authorizations; and

26           (C) guaranteed minimum payment rate of no less than



1 the current, as of the date of service, fee-for-service  
2 rate, plus all applicable add-ons, when the resulting  
3 service relationship is out of network.

4 (4) The rules shall be applicable for both MCO coverage  
5 and fee-for-service coverage.

6 (g-6) MCO Performance Metrics Report.

7 (1) The Department shall publish, on at least a  
8 quarterly basis, each MCO's operational performance,  
9 including, but not limited to, the following categories of  
10 metrics:

11 (A) claims payment, including timeliness and  
12 accuracy;

13 (B) prior authorizations;

14 (C) grievance and appeals;

15 (D) utilization statistics;

16 (E) provider disputes;

17 (F) provider credentialing; and

18 (G) member and provider customer service.

19 (2) The Department shall ensure that the metrics report  
20 is accessible to providers online by January 1, 2017.

21 (3) The metrics shall be developed in consultation with  
22 industry representatives of the Medicaid managed care  
23 health plans and representatives of associations  
24 representing the majority of providers within the  
25 identified industry.

26 (4) Metrics shall be defined and incorporated into the

1 applicable Managed Care Policy Manual issued by the  
2 Department.

3 (g-7) MCO claims processing and performance analysis. In  
4 order to monitor MCO payments to hospital providers, pursuant  
5 to this amendatory Act of the 100th General Assembly, the  
6 Department shall post an analysis of MCO claims processing and  
7 payment performance on its website every 6 months. Such  
8 analysis shall include a review and evaluation of a  
9 representative sample of hospital claims that are rejected and  
10 denied for clean and unclean claims and the top 5 reasons for  
11 such actions and timeliness of claims adjudication, which  
12 identifies the percentage of claims adjudicated within 30, 60,  
13 90, and over 90 days, and the dollar amounts associated with  
14 those claims. The Department shall post the contracted claims  
15 report required by HealthChoice Illinois on its website every 3  
16 months.

17 (h) The Department shall not expand mandatory MCO  
18 enrollment into new counties beyond those counties already  
19 designated by the Department as of June 1, 2014 for the  
20 individuals whose eligibility for medical assistance is not the  
21 seniors or people with disabilities population until the  
22 Department provides an opportunity for accountable care  
23 entities and MCOs to participate in such newly designated  
24 counties.

25 (i) The requirements of this Section apply to contracts  
26 with accountable care entities and MCOs entered into, amended,

1 or renewed after June 16, 2014 (the effective date of Public  
2 Act 98-651).

3 (Source: P.A. 99-725, eff. 8-5-16; 99-751, eff. 8-5-16;  
4 100-201, eff. 8-18-17; 100-580, eff. 3-12-18.)

5 ARTICLE 100. BONDING

6 Section 100-5. The General Obligation Bond Act is amended  
7 by changing Sections 2, 3, and 5 as follows:

8 (30 ILCS 330/2) (from Ch. 127, par. 652)

9 Sec. 2. Authorization for Bonds. The State of Illinois is  
10 authorized to issue, sell and provide for the retirement of  
11 General Obligation Bonds of the State of Illinois for the  
12 categories and specific purposes expressed in Sections 2  
13 through 8 of this Act, in the total amount of \$57,717,925,743  
14 ~~\$55,917,925,743~~.

15 The bonds authorized in this Section 2 and in Section 16 of  
16 this Act are herein called "Bonds".

17 Of the total amount of Bonds authorized in this Act, up to  
18 \$2,200,000,000 in aggregate original principal amount may be  
19 issued and sold in accordance with the Baccalaureate Savings  
20 Act in the form of General Obligation College Savings Bonds.

21 Of the total amount of Bonds authorized in this Act, up to  
22 \$300,000,000 in aggregate original principal amount may be  
23 issued and sold in accordance with the Retirement Savings Act

1 in the form of General Obligation Retirement Savings Bonds.

2 Of the total amount of Bonds authorized in this Act, the  
3 additional \$10,000,000,000 authorized by Public Act 93-2, the  
4 \$3,466,000,000 authorized by Public Act 96-43, and the  
5 \$4,096,348,300 authorized by Public Act 96-1497 shall be used  
6 solely as provided in Section 7.2.

7 Of the total amount of Bonds authorized in this Act, the  
8 additional \$6,000,000,000 authorized by this amendatory Act of  
9 the 100th General Assembly shall be used solely as provided in  
10 Section 7.6 and shall be issued by December 31, 2017.

11 Of the total amount of Bonds authorized in this Act,  
12 \$1,000,000,000 of the additional amount authorized by this  
13 amendatory Act of the 100th General Assembly shall be used  
14 solely as provided in Section 7.7.

15 The issuance and sale of Bonds pursuant to the General  
16 Obligation Bond Act is an economical and efficient method of  
17 financing the long-term capital needs of the State. This Act  
18 will permit the issuance of a multi-purpose General Obligation  
19 Bond with uniform terms and features. This will not only lower  
20 the cost of registration but also reduce the overall cost of  
21 issuing debt by improving the marketability of Illinois General  
22 Obligation Bonds.

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

24 (30 ILCS 330/3) (from Ch. 127, par. 653)

25 Sec. 3. Capital Facilities. The amount of \$10,538,963,443

1 ~~\$9,753,963,443~~ is authorized to be used for the acquisition,  
2 development, construction, reconstruction, improvement,  
3 financing, architectural planning and installation of capital  
4 facilities within the State, consisting of buildings,  
5 structures, durable equipment, land, interests in land, and the  
6 costs associated with the purchase and implementation of  
7 information technology, including but not limited to the  
8 purchase of hardware and software, for the following specific  
9 purposes:

10 (a) \$3,433,228,000 ~~\$3,393,228,000~~ for educational  
11 purposes by State universities and colleges, the Illinois  
12 Community College Board created by the Public Community  
13 College Act and for grants to public community colleges as  
14 authorized by Sections 5-11 and 5-12 of the Public  
15 Community College Act;

16 (b) \$1,648,420,000 for correctional purposes at State  
17 prison and correctional centers;

18 (c) \$599,183,000 for open spaces, recreational and  
19 conservation purposes and the protection of land;

20 (d) \$764,317,000 ~~\$751,317,000~~ for child care  
21 facilities, mental and public health facilities, and  
22 facilities for the care of veterans with disabilities and  
23 their spouses;

24 (e) \$2,884,790,000 ~~\$2,152,790,000~~ for use by the  
25 State, its departments, authorities, public corporations,  
26 commissions and agencies;

1           (f) \$818,100 for cargo handling facilities at port  
2 districts and for breakwaters, including harbor entrances,  
3 at port districts in conjunction with facilities for small  
4 boats and pleasure crafts;

5           (g) \$297,177,074 for water resource management  
6 projects;

7           (h) \$16,940,269 for the provision of facilities for  
8 food production research and related instructional and  
9 public service activities at the State universities and  
10 public community colleges;

11           (i) \$36,000,000 for grants by the Secretary of State,  
12 as State Librarian, for central library facilities  
13 authorized by Section 8 of the Illinois Library System Act  
14 and for grants by the Capital Development Board to units of  
15 local government for public library facilities;

16           (j) \$25,000,000 for the acquisition, development,  
17 construction, reconstruction, improvement, financing,  
18 architectural planning and installation of capital  
19 facilities consisting of buildings, structures, durable  
20 equipment and land for grants to counties, municipalities  
21 or public building commissions with correctional  
22 facilities that do not comply with the minimum standards of  
23 the Department of Corrections under Section 3-15-2 of the  
24 Unified Code of Corrections;

25           (k) \$5,000,000 for grants in fiscal year 1988 by the  
26 Department of Conservation for improvement or expansion of

1           aquarium facilities located on property owned by a park  
2           district;

3           (1) \$599,590,000 to State agencies for grants to local  
4           governments for the acquisition, financing, architectural  
5           planning, development, alteration, installation, and  
6           construction of capital facilities consisting of  
7           buildings, structures, durable equipment, and land; and

8           (m) \$228,500,000 for the Illinois Open Land Trust  
9           Program as defined by the Illinois Open Land Trust Act.

10          The amounts authorized above for capital facilities may be  
11          used for the acquisition, installation, alteration,  
12          construction, or reconstruction of capital facilities and for  
13          the purchase of equipment for the purpose of major capital  
14          improvements which will reduce energy consumption in State  
15          buildings or facilities.

16          (Source: P.A. 98-94, eff. 7-17-13; 99-143, eff. 7-27-15.)

17           (30 ILCS 330/5) (from Ch. 127, par. 655)

18           Sec. 5. School Construction.

19           (a) The amount of \$58,450,000 is authorized to make grants  
20           to local school districts for the acquisition, development,  
21           construction, reconstruction, rehabilitation, improvement,  
22           financing, architectural planning and installation of capital  
23           facilities, including but not limited to those required for  
24           special education building projects provided for in Article 14  
25           of The School Code, consisting of buildings, structures, and

1 durable equipment, and for the acquisition and improvement of  
2 real property and interests in real property required, or  
3 expected to be required, in connection therewith.

4 (b) \$22,550,000, or so much thereof as may be necessary,  
5 for grants to school districts for the making of principal and  
6 interest payments, required to be made, on bonds issued by such  
7 school districts after January 1, 1969, pursuant to any  
8 indenture, ordinance, resolution, agreement or contract to  
9 provide funds for the acquisition, development, construction,  
10 reconstruction, rehabilitation, improvement, architectural  
11 planning and installation of capital facilities consisting of  
12 buildings, structures, durable equipment and land for  
13 educational purposes or for lease payments required to be made  
14 by a school district for principal and interest payments on  
15 bonds issued by a Public Building Commission after January 1,  
16 1969.

17 (c) \$10,000,000 for grants to school districts for the  
18 acquisition, development, construction, reconstruction,  
19 rehabilitation, improvement, architectural planning and  
20 installation of capital facilities consisting of buildings  
21 structures, durable equipment and land for special education  
22 building projects.

23 (d) \$9,000,000 for grants to school districts for the  
24 reconstruction, rehabilitation, improvement, financing and  
25 architectural planning of capital facilities, including  
26 construction at another location to replace such capital



1 facilities, consisting of those public school buildings and  
2 temporary school facilities which, prior to January 1, 1984,  
3 were condemned by the regional superintendent under Section  
4 3-14.22 of The School Code or by any State official having  
5 jurisdiction over building safety.

6 (e) \$3,050,000,000 for grants to school districts for  
7 school improvement projects authorized by the School  
8 Construction Law. The bonds shall be sold in amounts not to  
9 exceed the following schedule, except any bonds not sold during  
10 one year shall be added to the bonds to be sold during the  
11 remainder of the schedule:

12	First year .....	\$200,000,000
13	Second year .....	\$450,000,000
14	Third year .....	\$500,000,000
15	Fourth year .....	\$500,000,000
16	Fifth year .....	\$800,000,000
17	Sixth year and thereafter .....	\$600,000,000

18 (f) \$1,615,000,000 ~~\$1,600,000,000~~ grants to school  
19 districts for school implemented projects authorized by the  
20 School Construction Law.

21 (Source: P.A. 98-94, eff. 7-17-13.)

22 ARTICLE 110. PENSION CODE: RECERTIFICATION

23 Section 110-5. The Illinois Administrative Procedure Act  
24 is amended by changing Section 5-45 as follows:

1 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

2 Sec. 5-45. Emergency rulemaking.

3 (a) "Emergency" means the existence of any situation that  
4 any agency finds reasonably constitutes a threat to the public  
5 interest, safety, or welfare.

6 (b) If any agency finds that an emergency exists that  
7 requires adoption of a rule upon fewer days than is required by  
8 Section 5-40 and states in writing its reasons for that  
9 finding, the agency may adopt an emergency rule without prior  
10 notice or hearing upon filing a notice of emergency rulemaking  
11 with the Secretary of State under Section 5-70. The notice  
12 shall include the text of the emergency rule and shall be  
13 published in the Illinois Register. Consent orders or other  
14 court orders adopting settlements negotiated by an agency may  
15 be adopted under this Section. Subject to applicable  
16 constitutional or statutory provisions, an emergency rule  
17 becomes effective immediately upon filing under Section 5-65 or  
18 at a stated date less than 10 days thereafter. The agency's  
19 finding and a statement of the specific reasons for the finding  
20 shall be filed with the rule. The agency shall take reasonable  
21 and appropriate measures to make emergency rules known to the  
22 persons who may be affected by them.

23 (c) An emergency rule may be effective for a period of not  
24 longer than 150 days, but the agency's authority to adopt an  
25 identical rule under Section 5-40 is not precluded. No

1 emergency rule may be adopted more than once in any 24-month  
2 period, except that this limitation on the number of emergency  
3 rules that may be adopted in a 24-month period does not apply  
4 to (i) emergency rules that make additions to and deletions  
5 from the Drug Manual under Section 5-5.16 of the Illinois  
6 Public Aid Code or the generic drug formulary under Section  
7 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
8 emergency rules adopted by the Pollution Control Board before  
9 July 1, 1997 to implement portions of the Livestock Management  
10 Facilities Act, (iii) emergency rules adopted by the Illinois  
11 Department of Public Health under subsections (a) through (i)  
12 of Section 2 of the Department of Public Health Act when  
13 necessary to protect the public's health, (iv) emergency rules  
14 adopted pursuant to subsection (n) of this Section, (v)  
15 emergency rules adopted pursuant to subsection (o) of this  
16 Section, or (vi) emergency rules adopted pursuant to subsection  
17 (c-5) of this Section. Two or more emergency rules having  
18 substantially the same purpose and effect shall be deemed to be  
19 a single rule for purposes of this Section.

20 (c-5) To facilitate the maintenance of the program of group  
21 health benefits provided to annuitants, survivors, and retired  
22 employees under the State Employees Group Insurance Act of  
23 1971, rules to alter the contributions to be paid by the State,  
24 annuitants, survivors, retired employees, or any combination  
25 of those entities, for that program of group health benefits,  
26 shall be adopted as emergency rules. The adoption of those

1 rules shall be considered an emergency and necessary for the  
2 public interest, safety, and welfare.

3 (d) In order to provide for the expeditious and timely  
4 implementation of the State's fiscal year 1999 budget,  
5 emergency rules to implement any provision of Public Act 90-587  
6 or 90-588 or any other budget initiative for fiscal year 1999  
7 may be adopted in accordance with this Section by the agency  
8 charged with administering that provision or initiative,  
9 except that the 24-month limitation on the adoption of  
10 emergency rules and the provisions of Sections 5-115 and 5-125  
11 do not apply to rules adopted under this subsection (d). The  
12 adoption of emergency rules authorized by this subsection (d)  
13 shall be deemed to be necessary for the public interest,  
14 safety, and welfare.

15 (e) In order to provide for the expeditious and timely  
16 implementation of the State's fiscal year 2000 budget,  
17 emergency rules to implement any provision of Public Act 91-24  
18 or any other budget initiative for fiscal year 2000 may be  
19 adopted in accordance with this Section by the agency charged  
20 with administering that provision or initiative, except that  
21 the 24-month limitation on the adoption of emergency rules and  
22 the provisions of Sections 5-115 and 5-125 do not apply to  
23 rules adopted under this subsection (e). The adoption of  
24 emergency rules authorized by this subsection (e) shall be  
25 deemed to be necessary for the public interest, safety, and  
26 welfare.

1           (f) In order to provide for the expeditious and timely  
2 implementation of the State's fiscal year 2001 budget,  
3 emergency rules to implement any provision of Public Act 91-712  
4 or any other budget initiative for fiscal year 2001 may be  
5 adopted in accordance with this Section by the agency charged  
6 with administering that provision or initiative, except that  
7 the 24-month limitation on the adoption of emergency rules and  
8 the provisions of Sections 5-115 and 5-125 do not apply to  
9 rules adopted under this subsection (f). The adoption of  
10 emergency rules authorized by this subsection (f) shall be  
11 deemed to be necessary for the public interest, safety, and  
12 welfare.

13           (g) In order to provide for the expeditious and timely  
14 implementation of the State's fiscal year 2002 budget,  
15 emergency rules to implement any provision of Public Act 92-10  
16 or any other budget initiative for fiscal year 2002 may be  
17 adopted in accordance with this Section by the agency charged  
18 with administering that provision or initiative, except that  
19 the 24-month limitation on the adoption of emergency rules and  
20 the provisions of Sections 5-115 and 5-125 do not apply to  
21 rules adopted under this subsection (g). The adoption of  
22 emergency rules authorized by this subsection (g) shall be  
23 deemed to be necessary for the public interest, safety, and  
24 welfare.

25           (h) In order to provide for the expeditious and timely  
26 implementation of the State's fiscal year 2003 budget,

1 emergency rules to implement any provision of Public Act 92-597  
2 or any other budget initiative for fiscal year 2003 may be  
3 adopted in accordance with this Section by the agency charged  
4 with administering that provision or initiative, except that  
5 the 24-month limitation on the adoption of emergency rules and  
6 the provisions of Sections 5-115 and 5-125 do not apply to  
7 rules adopted under this subsection (h). The adoption of  
8 emergency rules authorized by this subsection (h) shall be  
9 deemed to be necessary for the public interest, safety, and  
10 welfare.

11 (i) In order to provide for the expeditious and timely  
12 implementation of the State's fiscal year 2004 budget,  
13 emergency rules to implement any provision of Public Act 93-20  
14 or any other budget initiative for fiscal year 2004 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 (i). The adoption of  
20 emergency rules authorized by this subsection (i) shall be  
21 deemed to be necessary for the public interest, safety, and  
22 welfare.

23 (j) In order to provide for the expeditious and timely  
24 implementation of the provisions of the State's fiscal year  
25 2005 budget as provided under the Fiscal Year 2005 Budget  
26 Implementation (Human Services) Act, emergency rules to

1 implement any provision of the Fiscal Year 2005 Budget  
2 Implementation (Human Services) Act may be adopted in  
3 accordance with this Section by the agency charged with  
4 administering that provision, except that the 24-month  
5 limitation on the adoption of emergency rules and the  
6 provisions of Sections 5-115 and 5-125 do not apply to rules  
7 adopted under this subsection (j). The Department of Public Aid  
8 may also adopt rules under this subsection (j) necessary to  
9 administer the Illinois Public Aid Code and the Children's  
10 Health Insurance Program Act. The adoption of emergency rules  
11 authorized by this subsection (j) shall be deemed to be  
12 necessary for the public interest, safety, and welfare.

13 (k) In order to provide for the expeditious and timely  
14 implementation of the provisions of the State's fiscal year  
15 2006 budget, emergency rules to implement any provision of  
16 Public Act 94-48 or any other budget initiative for fiscal year  
17 2006 may be adopted in accordance with this Section by the  
18 agency charged with administering that provision or  
19 initiative, except that the 24-month limitation on the adoption  
20 of emergency rules and the provisions of Sections 5-115 and  
21 5-125 do not apply to rules adopted under this subsection (k).  
22 The Department of Healthcare and Family Services may also adopt  
23 rules under this subsection (k) necessary to administer the  
24 Illinois Public Aid Code, the Senior Citizens and Persons with  
25 Disabilities Property Tax Relief Act, the Senior Citizens and  
26 Disabled Persons Prescription Drug Discount Program Act (now

1 the Illinois Prescription Drug Discount Program Act), and the  
2 Children's Health Insurance Program Act. The adoption of  
3 emergency rules authorized by this subsection (k) shall be  
4 deemed to be necessary for the public interest, safety, and  
5 welfare.

6 (l) In order to provide for the expeditious and timely  
7 implementation of the provisions of the State's fiscal year  
8 2007 budget, the Department of Healthcare and Family Services  
9 may adopt emergency rules during fiscal year 2007, including  
10 rules effective July 1, 2007, in accordance with this  
11 subsection to the extent necessary to administer the  
12 Department's responsibilities with respect to amendments to  
13 the State plans and Illinois waivers approved by the federal  
14 Centers for Medicare and Medicaid Services necessitated by the  
15 requirements of Title XIX and Title XXI of the federal Social  
16 Security Act. The adoption of emergency rules authorized by  
17 this subsection (l) shall be deemed to be necessary for the  
18 public interest, safety, and welfare.

19 (m) In order to provide for the expeditious and timely  
20 implementation of the provisions of the State's fiscal year  
21 2008 budget, the Department of Healthcare and Family Services  
22 may adopt emergency rules during fiscal year 2008, including  
23 rules effective July 1, 2008, in accordance with this  
24 subsection to the extent necessary to administer the  
25 Department's responsibilities with respect to amendments to  
26 the State plans and Illinois waivers approved by the federal



1 Centers for Medicare and Medicaid Services necessitated by the  
2 requirements of Title XIX and Title XXI of the federal Social  
3 Security Act. The adoption of emergency rules authorized by  
4 this subsection (m) shall be deemed to be necessary for the  
5 public interest, safety, and welfare.

6 (n) In order to provide for the expeditious and timely  
7 implementation of the provisions of the State's fiscal year  
8 2010 budget, emergency rules to implement any provision of  
9 Public Act 96-45 or any other budget initiative authorized by  
10 the 96th General Assembly for fiscal year 2010 may be adopted  
11 in accordance with this Section by the agency charged with  
12 administering that provision or initiative. The adoption of  
13 emergency rules authorized by this subsection (n) shall be  
14 deemed to be necessary for the public interest, safety, and  
15 welfare. The rulemaking authority granted in this subsection  
16 (n) shall apply only to rules promulgated during Fiscal Year  
17 2010.

18 (o) In order to provide for the expeditious and timely  
19 implementation of the provisions of the State's fiscal year  
20 2011 budget, emergency rules to implement any provision of  
21 Public Act 96-958 or any other budget initiative authorized by  
22 the 96th General Assembly for fiscal year 2011 may be adopted  
23 in accordance with this Section by the agency charged with  
24 administering that provision or initiative. The adoption of  
25 emergency rules authorized by this subsection (o) is deemed to  
26 be necessary for the public interest, safety, and welfare. The

1 rulemaking authority granted in this subsection (o) applies  
2 only to rules promulgated on or after July 1, 2010 (the  
3 effective date of Public Act 96-958) through June 30, 2011.

4 (p) In order to provide for the expeditious and timely  
5 implementation of the provisions of Public Act 97-689,  
6 emergency rules to implement any provision of Public Act 97-689  
7 may be adopted in accordance with this subsection (p) by the  
8 agency charged with administering that provision or  
9 initiative. The 150-day limitation of the effective period of  
10 emergency rules does not apply to rules adopted under this  
11 subsection (p), and the effective period may continue through  
12 June 30, 2013. The 24-month limitation on the adoption of  
13 emergency rules does not apply to rules adopted under this  
14 subsection (p). The adoption of emergency rules authorized by  
15 this subsection (p) is deemed to be necessary for the public  
16 interest, safety, and welfare.

17 (q) In order to provide for the expeditious and timely  
18 implementation of the provisions of Articles 7, 8, 9, 11, and  
19 12 of Public Act 98-104, emergency rules to implement any  
20 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
21 may be adopted in accordance with this subsection (q) by the  
22 agency charged with administering that provision or  
23 initiative. The 24-month limitation on the adoption of  
24 emergency rules does not apply to rules adopted under this  
25 subsection (q). The adoption of emergency rules authorized by  
26 this subsection (q) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (r) In order to provide for the expeditious and timely  
3 implementation of the provisions of Public Act 98-651,  
4 emergency rules to implement Public Act 98-651 may be adopted  
5 in accordance with this subsection (r) by the Department of  
6 Healthcare and Family Services. The 24-month limitation on the  
7 adoption of emergency rules does not apply to rules adopted  
8 under this subsection (r). The adoption of emergency rules  
9 authorized by this subsection (r) is deemed to be necessary for  
10 the public interest, safety, and welfare.

11 (s) In order to provide for the expeditious and timely  
12 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
13 the Illinois Public Aid Code, emergency rules to implement any  
14 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
15 Public Aid Code may be adopted in accordance with this  
16 subsection (s) by the Department of Healthcare and Family  
17 Services. The rulemaking authority granted in this subsection  
18 (s) shall apply only to those rules adopted prior to July 1,  
19 2015. Notwithstanding any other provision of this Section, any  
20 emergency rule adopted under this subsection (s) shall only  
21 apply to payments made for State fiscal year 2015. The adoption  
22 of emergency rules authorized by this subsection (s) is deemed  
23 to be necessary for the public interest, safety, and welfare.

24 (t) In order to provide for the expeditious and timely  
25 implementation of the provisions of Article II of Public Act  
26 99-6, emergency rules to implement the changes made by Article

1 II of Public Act 99-6 to the Emergency Telephone System Act may  
2 be adopted in accordance with this subsection (t) by the  
3 Department of State Police. The rulemaking authority granted in  
4 this subsection (t) shall apply only to those rules adopted  
5 prior to July 1, 2016. The 24-month limitation on the adoption  
6 of emergency rules does not apply to rules adopted under this  
7 subsection (t). The adoption of emergency rules authorized by  
8 this subsection (t) is deemed to be necessary for the public  
9 interest, safety, and welfare.

10 (u) In order to provide for the expeditious and timely  
11 implementation of the provisions of the Burn Victims Relief  
12 Act, emergency rules to implement any provision of the Act may  
13 be adopted in accordance with this subsection (u) by the  
14 Department of Insurance. The rulemaking authority granted in  
15 this subsection (u) shall apply only to those rules adopted  
16 prior to December 31, 2015. The adoption of emergency rules  
17 authorized by this subsection (u) is deemed to be necessary for  
18 the public interest, safety, and welfare.

19 (v) In order to provide for the expeditious and timely  
20 implementation of the provisions of Public Act 99-516,  
21 emergency rules to implement Public Act 99-516 may be adopted  
22 in accordance with this subsection (v) by the Department of  
23 Healthcare and Family Services. The 24-month limitation on the  
24 adoption of emergency rules does not apply to rules adopted  
25 under this subsection (v). The adoption of emergency rules  
26 authorized by this subsection (v) is deemed to be necessary for

1 the public interest, safety, and welfare.

2 (w) In order to provide for the expeditious and timely  
3 implementation of the provisions of Public Act 99-796,  
4 emergency rules to implement the changes made by Public Act  
5 99-796 may be adopted in accordance with this subsection (w) by  
6 the Adjutant General. The adoption of emergency rules  
7 authorized by this subsection (w) is deemed to be necessary for  
8 the public interest, safety, and welfare.

9 (x) In order to provide for the expeditious and timely  
10 implementation of the provisions of Public Act 99-906,  
11 emergency rules to implement subsection (i) of Section 16-115D,  
12 subsection (g) of Section 16-128A, and subsection (a) of  
13 Section 16-128B of the Public Utilities Act may be adopted in  
14 accordance with this subsection (x) by the Illinois Commerce  
15 Commission. The rulemaking authority granted in this  
16 subsection (x) shall apply only to those rules adopted within  
17 180 days after June 1, 2017 (the effective date of Public Act  
18 99-906). The adoption of emergency rules authorized by this  
19 subsection (x) is deemed to be necessary for the public  
20 interest, safety, and welfare.

21 (y) In order to provide for the expeditious and timely  
22 implementation of the provisions of this amendatory Act of the  
23 100th General Assembly, emergency rules to implement the  
24 changes made by this amendatory Act of the 100th General  
25 Assembly to Section 4.02 of the Illinois Act on Aging, Sections  
26 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30

1 of the Alcoholism and Other Drug Abuse and Dependency Act, and  
2 Sections 74 and 75 of the Mental Health and Developmental  
3 Disabilities Administrative Act may be adopted in accordance  
4 with this subsection (y) by the respective Department. The  
5 adoption of emergency rules authorized by this subsection (y)  
6 is deemed to be necessary for the public interest, safety, and  
7 welfare.

8 (z) In order to provide for the expeditious and timely  
9 implementation of the provisions of this amendatory Act of the  
10 100th General Assembly, emergency rules to implement the  
11 changes made by this amendatory Act of the 100th General  
12 Assembly to Section 4.7 of the Lobbyist Registration Act may be  
13 adopted in accordance with this subsection (z) by the Secretary  
14 of State. The adoption of emergency rules authorized by this  
15 subsection (z) is deemed to be necessary for the public  
16 interest, safety, and welfare.

17 (aa) In order to provide for the expeditious and timely  
18 initial implementation of the changes made to Articles 5, 5A,  
19 12, and 14 of the Illinois Public Aid Code under the provisions  
20 of this amendatory Act of the 100th General Assembly, the  
21 Department of Healthcare and Family Services may adopt  
22 emergency rules in accordance with this subsection (aa). The  
23 24-month limitation on the adoption of emergency rules does not  
24 apply to rules to initially implement the changes made to  
25 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code  
26 adopted under this subsection (aa). The adoption of emergency

1 rules authorized by this subsection (aa) is deemed to be  
2 necessary for the public interest, safety, and welfare.

3 (bb) In order to provide for the expeditious and timely  
4 implementation of the provisions of this amendatory Act of the  
5 100th General Assembly, emergency rules may be adopted in  
6 accordance with this subsection (bb) to implement the changes  
7 made by this amendatory Act of the 100th General Assembly to:  
8 Sections 14-147.5 and 14-147.6 of the Illinois Pension Code by  
9 the Board created under Article 14 of the Code; Sections  
10 15-185.5 and 15-185.6 of the Illinois Pension Code by the Board  
11 created under Article 15 of the Code; and Sections 16-190.5 and  
12 16-190.6 of the Illinois Pension Code by the Board created  
13 under Article 16 of the Code. The adoption of emergency rules  
14 authorized by this subsection (bb) is deemed to be necessary  
15 for the public interest, safety, and welfare.

16 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,  
17 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;  
18 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;  
19 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.  
20 3-12-18.)

21 Section 110-10. The State Employees Group Insurance Act of  
22 1971 is amended by changing Sections 3 and 10 as follows:

23 (5 ILCS 375/3) (from Ch. 127, par. 523)

24 Sec. 3. Definitions. Unless the context otherwise

1 requires, the following words and phrases as used in this Act  
2 shall have the following meanings. The Department may define  
3 these and other words and phrases separately for the purpose of  
4 implementing specific programs providing benefits under this  
5 Act.

6 (a) "Administrative service organization" means any  
7 person, firm or corporation experienced in the handling of  
8 claims which is fully qualified, financially sound and capable  
9 of meeting the service requirements of a contract of  
10 administration executed with the Department.

11 (b) "Annuitant" means (1) an employee who retires, or has  
12 retired, on or after January 1, 1966 on an immediate annuity  
13 under the provisions of Articles 2, 14 (including an employee  
14 who has elected to receive an alternative retirement  
15 cancellation payment under Section 14-108.5 of the Illinois  
16 Pension Code in lieu of an annuity or who meets the criteria  
17 for retirement, but in lieu of receiving an annuity under that  
18 Article has elected to receive an accelerated pension benefit  
19 payment under Section 14-147.5 of that Article), 15 (including  
20 an employee who has retired under the optional retirement  
21 program established under Section 15-158.2 or who meets the  
22 criteria for retirement but in lieu of receiving an annuity  
23 under that Article has elected to receive an accelerated  
24 pension benefit payment under Section 15-185.5 of the Article),  
25 paragraphs (2), (3), or (5) of Section 16-106 (including an  
26 employee who meets the criteria for retirement, but in lieu of



1 receiving an annuity under that Article has elected to receive  
2 an accelerated pension benefit payment under Section 16-190.5  
3 of the Illinois Pension Code), or Article 18 of the Illinois  
4 Pension Code; (2) any person who was receiving group insurance  
5 coverage under this Act as of March 31, 1978 by reason of his  
6 status as an annuitant, even though the annuity in relation to  
7 which such coverage was provided is a proportional annuity  
8 based on less than the minimum period of service required for a  
9 retirement annuity in the system involved; (3) any person not  
10 otherwise covered by this Act who has retired as a  
11 participating member under Article 2 of the Illinois Pension  
12 Code but is ineligible for the retirement annuity under Section  
13 2-119 of the Illinois Pension Code; (4) the spouse of any  
14 person who is receiving a retirement annuity under Article 18  
15 of the Illinois Pension Code and who is covered under a group  
16 health insurance program sponsored by a governmental employer  
17 other than the State of Illinois and who has irrevocably  
18 elected to waive his or her coverage under this Act and to have  
19 his or her spouse considered as the "annuitant" under this Act  
20 and not as a "dependent"; or (5) an employee who retires, or  
21 has retired, from a qualified position, as determined according  
22 to rules promulgated by the Director, under a qualified local  
23 government, a qualified rehabilitation facility, a qualified  
24 domestic violence shelter or service, or a qualified child  
25 advocacy center. (For definition of "retired employee", see (p)  
26 post).

1 (b-5) (Blank).

2 (b-6) (Blank).

3 (b-7) (Blank).

4 (c) "Carrier" means (1) an insurance company, a corporation  
5 organized under the Limited Health Service Organization Act or  
6 the Voluntary Health Services Plan Act, a partnership, or other  
7 nongovernmental organization, which is authorized to do group  
8 life or group health insurance business in Illinois, or (2) the  
9 State of Illinois as a self-insurer.

10 (d) "Compensation" means salary or wages payable on a  
11 regular payroll by the State Treasurer on a warrant of the  
12 State Comptroller out of any State, trust or federal fund, or  
13 by the Governor of the State through a disbursing officer of  
14 the State out of a trust or out of federal funds, or by any  
15 Department out of State, trust, federal or other funds held by  
16 the State Treasurer or the Department, to any person for  
17 personal services currently performed, and ordinary or  
18 accidental disability benefits under Articles 2, 14, 15  
19 (including ordinary or accidental disability benefits under  
20 the optional retirement program established under Section  
21 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or  
22 Article 18 of the Illinois Pension Code, for disability  
23 incurred after January 1, 1966, or benefits payable under the  
24 Workers' Compensation or Occupational Diseases Act or benefits  
25 payable under a sick pay plan established in accordance with  
26 Section 36 of the State Finance Act. "Compensation" also means

1 salary or wages paid to an employee of any qualified local  
2 government, qualified rehabilitation facility, qualified  
3 domestic violence shelter or service, or qualified child  
4 advocacy center.

5 (e) "Commission" means the State Employees Group Insurance  
6 Advisory Commission authorized by this Act. Commencing July 1,  
7 1984, "Commission" as used in this Act means the Commission on  
8 Government Forecasting and Accountability as established by  
9 the Legislative Commission Reorganization Act of 1984.

10 (f) "Contributory", when referred to as contributory  
11 coverage, shall mean optional coverages or benefits elected by  
12 the member toward the cost of which such member makes  
13 contribution, or which are funded in whole or in part through  
14 the acceptance of a reduction in earnings or the foregoing of  
15 an increase in earnings by an employee, as distinguished from  
16 noncontributory coverage or benefits which are paid entirely by  
17 the State of Illinois without reduction of the member's salary.

18 (g) "Department" means any department, institution, board,  
19 commission, officer, court or any agency of the State  
20 government receiving appropriations and having power to  
21 certify payrolls to the Comptroller authorizing payments of  
22 salary and wages against such appropriations as are made by the  
23 General Assembly from any State fund, or against trust funds  
24 held by the State Treasurer and includes boards of trustees of  
25 the retirement systems created by Articles 2, 14, 15, 16 and 18  
26 of the Illinois Pension Code. "Department" also includes the

1 Illinois Comprehensive Health Insurance Board, the Board of  
2 Examiners established under the Illinois Public Accounting  
3 Act, and the Illinois Finance Authority.

4 (h) "Dependent", when the term is used in the context of  
5 the health and life plan, means a member's spouse and any child  
6 (1) from birth to age 26 including an adopted child, a child  
7 who lives with the member from the time of the placement for  
8 adoption until entry of an order of adoption, a stepchild or  
9 adjudicated child, or a child who lives with the member if such  
10 member is a court appointed guardian of the child or (2) age 19  
11 or over who has a mental or physical disability from a cause  
12 originating prior to the age of 19 (age 26 if enrolled as an  
13 adult child dependent). For the health plan only, the term  
14 "dependent" also includes (1) any person enrolled prior to the  
15 effective date of this Section who is dependent upon the member  
16 to the extent that the member may claim such person as a  
17 dependent for income tax deduction purposes and (2) any person  
18 who has received after June 30, 2000 an organ transplant and  
19 who is financially dependent upon the member and eligible to be  
20 claimed as a dependent for income tax purposes. A member  
21 requesting to cover any dependent must provide documentation as  
22 requested by the Department of Central Management Services and  
23 file with the Department any and all forms required by the  
24 Department.

25 (i) "Director" means the Director of the Illinois  
26 Department of Central Management Services.

1           (j) "Eligibility period" means the period of time a member  
2 has to elect enrollment in programs or to select benefits  
3 without regard to age, sex or health.

4           (k) "Employee" means and includes each officer or employee  
5 in the service of a department who (1) receives his  
6 compensation for service rendered to the department on a  
7 warrant issued pursuant to a payroll certified by a department  
8 or on a warrant or check issued and drawn by a department upon  
9 a trust, federal or other fund or on a warrant issued pursuant  
10 to a payroll certified by an elected or duly appointed officer  
11 of the State or who receives payment of the performance of  
12 personal services on a warrant issued pursuant to a payroll  
13 certified by a Department and drawn by the Comptroller upon the  
14 State Treasurer against appropriations made by the General  
15 Assembly from any fund or against trust funds held by the State  
16 Treasurer, and (2) is employed full-time or part-time in a  
17 position normally requiring actual performance of duty during  
18 not less than 1/2 of a normal work period, as established by  
19 the Director in cooperation with each department, except that  
20 persons elected by popular vote will be considered employees  
21 during the entire term for which they are elected regardless of  
22 hours devoted to the service of the State, and (3) except that  
23 "employee" does not include any person who is not eligible by  
24 reason of such person's employment to participate in one of the  
25 State retirement systems under Articles 2, 14, 15 (either the  
26 regular Article 15 system or the optional retirement program

1 established under Section 15-158.2) or 18, or under paragraph  
2 (2), (3), or (5) of Section 16-106, of the Illinois Pension  
3 Code, but such term does include persons who are employed  
4 during the 6 month qualifying period under Article 14 of the  
5 Illinois Pension Code. Such term also includes any person who  
6 (1) after January 1, 1966, is receiving ordinary or accidental  
7 disability benefits under Articles 2, 14, 15 (including  
8 ordinary or accidental disability benefits under the optional  
9 retirement program established under Section 15-158.2),  
10 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of  
11 the Illinois Pension Code, for disability incurred after  
12 January 1, 1966, (2) receives total permanent or total  
13 temporary disability under the Workers' Compensation Act or  
14 Occupational Disease Act as a result of injuries sustained or  
15 illness contracted in the course of employment with the State  
16 of Illinois, or (3) is not otherwise covered under this Act and  
17 has retired as a participating member under Article 2 of the  
18 Illinois Pension Code but is ineligible for the retirement  
19 annuity under Section 2-119 of the Illinois Pension Code.  
20 However, a person who satisfies the criteria of the foregoing  
21 definition of "employee" except that such person is 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 is also an "employee" for the purposes of  
25 this Act. "Employee" also includes any person receiving or  
26 eligible for benefits under a sick pay plan established in

1 accordance with Section 36 of the State Finance Act. "Employee"  
2 also includes (i) each officer or employee in the service of a  
3 qualified local government, including persons appointed as  
4 trustees of sanitary districts regardless of hours devoted to  
5 the service of the sanitary district, (ii) each employee in the  
6 service of a qualified rehabilitation facility, (iii) each  
7 full-time employee in the service of a qualified domestic  
8 violence shelter or service, and (iv) each full-time employee  
9 in the service of a qualified child advocacy center, as  
10 determined according to rules promulgated by the Director.

11 (l) "Member" means an employee, annuitant, retired  
12 employee or survivor. In the case of an annuitant or retired  
13 employee who first becomes an annuitant or retired employee on  
14 or after the effective date of this amendatory Act of the 97th  
15 General Assembly, the individual must meet the minimum vesting  
16 requirements of the applicable retirement system in order to be  
17 eligible for group insurance benefits under that system. In the  
18 case of a survivor who first becomes a survivor on or after the  
19 effective date of this amendatory Act of the 97th General  
20 Assembly, the deceased employee, annuitant, or retired  
21 employee upon whom the annuity is based must have been eligible  
22 to participate in the group insurance system under the  
23 applicable retirement system in order for the survivor to be  
24 eligible for group insurance benefits under that system.

25 (m) "Optional coverages or benefits" means those coverages  
26 or benefits available to the member on his or her voluntary

1 election, and at his or her own expense.

2 (n) "Program" means the group life insurance, health  
3 benefits and other employee benefits designed and contracted  
4 for by the Director under this Act.

5 (o) "Health plan" means a health benefits program offered  
6 by the State of Illinois for persons eligible for the plan.

7 (p) "Retired employee" means any person who would be an  
8 annuitant as that term is defined herein but for the fact that  
9 such person retired prior to January 1, 1966. Such term also  
10 includes any person formerly employed by the University of  
11 Illinois in the Cooperative Extension Service who would be an  
12 annuitant but for the fact that such person was made ineligible  
13 to participate in the State Universities Retirement System by  
14 clause (4) of subsection (a) of Section 15-107 of the Illinois  
15 Pension Code.

16 (q) "Survivor" means a person receiving an annuity as a  
17 survivor of an employee or of an annuitant. "Survivor" also  
18 includes: (1) the surviving dependent of a person who satisfies  
19 the definition of "employee" except that such person is made  
20 ineligible to participate in the State Universities Retirement  
21 System by clause (4) of subsection (a) of Section 15-107 of the  
22 Illinois Pension Code; (2) the surviving dependent of any  
23 person formerly employed by the University of Illinois in the  
24 Cooperative Extension Service who would be an annuitant except  
25 for the fact that such person was made ineligible to  
26 participate in the State Universities Retirement System by



1 clause (4) of subsection (a) of Section 15-107 of the Illinois  
2 Pension Code; and (3) the surviving dependent of a person who  
3 was an annuitant under this Act by virtue of receiving an  
4 alternative retirement cancellation payment under Section  
5 14-108.5 of the Illinois Pension Code.

6 (q-2) "SERS" means the State Employees' Retirement System  
7 of Illinois, created under Article 14 of the Illinois Pension  
8 Code.

9 (q-3) "SURS" means the State Universities Retirement  
10 System, created under Article 15 of the Illinois Pension Code.

11 (q-4) "TRS" means the Teachers' Retirement System of the  
12 State of Illinois, created under Article 16 of the Illinois  
13 Pension Code.

14 (q-5) (Blank).

15 (q-6) (Blank).

16 (q-7) (Blank).

17 (r) "Medical services" means the services provided within  
18 the scope of their licenses by practitioners in all categories  
19 licensed under the Medical Practice Act of 1987.

20 (s) "Unit of local government" means any county,  
21 municipality, township, school district (including a  
22 combination of school districts under the Intergovernmental  
23 Cooperation Act), special district or other unit, designated as  
24 a unit of local government by law, which exercises limited  
25 governmental powers or powers in respect to limited  
26 governmental subjects, any not-for-profit association with a

1 membership that primarily includes townships and township  
2 officials, that has duties that include provision of research  
3 service, dissemination of information, and other acts for the  
4 purpose of improving township government, and that is funded  
5 wholly or partly in accordance with Section 85-15 of the  
6 Township Code; any not-for-profit corporation or association,  
7 with a membership consisting primarily of municipalities, that  
8 operates its own utility system, and provides research,  
9 training, dissemination of information, or other acts to  
10 promote cooperation between and among municipalities that  
11 provide utility services and for the advancement of the goals  
12 and purposes of its membership; the Southern Illinois  
13 Collegiate Common Market, which is a consortium of higher  
14 education institutions in Southern Illinois; the Illinois  
15 Association of Park Districts; and any hospital provider that  
16 is owned by a county that has 100 or fewer hospital beds and  
17 has not already joined the program. "Qualified local  
18 government" means a unit of local government approved by the  
19 Director and participating in a program created under  
20 subsection (i) of Section 10 of this Act.

21 (t) "Qualified rehabilitation facility" means any  
22 not-for-profit organization that is accredited by the  
23 Commission on Accreditation of Rehabilitation Facilities or  
24 certified by the Department of Human Services (as successor to  
25 the Department of Mental Health and Developmental  
26 Disabilities) to provide services to persons with disabilities

1 and which receives funds from the State of Illinois for  
2 providing those services, approved by the Director and  
3 participating in a program created under subsection (j) of  
4 Section 10 of this Act.

5 (u) "Qualified domestic violence shelter or service" means  
6 any Illinois domestic violence shelter or service and its  
7 administrative offices funded by the Department of Human  
8 Services (as successor to the Illinois Department of Public  
9 Aid), approved by the Director and participating in a program  
10 created under subsection (k) of Section 10.

11 (v) "TRS benefit recipient" means a person who:

12 (1) is not a "member" as defined in this Section; and

13 (2) is receiving a monthly benefit or retirement  
14 annuity under Article 16 of the Illinois Pension Code; and

15 (3) either (i) has at least 8 years of creditable  
16 service under Article 16 of the Illinois Pension Code, or  
17 (ii) was enrolled in the health insurance program offered  
18 under that Article on January 1, 1996, or (iii) is the  
19 survivor of a benefit recipient who had at least 8 years of  
20 creditable service under Article 16 of the Illinois Pension  
21 Code or was enrolled in the health insurance program  
22 offered under that Article on the effective date of this  
23 amendatory Act of 1995, or (iv) is a recipient or survivor  
24 of a recipient of a disability benefit under Article 16 of  
25 the Illinois Pension Code.

26 (w) "TRS dependent beneficiary" means a person who:

1           (1) is not a "member" or "dependent" as defined in this  
2 Section; and

3           (2) is a TRS benefit recipient's: (A) spouse, (B)  
4 dependent parent who is receiving at least half of his or  
5 her support from the TRS benefit recipient, or (C) natural,  
6 step, adjudicated, or adopted child who is (i) under age  
7 26, (ii) was, on January 1, 1996, participating as a  
8 dependent beneficiary in the health insurance program  
9 offered under Article 16 of the Illinois Pension Code, or  
10 (iii) age 19 or over who has a mental or physical  
11 disability from a cause originating prior to the age of 19  
12 (age 26 if enrolled as an adult child).

13           "TRS dependent beneficiary" does not include, as indicated  
14 under paragraph (2) of this subsection (w), a dependent of the  
15 survivor of a TRS benefit recipient who first becomes a  
16 dependent of a survivor of a TRS benefit recipient on or after  
17 the effective date of this amendatory Act of the 97th General  
18 Assembly unless that dependent would have been eligible for  
19 coverage as a dependent of the deceased TRS benefit recipient  
20 upon whom the survivor benefit is based.

21           (x) "Military leave" refers to individuals in basic  
22 training for reserves, special/advanced training, annual  
23 training, emergency call up, activation by the President of the  
24 United States, or any other training or duty in service to the  
25 United States Armed Forces.

26           (y) (Blank).

1           (z) "Community college benefit recipient" means a person  
2 who:

3           (1) is not a "member" as defined in this Section; and

4           (2) is receiving a monthly survivor's annuity or  
5 retirement annuity under Article 15 of the Illinois Pension  
6 Code; and

7           (3) either (i) was a full-time employee of a community  
8 college district or an association of community college  
9 boards created under the Public Community College Act  
10 (other than an employee whose last employer under Article  
11 15 of the Illinois Pension Code was a community college  
12 district subject to Article VII of the Public Community  
13 College Act) and was eligible to participate in a group  
14 health benefit plan as an employee during the time of  
15 employment with a community college district (other than a  
16 community college district subject to Article VII of the  
17 Public Community College Act) or an association of  
18 community college boards, or (ii) is the survivor of a  
19 person described in item (i).

20           (aa) "Community college dependent beneficiary" means a  
21 person who:

22           (1) is not a "member" or "dependent" as defined in this  
23 Section; and

24           (2) is a community college benefit recipient's: (A)  
25 spouse, (B) dependent parent who is receiving at least half  
26 of his or her support from the community college benefit

1 recipient, or (C) natural, step, adjudicated, or adopted  
2 child who is (i) under age 26, or (ii) age 19 or over and  
3 has a mental or physical disability from a cause  
4 originating prior to the age of 19 (age 26 if enrolled as  
5 an adult child).

6 "Community college dependent beneficiary" does not  
7 include, as indicated under paragraph (2) of this subsection  
8 (aa), a dependent of the survivor of a community college  
9 benefit recipient who first becomes a dependent of a survivor  
10 of a community college benefit recipient on or after the  
11 effective date of this amendatory Act of the 97th General  
12 Assembly unless that dependent would have been eligible for  
13 coverage as a dependent of the deceased community college  
14 benefit recipient upon whom the survivor annuity is based.

15 (bb) "Qualified child advocacy center" means any Illinois  
16 child advocacy center and its administrative offices funded by  
17 the Department of Children and Family Services, as defined by  
18 the Children's Advocacy Center Act (55 ILCS 80/), approved by  
19 the Director and participating in a program created under  
20 subsection (n) of Section 10.

21 (cc) "Placement for adoption" means the assumption and  
22 retention by a member of a legal obligation for total or  
23 partial support of a child in anticipation of adoption of the  
24 child. The child's placement with the member terminates upon  
25 the termination of such legal obligation.

26 (Source: P.A. 99-143, eff. 7-27-15; 100-355, eff. 1-1-18.)

1 (5 ILCS 375/10) (from Ch. 127, par. 530)

2 Sec. 10. Contributions by the State and members.

3 (a) The State shall pay the cost of basic non-contributory  
4 group life insurance and, subject to member paid contributions  
5 set by the Department or required by this Section and except as  
6 provided in this Section, the basic program of group health  
7 benefits on each eligible member, except a member, not  
8 otherwise covered by this Act, who has retired as a  
9 participating member under Article 2 of the Illinois Pension  
10 Code but is ineligible for the retirement annuity under Section  
11 2-119 of the Illinois Pension Code, and part of each eligible  
12 member's and retired member's premiums for health insurance  
13 coverage for enrolled dependents as provided by Section 9. The  
14 State shall pay the cost of the basic program of group health  
15 benefits only after benefits are reduced by the amount of  
16 benefits covered by Medicare for all members and dependents who  
17 are eligible for benefits under Social Security or the Railroad  
18 Retirement system or who had sufficient Medicare-covered  
19 government employment, except that such reduction in benefits  
20 shall apply only to those members and dependents who (1) first  
21 become eligible for such Medicare coverage on or after July 1,  
22 1992; or (2) are Medicare-eligible members or dependents of a  
23 local government unit which began participation in the program  
24 on or after July 1, 1992; or (3) remain eligible for, but no  
25 longer receive Medicare coverage which they had been receiving

1 on or after July 1, 1992. The Department may determine the  
2 aggregate level of the State's contribution on the basis of  
3 actual cost of medical services adjusted for age, sex or  
4 geographic or other demographic characteristics which affect  
5 the costs of such programs.

6 The cost of participation in the basic program of group  
7 health benefits for the dependent or survivor of a living or  
8 deceased retired employee who was formerly employed by the  
9 University of Illinois in the Cooperative Extension Service and  
10 would be an annuitant but for the fact that he or she was made  
11 ineligible to participate in the State Universities Retirement  
12 System by clause (4) of subsection (a) of Section 15-107 of the  
13 Illinois Pension Code shall not be greater than the cost of  
14 participation that would otherwise apply to that dependent or  
15 survivor if he or she were the dependent or survivor of an  
16 annuitant under the State Universities Retirement System.

17 (a-1) (Blank).

18 (a-2) (Blank).

19 (a-3) (Blank).

20 (a-4) (Blank).

21 (a-5) (Blank).

22 (a-6) (Blank).

23 (a-7) (Blank).

24 (a-8) Any annuitant, survivor, or retired employee may  
25 waive or terminate coverage in the program of group health  
26 benefits. Any such annuitant, survivor, or retired employee who



1 has waived or terminated coverage may enroll or re-enroll in  
2 the program of group health benefits only during the annual  
3 benefit choice period, as determined by the Director; except  
4 that in the event of termination of coverage due to nonpayment  
5 of premiums, the annuitant, survivor, or retired employee may  
6 not re-enroll in the program.

7 (a-8.5) Beginning on the effective date of this amendatory  
8 Act of the 97th General Assembly, the Director of Central  
9 Management Services shall, on an annual basis, determine the  
10 amount that the State shall contribute toward the basic program  
11 of group health benefits on behalf of annuitants (including  
12 individuals who (i) participated in the General Assembly  
13 Retirement System, the State Employees' Retirement System of  
14 Illinois, the State Universities Retirement System, the  
15 Teachers' Retirement System of the State of Illinois, or the  
16 Judges Retirement System of Illinois and (ii) qualify as  
17 annuitants under subsection (b) of Section 3 of this Act),  
18 survivors (including individuals who (i) receive an annuity as  
19 a survivor of an individual who participated in the General  
20 Assembly Retirement System, the State Employees' Retirement  
21 System of Illinois, the State Universities Retirement System,  
22 the Teachers' Retirement System of the State of Illinois, or  
23 the Judges Retirement System of Illinois and (ii) qualify as  
24 survivors under subsection (q) of Section 3 of this Act), and  
25 retired employees (as defined in subsection (p) of Section 3 of  
26 this Act). The remainder of the cost of coverage for each

1 annuitant, survivor, or retired employee, as determined by the  
2 Director of Central Management Services, shall be the  
3 responsibility of that annuitant, survivor, or retired  
4 employee.

5 Contributions required of annuitants, survivors, and  
6 retired employees shall be the same for all retirement systems  
7 and shall also be based on whether an individual has made an  
8 election under Section 15-135.1 of the Illinois Pension Code.  
9 Contributions may be based on annuitants', survivors', or  
10 retired employees' Medicare eligibility, but may not be based  
11 on Social Security eligibility.

12 (a-9) No later than May 1 of each calendar year, the  
13 Director of Central Management Services shall certify in  
14 writing to the Executive Secretary of the State Employees'  
15 Retirement System of Illinois the amounts of the Medicare  
16 supplement health care premiums and the amounts of the health  
17 care premiums for all other retirees who are not Medicare  
18 eligible.

19 A separate calculation of the premiums based upon the  
20 actual cost of each health care plan shall be so certified.

21 The Director of Central Management Services shall provide  
22 to the Executive Secretary of the State Employees' Retirement  
23 System of Illinois such information, statistics, and other data  
24 as he or she may require to review the premium amounts  
25 certified by the Director of Central Management Services.

26 The Department of Central Management Services, or any

1 successor agency designated to procure healthcare contracts  
2 pursuant to this Act, is authorized to establish funds,  
3 separate accounts provided by any bank or banks as defined by  
4 the Illinois Banking Act, or separate accounts provided by any  
5 savings and loan association or associations as defined by the  
6 Illinois Savings and Loan Act of 1985 to be held by the  
7 Director, outside the State treasury, for the purpose of  
8 receiving the transfer of moneys from the Local Government  
9 Health Insurance Reserve Fund. The Department may promulgate  
10 rules further defining the methodology for the transfers. Any  
11 interest earned by moneys in the funds or accounts shall inure  
12 to the Local Government Health Insurance Reserve Fund. The  
13 transferred moneys, and interest accrued thereon, shall be used  
14 exclusively for transfers to administrative service  
15 organizations or their financial institutions for payments of  
16 claims to claimants and providers under the self-insurance  
17 health plan. The transferred moneys, and interest accrued  
18 thereon, shall not be used for any other purpose including, but  
19 not limited to, reimbursement of administration fees due the  
20 administrative service organization pursuant to its contract  
21 or contracts with the Department.

22 (a-10) To the extent that participation, benefits, or  
23 premiums under this Act are based on a person's service credit  
24 under an Article of the Illinois Pension Code, service credit  
25 terminated in exchange for an accelerated pension benefit  
26 payment under Section 14-147.5, 15-185.5, or 16-190.5 of that

1 Code shall be included in determining a person's service credit  
2 for the purposes of this Act.

3 (b) State employees who become eligible for this program on  
4 or after January 1, 1980 in positions normally requiring actual  
5 performance of duty not less than 1/2 of a normal work period  
6 but not equal to that of a normal work period, shall be given  
7 the option of participating in the available program. If the  
8 employee elects coverage, the State shall contribute on behalf  
9 of such employee to the cost of the employee's benefit and any  
10 applicable dependent supplement, that sum which bears the same  
11 percentage as that percentage of time the employee regularly  
12 works when compared to normal work period.

13 (c) The basic non-contributory coverage from the basic  
14 program of group health benefits shall be continued for each  
15 employee not in pay status or on active service by reason of  
16 (1) leave of absence due to illness or injury, (2) authorized  
17 educational leave of absence or sabbatical leave, or (3)  
18 military leave. This coverage shall continue until expiration  
19 of authorized leave and return to active service, but not to  
20 exceed 24 months for leaves under item (1) or (2). This  
21 24-month limitation and the requirement of returning to active  
22 service shall not apply to persons receiving ordinary or  
23 accidental disability benefits or retirement benefits through  
24 the appropriate State retirement system or benefits under the  
25 Workers' Compensation or Occupational Disease Act.

26 (d) The basic group life insurance coverage shall continue,

1 with full State contribution, where such person is (1) absent  
2 from active service by reason of disability arising from any  
3 cause other than self-inflicted, (2) on authorized educational  
4 leave of absence or sabbatical leave, or (3) on military leave.

5 (e) Where the person is in non-pay status for a period in  
6 excess of 30 days or on leave of absence, other than by reason  
7 of disability, educational or sabbatical leave, or military  
8 leave, such person may continue coverage only by making  
9 personal payment equal to the amount normally contributed by  
10 the State on such person's behalf. Such payments and coverage  
11 may be continued: (1) until such time as the person returns to  
12 a status eligible for coverage at State expense, but not to  
13 exceed 24 months or (2) until such person's employment or  
14 annuitant status with the State is terminated (exclusive of any  
15 additional service imposed pursuant to law).

16 (f) The Department shall establish by rule the extent to  
17 which other employee benefits will continue for persons in  
18 non-pay status or who are not in active service.

19 (g) The State shall not pay the cost of the basic  
20 non-contributory group life insurance, program of health  
21 benefits and other employee benefits for members who are  
22 survivors as defined by paragraphs (1) and (2) of subsection  
23 (q) of Section 3 of this Act. The costs of benefits for these  
24 survivors shall be paid by the survivors or by the University  
25 of Illinois Cooperative Extension Service, or any combination  
26 thereof. However, the State shall pay the amount of the

1 reduction in the cost of participation, if any, resulting from  
2 the amendment to subsection (a) made by this amendatory Act of  
3 the 91st General Assembly.

4 (h) Those persons occupying positions with any department  
5 as a result of emergency appointments pursuant to Section 8b.8  
6 of the Personnel Code who are not considered employees under  
7 this Act shall be given the option of participating in the  
8 programs of group life insurance, health benefits and other  
9 employee benefits. Such persons electing coverage may  
10 participate only by making payment equal to the amount normally  
11 contributed by the State for similarly situated employees. Such  
12 amounts shall be determined by the Director. Such payments and  
13 coverage may be continued until such time as the person becomes  
14 an employee pursuant to this Act or such person's appointment  
15 is terminated.

16 (i) Any unit of local government within the State of  
17 Illinois may apply to the Director to have its employees,  
18 annuitants, and their dependents provided group health  
19 coverage under this Act on a non-insured basis. To participate,  
20 a unit of local government must agree to enroll all of its  
21 employees, who may select coverage under either the State group  
22 health benefits plan or a health maintenance organization that  
23 has contracted with the State to be available as a health care  
24 provider for employees as defined in this Act. A unit of local  
25 government must remit the entire cost of providing coverage  
26 under the State group health benefits plan or, for coverage

1 under a health maintenance organization, an amount determined  
2 by the Director based on an analysis of the sex, age,  
3 geographic location, or other relevant demographic variables  
4 for its employees, except that the unit of local government  
5 shall not be required to enroll those of its employees who are  
6 covered spouses or dependents under this plan or another group  
7 policy or plan providing health benefits as long as (1) an  
8 appropriate official from the unit of local government attests  
9 that each employee not enrolled is a covered spouse or  
10 dependent under this plan or another group policy or plan, and  
11 (2) at least 50% of the employees are enrolled and the unit of  
12 local government remits the entire cost of providing coverage  
13 to those employees, except that a participating school district  
14 must have enrolled at least 50% of its full-time employees who  
15 have not waived coverage under the district's group health plan  
16 by participating in a component of the district's cafeteria  
17 plan. A participating school district is not required to enroll  
18 a full-time employee who has waived coverage under the  
19 district's health plan, provided that an appropriate official  
20 from the participating school district attests that the  
21 full-time employee has waived coverage by participating in a  
22 component of the district's cafeteria plan. For the purposes of  
23 this subsection, "participating school district" includes a  
24 unit of local government whose primary purpose is education as  
25 defined by the Department's rules.

26 Employees of a participating unit of local government who

1 are not enrolled due to coverage under another group health  
2 policy or plan may enroll in the event of a qualifying change  
3 in status, special enrollment, special circumstance as defined  
4 by the Director, or during the annual Benefit Choice Period. A  
5 participating unit of local government may also elect to cover  
6 its annuitants. Dependent coverage shall be offered on an  
7 optional basis, with the costs paid by the unit of local  
8 government, its employees, or some combination of the two as  
9 determined by the unit of local government. The unit of local  
10 government shall be responsible for timely collection and  
11 transmission of dependent premiums.

12 The Director shall annually determine monthly rates of  
13 payment, subject to the following constraints:

14 (1) In the first year of coverage, the rates shall be  
15 equal to the amount normally charged to State employees for  
16 elected optional coverages or for enrolled dependents  
17 coverages or other contributory coverages, or contributed  
18 by the State for basic insurance coverages on behalf of its  
19 employees, adjusted for differences between State  
20 employees and employees of the local government in age,  
21 sex, geographic location or other relevant demographic  
22 variables, plus an amount sufficient to pay for the  
23 additional administrative costs of providing coverage to  
24 employees of the unit of local government and their  
25 dependents.

26 (2) In subsequent years, a further adjustment shall be



1           made to reflect the actual prior years' claims experience  
2           of the employees of the unit of local government.

3           In the case of coverage of local government employees under  
4 a health maintenance organization, the Director shall annually  
5 determine for each participating unit of local government the  
6 maximum monthly amount the unit may contribute toward that  
7 coverage, based on an analysis of (i) the age, sex, geographic  
8 location, and other relevant demographic variables of the  
9 unit's employees and (ii) the cost to cover those employees  
10 under the State group health benefits plan. The Director may  
11 similarly determine the maximum monthly amount each unit of  
12 local government may contribute toward coverage of its  
13 employees' dependents under a health maintenance organization.

14           Monthly payments by the unit of local government or its  
15 employees for group health benefits plan or health maintenance  
16 organization coverage shall be deposited in the Local  
17 Government Health Insurance Reserve Fund.

18           The Local Government Health Insurance Reserve Fund is  
19 hereby created as a nonappropriated trust fund to be held  
20 outside the State Treasury, with the State Treasurer as  
21 custodian. The Local Government Health Insurance Reserve Fund  
22 shall be a continuing fund not subject to fiscal year  
23 limitations. The Local Government Health Insurance Reserve  
24 Fund is not subject to administrative charges or charge-backs,  
25 including but not limited to those authorized under Section 8h  
26 of the State Finance Act. All revenues arising from the

1 administration of the health benefits program established  
2 under this Section shall be deposited into the Local Government  
3 Health Insurance Reserve Fund. Any interest earned on moneys in  
4 the Local Government Health Insurance Reserve Fund shall be  
5 deposited into the Fund. All expenditures from this Fund shall  
6 be used for payments for health care benefits for local  
7 government and rehabilitation facility employees, annuitants,  
8 and dependents, and to reimburse the Department or its  
9 administrative service organization for all expenses incurred  
10 in the administration of benefits. No other State funds may be  
11 used for these purposes.

12 A local government employer's participation or desire to  
13 participate in a program created under this subsection shall  
14 not limit that employer's duty to bargain with the  
15 representative of any collective bargaining unit of its  
16 employees.

17 (j) Any rehabilitation facility within the State of  
18 Illinois may apply to the Director to have its employees,  
19 annuitants, and their eligible dependents provided group  
20 health coverage under this Act on a non-insured basis. To  
21 participate, a rehabilitation facility must agree to enroll all  
22 of its employees and remit the entire cost of providing such  
23 coverage for its employees, except that the rehabilitation  
24 facility shall not be required to enroll those of its employees  
25 who are covered spouses or dependents under this plan or  
26 another group policy or plan providing health benefits as long

1 as (1) an appropriate official from the rehabilitation facility  
2 attests that each employee not enrolled is a covered spouse or  
3 dependent under this plan or another group policy or plan, and  
4 (2) at least 50% of the employees are enrolled and the  
5 rehabilitation facility remits the entire cost of providing  
6 coverage to those employees. Employees of a participating  
7 rehabilitation facility who are not enrolled due to coverage  
8 under another group health policy or plan may enroll in the  
9 event of a qualifying change in status, special enrollment,  
10 special circumstance as defined by the Director, or during the  
11 annual Benefit Choice Period. A participating rehabilitation  
12 facility may also elect to cover its annuitants. Dependent  
13 coverage shall be offered on an optional basis, with the costs  
14 paid by the rehabilitation facility, its employees, or some  
15 combination of the 2 as determined by the rehabilitation  
16 facility. The rehabilitation facility shall be responsible for  
17 timely collection and transmission of dependent premiums.

18 The Director shall annually determine quarterly rates of  
19 payment, subject to the following constraints:

20 (1) In the first year of coverage, the rates shall be  
21 equal to the amount normally charged to State employees for  
22 elected optional coverages or for enrolled dependents  
23 coverages or other contributory coverages on behalf of its  
24 employees, adjusted for differences between State  
25 employees and employees of the rehabilitation facility in  
26 age, sex, geographic location or other relevant

1 demographic variables, plus an amount sufficient to pay for  
2 the additional administrative costs of providing coverage  
3 to employees of the rehabilitation facility and their  
4 dependents.

5 (2) In subsequent years, a further adjustment shall be  
6 made to reflect the actual prior years' claims experience  
7 of the employees of the rehabilitation facility.

8 Monthly payments by the rehabilitation facility or its  
9 employees for group health benefits shall be deposited in the  
10 Local Government Health Insurance Reserve Fund.

11 (k) Any domestic violence shelter or service within the  
12 State of Illinois may apply to the Director to have its  
13 employees, annuitants, and their dependents provided group  
14 health coverage under this Act on a non-insured basis. To  
15 participate, a domestic violence shelter or service must agree  
16 to enroll all of its employees and pay the entire cost of  
17 providing such coverage for its employees. The domestic  
18 violence shelter shall not be required to enroll those of its  
19 employees who are covered spouses or dependents under this plan  
20 or another group policy or plan providing health benefits as  
21 long as (1) an appropriate official from the domestic violence  
22 shelter attests that each employee not enrolled is a covered  
23 spouse or dependent under this plan or another group policy or  
24 plan and (2) at least 50% of the employees are enrolled and the  
25 domestic violence shelter remits the entire cost of providing  
26 coverage to those employees. Employees of a participating

1 domestic violence shelter who are not enrolled due to coverage  
2 under another group health policy or plan may enroll in the  
3 event of a qualifying change in status, special enrollment, or  
4 special circumstance as defined by the Director or during the  
5 annual Benefit Choice Period. A participating domestic  
6 violence shelter may also elect to cover its annuitants.  
7 Dependent coverage shall be offered on an optional basis, with  
8 employees, or some combination of the 2 as determined by the  
9 domestic violence shelter or service. The domestic violence  
10 shelter or service shall be responsible for timely collection  
11 and transmission of dependent premiums.

12 The Director shall annually determine rates of payment,  
13 subject to the following constraints:

14 (1) In the first year of coverage, the rates shall be  
15 equal to the amount normally charged to State employees for  
16 elected optional coverages or for enrolled dependents  
17 coverages or other contributory coverages on behalf of its  
18 employees, adjusted for differences between State  
19 employees and employees of the domestic violence shelter or  
20 service in age, sex, geographic location or other relevant  
21 demographic variables, plus an amount sufficient to pay for  
22 the additional administrative costs of providing coverage  
23 to employees of the domestic violence shelter or service  
24 and their dependents.

25 (2) In subsequent years, a further adjustment shall be  
26 made to reflect the actual prior years' claims experience

1 of the employees of the domestic violence shelter or  
2 service.

3 Monthly payments by the domestic violence shelter or  
4 service or its employees for group health insurance shall be  
5 deposited in the Local Government Health Insurance Reserve  
6 Fund.

7 (1) A public community college or entity organized pursuant  
8 to the Public Community College Act may apply to the Director  
9 initially to have only annuitants not covered prior to July 1,  
10 1992 by the district's health plan provided health coverage  
11 under this Act on a non-insured basis. The community college  
12 must execute a 2-year contract to participate in the Local  
13 Government Health Plan. Any annuitant may enroll in the event  
14 of a qualifying change in status, special enrollment, special  
15 circumstance as defined by the Director, or during the annual  
16 Benefit Choice Period.

17 The Director shall annually determine monthly rates of  
18 payment subject to the following constraints: for those  
19 community colleges with annuitants only enrolled, first year  
20 rates shall be equal to the average cost to cover claims for a  
21 State member adjusted for demographics, Medicare  
22 participation, and other factors; and in the second year, a  
23 further adjustment of rates shall be made to reflect the actual  
24 first year's claims experience of the covered annuitants.

25 (1-5) The provisions of subsection (1) become inoperative  
26 on July 1, 1999.

1           (m) The Director shall adopt any rules deemed necessary for  
2 implementation of this amendatory Act of 1989 (Public Act  
3 86-978).

4           (n) Any child advocacy center within the State of Illinois  
5 may apply to the Director to have its employees, annuitants,  
6 and their dependents provided group health coverage under this  
7 Act on a non-insured basis. To participate, a child advocacy  
8 center must agree to enroll all of its employees and pay the  
9 entire cost of providing coverage for its employees. The child  
10 advocacy center shall not be required to enroll those of its  
11 employees who are covered spouses or dependents under this plan  
12 or another group policy or plan providing health benefits as  
13 long as (1) an appropriate official from the child advocacy  
14 center attests that each employee not enrolled is a covered  
15 spouse or dependent under this plan or another group policy or  
16 plan and (2) at least 50% of the employees are enrolled and the  
17 child advocacy center remits the entire cost of providing  
18 coverage to those employees. Employees of a participating child  
19 advocacy center who are not enrolled due to coverage under  
20 another group health policy or plan may enroll in the event of  
21 a qualifying change in status, special enrollment, or special  
22 circumstance as defined by the Director or during the annual  
23 Benefit Choice Period. A participating child advocacy center  
24 may also elect to cover its annuitants. Dependent coverage  
25 shall be offered on an optional basis, with the costs paid by  
26 the child advocacy center, its employees, or some combination

1 of the 2 as determined by the child advocacy center. The child  
2 advocacy center shall be responsible for timely collection and  
3 transmission of dependent premiums.

4 The Director shall annually determine rates of payment,  
5 subject to the following constraints:

6 (1) In the first year of coverage, the rates shall be  
7 equal to the amount normally charged to State employees for  
8 elected optional coverages or for enrolled dependents  
9 coverages or other contributory coverages on behalf of its  
10 employees, adjusted for differences between State  
11 employees and employees of the child advocacy center in  
12 age, sex, geographic location, or other relevant  
13 demographic variables, plus an amount sufficient to pay for  
14 the additional administrative costs of providing coverage  
15 to employees of the child advocacy center and their  
16 dependents.

17 (2) In subsequent years, a further adjustment shall be  
18 made to reflect the actual prior years' claims experience  
19 of the employees of the child advocacy center.

20 Monthly payments by the child advocacy center or its  
21 employees for group health insurance shall be deposited into  
22 the Local Government Health Insurance Reserve Fund.

23 (Source: P.A. 97-695, eff. 7-1-12; 98-488, eff. 8-16-13.)

24 Section 110-15. The General Obligation Bond Act is amended  
25 by changing Sections 2.5, 9, 11, 12, and 13 and by adding



1 Section 7.7 as follows:

2 (30 ILCS 330/2.5)

3 Sec. 2.5. Limitation on issuance of Bonds.

4 (a) Except as provided in subsection (b), no Bonds may be  
5 issued if, after the issuance, in the next State fiscal year  
6 after the issuance of the Bonds, the amount of debt service  
7 (including principal, whether payable at maturity or pursuant  
8 to mandatory sinking fund installments, and interest) on all  
9 then-outstanding Bonds, other than (i) Bonds authorized by  
10 Public Act 100-23 ~~this amendatory Act of the 100th General~~  
11 ~~Assembly~~, (ii) Bonds issued by Public Act 96-43, ~~and~~ (iii)  
12 Bonds authorized by Public Act 96-1497, and (iv) Bonds  
13 authorized by this amendatory Act of the 100th General  
14 Assembly, would exceed 7% of the aggregate appropriations from  
15 the general funds (which consist of the General Revenue Fund,  
16 the Common School Fund, the General Revenue Common School  
17 Special Account Fund, and the Education Assistance Fund) and  
18 the Road Fund for the fiscal year immediately prior to the  
19 fiscal year of the issuance.

20 (b) If the Comptroller and Treasurer each consent in  
21 writing, Bonds may be issued even if the issuance does not  
22 comply with subsection (a). In addition, \$2,000,000,000 in  
23 Bonds for the purposes set forth in Sections 3, 4, 5, 6, and 7,  
24 and \$2,000,000,000 in Refunding Bonds under Section 16, may be  
25 issued during State fiscal year 2017 without complying with

1 subsection (a). In addition, \$2,000,000,000 in Bonds for the  
2 purposes set forth in Sections 3, 4, 5, 6, and 7, and  
3 \$2,000,000,000 in Refunding Bonds under Section 16, may be  
4 issued during State fiscal year 2018 without complying with  
5 subsection (a).

6 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section  
7 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.  
8 7-6-17; revised 8-8-17.)

9 (30 ILCS 330/7.7 new)

10 Sec. 7.7. State Pension Obligation Acceleration Bonds.

11 (a) As used in this Act, "State Pension Obligation  
12 Acceleration Bonds" means Bonds authorized by this amendatory  
13 Act of the 100th General Assembly and used for the purpose of  
14 making accelerated pension benefit payments under Articles 14,  
15 15, and 16 of the Illinois Pension Code.

16 (b) State Pension Obligation Acceleration Bonds in the  
17 amount of \$1,000,000,000 are hereby authorized to be used for  
18 the purpose of making accelerated pension benefit payments  
19 under Articles 14, 15, and 16 of the Illinois Pension Code.

20 (c) The proceeds of State Pension Obligation Acceleration  
21 Bonds authorized in subsection (b) of this Section, less the  
22 amounts authorized in the Bond Sale Order to be directly paid  
23 out for bond sale expenses under Section 8, shall be deposited  
24 directly into the State Pension Obligation Acceleration Bond  
25 Fund, and the Comptroller and the Treasurer shall, as soon as

1 practical, make accelerated pension benefit payments under  
2 Articles 14, 15, and 16 of the Illinois Pension Code.

3 (d) There is created the State Pension Obligation  
4 Acceleration Bond Fund as a special fund in the State Treasury.  
5 Funds deposited in the State Pension Obligation Acceleration  
6 Bond Fund may only be used for the purpose of making  
7 accelerated pension benefit payments under Articles 14, 15, and  
8 16 of the Illinois Pension Code or for the payment of principal  
9 and interest due on State Pension Obligation Acceleration  
10 Bonds. This subsection shall constitute an irrevocable and  
11 continuing appropriation of all amounts necessary for such  
12 purposes.

13 (30 ILCS 330/9) (from Ch. 127, par. 659)

14 Sec. 9. Conditions for issuance and sale of Bonds;  
15 requirements ~~Issuance and Sale of Bonds~~ ~~Requirements~~ for  
16 Bonds.

17 (a) Except as otherwise provided in this subsection, ~~and~~  
18 subsection (h), and subsection (i), Bonds shall be issued and  
19 sold from time to time, in one or more series, in such amounts  
20 and at such prices as may be directed by the Governor, upon  
21 recommendation by the Director of the Governor's Office of  
22 Management and Budget. Bonds shall be in such form (either  
23 coupon, registered or book entry), in such denominations,  
24 payable within 25 years from their date, subject to such terms  
25 of redemption with or without premium, bear interest payable at

1 such times and at such fixed or variable rate or rates, and be  
2 dated as shall be fixed and determined by the Director of the  
3 Governor's Office of Management and Budget in the order  
4 authorizing the issuance and sale of any series of Bonds, which  
5 order shall be approved by the Governor and is herein called a  
6 "Bond Sale Order"; provided however, that interest payable at  
7 fixed or variable rates shall not exceed that permitted in the  
8 Bond Authorization Act, as now or hereafter amended. Bonds  
9 shall be payable at such place or places, within or without the  
10 State of Illinois, and may be made registrable as to either  
11 principal or as to both principal and interest, as shall be  
12 specified in the Bond Sale Order. Bonds may be callable or  
13 subject to purchase and retirement or tender and remarketing as  
14 fixed and determined in the Bond Sale Order. Bonds, other than  
15 Bonds issued under Section 3 of this Act for the costs  
16 associated with the purchase and implementation of information  
17 technology, (i) except for refunding Bonds satisfying the  
18 requirements of Section 16 of this Act and sold during fiscal  
19 year 2009, 2010, 2011, 2017, or 2018 must be issued with  
20 principal or mandatory redemption amounts in equal amounts,  
21 with the first maturity issued occurring within the fiscal year  
22 in which the Bonds are issued or within the next succeeding  
23 fiscal year and (ii) must mature or be subject to mandatory  
24 redemption each fiscal year thereafter up to 25 years, except  
25 for refunding Bonds satisfying the requirements of Section 16  
26 of this Act and sold during fiscal year 2009, 2010, or 2011

1 which must mature or be subject to mandatory redemption each  
2 fiscal year thereafter up to 16 years. Bonds issued under  
3 Section 3 of this Act for the costs associated with the  
4 purchase and implementation of information technology must be  
5 issued with principal or mandatory redemption amounts in equal  
6 amounts, with the first maturity issued occurring with the  
7 fiscal year in which the respective bonds are issued or with  
8 the next succeeding fiscal year, with the respective bonds  
9 issued maturing or subject to mandatory redemption each fiscal  
10 year thereafter up to 10 years. Notwithstanding any provision  
11 of this Act to the contrary, the Bonds authorized by Public Act  
12 96-43 shall be payable within 5 years from their date and must  
13 be issued with principal or mandatory redemption amounts in  
14 equal amounts, with payment of principal or mandatory  
15 redemption beginning in the first fiscal year following the  
16 fiscal year in which the Bonds are issued.

17 Notwithstanding any provision of this Act to the contrary,  
18 the Bonds authorized by Public Act 96-1497 shall be payable  
19 within 8 years from their date and shall be issued with payment  
20 of maturing principal or scheduled mandatory redemptions in  
21 accordance with the following schedule, except the following  
22 amounts shall be prorated if less than the total additional  
23 amount of Bonds authorized by Public Act 96-1497 are issued:

24	Fiscal Year After Issuance	Amount
25	1-2	\$0
26	3	\$110,712,120

1	4	\$332,136,360
2	5	\$664,272,720
3	6-8	\$996,409,080

4 Notwithstanding any provision of this Act to the contrary,  
5 Income Tax Proceed Bonds issued under Section 7.6 shall be  
6 payable 12 years from the date of sale and shall be issued with  
7 payment of principal or mandatory redemption.

8 In the case of any series of Bonds bearing interest at a  
9 variable interest rate ("Variable Rate Bonds"), in lieu of  
10 determining the rate or rates at which such series of Variable  
11 Rate Bonds shall bear interest and the price or prices at which  
12 such Variable Rate Bonds shall be initially sold or remarketed  
13 (in the event of purchase and subsequent resale), the Bond Sale  
14 Order may provide that such interest rates and prices may vary  
15 from time to time depending on criteria established in such  
16 Bond Sale Order, which criteria may include, without  
17 limitation, references to indices or variations in interest  
18 rates as may, in the judgment of a remarketing agent, be  
19 necessary to cause Variable Rate Bonds of such series to be  
20 remarketable from time to time at a price equal to their  
21 principal amount, and may provide for appointment of a bank,  
22 trust company, investment bank, or other financial institution  
23 to serve as remarketing agent in that connection. The Bond Sale  
24 Order may provide that alternative interest rates or provisions  
25 for establishing alternative interest rates, different  
26 security or claim priorities, or different call or amortization

1 provisions will apply during such times as Variable Rate Bonds  
2 of any series are held by a person providing credit or  
3 liquidity enhancement arrangements for such Bonds as  
4 authorized in subsection (b) of this Section. The Bond Sale  
5 Order may also provide for such variable interest rates to be  
6 established pursuant to a process generally known as an auction  
7 rate process and may provide for appointment of one or more  
8 financial institutions to serve as auction agents and  
9 broker-dealers in connection with the establishment of such  
10 interest rates and the sale and remarketing of such Bonds.

11 (b) In connection with the issuance of any series of Bonds,  
12 the State may enter into arrangements to provide additional  
13 security and liquidity for such Bonds, including, without  
14 limitation, bond or interest rate insurance or letters of  
15 credit, lines of credit, bond purchase contracts, or other  
16 arrangements whereby funds are made available to retire or  
17 purchase Bonds, thereby assuring the ability of owners of the  
18 Bonds to sell or redeem their Bonds. The State may enter into  
19 contracts and may agree to pay fees to persons providing such  
20 arrangements, but only under circumstances where the Director  
21 of the Governor's Office of Management and Budget certifies  
22 that he or she reasonably expects the total interest paid or to  
23 be paid on the Bonds, together with the fees for the  
24 arrangements (being treated as if interest), would not, taken  
25 together, cause the Bonds to bear interest, calculated to their  
26 stated maturity, at a rate in excess of the rate that the Bonds

1 would bear in the absence of such arrangements.

2 The State may, with respect to Bonds issued or anticipated  
3 to be issued, participate in and enter into arrangements with  
4 respect to interest rate protection or exchange agreements,  
5 guarantees, or financial futures contracts for the purpose of  
6 limiting, reducing, or managing interest rate exposure. The  
7 authority granted under this paragraph, however, shall not  
8 increase the principal amount of Bonds authorized to be issued  
9 by law. The arrangements may be executed and delivered by the  
10 Director of the Governor's Office of Management and Budget on  
11 behalf of the State. Net payments for such arrangements shall  
12 constitute interest on the Bonds and shall be paid from the  
13 General Obligation Bond Retirement and Interest Fund. The  
14 Director of the Governor's Office of Management and Budget  
15 shall at least annually certify to the Governor and the State  
16 Comptroller his or her estimate of the amounts of such net  
17 payments to be included in the calculation of interest required  
18 to be paid by the State.

19 (c) Prior to the issuance of any Variable Rate Bonds  
20 pursuant to subsection (a), the Director of the Governor's  
21 Office of Management and Budget shall adopt an interest rate  
22 risk management policy providing that the amount of the State's  
23 variable rate exposure with respect to Bonds shall not exceed  
24 20%. This policy shall remain in effect while any Bonds are  
25 outstanding and the issuance of Bonds shall be subject to the  
26 terms of such policy. The terms of this policy may be amended



1 from time to time by the Director of the Governor's Office of  
2 Management and Budget but in no event shall any amendment cause  
3 the permitted level of the State's variable rate exposure with  
4 respect to Bonds to exceed 20%.

5 (d) "Build America Bonds" in this Section means Bonds  
6 authorized by Section 54AA of the Internal Revenue Code of  
7 1986, as amended ("Internal Revenue Code"), and bonds issued  
8 from time to time to refund or continue to refund "Build  
9 America Bonds".

10 (e) Notwithstanding any other provision of this Section,  
11 Qualified School Construction Bonds shall be issued and sold  
12 from time to time, in one or more series, in such amounts and  
13 at such prices as may be directed by the Governor, upon  
14 recommendation by the Director of the Governor's Office of  
15 Management and Budget. Qualified School Construction Bonds  
16 shall be in such form (either coupon, registered or book  
17 entry), in such denominations, payable within 25 years from  
18 their date, subject to such terms of redemption with or without  
19 premium, and if the Qualified School Construction Bonds are  
20 issued with a supplemental coupon, bear interest payable at  
21 such times and at such fixed or variable rate or rates, and be  
22 dated as shall be fixed and determined by the Director of the  
23 Governor's Office of Management and Budget in the order  
24 authorizing the issuance and sale of any series of Qualified  
25 School Construction Bonds, which order shall be approved by the  
26 Governor and is herein called a "Bond Sale Order"; except that

1 interest payable at fixed or variable rates, if any, shall not  
2 exceed that permitted in the Bond Authorization Act, as now or  
3 hereafter amended. Qualified School Construction Bonds shall  
4 be payable at such place or places, within or without the State  
5 of Illinois, and may be made registrable as to either principal  
6 or as to both principal and interest, as shall be specified in  
7 the Bond Sale Order. Qualified School Construction Bonds may be  
8 callable or subject to purchase and retirement or tender and  
9 remarketing as fixed and determined in the Bond Sale Order.  
10 Qualified School Construction Bonds must be issued with  
11 principal or mandatory redemption amounts or sinking fund  
12 payments into the General Obligation Bond Retirement and  
13 Interest Fund (or subaccount therefor) in equal amounts, with  
14 the first maturity issued, mandatory redemption payment or  
15 sinking fund payment occurring within the fiscal year in which  
16 the Qualified School Construction Bonds are issued or within  
17 the next succeeding fiscal year, with Qualified School  
18 Construction Bonds issued maturing or subject to mandatory  
19 redemption or with sinking fund payments thereof deposited each  
20 fiscal year thereafter up to 25 years. Sinking fund payments  
21 set forth in this subsection shall be permitted only to the  
22 extent authorized in Section 54F of the Internal Revenue Code  
23 or as otherwise determined by the Director of the Governor's  
24 Office of Management and Budget. "Qualified School  
25 Construction Bonds" in this subsection means Bonds authorized  
26 by Section 54F of the Internal Revenue Code and for bonds

1 issued from time to time to refund or continue to refund such  
2 "Qualified School Construction Bonds".

3 (f) Beginning with the next issuance by the Governor's  
4 Office of Management and Budget to the Procurement Policy Board  
5 of a request for quotation for the purpose of formulating a new  
6 pool of qualified underwriting banks list, all entities  
7 responding to such a request for quotation for inclusion on  
8 that list shall provide a written report to the Governor's  
9 Office of Management and Budget and the Illinois Comptroller.  
10 The written report submitted to the Comptroller shall (i) be  
11 published on the Comptroller's Internet website and (ii) be  
12 used by the Governor's Office of Management and Budget for the  
13 purposes of scoring such a request for quotation. The written  
14 report, at a minimum, shall:

15 (1) disclose whether, within the past 3 months,  
16 pursuant to its credit default swap market-making  
17 activities, the firm has entered into any State of Illinois  
18 credit default swaps ("CDS");

19 (2) include, in the event of State of Illinois CDS  
20 activity, disclosure of the firm's cumulative notional  
21 volume of State of Illinois CDS trades and the firm's  
22 outstanding gross and net notional amount of State of  
23 Illinois CDS, as of the end of the current 3-month period;

24 (3) indicate, pursuant to the firm's proprietary  
25 trading activities, disclosure of whether the firm, within  
26 the past 3 months, has entered into any proprietary trades

1 for its own account in State of Illinois CDS;

2 (4) include, in the event of State of Illinois  
3 proprietary trades, disclosure of the firm's outstanding  
4 gross and net notional amount of proprietary State of  
5 Illinois CDS and whether the net position is short or long  
6 credit protection, as of the end of the current 3-month  
7 period;

8 (5) list all time periods during the past 3 months  
9 during which the firm held net long or net short State of  
10 Illinois CDS proprietary credit protection positions, the  
11 amount of such positions, and whether those positions were  
12 net long or net short credit protection positions; and

13 (6) indicate whether, within the previous 3 months, the  
14 firm released any publicly available research or marketing  
15 reports that reference State of Illinois CDS and include  
16 those research or marketing reports as attachments.

17 (g) All entities included on a Governor's Office of  
18 Management and Budget's pool of qualified underwriting banks  
19 list shall, as soon as possible after March 18, 2011 (the  
20 effective date of Public Act 96-1554), but not later than  
21 January 21, 2011, and on a quarterly fiscal basis thereafter,  
22 provide a written report to the Governor's Office of Management  
23 and Budget and the Illinois Comptroller. The written reports  
24 submitted to the Comptroller shall be published on the  
25 Comptroller's Internet website. The written reports, at a  
26 minimum, shall:

1           (1) disclose whether, within the past 3 months,  
2           pursuant to its credit default swap market-making  
3           activities, the firm has entered into any State of Illinois  
4           credit default swaps ("CDS");

5           (2) include, in the event of State of Illinois CDS  
6           activity, disclosure of the firm's cumulative notional  
7           volume of State of Illinois CDS trades and the firm's  
8           outstanding gross and net notional amount of State of  
9           Illinois CDS, as of the end of the current 3-month period;

10          (3) indicate, pursuant to the firm's proprietary  
11          trading activities, disclosure of whether the firm, within  
12          the past 3 months, has entered into any proprietary trades  
13          for its own account in State of Illinois CDS;

14          (4) include, in the event of State of Illinois  
15          proprietary trades, disclosure of the firm's outstanding  
16          gross and net notional amount of proprietary State of  
17          Illinois CDS and whether the net position is short or long  
18          credit protection, as of the end of the current 3-month  
19          period;

20          (5) list all time periods during the past 3 months  
21          during which the firm held net long or net short State of  
22          Illinois CDS proprietary credit protection positions, the  
23          amount of such positions, and whether those positions were  
24          net long or net short credit protection positions; and

25          (6) indicate whether, within the previous 3 months, the  
26          firm released any publicly available research or marketing

1 reports that reference State of Illinois CDS and include  
2 those research or marketing reports as attachments.

3 (h) Notwithstanding any other provision of this Section,  
4 for purposes of maximizing market efficiencies and cost  
5 savings, Income Tax Proceed Bonds may be issued and sold from  
6 time to time, in one or more series, in such amounts and at  
7 such prices as may be directed by the Governor, upon  
8 recommendation by the Director of the Governor's Office of  
9 Management and Budget. Income Tax Proceed Bonds shall be in  
10 such form, either coupon, registered, or book entry, in such  
11 denominations, shall bear interest payable at such times and at  
12 such fixed or variable rate or rates, and be dated as shall be  
13 fixed and determined by the Director of the Governor's Office  
14 of Management and Budget in the order authorizing the issuance  
15 and sale of any series of Income Tax Proceed Bonds, which order  
16 shall be approved by the Governor and is herein called a "Bond  
17 Sale Order"; provided, however, that interest payable at fixed  
18 or variable rates shall not exceed that permitted in the Bond  
19 Authorization Act. Income Tax Proceed Bonds shall be payable at  
20 such place or places, within or without the State of Illinois,  
21 and may be made registrable as to either principal or as to  
22 both principal and interest, as shall be specified in the Bond  
23 Sale Order. Income Tax Proceed Bonds may be callable or subject  
24 to purchase and retirement or tender and remarketing as fixed  
25 and determined in the Bond Sale Order.

26 (i) Notwithstanding any other provision of this Section,

1 for purposes of maximizing market efficiencies and cost  
2 savings, State Pension Obligation Acceleration Bonds may be  
3 issued and sold from time to time, in one or more series, in  
4 such amounts and at such prices as may be directed by the  
5 Governor, upon recommendation by the Director of the Governor's  
6 Office of Management and Budget. State Pension Obligation  
7 Acceleration Bonds shall be in such form, either coupon,  
8 registered, or book entry, in such denominations, shall bear  
9 interest payable at such times and at such fixed or variable  
10 rate or rates, and be dated as shall be fixed and determined by  
11 the Director of the Governor's Office of Management and Budget  
12 in the order authorizing the issuance and sale of any series of  
13 State Pension Obligation Acceleration Bonds, which order shall  
14 be approved by the Governor and is herein called a "Bond Sale  
15 Order"; provided, however, that interest payable at fixed or  
16 variable rates shall not exceed that permitted in the Bond  
17 Authorization Act. State Pension Obligation Acceleration Bonds  
18 shall be payable at such place or places, within or without the  
19 State of Illinois, and may be made registrable as to either  
20 principal or as to both principal and interest, as shall be  
21 specified in the Bond Sale Order. State Pension Obligation  
22 Acceleration Bonds may be callable or subject to purchase and  
23 retirement or tender and remarketing as fixed and determined in  
24 the Bond Sale Order.

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 8-8-17.)

2 (30 ILCS 330/11) (from Ch. 127, par. 661)

3 Sec. 11. Sale of Bonds. Except as otherwise provided in  
4 this Section, Bonds shall be sold from time to time pursuant to  
5 notice of sale and public bid or by negotiated sale in such  
6 amounts and at such times as is directed by the Governor, upon  
7 recommendation by the Director of the Governor's Office of  
8 Management and Budget. At least 25%, based on total principal  
9 amount, of all Bonds issued each fiscal year shall be sold  
10 pursuant to notice of sale and public bid. At all times during  
11 each fiscal year, no more than 75%, based on total principal  
12 amount, of the Bonds issued each fiscal year, shall have been  
13 sold by negotiated sale. Failure to satisfy the requirements in  
14 the preceding 2 sentences shall not affect the validity of any  
15 previously issued Bonds; provided that all Bonds authorized by  
16 Public Act 96-43 and Public Act 96-1497 shall not be included  
17 in determining compliance for any fiscal year with the  
18 requirements of the preceding 2 sentences; and further provided  
19 that refunding Bonds satisfying the requirements of Section 16  
20 of this Act and sold during fiscal year 2009, 2010, 2011, 2017,  
21 or 2018 shall not be subject to the requirements in the  
22 preceding 2 sentences.

23 If any Bonds, including refunding Bonds, are to be sold by  
24 negotiated sale, the Director of the Governor's Office of  
25 Management and Budget shall comply with the competitive request



1 for proposal process set forth in the Illinois Procurement Code  
2 and all other applicable requirements of that Code.

3 If Bonds are to be sold pursuant to notice of sale and  
4 public bid, the Director of the Governor's Office of Management  
5 and Budget may, from time to time, as Bonds are to be sold,  
6 advertise the sale of the Bonds in at least 2 daily newspapers,  
7 one of which is published in the City of Springfield and one in  
8 the City of Chicago. The sale of the Bonds shall also be  
9 advertised in the volume of the Illinois Procurement Bulletin  
10 that is published by the Department of Central Management  
11 Services, and shall be published once at least 10 days prior to  
12 the date fixed for the opening of the bids. The Director of the  
13 Governor's Office of Management and Budget may reschedule the  
14 date of sale upon the giving of such additional notice as the  
15 Director deems adequate to inform prospective bidders of such  
16 change; provided, however, that all other conditions of the  
17 sale shall continue as originally advertised.

18 Executed Bonds shall, upon payment therefor, be delivered  
19 to the purchaser, and the proceeds of Bonds shall be paid into  
20 the State Treasury as directed by Section 12 of this Act.

21 All Income Tax Proceed Bonds shall comply with this  
22 Section. Notwithstanding anything to the contrary, however,  
23 for purposes of complying with this Section, Income Tax Proceed  
24 Bonds, regardless of the number of series or issuances sold  
25 thereunder, shall be considered a single issue or series.  
26 Furthermore, for purposes of complying with the competitive

1 bidding requirements of this Section, the words "at all times"  
2 shall not apply to any such sale of the Income Tax Proceed  
3 Bonds. The Director of the Governor's Office of Management and  
4 Budget shall determine the time and manner of any competitive  
5 sale of the Income Tax Proceed Bonds; however, that sale shall  
6 under no circumstances take place later than 60 days after the  
7 State closes the sale of 75% of the Income Tax Proceed Bonds by  
8 negotiated sale.

9 All State Pension Obligation Acceleration Bonds shall  
10 comply with this Section. Notwithstanding anything to the  
11 contrary, however, for purposes of complying with this Section,  
12 State Pension Obligation Acceleration Bonds, regardless of the  
13 number of series or issuances sold thereunder, shall be  
14 considered a single issue or series. Furthermore, for purposes  
15 of complying with the competitive bidding requirements of this  
16 Section, the words "at all times" shall not apply to any such  
17 sale of the State Pension Obligation Acceleration Bonds. The  
18 Director of the Governor's Office of Management and Budget  
19 shall determine the time and manner of any competitive sale of  
20 the State Pension Obligation Acceleration Bonds; however, that  
21 sale shall under no circumstances take place later than 60 days  
22 after the State closes the sale of 75% of the State Pension  
23 Obligation Acceleration Bonds by negotiated sale.

24 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section  
25 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.  
26 7-6-17; revised 8-15-17.)

1 (30 ILCS 330/12) (from Ch. 127, par. 662)

2 Sec. 12. Allocation of proceeds from sale of Bonds.

3 (a) Proceeds from the sale of Bonds, authorized by Section  
4 3 of this Act, shall be deposited in the separate fund known as  
5 the Capital Development Fund.

6 (b) Proceeds from the sale of Bonds, authorized by  
7 paragraph (a) of Section 4 of this Act, shall be deposited in  
8 the separate fund known as the Transportation Bond, Series A  
9 Fund.

10 (c) Proceeds from the sale of Bonds, authorized by  
11 paragraphs (b) and (c) of Section 4 of this Act, shall be  
12 deposited in the separate fund known as the Transportation  
13 Bond, Series B Fund.

14 (c-1) Proceeds from the sale of Bonds, authorized by  
15 paragraph (d) of Section 4 of this Act, shall be deposited into  
16 the Transportation Bond Series D Fund, which is hereby created.

17 (d) Proceeds from the sale of Bonds, authorized by Section  
18 5 of this Act, shall be deposited in the separate fund known as  
19 the School Construction Fund.

20 (e) Proceeds from the sale of Bonds, authorized by Section  
21 6 of this Act, shall be deposited in the separate fund known as  
22 the Anti-Pollution Fund.

23 (f) Proceeds from the sale of Bonds, authorized by Section  
24 7 of this Act, shall be deposited in the separate fund known as  
25 the Coal Development Fund.

1 (f-2) Proceeds from the sale of Bonds, authorized by  
2 Section 7.2 of this Act, shall be deposited as set forth in  
3 Section 7.2.

4 (f-5) Proceeds from the sale of Bonds, authorized by  
5 Section 7.5 of this Act, shall be deposited as set forth in  
6 Section 7.5.

7 (f-7) Proceeds from the sale of Bonds, authorized by  
8 Section 7.6 of this Act, shall be deposited as set forth in  
9 Section 7.6.

10 (f-8) Proceeds from the sale of Bonds, authorized by  
11 Section 7.7 of this Act, shall be deposited as set forth in  
12 Section 7.7.

13 (g) Proceeds from the sale of Bonds, authorized by Section  
14 8 of this Act, shall be deposited in the Capital Development  
15 Fund.

16 (h) Subsequent to the issuance of any Bonds for the  
17 purposes described in Sections 2 through 8 of this Act, the  
18 Governor and the Director of the Governor's Office of  
19 Management and Budget may provide for the reallocation of  
20 unspent proceeds of such Bonds to any other purposes authorized  
21 under said Sections of this Act, subject to the limitations on  
22 aggregate principal amounts contained therein. Upon any such  
23 reallocation, such unspent proceeds shall be transferred to the  
24 appropriate funds as determined by reference to paragraphs (a)  
25 through (g) of this Section.

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

1 (30 ILCS 330/13) (from Ch. 127, par. 663)

2 Sec. 13. Appropriation of proceeds from sale of Bonds.

3 (a) At all times, the proceeds from the sale of Bonds  
4 issued pursuant to this Act are subject to appropriation by the  
5 General Assembly and, except as provided in Sections 7.2, ~~and~~  
6 7.6, and 7.7, may be obligated or expended only with the  
7 written approval of the Governor, in such amounts, at such  
8 times, and for such purposes as the respective State agencies,  
9 as defined in Section 1-7 of the Illinois State Auditing Act,  
10 as amended, deem necessary or desirable for the specific  
11 purposes contemplated in Sections 2 through 8 of this Act.  
12 Notwithstanding any other provision of this Act, proceeds from  
13 the sale of Bonds issued pursuant to this Act appropriated by  
14 the General Assembly to the Architect of the Capitol may be  
15 obligated or expended by the Architect of the Capitol without  
16 the written approval of the Governor.

17 (b) Proceeds from the sale of Bonds for the purpose of  
18 development of coal and alternative forms of energy shall be  
19 expended in such amounts and at such times as the Department of  
20 Commerce and Economic Opportunity, with the advice and  
21 recommendation of the Illinois Coal Development Board for coal  
22 development projects, may deem necessary and desirable for the  
23 specific purpose contemplated by Section 7 of this Act. In  
24 considering the approval of projects to be funded, the  
25 Department of Commerce and Economic Opportunity shall give

1 special consideration to projects designed to remove sulfur and  
2 other pollutants in the preparation and utilization of coal,  
3 and in the use and operation of electric utility generating  
4 plants and industrial facilities which utilize Illinois coal as  
5 their primary source of fuel.

6 (c) Except as directed in subsection (c-1) or (c-2), any  
7 monies received by any officer or employee of the state  
8 representing a reimbursement of expenditures previously paid  
9 from general obligation bond proceeds shall be deposited into  
10 the General Obligation Bond Retirement and Interest Fund  
11 authorized in Section 14 of this Act.

12 (c-1) Any money received by the Department of  
13 Transportation as reimbursement for expenditures for high  
14 speed rail purposes pursuant to appropriations from the  
15 Transportation Bond, Series B Fund for (i) CREATE (Chicago  
16 Region Environmental and Transportation Efficiency), (ii) High  
17 Speed Rail, or (iii) AMTRAK projects authorized by the federal  
18 government under the provisions of the American Recovery and  
19 Reinvestment Act of 2009 or the Safe Accountable Flexible  
20 Efficient Transportation Equity Act-A Legacy for Users  
21 (SAFETEA-LU), or any successor federal transportation  
22 authorization Act, shall be deposited into the Federal High  
23 Speed Rail Trust Fund.

24 (c-2) Any money received by the Department of  
25 Transportation as reimbursement for expenditures for transit  
26 capital purposes pursuant to appropriations from the

1 Transportation Bond, Series B Fund for projects authorized by  
2 the federal government under the provisions of the American  
3 Recovery and Reinvestment Act of 2009 or the Safe Accountable  
4 Flexible Efficient Transportation Equity Act-A Legacy for  
5 Users (SAFETEA-LU), or any successor federal transportation  
6 authorization Act, shall be deposited into the Federal Mass  
7 Transit Trust Fund.

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

9 Section 110-20. The Illinois Pension Code is amended by  
10 adding Sections 14-103.41, 14-147.5, 14-147.6, 15-185.5,  
11 15-185.6, 16-106.41, 16-158, 16-190.5, and 16-190.6 and  
12 amending Sections 14-135.08, 14-152.1, 15-155, 15-165, 15-198,  
13 and 16-203 as follows:

14 (40 ILCS 5/14-103.41 new)

15 Sec. 14-103.41. Tier 1 member. "Tier 1 member": A member of  
16 this System who first became a member or participant before  
17 January 1, 2011 under any reciprocal retirement system or  
18 pension fund established under this Code other than a  
19 retirement system or pension fund established under Article 2,  
20 3, 4, 5, 6, or 18 of this Code.

21 (40 ILCS 5/14-135.08) (from Ch. 108 1/2, par. 14-135.08)

22 Sec. 14-135.08. To certify required State contributions.

23 (a) To certify to the Governor and to each department, on

1 or before November 15 of each year until November 15, 2011, the  
2 required rate for State contributions to the System for the  
3 next State fiscal year, as determined under subsection (b) of  
4 Section 14-131. The certification to the Governor under this  
5 subsection (a) shall include a copy of the actuarial  
6 recommendations upon which the rate is based and shall  
7 specifically identify the System's projected State normal cost  
8 for that fiscal year.

9 (a-5) On or before November 1 of each year, beginning  
10 November 1, 2012, the Board shall submit to the State Actuary,  
11 the Governor, and the General Assembly a proposed certification  
12 of the amount of the required State contribution to the System  
13 for the next fiscal year, along with all of the actuarial  
14 assumptions, calculations, and data upon which that proposed  
15 certification is based. On or before January 1 of each year  
16 beginning January 1, 2013, the State Actuary shall issue a  
17 preliminary report concerning the proposed certification and  
18 identifying, if necessary, recommended changes in actuarial  
19 assumptions that the Board must consider before finalizing its  
20 certification of the required State contributions. On or before  
21 January 15, 2013 and each January 15 thereafter, the Board  
22 shall certify to the Governor and the General Assembly the  
23 amount of the required State contribution for the next fiscal  
24 year. The Board's certification must note any deviations from  
25 the State Actuary's recommended changes, the reason or reasons  
26 for not following the State Actuary's recommended changes, and



1 the fiscal impact of not following the State Actuary's  
2 recommended changes on the required State contribution.

3 (b) The certifications under subsections (a) and (a-5)  
4 shall include an additional amount necessary to pay all  
5 principal of and interest on those general obligation bonds due  
6 the next fiscal year authorized by Section 7.2(a) of the  
7 General Obligation Bond Act and issued to provide the proceeds  
8 deposited by the State with the System in July 2003,  
9 representing deposits other than amounts reserved under  
10 Section 7.2(c) of the General Obligation Bond Act. For State  
11 fiscal year 2005, the Board shall make a supplemental  
12 certification of the additional amount necessary to pay all  
13 principal of and interest on those general obligation bonds due  
14 in State fiscal years 2004 and 2005 authorized by Section  
15 7.2(a) of the General Obligation Bond Act and issued to provide  
16 the proceeds deposited by the State with the System in July  
17 2003, representing deposits other than amounts reserved under  
18 Section 7.2(c) of the General Obligation Bond Act, as soon as  
19 practical after the effective date of this amendatory Act of  
20 the 93rd General Assembly.

21 On or before May 1, 2004, the Board shall recalculate and  
22 recertify to the Governor and to each department the amount of  
23 the required State contribution to the System and the required  
24 rates for State contributions to the System for State fiscal  
25 year 2005, taking into account the amounts appropriated to and  
26 received by the System under subsection (d) of Section 7.2 of

1 the General Obligation Bond Act.

2 On or before July 1, 2005, the Board shall recalculate and  
3 recertify to the Governor and to each department the amount of  
4 the required State contribution to the System and the required  
5 rates for State contributions to the System for State fiscal  
6 year 2006, taking into account the changes in required State  
7 contributions made by this amendatory Act of the 94th General  
8 Assembly.

9 On or before April 1, 2011, the Board shall recalculate and  
10 recertify to the Governor and to each department the amount of  
11 the required State contribution to the System for State fiscal  
12 year 2011, applying the changes made by Public Act 96-889 to  
13 the System's assets and liabilities as of June 30, 2009 as  
14 though Public Act 96-889 was approved on that date.

15 By November 1, 2017, the Board shall recalculate and  
16 recertify to the State Actuary, the Governor, and the General  
17 Assembly the amount of the State contribution to the System for  
18 State fiscal year 2018, taking into account the changes in  
19 required State contributions made by this amendatory Act of the  
20 100th General Assembly. The State Actuary shall review the  
21 assumptions and valuations underlying the Board's revised  
22 certification and issue a preliminary report concerning the  
23 proposed recertification and identifying, if necessary,  
24 recommended changes in actuarial assumptions that the Board  
25 must consider before finalizing its certification of the  
26 required State contributions. The Board's final certification

1 must note any deviations from the State Actuary's recommended  
2 changes, the reason or reasons for not following the State  
3 Actuary's recommended changes, and the fiscal impact of not  
4 following the State Actuary's recommended changes on the  
5 required State contribution.

6 On or after June 15, 2019, but no later than June 30, 2019,  
7 the Board shall recalculate and recertify to the Governor and  
8 the General Assembly the amount of the State contribution to  
9 the System for State fiscal year 2019, taking into account the  
10 changes in required State contributions made by this amendatory  
11 Act of the 100th General Assembly. The recalculation shall be  
12 made using assumptions adopted by the Board for the original  
13 fiscal year 2019 certification. The monthly voucher for the  
14 12th month of fiscal year 2019 shall be paid by the Comptroller  
15 after the recertification required pursuant to this paragraph  
16 is submitted to the Governor, Comptroller, and General  
17 Assembly. The recertification submitted to the General  
18 Assembly shall be filed with the Clerk of the House of  
19 Representatives and the Secretary of the Senate in electronic  
20 form only, in the manner that the Clerk and the Secretary shall  
21 direct.

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

23 (40 ILCS 5/14-147.5 new)

24 Sec. 14-147.5. Accelerated pension benefit payment in lieu  
25 of any pension benefit.

1 (a) As used in this Section:

2 "Eligible person" means a person who:

3 (1) has terminated service;

4 (2) has accrued sufficient service credit to be  
5 eligible to receive a retirement annuity under this  
6 Article;

7 (3) has not received any retirement annuity under this  
8 Article; and

9 (4) has not made the election under Section 14-147.6.

10 "Pension benefit" means the benefits under this Article, or  
11 Article 1 as it relates to those benefits, including any  
12 anticipated annual increases, that an eligible person is  
13 entitled to upon attainment of the applicable retirement age.  
14 "Pension benefit" also includes applicable survivor's or  
15 disability benefits.

16 (b) As soon as practical after the effective date of this  
17 amendatory Act of the 100th General Assembly, the System shall  
18 calculate, using actuarial tables and other assumptions  
19 adopted by the Board, the present value of pension benefits for  
20 each eligible person who requests that information and shall  
21 offer each eligible person the opportunity to irrevocably elect  
22 to receive an amount determined by the System to be equal to  
23 60% of the present value of his or her pension benefits in lieu  
24 of receiving any pension benefit. The offer shall specify the  
25 dollar amount that the eligible person will receive if he or  
26 she so elects and shall expire when a subsequent offer is made

1 to an eligible person. An eligible person is limited to one  
2 calculation and offer per calendar year. The System shall make  
3 a good faith effort to contact every eligible person to notify  
4 him or her of the election.

5 Until June 30, 2021, an eligible person may irrevocably  
6 elect to receive an accelerated pension benefit payment in the  
7 amount that the System offers under this subsection in lieu of  
8 receiving any pension benefit. A person who elects to receive  
9 an accelerated pension benefit payment under this Section may  
10 not elect to proceed under the Retirement Systems Reciprocal  
11 Act with respect to service under this Article.

12 (c) A person's creditable service under this Article shall  
13 be terminated upon the person's receipt of an accelerated  
14 pension benefit payment under this Section, and no other  
15 benefit shall be paid under this Article based on the  
16 terminated creditable service, including any retirement,  
17 survivor, or other benefit; except that to the extent that  
18 participation, benefits, or premiums under the State Employees  
19 Group Insurance Act of 1971 are based on the amount of service  
20 credit, the terminated service credit shall be used for that  
21 purpose.

22 (d) If a person who has received an accelerated pension  
23 benefit payment under this Section returns to active service  
24 under this Article, then:

25 (1) Any benefits under the System earned as a result of  
26 that return to active service shall be based solely on the

1 person's creditable service arising from the return to  
2 active service.

3 (2) The accelerated pension benefit payment may not be  
4 repaid to the System, and the terminated creditable service  
5 may not under any circumstances be reinstated.

6 (e) As a condition of receiving an accelerated pension  
7 benefit payment, the accelerated pension benefit payment must  
8 be transferred into a tax qualified retirement plan or account.  
9 The accelerated pension benefit payment under this Section may  
10 be subject to withholding or payment of applicable taxes, but  
11 to the extent permitted by federal law, a person who receives  
12 an accelerated pension benefit payment under this Section must  
13 direct the System to pay all of that payment as a rollover into  
14 another retirement plan or account qualified under the Internal  
15 Revenue Code of 1986, as amended.

16 (f) Upon receipt of a member's irrevocable election to  
17 receive an accelerated pension benefit payment under this  
18 Section, the System shall submit a voucher to the Comptroller  
19 for payment of the member's accelerated pension benefit  
20 payment. The Comptroller shall transfer the amount of the  
21 voucher from the State Pension Obligation Acceleration Bond  
22 Fund to the System, and the System shall transfer the amount  
23 into the member's eligible retirement plan or qualified  
24 account.

25 (g) The Board shall adopt any rules, including emergency  
26 rules, necessary to implement this Section.

1       (h) No provision of this Section shall be interpreted in a  
2 way that would cause the applicable System to cease to be a  
3 qualified plan under the Internal Revenue Code of 1986.

4           (40 ILCS 5/14-147.6 new)

5       Sec. 14-147.6. Accelerated pension benefit payment for a  
6 reduction in annual retirement annuity and survivor's annuity  
7 increases.

8       (a) As used in this Section:

9       "Accelerated pension benefit payment" means a lump sum  
10 payment equal to 70% of the difference of the present value of  
11 the automatic annual increases to a Tier 1 member's retirement  
12 annuity and survivor's annuity using the formula applicable to  
13 the Tier 1 member and the present value of the automatic annual  
14 increases to the Tier 1 member's retirement annuity using the  
15 formula provided under subsection (b-5) and survivor's annuity  
16 using the formula provided under subsection (b-6).

17       "Eligible person" means a person who:

18           (1) is a Tier 1 member;

19           (2) has submitted an application for a retirement  
20 annuity under this Article;

21           (3) meets the age and service requirements for  
22 receiving a retirement annuity under this Article;

23           (4) has not received any retirement annuity under this  
24 Article; and

25           (5) has not made the election under Section 14-147.5.

1       (b) As soon as practical after the effective date of this  
2 amendatory Act of the 100th General Assembly and until June 30,  
3 2021, the System shall implement an accelerated pension benefit  
4 payment option for eligible persons. Upon the request of an  
5 eligible person, the System shall calculate, using actuarial  
6 tables and other assumptions adopted by the Board, an  
7 accelerated pension benefit payment amount and shall offer that  
8 eligible person the opportunity to irrevocably elect to have  
9 his or her automatic annual increases in retirement annuity  
10 calculated in accordance with the formula provided under  
11 subsection (b-5) and any increases in survivor's annuity  
12 payable to his or her survivor's annuity beneficiary calculated  
13 in accordance with the formula provided under subsection (b-6)  
14 in exchange for the accelerated pension benefit payment. The  
15 election under this subsection must be made before the eligible  
16 person receives the first payment of a retirement annuity  
17 otherwise payable under this Article.

18       (b-5) Notwithstanding any other provision of law, the  
19 retirement annuity of a person who made the election under  
20 subsection (b) shall be subject to annual increases on the  
21 January 1 occurring either on or after the attainment of age 67  
22 or the first anniversary of the annuity start date, whichever  
23 is later. Each annual increase shall be calculated at 1.5% of  
24 the originally granted retirement annuity.

25       (b-6) Notwithstanding any other provision of law, a  
26 survivor's annuity payable to a survivor's annuity beneficiary



1 of a person who made the election under subsection (b) shall be  
2 subject to annual increases on the January 1 occurring on or  
3 after the first anniversary of the commencement of the annuity.  
4 Each annual increase shall be calculated at 1.5% of the  
5 originally granted survivor's annuity.

6 (c) If a person who has received an accelerated pension  
7 benefit payment returns to active service under this Article,  
8 then:

9 (1) the calculation of any future automatic annual  
10 increase in retirement annuity shall be calculated in  
11 accordance with the formula provided under subsection  
12 (b-5); and

13 (2) 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 transferred into a tax qualified retirement plan or account.  
18 The accelerated pension benefit payment under this Section may  
19 be subject to withholding or payment of applicable taxes, but  
20 to the extent permitted by federal law, a person who receives  
21 an accelerated pension benefit payment under this Section must  
22 direct the System to pay all of that payment as a rollover into  
23 another retirement plan or account qualified under the Internal  
24 Revenue Code of 1986, as amended.

25 (d-5) Upon receipt of a member's irrevocable election to  
26 receive an accelerated pension benefit payment under this

1 Section, the System shall submit a voucher to the Comptroller  
2 for payment of the member's accelerated pension benefit  
3 payment. The Comptroller shall transfer the amount of the  
4 voucher to the System, and the System shall transfer the amount  
5 into a member's eligible retirement plan or qualified account.

6 (e) The Board shall adopt any rules, including emergency  
7 rules, necessary to implement this Section.

8 (f) No provision of this Section shall be interpreted in a  
9 way that would cause the applicable System to cease to be a  
10 qualified plan under the Internal Revenue Code of 1986.

11 (40 ILCS 5/14-152.1)

12 Sec. 14-152.1. Application and expiration of new benefit  
13 increases.

14 (a) As used in this Section, "new benefit increase" means  
15 an increase in the amount of any benefit provided under this  
16 Article, or an expansion of the conditions of eligibility for  
17 any benefit under this Article, that results from an amendment  
18 to this Code that takes effect after June 1, 2005 (the  
19 effective date of Public Act 94-4). "New benefit increase",  
20 however, does not include any benefit increase resulting from  
21 the changes made to Article 1 or this Article by Public Act  
22 96-37, Public Act 100-23, or this amendatory Act of the 100th  
23 General Assembly ~~or by this amendatory Act of the 100th General~~  
24 ~~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 5/15-155) (from Ch. 108 1/2, par. 15-155)

17 Sec. 15-155. Employer contributions.

18 (a) The State of Illinois shall make contributions by  
19 appropriations of amounts which, together with the other  
20 employer contributions from trust, federal, and other funds,  
21 employee contributions, income from investments, and other  
22 income of this System, will be sufficient to meet the cost of  
23 maintaining and administering the System on a 90% funded basis  
24 in accordance with actuarial recommendations.

25 The Board shall determine the amount of State contributions

1 required for each fiscal year on the basis of the actuarial  
2 tables and other assumptions adopted by the Board and the  
3 recommendations of the actuary, using the formula in subsection  
4 (a-1).

5 (a-1) For State fiscal years 2012 through 2045, the minimum  
6 contribution to the System to be made by the State for each  
7 fiscal year shall be an amount determined by the System to be  
8 sufficient to bring the total assets of the System up to 90% of  
9 the total actuarial liabilities of the System by the end of  
10 State fiscal year 2045. In making these determinations, the  
11 required State contribution shall be calculated each year as a  
12 level percentage of payroll over the years remaining to and  
13 including fiscal year 2045 and shall be determined under the  
14 projected unit credit actuarial cost method.

15 For each of State fiscal years 2018, 2019, and 2020, the  
16 State shall make an additional contribution to the System equal  
17 to 2% of the total payroll of each employee who is deemed to  
18 have elected the benefits under Section 1-161 or who has made  
19 the election under subsection (c) of Section 1-161.

20 A change in an actuarial or investment assumption that  
21 increases or decreases the required State contribution and  
22 first applies in State fiscal year 2018 or thereafter shall be  
23 implemented in equal annual amounts over a 5-year period  
24 beginning in the State fiscal year in which the actuarial  
25 change first applies to the required State contribution.

26 A change in an actuarial or investment assumption that

1 increases or decreases the required State contribution and  
2 first applied to the State contribution in fiscal year 2014,  
3 2015, 2016, or 2017 shall be implemented:

4 (i) as already applied in State fiscal years before  
5 2018; and

6 (ii) in the portion of the 5-year period beginning in  
7 the State fiscal year in which the actuarial change first  
8 applied that occurs in State fiscal year 2018 or  
9 thereafter, by calculating the change in equal annual  
10 amounts over that 5-year period and then implementing it at  
11 the resulting annual rate in each of the remaining fiscal  
12 years in that 5-year period.

13 For State fiscal years 1996 through 2005, the State  
14 contribution to the System, as a percentage of the applicable  
15 employee payroll, shall be increased in equal annual increments  
16 so that by State fiscal year 2011, the State is contributing at  
17 the rate required under this Section.

18 Notwithstanding any other provision of this Article, the  
19 total required State contribution for State fiscal year 2006 is  
20 \$166,641,900.

21 Notwithstanding any other provision of this Article, the  
22 total required State contribution for State fiscal year 2007 is  
23 \$252,064,100.

24 For each of State fiscal years 2008 through 2009, the State  
25 contribution to the System, as a percentage of the applicable  
26 employee payroll, shall be increased in equal annual increments

1 from the required State contribution for State fiscal year  
2 2007, so that by State fiscal year 2011, the State is  
3 contributing at the rate otherwise required under this Section.

4 Notwithstanding any other provision of this Article, the  
5 total required State contribution for State fiscal year 2010 is  
6 \$702,514,000 and shall be made from the State Pensions Fund and  
7 proceeds of bonds sold in fiscal year 2010 pursuant to Section  
8 7.2 of the General Obligation Bond Act, less (i) the pro rata  
9 share of bond sale expenses determined by the System's share of  
10 total bond proceeds, (ii) any amounts received from the General  
11 Revenue Fund in fiscal year 2010, (iii) any reduction in bond  
12 proceeds due to the issuance of discounted bonds, if  
13 applicable.

14 Notwithstanding any other provision of this Article, the  
15 total required State contribution for State fiscal year 2011 is  
16 the amount recertified by the System on or before April 1, 2011  
17 pursuant to Section 15-165 and shall be made from the State  
18 Pensions Fund and proceeds of bonds sold in fiscal year 2011  
19 pursuant to Section 7.2 of the General Obligation Bond Act,  
20 less (i) the pro rata share of bond sale expenses determined by  
21 the System's share of total bond proceeds, (ii) any amounts  
22 received from the General Revenue Fund in fiscal year 2011, and  
23 (iii) any reduction in bond proceeds due to the issuance of  
24 discounted bonds, if applicable.

25 Beginning in State fiscal year 2046, the minimum State  
26 contribution for each fiscal year shall be the amount needed to

1 maintain the total assets of the System at 90% of the total  
2 actuarial liabilities of the System.

3       Amounts received by the System pursuant to Section 25 of  
4 the Budget Stabilization Act or Section 8.12 of the State  
5 Finance Act in any fiscal year do not reduce and do not  
6 constitute payment of any portion of the minimum State  
7 contribution required under this Article in that fiscal year.  
8 Such amounts shall not reduce, and shall not be included in the  
9 calculation of, the required State contributions under this  
10 Article in any future year until the System has reached a  
11 funding ratio of at least 90%. A reference in this Article to  
12 the "required State contribution" or any substantially similar  
13 term does not include or apply to any amounts payable to the  
14 System under Section 25 of the Budget Stabilization Act.

15       Notwithstanding any other provision of this Section, the  
16 required State contribution for State fiscal year 2005 and for  
17 fiscal year 2008 and each fiscal year thereafter, as calculated  
18 under this Section and certified under Section 15-165, shall  
19 not exceed an amount equal to (i) the amount of the required  
20 State contribution that would have been calculated under this  
21 Section for that fiscal year if the System had not received any  
22 payments under subsection (d) of Section 7.2 of the General  
23 Obligation Bond Act, minus (ii) the portion of the State's  
24 total debt service payments for that fiscal year on the bonds  
25 issued in fiscal year 2003 for the purposes of that Section  
26 7.2, as determined and certified by the Comptroller, that is



1 the same as the System's portion of the total moneys  
2 distributed under subsection (d) of Section 7.2 of the General  
3 Obligation Bond Act. In determining this maximum for State  
4 fiscal years 2008 through 2010, however, the amount referred to  
5 in item (i) shall be increased, as a percentage of the  
6 applicable employee payroll, in equal increments calculated  
7 from the sum of the required State contribution for State  
8 fiscal year 2007 plus the applicable portion of the State's  
9 total debt service payments for fiscal year 2007 on the bonds  
10 issued in fiscal year 2003 for the purposes of Section 7.2 of  
11 the General Obligation Bond Act, so that, by State fiscal year  
12 2011, the State is contributing at the rate otherwise required  
13 under this Section.

14 (a-2) Beginning in fiscal year 2018, each employer under  
15 this Article shall pay to the System a required contribution  
16 determined as a percentage of projected payroll and sufficient  
17 to produce an annual amount equal to:

18 (i) for each of fiscal years 2018, 2019, and 2020, the  
19 defined benefit normal cost of the defined benefit plan,  
20 less the employee contribution, for each employee of that  
21 employer who has elected or who is deemed to have elected  
22 the benefits under Section 1-161 or who has made the  
23 election under subsection (c) of Section 1-161; for fiscal  
24 year 2021 and each fiscal year thereafter, the defined  
25 benefit normal cost of the defined benefit plan, less the  
26 employee contribution, plus 2%, for each employee of that

1 employer who has elected or who is deemed to have elected  
2 the benefits under Section 1-161 or who has made the  
3 election under subsection (c) of Section 1-161; plus

4 (ii) the amount required for that fiscal year to  
5 amortize any unfunded actuarial accrued liability  
6 associated with the present value of liabilities  
7 attributable to the employer's account under Section  
8 15-155.2, determined as a level percentage of payroll over  
9 a 30-year rolling amortization period.

10 In determining contributions required under item (i) of  
11 this subsection, the System shall determine an aggregate rate  
12 for all employers, expressed as a percentage of projected  
13 payroll.

14 In determining the contributions required under item (ii)  
15 of this subsection, the amount shall be computed by the System  
16 on the basis of the actuarial assumptions and tables used in  
17 the most recent actuarial valuation of the System that is  
18 available at the time of the computation.

19 The contributions required under this subsection (a-2)  
20 shall be paid by an employer concurrently with that employer's  
21 payroll payment period. The State, as the actual employer of an  
22 employee, shall make the required contributions under this  
23 subsection.

24 As used in this subsection, "academic year" means the  
25 12-month period beginning September 1.

26 (b) If an employee is paid from trust or federal funds, the

1 employer shall pay to the Board contributions from those funds  
2 which are sufficient to cover the accruing normal costs on  
3 behalf of the employee. However, universities having employees  
4 who are compensated out of local auxiliary funds, income funds,  
5 or service enterprise funds are not required to pay such  
6 contributions on behalf of those employees. The local auxiliary  
7 funds, income funds, and service enterprise funds of  
8 universities shall not be considered trust funds for the  
9 purpose of this Article, but funds of alumni associations,  
10 foundations, and athletic associations which are affiliated  
11 with the universities included as employers under this Article  
12 and other employers which do not receive State appropriations  
13 are considered to be trust funds for the purpose of this  
14 Article.

15 (b-1) The City of Urbana and the City of Champaign shall  
16 each make employer contributions to this System for their  
17 respective firefighter employees who participate in this  
18 System pursuant to subsection (h) of Section 15-107. The rate  
19 of contributions to be made by those municipalities shall be  
20 determined annually by the Board on the basis of the actuarial  
21 assumptions adopted by the Board and the recommendations of the  
22 actuary, and shall be expressed as a percentage of salary for  
23 each such employee. The Board shall certify the rate to the  
24 affected municipalities as soon as may be practical. The  
25 employer contributions required under this subsection shall be  
26 remitted by the municipality to the System at the same time and

1 in the same manner as employee contributions.

2 (c) Through State fiscal year 1995: The total employer  
3 contribution shall be apportioned among the various funds of  
4 the State and other employers, whether trust, federal, or other  
5 funds, in accordance with actuarial procedures approved by the  
6 Board. State of Illinois contributions for employers receiving  
7 State appropriations for personal services shall be payable  
8 from appropriations made to the employers or to the System. The  
9 contributions for Class I community colleges covering earnings  
10 other than those paid from trust and federal funds, shall be  
11 payable solely from appropriations to the Illinois Community  
12 College Board or the System for employer contributions.

13 (d) Beginning in State fiscal year 1996, the required State  
14 contributions to the System shall be appropriated directly to  
15 the System and shall be payable through vouchers issued in  
16 accordance with subsection (c) of Section 15-165, except as  
17 provided in subsection (g).

18 (e) The State Comptroller shall draw warrants payable to  
19 the System upon proper certification by the System or by the  
20 employer in accordance with the appropriation laws and this  
21 Code.

22 (f) Normal costs under this Section means liability for  
23 pensions and other benefits which accrues to the System because  
24 of the credits earned for service rendered by the participants  
25 during the fiscal year and expenses of administering the  
26 System, but shall not include the principal of or any

1 redemption premium or interest on any bonds issued by the Board  
2 or any expenses incurred or deposits required in connection  
3 therewith.

4 (g) For academic years beginning on or after June 1, 2005  
5 and before July 1, 2018 and for earnings paid to a participant  
6 under a contract or collective bargaining agreement entered  
7 into, amended, or renewed before the effective date of this  
8 amendatory Act of the 100th General Assembly, if ~~if~~ the amount  
9 of a participant's earnings for any academic year used to  
10 determine the final rate of earnings, determined on a full-time  
11 equivalent basis, exceeds the amount of his or her earnings  
12 with the same employer for the previous academic year,  
13 determined on a full-time equivalent basis, by more than 6%,  
14 the participant's employer shall pay to the System, in addition  
15 to all other payments required under this Section and in  
16 accordance with guidelines established by the System, the  
17 present value of the increase in benefits resulting from the  
18 portion of the increase in earnings that is in excess of 6%.  
19 This present value shall be computed by the System on the basis  
20 of the actuarial assumptions and tables used in the most recent  
21 actuarial valuation of the System that is available at the time  
22 of the computation. The System may require the employer to  
23 provide any pertinent information or documentation.

24 Whenever it determines that a payment is or may be required  
25 under this subsection (g), 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 may, 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 the calculation is subject to subsection  
7 (h) or (i) of this Section or that subsection (g-1) applies,  
8 must include an affidavit setting forth and attesting to all  
9 facts within the employer's knowledge that are pertinent to the  
10 applicability of that subsection ~~subsection (h) or (i)~~. Upon  
11 receiving a timely application for recalculation, the System  
12 shall review the application and, if appropriate, recalculate  
13 the amount due.

14 The employer contributions required under this subsection  
15 (g) may be paid in the form of a lump sum within 90 days after  
16 receipt of the bill. If the employer contributions are not paid  
17 within 90 days after receipt of the bill, then interest will be  
18 charged at a rate equal to the System's annual actuarially  
19 assumed rate of return on investment compounded annually from  
20 the 91st day after receipt of the bill. Payments must be  
21 concluded within 3 years after the employer's receipt of the  
22 bill.

23 When assessing payment for any amount due under this  
24 subsection (g), the System shall include earnings, to the  
25 extent not established by a participant under Section 15-113.11  
26 or 15-113.12, that would have been paid to the participant had

1 the participant not taken (i) periods of voluntary or  
2 involuntary furlough occurring on or after July 1, 2015 and on  
3 or before June 30, 2017 or (ii) periods of voluntary pay  
4 reduction in lieu of furlough occurring on or after July 1,  
5 2015 and on or before June 30, 2017. Determining earnings that  
6 would have been paid to a participant had the participant not  
7 taken periods of voluntary or involuntary furlough or periods  
8 of voluntary pay reduction shall be the responsibility of the  
9 employer, and shall be reported in a manner prescribed by the  
10 System.

11 This subsection (g) does not apply to (1) Tier 2 hybrid  
12 plan members and (2) Tier 2 defined benefit members who first  
13 participate under this Article on or after the implementation  
14 date of the Optional Hybrid Plan.

15 (g-1) For academic years beginning on or after July 1, 2018  
16 and for earnings paid to a participant under a contract or  
17 collective bargaining agreement entered into, amended, or  
18 renewed on or after the effective date of this amendatory Act  
19 of the 100th General Assembly, if the amount of a participant's  
20 earnings for any academic year used to determine the final rate  
21 of earnings, determined on a full-time equivalent basis,  
22 exceeds the amount of his or her earnings with the same  
23 employer for the previous academic year, determined on a  
24 full-time equivalent basis, by more than 3%, then the  
25 participant's employer shall pay to the System, in addition to  
26 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 3%.  
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-1), 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 subsection (g) 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 subsection (g). 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 (g-1) 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 shall



1 be 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 This subsection (g-1) does not apply to (1) Tier 2 hybrid  
7 plan members and (2) Tier 2 defined benefit members who first  
8 participate under this Article on or after the implementation  
9 date of the Optional Hybrid Plan.

10 (h) This subsection (h) applies only to payments made or  
11 salary increases given on or after June 1, 2005 but before July  
12 1, 2011. The changes made by Public Act 94-1057 shall not  
13 require the System to refund any payments received before July  
14 31, 2006 (the effective date of Public Act 94-1057).

15 When assessing payment for any amount due under subsection  
16 (g), the System shall exclude earnings increases paid to  
17 participants under contracts or collective bargaining  
18 agreements entered into, amended, or renewed before June 1,  
19 2005.

20 When assessing payment for any amount due under subsection  
21 (g), the System shall exclude earnings increases paid to a  
22 participant at a time when the participant is 10 or more years  
23 from retirement eligibility under Section 15-135.

24 When assessing payment for any amount due under subsection  
25 (g), the System shall exclude earnings increases resulting from  
26 overload work, including a contract for summer teaching, or

1 overtime when the employer has certified to the System, and the  
2 System has approved the certification, that: (i) in the case of  
3 overloads (A) the overload work is for the sole purpose of  
4 academic instruction in excess of the standard number of  
5 instruction hours for a full-time employee occurring during the  
6 academic year that the overload is paid and (B) the earnings  
7 increases are equal to or less than the rate of pay for  
8 academic instruction computed using the participant's current  
9 salary rate and work schedule; and (ii) in the case of  
10 overtime, the overtime was necessary for the educational  
11 mission.

12 When assessing payment for any amount due under subsection  
13 (g), the System shall exclude any earnings increase resulting  
14 from (i) a promotion for which the employee moves from one  
15 classification to a higher classification under the State  
16 Universities Civil Service System, (ii) a promotion in academic  
17 rank for a tenured or tenure-track faculty position, or (iii) a  
18 promotion that the Illinois Community College Board has  
19 recommended in accordance with subsection (k) of this Section.  
20 These earnings increases shall be excluded only if the  
21 promotion is to a position that has existed and been filled by  
22 a member for no less than one complete academic year and the  
23 earnings increase as a result of the promotion is an increase  
24 that results in an amount no greater than the average salary  
25 paid for other similar positions.

26 (i) When assessing payment for any amount due under

1 subsection (g), the System shall exclude any salary increase  
2 described in subsection (h) of this Section given on or after  
3 July 1, 2011 but before July 1, 2014 under a contract or  
4 collective bargaining agreement entered into, amended, or  
5 renewed on or after June 1, 2005 but before July 1, 2011.  
6 Notwithstanding any other provision of this Section, any  
7 payments made or salary increases given after June 30, 2014  
8 shall be used in assessing payment for any amount due under  
9 subsection (g) of this Section.

10 (j) The System shall prepare a report and file copies of  
11 the report with the Governor and the General Assembly by  
12 January 1, 2007 that contains all of the following information:

13 (1) The number of recalculations required by the  
14 changes made to this Section by Public Act 94-1057 for each  
15 employer.

16 (2) The dollar amount by which each employer's  
17 contribution to the System was changed due to  
18 recalculations required by Public Act 94-1057.

19 (3) The total amount the System received from each  
20 employer as a result of the changes made to this Section by  
21 Public Act 94-4.

22 (4) The increase in the required State contribution  
23 resulting from the changes made to this Section by Public  
24 Act 94-1057.

25 (j-5) For academic years beginning on or after July 1,  
26 2017, if the amount of a participant's earnings for any school

1 year, determined on a full-time equivalent basis, exceeds the  
2 amount of the salary set for the Governor, the participant's  
3 employer shall pay to the System, in addition to all other  
4 payments required under this Section and in accordance with  
5 guidelines established by the System, an amount determined by  
6 the System to be equal to the employer normal cost, as  
7 established by the System and expressed as a total percentage  
8 of payroll, multiplied by the amount of earnings in excess of  
9 the amount of the salary set for the Governor. This amount  
10 shall be computed by the System on the basis of the actuarial  
11 assumptions and tables used in the most recent actuarial  
12 valuation of the System that is available at the time of the  
13 computation. The System may require the employer to provide any  
14 pertinent information or documentation.

15 Whenever it determines that a payment is or may be required  
16 under this subsection, the System shall calculate the amount of  
17 the payment and bill the employer for that amount. The bill  
18 shall specify the calculations used to determine the amount  
19 due. If the employer disputes the amount of the bill, it may,  
20 within 30 days after receipt of the bill, apply to the System  
21 in writing for a recalculation. The application must specify in  
22 detail the grounds of the dispute. Upon receiving a timely  
23 application for recalculation, the System shall review the  
24 application and, if appropriate, recalculate the amount due.

25 The employer contributions required under this subsection  
26 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 (k) The Illinois Community College Board shall adopt rules  
9 for recommending lists of promotional positions submitted to  
10 the Board by community colleges and for reviewing the  
11 promotional lists on an annual basis. When recommending  
12 promotional lists, the Board shall consider the similarity of  
13 the positions submitted to those positions recognized for State  
14 universities by the State Universities Civil Service System.  
15 The Illinois Community College Board shall file a copy of its  
16 findings with the System. The System shall consider the  
17 findings of the Illinois Community College Board when making  
18 determinations under this Section. The System shall not exclude  
19 any earnings increases resulting from a promotion when the  
20 promotion was not submitted by a community college. Nothing in  
21 this subsection (k) shall require any community college to  
22 submit any information to the Community College Board.

23 (l) For purposes of determining the required State  
24 contribution to the System, the value of the System's assets  
25 shall be equal to the actuarial value of the System's assets,  
26 which shall be calculated as follows:

1           As of June 30, 2008, the actuarial value of the System's  
2 assets shall be equal to the market value of the assets as of  
3 that date. In determining the actuarial value of the System's  
4 assets for fiscal years after June 30, 2008, any actuarial  
5 gains or losses from investment return incurred in a fiscal  
6 year shall be recognized in equal annual amounts over the  
7 5-year period following that fiscal year.

8           (m) For purposes of determining the required State  
9 contribution to the system for a particular year, the actuarial  
10 value of assets shall be assumed to earn a rate of return equal  
11 to the system's actuarially assumed rate of return.

12           (Source: P.A. 99-897, eff. 1-1-17; 100-23, eff. 7-6-17.)

13           (40 ILCS 5/15-165) (from Ch. 108 1/2, par. 15-165)

14           Sec. 15-165. To certify amounts and submit vouchers.

15           (a) The Board shall certify to the Governor on or before  
16 November 15 of each year until November 15, 2011 the  
17 appropriation required from State funds for the purposes of  
18 this System for the following fiscal year. The certification  
19 under this subsection (a) shall include a copy of the actuarial  
20 recommendations upon which it is based and shall specifically  
21 identify the System's projected State normal cost for that  
22 fiscal year and the projected State cost for the self-managed  
23 plan for that fiscal year.

24           On or before May 1, 2004, the Board shall recalculate and  
25 recertify to the Governor the amount of the required State

1 contribution to the System for State fiscal year 2005, taking  
2 into account the amounts appropriated to and received by the  
3 System under subsection (d) of Section 7.2 of the General  
4 Obligation Bond Act.

5 On or before July 1, 2005, the Board shall recalculate and  
6 recertify to the Governor the amount of the required State  
7 contribution to the System for State fiscal year 2006, taking  
8 into account the changes in required State contributions made  
9 by this amendatory Act of the 94th General Assembly.

10 On or before April 1, 2011, 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 2011, applying  
13 the changes made by Public Act 96-889 to the System's assets  
14 and liabilities as of June 30, 2009 as though Public Act 96-889  
15 was approved on that date.

16 (a-5) On or before November 1 of each year, beginning  
17 November 1, 2012, the Board shall submit to the State Actuary,  
18 the Governor, and the General Assembly a proposed certification  
19 of the amount of the required State contribution to the System  
20 for the next fiscal year, along with all of the actuarial  
21 assumptions, calculations, and data upon which that proposed  
22 certification is based. On or before January 1 of each year,  
23 beginning January 1, 2013, the State Actuary shall issue a  
24 preliminary report concerning the proposed certification and  
25 identifying, if necessary, recommended changes in actuarial  
26 assumptions that the Board must consider before finalizing its

1 certification of the required State contributions. On or before  
2 January 15, 2013 and each January 15 thereafter, the Board  
3 shall certify to the Governor and the General Assembly the  
4 amount of the required State contribution for the next fiscal  
5 year. The Board's certification must note, in a written  
6 response to the State Actuary, any deviations from the State  
7 Actuary's recommended changes, the reason or reasons for not  
8 following the State Actuary's recommended changes, and the  
9 fiscal impact of not following the State Actuary's recommended  
10 changes on the required State contribution.

11 (a-10) By November 1, 2017, the Board shall recalculate and  
12 recertify to the State Actuary, the Governor, and the General  
13 Assembly the amount of the State contribution to the System for  
14 State fiscal year 2018, taking into account the changes in  
15 required State contributions made by this amendatory Act of the  
16 100th General Assembly. The State Actuary shall review the  
17 assumptions and valuations underlying the Board's revised  
18 certification and issue a preliminary report concerning the  
19 proposed recertification and identifying, if necessary,  
20 recommended changes in actuarial assumptions that the Board  
21 must consider before finalizing its certification of the  
22 required State contributions. The Board's final certification  
23 must note any deviations from the State Actuary's recommended  
24 changes, the reason or reasons for not following the State  
25 Actuary's recommended changes, and the fiscal impact of not  
26 following the State Actuary's recommended changes on the



1 required State contribution.

2 (a-15) On or after June 15, 2019, but no later than June  
3 30, 2019, the Board shall recalculate and recertify to the  
4 Governor and the General Assembly the amount of the State  
5 contribution to the System for State fiscal year 2019, taking  
6 into account the changes in required State contributions made  
7 by this amendatory Act of the 100th General Assembly. The  
8 recalculation shall be made using assumptions adopted by the  
9 Board for the original fiscal year 2019 certification. The  
10 monthly voucher for the 12th month of fiscal year 2019 shall be  
11 paid by the Comptroller after the recertification required  
12 pursuant to this subsection is submitted to the Governor,  
13 Comptroller, and General Assembly. The recertification  
14 submitted to the General Assembly shall be filed with the Clerk  
15 of the House of Representatives and the Secretary of the Senate  
16 in electronic form only, in the manner that the Clerk and the  
17 Secretary shall direct.

18 (b) The Board shall certify to the State Comptroller or  
19 employer, as the case may be, from time to time, by its  
20 chairperson and secretary, with its seal attached, the amounts  
21 payable to the System from the various funds.

22 (c) Beginning in State fiscal year 1996, on or as soon as  
23 possible after the 15th day of each month the Board shall  
24 submit vouchers for payment of State contributions to the  
25 System, in a total monthly amount of one-twelfth of the  
26 required annual State contribution certified under subsection

1 (a). From the effective date of this amendatory Act of the 93rd  
2 General Assembly through June 30, 2004, the Board shall not  
3 submit vouchers for the remainder of fiscal year 2004 in excess  
4 of the fiscal year 2004 certified contribution amount  
5 determined under this Section after taking into consideration  
6 the transfer to the System under subsection (b) of Section  
7 6z-61 of the State Finance Act. These vouchers shall be paid by  
8 the State Comptroller and Treasurer by warrants drawn on the  
9 funds appropriated to the System for that fiscal year.

10 If in any month the amount remaining unexpended from all  
11 other appropriations to the System for the applicable fiscal  
12 year (including the appropriations to the System under Section  
13 8.12 of the State Finance Act and Section 1 of the State  
14 Pension Funds Continuing Appropriation Act) is less than the  
15 amount lawfully vouchered under this Section, the difference  
16 shall be paid from the General Revenue Fund under the  
17 continuing appropriation authority provided in Section 1.1 of  
18 the State Pension Funds Continuing Appropriation Act.

19 (d) So long as the payments received are the full amount  
20 lawfully vouchered under this Section, payments received by the  
21 System under this Section shall be applied first toward the  
22 employer contribution to the self-managed plan established  
23 under Section 15-158.2. Payments shall be applied second toward  
24 the employer's portion of the normal costs of the System, as  
25 defined in subsection (f) of Section 15-155. The balance shall  
26 be applied toward the unfunded actuarial liabilities of the

1 System.

2 (e) In the event that the System does not receive, as a  
3 result of legislative enactment or otherwise, payments  
4 sufficient to fully fund the employer contribution to the  
5 self-managed plan established under Section 15-158.2 and to  
6 fully fund that portion of the employer's portion of the normal  
7 costs of the System, as calculated in accordance with Section  
8 15-155(a-1), then any payments received shall be applied  
9 proportionately to the optional retirement program established  
10 under Section 15-158.2 and to the employer's portion of the  
11 normal costs of the System, as calculated in accordance with  
12 Section 15-155(a-1).

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

14 (40 ILCS 5/15-185.5 new)

15 Sec. 15-185.5. Accelerated pension benefit payment in lieu  
16 of any pension benefit.

17 (a) As used in this Section:

18 "Eligible person" means a person who:

19 (1) has terminated service;

20 (2) has accrued sufficient service credit to be  
21 eligible to receive a retirement annuity under this  
22 Article;

23 (3) has not received any retirement annuity under this  
24 Article;

25 (4) has not made the election under Section 15-185.6;

1           and

2                   (5) is not a participant in the self-managed plan under  
3           Section 15-158.2.

4           "Implementation date" means the earliest date upon which  
5           the Board authorizes eligible persons to begin irrevocably  
6           electing the accelerated pension benefit payment option under  
7           this Section. The Board shall endeavor to make such  
8           participation available as soon as possible after the effective  
9           date of this amendatory Act of the 100th General Assembly and  
10           shall establish an implementation date by Board resolution.

11           "Pension benefit" means the benefits under this Article, or  
12           Article 1 as it relates to those benefits, including any  
13           anticipated annual increases, that an eligible person is  
14           entitled to upon attainment of the applicable retirement age.  
15           "Pension benefit" also includes applicable survivors benefits,  
16           disability benefits, or disability retirement annuity  
17           benefits.

18           (b) Beginning on the implementation date, the System shall  
19           offer each eligible person the opportunity to irrevocably elect  
20           to receive an amount determined by the System to be equal to  
21           60% of the present value of his or her pension benefits in lieu  
22           of receiving any pension benefit. The System shall calculate,  
23           using actuarial tables and other assumptions adopted by the  
24           Board, the present value of pension benefits for each eligible  
25           person upon his or her request in writing to the System. The  
26           System shall not perform more than one calculation per eligible

1 member in a State fiscal year. The offer shall specify the  
2 dollar amount that the eligible person will receive if he or  
3 she so elects and shall expire when a subsequent offer is made  
4 to an eligible person. The System shall make a good faith  
5 effort to contact every eligible person to notify him or her of  
6 the election.

7 Beginning on the implementation date and until June 30,  
8 2021, an eligible person may irrevocably elect to receive an  
9 accelerated pension benefit payment in the amount that the  
10 System offers under this subsection in lieu of receiving any  
11 pension benefit. A person who elects to receive an accelerated  
12 pension benefit payment under this Section may not elect to  
13 proceed under the Retirement Systems Reciprocal Act with  
14 respect to service under this Article.

15 (c) Upon payment of an accelerated pension benefit payment  
16 under this Section, the person forfeits all accrued rights and  
17 credits in the System and no other benefit shall be paid under  
18 this Article based on those forfeited rights and credits,  
19 including any retirement, survivor, or other benefit; except  
20 that to the extent that participation, benefits, or premiums  
21 under the State Employees Group Insurance Act of 1971 are based  
22 on the amount of service credit, the terminated service credit  
23 shall be used for that purpose.

24 (d) If a person who has received an accelerated pension  
25 benefit payment under this Section returns to participation  
26 under this Article, any benefits under the System earned as a

1 result of that return to participation shall be based solely on  
2 the person's credits and creditable service arising from the  
3 return to participation. Upon return to participation, the  
4 person shall be considered a new employee subject to all the  
5 qualifying conditions for participation and eligibility for  
6 benefits applicable to new employees.

7 (d-5) The accelerated pension benefit payment may not be  
8 repaid to the System, and the forfeited rights and credits may  
9 not under any circumstances be reinstated.

10 (e) As a condition of receiving an accelerated pension  
11 benefit payment, the accelerated pension benefit payment must  
12 be deposited into a tax qualified retirement plan or account  
13 identified by the eligible person at the time of the election.  
14 The accelerated pension benefit payment under this Section may  
15 be subject to withholding or payment of applicable taxes, but  
16 to the extent permitted by federal law, a person who receives  
17 an accelerated pension benefit payment under this Section must  
18 direct the System to pay all of that payment as a rollover into  
19 another retirement plan or account qualified under the Internal  
20 Revenue Code of 1986, as amended.

21 (f) The System shall submit vouchers to the State  
22 Comptroller for the payment of accelerated pension benefit  
23 payments under this Section. The State Comptroller shall pay  
24 the amounts of the vouchers from the State Pension Obligation  
25 Acceleration Bond Fund to the System, and the System shall  
26 deposit the amounts into the applicable tax qualified plans or

1 accounts.

2 (g) The Board shall adopt any rules, including emergency  
3 rules, necessary to implement this Section.

4 (h) No provision of this Section shall be interpreted in a  
5 way that would cause the System to cease to be a qualified plan  
6 under the Internal Revenue Code of 1986.

7 (40 ILCS 5/15-185.6 new)

8 Sec. 15-185.6. Accelerated pension benefit payment for a  
9 reduction in an annual increase to a retirement annuity and an  
10 annuity benefit payable as a result of death.

11 (a) As used in this Section:

12 "Accelerated pension benefit payment" means a lump sum  
13 payment equal to 70% of the difference of: (i) the present  
14 value of the automatic annual increases to a Tier 1 member's  
15 retirement annuity, including any increases to any annuity  
16 benefit payable as a result of his or her death, using the  
17 formula applicable to the Tier 1 member; and (ii) the present  
18 value of the automatic annual increases to the Tier 1 member's  
19 retirement annuity, including any increases to any annuity  
20 benefit payable as a result of his or her death, using the  
21 formula provided under subsection (b-5).

22 "Eligible person" means a person who:

23 (1) is a Tier 1 member;

24 (2) has submitted an application for a retirement  
25 annuity under this Article;

1           (3) meets the age and service requirements for  
2           receiving a retirement annuity under this Article;

3           (4) has not received any retirement annuity under this  
4           Article;

5           (5) has not made the election under Section 15-185.5;  
6           and

7           (6) is not a participant in the self-managed plan under  
8           Section 15-158.2.

9           "Implementation date" means the earliest date upon which  
10          the Board authorizes eligible persons to begin irrevocably  
11          electing the accelerated pension benefit payment option under  
12          this Section. The Board shall endeavor to make such  
13          participation available as soon as possible after the effective  
14          date of this amendatory Act of the 100th General Assembly and  
15          shall establish an implementation date by Board resolution.

16          (b) Beginning on the implementation date and until June 30,  
17          2021, the System shall implement an accelerated pension benefit  
18          payment option for eligible persons. The System shall  
19          calculate, using actuarial tables and other assumptions  
20          adopted by the Board, an accelerated pension benefit payment  
21          amount for an eligible person upon his or her request in  
22          writing to the System and shall offer that eligible person the  
23          opportunity to irrevocably elect to have his or her automatic  
24          annual increases in retirement annuity and any annuity benefit  
25          payable as a result of his or her death calculated in  
26          accordance with the formula provided in subsection (b-5) in



1 exchange for the accelerated pension benefit payment. The  
2 System shall not perform more than one calculation under this  
3 Section per eligible person in a State fiscal year. The  
4 election under this subsection must be made before any  
5 retirement annuity is paid to the eligible person, and the  
6 eligible survivor, spouse, or contingent annuitant, as  
7 applicable, must consent to the election under this subsection.

8 (b-5) Notwithstanding any other provision of law, the  
9 retirement annuity of a person who made the election under  
10 subsection (b) shall be increased annually beginning on the  
11 January 1 occurring either on or after the attainment of age 67  
12 or the first anniversary of the annuity start date, whichever  
13 is later, and any annuity benefit payable as a result of his or  
14 her death shall be increased annually beginning on: (1) the  
15 January 1 occurring on or after the commencement of the annuity  
16 if the deceased Tier 1 member died while receiving a retirement  
17 annuity; or (2) the January 1 occurring after the first  
18 anniversary of the commencement of the benefit. Each annual  
19 increase shall be calculated at 1.5% of the originally granted  
20 retirement annuity or annuity benefit payable as a result of  
21 the Tier 1 member's death.

22 (c) If an annuitant who has received an accelerated pension  
23 benefit payment returns to participation under this Article,  
24 the calculation of any future automatic annual increase in  
25 retirement annuity under subsection (c) of Section 15-139 shall  
26 be calculated in accordance with the formula provided in

1 subsection (b-5).

2 (c-5) The accelerated pension benefit payment may not be  
3 repaid to the System.

4 (d) As a condition of receiving an accelerated pension  
5 benefit payment, the accelerated pension benefit payment must  
6 be deposited into a tax qualified retirement plan or account  
7 identified by the eligible person at the time of election. The  
8 accelerated pension benefit payment under this Section may be  
9 subject to withholding or payment of applicable taxes, but to  
10 the extent permitted by federal law, a person who receives an  
11 accelerated pension benefit payment under this Section must  
12 direct the System to pay all of that payment as a rollover into  
13 another retirement plan or account qualified under the Internal  
14 Revenue Code of 1986, as amended.

15 (d-5) The System shall submit vouchers to the State  
16 Comptroller for the payment of accelerated pension benefit  
17 payments under this Section. The State Comptroller shall pay  
18 the amounts of the vouchers from the State Pension Obligation  
19 Acceleration Bond Fund to the System, and the System shall  
20 deposit the amounts into the applicable tax qualified plans or  
21 accounts.

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 System to cease to be a qualified plan  
26 under the Internal Revenue Code of 1986.

1 (40 ILCS 5/15-198)

2 Sec. 15-198. 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 the effective date of this  
9 amendatory Act of the 94th General Assembly. "New benefit  
10 increase", however, does not include any benefit increase  
11 resulting from the changes made to Article 1 or this Article by  
12 Public Act 100-23 or this amendatory Act of the 100th General  
13 Assembly ~~this amendatory Act of the 100th General Assembly.~~

14 (b) Notwithstanding any other provision of this Code or any  
15 subsequent amendment to this Code, every new benefit increase  
16 is subject to this Section and shall be deemed to be granted  
17 only in conformance with and contingent upon compliance with  
18 the provisions of this Section.

19 (c) The Public Act enacting a new benefit increase must  
20 identify and provide for payment to the System of additional  
21 funding at least sufficient to fund the resulting annual  
22 increase in cost to the System as it accrues.

23 Every new benefit increase is contingent upon the General  
24 Assembly providing the additional funding required under this  
25 subsection. The Commission on Government Forecasting and

1 Accountability shall analyze whether adequate additional  
2 funding has been provided for the new benefit increase and  
3 shall report its analysis to the Public Pension Division of the  
4 Department of Insurance. A new benefit increase created by a  
5 Public Act that does not include the additional funding  
6 required under this subsection is null and void. If the Public  
7 Pension Division determines that the additional funding  
8 provided for a new benefit increase under this subsection is or  
9 has become inadequate, it may so certify to the Governor and  
10 the State Comptroller and, in the absence of corrective action  
11 by the General Assembly, the new benefit increase shall expire  
12 at the end of the fiscal year in which the certification is  
13 made.

14 (d) Every new benefit increase shall expire 5 years after  
15 its effective date or on such earlier date as may be specified  
16 in the language enacting the new benefit increase or provided  
17 under subsection (c). This does not prevent the General  
18 Assembly from extending or re-creating a new benefit increase  
19 by law.

20 (e) Except as otherwise provided in the language creating  
21 the new benefit increase, a new benefit increase that expires  
22 under this Section continues to apply to persons who applied  
23 and qualified for the affected benefit while the new benefit  
24 increase was in effect and to the affected beneficiaries and  
25 alternate payees of such persons, but does not apply to any  
26 other person, including without limitation a person who

1 continues in service after the expiration date and did not  
2 apply and qualify for the affected benefit while the new  
3 benefit increase was in effect.

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

5 (40 ILCS 5/16-106.41 new)

6 Sec. 16-106.41. Tier 1 member. "Tier 1 member": A member  
7 under this Article who first became a member or participant  
8 before January 1, 2011 under any reciprocal retirement system  
9 or pension fund established under this Code other than a  
10 retirement system or pension fund established under Article 2,  
11 3, 4, 5, 6, or 18 of this Code.

12 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

13 Sec. 16-158. Contributions by State and other employing  
14 units.

15 (a) The State shall make contributions to the System by  
16 means of appropriations from the Common School Fund and other  
17 State funds of amounts which, together with other employer  
18 contributions, employee contributions, investment income, and  
19 other income, will be sufficient to meet the cost of  
20 maintaining and administering the System on a 90% funded basis  
21 in accordance with actuarial recommendations.

22 The Board shall determine the amount of State contributions  
23 required for each fiscal year on the basis of the actuarial  
24 tables and other assumptions adopted by the Board and the

1 recommendations of the actuary, using the formula in subsection  
2 (b-3).

3 (a-1) Annually, on or before November 15 until November 15,  
4 2011, the Board shall certify to the Governor the amount of the  
5 required State contribution for the coming fiscal year. The  
6 certification under this subsection (a-1) shall include a copy  
7 of the actuarial recommendations upon which it is based and  
8 shall specifically identify the System's projected State  
9 normal cost 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 Public Act 94-4 ~~this amendatory Act of the 94th General~~  
21 ~~Assembly.~~

22 On or before April 1, 2011, the Board shall recalculate and  
23 recertify to the Governor the amount of the required State  
24 contribution to the System for State fiscal year 2011, applying  
25 the changes made by Public Act 96-889 to the System's assets  
26 and liabilities as of June 30, 2009 as though Public Act 96-889

1 was approved on that date.

2 (a-5) On or before November 1 of each year, beginning  
3 November 1, 2012, the Board shall submit to the State Actuary,  
4 the Governor, and the General Assembly a proposed certification  
5 of the amount of the required State contribution to the System  
6 for the next fiscal year, along with all of the actuarial  
7 assumptions, calculations, and data upon which that proposed  
8 certification is based. On or before January 1 of each year,  
9 beginning January 1, 2013, the State Actuary shall issue a  
10 preliminary report concerning the proposed certification and  
11 identifying, if necessary, recommended changes in actuarial  
12 assumptions that the Board must consider before finalizing its  
13 certification of the required State contributions. On or before  
14 January 15, 2013 and each January 15 thereafter, the Board  
15 shall certify to the Governor and the General Assembly the  
16 amount of the required State contribution for the next fiscal  
17 year. The Board's certification must note any deviations from  
18 the State Actuary's recommended changes, the reason or reasons  
19 for not following the State Actuary's recommended changes, and  
20 the fiscal impact of not following the State Actuary's  
21 recommended 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 Public Act 100-23 ~~this~~

1 ~~amendatory Act of the 100th General Assembly~~. The State Actuary  
2 shall review the assumptions and valuations underlying the  
3 Board's revised certification and issue a preliminary report  
4 concerning the proposed recertification and identifying, if  
5 necessary, recommended changes in actuarial assumptions that  
6 the Board must consider before finalizing its certification of  
7 the required State contributions. The Board's final  
8 certification must note any deviations from the State Actuary's  
9 recommended changes, the reason or reasons for not following  
10 the State Actuary's recommended changes, and the fiscal impact  
11 of not 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) Through State fiscal year 1995, the State contributions  
4 shall be paid to the System in accordance with Section 18-7 of  
5 the School Code.

6 (b-1) Beginning in State fiscal year 1996, on the 15th day  
7 of each month, or as soon thereafter as may be practicable, the  
8 Board shall submit vouchers for payment of State contributions  
9 to the System, in a total monthly amount of one-twelfth of the  
10 required annual State contribution certified under subsection  
11 (a-1). From March 5, 2004 (the effective date of Public Act  
12 93-665) ~~this amendatory Act of the 93rd General Assembly~~  
13 through June 30, 2004, the Board shall not submit vouchers for  
14 the remainder of fiscal year 2004 in excess of the fiscal year  
15 2004 certified contribution amount determined under this  
16 Section after taking into consideration the transfer to the  
17 System under subsection (a) of Section 6z-61 of the State  
18 Finance Act. These vouchers shall be paid by the State  
19 Comptroller and Treasurer by warrants drawn on the funds  
20 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 subsection, the

1 difference shall be paid from the Common School Fund under the  
2 continuing appropriation authority provided in Section 1.1 of  
3 the State Pension Funds Continuing Appropriation Act.

4 (b-2) Allocations from the Common School Fund apportioned  
5 to school districts not coming under this System shall not be  
6 diminished or affected by the provisions of this Article.

7 (b-3) For State fiscal years 2012 through 2045, the minimum  
8 contribution to the System to be made by the State for each  
9 fiscal year shall be an amount determined by the System to be  
10 sufficient to bring the total assets of the System up to 90% of  
11 the total actuarial liabilities of the System by the end of  
12 State fiscal year 2045. In making these determinations, the  
13 required State contribution shall be calculated each year as a  
14 level percentage of payroll over the years remaining to and  
15 including fiscal year 2045 and shall be determined under the  
16 projected unit credit actuarial cost method.

17 For each of State fiscal years 2018, 2019, and 2020, the  
18 State shall make an additional contribution to the System equal  
19 to 2% of the total payroll of each employee who is deemed to  
20 have elected the benefits under Section 1-161 or who has made  
21 the election under subsection (c) of Section 1-161.

22 A change in an actuarial or investment assumption that  
23 increases or decreases the required State contribution and  
24 first applies in State fiscal year 2018 or thereafter shall be  
25 implemented in equal annual amounts over a 5-year period  
26 beginning in the State fiscal year in which the actuarial

1 change first applies to the required State contribution.

2 A change in an actuarial or investment assumption that  
3 increases or decreases the required State contribution and  
4 first applied to the State contribution in fiscal year 2014,  
5 2015, 2016, or 2017 shall be implemented:

6 (i) as already applied in State fiscal years before  
7 2018; and

8 (ii) in the portion of the 5-year period beginning in  
9 the State fiscal year in which the actuarial change first  
10 applied that occurs in State fiscal year 2018 or  
11 thereafter, by calculating the change in equal annual  
12 amounts over that 5-year period and then implementing it at  
13 the resulting annual rate in each of the remaining fiscal  
14 years in that 5-year period.

15 For State fiscal years 1996 through 2005, the State  
16 contribution to the System, as a percentage of the applicable  
17 employee payroll, shall be increased in equal annual increments  
18 so that by State fiscal year 2011, the State is contributing at  
19 the rate required under this Section; except that in the  
20 following specified State fiscal years, the State contribution  
21 to the System shall not be less than the following indicated  
22 percentages of the applicable employee payroll, even if the  
23 indicated percentage will produce a State contribution in  
24 excess of the amount otherwise required under this subsection  
25 and subsection (a), and notwithstanding any contrary  
26 certification made under subsection (a-1) before May 27, 1998

1 (the effective date of Public Act 90-582) ~~this amendatory Act~~  
2 ~~of 1998~~: 10.02% in FY 1999; 10.77% in FY 2000; 11.47% in FY  
3 2001; 12.16% in FY 2002; 12.86% in FY 2003; and 13.56% in FY  
4 2004.

5 Notwithstanding any other provision of this Article, the  
6 total required State contribution for State fiscal year 2006 is  
7 \$534,627,700.

8 Notwithstanding any other provision of this Article, the  
9 total required State contribution for State fiscal year 2007 is  
10 \$738,014,500.

11 For each of State fiscal years 2008 through 2009, the State  
12 contribution to the System, as a percentage of the applicable  
13 employee payroll, shall be increased in equal annual increments  
14 from the required State contribution for State fiscal year  
15 2007, so that by State fiscal year 2011, the State is  
16 contributing at the rate otherwise required under this Section.

17 Notwithstanding any other provision of this Article, the  
18 total required State contribution for State fiscal year 2010 is  
19 \$2,089,268,000 and shall be made from the proceeds of bonds  
20 sold in fiscal year 2010 pursuant to Section 7.2 of the General  
21 Obligation Bond Act, less (i) the pro rata share of bond sale  
22 expenses determined by the System's share of total bond  
23 proceeds, (ii) any amounts received from the Common School Fund  
24 in fiscal year 2010, and (iii) any reduction in bond proceeds  
25 due to the issuance of discounted bonds, if applicable.

26 Notwithstanding any other provision of this Article, the

1 total required State contribution for State fiscal year 2011 is  
2 the amount recertified by the System on or before April 1, 2011  
3 pursuant to subsection (a-1) of this Section and shall be made  
4 from the proceeds of bonds sold in fiscal year 2011 pursuant to  
5 Section 7.2 of the General Obligation Bond Act, less (i) the  
6 pro rata share of bond sale expenses determined by the System's  
7 share of total bond proceeds, (ii) any amounts received from  
8 the Common School Fund in fiscal year 2011, and (iii) any  
9 reduction in bond proceeds due to the issuance of discounted  
10 bonds, if applicable. This amount shall include, in addition to  
11 the amount certified by the System, an amount necessary to meet  
12 employer contributions required by the State as an employer  
13 under paragraph (e) of this Section, which may also be used by  
14 the System for contributions required by paragraph (a) of  
15 Section 16-127.

16 Beginning in State fiscal year 2046, the minimum State  
17 contribution for each fiscal year shall be the amount needed to  
18 maintain the total assets of the System at 90% of the total  
19 actuarial liabilities of the System.

20 Amounts received by the System pursuant to Section 25 of  
21 the Budget Stabilization Act or Section 8.12 of the State  
22 Finance Act in any fiscal year do not reduce and do not  
23 constitute payment of any portion of the minimum State  
24 contribution required under this Article in that fiscal year.  
25 Such amounts shall not reduce, and shall not be included in the  
26 calculation of, the required State contributions under this

1 Article in any future year until the System has reached a  
2 funding ratio of at least 90%. A reference in this Article to  
3 the "required State contribution" or any substantially similar  
4 term does not include or apply to any amounts payable to the  
5 System under Section 25 of the Budget Stabilization Act.

6 Notwithstanding any other provision of this Section, the  
7 required State contribution for State fiscal year 2005 and for  
8 fiscal year 2008 and each fiscal year thereafter, as calculated  
9 under this Section and certified under subsection (a-1), shall  
10 not exceed an amount equal to (i) the amount of the required  
11 State contribution that would have been calculated under this  
12 Section for that fiscal year if the System had not received any  
13 payments under subsection (d) of Section 7.2 of the General  
14 Obligation Bond Act, minus (ii) the portion of the State's  
15 total debt service payments for that fiscal year on the bonds  
16 issued in fiscal year 2003 for the purposes of that Section  
17 7.2, as determined and certified by the Comptroller, that is  
18 the same as the System's portion of the total moneys  
19 distributed under subsection (d) of Section 7.2 of the General  
20 Obligation Bond Act. In determining this maximum for State  
21 fiscal years 2008 through 2010, however, the amount referred to  
22 in item (i) shall be increased, as a percentage of the  
23 applicable employee payroll, in equal increments calculated  
24 from the sum of the required State contribution for State  
25 fiscal year 2007 plus the applicable portion of the State's  
26 total debt service payments for fiscal year 2007 on the bonds

1 issued in fiscal year 2003 for the purposes of Section 7.2 of  
2 the General Obligation Bond Act, so that, by State fiscal year  
3 2011, the State is contributing at the rate otherwise required  
4 under this Section.

5 (b-4) Beginning in fiscal year 2018, each employer under  
6 this Article shall pay to the System a required contribution  
7 determined as a percentage of projected payroll and sufficient  
8 to produce an annual amount equal to:

9 (i) for each of fiscal years 2018, 2019, and 2020, the  
10 defined benefit normal cost of the defined benefit plan,  
11 less the employee contribution, 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 (b) of Section 1-161; for fiscal  
15 year 2021 and each fiscal year thereafter, the defined  
16 benefit normal cost of the defined benefit plan, less the  
17 employee contribution, plus 2%, for each employee of that  
18 employer who has elected or who is deemed to have elected  
19 the benefits under Section 1-161 or who has made the  
20 election under subsection (b) of Section 1-161; plus

21 (ii) the amount required for that fiscal year to  
22 amortize any unfunded actuarial accrued liability  
23 associated with the present value of liabilities  
24 attributable to the employer's account under Section  
25 16-158.3, determined as a level percentage of payroll over  
26 a 30-year rolling amortization period.

1           In determining contributions required under item (i) of  
2 this subsection, the System shall determine an aggregate rate  
3 for all employers, expressed as a percentage of projected  
4 payroll.

5           In determining the contributions required under item (ii)  
6 of this subsection, the amount shall be computed by the System  
7 on the basis of the actuarial assumptions and tables used in  
8 the most recent actuarial valuation of the System that is  
9 available at the time of the computation.

10          The contributions required under this subsection (b-4)  
11 shall be paid by an employer concurrently with that employer's  
12 payroll payment period. The State, as the actual employer of an  
13 employee, shall make the required contributions under this  
14 subsection.

15          (c) Payment of the required State contributions and of all  
16 pensions, retirement annuities, death benefits, refunds, and  
17 other benefits granted under or assumed by this System, and all  
18 expenses in connection with the administration and operation  
19 thereof, are obligations of the State.

20          If members are paid from special trust or federal funds  
21 which are administered by the employing unit, whether school  
22 district or other unit, the employing unit shall pay to the  
23 System from such funds the full accruing retirement costs based  
24 upon that service, which, beginning July 1, 2017, shall be at a  
25 rate, expressed as a percentage of salary, equal to the total  
26 employer's normal cost, expressed as a percentage of payroll,



1 as determined by the System. Employer contributions, based on  
2 salary paid to members from federal funds, may be forwarded by  
3 the distributing agency of the State of Illinois to the System  
4 prior to allocation, in an amount determined in accordance with  
5 guidelines established by such agency and the System. Any  
6 contribution for fiscal year 2015 collected as a result of the  
7 change made by Public Act 98-674 ~~this amendatory Act of the~~  
8 ~~98th General Assembly~~ shall be considered a State contribution  
9 under subsection (b-3) of this Section.

10 (d) Effective July 1, 1986, any employer of a teacher as  
11 defined in paragraph (8) of Section 16-106 shall pay the  
12 employer's normal cost of benefits based upon the teacher's  
13 service, in addition to employee contributions, as determined  
14 by the System. Such employer contributions shall be forwarded  
15 monthly in accordance with guidelines established by the  
16 System.

17 However, with respect to benefits granted under Section  
18 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)  
19 of Section 16-106, the employer's contribution shall be 12%  
20 (rather than 20%) of the member's highest annual salary rate  
21 for each year of creditable service granted, and the employer  
22 shall also pay the required employee contribution on behalf of  
23 the teacher. For the purposes of Sections 16-133.4 and  
24 16-133.5, a teacher as defined in paragraph (8) of Section  
25 16-106 who is serving in that capacity while on leave of  
26 absence from another employer under this Article shall not be

1 considered an employee of the employer from which the teacher  
2 is on leave.

3 (e) Beginning July 1, 1998, every employer of a teacher  
4 shall pay to the System an employer contribution computed as  
5 follows:

6 (1) Beginning July 1, 1998 through June 30, 1999, the  
7 employer contribution shall be equal to 0.3% of each  
8 teacher's salary.

9 (2) Beginning July 1, 1999 and thereafter, the employer  
10 contribution shall be equal to 0.58% of each teacher's  
11 salary.

12 The school district or other employing unit may pay these  
13 employer contributions out of any source of funding available  
14 for that purpose and shall forward the contributions to the  
15 System on the schedule established for the payment of member  
16 contributions.

17 These employer contributions are intended to offset a  
18 portion of the cost to the System of the increases in  
19 retirement benefits resulting from Public Act 90-582 ~~this~~  
20 ~~amendatory Act of 1998~~.

21 Each employer of teachers is entitled to a credit against  
22 the contributions required under this subsection (e) with  
23 respect to salaries paid to teachers for the period January 1,  
24 2002 through June 30, 2003, equal to the amount paid by that  
25 employer under subsection (a-5) of Section 6.6 of the State  
26 Employees Group Insurance Act of 1971 with respect to salaries

1 paid to teachers for that period.

2 The additional 1% employee contribution required under  
3 Section 16-152 by Public Act 90-582 ~~this amendatory Act of 1998~~  
4 is the responsibility of the teacher and not the teacher's  
5 employer, unless the employer agrees, through collective  
6 bargaining or otherwise, to make the contribution on behalf of  
7 the teacher.

8 If an employer is required by a contract in effect on May  
9 1, 1998 between the employer and an employee organization to  
10 pay, on behalf of all its full-time employees covered by this  
11 Article, all mandatory employee contributions required under  
12 this Article, then the employer shall be excused from paying  
13 the employer contribution required under this subsection (e)  
14 for the balance of the term of that contract. The employer and  
15 the employee organization shall jointly certify to the System  
16 the existence of the contractual requirement, in such form as  
17 the System may prescribe. This exclusion shall cease upon the  
18 termination, extension, or renewal of the contract at any time  
19 after May 1, 1998.

20 (f) For school years beginning on or after June 1, 2005 and  
21 before July 1, 2018 and for salary paid to a teacher under a  
22 contract or collective bargaining agreement entered into,  
23 amended, or renewed before the effective date of this  
24 amendatory Act of the 100th General Assembly, if ~~if~~ the amount  
25 of a teacher's salary for any school year used to determine  
26 final average salary exceeds the member's annual full-time

1 salary rate with the same employer for the previous school year  
2 by more than 6%, the teacher's employer shall pay to the  
3 System, in addition to all other payments required under this  
4 Section and in accordance with guidelines established by the  
5 System, the present value of the increase in benefits resulting  
6 from the portion of the increase in salary that is in excess of  
7 6%. This present value shall be computed by the System on the  
8 basis of the actuarial assumptions and tables used in the most  
9 recent actuarial valuation of the System that is available at  
10 the time of the computation. If a teacher's salary for the  
11 2005-2006 school year is used to determine final average salary  
12 under this subsection (f), then the changes made to this  
13 subsection (f) by Public Act 94-1057 shall apply in calculating  
14 whether the increase in his or her salary is in excess of 6%.  
15 For the purposes of this Section, change in employment under  
16 Section 10-21.12 of the School Code on or after June 1, 2005  
17 shall constitute a change in employer. The System may require  
18 the employer to provide any pertinent information or  
19 documentation. The changes made to this subsection (f) by  
20 Public Act 94-1111 ~~this amendatory Act of the 94th General~~  
21 ~~Assembly~~ apply without regard to whether the teacher was in  
22 service on or after its effective date.

23 Whenever it determines that a payment is or may be required  
24 under this subsection, the System shall calculate the amount of  
25 the payment and bill the employer for that amount. The bill  
26 shall specify the calculations used to determine the amount

1 due. If the employer disputes the amount of the bill, it may,  
2 within 30 days after receipt of the bill, apply to the System  
3 in writing for a recalculation. The application must specify in  
4 detail the grounds of the dispute and, if the employer asserts  
5 that the calculation is subject to subsection (g) or (h) of  
6 this Section or that subsection (f-1) 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 that subsection. 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) 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 will be  
16 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 (f-1) For school years beginning on or after July 1, 2018  
22 and for salary paid to a teacher under a contract or collective  
23 bargaining agreement entered into, amended, or renewed on or  
24 after the effective date of this amendatory Act of the 100th  
25 General Assembly, if the amount of a teacher's salary for any  
26 school year used to determine final average salary exceeds the

1 member's annual full-time salary rate with the same employer  
2 for the previous school year by more than 3%, then the  
3 teacher's employer shall pay to the System, in addition to all  
4 other payments required under this Section and in accordance  
5 with guidelines established by the System, the present value of  
6 the increase in benefits resulting from the portion of the  
7 increase in salary that is in excess of 3%. This present value  
8 shall be computed by the System on the basis of the actuarial  
9 assumptions and tables used in the most recent actuarial  
10 valuation of the System that is available at the time of the  
11 computation. The System may require the employer to provide any  
12 pertinent information or documentation.

13 Whenever it determines that a payment is or may be required  
14 under this subsection (f-1), the System shall calculate the  
15 amount of the payment and bill the employer for that amount.  
16 The bill shall specify the calculations used to determine the  
17 amount due. If the employer disputes the amount of the bill, it  
18 shall, within 30 days after receipt of the bill, apply to the  
19 System in writing for a recalculation. The application must  
20 specify in detail the grounds of the dispute and, if the  
21 employer asserts that subsection (f) of this Section applies,  
22 must include an affidavit setting forth and attesting to all  
23 facts within the employer's knowledge that are pertinent to the  
24 applicability of subsection (f). Upon receiving a timely  
25 application for recalculation, the System shall review the  
26 application and, if appropriate, recalculate the amount due.

1       The employer contributions required under this subsection  
2       (f-1) may be paid in the form of a lump sum within 90 days after  
3       receipt of the bill. If the employer contributions are not paid  
4       within 90 days after receipt of the bill, then interest shall  
5       be charged at a rate equal to the System's annual actuarially  
6       assumed rate of return on investment compounded annually from  
7       the 91st day after receipt of the bill. Payments must be  
8       concluded within 3 years after the employer's receipt of the  
9       bill.

10       (g) This subsection (g) applies only to payments made or  
11       salary increases given on or after June 1, 2005 but before July  
12       1, 2011. The changes made by Public Act 94-1057 shall not  
13       require the System to refund any payments received before July  
14       31, 2006 (the effective date of Public Act 94-1057).

15       When assessing payment for any amount due under subsection  
16       (f), the System shall exclude salary increases paid to teachers  
17       under contracts or collective bargaining agreements entered  
18       into, amended, or renewed before June 1, 2005.

19       When assessing payment for any amount due under subsection  
20       (f), the System shall exclude salary increases paid to a  
21       teacher at a time when the teacher is 10 or more years from  
22       retirement eligibility under Section 16-132 or 16-133.2.

23       When assessing payment for any amount due under subsection  
24       (f), the System shall exclude salary increases resulting from  
25       overload work, including summer school, when the school  
26       district has certified to the System, and the System has

1 approved the certification, that (i) the overload work is for  
2 the sole purpose of classroom instruction in excess of the  
3 standard number of classes for a full-time teacher in a school  
4 district during a school year and (ii) the salary increases are  
5 equal to or less than the rate of pay for classroom instruction  
6 computed on the teacher's current salary and work schedule.

7 When assessing payment for any amount due under subsection  
8 (f), the System shall exclude a salary increase resulting from  
9 a promotion (i) for which the employee is required to hold a  
10 certificate or supervisory endorsement issued by the State  
11 Teacher Certification Board that is a different certification  
12 or supervisory endorsement than is required for the teacher's  
13 previous position and (ii) to a position that has existed and  
14 been filled by a member for no less than one complete academic  
15 year and the salary increase from the promotion is an increase  
16 that results in an amount no greater than the lesser of the  
17 average salary paid for other similar positions in the district  
18 requiring the same certification or the amount stipulated in  
19 the collective bargaining agreement for a similar position  
20 requiring the same certification.

21 When assessing payment for any amount due under subsection  
22 (f), the System shall exclude any payment to the teacher from  
23 the State of Illinois or the State Board of Education over  
24 which the employer does not have discretion, notwithstanding  
25 that the payment is included in the computation of final  
26 average salary.



1           (h) When assessing payment for any amount due under  
2 subsection (f), the System shall exclude any salary increase  
3 described in subsection (g) of this Section given on or after  
4 July 1, 2011 but before July 1, 2014 under a contract or  
5 collective bargaining agreement entered into, amended, or  
6 renewed on or after June 1, 2005 but before July 1, 2011.  
7 Notwithstanding any other provision of this Section, any  
8 payments made or salary increases given after June 30, 2014  
9 shall be used in assessing payment for any amount due under  
10 subsection (f) of this Section.

11           (i) The System shall prepare a report and file copies of  
12 the report with the Governor and the General Assembly by  
13 January 1, 2007 that contains all of the following information:

14           (1) The number of recalculations required by the  
15 changes made to this Section by Public Act 94-1057 for each  
16 employer.

17           (2) The dollar amount by which each employer's  
18 contribution to the System was changed due to  
19 recalculations required by Public Act 94-1057.

20           (3) The total amount the System received from each  
21 employer as a result of the changes made to this Section by  
22 Public Act 94-4.

23           (4) The increase in the required State contribution  
24 resulting from the changes made to this Section by Public  
25 Act 94-1057.

26           (i-5) For school years beginning on or after July 1, 2017,

1 if the amount of a participant's salary for any school year,  
2 determined on a full-time equivalent basis, exceeds the amount  
3 of the salary set for the Governor, the participant's employer  
4 shall pay to the System, in addition to all other payments  
5 required under this Section and in accordance with guidelines  
6 established by the System, an amount determined by the System  
7 to be equal to the employer normal cost, as established by the  
8 System and expressed as a total percentage of payroll,  
9 multiplied by the amount of salary in excess of the amount of  
10 the salary set for the Governor. This amount shall be computed  
11 by the System on the basis of the actuarial assumptions and  
12 tables used in the most recent actuarial valuation of the  
13 System that is available at the time of the computation. The  
14 System may require the employer to provide any pertinent  
15 information or documentation.

16 Whenever it determines that a payment is or may be required  
17 under this subsection, the System shall calculate the amount of  
18 the payment and bill the employer for that amount. The bill  
19 shall specify the calculations used to determine the amount  
20 due. If the employer disputes the amount of the bill, it may,  
21 within 30 days after receipt of the bill, apply to the System  
22 in writing for a recalculation. The application must specify in  
23 detail the grounds of the dispute. Upon receiving a timely  
24 application for recalculation, the System shall review the  
25 application and, if appropriate, recalculate the amount due.

26 The employer contributions required under this subsection

1 may be paid in the form of a lump sum within 90 days after  
2 receipt of the bill. If the employer contributions are not paid  
3 within 90 days after receipt of the bill, then interest will be  
4 charged at a rate equal to the System's annual actuarially  
5 assumed rate of return on investment compounded annually from  
6 the 91st day after receipt of the bill. Payments must be  
7 concluded within 3 years after the employer's receipt of the  
8 bill.

9 (j) For purposes of determining the required State  
10 contribution to the System, the value of the System's assets  
11 shall be equal to the actuarial value of the System's assets,  
12 which shall be calculated as follows:

13 As of June 30, 2008, the actuarial value of the System's  
14 assets shall be equal to the market value of the assets as of  
15 that date. In determining the actuarial value of the System's  
16 assets for fiscal years after June 30, 2008, any actuarial  
17 gains or losses from investment return incurred in a fiscal  
18 year shall be recognized in equal annual amounts over the  
19 5-year period following that fiscal year.

20 (k) For purposes of determining the required State  
21 contribution to the system for a particular year, the actuarial  
22 value of assets shall be assumed to earn a rate of return equal  
23 to the system's actuarially assumed rate of return.

24 (Source: P.A. 100-23, eff. 7-6-17; 100-340, eff. 8-25-17;  
25 revised 9-25-17.)

1 (40 ILCS 5/16-190.5 new)

2 Sec. 16-190.5. Accelerated pension benefit payment in lieu  
3 of any pension benefit.

4 (a) As used in this Section:

5 "Eligible person" means a person who:

6 (1) has terminated service;

7 (2) has accrued sufficient service credit to be  
8 eligible to receive a retirement annuity under this  
9 Article;

10 (3) has not received any retirement annuity under this  
11 Article; and

12 (4) has not made the election under Section 16-190.6.

13 "Pension benefit" means the benefits under this Article, or  
14 Article 1 as it relates to those benefits, including any  
15 anticipated annual increases, that an eligible person is  
16 entitled to upon attainment of the applicable retirement age.

17 "Pension benefit" also includes applicable survivor's or  
18 disability benefits.

19 (b) As soon as practical after the effective date of this  
20 amendatory Act of the 100th General Assembly, the System shall  
21 calculate, using actuarial tables and other assumptions  
22 adopted by the Board, the present value of pension benefits for  
23 each eligible person who requests that information and shall  
24 offer each eligible person the opportunity to irrevocably elect  
25 to receive an amount determined by the System to be equal to  
26 60% of the present value of his or her pension benefits in lieu

1 of receiving any pension benefit. The offer shall specify the  
2 dollar amount that the eligible person will receive if he or  
3 she so elects and shall expire when a subsequent offer is made  
4 to an eligible person. The System shall make a good faith  
5 effort to contact every eligible person to notify him or her of  
6 the election.

7 Until June 30, 2021, an eligible person may irrevocably  
8 elect to receive an accelerated pension benefit payment in the  
9 amount that the System offers under this subsection in lieu of  
10 receiving any pension benefit. A person who elects to receive  
11 an accelerated pension benefit payment under this Section may  
12 not elect to proceed under the Retirement Systems Reciprocal  
13 Act with respect to service under this Article.

14 (c) A person's creditable service under this Article shall  
15 be terminated upon the person's receipt of an accelerated  
16 pension benefit payment under this Section, and no other  
17 benefit shall be paid under this Article based on the  
18 terminated creditable service, including any retirement,  
19 survivor, or other benefit; except that to the extent that  
20 participation, benefits, or premiums under the State Employees  
21 Group Insurance Act of 1971 are based on the amount of service  
22 credit, the terminated service credit shall be used for that  
23 purpose.

24 (d) If a person who has received an accelerated pension  
25 benefit payment under this Section returns to active service  
26 under this Article, then:

1           (1) Any benefits under the System earned as a result of  
2           that return to active service shall be based solely on the  
3           person's creditable service arising from the return to  
4           active service.

5           (2) The accelerated pension benefit payment may not be  
6           repaid to the System, and the terminated creditable service  
7           may not under any circumstances be reinstated.

8           (e) As a condition of receiving an accelerated pension  
9           benefit payment, the accelerated pension benefit payment must  
10           be transferred into a tax qualified retirement plan or account.  
11           The accelerated pension benefit payment under this Section may  
12           be subject to withholding or payment of applicable taxes, but  
13           to the extent permitted by federal law, a person who receives  
14           an accelerated pension benefit payment under this Section must  
15           direct the System to pay all of that payment as a rollover into  
16           another retirement plan or account qualified under the Internal  
17           Revenue Code of 1986, as amended.

18           (f) Upon receipt of a member's irrevocable election to  
19           receive an accelerated pension benefit payment under this  
20           Section, the System shall submit a voucher to the Comptroller  
21           for payment of the member's accelerated pension benefit  
22           payment. The Comptroller shall transfer the amount of the  
23           voucher from the State Pension Obligation Acceleration Bond  
24           Fund to the System, and the System shall transfer the amount  
25           into the member's eligible retirement plan or qualified  
26           account.

1       (g) The Board shall adopt any rules, including emergency  
2       rules, necessary to implement this Section.

3       (h) No provision of this amendatory Act of the 100th  
4       General Assembly shall be interpreted in a way that would cause  
5       the applicable System to cease to be a qualified plan under the  
6       Internal Revenue Code of 1986.

7           (40 ILCS 5/16-190.6 new)

8       Sec. 16-190.6. Accelerated pension benefit payment for a  
9       reduction in annual retirement annuity and survivor's annuity  
10       increases.

11       (a) As used in this Section:

12       "Accelerated pension benefit payment" means a lump sum  
13       payment equal to 70% of the difference of the present value of  
14       the automatic annual increases to a Tier 1 member's retirement  
15       annuity and survivor's annuity using the formula applicable to  
16       the Tier 1 member and the present value of the automatic annual  
17       increases to the Tier 1 member's retirement annuity using the  
18       formula provided under subsection (b-5) and the survivor's  
19       annuity using the formula provided under subsection (b-6).

20       "Eligible person" means a person who:

21           (1) is a Tier 1 member;

22           (2) has submitted an application for a retirement  
23       annuity under this Article;

24           (3) meets the age and service requirements for  
25       receiving a retirement annuity under this Article;

1           (4) has not received any retirement annuity under this  
2           Article; and

3           (5) has not made the election under Section 16-190.5.

4           (b) As soon as practical after the effective date of this  
5           amendatory Act of the 100th General Assembly and until June 30,  
6           2021, the System shall implement an accelerated pension benefit  
7           payment option for eligible persons. Upon the request of an  
8           eligible person, the System shall calculate, using actuarial  
9           tables and other assumptions adopted by the Board, an  
10           accelerated pension benefit payment amount and shall offer that  
11           eligible person the opportunity to irrevocably elect to have  
12           his or her automatic annual increases in retirement annuity  
13           calculated in accordance with the formula provided under  
14           subsection (b-5) and any increases in survivor's annuity  
15           payable to his or her survivor's annuity beneficiary calculated  
16           in accordance with the formula provided under subsection (b-6)  
17           in exchange for the accelerated pension benefit payment. The  
18           election under this subsection must be made before the eligible  
19           person receives the first payment of a retirement annuity  
20           otherwise payable under this Article.

21           (b-5) Notwithstanding any other provision of law, the  
22           retirement annuity of a person who made the election under  
23           subsection (b) shall be subject to annual increases on the  
24           January 1 occurring either on or after the attainment of age 67  
25           or the first anniversary of the annuity start date, whichever  
26           is later. Each annual increase shall be calculated at 1.5% of



1 the originally granted retirement annuity.

2 (b-6) Notwithstanding any other provision of law, a  
3 survivor's annuity payable to a survivor's annuity beneficiary  
4 of a person who made the election under subsection (b) shall be  
5 subject to annual increases on the January 1 occurring on or  
6 after the first anniversary of the commencement of the annuity.  
7 Each annual increase shall be calculated at 1.5% of the  
8 originally granted survivor's annuity.

9 (c) If a person who has received an accelerated pension  
10 benefit payment returns to active service under this Article,  
11 then:

12 (1) the calculation of any future automatic annual  
13 increase in retirement annuity shall be calculated in  
14 accordance with the formula provided in subsection (b-5);  
15 and

16 (2) the accelerated pension benefit payment may not be  
17 repaid to the System.

18 (d) As a condition of receiving an accelerated pension  
19 benefit payment, the accelerated pension benefit payment must  
20 be transferred into a tax qualified retirement plan or account.  
21 The accelerated pension benefit payment under this Section may  
22 be subject to withholding or payment of applicable taxes, but  
23 to the extent permitted by federal law, a person who receives  
24 an accelerated pension benefit payment under this Section must  
25 direct the System to pay all of that payment as a rollover into  
26 another retirement plan or account qualified under the Internal

1 Revenue Code of 1986, as amended.

2 (d-5) Upon receipt of a member's irrevocable election to  
3 receive an accelerated pension benefit payment under this  
4 Section, the System shall submit a voucher to the Comptroller  
5 for payment of the member's accelerated pension benefit  
6 payment. The Comptroller shall transfer the amount of the  
7 voucher from the State Pension Obligation Acceleration Bond  
8 Fund to the System, and the System shall transfer the amount  
9 into the member's eligible retirement plan or qualified  
10 account.

11 (e) The Board shall adopt any rules, including emergency  
12 rules, necessary to implement this Section.

13 (f) No provision of this Section shall be interpreted in a  
14 way that would cause the applicable System to cease to be a  
15 qualified plan under the Internal Revenue Code of 1986.

16 (40 ILCS 5/16-203)

17 Sec. 16-203. Application and expiration of new benefit  
18 increases.

19 (a) As used in this Section, "new benefit increase" means  
20 an increase in the amount of any benefit provided under this  
21 Article, or an expansion of the conditions of eligibility for  
22 any benefit under this Article, that results from an amendment  
23 to this Code that takes effect after June 1, 2005 (the  
24 effective date of Public Act 94-4). "New benefit increase",  
25 however, does not include any benefit increase resulting from

1 the changes made to Article 1 or this Article by Public Act  
2 95-910, Public Act 100-23, or this amendatory Act of the 100th  
3 General Assembly ~~or this amendatory Act of the 100th General~~  
4 ~~Assembly.~~

5 (b) Notwithstanding any other provision of this Code or any  
6 subsequent amendment to this Code, every new benefit increase  
7 is subject to this Section and shall be deemed to be granted  
8 only in conformance with and contingent upon compliance with  
9 the provisions of this Section.

10 (c) The Public Act enacting a new benefit increase must  
11 identify and provide for payment to the System of additional  
12 funding at least sufficient to fund the resulting annual  
13 increase in cost to the System as it accrues.

14 Every new benefit increase is contingent upon the General  
15 Assembly providing the additional funding required under this  
16 subsection. The Commission on Government Forecasting and  
17 Accountability shall analyze whether adequate additional  
18 funding has been provided for the new benefit increase and  
19 shall report its analysis to the Public Pension Division of the  
20 Department of Insurance. A new benefit increase created by a  
21 Public Act that does not include the additional funding  
22 required under this subsection is null and void. If the Public  
23 Pension Division determines that the additional funding  
24 provided for a new benefit increase under this subsection is or  
25 has become inadequate, it may so certify to the Governor and  
26 the State Comptroller and, in the absence of corrective action

1 by the General Assembly, the new benefit increase shall expire  
2 at the end of the fiscal year in which the certification is  
3 made.

4 (d) Every new benefit increase shall expire 5 years after  
5 its effective date or on such earlier date as may be specified  
6 in the language enacting the new benefit increase or provided  
7 under subsection (c). This does not prevent the General  
8 Assembly from extending or re-creating a new benefit increase  
9 by law.

10 (e) Except as otherwise provided in the language creating  
11 the new benefit increase, a new benefit increase that expires  
12 under this Section continues to apply to persons who applied  
13 and qualified for the affected benefit while the new benefit  
14 increase was in effect and to the affected beneficiaries and  
15 alternate payees of such persons, but does not apply to any  
16 other person, including without limitation a person who  
17 continues in service after the expiration date and did not  
18 apply and qualify for the affected benefit while the new  
19 benefit increase was in effect.

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

21 (40 ILCS 5/14-103.40 rep.)

22 (40 ILCS 5/16-106.4 rep.)

23 Section 110-25. The Illinois Pension Code is amended by  
24 repealing Sections 14-103.40 and 16-106.4.

1 Section 110-30. The State Pension Funds Continuing  
2 Appropriation Act is amended by adding Section 1.9 as follows:

3 (40 ILCS 15/1.9 new)

4 Sec. 1.9. Appropriations for State Pension Obligation  
5 Acceleration Bonds. If for any reason the aggregate  
6 appropriations made available are insufficient to meet the  
7 levels required for the payment of principal and interest due  
8 on State Pension Obligation Acceleration Bonds under Section  
9 7.7 of the General Obligation Bond Act, this Section shall  
10 constitute a continuing appropriation of all amounts necessary  
11 for those purposes.

12 ARTICLE 115. STATE TREASURER

13 Section 115-5. The State Treasurer Act is amended by  
14 changing Section 20 as follows:

15 (15 ILCS 505/20)

16 Sec. 20. State Treasurer administrative charge. The State  
17 Treasurer may retain an administrative charge for both the  
18 costs of services associated with the deposit of moneys that  
19 are remitted directly to the State Treasurer and the investment  
20 or safekeeping of funds by the State Treasurer. The  
21 administrative charges ~~charge~~ collected under this Section  
22 shall be deposited into the State Treasurer's Administrative

1 Fund. The amount of the administrative charges ~~charge~~ may be  
2 determined by the State Treasurer. Administrative charges from  
3 the deposit of moneys remitted directly to the State Treasurer  
4 ~~and~~ shall not exceed 2% of the amount deposited. Administrative  
5 charges from the investment or safekeeping of funds by the  
6 State Treasurer shall be charged no more than monthly and the  
7 total amount charged per fiscal year shall not exceed  
8 \$12,000,000 plus any amounts required as employer  
9 contributions under Section 14-131 of the Illinois Pension Code  
10 and Section 10 of the State Employees Group Insurance Act of  
11 1971.

12 Administrative charges for the deposit of moneys ~~This~~  
13 ~~Section~~ shall apply to fines, fees, or other amounts remitted  
14 directly to the State Treasurer by circuit clerks, county  
15 clerks, and other entities for deposit into a fund in the State  
16 treasury. Administrative charges for the deposit of moneys do  
17 ~~This Section does~~ not apply to amounts remitted by State  
18 agencies or certified collection specialists as defined in 74  
19 Ill. Admin. Code 1200.50. Administrative charges for the  
20 deposit of moneys ~~This Section~~ shall apply only to any form of  
21 fines, fees, or other collections created on or after August  
22 15, 2014 (the effective date of Public Act 98-965) ~~this~~  
23 ~~amendatory Act of the 98th General Assembly.~~

24 Moneys in the State Treasurer's Administrative Fund are  
25 subject to appropriation by the General Assembly.

26 (Source: P.A. 98-965, eff. 8-15-14.)

1           Section 115-10. The State Treasurer's Bank Services Trust  
2 Fund Act is amended by changing Section 10 as follows:

3           (30 ILCS 212/10)

4           Sec. 10. Creation of Fund. There is hereby created in the  
5 State treasury a special fund to be known as the State  
6 Treasurer's Bank Services Trust Fund. Moneys deposited in the  
7 Fund shall be used by the State Treasurer to pay the cost of  
8 the following banking services: processing of payments of  
9 taxes, fees, and other moneys due the State; transactional,  
10 technological, consultant, ~~and~~ legal service charges, and  
11 other operational expenses of the State Treasurer's Office  
12 related to the investment or safekeeping of funds under the  
13 Treasurer's control; and the cost of paying bondholders and  
14 legal services under the State's general obligation bond  
15 program.

16           (Source: P.A. 98-909, eff. 8-15-14.)

17                           ARTICLE 120. NATURAL DISASTER CREDIT

18           Section 120-5. The Illinois Income Tax Act is amended by  
19 changing Section 226 as follows:

20           (35 ILCS 5/226)

21           Sec. 226. Natural disaster credit.

1           (a) For taxable years that begin on or after January 1,  
2 2017 and begin prior to January 1, 2019 ~~2018~~, each taxpayer who  
3 owns qualified real property located in a county in Illinois  
4 that was declared a State disaster area by the Governor due to  
5 flooding in 2017 or 2018 is entitled to a credit against the  
6 taxes imposed by subsections (a) and (b) of Section 201 of this  
7 Act in an amount equal to the lesser of \$750 or the deduction  
8 allowed (whether or not the taxpayer determines taxable income  
9 under subsection (b) of Section 63 of the Internal Revenue  
10 Code) with respect to the qualified property under Section 165  
11 of the Internal Revenue Code, determined without regard to the  
12 limitations imposed under subsection (h) of that Section. The  
13 township assessor or, if the township assessor is unable, the  
14 chief county assessment officer of the county in which the  
15 property is located, shall issue a certificate to the taxpayer  
16 identifying the taxpayer's property as damaged as a result of  
17 the natural disaster. The certificate shall include the name  
18 and address of the property owner, as well as the property  
19 index number or permanent index number (PIN) of the damaged  
20 property. The taxpayer shall attach a copy of such certificate  
21 to the taxpayer's return for the taxable year for which the  
22 credit is allowed.

23           (b) In no event shall a credit under this Section reduce a  
24 taxpayer's liability to less than zero. If the amount of credit  
25 exceeds the tax liability for the year, the excess may be  
26 carried forward and applied to the tax liability for the 5



1 taxable years following the excess credit year. The tax credit  
2 shall be applied to the earliest year for which there is a tax  
3 liability. If there are credits for more than one year that are  
4 available to offset liability, the earlier credit shall be  
5 applied first.

6 (c) If the taxpayer is a partnership or Subchapter S  
7 corporation, the credit shall be allowed to the partners or  
8 shareholders in accordance with the determination of income and  
9 distributive share of income under Sections 702 and 704 and  
10 Subchapter S of the Internal Revenue Code.

11 (d) A taxpayer is not entitled to the credit under this  
12 Section if the taxpayer receives a Natural Disaster Homestead  
13 Exemption under Section 15-173 of the Property Tax Code with  
14 respect to the qualified real property as a result of the  
15 natural disaster.

16 (e) The township assessor or, if the township assessor is  
17 unable to certify, the chief county assessment officer of the  
18 county in which the property is located, shall certify to the  
19 Department a listing of the properties located within the  
20 county that have been damaged as a result of the natural  
21 disaster (including the name and address of the property owner  
22 and the property index number or permanent index number (PIN)  
23 of each damage property).

24 (f) As used in this Section:

25 (1) "Qualified real property" means real property that  
26 is: (i) the taxpayer's principal residence or owned by a

1 small business; (ii) damaged during the taxable year as a  
2 result of a disaster; and (iii) not used in a rental or  
3 leasing business.

4 (2) "Small business" has the meaning given to that term  
5 in Section 1-75 of the Illinois Administrative Procedure  
6 Act.

7 (Source: P.A. 100-555, eff. 11-16-17.)

8 ARTICLE 999. MISCELLANEOUS PROVISIONS

9 Section 999-90. The State Mandates Act is amended by adding  
10 Section 8.42 as follows:

11 (30 ILCS 805/8.42 new)

12 Sec. 8.42. Exempt mandate. Notwithstanding Sections 6 and 8  
13 of this Act, no reimbursement by the State is required for the  
14 implementation of any mandate created by this amendatory Act of  
15 the 100th General Assembly.

16 Section 999-95. No acceleration or delay. Where this Act  
17 makes changes in a statute that is represented in this Act by  
18 text that is not yet or no longer in effect (for example, a  
19 Section represented by multiple versions), the use of that text  
20 does not accelerate or delay the taking effect of (i) the  
21 changes made by this Act or (ii) provisions derived from any  
22 other Public Act.

1           Section 999-99. Effective date. This Act takes effect upon  
2           becoming law.