

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. SHORT TITLE; PURPOSE

5 Section 1-1. Short title. This Act may be cited as the
6 FY2022 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 for Fiscal Year 2022.

10 ARTICLE 2. STATE FINANCE ACT AMENDMENTS AFFECTING THE FISCAL
11 YEAR 2022 BUDGET

12 Section 2-5. The State Finance Act is amended by changing
13 Sections 5.67, 5.176, 5.177, 5.857, 5h.5, 6z-6, 6z-32, 6z-63,
14 6z-70, 6z-77, 6z-82, 6z-100, 6z-121, 6z-122, 8.3, 8.12,
15 8.25-4, 8.25e, 8g, 8g-1, 13.2, and 25 and by adding Sections
16 5.938, 5.939, and 6z-128 as follows:

17 (30 ILCS 105/5.67) (from Ch. 127, par. 141.67)

18 Sec. 5.67. The Metropolitan Exposition, Auditorium and
19 Office Building Fund. This Section is repealed June 30, 2021.

1 (Source: P.A. 81-1509.)

2 (30 ILCS 105/5.176) (from Ch. 127, par. 141.176)

3 Sec. 5.176. The Illinois Civic Center Bond Fund. This
4 Section is repealed June 30, 2021.

5 (Source: P.A. 84-1308.)

6 (30 ILCS 105/5.177) (from Ch. 127, par. 141.177)

7 Sec. 5.177. The Illinois Civic Center Bond Retirement and
8 Interest Fund. This Section is repealed June 30, 2021.

9 (Source: P.A. 84-1308.)

10 (30 ILCS 105/5.857)

11 (Section scheduled to be repealed on July 1, 2021)

12 Sec. 5.857. The Capital Development Board Revolving Fund.
13 This Section is repealed July 1, 2022 ~~2021~~.

14 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
15 101-10, eff. 6-5-19; 101-645, eff. 6-26-20.)

16 (30 ILCS 105/5.938 new)

17 Sec. 5.938. The DoIT Special Projects Fund.

18 (30 ILCS 105/5.939 new)

19 Sec. 5.939. The Essential Government Services Support
20 Fund.

1 (30 ILCS 105/5h.5)

2 Sec. 5h.5. Cash flow borrowing and general funds
3 liquidity; Fiscal Years 2018, 2019, 2020, ~~and 2021~~, and 2022.

4 (a) In order to meet cash flow deficits and to maintain
5 liquidity in general funds and the Health Insurance Reserve
6 Fund, on and after July 1, 2017 and through June 30, 2022 ~~2021~~,
7 the State Treasurer and the State Comptroller, in consultation
8 with the Governor's Office of Management and Budget, shall
9 make transfers to general funds and the Health Insurance
10 Reserve Fund, as directed by the State Comptroller, out of
11 special funds of the State, to the extent allowed by federal
12 law.

13 No such transfer may reduce the cumulative balance of all
14 of the special funds of the State to an amount less than the
15 total debt service payable during the 12 months immediately
16 following the date of the transfer on any bonded indebtedness
17 of the State and any certificates issued under the Short Term
18 Borrowing Act. At no time shall the outstanding total
19 transfers made from the special funds of the State to general
20 funds and the Health Insurance Reserve Fund under this Section
21 exceed \$1,500,000,000; once the amount of \$1,500,000,000 has
22 been transferred from the special funds of the State to
23 general funds and the Health Insurance Reserve Fund,
24 additional transfers may be made from the special funds of the
25 State to general funds and the Health Insurance Reserve Fund
26 under this Section only to the extent that moneys have first

1 been re-transferred from general funds and the Health
2 Insurance Reserve Fund to those special funds of the State.
3 Notwithstanding any other provision of this Section, no such
4 transfer may be made from any special fund that is exclusively
5 collected by or directly appropriated to any other
6 constitutional officer without the written approval of that
7 constitutional officer.

8 (b) If moneys have been transferred to general funds and
9 the Health Insurance Reserve Fund pursuant to subsection (a)
10 of this Section, Public Act 100-23 shall constitute the
11 continuing authority for and direction to the State Treasurer
12 and State Comptroller to reimburse the funds of origin from
13 general funds by transferring to the funds of origin, at such
14 times and in such amounts as directed by the Comptroller when
15 necessary to support appropriated expenditures from the funds,
16 an amount equal to that transferred from them plus any
17 interest that would have accrued thereon had the transfer not
18 occurred, except that any moneys transferred pursuant to
19 subsection (a) of this Section shall be repaid to the fund of
20 origin within 60 ~~48~~ months after the date on which they were
21 borrowed. When any of the funds from which moneys have been
22 transferred pursuant to subsection (a) have insufficient cash
23 from which the State Comptroller may make expenditures
24 properly supported by appropriations from the fund, then the
25 State Treasurer and State Comptroller shall transfer from
26 general funds to the fund only such amount as is immediately

1 necessary to satisfy outstanding expenditure obligations on a
2 timely basis.

3 (c) On the first day of each quarterly period in each
4 fiscal year, until such time as a report indicates that all
5 moneys borrowed and interest pursuant to this Section have
6 been repaid, the Comptroller shall provide to the President
7 and the Minority Leader of the Senate, the Speaker and the
8 Minority Leader of the House of Representatives, and the
9 Commission on Government Forecasting and Accountability a
10 report on all transfers made pursuant to this Section in the
11 prior quarterly period. The report must be provided in
12 electronic format. The report must include all of the
13 following:

14 (1) the date each transfer was made;

15 (2) the amount of each transfer;

16 (3) in the case of a transfer from general funds to a
17 fund of origin pursuant to subsection (b) of this Section,
18 the amount of interest being paid to the fund of origin;
19 and

20 (4) the end of day balance of the fund of origin, the
21 general funds, and the Health Insurance Reserve Fund on
22 the date the transfer was made.

23 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
24 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

25 (30 ILCS 105/6z-6) (from Ch. 127, par. 142z-6)

1 Sec. 6z-6. All moneys received pursuant to the federal
2 Community Services Block Grant shall be deposited into the
3 Community Services Block Grant Fund and used for the purposes
4 permitted under the Grant. All money received from the federal
5 Low-Income Household Water Assistance Program under the
6 federal Consolidated Appropriations Act and the American
7 Rescue Plan Act of 2021 shall be deposited into the Community
8 Services Block Grant Fund and used for the purposes permitted
9 under the Program and any related federal guidance.

10 (Source: P.A. 83-1053.)

11 (30 ILCS 105/6z-32)

12 Sec. 6z-32. Partners for Planning and Conservation.

13 (a) The Partners for Conservation Fund (formerly known as
14 the Conservation 2000 Fund) and the Partners for Conservation
15 Projects Fund (formerly known as the Conservation 2000
16 Projects Fund) are created as special funds in the State
17 Treasury. These funds shall be used to establish a
18 comprehensive program to protect Illinois' natural resources
19 through cooperative partnerships between State government and
20 public and private landowners. Moneys in these Funds may be
21 used, subject to appropriation, by the Department of Natural
22 Resources, Environmental Protection Agency, and the Department
23 of Agriculture for purposes relating to natural resource
24 protection, planning, recreation, tourism, and compatible
25 agricultural and economic development activities. Without

1 limiting these general purposes, moneys in these Funds may be
2 used, subject to appropriation, for the following specific
3 purposes:

4 (1) To foster sustainable agriculture practices and
5 control soil erosion, and sedimentation, and nutrient loss
6 from farmland, including grants to Soil and Water
7 Conservation Districts for conservation practice
8 cost-share grants and for personnel, educational, and
9 administrative expenses.

10 (2) To establish and protect a system of ecosystems in
11 public and private ownership through conservation
12 easements, incentives to public and private landowners,
13 natural resource restoration and preservation, water
14 quality protection and improvement, land use and watershed
15 planning, technical assistance and grants, and land
16 acquisition provided these mechanisms are all voluntary on
17 the part of the landowner and do not involve the use of
18 eminent domain.

19 (3) To develop a systematic and long-term program to
20 effectively measure and monitor natural resources and
21 ecological conditions through investments in technology
22 and involvement of scientific experts.

23 (4) To initiate strategies to enhance, use, and
24 maintain Illinois' inland lakes through education,
25 technical assistance, research, and financial incentives.

26 (5) To partner with private landowners and with units

1 of State, federal, and local government and with
2 not-for-profit organizations in order to integrate State
3 and federal programs with Illinois' natural resource
4 protection and restoration efforts and to meet
5 requirements to obtain federal and other funds for
6 conservation or protection of natural resources.

7 (6) To implement the State's Nutrient Loss Reduction
8 Strategy, including, but not limited to, funding the
9 resources needed to support the Strategy's Policy Working
10 Group, cover water quality monitoring in support of
11 Strategy implementation, prepare a biennial report on the
12 progress made on the Strategy every 2 years, and provide
13 cost share funding for nutrient capture projects.

14 (b) The State Comptroller and State Treasurer shall
15 automatically transfer on the last day of each month,
16 beginning on September 30, 1995 and ending on June 30, 2022
17 ~~2021~~, from the General Revenue Fund to the Partners for
18 Conservation Fund, an amount equal to 1/10 of the amount set
19 forth below in fiscal year 1996 and an amount equal to 1/12 of
20 the amount set forth below in each of the other specified
21 fiscal years:

22 Fiscal Year	Amount
23 1996	\$ 3,500,000
24 1997	\$ 9,000,000
25 1998	\$10,000,000
26 1999	\$11,000,000

1	2000	\$12,500,000
2	2001 through 2004	\$14,000,000
3	2005	\$7,000,000
4	2006	\$11,000,000
5	2007	\$0
6	2008 through 2011	\$14,000,000
7	2012	\$12,200,000
8	2013 through 2017	\$14,000,000
9	2018	\$1,500,000
10	2019	\$14,000,000
11	2020	\$7,500,000
12	2021 <u>through 2022</u>	\$14,000,000

13 (c) The State Comptroller and State Treasurer shall
14 automatically transfer on the last day of each month beginning
15 on July 31, 2021 and ending June 30, 2022, from the
16 Environmental Protection Permit and Inspection Fund to the
17 Partners for Conservation Fund, an amount equal to 1/12 of
18 \$4,135,000. ~~Notwithstanding any other provision of law to the~~
19 ~~contrary and in addition to any other transfers that may be~~
20 ~~provided for by law, on the last day of each month beginning on~~
21 ~~July 31, 2006 and ending on June 30, 2007, or as soon~~
22 ~~thereafter as may be practical, the State Comptroller shall~~
23 ~~direct and the State Treasurer shall transfer \$1,000,000 from~~
24 ~~the Open Space Lands Acquisition and Development Fund to the~~
25 ~~Partners for Conservation Fund (formerly known as the~~
26 ~~Conservation 2000 Fund).~~

1 (d) There shall be deposited into the Partners for
2 Conservation Projects Fund such bond proceeds and other moneys
3 as may, from time to time, be provided by law.

4 (Source: P.A. 100-23, eff. 7-6-17; 101-10, eff. 6-5-19.)

5 (30 ILCS 105/6z-63)

6 Sec. 6z-63. The Professional Services Fund.

7 (a) The Professional Services Fund is created as a
8 revolving fund in the State treasury. The following moneys
9 shall be deposited into the Fund:

10 (1) amounts authorized for transfer to the Fund from
11 the General Revenue Fund and other State funds (except for
12 funds classified by the Comptroller as federal trust funds
13 or State trust funds) pursuant to State law or Executive
14 Order;

15 (2) federal funds received by the Department of
16 Central Management Services (the "Department") as a result
17 of expenditures from the Fund;

18 (3) interest earned on moneys in the Fund; and

19 (4) receipts or inter-fund transfers resulting from
20 billings issued by the Department to State agencies for
21 the cost of professional services rendered by the
22 Department that are not compensated through the specific
23 fund transfers authorized by this Section.

24 (b) Moneys in the Fund may be used by the Department for
25 reimbursement or payment for:

1 (1) providing professional services to State agencies
2 or other State entities;

3 (2) rendering other services to State agencies at the
4 Governor's direction or to other State entities upon
5 agreement between the Director of Central Management
6 Services and the appropriate official or governing body of
7 the other State entity; or

8 (3) providing for payment of administrative and other
9 expenses incurred by the Department in providing
10 professional services.

11 Beginning in fiscal year 2021, moneys in the Fund may also
12 be appropriated to and used by the Executive Ethics Commission
13 for oversight and administration of the eProcurement system
14 known as BidBuy, and by the Chief Procurement Officer
15 appointed under paragraph (4) of subsection (a) of Section
16 10-20 of the Illinois Procurement Code for the general
17 ~~services~~ and operation of the BidBuy system previously
18 administered by the Department.

19 Beginning in fiscal year 2022, moneys in the Fund may also
20 be appropriated to and used by the Commission on Equity and
21 Inclusion for its operating and administrative expenses
22 related to the Business Enterprise Program, previously
23 administered by the Department.

24 (c) State agencies or other State entities may direct the
25 Comptroller to process inter-fund transfers or make payment
26 through the voucher and warrant process to the Professional

1 Services Fund in satisfaction of billings issued under
2 subsection (a) of this Section.

3 (d) Reconciliation. For the fiscal year beginning on July
4 1, 2004 only, the Director of Central Management Services (the
5 "Director") shall order that each State agency's payments and
6 transfers made to the Fund be reconciled with actual Fund
7 costs for professional services provided by the Department on
8 no less than an annual basis. The Director may require reports
9 from State agencies as deemed necessary to perform this
10 reconciliation.

11 (e) (Blank).

12 (e-5) (Blank).

13 (e-7) (Blank).

14 (e-10) (Blank).

15 (e-15) (Blank).

16 (e-20) (Blank).

17 (e-25) (Blank).

18 (e-30) (Blank).

19 (e-35) (Blank).

20 (e-40) (Blank).

21 (e-45) (Blank).

22 (e-50) (Blank).

23 (f) The term "professional services" means services
24 rendered on behalf of State agencies and other State entities
25 pursuant to Section 405-293 of the Department of Central
26 Management Services Law of the Civil Administrative Code of

1 Illinois.

2 (Source: P.A. 101-636, eff. 6-10-20.)

3 (30 ILCS 105/6z-70)

4 Sec. 6z-70. The Secretary of State Identification Security
5 and Theft Prevention Fund.

6 (a) The Secretary of State Identification Security and
7 Theft Prevention Fund is created as a special fund in the State
8 treasury. The Fund shall consist of any fund transfers,
9 grants, fees, or moneys from other sources received for the
10 purpose of funding identification security and theft
11 prevention measures.

12 (b) All moneys in the Secretary of State Identification
13 Security and Theft Prevention Fund shall be used, subject to
14 appropriation, for any costs related to implementing
15 identification security and theft prevention measures.

16 (c) (Blank).

17 (d) (Blank).

18 (e) (Blank).

19 (f) (Blank).

20 (g) (Blank).

21 (h) (Blank).

22 (i) (Blank).

23 (j) (Blank).

24 (k) (Blank).

25 (l) (Blank). ~~Notwithstanding any other provision of State~~

~~law to the contrary, on or after July 1, 2019, and until June 30, 2020, 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~~

(m) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2020, and until June 30, 2021, 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:

1 Division of Corporations Registered Limited
2 Liability Partnership Fund \$287,000
3 Securities Investors Education Fund.....
4\$1,500,000

5 Department of Business Services Special
6 Operations Fund..... \$4,500,000
7 Securities Audit and Enforcement Fund \$5,000,000
8 Corporate Franchise Tax Refund Fund \$3,000,000

9 (n) Notwithstanding any other provision of State law to
10 the contrary, on or after July 1, 2021, and until June 30,
11 2022, in addition to any other transfers that may be provided
12 for by law, at the direction of and upon notification of the
13 Secretary of State, the State Comptroller shall direct and the
14 State Treasurer shall transfer amounts into the Secretary of
15 State Identification Security and Theft Prevention Fund from
16 the designated funds not exceeding the following totals:

17 Division of Corporations Registered Limited
18 Liability Partnership Fund \$287,000
19 Securities Investors Education Fund..... \$1,500,000
20 Department of Business Services Special
21 Operations Fund..... \$4,500,000
22 Securities Audit and Enforcement Fund \$5,000,000
23 Corporate Franchise Tax Refund Fund \$3,000,000

24 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
25 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

1 (30 ILCS 105/6z-77)

2 Sec. 6z-77. The Capital Projects Fund. The Capital
3 Projects Fund is created as a special fund in the State
4 Treasury. The State Comptroller and State Treasurer shall
5 transfer from the Capital Projects Fund to the General Revenue
6 Fund \$61,294,550 on October 1, 2009, \$122,589,100 on January
7 1, 2010, and \$61,294,550 on April 1, 2010. Beginning on July 1,
8 2010, and on July 1 and January 1 of each year thereafter, the
9 State Comptroller and State Treasurer shall transfer the sum
10 of \$122,589,100 from the Capital Projects Fund to the General
11 Revenue Fund. In Fiscal Year 2022 only, the State Comptroller
12 and State Treasurer shall transfer up to \$40,000,000 of sports
13 wagering revenues from the Capital Projects Fund to the
14 Rebuild Illinois Projects Fund in one or more transfers as
15 directed by the Governor. Subject to appropriation, the
16 Capital Projects Fund may be used only for capital projects
17 and the payment of debt service on bonds issued for capital
18 projects. All interest earned on moneys in the Fund shall be
19 deposited into the Fund. The Fund shall not be subject to
20 administrative charges or chargebacks, such as but not limited
21 to those authorized under Section 8h.

22 (Source: P.A. 96-34, eff. 7-13-09.)

23 (30 ILCS 105/6z-82)

24 Sec. 6z-82. State Police Operations Assistance Fund.

25 (a) There is created in the State treasury a special fund

1 known as the State Police Operations Assistance Fund. The Fund
2 shall receive revenue under the Criminal and Traffic
3 Assessment Act. The Fund may also receive revenue from grants,
4 donations, appropriations, and any other legal source.

5 (b) The Department of State Police may use moneys in the
6 Fund to finance any of its lawful purposes or functions.

7 (c) Expenditures may be made from the Fund only as
8 appropriated by the General Assembly by law.

9 (d) Investment income that is attributable to the
10 investment of moneys in the Fund shall be retained in the Fund
11 for the uses specified in this Section.

12 (e) The State Police Operations Assistance Fund shall not
13 be subject to administrative chargebacks.

14 (f) (Blank). ~~Notwithstanding any other provision of State~~
15 ~~law to the contrary, on or after July 1, 2012, and until June~~
16 ~~30, 2013, in addition to any other transfers that may be~~
17 ~~provided for by law, at the direction of and upon notification~~
18 ~~from the Director of State Police, the State Comptroller shall~~
19 ~~direct and the State Treasurer shall transfer amounts into the~~
20 ~~State Police Operations Assistance Fund from the designated~~
21 ~~funds not exceeding the following totals:~~

22 ~~State Police Vehicle Fund \$2,250,000~~

23 ~~State Police Wireless Service~~

24 ~~Emergency Fund \$2,500,000~~

25 ~~State Police Services Fund \$3,500,000~~

26 (g) Notwithstanding any other provision of State law to

1 the contrary, on or after July 1, 2021, in addition to any
2 other transfers that may be provided for by law, at the
3 direction of and upon notification from the Director of State
4 Police, the State Comptroller shall direct and the State
5 Treasurer shall transfer amounts not exceeding \$7,000,000 into
6 the State Police Operations Assistance Fund from the State
7 Police Services Fund.

8 (Source: P.A. 100-987, eff. 7-1-19.)

9 (30 ILCS 105/6z-100)

10 (Section scheduled to be repealed on July 1, 2021)

11 Sec. 6z-100. Capital Development Board Revolving Fund;
12 payments into and use. All monies received by the Capital
13 Development Board for publications or copies issued by the
14 Board, and all monies received for contract administration
15 fees, charges, or reimbursements owing to the Board shall be
16 deposited into a special fund known as the Capital Development
17 Board Revolving Fund, which is hereby created in the State
18 treasury. The monies in this Fund shall be used by the Capital
19 Development Board, as appropriated, for expenditures for
20 personal services, retirement, social security, contractual
21 services, legal services, travel, commodities, printing,
22 equipment, electronic data processing, or telecommunications.
23 For fiscal year 2021 and thereafter, the monies in this Fund
24 may also be appropriated to and used by the Executive Ethics
25 Commission for oversight and administration of the Chief

1 Procurement Officer appointed under paragraph (1) of
2 subsection (a) of Section 10-20 of the Illinois Procurement
3 Code ~~responsible for capital procurement~~. Unexpended moneys in
4 the Fund shall not be transferred or allocated by the
5 Comptroller or Treasurer to any other fund, nor shall the
6 Governor authorize the transfer or allocation of those moneys
7 to any other fund. This Section is repealed July 1, 2022 ~~2021~~.
8 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
9 101-10, eff. 6-5-19; 101-636, eff. 6-10-20; 101-645, eff.
10 6-26-20.)

11 (30 ILCS 105/6z-121)

12 Sec. 6z-121. State Coronavirus Urgent Remediation
13 Emergency Fund.

14 (a) The State Coronavirus Urgent Remediation Emergency
15 (State CURE) Fund is created as a federal trust fund within the
16 State treasury. The State CURE Fund shall be held separate and
17 apart from all other funds in the State treasury. The State
18 CURE Fund is established: (1) to receive, directly or
19 indirectly, federal funds from the Coronavirus Relief Fund in
20 accordance with Section 5001 of the federal Coronavirus Aid,
21 Relief, and Economic Security (CARES) Act, the Coronavirus
22 State Fiscal Recovery Fund in accordance with Section 9901 of
23 the American Rescue Plan Act of 2021, or from any other federal
24 fund pursuant to any other provision of the American Rescue
25 Plan Act of 2021 or any other federal law; and (2) to provide

1 for the transfer, distribution and expenditure of such federal
2 funds as permitted in the federal Coronavirus Aid, Relief, and
3 Economic Security (CARES) Act, the American Rescue Plan Act of
4 2021, and related federal guidance or any other federal law,
5 and as authorized by this Section.

6 (b) Federal funds received by the State from the
7 Coronavirus Relief Fund in accordance with Section 5001 of the
8 federal Coronavirus Aid, Relief, and Economic Security (CARES)
9 Act, the Coronavirus State Fiscal Recovery Fund in accordance
10 with Section 9901 of the American Rescue Plan Act of 2021, or
11 any other federal funds received pursuant to the American
12 Rescue Plan Act of 2021 or any other federal law, may be
13 deposited, directly or indirectly, into the State CURE Fund.

14 (c) Funds in the State CURE Fund may be expended, subject
15 to appropriation, directly for purposes permitted under the
16 federal law and related federal guidance governing the use of
17 such funds, which may include without limitation purposes
18 permitted in Section 5001 of the CARES Act and Sections 3201,
19 3206, and 9901 of the American Rescue Plan Act of 2021. All
20 federal funds received into the State CURE Fund from the
21 Coronavirus Relief Fund, the Coronavirus State Fiscal Recovery
22 Fund, or any other source under the American Rescue Plan Act of
23 2021, may be transferred or expended by the Illinois Emergency
24 Management Agency at the direction of the Governor for the
25 specific purposes permitted by the federal Coronavirus Aid,
26 Relief, and Economic Security (CARES) Act, the American Rescue

1 Plan Act of 2021, any related regulations or federal guidance,
2 and any terms and conditions of the federal awards received by
3 the State thereunder. The State Comptroller shall direct and
4 the State Treasurer shall transfer, as directed by the
5 Governor in writing, a portion of the federal funds received
6 from the Coronavirus Relief Fund or from any other federal
7 fund pursuant to any other provision of federal law ~~may be~~
8 ~~transferred~~ to the Local Coronavirus Urgent Remediation
9 Emergency (Local CURE) Fund from time to time for the
10 provision and administration of grants to units of local
11 government as permitted by the federal Coronavirus Aid,
12 Relief, and Economic Security (CARES) Act, any related federal
13 guidance, and any other additional federal law that may
14 provide authorization. The State Comptroller shall direct and
15 the State Treasurer shall transfer amounts, as directed by the
16 Governor in writing, from the State CURE Fund to the Essential
17 Government Services Support Fund to be used for the provision
18 of government services as permitted under Section 602(c)(1)(C)
19 of the Social Security Act as enacted by Section 9901 of the
20 American Rescue Plan Act and related federal guidance. Funds
21 in the State CURE Fund also may be transferred to other funds
22 in the State treasury as reimbursement for expenditures made
23 from such other funds if the expenditures are eligible for
24 federal reimbursement under Section 5001 of the federal
25 Coronavirus Aid, Relief, and Economic Security (CARES) Act,
26 the relevant provisions of the American Rescue Plan Act of

1 2021, or any ~~and~~ related federal guidance. ~~Funds in the State~~
2 ~~CURE Fund also may be expended directly on expenditures~~
3 ~~eligible for federal reimbursement under Section 5001 of the~~
4 ~~federal Coronavirus Aid, Relief, and Economic Security (CARES)~~
5 ~~Act and related federal guidance.~~

6 (d) Once the General Assembly has enacted appropriations
7 from the State CURE Fund, the expenditure of funds from the
8 State CURE Fund shall be subject to appropriation by the
9 General Assembly, and shall be administered by the Illinois
10 Emergency Management Agency at the direction of the Governor.
11 The Illinois Emergency Management Agency, and other agencies
12 as named in appropriations, shall transfer, distribute or
13 expend the funds. The State Comptroller shall direct and the
14 State Treasurer shall transfer funds in the State CURE Fund to
15 other funds in the State treasury as reimbursement for
16 expenditures made from such other funds if the expenditures
17 are eligible for federal reimbursement under Section 5001 of
18 the federal Coronavirus Aid, Relief, and Economic Security
19 (CARES) Act, the relevant provisions of the American Rescue
20 Plan Act of 2021, or any ~~and~~ related federal guidance, as
21 directed in writing by the Governor. Additional funds that may
22 be received from the federal government from legislation
23 enacted in response to the impact of Coronavirus Disease 2019,
24 including fiscal stabilization payments that replace revenues
25 lost due to Coronavirus Disease 2019, The State Comptroller
26 may direct and the State Treasurer shall transfer in the

1 manner authorized or required by any related federal guidance,
2 as directed in writing by the Governor.

3 (e) Unexpended funds in the State CURE Fund shall be paid
4 back to the federal government at the direction of the
5 Governor.

6 (f) In addition to any other transfers that may be
7 provided for by law, at the direction of the Governor, the
8 State Comptroller shall direct and the State Treasurer shall
9 transfer the sum of \$24,523,000 from the State CURE Fund to the
10 Chicago Travel Industry Promotion Fund.

11 (g) In addition to any other transfers that may be
12 provided for by law, at the direction of the Governor, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer the sum of \$30,000,000 from the State CURE Fund to the
15 Metropolitan Pier and Exposition Authority Incentive Fund.

16 (h) In addition to any other transfers that may be
17 provided for by law, at the direction of the Governor, the
18 State Comptroller shall direct and the State Treasurer shall
19 transfer the sum of \$45,180,000 from the State CURE Fund to the
20 Local Tourism Fund.

21 (Source: P.A. 101-636, eff. 6-10-20.)

22 (30 ILCS 105/6z-122)

23 Sec. 6z-122. Local Coronavirus Urgent Remediation
24 Emergency Fund.

25 (a) The Local Coronavirus Urgent Remediation Emergency

1 Fund, or Local CURE Fund, is created as a federal trust fund
2 within the State treasury. The Local CURE Fund shall be held
3 separate and apart from all other funds of the State. The Local
4 CURE Fund is established: (1) to receive transfers from either
5 the Disaster Response and Recovery Fund or the State
6 Coronavirus Urgent Remediation Emergency (State CURE) Fund of
7 federal funds received by the State from the Coronavirus
8 Relief Fund in accordance with Section 5001 of the federal
9 Coronavirus Aid, Relief, and Economic Security (CARES) Act or
10 pursuant to any other provision of federal law; and (2) to
11 provide for the administration and payment of grants and
12 expense reimbursements to units of local government as
13 permitted in the federal Coronavirus Aid, Relief, and Economic
14 Security (CARES) Act and related federal guidance, as
15 authorized by this Section, and as authorized in the
16 Department of Commerce and Economic Opportunity Act.

17 (b) A portion of the funds received into either the
18 Disaster Response and Recovery Fund or the State CURE Fund
19 from the Coronavirus Relief Fund in accordance with Section
20 5001 of the federal Coronavirus Aid, Relief, and Economic
21 Security (CARES) Act may be transferred into the Local CURE
22 Fund from time to time. Such funds transferred to the Local
23 CURE Fund may be used by the Department of Commerce and
24 Economic Opportunity only to provide for the awarding and
25 administration and payment of grants and expense
26 reimbursements to units of local government for the specific

1 purposes permitted by the federal Coronavirus Aid, Relief, and
2 Economic Security (CARES) Act and any related federal
3 guidance, the terms and conditions of the federal awards
4 through which the funds are received by the State, in
5 accordance with the procedures established in this Section,
6 and as authorized in the Department of Commerce and Economic
7 Opportunity Act.

8 (c) Unless federal guidance expands the authorized uses,
9 the funds received by units of local government from the Local
10 CURE Fund may be used only to cover the costs of the units of
11 local government that (1) are necessary expenditures incurred
12 due to the public health emergency caused by the Coronavirus
13 Disease 2019, (2) were not accounted for in the budget of the
14 State or unit of local government most recently approved as of
15 March 27, 2020: and are incurred on or after March 1, 2020 and
16 before December 31, 2021 ~~2020~~; however, if new federal
17 guidance or new federal law expands authorized uses or extends
18 the covered period, then the funds may be used for any other
19 permitted purposes throughout the covered period.

20 (d) The expenditure of funds from the Local CURE Fund
21 shall be subject to appropriation by the General Assembly.

22 (d-5) In addition to the purposes described in subsection
23 (a), the Local CURE Fund may receive, directly or indirectly,
24 federal funds from the Coronavirus Local Fiscal Recovery Fund
25 in accordance with Section 9901 of the American Rescue Plan
26 Act of 2021 in order to provide payments to units of local

1 government as directed by Section 9901 of the American Rescue
2 Plan Act of 2021 and related federal guidance. Such moneys on
3 deposit in the Local CURE Fund shall be paid to units of local
4 government in accordance with Section 9901 of the American
5 Rescue Plan Act of 2021 and as directed by federal guidance on
6 a continuing basis by the Department of Revenue, in
7 cooperation with the Department of Commerce and Economic
8 Opportunity and as instructed by the Governor.

9 (e) Unexpended funds in the Local CURE Fund shall be
10 transferred or paid back to the State CURE Fund or to the
11 federal government at the direction of the Governor.

12 (Source: P.A. 101-636, eff. 6-10-20.)

13 (30 ILCS 105/6z-128 new)

14 Sec. 6z-128. Essential Government Services Support Fund.

15 (a) The Essential Government Services Support Fund (the
16 EGSS Fund) is created as a federal trust fund within the State
17 treasury. The EGSS Fund is established: (1) to receive,
18 directly or indirectly, federal funds from the Coronavirus
19 State Fiscal Recovery Fund in accordance with Section 9901 of
20 the federal American Rescue Plan Act of 2021; and (2) to
21 provide for the use of such funds for purposes permitted by
22 Section 9901 of the American Rescue Plan Act of 2021,
23 including the provision of government services as permitted
24 under Section 602(c)(1)(C) of the Social Security Act as
25 enacted by Section 9901 of the American Rescue Plan Act of

1 2021, and as authorized by this Section.

2 (b) Federal funds received by the State from the
3 Coronavirus State Fiscal Recovery Fund in accordance with
4 Section 9901 of the American Rescue Plan Act of 2021 may be
5 deposited, directly or indirectly, into the EGSS Fund.

6 (c) The EGSS Fund shall be subject to appropriation by the
7 General Assembly. The fund shall be administered by the
8 Illinois Emergency Management Agency at the direction of the
9 Governor. The Illinois Emergency Management Agency, and other
10 agencies as named in appropriations, shall transfer,
11 distribute or expend the funds. Funds in the EGSS Fund may be
12 expended, subject to appropriation, directly for purposes
13 permitted under Section 9901 of the American Rescue Plan Act
14 of 2021 and related federal guidance governing the use of such
15 funds, including the provision of government services as
16 permitted under Section 602(c)(1)(C) of the Social Security
17 Act as enacted by Section 9901 of the American Rescue Plan Act
18 of 2021.

19 (d) All funds received, directly or indirectly, into the
20 EGSS Fund from the Coronavirus State Fiscal Recovery Fund may
21 be transferred or expended at the direction of the Governor
22 for the specific purposes permitted under Section 9901 of the
23 American Rescue Plan Act of 2021 and any related federal
24 guidance. The State Comptroller shall direct and the State
25 Treasurer shall transfer from time to time, as directed by the
26 Governor in writing, any of the funds in the EGSS Fund to the

1 General Revenue Fund or other funds in the State treasury as
2 needed for expenditures, or as reimbursement for expenditures
3 made, from such other funds for permitted purposes under
4 Section 9901 of the American Rescue Plan Act of 2021,
5 including the provision of government services.

6 (e) Unexpended funds in the EGSS Fund shall be paid back to
7 the federal government at the direction of the Governor.

8 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

9 Sec. 8.3. Money in the Road Fund shall, if and when the
10 State of Illinois incurs any bonded indebtedness for the
11 construction of permanent highways, be set aside and used for
12 the purpose of paying and discharging annually the principal
13 and interest on that bonded indebtedness then due and payable,
14 and for no other purpose. The surplus, if any, in the Road Fund
15 after the payment of principal and interest on that bonded
16 indebtedness then annually due shall be used as follows:

17 first -- to pay the cost of administration of Chapters
18 2 through 10 of the Illinois Vehicle Code, except the cost
19 of administration of Articles I and II of Chapter 3 of that
20 Code, and to pay the costs of the Executive Ethics
21 Commission for oversight and administration of the Chief
22 Procurement Officer appointed under paragraph (2) of
23 subsection (a) of Section 10-20 of the Illinois
24 Procurement Code for transportation; and

25 secondly -- for expenses of the Department of

1 Transportation for construction, reconstruction,
2 improvement, repair, maintenance, operation, and
3 administration of highways in accordance with the
4 provisions of laws relating thereto, or for any purpose
5 related or incident to and connected therewith, including
6 the separation of grades of those highways with railroads
7 and with highways and including the payment of awards made
8 by the Illinois Workers' Compensation Commission under the
9 terms of the Workers' Compensation Act or Workers'
10 Occupational Diseases Act for injury or death of an
11 employee of the Division of Highways in the Department of
12 Transportation; or for the acquisition of land and the
13 erection of buildings for highway purposes, including the
14 acquisition of highway right-of-way or for investigations
15 to determine the reasonably anticipated future highway
16 needs; or for making of surveys, plans, specifications and
17 estimates for and in the construction and maintenance of
18 flight strips and of highways necessary to provide access
19 to military and naval reservations, to defense industries
20 and defense-industry sites, and to the sources of raw
21 materials and for replacing existing highways and highway
22 connections shut off from general public use at military
23 and naval reservations and defense-industry sites, or for
24 the purchase of right-of-way, except that the State shall
25 be reimbursed in full for any expense incurred in building
26 the flight strips; or for the operating and maintaining of

1 highway garages; or for patrolling and policing the public
2 highways and conserving the peace; or for the operating
3 expenses of the Department relating to the administration
4 of public transportation programs; ~~or, during fiscal year~~
5 ~~2020 only, for the purposes of a grant not to exceed~~
6 ~~\$8,394,800 to the Regional Transportation Authority on~~
7 ~~behalf of PACE for the purpose of ADA/Para transit~~
8 ~~expenses;~~ or, during fiscal year 2021 only, for the
9 purposes of a grant not to exceed \$8,394,800 to the
10 Regional Transportation Authority on behalf of PACE for
11 the purpose of ADA/Para-transit expenses; or, during
12 fiscal year 2022 only, for the purposes of a grant not to
13 exceed \$8,394,800 to the Regional Transportation Authority
14 on behalf of PACE for the purpose of ADA/Para-transit
15 expenses; or for any of those purposes or any other
16 purpose that may be provided by law.

17 Appropriations for any of those purposes are payable from
18 the Road Fund. Appropriations may also be made from the Road
19 Fund for the administrative expenses of any State agency that
20 are related to motor vehicles or arise from the use of motor
21 vehicles.

22 Beginning with fiscal year 1980 and thereafter, no Road
23 Fund monies shall be appropriated to the following Departments
24 or agencies of State government for administration, grants, or
25 operations; but this limitation is not a restriction upon
26 appropriating for those purposes any Road Fund monies that are

1 eligible for federal reimbursement:

2 1. Department of Public Health;

3 2. Department of Transportation, only with respect to
4 subsidies for one-half fare Student Transportation and
5 Reduced Fare for Elderly, ~~except fiscal year 2020 only~~
6 ~~when no more than \$17,570,000 may be expended and except~~
7 ~~fiscal year 2021 only when no more than \$17,570,000 may be~~
8 ~~expended and except fiscal year 2022 only when no more~~
9 ~~than \$17,570,000 may be expended;~~

10 3. Department of Central Management Services, except
11 for expenditures incurred for group insurance premiums of
12 appropriate personnel;

13 4. Judicial Systems and Agencies.

14 Beginning with fiscal year 1981 and thereafter, no Road
15 Fund monies shall be appropriated to the following Departments
16 or agencies of State government for administration, grants, or
17 operations; but this limitation is not a restriction upon
18 appropriating for those purposes any Road Fund monies that are
19 eligible for federal reimbursement:

20 1. Department of State Police, except for expenditures
21 with respect to the Division of Operations;

22 2. Department of Transportation, only with respect to
23 Intercity Rail Subsidies, ~~except fiscal year 2020 only~~
24 ~~when no more than \$50,000,000 may be expended and except~~
25 ~~fiscal year 2021 only when no more than \$50,000,000 may be~~
26 ~~expended and except fiscal year 2022 only when no more~~

1 than \$50,000,000 may be expended, and Rail Freight
2 Services.

3 Beginning with fiscal year 1982 and thereafter, no Road
4 Fund monies shall be appropriated to the following Departments
5 or agencies of State government for administration, grants, or
6 operations; but this limitation is not a restriction upon
7 appropriating for those purposes any Road Fund monies that are
8 eligible for federal reimbursement: Department of Central
9 Management Services, except for awards made by the Illinois
10 Workers' Compensation Commission under the terms of the
11 Workers' Compensation Act or Workers' Occupational Diseases
12 Act for injury or death of an employee of the Division of
13 Highways in the Department of Transportation.

14 Beginning with fiscal year 1984 and thereafter, no Road
15 Fund monies shall be appropriated to the following Departments
16 or agencies of State government for administration, grants, or
17 operations; but this limitation is not a restriction upon
18 appropriating for those purposes any Road Fund monies that are
19 eligible for federal reimbursement:

20 1. Department of State Police, except not more than
21 40% of the funds appropriated for the Division of
22 Operations;

23 2. State Officers.

24 Beginning with fiscal year 1984 and thereafter, no Road
25 Fund monies shall be appropriated to any Department or agency
26 of State government for administration, grants, or operations

1 except as provided hereafter; but this limitation is not a
2 restriction upon appropriating for those purposes any Road
3 Fund monies that are eligible for federal reimbursement. It
4 shall not be lawful to circumvent the above appropriation
5 limitations by governmental reorganization or other methods.
6 Appropriations shall be made from the Road Fund only in
7 accordance with the provisions of this Section.

8 Money in the Road Fund shall, if and when the State of
9 Illinois incurs any bonded indebtedness for the construction
10 of permanent highways, be set aside and used for the purpose of
11 paying and discharging during each fiscal year the principal
12 and interest on that bonded indebtedness as it becomes due and
13 payable as provided in the Transportation Bond Act, and for no
14 other purpose. The surplus, if any, in the Road Fund after the
15 payment of principal and interest on that bonded indebtedness
16 then annually due shall be used as follows:

17 first -- to pay the cost of administration of Chapters
18 2 through 10 of the Illinois Vehicle Code; and

19 secondly -- no Road Fund monies derived from fees,
20 excises, or license taxes relating to registration,
21 operation and use of vehicles on public highways or to
22 fuels used for the propulsion of those vehicles, shall be
23 appropriated or expended other than for costs of
24 administering the laws imposing those fees, excises, and
25 license taxes, statutory refunds and adjustments allowed
26 thereunder, administrative costs of the Department of

1 Transportation, including, but not limited to, the
2 operating expenses of the Department relating to the
3 administration of public transportation programs, payment
4 of debts and liabilities incurred in construction and
5 reconstruction of public highways and bridges, acquisition
6 of rights-of-way for and the cost of construction,
7 reconstruction, maintenance, repair, and operation of
8 public highways and bridges under the direction and
9 supervision of the State, political subdivision, or
10 municipality collecting those monies, ~~or during fiscal~~
11 ~~year 2020 only for the purposes of a grant not to exceed~~
12 ~~\$8,394,800 to the Regional Transportation Authority on~~
13 ~~behalf of PACE for the purpose of ADA/Para-transit~~
14 ~~expenses,~~ or during fiscal year 2021 only for the purposes
15 of a grant not to exceed \$8,394,800 to the Regional
16 Transportation Authority on behalf of PACE for the purpose
17 of ADA/Para-transit expenses, or during fiscal year 2022
18 only for the purposes of a grant not to exceed \$8,394,800
19 to the Regional Transportation Authority on behalf of PACE
20 for the purpose of ADA/Para-transit expenses, and the
21 costs for patrolling and policing the public highways (by
22 State, political subdivision, or municipality collecting
23 that money) for enforcement of traffic laws. The
24 separation of grades of such highways with railroads and
25 costs associated with protection of at-grade highway and
26 railroad crossing shall also be permissible.

1 Appropriations for any of such purposes are payable from
2 the Road Fund or the Grade Crossing Protection Fund as
3 provided in Section 8 of the Motor Fuel Tax Law.

4 Except as provided in this paragraph, beginning with
5 fiscal year 1991 and thereafter, no Road Fund monies shall be
6 appropriated to the Department of State Police for the
7 purposes of this Section in excess of its total fiscal year
8 1990 Road Fund appropriations for those purposes unless
9 otherwise provided in Section 5g of this Act. For fiscal years
10 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies
11 shall be appropriated to the Department of State Police for
12 the purposes of this Section in excess of \$97,310,000. For
13 fiscal year 2008 only, no Road Fund monies shall be
14 appropriated to the Department of State Police for the
15 purposes of this Section in excess of \$106,100,000. For fiscal
16 year 2009 only, no Road Fund monies shall be appropriated to
17 the Department of State Police for the purposes of this
18 Section in excess of \$114,700,000. Beginning in fiscal year
19 2010, no road fund moneys shall be appropriated to the
20 Department of State Police. It shall not be lawful to
21 circumvent this limitation on appropriations by governmental
22 reorganization or other methods unless otherwise provided in
23 Section 5g of this Act.

24 In fiscal year 1994, no Road Fund monies shall be
25 appropriated to the Secretary of State for the purposes of
26 this Section in excess of the total fiscal year 1991 Road Fund

1 appropriations to the Secretary of State for those purposes,
2 plus \$9,800,000. It shall not be lawful to circumvent this
3 limitation on appropriations by governmental reorganization or
4 other method.

5 Beginning with fiscal year 1995 and thereafter, no Road
6 Fund monies shall be appropriated to the Secretary of State
7 for the purposes of this Section in excess of the total fiscal
8 year 1994 Road Fund appropriations to the Secretary of State
9 for those purposes. It shall not be lawful to circumvent this
10 limitation on appropriations by governmental reorganization or
11 other methods.

12 Beginning with fiscal year 2000, total Road Fund
13 appropriations to the Secretary of State for the purposes of
14 this Section shall not exceed the amounts specified for the
15 following fiscal years:

16	Fiscal Year 2000	\$80,500,000;
17	Fiscal Year 2001	\$80,500,000;
18	Fiscal Year 2002	\$80,500,000;
19	Fiscal Year 2003	\$130,500,000;
20	Fiscal Year 2004	\$130,500,000;
21	Fiscal Year 2005	\$130,500,000;
22	Fiscal Year 2006	\$130,500,000;
23	Fiscal Year 2007	\$130,500,000;
24	Fiscal Year 2008	\$130,500,000;
25	Fiscal Year 2009	\$130,500,000.

26 For fiscal year 2010, no road fund moneys shall be

1 appropriated to the Secretary of State.

2 Beginning in fiscal year 2011, moneys in the Road Fund
3 shall be appropriated to the Secretary of State for the
4 exclusive purpose of paying refunds due to overpayment of fees
5 related to Chapter 3 of the Illinois Vehicle Code unless
6 otherwise provided for by law.

7 It shall not be lawful to circumvent this limitation on
8 appropriations by governmental reorganization or other
9 methods.

10 No new program may be initiated in fiscal year 1991 and
11 thereafter that is not consistent with the limitations imposed
12 by this Section for fiscal year 1984 and thereafter, insofar
13 as appropriation of Road Fund monies is concerned.

14 Nothing in this Section prohibits transfers from the Road
15 Fund to the State Construction Account Fund under Section 5e
16 of this Act; nor to the General Revenue Fund, as authorized by
17 Public Act 93-25.

18 The additional amounts authorized for expenditure in this
19 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
20 shall be repaid to the Road Fund from the General Revenue Fund
21 in the next succeeding fiscal year that the General Revenue
22 Fund has a positive budgetary balance, as determined by
23 generally accepted accounting principles applicable to
24 government.

25 The additional amounts authorized for expenditure by the
26 Secretary of State and the Department of State Police in this

1 Section by Public Act 94-91 shall be repaid to the Road Fund
2 from the General Revenue Fund in the next succeeding fiscal
3 year that the General Revenue Fund has a positive budgetary
4 balance, as determined by generally accepted accounting
5 principles applicable to government.

6 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
7 100-863, eff. 8-14-18; 101-10, eff. 6-5-19; 101-636, eff.
8 6-10-20.)

9 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

10 Sec. 8.12. State Pensions Fund.

11 (a) The moneys in the State Pensions Fund shall be used
12 exclusively for the administration of the Revised Uniform
13 Unclaimed Property Act and for the expenses incurred by the
14 Auditor General for administering the provisions of Section
15 2-8.1 of the Illinois State Auditing Act and for operational
16 expenses of the Office of the State Treasurer and for the
17 funding of the unfunded liabilities of the designated
18 retirement systems. For the purposes of this Section,
19 "operational expenses of the Office of the State Treasurer"
20 includes the acquisition of land and buildings in State fiscal
21 years 2019 and 2020 for use by the Office of the State
22 Treasurer, as well as construction, reconstruction,
23 improvement, repair, and maintenance, in accordance with the
24 provisions of laws relating thereto, of such lands and
25 buildings beginning in State fiscal year 2019 and thereafter.

1 Beginning in State fiscal year 2023 ~~2022~~, payments to the
2 designated retirement systems under this Section shall be in
3 addition to, and not in lieu of, any State contributions
4 required under the Illinois Pension Code.

5 "Designated retirement systems" means:

6 (1) the State Employees' Retirement System of
7 Illinois;

8 (2) the Teachers' Retirement System of the State of
9 Illinois;

10 (3) the State Universities Retirement System;

11 (4) the Judges Retirement System of Illinois; and

12 (5) the General Assembly Retirement System.

13 (b) Each year the General Assembly may make appropriations
14 from the State Pensions Fund for the administration of the
15 Revised Uniform Unclaimed Property Act.

16 (c) As soon as possible after July 30, 2004 (the effective
17 date of Public Act 93-839), the General Assembly shall
18 appropriate from the State Pensions Fund (1) to the State
19 Universities Retirement System the amount certified under
20 Section 15-165 during the prior year, (2) to the Judges
21 Retirement System of Illinois the amount certified under
22 Section 18-140 during the prior year, and (3) to the General
23 Assembly Retirement System the amount certified under Section
24 2-134 during the prior year as part of the required State
25 contributions to each of those designated retirement systems.
26 If the amount in the State Pensions Fund does not exceed the

1 sum of the amounts certified in Sections 15-165, 18-140, and
2 2-134 by at least \$5,000,000, the amount paid to each
3 designated retirement system under this subsection shall be
4 reduced in proportion to the amount certified by each of those
5 designated retirement systems.

6 (c-5) For fiscal years 2006 through 2022 ~~2021~~, the General
7 Assembly shall appropriate from the State Pensions Fund to the
8 State Universities Retirement System the amount estimated to
9 be available during the fiscal year in the State Pensions
10 Fund; provided, however, that the amounts appropriated under
11 this subsection (c-5) shall not reduce the amount in the State
12 Pensions Fund below \$5,000,000.

13 (c-6) For fiscal year 2023 ~~2022~~ and each fiscal year
14 thereafter, as soon as may be practical after any money is
15 deposited into the State Pensions Fund from the Unclaimed
16 Property Trust Fund, the State Treasurer shall apportion the
17 deposited amount among the designated retirement systems as
18 defined in subsection (a) to reduce their actuarial reserve
19 deficiencies. The State Comptroller and State Treasurer shall
20 pay the apportioned amounts to the designated retirement
21 systems to fund the unfunded liabilities of the designated
22 retirement systems. The amount apportioned to each designated
23 retirement system shall constitute a portion of the amount
24 estimated to be available for appropriation from the State
25 Pensions Fund that is the same as that retirement system's
26 portion of the total actual reserve deficiency of the systems,

1 as determined annually by the Governor's Office of Management
2 and Budget at the request of the State Treasurer. The amounts
3 apportioned under this subsection shall not reduce the amount
4 in the State Pensions Fund below \$5,000,000.

5 (d) The Governor's Office of Management and Budget shall
6 determine the individual and total reserve deficiencies of the
7 designated retirement systems. For this purpose, the
8 Governor's Office of Management and Budget shall utilize the
9 latest available audit and actuarial reports of each of the
10 retirement systems and the relevant reports and statistics of
11 the Public Employee Pension Fund Division of the Department of
12 Insurance.

13 (d-1) (Blank).

14 (e) The changes to this Section made by Public Act 88-593
15 shall first apply to distributions from the Fund for State
16 fiscal year 1996.

17 (Source: P.A. 100-22, eff. 1-1-18; 100-23, eff. 7-6-17;
18 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 101-10, eff.
19 6-5-19; 101-487, eff. 8-23-19; 101-636, eff. 6-10-20.)

20 (30 ILCS 105/8.25-4) (from Ch. 127, par. 144.25-4)

21 Sec. 8.25-4. All moneys in the Illinois Sports Facilities
22 Fund are allocated to and shall be transferred, appropriated
23 and used only for the purposes authorized by, and subject to,
24 the limitations and conditions of this Section.

25 All moneys deposited pursuant to Section 13.1 of "An Act

1 in relation to State revenue sharing with local governmental
2 entities", as amended, and all moneys deposited with respect
3 to the \$5,000,000 deposit, but not the additional \$8,000,000
4 advance applicable before July 1, 2001, or the Advance Amount
5 applicable on and after that date, pursuant to Section 6 of
6 "The Hotel Operators' Occupation Tax Act", as amended, into
7 the Illinois Sports Facilities Fund shall be credited to the
8 Subsidy Account within the Fund. All moneys deposited with
9 respect to the additional \$8,000,000 advance applicable before
10 July 1, 2001, or the Advance Amount applicable on and after
11 that date, but not the \$5,000,000 deposit, pursuant to Section
12 6 of "The Hotel Operators' Occupation Tax Act", as amended,
13 into the Illinois Sports Facilities Fund shall be credited to
14 the Advance Account within the Fund. All moneys deposited from
15 any transfer pursuant to Section 8q-1 of the State Finance Act
16 shall be credited to the Advance Account within the Fund.

17 Beginning with fiscal year 1989 and continuing for each
18 fiscal year thereafter through and including fiscal year 2001,
19 no less than 30 days before the beginning of such fiscal year
20 (except as soon as may be practicable after the effective date
21 of this amendatory Act of 1988 with respect to fiscal year
22 1989) the Chairman of the Illinois Sports Facilities Authority
23 shall certify to the State Comptroller and the State
24 Treasurer, without taking into account any revenues or
25 receipts of the Authority, the lesser of (a) \$18,000,000 and
26 (b) the sum of (i) the amount anticipated to be required by the

1 Authority during the fiscal year to pay principal of and
2 interest on, and other payments relating to, its obligations
3 issued or to be issued under Section 13 of the Illinois Sports
4 Facilities Authority Act, including any deposits required to
5 reserve funds created under any indenture or resolution
6 authorizing issuance of the obligations and payments to
7 providers of credit enhancement, (ii) the amount anticipated
8 to be required by the Authority during the fiscal year to pay
9 obligations under the provisions of any management agreement
10 with respect to a facility or facilities owned by the
11 Authority or of any assistance agreement with respect to any
12 facility for which financial assistance is provided under the
13 Illinois Sports Facilities Authority Act, and to pay other
14 capital and operating expenses of the Authority during the
15 fiscal year, including any deposits required to reserve funds
16 created for repair and replacement of capital assets and to
17 meet the obligations of the Authority under any management
18 agreement or assistance agreement, and (iii) any amounts under
19 (i) and (ii) above remaining unpaid from previous years.

20 Beginning with fiscal year 2002 and continuing for each
21 fiscal year thereafter, no less than 30 days before the
22 beginning of such fiscal year, the Chairman of the Illinois
23 Sports Facilities Authority shall certify to the State
24 Comptroller and the State Treasurer, without taking into
25 account any revenues or receipts of the Authority, the lesser
26 of (a) an amount equal to the sum of the Advance Amount plus

1 \$10,000,000 and (b) the sum of (i) the amount anticipated to be
2 required by the Authority during the fiscal year to pay
3 principal of and interest on, and other payments relating to,
4 its obligations issued or to be issued under Section 13 of the
5 Illinois Sports Facilities Authority Act, including any
6 deposits required to reserve funds created under any indenture
7 or resolution authorizing issuance of the obligations and
8 payments to providers of credit enhancement, (ii) the amount
9 anticipated to be required by the Authority during the fiscal
10 year to pay obligations under the provisions of any management
11 agreement with respect to a facility or facilities owned by
12 the Authority or any assistance agreement with respect to any
13 facility for which financial assistance is provided under the
14 Illinois Sports Facilities Authority Act, and to pay other
15 capital and operating expenses of the Authority during the
16 fiscal year, including any deposits required to reserve funds
17 created for repair and replacement of capital assets and to
18 meet the obligations of the Authority under any management
19 agreement or assistance agreement, and (iii) any amounts under
20 (i) and (ii) above remaining unpaid from previous years.

21 A copy of any certification made by the Chairman under the
22 preceding 2 paragraphs shall be filed with the Governor and
23 the Mayor of the City of Chicago. The Chairman may file an
24 amended certification from time to time.

25 Subject to sufficient appropriation by the General
26 Assembly, beginning with July 1, 1988 and thereafter

1 continuing on the first day of each month during each fiscal
2 year through and including fiscal year 2001, the Comptroller
3 shall order paid and the Treasurer shall pay to the Authority
4 the amount in the Illinois Sports Facilities Fund until (x)
5 the lesser of \$10,000,000 or the amount appropriated for
6 payment to the Authority from amounts credited to the Subsidy
7 Account and (y) the lesser of \$8,000,000 or the difference
8 between the amount appropriated for payment to the Authority
9 during the fiscal year and \$10,000,000 has been paid from
10 amounts credited to the Advance Account.

11 Subject to sufficient appropriation by the General
12 Assembly, beginning with July 1, 2001, and thereafter
13 continuing on the first day of each month during each fiscal
14 year thereafter, the Comptroller shall order paid and the
15 Treasurer shall pay to the Authority the amount in the
16 Illinois Sports Facilities Fund until (x) the lesser of
17 \$10,000,000 or the amount appropriated for payment to the
18 Authority from amounts credited to the Subsidy Account and (y)
19 the lesser of the Advance Amount or the difference between the
20 amount appropriated for payment to the Authority during the
21 fiscal year and \$10,000,000 has been paid from amounts
22 credited to the Advance Account.

23 Provided that all amounts deposited in the Illinois Sports
24 Facilities Fund and credited to the Subsidy Account, to the
25 extent requested pursuant to the Chairman's certification,
26 have been paid, on June 30, 1989, and on June 30 of each year

1 thereafter, all amounts remaining in the Subsidy Account of
2 the Illinois Sports Facilities Fund shall be transferred by
3 the State Treasurer one-half to the General Revenue Fund in
4 the State Treasury and one-half to the City Tax Fund. Provided
5 that all amounts appropriated from the Illinois Sports
6 Facilities Fund, to the extent requested pursuant to the
7 Chairman's certification, have been paid, on June 30, 1989,
8 and on June 30 of each year thereafter, all amounts remaining
9 in the Advance Account of the Illinois Sports Facilities Fund
10 shall be transferred by the State Treasurer to the General
11 Revenue Fund in the State Treasury.

12 For purposes of this Section, the term "Advance Amount"
13 means, for fiscal year 2002, \$22,179,000, and for subsequent
14 fiscal years through fiscal year 2032, 105.615% of the Advance
15 Amount for the immediately preceding fiscal year, rounded up
16 to the nearest \$1,000.

17 (Source: P.A. 91-935, eff. 6-1-01.)

18 (30 ILCS 105/8.25e) (from Ch. 127, par. 144.25e)

19 Sec. 8.25e. (a) The State Comptroller and the State
20 Treasurer shall automatically transfer on the first day of
21 each month, beginning on February 1, 1988, from the General
22 Revenue Fund to each of the funds then supplemented by the
23 pari-mutuel tax pursuant to Section 28 of the Illinois Horse
24 Racing Act of 1975, an amount equal to (i) the amount of
25 pari-mutuel tax deposited into such fund during the month in

1 fiscal year 1986 which corresponds to the month preceding such
2 transfer, minus (ii) the amount of pari-mutuel tax (or the
3 replacement transfer authorized by subsection (d) of Section
4 8g of this Act and subsection (d) of Section 28.1 of the
5 Illinois Horse Racing Act of 1975) deposited into such fund
6 during the month preceding such transfer; provided, however,
7 that no transfer shall be made to a fund if such amount for
8 that fund is equal to or less than zero and provided that no
9 transfer shall be made to a fund in any fiscal year after the
10 amount deposited into such fund exceeds the amount of
11 pari-mutuel tax deposited into such fund during fiscal year
12 1986.

13 (b) The State Comptroller and the State Treasurer shall
14 automatically transfer on the last day of each month,
15 beginning on October 1, 1989 and ending on June 30, 2017, from
16 the General Revenue Fund to the Metropolitan Exposition,
17 Auditorium and Office Building Fund, the amount of \$2,750,000
18 plus any cumulative deficiencies in such transfers for prior
19 months, until the sum of \$16,500,000 has been transferred for
20 the fiscal year beginning July 1, 1989 and until the sum of
21 \$22,000,000 has been transferred for each fiscal year
22 thereafter.

23 (b-5) The State Comptroller and the State Treasurer shall
24 automatically transfer on the last day of each month,
25 beginning on July 1, 2017, from the General Revenue Fund to the
26 Metropolitan Exposition, Auditorium and Office Building Fund,

1 the amount of \$1,500,000 plus any cumulative deficiencies in
2 such transfers for prior months, until the sum of \$12,000,000
3 has been transferred for each fiscal year thereafter through
4 fiscal year 2021, after which no such transfers shall be made.

5 (c) After the transfer of funds from the Metropolitan
6 Exposition, Auditorium and Office Building Fund to the Bond
7 Retirement Fund pursuant to subsection (b) of Section 15 of
8 the Metropolitan Civic Center Support Act, the State
9 Comptroller and the State Treasurer shall automatically
10 transfer on the last day of each month, beginning on October 1,
11 1989 and ending on June 30, 2017, from the Metropolitan
12 Exposition, Auditorium and Office Building Fund to the Park
13 and Conservation Fund the amount of \$1,250,000 plus any
14 cumulative deficiencies in such transfers for prior months,
15 until the sum of \$7,500,000 has been transferred for the
16 fiscal year beginning July 1, 1989 and until the sum of
17 \$10,000,000 has been transferred for each fiscal year
18 thereafter.

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

20 (30 ILCS 105/8g)

21 Sec. 8g. Fund transfers.

22 (a) (Blank).

23 (b) (Blank).

24 (c) In addition to any other transfers that may be
25 provided for by law, on August 30 of each fiscal year's license

1 period, the Illinois Liquor Control Commission shall direct
2 and the State Comptroller and State Treasurer shall transfer
3 from the General Revenue Fund to the Youth Alcoholism and
4 Substance Abuse Prevention Fund an amount equal to the number
5 of retail liquor licenses issued for that fiscal year
6 multiplied by \$50.

7 (d) The payments to programs required under subsection (d)
8 of Section 28.1 of the Illinois Horse Racing Act of 1975 shall
9 be made, pursuant to appropriation, from the special funds
10 referred to in the statutes cited in that subsection, rather
11 than directly from the General Revenue Fund.

12 Beginning January 1, 2000, on the first day of each month,
13 or as soon as may be practical thereafter, the State
14 Comptroller shall direct and the State Treasurer shall
15 transfer from the General Revenue Fund to each of the special
16 funds from which payments are to be made under subsection (d)
17 of Section 28.1 of the Illinois Horse Racing Act of 1975 an
18 amount equal to 1/12 of the annual amount required for those
19 payments from that special fund, which annual amount shall not
20 exceed the annual amount for those payments from that special
21 fund for the calendar year 1998. The special funds to which
22 transfers shall be made under this subsection (d) include, but
23 are not necessarily limited to, the Agricultural Premium Fund;
24 the Metropolitan Exposition, Auditorium and Office Building
25 Fund, but only through fiscal year 2021 and not thereafter;
26 the Fair and Exposition Fund; the Illinois Standardbred

1 Breeders Fund; the Illinois Thoroughbred Breeders Fund; and
2 the Illinois Veterans' Rehabilitation Fund. Except for
3 transfers attributable to prior fiscal years, during State
4 fiscal year 2020 only, no transfers shall be made from the
5 General Revenue Fund to the Agricultural Premium Fund, the
6 Fair and Exposition Fund, the Illinois Standardbred Breeders
7 Fund, or the Illinois Thoroughbred Breeders Fund.

8 ~~(e) (Blank).~~

9 ~~(f) (Blank).~~

10 ~~(f 1) (Blank).~~

11 ~~(g) (Blank).~~

12 ~~(h) (Blank).~~

13 ~~(i) (Blank).~~

14 ~~(i 1) (Blank).~~

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18 ~~(k 1) (Blank).~~

19 ~~(k 2) (Blank).~~

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21 ~~(l) (Blank).~~

22 ~~(m) (Blank).~~

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24 ~~(o) (Blank).~~

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1 ~~(r) (Blank)~~.

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4 ~~(u) (Blank)~~.

5 ~~(v) (Blank)~~.

6 ~~(w) (Blank)~~.

7 ~~(x) (Blank)~~.

8 ~~(y) (Blank)~~.

9 ~~(z) (Blank)~~.

10 ~~(aa) (Blank)~~.

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13 ~~(dd) (Blank)~~.

14 ~~(ee) (Blank)~~.

15 ~~(ff) (Blank)~~.

16 ~~(gg) (Blank)~~.

17 ~~(hh) (Blank)~~.

18 ~~(ii) (Blank)~~.

19 ~~(jj) (Blank)~~.

20 ~~(kk) (Blank)~~.

21 ~~(ll) (Blank)~~.

22 ~~(mm) (Blank)~~.

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7 ~~(xx) (Blank).~~
8 ~~(yy) (Blank).~~
9 ~~(zz) (Blank).~~
10 ~~(aaa) (Blank).~~
11 ~~(bbb) (Blank).~~
12 ~~(ccc) (Blank).~~
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16 ~~(ggg) (Blank).~~
17 ~~(hhh) (Blank).~~
18 ~~(iii) (Blank).~~
19 ~~(jjj) (Blank).~~
20 ~~(lll) (Blank).~~
21 ~~(mmm) (Blank).~~
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5 ~~(www) (Blank).~~

6 ~~(xxx) (Blank).~~

7 ~~(yyy) (Blank).~~

8 ~~(zzz) (Blank).~~

9 ~~(aaaa) (Blank).~~

10 ~~(bbbb) (Blank).~~

11 ~~(cccc) (Blank).~~

12 ~~(dddd) (Blank).~~

13 ~~(eeee) (Blank).~~

14 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;
15 100-863, eff. 8-14-18; 101-10, eff. 6-5-19; revised 7-17-19.)

16 (30 ILCS 105/8g-1)

17 Sec. 8g-1. Fund transfers.

18 (a) (Blank).

19 (b) (Blank).

20 (c) (Blank).

21 (d) (Blank).

22 (e) (Blank).

23 (f) (Blank).

24 (g) (Blank).

25 (h) (Blank).

1 (i) (Blank) .

2 (j) (Blank) .

3 (k) (Blank) .

4 (l) (Blank) .

5 (m) (Blank) .

6 (n) (Blank) .

7 (o) (Blank) .

8 (p) (Blank) .

9 (q) (Blank) .

10 (r) (Blank). ~~In addition to any other transfers that may~~
11 ~~be provided for by law, on July 1, 2020, or as soon thereafter~~
12 ~~as practical, the State Comptroller shall direct and the State~~
13 ~~Treasurer shall transfer the sum of \$500,000 from the General~~
14 ~~Revenue Fund to the Grant Accountability and Transparency~~
15 ~~Fund.~~

16 (s) (Blank). ~~In addition to any other transfers that may~~
17 ~~be provided for by law, on July 1, 2020, or as soon thereafter~~
18 ~~as 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 Governor's Administrative Fund.~~

21 (t) (Blank). ~~In addition to any other transfers that may~~
22 ~~be provided for by law, on July 1, 2020, or as soon thereafter~~
23 ~~as practical, the State Comptroller shall direct and the State~~
24 ~~Treasurer shall transfer the sum of \$320,000 from the General~~
25 ~~Revenue Fund to the Coal Development Fund.~~

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

1 provided for by law, on July 1, 2021, or as soon thereafter as
2 practical, only as directed by the Director of the Governor's
3 Office of Management and Budget, the State Comptroller shall
4 direct and the State Treasurer shall transfer the sum of
5 \$5,000,000 from the General Revenue Fund to the DoIT Special
6 Projects Fund, and on June 1, 2022, or as soon thereafter as
7 practical, but no later than June 30, 2022, the State
8 Comptroller shall direct and the State Treasurer shall
9 transfer the sum so transferred from the DoIT Special Projects
10 Fund to the General Revenue Fund.

11 (v) In addition to any other transfers that may be
12 provided for by law, on July 1, 2021, or as soon thereafter as
13 practical, the State Comptroller shall direct and the State
14 Treasurer shall transfer the sum of \$500,000 from the General
15 Revenue Fund to the Governor's Administrative Fund.

16 (w) In addition to any other transfers that may be
17 provided for by law, on July 1, 2021, 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
21 Fund.

22 (x) In addition to any other transfers that may be
23 provided for by law, at a time or times during Fiscal Year 2022
24 as directed by the Governor, the State Comptroller shall
25 direct and the State Treasurer shall transfer up to a total of
26 \$20,000,000 from the General Revenue Fund to the Illinois

1 Sports Facilities Fund to be credited to the Advance Account
2 within the Fund.

3 (y) In addition to any other transfers that may be
4 provided for by law, on June 15, 2021, or as soon thereafter as
5 practical, but no later than June 30, 2021, the State
6 Comptroller shall direct and the State Treasurer shall
7 transfer the sum of \$100,000,000 from the General Revenue Fund
8 to the Technology Management Revolving Fund.

9 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
10 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

11 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

12 Sec. 13.2. Transfers among line item appropriations.

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

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

23 (a-2) Except as otherwise provided in this Section,
24 transfers may be made only among the objects of expenditure
25 enumerated in this Section, except that no funds may be

1 transferred from any appropriation for personal services, from
2 any appropriation for State contributions to the State
3 Employees' Retirement System, from any separate appropriation
4 for employee retirement contributions paid by the employer,
5 nor from any appropriation for State contribution for employee
6 group insurance.

7 (a-2.5) (Blank).

8 (a-3) Further, if an agency receives a separate
9 appropriation for employee retirement contributions paid by
10 the employer, any transfer by that agency into an
11 appropriation for personal services must be accompanied by a
12 corresponding transfer into the appropriation for employee
13 retirement contributions paid by the employer, in an amount
14 sufficient to meet the employer share of the employee
15 contributions required to be remitted to the retirement
16 system.

17 (a-4) Long-Term Care Rebalancing. The Governor may
18 designate amounts set aside for institutional services
19 appropriated from the General Revenue Fund or any other State
20 fund that receives monies for long-term care services to be
21 transferred to all State agencies responsible for the
22 administration of community-based long-term care programs,
23 including, but not limited to, community-based long-term care
24 programs administered by the Department of Healthcare and
25 Family Services, the Department of Human Services, and the
26 Department on Aging, provided that the Director of Healthcare

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

16 (b) In addition to the general transfer authority provided
17 under subsection (c), the following agencies have the specific
18 transfer authority granted in this subsection:

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

26 The Department of Children and Family Services is

1 authorized to make transfers not exceeding 2% of the aggregate
2 amount appropriated to it within the same treasury fund for
3 the following line items among these same line items: Foster
4 Home and Specialized Foster Care and Prevention, Institutions
5 and Group Homes and Prevention, and Purchase of Adoption and
6 Guardianship Services.

7 The Department on Aging is authorized to make transfers
8 not exceeding 10% of the aggregate amount appropriated to it
9 within the same treasury fund for the following Community Care
10 Program line items among these same line items: purchase of
11 services covered by the Community Care Program and
12 Comprehensive Case Coordination.

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

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

1 Disabled Student Transportation Reimbursement (Section
2 14-13.01 of the School Code), Disabled Student Tuition -
3 Private Tuition (Section 14-7.02 of the School Code),
4 Extraordinary Special Education (Section 14-7.02b of the
5 School Code), Reimbursement for Free Lunch/Breakfast Program,
6 Summer School Payments (Section 18-4.3 of the School Code),
7 and Transportation - Regular/Vocational Reimbursement (Section
8 29-5 of the School Code). Such transfers shall be made only
9 when the balance remaining in one or more such line item
10 appropriations is insufficient for the purpose for which the
11 appropriation was made and provided that no such transfer may
12 be made unless the amount transferred is no longer required
13 for the purpose for which that appropriation was made.

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

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

1 Operation of Automotive Equipment; Telecommunications
2 Services; Travel and Allowance for Committed, Paroled and
3 Discharged Prisoners; Library Books; Federal Matching Grants
4 for Student Loans; Refunds; Workers' Compensation,
5 Occupational Disease, and Tort Claims; Late Interest Penalties
6 under the State Prompt Payment Act and Sections 368a and 370a
7 of the Illinois Insurance Code; and, in appropriations to
8 institutions of higher education, Awards and Grants.
9 Notwithstanding the above, any amounts appropriated for
10 payment of workers' compensation claims to an agency to which
11 the authority to evaluate, administer and pay such claims has
12 been delegated by the Department of Central Management
13 Services may be transferred to any other expenditure object
14 where such amounts exceed the amount necessary for the payment
15 of such claims.

16 (c-1) (Blank).

17 (c-2) (Blank).

18 (c-3) (Blank).

19 (c-4) (Blank).

20 (c-5) (Blank).

21 (c-6) (Blank). ~~Special provisions for State fiscal year~~
22 ~~2020. Notwithstanding any other provision of this Section, for~~
23 ~~State fiscal year 2020, transfers among line item~~
24 ~~appropriations to a State agency from the same State treasury~~
25 ~~fund may be made for operational or lump sum expenses only,~~
26 ~~provided that the sum of such transfers for a State agency in~~

~~State fiscal year 2020 shall not exceed 4% of the aggregate amount appropriated to that State agency for operational or lump sum expenses for State fiscal year 2020. For the purpose of this subsection (c-6), "operational or lump sum expenses" includes the following objects: personal services; extra help; student and inmate compensation; State contributions to retirement systems; State contributions to social security; State contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of automotive equipment; telecommunications services; travel and allowance for committed, paroled, and discharged prisoners; library books; federal matching grants for student loans; refunds; workers' compensation; occupational disease; and tort claims; Late Interest Penalties under the State Prompt Payment Act and Sections 368a and 370a of the Illinois Insurance Code; lump sum and other purposes; and lump sum operations. For the purpose of this subsection (c-6), "State agency" does not include the Attorney General, the Secretary of State, the Comptroller, the Treasurer, or the judicial or legislative branches.~~

(c-7) Special provisions for State fiscal year 2021. Notwithstanding any other provision of this Section, for State fiscal year 2021, transfers among line item appropriations to a State agency from the same State treasury fund may be made for operational or lump sum expenses only, provided that the

1 sum of such transfers for a State agency in State fiscal year
2 2021 shall not exceed 8% of the aggregate amount appropriated
3 to that State agency for operational or lump sum expenses for
4 State fiscal year 2021. For the purpose of this subsection,
5 "operational or lump sum expenses" includes the following
6 objects: personal services; extra help; student and inmate
7 compensation; State contributions to retirement systems; State
8 contributions to social security; State contributions for
9 employee group insurance; contractual services; travel;
10 commodities; printing; equipment; electronic data processing;
11 operation of automotive equipment; telecommunications
12 services; travel and allowance for committed, paroled, and
13 discharged prisoners; library books; federal matching grants
14 for student loans; refunds; workers' compensation,
15 occupational disease, and tort claims; Late Interest Penalties
16 under the State Prompt Payment Act and Sections 368a and 370a
17 of the Illinois Insurance Code; lump sum and other purposes;
18 and lump sum operations. For the purpose of this subsection,
19 "State agency" does not include the Attorney General, the
20 Secretary of State, the Comptroller, the Treasurer, or the
21 judicial or legislative branches.

22 (c-8) Special provisions for State fiscal year 2022.
23 Notwithstanding any other provision of this Section, for State
24 fiscal year 2022, transfers among line item appropriations to
25 a State agency from the same State treasury fund may be made
26 for operational or lump sum expenses only, provided that the

1 sum of such transfers for a State agency in State fiscal year
2 2022 shall not exceed 4% of the aggregate amount appropriated
3 to that State agency for operational or lump sum expenses for
4 State fiscal year 2022. For the purpose of this subsection,
5 "operational or lump sum expenses" includes the following
6 objects: personal services; extra help; student and inmate
7 compensation; State contributions to retirement systems; State
8 contributions to social security; State contributions for
9 employee group insurance; contractual services; travel;
10 commodities; printing; equipment; electronic data processing;
11 operation of automotive equipment; telecommunications
12 services; travel and allowance for committed, paroled, and
13 discharged prisoners; library books; federal matching grants
14 for student loans; refunds; workers' compensation,
15 occupational disease, and tort claims; Late Interest Penalties
16 under the State Prompt Payment Act and Sections 368a and 370a
17 of the Illinois Insurance Code; lump sum and other purposes;
18 and lump sum operations. For the purpose of this subsection,
19 "State agency" does not include the Attorney General, the
20 Secretary of State, the Comptroller, the Treasurer, or the
21 judicial or legislative branches.

22 (d) Transfers among appropriations made to agencies of the
23 Legislative and Judicial departments and to the
24 constitutionally elected officers in the Executive branch
25 require the approval of the officer authorized in Section 10
26 of this Act to approve and certify vouchers. Transfers among

1 appropriations made to the University of Illinois, Southern
2 Illinois University, Chicago State University, Eastern
3 Illinois University, Governors State University, Illinois
4 State University, Northeastern Illinois University, Northern
5 Illinois University, Western Illinois University, the Illinois
6 Mathematics and Science Academy and the Board of Higher
7 Education require the approval of the Board of Higher
8 Education and the Governor. Transfers among appropriations to
9 all other agencies require the approval of the Governor.

10 The officer responsible for approval shall certify that
11 the transfer is necessary to carry out the programs and
12 purposes for which the appropriations were made by the General
13 Assembly and shall transmit to the State Comptroller a
14 certified copy of the approval which shall set forth the
15 specific amounts transferred so that the Comptroller may
16 change his records accordingly. The Comptroller shall furnish
17 the Governor with information copies of all transfers approved
18 for agencies of the Legislative and Judicial departments and
19 transfers approved by the constitutionally elected officials
20 of the Executive branch other than the Governor, showing the
21 amounts transferred and indicating the dates such changes were
22 entered on the Comptroller's records.

23 (e) The State Board of Education, in consultation with the
24 State Comptroller, may transfer line item appropriations for
25 General State Aid or Evidence-Based Funding among the Common
26 School Fund and the Education Assistance Fund, and, for State

1 fiscal year 2020 and each fiscal year thereafter, the Fund for
2 the Advancement of Education. With the advice and consent of
3 the Governor's Office of Management and Budget, the State
4 Board of Education, in consultation with the State
5 Comptroller, may transfer line item appropriations between the
6 General Revenue Fund and the Education Assistance Fund for the
7 following programs:

8 (1) Disabled Student Personnel Reimbursement (Section
9 14-13.01 of the School Code);

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

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

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

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

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

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

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

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

25 (f) For State fiscal year 2020 and each fiscal year
26 thereafter, the Department on Aging, in consultation with the

1 State Comptroller, with the advice and consent of the
2 Governor's Office of Management and Budget, may transfer line
3 item appropriations for purchase of services covered by the
4 Community Care Program between the General Revenue Fund and
5 the Commitment to Human Services Fund.

6 (Source: P.A. 100-23, eff. 7-6-17; 100-465, eff. 8-31-17;
7 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 100-1064, eff.
8 8-24-18; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-275,
9 eff. 8-9-19; 101-636, eff. 6-10-20.)

10 (30 ILCS 105/25) (from Ch. 127, par. 161)

11 Sec. 25. Fiscal year limitations.

12 (a) All appropriations shall be available for expenditure
13 for the fiscal year or for a lesser period if the Act making
14 that appropriation so specifies. A deficiency or emergency
15 appropriation shall be available for expenditure only through
16 June 30 of the year when the Act making that appropriation is
17 enacted unless that Act otherwise provides.

18 (b) Outstanding liabilities as of June 30, payable from
19 appropriations which have otherwise expired, may be paid out
20 of the expiring appropriations during the 2-month period
21 ending at the close of business on August 31. Any service
22 involving professional or artistic skills or any personal
23 services by an employee whose compensation is subject to
24 income tax withholding must be performed as of June 30 of the
25 fiscal year in order to be considered an "outstanding

1 liability as of June 30" that is thereby eligible for payment
2 out of the expiring appropriation.

3 (b-1) However, payment of tuition reimbursement claims
4 under Section 14-7.03 or 18-3 of the School Code may be made by
5 the State Board of Education from its appropriations for those
6 respective purposes for any fiscal year, even though the
7 claims reimbursed by the payment may be claims attributable to
8 a prior fiscal year, and payments may be made at the direction
9 of the State Superintendent of Education from the fund from
10 which the appropriation is made without regard to any fiscal
11 year limitations, except as required by subsection (j) of this
12 Section. Beginning on June 30, 2021, payment of tuition
13 reimbursement claims under Section 14-7.03 or 18-3 of the
14 School Code as of June 30, payable from appropriations that
15 have otherwise expired, may be paid out of the expiring
16 appropriation during the 4-month period ending at the close of
17 business on October 31.

18 (b-2) (Blank).

19 (b-2.5) (Blank).

20 (b-2.6) (Blank).

21 (b-2.6a) (Blank).

22 (b-2.6b) (Blank).

23 (b-2.6c) (Blank).

24 (b-2.6d) All outstanding liabilities as of June 30, 2020,
25 payable from appropriations that would otherwise expire at the
26 conclusion of the lapse period for fiscal year 2020, and

1 interest penalties payable on those liabilities under the
2 State Prompt Payment Act, may be paid out of the expiring
3 appropriations until December 31, 2020, without regard to the
4 fiscal year in which the payment is made, as long as vouchers
5 for the liabilities are received by the Comptroller no later
6 than September 30, 2020.

7 (b-2.6e) All outstanding liabilities as of June 30, 2021,
8 payable from appropriations that would otherwise expire at the
9 conclusion of the lapse period for fiscal year 2021, and
10 interest penalties payable on those liabilities under the
11 State Prompt Payment Act, may be paid out of the expiring
12 appropriations until September 30, 2021, without regard to the
13 fiscal year in which the payment is made.

14 (b-2.7) For fiscal years 2012, 2013, 2014, 2018, 2019,
15 2020, ~~and~~ 2021, and 2022, interest penalties payable under the
16 State Prompt Payment Act associated with a voucher for which
17 payment is issued after June 30 may be paid out of the next
18 fiscal year's appropriation. The future year appropriation
19 must be for the same purpose and from the same fund as the
20 original payment. An interest penalty voucher submitted
21 against a future year appropriation must be submitted within
22 60 days after the issuance of the associated voucher, except
23 that, for fiscal year 2018 only, an interest penalty voucher
24 submitted against a future year appropriation must be
25 submitted within 60 days of June 5, 2019 (the effective date of
26 Public Act 101-10). The Comptroller must issue the interest

1 payment within 60 days after acceptance of the interest
2 voucher.

3 (b-3) Medical payments may be made by the Department of
4 Veterans' Affairs from its appropriations for those purposes
5 for any fiscal year, without regard to the fact that the
6 medical services being compensated for by such payment may
7 have been rendered in a prior fiscal year, except as required
8 by subsection (j) of this Section. Beginning on June 30, 2021,
9 medical payments payable from appropriations that have
10 otherwise expired may be paid out of the expiring
11 appropriation during the 4-month period ending at the close of
12 business on October 31.

13 (b-4) Medical payments and child care payments may be made
14 by the Department of Human Services (as successor to the
15 Department of Public Aid) from appropriations for those
16 purposes for any fiscal year, without regard to the fact that
17 the medical or child care services being compensated for by
18 such payment may have been rendered in a prior fiscal year; and
19 payments may be made at the direction of the Department of
20 Healthcare and Family Services (or successor agency) from the
21 Health Insurance Reserve Fund without regard to any fiscal
22 year limitations, except as required by subsection (j) of this
23 Section. Beginning on June 30, 2021, medical and child care
24 payments made by the Department of Human Services and payments
25 made at the discretion of the Department of Healthcare and
26 Family Services (or successor agency) from the Health

1 Insurance Reserve Fund and payable from appropriations that
2 have otherwise expired may be paid out of the expiring
3 appropriation during the 4-month period ending at the close of
4 business on October 31.

5 (b-5) Medical payments may be made by the Department of
6 Human Services from its appropriations relating to substance
7 abuse treatment services for any fiscal year, without regard
8 to the fact that the medical services being compensated for by
9 such payment may have been rendered in a prior fiscal year,
10 provided the payments are made on a fee-for-service basis
11 consistent with requirements established for Medicaid
12 reimbursement by the Department of Healthcare and Family
13 Services, except as required by subsection (j) of this
14 Section. Beginning on June 30, 2021, medical payments made by
15 the Department of Human Services relating to substance abuse
16 treatment services payable from appropriations that have
17 otherwise expired may be paid out of the expiring
18 appropriation during the 4-month period ending at the close of
19 business on October 31.

20 (b-6) (Blank).

21 (b-7) Payments may be made in accordance with a plan
22 authorized by paragraph (11) or (12) of Section 405-105 of the
23 Department of Central Management Services Law from
24 appropriations for those payments without regard to fiscal
25 year limitations.

26 (b-8) Reimbursements to eligible airport sponsors for the

1 construction or upgrading of Automated Weather Observation
2 Systems may be made by the Department of Transportation from
3 appropriations for those purposes for any fiscal year, without
4 regard to the fact that the qualification or obligation may
5 have occurred in a prior fiscal year, provided that at the time
6 the expenditure was made the project had been approved by the
7 Department of Transportation prior to June 1, 2012 and, as a
8 result of recent changes in federal funding formulas, can no
9 longer receive federal reimbursement.

10 (b-9) (Blank).

11 (c) Further, payments may be made by the Department of
12 Public Health and the Department of Human Services (acting as
13 successor to the Department of Public Health under the
14 Department of Human Services Act) from their respective
15 appropriations for grants for medical care to or on behalf of
16 premature and high-mortality risk infants and their mothers
17 and for grants for supplemental food supplies provided under
18 the United States Department of Agriculture Women, Infants and
19 Children Nutrition Program, for any fiscal year without regard
20 to the fact that the services being compensated for by such
21 payment may have been rendered in a prior fiscal year, except
22 as required by subsection (j) of this Section. Beginning on
23 June 30, 2021, payments made by the Department of Public
24 Health and the Department of Human Services from their
25 respective appropriations for grants for medical care to or on
26 behalf of premature and high-mortality risk infants and their

1 mothers and for grants for supplemental food supplies provided
2 under the United States Department of Agriculture Women,
3 Infants and Children Nutrition Program payable from
4 appropriations that have otherwise expired may be paid out of
5 the expiring appropriations during the 4-month period ending
6 at the close of business on October 31.

7 (d) The Department of Public Health and the Department of
8 Human Services (acting as successor to the Department of
9 Public Health under the Department of Human Services Act)
10 shall each annually submit to the State Comptroller, Senate
11 President, Senate Minority Leader, Speaker of the House, House
12 Minority Leader, and the respective Chairmen and Minority
13 Spokesmen of the Appropriations Committees of the Senate and
14 the House, on or before December 31, a report of fiscal year
15 funds used to pay for services provided in any prior fiscal
16 year. This report shall document by program or service
17 category those expenditures from the most recently completed
18 fiscal year used to pay for services provided in prior fiscal
19 years.

20 (e) The Department of Healthcare and Family Services, the
21 Department of Human Services (acting as successor to the
22 Department of Public Aid), and the Department of Human
23 Services making fee-for-service payments relating to substance
24 abuse treatment services provided during a previous fiscal
25 year shall each annually submit to the State Comptroller,
26 Senate President, Senate Minority Leader, Speaker of the

1 House, House Minority Leader, the respective Chairmen and
2 Minority Spokesmen of the Appropriations Committees of the
3 Senate and the House, on or before November 30, a report that
4 shall document by program or service category those
5 expenditures from the most recently completed fiscal year used
6 to pay for (i) services provided in prior fiscal years and (ii)
7 services for which claims were received in prior fiscal years.

8 (f) The Department of Human Services (as successor to the
9 Department of Public Aid) shall annually submit to the State
10 Comptroller, Senate President, Senate Minority Leader, Speaker
11 of the House, House Minority Leader, and the respective
12 Chairmen and Minority Spokesmen of the Appropriations
13 Committees of the Senate and the House, on or before December
14 31, a report of fiscal year funds used to pay for services
15 (other than medical care) provided in any prior fiscal year.
16 This report shall document by program or service category
17 those expenditures from the most recently completed fiscal
18 year used to pay for services provided in prior fiscal years.

19 (g) In addition, each annual report required to be
20 submitted by the Department of Healthcare and Family Services
21 under subsection (e) shall include the following information
22 with respect to the State's Medicaid program:

23 (1) Explanations of the exact causes of the variance
24 between the previous year's estimated and actual
25 liabilities.

26 (2) Factors affecting the Department of Healthcare and

1 Family Services' liabilities, including, but not limited
2 to, numbers of aid recipients, levels of medical service
3 utilization by aid recipients, and inflation in the cost
4 of medical services.

5 (3) The results of the Department's efforts to combat
6 fraud and abuse.

7 (h) As provided in Section 4 of the General Assembly
8 Compensation Act, any utility bill for service provided to a
9 General Assembly member's district office for a period
10 including portions of 2 consecutive fiscal years may be paid
11 from funds appropriated for such expenditure in either fiscal
12 year.

13 (i) An agency which administers a fund classified by the
14 Comptroller as an internal service fund may issue rules for:

15 (1) billing user agencies in advance for payments or
16 authorized inter-fund transfers based on estimated charges
17 for goods or services;

18 (2) issuing credits, refunding through inter-fund
19 transfers, or reducing future inter-fund transfers during
20 the subsequent fiscal year for all user agency payments or
21 authorized inter-fund transfers received during the prior
22 fiscal year which were in excess of the final amounts owed
23 by the user agency for that period; and

24 (3) issuing catch-up billings to user agencies during
25 the subsequent fiscal year for amounts remaining due when
26 payments or authorized inter-fund transfers received from

1 the user agency during the prior fiscal year were less
2 than the total amount owed for that period.

3 User agencies are authorized to reimburse internal service
4 funds for catch-up billings by vouchers drawn against their
5 respective appropriations for the fiscal year in which the
6 catch-up billing was issued or by increasing an authorized
7 inter-fund transfer during the current fiscal year. For the
8 purposes of this Act, "inter-fund transfers" means transfers
9 without the use of the voucher-warrant process, as authorized
10 by Section 9.01 of the State Comptroller Act.

11 (i-1) Beginning on July 1, 2021, all outstanding
12 liabilities, not payable during the 4-month lapse period as
13 described in subsections (b-1), (b-3), (b-4), (b-5), and (c)
14 of this Section, that are made from appropriations for that
15 purpose for any fiscal year, without regard to the fact that
16 the services being compensated for by those payments may have
17 been rendered in a prior fiscal year, are limited to only those
18 claims that have been incurred but for which a proper bill or
19 invoice as defined by the State Prompt Payment Act has not been
20 received by September 30th following the end of the fiscal
21 year in which the service was rendered.

22 (j) Notwithstanding any other provision of this Act, the
23 aggregate amount of payments to be made without regard for
24 fiscal year limitations as contained in subsections (b-1),
25 (b-3), (b-4), (b-5), and (c) of this Section, and determined
26 by using Generally Accepted Accounting Principles, shall not

1 exceed the following amounts:

2 (1) \$6,000,000,000 for outstanding liabilities related
3 to fiscal year 2012;

4 (2) \$5,300,000,000 for outstanding liabilities related
5 to fiscal year 2013;

6 (3) \$4,600,000,000 for outstanding liabilities related
7 to fiscal year 2014;

8 (4) \$4,000,000,000 for outstanding liabilities related
9 to fiscal year 2015;

10 (5) \$3,300,000,000 for outstanding liabilities related
11 to fiscal year 2016;

12 (6) \$2,600,000,000 for outstanding liabilities related
13 to fiscal year 2017;

14 (7) \$2,000,000,000 for outstanding liabilities related
15 to fiscal year 2018;

16 (8) \$1,300,000,000 for outstanding liabilities related
17 to fiscal year 2019;

18 (9) \$600,000,000 for outstanding liabilities related
19 to fiscal year 2020; and

20 (10) \$0 for outstanding liabilities related to fiscal
21 year 2021 and fiscal years thereafter.

22 (k) Department of Healthcare and Family Services Medical
23 Assistance Payments.

24 (1) Definition of Medical Assistance.

25 For purposes of this subsection, the term "Medical
26 Assistance" shall include, but not necessarily be

1 limited to, medical programs and services authorized
2 under Titles XIX and XXI of the Social Security Act,
3 the Illinois Public Aid Code, the Children's Health
4 Insurance Program Act, the Covering ALL KIDS Health
5 Insurance Act, the Long Term Acute Care Hospital
6 Quality Improvement Transfer Program Act, and medical
7 care to or on behalf of persons suffering from chronic
8 renal disease, persons suffering from hemophilia, and
9 victims of sexual assault.

10 (2) Limitations on Medical Assistance payments that
11 may be paid from future fiscal year appropriations.

12 (A) The maximum amounts of annual unpaid Medical
13 Assistance bills received and recorded by the
14 Department of Healthcare and Family Services on or
15 before June 30th of a particular fiscal year
16 attributable in aggregate to the General Revenue Fund,
17 Healthcare Provider Relief Fund, Tobacco Settlement
18 Recovery Fund, Long-Term Care Provider Fund, and the
19 Drug Rebate Fund that may be paid in total by the
20 Department from future fiscal year Medical Assistance
21 appropriations to those funds are: \$700,000,000 for
22 fiscal year 2013 and \$100,000,000 for fiscal year 2014
23 and each fiscal year thereafter.

24 (B) Bills for Medical Assistance services rendered
25 in a particular fiscal year, but received and recorded
26 by the Department of Healthcare and Family Services

1 after June 30th of that fiscal year, may be paid from
2 either appropriations for that fiscal year or future
3 fiscal year appropriations for Medical Assistance.
4 Such payments shall not be subject to the requirements
5 of subparagraph (A).

6 (C) Medical Assistance bills received by the
7 Department of Healthcare and Family Services in a
8 particular fiscal year, but subject to payment amount
9 adjustments in a future fiscal year may be paid from a
10 future fiscal year's appropriation for Medical
11 Assistance. Such payments shall not be subject to the
12 requirements of subparagraph (A).

13 (D) Medical Assistance payments made by the
14 Department of Healthcare and Family Services from
15 funds other than those specifically referenced in
16 subparagraph (A) may be made from appropriations for
17 those purposes for any fiscal year without regard to
18 the fact that the Medical Assistance services being
19 compensated for by such payment may have been rendered
20 in a prior fiscal year. Such payments shall not be
21 subject to the requirements of subparagraph (A).

22 (3) Extended lapse period for Department of Healthcare
23 and Family Services Medical Assistance payments.
24 Notwithstanding any other State law to the contrary,
25 outstanding Department of Healthcare and Family Services
26 Medical Assistance liabilities, as of June 30th, payable

1 from appropriations which have otherwise expired, may be
2 paid out of the expiring appropriations during the 6-month
3 period ending at the close of business on December 31st.

4 (1) The changes to this Section made by Public Act 97-691
5 shall be effective for payment of Medical Assistance bills
6 incurred in fiscal year 2013 and future fiscal years. The
7 changes to this Section made by Public Act 97-691 shall not be
8 applied to Medical Assistance bills incurred in fiscal year
9 2012 or prior fiscal years.

10 (m) The Comptroller must issue payments against
11 outstanding liabilities that were received prior to the lapse
12 period deadlines set forth in this Section as soon thereafter
13 as practical, but no payment may be issued after the 4 months
14 following the lapse period deadline without the signed
15 authorization of the Comptroller and the Governor.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
17 101-10, eff. 6-5-19; 101-275, eff. 8-9-19; 101-636, eff.
18 6-10-20.)

19 ARTICLE 3. AMENDMENTS TO MISCELLANEOUS ACTS AFFECTING THE
20 FISCAL YEAR 2022 BUDGET

21 Section 3-5. The Illinois Administrative Procedure Act is
22 amended by adding Sections 5-45.8, 5-45.9, 5-45.10, and
23 5-45.11 as follows:

1 (5 ILCS 100/5-45.8 new)

2 Sec. 5-45.8. Emergency rulemaking; federal American Rescue
3 Plan Act of 2021. To provide for the expeditious and timely
4 implementation of the distribution of federal Coronavirus
5 Local Fiscal Recovery Fund moneys to eligible units of local
6 government in accordance with the Section 9901 of the federal
7 American Rescue Plan Act of 2021, emergency rules may be
8 adopted by any State agency authorized thereunder to so
9 implement the distribution. The adoption of emergency rules
10 authorized by Section 5-45 and this Section is deemed to be
11 necessary for the public interest, safety, and welfare.

12 This Section is repealed one year after the effective date
13 of this amendatory Act of the 102nd General Assembly.

14 (5 ILCS 100/5-45.9 new)

15 Sec. 5-45.9. Emergency rulemaking; Illinois Public Aid
16 Code. To provide for the expeditious and timely implementation
17 of the changes made to Articles 5 and 12 of the Illinois Public
18 Aid Code by this amendatory Act of the 102nd General Assembly,
19 emergency rules implementing the changes made to Articles 5
20 and 12 of the Illinois Public Aid Code by this amendatory Act
21 of the 102nd General Assembly may be adopted in accordance
22 with Section 5-45 by the Department of Healthcare and Family
23 Services or other department essential to the implementation
24 of the changes. The adoption of emergency rules authorized by
25 Section 5-45 and this Section is deemed to be necessary for the

1 public interest, safety, and welfare.

2 This Section is repealed one year after the effective date
3 of this amendatory Act of the 102nd General Assembly.

4 (5 ILCS 100/5-45.10 new)

5 Sec. 5-45.10. Emergency rulemaking; Mental Health and
6 Developmental Disabilities Administrative Act. To provide for
7 the expeditious and timely implementation of the changes made
8 to Section 74 of the Mental Health and Developmental
9 Disabilities Administrative Act by this amendatory Act of the
10 102nd General Assembly, emergency rules implementing the
11 changes made to Section 74 of the Mental Health and
12 Developmental Disabilities Administrative Act by this
13 amendatory Act of the 102nd General Assembly may be adopted in
14 accordance with Section 5-45 by the Department of Human
15 Services or other department essential to the implementation
16 of the changes. The adoption of emergency rules authorized by
17 Section 5-45 and this Section is deemed to be necessary for the
18 public interest, safety, and welfare.

19 This Section is repealed one year after the effective date
20 of this amendatory Act of the 102nd General Assembly.

21 (5 ILCS 100/5-45.11 new)

22 Sec. 5-45.11. Emergency rulemaking; federal Coronavirus
23 State Fiscal Recovery Fund. To provide for the expeditious and
24 timely implementation of any programs changed or established

1 by this amendatory Act of the 102nd General Assembly and
2 funded directly or indirectly with moneys from the federal
3 Coronavirus State Fiscal Recovery Fund, emergency rules
4 implementing such programs may be adopted in accordance with
5 Section 5-45 by the Department of Commerce and Economic
6 Opportunity. The adoption of emergency rules authorized by
7 Section 5-45 and this Section is deemed to be necessary for the
8 public interest, safety, and welfare.

9 This Section is repealed one year after the effective date
10 of this amendatory Act of the 102nd General Assembly.

11 Section 3-10. The State Comptroller Act is amended by
12 changing Section 25 as follows:

13 (15 ILCS 405/25)

14 Sec. 25. Fund.

15 (a) All cost recoveries, fees for services, and
16 governmental grants received by the Comptroller shall be
17 maintained in a special fund in the State treasury, to be known
18 as the Comptroller's Administrative Fund. Moneys in the
19 Comptroller's Administrative Fund may be utilized by the
20 Comptroller, subject to appropriation, in the discharge of the
21 duties of the office.

22 (b) The Comptroller may direct and the State Treasurer
23 shall transfer amounts from the Comptroller's Administrative
24 Fund into the Capital Facility and Technology Modernization

1 Fund as the Comptroller deems necessary. The Comptroller may
2 direct and the State Treasurer shall transfer any such amounts
3 so transferred to the Capital Facility and Technology
4 Modernization Fund back to the Comptroller's Administrative
5 Fund at any time.

6 (Source: P.A. 89-511, eff. 1-1-97.)

7 Section 3-15. The Department of Commerce and Economic
8 Opportunity Law of the Civil Administrative Code of Illinois
9 is amended by changing Sections 605-705, 605-707, 605-1047,
10 and 605-1050 as follows:

11 (20 ILCS 605/605-705) (was 20 ILCS 605/46.6a)

12 Sec. 605-705. Grants to local tourism and convention
13 bureaus.

14 (a) To establish a grant program for local tourism and
15 convention bureaus. The Department will develop and implement
16 a program for the use of funds, as authorized under this Act,
17 by local tourism and convention bureaus. For the purposes of
18 this Act, bureaus eligible to receive funds are those local
19 tourism and convention bureaus that are (i) either units of
20 local government or incorporated as not-for-profit
21 organizations; (ii) in legal existence for a minimum of 2
22 years before July 1, 2001; (iii) operating with a paid,
23 full-time staff whose sole purpose is to promote tourism in
24 the designated service area; and (iv) affiliated with one or

1 more municipalities or counties that support the bureau with
2 local hotel-motel taxes. After July 1, 2001, bureaus
3 requesting certification in order to receive funds for the
4 first time must be local tourism and convention bureaus that
5 are (i) either units of local government or incorporated as
6 not-for-profit organizations; (ii) in legal existence for a
7 minimum of 2 years before the request for certification; (iii)
8 operating with a paid, full-time staff whose sole purpose is
9 to promote tourism in the designated service area; and (iv)
10 affiliated with multiple municipalities or counties that
11 support the bureau with local hotel-motel taxes. Each bureau
12 receiving funds under this Act will be certified by the
13 Department as the designated recipient to serve an area of the
14 State. Notwithstanding the criteria set forth in this
15 subsection (a), or any rule adopted under this subsection (a),
16 the Director of the Department may provide for the award of
17 grant funds to one or more entities if in the Department's
18 judgment that action is necessary in order to prevent a loss of
19 funding critical to promoting tourism in a designated
20 geographic area of the State.

21 (b) To distribute grants to local tourism and convention
22 bureaus from appropriations made from the Local Tourism Fund
23 for that purpose. Of the amounts appropriated annually to the
24 Department for expenditure under this Section prior to July 1,
25 2011, one-third of those monies shall be used for grants to
26 convention and tourism bureaus in cities with a population

1 greater than 500,000. The remaining two-thirds of the annual
2 appropriation prior to July 1, 2011 shall be used for grants to
3 convention and tourism bureaus in the remainder of the State,
4 in accordance with a formula based upon the population served.
5 Of the amounts appropriated annually to the Department for
6 expenditure under this Section beginning July 1, 2011, 18% of
7 such moneys shall be used for grants to convention and tourism
8 bureaus in cities with a population greater than 500,000. Of
9 the amounts appropriated annually to the Department for
10 expenditure under this Section beginning July 1, 2011, 82% of
11 such moneys shall be used for grants to convention bureaus in
12 the remainder of the State, in accordance with a formula based
13 upon the population served. The Department may reserve up to
14 3% of total local tourism funds available for costs of
15 administering the program to conduct audits of grants, to
16 provide incentive funds to those bureaus that will conduct
17 promotional activities designed to further the Department's
18 statewide advertising campaign, to fund special statewide
19 promotional activities, and to fund promotional activities
20 that support an increased use of the State's parks or historic
21 sites. The Department shall require that any convention and
22 tourism bureau receiving a grant under this Section that
23 requires matching funds shall provide matching funds equal to
24 no less than 50% of the grant amount except that in Fiscal
25 Years 2021 and 2022 only ~~Year 2021~~, the Department shall
26 require that any convention and tourism bureau receiving a

1 grant under this Section that requires matching funds shall
2 provide matching funds equal to no less than 25% of the grant
3 amount. During fiscal year 2013, the Department shall reserve
4 \$2,000,000 of the available local tourism funds for
5 appropriation to the Historic Preservation Agency for the
6 operation of the Abraham Lincoln Presidential Library and
7 Museum and State historic sites.

8 To provide for the expeditious and timely implementation
9 of the changes made by this amendatory Act of the 101st General
10 Assembly, emergency rules to implement the changes made by
11 this amendatory Act of the 101st General Assembly may be
12 adopted by the Department subject to the provisions of Section
13 5-45 of the Illinois Administrative Procedure Act.

14 (Source: P.A. 100-678, eff. 8-3-18; 101-636, eff. 6-10-20.)

15 (20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

16 Sec. 605-707. International Tourism Program.

17 (a) The Department of Commerce and Economic Opportunity
18 must establish a program for international tourism. The
19 Department shall develop and implement the program on January
20 1, 2000 by rule. As part of the program, the Department may
21 work in cooperation with local convention and tourism bureaus
22 in Illinois in the coordination of international tourism
23 efforts at the State and local level. The Department may (i)
24 work in cooperation with local convention and tourism bureaus
25 for efficient use of their international tourism marketing

1 resources, (ii) promote Illinois in international meetings and
2 tourism markets, (iii) work with convention and tourism
3 bureaus throughout the State to increase the number of
4 international tourists to Illinois, (iv) provide training,
5 research, technical support, and grants to certified
6 convention and tourism bureaus, (v) provide staff,
7 administration, and related support required to manage the
8 programs under this Section, and (vi) provide grants for the
9 development of or the enhancement of international tourism
10 attractions.

11 (b) The Department shall make grants for expenses related
12 to international tourism and pay for the staffing,
13 administration, and related support from the International
14 Tourism Fund, a special fund created in the State Treasury. Of
15 the amounts deposited into the Fund in fiscal year 2000 after
16 January 1, 2000 through fiscal year 2011, 55% shall be used for
17 grants to convention and tourism bureaus in Chicago (other
18 than the City of Chicago's Office of Tourism) and 45% shall be
19 used for development of international tourism in areas outside
20 of Chicago. Of the amounts deposited into the Fund in fiscal
21 year 2001 and thereafter, 55% shall be used for grants to
22 convention and tourism bureaus in Chicago, and of that amount
23 not less than 27.5% shall be used for grants to convention and
24 tourism bureaus in Chicago other than the City of Chicago's
25 Office of Tourism, and 45% shall be used for administrative
26 expenses and grants authorized under this Section and

1 development of international tourism in areas outside of
2 Chicago, of which not less than \$1,000,000 shall be used
3 annually to make grants to convention and tourism bureaus in
4 cities other than Chicago that demonstrate their international
5 tourism appeal and request to develop or expand their
6 international tourism marketing program, and may also be used
7 to provide grants under item (vi) of subsection (a) of this
8 Section. All of the amounts deposited into the Fund in fiscal
9 year 2012 and thereafter shall be used for administrative
10 expenses and grants authorized under this Section and
11 development of international tourism in areas outside of
12 Chicago, of which not less than \$1,000,000 shall be used
13 annually to make grants to convention and tourism bureaus in
14 cities other than Chicago that demonstrate their international
15 tourism appeal and request to develop or expand their
16 international tourism marketing program, and may also be used
17 to provide grants under item (vi) of subsection (a) of this
18 Section. Amounts appropriated to the State Comptroller for
19 administrative expenses and grants authorized by the Illinois
20 Global Partnership Act are payable from the International
21 Tourism Fund. For Fiscal Years 2021 and 2022 ~~Year 2021~~ only,
22 the administrative expenses by the Department and the grants
23 to convention and visitors bureaus outside the City of Chicago
24 may be expended for the general purposes of promoting
25 conventions and tourism.

26 (c) A convention and tourism bureau is eligible to receive

1 grant moneys under this Section if the bureau is certified to
2 receive funds under Title 14 of the Illinois Administrative
3 Code, Section 550.35. To be eligible for a grant, a convention
4 and tourism bureau must provide matching funds equal to the
5 grant amount. The Department shall require that any convention
6 and tourism bureau receiving a grant under this Section that
7 requires matching funds shall provide matching funds equal to
8 no less than 50% of the grant amount. In certain circumstances
9 as determined by the Director of Commerce and Economic
10 Opportunity, however, the City of Chicago's Office of Tourism
11 or any other convention and tourism bureau may provide
12 matching funds equal to no less than 50% of the grant amount to
13 be eligible to receive the grant. One-half of this 50% may be
14 provided through in-kind contributions. Grants received by the
15 City of Chicago's Office of Tourism and by convention and
16 tourism bureaus in Chicago may be expended for the general
17 purposes of promoting conventions and tourism.

18 (Source: P.A. 101-636, eff. 6-10-20.)

19 (20 ILCS 605/605-1047)

20 Sec. 605-1047 ~~605-1045~~. Local Coronavirus Urgent
21 Remediation Emergency (or Local CURE) Support Program.

22 (a) Purpose. The Department may receive, directly or
23 indirectly, federal funds from the Coronavirus Relief Fund
24 provided to the State pursuant to Section 5001 of the federal
25 Coronavirus Aid, Relief, and Economic Security (CARES) Act to

1 provide financial support to units of local government for
2 purposes authorized by Section 5001 of the federal Coronavirus
3 Aid, Relief, and Economic Security (CARES) Act and related
4 federal guidance. Upon receipt of such funds, and
5 appropriations for their use, the Department shall administer
6 a Local Coronavirus Urgent Remediation Emergency (or Local
7 CURE) Support Program to provide financial support to units of
8 local government that have incurred necessary expenditures due
9 to the COVID-19 public health emergency. The Department shall
10 provide by rule the administrative framework for the Local
11 CURE Support Program.

12 (b) Allocations. A portion of the funds appropriated for
13 the Local CURE Support Program may be allotted to
14 municipalities and counties based on proportionate population.
15 Units of local government, or portions thereof, located within
16 the five Illinois counties that received direct allotments
17 from the federal Coronavirus Relief Fund will not be included
18 in the support program allotments. The Department may
19 establish other administrative procedures for providing
20 financial support to units of local government. Appropriated
21 funds may be used for administration of the support program,
22 including the hiring of a service provider to assist with
23 coordination and administration.

24 (c) Administrative Procedures. The Department may
25 establish administrative procedures for the support program,
26 including any application procedures, grant agreements,

1 certifications, payment methodologies, and other
2 accountability measures that may be imposed upon recipients of
3 funds under the grant program. Financial support may be
4 provided in the form of grants or in the form of expense
5 reimbursements for disaster-related expenditures. The
6 emergency rulemaking process may be used to promulgate the
7 initial rules of the grant program.

8 (d) Definitions. As used in this Section:

9 (1) "COVID-19" means the novel coronavirus virus
10 disease deemed COVID-19 by the World Health Organization
11 on February 11, 2020.

12 (2) "Local government" or "unit of local government"
13 means any unit of local government as defined in Article
14 VII, Section 1 of the Illinois Constitution.

15 (3) "Third party administrator" means a service
16 provider selected by the Department to provide operational
17 assistance with the administration of the support program.

18 (e) Powers of the Department. The Department has the power
19 to:

20 (1) Provide financial support to eligible units of
21 local government with funds appropriated from the Local
22 Coronavirus Urgent Remediation Emergency (Local CURE) Fund
23 to cover necessary costs incurred due to the COVID-19
24 public health emergency that are eligible to be paid using
25 federal funds from the Coronavirus Relief Fund.

26 (2) Enter into agreements, accept funds, issue grants

1 or expense reimbursements, and engage in cooperation with
2 agencies of the federal government and units of local
3 governments to carry out the purposes of this support
4 program, and to use funds appropriated from the Local
5 Coronavirus Urgent Remediation Emergency (Local CURE) Fund
6 ~~fund~~ upon such terms and conditions as may be established
7 by the federal government and the Department.

8 (3) Enter into agreements with third-party
9 administrators to assist the state with operational
10 assistance and administrative functions related to review
11 of documentation and processing of financial support
12 payments to units of local government.

13 (4) Establish applications, notifications, contracts,
14 and procedures and adopt rules deemed necessary and
15 appropriate to carry out the provisions of this Section.
16 To provide for the expeditious and timely implementation
17 of this Act, emergency rules to implement any provision of
18 this Section may be adopted by the Department subject to
19 the provisions of Section 5-45 of the Illinois
20 Administrative Procedure Act.

21 (5) Provide staff, administration, and related support
22 required to manage the support program and pay for the
23 staffing, administration, and related support with funds
24 appropriated from the Local Coronavirus Urgent Remediation
25 Emergency (Local CURE) Fund.

26 (6) Exercise such other powers as are necessary or

1 incidental to the foregoing.

2 (f) Local CURE Financial Support to Local Governments. The
3 Department is authorized to provide financial support to
4 eligible units of local government including, but not limited
5 to, certified local health departments for necessary costs
6 incurred due to the COVID-19 public health emergency that are
7 eligible to be paid using federal funds from the Coronavirus
8 Relief Fund.

9 (1) Financial support funds may be used by a unit of
10 local government only for payment of costs that: (i) are
11 necessary expenditures incurred due to the public health
12 emergency of COVID-19; (ii) were not accounted for in the
13 most recent budget approved as of March 27, 2020 for the
14 unit of local government; and (iii) were incurred between
15 March 1, 2020 and December 31, 2021, or until the end of
16 any extension of the covered period authorized by federal
17 law 30, 2020.

18 (2) A unit of local government receiving financial
19 support funds under this program shall certify to the
20 Department that it shall use the funds in accordance with
21 the requirements of paragraph (1) and that any funds
22 received but not used for such purposes shall be repaid to
23 the Department.

24 (3) The Department shall make the determination to
25 provide financial support funds to a unit of local
26 government on the basis of criteria established by the

1 Department.

2 (g) Additional Purpose. The Local CURE Fund may receive,
3 directly or indirectly, federal funds from the Coronavirus
4 Local Fiscal Recovery Fund pursuant to Section 9901 of the
5 federal American Rescue Plan Act of 2021 in order to
6 distribute the funds to units of local government in
7 accordance with Section 9901 of the American Recovery Plan Act
8 and any related federal guidance. Upon receipt of such funds
9 into the Local CURE Fund, as instructed by the Governor, the
10 Department shall cooperate with the Department of Revenue and
11 any other relevant agency to administer the distribution of
12 such funds to the appropriate units of local government.

13 (Source: P.A. 101-636, eff. 6-10-20; revised 8-3-20.)

14 (20 ILCS 605/605-1050)

15 Sec. 605-1050. Coronavirus Back to Business ~~Interruption~~
16 Grant Program (or Back to Business ~~BIG~~ Program).

17 (a) Purpose. The Department may receive State funds and,
18 directly or indirectly, federal funds under the authority of
19 legislation passed in response to the Coronavirus epidemic
20 including, but not limited to, the Coronavirus Aid, Relief,
21 and Economic Security Act, P.L. 116-136 (the "CARES Act") and
22 the American Rescue Plan Act of 2021, P.L. 117-2 (the "ARPA
23 Act"); such funds shall be used in accordance with the CARES
24 Act and ARPA Act legislation and published guidance. Section
25 5001 of the CARES Act establishes the Coronavirus Relief Fund,

1 which authorizes the State to expend funds that are necessary
2 to respond to the COVID-19 public health emergency. The
3 financial support of Qualifying Businesses is a necessary
4 expense under federal guidance for implementing Section 5001
5 of the CARES Act. Upon receipt or availability of such State or
6 federal funds, and subject to appropriations for their use,
7 the Department shall administer a program to provide financial
8 assistance to Qualifying Businesses that have experienced
9 interruption of business or other adverse conditions
10 attributable to the COVID-19 public health emergency. Support
11 may be provided directly by the Department to businesses and
12 organizations or in cooperation with a Qualified Partner.
13 Financial assistance may include, but not be limited to
14 grants, expense reimbursements, or subsidies.

15 (b) From appropriations for the Back to Business ~~BIG~~
16 Program, up to \$60,000,000 may be allotted to the repayment or
17 conversion of Eligible Loans made pursuant to the Department's
18 Emergency Loan Fund Program. An Eligible Loan may be repaid or
19 converted through a grant payment, subsidy, or reimbursement
20 payment to the recipient or, on behalf of the recipient, to the
21 Qualified Partner, or by any other lawful method.

22 (c) From appropriations for the Back to Business ~~BIG~~
23 Program, the Department shall provide financial assistance
24 through grants, expense reimbursements, or subsidies to
25 Qualifying Businesses or a Qualified Partner to cover expenses
26 or losses incurred due to the COVID-19 public health emergency

1 ~~or for start-up costs of a new Qualifying Business. With a~~
2 ~~minimum of 50% going to Qualified Businesses that enable~~
3 ~~critical support services such as child care, day care, and~~
4 ~~early childhood education, the BIG Program will reimburse~~
5 ~~costs or losses incurred by Qualifying Businesses due to~~
6 ~~business interruption caused by required closures, as~~
7 ~~authorized in federal guidance regarding the Coronavirus~~
8 ~~Relief Fund.~~ All spending related to this program from federal
9 funds must be reimbursable by the Federal Coronavirus Relief
10 Fund in accordance with Section 5001 of the federal CARES Act,
11 the ARPA Act, and any related federal guidance, or the
12 provisions of any other federal source supporting the program.

13 (d) As more fully described in subsection (c), funds will
14 be appropriated to the Back to Business ~~BIG~~ Program for
15 distribution to or on behalf of Qualifying Businesses. Of the
16 funds appropriated, a minimum of 40% ~~30%~~ shall be allotted for
17 Qualifying ~~Qualified~~ Businesses with ZIP codes located in the
18 most disproportionately impacted areas of Illinois, based on
19 positive COVID-19 cases.

20 (e) The Department shall coordinate with the Department of
21 Human Services with respect to making grants, expense
22 reimbursements or subsidies to any child care or day care
23 provider providing services under Section 9A-11 of the
24 Illinois Public Aid Code to determine what resources the
25 Department of Human Services may be providing to a child care
26 or day care provider under Section 9A-11 of the Illinois

1 Public Aid Code.

2 (f) The Department may establish by rule administrative
3 procedures for the grant program, including any application
4 procedures, grant agreements, certifications, payment
5 methodologies, and other accountability measures that may be
6 imposed upon participants in the program. The emergency
7 rulemaking process may be used to promulgate the initial rules
8 of the grant program and any amendments to the rules following
9 the effective date of this amendatory Act of the 102nd General
10 Assembly.

11 (g) Definitions. As used in this Section:

12 (1) "COVID-19" means the novel coronavirus disease
13 deemed COVID-19 by the World Health Organization on
14 February 11, 2020.

15 (2) "Qualifying Business" means a business or
16 organization that has experienced or is experiencing
17 business interruption or other adverse conditions due to
18 the COVID-19 public health emergency, and includes a new
19 business or organization started after March 1, 2020 in
20 the midst of adverse conditions due to the COVID-19 public
21 health emergency. ~~and is eligible for reimbursement as~~
22 ~~prescribed by Section 601(a) of the Social Security Act~~
23 ~~and added by Section 5001 of the CARES Act or other federal~~
24 ~~legislation addressing the COVID-19 crisis.~~

25 (3) "Eligible Loan" means a loan of up to \$50,000 that
26 was deemed eligible for funding under the Department's

1 Emergency Loan Fund Program and for which repayment will
2 be eligible for reimbursement from Coronavirus Relief Fund
3 monies pursuant to Section 5001 of the federal CARES Act
4 or the ARPA Act and any related federal guidance.

5 (4) "Emergency Loan Fund Program", also referred to as
6 the "COVID-19 Emergency Relief Program", is a program
7 executed by the Department by which the State Small
8 Business Credit Initiative fund is utilized to guarantee
9 loans released by a financial intermediary or Qualified
10 Partner.

11 (5) "Qualified Partner" means a financial institution
12 or nonprofit with which the Department has entered into an
13 agreement or contract to provide or incentivize assistance
14 to Qualifying Businesses.

15 (h) Powers of the Department. The Department has the power
16 to:

17 (1) provide grants, subsidies and expense
18 reimbursements to Qualifying ~~Qualified~~ Businesses or, on
19 behalf of Qualifying ~~Qualified~~ Businesses, to Qualifying
20 ~~Qualified~~ Partners from appropriations to cover Qualifying
21 ~~Qualified~~ Businesses eligible costs or losses incurred due
22 to the COVID-19 public health emergency, including losses
23 caused by business interruption or closure and including
24 start-up costs for new Qualifying Businesses;

25 (2) enter into agreements, accept funds, issue grants,
26 and engage in cooperation with agencies of the federal

1 government, units of local government, financial
2 institutions, and nonprofit organizations to carry out the
3 purposes of this Program, and to use funds appropriated
4 for the Back to Business ~~BIG~~ Program;

5 (3) prepare forms for application, notification,
6 contract, and other matters, and establish procedures,
7 rules, or regulations deemed necessary and appropriate to
8 carry out the provisions of this Section;

9 (4) provide staff, administration, and related support
10 required to manage the Back to Business ~~BIG~~ Program and
11 pay for the staffing, administration, and related support;

12 (5) using data provided by the Illinois Department of
13 Public Health and other reputable sources, determine which
14 geographic regions in Illinois have been most
15 disproportionately impacted by the COVID-19 public health
16 emergency, considering factors of positive cases, positive
17 case rates, and economic impact; and

18 (6) determine which industries and businesses in
19 Illinois have been most disproportionately impacted by the
20 COVID-19 public health emergency and establish procedures
21 that prioritize greatly impacted industries and
22 businesses, as well as Qualifying ~~Qualified~~ Businesses
23 that did not receive paycheck protection program
24 assistance.

25 (Source: P.A. 101-636, eff. 6-10-20.)

1 Section 3-20. The Illinois Economic Opportunity Act is
2 amended by changing Sections 2 and 4 as follows:

3 (20 ILCS 625/2) (from Ch. 127, par. 2602)

4 Sec. 2. (a) The Director of Commerce and Economic
5 Opportunity is authorized to administer the federal community
6 services block program, emergency community services homeless
7 grant program, low-income energy assistance program,
8 weatherization assistance program, supplemental low-income
9 energy assistance fund, low-income household water assistance
10 program, and other federal programs that require or give
11 preference to community action agencies for local
12 administration in accordance with federal laws and regulations
13 as amended. The Director shall provide financial assistance to
14 community action agencies from community service block grant
15 funds and other federal funds requiring or giving preference
16 to community action agencies for local administration for the
17 programs described in Section 4.

18 (b) Funds appropriated for use by community action
19 agencies in community action programs shall be allocated
20 annually to existing community action agencies or newly formed
21 community action agencies by the Department of Commerce and
22 Economic Opportunity. Allocations will be made consistent with
23 duly enacted departmental rules.

24 (Source: P.A. 96-154, eff. 1-1-10.)

(20 ILCS 625/4) (from Ch. 127, par. 2604)

Sec. 4. (a) A community action program is a community-based and operated program, the purpose of which is to provide a measurable and remedial impact on causes of poverty in a community or those areas of a community where poverty is acute.

(b) The methods by which the purposes of community action programs may be effected include, but are not limited to, the following:

(1) Programs designed to further community economic development. +

(2) Programs designed to secure and maintain meaningful employment for individuals. +

(3) Programs to assure an adequate education for all individuals. +

(4) Programs to instruct individuals on more economical uses of available income. +

(5) Programs to provide and maintain adequate housing. +

(6) Programs for the prevention of narcotics addiction and alcoholism, and for the rehabilitation of narcotics addicts and alcoholics. +

(7) Programs to aid individuals in obtaining emergency assistance through loans or grants to meet immediate and urgent personal and family needs. +

(8) Programs to aid in the resolution of personal and

1 family problems which block the achievement of
2 self-sufficiency. +

3 (9) Programs to achieve greater citizen participation
4 in the affairs of the community. +

5 (10) Programs to provide adequate nutrition for
6 individuals and improved community health. +

7 (11) Programs to aid families and individuals in
8 obtaining adequate health care. +

9 (12) Programs to provide transportation to facilitate
10 individuals' access to community resources. +

11 (13) Programs to provide for employment training and
12 retraining, with special emphasis on employment in the
13 high technology industries. + ~~and~~

14 (14) Programs to provide aid and encouragement to
15 small businesses and small-business development.

16 (15) Programs to assist households to meet the cost of
17 home energy and water.

18 (16) Programs designed to ameliorate the adverse
19 effects of high energy costs on low-income households and
20 ~~the~~ conserve energy.

21 (Source: P.A. 87-926.)

22 Section 3-30. The Department of Innovation and Technology
23 Act is amended by adding Section 1-65 as follows:

24 (20 ILCS 1370/1-65 new)

1 Sec. 1-65. Authority to Receive Financial and In-kind
2 Assistance. The Department may receive federal financial
3 assistance, either directly from the federal government or
4 indirectly through another source, public or private. The
5 Department may also receive transfers, gifts, grants, or
6 donations from any source, public or private, in the form of
7 funds, services, equipment, supplies, or materials. Any funds
8 received pursuant to this Section shall be deposited in the
9 DoIT Special Projects Fund unless deposit in a different fund
10 is otherwise mandated, and shall be used in accordance with
11 the requirements of the federal financial assistance, gift,
12 grant, or donation for purposes related to information
13 technology within the powers and duties of the Department.

14 Section 3-35. The Mental Health and Developmental
15 Disabilities Administrative Act is amended by changing Section
16 74 as follows:

17 (20 ILCS 1705/74)

18 Sec. 74. Rates and reimbursements.

19 (a) Within 30 days after July 6, 2017 (the effective date
20 of Public Act 100-23), the Department shall increase rates and
21 reimbursements to fund a minimum of a \$0.75 per hour wage
22 increase for front-line personnel, including, but not limited
23 to, direct support persons, aides, front-line supervisors,
24 qualified intellectual disabilities professionals, nurses, and

1 non-administrative support staff working in community-based
2 provider organizations serving individuals with developmental
3 disabilities. The Department shall adopt rules, including
4 emergency rules under subsection (y) of Section 5-45 of the
5 Illinois Administrative Procedure Act, to implement the
6 provisions of this Section.

7 (b) Rates and reimbursements. Within 30 days after the
8 effective date of this amendatory Act of the 100th General
9 Assembly, the Department shall increase rates and
10 reimbursements to fund a minimum of a \$0.50 per hour wage
11 increase for front-line personnel, including, but not limited
12 to, direct support persons, aides, front-line supervisors,
13 qualified intellectual disabilities professionals, nurses, and
14 non-administrative support staff working in community-based
15 provider organizations serving individuals with developmental
16 disabilities. The Department shall adopt rules, including
17 emergency rules under subsection (bb) of Section 5-45 of the
18 Illinois Administrative Procedure Act, to implement the
19 provisions of this Section.

20 (c) Rates and reimbursements. Within 30 days after the
21 effective date of this amendatory Act of the 101st General
22 Assembly, subject to federal approval, the Department shall
23 increase rates and reimbursements in effect on June 30, 2019
24 for community-based providers for persons with Developmental
25 Disabilities by 3.5% The Department shall adopt rules,
26 including emergency rules under subsection (jj) of Section

1 5-45 of the Illinois Administrative Procedure Act, to
2 implement the provisions of this Section, including wage
3 increases for direct care staff.

4 (d) For community-based providers serving persons with
5 intellectual/developmental disabilities, subject to federal
6 approval of any relevant Waiver Amendment, the rates taking
7 effect for services delivered on or after January 1, 2022,
8 shall include an increase in the rate methodology sufficient
9 to provide a \$1.50 per hour wage increase for direct support
10 personnel in residential settings and sufficient to provide
11 wages for all residential non-executive direct care staff,
12 excluding direct support personnel, at the federal Department
13 of Labor, Bureau of Labor Statistics' average wage as defined
14 in rule by the Department.

15 The establishment of and any changes to the rate
16 methodologies for community-based services provided to persons
17 with intellectual/developmental disabilities are subject to
18 federal approval of any relevant Waiver Amendment and shall be
19 defined in rule by the Department. The Department shall adopt
20 rules, including emergency rules as authorized by Section 5-45
21 of the Illinois Administrative Procedure Act, to implement the
22 provisions of this subsection (d).

23 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
24 101-10, eff. 6-5-19.)

25 Section 3-40. The Illinois Lottery Law is amended by

1 changing Section 20 as follows:

2 (20 ILCS 1605/20) (from Ch. 120, par. 1170)

3 Sec. 20. State Lottery Fund.

4 (a) There is created in the State Treasury a special fund
5 to be known as the State Lottery Fund. Such fund shall consist
6 of all revenues received from (1) the sale of lottery tickets
7 or shares, (net of commissions, fees representing those
8 expenses that are directly proportionate to the sale of
9 tickets or shares at the agent location, and prizes of less
10 than \$600 which have been validly paid at the agent level), (2)
11 application fees, and (3) all other sources including moneys
12 credited or transferred thereto from any other fund or source
13 pursuant to law. Interest earnings of the State Lottery Fund
14 shall be credited to the Common School Fund.

15 (b) The receipt and distribution of moneys under Section
16 21.5 of this Act shall be in accordance with Section 21.5.

17 (c) The receipt and distribution of moneys under Section
18 21.6 of this Act shall be in accordance with Section 21.6.

19 (d) The receipt and distribution of moneys under Section
20 21.7 of this Act shall be in accordance with Section 21.7.

21 (e) The receipt and distribution of moneys under Section
22 21.8 of this Act shall be in accordance with Section 21.8.

23 (f) The receipt and distribution of moneys under Section
24 21.9 of this Act shall be in accordance with Section 21.9.

25 (g) The receipt and distribution of moneys under Section

21.10 of this Act shall be in accordance with Section 21.10.

(h) The receipt and distribution of moneys under Section 21.11 of this Act shall be in accordance with Section 21.11.

(i) The receipt and distribution of moneys under Section 21.12 of this Act shall be in accordance with Section 21.12.

(j) The receipt and distribution of moneys under Section 21.13 of this Act shall be in accordance with Section 21.13.

(k) The receipt and distribution of moneys under Section 25-70 of the Sports Wagering Act shall be in accordance with Section 25-70 of the Sports Wagering Act.

(Source: P.A. 100-647, eff. 7-30-18; 100-1068, eff. 8-24-18; 101-81, eff. 7-12-19; 101-561, eff. 8-23-19.)

Section 3-45. The Illinois Emergency Management Agency Act is amended by changing Section 5 as follows:

(20 ILCS 3305/5) (from Ch. 127, par. 1055)

Sec. 5. Illinois Emergency Management Agency.

(a) There is created within the executive branch of the State Government an Illinois Emergency Management Agency and a Director of the Illinois Emergency Management Agency, herein called the "Director" who shall be the head thereof. The Director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a successor is appointed and has

1 qualified; except that the term of the first Director
2 appointed under this Act shall expire on the third Monday in
3 January, 1989. The Director shall not hold any other
4 remunerative public office. For terms ending before December
5 31, 2019, the Director shall receive an annual salary as set by
6 the Compensation Review Board. For terms beginning after the
7 effective date of this amendatory Act of the 100th General
8 Assembly, the annual salary of the Director shall be as
9 provided in Section 5-300 of the Civil Administrative Code of
10 Illinois.

11 (b) The Illinois Emergency Management Agency shall obtain,
12 under the provisions of the Personnel Code, technical,
13 clerical, stenographic and other administrative personnel, and
14 may make expenditures within the appropriation therefor as may
15 be necessary to carry out the purpose of this Act. The agency
16 created by this Act is intended to be a successor to the agency
17 created under the Illinois Emergency Services and Disaster
18 Agency Act of 1975 and the personnel, equipment, records, and
19 appropriations of that agency are transferred to the successor
20 agency as of June 30, 1988 (the effective date of this Act).

21 (c) The Director, subject to the direction and control of
22 the Governor, shall be the executive head of the Illinois
23 Emergency Management Agency and the State Emergency Response
24 Commission and shall be responsible under the direction of the
25 Governor, for carrying out the program for emergency
26 management of this State. The Director shall also maintain

1 liaison and cooperate with the emergency management
2 organizations of this State and other states and of the
3 federal government.

4 (d) The Illinois Emergency Management Agency shall take an
5 integral part in the development and revision of political
6 subdivision emergency operations plans prepared under
7 paragraph (f) of Section 10. To this end it shall employ or
8 otherwise secure the services of professional and technical
9 personnel capable of providing expert assistance to the
10 emergency services and disaster agencies. These personnel
11 shall consult with emergency services and disaster agencies on
12 a regular basis and shall make field examinations of the
13 areas, circumstances, and conditions that particular political
14 subdivision emergency operations plans are intended to apply.

15 (e) The Illinois Emergency Management Agency and political
16 subdivisions shall be encouraged to form an emergency
17 management advisory committee composed of private and public
18 personnel representing the emergency management phases of
19 mitigation, preparedness, response, and recovery. The Local
20 Emergency Planning Committee, as created under the Illinois
21 Emergency Planning and Community Right to Know Act, shall
22 serve as an advisory committee to the emergency services and
23 disaster agency or agencies serving within the boundaries of
24 that Local Emergency Planning Committee planning district for:

25 (1) the development of emergency operations plan
26 provisions for hazardous chemical emergencies; and

1 (2) the assessment of emergency response capabilities
2 related to hazardous chemical emergencies.

3 (f) The Illinois Emergency Management Agency shall:

4 (1) Coordinate the overall emergency management
5 program of the State.

6 (2) Cooperate with local governments, the federal
7 government and any public or private agency or entity in
8 achieving any purpose of this Act and in implementing
9 emergency management programs for mitigation,
10 preparedness, response, and recovery.

11 (2.5) Develop a comprehensive emergency preparedness
12 and response plan for any nuclear accident in accordance
13 with Section 65 of the Nuclear Safety Law of 2004 and in
14 development of the Illinois Nuclear Safety Preparedness
15 program in accordance with Section 8 of the Illinois
16 Nuclear Safety Preparedness Act.

17 (2.6) Coordinate with the Department of Public Health
18 with respect to planning for and responding to public
19 health emergencies.

20 (3) Prepare, for issuance by the Governor, executive
21 orders, proclamations, and regulations as necessary or
22 appropriate in coping with disasters.

23 (4) Promulgate rules and requirements for political
24 subdivision emergency operations plans that are not
25 inconsistent with and are at least as stringent as
26 applicable federal laws and regulations.

1 (5) Review and approve, in accordance with Illinois
2 Emergency Management Agency rules, emergency operations
3 plans for those political subdivisions required to have an
4 emergency services and disaster agency pursuant to this
5 Act.

6 (5.5) Promulgate rules and requirements for the
7 political subdivision emergency management exercises,
8 including, but not limited to, exercises of the emergency
9 operations plans.

10 (5.10) Review, evaluate, and approve, in accordance
11 with Illinois Emergency Management Agency rules, political
12 subdivision emergency management exercises for those
13 political subdivisions required to have an emergency
14 services and disaster agency pursuant to this Act.

15 (6) Determine requirements of the State and its
16 political subdivisions for food, clothing, and other
17 necessities in event of a disaster.

18 (7) Establish a register of persons with types of
19 emergency management training and skills in mitigation,
20 preparedness, response, and recovery.

21 (8) Establish a register of government and private
22 response resources available for use in a disaster.

23 (9) Expand the Earthquake Awareness Program and its
24 efforts to distribute earthquake preparedness materials to
25 schools, political subdivisions, community groups, civic
26 organizations, and the media. Emphasis will be placed on

1 those areas of the State most at risk from an earthquake.
2 Maintain the list of all school districts, hospitals,
3 airports, power plants, including nuclear power plants,
4 lakes, dams, emergency response facilities of all types,
5 and all other major public or private structures which are
6 at the greatest risk of damage from earthquakes under
7 circumstances where the damage would cause subsequent harm
8 to the surrounding communities and residents.

9 (10) Disseminate all information, completely and
10 without delay, on water levels for rivers and streams and
11 any other data pertaining to potential flooding supplied
12 by the Division of Water Resources within the Department
13 of Natural Resources to all political subdivisions to the
14 maximum extent possible.

15 (11) Develop agreements, if feasible, with medical
16 supply and equipment firms to supply resources as are
17 necessary to respond to an earthquake or any other
18 disaster as defined in this Act. These resources will be
19 made available upon notifying the vendor of the disaster.
20 Payment for the resources will be in accordance with
21 Section 7 of this Act. The Illinois Department of Public
22 Health shall determine which resources will be required
23 and requested.

24 (11.5) In coordination with the Department of State
25 Police, develop and implement a community outreach program
26 to promote awareness among the State's parents and

1 children of child abduction prevention and response.

2 (12) Out of funds appropriated for these purposes,
3 award capital and non-capital grants to Illinois hospitals
4 or health care facilities located outside of a city with a
5 population in excess of 1,000,000 to be used for purposes
6 that include, but are not limited to, preparing to respond
7 to mass casualties and disasters, maintaining and
8 improving patient safety and quality of care, and
9 protecting the confidentiality of patient information. No
10 single grant for a capital expenditure shall exceed
11 \$300,000. No single grant for a non-capital expenditure
12 shall exceed \$100,000. In awarding such grants, preference
13 shall be given to hospitals that serve a significant
14 number of Medicaid recipients, but do not qualify for
15 disproportionate share hospital adjustment payments under
16 the Illinois Public Aid Code. To receive such a grant, a
17 hospital or health care facility must provide funding of
18 at least 50% of the cost of the project for which the grant
19 is being requested. In awarding such grants the Illinois
20 Emergency Management Agency shall consider the
21 recommendations of the Illinois Hospital Association.

22 (13) Do all other things necessary, incidental or
23 appropriate for the implementation of this Act.

24 (g) The Illinois Emergency Management Agency is authorized
25 to make grants to various higher education institutions,
26 public K-12 school districts, area vocational centers as

1 designated by the State Board of Education, inter-district
2 special education cooperatives, regional safe schools, and
3 nonpublic K-12 schools for safety and security improvements.
4 For the purpose of this subsection (g), "higher education
5 institution" means a public university, a public community
6 college, or an independent, not-for-profit or for-profit
7 higher education institution located in this State. Grants
8 made under this subsection (g) shall be paid out of moneys
9 appropriated for that purpose from the Build Illinois Bond
10 Fund. The Illinois Emergency Management Agency shall adopt
11 rules to implement this subsection (g). These rules may
12 specify: (i) the manner of applying for grants; (ii) project
13 eligibility requirements; (iii) restrictions on the use of
14 grant moneys; (iv) the manner in which the various higher
15 education institutions must account for the use of grant
16 moneys; and (v) any other provision that the Illinois
17 Emergency Management Agency determines to be necessary or
18 useful for the administration of this subsection (g).

19 (g-5) The Illinois Emergency Management Agency is
20 authorized to make grants to not-for-profit organizations
21 which are exempt from federal income taxation under section
22 501(c)(3) of the Federal Internal Revenue Code for eligible
23 security improvements that assist the organization in
24 preventing, preparing for, or responding to acts of terrorism.
25 The Director shall establish procedures and forms by which
26 applicants may apply for a grant and procedures for

1 distributing grants to recipients. The procedures shall
2 require each applicant to do the following:

3 (1) identify and substantiate prior threats or attacks
4 by a terrorist organization, network, or cell against the
5 not-for-profit organization;

6 (2) indicate the symbolic or strategic value of one or
7 more sites that renders the site a possible target of
8 terrorism;

9 (3) discuss potential consequences to the organization
10 if the site is damaged, destroyed, or disrupted by a
11 terrorist act;

12 (4) describe how the grant will be used to integrate
13 organizational preparedness with broader State and local
14 preparedness efforts;

15 (5) submit a vulnerability assessment conducted by
16 experienced security, law enforcement, or military
17 personnel, and a description of how the grant award will
18 be used to address the vulnerabilities identified in the
19 assessment; and

20 (6) submit any other relevant information as may be
21 required by the Director.

22 The Agency is authorized to use funds appropriated for the
23 grant program described in this subsection (g-5) to administer
24 the program.

25 (h) Except as provided in Section 17.5 of this Act, any
26 moneys received by the Agency from donations or sponsorships

1 unrelated to a disaster shall be deposited in the Emergency
2 Planning and Training Fund and used by the Agency, subject to
3 appropriation, to effectuate planning and training activities.
4 Any moneys received by the Agency from donations during a
5 disaster and intended for disaster response or recovery shall
6 be deposited into the Disaster Response and Recovery Fund and
7 used for disaster response and recovery pursuant to the
8 Disaster Relief Act.

9 (i) The Illinois Emergency Management Agency may by rule
10 assess and collect reasonable fees for attendance at
11 Agency-sponsored conferences to enable the Agency to carry out
12 the requirements of this Act. Any moneys received under this
13 subsection shall be deposited in the Emergency Planning and
14 Training Fund and used by the Agency, subject to
15 appropriation, for planning and training activities.

16 (j) The Illinois Emergency Management Agency is authorized
17 to make grants to other State agencies, public universities,
18 units of local government, and statewide mutual aid
19 organizations to enhance statewide emergency preparedness and
20 response.

21 (Source: P.A. 100-444, eff. 1-1-18; 100-508, eff. 9-15-17;
22 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 100-1179, eff.
23 1-18-19.)

24 (30 ILCS 105/5.414 rep.)

25 Section 3-46. The State Finance Act is amended by

1 repealing Section 5.414.

2 Section 3-50. The State Revenue Sharing Act is amended by
3 changing Section 12 as follows:

4 (30 ILCS 115/12) (from Ch. 85, par. 616)

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

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

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

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

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

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

1 Election Code; (iv) expenses of the Illinois Educational Labor
2 Relations Board; and (v) salary, personal services, and
3 additional compensation as provided by law for court reporters
4 under the Court Reporters Act.

5 As soon as may be after June 26, 1980 (the effective date
6 of Public Act 81-1255), the Department of Revenue shall
7 certify to the Treasurer the amount of net replacement revenue
8 paid into the General Revenue Fund prior to that effective
9 date from the additional tax imposed by Section 2a.1 of the
10 Messages Tax Act; Section 2a.1 of the Gas Revenue Tax Act;
11 Section 2a.1 of the Public Utilities Revenue Act; Section 3 of
12 the Water Company Invested Capital Tax Act; amounts collected
13 by the Department of Revenue under the Telecommunications
14 Infrastructure Maintenance Fee Act; and the additional
15 personal property tax replacement income tax imposed by the
16 Illinois Income Tax Act, as amended by Public Act 81-1st
17 Special Session-1. Net replacement revenue shall be defined as
18 the total amount paid into and remaining in the General
19 Revenue Fund as a result of those Acts minus the amount
20 outstanding and obligated from the General Revenue Fund in
21 state vouchers or warrants prior to June 26, 1980 (the
22 effective date of Public Act 81-1255) as refunds to taxpayers
23 for overpayment of liability under those Acts.

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

1 appropriated on a continuing basis.

2 Prior to December 31, 1980, as soon as may be after the end
3 of each quarter beginning with the quarter ending December 31,
4 1979, and on and after December 31, 1980, as soon as may be
5 after January 1, March 1, April 1, May 1, July 1, August 1,
6 October 1 and December 1 of each year, the Department of
7 Revenue shall allocate to each taxing district as defined in
8 Section 1-150 of the Property Tax Code, in accordance with the
9 provisions of paragraph (2) of this Section the portion of the
10 funds held in the Personal Property Tax Replacement Fund which
11 is required to be distributed, as provided in paragraph (1),
12 for each quarter. Provided, however, under no circumstances
13 shall any taxing district during each of the first two years of
14 distribution of the taxes imposed by Public Act 81-1st Special
15 Session-1 be entitled to an annual allocation which is less
16 than the funds such taxing district collected from the 1978
17 personal property tax. Provided further that under no
18 circumstances shall any taxing district during the third year
19 of distribution of the taxes imposed by Public Act 81-1st
20 Special Session-1 receive less than 60% of the funds such
21 taxing district collected from the 1978 personal property tax.
22 In the event that the total of the allocations made as above
23 provided for all taxing districts, during either of such 3
24 years, exceeds the amount available for distribution the
25 allocation of each taxing district shall be proportionately
26 reduced. Except as provided in Section 13 of this Act, the

1 Department shall then certify, pursuant to appropriation, such
2 allocations to the State Comptroller who shall pay over to the
3 several taxing districts the respective amounts allocated to
4 them.

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

12 Any municipality or township, other than a municipality
13 with a population in excess of 500,000, which receives an
14 allocation based in whole or in part on personal property
15 taxes which it levied pursuant to Sections 3-1, 3-4 and 3-6 of
16 the Illinois Local Library Act and which was previously
17 required to be paid over to a public library shall immediately
18 pay over to that library a proportionate share of the personal
19 property tax replacement funds which such municipality or
20 township receives; provided that if such a public library has
21 converted to a library organized under the Illinois Public
22 Library District Act, regardless of whether such conversion
23 has occurred on, after or before January 1, 1988, such
24 proportionate share shall be immediately paid over to the
25 library district which maintains and operates the library.
26 However, any library that has converted prior to January 1,

1 1988, and which hitherto has not received the personal
2 property tax replacement funds, shall receive such funds
3 commencing on January 1, 1988.

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

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

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

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

1 2018 through 2022 ~~2021~~ only, a sufficient amount to pay
2 amounts directed to be paid out of this Fund for public
3 community college base operating grants and local health
4 protection grants to certified local health departments as
5 authorized or required by appropriation or statute. Such
6 portion of the fund shall be determined after the transfer
7 into the General Revenue Fund due to refunds, if any, paid
8 from the General Revenue Fund during the preceding
9 quarter. If at any time, for any reason, there is
10 insufficient amount in the Personal Property Tax
11 Replacement Fund for payments for regional offices and
12 officials or local officials or payment of costs of
13 administration or for transfers due to refunds at the end
14 of any particular month, the amount of such insufficiency
15 shall be carried over for the purposes of payments for
16 regional offices and officials, local officials, transfers
17 into the General Revenue Fund, and costs of administration
18 to the following month or months. Net replacement revenue
19 held, and defined above, shall be transferred by the
20 Treasurer and Comptroller to the Personal Property Tax
21 Replacement Fund within 10 days of 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
25 in 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
12 County taxing district shall be the ratio which the Tax Base of
13 that taxing district bears to the Cook County Tax Base. The Tax
14 Base of each Cook County taxing district is the personal
15 property tax collections for that taxing district for the 1976
16 tax year. 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
21 for 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
7 Director shall deem such amounts to be collected personal
8 property taxes of each such taxing district for the applicable
9 tax year or years.

10 Taxing districts located both in Cook County and in one or
11 more other counties shall receive both a Cook County
12 allocation and a Downstate allocation determined in the same
13 way as all 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
4 resulting taxing districts in proportion to the then current
5 equalized 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
8 same 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 January 1, 1996 (the effective date of
18 Public Act 89-327), its Tax Base shall be 3.5% of the sum of
19 the personal property tax collected for the 1977 tax year
20 within the territorial jurisdiction of the district.

21 The amounts allocated and paid to taxing districts
22 pursuant to the provisions of Public Act 81-1st Special
23 Session-1 shall be deemed to be substitute revenues for the
24 revenues derived from taxes imposed on personal property
25 pursuant to the provisions of the "Revenue Act of 1939" or "An
26 Act for the assessment and taxation of private car line

1 companies", approved July 22, 1943, as amended, or Section 414
2 of the Illinois Insurance Code, prior to the abolition of such
3 taxes and shall be used for the same purposes as the revenues
4 derived from ad valorem 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
22 of the debt service on such outstanding bonds. The balance of
23 the 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
3 Public Act 81-1255 shall be first applicable to 1980 taxes to
4 be collected in 1981.

5 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
6 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

7 Section 3-55. The General Obligation Bond Act is amended
8 by changing Section 16 as follows:

9 (30 ILCS 330/16) (from Ch. 127, par. 666)

10 Sec. 16. Refunding Bonds. The State of Illinois is
11 authorized to issue, sell, and provide for the retirement of
12 General Obligation Bonds of the State of Illinois in the
13 amount of \$4,839,025,000, at any time and from time to time
14 outstanding, for the purpose of refunding any State of
15 Illinois general obligation Bonds then outstanding, including
16 (i) the payment of any redemption premium thereon, (ii) any
17 reasonable expenses of such refunding, (iii) any interest
18 accrued or to accrue to the earliest or any subsequent date of
19 redemption or maturity of such outstanding Bonds, (iv) for
20 fiscal year 2019 only, any necessary payments to providers of
21 interest rate exchange agreements in connection with the
22 termination of such agreements by the State in connection with
23 the refunding, and (v) any interest to accrue to the first
24 interest payment on the refunding Bonds; provided that all

1 non-refunding Bonds in an issue that includes refunding Bonds
2 shall mature no later than the final maturity date of Bonds
3 being refunded; provided that no refunding Bonds shall be
4 offered for sale unless the net present value of debt service
5 savings to be achieved by the issuance of the refunding Bonds
6 is 3% or more of the principal amount of the refunding Bonds to
7 be issued; and further provided that, except for refunding
8 Bonds sold in fiscal year 2009, 2010, 2011, 2017, 2018, ~~or~~
9 2019, or 2022, the maturities of the refunding Bonds shall not
10 extend beyond the maturities of the Bonds they refund, so that
11 for each fiscal year in the maturity schedule of a particular
12 issue of refunding Bonds, the total amount of refunding
13 principal maturing and redemption amounts due in that fiscal
14 year and all prior fiscal years in that schedule shall be
15 greater than or equal to the total amount of refunded
16 principal and redemption amounts that had been due over that
17 year and all prior fiscal years prior to the refunding.

18 The Governor shall notify the State Treasurer and
19 Comptroller of such refunding. The proceeds received from the
20 sale of refunding Bonds shall be used for the retirement at
21 maturity or redemption of such outstanding Bonds on any
22 maturity or redemption date and, pending such use, shall be
23 placed in escrow, subject to such terms and conditions as
24 shall be provided for in the Bond Sale Order relating to the
25 Refunding Bonds. Proceeds not needed for deposit in an escrow
26 account shall be deposited in the General Obligation Bond

1 Retirement and Interest Fund. This Act shall constitute an
2 irrevocable and continuing appropriation of all amounts
3 necessary to establish an escrow account for the purpose of
4 refunding outstanding general obligation Bonds and to pay the
5 reasonable expenses of such refunding and of the issuance and
6 sale of the refunding Bonds. Any such escrowed proceeds may be
7 invested and reinvested in direct obligations of the United
8 States of America, maturing at such time or times as shall be
9 appropriate to assure the prompt payment, when due, of the
10 principal of and interest and redemption premium, if any, on
11 the refunded Bonds. After the terms of the escrow have been
12 fully satisfied, any remaining balance of such proceeds and
13 interest, income and profits earned or realized on the
14 investments thereof shall be paid into the General Revenue
15 Fund. The liability of the State upon the Bonds shall
16 continue, provided that the holders thereof shall thereafter
17 be entitled to payment only out of the moneys deposited in the
18 escrow account.

19 Except as otherwise herein provided in this Section, such
20 refunding Bonds shall in all other respects be subject to the
21 terms and conditions of this Act.

22 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17;
23 100-587, eff. 6-4-18.)

24 Section 3-60. The Metropolitan Civic Center Support Act is
25 amended by changing Section 5 and by adding Sections 20 and 21

as follows:

(30 ILCS 355/5) (from Ch. 85, par. 1395)

Sec. 5. To the extent that moneys in the MEAOB Fund, in the opinion of the Governor and the Director of the Governor's Office of Management and Budget, are in excess of 125% of the maximum debt service in any fiscal year, the Governor shall notify the Comptroller and the State Treasurer of that fact, who upon receipt of such notification shall transfer the excess moneys from the MEAOB Fund to the General Revenue Fund. By June 30, 2021, the State Comptroller shall direct and the State Treasurer shall transfer any remaining balance from the MEAOB Fund into the General Revenue Fund. Upon completion of the transfer of the remaining balance, the MEAOB Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund pass to the General Revenue Fund.

(Source: P.A. 94-793, eff. 5-19-06.)

(30 ILCS 355/20 new)

Sec. 20. Transfers. By June 30, 2021, the State Comptroller shall direct and the State Treasurer shall transfer any remaining balance from the Illinois Civic Center Bond Retirement and Interest Fund into the General Obligation Bond Retirement and Interest Fund. Upon completion of the transfers, the Illinois Civic Center Bond Retirement and

1 Interest Fund and the Illinois Civic Center Bond Fund are
2 dissolved.

3 (30 ILCS 355/21 new)

4 Sec. 21. Repealer. This Act is repealed July 1, 2021.

5 Section 3-65. The Build Illinois Bond Act is amended by
6 changing Section 15 as follows:

7 (30 ILCS 425/15) (from Ch. 127, par. 2815)

8 Sec. 15. Refunding Bonds. Refunding Bonds are hereby
9 authorized for the purpose of refunding any outstanding Bonds,
10 including the payment of any redemption premium thereon, any
11 reasonable expenses of such refunding, and any interest
12 accrued or to accrue to the earliest or any subsequent date of
13 redemption or maturity of outstanding Bonds; provided that all
14 non-refunding Bonds in an issue that includes refunding Bonds
15 shall mature no later than the final maturity date of Bonds
16 being refunded; provided that no refunding Bonds shall be
17 offered for sale unless the net present value of debt service
18 savings to be achieved by the issuance of the refunding Bonds
19 is 3% or more of the principal amount of the refunding Bonds to
20 be issued; and further provided that, except for refunding
21 Bonds sold in fiscal years ~~year~~ 2009, 2010, 2011, 2017, 2018,
22 ~~or~~ 2019, or 2022 the maturities of the refunding Bonds shall
23 not extend beyond the maturities of the Bonds they refund, so

1 that for each fiscal year in the maturity schedule of a
2 particular issue of refunding Bonds, the total amount of
3 refunding principal maturing and redemption amounts due in
4 that fiscal year and all prior fiscal years in that schedule
5 shall be greater than or equal to the total amount of refunded
6 principal and redemption amounts that had been due over that
7 year and all prior fiscal years prior to the refunding.

8 Refunding Bonds may be sold in such amounts and at such
9 times, as directed by the Governor upon recommendation by the
10 Director of the Governor's Office of Management and Budget.
11 The Governor shall notify the State Treasurer and Comptroller
12 of such refunding. The proceeds received from the sale of
13 refunding Bonds shall be used for the retirement at maturity
14 or redemption of such outstanding Bonds on any maturity or
15 redemption date and, pending such use, shall be placed in
16 escrow, subject to such terms and conditions as shall be
17 provided for in the Bond Sale Order relating to the refunding
18 Bonds. This Act shall constitute an irrevocable and continuing
19 appropriation of all amounts necessary to establish an escrow
20 account for the purpose of refunding outstanding Bonds and to
21 pay the reasonable expenses of such refunding and of the
22 issuance and sale of the refunding Bonds. Any such escrowed
23 proceeds may be invested and reinvested in direct obligations
24 of the United States of America, maturing at such time or times
25 as shall be appropriate to assure the prompt payment, when
26 due, of the principal of and interest and redemption premium,

1 if any, on the refunded Bonds. After the terms of the escrow
2 have been fully satisfied, any remaining balance of such
3 proceeds and interest, income and profits earned or realized
4 on the investments thereof shall be paid into the General
5 Revenue Fund. The liability of the State upon the refunded
6 Bonds shall continue, provided that the holders thereof shall
7 thereafter be entitled to payment only out of the moneys
8 deposited in the escrow account and the refunded Bonds shall
9 be deemed paid, discharged and no longer to be outstanding.

10 Except as otherwise herein provided in this Section, such
11 refunding Bonds shall in all other respects be issued pursuant
12 to and subject to the terms and conditions of this Act and
13 shall be secured by and payable from only the funds and sources
14 which are provided under this Act.

15 (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17;
16 100-587, eff. 6-4-18.)

17 Section 3-70. The Illinois Coal Technology Development
18 Assistance Act is amended by changing Section 3 as follows:

19 (30 ILCS 730/3) (from Ch. 96 1/2, par. 8203)

20 Sec. 3. Transfers to Coal Technology Development
21 Assistance Fund.

22 (a) As soon as may be practicable after the first day of
23 each month, the Department of Revenue shall certify to the
24 Treasurer an amount equal to 1/64 of the revenue realized from

1 the tax imposed by the Electricity Excise Tax Law, Section 2 of
2 the Public Utilities Revenue Act, Section 2 of the Messages
3 Tax Act, and Section 2 of the Gas Revenue Tax Act, during the
4 preceding month. Upon receipt of the certification, the
5 Treasurer shall transfer the amount shown on such
6 certification from the General Revenue Fund to the Coal
7 Technology Development Assistance Fund, which is hereby
8 created as a special fund in the State treasury, except that no
9 transfer shall be made in any month in which the Fund has
10 reached the following balance:

11 (1) (Blank).

12 (2) (Blank).

13 (3) (Blank).

14 (4) (Blank).

15 (5) (Blank).

16 (6) Except as otherwise provided in subsection (b),
17 during fiscal year 2006 and each fiscal year thereafter,
18 an amount equal to the sum of \$10,000,000 plus additional
19 moneys deposited into the Coal Technology Development
20 Assistance Fund from the Renewable Energy Resources and
21 Coal Technology Development Assistance Charge under
22 Section 6.5 of the Renewable Energy, Energy Efficiency,
23 and Coal Resources Development Law of 1997.

24 (b) During fiscal years 2019 through 2022 ~~2021~~ only, the
25 Treasurer shall make no transfers from the General Revenue
26 Fund to the Coal Technology Development Assistance Fund.

(Source: P.A. 100-587, eff. 6-4-18; 101-10, eff. 6-5-19;
101-636, eff. 6-10-20.)

Section 3-75. The Small Business Development Act is
amended by changing Section 9-10 as follows:

(30 ILCS 750/9-10) (from Ch. 127, par. 2709-10)

Sec. 9-10. Federal Programs.

(a) The Department is authorized to accept and expend
federal moneys ~~monies~~ pursuant to this Article except that the
terms and conditions hereunder which are inconsistent with, ~~or~~
prohibited by, or more restrictive than the federal
authorization under which such moneys ~~monies~~ are made
available shall not apply with respect to the expenditure of
such moneys ~~monies~~.

(b) The Department is authorized to receive and expend
federal funds made available pursuant to the federal State
Small Business Credit Initiative Act of 2010 as amended by
Section 3301 of the federal American Rescue Plan Act of 2021,
enacted in response to the COVID-19 public health emergency.

(1) Such funds may be deposited into the State Small
Business Credit Initiative Fund and may be used by the
Department, subject to appropriation, for any permitted
purposes in accordance with the federal State Small
Business Credit Initiative Act of 2010 as amended by
Section 3301 of the federal American Rescue Plan Act of

1 2021 and any related federal guidance.

2 (2) Permitted purposes include to provide support to
3 small businesses responding to and recovering from the
4 economic effects of the COVID-19 pandemic, to ensure
5 business enterprises owned and controlled by socially and
6 economically disadvantaged individuals have access to
7 credit and investments, to provide technical assistance to
8 help small businesses applying for various support
9 programs, and to pay reasonable costs of administering the
10 initiative.

11 (3) Terms such as "business enterprise owned and
12 controlled by socially and economically disadvantaged
13 individuals", "socially and economically disadvantaged
14 individual" and "very small business", and any other terms
15 defined in the federal State Small Business Credit
16 Initiative Act of 2010 as amended by Section 3301 of the
17 federal American Rescue Plan Act of 2021 and any related
18 federal guidance, have the same meaning for purposes of
19 the Department's implementation of this initiative. The
20 term "small business" includes both for-profit and
21 not-for-profit business enterprises to the extent
22 permitted by federal law and guidance.

23 (4) The Department may use such funds to enter into
24 technical assistance agreements and other agreements with
25 both for-profit and not-for-profit business enterprises
26 and may provide technical assistance to small businesses

1 to the extent permitted by federal law and guidance.

2 (Source: P.A. 84-109.)

3 Section 3-80. The Illinois Income Tax Act is amended by
4 changing Section 901 as follows:

5 (35 ILCS 5/901)

6 (Text of Section without the changes made by P.A. 101-8,
7 which did not take effect (see Section 99 of P.A. 101-8))

8 Sec. 901. Collection authority.

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

1 Illinois Public Aid Code, as directed by the Department of
2 Healthcare and Family Services.

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

1 Notwithstanding any provision of law to the contrary,
2 beginning on July 6, 2017 (the effective date of Public Act
3 100-23), those amounts required under this subsection (b) to
4 be transferred by the Treasurer into the Local Government
5 Distributive Fund from the General Revenue Fund shall be
6 directly deposited into the Local Government Distributive Fund
7 as the revenue is realized from the tax imposed by subsections
8 (a) and (b) of Section 201 of this Act.

9 ~~For State fiscal year 2020 only, notwithstanding any~~
10 ~~provision of law to the contrary, the total amount of revenue~~
11 ~~and deposits under this Section attributable to revenues~~
12 ~~realized during State fiscal year 2020 shall be reduced by 5%.~~

13 (c) Deposits Into Income Tax Refund Fund.

14 (1) Beginning on January 1, 1989 and thereafter, the
15 Department shall deposit a percentage of the amounts
16 collected pursuant to subsections (a) and (b)(1), (2), and
17 (3) of Section 201 of this Act into a fund in the State
18 treasury known as the Income Tax Refund Fund. Beginning
19 with State fiscal year 1990 and for each fiscal year
20 thereafter, the percentage deposited into the Income Tax
21 Refund Fund during a fiscal year shall be the Annual
22 Percentage. For fiscal year 2011, the Annual Percentage
23 shall be 8.75%. For fiscal year 2012, the Annual
24 Percentage shall be 8.75%. For fiscal year 2013, the
25 Annual Percentage shall be 9.75%. For fiscal year 2014,
26 the Annual Percentage shall be 9.5%. For fiscal year 2015,

1 the Annual Percentage shall be 10%. For fiscal year 2018,
2 the Annual Percentage shall be 9.8%. For fiscal year 2019,
3 the Annual Percentage shall be 9.7%. For fiscal year 2020,
4 the Annual Percentage shall be 9.5%. For fiscal year 2021,
5 the Annual Percentage shall be 9%. For fiscal year 2022,
6 the Annual Percentage shall be 9.25%. For all other fiscal
7 years, the Annual Percentage shall be calculated as a
8 fraction, the numerator of which shall be the amount of
9 refunds approved for payment by the Department during the
10 preceding fiscal year as a result of overpayment of tax
11 liability under subsections (a) and (b)(1), (2), and (3)
12 of Section 201 of this Act plus the amount of such refunds
13 remaining approved but unpaid at the end of the preceding
14 fiscal year, minus the amounts transferred into the Income
15 Tax Refund Fund from the Tobacco Settlement Recovery Fund,
16 and the denominator of which shall be the amounts which
17 will be collected pursuant to subsections (a) and (b)(1),
18 (2), and (3) of Section 201 of this Act during the
19 preceding fiscal year; except that in State fiscal year
20 2002, the Annual Percentage shall in no event exceed 7.6%.
21 The Director of Revenue shall certify the Annual
22 Percentage to the Comptroller on the last business day of
23 the fiscal year immediately preceding the fiscal year for
24 which it is to be effective.

25 (2) Beginning on January 1, 1989 and thereafter, the
26 Department shall deposit a percentage of the amounts

1 collected pursuant to subsections (a) and (b) (6), (7), and
2 (8), (c) and (d) of Section 201 of this Act into a fund in
3 the State treasury known as the Income Tax Refund Fund.
4 Beginning with State fiscal year 1990 and for each fiscal
5 year thereafter, the percentage deposited into the Income
6 Tax Refund Fund during a fiscal year shall be the Annual
7 Percentage. For fiscal year 2011, the Annual Percentage
8 shall be 17.5%. For fiscal year 2012, the Annual
9 Percentage shall be 17.5%. For fiscal year 2013, the
10 Annual Percentage shall be 14%. For fiscal year 2014, the
11 Annual Percentage shall be 13.4%. For fiscal year 2015,
12 the Annual Percentage shall be 14%. For fiscal year 2018,
13 the Annual Percentage shall be 17.5%. For fiscal year
14 2019, the Annual Percentage shall be 15.5%. For fiscal
15 year 2020, the Annual Percentage shall be 14.25%. For
16 fiscal year 2021, the Annual Percentage shall be 14%. For
17 fiscal year 2022, the Annual Percentage shall be 15%. For
18 all other fiscal years, the Annual Percentage shall be
19 calculated as a fraction, the numerator of which shall be
20 the amount of refunds approved for payment by the
21 Department during the preceding fiscal year as a result of
22 overpayment of tax liability under subsections (a) and
23 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
24 Act plus the amount of such refunds remaining approved but
25 unpaid at the end of the preceding fiscal year, and the
26 denominator of which shall be the amounts which will be

1 collected pursuant to subsections (a) and (b) (6), (7), and
2 (8), (c) and (d) of Section 201 of this Act during the
3 preceding fiscal year; except that in State fiscal year
4 2002, the Annual Percentage shall in no event exceed 23%.
5 The Director of Revenue shall certify the Annual
6 Percentage to the Comptroller on the last business day of
7 the fiscal year immediately preceding the fiscal year for
8 which it is to be effective.

9 (3) The Comptroller shall order transferred and the
10 Treasurer shall transfer from the Tobacco Settlement
11 Recovery Fund to the Income Tax Refund Fund (i)
12 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,
13 2002, and (iii) \$35,000,000 in January, 2003.

14 (d) Expenditures from Income Tax Refund Fund.

15 (1) Beginning January 1, 1989, money in the Income Tax
16 Refund Fund shall be expended exclusively for the purpose
17 of paying refunds resulting from overpayment of tax
18 liability under Section 201 of this Act and for making
19 transfers pursuant to this subsection (d).

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

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

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

25 (4.5) As soon as possible after the end of fiscal year
26 1999 and of each fiscal year thereafter, the Director

1 shall order transferred and the State Treasurer and State
2 Comptroller shall transfer from the Income Tax Refund Fund
3 to the General Revenue Fund any surplus remaining in the
4 Income Tax Refund Fund as of the end of such fiscal year;
5 excluding for fiscal years 2000, 2001, and 2002 amounts
6 attributable to transfers under item (3) of subsection (c)
7 less refunds resulting from the earned income tax credit.

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

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

1 (b) of Section 201 of the Illinois Income Tax Act, minus
2 deposits into the Income Tax Refund Fund, the Department shall
3 deposit 4.4% into the Income Tax Surcharge Local Government
4 Distributive Fund in the State Treasury. Beginning July 1,
5 1993, and continuing through June 30, 1994, of the amounts
6 collected under subsections (a) and (b) of Section 201 of this
7 Act, minus deposits into the Income Tax Refund Fund, the
8 Department shall deposit 1.475% into the Income Tax Surcharge
9 Local Government Distributive Fund in the State Treasury.

10 (f) Deposits into the Fund for the Advancement of
11 Education. Beginning February 1, 2015, the Department shall
12 deposit the following portions of the revenue realized from
13 the tax imposed upon individuals, trusts, and estates by
14 subsections (a) and (b) of Section 201 of this Act, minus
15 deposits into the Income Tax Refund Fund, into the Fund for the
16 Advancement of Education:

17 (1) beginning February 1, 2015, and prior to February
18 1, 2025, 1/30; and

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

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

25 (g) Deposits into the Commitment to Human Services Fund.
26 Beginning February 1, 2015, the Department shall deposit the

1 following portions of the revenue realized from the tax
2 imposed upon individuals, trusts, and estates by subsections
3 (a) and (b) of Section 201 of this Act, minus deposits into the
4 Income Tax Refund Fund, into the Commitment to Human Services
5 Fund:

6 (1) beginning February 1, 2015, and prior to February
7 1, 2025, 1/30; and

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

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

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

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

1 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
2 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81,
3 eff. 7-12-19; 101-636, eff. 6-10-20.)

4 Section 3-85. The Illinois Pension Code is amended by
5 changing Section 21-109.1 as follows:

6 (40 ILCS 5/21-109.1) (from Ch. 108 1/2, par. 21-109.1)

7 Sec. 21-109.1. (a) Notwithstanding any law to the
8 contrary, State agencies, as defined in the State Auditing
9 Act, shall remit to the Comptroller all contributions required
10 under subchapters A, B and C of the Federal Insurance
11 Contributions Act, at the rates and at the times specified in
12 that Act, for wages paid on or after January 1, 1987 on a
13 warrant of the State Comptroller.

14 (b) The Comptroller shall establish a fund to be known as
15 the Social Security Administration Fund, with the State
16 Treasurer as ex officio custodian. Contributions and other
17 monies received by the Comptroller for the purposes of the
18 Federal Insurance Contributions Act shall either be directly
19 remitted to the U.S. Secretary of the Treasury or be held in
20 trust in such fund, and shall be paid upon the order of the
21 Comptroller for:

22 (1) payment of amounts required to be paid to the U. S.
23 Secretary of the Treasury in the amounts and at the times
24 specified in the Federal Insurance Contributions Act; and

1 (2) payment of refunds for overpayments which are not
2 otherwise adjustable.

3 (c) The Comptroller may collect from a State agency the
4 actual or anticipated amount of any interest and late charges
5 arising from the State agency's failure to collect and remit
6 to the Comptroller contributions as required by the Federal
7 Insurance Contributions Act. Such interest and charges shall
8 be due and payable upon receipt of notice thereof from the
9 Comptroller.

10 (d) The Comptroller shall pay to the U. S. Secretary of the
11 Treasury such amounts at such times as may be required under
12 the Federal Insurance Contributions Act.

13 (e) The Comptroller may direct and the State Treasurer
14 shall transfer amounts from the Social Security Administration
15 Fund into the Capital Facility and Technology Modernization
16 Fund as the Comptroller deems necessary. The Comptroller may
17 direct and the State Treasurer shall transfer any such amounts
18 so transferred to the Capital Facility and Technology
19 Modernization Fund back to the Social Security Administration
20 Fund at any time.

21 (Source: P.A. 86-657; 87-11.)

22 Section 3-90. The Fair and Exposition Authority
23 Reconstruction Act is amended by changing Section 8 as
24 follows:

1 (70 ILCS 215/8) (from Ch. 85, par. 1250.8)

2 Sec. 8. Appropriations may be made from time to time by the
3 General Assembly to the Metropolitan Pier and Exposition
4 Authority for the payment of principal and interest of bonds
5 of the Authority issued under the provisions of this Act and
6 for any other lawful purpose of the Authority. Any and all of
7 the funds so received shall be kept separate and apart from any
8 and all other funds of the Authority. After there has been paid
9 into the Metropolitan Fair and Exposition Authority
10 Reconstruction Fund in the State Treasury sufficient money,
11 pursuant to this Section and Sections 2 and 29 of the Cigarette
12 Tax Act, to retire all bonds payable from that Fund, the taxes
13 derived from Section 28 of the Illinois Horse Racing Act of
14 1975 which were required to be paid into that Fund pursuant to
15 that Act shall thereafter be paid into the General Revenue
16 Fund ~~Metropolitan Exposition, Auditorium and Office Building~~
17 ~~Fund~~ in the State Treasury.

18 (Source: P.A. 94-91, eff. 7-1-05.)

19 Section 3-95. The School Code is amended by changing
20 Sections 2-3.117, 10-17a, and 10-22.36 as follows:

21 (105 ILCS 5/2-3.117)

22 Sec. 2-3.117. School Technology Program.

23 (a) The State Board of Education is authorized to provide
24 technology-based learning resources to school districts to

1 improve educational opportunities and student achievement
2 throughout the State. These resources may include
3 reimbursements for the cost of tuition incurred by a school
4 district for approved online courses accessed through the
5 State Board of Education's Illinois Virtual Course Catalog
6 Program.

7 (1) A school district shall be eligible for
8 reimbursement for the cost of each virtual class accessed
9 through the Illinois Virtual Course Catalog program and
10 successfully completed by a student of the school
11 district, to the extent appropriated funds are available
12 for such reimbursements.

13 (2) A school district shall claim reimbursement on
14 forms and through a process prescribed by the State Board
15 of Education.

16 (b) The State Board of Education is authorized, to the
17 extent funds are available, to establish a statewide support
18 system for information, professional development, technical
19 assistance, network design consultation, leadership,
20 technology planning consultation, and information exchange; to
21 expand school district connectivity; and to increase the
22 quantity and quality of student and educator access to on-line
23 resources, experts, and communications avenues from moneys
24 appropriated for the purposes of this Section.

25 (b-5) The State Board of Education may enter into
26 intergovernmental contracts or agreements with other State

1 agencies, public community colleges, public libraries, public
2 and private colleges and universities, museums on public land,
3 and other public agencies in the areas of technology,
4 telecommunications, and information access, under such terms
5 as the parties may agree, provided that those contracts and
6 agreements are in compliance with the Department of Central
7 Management Services' mandate to provide telecommunications
8 services to all State agencies.

9 (c) (Blank).

10 (d) (Blank).

11 (Source: P.A. 95-793, eff. 1-1-09.)

12 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

13 Sec. 10-17a. State, school district, and school report
14 cards.

15 (1) By October 31, 2013 and October 31 of each subsequent
16 school year, the State Board of Education, through the State
17 Superintendent of Education, shall prepare a State report
18 card, school district report cards, and school report cards,
19 and shall by the most economic means provide to each school
20 district in this State, including special charter districts
21 and districts subject to the provisions of Article 34, the
22 report cards for the school district and each of its schools.
23 Because of the impacts of the COVID-19 public health emergency
24 during school year 2020-2021, the State Board of Education
25 shall have until December 31, 2021 to prepare and provide the

1 report cards that would otherwise be due by October 31, 2021.

2 (2) In addition to any information required by federal
3 law, the State Superintendent shall determine the indicators
4 and presentation of the school report card, which must
5 include, at a minimum, the most current data collected and
6 maintained by the State Board of Education related to the
7 following:

8 (A) school characteristics and student demographics,
9 including average class size, average teaching experience,
10 student racial/ethnic breakdown, and the percentage of
11 students classified as low-income; the percentage of
12 students classified as English learners; the percentage of
13 students who have individualized education plans or 504
14 plans that provide for special education services; the
15 number and percentage of all students who have been
16 assessed for placement in a gifted education or advanced
17 academic program and, of those students: (i) the racial
18 and ethnic breakdown, (ii) the percentage who are
19 classified as low-income, and (iii) the number and
20 percentage of students who received direct instruction
21 from a teacher who holds a gifted education endorsement
22 and, of those students, the percentage who are classified
23 as low-income; the percentage of students scoring at the
24 "exceeds expectations" level on the assessments required
25 under Section 2-3.64a-5 of this Code; the percentage of
26 students who annually transferred in or out of the school

1 district; average daily attendance; the per-pupil
2 operating expenditure of the school district; and the
3 per-pupil State average operating expenditure for the
4 district type (elementary, high school, or unit);

5 (B) curriculum information, including, where
6 applicable, Advanced Placement, International
7 Baccalaureate or equivalent courses, dual enrollment
8 courses, foreign language classes, computer science
9 courses, school personnel resources (including Career
10 Technical Education teachers), before and after school
11 programs, extracurricular activities, subjects in which
12 elective classes are offered, health and wellness
13 initiatives (including the average number of days of
14 Physical Education per week per student), approved
15 programs of study, awards received, community
16 partnerships, and special programs such as programming for
17 the gifted and talented, students with disabilities, and
18 work-study students;

19 (C) student outcomes, including, where applicable, the
20 percentage of students deemed proficient on assessments of
21 State standards, the percentage of students in the eighth
22 grade who pass Algebra, the percentage of students who
23 participated in workplace learning experiences, the
24 percentage of students enrolled in post-secondary
25 institutions (including colleges, universities, community
26 colleges, trade/vocational schools, and training programs

1 leading to career certification within 2 semesters of high
2 school graduation), the percentage of students graduating
3 from high school who are college and career ready, and the
4 percentage of graduates enrolled in community colleges,
5 colleges, and universities who are in one or more courses
6 that the community college, college, or university
7 identifies as a developmental course;

8 (D) student progress, including, where applicable, the
9 percentage of students in the ninth grade who have earned
10 5 credits or more without failing more than one core
11 class, a measure of students entering kindergarten ready
12 to learn, a measure of growth, and the percentage of
13 students who enter high school on track for college and
14 career readiness;

15 (E) the school environment, including, where
16 applicable, the percentage of students with less than 10
17 absences in a school year, the percentage of teachers with
18 less than 10 absences in a school year for reasons other
19 than professional development, leaves taken pursuant to
20 the federal Family Medical Leave Act of 1993, long-term
21 disability, or parental leaves, the 3-year average of the
22 percentage of teachers returning to the school from the
23 previous year, the number of different principals at the
24 school in the last 6 years, the number of teachers who hold
25 a gifted education endorsement, the process and criteria
26 used by the district to determine whether a student is

1 eligible for participation in a gifted education program
2 or advanced academic program and the manner in which
3 parents and guardians are made aware of the process and
4 criteria, 2 or more indicators from any school climate
5 survey selected or approved by the State and administered
6 pursuant to Section 2-3.153 of this Code, with the same or
7 similar indicators included on school report cards for all
8 surveys selected or approved by the State pursuant to
9 Section 2-3.153 of this Code, and the combined percentage
10 of teachers rated as proficient or excellent in their most
11 recent evaluation;

12 (F) a school district's and its individual schools'
13 balanced accountability measure, in accordance with
14 Section 2-3.25a of this Code;

15 (G) the total and per pupil normal cost amount the
16 State contributed to the Teachers' Retirement System of
17 the State of Illinois in the prior fiscal year for the
18 school's employees, which shall be reported to the State
19 Board of Education by the Teachers' Retirement System of
20 the State of Illinois;

21 (H) for a school district organized under Article 34
22 of this Code only, State contributions to the Public
23 School Teachers' Pension and Retirement Fund of Chicago
24 and State contributions for health care for employees of
25 that school district;

26 (I) a school district's Final Percent of Adequacy, as

1 defined in paragraph (4) of subsection (f) of Section
2 18-8.15 of this Code;

3 (J) a school district's Local Capacity Target, as
4 defined in paragraph (2) of subsection (c) of Section
5 18-8.15 of this Code, displayed as a percentage amount;

6 (K) a school district's Real Receipts, as defined in
7 paragraph (1) of subsection (d) of Section 18-8.15 of this
8 Code, divided by a school district's Adequacy Target, as
9 defined in paragraph (1) of subsection (b) of Section
10 18-8.15 of this Code, displayed as a percentage amount;

11 (L) a school district's administrative costs;

12 (M) whether or not the school has participated in the
13 Illinois Youth Survey. In this paragraph (M), "Illinois
14 Youth Survey" means a self-report survey, administered in
15 school settings every 2 years, designed to gather
16 information about health and social indicators, including
17 substance abuse patterns and the attitudes of students in
18 grades 8, 10, and 12; and

19 (N) whether the school offered its students career and
20 technical education opportunities.

21 The school report card shall also provide information that
22 allows for comparing the current outcome, progress, and
23 environment data to the State average, to the school data from
24 the past 5 years, and to the outcomes, progress, and
25 environment of similar schools based on the type of school and
26 enrollment of low-income students, special education students,

1 and English learners.

2 As used in this subsection (2):

3 "Administrative costs" means costs associated with
4 executive, administrative, or managerial functions within the
5 school district that involve planning, organizing, managing,
6 or directing the school district.

7 "Advanced academic program" means a course of study to
8 which students are assigned based on advanced cognitive
9 ability or advanced academic achievement compared to local age
10 peers and in which the curriculum is substantially
11 differentiated from the general curriculum to provide
12 appropriate challenge and pace.

13 "Computer science" means the study of computers and
14 algorithms, including their principles, their hardware and
15 software designs, their implementation, and their impact on
16 society. "Computer science" does not include the study of
17 everyday uses of computers and computer applications, such as
18 keyboarding or accessing the Internet.

19 "Gifted education" means educational services, including
20 differentiated curricula and instructional methods, designed
21 to meet the needs of gifted children as defined in Article 14A
22 of this Code.

23 For the purposes of paragraph (A) of this subsection (2),
24 "average daily attendance" means the average of the actual
25 number of attendance days during the previous school year for
26 any enrolled student who is subject to compulsory attendance

1 by Section 26-1 of this Code at each school and charter school.

2 (3) At the discretion of the State Superintendent, the
3 school district report card shall include a subset of the
4 information identified in paragraphs (A) through (E) of
5 subsection (2) of this Section, as well as information
6 relating to the operating expense per pupil and other finances
7 of the school district, and the State report card shall
8 include a subset of the information identified in paragraphs
9 (A) through (E) and paragraph (N) of subsection (2) of this
10 Section. The school district report card shall include the
11 average daily attendance, as that term is defined in
12 subsection (2) of this Section, of students who have
13 individualized education programs and students who have 504
14 plans that provide for special education services within the
15 school district.

16 (4) Notwithstanding anything to the contrary in this
17 Section, in consultation with key education stakeholders, the
18 State Superintendent shall at any time have the discretion to
19 amend or update any and all metrics on the school, district, or
20 State report card.

21 (5) Annually, no more than 30 calendar days after receipt
22 of the school district and school report cards from the State
23 Superintendent of Education, each school district, including
24 special charter districts and districts subject to the
25 provisions of Article 34, shall present such report cards at a
26 regular school board meeting subject to applicable notice

1 requirements, post the report cards on the school district's
2 Internet web site, if the district maintains an Internet web
3 site, make the report cards available to a newspaper of
4 general circulation serving the district, and, upon request,
5 send the report cards home to a parent (unless the district
6 does not maintain an Internet web site, in which case the
7 report card shall be sent home to parents without request). If
8 the district posts the report card on its Internet web site,
9 the district shall send a written notice home to parents
10 stating (i) that the report card is available on the web site,
11 (ii) the address of the web site, (iii) that a printed copy of
12 the report card will be sent to parents upon request, and (iv)
13 the telephone number that parents may call to request a
14 printed copy of the report card.

15 (6) Nothing contained in Public Act 98-648 repeals,
16 supersedes, invalidates, or nullifies final decisions in
17 lawsuits pending on July 1, 2014 (the effective date of Public
18 Act 98-648) in Illinois courts involving the interpretation of
19 Public Act 97-8.

20 (Source: P.A. 100-227, eff. 8-18-17; 100-364, eff. 1-1-18;
21 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; 100-807, eff.
22 8-10-18; 100-863, eff. 8-14-18; 100-1121, eff. 1-1-19; 101-68,
23 eff. 1-1-20; 101-81, eff. 7-12-19; 101-654, eff. 3-8-21.)

24 (105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

25 Sec. 10-22.36. Buildings for school purposes.

1 (a) To build or purchase a building for school classroom
2 or instructional purposes upon the approval of a majority of
3 the voters upon the proposition at a referendum held for such
4 purpose or in accordance with Section 17-2.11, 19-3.5, or
5 19-3.10. The board may initiate such referendum by resolution.
6 The board shall certify the resolution and proposition to the
7 proper election authority for submission in accordance with
8 the general election law.

9 The questions of building one or more new buildings for
10 school purposes or office facilities, and issuing bonds for
11 the purpose of borrowing money to purchase one or more
12 buildings or sites for such buildings or office sites, to
13 build one or more new buildings for school purposes or office
14 facilities or to make additions and improvements to existing
15 school buildings, may be combined into one or more
16 propositions on the ballot.

17 Before erecting, or purchasing or remodeling such a
18 building the board shall submit the plans and specifications
19 respecting heating, ventilating, lighting, seating, water
20 supply, toilets and safety against fire to the regional
21 superintendent of schools having supervision and control over
22 the district, for approval in accordance with Section 2-3.12.

23 Notwithstanding any of the foregoing, no referendum shall
24 be required if the purchase, construction, or building of any
25 such building (1) occurs while the building is being leased by
26 the school district or (2) is paid with (A) funds derived from

1 the sale or disposition of other buildings, land, or
2 structures of the school district or (B) funds received (i) as
3 a grant under the School Construction Law or (ii) as gifts or
4 donations, provided that no funds to purchase, construct, or
5 build such building, other than lease payments, are derived
6 from the district's bonded indebtedness or the tax levy of the
7 district.

8 Notwithstanding any of the foregoing, no referendum shall
9 be required if the purchase, construction, or building of any
10 such building is paid with funds received from the County
11 School Facility and Resources Occupation Tax Law under Section
12 5-1006.7 of the Counties Code or from the proceeds of bonds or
13 other debt obligations secured by revenues obtained from that
14 Law.

15 (b) Notwithstanding the provisions of subsection (a), for
16 any school district: (i) that is a tier 1 school, (ii) that has
17 a population of less than 50,000 inhabitants, (iii) whose
18 student population is between 5,800 and 6,300, (iv) in which
19 57% to 62% of students are low-income, and (v) whose average
20 district spending is between \$10,000 to \$12,000 per pupil,
21 until July 1, 2025, no referendum shall be required if at least
22 70% of the cost of the purchase, construction, or building of
23 any such building is paid, or will be paid, with funds received
24 or expected to be received as part of, or otherwise derived
25 from, the federal Consolidated Appropriations Act and the
26 federal American Rescue Plan Act of 2021.

1 For this subsection (b), the school board must hold at
2 least 2 public hearings, the sole purpose of which shall be to
3 discuss the decision to construct a school building and to
4 receive input from the community. The notice of each public
5 hearing that sets forth the time, date, place, and name or
6 description of the school building that the school board is
7 considering constructing must be provided at least 10 days
8 prior to the hearing by publication on the school board's
9 Internet website.

10 (Source: P.A. 101-455, eff. 8-23-19.)

11 Section 3-100. The Real Estate Appraiser Licensure Act of
12 2002 is amended by changing Sections 25-5 and 25-20 as
13 follows:

14 (225 ILCS 458/25-5)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 25-5. Appraisal Administration Fund; surcharge. The
17 Appraisal Administration Fund is created as a special fund in
18 the State Treasury. All fees, fines, and penalties received by
19 the Department under this Act shall be deposited into the
20 Appraisal Administration Fund. Also, moneys received from any
21 federal financial assistance or any gift, grant, or donation
22 may be deposited into the Appraisal Administration Fund. All
23 earnings attributable to investment of funds in the Appraisal
24 Administration Fund shall be credited to the Appraisal

1 Administration Fund. Subject to appropriation, the moneys in
2 the Appraisal Administration Fund shall be paid to the
3 Department for the expenses incurred by the Department and the
4 Board in the administration of this Act. Moneys in the
5 Appraisal Administration Fund may be transferred to the
6 Professions Indirect Cost Fund as authorized under Section
7 2105-300 of the Department of Professional Regulation Law of
8 the Civil Administrative Code of Illinois. However, moneys in
9 the Appraisal Administration Fund received from any federal
10 financial assistance or any gift, grant, or donation shall be
11 used only in accordance with the requirements of the federal
12 financial assistance, gift, grant, or donation and may not be
13 transferred to the Professions Indirect Cost Fund.

14 Upon the completion of any audit of the Department, as
15 prescribed by the Illinois State Auditing Act, which shall
16 include an audit of the Appraisal Administration Fund, the
17 Department shall make the audit report open to inspection by
18 any interested person.

19 (Source: P.A. 96-844, eff. 12-23-09.)

20 (225 ILCS 458/25-20)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 25-20. Department; powers and duties. The Department
23 of Financial and Professional Regulation shall exercise the
24 powers and duties prescribed by the Civil Administrative Code
25 of Illinois for the administration of licensing Acts and shall

1 exercise such other powers and duties as are prescribed by
2 this Act for the administration of this Act. The Department
3 may contract with third parties for services necessary for the
4 proper administration of this Act, including without
5 limitation, investigators with the proper knowledge, training,
6 and skills to properly investigate complaints against real
7 estate appraisers.

8 In addition, the Department may receive federal financial
9 assistance, either directly from the federal government or
10 indirectly through another source, public or private, for the
11 administration of this Act. The Department may also receive
12 transfers, gifts, grants, or donations from any source, public
13 or private, in the form of funds, services, equipment,
14 supplies, or materials. Any funds received pursuant to this
15 Section shall be deposited in the Appraisal Administration
16 Fund unless deposit in a different fund is otherwise mandated,
17 and shall be used in accordance with the requirements of the
18 federal financial assistance, gift, grant, or donation for
19 purposes related to the powers and duties of the Department.

20 The Department shall maintain and update a registry of the
21 names and addresses of all licensees and a listing of
22 disciplinary orders issued pursuant to this Act and shall
23 transmit the registry, along with any national registry fees
24 that may be required, to the entity specified by, and in a
25 manner consistent with, Title XI of the federal Financial
26 Institutions Reform, Recovery and Enforcement Act of 1989.

(Source: P.A. 96-844, eff. 12-23-09.)

Section 3-105. The Illinois Horse Racing Act of 1975 is amended by changing Section 28 as follows:

(230 ILCS 5/28) (from Ch. 8, par. 37-28)

Sec. 28. Except as provided in subsection (g) of Section 27 of this Act, moneys collected shall be distributed according to the provisions of this Section 28.

(a) Thirty per cent of the total of all monies received by the State as privilege taxes shall be paid into the Metropolitan Exposition, Auditorium and Office Building Fund in the State Treasury until such Fund is repealed, and thereafter shall be paid into the General Revenue Fund in the State Treasury.

(b) In addition, 4.5% of the total of all monies received by the State as privilege taxes shall be paid into the State treasury into ~~a special Fund to be known as the Metropolitan Exposition, Auditorium and Office Building Fund~~ until such Fund is repealed, and thereafter shall be paid into the General Revenue Fund in the State Treasury.

(c) Fifty per cent of the total of all monies received by the State as privilege taxes under the provisions of this Act shall be paid into the Agricultural Premium Fund.

(d) Seven per cent of the total of all monies received by the State as privilege taxes shall be paid into the Fair and

1 Exposition Fund in the State treasury; provided, however, that
2 when all bonds issued prior to July 1, 1984 by the Metropolitan
3 Fair and Exposition Authority shall have been paid or payment
4 shall have been provided for upon a refunding of those bonds,
5 thereafter 1/12 of \$1,665,662 of such monies shall be paid
6 each month into the Build Illinois Fund, and the remainder
7 into the Fair and Exposition Fund. All excess monies shall be
8 allocated to the Department of Agriculture for distribution to
9 county fairs for premiums and rehabilitation as set forth in
10 the Agricultural Fair Act.

11 (e) The monies provided for in Section 30 shall be paid
12 into the Illinois Thoroughbred Breeders Fund.

13 (f) The monies provided for in Section 31 shall be paid
14 into the Illinois Standardbred Breeders Fund.

15 (g) Until January 1, 2000, that part representing 1/2 of
16 the total breakage in Thoroughbred, Harness, Appaloosa,
17 Arabian, and Quarter Horse racing in the State shall be paid
18 into the Illinois Race Track Improvement Fund as established
19 in Section 32.

20 (h) All other monies received by the Board under this Act
21 shall be paid into the Horse Racing Fund.

22 (i) The salaries of the Board members, secretary,
23 stewards, directors of mutuels, veterinarians,
24 representatives, accountants, clerks, stenographers,
25 inspectors and other employees of the Board, and all expenses
26 of the Board incident to the administration of this Act,

1 including, but not limited to, all expenses and salaries
2 incident to the taking of saliva and urine samples in
3 accordance with the rules and regulations of the Board shall
4 be paid out of the Agricultural Premium Fund.

5 (j) The Agricultural Premium Fund shall also be used:

6 (1) for the expenses of operating the Illinois State
7 Fair and the DuQuoin State Fair, including the payment of
8 prize money or premiums;

9 (2) for the distribution to county fairs, vocational
10 agriculture section fairs, agricultural societies, and
11 agricultural extension clubs in accordance with the
12 Agricultural Fair Act, as amended;

13 (3) for payment of prize monies and premiums awarded
14 and for expenses incurred in connection with the
15 International Livestock Exposition and the Mid-Continent
16 Livestock Exposition held in Illinois, which premiums, and
17 awards must be approved, and paid by the Illinois
18 Department of Agriculture;

19 (4) for personal service of county agricultural
20 advisors and county home advisors;

21 (5) for distribution to agricultural home economic
22 extension councils in accordance with "An Act in relation
23 to additional support and finance for the Agricultural and
24 Home Economic Extension Councils in the several counties
25 in this State and making an appropriation therefor",
26 approved July 24, 1967, as amended;

1 (6) for research on equine disease, including a
2 development center therefor;

3 (7) for training scholarships for study on equine
4 diseases to students at the University of Illinois College
5 of Veterinary Medicine;

6 (8) for the rehabilitation, repair and maintenance of
7 the Illinois and DuQuoin State Fair Grounds and the
8 structures and facilities thereon and the construction of
9 permanent improvements on such Fair Grounds, including
10 such structures, facilities and property located on such
11 State Fair Grounds which are under the custody and control
12 of the Department of Agriculture;

13 (9) (blank);

14 (10) for the expenses of the Department of Commerce
15 and Economic Opportunity under Sections 605-620, 605-625,
16 and 605-630 of the Department of Commerce and Economic
17 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
18 605/605-630);

19 (11) for remodeling, expanding, and reconstructing
20 facilities destroyed by fire of any Fair and Exposition
21 Authority in counties with a population of 1,000,000 or
22 more inhabitants;

23 (12) for the purpose of assisting in the care and
24 general rehabilitation of veterans with disabilities of
25 any war and their surviving spouses and orphans;

26 (13) for expenses of the Department of State Police

1 for duties performed under this Act;

2 (14) for the Department of Agriculture for soil
3 surveys and soil and water conservation purposes;

4 (15) for the Department of Agriculture for grants to
5 the City of Chicago for conducting the Chicagofest;

6 (16) for the State Comptroller for grants and
7 operating expenses authorized by the Illinois Global
8 Partnership Act.

9 (k) To the extent that monies paid by the Board to the
10 Agricultural Premium Fund are in the opinion of the Governor
11 in excess of the amount necessary for the purposes herein
12 stated, the Governor shall notify the Comptroller and the
13 State Treasurer of such fact, who, upon receipt of such
14 notification, shall transfer such excess monies from the
15 Agricultural Premium Fund to the General Revenue Fund.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;
17 100-110, eff. 8-15-17; 100-863, eff. 8-14-18.)

18 Section 3-110. The Illinois Gambling Act is amended by
19 changing Section 13 as follows:

20 (230 ILCS 10/13) (from Ch. 120, par. 2413)

21 Sec. 13. Wagering tax; rate; distribution.

22 (a) Until January 1, 1998, a tax is imposed on the adjusted
23 gross receipts received from gambling games authorized under
24 this Act at the rate of 20%.

1 (a-1) From January 1, 1998 until July 1, 2002, a privilege
2 tax is imposed on persons engaged in the business of
3 conducting riverboat gambling operations, based on the
4 adjusted gross receipts received by a licensed owner from
5 gambling games authorized under this Act at the following
6 rates:

7 15% of annual adjusted gross receipts up to and
8 including \$25,000,000;

9 20% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$50,000,000;

11 25% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 30% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 35% of annual adjusted gross receipts in excess of
16 \$100,000,000.

17 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
18 is imposed on persons engaged in the business of conducting
19 riverboat gambling operations, other than licensed managers
20 conducting riverboat gambling operations on behalf of the
21 State, based on the adjusted gross receipts received by a
22 licensed owner from gambling games authorized under this Act
23 at the following rates:

24 15% of annual adjusted gross receipts up to and
25 including \$25,000,000;

26 22.5% of annual adjusted gross receipts in excess of

1 \$25,000,000 but not exceeding \$50,000,000;

2 27.5% of annual adjusted gross receipts in excess of
3 \$50,000,000 but not exceeding \$75,000,000;

4 32.5% of annual adjusted gross receipts in excess of
5 \$75,000,000 but not exceeding \$100,000,000;

6 37.5% of annual adjusted gross receipts in excess of
7 \$100,000,000 but not exceeding \$150,000,000;

8 45% of annual adjusted gross receipts in excess of
9 \$150,000,000 but not exceeding \$200,000,000;

10 50% of annual adjusted gross receipts in excess of
11 \$200,000,000.

12 (a-3) Beginning July 1, 2003, a privilege tax is imposed
13 on persons engaged in the business of conducting riverboat
14 gambling operations, other than licensed managers conducting
15 riverboat gambling operations on behalf of the State, based on
16 the adjusted gross receipts received by a licensed owner from
17 gambling games authorized under this Act at the following
18 rates:

19 15% of annual adjusted gross receipts up to and
20 including \$25,000,000;

21 27.5% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$37,500,000;

23 32.5% of annual adjusted gross receipts in excess of
24 \$37,500,000 but not exceeding \$50,000,000;

25 37.5% of annual adjusted gross receipts in excess of
26 \$50,000,000 but not exceeding \$75,000,000;

1 45% of annual adjusted gross receipts in excess of
2 \$75,000,000 but not exceeding \$100,000,000;

3 50% of annual adjusted gross receipts in excess of
4 \$100,000,000 but not exceeding \$250,000,000;

5 70% of annual adjusted gross receipts in excess of
6 \$250,000,000.

7 An amount equal to the amount of wagering taxes collected
8 under this subsection (a-3) that are in addition to the amount
9 of wagering taxes that would have been collected if the
10 wagering tax rates under subsection (a-2) were in effect shall
11 be paid into the Common School Fund.

12 The privilege tax imposed under this subsection (a-3)
13 shall no longer be imposed beginning on the earlier of (i) July
14 1, 2005; (ii) the first date after June 20, 2003 that riverboat
15 gambling operations are conducted pursuant to a dormant
16 license; or (iii) the first day that riverboat gambling
17 operations are conducted under the authority of an owners
18 license that is in addition to the 10 owners licenses
19 initially authorized under this Act. For the purposes of this
20 subsection (a-3), the term "dormant license" means an owners
21 license that is authorized by this Act under which no
22 riverboat gambling operations are being conducted on June 20,
23 2003.

24 (a-4) Beginning on the first day on which the tax imposed
25 under subsection (a-3) is no longer imposed and ending upon
26 the imposition of the privilege tax under subsection (a-5) of

1 this Section, a privilege tax is imposed on persons engaged in
2 the business of conducting gambling operations, other than
3 licensed managers conducting riverboat gambling operations on
4 behalf of the State, based on the adjusted gross receipts
5 received by a licensed owner from gambling games authorized
6 under this Act at the following rates:

7 15% of annual adjusted gross receipts up to and
8 including \$25,000,000;

9 22.5% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$50,000,000;

11 27.5% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 32.5% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 37.5% of annual adjusted gross receipts in excess of
16 \$100,000,000 but not exceeding \$150,000,000;

17 45% of annual adjusted gross receipts in excess of
18 \$150,000,000 but not exceeding \$200,000,000;

19 50% of annual adjusted gross receipts in excess of
20 \$200,000,000.

21 For the imposition of the privilege tax in this subsection
22 (a-4), amounts paid pursuant to item (1) of subsection (b) of
23 Section 56 of the Illinois Horse Racing Act of 1975 shall not
24 be included in the determination of adjusted gross receipts.

25 (a-5)(1) Beginning on July 1, 2020, a privilege tax is
26 imposed on persons engaged in the business of conducting

1 gambling operations, other than the owners licensee under
2 paragraph (1) of subsection (e-5) of Section 7 and licensed
3 managers conducting riverboat gambling operations on behalf of
4 the State, based on the adjusted gross receipts received by
5 such licensee from the gambling games authorized under this
6 Act. The privilege tax for all gambling games other than table
7 games, including, but not limited to, slot machines, video
8 game of chance gambling, and electronic gambling games shall
9 be at the following rates:

10 15% of annual adjusted gross receipts up to and
11 including \$25,000,000;

12 22.5% of annual adjusted gross receipts in excess of
13 \$25,000,000 but not exceeding \$50,000,000;

14 27.5% of annual adjusted gross receipts in excess of
15 \$50,000,000 but not exceeding \$75,000,000;

16 32.5% of annual adjusted gross receipts in excess of
17 \$75,000,000 but not exceeding \$100,000,000;

18 37.5% of annual adjusted gross receipts in excess of
19 \$100,000,000 but not exceeding \$150,000,000;

20 45% of annual adjusted gross receipts in excess of
21 \$150,000,000 but not exceeding \$200,000,000;

22 50% of annual adjusted gross receipts in excess of
23 \$200,000,000.

24 The privilege tax for table games shall be at the
25 following rates:

26 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 20% of annual adjusted gross receipts in excess of
3 \$25,000,000.

4 For the imposition of the privilege tax in this subsection
5 (a-5), amounts paid pursuant to item (1) of subsection (b) of
6 Section 56 of the Illinois Horse Racing Act of 1975 shall not
7 be included in the determination of adjusted gross receipts.

8 (2) Beginning on the first day that an owners licensee
9 under paragraph (1) of subsection (e-5) of Section 7 conducts
10 gambling operations, either in a temporary facility or a
11 permanent facility, a privilege tax is imposed on persons
12 engaged in the business of conducting gambling operations
13 under paragraph (1) of subsection (e-5) of Section 7, other
14 than licensed managers conducting riverboat gambling
15 operations on behalf of the State, based on the adjusted gross
16 receipts received by such licensee from the gambling games
17 authorized under this Act. The privilege tax for all gambling
18 games other than table games, including, but not limited to,
19 slot machines, video game of chance gambling, and electronic
20 gambling games shall be at the following rates:

21 12% of annual adjusted gross receipts up to and
22 including \$25,000,000 to the State and 10.5% of annual
23 adjusted gross receipts up to and including \$25,000,000 to
24 the City of Chicago;

25 16% of annual adjusted gross receipts in excess of
26 \$25,000,000 but not exceeding \$50,000,000 to the State and

1 14% of annual adjusted gross receipts in excess of
2 \$25,000,000 but not exceeding \$50,000,000 to the City of
3 Chicago;

4 20.1% of annual adjusted gross receipts in excess of
5 \$50,000,000 but not exceeding \$75,000,000 to the State and
6 17.4% of annual adjusted gross receipts in excess of
7 \$50,000,000 but not exceeding \$75,000,000 to the City of
8 Chicago;

9 21.4% of annual adjusted gross receipts in excess of
10 \$75,000,000 but not exceeding \$100,000,000 to the State
11 and 18.6% of annual adjusted gross receipts in excess of
12 \$75,000,000 but not exceeding \$100,000,000 to the City of
13 Chicago;

14 22.7% of annual adjusted gross receipts in excess of
15 \$100,000,000 but not exceeding \$150,000,000 to the State
16 and 19.8% of annual adjusted gross receipts in excess of
17 \$100,000,000 but not exceeding \$150,000,000 to the City of
18 Chicago;

19 24.1% of annual adjusted gross receipts in excess of
20 \$150,000,000 but not exceeding \$225,000,000 to the State
21 and 20.9% of annual adjusted gross receipts in excess of
22 \$150,000,000 but not exceeding \$225,000,000 to the City of
23 Chicago;

24 26.8% of annual adjusted gross receipts in excess of
25 \$225,000,000 but not exceeding \$1,000,000,000 to the State
26 and 23.2% of annual adjusted gross receipts in excess of

1 \$225,000,000 but not exceeding \$1,000,000,000 to the City
2 of Chicago;

3 40% of annual adjusted gross receipts in excess of
4 \$1,000,000,000 to the State and 34.7% of annual gross
5 receipts in excess of \$1,000,000,000 to the City of
6 Chicago.

7 The privilege tax for table games shall be at the
8 following rates:

9 8.1% of annual adjusted gross receipts up to and
10 including \$25,000,000 to the State and 6.9% of annual
11 adjusted gross receipts up to and including \$25,000,000 to
12 the City of Chicago;

13 10.7% of annual adjusted gross receipts in excess of
14 \$25,000,000 but not exceeding \$75,000,000 to the State and
15 9.3% of annual adjusted gross receipts in excess of
16 \$25,000,000 but not exceeding \$75,000,000 to the City of
17 Chicago;

18 11.2% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$175,000,000 to the State
20 and 9.8% of annual adjusted gross receipts in excess of
21 \$75,000,000 but not exceeding \$175,000,000 to the City of
22 Chicago;

23 13.5% of annual adjusted gross receipts in excess of
24 \$175,000,000 but not exceeding \$225,000,000 to the State
25 and 11.5% of annual adjusted gross receipts in excess of
26 \$175,000,000 but not exceeding \$225,000,000 to the City of

1 Chicago;

2 15.1% of annual adjusted gross receipts in excess of
3 \$225,000,000 but not exceeding \$275,000,000 to the State
4 and 12.9% of annual adjusted gross receipts in excess of
5 \$225,000,000 but not exceeding \$275,000,000 to the City of
6 Chicago;

7 16.2% of annual adjusted gross receipts in excess of
8 \$275,000,000 but not exceeding \$375,000,000 to the State
9 and 13.8% of annual adjusted gross receipts in excess of
10 \$275,000,000 but not exceeding \$375,000,000 to the City of
11 Chicago;

12 18.9% of annual adjusted gross receipts in excess of
13 \$375,000,000 to the State and 16.1% of annual gross
14 receipts in excess of \$375,000,000 to the City of Chicago.

15 For the imposition of the privilege tax in this subsection
16 (a-5), amounts paid pursuant to item (1) of subsection (b) of
17 Section 56 of the Illinois Horse Racing Act of 1975 shall not
18 be included in the determination of adjusted gross receipts.

19 Notwithstanding the provisions of this subsection (a-5),
20 for the first 10 years that the privilege tax is imposed under
21 this subsection (a-5), the privilege tax shall be imposed on
22 the modified annual adjusted gross receipts of a riverboat or
23 casino conducting gambling operations in the City of East St.
24 Louis, unless:

25 (1) the riverboat or casino fails to employ at least
26 450 people;

1 (2) the riverboat or casino fails to maintain
2 operations in a manner consistent with this Act or is not a
3 viable riverboat or casino subject to the approval of the
4 Board; or

5 (3) the owners licensee is not an entity in which
6 employees participate in an employee stock ownership plan.

7 As used in this subsection (a-5), "modified annual
8 adjusted gross receipts" means:

9 (A) for calendar year 2020, the annual adjusted gross
10 receipts for the current year minus the difference between
11 an amount equal to the average annual adjusted gross
12 receipts from a riverboat or casino conducting gambling
13 operations in the City of East St. Louis for 2014, 2015,
14 2016, 2017, and 2018 and the annual adjusted gross
15 receipts for 2018;

16 (B) for calendar year 2021, the annual adjusted gross
17 receipts for the current year minus the difference between
18 an amount equal to the average annual adjusted gross
19 receipts from a riverboat or casino conducting gambling
20 operations in the City of East St. Louis for 2014, 2015,
21 2016, 2017, and 2018 and the annual adjusted gross
22 receipts for 2019; and

23 (C) for calendar years 2022 through 2029, the annual
24 adjusted gross receipts for the current year minus the
25 difference between an amount equal to the average annual
26 adjusted gross receipts from a riverboat or casino

1 conducting gambling operations in the City of East St.
2 Louis for 3 years preceding the current year and the
3 annual adjusted gross receipts for the immediately
4 preceding year.

5 (a-6) From June 28, 2019 (the effective date of Public Act
6 101-31) until June 30, 2023, an owners licensee that conducted
7 gambling operations prior to January 1, 2011 shall receive a
8 dollar-for-dollar credit against the tax imposed under this
9 Section for any renovation or construction costs paid by the
10 owners licensee, but in no event shall the credit exceed
11 \$2,000,000.

12 Additionally, from June 28, 2019 (the effective date of
13 Public Act 101-31) until December 31, 2022, an owners licensee
14 that (i) is located within 15 miles of the Missouri border, and
15 (ii) has at least 3 riverboats, casinos, or their equivalent
16 within a 45-mile radius, may be authorized to relocate to a new
17 location with the approval of both the unit of local
18 government designated as the home dock and the Board, so long
19 as the new location is within the same unit of local government
20 and no more than 3 miles away from its original location. Such
21 owners licensee shall receive a credit against the tax imposed
22 under this Section equal to 8% of the total project costs, as
23 approved by the Board, for any renovation or construction
24 costs paid by the owners licensee for the construction of the
25 new facility, provided that the new facility is operational by
26 July 1, 2022. In determining whether or not to approve a

1 relocation, the Board must consider the extent to which the
2 relocation will diminish the gaming revenues received by other
3 Illinois gaming facilities.

4 (a-7) Beginning in the initial adjustment year and through
5 the final adjustment year, if the total obligation imposed
6 pursuant to either subsection (a-5) or (a-6) will result in an
7 owners licensee receiving less after-tax adjusted gross
8 receipts than it received in calendar year 2018, then the
9 total amount of privilege taxes that the owners licensee is
10 required to pay for that calendar year shall be reduced to the
11 extent necessary so that the after-tax adjusted gross receipts
12 in that calendar year equals the after-tax adjusted gross
13 receipts in calendar year 2018, but the privilege tax
14 reduction shall not exceed the annual adjustment cap. If
15 pursuant to this subsection (a-7), the total obligation
16 imposed pursuant to either subsection (a-5) or (a-6) shall be
17 reduced, then the owners licensee shall not receive a refund
18 from the State at the end of the subject calendar year but
19 instead shall be able to apply that amount as a credit against
20 any payments it owes to the State in the following calendar
21 year to satisfy its total obligation under either subsection
22 (a-5) or (a-6). The credit for the final adjustment year shall
23 occur in the calendar year following the final adjustment
24 year.

25 If an owners licensee that conducted gambling operations
26 prior to January 1, 2019 expands its riverboat or casino,

1 including, but not limited to, with respect to its gaming
2 floor, additional non-gaming amenities such as restaurants,
3 bars, and hotels and other additional facilities, and incurs
4 construction and other costs related to such expansion from
5 June 28, 2019 (the effective date of Public Act 101-31) until
6 June 28, 2024 (the 5th anniversary of the effective date of
7 Public Act 101-31), then for each \$15,000,000 spent for any
8 such construction or other costs related to expansion paid by
9 the owners licensee, the final adjustment year shall be
10 extended by one year and the annual adjustment cap shall
11 increase by 0.2% of adjusted gross receipts during each
12 calendar year until and including the final adjustment year.
13 No further modifications to the final adjustment year or
14 annual adjustment cap shall be made after \$75,000,000 is
15 incurred in construction or other costs related to expansion
16 so that the final adjustment year shall not extend beyond the
17 9th calendar year after the initial adjustment year, not
18 including the initial adjustment year, and the annual
19 adjustment cap shall not exceed 4% of adjusted gross receipts
20 in a particular calendar year. Construction and other costs
21 related to expansion shall include all project related costs,
22 including, but not limited to, all hard and soft costs,
23 financing costs, on or off-site ground, road or utility work,
24 cost of gaming equipment and all other personal property,
25 initial fees assessed for each incremental gaming position,
26 and the cost of incremental land acquired for such expansion.

1 Soft costs shall include, but not be limited to, legal fees,
2 architect, engineering and design costs, other consultant
3 costs, insurance cost, permitting costs, and pre-opening costs
4 related to the expansion, including, but not limited to, any
5 of the following: marketing, real estate taxes, personnel,
6 training, travel and out-of-pocket expenses, supply,
7 inventory, and other costs, and any other project related soft
8 costs.

9 To be eligible for the tax credits in subsection (a-6),
10 all construction contracts shall include a requirement that
11 the contractor enter into a project labor agreement with the
12 building and construction trades council with geographic
13 jurisdiction of the location of the proposed gaming facility.

14 Notwithstanding any other provision of this subsection
15 (a-7), this subsection (a-7) does not apply to an owners
16 licensee unless such owners licensee spends at least
17 \$15,000,000 on construction and other costs related to its
18 expansion, excluding the initial fees assessed for each
19 incremental gaming position.

20 This subsection (a-7) does not apply to owners licensees
21 authorized pursuant to subsection (e-5) of Section 7 of this
22 Act.

23 For purposes of this subsection (a-7):

24 "Building and construction trades council" means any
25 organization representing multiple construction entities that
26 are monitoring or attentive to compliance with public or

1 workers' safety laws, wage and hour requirements, or other
2 statutory requirements or that are making or maintaining
3 collective bargaining agreements.

4 "Initial adjustment year" means the year commencing on
5 January 1 of the calendar year immediately following the
6 earlier of the following:

7 (1) the commencement of gambling operations, either in
8 a temporary or permanent facility, with respect to the
9 owners license authorized under paragraph (1) of
10 subsection (e-5) of Section 7 of this Act; or

11 (2) June 28, 2021 (24 months after the effective date
12 of Public Act 101-31);

13 provided the initial adjustment year shall not commence
14 earlier than June 28, 2020 (12 months after the effective date
15 of Public Act 101-31).

16 "Final adjustment year" means the 2nd calendar year after
17 the initial adjustment year, not including the initial
18 adjustment year, and as may be extended further as described
19 in this subsection (a-7).

20 "Annual adjustment cap" means 3% of adjusted gross
21 receipts in a particular calendar year, and as may be
22 increased further as otherwise described in this subsection
23 (a-7).

24 (a-8) Riverboat gambling operations conducted by a
25 licensed manager on behalf of the State are not subject to the
26 tax imposed under this Section.

1 (a-9) Beginning on January 1, 2020, the calculation of
2 gross receipts or adjusted gross receipts, for the purposes of
3 this Section, for a riverboat, a casino, or an organization
4 gaming facility shall not include the dollar amount of
5 non-cashable vouchers, coupons, and electronic promotions
6 redeemed by wagerers upon the riverboat, in the casino, or in
7 the organization gaming facility up to and including an amount
8 not to exceed 20% of a riverboat's, a casino's, or an
9 organization gaming facility's adjusted gross receipts.

10 The Illinois Gaming Board shall submit to the General
11 Assembly a comprehensive report no later than March 31, 2023
12 detailing, at a minimum, the effect of removing non-cashable
13 vouchers, coupons, and electronic promotions from this
14 calculation on net gaming revenues to the State in calendar
15 years 2020 through 2022, the increase or reduction in wagerers
16 as a result of removing non-cashable vouchers, coupons, and
17 electronic promotions from this calculation, the effect of the
18 tax rates in subsection (a-5) on net gaming revenues to this
19 State, and proposed modifications to the calculation.

20 (a-10) The taxes imposed by this Section shall be paid by
21 the licensed owner or the organization gaming licensee to the
22 Board not later than 5:00 o'clock p.m. of the day after the day
23 when the wagers were made.

24 (a-15) If the privilege tax imposed under subsection (a-3)
25 is no longer imposed pursuant to item (i) of the last paragraph
26 of subsection (a-3), then by June 15 of each year, each owners

1 licensee, other than an owners licensee that admitted
2 1,000,000 persons or fewer in calendar year 2004, must, in
3 addition to the payment of all amounts otherwise due under
4 this Section, pay to the Board a reconciliation payment in the
5 amount, if any, by which the licensed owner's base amount
6 exceeds the amount of net privilege tax paid by the licensed
7 owner to the Board in the then current State fiscal year. A
8 licensed owner's net privilege tax obligation due for the
9 balance of the State fiscal year shall be reduced up to the
10 total of the amount paid by the licensed owner in its June 15
11 reconciliation payment. The obligation imposed by this
12 subsection (a-15) is binding on any person, firm, corporation,
13 or other entity that acquires an ownership interest in any
14 such owners license. The obligation imposed under this
15 subsection (a-15) terminates on the earliest of: (i) July 1,
16 2007, (ii) the first day after the effective date of this
17 amendatory Act of the 94th General Assembly that riverboat
18 gambling operations are conducted pursuant to a dormant
19 license, (iii) the first day that riverboat gambling
20 operations are conducted under the authority of an owners
21 license that is in addition to the 10 owners licenses
22 initially authorized under this Act, or (iv) the first day
23 that a licensee under the Illinois Horse Racing Act of 1975
24 conducts gaming operations with slot machines or other
25 electronic gaming devices. The Board must reduce the
26 obligation imposed under this subsection (a-15) by an amount

1 the Board deems reasonable for any of the following reasons:

2 (A) an act or acts of God, (B) an act of bioterrorism or
3 terrorism or a bioterrorism or terrorism threat that was
4 investigated by a law enforcement agency, or (C) a condition
5 beyond the control of the owners licensee that does not result
6 from any act or omission by the owners licensee or any of its
7 agents and that poses a hazardous threat to the health and
8 safety of patrons. If an owners licensee pays an amount in
9 excess of its liability under this Section, the Board shall
10 apply the overpayment to future payments required under this
11 Section.

12 For purposes of this subsection (a-15):

13 "Act of God" means an incident caused by the operation of
14 an extraordinary force that cannot be foreseen, that cannot be
15 avoided by the exercise of due care, and for which no person
16 can be held liable.

17 "Base amount" means the following:

18 For a riverboat in Alton, \$31,000,000.

19 For a riverboat in East Peoria, \$43,000,000.

20 For the Empress riverboat in Joliet, \$86,000,000.

21 For a riverboat in Metropolis, \$45,000,000.

22 For the Harrah's riverboat in Joliet, \$114,000,000.

23 For a riverboat in Aurora, \$86,000,000.

24 For a riverboat in East St. Louis, \$48,500,000.

25 For a riverboat in Elgin, \$198,000,000.

26 "Dormant license" has the meaning ascribed to it in

1 subsection (a-3).

2 "Net privilege tax" means all privilege taxes paid by a
3 licensed owner to the Board under this Section, less all
4 payments made from the State Gaming Fund pursuant to
5 subsection (b) of this Section.

6 The changes made to this subsection (a-15) by Public Act
7 94-839 are intended to restate and clarify the intent of
8 Public Act 94-673 with respect to the amount of the payments
9 required to be made under this subsection by an owners
10 licensee to the Board.

11 (b) From the tax revenue from riverboat or casino gambling
12 deposited in the State Gaming Fund under this Section, an
13 amount equal to 5% of adjusted gross receipts generated by a
14 riverboat or a casino, other than a riverboat or casino
15 designated in paragraph (1), (3), or (4) of subsection (e-5)
16 of Section 7, shall be paid monthly, subject to appropriation
17 by the General Assembly, to the unit of local government in
18 which the casino is located or that is designated as the home
19 dock of the riverboat. Notwithstanding anything to the
20 contrary, beginning on the first day that an owners licensee
21 under paragraph (1), (2), (3), (4), (5), or (6) of subsection
22 (e-5) of Section 7 conducts gambling operations, either in a
23 temporary facility or a permanent facility, and for 2 years
24 thereafter, a unit of local government designated as the home
25 dock of a riverboat whose license was issued before January 1,
26 2019, other than a riverboat conducting gambling operations in

1 the City of East St. Louis, shall not receive less under this
2 subsection (b) than the amount the unit of local government
3 received under this subsection (b) in calendar year 2018.
4 Notwithstanding anything to the contrary and because the City
5 of East St. Louis is a financially distressed city, beginning
6 on the first day that an owners licensee under paragraph (1),
7 (2), (3), (4), (5), or (6) of subsection (e-5) of Section 7
8 conducts gambling operations, either in a temporary facility
9 or a permanent facility, and for 10 years thereafter, a unit of
10 local government designated as the home dock of a riverboat
11 conducting gambling operations in the City of East St. Louis
12 shall not receive less under this subsection (b) than the
13 amount the unit of local government received under this
14 subsection (b) in calendar year 2018.

15 From the tax revenue deposited in the State Gaming Fund
16 pursuant to riverboat or casino gambling operations conducted
17 by a licensed manager on behalf of the State, an amount equal
18 to 5% of adjusted gross receipts generated pursuant to those
19 riverboat or casino gambling operations shall be paid monthly,
20 subject to appropriation by the General Assembly, to the unit
21 of local government that is designated as the home dock of the
22 riverboat upon which those riverboat gambling operations are
23 conducted or in which the casino is located.

24 From the tax revenue from riverboat or casino gambling
25 deposited in the State Gaming Fund under this Section, an
26 amount equal to 5% of the adjusted gross receipts generated by

1 a riverboat designated in paragraph (3) of subsection (e-5) of
2 Section 7 shall be divided and remitted monthly, subject to
3 appropriation, as follows: 70% to Waukegan, 10% to Park City,
4 15% to North Chicago, and 5% to Lake County.

5 From the tax revenue from riverboat or casino gambling
6 deposited in the State Gaming Fund under this Section, an
7 amount equal to 5% of the adjusted gross receipts generated by
8 a riverboat designated in paragraph (4) of subsection (e-5) of
9 Section 7 shall be remitted monthly, subject to appropriation,
10 as follows: 70% to the City of Rockford, 5% to the City of
11 Loves Park, 5% to the Village of Machesney, and 20% to
12 Winnebago County.

13 From the tax revenue from riverboat or casino gambling
14 deposited in the State Gaming Fund under this Section, an
15 amount equal to 5% of the adjusted gross receipts generated by
16 a riverboat designated in paragraph (5) of subsection (e-5) of
17 Section 7 shall be remitted monthly, subject to appropriation,
18 as follows: 2% to the unit of local government in which the
19 riverboat or casino is located, and 3% shall be distributed:
20 (A) in accordance with a regional capital development plan
21 entered into by the following communities: Village of Beecher,
22 City of Blue Island, Village of Burnham, City of Calumet City,
23 Village of Calumet Park, City of Chicago Heights, City of
24 Country Club Hills, Village of Crestwood, Village of Crete,
25 Village of Dixmoor, Village of Dolton, Village of East Hazel
26 Crest, Village of Flossmoor, Village of Ford Heights, Village

1 of Glenwood, City of Harvey, Village of Hazel Crest, Village
2 of Homewood, Village of Lansing, Village of Lynwood, City of
3 Markham, Village of Matteson, Village of Midlothian, Village
4 of Monee, City of Oak Forest, Village of Olympia Fields,
5 Village of Orland Hills, Village of Orland Park, City of Palos
6 Heights, Village of Park Forest, Village of Phoenix, Village
7 of Posen, Village of Richton Park, Village of Riverdale,
8 Village of Robbins, Village of Sauk Village, Village of South
9 Chicago Heights, Village of South Holland, Village of Steger,
10 Village of Thornton, Village of Tinley Park, Village of
11 University Park and Village of Worth; or (B) if no regional
12 capital development plan exists, equally among the communities
13 listed in item (A) to be used for capital expenditures or
14 public pension payments, or both.

15 Units of local government may refund any portion of the
16 payment that they receive pursuant to this subsection (b) to
17 the riverboat or casino.

18 (b-4) Beginning on the first day the licensee under
19 paragraph (5) of subsection (e-5) of Section 7 conducts
20 gambling operations, either in a temporary facility or a
21 permanent facility, and ending on July 31, 2042, from the tax
22 revenue deposited in the State Gaming Fund under this Section,
23 \$5,000,000 shall be paid annually, subject to appropriation,
24 to the host municipality of that owners licensee of a license
25 issued or re-issued pursuant to Section 7.1 of this Act before
26 January 1, 2012. Payments received by the host municipality

1 pursuant to this subsection (b-4) may not be shared with any
2 other unit of local government.

3 (b-5) Beginning on June 28, 2019 (the effective date of
4 Public Act 101-31), from the tax revenue deposited in the
5 State Gaming Fund under this Section, an amount equal to 3% of
6 adjusted gross receipts generated by each organization gaming
7 facility located outside Madison County shall be paid monthly,
8 subject to appropriation by the General Assembly, to a
9 municipality other than the Village of Stickney in which each
10 organization gaming facility is located or, if the
11 organization gaming facility is not located within a
12 municipality, to the county in which the organization gaming
13 facility is located, except as otherwise provided in this
14 Section. From the tax revenue deposited in the State Gaming
15 Fund under this Section, an amount equal to 3% of adjusted
16 gross receipts generated by an organization gaming facility
17 located in the Village of Stickney shall be paid monthly,
18 subject to appropriation by the General Assembly, as follows:
19 25% to the Village of Stickney, 5% to the City of Berwyn, 50%
20 to the Town of Cicero, and 20% to the Stickney Public Health
21 District.

22 From the tax revenue deposited in the State Gaming Fund
23 under this Section, an amount equal to 5% of adjusted gross
24 receipts generated by an organization gaming facility located
25 in the City of Collinsville shall be paid monthly, subject to
26 appropriation by the General Assembly, as follows: 30% to the

1 City of Alton, 30% to the City of East St. Louis, and 40% to
2 the City of Collinsville.

3 Municipalities and counties may refund any portion of the
4 payment that they receive pursuant to this subsection (b-5) to
5 the organization gaming facility.

6 (b-6) Beginning on June 28, 2019 (the effective date of
7 Public Act 101-31), from the tax revenue deposited in the
8 State Gaming Fund under this Section, an amount equal to 2% of
9 adjusted gross receipts generated by an organization gaming
10 facility located outside Madison County shall be paid monthly,
11 subject to appropriation by the General Assembly, to the
12 county in which the organization gaming facility is located
13 for the purposes of its criminal justice system or health care
14 system.

15 Counties may refund any portion of the payment that they
16 receive pursuant to this subsection (b-6) to the organization
17 gaming facility.

18 (b-7) From the tax revenue from the organization gaming
19 licensee located in one of the following townships of Cook
20 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or
21 Worth, an amount equal to 5% of the adjusted gross receipts
22 generated by that organization gaming licensee shall be
23 remitted monthly, subject to appropriation, as follows: 2% to
24 the unit of local government in which the organization gaming
25 licensee is located, and 3% shall be distributed: (A) in
26 accordance with a regional capital development plan entered

1 into by the following communities: Village of Beecher, City of
2 Blue Island, Village of Burnham, City of Calumet City, Village
3 of Calumet Park, City of Chicago Heights, City of Country Club
4 Hills, Village of Crestwood, Village of Crete, Village of
5 Dixmoor, Village of Dolton, Village of East Hazel Crest,
6 Village of Flossmoor, Village of Ford Heights, Village of
7 Glenwood, City of Harvey, Village of Hazel Crest, Village of
8 Homewood, Village of Lansing, Village of Lynwood, City of
9 Markham, Village of Matteson, Village of Midlothian, Village
10 of Monee, City of Oak Forest, Village of Olympia Fields,
11 Village of Orland Hills, Village of Orland Park, City of Palos
12 Heights, Village of Park Forest, Village of Phoenix, Village
13 of Posen, Village of Richton Park, Village of Riverdale,
14 Village of Robbins, Village of Sauk Village, Village of South
15 Chicago Heights, Village of South Holland, Village of Steger,
16 Village of Thornton, Village of Tinley Park, Village of
17 University Park, and Village of Worth; or (B) if no regional
18 capital development plan exists, equally among the communities
19 listed in item (A) to be used for capital expenditures or
20 public pension payments, or both.

21 (b-8) In lieu of the payments under subsection (b) of this
22 Section, from the tax revenue deposited in the State Gaming
23 Fund pursuant to riverboat or casino gambling operations
24 conducted by an owners licensee under paragraph (1) of
25 subsection (e-5) of Section 7, an amount equal to the tax
26 revenue generated from the privilege tax imposed by paragraph

1 (2) of subsection (a-5) that is to be paid to the City of
2 Chicago shall be paid monthly, subject to appropriation by the
3 General Assembly, as follows: (1) an amount equal to 0.5% of
4 the annual adjusted gross receipts generated by the owners
5 licensee under paragraph (1) of subsection (e-5) of Section 7
6 to the home rule county in which the owners licensee is located
7 for the purpose of enhancing the county's criminal justice
8 system; and (2) the balance to the City of Chicago and shall be
9 expended or obligated by the City of Chicago for pension
10 payments in accordance with Public Act 99-506.

11 (c) Appropriations, as approved by the General Assembly,
12 may be made from the State Gaming Fund to the Board (i) for the
13 administration and enforcement of this Act and the Video
14 Gaming Act, (ii) for distribution to the Department of State
15 Police and to the Department of Revenue for the enforcement of
16 this Act and the Video Gaming Act, and (iii) to the Department
17 of Human Services for the administration of programs to treat
18 problem gambling, including problem gambling from sports
19 wagering. The Board's annual appropriations request must
20 separately state its funding needs for the regulation of
21 gaming authorized under Section 7.7, riverboat gaming, casino
22 gaming, video gaming, and sports wagering.

23 (c-2) An amount equal to 2% of the adjusted gross receipts
24 generated by an organization gaming facility located within a
25 home rule county with a population of over 3,000,000
26 inhabitants shall be paid, subject to appropriation from the

1 General Assembly, from the State Gaming Fund to the home rule
2 county in which the organization gaming licensee is located
3 for the purpose of enhancing the county's criminal justice
4 system.

5 (c-3) Appropriations, as approved by the General Assembly,
6 may be made from the tax revenue deposited into the State
7 Gaming Fund from organization gaming licensees pursuant to
8 this Section for the administration and enforcement of this
9 Act.

10 (c-4) After payments required under subsections (b),
11 (b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from
12 the tax revenue from organization gaming licensees deposited
13 into the State Gaming Fund under this Section, all remaining
14 amounts from organization gaming licensees shall be
15 transferred into the Capital Projects Fund.

16 (c-5) (Blank).

17 (c-10) Each year the General Assembly shall appropriate
18 from the General Revenue Fund to the Education Assistance Fund
19 an amount equal to the amount paid into the Horse Racing Equity
20 Fund pursuant to subsection (c-5) in the prior calendar year.

21 (c-15) After the payments required under subsections (b),
22 (c), and (c-5) have been made, an amount equal to 2% of the
23 adjusted gross receipts of (1) an owners licensee that
24 relocates pursuant to Section 11.2, (2) an owners licensee
25 conducting riverboat gambling operations pursuant to an owners
26 license that is initially issued after June 25, 1999, or (3)

1 the first riverboat gambling operations conducted by a
2 licensed manager on behalf of the State under Section 7.3,
3 whichever comes first, shall be paid, subject to appropriation
4 from the General Assembly, from the State Gaming Fund to each
5 home rule county with a population of over 3,000,000
6 inhabitants for the purpose of enhancing the county's criminal
7 justice system.

8 (c-20) Each year the General Assembly shall appropriate
9 from the General Revenue Fund to the Education Assistance Fund
10 an amount equal to the amount paid to each home rule county
11 with a population of over 3,000,000 inhabitants pursuant to
12 subsection (c-15) in the prior calendar year.

13 (c-21) After the payments required under subsections (b),
14 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), and (c-4) have
15 been made, an amount equal to 0.5% of the adjusted gross
16 receipts generated by the owners licensee under paragraph (1)
17 of subsection (e-5) of Section 7 shall be paid monthly,
18 subject to appropriation from the General Assembly, from the
19 State Gaming Fund to the home rule county in which the owners
20 licensee is located for the purpose of enhancing the county's
21 criminal justice system.

22 (c-22) After the payments required under subsections (b),
23 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), (c-4), and
24 (c-21) have been made, an amount equal to 2% of the adjusted
25 gross receipts generated by the owners licensee under
26 paragraph (5) of subsection (e-5) of Section 7 shall be paid,

1 subject to appropriation from the General Assembly, from the
2 State Gaming Fund to the home rule county in which the owners
3 licensee is located for the purpose of enhancing the county's
4 criminal justice system.

5 (c-25) From July 1, 2013 and each July 1 thereafter
6 through July 1, 2019, \$1,600,000 shall be transferred from the
7 State Gaming Fund to the Chicago State University Education
8 Improvement Fund.

9 On July 1, 2020 and each July 1 thereafter, \$3,000,000
10 shall be transferred from the State Gaming Fund to the Chicago
11 State University Education Improvement Fund.

12 (c-30) On July 1, 2013 or as soon as possible thereafter,
13 \$92,000,000 shall be transferred from the State Gaming Fund to
14 the School Infrastructure Fund and \$23,000,000 shall be
15 transferred from the State Gaming Fund to the Horse Racing
16 Equity Fund.

17 (c-35) Beginning on July 1, 2013, in addition to any
18 amount transferred under subsection (c-30) of this Section,
19 \$5,530,000 shall be transferred monthly from the State Gaming
20 Fund to the School Infrastructure Fund.

21 (d) From time to time, through June 30, 2021, the Board
22 shall transfer the remainder of the funds generated by this
23 Act into the Education Assistance Fund, ~~created by Public Act~~
24 ~~86-0018, of the State of Illinois.~~

25 (d-5) Beginning on July 1, 2021, on the last day of each
26 month, or as soon thereafter as possible, after all the

1 required expenditures, distributions and transfers have been
2 made from the State Gaming Fund for the month pursuant to
3 subsections (b) through (c-35), the Board shall transfer
4 \$22,500,000, along with any deficiencies in such amounts from
5 prior months, from the State Gaming Fund to the Education
6 Assistance Fund; then the Board shall transfer the remainder
7 of the funds generated by this Act, if any, from the State
8 Gaming Fund to the Capital Projects Fund.

9 (e) Nothing in this Act shall prohibit the unit of local
10 government designated as the home dock of the riverboat from
11 entering into agreements with other units of local government
12 in this State or in other states to share its portion of the
13 tax revenue.

14 (f) To the extent practicable, the Board shall administer
15 and collect the wagering taxes imposed by this Section in a
16 manner consistent with the provisions of Sections 4, 5, 5a,
17 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of
18 the Retailers' Occupation Tax Act and Section 3-7 of the
19 Uniform Penalty and Interest Act.

20 (Source: P.A. 101-31, Article 25, Section 25-910, eff.
21 6-28-19; 101-31, Article 35, Section 35-55, eff. 6-28-19;
22 101-648, eff. 6-30-20.)

23 Section 3-115. The Sports Wagering Act is amended by
24 changing Section 25-90 as follows:

1 (230 ILCS 45/25-90)

2 Sec. 25-90. Tax; Sports Wagering Fund.

3 (a) For the privilege of holding a license to operate
4 sports wagering under this Act, this State shall impose and
5 collect 15% of a master sports wagering licensee's adjusted
6 gross sports wagering receipts from sports wagering. The
7 accrual method of accounting shall be used for purposes of
8 calculating the amount of the tax owed by the licensee.

9 The taxes levied and collected pursuant to this subsection
10 (a) are due and payable to the Board no later than the last day
11 of the month following the calendar month in which the
12 adjusted gross sports wagering receipts were received and the
13 tax obligation was accrued.

14 (a-5) In addition to the tax imposed under subsection (a)
15 of this Section, for the privilege of holding a license to
16 operate sports wagering under this Act, the State shall impose
17 and collect 2% of the adjusted gross receipts from sports
18 wagers that are placed within a home rule county with a
19 population of over 3,000,000 inhabitants, which shall be paid,
20 subject to appropriation from the General Assembly, from the
21 Sports Wagering Fund to that home rule county for the purpose
22 of enhancing the county's criminal justice system.

23 (b) The Sports Wagering Fund is hereby created as special
24 fund in the State treasury. Except as otherwise provided in
25 this Act, all moneys collected under this Act by the Board
26 shall be deposited into the Sports Wagering Fund. On the 25th

1 of each month, any moneys remaining in the Sports Wagering
2 Fund in excess of the anticipated monthly expenditures from
3 the Fund through the next month, as certified by the Board to
4 the State Comptroller, shall be transferred by the State
5 Comptroller and the State Treasurer to the Capital Projects
6 Fund.

7 (c) Beginning with July 2021, and on a monthly basis
8 thereafter, the Board shall certify to the State Comptroller
9 the amount of license fees collected in the month for initial
10 licenses issued under this Act, except for occupational
11 licenses. As soon after certification as practicable, the
12 State Comptroller shall direct and the State Treasurer shall
13 transfer the certified amount from the Sports Wagering Fund to
14 the Rebuild Illinois Projects Fund.

15 (Source: P.A. 101-31, eff. 6-28-19.)

16 Section 3-120. The Illinois Public Aid Code is amended by
17 changing Sections 5-5.4, 12-10, and 12-10.3 and by adding
18 Sections 5-2.09 and 5-2.10 as follows:

19 (305 ILCS 5/5-2.09 new)

20 Sec. 5-2.09. Enhanced federal medical assistance
21 percentage. In accordance with Section 9817 of the American
22 Rescue Plan Act of 2021 (Pub. L. 117-2) and corresponding
23 federal guidance, the Department of Healthcare and Family
24 Services shall take appropriate actions to claim an enhanced

1 federal medical assistance percentage (FMAP) provided by
2 Section 9817 of the American Rescue Plan Act of 2021 with
3 respect to expenditures under the State medical assistance
4 program for home and community-based services from April 1,
5 2021 through March 31, 2022. The Department is authorized to
6 use State funds equivalent to the amount of federal funds
7 attributable to the increased federal medical assistance
8 percentage under Section 9817 of the American Rescue Plan Act
9 of 2021 to implement or supplement the implementation of
10 activities to enhance, expand, or strengthen home and
11 community based services under the State's medical assistance
12 program to the extent permitted by and aligned with the goals
13 of Section 9817 of the American Rescue Plan Act of 2021 through
14 March 31, 2024 or any revised deadline established by the
15 federal government. The use of such funds is subject to
16 compliance with applicable federal requirements and federal
17 approval, including the approval of any necessary State Plan
18 Amendments, Waiver Amendments, or other federally required
19 documents or assurances.

20 The Department may adopt rules as necessary, including
21 emergency rules as authorized by Section 5-45 of the Illinois
22 Administrative Procedure Act, to implement the provisions of
23 this Section.

24 (305 ILCS 5/5-2.10 new)

25 Sec. 5-2.10. Increased accountability for nursing

1 facilities. The Department shall develop a plan for the
2 revitalization of nursing homes licensed under the Nursing
3 Home Care Act and shall report to the Governor and the General
4 Assembly on a recommended course of action, including, but not
5 limited to, the following:

6 (1) significantly increasing federal funds by
7 streamlining and raising the nursing home provider
8 assessment on occupied beds;

9 (2)improving payments through increased funding and
10 providing additional incentives for staffing, quality
11 metrics and infection control measures; and

12 (3)transitioning the methodologies for reimbursement
13 of nursing services as provided under this Article to the
14 Patient Driven Payment Model (PDPM) developed by the
15 federal Centers for Medicare and Medicaid Services.

16 No later than September 30, 2021, the Department shall
17 submit a report to the Governor and the General Assembly,
18 which outlines the steps taken by the Department, including
19 discussions with interested stakeholders and industry
20 representatives, and recommendations for further action by the
21 General Assembly to provide for accountability and to achieve
22 the program objectives outlined in this Section, which shall
23 require action by the General Assembly.

24 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

25 Sec. 5-5.4. Standards of Payment - Department of

1 Healthcare and Family Services. The Department of Healthcare
2 and Family Services shall develop standards of payment of
3 nursing facility and ICF/DD services in facilities providing
4 such services under this Article which:

5 (1) Provide for the determination of a facility's payment
6 for nursing facility or ICF/DD services on a prospective
7 basis. The amount of the payment rate for all nursing
8 facilities certified by the Department of Public Health under
9 the ID/DD Community Care Act or the Nursing Home Care Act as
10 Intermediate Care for the Developmentally Disabled facilities,
11 Long Term Care for Under Age 22 facilities, Skilled Nursing
12 facilities, or Intermediate Care facilities under the medical
13 assistance program shall be prospectively established annually
14 on the basis of historical, financial, and statistical data
15 reflecting actual costs from prior years, which shall be
16 applied to the current rate year and updated for inflation,
17 except that the capital cost element for newly constructed
18 facilities shall be based upon projected budgets. The annually
19 established payment rate shall take effect on July 1 in 1984
20 and subsequent years. No rate increase and no update for
21 inflation shall be provided on or after July 1, 1994, unless
22 specifically provided for in this Section. The changes made by
23 Public Act 93-841 extending the duration of the prohibition
24 against a rate increase or update for inflation are effective
25 retroactive to July 1, 2004.

26 For facilities licensed by the Department of Public Health

1 under the Nursing Home Care Act as Intermediate Care for the
2 Developmentally Disabled facilities or Long Term Care for
3 Under Age 22 facilities, the rates taking effect on July 1,
4 1998 shall include an increase of 3%. For facilities licensed
5 by the Department of Public Health under the Nursing Home Care
6 Act as Skilled Nursing facilities or Intermediate Care
7 facilities, the rates taking effect on July 1, 1998 shall
8 include an increase of 3% plus \$1.10 per resident-day, as
9 defined by the Department. For facilities licensed by the
10 Department of Public Health under the Nursing Home Care Act as
11 Intermediate Care Facilities for the Developmentally Disabled
12 or Long Term Care for Under Age 22 facilities, the rates taking
13 effect on January 1, 2006 shall include an increase of 3%. For
14 facilities licensed by the Department of Public Health under
15 the Nursing Home Care Act as Intermediate Care Facilities for
16 the Developmentally Disabled or Long Term Care for Under Age
17 22 facilities, the rates taking effect on January 1, 2009
18 shall include an increase sufficient to provide a \$0.50 per
19 hour wage increase for non-executive staff. For facilities
20 licensed by the Department of Public Health under the ID/DD
21 Community Care Act as ID/DD Facilities the rates taking effect
22 within 30 days after July 6, 2017 (the effective date of Public
23 Act 100-23) shall include an increase sufficient to provide a
24 \$0.75 per hour wage increase for non-executive staff. The
25 Department shall adopt rules, including emergency rules under
26 subsection (y) of Section 5-45 of the Illinois Administrative

1 Procedure Act, to implement the provisions of this paragraph.
2 For facilities licensed by the Department of Public Health
3 under the ID/DD Community Care Act as ID/DD Facilities and
4 under the MC/DD Act as MC/DD Facilities, the rates taking
5 effect within 30 days after the effective date of this
6 amendatory Act of the 100th General Assembly shall include an
7 increase sufficient to provide a \$0.50 per hour wage increase
8 for non-executive front-line personnel, including, but not
9 limited to, direct support persons, aides, front-line
10 supervisors, qualified intellectual disabilities
11 professionals, nurses, and non-administrative support staff.
12 The Department shall adopt rules, including emergency rules
13 under subsection (bb) of Section 5-45 of the Illinois
14 Administrative Procedure Act, to implement the provisions of
15 this paragraph.

16 For facilities licensed by the Department of Public Health
17 under the Nursing Home Care Act as Intermediate Care for the
18 Developmentally Disabled facilities or Long Term Care for
19 Under Age 22 facilities, the rates taking effect on July 1,
20 1999 shall include an increase of 1.6% plus \$3.00 per
21 resident-day, as defined by the Department. For facilities
22 licensed by the Department of Public Health under the Nursing
23 Home Care Act as Skilled Nursing facilities or Intermediate
24 Care facilities, the rates taking effect on July 1, 1999 shall
25 include an increase of 1.6% and, for services provided on or
26 after October 1, 1999, shall be increased by \$4.00 per

1 resident-day, as defined by the Department.

2 For facilities licensed by the Department of Public Health
3 under the Nursing Home Care Act as Intermediate Care for the
4 Developmentally Disabled facilities or Long Term Care for
5 Under Age 22 facilities, the rates taking effect on July 1,
6 2000 shall include an increase of 2.5% per resident-day, as
7 defined by the Department. For facilities licensed by the
8 Department of Public Health under the Nursing Home Care Act as
9 Skilled Nursing facilities or Intermediate Care facilities,
10 the rates taking effect on July 1, 2000 shall include an
11 increase of 2.5% per resident-day, as defined by the
12 Department.

13 For facilities licensed by the Department of Public Health
14 under the Nursing Home Care Act as skilled nursing facilities
15 or intermediate care facilities, a new payment methodology
16 must be implemented for the nursing component of the rate
17 effective July 1, 2003. The Department of Public Aid (now
18 Healthcare and Family Services) shall develop the new payment
19 methodology using the Minimum Data Set (MDS) as the instrument
20 to collect information concerning nursing home resident
21 condition necessary to compute the rate. The Department shall
22 develop the new payment methodology to meet the unique needs
23 of Illinois nursing home residents while remaining subject to
24 the appropriations provided by the General Assembly. A
25 transition period from the payment methodology in effect on
26 June 30, 2003 to the payment methodology in effect on July 1,

1 2003 shall be provided for a period not exceeding 3 years and
2 184 days after implementation of the new payment methodology
3 as follows:

4 (A) For a facility that would receive a lower nursing
5 component rate per patient day under the new system than
6 the facility received effective on the date immediately
7 preceding the date that the Department implements the new
8 payment methodology, the nursing component rate per
9 patient day for the facility shall be held at the level in
10 effect on the date immediately preceding the date that the
11 Department implements the new payment methodology until a
12 higher nursing component rate of reimbursement is achieved
13 by that facility.

14 (B) For a facility that would receive a higher nursing
15 component rate per patient day under the payment
16 methodology in effect on July 1, 2003 than the facility
17 received effective on the date immediately preceding the
18 date that the Department implements the new payment
19 methodology, the nursing component rate per patient day
20 for the facility shall be adjusted.

21 (C) Notwithstanding paragraphs (A) and (B), the
22 nursing component rate per patient day for the facility
23 shall be adjusted subject to appropriations provided by
24 the General Assembly.

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
2 Under Age 22 facilities, the rates taking effect on March 1,
3 2001 shall include a statewide increase of 7.85%, as defined
4 by the Department.

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, except facilities participating
9 in the Department's demonstration program pursuant to the
10 provisions of Title 77, Part 300, Subpart T of the Illinois
11 Administrative Code, the numerator of the ratio used by the
12 Department of Healthcare and Family Services to compute the
13 rate payable under this Section using the Minimum Data Set
14 (MDS) methodology shall incorporate the following annual
15 amounts as the additional funds appropriated to the Department
16 specifically to pay for rates based on the MDS nursing
17 component methodology in excess of the funding in effect on
18 December 31, 2006:

19 (i) For rates taking effect January 1, 2007,
20 \$60,000,000.

21 (ii) For rates taking effect January 1, 2008,
22 \$110,000,000.

23 (iii) For rates taking effect January 1, 2009,
24 \$194,000,000.

25 (iv) For rates taking effect April 1, 2011, or the
26 first day of the month that begins at least 45 days after

1 the effective date of this amendatory Act of the 96th
2 General Assembly, \$416,500,000 or an amount as may be
3 necessary to complete the transition to the MDS
4 methodology for the nursing component of the rate.
5 Increased payments under this item (iv) are not due and
6 payable, however, until (i) the methodologies described in
7 this paragraph are approved by the federal government in
8 an appropriate State Plan amendment and (ii) the
9 assessment imposed by Section 5B-2 of this Code is
10 determined to be a permissible tax under Title XIX of the
11 Social Security Act.

12 Notwithstanding any other provision of this Section, for
13 facilities licensed by the Department of Public Health under
14 the Nursing Home Care Act as skilled nursing facilities or
15 intermediate care facilities, the support component of the
16 rates taking effect on January 1, 2008 shall be computed using
17 the most recent cost reports on file with the Department of
18 Healthcare and Family Services no later than April 1, 2005,
19 updated for inflation to January 1, 2006.

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
23 Under Age 22 facilities, the rates taking effect on April 1,
24 2002 shall include a statewide increase of 2.0%, as defined by
25 the Department. This increase terminates on July 1, 2002;
26 beginning July 1, 2002 these rates are reduced to the level of

1 the rates in effect on March 31, 2002, as defined by the
2 Department.

3 For facilities licensed by the Department of Public Health
4 under the Nursing Home Care Act as skilled nursing facilities
5 or intermediate care facilities, the rates taking effect on
6 July 1, 2001 shall be computed using the most recent cost
7 reports on file with the Department of Public Aid no later than
8 April 1, 2000, updated for inflation to January 1, 2001. For
9 rates effective July 1, 2001 only, rates shall be the greater
10 of the rate computed for July 1, 2001 or the rate effective on
11 June 30, 2001.

12 Notwithstanding any other provision of this Section, for
13 facilities licensed by the Department of Public Health under
14 the Nursing Home Care Act as skilled nursing facilities or
15 intermediate care facilities, the Illinois Department shall
16 determine by rule the rates taking effect on July 1, 2002,
17 which shall be 5.9% less than the rates in effect on June 30,
18 2002.

19 Notwithstanding any other provision of this Section, for
20 facilities licensed by the Department of Public Health under
21 the Nursing Home Care Act as skilled nursing facilities or
22 intermediate care facilities, if the payment methodologies
23 required under Section 5A-12 and the waiver granted under 42
24 CFR 433.68 are approved by the United States Centers for
25 Medicare and Medicaid Services, the rates taking effect on
26 July 1, 2004 shall be 3.0% greater than the rates in effect on

1 June 30, 2004. These rates shall take effect only upon
2 approval and implementation of the payment methodologies
3 required under Section 5A-12.

4 Notwithstanding any other provisions of this Section, for
5 facilities licensed by the Department of Public Health under
6 the Nursing Home Care Act as skilled nursing facilities or
7 intermediate care facilities, the rates taking effect on
8 January 1, 2005 shall be 3% more than the rates in effect on
9 December 31, 2004.

10 Notwithstanding any other provision of this Section, for
11 facilities licensed by the Department of Public Health under
12 the Nursing Home Care Act as skilled nursing facilities or
13 intermediate care facilities, effective January 1, 2009, the
14 per diem support component of the rates effective on January
15 1, 2008, computed using the most recent cost reports on file
16 with the Department of Healthcare and Family Services no later
17 than April 1, 2005, updated for inflation to January 1, 2006,
18 shall be increased to the amount that would have been derived
19 using standard Department of Healthcare and Family Services
20 methods, procedures, and inflators.

21 Notwithstanding any other provisions of this Section, for
22 facilities licensed by the Department of Public Health under
23 the Nursing Home Care Act as intermediate care facilities that
24 are federally defined as Institutions for Mental Disease, or
25 facilities licensed by the Department of Public Health under
26 the Specialized Mental Health Rehabilitation Act of 2013, a

1 socio-development component rate equal to 6.6% of the
2 facility's nursing component rate as of January 1, 2006 shall
3 be established and paid effective July 1, 2006. The
4 socio-development component of the rate shall be increased by
5 a factor of 2.53 on the first day of the month that begins at
6 least 45 days after January 11, 2008 (the effective date of
7 Public Act 95-707). As of August 1, 2008, the
8 socio-development component rate shall be equal to 6.6% of the
9 facility's nursing component rate as of January 1, 2006,
10 multiplied by a factor of 3.53. For services provided on or
11 after April 1, 2011, or the first day of the month that begins
12 at least 45 days after the effective date of this amendatory
13 Act of the 96th General Assembly, whichever is later, the
14 Illinois Department may by rule adjust these socio-development
15 component rates, and may use different adjustment
16 methodologies for those facilities participating, and those
17 not participating, in the Illinois Department's demonstration
18 program pursuant to the provisions of Title 77, Part 300,
19 Subpart T of the Illinois Administrative Code, but in no case
20 may such rates be diminished below those in effect on August 1,
21 2008.

22 For facilities licensed by the Department of Public Health
23 under the Nursing Home Care Act as Intermediate Care for the
24 Developmentally Disabled facilities or as long-term care
25 facilities for residents under 22 years of age, the rates
26 taking effect on July 1, 2003 shall include a statewide

1 increase of 4%, as defined by the Department.

2 For facilities licensed by the Department of Public Health
3 under the Nursing Home Care Act as Intermediate Care for the
4 Developmentally Disabled facilities or Long Term Care for
5 Under Age 22 facilities, the rates taking effect on the first
6 day of the month that begins at least 45 days after the
7 effective date of this amendatory Act of the 95th General
8 Assembly shall include a statewide increase of 2.5%, as
9 defined by the Department.

10 Notwithstanding any other provision of this Section, for
11 facilities licensed by the Department of Public Health under
12 the Nursing Home Care Act as skilled nursing facilities or
13 intermediate care facilities, effective January 1, 2005,
14 facility rates shall be increased by the difference between
15 (i) a facility's per diem property, liability, and malpractice
16 insurance costs as reported in the cost report filed with the
17 Department of Public Aid and used to establish rates effective
18 July 1, 2001 and (ii) those same costs as reported in the
19 facility's 2002 cost report. These costs shall be passed
20 through to the facility without caps or limitations, except
21 for adjustments required under normal auditing procedures.

22 Rates established effective each July 1 shall govern
23 payment for services rendered throughout that fiscal year,
24 except that rates established on July 1, 1996 shall be
25 increased by 6.8% for services provided on or after January 1,
26 1997. Such rates will be based upon the rates calculated for

1 the year beginning July 1, 1990, and for subsequent years
2 thereafter until June 30, 2001 shall be based on the facility
3 cost reports for the facility fiscal year ending at any point
4 in time during the previous calendar year, updated to the
5 midpoint of the rate year. The cost report shall be on file
6 with the Department no later than April 1 of the current rate
7 year. Should the cost report not be on file by April 1, the
8 Department shall base the rate on the latest cost report filed
9 by each skilled care facility and intermediate care facility,
10 updated to the midpoint of the current rate year. In
11 determining rates for services rendered on and after July 1,
12 1985, fixed time shall not be computed at less than zero. The
13 Department shall not make any alterations of regulations which
14 would reduce any component of the Medicaid rate to a level
15 below what that component would have been utilizing in the
16 rate effective on July 1, 1984.

17 (2) Shall take into account the actual costs incurred by
18 facilities in providing services for recipients of skilled
19 nursing and intermediate care services under the medical
20 assistance program.

21 (3) Shall take into account the medical and psycho-social
22 characteristics and needs of the patients.

23 (4) Shall take into account the actual costs incurred by
24 facilities in meeting licensing and certification standards
25 imposed and prescribed by the State of Illinois, any of its
26 political subdivisions or municipalities and by the U.S.

1 Department of Health and Human Services pursuant to Title XIX
2 of the Social Security Act.

3 The Department of Healthcare and Family Services shall
4 develop precise standards for payments to reimburse nursing
5 facilities for any utilization of appropriate rehabilitative
6 personnel for the provision of rehabilitative services which
7 is authorized by federal regulations, including reimbursement
8 for services provided by qualified therapists or qualified
9 assistants, and which is in accordance with accepted
10 professional practices. Reimbursement also may be made for
11 utilization of other supportive personnel under appropriate
12 supervision.

13 The Department shall develop enhanced payments to offset
14 the additional costs incurred by a facility serving
15 exceptional need residents and shall allocate at least
16 \$4,000,000 of the funds collected from the assessment
17 established by Section 5B-2 of this Code for such payments.
18 For the purpose of this Section, "exceptional needs" means,
19 but need not be limited to, ventilator care and traumatic
20 brain injury care. The enhanced payments for exceptional need
21 residents under this paragraph are not due and payable,
22 however, until (i) the methodologies described in this
23 paragraph are approved by the federal government in an
24 appropriate State Plan amendment and (ii) the assessment
25 imposed by Section 5B-2 of this Code is determined to be a
26 permissible tax under Title XIX of the Social Security Act.

1 Beginning January 1, 2014 the methodologies for
2 reimbursement of nursing facility services as provided under
3 this Section 5-5.4 shall no longer be applicable for services
4 provided on or after January 1, 2014.

5 No payment increase under this Section for the MDS
6 methodology, exceptional care residents, or the
7 socio-development component rate established by Public Act
8 96-1530 of the 96th General Assembly and funded by the
9 assessment imposed under Section 5B-2 of this Code shall be
10 due and payable until after the Department notifies the
11 long-term care providers, in writing, that the payment
12 methodologies to long-term care providers required under this
13 Section have been approved by the Centers for Medicare and
14 Medicaid Services of the U.S. Department of Health and Human
15 Services and the waivers under 42 CFR 433.68 for the
16 assessment imposed by this Section, if necessary, have been
17 granted by the Centers for Medicare and Medicaid Services of
18 the U.S. Department of Health and Human Services. Upon
19 notification to the Department of approval of the payment
20 methodologies required under this Section and the waivers
21 granted under 42 CFR 433.68, all increased payments otherwise
22 due under this Section prior to the date of notification shall
23 be due and payable within 90 days of the date federal approval
24 is received.

25 On and after July 1, 2012, the Department shall reduce any
26 rate of reimbursement for services or other payments or alter

1 any methodologies authorized by this Code to reduce any rate
2 of reimbursement for services or other payments in accordance
3 with Section 5-5e.

4 For facilities licensed by the Department of Public Health
5 under the ID/DD Community Care Act as ID/DD Facilities and
6 under the MC/DD Act as MC/DD Facilities, subject to federal
7 approval, the rates taking effect for services delivered on or
8 after August 1, 2019 shall be increased by 3.5% over the rates
9 in effect on June 30, 2019. The Department shall adopt rules,
10 including emergency rules under subsection (ii) of Section
11 5-45 of the Illinois Administrative Procedure Act, to
12 implement the provisions of this Section, including wage
13 increases for direct care staff.

14 For facilities licensed by the Department of Public Health
15 under the ID/DD Community Care Act as ID/DD Facilities and
16 under the MC/DD Act as MC/DD Facilities, subject to federal
17 approval, the rates taking effect on the latter of the
18 approval date of the State Plan Amendment for these facilities
19 or the Waiver Amendment for the home and community-based
20 services settings shall include an increase sufficient to
21 provide a \$0.26 per hour wage increase to the base wage for
22 non-executive staff. The Department shall adopt rules,
23 including emergency rules as authorized by Section 5-45 of the
24 Illinois Administrative Procedure Act, to implement the
25 provisions of this Section, including wage increases for
26 direct care staff.

1 For facilities licensed by the Department of Public Health
2 under the ID/DD Community Care Act as ID/DD Facilities and
3 under the MC/DD Act as MC/DD Facilities, subject to federal
4 approval of the State Plan Amendment and the Waiver Amendment
5 for the home and community-based services settings, the rates
6 taking effect for the services delivered on or after July 1,
7 2020 shall include an increase sufficient to provide a \$1.00
8 per hour wage increase for non-executive staff. For services
9 delivered on or after January 1, 2021, subject to federal
10 approval of the State Plan Amendment and the Waiver Amendment
11 for the home and community-based services settings, shall
12 include an increase sufficient to provide a \$0.50 per hour
13 increase for non-executive staff. The Department shall adopt
14 rules, including emergency rules as authorized by Section 5-45
15 of the Illinois Administrative Procedure Act, to implement the
16 provisions of this Section, including wage increases for
17 direct care staff.

18 For facilities licensed by the Department of Public Health
19 under the ID/DD Community Care Act as ID/DD Facilities and
20 under the MC/DD Act as MC/DD Facilities, subject to federal
21 approval of the State Plan Amendment, the rates taking effect
22 for the residential services delivered on or after July 1,
23 2021, shall include an increase sufficient to provide a \$0.50
24 per hour increase for aides in the rate methodology. For
25 facilities licensed by the Department of Public Health under
26 the ID/DD Community Care Act as ID/DD Facilities and under the

1 MC/DD Act as MC/DD Facilities, subject to federal approval of
2 the State Plan Amendment, the rates taking effect for the
3 residential services delivered on or after January 1, 2022
4 shall include an increase sufficient to provide a \$1.00 per
5 hour increase for aides in the rate methodology. In addition,
6 for residential services delivered on or after January 1, 2022
7 such rates shall include an increase sufficient to provide
8 wages for all residential non-executive direct care staff,
9 excluding aides, at the federal Department of Labor, Bureau of
10 Labor Statistics' average wage as defined in rule by the
11 Department. The Department shall adopt rules, including
12 emergency rules as authorized by Section 5-45 of the Illinois
13 Administrative Procedure Act, to implement the provisions of
14 this Section.

15 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
16 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

17 (305 ILCS 5/12-10) (from Ch. 23, par. 12-10)

18 Sec. 12-10. DHS Special Purposes Trust Fund; uses. The DHS
19 Special Purposes Trust Fund, to be held outside the State
20 Treasury by the State Treasurer as ex-officio custodian, shall
21 consist of (1) any federal grants received under Section
22 12-4.6 that are not required by Section 12-5 to be paid into
23 the General Revenue Fund or transferred into the Local
24 Initiative Fund under Section 12-10.1 or deposited in the
25 Employment and Training Fund under Section 12-10.3 or in the

1 special account established and maintained in that Fund as
2 provided in that Section; (2) grants, gifts or legacies of
3 moneys or securities received under Section 12-4.18; (3)
4 grants received under Section 12-4.19; and (4) funds for child
5 care and development services. Disbursements from this Fund
6 shall be only for the purposes authorized by the
7 aforementioned Sections.

8 Disbursements from this Fund shall be by warrants drawn by
9 the State Comptroller on receipt of vouchers duly executed and
10 certified by the Illinois Department of Human Services,
11 including payment to the Health Insurance Reserve Fund for
12 group insurance costs at the rate certified by the Department
13 of Central Management Services.

14 In addition to any other transfers that may be provided
15 for by law, the State Comptroller shall direct and the State
16 Treasurer shall transfer from the DHS Special Purposes Trust
17 Fund into the Governor's Grant Fund such amounts as may be
18 directed in writing by the Secretary of Human Services.

19 In addition to any other transfers that may be provided
20 for by law, the State Comptroller shall direct and the State
21 Treasurer shall transfer from the DHS Special Purposes Trust
22 Fund into the Employment and Training fund such amounts as may
23 be directed in writing by the Secretary of Human Services. ~~All~~
24 ~~federal monies received as reimbursement for expenditures from~~
25 ~~the General Revenue Fund, and which were made for the purposes~~
26 ~~authorized for expenditures from the DHS Special Purposes~~

~~Trust Fund, shall be deposited by the Department into the General Revenue Fund.~~

(Source: P.A. 101-10, eff. 6-5-19.)

(305 ILCS 5/12-10.3) (from Ch. 23, par. 12-10.3)

Sec. 12-10.3. Employment and Training Fund; uses.

(a) The Employment and Training Fund is hereby created in the State Treasury for the purpose of receiving and disbursing moneys in accordance with the provisions of Title IV-A of the federal Social Security Act; the Food Stamp Act, Title 7 of the United States Code; and related rules and regulations governing the use of those moneys for the purposes of providing employment and training services, supportive services, cash assistance payments, short-term non-recurrent payments, and other related social services. Beginning in fiscal year 2022, the Employment and Training Fund may receive revenues from State, federal, and private sources related to child care services and programs.

(b) All federal funds received by the Illinois Department as reimbursement for expenditures for employment and training programs made by the Illinois Department from grants, gifts, or legacies as provided in Section 12-4.18 or by an entity other than the Department, and all federal funds received from the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established by the American Recovery and Reinvestment Act of 2009, shall be deposited into

1 the Employment and Training Fund.

2 (c) Except as provided in subsection (d) of this Section,
3 the Employment and Training Fund shall be administered by the
4 Illinois Department, and the Illinois Department may make
5 payments from the Employment and Training Fund to clients or
6 to public and private entities on behalf of clients for
7 employment and training services, supportive services, cash
8 assistance payments, short-term non-recurrent payments, child
9 care services and child care related programs, and other
10 related social services consistent with the purposes
11 authorized under this Code.

12 (d) (Blank).

13 (e) The Illinois Department shall execute a written grant
14 agreement ~~contract~~ when purchasing employment and training
15 services from entities qualified to provide services under the
16 programs. ~~The contract shall be filed with the Illinois~~
17 ~~Department and the State Comptroller.~~

18 (Source: P.A. 96-45, eff. 7-15-09.)

19 Section 3-125. The Illinois Affordable Housing Act is
20 amended by changing Section 5 as follows:

21 (310 ILCS 65/5) (from Ch. 67 1/2, par. 1255)

22 Sec. 5. Illinois Affordable Housing Trust Fund.

23 (a) There is hereby created the Illinois Affordable
24 Housing Trust Fund, hereafter referred to in this Act as the

1 "Trust Fund" to be held as a separate fund within the State
2 Treasury and to be administered by the Program Administrator.
3 The purpose of the Trust Fund is to finance projects of the
4 Illinois Affordable Housing Program as authorized and approved
5 by the Program Administrator. The Funding Agent shall
6 establish, within the Trust Fund, a General Account, a Bond
7 Account, a Commitment Account and a Development Credits
8 Account. The Funding Agent shall authorize distribution of
9 Trust Fund moneys to the Program Administrator or a payee
10 designated by the Program Administrator for purposes
11 authorized by this Act. After receipt of the Trust Fund moneys
12 by the Program Administrator or designated payee, the Program
13 Administrator shall ensure that all those moneys are expended
14 for a public purpose and only as authorized by this Act.

15 (b) Except as otherwise provided in Section 8(c) of this
16 Act, there shall be deposited in the Trust Fund such amounts as
17 may become available under the provisions of this Act,
18 including, but not limited to:

19 (1) all receipts, including dividends, principal and
20 interest repayments attributable to any loans or
21 agreements funded from the Trust Fund;

22 (2) all proceeds of assets of whatever nature received
23 by the Program Administrator, and attributable to default
24 with respect to loans or agreements funded from the Trust
25 Fund;

26 (3) any appropriations, grants or gifts of funds or

1 property, or financial or other aid from any federal or
2 State agency or body, local government or any other public
3 organization or private individual made to the Trust Fund;

4 (4) any income received as a result of the investment
5 of moneys in the Trust Fund;

6 (5) all fees or charges collected by the Program
7 Administrator or Funding Agent pursuant to this Act;

8 (6) an amount equal to one half of all proceeds
9 collected by the Funding Agent pursuant to Section 3 of
10 the Real Estate Transfer Tax Act, as amended;

11 (7) other funds as appropriated by the General
12 Assembly; and

13 (8) any income, less costs and fees associated with
14 the Program Escrow, received by the Program Administrator
15 that is derived from Trust Fund Moneys held in the Program
16 Escrow prior to expenditure of such Trust Fund Moneys.

17 (c) Additional Trust Fund Purpose: Receipt and use of
18 federal funding for programs responding to the COVID-19 public
19 health emergency. Notwithstanding any other provision of this
20 Act or any other law limiting or directing the use of the Trust
21 Fund, the Trust Fund may receive, directly or indirectly,
22 federal funds from the Homeowner Assistance Fund authorized
23 under Section 3206 of the federal American Rescue Plan Act of
24 2021 (Public Law 117-2). Any such funds shall be deposited
25 into a Homeowner Assistance Account which shall be established
26 within the Trust Fund by the Funding Agent so that such funds

1 can be accounted for separately from other funds in the Trust
2 Fund. Such funds may be used only in the manner and for the
3 purposes authorized in Section 3206 of the American Rescue
4 Plan Act of 2021 and in related federal guidance. Also, the
5 Trust Fund may receive, directly or indirectly, federal funds
6 from the Emergency Rental Assistance Program authorized under
7 Section 3201 of the federal American Rescue Plan Act of 2021
8 and Section 501 of Subtitle A of Title V of Division N of the
9 Consolidated Appropriations Act, 2021 (Public Law 116-260).
10 Any such funds shall be deposited into an Emergency Rental
11 Assistance Account which shall be established within the Trust
12 Fund by the Funding Agent so that such funds can be accounted
13 for separately from other funds in the Trust Fund. Such funds
14 may be used only in the manner and for the purposes authorized
15 in Section 3201 of the American Rescue Plan Act of 2021 and in
16 related federal guidance. Expenditures under this subsection
17 (c) are subject to annual appropriation to the Funding Agent.
18 Unless used in this subsection (c), the defined terms set
19 forth in Section 3 shall not apply to funds received pursuant
20 to the American Rescue Plan Act of 2021. Notwithstanding any
21 other provision of this Act or any other law limiting or
22 directing the use of the Trust Fund, funds received under the
23 American Rescue Plan Act of 2021 are not subject to the terms
24 and provisions of this Act except as specifically set forth in
25 this subsection (c).

26 (Source: P.A. 91-357, eff. 7-29-99.)

1 Section 3-130. The Environmental Protection Act is amended
2 by changing Sections 22.15, 22.59, and 57.11 as follows:

3 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

4 Sec. 22.15. Solid Waste Management Fund; fees.

5 (a) There is hereby created within the State Treasury a
6 special fund to be known as the Solid Waste Management Fund, to
7 be constituted from the fees collected by the State pursuant
8 to this Section, from repayments of loans made from the Fund
9 for solid waste projects, from registration fees collected
10 pursuant to the Consumer Electronics Recycling Act, and from
11 amounts transferred into the Fund pursuant to Public Act
12 100-433. Moneys received by the Department of Commerce and
13 Economic Opportunity in repayment of loans made pursuant to
14 the Illinois Solid Waste Management Act shall be deposited
15 into the General Revenue Fund.

16 (b) The Agency shall assess and collect a fee in the amount
17 set forth herein from the owner or operator of each sanitary
18 landfill permitted or required to be permitted by the Agency
19 to dispose of solid waste if the sanitary landfill is located
20 off the site where such waste was produced and if such sanitary
21 landfill is owned, controlled, and operated by a person other
22 than the generator of such waste. The Agency shall deposit all
23 fees collected into the Solid Waste Management Fund. If a site
24 is contiguous to one or more landfills owned or operated by the

1 same person, the volumes permanently disposed of by each
2 landfill shall be combined for purposes of determining the fee
3 under this subsection. Beginning on July 1, 2018, and on the
4 first day of each month thereafter during fiscal years 2019
5 through 2022 ~~2021~~, the State Comptroller shall direct and
6 State Treasurer shall transfer an amount equal to 1/12 of
7 \$5,000,000 per fiscal year from the Solid Waste Management
8 Fund to the General Revenue Fund.

9 (1) If more than 150,000 cubic yards of non-hazardous
10 solid waste is permanently disposed of at a site in a
11 calendar year, the owner or operator shall either pay a
12 fee of 95 cents per cubic yard or, alternatively, the
13 owner or operator may weigh the quantity of the solid
14 waste permanently disposed of with a device for which
15 certification has been obtained under the Weights and
16 Measures Act and pay a fee of \$2.00 per ton of solid waste
17 permanently disposed of. In no case shall the fee
18 collected or paid by the owner or operator under this
19 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

20 (2) If more than 100,000 cubic yards but not more than
21 150,000 cubic yards of non-hazardous waste is permanently
22 disposed of at a site in a calendar year, the owner or
23 operator shall pay a fee of \$52,630.

24 (3) If more than 50,000 cubic yards but not more than
25 100,000 cubic yards of non-hazardous solid waste is
26 permanently disposed of at a site in a calendar year, the

owner or operator shall pay a fee of \$23,790.

(4) If more than 10,000 cubic yards but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of \$7,260.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of \$1050.

(c) (Blank).

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

(1) necessary records identifying the quantities of solid waste received or disposed;

(2) the form and submission of reports to accompany the payment of fees to the Agency;

(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and

(4) procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency and the Department of Commerce and Economic Opportunity for the

1 purposes set forth in this Section and in the Illinois Solid
2 Waste Management Act, including for the costs of fee
3 collection and administration, and for the administration of
4 (1) the Consumer Electronics Recycling Act and (2) until
5 January 1, 2020, the Electronic Products Recycling and Reuse
6 Act.

7 (f) The Agency is authorized to enter into such agreements
8 and to promulgate such rules as are necessary to carry out its
9 duties under this Section and the Illinois Solid Waste
10 Management Act.

11 (g) On the first day of January, April, July, and October
12 of each year, beginning on July 1, 1996, the State Comptroller
13 and Treasurer shall transfer \$500,000 from the Solid Waste
14 Management Fund to the Hazardous Waste Fund. Moneys
15 transferred under this subsection (g) shall be used only for
16 the purposes set forth in item (1) of subsection (d) of Section
17 22.2.

18 (h) The Agency is authorized to provide financial
19 assistance to units of local government for the performance of
20 inspecting, investigating and enforcement activities pursuant
21 to Section 4(r) at nonhazardous solid waste disposal sites.

22 (i) The Agency is authorized to conduct household waste
23 collection and disposal programs.

24 (j) A unit of local government, as defined in the Local
25 Solid Waste Disposal Act, in which a solid waste disposal
26 facility is located may establish a fee, tax, or surcharge

1 with regard to the permanent disposal of solid waste. All
2 fees, taxes, and surcharges collected under this subsection
3 shall be utilized for solid waste management purposes,
4 including long-term monitoring and maintenance of landfills,
5 planning, implementation, inspection, enforcement and other
6 activities consistent with the Solid Waste Management Act and
7 the Local Solid Waste Disposal Act, or for any other
8 environment-related purpose, including but not limited to an
9 environment-related public works project, but not for the
10 construction of a new pollution control facility other than a
11 household hazardous waste facility. However, the total fee,
12 tax or surcharge imposed by all units of local government
13 under this subsection (j) upon the solid waste disposal
14 facility shall not exceed:

15 (1) 60¢ per cubic yard if more than 150,000 cubic
16 yards of non-hazardous solid waste is permanently disposed
17 of at the site in a calendar year, unless the owner or
18 operator weighs the quantity of the solid waste received
19 with a device for which certification has been obtained
20 under the Weights and Measures Act, in which case the fee
21 shall not exceed \$1.27 per ton of solid waste permanently
22 disposed of.

23 (2) \$33,350 if more than 100,000 cubic yards, but not
24 more than 150,000 cubic yards, of non-hazardous waste is
25 permanently disposed of at the site in a calendar year.

26 (3) \$15,500 if more than 50,000 cubic yards, but not

1 more than 100,000 cubic yards, of non-hazardous solid
2 waste is permanently disposed of at the site in a calendar
3 year.

4 (4) \$4,650 if more than 10,000 cubic yards, but not
5 more than 50,000 cubic yards, of non-hazardous solid waste
6 is permanently disposed of at the site in a calendar year.

7 (5) \$650 if not more than 10,000 cubic yards of
8 non-hazardous solid waste is permanently disposed of at
9 the site in a calendar year.

10 The corporate authorities of the unit of local government
11 may use proceeds from the fee, tax, or surcharge to reimburse a
12 highway commissioner whose road district lies wholly or
13 partially within the corporate limits of the unit of local
14 government for expenses incurred in the removal of
15 nonhazardous, nonfluid municipal waste that has been dumped on
16 public property in violation of a State law or local
17 ordinance.

18 A county or Municipal Joint Action Agency that imposes a
19 fee, tax, or surcharge under this subsection may use the
20 proceeds thereof to reimburse a municipality that lies wholly
21 or partially within its boundaries for expenses incurred in
22 the removal of nonhazardous, nonfluid municipal waste that has
23 been dumped on public property in violation of a State law or
24 local ordinance.

25 If the fees are to be used to conduct a local sanitary
26 landfill inspection or enforcement program, the unit of local

1 government must enter into a written delegation agreement with
2 the Agency pursuant to subsection (r) of Section 4. The unit of
3 local government and the Agency shall enter into such a
4 written delegation agreement within 60 days after the
5 establishment of such fees. At least annually, the Agency
6 shall conduct an audit of the expenditures made by units of
7 local government from the funds granted by the Agency to the
8 units of local government for purposes of local sanitary
9 landfill inspection and enforcement programs, to ensure that
10 the funds have been expended for the prescribed purposes under
11 the grant.

12 The fees, taxes or surcharges collected under this
13 subsection (j) shall be placed by the unit of local government
14 in a separate fund, and the interest received on the moneys in
15 the fund shall be credited to the fund. The monies in the fund
16 may be accumulated over a period of years to be expended in
17 accordance with this subsection.

18 A unit of local government, as defined in the Local Solid
19 Waste Disposal Act, shall prepare and distribute to the
20 Agency, in April of each year, a report that details spending
21 plans for monies collected in accordance with this subsection.
22 The report will at a minimum include the following:

23 (1) The total monies collected pursuant to this
24 subsection.

25 (2) The most current balance of monies collected
26 pursuant to this subsection.

1 (3) An itemized accounting of all monies expended for
2 the previous year pursuant to this subsection.

3 (4) An estimation of monies to be collected for the
4 following 3 years pursuant to this subsection.

5 (5) A narrative detailing the general direction and
6 scope of future expenditures for one, 2 and 3 years.

7 The exemptions granted under Sections 22.16 and 22.16a,
8 and under subsection (k) of this Section, shall be applicable
9 to any fee, tax or surcharge imposed under this subsection
10 (j); except that the fee, tax or surcharge authorized to be
11 imposed under this subsection (j) may be made applicable by a
12 unit of local government to the permanent disposal of solid
13 waste after December 31, 1986, under any contract lawfully
14 executed before June 1, 1986 under which more than 150,000
15 cubic yards (or 50,000 tons) of solid waste is to be
16 permanently disposed of, even though the waste is exempt from
17 the fee imposed by the State under subsection (b) of this
18 Section pursuant to an exemption granted under Section 22.16.

19 (k) In accordance with the findings and purposes of the
20 Illinois Solid Waste Management Act, beginning January 1, 1989
21 the fee under subsection (b) and the fee, tax or surcharge
22 under subsection (j) shall not apply to:

23 (1) waste which is hazardous waste;

24 (2) waste which is pollution control waste;

25 (3) waste from recycling, reclamation or reuse
26 processes which have been approved by the Agency as being

1 designed to remove any contaminant from wastes so as to
2 render such wastes reusable, provided that the process
3 renders at least 50% of the waste reusable;

4 (4) non-hazardous solid waste that is received at a
5 sanitary landfill and composted or recycled through a
6 process permitted by the Agency; or

7 (5) any landfill which is permitted by the Agency to
8 receive only demolition or construction debris or
9 landscape waste.

10 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;
11 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
12 8-14-18; 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

13 (415 ILCS 5/22.59)

14 Sec. 22.59. CCR surface impoundments.

15 (a) The General Assembly finds that:

16 (1) the State of Illinois has a long-standing policy
17 to restore, protect, and enhance the environment,
18 including the purity of the air, land, and waters,
19 including groundwaters, of this State;

20 (2) a clean environment is essential to the growth and
21 well-being of this State;

22 (3) CCR generated by the electric generating industry
23 has caused groundwater contamination and other forms of
24 pollution at active and inactive plants throughout this
25 State;

1 (4) environmental laws should be supplemented to
2 ensure consistent, responsible regulation of all existing
3 CCR surface impoundments; and

4 (5) meaningful participation of State residents,
5 especially vulnerable populations who may be affected by
6 regulatory actions, is critical to ensure that
7 environmental justice considerations are incorporated in
8 the development of, decision-making related to, and
9 implementation of environmental laws and rulemaking that
10 protects and improves the well-being of communities in
11 this State that bear disproportionate burdens imposed by
12 environmental pollution.

13 Therefore, the purpose of this Section is to promote a
14 healthful environment, including clean water, air, and land,
15 meaningful public involvement, and the responsible disposal
16 and storage of coal combustion residuals, so as to protect
17 public health and to prevent pollution of the environment of
18 this State.

19 The provisions of this Section shall be liberally
20 construed to carry out the purposes of this Section.

21 (b) No person shall:

22 (1) cause or allow the discharge of any contaminants
23 from a CCR surface impoundment into the environment so as
24 to cause, directly or indirectly, a violation of this
25 Section or any regulations or standards adopted by the
26 Board under this Section, either alone or in combination

1 with contaminants from other sources;

2 (2) construct, install, modify, operate, or close any
3 CCR surface impoundment without a permit granted by the
4 Agency, or so as to violate any conditions imposed by such
5 permit, any provision of this Section or any regulations
6 or standards adopted by the Board under this Section; or

7 (3) cause or allow, directly or indirectly, the
8 discharge, deposit, injection, dumping, spilling, leaking,
9 or placing of any CCR upon the land in a place and manner
10 so as to cause or tend to cause a violation this Section or
11 any regulations or standards adopted by the Board under
12 this Section.

13 (c) For purposes of this Section, a permit issued by the
14 Administrator of the United States Environmental Protection
15 Agency under Section 4005 of the federal Resource Conservation
16 and Recovery Act, shall be deemed to be a permit under this
17 Section and subsection (y) of Section 39.

18 (d) Before commencing closure of a CCR surface
19 impoundment, in accordance with Board rules, the owner of a
20 CCR surface impoundment must submit to the Agency for approval
21 a closure alternatives analysis that analyzes all closure
22 methods being considered and that otherwise satisfies all
23 closure requirements adopted by the Board under this Act.
24 Complete removal of CCR, as specified by the Board's rules,
25 from the CCR surface impoundment must be considered and
26 analyzed. Section 3.405 does not apply to the Board's rules

1 specifying complete removal of CCR. The selected closure
2 method must ensure compliance with regulations adopted by the
3 Board pursuant to this Section.

4 (e) Owners or operators of CCR surface impoundments who
5 have submitted a closure plan to the Agency before May 1, 2019,
6 and who have completed closure prior to 24 months after July
7 30, 2019 (the effective date of Public Act 101-171) ~~this~~
8 ~~amendatory Act of the 101st General Assembly~~ shall not be
9 required to obtain a construction permit for the surface
10 impoundment closure under this Section.

11 (f) Except for the State, its agencies and institutions, a
12 unit of local government, or not-for-profit electric
13 cooperative as defined in Section 3.4 of the Electric Supplier
14 Act, any person who owns or operates a CCR surface impoundment
15 in this State shall post with the Agency a performance bond or
16 other security for the purpose of: (i) ensuring closure of the
17 CCR surface impoundment and post-closure care in accordance
18 with this Act and its rules; and (ii) insuring remediation of
19 releases from the CCR surface impoundment. The only acceptable
20 forms of financial assurance are: a trust fund, a surety bond
21 guaranteeing payment, a surety bond guaranteeing performance,
22 or an irrevocable letter of credit.

23 (1) The cost estimate for the post-closure care of a
24 CCR surface impoundment shall be calculated using a
25 30-year post-closure care period or such longer period as
26 may be approved by the Agency under Board or federal

1 rules.

2 (2) The Agency is authorized to enter into such
3 contracts and agreements as it may deem necessary to carry
4 out the purposes of this Section. Neither the State, nor
5 the Director, nor any State employee shall be liable for
6 any damages or injuries arising out of or resulting from
7 any action taken under this Section.

8 (3) The Agency shall have the authority to approve or
9 disapprove any performance bond or other security posted
10 under this subsection. Any person whose performance bond
11 or other security is disapproved by the Agency may contest
12 the disapproval as a permit denial appeal pursuant to
13 Section 40.

14 (g) The Board shall adopt rules establishing construction
15 permit requirements, operating permit requirements, design
16 standards, reporting, financial assurance, and closure and
17 post-closure care requirements for CCR surface impoundments.
18 Not later than 8 months after July 30, 2019 (the effective date
19 of Public Act 101-171) ~~this amendatory Act of the 101st~~
20 ~~General Assembly~~ the Agency shall propose, and not later than
21 one year after receipt of the Agency's proposal the Board
22 shall adopt, rules under this Section. The rules must, at a
23 minimum:

24 (1) be at least as protective and comprehensive as the
25 federal regulations or amendments thereto promulgated by
26 the Administrator of the United States Environmental

1 Protection Agency in Subpart D of 40 CFR 257 governing CCR
2 surface impoundments;

3 (2) specify the minimum contents of CCR surface
4 impoundment construction and operating permit
5 applications, including the closure alternatives analysis
6 required under subsection (d);

7 (3) specify which types of permits include
8 requirements for closure, post-closure, remediation and
9 all other requirements applicable to CCR surface
10 impoundments;

11 (4) specify when permit applications for existing CCR
12 surface impoundments must be submitted, taking into
13 consideration whether the CCR surface impoundment must
14 close under the RCRA;

15 (5) specify standards for review and approval by the
16 Agency of CCR surface impoundment permit applications;

17 (6) specify meaningful public participation procedures
18 for the issuance of CCR surface impoundment construction
19 and operating permits, including, but not limited to,
20 public notice of the submission of permit applications, an
21 opportunity for the submission of public comments, an
22 opportunity for a public hearing prior to permit issuance,
23 and a summary and response of the comments prepared by the
24 Agency;

25 (7) prescribe the type and amount of the performance
26 bonds or other securities required under subsection (f),

1 and the conditions under which the State is entitled to
2 collect moneys from such performance bonds or other
3 securities;

4 (8) specify a procedure to identify areas of
5 environmental justice concern in relation to CCR surface
6 impoundments;

7 (9) specify a method to prioritize CCR surface
8 impoundments required to close under RCRA if not otherwise
9 specified by the United States Environmental Protection
10 Agency, so that the CCR surface impoundments with the
11 highest risk to public health and the environment, and
12 areas of environmental justice concern are given first
13 priority;

14 (10) define when complete removal of CCR is achieved
15 and specify the standards for responsible removal of CCR
16 from CCR surface impoundments, including, but not limited
17 to, dust controls and the protection of adjacent surface
18 water and groundwater; and

19 (11) describe the process and standards for
20 identifying a specific alternative source of groundwater
21 pollution when the owner or operator of the CCR surface
22 impoundment believes that groundwater contamination on the
23 site is not from the CCR surface impoundment.

24 (h) Any owner of a CCR surface impoundment that generates
25 CCR and sells or otherwise provides coal combustion byproducts
26 pursuant to Section 3.135 shall, every 12 months, post on its

1 publicly available website a report specifying the volume or
2 weight of CCR, in cubic yards or tons, that it sold or provided
3 during the past 12 months.

4 (i) The owner of a CCR surface impoundment shall post all
5 closure plans, permit applications, and supporting
6 documentation, as well as any Agency approval of the plans or
7 applications on its publicly available website.

8 (j) The owner or operator of a CCR surface impoundment
9 shall pay the following fees:

10 (1) An initial fee to the Agency within 6 months after
11 July 30, 2019 (the effective date of Public Act 101-171)
12 ~~this amendatory Act of the 101st General Assembly~~ of:

13 \$50,000 for each closed CCR surface impoundment;

14 and

15 \$75,000 for each CCR surface impoundment that have
16 not completed closure.

17 (2) Annual fees to the Agency, beginning on July 1,
18 2020, of:

19 \$25,000 for each CCR surface impoundment that has
20 not completed closure; and

21 \$15,000 for each CCR surface impoundment that has
22 completed closure, but has not completed post-closure
23 care.

24 (k) All fees collected by the Agency under subsection (j)
25 shall be deposited into the Environmental Protection Permit
26 and Inspection Fund.

1 (1) The Coal Combustion Residual Surface Impoundment
2 Financial Assurance Fund is created as a special fund in the
3 State treasury. Any moneys forfeited to the State of Illinois
4 from any performance bond or other security required under
5 this Section shall be placed in the Coal Combustion Residual
6 Surface Impoundment Financial Assurance Fund and shall, upon
7 approval by the Governor and the Director, be used by the
8 Agency for the purposes for which such performance bond or
9 other security was issued. The Coal Combustion Residual
10 Surface Impoundment Financial Assurance Fund is not subject to
11 the provisions of subsection (c) of Section 5 of the State
12 Finance Act.

13 (m) The provisions of this Section shall apply, without
14 limitation, to all existing CCR surface impoundments and any
15 CCR surface impoundments constructed after July 30, 2019 (the
16 effective date of Public Act 101-171) ~~this amendatory Act of~~
17 ~~the 101st General Assembly~~, except to the extent prohibited by
18 the Illinois or United States Constitutions.

19 (Source: P.A. 101-171, eff. 7-30-19; revised 10-22-19.)

20 (415 ILCS 5/57.11)

21 Sec. 57.11. Underground Storage Tank Fund; creation.

22 (a) There is hereby created in the State Treasury a
23 special fund to be known as the Underground Storage Tank Fund.
24 There shall be deposited into the Underground Storage Tank
25 Fund all moneys received by the Office of the State Fire

1 Marshal as fees for underground storage tanks under Sections 4
2 and 5 of the Gasoline Storage Act, fees pursuant to the Motor
3 Fuel Tax Law, and beginning July 1, 2013, payments pursuant to
4 the Use Tax Act, the Service Use Tax Act, the Service
5 Occupation Tax Act, and the Retailers' Occupation Tax Act. All
6 amounts held in the Underground Storage Tank Fund shall be
7 invested at interest by the State Treasurer. All income earned
8 from the investments shall be deposited into the Underground
9 Storage Tank Fund no less frequently than quarterly. In
10 addition to any other transfers that may be provided for by
11 law, beginning on July 1, 2018 and on the first day of each
12 month thereafter during fiscal years 2019 through 2022 ~~2021~~
13 only, the State Comptroller shall direct and the State
14 Treasurer shall transfer an amount equal to 1/12 of
15 \$10,000,000 from the Underground Storage Tank Fund to the
16 General Revenue Fund. Moneys in the Underground Storage Tank
17 Fund, pursuant to appropriation, may be used by the Agency and
18 the Office of the State Fire Marshal for the following
19 purposes:

20 (1) To take action authorized under Section 57.12 to
21 recover costs under Section 57.12.

22 (2) To assist in the reduction and mitigation of
23 damage caused by leaks from underground storage tanks,
24 including but not limited to, providing alternative water
25 supplies to persons whose drinking water has become
26 contaminated as a result of those leaks.

1 (3) To be used as a matching amount towards federal
2 assistance relative to the release of petroleum from
3 underground storage tanks.

4 (4) For the costs of administering activities of the
5 Agency and the Office of the State Fire Marshal relative
6 to the Underground Storage Tank Fund.

7 (5) For payment of costs of corrective action incurred
8 by and indemnification to operators of underground storage
9 tanks as provided in this Title.

10 (6) For a total of 2 demonstration projects in amounts
11 in excess of a \$10,000 deductible charge designed to
12 assess the viability of corrective action projects at
13 sites which have experienced contamination from petroleum
14 releases. Such demonstration projects shall be conducted
15 in accordance with the provision of this Title.

16 (7) Subject to appropriation, moneys in the
17 Underground Storage Tank Fund may also be used by the
18 Department of Revenue for the costs of administering its
19 activities relative to the Fund and for refunds provided
20 for in Section 13a.8 of the Motor Fuel Tax Act.

21 (b) Moneys in the Underground Storage Tank Fund may,
22 pursuant to appropriation, be used by the Office of the State
23 Fire Marshal or the Agency to take whatever emergency action
24 is necessary or appropriate to assure that the public health
25 or safety is not threatened whenever there is a release or
26 substantial threat of a release of petroleum from an

1 underground storage tank and for the costs of administering
2 its activities relative to the Underground Storage Tank Fund.

3 (c) Beginning July 1, 1993, the Governor shall certify to
4 the State Comptroller and State Treasurer the monthly amount
5 necessary to pay debt service on State obligations issued
6 pursuant to Section 6 of the General Obligation Bond Act. On
7 the last day of each month, the Comptroller shall order
8 transferred and the Treasurer shall transfer from the
9 Underground Storage Tank Fund to the General Obligation Bond
10 Retirement and Interest Fund the amount certified by the
11 Governor, plus any cumulative deficiency in those transfers
12 for prior months.

13 (d) Except as provided in subsection (c) of this Section,
14 the Underground Storage Tank Fund is not subject to
15 administrative charges authorized under Section 8h of the
16 State Finance Act that would in any way transfer any funds from
17 the Underground Storage Tank Fund into any other fund of the
18 State.

19 (e) Each fiscal year, subject to appropriation, the Agency
20 may commit up to \$10,000,000 of the moneys in the Underground
21 Storage Tank Fund to the payment of corrective action costs
22 for legacy sites that meet one or more of the following
23 criteria as a result of the underground storage tank release:
24 (i) the presence of free product, (ii) contamination within a
25 regulated recharge area, a wellhead protection area, or the
26 setback zone of a potable water supply well, (iii)

1 contamination extending beyond the boundaries of the site
2 where the release occurred, or (iv) such other criteria as may
3 be adopted in Agency rules.

4 (1) Fund moneys committed under this subsection (e)
5 shall be held in the Fund for payment of the corrective
6 action costs for which the moneys were committed.

7 (2) The Agency may adopt rules governing the
8 commitment of Fund moneys under this subsection (e).

9 (3) This subsection (e) does not limit the use of Fund
10 moneys at legacy sites as otherwise provided under this
11 Title.

12 (4) For the purposes of this subsection (e), the term
13 "legacy site" means a site for which (i) an underground
14 storage tank release was reported prior to January 1,
15 2005, (ii) the owner or operator has been determined
16 eligible to receive payment from the Fund for corrective
17 action costs, and (iii) the Agency did not receive any
18 applications for payment prior to January 1, 2010.

19 (f) Beginning July 1, 2013, if the amounts deposited into
20 the Fund from moneys received by the Office of the State Fire
21 Marshal as fees for underground storage tanks under Sections 4
22 and 5 of the Gasoline Storage Act and as fees pursuant to the
23 Motor Fuel Tax Law during a State fiscal year are sufficient to
24 pay all claims for payment by the fund received during that
25 State fiscal year, then the amount of any payments into the
26 fund pursuant to the Use Tax Act, the Service Use Tax Act, the

1 Service Occupation Tax Act, and the Retailers' Occupation Tax
2 Act during that State fiscal year shall be deposited as
3 follows: 75% thereof shall be paid into the State treasury and
4 25% shall be reserved in a special account and used only for
5 the transfer to the Common School Fund as part of the monthly
6 transfer from the General Revenue Fund in accordance with
7 Section 8a of the State Finance Act.

8 (Source: P.A. 100-587, eff. 6-4-18; 101-10, eff. 6-5-19;
9 101-636, eff. 6-10-20.)

10 Section 3-135. The Unified Code of Corrections is amended
11 by changing Sections 3-12-3a, 3-12-6, and 5-9-1.9 as follows:

12 (730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

13 Sec. 3-12-3a. Contracts, leases, and business agreements.

14 (a) The Department shall promulgate such rules and
15 policies as it deems necessary to establish, manage, and
16 operate its Illinois Correctional Industries division for the
17 purpose of utilizing committed persons in the manufacture of
18 food stuffs, finished goods or wares. To the extent not
19 inconsistent with the function and role of the ICI, the
20 Department may enter into a contract, lease, or other type of
21 business agreement, not to exceed 20 years, with any private
22 corporation, partnership, person, or other business entity for
23 the purpose of utilizing committed persons in the provision of
24 services or for any other business or commercial enterprise

1 deemed by the Department to be consistent with proper training
2 and rehabilitation of committed persons.

3 In fiscal year 2021 and 2022, the Department shall oversee
4 the ~~Except as otherwise provided in this paragraph, Illinois~~
5 ~~Correctional Industries' spending authority shall be separate~~
6 ~~and apart from the Department's budget and appropriations.~~
7 ~~Control of~~ Illinois Correctional Industries accounting
8 processes and budget requests to the General Assembly, other
9 budgetary processes, audits by the Office of the Auditor
10 General, and computer processes ~~shall be returned to Illinois~~
11 ~~Correctional Industries~~. For fiscal year 2021 and 2022, the
12 ~~only, its~~ spending authority of Illinois Correctional
13 Industries shall no longer be separate and apart from the
14 Department's budget and appropriations, and the Department
15 shall control its accounting processes, budgets, audits and
16 computer processes in accordance with any Department rules and
17 policies.

18 (b) The Department shall be permitted to construct
19 buildings on State property for the purposes identified in
20 subsection (a) and to lease for a period not to exceed 20 years
21 any building or portion thereof on State property for the
22 purposes identified in subsection (a).

23 (c) Any contract or other business agreement referenced in
24 subsection (a) shall include a provision requiring that all
25 committed persons assigned receive in connection with their
26 assignment such vocational training and/or apprenticeship

1 programs as the Department deems appropriate.

2 (d) Committed persons assigned in accordance with this
3 Section shall be compensated in accordance with the provisions
4 of Section 3-12-5.

5 (Source: P.A. 101-636, eff. 6-10-20.)

6 (730 ILCS 5/3-12-6) (from Ch. 38, par. 1003-12-6)

7 Sec. 3-12-6. Programs. Through its Illinois Correctional
8 Industries division, the Department shall establish
9 commercial, business, and manufacturing programs for the sale
10 of finished goods and processed food and beverages to the
11 State, its political units, agencies, and other public
12 institutions. Illinois Correctional Industries shall
13 establish, operate, and maintain manufacturing and food and
14 beverage production in the Department facilities and provide
15 food for the Department institutions and for the mental health
16 and developmental disabilities institutions of the Department
17 of Human Services and the institutions of the Department of
18 Veterans' Affairs.

19 Illinois Correctional Industries shall be administered by
20 a chief executive officer. The chief executive officer shall
21 report to the Director of the Department or the Director's
22 designee. The chief executive officer shall administer the
23 commercial and business programs of ICI for inmate workers in
24 the custody of the Department of Corrections.

25 The chief executive officer shall have such assistants as

1 are required for sales staff, manufacturing, budget, fiscal,
2 accounting, computer, human services, and personnel as
3 necessary to run its commercial and business programs.

4 Illinois Correctional Industries shall have a financial
5 officer who shall report to the chief executive officer. The
6 financial officer shall: (i) assist in the development and
7 presentation of the Department budget submission; (ii) manage
8 and control the spending authority of ICI; and (iii) provide
9 oversight of the financial activities of ICI, both internally
10 and through coordination with the Department fiscal operations
11 personnel, including accounting processes, budget submissions,
12 other budgetary processes, audits by the Office of the Auditor
13 General, and computer processes. For fiscal year 2021 and 2022
14 ~~only~~, the financial officer shall coordinate and cooperate
15 with the Department's chief financial officer to perform the
16 functions listed in this paragraph.

17 Illinois Correctional Industries shall be located in
18 Springfield. The chief executive officer of Illinois
19 Correctional Industries shall assign personnel to direct the
20 production of goods and shall employ committed persons
21 assigned by the chief administrative officer. The Department
22 of Corrections may direct such other vocational programs as it
23 deems necessary for the rehabilitation of inmates, which shall
24 be separate and apart from, and not in conflict with, programs
25 of Illinois Correctional Industries.

26 (Source: P.A. 101-636, eff. 6-10-20.)

1 (730 ILCS 5/5-9-1.9)

2 Sec. 5-9-1.9. DUI analysis fee.

3 (a) "Crime laboratory" means a not-for-profit laboratory
4 substantially funded by a single unit or combination of units
5 of local government or the State of Illinois that regularly
6 employs at least one person engaged in the DUI analysis of
7 blood, other bodily substance, and urine for criminal justice
8 agencies in criminal matters and provides testimony with
9 respect to such examinations.

10 "DUI analysis" means an analysis of blood, other bodily
11 substance, or urine for purposes of determining whether a
12 violation of Section 11-501 of the Illinois Vehicle Code has
13 occurred.

14 (b) (Blank).

15 (c) In addition to any other disposition made under the
16 provisions of the Juvenile Court Act of 1987, any minor
17 adjudicated delinquent for an offense which if committed by an
18 adult would constitute a violation of Section 11-501 of the
19 Illinois Vehicle Code shall pay a crime laboratory DUI
20 analysis assessment of \$150 for each adjudication. Upon
21 verified petition of the minor, the court may suspend payment
22 of all or part of the assessment if it finds that the minor
23 does not have the ability to pay the assessment. The parent,
24 guardian, or legal custodian of the minor may pay some or all
25 of the assessment on the minor's behalf.

1 (d) All crime laboratory DUI analysis assessments provided
2 for by this Section shall be collected by the clerk of the
3 court and forwarded to the appropriate crime laboratory DUI
4 fund as provided in subsection (f).

5 (e) Crime laboratory funds shall be established as
6 follows:

7 (1) A unit of local government that maintains a crime
8 laboratory may establish a crime laboratory DUI fund
9 within the office of the county or municipal treasurer.

10 (2) Any combination of units of local government that
11 maintains a crime laboratory may establish a crime
12 laboratory DUI fund within the office of the treasurer of
13 the county where the crime laboratory is situated.

14 (3) (Blank). ~~The State Police DUI Fund is created as a~~
15 ~~special fund in the State Treasury.~~

16 (f) The analysis assessment provided for in subsection (c)
17 of this Section shall be forwarded to the office of the
18 treasurer of the unit of local government that performed the
19 analysis if that unit of local government has established a
20 crime laboratory DUI fund, or to the State Treasurer for
21 deposit into the State Crime Laboratory Fund if the analysis
22 was performed by a laboratory operated by the Department of
23 State Police. If the analysis was performed by a crime
24 laboratory funded by a combination of units of local
25 government, the analysis assessment shall be forwarded to the
26 treasurer of the county where the crime laboratory is situated

1 if a crime laboratory DUI fund has been established in that
2 county. If the unit of local government or combination of
3 units of local government has not established a crime
4 laboratory DUI fund, then the analysis assessment shall be
5 forwarded to the State Treasurer for deposit into the State
6 Crime Laboratory Fund.

7 (g) Moneys deposited into a crime laboratory DUI fund
8 created under paragraphs (1) and (2) of subsection (e) of this
9 Section shall be in addition to any allocations made pursuant
10 to existing law and shall be designated for the exclusive use
11 of the crime laboratory. These uses may include, but are not
12 limited to, the following:

13 (1) Costs incurred in providing analysis for DUI
14 investigations conducted within this State.

15 (2) Purchase and maintenance of equipment for use in
16 performing analyses.

17 (3) Continuing education, training, and professional
18 development of forensic scientists regularly employed by
19 these laboratories.

20 (h) Moneys deposited in the State Crime Laboratory Fund
21 shall be used by State crime laboratories as designated by the
22 Director of State Police. These funds shall be in addition to
23 any allocations made according to existing law and shall be
24 designated for the exclusive use of State crime laboratories.
25 These uses may include those enumerated in subsection (g) of
26 this Section.

1 (i) Notwithstanding any other provision of law to the
2 contrary and in addition to any other transfers that may be
3 provided by law, on the effective date of this amendatory Act
4 of the 102nd General Assembly, or as soon thereafter as
5 practical, the State Comptroller shall direct and the State
6 Treasurer shall transfer the remaining balance from the State
7 Police DUI Fund into the State Police Operations Assistance
8 Fund. Upon completion of the transfer, the State Police DUI
9 Fund is dissolved, and any future deposits due to that Fund and
10 any outstanding obligations or liabilities of that Fund shall
11 pass to the State Police Operations Assistance Fund.

12 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19;
13 100-1161, eff. 7-1-19.)

14 Section 3-140. The Revised Uniform Unclaimed Property Act
15 is amended by changing Section 15-801 as follows:

16 (765 ILCS 1026/15-801)

17 Sec. 15-801. Deposit of funds by administrator.

18 (a) Except as otherwise provided in this Section, the
19 administrator shall deposit in the Unclaimed Property Trust
20 Fund all funds received under this Act, including proceeds
21 from the sale of property under Article 7. The administrator
22 may deposit any amount in the Unclaimed Property Trust Fund
23 into the State Pensions Fund during the fiscal year at his or
24 her discretion; however, he or she shall, on April 15 and

1 October 15 of each year, deposit any amount in the Unclaimed
2 Property Trust Fund exceeding \$2,500,000 into the State
3 Pensions Fund. If on either April 15 or October 15, the
4 administrator determines that a balance of \$2,500,000 is
5 insufficient for the prompt payment of unclaimed property
6 claims authorized under this Act, the administrator may retain
7 more than \$2,500,000 in the Unclaimed Property Trust Fund in
8 order to ensure the prompt payment of claims. Beginning in
9 State fiscal year 2023 ~~2022~~, all amounts that are deposited
10 into the State Pensions Fund from the Unclaimed Property Trust
11 Fund shall be apportioned to the designated retirement systems
12 as provided in subsection (c-6) of Section 8.12 of the State
13 Finance Act to reduce their actuarial reserve deficiencies.

14 (b) The administrator shall make prompt payment of claims
15 he or she duly allows as provided for in this Act from the
16 Unclaimed Property Trust Fund. This shall constitute an
17 irrevocable and continuing appropriation of all amounts in the
18 Unclaimed Property Trust Fund necessary to make prompt payment
19 of claims duly allowed by the administrator pursuant to this
20 Act.

21 (Source: P.A. 100-22, eff. 1-1-18; 100-587, eff. 6-4-18;
22 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

23 ARTICLE 4. AUDIT EXPENSE FUND

24 Section 4-5. The State Finance Act is amended by changing

Section 6z-27 as follows:

(30 ILCS 105/6z-27)

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

Within 30 days after the effective date of this amendatory Act of the 102nd ~~101st~~ General Assembly, the State Comptroller shall order transferred and the State Treasurer shall transfer from the following funds moneys in the specified amounts for deposit into the Audit Expense Fund:

<u>Agricultural Premium Fund</u>	<u>145,477</u>
<u>Amusement Ride and Patron Safety Fund</u>	<u>10,067</u>
<u>Assisted Living and Shared Housing Regulatory Fund</u>	<u>2,696</u>
<u>Capital Development Board Revolving Fund</u>	<u>1,807</u>
<u>Care Provider Fund for Persons with a Developmental</u>	
<u>Disability</u>	<u>15,438</u>
<u>CDLIS/AAMVAnet/NMVTIS Trust Fund</u>	<u>5,148</u>
<u>Chicago State University Education Improvement Fund</u>	<u>4,748</u>
<u>Child Labor and Day and Temporary Labor Services</u>	
<u>Enforcement Fund</u>	<u>18,662</u>
<u>Child Support Administrative Fund</u>	<u>5,832</u>
<u>Clean Air Act Permit Fund</u>	<u>1,410</u>
<u>Common School Fund</u>	<u>259,307</u>
<u>Community Mental Health Medicaid Trust Fund</u>	<u>23,472</u>

1	<u>Death Certificate Surcharge Fund</u>	<u>4,161</u>
2	<u>Death Penalty Abolition Fund</u>	<u>4,095</u>
3	<u>Department of Business Services Special Operations Fund</u>	<u>12,790</u>
4	<u>Department of Human Services Community Services Fund ..</u>	<u>8,744</u>
5	<u>Downstate Public Transportation Fund</u>	<u>12,100</u>
6	<u>Dram Shop Fund</u>	<u>155,250</u>
7	<u>Driver Services Administration Fund.....</u>	<u>1,920</u>
8	<u>Drug Rebate Fund</u>	<u>39,351</u>
9	<u>Drug Treatment Fund.....</u>	<u>896</u>
10	<u>Education Assistance Fund.....</u>	<u>1,818,170</u>
11	<u>Emergency Public Health Fund</u>	<u>7,450</u>
12	<u>Employee Classification Fund</u>	<u>1,518</u>
13	<u>EMS Assistance Fund.....</u>	<u>1,286</u>
14	<u>Environmental Protection Permit and Inspection Fund.....</u>	<u>671</u>
15	<u>Estate Tax Refund Fund</u>	<u>2,150</u>
16	<u>Facilities Management Revolving Fund</u>	<u>33,930</u>
17	<u>Facility Licensing Fund.....</u>	<u>3,894</u>
18	<u>Fair and Exposition Fund</u>	<u>5,904</u>
19	<u>Federal Financing Cost Reimbursement Fund.....</u>	<u>1,579</u>
20	<u>Federal High Speed Rail Trust Fund</u>	<u>517</u>
21	<u>Feed Control Fund.....</u>	<u>9,601</u>
22	<u>Fertilizer Control Fund.....</u>	<u>8,941</u>
23	<u>Fire Prevention Fund</u>	<u>4,456</u>
24	<u>Fund for the Advancement of Education</u>	<u>17,988</u>
25	<u>General Revenue Fund</u>	<u>17,653,153</u>
26	<u>General Professions Dedicated Fund</u>	<u>3,567</u>

1	<u>Governor's Administrative Fund</u>	<u>4,052</u>
2	<u>Governor's Grant Fund.....</u>	<u>16,687</u>
3	<u>Grade Crossing Protection Fund</u>	<u>629</u>
4	<u>Grant Accountability and Transparency Fund</u>	<u>910</u>
5	<u>Hazardous Waste Fund</u>	<u>849</u>
6	<u>Hazardous Waste Research Fund.....</u>	<u>528</u>
7	<u>Health and Human Services Medicaid Trust Fund</u>	<u>10,635</u>
8	<u>Health Facility Plan Review Fund</u>	<u>3,190</u>
9	<u>Healthcare Provider Relief Fund.....</u>	<u>360,142</u>
10	<u>Healthy Smiles Fund.....</u>	<u>745</u>
11	<u>Home Care Services Agency Licensure Fund</u>	<u>2,824</u>
12	<u>Hospital Licensure Fund.....</u>	<u>1,313</u>
13	<u>Hospital Provider Fund</u>	<u>128,466</u>
14	<u>ICJIA Violence Prevention Fund</u>	<u>742</u>
15	<u>Illinois Affordable Housing Trust Fund</u>	<u>7,829</u>
16	<u>Illinois Clean Water Fund.....</u>	<u>1,915</u>
17	<u>IMSA Income Fund</u>	<u>12,557</u>
18	<u>Illinois Health Facilities Planning Fund</u>	<u>2,704</u>
19	<u>Illinois Power Agency Operations Fund.....</u>	<u>36,874</u>
20	<u>Illinois School Asbestos Abatement Fund.....</u>	<u>1,556</u>
21	<u>Illinois State Fair Fund</u>	<u>41,374</u>
22	<u>Illinois Veterans' Rehabilitation Fund</u>	<u>1,008</u>
23	<u>Illinois Workers' Compensation Commission Operations</u>	
24	<u>Fund</u>	<u>189,581</u>
25	<u>Income Tax Refund Fund</u>	<u>53,295</u>
26	<u>Lead Poisoning Screening, Prevention, and Abatement</u>	

1	<u>Fund</u>	<u>14,747</u>
2	<u>Live and Learn Fund</u>	<u>23,420</u>
3	<u>Lobbyist Registration Administration Fund.....</u>	<u>1,178</u>
4	<u>Local Government Distributive Fund</u>	<u>36,680</u>
5	<u>Long Term Care Monitor/Receiver Fund</u>	<u>40,812</u>
6	<u>Long-Term Care Provider Fund</u>	<u>18,266</u>
7	<u>Mandatory Arbitration Fund</u>	<u>1,618</u>
8	<u>Medical Interagency Program Fund</u>	<u>890</u>
9	<u>Mental Health Fund</u>	<u>10,924</u>
10	<u>Metabolic Screening and Treatment Fund</u>	<u>35,159</u>
11	<u>Monitoring Device Driving Permit Administration Fee Fund</u>	<u>2,355</u>
12	<u>Motor Fuel Tax Fund</u>	<u>36,804</u>
13	<u>Motor Vehicle License Plate Fund</u>	<u>13,274</u>
14	<u>Motor Vehicle Theft Prevention and Insurance Verification</u>	
15	<u>Trust Fund</u>	<u>8,773</u>
16	<u>Multiple Sclerosis Research Fund</u>	<u>670</u>
17	<u>Nuclear Safety Emergency Preparedness Fund</u>	<u>17,663</u>
18	<u>Nursing Dedicated and Professional Fund</u>	<u>2,667</u>
19	<u>Open Space Lands Acquisition and Development Fund</u>	<u>1,463</u>
20	<u>Partners for Conservation Fund</u>	<u>75,235</u>
21	<u>Personal Property Tax Replacement Fund</u>	<u>85,166</u>
22	<u>Pesticide Control Fund</u>	<u>44,745</u>
23	<u>Plumbing Licensure and Program Fund</u>	<u>5,297</u>
24	<u>Professional Services Fund</u>	<u>6,549</u>
25	<u>Public Health Laboratory Services Revolving Fund</u>	<u>9,044</u>
26	<u>Public Transportation Fund</u>	<u>47,744</u>

1	<u>Radiation Protection Fund.....</u>	<u>6,575</u>
2	<u>Renewable Energy Resources Trust Fund.....</u>	<u>8,169</u>
3	<u>Road Fund.....</u>	<u>284,307</u>
4	<u>Regional Transportation Authority Occupation and Use Tax</u>	
5	<u>Replacement Fund</u>	<u>1,278</u>
6	<u>School Infrastructure Fund</u>	<u>8,938</u>
7	<u>Secretary of State DUI Administration Fund</u>	<u>2,044</u>
8	<u>Secretary of State Identification Security and Theft</u>	
9	<u>Prevention Fund.....</u>	<u>15,122</u>
10	<u>Secretary of State Police Services Fund</u>	<u>815</u>
11	<u>Secretary of State Special License Plate Fund</u>	<u>4,441</u>
12	<u>Secretary of State Special Services Fund</u>	<u>21,797</u>
13	<u>Securities Audit and Enforcement Fund</u>	<u>8,480</u>
14	<u>Solid Waste Management Fund</u>	<u>1,427</u>
15	<u>Special Education Medicaid Matching Fund</u>	<u>5,854</u>
16	<u>State and Local Sales Tax Reform Fund</u>	<u>2,742</u>
17	<u>State Construction Account Fund.....</u>	<u>69,387</u>
18	<u>State Gaming Fund</u>	<u>89,997</u>
19	<u>State Garage Revolving Fund</u>	<u>10,788</u>
20	<u>State Lottery Fund</u>	<u>343,580</u>
21	<u>State Pensions Fund</u>	<u>500,000</u>
22	<u>State Treasurer's Bank Services Trust Fund</u>	<u>913</u>
23	<u>Supreme Court Special Purposes Fund</u>	<u>1,704</u>
24	<u>Tattoo and Body Piercing Establishment Registration Fund</u>	<u>724</u>
25	<u>Tax Compliance and Administration Fund</u>	<u>1,847</u>
26	<u>Tobacco Settlement Recovery Fund</u>	<u>27,854</u>

1	<u>Tourism Promotion Fund</u>	<u>42,180</u>
2	<u>Trauma Center Fund</u>	<u>5,128</u>
3	<u>Underground Storage Tank Fund</u>	<u>3,473</u>
4	<u>University of Illinois Hospital Services Fund</u>	<u>7,505</u>
5	<u>Vehicle Inspection Fund</u>	<u>4,863</u>
6	<u>Weights and Measures Fund</u>	<u>25,431</u>
7	<u>Youth Alcoholism and Substance Abuse Prevention Fund</u>	<u>857.</u>
8	Aggregate Operations Regulatory Fund	806
9	Agricultural Premium Fund	21,601
10	Anna Veterans Home Fund	14,618
11	Appraisal Administration Fund	4,086
12	Attorney General Court Ordered and Voluntary Compliance	
13	Payment Projects Fund	17,446
14	Attorney General Whistleblower Reward and	
15	Protection Fund	7,344
16	Bank and Trust Company Fund	87,912
17	Brownfields Redevelopment Fund	550
18	Capital Development Board Revolving Fund	1,724
19	Care Provider Fund for Persons with a Developmental	
20	Disability	5,445
21	CDLIS/AAMVAnet/NMVTIS Trust Fund	1,770
22	Cemetery Oversight Licensing and Disciplinary Fund	4,432
23	Chicago State University Education Improvement Fund	5,211
24	Child Support Administrative Fund	3,088
25	Clean Air Act Permit Fund	6,766
26	Coal Technology Development Assistance Fund	11,280

1	Commitment to Human Services Fund	103,833
2	Common School Fund	411,164
3	Community Mental Health Medicaid Trust Fund	10,138
4	Community Water Supply Laboratory Fund	548
5	Corporate Franchise Tax Refund Fund	751
6	Credit Union Fund	19,740
7	Cycle Rider Safety Training Fund	982
8	DCFS Children's Services Fund	273,107
9	Department of Business Services Special	
10	Operations Fund	4,386
11	Department of Corrections Reimbursement and	
12	Education Fund	36,230
13	Department of Human Services Community Services Fund ..	4,757
14	Design Professionals Administration and	
15	Investigation Fund	5,198
16	Downstate Public Transportation Fund	42,630
17	Downstate Transit Improvement Fund	1,807
18	Drivers Education Fund	1,351
19	Drug Rebate Fund	21,955
20	Drug Treatment Fund	508
21	Education Assistance Fund	1,901,464
22	Environmental Protection Permit and Inspection Fund	5,397
23	Estate Tax Refund Fund	637
24	Facilities Management Revolving Fund	13,775
25	Fair and Exposition Fund	863
26	Federal High Speed Rail Trust Fund	9,230

1	Federal Workforce Training Fund	208,014
2	Feed Control Fund	1,319
3	Fertilizer Control Fund	1,247
4	Fire Prevention Fund	3,876
5	Fund for the Advancement of Education	46,221
6	General Professions Dedicated Fund	26,266
7	General Revenue Fund	17,653,153
8	Grade Crossing Protection Fund	3,737
9	Hazardous Waste Fund	3,625
10	Health and Human Services Medicaid Trust Fund	5,263
11	Healthcare Provider Relief Fund	115,415
12	Horse Racing Fund	184,337
13	Hospital Provider Fund	62,701
14	Illinois Affordable Housing Trust Fund	7,103
15	Illinois Charity Bureau Fund	2,108
16	Illinois Clean Water Fund	8,679
17	Illinois Forestry Development Fund	6,189
18	Illinois Gaming Law Enforcement Fund	1,277
19	Illinois Power Agency Operations Fund	43,568
20	Illinois State Dental Disciplinary Fund	4,344
21	Illinois State Fair Fund	5,690
22	Illinois State Medical Disciplinary Fund	20,283
23	Illinois State Pharmacy Disciplinary Fund	9,856
24	Illinois Veterans Assistance Fund	2,494
25	Illinois Workers' Compensation Commission	
26	Operations Fund	2,896

1	IMSA Income Fund	8,012
2	Income Tax Refund Fund	152,206
3	Insurance Financial Regulation Fund.....	104,597
4	Insurance Premium Tax Refund Fund	9,901
5	Insurance Producer Administration Fund	105,702
6	International Tourism Fund	7,000
7	LaSalle Veterans Home Fund	31,489
8	LEADS Maintenance Fund	607
9	Live and Learn Fund	8,302
10	Local Government Distributive Fund	102,508
11	Local Tourism Fund	28,421
12	Long-Term Care Provider Fund	7,140
13	Manteno Veterans Home Fund	47,417
14	Medical Interagency Program Fund	669
15	Mental Health Fund	7,492
16	Monitoring Device Driving Permit Administration Fee Fund	762
17	Motor Carrier Safety Inspection Fund	1,114
18	Motor Fuel Tax Fund	141,788
19	Motor Vehicle License Plate Fund	5,366
20	Nursing Dedicated and Professional Fund.....	10,746
21	Open Space Lands Acquisition and Development Fund	25,584
22	Optometric Licensing and Disciplinary Board Fund	1,099
23	Partners for Conservation Fund	20,187
24	Pawnbroker Regulation Fund	1,072
25	Personal Property Tax Replacement Fund	88,655
26	Pesticide Control Fund	5,617

1	Professional Services Fund	2,795
2	Professions Indirect Cost Fund	180,536
3	Public Pension Regulation Fund	8,434
4	Public Transportation Fund	97,777
5	Quincy Veterans Home Fund	57,745
6	Real Estate License Administration Fund	32,015
7	Regional Transportation Authority Occupation	
8	and Use Tax Replacement Fund	3,123
9	Registered Certified Public Accountants' Administration	
10	and Disciplinary Fund	2,560
11	Renewable Energy Resources Trust Fund	797
12	Rental Housing Support Program Fund	949
13	Residential Finance Regulatory Fund	20,349
14	Road Fund	557,727
15	Roadside Memorial Fund	582
16	Salmon Fund	548
17	Savings Bank Regulatory Fund	2,100
18	School Infrastructure Fund	18,703
19	Secretary of State DUI Administration Fund	867
20	Secretary of State Identification Security	
21	and Theft Prevention Fund	4,660
22	Secretary of State Special License Plate Fund	1,772
23	Secretary of State Special Services Fund	7,839
24	Securities Audit and Enforcement Fund	2,879
25	Small Business Environmental Assistance Fund	588
26	Solid Waste Management Fund	7,389

1	Special Education Medicaid Matching Fund	3,388
2	State and Local Sales Tax Reform Fund	6,573
3	State Asset Forfeiture Fund	1,213
4	State Construction Account Fund	129,461
5	State Crime Laboratory Fund	2,462
6	State Gaming Fund	188,862
7	State Garage Revolving Fund	4,303
8	State Lottery Fund	145,905
9	State Offender DNA Identification System Fund	1,075
10	State Pensions Fund	500,000
11	State Police DUI Fund	839
12	State Police Firearm Services Fund	4,981
13	State Police Services Fund	11,660
14	State Police Vehicle Fund	5,514
15	State Police Whistleblower Reward and Protection Fund ..	2,822
16	State Small Business Credit Initiative Fund	15,061
17	Subtitle D Management Fund	1,067
18	Supplemental Low Income Energy Assistance Fund	68,016
19	Tax Compliance and Administration Fund	4,713
20	Technology Management Revolving Fund	257,409
21	Tobacco Settlement Recovery Fund	4,825
22	Tourism Promotion Fund	66,211
23	Traffic and Criminal Conviction Surcharge Fund	226,070
24	Underground Storage Tank Fund	19,110
25	University of Illinois Hospital Services Fund	3,813
26	Vehicle Inspection Fund	9,673

1 ~~Violent Crime Victims Assistance Fund~~ ~~12,233~~
2 ~~Weights and Measures Fund~~ ~~5,245~~
3 ~~Working Capital Revolving Fund~~ ~~27,245~~

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

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

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

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

1 order transferred and the State Treasurer shall transfer the
2 amount deficient or otherwise unavailable from the General
3 Revenue Fund for deposit into the Audit Expense Fund.

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

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

26 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;

101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

ARTICLE 5. GRADE CROSSING PROTECTION

Section 5-5. The Motor Fuel Tax Law is amended by changing
Section 8 as follows:

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in subsection (a-1) of this
Section, Section 8a, subdivision (h)(1) of Section 12a,
Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all
money received by the Department under this Act, including
payments made to the Department by member jurisdictions
participating in the International Fuel Tax Agreement, shall
be deposited in a special fund in the State treasury, to be
known as the "Motor Fuel Tax Fund", and shall be used as
follows:

(a) 2 1/2 cents per gallon of the tax collected on special
fuel under paragraph (b) of Section 2 and Section 13a of this
Act shall be transferred to the State Construction Account
Fund in the State Treasury; the remainder of the tax collected
on special fuel under paragraph (b) of Section 2 and Section
13a of this Act shall be deposited into the Road Fund;

(a-1) Beginning on July 1, 2019, an amount equal to the
amount of tax collected under subsection (a) of Section 2 as a
result of the increase in the tax rate under Public Act 101-32

1 ~~this amendatory Act of the 101st General Assembly~~ shall be
2 transferred each month into the Transportation Renewal Fund;:-

3 (b) \$420,000 shall be transferred each month to the State
4 Boating Act Fund to be used by the Department of Natural
5 Resources for the purposes specified in Article X of the Boat
6 Registration and Safety Act;

7 (c) \$3,500,000 shall be transferred each month to the
8 Grade Crossing Protection Fund to be used as follows: not less
9 than \$12,000,000 each fiscal year shall be used for the
10 construction or reconstruction of rail highway grade
11 separation structures; \$2,250,000 in fiscal years 2004 through
12 2009 and \$3,000,000 in fiscal year 2010 and each fiscal year
13 thereafter shall be transferred to the Transportation
14 Regulatory Fund and shall be accounted for as part of the rail
15 carrier portion of such funds and shall be used to pay the cost
16 of administration of the Illinois Commerce Commission's
17 railroad safety program in connection with its duties under
18 subsection (3) of Section 18c-7401 of the Illinois Vehicle
19 Code, with the remainder to be used by the Department of
20 Transportation upon order of the Illinois Commerce Commission,
21 to pay that part of the cost apportioned by such Commission to
22 the State to cover the interest of the public in the use of
23 highways, roads, streets, or pedestrian walkways in the county
24 highway system, township and district road system, or
25 municipal street system as defined in the Illinois Highway
26 Code, as the same may from time to time be amended, for

1 separation of grades, for installation, construction or
2 reconstruction of crossing protection or reconstruction,
3 alteration, relocation including construction or improvement
4 of any existing highway necessary for access to property or
5 improvement of any grade crossing and grade crossing surface
6 including the necessary highway approaches thereto of any
7 railroad across the highway or public road, or for the
8 installation, construction, reconstruction, or maintenance of
9 safety treatments to deter trespassing or a pedestrian walkway
10 over or under a railroad right-of-way, as provided for in and
11 in accordance with Section 18c-7401 of the Illinois Vehicle
12 Code. The Commission may order up to \$2,000,000 per year in
13 Grade Crossing Protection Fund moneys for the improvement of
14 grade crossing surfaces and up to \$300,000 per year for the
15 maintenance and renewal of 4-quadrant gate vehicle detection
16 systems located at non-high speed rail grade crossings. ~~The~~
17 ~~Commission shall not order more than \$2,000,000 per year in~~
18 ~~Grade Crossing Protection Fund moneys for pedestrian walkways.~~
19 In entering orders for projects for which payments from the
20 Grade Crossing Protection Fund will be made, the Commission
21 shall account for expenditures authorized by the orders on a
22 cash rather than an accrual basis. For purposes of this
23 requirement an "accrual basis" assumes that the total cost of
24 the project is expended in the fiscal year in which the order
25 is entered, while a "cash basis" allocates the cost of the
26 project among fiscal years as expenditures are actually made.

1 To meet the requirements of this subsection, the Illinois
2 Commerce Commission shall develop annual and 5-year project
3 plans of rail crossing capital improvements that will be paid
4 for with moneys from the Grade Crossing Protection Fund. The
5 annual project plan shall identify projects for the succeeding
6 fiscal year and the 5-year project plan shall identify
7 projects for the 5 directly succeeding fiscal years. The
8 Commission shall submit the annual and 5-year project plans
9 for this Fund to the Governor, the President of the Senate, the
10 Senate Minority Leader, the Speaker of the House of
11 Representatives, and the Minority Leader of the House of
12 Representatives on the first Wednesday in April of each year;

13 (d) of the amount remaining after allocations provided for
14 in subsections (a), (a-1), (b)1 and (c), a sufficient amount
15 shall be reserved to pay all of the following:

16 (1) the costs of the Department of Revenue in
17 administering this Act;

18 (2) the costs of the Department of Transportation in
19 performing its duties imposed by the Illinois Highway Code
20 for supervising the use of motor fuel tax funds
21 apportioned to municipalities, counties and road
22 districts;

23 (3) refunds provided for in Section 13, refunds for
24 overpayment of decal fees paid under Section 13a.4 of this
25 Act, and refunds provided for under the terms of the
26 International Fuel Tax Agreement referenced in Section

1 14a;

2 (4) from October 1, 1985 until June 30, 1994, the
3 administration of the Vehicle Emissions Inspection Law,
4 which amount shall be certified monthly by the
5 Environmental Protection Agency to the State Comptroller
6 and shall promptly be transferred by the State Comptroller
7 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
8 Inspection Fund, and for the period July 1, 1994 through
9 June 30, 2000, one-twelfth of \$25,000,000 each month, for
10 the period July 1, 2000 through June 30, 2003, one-twelfth
11 of \$30,000,000 each month, and \$15,000,000 on July 1,
12 2003, and \$15,000,000 on January 1, 2004, and \$15,000,000
13 on each July 1 and October 1, or as soon thereafter as may
14 be practical, during the period July 1, 2004 through June
15 30, 2012, and \$30,000,000 on June 1, 2013, or as soon
16 thereafter as may be practical, and \$15,000,000 on July 1
17 and October 1, or as soon thereafter as may be practical,
18 during the period of July 1, 2013 through June 30, 2015,
19 for the administration of the Vehicle Emissions Inspection
20 Law of 2005, to be transferred by the State Comptroller
21 and Treasurer from the Motor Fuel Tax Fund into the
22 Vehicle Inspection Fund;

23 (4.5) beginning on July 1, 2019, the costs of the
24 Environmental Protection Agency for the administration of
25 the Vehicle Emissions Inspection Law of 2005 shall be
26 paid, subject to appropriation, from the Motor Fuel Tax

1 Fund into the Vehicle Inspection Fund; beginning in 2019,
2 no later than December 31 of each year, or as soon
3 thereafter as practical, the State Comptroller shall
4 direct and the State Treasurer shall transfer from the
5 Vehicle Inspection Fund to the Motor Fuel Tax Fund any
6 balance remaining in the Vehicle Inspection Fund in excess
7 of \$2,000,000;

8 (5) amounts ordered paid by the Court of Claims; and

9 (6) payment of motor fuel use taxes due to member
10 jurisdictions under the terms of the International Fuel
11 Tax Agreement. The Department shall certify these amounts
12 to the Comptroller by the 15th day of each month; the
13 Comptroller shall cause orders to be drawn for such
14 amounts, and the Treasurer shall administer those amounts
15 on or before the last day of each month;

16 (e) after allocations for the purposes set forth in
17 subsections (a), (a-1), (b), (c), and (d), the remaining
18 amount shall be apportioned as follows:

19 (1) Until January 1, 2000, 58.4%, and beginning
20 January 1, 2000, 45.6% shall be deposited as follows:

21 (A) 37% into the State Construction Account Fund,
22 and

23 (B) 63% into the Road Fund, \$1,250,000 of which
24 shall be reserved each month for the Department of
25 Transportation to be used in accordance with the
26 provisions of Sections 6-901 through 6-906 of the

1 Illinois Highway Code;

2 (2) Until January 1, 2000, 41.6%, and beginning
3 January 1, 2000, 54.4% shall be transferred to the
4 Department of Transportation to be distributed as follows:

5 (A) 49.10% to the municipalities of the State,

6 (B) 16.74% to the counties of the State having
7 1,000,000 or more inhabitants,

8 (C) 18.27% to the counties of the State having
9 less than 1,000,000 inhabitants,

10 (D) 15.89% to the road districts of the State.

11 If a township is dissolved under Article 24 of the
12 Township Code, McHenry County shall receive any moneys
13 that would have been distributed to the township under
14 this subparagraph, except that a municipality that assumes
15 the powers and responsibilities of a road district under
16 paragraph (6) of Section 24-35 of the Township Code shall
17 receive any moneys that would have been distributed to the
18 township in a percent equal to the area of the dissolved
19 road district or portion of the dissolved road district
20 over which the municipality assumed the powers and
21 responsibilities compared to the total area of the
22 dissolved township. The moneys received under this
23 subparagraph shall be used in the geographic area of the
24 dissolved township. If a township is reconstituted as
25 provided under Section 24-45 of the Township Code, McHenry
26 County or a municipality shall no longer be distributed

1 moneys under this subparagraph.

2 As soon as may be after the first day of each month, the
3 Department of Transportation shall allot to each municipality
4 its share of the amount apportioned to the several
5 municipalities which shall be in proportion to the population
6 of such municipalities as determined by the last preceding
7 municipal census if conducted by the Federal Government or
8 Federal census. If territory is annexed to any municipality
9 subsequent to the time of the last preceding census the
10 corporate authorities of such municipality may cause a census
11 to be taken of such annexed territory and the population so
12 ascertained for such territory shall be added to the
13 population of the municipality as determined by the last
14 preceding census for the purpose of determining the allotment
15 for that municipality. If the population of any municipality
16 was not determined by the last Federal census preceding any
17 apportionment, the apportionment to such municipality shall be
18 in accordance with any census taken by such municipality. Any
19 municipal census used in accordance with this Section shall be
20 certified to the Department of Transportation by the clerk of
21 such municipality, and the accuracy thereof shall be subject
22 to approval of the Department which may make such corrections
23 as it ascertains to be necessary.

24 As soon as may be after the first day of each month, the
25 Department of Transportation shall allot to each county its
26 share of the amount apportioned to the several counties of the

1 State as herein provided. Each allotment to the several
2 counties having less than 1,000,000 inhabitants shall be in
3 proportion to the amount of motor vehicle license fees
4 received from the residents of such counties, respectively,
5 during the preceding calendar year. The Secretary of State
6 shall, on or before April 15 of each year, transmit to the
7 Department of Transportation a full and complete report
8 showing the amount of motor vehicle license fees received from
9 the residents of each county, respectively, during the
10 preceding calendar year. The Department of Transportation
11 shall, each month, use for allotment purposes the last such
12 report received from the Secretary of State.

13 As soon as may be after the first day of each month, the
14 Department of Transportation shall allot to the several
15 counties their share of the amount apportioned for the use of
16 road districts. The allotment shall be apportioned among the
17 several counties in the State in the proportion which the
18 total mileage of township or district roads in the respective
19 counties bears to the total mileage of all township and
20 district roads in the State. Funds allotted to the respective
21 counties for the use of road districts therein shall be
22 allocated to the several road districts in the county in the
23 proportion which the total mileage of such township or
24 district roads in the respective road districts bears to the
25 total mileage of all such township or district roads in the
26 county. After July 1 of any year prior to 2011, no allocation

1 shall be made for any road district unless it levied a tax for
2 road and bridge purposes in an amount which will require the
3 extension of such tax against the taxable property in any such
4 road district at a rate of not less than either .08% of the
5 value thereof, based upon the assessment for the year
6 immediately prior to the year in which such tax was levied and
7 as equalized by the Department of Revenue or, in DuPage
8 County, an amount equal to or greater than \$12,000 per mile of
9 road under the jurisdiction of the road district, whichever is
10 less. Beginning July 1, 2011 and each July 1 thereafter, an
11 allocation shall be made for any road district if it levied a
12 tax for road and bridge purposes. In counties other than
13 DuPage County, if the amount of the tax levy requires the
14 extension of the tax against the taxable property in the road
15 district at a rate that is less than 0.08% of the value
16 thereof, based upon the assessment for the year immediately
17 prior to the year in which the tax was levied and as equalized
18 by the Department of Revenue, then the amount of the
19 allocation for that road district shall be a percentage of the
20 maximum allocation equal to the percentage obtained by
21 dividing the rate extended by the district by 0.08%. In DuPage
22 County, if the amount of the tax levy requires the extension of
23 the tax against the taxable property in the road district at a
24 rate that is less than the lesser of (i) 0.08% of the value of
25 the taxable property in the road district, based upon the
26 assessment for the year immediately prior to the year in which

1 such tax was levied and as equalized by the Department of
2 Revenue, or (ii) a rate that will yield an amount equal to
3 \$12,000 per mile of road under the jurisdiction of the road
4 district, then the amount of the allocation for the road
5 district shall be a percentage of the maximum allocation equal
6 to the percentage obtained by dividing the rate extended by
7 the district by the lesser of (i) 0.08% or (ii) the rate that
8 will yield an amount equal to \$12,000 per mile of road under
9 the jurisdiction of the road district.

10 Prior to 2011, if any road district has levied a special
11 tax for road purposes pursuant to Sections 6-601, 6-602, and
12 6-603 of the Illinois Highway Code, and such tax was levied in
13 an amount which would require extension at a rate of not less
14 than .08% of the value of the taxable property thereof, as
15 equalized or assessed by the Department of Revenue, or, in
16 DuPage County, an amount equal to or greater than \$12,000 per
17 mile of road under the jurisdiction of the road district,
18 whichever is less, such levy shall, however, be deemed a
19 proper compliance with this Section and shall qualify such
20 road district for an allotment under this Section. Beginning
21 in 2011 and thereafter, if any road district has levied a
22 special tax for road purposes under Sections 6-601, 6-602, and
23 6-603 of the Illinois Highway Code, and the tax was levied in
24 an amount that would require extension at a rate of not less
25 than 0.08% of the value of the taxable property of that road
26 district, as equalized or assessed by the Department of

1 Revenue or, in DuPage County, an amount equal to or greater
2 than \$12,000 per mile of road under the jurisdiction of the
3 road district, whichever is less, that levy shall be deemed a
4 proper compliance with this Section and shall qualify such
5 road district for a full, rather than proportionate, allotment
6 under this Section. If the levy for the special tax is less
7 than 0.08% of the value of the taxable property, or, in DuPage
8 County if the levy for the special tax is less than the lesser
9 of (i) 0.08% or (ii) \$12,000 per mile of road under the
10 jurisdiction of the road district, and if the levy for the
11 special tax is more than any other levy for road and bridge
12 purposes, then the levy for the special tax qualifies the road
13 district for a proportionate, rather than full, allotment
14 under this Section. If the levy for the special tax is equal to
15 or less than any other levy for road and bridge purposes, then
16 any allotment under this Section shall be determined by the
17 other levy for road and bridge purposes.

18 Prior to 2011, if a township has transferred to the road
19 and bridge fund money which, when added to the amount of any
20 tax levy of the road district would be the equivalent of a tax
21 levy requiring extension at a rate of at least .08%, or, in
22 DuPage County, an amount equal to or greater than \$12,000 per
23 mile of road under the jurisdiction of the road district,
24 whichever is less, such transfer, together with any such tax
25 levy, shall be deemed a proper compliance with this Section
26 and shall qualify the road district for an allotment under

1 this Section.

2 In counties in which a property tax extension limitation
3 is imposed under the Property Tax Extension Limitation Law,
4 road districts may retain their entitlement to a motor fuel
5 tax allotment or, beginning in 2011, their entitlement to a
6 full allotment if, at the time the property tax extension
7 limitation was imposed, the road district was levying a road
8 and bridge tax at a rate sufficient to entitle it to a motor
9 fuel tax allotment and continues to levy the maximum allowable
10 amount after the imposition of the property tax extension
11 limitation. Any road district may in all circumstances retain
12 its entitlement to a motor fuel tax allotment or, beginning in
13 2011, its entitlement to a full allotment if it levied a road
14 and bridge tax in an amount that will require the extension of
15 the tax against the taxable property in the road district at a
16 rate of not less than 0.08% of the assessed value of the
17 property, based upon the assessment for the year immediately
18 preceding the year in which the tax was levied and as equalized
19 by the Department of Revenue or, in DuPage County, an amount
20 equal to or greater than \$12,000 per mile of road under the
21 jurisdiction of the road district, whichever is less.

22 As used in this Section, the term "road district" means
23 any road district, including a county unit road district,
24 provided for by the Illinois Highway Code; and the term
25 "township or district road" means any road in the township and
26 district road system as defined in the Illinois Highway Code.

1 For the purposes of this Section, "township or district road"
2 also includes such roads as are maintained by park districts,
3 forest preserve districts and conservation districts. The
4 Department of Transportation shall determine the mileage of
5 all township and district roads for the purposes of making
6 allotments and allocations of motor fuel tax funds for use in
7 road districts.

8 Payment of motor fuel tax moneys to municipalities and
9 counties shall be made as soon as possible after the allotment
10 is made. The treasurer of the municipality or county may
11 invest these funds until their use is required and the
12 interest earned by these investments shall be limited to the
13 same uses as the principal funds.

14 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;
15 101-493, eff. 8-23-19; revised 9-24-19.)

16 Section 5-10. The Illinois Vehicle Code is amended by
17 changing Section 18c-7401 as follows:

18 (625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

19 Sec. 18c-7401. Safety Requirements for Track, Facilities,
20 and Equipment.

21 (1) General Requirements. Each rail carrier shall,
22 consistent with rules, orders, and regulations of the Federal
23 Railroad Administration, construct, maintain, and operate all
24 of its equipment, track, and other property in this State in

1 such a manner as to pose no undue risk to its employees or the
2 person or property of any member of the public.

3 (2) Adoption of Federal Standards. The track safety
4 standards and accident/incident standards promulgated by the
5 Federal Railroad Administration shall be safety standards of
6 the Commission. The Commission may, in addition, adopt by
7 reference in its regulations other federal railroad safety
8 standards, whether contained in federal statutes or in
9 regulations adopted pursuant to such statutes.

10 (3) Railroad Crossings. No public road, highway, or street
11 shall hereafter be constructed across the track of any rail
12 carrier at grade, nor shall the track of any rail carrier be
13 constructed across a public road, highway or street at grade,
14 without having first secured the permission of the Commission;
15 provided, that this Section shall not apply to the replacement
16 of lawfully existing roads, highways, and tracks. No public
17 pedestrian bridge or subway shall be constructed across the
18 track of any rail carrier without having first secured the
19 permission of the Commission. The Commission shall have the
20 right to refuse its permission or to grant it upon such terms
21 and conditions as it may prescribe. The Commission shall have
22 power to determine and prescribe the manner, including the
23 particular point of crossing, and the terms of installation,
24 operation, maintenance, use, and protection of each such
25 crossing.

26 The Commission shall also have power, after a hearing, to

1 require major alteration of or to abolish any crossing,
2 heretofore or hereafter established, when in its opinion, the
3 public safety requires such alteration or abolition, and,
4 except in cities, villages, and incorporated towns of
5 1,000,000 or more inhabitants, to vacate and close that part
6 of the highway on such crossing altered or abolished and cause
7 barricades to be erected across such highway in such manner as
8 to prevent the use of such crossing as a highway, when, in the
9 opinion of the Commission, the public convenience served by
10 the crossing in question is not such as to justify the further
11 retention thereof; or to require a separation of grades, at
12 railroad-highway grade crossings; or to require a separation
13 of grades at any proposed crossing where a proposed public
14 highway may cross the tracks of any rail carrier or carriers;
15 and to prescribe, after a hearing of the parties, the terms
16 upon which such separations shall be made and the proportion
17 in which the expense of the alteration or abolition of such
18 crossings or the separation of such grades, having regard to
19 the benefits, if any, accruing to the rail carrier or any party
20 in interest, shall be divided between the rail carrier or
21 carriers affected, or between such carrier or carriers and the
22 State, county, municipality or other public authority in
23 interest. However, a public hearing by the Commission to
24 abolish a crossing shall not be required when the public
25 highway authority in interest vacates the highway. In such
26 instance the rail carrier, following notification to the

1 Commission and the highway authority, shall remove any grade
2 crossing warning devices and the grade crossing surface.

3 The Commission shall also have power by its order to
4 require the reconstruction, minor alteration, minor
5 relocation, or improvement of any crossing (including the
6 necessary highway approaches thereto) of any railroad across
7 any highway or public road, pedestrian bridge, or pedestrian
8 subway, whether such crossing be at grade or by overhead
9 structure or by subway, whenever the Commission finds after a
10 hearing or without a hearing as otherwise provided in this
11 paragraph that such reconstruction, alteration, relocation, or
12 improvement is necessary to preserve or promote the safety or
13 convenience of the public or of the employees or passengers of
14 such rail carrier or carriers. By its original order or
15 supplemental orders in such case, the Commission may direct
16 such reconstruction, alteration, relocation, or improvement to
17 be made in such manner and upon such terms and conditions as
18 may be reasonable and necessary and may apportion the cost of
19 such reconstruction, alteration, relocation, or improvement
20 and the subsequent maintenance thereof, having regard to the
21 benefits, if any, accruing to the railroad or any party in
22 interest, between the rail carrier or carriers and public
23 utilities affected, or between such carrier or carriers and
24 public utilities and the State, county, municipality or other
25 public authority in interest. The cost to be so apportioned
26 shall include the cost of changes or alterations in the

1 equipment of public utilities affected as well as the cost of
2 the relocation, diversion or establishment of any public
3 highway, made necessary by such reconstruction, alteration,
4 relocation, or improvement of said crossing. A hearing shall
5 not be required in those instances when the Commission enters
6 an order confirming a written stipulation in which the
7 Commission, the public highway authority or other public
8 authority in interest, the rail carrier or carriers affected,
9 and in instances involving the use of the Grade Crossing
10 Protection Fund, the Illinois Department of Transportation,
11 agree on the reconstruction, alteration, relocation, or
12 improvement and the subsequent maintenance thereof and the
13 division of costs of such changes of any grade crossing
14 (including the necessary highway approaches thereto) of any
15 railroad across any highway, pedestrian bridge, or pedestrian
16 subway.

17 The Commission shall also have power to enter into
18 stipulated agreements with a rail carrier or rail carriers or
19 public authorities to fund, provide, install, and maintain
20 safety treatments to deter trespassing on railroad property in
21 accordance with paragraph (1) of Section 18c-7503 at locations
22 approved by such rail carrier or rail carriers following a
23 diagnostic evaluation between the Commission and the rail
24 carrier or rail carriers, including any public authority in
25 interest or the Federal Railroad Administration, and to order
26 the allocation of the cost of those treatments and their

1 installation and maintenance from the Grade Crossing
2 Protection Fund. Safety treatments approved under this
3 paragraph by the Commission shall be deemed adequate and
4 appropriate.

5 Every rail carrier operating in the State of Illinois
6 shall construct and maintain every highway crossing over its
7 tracks within the State so that the roadway at the
8 intersection shall be as flush with the rails as superelevated
9 curves will allow, and, unless otherwise ordered by the
10 Commission, shall construct and maintain the approaches
11 thereto at a grade of not more than 5% within the right of way
12 for a distance of not less the 6 feet on each side of the
13 centerline of such tracks; provided, that the grades at the
14 approaches may be maintained in excess of 5% only when
15 authorized by the Commission.

16 Every rail carrier operating within this State shall
17 remove from its right of way at all railroad-highway grade
18 crossings within the State, such brush, shrubbery, and trees
19 as is reasonably practical for a distance of not less than 500
20 feet in either direction from each grade crossing. The
21 Commission shall have power, upon its own motion, or upon
22 complaint, and after having made proper investigation, to
23 require the installation of adequate and appropriate luminous
24 reflective warning signs, luminous flashing signals, crossing
25 gates illuminated at night, or other protective devices in
26 order to promote and safeguard the health and safety of the

1 public. Luminous flashing signal or crossing gate devices
2 installed at grade crossings, which have been approved by the
3 Commission, shall be deemed adequate and appropriate. The
4 Commission shall have authority to determine the number, type,
5 and location of such signs, signals, gates, or other
6 protective devices which, however, shall conform as near as
7 may be with generally recognized national standards, and the
8 Commission shall have authority to prescribe the division of
9 the cost of the installation and subsequent maintenance of
10 such signs, signals, gates, or other protective devices
11 between the rail carrier or carriers, the public highway
12 authority or other public authority in interest, and in
13 instances involving the use of the Grade Crossing Protection
14 Fund, the Illinois Department of Transportation. Except where
15 train crews provide flagging of the crossing to road users,
16 yield signs shall be installed at all highway intersections
17 with every grade crossing in this State that is not equipped
18 with automatic warning devices, such as luminous flashing
19 signals or crossing gate devices. A stop sign may be used in
20 lieu of the yield sign when an engineering study conducted in
21 cooperation with the highway authority and the Illinois
22 Department of Transportation has determined that a stop sign
23 is warranted. If the Commission has ordered the installation
24 of luminous flashing signal or crossing gate devices at a
25 grade crossing not equipped with active warning devices, the
26 Commission shall order the installation of temporary stop

1 signs at the highway intersection with the grade crossing
2 unless an engineering study has determined that a stop sign is
3 not appropriate. If a stop sign is not appropriate, the
4 Commission may order the installation of other appropriate
5 supplemental signing as determined by an engineering study.
6 The temporary signs shall remain in place until the luminous
7 flashing signal or crossing gate devices have been installed.
8 The rail carrier is responsible for the installation and
9 subsequent maintenance of any required signs. The permanent
10 signs shall be in place by July 1, 2011.

11 No railroad may change or modify the warning device system
12 at a railroad-highway grade crossing, including warning
13 systems interconnected with highway traffic control signals,
14 without having first received the approval of the Commission.
15 The Commission shall have the further power, upon application,
16 upon its own motion, or upon complaint and after having made
17 proper investigation, to require the interconnection of grade
18 crossing warning devices with traffic control signals at
19 highway intersections located at or near railroad crossings
20 within the distances described by the State Manual on Uniform
21 Traffic Control Devices adopted pursuant to Section 11-301 of
22 this Code. In addition, State and local authorities may not
23 install, remove, modernize, or otherwise modify traffic
24 control signals at a highway intersection that is
25 interconnected or proposed to be interconnected with grade
26 crossing warning devices when the change affects the number,

1 type, or location of traffic control devices on the track
2 approach leg or legs of the intersection or the timing of the
3 railroad preemption sequence of operation until the Commission
4 has approved the installation, removal, modernization, or
5 modification. Commission approval shall be limited to
6 consideration of issues directly affecting the public safety
7 at the railroad-highway grade crossing. The electrical circuit
8 devices, alternate warning devices, and preemption sequences
9 shall conform as nearly as possible, considering the
10 particular characteristics of the crossing and intersection
11 area, to the State manual adopted by the Illinois Department
12 of Transportation pursuant to Section 11-301 of this Code and
13 such federal standards as are made applicable by subsection
14 (2) of this Section. In order to carry out this authority, the
15 Commission shall have the authority to determine the number,
16 type, and location of traffic control devices on the track
17 approach leg or legs of the intersection and the timing of the
18 railroad preemption sequence of operation. The Commission
19 shall prescribe the division of costs for installation and
20 maintenance of all devices required by this paragraph between
21 the railroad or railroads and the highway authority in
22 interest and in instances involving the use of the Grade
23 Crossing Protection Fund or a State highway, the Illinois
24 Department of Transportation.

25 Any person who unlawfully or maliciously removes, throws
26 down, damages or defaces any sign, signal, gate, or other

1 protective device, located at or near any public grade
2 crossing, shall be guilty of a petty offense and fined not less
3 than \$50 nor more than \$200 for each offense. In addition to
4 fines levied under the provisions of this Section a person
5 adjudged guilty hereunder may also be directed to make
6 restitution for the costs of repair or replacement, or both,
7 necessitated by his misconduct.

8 It is the public policy of the State of Illinois to enhance
9 public safety by establishing safe grade crossings. In order
10 to implement this policy, the Illinois Commerce Commission is
11 directed to conduct public hearings and to adopt specific
12 criteria by July 1, 1994, that shall be adhered to by the
13 Illinois Commerce Commission in determining if a grade
14 crossing should be opened or abolished. The following factors
15 shall be considered by the Illinois Commerce Commission in
16 developing the specific criteria for opening and abolishing
17 grade crossings:

- 18 (a) timetable speed of passenger trains;
19 (b) distance to an alternate crossing;
20 (c) accident history for the last 5 years;
21 (d) number of vehicular traffic and posted speed
22 limits;
23 (e) number of freight trains and their timetable
24 speeds;
25 (f) the type of warning device present at the grade
26 crossing;

1 (g) alignments of the roadway and railroad, and the
2 angle of intersection of those alignments;

3 (h) use of the grade crossing by trucks carrying
4 hazardous materials, vehicles carrying passengers for
5 hire, and school buses; and

6 (i) use of the grade crossing by emergency vehicles.

7 The Illinois Commerce Commission, upon petition to open or
8 abolish a grade crossing, shall enter an order opening or
9 abolishing the crossing if it meets the specific criteria
10 adopted by the Commission.

11 Except as otherwise provided in this subsection (3), in no
12 instance shall a grade crossing be permanently closed without
13 public hearing first being held and notice of such hearing
14 being published in an area newspaper of local general
15 circulation.

16 (4) Freight Trains; Radio Communications. The Commission
17 shall after hearing and order require that every main line
18 railroad freight train operating on main tracks outside of
19 yard limits within this State shall be equipped with a radio
20 communication system. The Commission after notice and hearing
21 may grant exemptions from the requirements of this Section as
22 to secondary and branch lines.

23 (5) Railroad Bridges and Trestles; Walkway and Handrail.
24 In cases in which the Commission finds the same to be practical
25 and necessary for safety of railroad employees, bridges and
26 trestles, over and upon which railroad trains are operated,

1 shall include as a part thereof, a safe and suitable walkway
2 and handrail on one side only of such bridge or trestle, and
3 such handrail shall be located at the outer edge of the walkway
4 and shall provide a clearance of not less than 8 feet, 6
5 inches, from the center line of the nearest track, measured at
6 right angles thereto.

7 (6) Packages Containing Articles for First Aid to Injured
8 on Trains.

9 (a) All rail carriers shall provide a first aid kit
10 that contains, at a minimum, those articles prescribed by
11 the Commission, on each train or engine, for first aid to
12 persons who may be injured in the course of the operation
13 of such trains.

14 (b) A vehicle, excluding a taxi cab used in an
15 emergency situation, operated by a contract carrier
16 transporting railroad employees in the course of their
17 employment shall be equipped with a readily available
18 first aid kit that contains, as a minimum, the same
19 articles that are required on each train or engine.

20 (7) Abandoned Bridges, Crossings, and Other Rail Plant.
21 The Commission shall have authority, after notice and hearing,
22 to order:

23 (a) the removal of any abandoned railroad tracks from
24 roads, streets or other thoroughfares in this State; and

25 (b) the removal of abandoned overhead railroad
26 structures crossing highways, waterways, or railroads.

1 The Commission may equitably apportion the cost of such
2 actions between the rail carrier or carriers, public
3 utilities, and the State, county, municipality, township, road
4 district, or other public authority in interest.

5 (8) Railroad-Highway Bridge Clearance. A vertical
6 clearance of not less than 23 feet above the top of rail shall
7 be provided for all new or reconstructed highway bridges
8 constructed over a railroad track. The Commission may permit a
9 lesser clearance if it determines that the 23-foot clearance
10 standard cannot be justified based on engineering,
11 operational, and economic conditions.

12 (9) Right of Access To Railroad Property.

13 (a) A community antenna television company franchised
14 by a municipality or county pursuant to the Illinois
15 Municipal Code or the Counties Code, respectively, shall
16 not enter upon any real estate or rights-of-way in the
17 possession or control of a railroad subject to the
18 jurisdiction of the Illinois Commerce Commission unless
19 the community antenna television company first complies
20 with the applicable provisions of subparagraph (f) of
21 Section 11-42-11.1 of the Illinois Municipal Code or
22 subparagraph (f) of Section 5-1096 of the Counties Code.

23 (b) Notwithstanding any provision of law to the
24 contrary, this subsection (9) applies to all entries of
25 railroad rights-of-way involving a railroad subject to the
26 jurisdiction of the Illinois Commerce Commission by a

1 community antenna television company and shall govern in
2 the event of any conflict with any other provision of law.

3 (c) This subsection (9) applies to any entry upon any
4 real estate or right-of-way in the possession or control
5 of a railroad subject to the jurisdiction of the Illinois
6 Commerce Commission for the purpose of or in connection
7 with the construction, or installation of a community
8 antenna television company's system or facilities
9 commenced or renewed on or after August 22, 2017 (the
10 effective date of Public Act 100-251).

11 (d) Nothing in Public Act 100-251 shall be construed
12 to prevent a railroad from negotiating other terms and
13 conditions or the resolution of any dispute in relation to
14 an entry upon or right of access as set forth in this
15 subsection (9).

16 (e) For purposes of this subsection (9):

17 "Broadband service", "cable operator", and "holder"
18 have the meanings given to those terms under Section
19 21-201 of the Public Utilities Act.

20 "Community antenna television company" includes, in
21 the case of real estate or rights-of-way in possession of
22 or in control of a railroad, a holder, cable operator, or
23 broadband service provider.

24 (f) Beginning on August 22, 2017 (the effective date
25 of Public Act 100-251), the Transportation Division of the
26 Illinois Commerce Commission shall include in its annual

1 Crossing Safety Improvement Program report a brief
2 description of the number of cases decided by the Illinois
3 Commerce Commission and the number of cases that remain
4 pending before the Illinois Commerce Commission under this
5 subsection (9) for the period covered by the report.

6 (Source: P.A. 100-251, eff. 8-22-17; 101-81, eff. 7-12-19.)

7 ARTICLE 6. SPORTS FACILITIES AUTHORITY

8 Section 6-5. The State Finance Act is amended by changing
9 Section 8.25-4 as follows:

10 (30 ILCS 105/8.25-4) (from Ch. 127, par. 144.25-4)

11 Sec. 8.25-4. All moneys in the Illinois Sports Facilities
12 Fund are allocated to and shall be transferred, appropriated
13 and used only for the purposes authorized by, and subject to,
14 the limitations and conditions of this Section.

15 All moneys deposited pursuant to Section 13.1 of "An Act
16 in relation to State revenue sharing with local governmental
17 entities", as amended, and all moneys deposited with respect
18 to the \$5,000,000 deposit, but not the additional \$8,000,000
19 advance applicable before July 1, 2001, or the Advance Amount
20 applicable on and after that date, pursuant to Section 6 of
21 "The Hotel Operators' Occupation Tax Act", as amended, into
22 the Illinois Sports Facilities Fund shall be credited to the
23 Subsidy Account within the Fund. All moneys deposited with

1 respect to the additional \$8,000,000 advance applicable before
2 July 1, 2001, or the Advance Amount applicable on and after
3 that date, but not the \$5,000,000 deposit, pursuant to Section
4 6 of "The Hotel Operators' Occupation Tax Act", as amended,
5 into the Illinois Sports Facilities Fund shall be credited to
6 the Advance Account within the Fund.

7 Beginning with fiscal year 1989 and continuing for each
8 fiscal year thereafter through and including fiscal year 2001,
9 no less than 30 days before the beginning of such fiscal year
10 (except as soon as may be practicable after the effective date
11 of this amendatory Act of 1988 with respect to fiscal year
12 1989) the Chairman of the Illinois Sports Facilities Authority
13 shall certify to the State Comptroller and the State
14 Treasurer, without taking into account any revenues or
15 receipts of the Authority, the lesser of (a) \$18,000,000 and
16 (b) the sum of (i) the amount anticipated to be required by the
17 Authority during the fiscal year to pay principal of and
18 interest on, and other payments relating to, its obligations
19 issued or to be issued under Section 13 of the Illinois Sports
20 Facilities Authority Act, including any deposits required to
21 reserve funds created under any indenture or resolution
22 authorizing issuance of the obligations and payments to
23 providers of credit enhancement, (ii) the amount anticipated
24 to be required by the Authority during the fiscal year to pay
25 obligations under the provisions of any management agreement
26 with respect to a facility or facilities owned by the

1 Authority or of any assistance agreement with respect to any
2 facility for which financial assistance is provided under the
3 Illinois Sports Facilities Authority Act, and to pay other
4 capital and operating expenses of the Authority during the
5 fiscal year, including any deposits required to reserve funds
6 created for repair and replacement of capital assets and to
7 meet the obligations of the Authority under any management
8 agreement or assistance agreement, and (iii) any amounts under
9 (i) and (ii) above remaining unpaid from previous years.

10 Beginning with fiscal year 2002 and continuing for each
11 fiscal year thereafter, no less than 30 days before the
12 beginning of such fiscal year, the Chairman of the Illinois
13 Sports Facilities Authority shall certify to the State
14 Comptroller and the State Treasurer, without taking into
15 account any revenues or receipts of the Authority, the lesser
16 of (a) an amount equal to the sum of the Advance Amount plus
17 \$10,000,000 and (b) the sum of (i) the amount anticipated to be
18 required by the Authority during the fiscal year to pay
19 principal of and interest on, and other payments relating to,
20 its obligations issued or to be issued under Section 13 of the
21 Illinois Sports Facilities Authority Act, including any
22 deposits required to reserve funds created under any indenture
23 or resolution authorizing issuance of the obligations and
24 payments to providers of credit enhancement, (ii) the amount
25 anticipated to be required by the Authority during the fiscal
26 year to pay obligations under the provisions of any management

1 agreement with respect to a facility or facilities owned by
2 the Authority or any assistance agreement with respect to any
3 facility for which financial assistance is provided under the
4 Illinois Sports Facilities Authority Act, and to pay other
5 capital and operating expenses of the Authority during the
6 fiscal year, including any deposits required to reserve funds
7 created for repair and replacement of capital assets and to
8 meet the obligations of the Authority under any management
9 agreement or assistance agreement, and (iii) any amounts under
10 (i) and (ii) above remaining unpaid from previous years.

11 A copy of any certification made by the Chairman under the
12 preceding 2 paragraphs shall be filed with the Governor and
13 the Mayor of the City of Chicago. The Chairman may file an
14 amended certification from time to time.

15 Subject to sufficient appropriation by the General
16 Assembly, beginning with July 1, 1988 and thereafter
17 continuing on the first day of each month during each fiscal
18 year through and including fiscal year 2001, the Comptroller
19 shall order paid and the Treasurer shall pay to the Authority
20 the amount in the Illinois Sports Facilities Fund until (x)
21 the lesser of \$10,000,000 or the amount appropriated for
22 payment to the Authority from amounts credited to the Subsidy
23 Account and (y) the lesser of \$8,000,000 or the difference
24 between the amount appropriated for payment to the Authority
25 during the fiscal year and \$10,000,000 has been paid from
26 amounts credited to the Advance Account.

1 Subject to sufficient appropriation by the General
2 Assembly, beginning with July 1, 2001, and thereafter
3 continuing on the first day of each month during each fiscal
4 year thereafter, the Comptroller shall order paid and the
5 Treasurer shall pay to the Authority the amount in the
6 Illinois Sports Facilities Fund until (x) the lesser of
7 \$10,000,000 or the amount appropriated for payment to the
8 Authority from amounts credited to the Subsidy Account and (y)
9 the lesser of the Advance Amount or the difference between the
10 amount appropriated for payment to the Authority during the
11 fiscal year and \$10,000,000 has been paid from amounts
12 credited to the Advance Account.

13 Provided that all amounts deposited in the Illinois Sports
14 Facilities Fund and credited to the Subsidy Account, to the
15 extent requested pursuant to the Chairman's certification,
16 have been paid, on June 30, 1989, and on June 30 of each year
17 thereafter, all amounts remaining in the Subsidy Account of
18 the Illinois Sports Facilities Fund shall be transferred by
19 the State Treasurer one-half to the General Revenue Fund in
20 the State Treasury and one-half to the City Tax Fund. Provided
21 that all amounts appropriated from the Illinois Sports
22 Facilities Fund, to the extent requested pursuant to the
23 Chairman's certification, have been paid, on June 30, 1989,
24 and on June 30 of each year thereafter, all amounts remaining
25 in the Advance Account of the Illinois Sports Facilities Fund
26 shall be transferred by the State Treasurer to the General

1 Revenue Fund in the State Treasury.

2 For purposes of this Section, the term "Advance Amount"
3 means, for fiscal year 2002, \$22,179,000, and for subsequent
4 fiscal years through fiscal year 2033 ~~2032~~, 105.615% of the
5 Advance Amount for the immediately preceding fiscal year,
6 rounded up to the nearest \$1,000.

7 (Source: P.A. 91-935, eff. 6-1-01.)

8 Section 6-10. The Hotel Operators' Occupation Tax Act is
9 amended by changing Section 6 as follows:

10 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

11 Sec. 6. Filing of returns and distribution of proceeds.

12 Except as provided hereinafter in this Section, on or
13 before the last day of each calendar month, every person
14 engaged in the business of renting, leasing or letting rooms
15 in a hotel in this State during the preceding calendar month
16 shall file a return with the Department, stating:

17 1. The name of the operator;

18 2. His residence address and the address of his
19 principal place of business and the address of the
20 principal place of business (if that is a different
21 address) from which he engages in the business of renting,
22 leasing or letting rooms in a hotel in this State;

23 3. Total amount of rental receipts received by him
24 during the preceding calendar month from renting, leasing

1 or letting rooms during such preceding calendar month;

2 4. Total amount of rental receipts received by him
3 during the preceding calendar month from renting, leasing
4 or letting rooms to permanent residents during such
5 preceding calendar month;

6 5. Total amount of other exclusions from gross rental
7 receipts allowed by this Act;

8 6. Gross rental receipts which were received by him
9 during the preceding calendar month and upon the basis of
10 which the tax is imposed;

11 7. The amount of tax due;

12 8. Such other reasonable information as the Department
13 may require.

14 If the operator's average monthly tax liability to the
15 Department does not exceed \$200, the Department may authorize
16 his returns to be filed on a quarter annual basis, with the
17 return for January, February and March of a given year being
18 due by April 30 of such year; with the return for April, May
19 and June of a given year being due by July 31 of such year;
20 with the return for July, August and September of a given year
21 being due by October 31 of such year, and with the return for
22 October, November and December of a given year being due by
23 January 31 of the following year.

24 If the operator's average monthly tax liability to the
25 Department does not exceed \$50, the Department may authorize
26 his returns to be filed on an annual basis, with the return for

1 a given year being due by January 31 of the following year.

2 Such quarter annual and annual returns, as to form and
3 substance, shall be subject to the same requirements as
4 monthly returns.

5 Notwithstanding any other provision in this Act concerning
6 the time within which an operator may file his return, in the
7 case of any operator who ceases to engage in a kind of business
8 which makes him responsible for filing returns under this Act,
9 such operator shall file a final return under this Act with the
10 Department not more than 1 month after discontinuing such
11 business.

12 Where the same person has more than 1 business registered
13 with the Department under separate registrations under this
14 Act, such person shall not file each return that is due as a
15 single return covering all such registered businesses, but
16 shall file separate returns for each such registered business.

17 In his return, the operator shall determine the value of
18 any consideration other than money received by him in
19 connection with the renting, leasing or letting of rooms in
20 the course of his business and he shall include such value in
21 his return. Such determination shall be subject to review and
22 revision by the Department in the manner hereinafter provided
23 for the correction of returns.

24 Where the operator is a corporation, the return filed on
25 behalf of such corporation shall be signed by the president,
26 vice-president, secretary or treasurer or by the properly

1 accredited agent of such corporation.

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

12 If any payment provided for in this Section exceeds the
13 operator's liabilities under this Act, as shown on an original
14 return, the Department may authorize the operator to credit
15 such excess payment against liability subsequently to be
16 remitted to the Department under this Act, in accordance with
17 reasonable rules adopted by the Department. If the Department
18 subsequently determines that all or any part of the credit
19 taken was not actually due to the operator, the operator's
20 discount shall be reduced by an amount equal to the difference
21 between the discount as applied to the credit taken and that
22 actually due, and that operator shall be liable for penalties
23 and interest on such difference.

24 There shall be deposited in the Build Illinois Fund in the
25 State Treasury for each State fiscal year 40% of the amount of
26 total net proceeds from the tax imposed by subsection (a) of

1 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited
2 in the Illinois Sports Facilities Fund and credited to the
3 Subsidy Account each fiscal year by making monthly deposits in
4 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies
5 in such deposits for prior months, and an additional
6 \$8,000,000 shall be deposited in the Illinois Sports
7 Facilities Fund and credited to the Advance Account each
8 fiscal year by making monthly deposits in the amount of 1/8 of
9 \$8,000,000 plus any cumulative deficiencies in such deposits
10 for prior months; provided, that for fiscal years ending after
11 June 30, 2001, the amount to be so deposited into the Illinois
12 Sports Facilities Fund and credited to the Advance Account
13 each fiscal year shall be increased from \$8,000,000 to the
14 then applicable Advance Amount and the required monthly
15 deposits beginning with July 2001 shall be in the amount of 1/8
16 of the then applicable Advance Amount plus any cumulative
17 deficiencies in those deposits for prior months. (The deposits
18 of the additional \$8,000,000 or the then applicable Advance
19 Amount, as applicable, during each fiscal year shall be
20 treated as advances of funds to the Illinois Sports Facilities
21 Authority for its corporate purposes to the extent paid to the
22 Authority or its trustee and shall be repaid into the General
23 Revenue Fund in the State Treasury by the State Treasurer on
24 behalf of the Authority pursuant to Section 19 of the Illinois
25 Sports Facilities Authority Act, as amended. If in any fiscal
26 year the full amount of the then applicable Advance Amount is

1 not repaid into the General Revenue Fund, then the deficiency
2 shall be paid from the amount in the Local Government
3 Distributive Fund that would otherwise be allocated to the
4 City of Chicago under the State Revenue Sharing Act.)

5 For purposes of the foregoing paragraph, the term "Advance
6 Amount" means, for fiscal year 2002, \$22,179,000, and for
7 subsequent fiscal years through fiscal year 2033 ~~2032~~,
8 105.615% of the Advance Amount for the immediately preceding
9 fiscal year, rounded up to the nearest \$1,000.

10 Of the remaining 60% of the amount of total net proceeds
11 prior to August 1, 2011 from the tax imposed by subsection (a)
12 of Section 3 after all required deposits in the Illinois
13 Sports Facilities Fund, the amount equal to 8% of the net
14 revenue realized from this Act plus an amount equal to 8% of
15 the net revenue realized from any tax imposed under Section
16 4.05 of the Chicago World's Fair-1992 Authority Act during the
17 preceding month shall be deposited in the Local Tourism Fund
18 each month for purposes authorized by Section 605-705 of the
19 Department of Commerce and Economic Opportunity Law (20 ILCS
20 605/605-705). Of the remaining 60% of the amount of total net
21 proceeds beginning on August 1, 2011 from the tax imposed by
22 subsection (a) of Section 3 after all required deposits in the
23 Illinois Sports Facilities Fund, an amount equal to 8% of the
24 net revenue realized from this Act plus an amount equal to 8%
25 of the net revenue realized from any tax imposed under Section
26 4.05 of the Chicago World's Fair-1992 Authority Act during the

1 preceding month shall be deposited as follows: 18% of such
2 amount shall be deposited into the Chicago Travel Industry
3 Promotion Fund for the purposes described in subsection (n) of
4 Section 5 of the Metropolitan Pier and Exposition Authority
5 Act and the remaining 82% of such amount shall be deposited
6 into the Local Tourism Fund each month for purposes authorized
7 by Section 605-705 of the Department of Commerce and Economic
8 Opportunity Law. Beginning on August 1, 1999 and ending on
9 July 31, 2011, an amount equal to 4.5% of the net revenue
10 realized from the Hotel Operators' Occupation Tax Act during
11 the preceding month shall be deposited into the International
12 Tourism Fund for the purposes authorized in Section 605-707 of
13 the Department of Commerce and Economic Opportunity Law.
14 Beginning on August 1, 2011, an amount equal to 4.5% of the net
15 revenue realized from this Act during the preceding month
16 shall be deposited as follows: 55% of such amount shall be
17 deposited into the Chicago Travel Industry Promotion Fund for
18 the purposes described in subsection (n) of Section 5 of the
19 Metropolitan Pier and Exposition Authority Act and the
20 remaining 45% of such amount deposited into the International
21 Tourism Fund for the purposes authorized in Section 605-707 of
22 the Department of Commerce and Economic Opportunity Law. "Net
23 revenue realized for a month" means the revenue collected by
24 the State under that Act during the previous month less the
25 amount paid out during that same month as refunds to taxpayers
26 for overpayment of liability under that Act.

1 After making all these deposits, all other proceeds of the
2 tax imposed under subsection (a) of Section 3 shall be
3 deposited in the Tourism Promotion Fund in the State Treasury.
4 All moneys received by the Department from the additional tax
5 imposed under subsection (b) of Section 3 shall be deposited
6 into the Build Illinois Fund in the State Treasury.

7 The Department may, upon separate written notice to a
8 taxpayer, require the taxpayer to prepare and file with the
9 Department on a form prescribed by the Department within not
10 less than 60 days after receipt of the notice an annual
11 information return for the tax year specified in the notice.
12 Such annual return to the Department shall include a statement
13 of gross receipts as shown by the operator's last State income
14 tax return. If the total receipts of the business as reported
15 in the State income tax return do not agree with the gross
16 receipts reported to the Department for the same period, the
17 operator shall attach to his annual information return a
18 schedule showing a reconciliation of the 2 amounts and the
19 reasons for the difference. The operator's annual information
20 return to the Department shall also disclose pay roll
21 information of the operator's business during the year covered
22 by such return and any additional reasonable information which
23 the Department deems would be helpful in determining the
24 accuracy of the monthly, quarterly or annual tax returns by
25 such operator as hereinbefore provided for in this Section.

26 If the annual information return required by this Section

1 is not filed when and as required the taxpayer shall be liable
2 for a penalty in an amount determined in accordance with
3 Section 3-4 of the Uniform Penalty and Interest Act until such
4 return is filed as required, the penalty to be assessed and
5 collected in the same manner as any other penalty provided for
6 in this Act.

7 The chief executive officer, proprietor, owner or highest
8 ranking manager shall sign the annual return to certify the
9 accuracy of the information contained therein. Any person who
10 willfully signs the annual return containing false or
11 inaccurate information shall be guilty of perjury and punished
12 accordingly. The annual return form prescribed by the
13 Department shall include a warning that the person signing the
14 return may be liable for perjury.

15 The foregoing portion of this Section concerning the
16 filing of an annual information return shall not apply to an
17 operator who is not required to file an income tax return with
18 the United States Government.

19 (Source: P.A. 100-23, eff. 7-6-17; 100-1171, eff. 1-4-19.)

20 Section 6-15. The Illinois Sports Facilities Authority Act
21 is amended by changing Section 13 as follows:

22 (70 ILCS 3205/13) (from Ch. 85, par. 6013)

23 Sec. 13. Bonds and notes.

24 (A) (1) The Authority may at any time and from time to time

1 issue bonds and notes for any corporate purpose, including the
2 establishment of reserves and the payment of interest and
3 costs of issuance. In this Act the term "bonds" includes notes
4 of any kind, interim certificates, refunding bonds, or any
5 other evidence of obligation for borrowed money issued under
6 this Section 13. Bonds may be issued in one or more series and
7 may be payable and secured either on a parity with or
8 separately from other bonds.

9 (2) The bonds of any issue shall be payable solely from all
10 or any part of the property or revenues of the Authority,
11 including, without limitation:

12 (i) Rents, rates, fees, charges or other revenues
13 payable to or any receipts of the Authority, including
14 amounts which are deposited pursuant to the Act with a
15 trustee for bondholders;

16 (ii) Payments by financial institutions, insurance
17 companies, or others pursuant to letters or lines of
18 credit, policies of insurance, or purchase agreements;

19 (iii) Investment earnings from funds or accounts
20 maintained pursuant to a bond resolution or trust
21 agreement; and

22 (iv) Proceeds of refunding bonds.

23 (3) Bonds may be authorized by a resolution of the
24 Authority and may be secured by a trust agreement by and
25 between the Authority and a corporate trustee or trustees,
26 which may be any trust company or bank having the powers of a

1 trust company within or without the State. Bonds may:

2 (i) Mature at a time or times, whether as serial bonds
3 or as term bonds or both, not exceeding 40 years from their
4 respective dates of issue;

5 (ii) Notwithstanding the provision of "An Act to
6 authorize public corporations to issue bonds, other
7 evidences of indebtedness and tax anticipation warrants
8 subject to interest rate limitations set forth therein",
9 approved May 26, 1970, as now or hereafter amended, or any
10 other provision of law, bear interest at any fixed or
11 variable rate or rates determined by the method provided
12 in the resolution or trust agreement;

13 (iii) Be payable at a time or times, in the
14 denominations and form, either coupon or registered or
15 both, and carry the registration and privileges as to
16 exchange, transfer or conversion and for the replacement
17 of mutilated, lost, or destroyed bonds as the resolution
18 or trust agreement may provide;

19 (iv) Be payable in lawful money of the United States
20 at a designated place;

21 (v) Be subject to the terms of purchase, payment,
22 redemption, refunding or refinancing that the resolution
23 or trust agreement provides;

24 (vi) Be executed by the manual or facsimile signatures
25 of the officers of the Authority designated by the
26 Authority which signatures shall be valid at delivery even

1 for one who has ceased to hold office; and

2 (vii) Be sold in the manner and upon the terms
3 determined by the Authority.

4 (B) Any resolution or trust agreement may contain
5 provisions which shall be a part of the contract with the
6 holders of the bonds as to:

7 (1) Pledging, assigning or directing the use,
8 investment, or disposition of all or any part of the
9 revenues of the Authority or proceeds or benefits of any
10 contract including, without limit, any management
11 agreement or assistance agreement and conveying or
12 otherwise securing any property or property rights;

13 (2) The setting aside of loan funding deposits, debt
14 service reserves, capitalized interest accounts,
15 replacement or operating reserves, cost of issuance
16 accounts and sinking funds, and the regulation,
17 investment, and disposition thereof;

18 (3) Limitations on the purposes to which or the
19 investments in which the proceeds of sale of any issue of
20 bonds or the Authority's revenues and receipts may be
21 applied or made;

22 (4) Limitations on the issue of additional bonds, the
23 terms upon which additional bonds may be issued and
24 secured, the terms upon which additional bonds may rank on
25 a parity with, or be subordinate or superior to, other
26 bonds;

1 (5) The refunding, advance refunding or refinancing of
2 outstanding bonds;

3 (6) The procedure, if any, by which the terms of any
4 contract with bondholders may be altered or amended and
5 the amount of bonds and holders of which must consent
6 thereto, and the manner in which consent shall be given;

7 (7) Defining the acts or omissions which shall
8 constitute a default in the duties of the Authority to
9 holders of bonds and providing the rights or remedies of
10 such holders in the event of a default which may include
11 provisions restricting individual right of action by
12 bondholders;

13 (8) Providing for guarantees, pledges of property,
14 letters of credit, or other security, or insurance for the
15 benefit of bondholders; and

16 (9) Any other matter relating to the bonds which the
17 Authority determines appropriate.

18 (C) No member of the Authority nor any person executing
19 the bonds shall be liable personally on the bonds or subject to
20 any personal liability by reason of the issuance of the bonds.

21 (D) The Authority may enter into agreements with agents,
22 banks, insurers, or others for the purpose of enhancing the
23 marketability of or security for its bonds.

24 (E) (1) A pledge by the Authority of revenues and receipts
25 as security for an issue of bonds or for the performance of its
26 obligations under any management agreement or assistance

1 agreement shall be valid and binding from the time when the
2 pledge is made.

3 (2) The revenues and receipts pledged shall immediately be
4 subject to the lien of the pledge without any physical
5 delivery or further act, and the lien of any pledge shall be
6 valid and binding against any person having any claim of any
7 kind in tort, contract or otherwise against the Authority,
8 irrespective of whether the person has notice.

9 (3) No resolution, trust agreement, management agreement
10 or assistance agreement or any financing statement,
11 continuation statement, or other instrument adopted or entered
12 into by the Authority need be filed or recorded in any public
13 record other than the records of the Authority in order to
14 perfect the lien against third persons, regardless of any
15 contrary provision of law.

16 (F) The Authority may issue bonds to refund, advance
17 refund or refinance any of its bonds then outstanding,
18 including the payment of any redemption premium and any
19 interest accrued or to accrue to the earliest or any
20 subsequent date of redemption, purchase or maturity of the
21 bonds. Refunding or advance refunding bonds may be issued for
22 the public purposes of realizing savings in the effective
23 costs of debt service, directly or through a debt
24 restructuring, for alleviating impending or actual default, or
25 for paying principal of, redemption premium, if any, and
26 interest on bonds as they mature or are subject to redemption,

1 and may be issued in one or more series in an amount in excess
2 of that of the bonds to be refunded.

3 (G) At no time shall the total outstanding bonds and notes
4 of the Authority issued under this Section 13 exceed (i)
5 \$150,000,000 in connection with facilities owned by the
6 Authority or in connection with other authorized corporate
7 purposes of the Authority and (ii) \$399,000,000 in connection
8 with facilities owned by a governmental owner other than the
9 Authority; however, the limit on the total outstanding bond
10 and notes set forth in this sentence shall not apply to any
11 refunding or restructuring bonds issued by the Authority on
12 and after the effective date of this amendatory Act of the
13 102nd General Assembly but prior to December 31, 2024. Bonds
14 which are being paid or retired by issuance, sale or delivery
15 of bonds or notes, and bonds or notes for which sufficient
16 funds have been deposited with the paying agent or trustee to
17 provide for payment of principal and interest thereon, and any
18 redemption premium, as provided in the authorizing resolution,
19 shall not be considered outstanding for the purposes of this
20 paragraph.

21 (H) The bonds and notes of the Authority shall not be
22 indebtedness of the City of Chicago, of the State, or of any
23 political subdivision of the State other than the Authority.
24 The bonds and notes of the Authority are not general
25 obligations of the State of Illinois or the City of Chicago, or
26 of any other political subdivision of the State other than the

1 Authority, and are not secured by a pledge of the full faith
2 and credit of the State of Illinois or the City of Chicago, or
3 of any other political subdivision of the State other than the
4 Authority, and the holders of bonds and notes of the Authority
5 may not require the levy or imposition by the State or the City
6 of Chicago, or any other political subdivision of the State
7 other than the Authority, of any taxes or, except as provided
8 in this Act, the application of revenues or funds of the State
9 of Illinois or the City of Chicago or any other political
10 subdivision of the State other than the Authority to the
11 payment of bonds and notes of the Authority.

12 (I) In order to provide for the payment of debt service
13 requirements (including amounts for reserve funds and to pay
14 the costs of credit enhancements) on bonds issued pursuant to
15 this Act, the Authority may provide in any trust agreement
16 securing such bonds for a pledge and assignment of its right to
17 all amounts to be received from the Illinois Sports Facilities
18 Fund and for a pledge and assignment (subject to the terms of
19 any management agreement or assistance agreement) of all taxes
20 and other amounts to be received under Section 19 of this Act
21 and may further provide by written notice to the State
22 Treasurer and State Comptroller (which notice shall constitute
23 a direction to those officers) for a direct payment of these
24 amounts to the trustee for its bondholders.

25 (J) The State of Illinois pledges to and agrees with the
26 holders of the bonds and notes of the Authority issued

1 pursuant to this Act that the State will not limit or alter the
2 rights and powers vested in the Authority by this Act so as to
3 impair the terms of any contract made by the Authority with
4 such holders or in any way impair the rights and remedies of
5 such holders until such bonds and notes, together with
6 interest thereon, with interest on any unpaid installments of
7 interest, and all costs and expenses in connection with any
8 action or proceedings by or on behalf of such holders, are
9 fully met and discharged. In addition, the State pledges to
10 and agrees with the holders of the bonds and notes of the
11 Authority issued pursuant to this Act that the State will not
12 limit or alter the basis on which State funds are to be
13 allocated, deposited and paid to the Authority as provided in
14 this Act, or the use of such funds, so as to impair the terms
15 of any such contract. The Authority is authorized to include
16 these pledges and agreements of the State in any contract with
17 the holders of bonds or notes issued pursuant to this Section.
18 Nothing in this amendatory Act of the 102nd General Assembly
19 is intended to limit or alter the rights and powers of the
20 Authority so as to impair the terms of any contract made by the
21 Authority with the holders of the bonds and notes of the
22 Authority issued pursuant to this Act.

23 (Source: P.A. 91-935, eff. 6-1-01.)

24 ARTICLE 7. LAW ENFORCEMENT TRAINING

1 Section 7-5. The Illinois Motor Vehicle Theft Prevention
2 and Insurance Verification Act is amended by adding Section
3 8.6 as follows:

4 (20 ILCS 4005/8.6 new)

5 Sec. 8.6. State Police Training and Academy Fund; Law
6 Enforcement Training Fund. Before April 1 of each year, each
7 insurer engaged in writing private passenger motor vehicle
8 insurance coverage that is included in Class 2 and Class 3 of
9 Section 4 of the Illinois Insurance Code, as a condition of its
10 authority to transact business in this State, shall collect
11 and remit to the Department of Insurance an amount equal to \$4,
12 or a lesser amount determined by the Illinois Law Enforcement
13 Training Board by rule, multiplied by the insurer's total
14 earned car years of private passenger motor vehicle insurance
15 policies providing physical damage insurance coverage written
16 in this State during the preceding calendar year. Of the
17 amounts collected under this Section, the Department of
18 Insurance shall deposit 10% into the State Police Training and
19 Academy Fund and 90% into the Law Enforcement Training Fund.

20 Section 7-10. The State Finance Act is amended by adding
21 Sections 5.935, 5.936, 6z-125, and 6z-126 as follows:

22 (30 ILCS 105/5.935 new)

23 Sec. 5.935. The State Police Training and Academy Fund.

(30 ILCS 105/5.936 new)

Sec. 5.936. The Law Enforcement Training Fund.

(30 ILCS 105/6z-125 new)

Sec. 6z-125. State Police Training and Academy Fund. The State Police Training and Academy Fund is hereby created as a special fund in the State treasury. Moneys in the Fund shall consist of: (i) 10% of the revenue from increasing the insurance producer license fees, as provided under subsection (a-5) of Section 500-135 of the Illinois Insurance Code; and (ii) 10% of the moneys collected from auto insurance policy fees under Section 8.6 of the Illinois Motor Vehicle Theft Prevention and Insurance Verification Act. This Fund shall be used by the Illinois State Police to fund training and other State Police institutions, including, but not limited to, forensic laboratories.

(30 ILCS 105/6z-126 new)

Sec. 6z-126. Law Enforcement Training Fund. The Law Enforcement Training Fund is hereby created as a special fund in the State treasury. Moneys in the Fund shall consist of: (i) 90% of the revenue from increasing the insurance producer license fees, as provided under subsection (a-5) of Section 500-135 of the Illinois Insurance Code; and (ii) 90% of the moneys collected from auto insurance policy fees under Section

1 8.6 of the Illinois Motor Vehicle Theft Prevention and
2 Insurance Verification Act. This Fund shall be used by the
3 Illinois Law Enforcement Training and Standards Board to fund
4 law enforcement certification compliance and the development
5 and provision of basic courses by Board-approved academics,
6 and in-service courses by approved academies.

7 Section 7-15. The Illinois Insurance Code is amended by
8 changing Section 500-135 as follows:

9 (215 ILCS 5/500-135)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 500-135. Fees.

12 (a) The fees required by this Article are as follows:

13 (1) a fee of \$215 ~~\$180~~ for a person who is a resident
14 of Illinois, and \$380 ~~\$250~~ for a person who is not a
15 resident of Illinois, payable once every 2 years for an
16 insurance producer license;

17 (2) a fee of \$50 for the issuance of a temporary
18 insurance producer license;

19 (3) a fee of \$150 payable once every 2 years for a
20 business entity;

21 (4) an annual \$50 fee for a limited line producer
22 license issued under items (1) through (8) of subsection
23 (a) of Section 500-100;

24 (5) a \$50 application fee for the processing of a

1 request to take the written examination for an insurance
2 producer license;

3 (6) an annual registration fee of \$1,000 for
4 registration of an education provider;

5 (7) a certification fee of \$50 for each certified
6 pre-licensing or continuing education course and an annual
7 fee of \$20 for renewing the certification of each such
8 course;

9 (8) a fee of \$215 ~~\$180~~ for a person who is a resident
10 of Illinois, and \$380 ~~\$250~~ for a person who is not a
11 resident of Illinois, payable once every 2 years for a car
12 rental limited line license;

13 (9) a fee of \$200 payable once every 2 years for a
14 limited lines license other than the licenses issued under
15 items (1) through (8) of subsection (a) of Section
16 500-100, a car rental limited line license, or a
17 self-service storage facility limited line license;

18 (10) a fee of \$50 payable once every 2 years for a
19 self-service storage facility limited line license.

20 (a-5) Beginning on July 1, 2021, an amount equal to the
21 additional amount of revenue collected under paragraphs (1)
22 and (8) of subsection (a) as a result of the increase in the
23 fees under this amendatory Act of the 102nd General Assembly
24 shall be transferred annually, with 10% of that amount paid
25 into the State Police Training and Academy Fund and 90% of that
26 amount paid into the Law Enforcement Training Fund.

1 (b) Except as otherwise provided, all fees paid to and
2 collected by the Director under this Section shall be paid
3 promptly after receipt thereof, together with a detailed
4 statement of such fees, into a special fund in the State
5 Treasury to be known as the Insurance Producer Administration
6 Fund. The moneys deposited into the Insurance Producer
7 Administration Fund may be used only for payment of the
8 expenses of the Department in the execution, administration,
9 and enforcement of the insurance laws of this State, and shall
10 be appropriated as otherwise provided by law for the payment
11 of those expenses with first priority being any expenses
12 incident to or associated with the administration and
13 enforcement of this Article.

14 (Source: P.A. 98-159, eff. 8-2-13.)

15 ARTICLE 8. INVEST IN KIDS

16 Section 8-5. The Illinois Administrative Procedure Act is
17 amended by adding Section 5-45.13 as follows:

18 (5 ILCS 100/5-45.13 new)

19 Sec. 5-45.13. Emergency rulemaking; Invest in Kids. To
20 provide for the expeditious and timely implementation of the
21 changes made to Sections 5 and 10 of, and the addition of
22 Section 7.5 to, the Invest in Kids Act by this amendatory Act
23 of the 102nd General Assembly, emergency rules implementing

1 the changes made to Sections 5 and 10 of, and the addition of
2 Section 7.5 to, the Invest in Kids Act by this amendatory Act
3 of the 102nd General Assembly may be adopted by the Department
4 of Revenue in accordance with Section 5-45. The adoption of
5 emergency rules authorized by Section 5-45 and this Section is
6 deemed to be necessary for the public interest, safety, and
7 welfare.

8 This Section is repealed one year after the effective date
9 of this amendatory Act of the 102nd General Assembly.

10 Section 8-10. The Invest in Kids Act is amended by
11 changing Sections 5, 10, and 65 and by adding Section 7.5 as
12 follows:

13 (35 ILCS 40/5)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 5. Definitions. As used in this Act:

16 "Authorized contribution" means the contribution amount
17 that is listed on the contribution authorization certificate
18 issued to the taxpayer.

19 "Board" means the State Board of Education.

20 "Contribution" means a donation made by the taxpayer
21 during the taxable year for providing scholarships as provided
22 in this Act.

23 "Custodian" means, with respect to eligible students, an
24 Illinois resident who is a parent or legal guardian of the

1 eligible student or students.

2 "Department" means the Department of Revenue.

3 "Eligible student" means a child who:

4 (1) is a member of a household whose federal adjusted
5 gross income the year before he or she initially receives
6 a scholarship under this program, as determined by the
7 Department, does not exceed 300% of the federal poverty
8 level and, once the child receives a scholarship, does not
9 exceed 400% of the federal poverty level;

10 (2) is eligible to attend a public elementary school
11 or high school in Illinois in the semester immediately
12 preceding the semester for which he or she first receives
13 a scholarship or is starting school in Illinois for the
14 first time when he or she first receives a scholarship;
15 and

16 (3) resides in Illinois while receiving a scholarship.

17 "Family member" means a parent, child, or sibling, whether
18 by whole blood, half blood, or adoption; spouse; or stepchild.

19 "Focus district" means a school district which has a
20 school that is either (i) a school that has one or more
21 subgroups in which the average student performance is at or
22 below the State average for the lowest 10% of student
23 performance in that subgroup or (ii) a school with an average
24 graduation rate of less than 60% and not identified for
25 priority.

26 "Jointly administered CTE program" means a program or set

1 of programs within a non-public school located in Illinois, as
2 determined by the State Board of Education pursuant to Section
3 7.5 of this Act.

4 "Necessary costs and fees" includes the customary charge
5 for instruction and use of facilities in general and the
6 additional fixed fees charged for specified purposes that are
7 required generally of non-scholarship recipients for each
8 academic period for which the scholarship applicant actually
9 enrolls, including costs associated with student assessments,
10 but does not include fees payable only once and other
11 contingent deposits that are refundable in whole or in part.
12 The Board may prescribe, by rules consistent with this Act,
13 detailed provisions concerning the computation of necessary
14 costs and fees.

15 "Scholarship granting organization" means an entity that:

16 (1) is exempt from taxation under Section 501(c)(3) of
17 the Internal Revenue Code;

18 (2) uses at least 95% of the qualified contributions
19 received during a taxable year for scholarships;

20 (3) provides scholarships to students according to the
21 guidelines of this Act;

22 (4) deposits and holds qualified contributions and any
23 income derived from qualified contributions in an account
24 that is separate from the organization's operating fund or
25 other funds until such qualified contributions or income
26 are withdrawn for use; and

1 (5) is approved to issue certificates of receipt.

2 "Technical academy" means a non-public school located in
3 Illinois that: (1) registers with the Board pursuant to
4 Section 2-3.25 of the School Code; and (2) operates or will
5 operate a jointly administered CTE program as the primary
6 focus of the school. To maintain its status as a technical
7 academy, the non-public school must obtain recognition from
8 the Board pursuant to Section 2-3.25o of the School Code
9 within 2 calendar years of its registration with the Board.

10 "Qualified contribution" means the authorized contribution
11 made by a taxpayer to a scholarship granting organization for
12 which the taxpayer has received a certificate of receipt from
13 such organization.

14 "Qualified school" means a non-public school located in
15 Illinois and recognized by the Board pursuant to Section
16 2-3.25o of the School Code.

17 "Scholarship" means an educational scholarship awarded to
18 an eligible student to attend a qualified school of their
19 custodians' choice in an amount not exceeding the necessary
20 costs and fees to attend that school.

21 "Taxpayer" means any individual, corporation, partnership,
22 trust, or other entity subject to the Illinois income tax. For
23 the purposes of this Act, 2 individuals filing a joint return
24 shall be considered one taxpayer.

25 (Source: P.A. 100-465, eff. 8-31-17.)

1 (35 ILCS 40/7.5 new)

2 Sec. 7.5. Determination of jointly-administered CTE
3 programs.

4 (a) Upon its own motion, or upon petition from a qualified
5 school or technical academy, the State Board of Education
6 shall determine whether a program or set of programs offered
7 or proposed by a qualified school or technical academy
8 provides coursework and training in career and technical
9 education pathways aligned to industry-recognized
10 certifications and credentials. The State Board of Education
11 shall make that determination based upon whether the
12 industry-recognized certifications or credentials that are the
13 focus of a qualified school or technical academy's coursework
14 and training program or set of programs (i) are associated
15 with an occupation determined to fall under the LEADING or
16 EMERGING priority sectors as determined through Illinois'
17 Workforce Innovation and Opportunity Act Unified State Plan
18 and (ii) provide wages that are at least 70% of the average
19 annual wage in the State, as determined by the United States
20 Bureau of Labor Statistics.

21 (b) The State Board of Education shall publish a list of
22 approved jointly administered CTE programs on its website and
23 otherwise make that list available to the public. A qualified
24 school or technical academy may petition the State Board of
25 Education to obtain a determination that a proposed program or
26 set of programs that it seeks to offer qualifies as a jointly

1 administered CTE program under subsection (a) of this Section.
2 A petitioner shall file one original petition in the form
3 provided by the State Board of Education and in the manner
4 specified by the State Board of Education. The petitioner may
5 withdraw his or her petition by submitting a written statement
6 to the State Board of Education indicating withdrawal. The
7 State Board of Education shall approve or deny a petition
8 within 180 days of its submission and, upon approval, shall
9 proceed to add the program or set of programs to the list of
10 approved jointly administered CTE programs. The approval or
11 denial of any petition is a final decision of the Board,
12 subject to judicial review under the Administrative Review
13 Law. Jurisdiction and venue are vested in the circuit court.

14 (c) The State Board of Education shall evaluate the
15 approved jointly administered CTE programs under this Section
16 once every 5 years. At this time, the State Board of Education
17 shall determine whether these programs continue to meet the
18 requirements set forth in subsection (a) of this Section.

19 (35 ILCS 40/10)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 10. Credit awards.

22 (a) The Department shall award credits against the tax
23 imposed under subsections (a) and (b) of Section 201 of the
24 Illinois Income Tax Act to taxpayers who make qualified
25 contributions. For contributions made under this Act, the

1 credit shall be equal to 75% of the total amount of qualified
2 contributions made by the taxpayer during a taxable year, not
3 to exceed a credit of \$1,000,000 per taxpayer.

4 (b) The aggregate amount of all credits the Department may
5 award under this Act in any calendar year may not exceed
6 \$75,000,000.

7 (c) Contributions made by corporations (including
8 Subchapter S corporations), partnerships, and trusts under
9 this Act may not be directed to a particular subset of schools,
10 a particular school, a particular group of students, or a
11 particular student. Contributions made by individuals under
12 this Act may be directed to a particular subset of schools or a
13 particular school but may not be directed to a particular
14 group of students or a particular student.

15 (d) No credit shall be taken under this Act for any
16 qualified contribution for which the taxpayer claims a federal
17 income tax deduction.

18 (e) Credits shall be awarded in a manner, as determined by
19 the Department, that is geographically proportionate to
20 enrollment in recognized non-public schools in Illinois. If
21 the cap on the aggregate credits that may be awarded by the
22 Department is not reached by June 1 of a given year, the
23 Department shall award remaining credits on a first-come,
24 first-served basis, without regard to the limitation of this
25 subsection.

26 (f) Credits awarded for donations made to a technical

1 academy shall be awarded without regard to subsection (e), but
2 shall not exceed 15% of the annual statewide program cap. For
3 the purposes of this subsection, "technical academy" means a
4 technical academy that is registered with the Board within 30
5 days after the effective date of this amendatory Act of the
6 102nd General Assembly.

7 (Source: P.A. 100-465, eff. 8-31-17.)

8 (35 ILCS 40/65)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 65. Credit period; repeal.

11 (a) A taxpayer may take a credit under this Act for tax
12 years beginning on or after January 1, 2018 and ending before
13 January 1, 2024 ~~2023~~. A taxpayer may not take a credit pursuant
14 to this Act for tax years beginning on or after January 1, 2024
15 ~~2023~~.

16 (b) This Act is repealed on January 1, 2025 ~~2024~~.

17 (Source: P.A. 100-465, eff. 8-31-17.)

18 ARTICLE 9. STATE TREASURER'S CAPITAL FUND

19 Section 9-5. The State Treasurer Act is amended by
20 changing Section 35 as follows:

21 (15 ILCS 505/35)

22 Sec. 35. State Treasurer may purchase real property.

1 (a) Subject to the provisions of the Public Contract Fraud
2 Act, the State Treasurer, on behalf of the State of Illinois,
3 is authorized during State fiscal years 2019 and 2020 to
4 acquire real property located in the City of Springfield,
5 Illinois which the State Treasurer deems necessary to properly
6 carry out the powers and duties vested in him or her. Real
7 property acquired under this Section may be acquired subject
8 to any third party interests in the property that do not
9 prevent the State Treasurer from exercising the intended
10 beneficial use of such property.

11 (b) Subject to the provisions of the Treasurer's
12 Procurement Rules, which shall be substantially in accordance
13 with the requirements of the Illinois Procurement Code, the
14 State Treasurer may:

15 (1) enter into contracts relating to construction,
16 reconstruction or renovation projects for any such
17 buildings or lands acquired pursuant to subsection
18 ~~paragraph~~ (a); and

19 (2) equip, lease, operate and maintain those grounds,
20 buildings and facilities as may be appropriate to carry
21 out his or her statutory purposes and duties.

22 (c) The State Treasurer may enter into agreements with any
23 person with respect to the use and occupancy of the grounds,
24 buildings, and facilities of the State Treasurer, including
25 concession, license, and lease agreements on terms and
26 conditions as the State Treasurer determines and in accordance

1 with the procurement processes for the Office of the State
2 Treasurer, which shall be substantially in accordance with the
3 requirements of the Illinois Procurement Code.

4 (d) The exercise of the authority vested in the Treasurer
5 by this Section is subject to the appropriation of the
6 necessary funds.

7 (e) State Treasurer's Capital Fund.

8 (1) The State Treasurer's Capital Fund is created as a
9 trust fund in the State treasury. Moneys in the Fund shall
10 be utilized by the State Treasurer in the exercise of the
11 authority vested in the Treasurer by subsection (b) of
12 this Section. All interest earned by the investment or
13 deposit of moneys accumulated in the Fund shall be
14 deposited into the Fund.

15 (2) Moneys in the State Treasurer's Capital Fund are
16 subject to appropriation by the General Assembly.

17 (3) The State Treasurer may transfer amounts from the
18 State Treasurer's Administrative Fund and from the
19 Unclaimed Property Trust Fund to the State Treasurer's
20 Capital Fund. In no fiscal year may the total of such
21 transfers exceed \$250,000. The State Treasurer may accept
22 gifts, grants, donations, federal funds, or other revenues
23 or transfers for deposit into the State Treasurer's
24 Capital Fund.

25 (4) After the effective date of this amendatory Act of
26 the 102nd General Assembly and prior to July 1, 2022 the

1 State Treasurer and State Comptroller shall transfer from
2 the CDB Special Projects Fund to the State Treasurer's
3 Capital Fund an amount equal to the unexpended balance of
4 funds transferred by the State Treasurer to the CDB
5 Special Projects Fund in 2019 and 2020 pursuant to an
6 intergovernmental agreement between the State Treasurer
7 and the Capital Development Board.

8 (Source: P.A. 101-487, eff. 8-23-19; revised 11-21-19.)

9 Section 9-10. The State Finance Act is amended by adding
10 Section 5.940 as follows:

11 (30 ILCS 105/5.940 new)

12 Sec. 5.940. The State Treasurer's Capital Fund.

13 ARTICLE 10. AMENDATORY PROVISIONS

14 Section 10-5. The Illinois Administrative Procedure Act is
15 amended by adding Section 5-45.12 as follows:

16 (5 ILCS 100/5-45.12 new)

17 Sec. 5-45.12. Emergency rulemaking; Coronavirus Vaccine
18 Incentive Public Health Promotion. To provide for the
19 expeditious and timely implementation of the Coronavirus
20 Vaccine Incentive Public Health Promotion authorized by this
21 amendatory Act of the 102nd General Assembly in Section 21.14

1 of the Illinois Lottery Law and Section 2310-628 of the
2 Department of Public Health Powers and Duties Law, emergency
3 rules implementing the public health promotion may be adopted
4 by the Department of the Lottery and the Department of Public
5 Health in accordance with Section 5-45. The adoption of
6 emergency rules authorized by Section 5-45 and this Section is
7 deemed to be necessary for the public interest, safety, and
8 welfare.

9 This Section is repealed one year after the effective date
10 of this amendatory Act of the 102nd General Assembly.

11 Section 10-10. The Department of Commerce and Economic
12 Opportunity Law of the Civil Administrative Code of Illinois
13 is amended by changing Section 605-415 and by adding Sections
14 605-418 and 605-1065 as follows:

15 (20 ILCS 605/605-415)

16 Sec. 605-415. Job Training and Economic Development Grant
17 Program.

18 (a) Legislative findings. The General Assembly finds that:

19 (1) Despite the large number of unemployed job
20 seekers, many employers are having difficulty matching the
21 skills they require with the skills of workers; a similar
22 problem exists in industries where overall employment may
23 not be expanding but there is an acute need for skilled
24 workers in particular occupations.

1 (2) The State of Illinois should foster local economic
2 development by linking the job training of unemployed
3 disadvantaged citizens with the workforce needs of local
4 business and industry.

5 (3) Employers often need assistance in developing
6 training resources that will provide work opportunities
7 for individuals that are under-represented and or have
8 barriers to participating in the workforce ~~disadvantaged~~
9 ~~populations.~~

10 (b) Definitions. As used in this Section:

11 "Eligible Entities" means employers, private nonprofit
12 organizations (which may include a faith-based organization)
13 federal Workforce Innovation and Opportunity Act (WIOA)
14 administrative entities, Community Action Agencies, industry
15 associations, and public or private educational institutions,
16 that have demonstrated expertise and effectiveness in
17 administering workforce development programs.

18 "Target population" means persons who are unemployed,
19 under-employed, or under-represented that have one or more
20 barriers to employment as defined for "individual with a
21 barrier to employment" in the federal Workforce Innovation and
22 Opportunity Act ("WIOA"), 29 U.S.C. 3102(24).

23 "Eligible Training Provider" means an organization, such
24 as a public or private college or university, an industry
25 association, registered apprenticeship program or a
26 community-based organization that is approved to provide

1 training services by the appropriate accrediting body.

2 "Barrier Reduction Funding" means flexible funding through
3 a complementary grant agreement, contract, or budgetary line
4 to increase family stability and job retention by covering
5 accumulated emergency costs for basic needs, such as
6 housing-related expenses (rent, utilities, etc.),
7 transportation, child care, digital technology needs,
8 education needs, mental health services, substance abuse
9 services, income support, and work-related supplies that are
10 not typically covered by programmatic supportive services.

11 "Youth" means an individual aged 16-24 who faces one or
12 more barriers to education, training, and employment.

13 ~~"Community based provider" means a not-for-profit~~
14 ~~organization, with local boards of directors, that directly~~
15 ~~provides job training services.~~

16 ~~"Disadvantaged persons" has the same meaning as in Titles~~
17 ~~II A and II C of the federal Job Training Partnership Act.~~

18 ~~"Training partners" means a community based provider and~~
19 ~~one or more employers who have established training and~~
20 ~~placement linkages.~~

21 (c) The Job Training and Economic Development (JTED) Grant
22 Program may leverage funds from lump sum appropriations with
23 an aligning purpose and funds appropriated specifically for
24 the JTED program. Expenditures from an appropriation of funds
25 from the State CURE Fund shall be for purposes permitted by
26 Section 9901 of the American Rescue Plan Act of 2021, and all

1 related federal guidance. The Director shall make grants to
2 Eligible Entities as described in this section. The grants
3 shall be made to support the following:

4 (1) Creating customized training with employers to
5 support, train, and employ individuals in the targeted
6 population for this program including the unemployed,
7 under-employed, or under-represented that have one or more
8 barriers to employment.

9 (2) Coordinating partnerships between Eligible
10 Entities, employers, and educational entities, to develop
11 and operate regional or local strategies for in-demand
12 industries identified in the Department's 5-year Economic
13 Plan and the State's WIOA Unified Plan. These strategies
14 must be part of a career pathway for demand occupations
15 that result in certification or credentials for the
16 targeted populations.

17 (3) Leveraging funding from a Barrier Reduction Fund
18 to provide supportive services (e.g. transportation, child
19 care, mental health services, substance abuse services,
20 and income support) for targeted populations including
21 youth participants in workforce development programs to
22 assist with a transition to post-secondary education or
23 full-time employment and a career.

24 (4) Establishing policies for resource and service
25 coordination and to provide funding for services that
26 attempt to reduce employment barriers such as

housing-related expenses (rent, utilities, etc.), child care, digital technology needs, counseling, relief from fines and fees, education needs, and work-related supplies that are not typically covered by programmatic supportive services.

(5) Developing work-based learning and subsidized (or "transitional") employment opportunities with employers, to support the target populations including youth that require on-the-job experience to gain employability skills, work history, and a network to enter the workforce.

(6) Using funding for case management support, subsidies for employee wages, and grants to eligible entities in each region, as feasible, to administer transitional job training programs.

~~(c) From funds appropriated for that purpose, the Department of Commerce and Economic Opportunity shall administer a Job Training and Economic Development Grant Program. The Director shall make grants to community based providers. The grants shall be made to support the following:~~

~~(1) Partnerships between community-based providers and employers for the customized training of existing low-skilled, low-wage employees and newly hired disadvantaged persons.~~

~~(2) Partnerships between community-based providers and employers to develop and operate training programs that~~

1 ~~link the work force needs of local industry with the job~~
2 ~~training of disadvantaged persons.~~

3 (d) For projects created under ~~paragraph (1) of~~ subsection
4 (c):

5 (1) The Department shall give a priority to projects
6 that include an in-kind match by an employer in
7 partnership with an Eligible Entity ~~a community based~~
8 ~~provider~~ and projects that use instructional materials and
9 training instructors directly used in the specific
10 industry sector of the partnership employer.

11 (2) Participating employers should be active
12 participants in identifying the skills needed for their
13 jobs to ensure the training is appropriate for the
14 targeted populations.

15 (3) Eligible entities shall assess the employment
16 barriers and needs of local residents and work in
17 partnership with Local Workforce Innovation Areas and
18 local economic development organizations to identify the
19 priority workforce needs of the local industries. These
20 must align with the WIOA Unified, Regional, and Local
21 level plans as well as the Department's 5-year Economic
22 Plan.

23 (4) Eligible Entities and Eligible Training Providers
24 shall work together to design programs with maximum
25 benefits to local disadvantaged persons and local
26 employers.

1 (5) Employers must be involved in identifying specific
2 skill-training needs, planning curriculum, assisting in
3 training activities, providing job opportunities, and
4 coordinating job retention for people hired after training
5 through this program and follow-up support.

6 (6) Eligible Entities shall serve persons who are
7 unemployed, under-employed, or under-represented and that
8 have one or more barriers to employment.

9 (e) The Department may make available Barrier Reduction
10 Funding to support complementary workforce development and job
11 training efforts.

12 ~~(2) The partnership employer must be an active~~
13 ~~participant in the curriculum development and train~~
14 ~~primarily disadvantaged populations.~~

15 ~~(c) For projects created under paragraph (2) of subsection~~
16 ~~(c):~~

17 ~~(1) Community based organizations shall assess the~~
18 ~~employment barriers and needs of local residents and work~~
19 ~~in partnership with local economic development~~
20 ~~organizations to identify the priority workforce needs of~~
21 ~~the local industry.~~

22 ~~(2) Training partners (that is, community based~~
23 ~~organizations and employers) shall work together to design~~
24 ~~programs with maximum benefits to local disadvantaged~~
25 ~~persons and local employers.~~

26 ~~(3) Employers must be involved in identifying specific~~

~~skill training needs, planning curriculum, assisting in training activities, providing job opportunities, and coordinating job retention for people hired after training through this program and follow-up support.~~

~~(4) The community based organizations shall serve disadvantaged persons, including welfare recipients.~~

(f) The Department shall adopt rules for the grant program and shall create a competitive application procedure for those grants to be awarded beginning in fiscal year 2022. Grants shall be awarded and performance measured based on criteria set forth in Notices of Funding Opportunity. ~~1998. Grants shall be based on a performance based contracting system. Each grant shall be based on the cost of providing the training services and the goals negotiated and made a part of the contract between the Department and the training partners. The goals shall include the number of people to be trained, the number who stay in the program, the number who complete the program, the number who enter employment, their wages, and the number who retain employment. The level of success in achieving employment, wage, and retention goals shall be a primary consideration for determining contract renewals and subsequent funding levels. In setting the goals, due consideration shall be given to the education, work experience, and job readiness of the trainees; their barriers to employment; and the local job market. Periodic payments under the contracts shall be based on the degree to which the~~

~~relevant negotiated goals have been met during the payment period.~~

(Source: P.A. 94-793, eff. 5-19-06.)

(20 ILCS 605/605-418 new)

Sec. 605-418. The Research in Illinois to Spur Economic Recovery Program.

(a) There is established the Research in Illinois to Spur Economic Recovery (RISE) program to be administered by the Department for the purpose of responding to the negative economic impacts of the COVID-19 public health emergency by spurring strategic economic growth and recovery in distressed industries and regions.

(b) The RISE Program shall provide for:

(1) Statewide post-COVID-19 research and planning. The Department shall conduct research on post-COVID-19 trends in key industries of focus for Illinois impacted by the COVID-19 public health emergency. The Department will complete an assessment of regional economies within the state with the goal of answering:

(A) How have prominent industries in each region of Illinois been impacted by COVID-19?

(B) Where in Illinois are the key assets to leverage for investment?

(C) What is the status of existing regional planning efforts throughout the state?

1 (D) What regional infrastructure investments might
2 spur new economic development?

3 (E) What are the needs in terms of access to
4 capital, business attraction, and community
5 cooperation that need more investment?

6 (2) Support for regional and local planning, primarily
7 in economically distressed areas. The RISE Program will
8 fund grants to local governmental units and regional
9 economic development organizations to update outdated
10 economic plans or prepare new ones to improve alignment
11 with a statewide COVID-19 economic recovery. Grants will
12 be prioritized for research in regions and localities
13 which are most economically distressed, as determined by
14 the Department.

15 (3) Support statewide and regional efforts to improve
16 the efficacy of economic relief programs. Adding to the
17 research and planning effort, contracts, grants, and
18 awards may be released to support efficacy review efforts
19 of existing or proposed economic relief programs at the
20 state and regional level. This includes conducting data
21 analysis, targeted consumer outreach, and research
22 improvements to data or technology infrastructure.

23 (4) RISE implementation grants. The Department will
24 prioritize grantmaking to establish initiatives, launch
25 pilot projects, or make capital investments that are
26 identified through research and planning efforts

1 undertaken pursuant to paragraphs (1) through (3).
2 Implementation efforts may also include investment in
3 quality of life amenities and strategic
4 national/international outreach to increase available
5 workforce in areas of need.

6 (c) The RISE Program may leverage funds from lump sum
7 appropriations with an aligning purpose and funds appropriated
8 specifically for the RISE Program. Expenditures from an
9 appropriation of funds from the State CURE Fund shall be for
10 purposes permitted by Section 9901 of the American Rescue Plan
11 Act of 2021 and all related federal guidance.

12 (20 ILCS 605/605-1065 new)

13 Sec. 605-1065. American Rescue Plan Capital Assets Program
14 (or ARPCAP). From funds appropriated, directly or indirectly,
15 from moneys received by the State from the Coronavirus State
16 Fiscal Recovery Fund, the Department shall expend funds for
17 grants, contracts, and loans to eligible recipients for
18 purposes permitted by Section 9901 of the American Rescue Plan
19 Act of 2021 and all related federal guidance.

20 Section 10-15. The Illinois Promotion Act is amended by
21 changing Section 8a as follows:

22 (20 ILCS 665/8a) (from Ch. 127, par. 200-28a)

23 Sec. 8a. Tourism grants and loans.

1 (1) The Department is authorized to make grants and loans,
2 subject to appropriations by the General Assembly for this
3 purpose from the Tourism Promotion Fund, to counties,
4 municipalities, local promotion groups, not-for-profit
5 organizations, or for-profit businesses for the development or
6 improvement of tourism attractions in Illinois. Individual
7 grants and loans shall not exceed \$1,000,000 and shall not
8 exceed 50% of the entire amount of the actual expenditures for
9 the development or improvement of a tourist attraction.
10 Agreements for loans made by the Department pursuant to this
11 subsection may contain provisions regarding term, interest
12 rate, security as may be required by the Department and any
13 other provisions the Department may require to protect the
14 State's interest.

15 (2) From appropriations to the Department from the State
16 CURE fund for this purpose, the Department shall establish
17 Tourism Attraction grants for purposes outlined in subsection
18 (1). Grants under this subsection shall not exceed \$1,000,000
19 but may exceed 50% of the entire amount of the actual
20 expenditure for the development or improvement of a tourist
21 attraction, including but not limited to festivals.
22 Expenditures of such funds shall be in accordance with the
23 permitted purposes under Section 9901 of the American Rescue
24 Plan Act of 2021 and all related federal guidance. ~~(Blank)~~.

25 (Source: P.A. 94-91, eff. 7-1-05.)

1 Section 10-20. The Illinois Lottery Law is amended by
2 adding Section 21.14 as follows:

3 (20 ILCS 1605/21.14 new)

4 Sec. 21.14. The Coronavirus Vaccine Incentive Public
5 Health Promotion.

6 (a) As a response to the COVID-19 public health emergency,
7 and notwithstanding any other provision of law to the
8 contrary, the Department, in coordination with the Department
9 of Public Health, may develop and offer a promotion and award
10 prizes for the purpose of encouraging Illinois residents to be
11 vaccinated against coronavirus disease 2019 (COVID-19). The
12 promotion will be structured as determined jointly by the
13 Department and the Department of Public Health. The promotion
14 will be aimed at Illinois residents receiving COVID-19
15 vaccinations. A portion of the promotion may include
16 scholarships or educational awards for the benefit of minors.

17 (b) The promotion may commence as soon as practical, as
18 determined by the Department and the Department of Public
19 Health. The form, operation, administration, parameters and
20 duration of the promotion shall be governed by this Section,
21 by Section 2310-628 of the Department of Public Health Powers
22 and Duties Law, and by rules adopted by the Department and the
23 Department of Public Health, including emergency rules
24 pursuant to Section 5-45 of the Illinois Administrative
25 Procedure Act.

1 (c) The Department may use the State Lottery Fund for
2 expenses incurred in awarding prizes and administering the
3 promotion. A maximum of \$7,000,000 from the State Lottery Fund
4 may be used for prizes awarded to adults 18 and older through
5 the promotion.

6 (d) The State Lottery Fund may be reimbursed for amounts
7 actually used for expenses incurred in awarding prizes and
8 administering the promotion from amounts in the State CURE
9 Fund.

10 (e) The funds expended and reimbursed under this section
11 are separate and apart from the priority order established in
12 Sections 9.1 and 9.2 of this Act.

13 (f) This Section is repealed one year after the effective
14 date of this amendatory Act of the 102nd General Assembly.

15 Section 10-25. The Department of Public Health Powers and
16 Duties Law of the Civil Administrative Code of Illinois is
17 amended by adding Section 2310-628 as follows:

18 (20 ILCS 2310/2310-628 new)

19 Sec. 2310-628. The Coronavirus Vaccine Incentive Public
20 Health Promotion.

21 (a) As a response to the COVID-19 public health emergency,
22 and notwithstanding any other provision of law to the
23 contrary, the Department, in coordination with the Department
24 of the Lottery, may develop and offer a promotion and award

1 prizes for the purpose of encouraging Illinois residents to be
2 vaccinated against coronavirus disease 2019 (COVID-19). The
3 promotion will be structured as determined jointly by the
4 Department and the Department of the Lottery. The promotion
5 will be aimed at Illinois residents receiving COVID-19
6 vaccinations. A portion of the promotion may include
7 scholarships or educational awards for the benefit of minors.

8 (b) The promotion may commence as soon as practical, as
9 determined by the Department and the Department of the
10 Lottery. The form, operation, administration, parameters and
11 duration of the promotion shall be governed by this Section,
12 by Section 21.14 of the Illinois Lottery Law, and by rules
13 adopted by the Department and the Department of Public Health,
14 including emergency rules pursuant to Section 5-45 of the
15 Illinois Administrative Procedure Act.

16 (c) The Department may use funds appropriated to it for
17 use in promoting vaccination for expenses incurred in awarding
18 prizes and administering the promotion. A maximum of
19 \$3,000,000 from such appropriated funds may be used for prizes
20 awarded through the promotion for scholarships and educational
21 awards.

22 (d) If any other state fund is used to pay for expenses
23 incurred in awarding prizes and administering the promotion,
24 such fund may be reimbursed for amounts actually expended
25 therefrom for such expenses from amounts in the State CURE
26 Fund.

1 (e) This Section is repealed one year after the effective
2 date of this amendatory Act of the 102nd General Assembly.

3 Section 10-35. The Metropolitan Pier and Exposition
4 Authority Act is amended by changing Sections 5, 5.6, and 18 as
5 follows:

6 (70 ILCS 210/5) (from Ch. 85, par. 1225)

7 Sec. 5. The Metropolitan Pier and Exposition Authority
8 shall also have the following rights and powers:

9 (a) To accept from Chicago Park Fair, a corporation,
10 an assignment of whatever sums of money it may have
11 received from the Fair and Exposition Fund, allocated by
12 the Department of Agriculture of the State of Illinois,
13 and Chicago Park Fair is hereby authorized to assign, set
14 over and transfer any of those funds to the Metropolitan
15 Pier and Exposition Authority. The Authority has the right
16 and power hereafter to receive sums as may be distributed
17 to it by the Department of Agriculture of the State of
18 Illinois from the Fair and Exposition Fund pursuant to the
19 provisions of Sections 5, 6i, and 28 of the State Finance
20 Act. All sums received by the Authority shall be held in
21 the sole custody of the secretary-treasurer of the
22 Metropolitan Pier and Exposition Board.

23 (b) To accept the assignment of, assume and execute
24 any contracts heretofore entered into by Chicago Park

1 Fair.

2 (c) To acquire, own, construct, equip, lease, operate
3 and maintain grounds, buildings and facilities to carry
4 out its corporate purposes and duties, and to carry out or
5 otherwise provide for the recreational, cultural,
6 commercial or residential development of Navy Pier, and to
7 fix and collect just, reasonable and nondiscriminatory
8 charges for the use thereof. The charges so collected
9 shall be made available to defray the reasonable expenses
10 of the Authority and to pay the principal of and the
11 interest upon any revenue bonds issued by the Authority.
12 The Authority shall be subject to and comply with the Lake
13 Michigan and Chicago Lakefront Protection Ordinance, the
14 Chicago Building Code, the Chicago Zoning Ordinance, and
15 all ordinances and regulations of the City of Chicago
16 contained in the following Titles of the Municipal Code of
17 Chicago: Businesses, Occupations and Consumer Protection;
18 Health and Safety; Fire Prevention; Public Peace, Morals
19 and Welfare; Utilities and Environmental Protection;
20 Streets, Public Ways, Parks, Airports and Harbors;
21 Electrical Equipment and Installation; Housing and
22 Economic Development (only Chapter 5-4 thereof); and
23 Revenue and Finance (only so far as such Title pertains to
24 the Authority's duty to collect taxes on behalf of the
25 City of Chicago).

26 (d) To enter into contracts treating in any manner

1 with the objects and purposes of this Act.

2 (e) To lease any buildings to the Adjutant General of
3 the State of Illinois for the use of the Illinois National
4 Guard or the Illinois Naval Militia.

5 (f) To exercise the right of eminent domain by
6 condemnation proceedings in the manner provided by the
7 Eminent Domain Act, including, with respect to Site B
8 only, the authority to exercise quick take condemnation by
9 immediate vesting of title under Article 20 of the Eminent
10 Domain Act, to acquire any privately owned real or
11 personal property and, with respect to Site B only, public
12 property used for rail transportation purposes (but no
13 such taking of such public property shall, in the
14 reasonable judgment of the owner, interfere with such rail
15 transportation) for the lawful purposes of the Authority
16 in Site A, at Navy Pier, and at Site B. Just compensation
17 for property taken or acquired under this paragraph shall
18 be paid in money or, notwithstanding any other provision
19 of this Act and with the agreement of the owner of the
20 property to be taken or acquired, the Authority may convey
21 substitute property or interests in property or enter into
22 agreements with the property owner, including leases,
23 licenses, or concessions, with respect to any property
24 owned by the Authority, or may provide for other lawful
25 forms of just compensation to the owner. Any property
26 acquired in condemnation proceedings shall be used only as

1 provided in this Act. Except as otherwise provided by law,
2 the City of Chicago shall have a right of first refusal
3 prior to any sale of any such property by the Authority to
4 a third party other than substitute property. The
5 Authority shall develop and implement a relocation plan
6 for businesses displaced as a result of the Authority's
7 acquisition of property. The relocation plan shall be
8 substantially similar to provisions of the Uniform
9 Relocation Assistance and Real Property Acquisition Act
10 and regulations promulgated under that Act relating to
11 assistance to displaced businesses. To implement the
12 relocation plan the Authority may acquire property by
13 purchase or gift or may exercise the powers authorized in
14 this subsection (f), except the immediate vesting of title
15 under Article 20 of the Eminent Domain Act, to acquire
16 substitute private property within one mile of Site B for
17 the benefit of displaced businesses located on property
18 being acquired by the Authority. However, no such
19 substitute property may be acquired by the Authority
20 unless the mayor of the municipality in which the property
21 is located certifies in writing that the acquisition is
22 consistent with the municipality's land use and economic
23 development policies and goals. The acquisition of
24 substitute property is declared to be for public use. In
25 exercising the powers authorized in this subsection (f),
26 the Authority shall use its best efforts to relocate

1 businesses within the area of McCormick Place or, failing
2 that, within the City of Chicago.

3 (g) To enter into contracts relating to construction
4 projects which provide for the delivery by the contractor
5 of a completed project, structure, improvement, or
6 specific portion thereof, for a fixed maximum price, which
7 contract may provide that the delivery of the project,
8 structure, improvement, or specific portion thereof, for
9 the fixed maximum price is insured or guaranteed by a
10 third party capable of completing the construction.

11 (h) To enter into agreements with any person with
12 respect to the use and occupancy of the grounds,
13 buildings, and facilities of the Authority, including
14 concession, license, and lease agreements on terms and
15 conditions as the Authority determines. Notwithstanding
16 Section 24, agreements with respect to the use and
17 occupancy of the grounds, buildings, and facilities of the
18 Authority for a term of more than one year shall be entered
19 into in accordance with the procurement process provided
20 for in Section 25.1.

21 (i) To enter into agreements with any person with
22 respect to the operation and management of the grounds,
23 buildings, and facilities of the Authority or the
24 provision of goods and services on terms and conditions as
25 the Authority determines.

26 (j) After conducting the procurement process provided

1 for in Section 25.1, to enter into one or more contracts to
2 provide for the design and construction of all or part of
3 the Authority's Expansion Project grounds, buildings, and
4 facilities. Any contract for design and construction of
5 the Expansion Project shall be in the form authorized by
6 subsection (g), shall be for a fixed maximum price not in
7 excess of the funds that are authorized to be made
8 available for those purposes during the term of the
9 contract, and shall be entered into before commencement of
10 construction.

11 (k) To enter into agreements, including project
12 agreements with labor unions, that the Authority deems
13 necessary to complete the Expansion Project or any other
14 construction or improvement project in the most timely and
15 efficient manner and without strikes, picketing, or other
16 actions that might cause disruption or delay and thereby
17 add to the cost of the project.

18 (l) To provide incentives to organizations and
19 entities that agree to make use of the grounds, buildings,
20 and facilities of the Authority for conventions, meetings,
21 or trade shows. The incentives may take the form of
22 discounts from regular fees charged by the Authority,
23 subsidies for or assumption of the costs incurred with
24 respect to the convention, meeting, or trade show, or
25 other inducements. The Authority shall award incentives to
26 attract or retain ~~large~~ conventions, meetings, and trade

1 shows ~~to its facilities~~ under the terms set forth in this
2 subsection (1) from amounts appropriated to the Authority
3 from the Metropolitan Pier and Exposition Authority
4 Incentive Fund for this purpose.

5 No later than May 15 of each year, the Chief Executive
6 Officer of the Metropolitan Pier and Exposition Authority
7 shall certify to the State Comptroller and the State
8 Treasurer the amounts of incentive grant funds used during
9 the current fiscal year to provide incentives for
10 conventions, meetings, or trade shows that:

11 (i) have been approved by the Authority, in
12 consultation with an organization meeting the
13 qualifications set out in Section 5.6 of this Act,
14 provided the Authority has entered into a marketing
15 agreement with such an organization,

16 (ii) (A) for fiscal years prior to 2022 and after
17 2024, demonstrate registered attendance in excess of
18 5,000 individuals or in excess of 10,000 individuals,
19 as appropriate;

20 (B) for fiscal years 2022 through 2024,
21 demonstrate registered attendance in excess of 3,000
22 individuals or in excess of 5,000 individuals, as
23 appropriate; or

24 (C) for fiscal years 2022 and 2023, regardless of
25 registered attendance, demonstrate incurrence of costs
26 associated with mitigation of COVID-19, including, but

1 not limited to, costs for testing and screening,
2 contact tracing and notification, personal protective
3 equipment, and other physical and organizational
4 costs, and

5 (iii) in the case of subparagraphs (A) and (B) of
6 paragraph (ii), but for the incentive, would not have
7 used the facilities of the Authority for the
8 convention, meeting, or trade show. The State
9 Comptroller may request that the Auditor General
10 conduct an audit of the accuracy of the certification.
11 If the State Comptroller determines by this process of
12 certification that incentive funds, in whole or in
13 part, were disbursed by the Authority by means other
14 than in accordance with the standards of this
15 subsection (1), then any amount transferred to the
16 Metropolitan Pier and Exposition Authority Incentive
17 Fund shall be reduced during the next subsequent
18 transfer in direct proportion to that amount
19 determined to be in violation of the terms set forth in
20 this subsection (1).

21 On July 15, 2012, the Comptroller shall order
22 transferred, and the Treasurer shall transfer, into the
23 Metropolitan Pier and Exposition Authority Incentive Fund
24 from the General Revenue Fund the sum of \$7,500,000 plus
25 an amount equal to the incentive grant funds certified by
26 the Chief Executive Officer as having been lawfully paid

1 under the provisions of this Section in the previous 2
2 fiscal years that have not otherwise been transferred into
3 the Metropolitan Pier and Exposition Authority Incentive
4 Fund, provided that transfers in excess of \$15,000,000
5 shall not be made in any fiscal year.

6 On July 15, 2013, the Comptroller shall order
7 transferred, and the Treasurer shall transfer, into the
8 Metropolitan Pier and Exposition Authority Incentive Fund
9 from the General Revenue Fund the sum of \$7,500,000 plus
10 an amount equal to the incentive grant funds certified by
11 the Chief Executive Officer as having been lawfully paid
12 under the provisions of this Section in the previous
13 fiscal year that have not otherwise been transferred into
14 the Metropolitan Pier and Exposition Authority Incentive
15 Fund, provided that transfers in excess of \$15,000,000
16 shall not be made in any fiscal year.

17 On July 15, 2014, and every year thereafter, the
18 Comptroller shall order transferred, and the Treasurer
19 shall transfer, into the Metropolitan Pier and Exposition
20 Authority Incentive Fund from the General Revenue Fund an
21 amount equal to the incentive grant funds certified by the
22 Chief Executive Officer as having been lawfully paid under
23 the provisions of this Section in the previous fiscal year
24 that have not otherwise been transferred into the
25 Metropolitan Pier and Exposition Authority Incentive Fund,
26 provided that (1) no transfers with respect to any

1 previous fiscal year shall be made after the transfer has
2 been made with respect to the 2017 fiscal year until the
3 transfer that is made for the 2022 fiscal year and
4 thereafter, and no transfers with respect to any previous
5 fiscal year shall be made after the transfer has been made
6 with respect to the 2026 fiscal year, and (2) transfers in
7 excess of \$15,000,000 shall not be made in any fiscal
8 year.

9 After a transfer has been made under this subsection
10 (1), the Chief Executive Officer shall file a request for
11 payment with the Comptroller evidencing that the incentive
12 grants have been made and the Comptroller shall thereafter
13 order paid, and the Treasurer shall pay, the requested
14 amounts to the Metropolitan Pier and Exposition Authority.

15 Excluding any amounts related to the payment of costs
16 associated with the mitigation of COVID-19 in accordance
17 with this subsection (1), in ~~in~~ no case shall more than
18 \$5,000,000 be used in any one year by the Authority for
19 incentives granted conventions, meetings, or trade shows
20 with a registered attendance of (1) more than 5,000 and
21 less than 10,000 prior to the 2022 fiscal year and after
22 the 2024 fiscal year and (2) more than 3,000 and less than
23 5,000 for fiscal years 2022 through 2024. Amounts in the
24 Metropolitan Pier and Exposition Authority Incentive Fund
25 shall only be used by the Authority for incentives paid to
26 attract or retain ~~large~~ conventions, meetings, and trade

1 shows ~~to its facilities~~ as provided in this subsection
2 (1).

3 (1-5) The Village of Rosemont shall provide incentives
4 from amounts transferred into the Convention Center
5 Support Fund to retain and attract conventions, meetings,
6 or trade shows to the Donald E. Stephens Convention Center
7 under the terms set forth in this subsection (1-5).

8 No later than May 15 of each year, the Mayor of the
9 Village of Rosemont or his or her designee shall certify
10 to the State Comptroller and the State Treasurer the
11 amounts of incentive grant funds used during the previous
12 fiscal year to provide incentives for conventions,
13 meetings, or trade shows that (1) have been approved by
14 the Village, (2) demonstrate registered attendance in
15 excess of 5,000 individuals, and (3) but for the
16 incentive, would not have used the Donald E. Stephens
17 Convention Center facilities for the convention, meeting,
18 or trade show. The State Comptroller may request that the
19 Auditor General conduct an audit of the accuracy of the
20 certification.

21 If the State Comptroller determines by this process of
22 certification that incentive funds, in whole or in part,
23 were disbursed by the Village by means other than in
24 accordance with the standards of this subsection (1-5),
25 then the amount transferred to the Convention Center
26 Support Fund shall be reduced during the next subsequent

1 transfer in direct proportion to that amount determined to
2 be in violation of the terms set forth in this subsection
3 (1-5).

4 On July 15, 2012, and each year thereafter, the
5 Comptroller shall order transferred, and the Treasurer
6 shall transfer, into the Convention Center Support Fund
7 from the General Revenue Fund the amount of \$5,000,000 for
8 (i) incentives to attract large conventions, meetings, and
9 trade shows to the Donald E. Stephens Convention Center,
10 and (ii) to be used by the Village of Rosemont for the
11 repair, maintenance, and improvement of the Donald E.
12 Stephens Convention Center and for debt service on debt
13 instruments issued for those purposes by the village. No
14 later than 30 days after the transfer, the Comptroller
15 shall order paid, and the Treasurer shall pay, to the
16 Village of Rosemont the amounts transferred.

17 (m) To enter into contracts with any person conveying
18 the naming rights or other intellectual property rights
19 with respect to the grounds, buildings, and facilities of
20 the Authority.

21 (n) To enter into grant agreements with the Chicago
22 Convention and Tourism Bureau providing for the marketing
23 of the convention facilities to large and small
24 conventions, meetings, and trade shows and the promotion
25 of the travel industry in the City of Chicago, provided
26 such agreements meet the requirements of Section 5.6 of

1 this Act. Receipts of the Authority from the increase in
2 the airport departure tax authorized by Section 13(f) of
3 this amendatory Act of the 96th General Assembly and,
4 subject to appropriation to the Authority, funds deposited
5 in the Chicago Travel Industry Promotion Fund pursuant to
6 Section 6 of the Hotel Operators' Occupation Tax Act shall
7 be granted to the Bureau for such purposes.

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

9 (70 ILCS 210/5.6)

10 Sec. 5.6. Marketing agreement.

11 (a) The Authority shall enter into a marketing agreement
12 with a not-for-profit organization headquartered in Chicago
13 and recognized by the Department of Commerce and Economic
14 Opportunity as a certified local tourism and convention bureau
15 entitled to receive State tourism grant funds, provided the
16 bylaws of the organization establish a board of the
17 organization that is comprised of 35 members serving 3-year
18 staggered terms, including the following:

19 (1) no less than 8 members appointed by the Mayor of
20 Chicago, to include:

21 (A) a Chair of the board of the organization
22 appointed by the Mayor of the City of Chicago from
23 among the business and civic leaders of Chicago who
24 are not engaged in the hospitality business or who
25 have not served as a member of the Board or as chief

1 executive officer of the Authority; and

2 (B) 7 members from among the cultural, economic
3 development, or civic leaders of Chicago;

4 (2) the chairperson of the interim board or Board of
5 the Authority, or his or her designee;

6 (3) a representative from the department in the City
7 of Chicago that is responsible for the operation of
8 Chicago-area airports;

9 (4) a representative from the department in the City
10 of Chicago that is responsible for the regulation of
11 Chicago-area livery vehicles;

12 (5) at least 1, but no more than:

13 (A) 2 ~~5~~ members from the hotel industry;

14 (B) 2 ~~5~~ members representing Chicago arts and
15 cultural institutions or projects;

16 (C) 2 members from the restaurant industry;

17 (D) 2 members employed by or representing an
18 entity responsible for a trade show;

19 (E) 2 members representing unions;

20 (F) 2 members from the attractions industry; and

21 (6) 7 members appointed by the Governor, including the
22 Director of the Illinois Department of Commerce and
23 Economic Opportunity, ex officio, as well as 3 members
24 from the hotel industry and 3 members representing Chicago
25 arts and cultural institutions or projects.

26 The bylaws of the organization may provide for the

1 appointment of a City of Chicago alderman as an ex officio
2 member, and may provide for other ex officio members who shall
3 serve terms of one year.

4 Persons with a real or apparent conflict of interest shall
5 not be appointed to the board. Members of the board of the
6 organization shall not serve more than 2 terms. The bylaws
7 shall require the following: (i) that the Chair of the
8 organization name no less than 5 and no more than 9 members to
9 the Executive Committee of the organization, one of whom must
10 be the chairperson of the interim board or Board of the
11 Authority, and (ii) a provision concerning conflict of
12 interest and a requirement that a member abstain from
13 participating in board action if there is a threat to the
14 independence of judgment created by any conflict of interest
15 or if participation is likely to have a negative effect on
16 public confidence in the integrity of the board.

17 (b) The Authority shall notify the Department of Revenue
18 within 10 days after entering into a contract pursuant to this
19 Section.

20 (Source: P.A. 96-898, eff. 5-27-10; 96-899, eff. 5-28-10;
21 97-1122, eff. 8-27-12.)

22 (70 ILCS 210/18) (from Ch. 85, par. 1238)

23 Sec. 18. Regular meetings of the Board shall be held at
24 least 8 times ~~once~~ in each calendar year ~~month~~, the time and
25 place of such meetings to be fixed by the Board, provided that,

1 if a meeting is not held in a calendar month, a meeting shall
2 be held in the following calendar month. All action and
3 meetings of the Board and its committees shall be subject to
4 the provisions of the Open Meetings Act. A majority of the
5 statutorily authorized members of the Board shall constitute a
6 quorum for the transaction of business. All action of the
7 Board shall be by rule, regulation, ordinance or resolution
8 and the affirmative vote of at least a majority of the
9 statutorily authorized members shall be necessary for the
10 adoption of any rule, regulation, ordinance or resolution. All
11 rules, regulations, ordinances, resolutions and all
12 proceedings of the Authority and all documents and records in
13 its possession shall be public records, and open to public
14 inspection, except such documents and records as shall be kept
15 or prepared by the Board for use in negotiations, action or
16 proceedings to which the Authority is a party. All records of
17 the Authority shall be subject to the provisions of the
18 Illinois Freedom of Information Act.

19 (Source: P.A. 84-1027.)

20 Section 10-40. The University of Illinois Act is amended
21 by changing Section 7 as follows:

22 (110 ILCS 305/7) (from Ch. 144, par. 28)

23 Sec. 7. Powers of trustees.

24 (a) The trustees shall have power to provide for the

1 requisite buildings, apparatus, and conveniences; to fix the
2 rates for tuition; to appoint such professors and instructors,
3 and to establish and provide for the management of such model
4 farms, model art, and other departments and professorships, as
5 may be required to teach, in the most thorough manner, such
6 branches of learning as are related to agriculture and the
7 mechanic arts, and military tactics, without excluding other
8 scientific and classical studies. The trustees shall, upon the
9 written request of an employee withhold from the compensation
10 of that employee any dues, payments or contributions payable
11 by such employee to any labor organization as defined in the
12 Illinois Educational Labor Relations Act. Under such
13 arrangement, an amount shall be withheld from each regular
14 payroll period which is equal to the pro rata share of the
15 annual dues plus any payments or contributions, and the
16 trustees shall transmit such withholdings to the specified
17 labor organization within 10 working days from the time of the
18 withholding. They may accept the endowments and voluntary
19 professorships or departments in the University, from any
20 person or persons or corporations who may offer the same, and,
21 at any regular meeting of the board, may prescribe rules and
22 regulations in relation to such endowments and declare on what
23 general principles they may be admitted: Provided, that such
24 special voluntary endowments or professorships shall not be
25 incompatible with the true design and scope of the act of
26 congress, or of this Act: Provided, that no student shall at

1 any time be allowed to remain in or about the University in
2 idleness, or without full mental or industrial occupation: And
3 provided further, that the trustees, in the exercise of any of
4 the powers conferred by this Act, shall not create any
5 liability or indebtedness in excess of the funds in the hands
6 of the treasurer of the University at the time of creating such
7 liability or indebtedness, and which may be specially and
8 properly applied to the payment of the same. Except as
9 otherwise provided in this section, any ~~Any~~ lease to the
10 trustees of lands, buildings or facilities which will support
11 scientific research and development in such areas as high
12 technology, super computing, microelectronics, biotechnology,
13 robotics, physics and engineering shall be for a term not to
14 exceed 18 years, and may grant to the trustees the option to
15 purchase the lands, buildings or facilities. The lease shall
16 recite that it is subject to termination and cancellation in
17 any year for which the General Assembly fails to make an
18 appropriation to pay the rent payable under the terms of the
19 lease.

20 Leases for the purposes described herein exceeding 5 years
21 shall have the approval of the Illinois Board of Higher
22 Education.

23 The Board of Trustees may, directly or in cooperation with
24 other institutions of higher education, acquire by purchase or
25 lease or otherwise, and construct, enlarge, improve, equip,
26 complete, operate, control and manage medical research and

1 high technology parks, together with the necessary lands,
2 buildings, facilities, equipment and personal property
3 therefor, to encourage and facilitate (a) the location and
4 development of business and industry in the State of Illinois,
5 and (b) the increased application and development of
6 technology and (c) the improvement and development of the
7 State's economy. The Board of Trustees may lease to nonprofit
8 corporations all or any part of the land, buildings,
9 facilities, equipment or other property included in a medical
10 research and high technology park upon such terms and
11 conditions as the University of Illinois may deem advisable
12 and enter into any contract or agreement with such nonprofit
13 corporations as may be necessary or suitable for the
14 construction, financing, operation and maintenance and
15 management of any such park; and may lease to any person, firm,
16 partnership or corporation, either public or private, any part
17 or all of the land, building, facilities, equipment or other
18 property of such park for such purposes and upon such rentals,
19 terms and conditions as the University may deem advisable; and
20 may finance all or part of the cost of any such park, including
21 the purchase, lease, construction, reconstruction,
22 improvement, remodeling, addition to, and extension and
23 maintenance of all or part of such high technology park, and
24 all equipment and furnishings, by legislative appropriations,
25 government grants, contracts, private gifts, loans, receipts
26 from the operation of such high technology park, rentals and

1 similar receipts; and may make its other facilities and
2 services available to tenants or other occupants of any such
3 park at rates which are reasonable and appropriate.

4 The Board of Trustees may, directly or in cooperation with
5 other members and partners of the collaborative research and
6 academic initiative known as the Chicago Quantum Exchange,
7 including, without limitation, other institutions of higher
8 education, hereinafter each individually referred to as a "CQE
9 partner", finance, design, construct, enlarge, improve, equip,
10 complete, operate, control, and manage a facility or
11 facilities for the research and development of quantum
12 information sciences and technologies, hereinafter referred to
13 as the "quantum science facilities". Notwithstanding any other
14 provision of applicable law: (1) the quantum science
15 facilities may be located on land owned by the Board of
16 Trustees or a CQE partner; and (2) costs incurred in
17 connection with the design, construction, enlargement,
18 improvement, equipping, and completion of the quantum science
19 facilities may be paid with funds appropriated to the Capital
20 Development Board from the Build Illinois Bond Fund for a
21 grant to the Board of Trustees for the quantum science
22 facilities, whether the quantum science facilities are located
23 on land owned by the Board of Trustees or by a CQE partner;
24 provided, however, that if any quantum science facilities are
25 located on land owned by a CQE partner, the use of such grant
26 funds shall be subject to, and contingent upon, the lease by

1 the Board of Trustees, as lessee, of a portion of such quantum
2 science facilities for a term equal to at least the useful life
3 of such quantum science facilities. The leased premises under
4 any such lease shall bear a reasonable relationship to the
5 proportional share of the costs paid by such grant funds. Any
6 such lease shall give the Board of Trustees the right to
7 terminate the lease before the expiration of its term if the
8 General Assembly fails to appropriate sufficient funds to pay
9 rent due under the lease.

10 The Trustees shall have power (a) to purchase real
11 property and easements, and (b) to acquire real property and
12 easements in the manner provided by law for the exercise of the
13 right of eminent domain, and in the event negotiations for the
14 acquisition of real property or easements for making any
15 improvement which the Trustees are authorized to make shall
16 have proven unsuccessful and the Trustees shall have by
17 resolution adopted a schedule or plan of operation for the
18 execution of the project and therein made a finding that it is
19 necessary to take such property or easements immediately or at
20 some specified later date in order to comply with the
21 schedule, the Trustees may acquire such property or easements
22 in the same manner provided in Article 20 of the Eminent Domain
23 Act (quick-take procedure).

24 The Board of Trustees also shall have power to agree with
25 the State's Attorney of the county in which any properties of
26 the Board are located to pay for services rendered by the

1 various taxing districts for the years 1944 through 1949 and
2 to pay annually for services rendered thereafter by such
3 district such sums as may be determined by the Board upon
4 properties used solely for income producing purposes, title to
5 which is held by said Board of Trustees, upon properties
6 leased to members of the staff of the University of Illinois,
7 title to which is held in trust for said Board of Trustees and
8 upon properties leased to for-profit entities the title to
9 which properties is held by the Board of Trustees. A certified
10 copy of any such agreement made with the State's Attorney
11 shall be filed with the County Clerk and such sums shall be
12 distributed to the respective taxing districts by the County
13 Collector in such proportions that each taxing district will
14 receive therefrom such proportion as the tax rate of such
15 taxing district bears to the total tax rate that would be
16 levied against such properties if they were not exempt from
17 taxation under the Property Tax Code.

18 The Board of Trustees of the University of Illinois,
19 subject to the applicable civil service law, may appoint
20 persons to be members of the University of Illinois Police
21 Department. Members of the Police Department shall be peace
22 officers and as such have all powers possessed by policemen in
23 cities, and sheriffs, including the power to make arrests on
24 view or warrants of violations of state statutes and city or
25 county ordinances, except that they may exercise such powers
26 only in counties wherein the University and any of its

1 branches or properties are located when such is required for
2 the protection of university properties and interests, and its
3 students and personnel, and otherwise, within such counties,
4 when requested by appropriate state or local law enforcement
5 officials; provided, however, that such officer shall have no
6 power to serve and execute civil processes.

7 The Board of Trustees must authorize to each member of the
8 University of Illinois Police Department and to any other
9 employee of the University of Illinois exercising the powers
10 of a peace officer a distinct badge that, on its face, (i)
11 clearly states that the badge is authorized by the University
12 of Illinois and (ii) contains a unique identifying number. No
13 other badge shall be authorized by the University of Illinois.
14 Nothing in this paragraph prohibits the Board of Trustees from
15 issuing shields or other distinctive identification to
16 employees not exercising the powers of a peace officer if the
17 Board of Trustees determines that a shield or distinctive
18 identification is needed by the employee to carry out his or
19 her responsibilities.

20 The Board of Trustees may own, operate, or govern, by or
21 through the College of Medicine at Peoria, a managed care
22 community network established under subsection (b) of Section
23 5-11 of the Illinois Public Aid Code.

24 The powers of the trustees as herein designated are
25 subject to the provisions of "An Act creating a Board of Higher
26 Education, defining its powers and duties, making an

1 appropriation therefor, and repealing an Act herein named",
2 approved August 22, 1961, as amended.

3 The Board of Trustees shall have the authority to adopt
4 all administrative rules which may be necessary for the
5 effective administration, enforcement and regulation of all
6 matters for which the Board has jurisdiction or
7 responsibility.

8 (b) To assist in the provision of buildings and facilities
9 beneficial to, useful for, or supportive of University
10 purposes, the Board of Trustees of the University of Illinois
11 may exercise the following powers with regard to the area
12 located on or adjacent to the University of Illinois at
13 Chicago campus and bounded as follows: on the West by Morgan
14 Street; on the North by Roosevelt Road; on the East by Union
15 Street; and on the South by 16th Street, in the City of
16 Chicago:

17 (1) Acquire any interests in land, buildings, or
18 facilities by purchase, including installments payable
19 over a period allowed by law, by lease over a term of such
20 duration as the Board of Trustees shall determine, or by
21 exercise of the power of eminent domain;

22 (2) Sub-lease or contract to purchase through
23 installments all or any portion of buildings or facilities
24 for such duration and on such terms as the Board of
25 Trustees shall determine, including a term that exceeds 5
26 years, provided that each such lease or purchase contract

1 shall be and shall recite that it is subject to
2 termination and cancellation in any year for which the
3 General Assembly fails to make an appropriation to pay the
4 rent or purchase installments payable under the terms of
5 such lease or purchase contract; and

6 (3) Sell property without compliance with the State
7 Property Control Act and retain proceeds in the University
8 Treasury in a special, separate development fund account
9 which the Auditor General shall examine to assure
10 compliance with this Act.

11 Any buildings or facilities to be developed on the land shall
12 be buildings or facilities that, in the determination of the
13 Board of Trustees, in whole or in part: (i) are for use by the
14 University; or (ii) otherwise advance the interests of the
15 University, including, by way of example, residential
16 facilities for University staff and students and commercial
17 facilities which provide services needed by the University
18 community. Revenues from the development fund account may be
19 withdrawn by the University for the purpose of demolition and
20 the processes associated with demolition; routine land and
21 property acquisition; extension of utilities; streetscape
22 work; landscape work; surface and structure parking;
23 sidewalks, recreational paths, and street construction; and
24 lease and lease purchase arrangements and the professional
25 services associated with the planning and development of the
26 area. Moneys from the development fund account used for any

1 other purpose must be deposited into and appropriated from the
2 General Revenue Fund. Buildings or facilities leased to an
3 entity or person other than the University shall not be
4 subject to any limitations applicable to a State supported
5 college or university under any law. All development on the
6 land and all use of any buildings or facilities shall be
7 subject to the control and approval of the Board of Trustees.

8 (c) The Board of Trustees shall have the power to borrow
9 money, as necessary, from time to time in anticipation of
10 receiving tuition, payments from the State of Illinois, or
11 other revenues or receipts of the University, also known as
12 anticipated moneys. The borrowing limit shall be capped at
13 100% of the total amount of payroll and other expense vouchers
14 submitted and payable to the University for fiscal year 2010
15 expenses, but unpaid by the State Comptroller's office. Prior
16 to borrowing any funds, the University shall request from the
17 Comptroller's office a verification of the borrowing limit and
18 shall include the estimated date on which such borrowing shall
19 occur. The borrowing limit cap shall be verified by the State
20 Comptroller's office not prior to 45 days before any estimated
21 date for executing any promissory note or line of credit
22 established under this subsection (c). The principal amount
23 borrowed under a promissory note or line of credit shall not
24 exceed 75% of the borrowing limit. Within 15 days after
25 borrowing funds under any promissory note or line of credit
26 established under this subsection (c), the University shall

1 submit to the Governor's Office of Management and Budget, the
2 Speaker of the House of Representatives, the Minority Leader
3 of the House of Representatives, the President of the Senate,
4 and the Minority Leader of the Senate an Emergency Short Term
5 Cash Management Plan. The Emergency Short Term Cash Management
6 Plan shall outline the amount borrowed, the terms for
7 repayment, the amount of outstanding State vouchers as
8 verified by the State Comptroller's office, and the
9 University's plan for expenditure of any borrowed funds,
10 including, but not limited to, a detailed plan to meet payroll
11 obligations to include collective bargaining employees, civil
12 service employees, and academic, research, and health care
13 personnel. The establishment of any promissory note or line of
14 credit established under this subsection (c) must be finalized
15 within 90 days after the effective date of this amendatory Act
16 of the 96th General Assembly. The borrowed moneys shall be
17 applied to the purposes of paying salaries and other expenses
18 lawfully authorized in the University's State appropriation
19 and unpaid by the State Comptroller. Any line of credit
20 established under this subsection (c) shall be paid in full
21 one year after creation or within 10 days after the date the
22 University receives reimbursement from the State for all
23 submitted fiscal year 2010 vouchers, whichever is earlier. Any
24 promissory note established under this subsection (c) shall be
25 repaid within one year after issuance of the note. The
26 Chairman, Comptroller, or Treasurer of the Board shall execute

1 a promissory note or similar debt instrument to evidence the
2 indebtedness incurred by the borrowing. In connection with a
3 borrowing, the Board may establish a line of credit with a
4 financial institution, investment bank, or broker/dealer. The
5 obligation to make the payments due under any promissory note
6 or line of credit established under this subsection (c) shall
7 be a lawful obligation of the University payable from the
8 anticipated moneys. Any borrowing under this subsection (c)
9 shall not constitute a debt, legal or moral, of the State and
10 shall not be enforceable against the State. The promissory
11 note or line of credit shall be authorized by a resolution
12 passed by the Board and shall be valid whether or not a
13 budgeted item with respect to that resolution is included in
14 any annual or supplemental budget adopted by the Board. The
15 resolution shall set forth facts demonstrating the need for
16 the borrowing, state an amount that the amount to be borrowed
17 will not exceed, and establish a maximum interest rate limit
18 not to exceed the maximum rate authorized by the Bond
19 Authorization Act or 9%, whichever is less. The resolution may
20 direct the Comptroller or Treasurer of the Board to make
21 arrangements to set apart and hold the portion of the
22 anticipated moneys, as received, that shall be used to repay
23 the borrowing, subject to any prior pledges or restrictions
24 with respect to the anticipated moneys. The resolution may
25 also authorize the Treasurer of the Board to make partial
26 repayments of the borrowing as the anticipated moneys become

1 available and may contain any other terms, restrictions, or
2 limitations not inconsistent with the powers of the Board.

3 For the purposes of this subsection (c), "financial
4 institution" means any bank subject to the Illinois Banking
5 Act, any savings and loan association subject to the Illinois
6 Savings and Loan Act of 1985, and any federally chartered
7 commercial bank or savings and loan association or
8 government-sponsored enterprise organized and operated in this
9 State pursuant to the laws of the United States.

10 (Source: P.A. 96-909, eff. 6-8-10; 97-333, eff. 8-12-11.)

11 Section 10-45. The Illinois Public Aid Code is amended by
12 changing Sections 5-5.7a, 5-5e, 5A-12.7, and 5A-17 as follows:

13 (305 ILCS 5/5-5.7a)

14 Sec. 5-5.7a. Pandemic related stability payments for
15 health care providers. Notwithstanding other provisions of
16 law, and in accordance with the Illinois Emergency Management
17 Agency, the Department of Healthcare and Family Services shall
18 develop a process to distribute pandemic related stability
19 payments, from federal sources dedicated for such purposes, to
20 health care providers that are providing care to recipients
21 under the Medical Assistance Program. For provider types
22 serving residents who are recipients of medical assistance
23 under this Code and are funded by other State agencies, the
24 Department will coordinate the distribution process of the

1 pandemic related stability payments. Federal sources dedicated
2 to pandemic related payments include, but are not limited to,
3 funds distributed to the State of Illinois from the
4 Coronavirus Relief Fund pursuant to the Coronavirus Aid,
5 Relief, and Economic Security Act ("CARES Act") and from the
6 Coronavirus State Fiscal Recovery Fund pursuant to Section
7 9901 of the American Rescue Plan Act of 2021, that are
8 appropriated to the Department ~~for such purpose~~ during Fiscal
9 Years 2020, ~~and 2021,~~ and 2022 for purposes permitted by those
10 federal laws and related federal guidance.

11 (1) Pandemic related stability payments for these
12 providers shall be separate and apart from any rate
13 methodology otherwise defined in this Code to the extent
14 permitted in accordance with Section 5001 of the CARES Act
15 and Section 9901 of the American Rescue Plan Act of 2021
16 and any related federal guidance.

17 (2) Payments made from moneys received from the
18 Coronavirus Relief Fund shall be used exclusively for
19 expenses incurred by the providers that are eligible for
20 reimbursement from the Coronavirus Relief Fund in
21 accordance with Section 5001 of the CARES Act and related
22 federal guidance. Payments made from moneys received from
23 the Coronavirus State Fiscal Recovery Fund shall be used
24 exclusively for purposes permitted by Section 9901 of the
25 American Rescue Plan Act of 2021 and related federal
26 guidance. ~~related to the pandemic associated with the 2019~~

1 ~~Novel Coronavirus (COVID-19) Public Health Emergency~~
2 ~~issued by the Secretary of the U.S. Department of Health~~
3 ~~and Human Services (HHS) on January 31, 2020 and the~~
4 ~~national emergency issued by the President of the United~~
5 ~~States on March 13, 2020 between March 1, and December 30,~~
6 ~~2020.~~

7 (3) All providers receiving pandemic related stability
8 payments shall attest in a format to be created by the
9 Department and be able to demonstrate that their expenses
10 are pandemic related, were not part of their annual
11 budgets established before March 1, 2020, and are directly
12 associated with health care needs.

13 (4) Pandemic related stability payments will be
14 distributed based on a schedule and framework to be
15 established by the Department with recognition of the
16 pandemic related acuity of the situation for each
17 provider, taking into account the factors including, but
18 not limited to, the following;

19 (A) the impact of the pandemic on patients served,
20 impact on staff, and shortages of the personal
21 protective equipment necessary for infection control
22 efforts for all providers;

23 (B) ~~providers with high incidences of~~ COVID-19
24 positivity rates among staff, or patients, or both;

25 (C) pandemic related workforce challenges and
26 costs associated with temporary wage increases

1 ~~increased~~ associated with pandemic related hazard pay
2 programs, or costs associated with which providers do
3 not have enough staff to adequately provide care and
4 protection to the residents and other staff;

5 (D) providers with significant reductions in
6 utilization that result in corresponding reductions in
7 revenue as a result of the pandemic, including but not
8 limited to the cancellation or postponement of
9 elective procedures and visits; ~~and~~

10 (E) pandemic related payments received directly by
11 the providers through other federal resources;~~:-~~

12 (F) current efforts to respond to and provide
13 services to communities disproportionately impacted by
14 the COVID-19 public health emergency, including
15 low-income and socially vulnerable communities that
16 have seen the most severe health impacts and
17 exacerbated health inequities along racial, ethnic,
18 and socioeconomic lines; and

19 (G) provider needs for capital improvements to
20 existing facilities, including upgrades to HVAC and
21 ventilation systems and capital improvements for
22 enhancing infection control or reducing crowding,
23 which may include bed-buybacks.

24 (5) Pandemic related stability payments made from
25 moneys received from the Coronavirus Relief Fund will be
26 distributed to providers based on a methodology to be

1 administered by the Department with amounts determined by
2 a calculation of total federal pandemic related funds
3 appropriated by the Illinois General Assembly for this
4 purpose. Providers receiving the pandemic related
5 stability payments will attest to their increased costs,
6 declining revenues, and receipt of additional pandemic
7 related funds directly from the federal government.

8 (6) Of the payments provided for by this Section made
9 from moneys received from the Coronavirus Relief Fund
10 ~~section~~, a minimum of 30% shall be allotted for health
11 care providers that serve the ZIP codes located in the
12 most disproportionately impacted areas of Illinois, based
13 on positive COVID-19 cases based on data collected by the
14 Department of Public Health and provided to the Department
15 of Healthcare and Family Services.

16 (7) From funds appropriated, directly or indirectly,
17 from moneys received by the State from the Coronavirus
18 State Fiscal Recovery Fund for Fiscal Years 2021 and 2022,
19 the Department shall expend such funds only for purposes
20 permitted by Section 9901 of the American Rescue Plan Act
21 of 2021 and related federal guidance. Such expenditures
22 may include, but are not limited to: payments to providers
23 for costs incurred due to the COVID-19 public health
24 emergency; unreimbursed costs for testing and treatment of
25 uninsured Illinois residents; costs of COVID-19 mitigation
26 and prevention; medical expenses related to aftercare or

1 extended care for COVID-19 patients with longer term
2 symptoms and effects; costs of behavioral health care;
3 costs of public health and safety staff; and expenditures
4 permitted in order to address (i) disparities in public
5 health outcomes, (ii) nursing and other essential health
6 care workforce investments, (iii) exacerbation of
7 pre-existing disparities, and (iv) promoting healthy
8 childhood environments.

9 (8) From funds appropriated, directly or indirectly,
10 from moneys received by the State from the Coronavirus
11 State Fiscal Recovery Fund for Fiscal Years 2022 and 2023,
12 the Department shall establish a program for making
13 payments to long term care service providers and
14 facilities, for purposes related to financial support for
15 workers in the long term care industry, but only as
16 permitted by either the CARES Act or Section 9901 of the
17 American Rescue Plan Act of 2021 and related federal
18 guidance, including, but not limited to the following:
19 monthly amounts of \$25,000,000 per month for July 2021,
20 August 2021, and September 2021 where at least 50% of the
21 funds in July shall be passed directly to front line
22 workers and an additional 12.5% more in each of the next 2
23 months; financial support programs for providers enhancing
24 direct care staff recruitment efforts through the payment
25 of education expenses; and financial support programs for
26 providers offering enhanced and expanded training for all

1 levels of the long term care healthcare workforce to
2 achieve better patient outcomes, such as training on
3 infection control, proper personal protective equipment,
4 best practices in quality of care, and culturally
5 competent patient communications. The Department shall
6 have the authority to audit and potentially recoup funds
7 not utilized as outlined and attested.

8 (9) From funds appropriated, directly or indirectly,
9 from moneys received by the State from the Coronavirus
10 State Fiscal Recovery Fund for Fiscal Years 2022 through
11 2024 the Department shall establish a program for making
12 payments to facilities licensed under the Nursing Home
13 Care Act and facilities licensed under the Specialized
14 Mental Health Rehabilitation Act of 2013. To the extent
15 permitted by Section 9901 of the American Rescue Plan Act
16 of 2021 and related federal guidance, the program shall
17 provide payments for making permanent improvements to
18 resident rooms in order to improve resident outcomes and
19 infection control. Funds may be used to reduce bed
20 capacity and room occupancy. To be eligible for funding, a
21 facility must submit an application to the Department as
22 prescribed by the Department and as published on its
23 website. A facility may need to receive approval from the
24 Health Facilities and Services Review Board for the
25 permanent improvements or the removal of the beds before
26 it can receive payment under this paragraph.

1 (Source: P.A. 101-636, eff. 6-10-20.)

2 (305 ILCS 5/5-5e)

3 Sec. 5-5e. Adjusted rates of reimbursement.

4 (a) Rates or payments for services in effect on June 30,
5 2012 shall be adjusted and services shall be affected as
6 required by any other provision of Public Act 97-689. In
7 addition, the Department shall do the following:

8 (1) Delink the per diem rate paid for supportive
9 living facility services from the per diem rate paid for
10 nursing facility services, effective for services provided
11 on or after May 1, 2011 and before July 1, 2019.

12 (2) Cease payment for bed reserves in nursing
13 facilities and specialized mental health rehabilitation
14 facilities; for purposes of therapeutic home visits for
15 individuals scoring as TBI on the MDS 3.0, beginning June
16 1, 2015, the Department shall approve payments for bed
17 reserves in nursing facilities and specialized mental
18 health rehabilitation facilities that have at least a 90%
19 occupancy level and at least 80% of their residents are
20 Medicaid eligible. Payment shall be at a daily rate of 75%
21 of an individual's current Medicaid per diem and shall not
22 exceed 10 days in a calendar month.

23 (2.5) Cease payment for bed reserves for purposes of
24 inpatient hospitalizations to intermediate care facilities
25 for persons with developmental disabilities, except in the

1 instance of residents who are under 21 years of age.

2 (3) Cease payment of the \$10 per day add-on payment to
3 nursing facilities for certain residents with
4 developmental disabilities.

5 (b) After the application of subsection (a),
6 notwithstanding any other provision of this Code to the
7 contrary and to the extent permitted by federal law, on and
8 after July 1, 2012, the rates of reimbursement for services
9 and other payments provided under this Code shall further be
10 reduced as follows:

11 (1) Rates or payments for physician services, dental
12 services, or community health center services reimbursed
13 through an encounter rate, and services provided under the
14 Medicaid Rehabilitation Option of the Illinois Title XIX
15 State Plan shall not be further reduced, except as
16 provided in Section 5-5b.1.

17 (2) Rates or payments, or the portion thereof, paid to
18 a provider that is operated by a unit of local government
19 or State University that provides the non-federal share of
20 such services shall not be further reduced, except as
21 provided in Section 5-5b.1.

22 (3) Rates or payments for hospital services delivered
23 by a hospital defined as a Safety-Net Hospital under
24 Section 5-5e.1 of this Code shall not be further reduced,
25 except as provided in Section 5-5b.1.

26 (4) Rates or payments for hospital services delivered

1 by a Critical Access Hospital, which is an Illinois
2 hospital designated as a critical care hospital by the
3 Department of Public Health in accordance with 42 CFR 485,
4 Subpart F, shall not be further reduced, except as
5 provided in Section 5-5b.1.

6 (5) Rates or payments for Nursing Facility Services
7 shall only be further adjusted pursuant to Section 5-5.2
8 of this Code.

9 (6) Rates or payments for services delivered by long
10 term care facilities licensed under the ID/DD Community
11 Care Act or the MC/DD Act and developmental training
12 services shall not be further reduced.

13 (7) Rates or payments for services provided under
14 capitation rates shall be adjusted taking into
15 consideration the rates reduction and covered services
16 required by Public Act 97-689.

17 (8) For hospitals not previously described in this
18 subsection, the rates or payments for hospital services
19 provided before July 1, 2021, shall be further reduced by
20 3.5%, except for payments authorized under Section 5A-12.4
21 of this Code. For hospital services provided on or after
22 July 1, 2021, all rates for hospital services previously
23 reduced pursuant to P.A. 97-689 shall be increased to
24 reflect the discontinuation of any hospital rate
25 reductions authorized in this paragraph (8).

26 (9) For all other rates or payments for services

1 delivered by providers not specifically referenced in
2 paragraphs (1) through (7) ~~(8)~~, rates or payments shall be
3 further reduced by 2.7%.

4 (c) Any assessment imposed by this Code shall continue and
5 nothing in this Section shall be construed to cause it to
6 cease.

7 (d) Notwithstanding any other provision of this Code to
8 the contrary, subject to federal approval under Title XIX of
9 the Social Security Act, for dates of service on and after July
10 1, 2014, rates or payments for services provided for the
11 purpose of transitioning children from a hospital to home
12 placement or other appropriate setting by a children's
13 community-based health care center authorized under the
14 Alternative Health Care Delivery Act shall be \$683 per day.

15 (e) (Blank).

16 (f) (Blank).

17 (Source: P.A. 101-10, eff. 6-5-19; 101-649, eff. 7-7-20.)

18 (305 ILCS 5/5A-12.7)

19 (Section scheduled to be repealed on December 31, 2022)

20 Sec. 5A-12.7. Continuation of hospital access payments on
21 and after July 1, 2020.

22 (a) To preserve and improve access to hospital services,
23 for hospital services rendered on and after July 1, 2020, the
24 Department shall, except for hospitals described in subsection
25 (b) of Section 5A-3, make payments to hospitals or require

1 capitated managed care organizations to make payments as set
2 forth in this Section. Payments under this Section are not due
3 and payable, however, until: (i) the methodologies described
4 in this Section are approved by the federal government in an
5 appropriate State Plan amendment or directed payment preprint;
6 and (ii) the assessment imposed under this Article is
7 determined to be a permissible tax under Title XIX of the
8 Social Security Act. In determining the hospital access
9 payments authorized under subsection (g) of this Section, if a
10 hospital ceases to qualify for payments from the pool, the
11 payments for all hospitals continuing to qualify for payments
12 from such pool shall be uniformly adjusted to fully expend the
13 aggregate net amount of the pool, with such adjustment being
14 effective on the first day of the second month following the
15 date the hospital ceases to receive payments from such pool.

16 (b) Amounts moved into claims-based rates and distributed
17 in accordance with Section 14-12 shall remain in those
18 claims-based rates.

19 (c) Graduate medical education.

20 (1) The calculation of graduate medical education
21 payments shall be based on the hospital's Medicare cost
22 report ending in Calendar Year 2018, as reported in the
23 Healthcare Cost Report Information System file, release
24 date September 30, 2019. An Illinois hospital reporting
25 intern and resident cost on its Medicare cost report shall
26 be eligible for graduate medical education payments.

1 (2) Each hospital's annualized Medicaid Intern
2 Resident Cost is calculated using annualized intern and
3 resident total costs obtained from Worksheet B Part I,
4 Columns 21 and 22 the sum of Lines 30-43, 50-76, 90-93,
5 96-98, and 105-112 multiplied by the percentage that the
6 hospital's Medicaid days (Worksheet S3 Part I, Column 7,
7 Lines 2, 3, 4, 14, 16-18, and 32) comprise of the
8 hospital's total days (Worksheet S3 Part I, Column 8,
9 Lines 14, 16-18, and 32).

10 (3) An annualized Medicaid indirect medical education
11 (IME) payment is calculated for each hospital using its
12 IME payments (Worksheet E Part A, Line 29, Column 1)
13 multiplied by the percentage that its Medicaid days
14 (Worksheet S3 Part I, Column 7, Lines 2, 3, 4, 14, 16-18,
15 and 32) comprise of its Medicare days (Worksheet S3 Part
16 I, Column 6, Lines 2, 3, 4, 14, and 16-18).

17 (4) For each hospital, its annualized Medicaid Intern
18 Resident Cost and its annualized Medicaid IME payment are
19 summed, and, except as capped at 120% of the average cost
20 per intern and resident for all qualifying hospitals as
21 calculated under this paragraph, is multiplied by 22.6% to
22 determine the hospital's final graduate medical education
23 payment. Each hospital's average cost per intern and
24 resident shall be calculated by summing its total
25 annualized Medicaid Intern Resident Cost plus its
26 annualized Medicaid IME payment and dividing that amount

1 by the hospital's total Full Time Equivalent Residents and
2 Interns. If the hospital's average per intern and resident
3 cost is greater than 120% of the same calculation for all
4 qualifying hospitals, the hospital's per intern and
5 resident cost shall be capped at 120% of the average cost
6 for all qualifying hospitals.

7 (d) Fee-for-service supplemental payments. Each Illinois
8 hospital shall receive an annual payment equal to the amounts
9 below, to be paid in 12 equal installments on or before the
10 seventh State business day of each month, except that no
11 payment shall be due within 30 days after the later of the date
12 of notification of federal approval of the payment
13 methodologies required under this Section or any waiver
14 required under 42 CFR 433.68, at which time the sum of amounts
15 required under this Section prior to the date of notification
16 is due and payable.

17 (1) For critical access hospitals, \$385 per covered
18 inpatient day contained in paid fee-for-service claims and
19 \$530 per paid fee-for-service outpatient claim for dates
20 of service in Calendar Year 2019 in the Department's
21 Enterprise Data Warehouse as of May 11, 2020.

22 (2) For safety-net hospitals, \$960 per covered
23 inpatient day contained in paid fee-for-service claims and
24 \$625 per paid fee-for-service outpatient claim for dates
25 of service in Calendar Year 2019 in the Department's
26 Enterprise Data Warehouse as of May 11, 2020.

1 (3) For long term acute care hospitals, \$295 per
2 covered inpatient day contained in paid fee-for-service
3 claims for dates of service in Calendar Year 2019 in the
4 Department's Enterprise Data Warehouse as of May 11, 2020.

5 (4) For freestanding psychiatric hospitals, \$125 per
6 covered inpatient day contained in paid fee-for-service
7 claims and \$130 per paid fee-for-service outpatient claim
8 for dates of service in Calendar Year 2019 in the
9 Department's Enterprise Data Warehouse as of May 11, 2020.

10 (5) For freestanding rehabilitation hospitals, \$355
11 per covered inpatient day contained in paid
12 fee-for-service claims for dates of service in Calendar
13 Year 2019 in the Department's Enterprise Data Warehouse as
14 of May 11, 2020.

15 (6) For all general acute care hospitals and high
16 Medicaid hospitals as defined in subsection (f), \$350 per
17 covered inpatient day for dates of service in Calendar
18 Year 2019 contained in paid fee-for-service claims and
19 \$620 per paid fee-for-service outpatient claim in the
20 Department's Enterprise Data Warehouse as of May 11, 2020.

21 (7) Alzheimer's treatment access payment. Each
22 Illinois academic medical center or teaching hospital, as
23 defined in Section 5-5e.2 of this Code, that is identified
24 as the primary hospital affiliate of one of the Regional
25 Alzheimer's Disease Assistance Centers, as designated by
26 the Alzheimer's Disease Assistance Act and identified in

1 the Department of Public Health's Alzheimer's Disease
2 State Plan dated December 2016, shall be paid an
3 Alzheimer's treatment access payment equal to the product
4 of the qualifying hospital's State Fiscal Year 2018 total
5 inpatient fee-for-service days multiplied by the
6 applicable Alzheimer's treatment rate of \$226.30 for
7 hospitals located in Cook County and \$116.21 for hospitals
8 located outside Cook County.

9 (e) The Department shall require managed care
10 organizations (MCOs) to make directed payments and
11 pass-through payments according to this Section. Each calendar
12 year, the Department shall require MCOs to pay the maximum
13 amount out of these funds as allowed as pass-through payments
14 under federal regulations. The Department shall require MCOs
15 to make such pass-through payments as specified in this
16 Section. The Department shall require the MCOs to pay the
17 remaining amounts as directed Payments as specified in this
18 Section. The Department shall issue payments to the
19 Comptroller by the seventh business day of each month for all
20 MCOs that are sufficient for MCOs to make the directed
21 payments and pass-through payments according to this Section.
22 The Department shall require the MCOs to make pass-through
23 payments and directed payments using electronic funds
24 transfers (EFT), if the hospital provides the information
25 necessary to process such EFTs, in accordance with directions
26 provided monthly by the Department, within 7 business days of

1 the date the funds are paid to the MCOs, as indicated by the
2 "Paid Date" on the website of the Office of the Comptroller if
3 the funds are paid by EFT and the MCOs have received directed
4 payment instructions. If funds are not paid through the
5 Comptroller by EFT, payment must be made within 7 business
6 days of the date actually received by the MCO. The MCO will be
7 considered to have paid the pass-through payments when the
8 payment remittance number is generated or the date the MCO
9 sends the check to the hospital, if EFT information is not
10 supplied. If an MCO is late in paying a pass-through payment or
11 directed payment as required under this Section (including any
12 extensions granted by the Department), it shall pay a penalty,
13 unless waived by the Department for reasonable cause, to the
14 Department equal to 5% of the amount of the pass-through
15 payment or directed payment not paid on or before the due date
16 plus 5% of the portion thereof remaining unpaid on the last day
17 of each 30-day period thereafter. Payments to MCOs that would
18 be paid consistent with actuarial certification and enrollment
19 in the absence of the increased capitation payments under this
20 Section shall not be reduced as a consequence of payments made
21 under this subsection. The Department shall publish and
22 maintain on its website for a period of no less than 8 calendar
23 quarters, the quarterly calculation of directed payments and
24 pass-through payments owed to each hospital from each MCO. All
25 calculations and reports shall be posted no later than the
26 first day of the quarter for which the payments are to be

1 issued.

2 (f)(1) For purposes of allocating the funds included in
3 capitation payments to MCOs, Illinois hospitals shall be
4 divided into the following classes as defined in
5 administrative rules:

6 (A) Critical access hospitals.

7 (B) Safety-net hospitals, except that stand-alone
8 children's hospitals that are not specialty children's
9 hospitals will not be included.

10 (C) Long term acute care hospitals.

11 (D) Freestanding psychiatric hospitals.

12 (E) Freestanding rehabilitation hospitals.

13 (F) High Medicaid hospitals. As used in this Section,
14 "high Medicaid hospital" means a general acute care
15 hospital that is not a safety-net hospital or critical
16 access hospital and that has a Medicaid Inpatient
17 Utilization Rate above 30% or a hospital that had over
18 35,000 inpatient Medicaid days during the applicable
19 period. For the period July 1, 2020 through December 31,
20 2020, the applicable period for the Medicaid Inpatient
21 Utilization Rate (MIUR) is the rate year 2020 MIUR and for
22 the number of inpatient days it is State fiscal year 2018.
23 Beginning in calendar year 2021, the Department shall use
24 the most recently determined MIUR, as defined in
25 subsection (h) of Section 5-5.02, and for the inpatient
26 day threshold, the State fiscal year ending 18 months

1 prior to the beginning of the calendar year. For purposes
2 of calculating MIUR under this Section, children's
3 hospitals and affiliated general acute care hospitals
4 shall be considered a single hospital.

5 (G) General acute care hospitals. As used under this
6 Section, "general acute care hospitals" means all other
7 Illinois hospitals not identified in subparagraphs (A)
8 through (F).

9 (2) Hospitals' qualification for each class shall be
10 assessed prior to the beginning of each calendar year and the
11 new class designation shall be effective January 1 of the next
12 year. The Department shall publish by rule the process for
13 establishing class determination.

14 (g) Fixed pool directed payments. Beginning July 1, 2020,
15 the Department shall issue payments to MCOs which shall be
16 used to issue directed payments to qualified Illinois
17 safety-net hospitals and critical access hospitals on a
18 monthly basis in accordance with this subsection. Prior to the
19 beginning of each Payout Quarter beginning July 1, 2020, the
20 Department shall use encounter claims data from the
21 Determination Quarter, accepted by the Department's Medicaid
22 Management Information System for inpatient and outpatient
23 services rendered by safety-net hospitals and critical access
24 hospitals to determine a quarterly uniform per unit add-on for
25 each hospital class.

26 (1) Inpatient per unit add-on. A quarterly uniform per

1 diem add-on shall be derived by dividing the quarterly
2 Inpatient Directed Payments Pool amount allocated to the
3 applicable hospital class by the total inpatient days
4 contained on all encounter claims received during the
5 Determination Quarter, for all hospitals in the class.

6 (A) Each hospital in the class shall have a
7 quarterly inpatient directed payment calculated that
8 is equal to the product of the number of inpatient days
9 attributable to the hospital used in the calculation
10 of the quarterly uniform class per diem add-on,
11 multiplied by the calculated applicable quarterly
12 uniform class per diem add-on of the hospital class.

13 (B) Each hospital shall be paid $1/3$ of its
14 quarterly inpatient directed payment in each of the 3
15 months of the Payout Quarter, in accordance with
16 directions provided to each MCO by the Department.

17 (2) Outpatient per unit add-on. A quarterly uniform
18 per claim add-on shall be derived by dividing the
19 quarterly Outpatient Directed Payments Pool amount
20 allocated to the applicable hospital class by the total
21 outpatient encounter claims received during the
22 Determination Quarter, for all hospitals in the class.

23 (A) Each hospital in the class shall have a
24 quarterly outpatient directed payment calculated that
25 is equal to the product of the number of outpatient
26 encounter claims attributable to the hospital used in

1 the calculation of the quarterly uniform class per
2 claim add-on, multiplied by the calculated applicable
3 quarterly uniform class per claim add-on of the
4 hospital class.

5 (B) Each hospital shall be paid 1/3 of its
6 quarterly outpatient directed payment in each of the 3
7 months of the Payout Quarter, in accordance with
8 directions provided to each MCO by the Department.

9 (3) Each MCO shall pay each hospital the Monthly
10 Directed Payment as identified by the Department on its
11 quarterly determination report.

12 (4) Definitions. As used in this subsection:

13 (A) "Payout Quarter" means each 3 month calendar
14 quarter, beginning July 1, 2020.

15 (B) "Determination Quarter" means each 3 month
16 calendar quarter, which ends 3 months prior to the
17 first day of each Payout Quarter.

18 (5) For the period July 1, 2020 through December 2020,
19 the following amounts shall be allocated to the following
20 hospital class directed payment pools for the quarterly
21 development of a uniform per unit add-on:

22 (A) \$2,894,500 for hospital inpatient services for
23 critical access hospitals.

24 (B) \$4,294,374 for hospital outpatient services
25 for critical access hospitals.

26 (C) \$29,109,330 for hospital inpatient services

1 for safety-net hospitals.

2 (D) \$35,041,218 for hospital outpatient services
3 for safety-net hospitals.

4 (h) Fixed rate directed payments. Effective July 1, 2020,
5 the Department shall issue payments to MCOs which shall be
6 used to issue directed payments to Illinois hospitals not
7 identified in paragraph (g) on a monthly basis. Prior to the
8 beginning of each Payout Quarter beginning July 1, 2020, the
9 Department shall use encounter claims data from the
10 Determination Quarter, accepted by the Department's Medicaid
11 Management Information System for inpatient and outpatient
12 services rendered by hospitals in each hospital class
13 identified in paragraph (f) and not identified in paragraph
14 (g). For the period July 1, 2020 through December 2020, the
15 Department shall direct MCOs to make payments as follows:

16 (1) For general acute care hospitals an amount equal
17 to \$1,750 multiplied by the hospital's category of service
18 20 case mix index for the determination quarter multiplied
19 by the hospital's total number of inpatient admissions for
20 category of service 20 for the determination quarter.

21 (2) For general acute care hospitals an amount equal
22 to \$160 multiplied by the hospital's category of service
23 21 case mix index for the determination quarter multiplied
24 by the hospital's total number of inpatient admissions for
25 category of service 21 for the determination quarter.

26 (3) For general acute care hospitals an amount equal

1 to \$80 multiplied by the hospital's category of service 22
2 case mix index for the determination quarter multiplied by
3 the hospital's total number of inpatient admissions for
4 category of service 22 for the determination quarter.

5 (4) For general acute care hospitals an amount equal
6 to \$375 multiplied by the hospital's category of service
7 24 case mix index for the determination quarter multiplied
8 by the hospital's total number of category of service 24
9 paid EAPG (EAPGs) for the determination quarter.

10 (5) For general acute care hospitals an amount equal
11 to \$240 multiplied by the hospital's category of service
12 27 and 28 case mix index for the determination quarter
13 multiplied by the hospital's total number of category of
14 service 27 and 28 paid EAPGs for the determination
15 quarter.

16 (6) For general acute care hospitals an amount equal
17 to \$290 multiplied by the hospital's category of service
18 29 case mix index for the determination quarter multiplied
19 by the hospital's total number of category of service 29
20 paid EAPGs for the determination quarter.

21 (7) For high Medicaid hospitals an amount equal to
22 \$1,800 multiplied by the hospital's category of service 20
23 case mix index for the determination quarter multiplied by
24 the hospital's total number of inpatient admissions for
25 category of service 20 for the determination quarter.

26 (8) For high Medicaid hospitals an amount equal to

1 \$160 multiplied by the hospital's category of service 21
2 case mix index for the determination quarter multiplied by
3 the hospital's total number of inpatient admissions for
4 category of service 21 for the determination quarter.

5 (9) For high Medicaid hospitals an amount equal to \$80
6 multiplied by the hospital's category of service 22 case
7 mix index for the determination quarter multiplied by the
8 hospital's total number of inpatient admissions for
9 category of service 22 for the determination quarter.

10 (10) For high Medicaid hospitals an amount equal to
11 \$400 multiplied by the hospital's category of service 24
12 case mix index for the determination quarter multiplied by
13 the hospital's total number of category of service 24 paid
14 EAPG outpatient claims for the determination quarter.

15 (11) For high Medicaid hospitals an amount equal to
16 \$240 multiplied by the hospital's category of service 27
17 and 28 case mix index for the determination quarter
18 multiplied by the hospital's total number of category of
19 service 27 and 28 paid EAPGs for the determination
20 quarter.

21 (12) For high Medicaid hospitals an amount equal to
22 \$290 multiplied by the hospital's category of service 29
23 case mix index for the determination quarter multiplied by
24 the hospital's total number of category of service 29 paid
25 EAPGs for the determination quarter.

26 (13) For long term acute care hospitals the amount of

1 \$495 multiplied by the hospital's total number of
2 inpatient days for the determination quarter.

3 (14) For psychiatric hospitals the amount of \$210
4 multiplied by the hospital's total number of inpatient
5 days for category of service 21 for the determination
6 quarter.

7 (15) For psychiatric hospitals the amount of \$250
8 multiplied by the hospital's total number of outpatient
9 claims for category of service 27 and 28 for the
10 determination quarter.

11 (16) For rehabilitation hospitals the amount of \$410
12 multiplied by the hospital's total number of inpatient
13 days for category of service 22 for the determination
14 quarter.

15 (17) For rehabilitation hospitals the amount of \$100
16 multiplied by the hospital's total number of outpatient
17 claims for category of service 29 for the determination
18 quarter.

19 (18) Each hospital shall be paid 1/3 of their
20 quarterly inpatient and outpatient directed payment in
21 each of the 3 months of the Payout Quarter, in accordance
22 with directions provided to each MCO by the Department.

23 (19) Each MCO shall pay each hospital the Monthly
24 Directed Payment amount as identified by the Department on
25 its quarterly determination report.

26 Notwithstanding any other provision of this subsection, if

1 the Department determines that the actual total hospital
2 utilization data that is used to calculate the fixed rate
3 directed payments is substantially different than anticipated
4 when the rates in this subsection were initially determined
5 (for unforeseeable circumstances such as the COVID-19
6 pandemic), the Department may adjust the rates specified in
7 this subsection so that the total directed payments
8 approximate the total spending amount anticipated when the
9 rates were initially established.

10 Definitions. As used in this subsection:

11 (A) "Payout Quarter" means each calendar quarter,
12 beginning July 1, 2020.

13 (B) "Determination Quarter" means each calendar
14 quarter which ends 3 months prior to the first day of
15 each Payout Quarter.

16 (C) "Case mix index" means a hospital specific
17 calculation. For inpatient claims the case mix index
18 is calculated each quarter by summing the relative
19 weight of all inpatient Diagnosis-Related Group (DRG)
20 claims for a category of service in the applicable
21 Determination Quarter and dividing the sum by the
22 number of sum total of all inpatient DRG admissions
23 for the category of service for the associated claims.
24 The case mix index for outpatient claims is calculated
25 each quarter by summing the relative weight of all
26 paid EAPGs in the applicable Determination Quarter and

1 dividing the sum by the sum total of paid EAPGs for the
2 associated claims.

3 (i) Beginning January 1, 2021, the rates for directed
4 payments shall be recalculated in order to spend the
5 additional funds for directed payments that result from
6 reduction in the amount of pass-through payments allowed under
7 federal regulations. The additional funds for directed
8 payments shall be allocated proportionally to each class of
9 hospitals based on that class' proportion of services.

10 (j) Pass-through payments.

11 (1) For the period July 1, 2020 through December 31,
12 2020, the Department shall assign quarterly pass-through
13 payments to each class of hospitals equal to one-fourth of
14 the following annual allocations:

15 (A) \$390,487,095 to safety-net hospitals.

16 (B) \$62,553,886 to critical access hospitals.

17 (C) \$345,021,438 to high Medicaid hospitals.

18 (D) \$551,429,071 to general acute care hospitals.

19 (E) \$27,283,870 to long term acute care hospitals.

20 (F) \$40,825,444 to freestanding psychiatric
21 hospitals.

22 (G) \$9,652,108 to freestanding rehabilitation
23 hospitals.

24 (2) The pass-through payments shall at a minimum
25 ensure hospitals receive a total amount of monthly
26 payments under this Section as received in calendar year

1 2019 in accordance with this Article and paragraph (1) of
2 subsection (d-5) of Section 14-12, exclusive of amounts
3 received through payments referenced in subsection (b).

4 (3) For the calendar year beginning January 1, 2021,
5 and each calendar year thereafter, each hospital's
6 pass-through payment amount shall be reduced
7 proportionally to the reduction of all pass-through
8 payments required by federal regulations.

9 (k) At least 30 days prior to each calendar year, the
10 Department shall notify each hospital of changes to the
11 payment methodologies in this Section, including, but not
12 limited to, changes in the fixed rate directed payment rates,
13 the aggregate pass-through payment amount for all hospitals,
14 and the hospital's pass-through payment amount for the
15 upcoming calendar year.

16 (l) Notwithstanding any other provisions of this Section,
17 the Department may adopt rules to change the methodology for
18 directed and pass-through payments as set forth in this
19 Section, but only to the extent necessary to obtain federal
20 approval of a necessary State Plan amendment or Directed
21 Payment Preprint or to otherwise conform to federal law or
22 federal regulation.

23 (m) As used in this subsection, "managed care
24 organization" or "MCO" means an entity which contracts with
25 the Department to provide services where payment for medical
26 services is made on a capitated basis, excluding contracted

1 entities for dual eligible or Department of Children and
2 Family Services youth populations.

3 (n) In order to address the escalating infant mortality
4 rates among minority communities in Illinois, the State shall,
5 subject to appropriation, create a pool of funding of at least
6 \$50,000,000 annually to be disbursed among safety-net
7 hospitals that maintain perinatal designation from the
8 Department of Public Health. The funding shall be used to
9 preserve or enhance OB/GYN services or other specialty
10 services at the receiving hospital, with the distribution of
11 funding to be established by rule and with consideration to
12 perinatal hospitals with safe birthing levels and quality
13 metrics for healthy mothers and babies.

14 (o) In order to address the growing challenges of
15 providing stable access to healthcare in rural Illinois,
16 including perinatal services, behavioral healthcare including
17 substance use disorder services (SUDs) and other specialty
18 services, and to expand access to telehealth services among
19 rural communities in Illinois, the Department of Healthcare
20 and Family Services, subject to appropriation, shall
21 administer a program to provide at least \$10,000,000 in
22 financial support annually to critical access hospitals for
23 delivery of perinatal and OB/GYN services, behavioral
24 healthcare including SUDs, other specialty services and
25 telehealth services. The funding shall be used to preserve or
26 enhance perinatal and OB/GYN services, behavioral healthcare

1 including SUDS, other specialty services, as well as the
2 explanation of telehealth services by the receiving hospital,
3 with the distribution of funding to be established by rule.

4 (Source: P.A. 101-650, eff. 7-7-20; 102-4, eff. 4-27-21.)

5 (305 ILCS 5/5A-17)

6 Sec. 5A-17. Recovery of payments; liens.

7 (a) As a condition of receiving payments pursuant to
8 subsections (d) and (k) of Section 5A-12.7 for State Fiscal
9 Year 2021, a for-profit general acute care hospital that
10 ceases to provide hospital services before July 1, 2021 and
11 within 12 months of a change in the hospital's ownership
12 status from not-for-profit to investor owned, shall be
13 obligated to pay to the Department an amount equal to the
14 payments received pursuant to subsections (d) and (k) of
15 Section 5A-12.7 since the change in ownership status to the
16 cessation of hospital services. The obligated amount shall be
17 due immediately and must be paid to the Department within 10
18 days of ceasing to provide services or pursuant to a payment
19 plan approved by the Department unless the hospital requests a
20 hearing under paragraph (d) of this Section. The obligation
21 under this Section shall not apply to a hospital that ceases to
22 provide services under circumstances that include:
23 implementation of a transformation project approved by the
24 Department under subsection (d-5) of Section 14-12;
25 emergencies as declared by federal, State, or local

1 government; actions approved or required by federal, State, or
2 local government; actions taken in compliance with the
3 Illinois Health Facilities Planning Act; or other
4 circumstances beyond the control of the hospital provider or
5 for the benefit of the community previously served by the
6 hospital, as determined on a case-by-case basis by the
7 Department.

8 (a-5) For State Fiscal Year 2022, a general acute care
9 hospital that ceases to provide hospital services before July
10 1, 2022 and within 12 months of a change in the hospital's
11 ownership status that was approved by the Health Facilities
12 Services Review Board between March 1, 2021 and March 31,
13 2021, shall be obligated to pay to the Department an amount
14 equal to the payments received in State Fiscal Year 2022
15 pursuant to subsections (d) and (k) of Section 5A-12.7 since
16 the change in ownership status to the cessation of hospital
17 services. The obligated amount shall be due immediately and
18 must be paid to the Department within 30 days of ceasing to
19 provide services or pursuant to a payment plan approved by the
20 Department unless the hospital requests a proceeding under
21 paragraph (b) of this Section. The obligation under this
22 Section shall not apply to a hospital that ceases to provide
23 services under circumstances that include: implementation of a
24 transformation project approved by the Department under
25 subsection (d-5) of Section 14-12; emergencies as declared by
26 federal, State, or local government; actions approved or

1 required by federal, State, or local government; actions taken
2 in compliance with the Illinois Health Facilities Planning
3 Act; or other circumstances beyond the control of the hospital
4 provider or for the benefit of the community previously served
5 by the hospital, as determined on a case-by-case basis by the
6 Department.

7 (b) The Illinois Department shall administer and enforce
8 this Section and collect the obligations imposed under this
9 Section using procedures employed in its administration of
10 this Code generally. The Illinois Department, its Director,
11 and every hospital provider subject to this Section shall have
12 the following powers, duties, and rights:

13 (1) The Illinois Department may initiate either
14 administrative or judicial proceedings, or both, to
15 enforce the provisions of this Section. Administrative
16 enforcement proceedings initiated hereunder shall be
17 governed by the Illinois Department's administrative
18 rules. Judicial enforcement proceedings initiated in
19 accordance with this Section shall be governed by the
20 rules of procedure applicable in the courts of this State.

21 (2) No proceedings for collection, refund, credit, or
22 other adjustment of an amount payable under this Section
23 shall be issued more than 3 years after the due date of the
24 obligation, except in the case of an extended period
25 agreed to in writing by the Illinois Department and the
26 hospital provider before the expiration of this limitation

1 period.

2 (3) Any unpaid obligation under this Section shall
3 become a lien upon the assets of the hospital. If any
4 hospital provider sells or transfers the major part of any
5 one or more of (i) the real property and improvements,
6 (ii) the machinery and equipment, or (iii) the furniture
7 or fixtures of any hospital that is subject to the
8 provisions of this Section, the seller or transferor shall
9 pay the Illinois Department the amount of any obligation
10 due from it under this Section up to the date of the sale
11 or transfer. If the seller or transferor fails to pay any
12 amount due under this Section, the purchaser or transferee
13 of such asset shall be liable for the amount of the
14 obligation up to the amount of the reasonable value of the
15 property acquired by the purchaser or transferee. The
16 purchaser or transferee shall continue to be liable until
17 the purchaser or transferee pays the full amount of the
18 obligation up to the amount of the reasonable value of the
19 property acquired by the purchaser or transferee or until
20 the purchaser or transferee receives from the Illinois
21 Department a certificate showing that such assessment,
22 penalty, and interest have been paid or a certificate from
23 the Illinois Department showing that no amount is due from
24 the seller or transferor under this Section.

25 (c) In addition to any other remedy provided for, the
26 Illinois Department may collect an unpaid obligation by

1 withholding, as payment of the amount due, reimbursements or
2 other amounts otherwise payable by the Illinois Department to
3 the hospital provider.

4 (Source: P.A. 101-650, eff. 7-7-20.)

5 ARTICLE 11. EDGE CREDIT

6 Section 11-5. The Department of Commerce and Economic
7 Opportunity Law of the Civil Administrative Code of Illinois
8 is amended by adding Section 605-1070 as follows:

9 (20 ILCS 605/605-1070 new)

10 Sec. 605-1070. Rulemaking authority for EDGE Credit;
11 sunset extensions for expiring credits; disaster declaration.
12 The Department shall adopt rules, in consultation with the
13 Department of Revenue, to identify any and all Economic
14 Development for a Growing Economy (EDGE) tax credits that are
15 earned, existing, and unused by a taxpayer in any tax year
16 where there is a statewide COVID-19 public health emergency,
17 as evidenced by an effective disaster declaration of the
18 Governor covering all counties in the State. The rules adopted
19 by the Department shall allow for the extension of credits,
20 for at least 5 years and up to 10 years after the last
21 statewide COVID-19 related disaster declaration has ended,
22 that are earned, existing, or set to expire during a tax year
23 where there is a statewide COVID-19 public health emergency as

1 evidenced by an effective disaster declaration of the Governor
2 covering all counties. In order for a credit to be extended a
3 taxpayer shall provide evidence, in a form prescribed by the
4 Department, that the taxpayer was or will be unable to utilize
5 credits due to the COVID-19 public health emergency.

6 Section 11-10. The Illinois Income Tax Act is amended by
7 changing Section 211 as follows:

8 (35 ILCS 5/211)

9 Sec. 211. Economic Development for a Growing Economy Tax
10 Credit. For tax years beginning on or after January 1, 1999, a
11 Taxpayer who has entered into an Agreement (including a New
12 Construction EDGE Agreement) under the Economic Development
13 for a Growing Economy Tax Credit Act is entitled to a credit
14 against the taxes imposed under subsections (a) and (b) of
15 Section 201 of this Act in an amount to be determined in the
16 Agreement. If the Taxpayer is a partnership or Subchapter S
17 corporation, the credit shall be allowed to the partners or
18 shareholders in accordance with the determination of income
19 and distributive share of income under Sections 702 and 704
20 and subchapter S of the Internal Revenue Code. The Department,
21 in cooperation with the Department of Commerce and Economic
22 Opportunity, shall prescribe rules to enforce and administer
23 the provisions of this Section. This Section is exempt from
24 the provisions of Section 250 of this Act.

1 The credit shall be subject to the conditions set forth in
2 the Agreement and the following limitations:

3 (1) The tax credit shall not exceed the Incremental
4 Income Tax (as defined in Section 5-5 of the Economic
5 Development for a Growing Economy Tax Credit Act) with
6 respect to the project; additionally, the New Construction
7 EDGE Credit shall not exceed the New Construction EDGE
8 Incremental Income Tax (as defined in Section 5-5 of the
9 Economic Development for a Growing Economy Tax Credit
10 Act).

11 (2) The amount of the credit allowed during the tax
12 year plus the sum of all amounts allowed in prior years
13 shall not exceed 100% of the aggregate amount expended by
14 the Taxpayer during all prior tax years on approved costs
15 defined by Agreement.

16 (3) The amount of the credit shall be determined on an
17 annual basis. Except as applied in a carryover year
18 pursuant to Section 211(4) of this Act, the credit may not
19 be applied against any State income tax liability in more
20 than 10 taxable years; provided, however, that (i) an
21 eligible business certified by the Department of Commerce
22 and Economic Opportunity under the Corporate Headquarters
23 Relocation Act may not apply the credit against any of its
24 State income tax liability in more than 15 taxable years
25 and (ii) credits allowed to that eligible business are
26 subject to the conditions and requirements set forth in

1 Sections 5-35 and 5-45 of the Economic Development for a
2 Growing Economy Tax Credit Act and Section 5-51 as
3 applicable to New Construction EDGE Credits.

4 (4) The credit may not exceed the amount of taxes
5 imposed pursuant to subsections (a) and (b) of Section 201
6 of this Act. Any credit that is unused in the year the
7 credit is computed may be carried forward and applied to
8 the tax liability of the 5 taxable years following the
9 excess credit year, except as otherwise provided under
10 paragraph (4.5) of this Section. The credit shall be
11 applied to the earliest year for which there is a tax
12 liability. If there are credits from more than one tax
13 year that are available to offset a liability, the earlier
14 credit shall be applied first.

15 (4.5) The Department of Commerce and Economic
16 Opportunity, in consultation with the Department of
17 Revenue, shall adopt rules to extend the sunset of any
18 earned, existing, or unused credit as provided for in
19 Section 605-1055 of the Department of Commerce and
20 Economic Opportunity Law of the Civil Administrative Code
21 of Illinois.

22 (5) No credit shall be allowed with respect to any
23 Agreement for any taxable year ending after the
24 Noncompliance Date. Upon receiving notification by the
25 Department of Commerce and Economic Opportunity of the
26 noncompliance of a Taxpayer with an Agreement, the

1 Department shall notify the Taxpayer that no credit is
2 allowed with respect to that Agreement for any taxable
3 year ending after the Noncompliance Date, as stated in
4 such notification. If any credit has been allowed with
5 respect to an Agreement for a taxable year ending after
6 the Noncompliance Date for that Agreement, any refund paid
7 to the Taxpayer for that taxable year shall, to the extent
8 of that credit allowed, be an erroneous refund within the
9 meaning of Section 912 of this Act.

10 (6) For purposes of this Section, the terms
11 "Agreement", "Incremental Income Tax", "New Construction
12 EDGE Agreement", "New Construction EDGE Credit", "New
13 Construction EDGE Incremental Income Tax", and
14 "Noncompliance Date" have the same meaning as when used in
15 the Economic Development for a Growing Economy Tax Credit
16 Act.

17 (Source: P.A. 101-9, eff. 6-5-19.)

18 Section 11-15. The Economic Development for a Growing
19 Economy Tax Credit Act is amended by changing Section 5-45 as
20 follows:

21 (35 ILCS 10/5-45)

22 Sec. 5-45. Amount and duration of the credit.

23 (a) The Department shall determine the amount and duration
24 of the credit awarded under this Act. The duration of the

1 credit may not exceed 10 taxable years. The credit may be
2 stated as a percentage of the Incremental Income Tax
3 attributable to the applicant's project and may include a
4 fixed dollar limitation.

5 (b) Notwithstanding subsection (a), and except as the
6 credit may be applied in a carryover year pursuant to Section
7 211(4) of the Illinois Income Tax Act, the credit may be
8 applied against the State income tax liability in more than 10
9 taxable years but not in more than 15 taxable years for an
10 eligible business that (i) qualifies under this Act and the
11 Corporate Headquarters Relocation Act and has in fact
12 undertaken a qualifying project within the time frame
13 specified by the Department of Commerce and Economic
14 Opportunity under that Act, and (ii) applies against its State
15 income tax liability, during the entire 15-year period, no
16 more than 60% of the maximum credit per year that would
17 otherwise be available under this Act.

18 (c) Nothing in this Section shall prevent the Department,
19 in consultation with the Department of Revenue, from adopting
20 rules to extend the sunset of any earned, existing, and unused
21 tax credit or credits a taxpayer may be in possession of, as
22 provided for in Section 605-1055 of the Department of Commerce
23 and Economic Opportunity Law of the Civil Administrative Code
24 of Illinois, notwithstanding the carry-forward provisions
25 pursuant to paragraph (4) of Section 211 of the Illinois
26 Income Tax Act.

(Source: P.A. 94-793, eff. 5-19-06.)

ARTICLE 12. PENSION CODE

Section 12-5. The Illinois Pension Code is amended by changing Sections 1-160, 15-155, 15-198, 16-133, 16-158, and 16-203 as follows:

(40 ILCS 5/1-160)

Sec. 1-160. Provisions applicable to new hires.

(a) The provisions of this Section apply to a person who, on or after January 1, 2011, first becomes a member or a participant under any reciprocal retirement system or pension fund established under this Code, other than a retirement system or pension fund established under Article 2, 3, 4, 5, 6, 15 or 18 of this Code, notwithstanding any other provision of this Code to the contrary, but do not apply to any self-managed plan established under this Code, to any person with respect to service as a sheriff's law enforcement employee under Article 7, or to any participant of the retirement plan established under Section 22-101. Notwithstanding anything to the contrary in this Section, for purposes of this Section, a person who participated in a retirement system under Article 15 prior to January 1, 2011 shall be deemed a person who first became a member or participant prior to January 1, 2011 under any retirement system or pension fund subject to this Section.

1 The changes made to this Section by Public Act 98-596 are a
2 clarification of existing law and are intended to be
3 retroactive to January 1, 2011 (the effective date of Public
4 Act 96-889), notwithstanding the provisions of Section 1-103.1
5 of this Code.

6 This Section does not apply to a person who first becomes a
7 noncovered employee under Article 14 on or after the
8 implementation date of the plan created under Section 1-161
9 for that Article, unless that person elects under subsection
10 (b) of Section 1-161 to instead receive the benefits provided
11 under this Section and the applicable provisions of that
12 Article.

13 This Section does not apply to a person who first becomes a
14 member or participant under Article 16 on or after the
15 implementation date of the plan created under Section 1-161
16 for that Article, unless that person elects under subsection
17 (b) of Section 1-161 to instead receive the benefits provided
18 under this Section and the applicable provisions of that
19 Article.

20 This Section does not apply to a person who elects under
21 subsection (c-5) of Section 1-161 to receive the benefits
22 under Section 1-161.

23 This Section does not apply to a person who first becomes a
24 member or participant of an affected pension fund on or after 6
25 months after the resolution or ordinance date, as defined in
26 Section 1-162, unless that person elects under subsection (c)

1 of Section 1-162 to receive the benefits provided under this
2 Section and the applicable provisions of the Article under
3 which he or she is a member or participant.

4 (b) "Final average salary" means, except as otherwise
5 provided in this subsection, the average monthly (or annual)
6 salary obtained by dividing the total salary or earnings
7 calculated under the Article applicable to the member or
8 participant during the 96 consecutive months (or 8 consecutive
9 years) of service within the last 120 months (or 10 years) of
10 service in which the total salary or earnings calculated under
11 the applicable Article was the highest by the number of months
12 (or years) of service in that period. For the purposes of a
13 person who first becomes a member or participant of any
14 retirement system or pension fund to which this Section
15 applies on or after January 1, 2011, in this Code, "final
16 average salary" shall be substituted for the following:

17 (1) In Article 7 (except for service as sheriff's law
18 enforcement employees), "final rate of earnings".

19 (2) In Articles 8, 9, 10, 11, and 12, "highest average
20 annual salary for any 4 consecutive years within the last
21 10 years of service immediately preceding the date of
22 withdrawal".

23 (3) In Article 13, "average final salary".

24 (4) In Article 14, "final average compensation".

25 (5) In Article 17, "average salary".

26 (6) In Section 22-207, "wages or salary received by

1 him at the date of retirement or discharge".

2 A member of the Teachers' Retirement System of the State
3 of Illinois who retires on or after June 1, 2021 and for whom
4 the 2020-2021 school year is used in the calculation of the
5 member's final average salary shall use the higher of the
6 following for the purpose of determining the member's final
7 average salary:

8 (A) the amount otherwise calculated under the first
9 paragraph of this subsection; or

10 (B) an amount calculated by the Teachers' Retirement
11 System of the State of Illinois using the average of the
12 monthly (or annual) salary obtained by dividing the total
13 salary or earnings calculated under Article 16 applicable
14 to the member or participant during the 96 months (or 8
15 years) of service within the last 120 months (or 10 years)
16 of service in which the total salary or earnings
17 calculated under the Article was the highest by the number
18 of months (or years) of service in that period.

19 (b-5) Beginning on January 1, 2011, for all purposes under
20 this Code (including without limitation the calculation of
21 benefits and employee contributions), the annual earnings,
22 salary, or wages (based on the plan year) of a member or
23 participant to whom this Section applies shall not exceed
24 \$106,800; however, that amount shall annually thereafter be
25 increased by the lesser of (i) 3% of that amount, including all
26 previous adjustments, or (ii) one-half the annual unadjusted

1 percentage increase (but not less than zero) in the consumer
2 price index-u for the 12 months ending with the September
3 preceding each November 1, including all previous adjustments.

4 For the purposes of this Section, "consumer price index-u"
5 means the index published by the Bureau of Labor Statistics of
6 the United States Department of Labor that measures the
7 average change in prices of goods and services purchased by
8 all urban consumers, United States city average, all items,
9 1982-84 = 100. The new amount resulting from each annual
10 adjustment shall be determined by the Public Pension Division
11 of the Department of Insurance and made available to the
12 boards of the retirement systems and pension funds by November
13 1 of each year.

14 (c) A member or participant is entitled to a retirement
15 annuity upon written application if he or she has attained age
16 67 (beginning January 1, 2015, age 65 with respect to service
17 under Article 12 of this Code that is subject to this Section)
18 and has at least 10 years of service credit and is otherwise
19 eligible under the requirements of the applicable Article.

20 A member or participant who has attained age 62 (beginning
21 January 1, 2015, age 60 with respect to service under Article
22 12 of this Code that is subject to this Section) and has at
23 least 10 years of service credit and is otherwise eligible
24 under the requirements of the applicable Article may elect to
25 receive the lower retirement annuity provided in subsection
26 (d) of this Section.

1 (c-5) A person who first becomes a member or a participant
2 subject to this Section on or after July 6, 2017 (the effective
3 date of Public Act 100-23), notwithstanding any other
4 provision of this Code to the contrary, is entitled to a
5 retirement annuity under Article 8 or Article 11 upon written
6 application if he or she has attained age 65 and has at least
7 10 years of service credit and is otherwise eligible under the
8 requirements of Article 8 or Article 11 of this Code,
9 whichever is applicable.

10 (d) The retirement annuity of a member or participant who
11 is retiring after attaining age 62 (beginning January 1, 2015,
12 age 60 with respect to service under Article 12 of this Code
13 that is subject to this Section) with at least 10 years of
14 service credit shall be reduced by one-half of 1% for each full
15 month that the member's age is under age 67 (beginning January
16 1, 2015, age 65 with respect to service under Article 12 of
17 this Code that is subject to this Section).

18 (d-5) The retirement annuity payable under Article 8 or
19 Article 11 to an eligible person subject to subsection (c-5)
20 of this Section who is retiring at age 60 with at least 10
21 years of service credit shall be reduced by one-half of 1% for
22 each full month that the member's age is under age 65.

23 (d-10) Each person who first became a member or
24 participant under Article 8 or Article 11 of this Code on or
25 after January 1, 2011 and prior to the effective date of this
26 amendatory Act of the 100th General Assembly shall make an

1 irrevocable election either:

2 (i) to be eligible for the reduced retirement age
3 provided in subsections (c-5) and (d-5) of this Section,
4 the eligibility for which is conditioned upon the member
5 or participant agreeing to the increases in employee
6 contributions for age and service annuities provided in
7 subsection (a-5) of Section 8-174 of this Code (for
8 service under Article 8) or subsection (a-5) of Section
9 11-170 of this Code (for service under Article 11); or

10 (ii) to not agree to item (i) of this subsection
11 (d-10), in which case the member or participant shall
12 continue to be subject to the retirement age provisions in
13 subsections (c) and (d) of this Section and the employee
14 contributions for age and service annuity as provided in
15 subsection (a) of Section 8-174 of this Code (for service
16 under Article 8) or subsection (a) of Section 11-170 of
17 this Code (for service under Article 11).

18 The election provided for in this subsection shall be made
19 between October 1, 2017 and November 15, 2017. A person
20 subject to this subsection who makes the required election
21 shall remain bound by that election. A person subject to this
22 subsection who fails for any reason to make the required
23 election within the time specified in this subsection shall be
24 deemed to have made the election under item (ii).

25 (e) Any retirement annuity or supplemental annuity shall
26 be subject to annual increases on the January 1 occurring

1 either on or after the attainment of age 67 (beginning January
2 1, 2015, age 65 with respect to service under Article 12 of
3 this Code that is subject to this Section and beginning on the
4 effective date of this amendatory Act of the 100th General
5 Assembly, age 65 with respect to service under Article 8 or
6 Article 11 for eligible persons who: (i) are subject to
7 subsection (c-5) of this Section; or (ii) made the election
8 under item (i) of subsection (d-10) of this Section) or the
9 first anniversary of the annuity start date, whichever is
10 later. Each annual increase shall be calculated at 3% or
11 one-half the annual unadjusted percentage increase (but not
12 less than zero) in the consumer price index-u for the 12 months
13 ending with the September preceding each November 1, whichever
14 is less, of the originally granted retirement annuity. If the
15 annual unadjusted percentage change in the consumer price
16 index-u for the 12 months ending with the September preceding
17 each November 1 is zero or there is a decrease, then the
18 annuity shall not be increased.

19 For the purposes of Section 1-103.1 of this Code, the
20 changes made to this Section by this amendatory Act of the
21 100th General Assembly are applicable without regard to
22 whether the employee was in active service on or after the
23 effective date of this amendatory Act of the 100th General
24 Assembly.

25 (f) The initial survivor's or widow's annuity of an
26 otherwise eligible survivor or widow of a retired member or

1 participant who first became a member or participant on or
2 after January 1, 2011 shall be in the amount of 66 2/3% of the
3 retired member's or participant's retirement annuity at the
4 date of death. In the case of the death of a member or
5 participant who has not retired and who first became a member
6 or participant on or after January 1, 2011, eligibility for a
7 survivor's or widow's annuity shall be determined by the
8 applicable Article of this Code. The initial benefit shall be
9 66 2/3% of the earned annuity without a reduction due to age. A
10 child's annuity of an otherwise eligible child shall be in the
11 amount prescribed under each Article if applicable. Any
12 survivor's or widow's annuity shall be increased (1) on each
13 January 1 occurring on or after the commencement of the
14 annuity if the deceased member died while receiving a
15 retirement annuity or (2) in other cases, on each January 1
16 occurring after the first anniversary of the commencement of
17 the annuity. Each annual increase shall be calculated at 3% or
18 one-half the annual unadjusted percentage increase (but not
19 less than zero) in the consumer price index-u for the 12 months
20 ending with the September preceding each November 1, whichever
21 is less, of the originally granted survivor's annuity. If the
22 annual unadjusted percentage change in the consumer price
23 index-u for the 12 months ending with the September preceding
24 each November 1 is zero or there is a decrease, then the
25 annuity shall not be increased.

26 (g) The benefits in Section 14-110 apply only if the

1 person is a State policeman, a fire fighter in the fire
2 protection service of a department, a conservation police
3 officer, an investigator for the Secretary of State, an arson
4 investigator, a Commerce Commission police officer,
5 investigator for the Department of Revenue or the Illinois
6 Gaming Board, a security employee of the Department of
7 Corrections or the Department of Juvenile Justice, or a
8 security employee of the Department of Innovation and
9 Technology, as those terms are defined in subsection (b) and
10 subsection (c) of Section 14-110. A person who meets the
11 requirements of this Section is entitled to an annuity
12 calculated under the provisions of Section 14-110, in lieu of
13 the regular or minimum retirement annuity, only if the person
14 has withdrawn from service with not less than 20 years of
15 eligible creditable service and has attained age 60,
16 regardless of whether the attainment of age 60 occurs while
17 the person is still in service.

18 (h) If a person who first becomes a member or a participant
19 of a retirement system or pension fund subject to this Section
20 on or after January 1, 2011 is receiving a retirement annuity
21 or retirement pension under that system or fund and becomes a
22 member or participant under any other system or fund created
23 by this Code and is employed on a full-time basis, except for
24 those members or participants exempted from the provisions of
25 this Section under subsection (a) of this Section, then the
26 person's retirement annuity or retirement pension under that

1 system or fund shall be suspended during that employment. Upon
2 termination of that employment, the person's retirement
3 annuity or retirement pension payments shall resume and be
4 recalculated if recalculation is provided for under the
5 applicable Article of this Code.

6 If a person who first becomes a member of a retirement
7 system or pension fund subject to this Section on or after
8 January 1, 2012 and is receiving a retirement annuity or
9 retirement pension under that system or fund and accepts on a
10 contractual basis a position to provide services to a
11 governmental entity from which he or she has retired, then
12 that person's annuity or retirement pension earned as an
13 active employee of the employer shall be suspended during that
14 contractual service. A person receiving an annuity or
15 retirement pension under this Code shall notify the pension
16 fund or retirement system from which he or she is receiving an
17 annuity or retirement pension, as well as his or her
18 contractual employer, of his or her retirement status before
19 accepting contractual employment. A person who fails to submit
20 such notification shall be guilty of a Class A misdemeanor and
21 required to pay a fine of \$1,000. Upon termination of that
22 contractual employment, the person's retirement annuity or
23 retirement pension payments shall resume and, if appropriate,
24 be recalculated under the applicable provisions of this Code.

25 (i) (Blank).

26 (j) In the case of a conflict between the provisions of

1 this Section and any other provision of this Code, the
2 provisions of this Section shall control.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;
4 100-563, eff. 12-8-17; 100-611, eff. 7-20-18; 100-1166, eff.
5 1-4-19; 101-610, eff. 1-1-20.)

6 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

7 Sec. 15-155. Employer contributions.

8 (a) The State of Illinois shall make contributions by
9 appropriations of amounts which, together with the other
10 employer contributions from trust, federal, and other funds,
11 employee contributions, income from investments, and other
12 income of this System, will be sufficient to meet the cost of
13 maintaining and administering the System on a 90% funded basis
14 in accordance with actuarial recommendations.

15 The Board shall determine the amount of State
16 contributions required for each fiscal year on the basis of
17 the actuarial tables and other assumptions adopted by the
18 Board and the recommendations of the actuary, using the
19 formula in subsection (a-1).

20 (a-1) For State fiscal years 2012 through 2045, the
21 minimum contribution to the System to be made by the State for
22 each fiscal year shall be an amount determined by the System to
23 be sufficient to bring the total assets of the System up to 90%
24 of the total actuarial liabilities of the System by the end of
25 State fiscal year 2045. In making these determinations, the

1 required State contribution shall be calculated each year as a
2 level percentage of payroll over the years remaining to and
3 including fiscal year 2045 and shall be determined under the
4 projected unit credit actuarial cost method.

5 For each of State fiscal years 2018, 2019, and 2020, the
6 State shall make an additional contribution to the System
7 equal to 2% of the total payroll of each employee who is deemed
8 to have elected the benefits under Section 1-161 or who has
9 made the election under subsection (c) of Section 1-161.

10 A change in an actuarial or investment assumption that
11 increases or decreases the required State contribution and
12 first applies in State fiscal year 2018 or thereafter shall be
13 implemented in equal annual amounts over a 5-year period
14 beginning in the State fiscal year in which the actuarial
15 change first applies to the required State contribution.

16 A change in an actuarial or investment assumption that
17 increases or decreases the required State contribution and
18 first applied to the State contribution in fiscal year 2014,
19 2015, 2016, or 2017 shall be implemented:

20 (i) as already applied in State fiscal years before
21 2018; and

22 (ii) in the portion of the 5-year period beginning in
23 the State fiscal year in which the actuarial change first
24 applied that occurs in State fiscal year 2018 or
25 thereafter, by calculating the change in equal annual
26 amounts over that 5-year period and then implementing it

1 at the resulting annual rate in each of the remaining
2 fiscal years in that 5-year period.

3 For State fiscal years 1996 through 2005, the State
4 contribution to the System, as a percentage of the applicable
5 employee payroll, shall be increased in equal annual
6 increments so that by State fiscal year 2011, the State is
7 contributing at the rate required under this Section.

8 Notwithstanding any other provision of this Article, the
9 total required State contribution for State fiscal year 2006
10 is \$166,641,900.

11 Notwithstanding any other provision of this Article, the
12 total required State contribution for State fiscal year 2007
13 is \$252,064,100.

14 For each of State fiscal years 2008 through 2009, the
15 State contribution to the System, as a percentage of the
16 applicable employee payroll, shall be increased in equal
17 annual increments from the required State contribution for
18 State fiscal year 2007, so that by State fiscal year 2011, the
19 State is contributing at the rate otherwise required under
20 this Section.

21 Notwithstanding any other provision of this Article, the
22 total required State contribution for State fiscal year 2010
23 is \$702,514,000 and shall be made from the State Pensions Fund
24 and proceeds of bonds sold in fiscal year 2010 pursuant to
25 Section 7.2 of the General Obligation Bond Act, less (i) the
26 pro rata share of bond sale expenses determined by the

1 System's share of total bond proceeds, (ii) any amounts
2 received from the General Revenue Fund in fiscal year 2010,
3 (iii) any reduction in bond proceeds due to the issuance of
4 discounted bonds, if applicable.

5 Notwithstanding any other provision of this Article, the
6 total required State contribution for State fiscal year 2011
7 is the amount recertified by the System on or before April 1,
8 2011 pursuant to Section 15-165 and shall be made from the
9 State Pensions Fund and proceeds of bonds sold in fiscal year
10 2011 pursuant to Section 7.2 of the General Obligation Bond
11 Act, less (i) the pro rata share of bond sale expenses
12 determined by the System's share of total bond proceeds, (ii)
13 any amounts received from the General Revenue Fund in fiscal
14 year 2011, and (iii) any reduction in bond proceeds due to the
15 issuance of discounted bonds, if applicable.

16 Beginning in State fiscal year 2046, the minimum State
17 contribution for each fiscal year shall be the amount needed
18 to 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
9 calculated under this Section and certified under Section
10 15-165, shall not exceed an amount equal to (i) the amount of
11 the required State contribution that would have been
12 calculated under this Section for that fiscal year if the
13 System had not received any payments under subsection (d) of
14 Section 7.2 of the General Obligation Bond Act, minus (ii) the
15 portion of the State's total debt service payments for that
16 fiscal year on the bonds issued in fiscal year 2003 for the
17 purposes of that Section 7.2, as determined and certified by
18 the Comptroller, that is the same as the System's portion of
19 the total moneys distributed under subsection (d) of Section
20 7.2 of the General Obligation Bond Act. In determining this
21 maximum for State fiscal years 2008 through 2010, however, the
22 amount referred to in item (i) shall be increased, as a
23 percentage of the applicable employee payroll, in equal
24 increments calculated from the sum of the required State
25 contribution for State fiscal year 2007 plus the applicable
26 portion of the State's total debt service payments for fiscal

1 year 2007 on the bonds issued in fiscal year 2003 for the
2 purposes of Section 7.2 of the General Obligation Bond Act, so
3 that, by State fiscal year 2011, the State is contributing at
4 the rate otherwise required under this Section.

5 (a-2) 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 (c) 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 (c) 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 15-155.2, 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 (a-2)
11 shall be paid by an employer concurrently with that employer's
12 payroll payment period. The State, as the actual employer of
13 an employee, shall make the required contributions under this
14 subsection.

15 As used in this subsection, "academic year" means the
16 12-month period beginning September 1.

17 (b) If an employee is paid from trust or federal funds, the
18 employer shall pay to the Board contributions from those funds
19 which are sufficient to cover the accruing normal costs on
20 behalf of the employee. However, universities having employees
21 who are compensated out of local auxiliary funds, income
22 funds, or service enterprise funds are not required to pay
23 such contributions on behalf of those employees. The local
24 auxiliary funds, income funds, and service enterprise funds of
25 universities shall not be considered trust funds for the
26 purpose of this Article, but funds of alumni associations,

1 foundations, and athletic associations which are affiliated
2 with the universities included as employers under this Article
3 and other employers which do not receive State appropriations
4 are considered to be trust funds for the purpose of this
5 Article.

6 (b-1) The City of Urbana and the City of Champaign shall
7 each make employer contributions to this System for their
8 respective firefighter employees who participate in this
9 System pursuant to subsection (h) of Section 15-107. The rate
10 of contributions to be made by those municipalities shall be
11 determined annually by the Board on the basis of the actuarial
12 assumptions adopted by the Board and the recommendations of
13 the actuary, and shall be expressed as a percentage of salary
14 for each such employee. The Board shall certify the rate to the
15 affected municipalities as soon as may be practical. The
16 employer contributions required under this subsection shall be
17 remitted by the municipality to the System at the same time and
18 in the same manner as employee contributions.

19 (c) Through State fiscal year 1995: The total employer
20 contribution shall be apportioned among the various funds of
21 the State and other employers, whether trust, federal, or
22 other funds, in accordance with actuarial procedures approved
23 by the Board. State of Illinois contributions for employers
24 receiving State appropriations for personal services shall be
25 payable from appropriations made to the employers or to the
26 System. The contributions for Class I community colleges

1 covering earnings other than those paid from trust and federal
2 funds, shall be payable solely from appropriations to the
3 Illinois Community College Board or the System for employer
4 contributions.

5 (d) Beginning in State fiscal year 1996, the required
6 State contributions to the System shall be appropriated
7 directly to the System and shall be payable through vouchers
8 issued in accordance with subsection (c) of Section 15-165,
9 except as provided in subsection (g).

10 (e) The State Comptroller shall draw warrants payable to
11 the System upon proper certification by the System or by the
12 employer in accordance with the appropriation laws and this
13 Code.

14 (f) Normal costs under this Section means liability for
15 pensions and other benefits which accrues to the System
16 because of the credits earned for service rendered by the
17 participants during the fiscal year and expenses of
18 administering the System, but shall not include the principal
19 of or any redemption premium or interest on any bonds issued by
20 the Board or any expenses incurred or deposits required in
21 connection therewith.

22 (g) If ~~June 4, 2018 (Public Act 100-587)~~ the amount of a
23 participant's earnings for any academic year used to determine
24 the final rate of earnings, determined on a full-time
25 equivalent basis, exceeds the amount of his or her earnings
26 with the same employer for the previous academic year,

1 determined on a full-time equivalent basis, by more than 6%,
2 the participant's employer shall pay to the System, in
3 addition to all other payments required under this Section and
4 in accordance with guidelines established by the System, the
5 present value of the increase in benefits resulting from the
6 portion of the increase in earnings that is in excess of 6%.
7 This present value shall be computed by the System on the basis
8 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. The System may require the
11 employer to provide any pertinent information or
12 documentation.

13 Whenever it determines that a payment is or may be
14 required under this subsection (g), the System shall calculate
15 the amount of the payment and bill the employer for that
16 amount. The bill shall specify the calculations used to
17 determine the amount due. If the employer disputes the amount
18 of the bill, it may, within 30 days after receipt of the bill,
19 apply to the System in writing for a recalculation. The
20 application must specify in detail the grounds of the dispute
21 and, if the employer asserts that the calculation is subject
22 to subsection (h), (h-5), or (i) of this Section, must include
23 an affidavit setting forth and attesting to all facts within
24 the employer's knowledge that are pertinent to the
25 applicability of that subsection. Upon receiving a timely
26 application for recalculation, the System shall review the

1 application and, if appropriate, recalculate the amount due.

2 The employer contributions required under this subsection
3 (g) may be paid in the form of a lump sum within 90 days after
4 receipt of the bill. If the employer contributions are not
5 paid within 90 days after receipt of the bill, then interest
6 will be charged at a rate equal to the System's annual
7 actuarially assumed rate of return on investment compounded
8 annually from the 91st day after receipt of the bill. Payments
9 must be concluded within 3 years after the employer's receipt
10 of the bill.

11 When assessing payment for any amount due under this
12 subsection (g), the System shall include earnings, to the
13 extent not established by a participant under Section
14 15-113.11 or 15-113.12, that would have been paid to the
15 participant had the participant not taken (i) periods of
16 voluntary or involuntary furlough occurring on or after July
17 1, 2015 and on or before June 30, 2017 or (ii) periods of
18 voluntary pay reduction in lieu of furlough occurring on or
19 after July 1, 2015 and on or before June 30, 2017. Determining
20 earnings that would have been paid to a participant had the
21 participant not taken periods of voluntary or involuntary
22 furlough or periods of voluntary pay reduction shall be the
23 responsibility of the employer, and shall be reported in a
24 manner prescribed by the System.

25 This subsection (g) does not apply to (1) Tier 2 hybrid
26 plan members and (2) Tier 2 defined benefit members who first

1 participate under this Article on or after the implementation
2 date of the Optional Hybrid Plan.

3 (g-1) (Blank). ~~June 4, 2018 (Public Act 100-587)~~

4 (h) This subsection (h) applies only to payments made or
5 salary increases given on or after June 1, 2005 but before July
6 1, 2011. The changes made by Public Act 94-1057 shall not
7 require the System to refund any payments received before July
8 31, 2006 (the effective date of Public Act 94-1057).

9 When assessing payment for any amount due under subsection
10 (g), the System shall exclude earnings increases paid to
11 participants under contracts or collective bargaining
12 agreements entered into, amended, or renewed before June 1,
13 2005.

14 When assessing payment for any amount due under subsection
15 (g), the System shall exclude earnings increases paid to a
16 participant at a time when the participant is 10 or more years
17 from retirement eligibility under Section 15-135.

18 When assessing payment for any amount due under subsection
19 (g), the System shall exclude earnings increases resulting
20 from overload work, including a contract for summer teaching,
21 or overtime when the employer has certified to the System, and
22 the System has approved the certification, that: (i) in the
23 case of overloads (A) the overload work is for the sole purpose
24 of academic instruction in excess of the standard number of
25 instruction hours for a full-time employee occurring during
26 the academic year that the overload is paid and (B) the

1 earnings increases are equal to or less than the rate of pay
2 for academic instruction computed using the participant's
3 current salary rate and work schedule; and (ii) in the case of
4 overtime, the overtime was necessary for the educational
5 mission.

6 When assessing payment for any amount due under subsection
7 (g), the System shall exclude any earnings increase resulting
8 from (i) a promotion for which the employee moves from one
9 classification to a higher classification under the State
10 Universities Civil Service System, (ii) a promotion in
11 academic rank for a tenured or tenure-track faculty position,
12 or (iii) a promotion that the Illinois Community College Board
13 has recommended in accordance with subsection (k) of this
14 Section. These earnings increases shall be excluded only if
15 the promotion is to a position that has existed and been filled
16 by a member for no less than one complete academic year and the
17 earnings increase as a result of the promotion is an increase
18 that results in an amount no greater than the average salary
19 paid for other similar positions.

20 (h-5) When assessing payment for any amount due under
21 subsection (g), the System shall exclude any earnings increase
22 resulting from overload work performed in an academic year
23 subsequent to an academic year in which the employer was
24 unable to offer or allow to be conducted overload work due to
25 an emergency declaration limiting such activities.

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
13 information:

14 (1) The number of recalculations required by the
15 changes made to this Section by Public Act 94-1057 for
16 each 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 (j-5) For State fiscal years beginning on or after July 1,

1 2017, if the amount of a participant's earnings for any State
2 fiscal year exceeds the amount of the salary set by law for the
3 Governor that is in effect on July 1 of that fiscal year, the
4 participant's employer shall pay to the System, in addition to
5 all other payments required under this Section and in
6 accordance with guidelines established by the System, an
7 amount determined by the System to be equal to the employer
8 normal cost, as established by the System and expressed as a
9 total percentage of payroll, multiplied by the amount of
10 earnings in excess of the amount of the salary set by law for
11 the Governor. This amount shall be computed by the System on
12 the basis of the actuarial assumptions and tables used in the
13 most recent actuarial valuation of the System that is
14 available at the time of the computation. The System may
15 require the employer to provide any pertinent information or
16 documentation.

17 Whenever it determines that a payment is or may be
18 required under this subsection, the System shall calculate the
19 amount of the payment and bill the employer for that amount.
20 The bill shall specify the calculation used to determine the
21 amount due. If the employer disputes the amount of the bill, it
22 may, within 30 days after receipt of the bill, apply to the
23 System in writing for a recalculation. The application must
24 specify in detail the grounds of the dispute. Upon receiving a
25 timely application for recalculation, the System shall review
26 the application and, if appropriate, recalculate the amount

1 due.

2 The employer contributions required under this subsection
3 may be paid in the form of a lump sum within 90 days after
4 issuance of the bill. If the employer contributions are not
5 paid within 90 days after issuance of the bill, then interest
6 will be charged at a rate equal to the System's annual
7 actuarially assumed rate of return on investment compounded
8 annually from the 91st day after issuance of the bill. All
9 payments must be received within 3 years after issuance of the
10 bill. If the employer fails to make complete payment,
11 including applicable interest, within 3 years, then the System
12 may, after giving notice to the employer, certify the
13 delinquent amount to the State Comptroller, and the
14 Comptroller shall thereupon deduct the certified delinquent
15 amount from State funds payable to the employer and pay them
16 instead to the System.

17 This subsection (j-5) does not apply to a participant's
18 earnings to the extent an employer pays the employer normal
19 cost of such earnings.

20 The changes made to this subsection (j-5) by Public Act
21 100-624 are intended to apply retroactively to July 6, 2017
22 (the effective date of Public Act 100-23).

23 (k) The Illinois Community College Board shall adopt rules
24 for recommending lists of promotional positions submitted to
25 the Board by community colleges and for reviewing the
26 promotional lists on an annual basis. When recommending

1 promotional lists, the Board shall consider the similarity of
2 the positions submitted to those positions recognized for
3 State universities by the State Universities Civil Service
4 System. The Illinois Community College Board shall file a copy
5 of its findings with the System. The System shall consider the
6 findings of the Illinois Community College Board when making
7 determinations under this Section. The System shall not
8 exclude any earnings increases resulting from a promotion when
9 the promotion was not submitted by a community college.
10 Nothing in this subsection (k) shall require any community
11 college to submit any information to the Community College
12 Board.

13 (l) For purposes of determining the required State
14 contribution to the System, the value of the System's assets
15 shall be equal to the actuarial value of the System's assets,
16 which shall be calculated as follows:

17 As of June 30, 2008, the actuarial value of the System's
18 assets shall be equal to the market value of the assets as of
19 that date. In determining the actuarial value of the System's
20 assets for fiscal years after June 30, 2008, any actuarial
21 gains or losses from investment return incurred in a fiscal
22 year shall be recognized in equal annual amounts over the
23 5-year period following that fiscal year.

24 (m) For purposes of determining the required State
25 contribution to the system for a particular year, the
26 actuarial value of assets shall be assumed to earn a rate of

1 return equal to the system's actuarially assumed rate of
2 return.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
4 100-624, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff.
5 7-12-19; revised 8-6-19.)

6 (40 ILCS 5/15-198)

7 Sec. 15-198. Application and expiration of new benefit
8 increases.

9 (a) As used in this Section, "new benefit increase" means
10 an increase in the amount of any benefit provided under this
11 Article, or an expansion of the conditions of eligibility for
12 any benefit under this Article, that results from an amendment
13 to this Code that takes effect after June 1, 2005 (the
14 effective date of Public Act 94-4). "New benefit increase",
15 however, does not include any benefit increase resulting from
16 the changes made to Article 1 or this Article by Public Act
17 100-23, Public Act 100-587, Public Act 100-769, Public Act
18 101-10, Public Act 101-610, or this amendatory Act of the
19 102nd General Assembly ~~or this amendatory Act of the 101st~~
20 ~~General Assembly.~~

21 (b) Notwithstanding any other provision of this Code or
22 any subsequent amendment to this Code, every new benefit
23 increase is subject to this Section and shall be deemed to be
24 granted only in conformance with and contingent upon
25 compliance with the provisions of this Section.

1 (c) The Public Act enacting a new benefit increase must
2 identify and provide for payment to the System of additional
3 funding at least sufficient to fund the resulting annual
4 increase in cost to the System as it accrues.

5 Every new benefit increase is contingent upon the General
6 Assembly providing the additional funding required under this
7 subsection. The Commission on Government Forecasting and
8 Accountability shall analyze whether adequate additional
9 funding has been provided for the new benefit increase and
10 shall report its analysis to the Public Pension Division of
11 the Department of Insurance. A new benefit increase created by
12 a Public Act that does not include the additional funding
13 required under this subsection is null and void. If the Public
14 Pension Division determines that the additional funding
15 provided for a new benefit increase under this subsection is
16 or has become inadequate, it may so certify to the Governor and
17 the State Comptroller and, in the absence of corrective action
18 by the General Assembly, the new benefit increase shall expire
19 at the end of the fiscal year in which the certification is
20 made.

21 (d) Every new benefit increase shall expire 5 years after
22 its effective date or on such earlier date as may be specified
23 in the language enacting the new benefit increase or provided
24 under subsection (c). This does not prevent the General
25 Assembly from extending or re-creating a new benefit increase
26 by law.

1 (e) Except as otherwise provided in the language creating
2 the new benefit increase, a new benefit increase that expires
3 under this Section continues to apply to persons who applied
4 and qualified for the affected benefit while the new benefit
5 increase was in effect and to the affected beneficiaries and
6 alternate payees of such persons, but does not apply to any
7 other person, including, without limitation, a person who
8 continues in service after the expiration date and did not
9 apply and qualify for the affected benefit while the new
10 benefit increase was in effect.

11 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
12 100-769, eff. 8-10-18; 101-10, eff. 6-5-19; 101-81, eff.
13 7-12-19; 101-610, eff. 1-1-20.)

14 (40 ILCS 5/16-133) (from Ch. 108 1/2, par. 16-133)

15 (Text of Section WITHOUT the changes made by P.A. 98-599,
16 which has been held unconstitutional)

17 Sec. 16-133. Retirement annuity; amount.

18 (a) The amount of the retirement annuity shall be (i) in
19 the case of a person who first became a teacher under this
20 Article before July 1, 2005, the larger of the amounts
21 determined under paragraphs (A) and (B) below, or (ii) in the
22 case of a person who first becomes a teacher under this Article
23 on or after July 1, 2005, the amount determined under the
24 applicable provisions of paragraph (B):

25 (A) An amount consisting of the sum of the following:

1 (1) An amount that can be provided on an
2 actuarially equivalent basis by the member's
3 accumulated contributions at the time of retirement;
4 and

5 (2) The sum of (i) the amount that can be provided
6 on an actuarially equivalent basis by the member's
7 accumulated contributions representing service prior
8 to July 1, 1947, and (ii) the amount that can be
9 provided on an actuarially equivalent basis by the
10 amount obtained by multiplying 1.4 times the member's
11 accumulated contributions covering service subsequent
12 to June 30, 1947; and

13 (3) If there is prior service, 2 times the amount
14 that would have been determined under subparagraph (2)
15 of paragraph (A) above on account of contributions
16 which would have been made during the period of prior
17 service creditable to the member had the System been
18 in operation and had the member made contributions at
19 the contribution rate in effect prior to July 1, 1947.

20 This paragraph (A) does not apply to a person who
21 first becomes a teacher under this Article on or after
22 July 1, 2005.

23 (B) An amount consisting of the greater of the
24 following:

25 (1) For creditable service earned before July 1,
26 1998 that has not been augmented under Section

1 16-129.1: 1.67% of final average salary for each of
2 the first 10 years of creditable service, 1.90% of
3 final average salary for each year in excess of 10 but
4 not exceeding 20, 2.10% of final average salary for
5 each year in excess of 20 but not exceeding 30, and
6 2.30% of final average salary for each year in excess
7 of 30; and

8 For creditable service earned on or after July 1,
9 1998 by a member who has at least 24 years of
10 creditable service on July 1, 1998 and who does not
11 elect to augment service under Section 16-129.1: 2.2%
12 of final average salary for each year of creditable
13 service earned on or after July 1, 1998 but before the
14 member reaches a total of 30 years of creditable
15 service and 2.3% of final average salary for each year
16 of creditable service earned on or after July 1, 1998
17 and after the member reaches a total of 30 years of
18 creditable service; and

19 For all other creditable service: 2.2% of final
20 average salary for each year of creditable service; or

21 (2) 1.5% of final average salary for each year of
22 creditable service plus the sum \$7.50 for each of the
23 first 20 years of creditable service.

24 The amount of the retirement annuity determined under this
25 paragraph (B) shall be reduced by 1/2 of 1% for each month
26 that the member is less than age 60 at the time the

1 retirement annuity begins. However, this reduction shall
2 not apply (i) if the member has at least 35 years of
3 creditable service, or (ii) if the member retires on
4 account of disability under Section 16-149.2 of this
5 Article with at least 20 years of creditable service, or
6 (iii) if the member (1) has earned during the period
7 immediately preceding the last day of service at least one
8 year of contributing creditable service as an employee of
9 a department as defined in Section 14-103.04, (2) has
10 earned at least 5 years of contributing creditable service
11 as an employee of a department as defined in Section
12 14-103.04, (3) retires on or after January 1, 2001, and
13 (4) retires having attained an age which, when added to
14 the number of years of his or her total creditable
15 service, equals at least 85. Portions of years shall be
16 counted as decimal equivalents.

17 (b) For purposes of this Section, except as provided in
18 subsection (b-5), final average salary shall be the average
19 salary for the highest 4 consecutive years within the last 10
20 years of creditable service as determined under rules of the
21 board.

22 The minimum final average salary shall be considered to
23 be \$2,400 per year.

24 In the determination of final average salary for members
25 other than elected officials and their appointees when such
26 appointees are allowed by statute, that part of a member's

1 salary for any year beginning after June 30, 1979 which
2 exceeds the member's annual full-time salary rate with the
3 same employer for the preceding year by more than 20% shall be
4 excluded. The exclusion shall not apply in any year in which
5 the member's creditable earnings are less than 50% of the
6 preceding year's mean salary for downstate teachers as
7 determined by the survey of school district salaries provided
8 in Section 2-3.103 of the School Code.

9 (b-5) A teacher who retires on or after June 1, 2021 and
10 for whom the 2020-2021 school year is used in the calculation
11 of the member's final average salary shall use the higher of
12 the following for the purpose of determining the member's
13 final average salary:

14 (A) the amount otherwise calculated under subsection
15 (b); or

16 (B) an amount calculated by the System using the
17 average salary for the 4 highest years within the last 10
18 years of creditable service as determined under the rules
19 of the board.

20 (c) In determining the amount of the retirement annuity
21 under paragraph (B) of this Section, a fractional year shall
22 be granted proportional credit.

23 (d) The retirement annuity determined under paragraph (B)
24 of this Section shall be available only to members who render
25 teaching service after July 1, 1947 for which member
26 contributions are required, and to annuitants who re-enter

1 under the provisions of Section 16-150.

2 (e) The maximum retirement annuity provided under
3 paragraph (B) of this Section shall be 75% of final average
4 salary.

5 (f) A member retiring after the effective date of this
6 amendatory Act of 1998 shall receive a pension equal to 75% of
7 final average salary if the member is qualified to receive a
8 retirement annuity equal to at least 74.6% of final average
9 salary under this Article or as proportional annuities under
10 Article 20 of this Code.

11 (Source: P.A. 94-4, eff. 6-1-05.)

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
23 contributions required for each fiscal year on the basis of
24 the actuarial tables and other assumptions adopted by the
25 Board and the recommendations of the actuary, using the

1 formula in subsection (b-3).

2 (a-1) Annually, on or before November 15 until November
3 15, 2011, the Board shall certify to the Governor the amount of
4 the required State contribution for the coming fiscal year.
5 The certification under this subsection (a-1) shall include a
6 copy of the actuarial recommendations upon which it is based
7 and shall specifically identify the System's projected State
8 normal cost for that fiscal year.

9 On or before May 1, 2004, the Board shall recalculate and
10 recertify to the Governor the amount of the required State
11 contribution to the System for State fiscal year 2005, taking
12 into account the amounts appropriated to and received by the
13 System under subsection (d) of Section 7.2 of the General
14 Obligation Bond Act.

15 On or before July 1, 2005, the Board shall recalculate and
16 recertify to the Governor the amount of the required State
17 contribution to the System for State fiscal year 2006, taking
18 into account the changes in required State contributions made
19 by Public Act 94-4.

20 On or before April 1, 2011, the Board shall recalculate
21 and recertify to the Governor the amount of the required State
22 contribution to the System for State fiscal year 2011,
23 applying the changes made by Public Act 96-889 to the System's
24 assets and liabilities as of June 30, 2009 as though Public Act
25 96-889 was approved on that date.

26 (a-5) On or before November 1 of each year, beginning

1 November 1, 2012, the Board shall submit to the State Actuary,
2 the Governor, and the General Assembly a proposed
3 certification of the amount of the required State contribution
4 to the System for the next fiscal year, along with all of the
5 actuarial assumptions, calculations, and data upon which that
6 proposed certification is based. On or before January 1 of
7 each year, beginning January 1, 2013, the State Actuary shall
8 issue a preliminary report concerning the proposed
9 certification and identifying, if necessary, recommended
10 changes in actuarial assumptions that the Board must consider
11 before finalizing its certification of the required State
12 contributions. On or before January 15, 2013 and each January
13 15 thereafter, the Board shall certify to the Governor and the
14 General Assembly the amount of the required State contribution
15 for the next fiscal year. The Board's certification must note
16 any deviations from the State Actuary's recommended changes,
17 the reason or reasons for not following the State Actuary's
18 recommended changes, and the fiscal impact of not following
19 the State Actuary's recommended changes on the required State
20 contribution.

21 (a-10) By November 1, 2017, the Board shall recalculate
22 and recertify to the State Actuary, the Governor, and the
23 General Assembly the amount of the State contribution to the
24 System for State fiscal year 2018, taking into account the
25 changes in required State contributions made by Public Act
26 100-23. The State Actuary shall review the assumptions and

1 valuations underlying the Board's revised certification and
2 issue a preliminary report concerning the proposed
3 recertification and identifying, if necessary, recommended
4 changes in actuarial assumptions that the Board must consider
5 before finalizing its certification of the required State
6 contributions. The Board's final certification must note any
7 deviations from the State Actuary's recommended changes, the
8 reason or reasons for not following the State Actuary's
9 recommended changes, and the fiscal impact of not following
10 the State Actuary's recommended changes on the required State
11 contribution.

12 (a-15) On or after June 15, 2019, but no later than June
13 30, 2019, the Board shall recalculate and recertify to the
14 Governor and the General Assembly the amount of the State
15 contribution to the System for State fiscal year 2019, taking
16 into account the changes in required State contributions made
17 by Public Act 100-587. The recalculation shall be made using
18 assumptions adopted by the Board for the original fiscal year
19 2019 certification. The monthly voucher for the 12th month of
20 fiscal year 2019 shall be paid by the Comptroller after the
21 recertification required pursuant to this subsection is
22 submitted to the Governor, Comptroller, and General Assembly.
23 The recertification submitted to the General Assembly shall be
24 filed with the Clerk of the House of Representatives and the
25 Secretary of the Senate in electronic form only, in the manner
26 that the Clerk and the Secretary shall direct.

1 (b) Through State fiscal year 1995, the State
2 contributions shall be paid to the System in accordance with
3 Section 18-7 of the School Code.

4 (b-1) Beginning in State fiscal year 1996, on the 15th day
5 of each month, or as soon thereafter as may be practicable, the
6 Board shall submit vouchers for payment of State contributions
7 to the System, in a total monthly amount of one-twelfth of the
8 required annual State contribution certified under subsection
9 (a-1). From March 5, 2004 (the effective date of Public Act
10 93-665) through June 30, 2004, the Board shall not submit
11 vouchers for the remainder of fiscal year 2004 in excess of the
12 fiscal year 2004 certified contribution amount determined
13 under this Section after taking into consideration the
14 transfer to the System under subsection (a) of Section 6z-61
15 of the State Finance Act. These vouchers shall be paid by the
16 State Comptroller and Treasurer by warrants drawn on the funds
17 appropriated to the System for that fiscal year.

18 If in any month the amount remaining unexpended from all
19 other appropriations to the System for the applicable fiscal
20 year (including the appropriations to the System under Section
21 8.12 of the State Finance Act and Section 1 of the State
22 Pension Funds Continuing Appropriation Act) is less than the
23 amount lawfully vouchered under this subsection, the
24 difference shall be paid from the Common School Fund under the
25 continuing appropriation authority provided in Section 1.1 of
26 the State Pension Funds Continuing Appropriation Act.

1 (b-2) Allocations from the Common School Fund apportioned
2 to school districts not coming under this System shall not be
3 diminished or affected by the provisions of this Article.

4 (b-3) For State fiscal years 2012 through 2045, the
5 minimum contribution to the System to be made by the State for
6 each fiscal year shall be an amount determined by the System to
7 be sufficient to bring the total assets of the System up to 90%
8 of the total actuarial liabilities of the System by the end of
9 State fiscal year 2045. In making these determinations, the
10 required State contribution shall be calculated each year as a
11 level percentage of payroll over the years remaining to and
12 including fiscal year 2045 and shall be determined under the
13 projected unit credit actuarial cost method.

14 For each of State fiscal years 2018, 2019, and 2020, the
15 State shall make an additional contribution to the System
16 equal to 2% of the total payroll of each employee who is deemed
17 to have elected the benefits under Section 1-161 or who has
18 made the election under subsection (c) of Section 1-161.

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
10 at the resulting annual rate in each of the remaining
11 fiscal 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
15 increments so that by State fiscal year 2011, the State is
16 contributing at the rate required under this Section; except
17 that in the following specified State fiscal years, the State
18 contribution to the System shall not be less than the
19 following indicated percentages of the applicable employee
20 payroll, even if the indicated percentage will produce a State
21 contribution in excess of the amount otherwise required under
22 this subsection and subsection (a), and notwithstanding any
23 contrary certification made under subsection (a-1) before May
24 27, 1998 (the effective date of Public Act 90-582): 10.02% in
25 FY 1999; 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY
26 2002; 12.86% in FY 2003; and 13.56% in FY 2004.

1 Notwithstanding any other provision of this Article, the
2 total required State contribution for State fiscal year 2006
3 is \$534,627,700.

4 Notwithstanding any other provision of this Article, the
5 total required State contribution for State fiscal year 2007
6 is \$738,014,500.

7 For each of State fiscal years 2008 through 2009, the
8 State contribution to the System, as a percentage of the
9 applicable employee payroll, shall be increased in equal
10 annual increments from the required State contribution for
11 State fiscal year 2007, so that by State fiscal year 2011, the
12 State is contributing at the rate otherwise required under
13 this Section.

14 Notwithstanding any other provision of this Article, the
15 total required State contribution for State fiscal year 2010
16 is \$2,089,268,000 and shall be made from the proceeds of bonds
17 sold in fiscal year 2010 pursuant to Section 7.2 of the General
18 Obligation Bond Act, less (i) the pro rata share of bond sale
19 expenses determined by the System's share of total bond
20 proceeds, (ii) any amounts received from the Common School
21 Fund in fiscal year 2010, and (iii) any reduction in bond
22 proceeds due to the issuance of discounted bonds, if
23 applicable.

24 Notwithstanding any other provision of this Article, the
25 total required State contribution for State fiscal year 2011
26 is the amount recertified by the System on or before April 1,

1 2011 pursuant to subsection (a-1) of this Section and shall be
2 made from the proceeds of bonds sold in fiscal year 2011
3 pursuant to Section 7.2 of the General Obligation Bond Act,
4 less (i) the pro rata share of bond sale expenses determined by
5 the System's share of total bond proceeds, (ii) any amounts
6 received from the Common School Fund in fiscal year 2011, and
7 (iii) any reduction in bond proceeds due to the issuance of
8 discounted bonds, if applicable. This amount shall include, in
9 addition to the amount certified by the System, an amount
10 necessary to meet employer contributions required by the State
11 as an employer under paragraph (e) of this Section, which may
12 also be used by the System for contributions required by
13 paragraph (a) of Section 16-127.

14 Beginning in State fiscal year 2046, the minimum State
15 contribution for each fiscal year shall be the amount needed
16 to maintain the total assets of the System at 90% of the total
17 actuarial liabilities of the System.

18 Amounts received by the System pursuant to Section 25 of
19 the Budget Stabilization Act or Section 8.12 of the State
20 Finance Act in any fiscal year do not reduce and do not
21 constitute payment of any portion of the minimum State
22 contribution required under this Article in that fiscal year.
23 Such amounts shall not reduce, and shall not be included in the
24 calculation of, the required State contributions under this
25 Article in any future year until the System has reached a
26 funding ratio of at least 90%. A reference in this Article to

1 the "required State contribution" or any substantially similar
2 term does not include or apply to any amounts payable to the
3 System under Section 25 of the Budget Stabilization Act.

4 Notwithstanding any other provision of this Section, the
5 required State contribution for State fiscal year 2005 and for
6 fiscal year 2008 and each fiscal year thereafter, as
7 calculated under this Section and certified under subsection
8 (a-1), shall not exceed an amount equal to (i) the amount of
9 the required State contribution that would have been
10 calculated under this Section for that fiscal year if the
11 System had not received any payments under subsection (d) of
12 Section 7.2 of the General Obligation Bond Act, minus (ii) the
13 portion of the State's total debt service payments for that
14 fiscal year on the bonds issued in fiscal year 2003 for the
15 purposes of that Section 7.2, as determined and certified by
16 the Comptroller, that is the same as the System's portion of
17 the total moneys distributed under subsection (d) of Section
18 7.2 of the General Obligation Bond Act. In determining this
19 maximum for State fiscal years 2008 through 2010, however, the
20 amount referred to in item (i) shall be increased, as a
21 percentage of the applicable employee payroll, in equal
22 increments calculated from the sum of the required State
23 contribution for State fiscal year 2007 plus the applicable
24 portion of the State's total debt service payments for fiscal
25 year 2007 on the bonds issued in fiscal year 2003 for the
26 purposes of Section 7.2 of the General Obligation Bond Act, so

1 that, by State fiscal year 2011, the State is contributing at
2 the rate otherwise required under this Section.

3 (b-4) Beginning in fiscal year 2018, each employer under
4 this Article shall pay to the System a required contribution
5 determined as a percentage of projected payroll and sufficient
6 to produce an annual amount equal to:

7 (i) for each of fiscal years 2018, 2019, and 2020, the
8 defined benefit normal cost of the defined benefit plan,
9 less the employee contribution, for each employee of that
10 employer who has elected or who is deemed to have elected
11 the benefits under Section 1-161 or who has made the
12 election under subsection (b) of Section 1-161; for fiscal
13 year 2021 and each fiscal year thereafter, the defined
14 benefit normal cost of the defined benefit plan, less the
15 employee contribution, plus 2%, for each employee of that
16 employer who has elected or who is deemed to have elected
17 the benefits under Section 1-161 or who has made the
18 election under subsection (b) of Section 1-161; plus

19 (ii) the amount required for that fiscal year to
20 amortize any unfunded actuarial accrued liability
21 associated with the present value of liabilities
22 attributable to the employer's account under Section
23 16-158.3, determined as a level percentage of payroll over
24 a 30-year rolling amortization period.

25 In determining contributions required under item (i) of
26 this subsection, the System shall determine an aggregate rate

1 for all employers, expressed as a percentage of projected
2 payroll.

3 In determining the contributions required under item (ii)
4 of this subsection, the amount shall be computed by the System
5 on the basis of the actuarial assumptions and tables used in
6 the most recent actuarial valuation of the System that is
7 available at the time of the computation.

8 The contributions required under this subsection (b-4)
9 shall be paid by an employer concurrently with that employer's
10 payroll payment period. The State, as the actual employer of
11 an employee, shall make the required contributions under this
12 subsection.

13 (c) Payment of the required State contributions and of all
14 pensions, retirement annuities, death benefits, refunds, and
15 other benefits granted under or assumed by this System, and
16 all expenses in connection with the administration and
17 operation thereof, are obligations of the State.

18 If members are paid from special trust or federal funds
19 which are administered by the employing unit, whether school
20 district or other unit, the employing unit shall pay to the
21 System from such funds the full accruing retirement costs
22 based upon that service, which, beginning July 1, 2017, shall
23 be at a rate, expressed as a percentage of salary, equal to the
24 total employer's normal cost, expressed as a percentage of
25 payroll, as determined by the System. Employer contributions,
26 based on salary paid to members from federal funds, may be

1 forwarded by the distributing agency of the State of Illinois
2 to the System prior to allocation, in an amount determined in
3 accordance with guidelines established by such agency and the
4 System. Any contribution for fiscal year 2015 collected as a
5 result of the change made by Public Act 98-674 shall be
6 considered a State contribution under subsection (b-3) of this
7 Section.

8 (d) Effective July 1, 1986, any employer of a teacher as
9 defined in paragraph (8) of Section 16-106 shall pay the
10 employer's normal cost of benefits based upon the teacher's
11 service, in addition to employee contributions, as determined
12 by the System. Such employer contributions shall be forwarded
13 monthly in accordance with guidelines established by the
14 System.

15 However, with respect to benefits granted under Section
16 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
17 of Section 16-106, the employer's contribution shall be 12%
18 (rather than 20%) of the member's highest annual salary rate
19 for each year of creditable service granted, and the employer
20 shall also pay the required employee contribution on behalf of
21 the teacher. For the purposes of Sections 16-133.4 and
22 16-133.5, a teacher as defined in paragraph (8) of Section
23 16-106 who is serving in that capacity while on leave of
24 absence from another employer under this Article shall not be
25 considered an employee of the employer from which the teacher
26 is on leave.

1 (e) Beginning July 1, 1998, every employer of a teacher
2 shall pay to the System an employer contribution computed as
3 follows:

4 (1) Beginning July 1, 1998 through June 30, 1999, the
5 employer contribution shall be equal to 0.3% of each
6 teacher's salary.

7 (2) Beginning July 1, 1999 and thereafter, the
8 employer contribution shall be equal to 0.58% of each
9 teacher's salary.

10 The school district or other employing unit may pay these
11 employer contributions out of any source of funding available
12 for that purpose and shall forward the contributions to the
13 System on the schedule established for the payment of member
14 contributions.

15 These employer contributions are intended to offset a
16 portion of the cost to the System of the increases in
17 retirement benefits resulting from Public Act 90-582.

18 Each employer of teachers is entitled to a credit against
19 the contributions required under this subsection (e) with
20 respect to salaries paid to teachers for the period January 1,
21 2002 through June 30, 2003, equal to the amount paid by that
22 employer under subsection (a-5) of Section 6.6 of the State
23 Employees Group Insurance Act of 1971 with respect to salaries
24 paid to teachers for that period.

25 The additional 1% employee contribution required under
26 Section 16-152 by Public Act 90-582 is the responsibility of

1 the teacher and not the teacher's employer, unless the
2 employer agrees, through collective bargaining or otherwise,
3 to make the contribution on behalf of the teacher.

4 If an employer is required by a contract in effect on May
5 1, 1998 between the employer and an employee organization to
6 pay, on behalf of all its full-time employees covered by this
7 Article, all mandatory employee contributions required under
8 this Article, then the employer shall be excused from paying
9 the employer contribution required under this subsection (e)
10 for the balance of the term of that contract. The employer and
11 the employee organization shall jointly certify to the System
12 the existence of the contractual requirement, in such form as
13 the System may prescribe. This exclusion shall cease upon the
14 termination, extension, or renewal of the contract at any time
15 after May 1, 1998.

16 (f) If ~~June 4, 2018 (Public Act 100-587)~~ the amount of a
17 teacher's salary for any school year used to determine final
18 average salary exceeds the member's annual full-time salary
19 rate with the same employer for the previous school year by
20 more than 6%, the teacher's employer shall pay to the System,
21 in addition to all other payments required under this Section
22 and in accordance with guidelines established by the System,
23 the present value of the increase in benefits resulting from
24 the portion of the increase in salary that is in excess of 6%.
25 This present value shall be computed by the System on the basis
26 of the actuarial assumptions and tables used in the most

1 recent actuarial valuation of the System that is available at
2 the time of the computation. If a teacher's salary for the
3 2005-2006 school year is used to determine final average
4 salary under this subsection (f), then the changes made to
5 this subsection (f) by Public Act 94-1057 shall apply in
6 calculating whether the increase in his or her salary is in
7 excess of 6%. For the purposes of this Section, change in
8 employment under Section 10-21.12 of the School Code on or
9 after June 1, 2005 shall constitute a change in employer. The
10 System may require the employer to provide any pertinent
11 information or documentation. The changes made to this
12 subsection (f) by Public Act 94-1111 apply without regard to
13 whether the teacher was in service on or after its effective
14 date.

15 Whenever it determines that a payment is or may be
16 required under this subsection, the System shall calculate the
17 amount of the payment and bill the employer for that amount.
18 The bill shall specify the calculations used to determine the
19 amount due. If the employer disputes the amount of the bill, it
20 may, within 30 days after receipt of the bill, apply to the
21 System in writing for a recalculation. The application must
22 specify in detail the grounds of the dispute and, if the
23 employer asserts that the calculation is subject to subsection
24 (g), (g-5), (g-10), or (h) of this Section, must include an
25 affidavit setting forth and attesting to all facts within the
26 employer's knowledge that are pertinent to the applicability

1 of that subsection. Upon receiving a timely application for
2 recalculation, the System shall review the application and, if
3 appropriate, recalculate the amount due.

4 The employer contributions required under this subsection
5 (f) may be paid in the form of a lump sum within 90 days after
6 receipt of the bill. If the employer contributions are not
7 paid within 90 days after receipt of the bill, then interest
8 will be charged at a rate equal to the System's annual
9 actuarially assumed rate of return on investment compounded
10 annually from the 91st day after receipt of the bill. Payments
11 must be concluded within 3 years after the employer's receipt
12 of the bill.

13 (f-1) (Blank). ~~June 4, 2018 (Public Act 100-587)~~

14 (g) This subsection (g) applies only to payments made or
15 salary increases given on or after June 1, 2005 but before July
16 1, 2011. The changes made by Public Act 94-1057 shall not
17 require the System to refund any payments received before July
18 31, 2006 (the effective date of Public Act 94-1057).

19 When assessing payment for any amount due under subsection
20 (f), the System shall exclude salary increases paid to
21 teachers under contracts or collective bargaining agreements
22 entered into, amended, or renewed before June 1, 2005.

23 When assessing payment for any amount due under subsection
24 (f), the System shall exclude salary increases paid to a
25 teacher at a time when the teacher is 10 or more years from
26 retirement eligibility under Section 16-132 or 16-133.2.

1 When assessing payment for any amount due under subsection
2 (f), the System shall exclude salary increases resulting from
3 overload work, including summer school, when the school
4 district has certified to the System, and the System has
5 approved the certification, that (i) the overload work is for
6 the sole purpose of classroom instruction in excess of the
7 standard number of classes for a full-time teacher in a school
8 district during a school year and (ii) the salary increases
9 are equal to or less than the rate of pay for classroom
10 instruction computed on the teacher's current salary and work
11 schedule.

12 When assessing payment for any amount due under subsection
13 (f), the System shall exclude a salary increase resulting from
14 a promotion (i) for which the employee is required to hold a
15 certificate or supervisory endorsement issued by the State
16 Teacher Certification Board that is a different certification
17 or supervisory endorsement than is required for the teacher's
18 previous position and (ii) to a position that has existed and
19 been filled by a member for no less than one complete academic
20 year and the salary increase from the promotion is an increase
21 that results in an amount no greater than the lesser of the
22 average salary paid for other similar positions in the
23 district requiring the same certification or the amount
24 stipulated in the collective bargaining agreement for a
25 similar position requiring the same certification.

26 When assessing payment for any amount due under subsection

1 (f), the System shall exclude any payment to the teacher from
2 the State of Illinois or the State Board of Education over
3 which the employer does not have discretion, notwithstanding
4 that the payment is included in the computation of final
5 average salary.

6 (g-5) When assessing payment for any amount due under
7 subsection (f), the System shall exclude salary increases
8 resulting from overload or stipend work performed in a school
9 year subsequent to a school year in which the employer was
10 unable to offer or allow to be conducted overload or stipend
11 work due to an emergency declaration limiting such activities.

12 (g-10) When assessing payment for any amount due under
13 subsection (f), the System shall exclude salary increases
14 resulting from increased instructional time that exceeded the
15 instructional time required during the 2019-2020 school year.

16 (h) When assessing payment for any amount due under
17 subsection (f), the System shall exclude any salary increase
18 described in subsection (g) of this Section given on or after
19 July 1, 2011 but before July 1, 2014 under a contract or
20 collective bargaining agreement entered into, amended, or
21 renewed on or after June 1, 2005 but before July 1, 2011.
22 Notwithstanding any other provision of this Section, any
23 payments made or salary increases given after June 30, 2014
24 shall be used in assessing payment for any amount due under
25 subsection (f) of this Section.

26 (i) The System shall prepare a report and file copies of

1 the report with the Governor and the General Assembly by
2 January 1, 2007 that contains all of the following
3 information:

4 (1) The number of recalculations required by the
5 changes made to this Section by Public Act 94-1057 for
6 each employer.

7 (2) The dollar amount by which each employer's
8 contribution to the System was changed due to
9 recalculations required by Public Act 94-1057.

10 (3) The total amount the System received from each
11 employer as a result of the changes made to this Section by
12 Public Act 94-4.

13 (4) The increase in the required State contribution
14 resulting from the changes made to this Section by Public
15 Act 94-1057.

16 (i-5) For school years beginning on or after July 1, 2017,
17 if the amount of a participant's salary for any school year
18 exceeds the amount of the salary set for the Governor, the
19 participant's employer shall pay to the System, in addition to
20 all other payments required under this Section and in
21 accordance with guidelines established by the System, an
22 amount determined by the System to be equal to the employer
23 normal cost, as established by the System and expressed as a
24 total percentage of payroll, multiplied by the amount of
25 salary in excess of the amount of the salary set for the
26 Governor. This amount shall be computed by the System on the

1 basis of the actuarial assumptions and tables used in the most
2 recent actuarial valuation of the System that is available at
3 the time of the computation. The System may require the
4 employer to provide any pertinent information or
5 documentation.

6 Whenever it determines that a payment is or may be
7 required under this subsection, the System shall calculate the
8 amount of the payment and bill the employer for that amount.
9 The bill shall specify the calculations used to determine the
10 amount due. If the employer disputes the amount of the bill, it
11 may, within 30 days after receipt of the bill, apply to the
12 System in writing for a recalculation. The application must
13 specify in detail the grounds of the dispute. Upon receiving a
14 timely application for recalculation, the System shall review
15 the application and, if appropriate, recalculate the amount
16 due.

17 The employer contributions required under this subsection
18 may be paid in the form of a lump sum within 90 days after
19 receipt of the bill. If the employer contributions are not
20 paid within 90 days after receipt of the bill, then interest
21 will be charged at a rate equal to the System's annual
22 actuarially assumed rate of return on investment compounded
23 annually from the 91st day after receipt of the bill. Payments
24 must be concluded within 3 years after the employer's receipt
25 of the bill.

26 (j) 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 (k) For purposes of determining the required State
12 contribution to the system for a particular year, the
13 actuarial value of assets shall be assumed to earn a rate of
14 return equal to the system's actuarially assumed rate of
15 return.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-340, eff. 8-25-17;
17 100-587, eff. 6-4-18; 100-624, eff. 7-20-18; 100-863, eff.
18 8-14-18; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; revised
19 8-13-19.)

20 (40 ILCS 5/16-203)

21 Sec. 16-203. Application and expiration of new benefit
22 increases.

23 (a) As used in this Section, "new benefit increase" means
24 an increase in the amount of any benefit provided under this
25 Article, or an expansion of the conditions of eligibility for

1 any benefit under this Article, that results from an amendment
2 to this Code that takes effect after June 1, 2005 (the
3 effective date of Public Act 94-4). "New benefit increase",
4 however, does not include any benefit increase resulting from
5 the changes made to Article 1 or this Article by Public Act
6 95-910, Public Act 100-23, Public Act 100-587, Public Act
7 100-743, ~~or~~ Public Act 100-769, Public Act 101-10, Public Act
8 101-49, or this amendatory Act of the 102nd General Assembly
9 ~~or this amendatory Act of the 101st General Assembly.~~

10 (b) Notwithstanding any other provision of this Code or
11 any subsequent amendment to this Code, every new benefit
12 increase is subject to this Section and shall be deemed to be
13 granted only in conformance with and contingent upon
14 compliance with the provisions of this Section.

15 (c) The Public Act enacting a new benefit increase must
16 identify and provide for payment to the System of additional
17 funding at least sufficient to fund the resulting annual
18 increase in cost to the System as it accrues.

19 Every new benefit increase is contingent upon the General
20 Assembly providing the additional funding required under this
21 subsection. The Commission on Government Forecasting and
22 Accountability shall analyze whether adequate additional
23 funding has been provided for the new benefit increase and
24 shall report its analysis to the Public Pension Division of
25 the Department of Insurance. A new benefit increase created by
26 a Public Act that does not include the additional funding

1 required under this subsection is null and void. If the Public
2 Pension Division determines that the additional funding
3 provided for a new benefit increase under this subsection is
4 or has become inadequate, it may so certify to the Governor and
5 the State Comptroller and, in the absence of corrective action
6 by the General Assembly, the new benefit increase shall expire
7 at the end of the fiscal year in which the certification is
8 made.

9 (d) Every new benefit increase shall expire 5 years after
10 its effective date or on such earlier date as may be specified
11 in the language enacting the new benefit increase or provided
12 under subsection (c). This does not prevent the General
13 Assembly from extending or re-creating a new benefit increase
14 by law.

15 (e) Except as otherwise provided in the language creating
16 the new benefit increase, a new benefit increase that expires
17 under this Section continues to apply to persons who applied
18 and qualified for the affected benefit while the new benefit
19 increase was in effect and to the affected beneficiaries and
20 alternate payees of such persons, but does not apply to any
21 other person, including, without limitation, a person who
22 continues in service after the expiration date and did not
23 apply and qualify for the affected benefit while the new
24 benefit increase was in effect.

25 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
26 100-743, eff. 8-10-18; 100-769, eff. 8-10-18; 101-10, eff.

1 6-5-19; 101-49, eff. 7-12-19; 101-81, eff. 7-12-19; revised
2 8-13-19.)

3 Section 12-10. The State Mandates Act is amended by adding
4 Section 8.45 as follows:

5 (30 ILCS 805/8.45 new)

6 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
7 8 of this Act, no reimbursement by the State is required for
8 the implementation of any mandate created by this amendatory
9 Act of the 102nd General Assembly.

10 ARTICLE 14. LIHEAP

11 Section 14-5. The Energy Assistance Act is amended by
12 changing Sections 6 and 13 and by adding Section 20 as follows:

13 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

14 Sec. 6. Eligibility, Conditions of Participation, and
15 Energy Assistance.

16 (a) Any person who is a resident of the State of Illinois
17 and whose household income is not greater than an amount
18 determined annually by the Department, in consultation with
19 the Policy Advisory Council, may apply for assistance pursuant
20 to this Act in accordance with regulations promulgated by the
21 Department. In setting the annual eligibility level, the

1 Department shall consider the amount of available funding and
2 may not set a limit higher than 150% of the federal nonfarm
3 poverty level as established by the federal Office of
4 Management and Budget or 60% of the State median income for the
5 current State fiscal year as established by the U.S.
6 Department of Health and Human Services; except that for the
7 period from the effective date of this amendatory Act of the
8 101st General Assembly through June 30, 2021, the Department
9 may establish limits not higher than 200% of that poverty
10 level. The Department, in consultation with the Policy
11 Advisory Council, may adjust the percentage of poverty level
12 annually in accordance with federal guidelines and based on
13 funding availability.

14 (b) Applicants who qualify for assistance pursuant to
15 subsection (a) of this Section shall, subject to appropriation
16 from the General Assembly and subject to availability of funds
17 to the Department, receive energy assistance as provided by
18 this Act. The Department, upon receipt of monies authorized
19 pursuant to this Act for energy assistance, shall commit funds
20 for each qualified applicant in an amount determined by the
21 Department. In determining the amounts of assistance to be
22 provided to or on behalf of a qualified applicant, the
23 Department shall ensure that the highest amounts of assistance
24 go to households with the greatest energy costs in relation to
25 household income. The Department shall include factors such as
26 energy costs, household size, household income, and region of

1 the State when determining individual household benefits. In
2 setting assistance levels, the Department shall attempt to
3 provide assistance to approximately the same number of
4 households who participated in the 1991 Residential Energy
5 Assistance Partnership Program. Such assistance levels shall
6 be adjusted annually on the basis of funding availability and
7 energy costs. In promulgating rules for the administration of
8 this Section the Department shall assure that a minimum of 1/3
9 of funds available for benefits to eligible households with
10 the lowest incomes and that elderly households, households
11 with children under the age of 6 years old, and households with
12 persons with disabilities are offered a priority application
13 period.

14 (c) If the applicant is not a customer of record of an
15 energy provider for energy services or an applicant for such
16 service, such applicant shall receive a direct energy
17 assistance payment in an amount established by the Department
18 for all such applicants under this Act; provided, however,
19 that such an applicant must have rental expenses for housing
20 greater than 30% of household income.

21 (c-1) This subsection shall apply only in cases where: (1)
22 the applicant is not a customer of record of an energy provider
23 because energy services are provided by the owner of the unit
24 as a portion of the rent; (2) the applicant resides in housing
25 subsidized or developed with funds provided under the Rental
26 Housing Support Program Act or under a similar locally funded

1 rent subsidy program, or is the voucher holder who resides in a
2 rental unit within the State of Illinois and whose monthly
3 rent is subsidized by the tenant-based Housing Choice Voucher
4 Program under Section 8 of the U.S. Housing Act of 1937; and
5 (3) the rental expenses for housing are no more than 30% of
6 household income. In such cases, the household may apply for
7 an energy assistance payment under this Act and the owner of
8 the housing unit shall cooperate with the applicant by
9 providing documentation of the energy costs for that unit. Any
10 compensation paid to the energy provider who supplied energy
11 services to the household shall be paid on behalf of the owner
12 of the housing unit providing energy services to the
13 household. The Department shall report annually to the General
14 Assembly on the number of households receiving energy
15 assistance under this subsection and the cost of such
16 assistance. The provisions of this subsection (c-1), other
17 than this sentence, are inoperative after August 31, 2012.

18 (d) If the applicant is a customer of an energy provider,
19 such applicant shall receive energy assistance in an amount
20 established by the Department for all such applicants under
21 this Act, such amount to be paid by the Department to the
22 energy provider supplying winter energy service to such
23 applicant. Such applicant shall:

24 (i) make all reasonable efforts to apply to any other
25 appropriate source of public energy assistance; and

26 (ii) sign a waiver permitting the Department to

1 receive income information from any public or private
2 agency providing income or energy assistance and from any
3 employer, whether public or private.

4 (e) Any qualified applicant pursuant to this Section may
5 receive or have paid on such applicant's behalf an emergency
6 assistance payment to enable such applicant to obtain access
7 to winter energy services. Any such payments shall be made in
8 accordance with regulations of the Department.

9 (f) The Department may, if sufficient funds are available,
10 provide additional benefits to certain qualified applicants:

11 (i) for the reduction of past due amounts owed to
12 energy providers; and

13 (ii) to assist the household in responding to
14 excessively high summer temperatures or energy costs.
15 Households containing elderly members, children, a person
16 with a disability, or a person with a medical need for
17 conditioned air shall receive priority for receipt of such
18 benefits.

19 (Source: P.A. 101-636, eff. 6-10-20.)

20 (305 ILCS 20/13)

21 (Section scheduled to be repealed on January 1, 2025)

22 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

23 (a) The Supplemental Low-Income Energy Assistance Fund is
24 hereby created as a special fund in the State Treasury.
25 Notwithstanding any other law to the contrary, the

1 Supplemental Low-Income Energy Assistance Fund is not subject
2 to sweeps, administrative charge-backs, or any other fiscal or
3 budgetary maneuver that would in any way transfer any amounts
4 from the Supplemental Low-Income Energy Assistance Fund into
5 any other fund of the State. The Supplemental Low-Income
6 Energy Assistance Fund is authorized to receive moneys from
7 voluntary donations from individuals, foundations,
8 corporations, and other sources, moneys received pursuant to
9 Section 17, and, by statutory deposit, the moneys collected
10 pursuant to this Section. The Fund is also authorized to
11 receive voluntary donations from individuals, foundations,
12 corporations, and other sources. Subject to appropriation, the
13 Department shall use moneys from the Supplemental Low-Income
14 Energy Assistance Fund for payments to electric or gas public
15 utilities, municipal electric or gas utilities, and electric
16 cooperatives on behalf of their customers who are participants
17 in the program authorized by Sections 4 and 18 of this Act, for
18 the provision of weatherization services and for
19 administration of the Supplemental Low-Income Energy
20 Assistance Fund. All other deposits outside of the Energy
21 Assistance Charge as set forth in subsection (b) are not
22 subject to the percentage restrictions related to
23 administrative and weatherization expenses provided in this
24 subsection. The yearly expenditures for weatherization may not
25 exceed 10% of the amount collected during the year pursuant to
26 this Section, except when unspent funds from the Supplemental

1 Low-Income Energy Assistance Fund are reallocated from a
2 previous year; any unspent balance of the 10% weatherization
3 allowance may be utilized for weatherization expenses in the
4 year they are reallocated. The yearly administrative expenses
5 of the Supplemental Low-Income Energy Assistance Fund may not
6 exceed 13% ~~10%~~ of the amount collected during that year
7 pursuant to this Section, except when unspent funds from the
8 Supplemental Low-Income Energy Assistance Fund are reallocated
9 from a previous year; any unspent balance of the 13% ~~10%~~
10 administrative allowance may be utilized for administrative
11 expenses in the year they are reallocated. Of the 13%
12 administrative allowance, no less than 8% shall be provided to
13 Local Administrative Agencies for administrative expenses.

14 (b) Notwithstanding the provisions of Section 16-111 of
15 the Public Utilities Act but subject to subsection (k) of this
16 Section, each public utility, electric cooperative, as defined
17 in Section 3.4 of the Electric Supplier Act, and municipal
18 utility, as referenced in Section 3-105 of the Public
19 Utilities Act, that is engaged in the delivery of electricity
20 or the distribution of natural gas within the State of
21 Illinois shall, effective January 1, 2021 ~~effective January 1,~~
22 ~~1998,~~ assess each of its customer accounts a monthly Energy
23 Assistance Charge for the Supplemental Low-Income Energy
24 Assistance Fund. The delivering public utility, municipal
25 electric or gas utility, or electric or gas cooperative for a
26 self-assessing purchaser remains subject to the collection of

the fee imposed by this Section. The monthly charge shall be as follows:

(1) Base Energy Assistance Charge per month on each account for residential electrical service;

(2) Base Energy Assistance Charge per month on each account for residential gas service;

(3) Ten times the Base Energy Assistance Charge per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;

(4) Ten times the Base Energy Assistance Charge per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;

(5) Three hundred and seventy-five times the Base Energy Assistance Charge per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year;
and

(6) Three hundred and seventy-five times the Base Energy Assistance Charge per month on each account For non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

The Base Energy Assistance Charge shall be \$0.48 per month for the calendar year beginning January 1, 2022 and shall

1 increase by \$0.16 per month for any calendar year, provided no
2 less than 80% of the previous State fiscal year's available
3 Supplemental Low-Income Energy Assistance Fund funding was
4 exhausted. The maximum Base Energy Assistance Charge shall not
5 exceed \$0.96 per month for any calendar year.

6 ~~(1) \$0.48 per month on each account for residential~~
7 ~~electric service;~~

8 ~~(2) \$0.48 per month on each account for residential~~
9 ~~gas service;~~

10 ~~(3) \$4.80 per month on each account for~~
11 ~~non-residential electric service which had less than 10~~
12 ~~megawatts of peak demand during the previous calendar~~
13 ~~year;~~

14 ~~(4) \$4.80 per month on each account for~~
15 ~~non-residential gas service which had distributed to it~~
16 ~~less than 4,000,000 therms of gas during the previous~~
17 ~~calendar year;~~

18 ~~(5) \$360 per month on each account for non residential~~
19 ~~electric service which had 10 megawatts or greater of peak~~
20 ~~demand during the previous calendar year; and~~

21 ~~(6) \$360 per month on each account for non-residential~~
22 ~~gas service which had 4,000,000 or more therms of gas~~
23 ~~distributed to it during the previous calendar year.~~

24 The incremental change to such charges imposed by Public
25 Act 99-933 and this amendatory Act of the 102nd General
26 Assembly ~~this amendatory Act of the 96th General Assembly~~

1 shall not (i) be used for any purpose other than to directly
2 assist customers and (ii) be applicable to utilities serving
3 less than 25,000 ~~100,000~~ customers in Illinois on January 1,
4 2021 ~~2009~~. The incremental change to such charges imposed by
5 this amendatory Act of the 102nd General Assembly are intended
6 to increase utilization of the Percentage of Income Payment
7 Plan (PIPP or PIP Plan) and shall be applied such that PIP Plan
8 enrollment is at least doubled, as compared to 2020
9 enrollment, by 2024.

10 In addition, electric and gas utilities have committed,
11 and shall contribute, a one-time payment of \$22 million to the
12 Fund, within 10 days after the effective date of the tariffs
13 established pursuant to Sections 16-111.8 and 19-145 of the
14 Public Utilities Act to be used for the Department's cost of
15 implementing the programs described in Section 18 of this
16 amendatory Act of the 96th General Assembly, the Arrearage
17 Reduction Program described in Section 18, and the programs
18 described in Section 8-105 of the Public Utilities Act. If a
19 utility elects not to file a rider within 90 days after the
20 effective date of this amendatory Act of the 96th General
21 Assembly, then the contribution from such utility shall be
22 made no later than February 1, 2010.

23 (c) For purposes of this Section:

24 (1) "residential electric service" means electric
25 utility service for household purposes delivered to a
26 dwelling of 2 or fewer units which is billed under a

1 residential rate, or electric utility service for
2 household purposes delivered to a dwelling unit or units
3 which is billed under a residential rate and is registered
4 by a separate meter for each dwelling unit;

5 (2) "residential gas service" means gas utility
6 service for household purposes distributed to a dwelling
7 of 2 or fewer units which is billed under a residential
8 rate, or gas utility service for household purposes
9 distributed to a dwelling unit or units which is billed
10 under a residential rate and is registered by a separate
11 meter for each dwelling unit;

12 (3) "non-residential electric service" means electric
13 utility service which is not residential electric service;
14 and

15 (4) "non-residential gas service" means gas utility
16 service which is not residential gas service.

17 (d) Within 30 days after the effective date of this
18 amendatory Act of the 96th General Assembly, each public
19 utility engaged in the delivery of electricity or the
20 distribution of natural gas shall file with the Illinois
21 Commerce Commission tariffs incorporating the Energy
22 Assistance Charge in other charges stated in such tariffs,
23 which shall become effective no later than the beginning of
24 the first billing cycle following such filing.

25 (e) The Energy Assistance Charge assessed by electric and
26 gas public utilities shall be considered a charge for public

1 utility service.

2 (f) By the 20th day of the month following the month in
3 which the charges imposed by the Section were collected, each
4 public utility, municipal utility, and electric cooperative
5 shall remit to the Department of Revenue all moneys received
6 as payment of the Energy Assistance Charge on a return
7 prescribed and furnished by the Department of Revenue showing
8 such information as the Department of Revenue may reasonably
9 require; provided, however, that a utility offering an
10 Arrearage Reduction Program or Supplemental Arrearage
11 Reduction Program pursuant to Section 18 of this Act shall be
12 entitled to net those amounts necessary to fund and recover
13 the costs of such Programs as authorized by that Section that
14 is no more than the incremental change in such Energy
15 Assistance Charge authorized by Public Act 96-33. If a
16 customer makes a partial payment, a public utility, municipal
17 utility, or electric cooperative may elect either: (i) to
18 apply such partial payments first to amounts owed to the
19 utility or cooperative for its services and then to payment
20 for the Energy Assistance Charge or (ii) to apply such partial
21 payments on a pro-rata basis between amounts owed to the
22 utility or cooperative for its services and to payment for the
23 Energy Assistance Charge.

24 If any payment provided for in this Section exceeds the
25 distributor's liabilities under this Act, as shown on an
26 original return, the Department may authorize the distributor

1 to credit such excess payment against liability subsequently
2 to be remitted to the Department under this Act, in accordance
3 with reasonable rules adopted by the Department. If the
4 Department subsequently determines that all or any part of the
5 credit taken was not actually due to the distributor, the
6 distributor's discount shall be reduced by an amount equal to
7 the difference between the discount as applied to the credit
8 taken and that actually due, and that distributor shall be
9 liable for penalties and interest on such difference.

10 (g) The Department of Revenue shall deposit into the
11 Supplemental Low-Income Energy Assistance Fund all moneys
12 remitted to it in accordance with subsection (f) of this
13 Section. ~~provided, however, that the amounts remitted by~~
14 ~~each utility shall be used to provide assistance to that~~
15 ~~utility's customers.~~ The utilities shall coordinate with the
16 Department to establish an equitable and practical methodology
17 for implementing this subsection (g) beginning with the 2010
18 program year.

19 (h) On or before December 31, 2002, the Department shall
20 prepare a report for the General Assembly on the expenditure
21 of funds appropriated from the Low-Income Energy Assistance
22 Block Grant Fund for the program authorized under Section 4 of
23 this Act.

24 (i) The Department of Revenue may establish such rules as
25 it deems necessary to implement this Section.

26 (j) The Department of Commerce and Economic Opportunity

1 may establish such rules as it deems necessary to implement
2 this Section.

3 (k) The charges imposed by this Section shall only apply
4 to customers of municipal electric or gas utilities and
5 electric or gas cooperatives if the municipal electric or gas
6 utility or electric or gas cooperative makes an affirmative
7 decision to impose the charge. If a municipal electric or gas
8 utility or an electric cooperative makes an affirmative
9 decision to impose the charge provided by this Section, the
10 municipal electric or gas utility or electric cooperative
11 shall inform the Department of Revenue in writing of such
12 decision when it begins to impose the charge. If a municipal
13 electric or gas utility or electric or gas cooperative does
14 not assess this charge, the Department may not use funds from
15 the Supplemental Low-Income Energy Assistance Fund to provide
16 benefits to its customers under the program authorized by
17 Section 4 of this Act.

18 In its use of federal funds under this Act, the Department
19 may not cause a disproportionate share of those federal funds
20 to benefit customers of systems which do not assess the charge
21 provided by this Section.

22 This Section is repealed on January 1, 2025 unless renewed
23 by action of the General Assembly.

24 (Source: P.A. 99-457, eff. 1-1-16; 99-906, eff. 6-1-17;
25 99-933, eff. 1-27-17; 100-863, eff. 8-14-18; 100-1171, eff.
26 1-4-19.)

1 (305 ILCS 20/20 new)

2 Sec. 20. Expanded eligibility. All programs pursuant to
3 this Act shall be available to eligible low-income Illinois
4 residents who qualify for assistance under Sections 6 and 18,
5 regardless of immigration status, using the Supplemental
6 Low-Income Energy Assistance Fund for customers of utilities
7 and vendors that collect the Energy Assistance Charge and pay
8 into the Supplemental Low-Income Energy Assistance Fund.

9 ARTICLE 20. AMENDATORY PROVISIONS

10 Section 20-5. The Secretary of State Act is amended by
11 changing Section 18 as follows:

12 (15 ILCS 305/18)

13 Sec. 18. Electronic Filing Supplemental Deposits into
14 Department of Business Services Special Operations Fund. When
15 a submission to the Secretary of State is made electronically,
16 but does not include a request for expedited services,
17 pursuant to the provisions of this amendatory Act of the 100th
18 General Assembly up to \$25 for each such transaction under the
19 General Not For Profit Corporation Act of 1986 and up to \$50
20 from each such transaction under the Business Corporation Act
21 of 1983, the Limited Liability Company Act, or the Uniform
22 Limited Partnership Act (2001) shall be deposited into the

1 Department of Business Services Special Operations Fund, and
2 the remainder of any fee deposited into the General Revenue
3 Fund. However, in no circumstance may the supplemental
4 deposits provided by this Section cause the total deposits
5 into the Special Operations Fund in any fiscal year from
6 electronic submissions under the Business Corporation Act of
7 1983, the General Not For Profit Corporation Act of 1986, the
8 Limited Liability Company Act, the Uniform Partnership Act
9 (1997), and the Uniform Limited Partnership Act (2001),
10 whether or not for expedited services, to exceed \$11,326,225.
11 The Secretary of State has the authority to adopt rules
12 necessary to implement this Section, in accordance with the
13 Illinois Administrative Procedure Act. This Section does not
14 apply on or after July 1, 2023 ~~2021~~.

15 (Source: P.A. 100-186, eff. 7-1-18.)

16 Section 20-7. The New Markets Development Program Act is
17 amended by changing Section 50 as follows:

18 (20 ILCS 663/50)

19 Sec. 50. Sunset. For fiscal years following fiscal year
20 2024 ~~2021~~, qualified equity investments shall not be made
21 under this Act unless reauthorization is made pursuant to this
22 Section. For all fiscal years following fiscal year 2024 ~~2021~~,
23 unless the General Assembly adopts a joint resolution granting
24 authority to the Department to approve qualified equity

1 investments for the Illinois new markets development program
2 and clearly describing the amount of tax credits available for
3 the next fiscal year, or otherwise complies with the
4 provisions of this Section, no qualified equity investments
5 may be permitted to be made under this Act. The amount of
6 available tax credits contained in such a resolution shall not
7 exceed the limitation provided under Section 20. Nothing in
8 this Section precludes a taxpayer who makes a qualified equity
9 investment prior to the expiration of authority to make
10 qualified equity investments from claiming tax credits
11 relating to that qualified equity investment for each
12 applicable credit allowance date.

13 (Source: P.A. 100-408, eff. 8-25-17.)

14 Section 20-10. The Illinois Housing Development Act is
15 amended by adding Section 7.32 as follows:

16 (20 ILCS 3805/7.32 new)

17 Sec. 7.32. American Rescue Plan Homeowner Assistance and
18 Emergency Rental Assistance. The Authority may receive,
19 directly or indirectly, federal funds from the Homeowner
20 Assistance Fund authorized under Section 3206 of the federal
21 American Rescue Plan Act of 2021 (Public Law 117-2), and may
22 use the funds only in the manner and for the purposes
23 authorized therein and in related federal guidance. The
24 Authority may receive, directly or indirectly, federal funds

1 from the Emergency Rental Assistance Program authorized under
2 Section 3201 of the federal American Rescue Plan Act of 2021
3 and Section 501 of Subtitle A of Title V of Division N of the
4 Consolidated Appropriations Act, 2021 (Public Law 116-260),
5 and may use the funds only in the manner and for the purposes
6 authorized therein and in related federal guidance.

7 Section 20-15. The General Assembly Operations Act is
8 amended by changing Section 20 as follows:

9 (25 ILCS 10/20)

10 (Section scheduled to be repealed on July 1, 2021)

11 Sec. 20. Legislative Budget Oversight Commission.

12 (a) The General Assembly hereby finds and declares that
13 the State is confronted with an unprecedented fiscal crisis.
14 In light of this crisis, and the challenges it presents for the
15 budgeting process, the General Assembly hereby establishes the
16 Legislative Budget Oversight Commission. The purpose of the
17 Commission is: to monitor budget management actions taken by
18 the Office of the Governor or Governor's Office of Management
19 and Budget; and to oversee the distribution and expenditure of
20 federal financial relief for State and local governments
21 related to the COVID-19 pandemic.

22 (b) At the request of the Commission, units of local
23 governments and State agency directors or their respective
24 designees shall report to the Commission on the status and

1 distribution of federal CARES money and any other federal
2 financial relief related to the COVID-19 pandemic.

3 (c) In anticipation of constantly changing and
4 unpredictable economic circumstances, the Commission will
5 provide a means for the Governor's Office and the General
6 Assembly to maintain open communication about necessary budget
7 management actions during these unprecedented times. Beginning
8 August 15, 2020, the Governor's Office of Management and
9 Budget shall submit a monthly written report to the Commission
10 reporting any budget management actions taken by the Office of
11 the Governor, Governor's Office of Management and Budget, or
12 any State agency. On a quarterly basis, the Governor or his or
13 her designee shall give a report to the Commission and each
14 member thereof. The report shall be given either in person or
15 by telephonic or videoconferencing means. The report shall
16 include:

17 (1) any budget management actions taken by the Office
18 of the Governor, Governor's Office of Management and
19 Budget, or any agency or board under the Office of the
20 Governor in the prior quarter;

21 (2) year-to-date revenues as compared to anticipated
22 revenues; ~~and~~

23 (3) year-to-date expenditures as compared to the
24 Fiscal Year 2021 budget as enacted; ~~and~~

25 (4) a list, by program, of the number of grants
26 awarded, the aggregate amount of such grant awards, and

1 the aggregate amount of awards actually paid with respect
2 to all grants awarded from federal funds from the
3 Coronavirus Relief Fund in accordance with Section 5001 of
4 the federal Coronavirus Aid, Relief, and Economic Security
5 (CARES) Act or from the Coronavirus State Fiscal Recovery
6 Fund in accordance with Section 9901 of the federal
7 American Rescue Plan Act of 2021, which shall identify the
8 number of grants awarded, the aggregate amount of such
9 grant awards, and the aggregate amount of such awards
10 actually paid to grantees located in or serving a
11 disproportionately impacted area, as defined in the
12 program from which the grant is awarded; and

13 (5) any additional items reasonably requested by the
14 Commission.

15 (d) The Legislative Budget Oversight Commission shall
16 consist of the following members:

17 (1) 7 members of the House of Representatives
18 appointed by the Speaker of the House of Representatives;

19 (2) 7 members of the Senate appointed by the Senate
20 President;

21 (3) 4 members of the House of Representatives
22 appointed by the Minority Leader of the House of
23 Representatives; and

24 (4) 4 members of the Senate appointed by the Senate
25 Minority Leader.

26 (e) The Speaker of the House of Representatives and the

1 Senate President shall each appoint one member of the
2 Commission to serve as a co-chair. The members of the
3 Commission shall serve without compensation.

4 (f) As used in this Section:

5 "Budget management action" means any transfer between
6 appropriation lines exceeding 2%, fund transfer, designation
7 of appropriation lines as reserve, or any other discretionary
8 action taken with regard to the Fiscal Year 2021 budget as
9 enacted;

10 "State agency" means all officers, boards, commissions,
11 departments, and agencies created by the Constitution, by law,
12 by Executive Order, or by order of the Governor in the
13 Executive Branch, other than the Offices of the Attorney
14 General, Secretary of State, Comptroller, or Treasurer.

15 (g) This Section is repealed July 1, 2022 ~~2021~~.

16 (Source: P.A. 101-636, eff. 6-10-20.)

17 Section 20-17. The General Assembly Compensation Act is
18 amended by changing Section 4 as follows:

19 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

20 Sec. 4. Office allowance. Beginning July 1, 2001 and
21 through July 1, 2020, each member of the House of
22 Representatives is authorized to approve the expenditure of
23 not more than \$61,000 per year and each member of the Senate is
24 authorized to approve the expenditure of not more than \$73,000

1 per year to pay for "personal services", "contractual
2 services", "commodities", "printing", "travel", "operation of
3 automotive equipment", "telecommunications services", as
4 defined in the State Finance Act, and the compensation of one
5 or more legislative assistants authorized pursuant to this
6 Section, in connection with his or her legislative duties and
7 not in connection with any political campaign. On July 1, 2002
8 and on July 1 of each year thereafter, the amount authorized
9 per year under this Section for each member of the Senate and
10 each member of the House of Representatives shall be increased
11 by a percentage increase equivalent to the lesser of (i) the
12 increase in the designated cost of living index or (ii) 5%. The
13 designated cost of living index is the index known as the
14 "Employment Cost Index, Wages and Salaries, By Occupation and
15 Industry Groups: State and Local Government Workers: Public
16 Administration" as published by the Bureau of Labor Statistics
17 of the U.S. Department of Labor for the calendar year
18 immediately preceding the year of the respective July 1st
19 increase date. The increase shall be added to the then current
20 amount, and the adjusted amount so determined shall be the
21 annual amount beginning July 1 of the increase year until July
22 1 of the next year. No increase under this provision shall be
23 less than zero.

24 Beginning July 1, 2021, each member of the House of
25 Representatives is authorized to approve the expenditure of
26 not more than \$179,000 per year and each member of the Senate

1 is authorized to approve the expenditure of not more than
2 \$214,000 per year to pay for "personal services", "contractual
3 services", "commodities", "printing", "travel", "operation of
4 automotive equipment", "telecommunications services", as
5 defined in the State Finance Act, and the compensation of one
6 or more legislative assistants authorized pursuant to this
7 Section, in connection with his or her legislative duties and
8 not in connection with any political campaign. On July 1, 2022
9 and on July 1 of each year thereafter, the amount authorized
10 per year under this Section for each member of the Senate and
11 each member of the House of Representatives shall be increased
12 by a percentage increase equivalent to the lesser of (i) the
13 increase in the designated cost of living index or (ii) 5%. The
14 designated cost of living index is the index known as the
15 "Employment Cost Index, Wages and Salaries, By Occupation and
16 Industry Groups: State and Local Government Workers: Public
17 Administration" as published by the Bureau of Labor Statistics
18 of the U.S. Department of Labor for the calendar year
19 immediately preceding the year of the respective July 1st
20 increase date. The increase shall be added to the then current
21 amount, and the adjusted amount so determined shall be the
22 annual amount beginning July 1 of the increase year until July
23 1 of the next year. No increase under this provision shall be
24 less than zero.

25 A member may purchase office equipment if the member
26 certifies to the Secretary of the Senate or the Clerk of the

1 House, as applicable, that the purchase price, whether paid in
2 lump sum or installments, amounts to less than would be
3 charged for renting or leasing the equipment over its
4 anticipated useful life. All such equipment must be purchased
5 through the Secretary of the Senate or the Clerk of the House,
6 as applicable, for proper identification and verification of
7 purchase.

8 Each member of the General Assembly is authorized to
9 employ one or more legislative assistants, who shall be solely
10 under the direction and control of that member, for the
11 purpose of assisting the member in the performance of his or
12 her official duties. A legislative assistant may be employed
13 pursuant to this Section as a full-time employee, part-time
14 employee, or contractual employee, at the discretion of the
15 member. If employed as a State employee, a legislative
16 assistant shall receive employment benefits on the same terms
17 and conditions that apply to other employees of the General
18 Assembly. Each member shall adopt and implement personnel
19 policies for legislative assistants under his or her direction
20 and control relating to work time requirements, documentation
21 for reimbursement for travel on official State business,
22 compensation, and the earning and accrual of State benefits
23 for those legislative assistants who may be eligible to
24 receive those benefits. The policies shall also require
25 legislative assistants to periodically submit time sheets
26 documenting, in quarter-hour increments, the time spent each

1 day on official State business. The policies shall require the
2 time sheets to be submitted on paper, electronically, or both
3 and to be maintained in either paper or electronic format by
4 the applicable fiscal office for a period of at least 2 years.
5 Contractual employees may satisfy the time sheets requirement
6 by complying with the terms of their contract, which shall
7 provide for a means of compliance with this requirement. A
8 member may satisfy the requirements of this paragraph by
9 adopting and implementing the personnel policies promulgated
10 by that member's legislative leader under the State Officials
11 and Employees Ethics Act with respect to that member's
12 legislative assistants.

13 As used in this Section the term "personal services" shall
14 include contributions of the State under the Federal Insurance
15 Contribution Act and under Article 14 of the Illinois Pension
16 Code. As used in this Section the term "contractual services"
17 shall not include improvements to real property unless those
18 improvements are the obligation of the lessee under the lease
19 agreement. Beginning July 1, 1989, as used in the Section, the
20 term "travel" shall be limited to travel in connection with a
21 member's legislative duties and not in connection with any
22 political campaign. Beginning on the effective date of this
23 amendatory Act of the 93rd General Assembly, as used in this
24 Section, the term "printing" includes, but is not limited to,
25 newsletters, brochures, certificates, congratulatory
26 mailings, greeting or welcome messages, anniversary or

1 birthday cards, and congratulations for prominent achievement
2 cards. As used in this Section, the term "printing" includes
3 fees for non-substantive resolutions charged by the Clerk of
4 the House of Representatives under subsection (c-5) of Section
5 1 of the Legislative Materials Act. No newsletter or brochure
6 that is paid for, in whole or in part, with funds provided
7 under this Section may be printed or mailed during a period
8 beginning February 1 of the year of a general primary election
9 and ending the day after the general primary election and
10 during a period beginning September 1 of the year of a general
11 election and ending the day after the general election, except
12 that such a newsletter or brochure may be mailed during those
13 times if it is mailed to a constituent in response to that
14 constituent's inquiry concerning the needs of that constituent
15 or questions raised by that constituent. Nothing in this
16 Section shall be construed to authorize expenditures for
17 lodging and meals while a member is in attendance at sessions
18 of the General Assembly.

19 Any utility bill for service provided to a member's
20 district office for a period including portions of 2
21 consecutive fiscal years may be paid from funds appropriated
22 for such expenditure in either fiscal year.

23 If a vacancy occurs in the office of Senator or
24 Representative in the General Assembly, any office equipment
25 in the possession of the vacating member shall transfer to the
26 member's successor; if the successor does not want such

1 equipment, it shall be transferred to the Secretary of the
2 Senate or Clerk of the House of Representatives, as the case
3 may be, and if not wanted by other members of the General
4 Assembly then to the Department of Central Management Services
5 for treatment as surplus property under the State Property
6 Control Act. Each member, on or before June 30th of each year,
7 shall conduct an inventory of all equipment purchased pursuant
8 to this Act. Such inventory shall be filed with the Secretary
9 of the Senate or the Clerk of the House, as the case may be.
10 Whenever a vacancy occurs, the Secretary of the Senate or the
11 Clerk of the House, as the case may be, shall conduct an
12 inventory of equipment purchased.

13 In the event that a member leaves office during his or her
14 term, any unexpended or unobligated portion of the allowance
15 granted under this Section shall lapse. The vacating member's
16 successor shall be granted an allowance in an amount, rounded
17 to the nearest dollar, computed by dividing the annual
18 allowance by 365 and multiplying the quotient by the number of
19 days remaining in the fiscal year.

20 From any appropriation for the purposes of this Section
21 for a fiscal year which overlaps 2 General Assemblies, no more
22 than 1/2 of the annual allowance per member may be spent or
23 encumbered by any member of either the outgoing or incoming
24 General Assembly, except that any member of the incoming
25 General Assembly who was a member of the outgoing General
26 Assembly may encumber or spend any portion of his annual

1 allowance within the fiscal year.

2 The appropriation for the annual allowances permitted by
3 this Section shall be included in an appropriation to the
4 President of the Senate and to the Speaker of the House of
5 Representatives for their respective members. The President of
6 the Senate and the Speaker of the House shall voucher for
7 payment individual members' expenditures from their annual
8 office allowances to the State Comptroller, subject to the
9 authority of the Comptroller under Section 9 of the State
10 Comptroller Act.

11 Nothing in this Section prohibits the expenditure of
12 personal funds or the funds of a political committee
13 controlled by an officeholder to defray the customary and
14 reasonable expenses of an officeholder in connection with the
15 performance of governmental and public service functions.

16 (Source: P.A. 95-6, eff. 6-20-07; 96-555, eff. 8-18-09;
17 96-886, eff. 1-1-11.)

18 Section 20-20. The Illinois Procurement Code is amended by
19 changing Section 1-13 as follows:

20 (30 ILCS 500/1-13)

21 Sec. 1-13. Applicability to public institutions of higher
22 education.

23 (a) This Code shall apply to public institutions of higher
24 education, regardless of the source of the funds with which

1 contracts are paid, except as provided in this Section.

2 (b) Except as provided in this Section, this Code shall
3 not apply to procurements made by or on behalf of public
4 institutions of higher education for any of the following:

5 (1) Memberships in professional, academic, research,
6 or athletic organizations on behalf of a public
7 institution of higher education, an employee of a public
8 institution of higher education, or a student at a public
9 institution of higher education.

10 (2) Procurement expenditures for events or activities
11 paid for exclusively by revenues generated by the event or
12 activity, gifts or donations for the event or activity,
13 private grants, or any combination thereof.

14 (3) Procurement expenditures for events or activities
15 for which the use of specific potential contractors is
16 mandated or identified by the sponsor of the event or
17 activity, provided that the sponsor is providing a
18 majority of the funding for the event or activity.

19 (4) Procurement expenditures necessary to provide
20 athletic, artistic or musical services, performances,
21 events, or productions by or for a public institution of
22 higher education.

23 (5) Procurement expenditures for periodicals, books,
24 subscriptions, database licenses, and other publications
25 procured for use by a university library or academic
26 department, except for expenditures related to procuring

1 textbooks for student use or materials for resale or
2 rental.

3 (6) Procurement expenditures for placement of students
4 in externships, practicums, field experiences, and for
5 medical residencies and rotations.

6 (7) Contracts for programming and broadcast license
7 rights for university-operated radio and television
8 stations.

9 (8) Procurement expenditures necessary to perform
10 sponsored research and other sponsored activities under
11 grants and contracts funded by the sponsor or by sources
12 other than State appropriations.

13 (9) Contracts with a foreign entity for research or
14 educational activities, provided that the foreign entity
15 either does not maintain an office in the United States or
16 is the sole source of the service or product.

17 Notice of each contract entered into by a public institution
18 of higher education that is related to the procurement of
19 goods and services identified in items (1) through (9) of this
20 subsection shall be published in the Procurement Bulletin
21 within 14 calendar days after contract execution. The Chief
22 Procurement Officer shall prescribe the form and content of
23 the notice. Each public institution of higher education shall
24 provide the Chief Procurement Officer, on a monthly basis, in
25 the form and content prescribed by the Chief Procurement
26 Officer, a report of contracts that are related to the

1 procurement of goods and services identified in this
2 subsection. At a minimum, this report shall include the name
3 of the contractor, a description of the supply or service
4 provided, the total amount of the contract, the term of the
5 contract, and the exception to the Code utilized. A copy of any
6 or all of these contracts shall be made available to the Chief
7 Procurement Officer immediately upon request. The Chief
8 Procurement Officer shall submit a report to the Governor and
9 General Assembly no later than November 1 of each year that
10 shall include, at a minimum, an annual summary of the monthly
11 information reported to the Chief Procurement Officer.

12 (b-5) Except as provided in this subsection, the
13 provisions of this Code shall not apply to contracts for
14 medical supplies, and to contracts for medical services
15 necessary for the delivery of care and treatment at medical,
16 dental, or veterinary teaching facilities utilized by Southern
17 Illinois University or the University of Illinois and at any
18 university-operated health care center or dispensary that
19 provides care, treatment, and medications for students,
20 faculty and staff. Other supplies and services needed for
21 these teaching facilities shall be subject to the jurisdiction
22 of the Chief Procurement Officer for Public Institutions of
23 Higher Education who may establish expedited procurement
24 procedures and may waive or modify certification, contract,
25 hearing, process and registration requirements required by the
26 Code. All procurements made under this subsection shall be

1 documented and may require publication in the Illinois
2 Procurement Bulletin.

3 (b-10) Procurements made by or on behalf of the University
4 of Illinois for investment services scheduled to expire June
5 2021 ~~2020~~ may be extended through June 2022 ~~2021~~ without being
6 subject to the requirements of this Code. Any contract
7 extended, renewed, or entered pursuant to this exception shall
8 be published on the Executive Ethics Commission's website
9 within 5 days of contract execution. This subsection is
10 inoperative on and after July 1, 2022 ~~2021~~.

11 (c) Procurements made by or on behalf of public
12 institutions of higher education for the fulfillment of a
13 grant shall be made in accordance with the requirements of
14 this Code to the extent practical.

15 Upon the written request of a public institution of higher
16 education, the Chief Procurement Officer may waive contract,
17 registration, certification, and hearing requirements of this
18 Code if, based on the item to be procured or the terms of a
19 grant, compliance is impractical. The public institution of
20 higher education shall provide the Chief Procurement Officer
21 with specific reasons for the waiver, including the necessity
22 of contracting with a particular potential contractor, and
23 shall certify that an effort was made in good faith to comply
24 with the provisions of this Code. The Chief Procurement
25 Officer shall provide written justification for any waivers.
26 By November 1 of each year, the Chief Procurement Officer

1 shall file a report with the General Assembly identifying each
2 contract approved with waivers and providing the justification
3 given for any waivers for each of those contracts. Notice of
4 each waiver made under this subsection shall be published in
5 the Procurement Bulletin within 14 calendar days after
6 contract execution. The Chief Procurement Officer shall
7 prescribe the form and content of the notice.

8 (d) Notwithstanding this Section, a waiver of the
9 registration requirements of Section 20-160 does not permit a
10 business entity and any affiliated entities or affiliated
11 persons to make campaign contributions if otherwise prohibited
12 by Section 50-37. The total amount of contracts awarded in
13 accordance with this Section shall be included in determining
14 the aggregate amount of contracts or pending bids of a
15 business entity and any affiliated entities or affiliated
16 persons.

17 (e) Notwithstanding subsection (e) of Section 50-10.5 of
18 this Code, the Chief Procurement Officer, with the approval of
19 the Executive Ethics Commission, may permit a public
20 institution of higher education to accept a bid or enter into a
21 contract with a business that assisted the public institution
22 of higher education in determining whether there is a need for
23 a contract or assisted in reviewing, drafting, or preparing
24 documents related to a bid or contract, provided that the bid
25 or contract is essential to research administered by the
26 public institution of higher education and it is in the best

1 interest of the public institution of higher education to
2 accept the bid or contract. For purposes of this subsection,
3 "business" includes all individuals with whom a business is
4 affiliated, including, but not limited to, any officer, agent,
5 employee, consultant, independent contractor, director,
6 partner, manager, or shareholder of a business. The Executive
7 Ethics Commission may promulgate rules and regulations for the
8 implementation and administration of the provisions of this
9 subsection (e).

10 (f) As used in this Section:

11 "Grant" means non-appropriated funding provided by a
12 federal or private entity to support a project or program
13 administered by a public institution of higher education and
14 any non-appropriated funding provided to a sub-recipient of
15 the grant.

16 "Public institution of higher education" means Chicago
17 State University, Eastern Illinois University, Governors State
18 University, Illinois State University, Northeastern Illinois
19 University, Northern Illinois University, Southern Illinois
20 University, University of Illinois, Western Illinois
21 University, and, for purposes of this Code only, the Illinois
22 Mathematics and Science Academy.

23 (g) (Blank).

24 (h) The General Assembly finds and declares that:

25 (1) Public Act 98-1076, which took effect on January
26 1, 2015, changed the repeal date set for this Section from

1 December 31, 2014 to December 31, 2016.

2 (2) The Statute on Statutes sets forth general rules
3 on the repeal of statutes and the construction of multiple
4 amendments, but Section 1 of that Act also states that
5 these rules will not be observed when the result would be
6 "inconsistent with the manifest intent of the General
7 Assembly or repugnant to the context of the statute".

8 (3) This amendatory Act of the 100th General Assembly
9 manifests the intention of the General Assembly to remove
10 the repeal of this Section.

11 (4) This Section was originally enacted to protect,
12 promote, and preserve the general welfare. Any
13 construction of this Section that results in the repeal of
14 this Section on December 31, 2014 would be inconsistent
15 with the manifest intent of the General Assembly and
16 repugnant to the context of this Code.

17 It is hereby declared to have been the intent of the
18 General Assembly that this Section not be subject to repeal on
19 December 31, 2014.

20 This Section shall be deemed to have been in continuous
21 effect since December 20, 2011 (the effective date of Public
22 Act 97-643), and it shall continue to be in effect
23 henceforward until it is otherwise lawfully repealed. All
24 previously enacted amendments to this Section taking effect on
25 or after December 31, 2014, are hereby validated.

26 All actions taken in reliance on or pursuant to this

1 Section by any public institution of higher education, person,
2 or entity are hereby validated.

3 In order to ensure the continuing effectiveness of this
4 Section, it is set forth in full and re-enacted by this
5 amendatory Act of the 100th General Assembly. This
6 re-enactment is intended as a continuation of this Section. It
7 is not intended to supersede any amendment to this Section
8 that is enacted by the 100th General Assembly.

9 In this amendatory Act of the 100th General Assembly, the
10 base text of the reenacted Section is set forth as amended by
11 Public Act 98-1076. Striking and underscoring is used only to
12 show changes being made to the base text.

13 This Section applies to all procurements made on or before
14 the effective date of this amendatory Act of the 100th General
15 Assembly.

16 (Source: P.A. 100-43, eff. 8-9-17; 101-640, eff. 6-12-20.)

17 Section 20-25. The Grant Accountability and Transparency
18 Act is amended by changing Section 45 as follows:

19 (30 ILCS 708/45)

20 Sec. 45. Applicability.

21 (a) The requirements established under this Act apply to
22 State grant-making agencies that make State and federal
23 pass-through awards to non-federal entities. These
24 requirements apply to all costs related to State and federal

1 pass-through awards. The requirements established under this
2 Act do not apply to private awards.

3 (a-5) Nothing in this Act shall prohibit the use of State
4 funds for purposes of federal match or maintenance of effort.

5 (b) The terms and conditions of State, federal, and
6 pass-through awards apply to subawards and subrecipients
7 unless a particular Section of this Act or the terms and
8 conditions of the State or federal award specifically indicate
9 otherwise. Non-federal entities shall comply with requirements
10 of this Act regardless of whether the non-federal entity is a
11 recipient or subrecipient of a State or federal pass-through
12 award. Pass-through entities shall comply with the
13 requirements set forth under the rules adopted under
14 subsection (a) of Section 20 of this Act, but not to any
15 requirements in this Act directed towards State or federal
16 awarding agencies, unless the requirements of the State or
17 federal awards indicate otherwise.

18 When a non-federal entity is awarded a cost-reimbursement
19 contract, only 2 CFR 200.330 through 200.332 are incorporated
20 by reference into the contract. However, when the Cost
21 Accounting Standards are applicable to the contract, they take
22 precedence over the requirements of this Act unless they are
23 in conflict with Subpart F of 2 CFR 200. In addition, costs
24 that are made unallowable under 10 U.S.C. 2324(e) and 41
25 U.S.C. 4304(a), as described in the Federal Acquisition
26 Regulations, subpart 31.2 and subpart 31.603, are always

1 unallowable. For requirements other than those covered in
2 Subpart D of 2 CFR 200.330 through 200.332, the terms of the
3 contract and the Federal Acquisition Regulations apply.

4 With the exception of Subpart F of 2 CFR 200, which is
5 required by the Single Audit Act, in any circumstances where
6 the provisions of federal statutes or regulations differ from
7 the provisions of this Act, the provision of the federal
8 statutes or regulations govern. This includes, for agreements
9 with Indian tribes, the provisions of the Indian
10 Self-Determination and Education and Assistance Act, as
11 amended, 25 U.S.C. 450-458ddd-2.

12 (c) State grant-making agencies may apply subparts A
13 through E of 2 CFR 200 to for-profit entities, foreign public
14 entities, or foreign organizations, except where the awarding
15 agency determines that the application of these subparts would
16 be inconsistent with the international obligations of the
17 United States or the statute or regulations of a foreign
18 government.

19 (d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to
20 different types of awards. The same applicability applies to
21 this Act.

22 (e) (Blank).

23 (f) For public institutions of higher education, the
24 provisions of this Act apply only to awards funded by State
25 appropriations and federal pass-through awards from a State
26 agency to public institutions of higher education.

1 (g) Each grant-making agency shall enhance its processes
2 to monitor and address noncompliance with reporting
3 requirements and with program performance standards. Where
4 applicable, the process may include a corrective action plan.
5 The monitoring process shall include a plan for tracking and
6 documenting performance-based contracting decisions.

7 (h) Notwithstanding any provision of law to the contrary,
8 grants awarded from federal funds received from the federal
9 Coronavirus State Fiscal Recovery Fund in accordance with
10 Section 9901 of the American Rescue Plan Act of 2021 are
11 subject to the provisions of this Act, but only to the extent
12 required by Section 9901 of the American Rescue Plan Act of
13 2021 and other applicable federal law or regulation.

14 (Source: P.A. 100-676, eff. 1-1-19; 100-863, eff. 8-14-18;
15 101-81, eff. 7-12-19.)

16 Section 20-27. The Law Enforcement Camera Grant Act is
17 amended by changing Sections 5 and 10 as follows:

18 (50 ILCS 707/5)

19 Sec. 5. Definitions. As used in this Act:

20 "Board" means the Illinois Law Enforcement Training
21 Standards Board created by the Illinois Police Training Act.

22 "In-car video camera" means a video camera located in a
23 law enforcement patrol vehicle.

24 "In-car video camera recording equipment" means a video

1 camera recording system located in a law enforcement patrol
2 vehicle consisting of a camera assembly, recording mechanism,
3 and an in-car video recording medium.

4 "In uniform" means a law enforcement officer who is
5 wearing any officially authorized uniform designated by a law
6 enforcement agency, or a law enforcement officer who is
7 visibly wearing articles of clothing, badge, tactical gear,
8 gun belt, a patch, or other insignia indicating that he or she
9 is a law enforcement officer acting in the course of his or her
10 duties.

11 "Law enforcement officer" or "officer" means any person
12 employed by a county, municipality, ~~or~~ township, or an
13 Illinois public university as a policeman, peace officer or in
14 some like position involving the enforcement of the law and
15 protection of the public interest at the risk of that person's
16 life.

17 "Officer-worn body camera" means an electronic camera
18 system for creating, generating, sending, receiving, storing,
19 displaying, and processing audiovisual recordings that may be
20 worn about the person of a law enforcement officer.

21 "Recording" means the process of capturing data or
22 information stored on a recording medium as required under
23 this Act.

24 "Recording medium" means any recording medium authorized
25 by the Board for the retention and playback of recorded audio
26 and video including, but not limited to, VHS, DVD, hard drive,

1 cloud storage, solid state, digital, flash memory technology,
2 or any other electronic medium.

3 (Source: P.A. 99-352, eff. 1-1-16.)

4 (50 ILCS 707/10)

5 Sec. 10. Law Enforcement Camera Grant Fund; creation,
6 rules.

7 (a) The Law Enforcement Camera Grant Fund is created as a
8 special fund in the State treasury. From appropriations to the
9 Board from the Fund, the Board must make grants to units of
10 local government in Illinois and Illinois public universities
11 for the purpose of (1) purchasing in-car video cameras for use
12 in law enforcement vehicles, (2) purchasing officer-worn body
13 cameras and associated technology for law enforcement
14 officers, and (3) training for law enforcement officers in the
15 operation of the cameras.

16 Moneys received for the purposes of this Section,
17 including, without limitation, fee receipts and gifts, grants,
18 and awards from any public or private entity, must be
19 deposited into the Fund. Any interest earned on moneys in the
20 Fund must be deposited into the Fund.

21 (b) The Board may set requirements for the distribution of
22 grant moneys and determine which law enforcement agencies are
23 eligible.

24 (b-5) The Board shall consider compliance with the Uniform
25 Crime Reporting Act as a factor in awarding grant moneys.

1 (c) (Blank) .

2 (d) (Blank) .

3 (e) (Blank) .

4 (f) (Blank) .

5 (g) (Blank) .

6 (h) (Blank) .

7 (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14;
8 99-352, eff. 1-1-16.)

9 Section 20-30. The School Construction Law is amended by
10 changing Section 5-300 as follows:

11 (105 ILCS 230/5-300)

12 Sec. 5-300. Early childhood construction grants.

13 (a) The Capital Development Board is authorized to make
14 grants to public school districts and not-for-profit entities
15 for early childhood construction projects. These grants shall
16 be paid out of moneys appropriated for that purpose from the
17 School Construction Fund. No grants may be awarded to entities
18 providing services within private residences. A public school
19 district or other eligible entity must provide local matching
20 funds in the following manner: ~~in an amount equal to 10% of the~~
21 ~~grant under this Section.~~

22 (1) A public school district assigned to Tier 1 under
23 Section 18-8.15 of the School Code or any other eligible
24 entity in an area encompassed by that district must

1 provide local matching funds in an amount equal to 3% of
2 the grant awarded under this Section.

3 (2) A public school district assigned to Tier 2 under
4 Section 18-8.15 of the School Code or any other eligible
5 entity in an area encompassed by that district must
6 provide local matching funds in an amount equal to 7.5% of
7 the grant awarded under this Section.

8 (3) A public school district assigned to Tier 3 under
9 Section 18-8.15 of the School Code or any other eligible
10 entity in an area encompassed by that district must
11 provide local matching funds in an amount equal to 8.75%
12 of the grant awarded under this Section.

13 (4) A public school district assigned to Tier 4 under
14 Section 18-8.15 of the School Code or any other eligible
15 entity in an area encompassed by that district must
16 provide local matching funds in an amount equal to 10% of
17 the grant awarded under this Section.

18 A public school district or other eligible entity has no
19 entitlement to a grant under this Section.

20 (b) The Capital Development Board shall adopt rules to
21 implement this Section. These rules need not be the same as the
22 rules for school construction project grants or school
23 maintenance project grants. The rules may specify:

- 24 (1) the manner of applying for grants;
25 (2) project eligibility requirements;
26 (3) restrictions on the use of grant moneys;

1 (4) the manner in which school districts and other
2 eligible entities must account for the use of grant
3 moneys;

4 (5) requirements that new or improved facilities be
5 used for early childhood and other related programs for a
6 period of at least 10 years; and

7 (6) any other provision that the Capital Development
8 Board determines to be necessary or useful for the
9 administration of this Section.

10 (b-5) When grants are made to non-profit corporations for
11 the acquisition or construction of new facilities, the Capital
12 Development Board or any State agency it so designates shall
13 hold title to or place a lien on the facility for a period of
14 10 years after the date of the grant award, after which title
15 to the facility shall be transferred to the non-profit
16 corporation or the lien shall be removed, provided that the
17 non-profit corporation has complied with the terms of its
18 grant agreement. When grants are made to non-profit
19 corporations for the purpose of renovation or rehabilitation,
20 if the non-profit corporation does not comply with item (5) of
21 subsection (b) of this Section, the Capital Development Board
22 or any State agency it so designates shall recover the grant
23 pursuant to the procedures outlined in the Illinois Grant
24 Funds Recovery Act.

25 (c) The Capital Development Board, in consultation with
26 the State Board of Education, shall establish standards for

1 the determination of priority needs concerning early childhood
2 projects based on projects located in communities in the State
3 with the greatest underserved population of young children,
4 utilizing Census data and other reliable local early childhood
5 service data.

6 (d) In each school year in which early childhood
7 construction project grants are awarded, 20% of the total
8 amount awarded shall be awarded to a school district with a
9 population of more than 500,000, provided that the school
10 district complies with the requirements of this Section and
11 the rules adopted under this Section.

12 (Source: P.A. 96-37, eff. 7-13-09; 96-1402, eff. 7-29-10.)

13 Section 20-35. The College and Career Success for All
14 Students Act is amended by changing Section 25 as follows:

15 (105 ILCS 302/25)

16 Sec. 25. AP exam fee waiver program. Subject to
17 appropriation, the State Board of Education shall create,
18 under the College and Career Success for All Students program
19 set forth in this Act, a program in public schools where any
20 student who qualifies ~~at least 40% of students qualify~~ for
21 free or reduced-price lunches will have ~~whereby~~ fees charged
22 by the College Board for Advanced Placement exams reduced, via
23 State subsidy, to the greatest extent possible based on the
24 appropriation. ~~are waived by the school, but paid for by the~~

~~State, for those students who do not qualify for a fee waiver provided by federal funds or the College Board.~~

(Source: P.A. 95-491, eff. 8-28-07.)

Section 20-40. The Nursing Home Care Act is amended by changing Section 3-202.05 as follows:

(210 ILCS 45/3-202.05)

Sec. 3-202.05. Staffing ratios effective July 1, 2010 and thereafter.

(a) For the purpose of computing staff to resident ratios, direct care staff shall include:

- (1) registered nurses;
- (2) licensed practical nurses;
- (3) certified nurse assistants;
- (4) psychiatric services rehabilitation aides;
- (5) rehabilitation and therapy aides;
- (6) psychiatric services rehabilitation coordinators;
- (7) assistant directors of nursing;
- (8) 50% of the Director of Nurses' time; and
- (9) 30% of the Social Services Directors' time.

The Department shall, by rule, allow certain facilities subject to 77 Ill. Admin. Code 300.4000 and following (Subpart S) to utilize specialized clinical staff, as defined in rules, to count towards the staffing ratios.

Within 120 days of the effective date of this amendatory

1 Act of the 97th General Assembly, the Department shall
2 promulgate rules specific to the staffing requirements for
3 facilities federally defined as Institutions for Mental
4 Disease. These rules shall recognize the unique nature of
5 individuals with chronic mental health conditions, shall
6 include minimum requirements for specialized clinical staff,
7 including clinical social workers, psychiatrists,
8 psychologists, and direct care staff set forth in paragraphs
9 (4) through (6) and any other specialized staff which may be
10 utilized and deemed necessary to count toward staffing ratios.

11 Within 120 days of the effective date of this amendatory
12 Act of the 97th General Assembly, the Department shall
13 promulgate rules specific to the staffing requirements for
14 facilities licensed under the Specialized Mental Health
15 Rehabilitation Act of 2013. These rules shall recognize the
16 unique nature of individuals with chronic mental health
17 conditions, shall include minimum requirements for specialized
18 clinical staff, including clinical social workers,
19 psychiatrists, psychologists, and direct care staff set forth
20 in paragraphs (4) through (6) and any other specialized staff
21 which may be utilized and deemed necessary to count toward
22 staffing ratios.

23 (b) (Blank).

24 (b-5) For purposes of the minimum staffing ratios in this
25 Section, all residents shall be classified as requiring either
26 skilled care or intermediate care.

1 As used in this subsection:

2 "Intermediate care" means basic nursing care and other
3 restorative services under periodic medical direction.

4 "Skilled care" means skilled nursing care, continuous
5 skilled nursing observations, restorative nursing, and other
6 services under professional direction with frequent medical
7 supervision.

8 (c) Facilities shall notify the Department within 60 days
9 after the effective date of this amendatory Act of the 96th
10 General Assembly, in a form and manner prescribed by the
11 Department, of the staffing ratios in effect on the effective
12 date of this amendatory Act of the 96th General Assembly for
13 both intermediate and skilled care and the number of residents
14 receiving each level of care.

15 (d) (1) (Blank).

16 (2) (Blank).

17 (3) (Blank).

18 (4) (Blank).

19 (5) Effective January 1, 2014, the minimum staffing ratios
20 shall be increased to 3.8 hours of nursing and personal care
21 each day for a resident needing skilled care and 2.5 hours of
22 nursing and personal care each day for a resident needing
23 intermediate care.

24 (e) Ninety days after the effective date of this
25 amendatory Act of the 97th General Assembly, a minimum of 25%
26 of nursing and personal care time shall be provided by

1 licensed nurses, with at least 10% of nursing and personal
2 care time provided by registered nurses. These minimum
3 requirements shall remain in effect until an acuity based
4 registered nurse requirement is promulgated by rule concurrent
5 with the adoption of the Resource Utilization Group
6 classification-based payment methodology, as provided in
7 Section 5-5.2 of the Illinois Public Aid Code. Registered
8 nurses and licensed practical nurses employed by a facility in
9 excess of these requirements may be used to satisfy the
10 remaining 75% of the nursing and personal care time
11 requirements. Notwithstanding this subsection, no staffing
12 requirement in statute in effect on the effective date of this
13 amendatory Act of the 97th General Assembly shall be reduced
14 on account of this subsection.

15 (f) The Department shall submit proposed rules for
16 adoption by January 1, 2020 establishing a system for
17 determining compliance with minimum staffing set forth in this
18 Section and the requirements of 77 Ill. Adm. Code 300.1230
19 adjusted for any waivers granted under Section 3-303.1.
20 Compliance shall be determined quarterly by comparing the
21 number of hours provided per resident per day using the
22 Centers for Medicare and Medicaid Services' payroll-based
23 journal and the facility's daily census, broken down by
24 intermediate and skilled care as self-reported by the facility
25 to the Department on a quarterly basis. The Department shall
26 use the quarterly payroll-based journal and the self-reported

1 census to calculate the number of hours provided per resident
2 per day and compare this ratio to the minimum staffing
3 standards required under this Section, as impacted by any
4 waivers granted under Section 3-303.1. Discrepancies between
5 job titles contained in this Section and the payroll-based
6 journal shall be addressed by rule. The manner in which the
7 Department requests payroll-based journal information to be
8 submitted shall align with the federal Centers for Medicare
9 and Medicaid Services' requirements that allow providers to
10 submit the quarterly data in an aggregate manner.

11 (g) The Department shall submit proposed rules for
12 adoption by January 1, 2020 establishing monetary penalties
13 for facilities not in compliance with minimum staffing
14 standards under this Section. No monetary penalty may be
15 issued for noncompliance during the implementation period,
16 which shall be July 1, 2020 through December 31, 2021
17 ~~September 30, 2020~~. If a facility is found to be noncompliant
18 during the implementation period, the Department shall provide
19 a written notice identifying the staffing deficiencies and
20 require the facility to provide a sufficiently detailed
21 correction plan to meet the statutory minimum staffing levels.
22 Monetary penalties shall be imposed beginning no later than
23 January 1, 2022 ~~January 1, 2021~~ and quarterly thereafter and
24 shall be based on the latest quarter for which the Department
25 has data. Monetary penalties shall be established based on a
26 formula that calculates on a daily basis the cost of wages and

benefits for the missing staffing hours. All notices of noncompliance shall include the computations used to determine noncompliance and establishing the variance between minimum staffing ratios and the Department's computations. The penalty for the first offense shall be 125% of the cost of wages and benefits for the missing staffing hours. The penalty shall increase to 150% of the cost of wages and benefits for the missing staffing hours for the second offense and 200% the cost of wages and benefits for the missing staffing hours for the third and all subsequent offenses. The penalty shall be imposed regardless of whether the facility has committed other violations of this Act during the same period that the staffing offense occurred. The penalty may not be waived, but the Department shall have the discretion to determine the gravity of the violation in situations where there is no more than a 10% deviation from the staffing requirements and make appropriate adjustments to the penalty. The Department is granted discretion to waive the penalty when unforeseen circumstances have occurred that resulted in call-offs of scheduled staff. This provision shall be applied no more than 6 times per quarter. Nothing in this Section diminishes a facility's right to appeal.

(Source: P.A. 101-10, eff. 6-5-19.)

Section 20-45. The Specialized Mental Health Rehabilitation Act of 2013 is amended by changing Section

1 5-101 and by adding Sections 5-108, 5-109, 5-110, 5-111, and
2 5-112 as follows:

3 (210 ILCS 49/5-101)

4 Sec. 5-101. Managed care entity, coordinated care entity,
5 and accountable care entity payments. For facilities licensed
6 by the Department of Public Health under this Act, the payment
7 for services provided shall be determined by negotiation with
8 managed care entities, coordinated care entities, or
9 accountable care entities. However, ~~for 3 years after the~~
10 ~~effective date of this Act,~~ in no event shall the
11 reimbursement rate paid to facilities licensed under this Act
12 be less than the rate in effect on July 1, 2021 ~~June 30, 2013~~
13 ~~less \$7.07 times the number of occupied bed days, as that term~~
14 ~~is defined in Article V-B of the Illinois Public Aid Code, for~~
15 ~~each facility previously licensed under the Nursing Home Care~~
16 ~~Act on June 30, 2013; or the rate in effect on June 30, 2013~~
17 ~~for each facility licensed under the Specialized Mental Health~~
18 ~~Rehabilitation Act on June 30, 2013.~~ Any adjustment in the
19 support component or the capital component, including the real
20 estate tax per diem rate, for facilities licensed by the
21 Department of Public Health under the Nursing Home Care Act
22 shall apply equally to facilities licensed by the Department
23 of Public Health under this Act ~~for the duration of the~~
24 ~~provisional licensure period as defined in Section 4-105 of~~
25 ~~this Act.~~

1 The Department of Healthcare and Family Services shall
2 publish a reimbursement rate for triage, crisis stabilization,
3 and transitional living services by December 1, 2014.

4 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14.)

5 (210 ILCS 49/5-108 new)

6 Sec. 5-108. Infection prevention and facility safety
7 improvement payments. Payments will be awarded to facilities
8 on a per bed basis with the funded appropriation for Fiscal
9 Year 2022 divided by the number of licensed beds in each
10 facility. Facilities will receive an equal amount for every
11 licensed bed from the amount appropriated. Facilities shall
12 use these funds for improvements to their facilities that
13 promote infection prevention or improve the safety within the
14 facility. Funding may be used for, but are not limited to, the
15 following: restroom renovations to promote infection
16 prevention, kitchen and food delivery alterations that promote
17 infection prevention, and HVAC or air filtration upgrades that
18 promote infection prevention. Facilities must attest to the
19 Department of Healthcare and Family Services that the funding
20 was utilized for the purpose of infection prevention and
21 control or improved facility safety. If the facility does not
22 attest to the usage of the payments or cannot document the
23 usage of payments the Department shall recoup the expenditure
24 of funds by withholding payment of rate.

1 (210 ILCS 49/5-109 new)

2 Sec. 5-109. Communication quality improvement payments.
3 Payments will be awarded to facilities on a per bed basis with
4 the funded appropriation for Fiscal Year 2022 divided by the
5 number of licensed beds in each facility. Facilities will
6 receive an equal amount for every licensed bed from the amount
7 appropriated. Facilities shall use these funds for
8 improvements to their facilities that increase access to
9 digital communications or facilitate safe and private personal
10 communications. Funding may be used for, but are not limited
11 to, the following: the purchase of personal communication
12 devices for facility use, the enhancement of broadband access
13 and bandwidth, and the establishment or improvement of general
14 meeting areas for the benefit of residents and employees.
15 Facilities must attest to the Department of Healthcare and
16 Family Services that the funding was utilized for the purpose
17 of communication, technological improvements, or facility
18 training aid. If the facility does not attest to the usage of
19 the payments or cannot document the usage of payments the
20 Department shall recoup the expenditure of funds by
21 withholding payment of rate.

22 (210 ILCS 49/5-110 new)

23 Sec. 5-110. Staff longevity payments. Payments will be
24 awarded to facilities on a per bed basis with the funded
25 appropriation for Fiscal Year 2022 divided by the number of

1 licensed beds in each facility. Facilities will receive an
2 equal amount for every licensed bed from the amount
3 appropriated. Facilities shall use these funds to grant an
4 extra week of payment to any direct care staff who has worked
5 continuously in the same facility since March 1, 2020 through
6 the time in which payments are awarded to facilities for this
7 purpose by the Department of Healthcare and Family Services.
8 Facilities must attest to the Department of Healthcare and
9 Family Services that the funding was utilized for the purpose
10 of providing the staff longevity payments as detailed in this
11 Section. If the facility does not attest to the usage of the
12 payments or cannot document the usage of payments the
13 Department shall recoup the expenditure of funds by
14 withholding payment of rate.

15 (210 ILCS 49/5-111 new)

16 Sec. 5-111. Recruitment and Retention of Direct Care
17 Staff. Facilities shall receive funding to assist with the
18 recruitment and retention of direct care staff. Funding will
19 be distributed based on the total number of licensed beds
20 within a facility with the appropriated amount being divided
21 by the total number of licensed beds in the State.

22 (210 ILCS 49/5-112 new)

23 Sec. 5-112. Bed reduction payments. The Department of
24 Healthcare and Family Services shall make payments to

1 facilities licensed under this Act for the purpose of reducing
2 bed capacity and room occupancy. Facilities desiring to
3 participate in these payments shall submit a proposal to the
4 Department for review. In the proposal the facility shall
5 detail the number of beds that are seeking to eliminate and the
6 price they are requesting to eliminate those beds. The
7 facility shall also detail in their proposal if the effected
8 beds would reduce room occupancy from 3 or 4 beds to double
9 occupancy or is the bed elimination would create single
10 occupancy. Priority will be given to proposals that eliminate
11 the use of three-person or four-person occupancy rooms.
12 Proposals shall be collected by the Department within a
13 specific time period and the Department will negotiate all
14 payments before making final awards to ensure that the funding
15 appropriated is sufficient to fund the awards. Payments shall
16 not be less than \$25,000 per bed and proposals to eliminate
17 beds that lead to single occupancy rooms shall receive an
18 additional \$10,000 per bed over and above any other negotiated
19 bed elimination payment. Before a facility can receive payment
20 under this Section, the facility must receive approval from
21 the Department of Public Health for the permanent removal of
22 the beds for which they are receiving payment. Payment for the
23 elimination of the beds shall be made within 15 days of the
24 facility notifying the Department of Public Health about the
25 bed license elimination. Under no circumstances shall a
26 facility be allowed to increase the capacity of a facility

1 once payment has been received for the elimination of beds.

2 Section 20-50. The Pharmacy Practice Act is amended by
3 changing Section 3 as follows:

4 (225 ILCS 85/3)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 3. Definitions. For the purpose of this Act, except
7 where otherwise limited therein:

8 (a) "Pharmacy" or "drugstore" means and includes every
9 store, shop, pharmacy department, or other place where
10 pharmacist care is provided by a pharmacist (1) where drugs,
11 medicines, or poisons are dispensed, sold or offered for sale
12 at retail, or displayed for sale at retail; or (2) where
13 prescriptions of physicians, dentists, advanced practice
14 registered nurses, physician assistants, veterinarians,
15 podiatric physicians, or optometrists, within the limits of
16 their licenses, are compounded, filled, or dispensed; or (3)
17 which has upon it or displayed within it, or affixed to or used
18 in connection with it, a sign bearing the word or words
19 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
20 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
21 "Drugs", "Dispensary", "Medicines", or any word or words of
22 similar or like import, either in the English language or any
23 other language; or (4) where the characteristic prescription
24 sign (Rx) or similar design is exhibited; or (5) any store, or

1 shop, or other place with respect to which any of the above
2 words, objects, signs or designs are used in any
3 advertisement.

4 (b) "Drugs" means and includes (1) articles recognized in
5 the official United States Pharmacopoeia/National Formulary
6 (USP/NF), or any supplement thereto and being intended for and
7 having for their main use the diagnosis, cure, mitigation,
8 treatment or prevention of disease in man or other animals, as
9 approved by the United States Food and Drug Administration,
10 but does not include devices or their components, parts, or
11 accessories; and (2) all other articles intended for and
12 having for their main use the diagnosis, cure, mitigation,
13 treatment or prevention of disease in man or other animals, as
14 approved by the United States Food and Drug Administration,
15 but does not include devices or their components, parts, or
16 accessories; and (3) articles (other than food) having for
17 their main use and intended to affect the structure or any
18 function of the body of man or other animals; and (4) articles
19 having for their main use and intended for use as a component
20 or any articles specified in clause (1), (2) or (3); but does
21 not include devices or their components, parts or accessories.

22 (c) "Medicines" means and includes all drugs intended for
23 human or veterinary use approved by the United States Food and
24 Drug Administration.

25 (d) "Practice of pharmacy" means:

26 (1) the interpretation and the provision of assistance

1 in the monitoring, evaluation, and implementation of
2 prescription drug orders;

3 (2) the dispensing of prescription drug orders;

4 (3) participation in drug and device selection;

5 (4) drug administration limited to the administration
6 of oral, topical, injectable, and inhalation as follows:

7 (A) in the context of patient education on the
8 proper use or delivery of medications;

9 (B) vaccination of patients 7 ~~14~~ years of age and
10 older pursuant to a valid prescription or standing
11 order, by a physician licensed to practice medicine in
12 all its branches, upon completion of appropriate
13 training, including how to address contraindications
14 and adverse reactions set forth by rule, with
15 notification to the patient's physician and
16 appropriate record retention, or pursuant to hospital
17 pharmacy and therapeutics committee policies and
18 procedures. Eligible vaccines are those listed on the
19 U.S. Centers for Disease Control and Prevention (CDC)
20 Recommended Immunization Schedule, the CDC's Health
21 Information for International Travel, or the U.S. Food
22 and Drug Administration's Vaccines Licensed and
23 Authorized for Use in the United States. As applicable
24 to the State's Medicaid program and other payers,
25 vaccines ordered and administered in accordance with
26 this subsection shall be covered and reimbursed at no

1 less than the rate that the vaccine is reimbursed when
2 ordered and administered by a physician;

3 (B-5) following the initial administration of
4 long-acting or extended-release ~~extended-release~~ form
5 opioid antagonists by a physician licensed to practice
6 medicine in all its branches, administration of
7 injections of long-acting or extended-release form
8 opioid antagonists for the treatment of substance use
9 disorder, pursuant to a valid prescription by a
10 physician licensed to practice medicine in all its
11 branches, upon completion of appropriate training,
12 including how to address contraindications and adverse
13 reactions, including, but not limited to, respiratory
14 depression and the performance of cardiopulmonary
15 resuscitation, set forth by rule, with notification to
16 the patient's physician and appropriate record
17 retention, or pursuant to hospital pharmacy and
18 therapeutics committee policies and procedures;

19 (C) administration of injections of
20 alpha-hydroxyprogesterone caproate, pursuant to a
21 valid prescription, by a physician licensed to
22 practice medicine in all its branches, upon completion
23 of appropriate training, including how to address
24 contraindications and adverse reactions set forth by
25 rule, with notification to the patient's physician and
26 appropriate record retention, or pursuant to hospital

1 pharmacy and therapeutics committee policies and
2 procedures; and

3 (D) administration of injections of long-term
4 antipsychotic medications pursuant to a valid
5 prescription by a physician licensed to practice
6 medicine in all its branches, upon completion of
7 appropriate training conducted by an Accreditation
8 Council of Pharmaceutical Education accredited
9 provider, including how to address contraindications
10 and adverse reactions set forth by rule, with
11 notification to the patient's physician and
12 appropriate record retention, or pursuant to hospital
13 pharmacy and therapeutics committee policies and
14 procedures.

15 (5) (blank) ~~vaccination of patients ages 10 through 13~~
16 ~~limited to the Influenza (inactivated influenza vaccine~~
17 ~~and live attenuated influenza intranasal vaccine) and Tdap~~
18 ~~(defined as tetanus, diphtheria, acellular pertussis)~~
19 ~~vaccines, pursuant to a valid prescription or standing~~
20 ~~order, by a physician licensed to practice medicine in all~~
21 ~~its branches, upon completion of appropriate training,~~
22 ~~including how to address contraindications and adverse~~
23 ~~reactions set forth by rule, with notification to the~~
24 ~~patient's physician and appropriate record retention, or~~
25 ~~pursuant to hospital pharmacy and therapeutics committee~~
26 ~~policies and procedures;~~

1 (6) drug regimen review;

2 (7) drug or drug-related research;

3 (8) the provision of patient counseling;

4 (9) the practice of telepharmacy;

5 (10) the provision of those acts or services necessary
6 to provide pharmacist care;

7 (11) medication therapy management; and

8 (12) the responsibility for compounding and labeling
9 of drugs and devices (except labeling by a manufacturer,
10 repackager, or distributor of non-prescription drugs and
11 commercially packaged legend drugs and devices), proper
12 and safe storage of drugs and devices, and maintenance of
13 required records.

14 A pharmacist who performs any of the acts defined as the
15 practice of pharmacy in this State must be actively licensed
16 as a pharmacist under this Act.

17 (e) "Prescription" means and includes any written, oral,
18 facsimile, or electronically transmitted order for drugs or
19 medical devices, issued by a physician licensed to practice
20 medicine in all its branches, dentist, veterinarian, podiatric
21 physician, or optometrist, within the limits of his or her
22 license, by a physician assistant in accordance with
23 subsection (f) of Section 4, or by an advanced practice
24 registered nurse in accordance with subsection (g) of Section
25 4, containing the following: (1) name of the patient; (2) date
26 when prescription was issued; (3) name and strength of drug or

1 description of the medical device prescribed; and (4)
2 quantity; (5) directions for use; (6) prescriber's name,
3 address, and signature; and (7) DEA registration number where
4 required, for controlled substances. The prescription may, but
5 is not required to, list the illness, disease, or condition
6 for which the drug or device is being prescribed. DEA
7 registration numbers shall not be required on inpatient drug
8 orders. A prescription for medication other than controlled
9 substances shall be valid for up to 15 months from the date
10 issued for the purpose of refills, unless the prescription
11 states otherwise.

12 (f) "Person" means and includes a natural person,
13 partnership, association, corporation, government entity, or
14 any other legal entity.

15 (g) "Department" means the Department of Financial and
16 Professional Regulation.

17 (h) "Board of Pharmacy" or "Board" means the State Board
18 of Pharmacy of the Department of Financial and Professional
19 Regulation.

20 (i) "Secretary" means the Secretary of Financial and
21 Professional Regulation.

22 (j) "Drug product selection" means the interchange for a
23 prescribed pharmaceutical product in accordance with Section
24 25 of this Act and Section 3.14 of the Illinois Food, Drug and
25 Cosmetic Act.

26 (k) "Inpatient drug order" means an order issued by an

1 authorized prescriber for a resident or patient of a facility
2 licensed under the Nursing Home Care Act, the ID/DD Community
3 Care Act, the MC/DD Act, the Specialized Mental Health
4 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
5 University of Illinois Hospital Act, or a facility which is
6 operated by the Department of Human Services (as successor to
7 the Department of Mental Health and Developmental
8 Disabilities) or the Department of Corrections.

9 (k-5) "Pharmacist" means an individual health care
10 professional and provider currently licensed by this State to
11 engage in the practice of pharmacy.

12 (l) "Pharmacist in charge" means the licensed pharmacist
13 whose name appears on a pharmacy license and who is
14 responsible for all aspects of the operation related to the
15 practice of pharmacy.

16 (m) "Dispense" or "dispensing" means the interpretation,
17 evaluation, and implementation of a prescription drug order,
18 including the preparation and delivery of a drug or device to a
19 patient or patient's agent in a suitable container
20 appropriately labeled for subsequent administration to or use
21 by a patient in accordance with applicable State and federal
22 laws and regulations. "Dispense" or "dispensing" does not mean
23 the physical delivery to a patient or a patient's
24 representative in a home or institution by a designee of a
25 pharmacist or by common carrier. "Dispense" or "dispensing"
26 also does not mean the physical delivery of a drug or medical

1 device to a patient or patient's representative by a
2 pharmacist's designee within a pharmacy or drugstore while the
3 pharmacist is on duty and the pharmacy is open.

4 (n) "Nonresident pharmacy" means a pharmacy that is
5 located in a state, commonwealth, or territory of the United
6 States, other than Illinois, that delivers, dispenses, or
7 distributes, through the United States Postal Service,
8 commercially acceptable parcel delivery service, or other
9 common carrier, to Illinois residents, any substance which
10 requires a prescription.

11 (o) "Compounding" means the preparation and mixing of
12 components, excluding flavorings, (1) as the result of a
13 prescriber's prescription drug order or initiative based on
14 the prescriber-patient-pharmacist relationship in the course
15 of professional practice or (2) for the purpose of, or
16 incident to, research, teaching, or chemical analysis and not
17 for sale or dispensing. "Compounding" includes the preparation
18 of drugs or devices in anticipation of receiving prescription
19 drug orders based on routine, regularly observed dispensing
20 patterns. Commercially available products may be compounded
21 for dispensing to individual patients only if all of the
22 following conditions are met: (i) the commercial product is
23 not reasonably available from normal distribution channels in
24 a timely manner to meet the patient's needs and (ii) the
25 prescribing practitioner has requested that the drug be
26 compounded.

1 (p) (Blank).

2 (q) (Blank).

3 (r) "Patient counseling" means the communication between a
4 pharmacist or a student pharmacist under the supervision of a
5 pharmacist and a patient or the patient's representative about
6 the patient's medication or device for the purpose of
7 optimizing proper use of prescription medications or devices.
8 "Patient counseling" may include without limitation (1)
9 obtaining a medication history; (2) acquiring a patient's
10 allergies and health conditions; (3) facilitation of the
11 patient's understanding of the intended use of the medication;
12 (4) proper directions for use; (5) significant potential
13 adverse events; (6) potential food-drug interactions; and (7)
14 the need to be compliant with the medication therapy. A
15 pharmacy technician may only participate in the following
16 aspects of patient counseling under the supervision of a
17 pharmacist: (1) obtaining medication history; (2) providing
18 the offer for counseling by a pharmacist or student
19 pharmacist; and (3) acquiring a patient's allergies and health
20 conditions.

21 (s) "Patient profiles" or "patient drug therapy record"
22 means the obtaining, recording, and maintenance of patient
23 prescription information, including prescriptions for
24 controlled substances, and personal information.

25 (t) (Blank).

26 (u) "Medical device" or "device" means an instrument,

1 apparatus, implement, machine, contrivance, implant, in vitro
2 reagent, or other similar or related article, including any
3 component part or accessory, required under federal law to
4 bear the label "Caution: Federal law requires dispensing by or
5 on the order of a physician". A seller of goods and services
6 who, only for the purpose of retail sales, compounds, sells,
7 rents, or leases medical devices shall not, by reasons
8 thereof, be required to be a licensed pharmacy.

9 (v) "Unique identifier" means an electronic signature,
10 handwritten signature or initials, thumb print, or other
11 acceptable biometric or electronic identification process as
12 approved by the Department.

13 (w) "Current usual and customary retail price" means the
14 price that a pharmacy charges to a non-third-party payor.

15 (x) "Automated pharmacy system" means a mechanical system
16 located within the confines of the pharmacy or remote location
17 that performs operations or activities, other than compounding
18 or administration, relative to storage, packaging, dispensing,
19 or distribution of medication, and which collects, controls,
20 and maintains all transaction information.

21 (y) "Drug regimen review" means and includes the
22 evaluation of prescription drug orders and patient records for
23 (1) known allergies; (2) drug or potential therapy
24 contraindications; (3) reasonable dose, duration of use, and
25 route of administration, taking into consideration factors
26 such as age, gender, and contraindications; (4) reasonable

1 directions for use; (5) potential or actual adverse drug
2 reactions; (6) drug-drug interactions; (7) drug-food
3 interactions; (8) drug-disease contraindications; (9)
4 therapeutic duplication; (10) patient laboratory values when
5 authorized and available; (11) proper utilization (including
6 over or under utilization) and optimum therapeutic outcomes;
7 and (12) abuse and misuse.

8 (z) "Electronically transmitted prescription" means a
9 prescription that is created, recorded, or stored by
10 electronic means; issued and validated with an electronic
11 signature; and transmitted by electronic means directly from
12 the prescriber to a pharmacy. An electronic prescription is
13 not an image of a physical prescription that is transferred by
14 electronic means from computer to computer, facsimile to
15 facsimile, or facsimile to computer.

16 (aa) "Medication therapy management services" means a
17 distinct service or group of services offered by licensed
18 pharmacists, physicians licensed to practice medicine in all
19 its branches, advanced practice registered nurses authorized
20 in a written agreement with a physician licensed to practice
21 medicine in all its branches, or physician assistants
22 authorized in guidelines by a supervising physician that
23 optimize therapeutic outcomes for individual patients through
24 improved medication use. In a retail or other non-hospital
25 pharmacy, medication therapy management services shall consist
26 of the evaluation of prescription drug orders and patient

1 medication records to resolve conflicts with the following:

- 2 (1) known allergies;
- 3 (2) drug or potential therapy contraindications;
- 4 (3) reasonable dose, duration of use, and route of
- 5 administration, taking into consideration factors such as
- 6 age, gender, and contraindications;
- 7 (4) reasonable directions for use;
- 8 (5) potential or actual adverse drug reactions;
- 9 (6) drug-drug interactions;
- 10 (7) drug-food interactions;
- 11 (8) drug-disease contraindications;
- 12 (9) identification of therapeutic duplication;
- 13 (10) patient laboratory values when authorized and
- 14 available;
- 15 (11) proper utilization (including over or under
- 16 utilization) and optimum therapeutic outcomes; and
- 17 (12) drug abuse and misuse.

18 "Medication therapy management services" includes the
19 following:

- 20 (1) documenting the services delivered and
- 21 communicating the information provided to patients'
- 22 prescribers within an appropriate time frame, not to
- 23 exceed 48 hours;
- 24 (2) providing patient counseling designed to enhance a
- 25 patient's understanding and the appropriate use of his or
- 26 her medications; and

1 (3) providing information, support services, and
2 resources designed to enhance a patient's adherence with
3 his or her prescribed therapeutic regimens.

4 "Medication therapy management services" may also include
5 patient care functions authorized by a physician licensed to
6 practice medicine in all its branches for his or her
7 identified patient or groups of patients under specified
8 conditions or limitations in a standing order from the
9 physician.

10 "Medication therapy management services" in a licensed
11 hospital may also include the following:

12 (1) reviewing assessments of the patient's health
13 status; and

14 (2) following protocols of a hospital pharmacy and
15 therapeutics committee with respect to the fulfillment of
16 medication orders.

17 (bb) "Pharmacist care" means the provision by a pharmacist
18 of medication therapy management services, with or without the
19 dispensing of drugs or devices, intended to achieve outcomes
20 that improve patient health, quality of life, and comfort and
21 enhance patient safety.

22 (cc) "Protected health information" means individually
23 identifiable health information that, except as otherwise
24 provided, is:

25 (1) transmitted by electronic media;

26 (2) maintained in any medium set forth in the

1 definition of "electronic media" in the federal Health
2 Insurance Portability and Accountability Act; or

3 (3) transmitted or maintained in any other form or
4 medium.

5 "Protected health information" does not include
6 individually identifiable health information found in:

7 (1) education records covered by the federal Family
8 Educational Right and Privacy Act; or

9 (2) employment records held by a licensee in its role
10 as an employer.

11 (dd) "Standing order" means a specific order for a patient
12 or group of patients issued by a physician licensed to
13 practice medicine in all its branches in Illinois.

14 (ee) "Address of record" means the designated address
15 recorded by the Department in the applicant's application file
16 or licensee's license file maintained by the Department's
17 licensure maintenance unit.

18 (ff) "Home pharmacy" means the location of a pharmacy's
19 primary operations.

20 (gg) "Email address of record" means the designated email
21 address recorded by the Department in the applicant's
22 application file or the licensee's license file, as maintained
23 by the Department's licensure maintenance unit.

24 (Source: P.A. 100-208, eff. 1-1-18; 100-497, eff. 9-8-17;
25 100-513, eff. 1-1-18; 100-804, eff. 1-1-19; 100-863, eff.
26 8-14-18; 101-349, eff. 1-1-20; revised 8-21-20.)

1 Section 20-55. The Illinois Public Aid Code is amended by
2 changing Section 12-4.35 and by adding Section 5-5.06b as
3 follows:

4 (305 ILCS 5/5-5.06b new)

5 Sec. 5-5.06b. Dental services. On and after July 1, 2021,
6 dental services provided to adults and children under the
7 medical assistance program may be established and paid at no
8 less than the rates published by the Department and effective
9 January 1, 2020 for all local health departments as the fee
10 schedule for children and adult recipients but shall include
11 the following dental procedures and amounts: D0140 \$19.12,
12 D0150 \$24.84, D0220 \$6.61, D0230 \$4.48, D0272 \$11.09, D0274
13 \$19.94, D1110 \$48.38, D2140 \$36.40, D2150 \$56.82, D2391
14 \$36.40, D2392 \$56.82, D5110 \$444.09, D5120 \$444.09, D7140
15 \$46.16, D7210 \$67.73.

16 (305 ILCS 5/12-4.35)

17 Sec. 12-4.35. Medical services for certain noncitizens.

18 (a) Notwithstanding Section 1-11 of this Code or Section
19 20(a) of the Children's Health Insurance Program Act, the
20 Department of Healthcare and Family Services may provide
21 medical services to noncitizens who have not yet attained 19
22 years of age and who are not eligible for medical assistance
23 under Article V of this Code or under the Children's Health

1 Insurance Program created by the Children's Health Insurance
2 Program Act due to their not meeting the otherwise applicable
3 provisions of Section 1-11 of this Code or Section 20(a) of the
4 Children's Health Insurance Program Act. The medical services
5 available, standards for eligibility, and other conditions of
6 participation under this Section shall be established by rule
7 by the Department; however, any such rule shall be at least as
8 restrictive as the rules for medical assistance under Article
9 V of this Code or the Children's Health Insurance Program
10 created by the Children's Health Insurance Program Act.

11 (a-5) Notwithstanding Section 1-11 of this Code, the
12 Department of Healthcare and Family Services may provide
13 medical assistance in accordance with Article V of this Code
14 to noncitizens over the age of 65 years of age who are not
15 eligible for medical assistance under Article V of this Code
16 due to their not meeting the otherwise applicable provisions
17 of Section 1-11 of this Code, whose income is at or below 100%
18 of the federal poverty level after deducting the costs of
19 medical or other remedial care, and who would otherwise meet
20 the eligibility requirements in Section 5-2 of this Code. The
21 medical services available, standards for eligibility, and
22 other conditions of participation under this Section shall be
23 established by rule by the Department; however, any such rule
24 shall be at least as restrictive as the rules for medical
25 assistance under Article V of this Code.

26 (a-6) By May 30, 2022, notwithstanding Section 1-11 of

1 this Code, the Department of Healthcare and Family Services
2 may provide medical services to noncitizens 55 years of age
3 through 64 years of age who (i) are not eligible for medical
4 assistance under Article V of this Code due to their not
5 meeting the otherwise applicable provisions of Section 1-11 of
6 this Code and (ii) have income at or below 133% of the federal
7 poverty level plus 5% for the applicable family size as
8 determined under applicable federal law and regulations.
9 Persons eligible for medical services under this amendatory
10 Act of the 102nd General Assembly shall receive benefits
11 identical to the benefits provided under the Health Benefits
12 Service Package as that term is defined in subsection (m) of
13 Section 5-1.1 of this Code.

14 (b) The Department is authorized to take any action,
15 including without limitation cessation or limitation of
16 enrollment, reduction of available medical services, and
17 changing standards for eligibility, that is deemed necessary
18 by the Department during a State fiscal year to assure that
19 payments under this Section do not exceed available funds.

20 (c) Continued enrollment of individuals into the program
21 created under subsection (a) of this Section in any fiscal
22 year is contingent upon continued enrollment of individuals
23 into the Children's Health Insurance Program during that
24 fiscal year.

25 (d) (Blank).

26 (Source: P.A. 101-636, eff. 6-10-20.)

1 Section 20-60. The Children's Mental Health Act of 2003 is
2 amended by changing Section 5 as follows:

3 (405 ILCS 49/5)

4 Sec. 5. Children's Mental Health Plan.

5 (a) The State of Illinois shall develop a Children's
6 Mental Health Plan containing short-term and long-term
7 recommendations to provide comprehensive, coordinated mental
8 health prevention, early intervention, and treatment services
9 for children from birth through age 18. This Plan shall
10 include but not be limited to:

11 (1) Coordinated provider services and interagency
12 referral networks for children from birth through age 18
13 to maximize resources and minimize duplication of
14 services.

15 (2) Guidelines for incorporating social and emotional
16 development into school learning standards and educational
17 programs, pursuant to Section 15 of this Act.

18 (3) Protocols for implementing screening and
19 assessment of children prior to any admission to an
20 inpatient hospital for psychiatric services, pursuant to
21 subsection (a) of Section 5-5.23 of the Illinois Public
22 Aid Code.

23 (4) Recommendations regarding a State budget for
24 children's mental health prevention, early intervention,

1 and treatment across all State agencies.

2 (5) Recommendations for State and local mechanisms for
3 integrating federal, State, and local funding sources for
4 children's mental health.

5 (6) Recommendations for building a qualified and
6 adequately trained workforce prepared to provide mental
7 health services for children from birth through age 18 and
8 their families.

9 (7) Recommendations for facilitating research on best
10 practices and model programs, and dissemination of this
11 information to Illinois policymakers, practitioners, and
12 the general public through training, technical assistance,
13 and educational materials.

14 (8) Recommendations for a comprehensive, multi-faceted
15 public awareness campaign to reduce the stigma of mental
16 illness and educate families, the general public, and
17 other key audiences about the benefits of children's
18 social and emotional development, and how to access
19 services.

20 (9) Recommendations for creating a quality-driven
21 children's mental health system with shared accountability
22 among key State agencies and programs that conducts
23 ongoing needs assessments, uses outcome indicators and
24 benchmarks to measure progress, and implements quality
25 data tracking and reporting systems.

26 (10) Recommendations for ensuring all Illinois youth

1 receive mental health education and have access to mental
2 health care in the school setting. In developing these
3 recommendations, the Children's Mental Health Partnership
4 created under subsection (b) shall consult with the State
5 Board of Education, education practitioners, including,
6 but not limited to, administrators, regional
7 superintendents of schools, teachers, and school support
8 personnel, health care professionals, including mental
9 health professionals and child health leaders, disability
10 advocates, and other representatives as necessary to
11 ensure the interests of all students are represented.

12 (b) The Children's Mental Health Partnership (hereafter
13 referred to as "the Partnership") is created. The Partnership
14 shall have the responsibility of developing and monitoring the
15 implementation of the Children's Mental Health Plan as
16 approved by the Governor. The Children's Mental Health
17 Partnership shall be comprised of: the Secretary of Human
18 Services or his or her designee; the State Superintendent of
19 Education or his or her designee; the directors of the
20 departments of Children and Family Services, Healthcare and
21 Family Services, Public Health, and Juvenile Justice, or their
22 designees; the head of the Illinois Violence Prevention
23 Authority, or his or her designee; the Attorney General or his
24 or her designee; up to 25 representatives of community mental
25 health authorities and statewide mental health, children and
26 family advocacy, early childhood, education, health, substance

1 abuse, violence prevention, and juvenile justice organizations
2 or associations, to be appointed by the Governor; and 2
3 members of each caucus of the House of Representatives and
4 Senate appointed by the Speaker of the House of
5 Representatives and the President of the Senate, respectively.
6 The Governor shall appoint the Partnership Chair and shall
7 designate a Governor's staff liaison to work with the
8 Partnership.

9 (c) The Partnership shall submit a Preliminary Plan to the
10 Governor on September 30, 2004 and shall submit the Final Plan
11 on June 30, 2005. Thereafter, on September 30 of each year, the
12 Partnership shall submit an annual report to the Governor on
13 the progress of Plan implementation and recommendations for
14 revisions in the Plan. The Final Plan and annual reports
15 submitted in subsequent years shall include estimates of
16 savings achieved in prior fiscal years under subsection (a) of
17 Section 5-5.23 of the Illinois Public Aid Code and federal
18 financial participation received under subsection (b) of
19 Section 5-5.23 of that Code. The Department of Healthcare and
20 Family Services shall provide technical assistance in
21 developing these estimates and reports.

22 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07.)

23 Section 20-62. The Compassionate Use of Medical Cannabis
24 Program Act is amended by changing Section 62 as follows:

1 (410 ILCS 130/62)

2 Sec. 62. Opioid Alternative Pilot Program.

3 (a) The Department of Public Health shall establish the
4 Opioid Alternative Pilot Program. Licensed dispensing
5 organizations shall allow persons with a written certification
6 from a certifying health care professional under Section 36 to
7 purchase medical cannabis upon enrollment in the Opioid
8 Alternative Pilot Program. The Department of Public Health
9 shall adopt rules or establish procedures allowing qualified
10 veterans to participate in the Opioid Alternative Pilot
11 Program. For a person to receive medical cannabis under this
12 Section, the person must present the written certification
13 along with a valid driver's license or state identification
14 card to the licensed dispensing organization specified in his
15 or her application. The dispensing organization shall verify
16 the person's status as an Opioid Alternative Pilot Program
17 participant through the Department of Public Health's online
18 verification system.

19 (b) The Opioid Alternative Pilot Program shall be limited
20 to participation by Illinois residents age 21 and older.

21 (c) The Department of Financial and Professional
22 Regulation shall specify that all licensed dispensing
23 organizations participating in the Opioid Alternative Pilot
24 Program use the Illinois Cannabis Tracking System. The
25 Department of Public Health shall establish and maintain the
26 Illinois Cannabis Tracking System. The Illinois Cannabis

1 Tracking System shall be used to collect information about all
2 persons participating in the Opioid Alternative Pilot Program
3 and shall be used to track the sale of medical cannabis for
4 verification purposes.

5 Each dispensing organization shall retain a copy of the
6 Opioid Alternative Pilot Program certification and other
7 identifying information as required by the Department of
8 Financial and Professional Regulation, the Department of
9 Public Health, and the Illinois State Police in the Illinois
10 Cannabis Tracking System.

11 The Illinois Cannabis Tracking System shall be accessible
12 to the Department of Financial and Professional Regulation,
13 Department of Public Health, Department of Agriculture, and
14 the Illinois State Police.

15 The Department of Financial and Professional Regulation in
16 collaboration with the Department of Public Health shall
17 specify the data requirements for the Opioid Alternative Pilot
18 Program by licensed dispensing organizations; including, but
19 not limited to, the participant's full legal name, address,
20 and date of birth, date on which the Opioid Alternative Pilot
21 Program certification was issued, length of the participation
22 in the Program, including the start and end date to purchase
23 medical cannabis, name of the issuing physician, copy of the
24 participant's current driver's license or State identification
25 card, and phone number.

26 The Illinois Cannabis Tracking System shall provide

1 verification of a person's participation in the Opioid
2 Alternative Pilot Program for law enforcement at any time and
3 on any day.

4 (d) The certification for Opioid Alternative Pilot Program
5 participant must be issued by a certifying health care
6 professional who is licensed to practice in Illinois under the
7 Medical Practice Act of 1987, the Nurse Practice Act, or the
8 Physician Assistant Practice Act of 1987 and who is in good
9 standing and holds a controlled substances license under
10 Article III of the Illinois Controlled Substances Act.

11 The certification for an Opioid Alternative Pilot Program
12 participant shall be written within 90 days before the
13 participant submits his or her certification to the dispensing
14 organization.

15 The written certification uploaded to the Illinois
16 Cannabis Tracking System shall be accessible to the Department
17 of Public Health.

18 (e) Upon verification of the individual's valid
19 certification and enrollment in the Illinois Cannabis Tracking
20 System, the dispensing organization may dispense the medical
21 cannabis, in amounts not exceeding 2.5 ounces of medical
22 cannabis per 14-day period to the participant at the
23 participant's specified dispensary for no more than 90 days.

24 An Opioid Alternative Pilot Program participant shall not
25 be registered as a medical cannabis cardholder. The dispensing
26 organization shall verify that the person is not an active

1 registered qualifying patient prior to enrollment in the
2 Opioid Alternative Pilot Program and each time medical
3 cannabis is dispensed.

4 Upon receipt of a written certification under the Opioid
5 Alternative Pilot Program, the Department of Public Health
6 shall electronically forward the patient's identification
7 information to the Prescription Monitoring Program established
8 under the Illinois Controlled Substances Act and certify that
9 the individual is permitted to engage in the medical use of
10 cannabis. For the purposes of patient care, the Prescription
11 Monitoring Program shall make a notation on the person's
12 prescription record stating that the person has a written
13 certification under the Opioid Alternative Pilot Program and
14 is a patient who is entitled to the lawful medical use of
15 cannabis. If the person is no longer authorized to engage in
16 the medical use of cannabis, the Department of Public Health
17 shall notify the Prescription Monitoring Program and
18 Department of Human Services to remove the notation from the
19 person's record. The Department of Human Services and the
20 Prescription Monitoring Program shall establish a system by
21 which the information may be shared electronically. This
22 confidential list may not be combined or linked in any manner
23 with any other list or database except as provided in this
24 Section.

25 (f) An Opioid Alternative Pilot Program participant shall
26 not be considered a qualifying patient with a debilitating

1 medical condition under this Act and shall be provided access
2 to medical cannabis solely for the duration of the
3 participant's certification. Nothing in this Section shall be
4 construed to limit or prohibit an Opioid Alternative Pilot
5 Program participant who has a debilitating medical condition
6 from applying to the Compassionate Use of Medical Cannabis
7 Program.

8 (g) A person with a provisional registration under Section
9 55 shall not be considered an Opioid Alternative Pilot Program
10 participant.

11 (h) The Department of Financial and Professional
12 Regulation and the Department of Public Health shall submit
13 emergency rulemaking to implement the changes made by this
14 amendatory Act of the 100th General Assembly by December 1,
15 2018. The Department of Financial and Professional Regulation,
16 the Department of Agriculture, the Department of Human
17 Services, the Department of Public Health, and the Illinois
18 State Police shall utilize emergency purchase authority for 12
19 months after the effective date of this amendatory Act of the
20 100th General Assembly for the purpose of implementing the
21 changes made by this amendatory Act of the 100th General
22 Assembly.

23 (i) Dispensing organizations are not authorized to
24 dispense medical cannabis to Opioid Alternative Pilot Program
25 participants until administrative rules are approved by the
26 Joint Committee on Administrative Rules and go into effect.

1 (j) The provisions of this Section are inoperative on and
2 after July 1, 2025 ~~2020~~.

3 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19.)

4 Section 20-65. The Cadmium-Safe Kids Act is amended by
5 changing Section 30 as follows:

6 (430 ILCS 140/30)

7 Sec. 30. Enforcement and penalties.

8 (a) The Attorney General is responsible for administering
9 and ensuring compliance with this Act, including the
10 development and adoption of any rules, if necessary, for the
11 implementation and enforcement of this Act.

12 (b) The Attorney General shall develop and implement a
13 process for receiving and handling complaints from individuals
14 regarding possible violations of this Act.

15 (c) The Attorney General may conduct any investigation
16 deemed necessary regarding possible violations of this Act
17 including, without limitation, the issuance of subpoenas to:

18 (i) require the filing of a statement or report or answer
19 interrogatories in writing as to all information relevant to
20 the alleged violations; (ii) examine under oath any person who
21 possesses knowledge or information directly related to the
22 alleged violations; and (iii) examine any record, book,
23 document, account, or paper necessary to investigate the
24 alleged violation.

1 (d) Service by the Attorney General of any notice
2 requiring a person to file a statement or report, or of a
3 subpoena upon any person, shall be made:

4 (1) personally by delivery of a duly executed copy
5 thereof to the person to be served or, if a person is not a
6 natural person, in the manner provided in the Code of
7 Civil Procedure when a complaint is filed; or

8 (2) by mailing by certified mail a duly executed copy
9 thereof to the person to be served at his or her last known
10 abode or principal place of business within this State.

11 (e) If the Attorney General determines that there is a
12 reason to believe that a violation of the Act has occurred,
13 then the Attorney General may bring an action in the name of
14 the People of the State to obtain temporary, preliminary, or
15 permanent injunctive relief for any act, policy, or practice
16 that violates this Act.

17 (f) If any person fails or refuses to file any statement or
18 report, or obey any subpoena, issued pursuant to subsection
19 (c) of this Section, then the Attorney General may proceed to
20 initiate a civil action pursuant to subsection (e) of this
21 Section, or file a complaint in the circuit court for the
22 granting of injunctive relief, including restraining the
23 conduct that is alleged to violate this Act until the person
24 files the statement or report, or obeys the subpoena.

25 (g) Relief that may be granted.

26 (1) In any civil action brought pursuant to subsection

1 (e) of this Section, the Attorney General may obtain as a
2 remedy, equitable relief (including any permanent or
3 preliminary injunction, temporary restraining order, or
4 other order, including an order enjoining the defendant
5 from engaging in a violation or ordering any action as may
6 be appropriate). In addition, the Attorney General may
7 request and the Court may impose a civil penalty in an
8 amount not to exceed \$50,000 for each violation. For
9 purposes of this subsection, each item and each standard
10 constitutes a separate violation.

11 (2) A civil penalty imposed or a settlement or other
12 payment made pursuant to this Act shall be made payable to
13 the Attorney General's State Projects and Court Ordered
14 Distribution Fund, which is created as a special fund in
15 the State Treasury. This paragraph shall constitute a
16 continuing appropriation of the amounts received by this
17 Fund from any source. Moneys in the Fund shall be used for
18 the performance of any function pertaining to the exercise
19 of the duties of the Attorney General. Money in the Fund
20 ~~shall be used, subject to appropriation, for the~~
21 ~~performance of any function pertaining to the exercise of~~
22 ~~the duties of the Attorney General including but not~~
23 ~~limited to enforcement of any law of this State, product~~
24 ~~testing, and conducting public education programs.~~

25 (3) Any funds collected under this Section in an
26 action in which the State's Attorney has prevailed shall

1 be retained by the county in which he or she serves.

2 (h) The penalties and injunctions provided in this Act are
3 in addition to any penalties, injunctions, or other relief
4 provided under any other law. Nothing in this Act shall bar a
5 cause of action by the State for any other penalty,
6 injunction, or relief provided by any other law.

7 (Source: P.A. 96-1379, eff. 7-29-10.)

8 Section 20-70. The State's Attorneys Appellate
9 Prosecutor's Act is amended by changing Sections 3, 4.12, 9,
10 and 9.01 as follows:

11 (725 ILCS 210/3) (from Ch. 14, par. 203)

12 Sec. 3. There is created the Office of the State's
13 Attorneys Appellate Prosecutor as a judicial agency of state
14 government.

15 (a) The Office of the State's Attorneys Appellate
16 Prosecutor shall be governed by a board of governors which
17 shall consist of 10 members as follows:

18 (1) Eight State's Attorneys, 2 to be elected from each
19 District containing less than 3,000,000 inhabitants;

20 (2) The State's Attorney of Cook County or his or her
21 designee; and

22 (3) One State's Attorney to be bi-annually ~~annually~~
23 appointed by the other 9 members.

24 (b) Voting for elected members shall be by District with

1 each of the State's Attorneys voting from their respective
2 district. Each board member must be duly elected or appointed
3 and serving as State's Attorney in the district from which he
4 was elected or appointed.

5 (c) Elected members shall serve for a term of 2 years
6 commencing upon their election and until their successors are
7 duly elected or appointed and qualified.

8 (d) An bi-annually ~~annual~~ election of members of the board
9 shall be held within 30 days prior or subsequent to the
10 beginning of the each odd numbered calendar ~~fiscal~~ year, and
11 the board shall certify the results to the Secretary of State.

12 (e) The board shall promulgate rules of procedure for the
13 election of its members and the conduct of its meetings and
14 shall elect a Chairman and a Vice-Chairman and such other
15 officers as it deems appropriate. The board shall meet at
16 least once every 3 months, and in addition thereto as directed
17 by the Chairman, or upon the special call of any 5 members of
18 the board, in writing, sent to the Chairman, designating the
19 time and place of the meeting.

20 (f) Five members of the board shall constitute a quorum
21 for the purpose of transacting business.

22 (g) Members of the board shall serve without compensation,
23 but shall be reimbursed for necessary expenses incurred in the
24 performance of their duties.

25 (h) A position shall be vacated by either a member's
26 resignation, removal or inability to serve as State's

1 Attorney.

2 (i) Vacancies on the board of elected members shall be
3 filled within 90 days of the occurrence of the vacancy by a
4 special election held by the State's Attorneys in the district
5 where the vacancy occurred. Vacancies on the board of the
6 appointed member shall be filled within 90 days of the
7 occurrence of the vacancy by a special election by the
8 members. In the case of a special election, the tabulation and
9 certification of the results may be conducted at any regularly
10 scheduled quarterly or special meeting called for that
11 purpose. A member elected or appointed to fill such position
12 shall serve for the unexpired term of the member whom he is
13 succeeding. Any member may be re-elected or re-appointed for
14 additional terms.

15 (Source: P.A. 99-208, eff. 7-30-15.)

16 (725 ILCS 210/4.12)

17 Sec. 4.12. Best Practices Protocol Committee. The Board
18 ~~may shall~~ establish a Best Practices Protocol Committee which
19 ~~may shall~~ evaluate and recommend a Best Practices Protocol on
20 specific issues related to the implementation of the criminal
21 justice system ~~investigation and prosecution of serious~~
22 ~~criminal offenses~~. The Best Practices Committee ~~may shall~~
23 review ~~the causes of wrongful convictions~~ and make
24 recommendations to improve and enhance public safety, with due
25 consideration for the rights of the accused and the rights of

1 ~~crime victims. The Best Practices Protocol Committee shall:~~

2 ~~(1) Propose enhanced procedures relevant to the~~
3 ~~investigation and prosecution of criminal offenses.~~

4 ~~(2) Collaborate with law enforcement partners in the~~
5 ~~development of enhanced procedures.~~

6 ~~(3) Review public and private sector reports dealing~~
7 ~~with reduction of wrongful convictions.~~

8 ~~(4) Identify and assess innovations to the criminal~~
9 ~~justice system.~~

10 ~~(5) Examine scientific studies concerning new~~
11 ~~procedures.~~

12 ~~(6) Create training programs for prosecutors and~~
13 ~~police on the best practice protocols developed by the~~
14 ~~Committee in collaboration with law enforcement.~~

15 ~~(7) Review specific proposals submitted by the General~~
16 ~~Assembly by way of resolution and report back its findings~~
17 ~~and recommendations in a timely manner.~~

18 (Source: P.A. 98-938, eff. 8-15-14.)

19 (725 ILCS 210/9) (from Ch. 14, par. 209)

20 Sec. 9. There is created a special fund in the State
21 Treasury designated as the State's Attorneys Appellate
22 Prosecutor's County Fund which is to be held in trust for this
23 purpose. It shall be funded from contributions collected from
24 the counties in the program, other than moneys received from
25 the counties for the programs and publications authorized by

1 Section 4.10 of this Act. The contributions shall be based on
2 proportional ~~pro-rated~~ shares as determined by the board based
3 on the populations of the participating counties and their
4 level of participation. This fund is to be used exclusively
5 for the expenses of the Office.

6 (Source: P.A. 84-1062.)

7 (725 ILCS 210/9.01) (from Ch. 14, par. 209.01)

8 Sec. 9.01. ~~The For State fiscal years beginning on or~~
9 ~~after July 1, 2017, the~~ General Assembly shall appropriate
10 money for the expenses of the Office, other than the expenses
11 of the Office incident to the programs and publications
12 authorized by Section 4.10 of this Act, from such Funds and in
13 such amounts as it may determine except for employees in the
14 collective bargaining unit, for which all personal services
15 expenses shall be paid from the General Revenue Fund.

16 (Source: P.A. 101-10, eff. 6-5-19.)

17 Section 20-80. The Workers' Compensation Act is amended by
18 changing Sections 13 and 14 as follows:

19 (820 ILCS 305/13) (from Ch. 48, par. 138.13)

20 Sec. 13. There is created an Illinois Workers'
21 Compensation Commission consisting of 10 members to be
22 appointed by the Governor, by and with the consent of the
23 Senate, 3 of whom shall be representative citizens of the

1 employing class operating under this Act and 3 of whom shall be
2 from a labor organization recognized under the National Labor
3 Relations Act or an attorney who has represented labor
4 organizations or has represented employees in workers'
5 compensation cases, and 4 of whom shall be representative
6 citizens not identified with either the employing or employee
7 classes. Not more than 6 members of the Commission shall be of
8 the same political party.

9 One of the members not identified with either the
10 employing or employee classes shall be designated by the
11 Governor as Chairman. The Chairman shall be the chief
12 administrative and executive officer of the Commission; and he
13 or she shall have general supervisory authority over all
14 personnel of the Commission, including arbitrators and
15 Commissioners, and the final authority in all administrative
16 matters relating to the Commissioners, including but not
17 limited to the assignment and distribution of cases and
18 assignment of Commissioners to the panels, except in the
19 promulgation of procedural rules and orders under Section 16
20 and in the determination of cases under this Act.

21 Notwithstanding the general supervisory authority of the
22 Chairman, each Commissioner, except those assigned to the
23 temporary panel, shall have the authority to hire and
24 supervise 2 staff attorneys each. Such staff attorneys shall
25 report directly to the individual Commissioner.

26 A formal training program for newly-appointed

1 Commissioners shall be implemented. The training program shall
2 include the following:

3 (a) substantive and procedural aspects of the office
4 of Commissioner;

5 (b) current issues in workers' compensation law and
6 practice;

7 (c) medical lectures by specialists in areas such as
8 orthopedics, ophthalmology, psychiatry, rehabilitation
9 counseling;

10 (d) orientation to each operational unit of the
11 Illinois Workers' Compensation Commission;

12 (e) observation of experienced arbitrators and
13 Commissioners conducting hearings of cases, combined with
14 the opportunity to discuss evidence presented and rulings
15 made;

16 (f) the use of hypothetical cases requiring the
17 newly-appointed Commissioner to issue judgments as a means
18 to evaluating knowledge and writing ability;

19 (g) writing skills;

20 (h) professional and ethical standards pursuant to
21 Section 1.1 of this Act;

22 (i) detection of workers' compensation fraud and
23 reporting obligations of Commission employees and
24 appointees;

25 (j) standards of evidence-based medical treatment and
26 best practices for measuring and improving quality and

1 health care outcomes in the workers' compensation system,
2 including but not limited to the use of the American
3 Medical Association's "Guides to the Evaluation of
4 Permanent Impairment" and the practice of utilization
5 review; and

6 (k) substantive and procedural aspects of coal
7 workers' pneumoconiosis (black lung) cases.

8 A formal and ongoing professional development program
9 including, but not limited to, the above-noted areas shall be
10 implemented to keep Commissioners informed of recent
11 developments and issues and to assist them in maintaining and
12 enhancing their professional competence. Each Commissioner
13 shall complete 20 hours of training in the above-noted areas
14 during every 2 years such Commissioner shall remain in office.

15 The Commissioner candidates, other than the Chairman, must
16 meet one of the following qualifications: (a) licensed to
17 practice law in the State of Illinois; or (b) served as an
18 arbitrator at the Illinois Workers' Compensation Commission
19 for at least 3 years; or (c) has at least 4 years of
20 professional labor relations experience. The Chairman
21 candidate must have public or private sector management and
22 budget experience, as determined by the Governor.

23 Each Commissioner shall devote full time to his duties and
24 any Commissioner who is an attorney-at-law shall not engage in
25 the practice of law, nor shall any Commissioner hold any other
26 office or position of profit under the United States or this

1 State or any municipal corporation or political subdivision of
2 this State, nor engage in any other business, employment, or
3 vocation.

4 The term of office of each member of the Commission
5 holding office on the effective date of this amendatory Act of
6 1989 is abolished, but the incumbents shall continue to
7 exercise all of the powers and be subject to all of the duties
8 of Commissioners until their respective successors are
9 appointed and qualified.

10 The Illinois Workers' Compensation Commission shall
11 administer this Act.

12 In the promulgation of procedural rules, the determination
13 of cases heard en banc, and other matters determined by the
14 full Commission, the Chairman's vote shall break a tie in the
15 event of a tie vote.

16 The members shall be appointed by the Governor, with the
17 advice and consent of the Senate, as follows:

18 (a) After the effective date of this amendatory Act of
19 1989, 3 members, at least one of each political party, and
20 one of whom shall be a representative citizen of the
21 employing class operating under this Act, one of whom
22 shall be a representative citizen of the class of
23 employees covered under this Act, and one of whom shall be
24 a representative citizen not identified with either the
25 employing or employee classes, shall be appointed to hold
26 office until the third Monday in January of 1993, and

1 until their successors are appointed and qualified, and 4
2 members, one of whom shall be a representative citizen of
3 the employing class operating under this Act, one of whom
4 shall be a representative citizen of the class of
5 employees covered in this Act, and two of whom shall be
6 representative citizens not identified with either the
7 employing or employee classes, one of whom shall be
8 designated by the Governor as Chairman (at least one of
9 each of the two major political parties) shall be
10 appointed to hold office until the third Monday of January
11 in 1991, and until their successors are appointed and
12 qualified.

13 (a-5) Notwithstanding any other provision of this
14 Section, the term of each member of the Commission who was
15 appointed by the Governor and is in office on June 30, 2003
16 shall terminate at the close of business on that date or
17 when all of the successor members to be appointed pursuant
18 to this amendatory Act of the 93rd General Assembly have
19 been appointed by the Governor, whichever occurs later. As
20 soon as possible, the Governor shall appoint persons to
21 fill the vacancies created by this amendatory Act. Of the
22 initial commissioners appointed pursuant to this
23 amendatory Act of the 93rd General Assembly, 3 shall be
24 appointed for terms ending on the third Monday in January,
25 2005, and 4 shall be appointed for terms ending on the
26 third Monday in January, 2007.

1 (a-10) After the effective date of this amendatory Act
2 of the 94th General Assembly, the Commission shall be
3 increased to 10 members. As soon as possible after the
4 effective date of this amendatory Act of the 94th General
5 Assembly, the Governor shall appoint, by and with the
6 consent of the Senate, the 3 members added to the
7 Commission under this amendatory Act of the 94th General
8 Assembly, one of whom shall be a representative citizen of
9 the employing class operating under this Act, one of whom
10 shall be a representative of the class of employees
11 covered under this Act, and one of whom shall be a
12 representative citizen not identified with either the
13 employing or employee classes. Of the members appointed
14 under this amendatory Act of the 94th General Assembly,
15 one shall be appointed for a term ending on the third
16 Monday in January, 2007, and 2 shall be appointed for
17 terms ending on the third Monday in January, 2009, and
18 until their successors are appointed and qualified.

19 (b) Members shall thereafter be appointed to hold
20 office for terms of 4 years from the third Monday in
21 January of the year of their appointment, and until their
22 successors are appointed and qualified. All such
23 appointments shall be made so that the composition of the
24 Commission is in accordance with the provisions of the
25 first paragraph of this Section.

26 Each Commissioner shall receive an annual salary equal to

1 70% of that of a Circuit Court Judge in the Judicial Circuit
2 constituted by the First Judicial District under the Salaries
3 Act; the Chairman shall receive an annual salary of 5% more
4 than the other Commissioners.

5 ~~The Chairman shall receive an annual salary of \$42,500, or~~
6 ~~a salary set by the Compensation Review Board, whichever is~~
7 ~~greater, and each other member shall receive an annual salary~~
8 ~~of \$38,000, or a salary set by the Compensation Review Board,~~
9 ~~whichever is greater.~~

10 In case of a vacancy in the office of a Commissioner during
11 the recess of the Senate, the Governor shall make a temporary
12 appointment until the next meeting of the Senate, when he
13 shall nominate some person to fill such office. Any person so
14 nominated who is confirmed by the Senate shall hold office
15 during the remainder of the term and until his successor is
16 appointed and qualified.

17 The Illinois Workers' Compensation Commission created by
18 this amendatory Act of 1989 shall succeed to all the rights,
19 powers, duties, obligations, records and other property and
20 employees of the Industrial Commission which it replaces as
21 modified by this amendatory Act of 1989 and all applications
22 and reports to actions and proceedings of such prior
23 Industrial Commission shall be considered as applications and
24 reports to actions and proceedings of the Illinois Workers'
25 Compensation Commission created by this amendatory Act of
26 1989.

1 Notwithstanding any other provision of this Act, in the
2 event the Chairman shall make a finding that a member is or
3 will be unavailable to fulfill the responsibilities of his or
4 her office, the Chairman shall advise the Governor and the
5 member in writing and shall designate a certified arbitrator
6 to serve as acting Commissioner. The certified arbitrator
7 shall act as a Commissioner until the member resumes the
8 duties of his or her office or until a new member is appointed
9 by the Governor, by and with the consent of the Senate, if a
10 vacancy occurs in the office of the Commissioner, but in no
11 event shall a certified arbitrator serve in the capacity of
12 Commissioner for more than 6 months from the date of
13 appointment by the Chairman. A finding by the Chairman that a
14 member is or will be unavailable to fulfill the
15 responsibilities of his or her office shall be based upon
16 notice to the Chairman by a member that he or she will be
17 unavailable or facts and circumstances made known to the
18 Chairman which lead him to reasonably find that a member is
19 unavailable to fulfill the responsibilities of his or her
20 office. The designation of a certified arbitrator to act as a
21 Commissioner shall be considered representative of citizens
22 not identified with either the employing or employee classes
23 and the arbitrator shall serve regardless of his or her
24 political affiliation. A certified arbitrator who serves as an
25 acting Commissioner shall have all the rights and powers of a
26 Commissioner, including salary.

1 Notwithstanding any other provision of this Act, the
2 Governor shall appoint a special panel of Commissioners
3 comprised of 3 members who shall be chosen by the Governor, by
4 and with the consent of the Senate, from among the current
5 ranks of certified arbitrators. Three members shall hold
6 office until the Commission in consultation with the Governor
7 determines that the caseload on review has been reduced
8 sufficiently to allow cases to proceed in a timely manner or
9 for a term of 18 months from the effective date of their
10 appointment by the Governor, whichever shall be earlier. The 3
11 members shall be considered representative of citizens not
12 identified with either the employing or employee classes and
13 shall serve regardless of political affiliation. Each of the 3
14 members shall have only such rights and powers of a
15 Commissioner necessary to dispose of those cases assigned to
16 the special panel. Each of the 3 members appointed to the
17 special panel shall receive the same salary as other
18 Commissioners for the duration of the panel.

19 The Commission may have an Executive Director; if so, the
20 Executive Director shall be appointed by the Governor with the
21 advice and consent of the Senate. The salary and duties of the
22 Executive Director shall be fixed by the Commission.

23 On the effective date of this amendatory Act of the 93rd
24 General Assembly, the name of the Industrial Commission is
25 changed to the Illinois Workers' Compensation Commission.
26 References in any law, appropriation, rule, form, or other

1 document: (i) to the Industrial Commission are deemed, in
2 appropriate contexts, to be references to the Illinois
3 Workers' Compensation Commission for all purposes; (ii) to the
4 Industrial Commission Operations Fund are deemed, in
5 appropriate contexts, to be references to the Illinois
6 Workers' Compensation Commission Operations Fund for all
7 purposes; (iii) to the Industrial Commission Operations Fund
8 Fee are deemed, in appropriate contexts, to be references to
9 the Illinois Workers' Compensation Commission Operations Fund
10 Fee for all purposes; and (iv) to the Industrial Commission
11 Operations Fund Surcharge are deemed, in appropriate contexts,
12 to be references to the Illinois Workers' Compensation
13 Commission Operations Fund Surcharge for all purposes.

14 (Source: P.A. 101-384, eff. 1-1-20.)

15 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

16 Sec. 14. The Commission shall appoint a secretary, an
17 assistant secretary, and arbitrators and shall employ such
18 assistants and clerical help as may be necessary. Arbitrators
19 shall be appointed pursuant to this Section, notwithstanding
20 any provision of the Personnel Code.

21 Each arbitrator appointed after June 28, 2011 shall be
22 required to demonstrate in writing his or her knowledge of and
23 expertise in the law of and judicial processes of the Workers'
24 Compensation Act and the Workers' Occupational Diseases Act.

25 A formal training program for newly-hired arbitrators

1 shall be implemented. The training program shall include the
2 following:

3 (a) substantive and procedural aspects of the
4 arbitrator position;

5 (b) current issues in workers' compensation law and
6 practice;

7 (c) medical lectures by specialists in areas such as
8 orthopedics, ophthalmology, psychiatry, rehabilitation
9 counseling;

10 (d) orientation to each operational unit of the
11 Illinois Workers' Compensation Commission;

12 (e) observation of experienced arbitrators conducting
13 hearings of cases, combined with the opportunity to
14 discuss evidence presented and rulings made;

15 (f) the use of hypothetical cases requiring the
16 trainee to issue judgments as a means to evaluating
17 knowledge and writing ability;

18 (g) writing skills;

19 (h) professional and ethical standards pursuant to
20 Section 1.1 of this Act;

21 (i) detection of workers' compensation fraud and
22 reporting obligations of Commission employees and
23 appointees;

24 (j) standards of evidence-based medical treatment and
25 best practices for measuring and improving quality and
26 health care outcomes in the workers' compensation system,

1 including but not limited to the use of the American
2 Medical Association's "Guides to the Evaluation of
3 Permanent Impairment" and the practice of utilization
4 review; and

5 (k) substantive and procedural aspects of coal
6 workers' pneumoconiosis (black lung) cases.

7 A formal and ongoing professional development program
8 including, but not limited to, the above-noted areas shall be
9 implemented to keep arbitrators informed of recent
10 developments and issues and to assist them in maintaining and
11 enhancing their professional competence. Each arbitrator shall
12 complete 20 hours of training in the above-noted areas during
13 every 2 years such arbitrator shall remain in office.

14 Each arbitrator shall devote full time to his or her
15 duties and shall serve when assigned as an acting Commissioner
16 when a Commissioner is unavailable in accordance with the
17 provisions of Section 13 of this Act. Any arbitrator who is an
18 attorney-at-law shall not engage in the practice of law, nor
19 shall any arbitrator hold any other office or position of
20 profit under the United States or this State or any municipal
21 corporation or political subdivision of this State.
22 Notwithstanding any other provision of this Act to the
23 contrary, an arbitrator who serves as an acting Commissioner
24 in accordance with the provisions of Section 13 of this Act
25 shall continue to serve in the capacity of Commissioner until
26 a decision is reached in every case heard by that arbitrator

1 while serving as an acting Commissioner.

2 Notwithstanding any other provision of this Section, the
3 term of all arbitrators serving on June 28, 2011 (the
4 effective date of Public Act 97-18), including any arbitrators
5 on administrative leave, shall terminate at the close of
6 business on July 1, 2011, but the incumbents shall continue to
7 exercise all of their duties until they are reappointed or
8 their successors are appointed.

9 On and after June 28, 2011 (the effective date of Public
10 Act 97-18), arbitrators shall be appointed to 3-year terms as
11 follows:

12 (1) All appointments shall be made by the Governor
13 with the advice and consent of the Senate.

14 (2) For their initial appointments, 12 arbitrators
15 shall be appointed to terms expiring July 1, 2012; 12
16 arbitrators shall be appointed to terms expiring July 1,
17 2013; and all additional arbitrators shall be appointed to
18 terms expiring July 1, 2014. Thereafter, all arbitrators
19 shall be appointed to 3-year terms.

20 Upon the expiration of a term, the Chairman shall evaluate
21 the performance of the arbitrator and may recommend to the
22 Governor that he or she be reappointed to a second or
23 subsequent term by the Governor with the advice and consent of
24 the Senate.

25 Each arbitrator appointed on or after June 28, 2011 (the
26 effective date of Public Act 97-18) and who has not previously

1 served as an arbitrator for the Commission shall be required
2 to be authorized to practice law in this State by the Supreme
3 Court, and to maintain this authorization throughout his or
4 her term of employment.

5 The performance of all arbitrators shall be reviewed by
6 the Chairman on an annual basis. The Chairman shall allow
7 input from the Commissioners in all such reviews.

8 The Commission shall assign no fewer than 3 arbitrators to
9 each hearing site. The Commission shall establish a procedure
10 to ensure that the arbitrators assigned to each hearing site
11 are assigned cases on a random basis. No arbitrator shall hear
12 cases in any county, other than Cook County, for more than 2
13 years in each 3-year term.

14 The Secretary and each arbitrator shall receive a per
15 annum salary of 5% ~~\$4,000~~ less than the per annum salary of
16 members of The Illinois Workers' Compensation Commission as
17 provided in Section 13 of this Act, payable in equal monthly
18 installments.

19 The members of the Commission, Arbitrators and other
20 employees whose duties require them to travel, shall have
21 reimbursed to them their actual traveling expenses and
22 disbursements made or incurred by them in the discharge of
23 their official duties while away from their place of residence
24 in the performance of their duties.

25 The Commission shall provide itself with a seal for the
26 authentication of its orders, awards and proceedings upon

1 which shall be inscribed the name of the Commission and the
2 words "Illinois--Seal".

3 The Secretary or Assistant Secretary, under the direction
4 of the Commission, shall have charge and custody of the seal of
5 the Commission and also have charge and custody of all
6 records, files, orders, proceedings, decisions, awards and
7 other documents on file with the Commission. He shall furnish
8 certified copies, under the seal of the Commission, of any
9 such records, files, orders, proceedings, decisions, awards
10 and other documents on file with the Commission as may be
11 required. Certified copies so furnished by the Secretary or
12 Assistant Secretary shall be received in evidence before the
13 Commission or any Arbitrator thereof, and in all courts,
14 provided that the original of such certified copy is otherwise
15 competent and admissible in evidence. The Secretary or
16 Assistant Secretary shall perform such other duties as may be
17 prescribed from time to time by the Commission.

18 (Source: P.A. 98-40, eff. 6-28-13; 99-642, eff. 7-28-16.)

19 ARTICLE 25. HORSE RACING PURSE EQUITY FUND

20 Section 25-5. The State Finance Act is amended by adding
21 Sections 5.941 and 6z-129 as follows:

22 (30 ILCS 105/5.941 new)

23 Sec. 5.941. The Horse Racing Purse Equity Fund.

1 (30 ILCS 105/6z-129 new)

2 Sec. 6z-129. Horse Racing Purse Equity Fund. Within 60
3 calendar days of funds being deposited in the Horse Racing
4 Purse Equity Fund, the Department of Agriculture shall make
5 grants, the division of which shall be divided based upon the
6 annual agreement of all legally recognized horsemen's
7 associations for the sole purpose of augmenting purses. For
8 purposes of this Section, a legally recognized horsemen
9 association is that horsemen association representing the
10 largest number of owners, trainers, jockeys or Standardbred
11 drivers who race horses at an Illinois organizational licensee
12 and that enter into agreements with Illinois organization
13 licenses to govern the racing meet and that also provide
14 required consents pursuant to the Illinois Horse Racing Act of
15 1975.

16 Section 25-10. The Illinois Horse Racing Act of 1975 is
17 amended by changing Section 28.1 as follows:

18 (230 ILCS 5/28.1)

19 Sec. 28.1. Payments.

20 (a) Beginning on January 1, 2000, moneys collected by the
21 Department of Revenue and the Racing Board pursuant to Section
22 26 or Section 27 of this Act shall be deposited into the Horse
23 Racing Fund, which is hereby created as a special fund in the

1 State Treasury.

2 (b) Appropriations, as approved by the General Assembly,
3 may be made from the Horse Racing Fund to the Board to pay the
4 salaries of the Board members, secretary, stewards, directors
5 of mutuels, veterinarians, representatives, accountants,
6 clerks, stenographers, inspectors and other employees of the
7 Board, and all expenses of the Board incident to the
8 administration of this Act, including, but not limited to, all
9 expenses and salaries incident to the taking of saliva and
10 urine samples in accordance with the rules and regulations of
11 the Board.

12 (c) (Blank).

13 (d) Beginning January 1, 2000, payments to all programs in
14 existence on the effective date of this amendatory Act of 1999
15 that are identified in Sections 26(c), 26(f), 26(h)(11)(C),
16 and 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h)
17 of Section 30, and subsections (a), (b), (c), (d), (e), (f),
18 (g), and (h) of Section 31 shall be made from the General
19 Revenue Fund at the funding levels determined by amounts paid
20 under this Act in calendar year 1998. Beginning on the
21 effective date of this amendatory Act of the 93rd General
22 Assembly, payments to the Peoria Park District shall be made
23 from the General Revenue Fund at the funding level determined
24 by amounts paid to that park district for museum purposes
25 under this Act in calendar year 1994.

26 If an inter-track wagering location licensee's facility

1 changes its location, then the payments associated with that
2 facility under this subsection (d) for museum purposes shall
3 be paid to the park district in the area where the facility
4 relocates, and the payments shall be used for museum purposes.
5 If the facility does not relocate to a park district, then the
6 payments shall be paid to the taxing district that is
7 responsible for park or museum expenditures.

8 (e) Beginning July 1, 2006, the payment authorized under
9 subsection (d) to museums and aquariums located in park
10 districts of over 500,000 population shall be paid to museums,
11 aquariums, and zoos in amounts determined by Museums in the
12 Park, an association of museums, aquariums, and zoos located
13 on Chicago Park District property.

14 (f) Beginning July 1, 2007, the Children's Discovery
15 Museum in Normal, Illinois shall receive payments from the
16 General Revenue Fund at the funding level determined by the
17 amounts paid to the Miller Park Zoo in Bloomington, Illinois
18 under this Section in calendar year 2006.

19 (g) On August 31, 2021, after subtracting all lapse period
20 spending from the June 30 balance of the prior fiscal year, the
21 Comptroller shall transfer to the Horse Racing Purse Equity
22 Fund 50% of the balance within the Horse Racing Fund.

23 (Source: P.A. 98-624, eff. 1-29-14.)

1 Section 30-5. The Illinois Income Tax Act is amended by
2 changing Sections 203, 207, 214, 220, 221, and 222 as follows:

3 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

4 Sec. 203. Base income defined.

5 (a) Individuals.

6 (1) In general. In the case of an individual, base
7 income means an amount equal to the taxpayer's adjusted
8 gross income for the taxable year as modified by paragraph
9 (2).

10 (2) Modifications. The adjusted gross income referred
11 to in paragraph (1) shall be modified by adding thereto
12 the sum of the following amounts:

13 (A) An amount equal to all amounts paid or accrued
14 to the taxpayer as interest or dividends during the
15 taxable year to the extent excluded from gross income
16 in the computation of adjusted gross income, except
17 stock dividends of qualified public utilities
18 described in Section 305(e) of the Internal Revenue
19 Code;

20 (B) An amount equal to the amount of tax imposed by
21 this Act to the extent deducted from gross income in
22 the computation of adjusted gross income for the
23 taxable year;

24 (C) An amount equal to the amount received during
25 the taxable year as a recovery or refund of real

1 property taxes paid with respect to the taxpayer's
2 principal residence under the Revenue Act of 1939 and
3 for which a deduction was previously taken under
4 subparagraph (L) of this paragraph (2) prior to July
5 1, 1991, the retrospective application date of Article
6 4 of Public Act 87-17. In the case of multi-unit or
7 multi-use structures and farm dwellings, the taxes on
8 the taxpayer's principal residence shall be that
9 portion of the total taxes for the entire property
10 which is attributable to such principal residence;

11 (D) An amount equal to the amount of the capital
12 gain deduction allowable under the Internal Revenue
13 Code, to the extent deducted from gross income in the
14 computation of adjusted gross income;

15 (D-5) An amount, to the extent not included in
16 adjusted gross income, equal to the amount of money
17 withdrawn by the taxpayer in the taxable year from a
18 medical care savings account and the interest earned
19 on the account in the taxable year of a withdrawal
20 pursuant to subsection (b) of Section 20 of the
21 Medical Care Savings Account Act or subsection (b) of
22 Section 20 of the Medical Care Savings Account Act of
23 2000;

24 (D-10) For taxable years ending after December 31,
25 1997, an amount equal to any eligible remediation
26 costs that the individual deducted in computing

1 adjusted gross income and for which the individual
2 claims a credit under subsection (l) of Section 201;

3 (D-15) For taxable years 2001 and thereafter, an
4 amount equal to the bonus depreciation deduction taken
5 on the taxpayer's federal income tax return for the
6 taxable year under subsection (k) of Section 168 of
7 the Internal Revenue Code;

8 (D-16) If the taxpayer sells, transfers, abandons,
9 or otherwise disposes of property for which the
10 taxpayer was required in any taxable year to make an
11 addition modification under subparagraph (D-15), then
12 an amount equal to the aggregate amount of the
13 deductions taken in all taxable years under
14 subparagraph (Z) with respect to that property.

15 If the taxpayer continues to own property through
16 the last day of the last tax year for which a
17 subtraction is allowed with respect to that property
18 under subparagraph (Z) ~~the taxpayer may claim a~~
19 ~~depreciation deduction for federal income tax purposes~~
20 and for which the taxpayer was allowed in any taxable
21 year to make a subtraction modification under
22 subparagraph (Z), then an amount equal to that
23 subtraction modification.

24 The taxpayer is required to make the addition
25 modification under this subparagraph only once with
26 respect to any one piece of property;

(D-17) An amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or

1 incurred.

2 This paragraph shall not apply to the following:

3 (i) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person who
5 is subject in a foreign country or state, other
6 than a state which requires mandatory unitary
7 reporting, to a tax on or measured by net income
8 with respect to such interest; or

9 (ii) an item of interest paid, accrued, or
10 incurred, directly or indirectly, to a person if
11 the taxpayer can establish, based on a
12 preponderance of the evidence, both of the
13 following:

14 (a) the person, during the same taxable
15 year, paid, accrued, or incurred, the interest
16 to a person that is not a related member, and

17 (b) the transaction giving rise to the
18 interest expense between the taxpayer and the
19 person did not have as a principal purpose the
20 avoidance of Illinois income tax, and is paid
21 pursuant to a contract or agreement that
22 reflects an arm's-length interest rate and
23 terms; or

24 (iii) the taxpayer can establish, based on
25 clear and convincing evidence, that the interest
26 paid, accrued, or incurred relates to a contract

1 or agreement entered into at arm's-length rates
2 and terms and the principal purpose for the
3 payment is not federal or Illinois tax avoidance;
4 or

5 (iv) an item of interest paid, accrued, or
6 incurred, directly or indirectly, to a person if
7 the taxpayer establishes by clear and convincing
8 evidence that the adjustments are unreasonable; or
9 if the taxpayer and the Director agree in writing
10 to the application or use of an alternative method
11 of apportionment under Section 304(f).

12 Nothing in this subsection shall preclude the
13 Director from making any other adjustment
14 otherwise allowed under Section 404 of this Act
15 for any tax year beginning after the effective
16 date of this amendment provided such adjustment is
17 made pursuant to regulation adopted by the
18 Department and such regulations provide methods
19 and standards by which the Department will utilize
20 its authority under Section 404 of this Act;

21 (D-18) An amount equal to the amount of intangible
22 expenses and costs otherwise allowed as a deduction in
23 computing base income, and that were paid, accrued, or
24 incurred, directly or indirectly, (i) for taxable
25 years ending on or after December 31, 2004, to a
26 foreign person who would be a member of the same

unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act. As used in this subparagraph, the term

1 "intangible expenses and costs" includes (1) expenses,
2 losses, and costs for, or related to, the direct or
3 indirect acquisition, use, maintenance or management,
4 ownership, sale, exchange, or any other disposition of
5 intangible property; (2) losses incurred, directly or
6 indirectly, from factoring transactions or discounting
7 transactions; (3) royalty, patent, technical, and
8 copyright fees; (4) licensing fees; and (5) other
9 similar expenses and costs. For purposes of this
10 subparagraph, "intangible property" includes patents,
11 patent applications, trade names, trademarks, service
12 marks, copyrights, mask works, trade secrets, and
13 similar types of intangible assets.

14 This paragraph shall not apply to the following:

15 (i) any item of intangible expenses or costs
16 paid, accrued, or incurred, directly or
17 indirectly, from a transaction with a person who
18 is subject in a foreign country or state, other
19 than a state which requires mandatory unitary
20 reporting, to a tax on or measured by net income
21 with respect to such item; or

22 (ii) any item of intangible expense or cost
23 paid, accrued, or incurred, directly or
24 indirectly, if the taxpayer can establish, based
25 on a preponderance of the evidence, both of the
26 following:

1 (a) the person during the same taxable
2 year paid, accrued, or incurred, the
3 intangible expense or cost to a person that is
4 not a related member, and

5 (b) the transaction giving rise to the
6 intangible expense or cost between the
7 taxpayer and the person did not have as a
8 principal purpose the avoidance of Illinois
9 income tax, and is paid pursuant to a contract
10 or agreement that reflects arm's-length terms;
11 or

12 (iii) any item of intangible expense or cost
13 paid, accrued, or incurred, directly or
14 indirectly, from a transaction with a person if
15 the taxpayer establishes by clear and convincing
16 evidence, that the adjustments are unreasonable;
17 or if the taxpayer and the Director agree in
18 writing to the application or use of an
19 alternative method of apportionment under Section
20 304(f);

21 Nothing in this subsection shall preclude the
22 Director from making any other adjustment
23 otherwise allowed under Section 404 of this Act
24 for any tax year beginning after the effective
25 date of this amendment provided such adjustment is
26 made pursuant to regulation adopted by the

1 Department and such regulations provide methods
2 and standards by which the Department will utilize
3 its authority under Section 404 of this Act;

4 (D-19) For taxable years ending on or after
5 December 31, 2008, an amount equal to the amount of
6 insurance premium expenses and costs otherwise allowed
7 as a deduction in computing base income, and that were
8 paid, accrued, or incurred, directly or indirectly, to
9 a person who would be a member of the same unitary
10 business group but for the fact that the person is
11 prohibited under Section 1501(a)(27) from being
12 included in the unitary business group because he or
13 she is ordinarily required to apportion business
14 income under different subsections of Section 304. The
15 addition modification required by this subparagraph
16 shall be reduced to the extent that dividends were
17 included in base income of the unitary group for the
18 same taxable year and received by the taxpayer or by a
19 member of the taxpayer's unitary business group
20 (including amounts included in gross income under
21 Sections 951 through 964 of the Internal Revenue Code
22 and amounts included in gross income under Section 78
23 of the Internal Revenue Code) with respect to the
24 stock of the same person to whom the premiums and costs
25 were directly or indirectly paid, incurred, or
26 accrued. The preceding sentence does not apply to the

1 extent that the same dividends caused a reduction to
2 the addition modification required under Section
3 203(a)(2)(D-17) or Section 203(a)(2)(D-18) of this
4 Act;~~:-~~

5 (D-20) For taxable years beginning on or after
6 January 1, 2002 and ending on or before December 31,
7 2006, in the case of a distribution from a qualified
8 tuition program under Section 529 of the Internal
9 Revenue Code, other than (i) a distribution from a
10 College Savings Pool created under Section 16.5 of the
11 State Treasurer Act or (ii) a distribution from the
12 Illinois Prepaid Tuition Trust Fund, an amount equal
13 to the amount excluded from gross income under Section
14 529(c)(3)(B). For taxable years beginning on or after
15 January 1, 2007, in the case of a distribution from a
16 qualified tuition program under Section 529 of the
17 Internal Revenue Code, other than (i) a distribution
18 from a College Savings Pool created under Section 16.5
19 of the State Treasurer Act, (ii) a distribution from
20 the Illinois Prepaid Tuition Trust Fund, or (iii) a
21 distribution from a qualified tuition program under
22 Section 529 of the Internal Revenue Code that (I)
23 adopts and determines that its offering materials
24 comply with the College Savings Plans Network's
25 disclosure principles and (II) has made reasonable
26 efforts to inform in-state residents of the existence

1 of in-state qualified tuition programs by informing
2 Illinois residents directly and, where applicable, to
3 inform financial intermediaries distributing the
4 program to inform in-state residents of the existence
5 of in-state qualified tuition programs at least
6 annually, an amount equal to the amount excluded from
7 gross income under Section 529(c)(3)(B).

8 For the purposes of this subparagraph (D-20), a
9 qualified tuition program has made reasonable efforts
10 if it makes disclosures (which may use the term
11 "in-state program" or "in-state plan" and need not
12 specifically refer to Illinois or its qualified
13 programs by name) (i) directly to prospective
14 participants in its offering materials or makes a
15 public disclosure, such as a website posting; and (ii)
16 where applicable, to intermediaries selling the
17 out-of-state program in the same manner that the
18 out-of-state program distributes its offering
19 materials;

20 (D-20.5) For taxable years beginning on or after
21 January 1, 2018, in the case of a distribution from a
22 qualified ABLE program under Section 529A of the
23 Internal Revenue Code, other than a distribution from
24 a qualified ABLE program created under Section 16.6 of
25 the State Treasurer Act, an amount equal to the amount
26 excluded from gross income under Section 529A(c)(1)(B)

1 of the Internal Revenue Code;

2 (D-21) For taxable years beginning on or after
3 January 1, 2007, in the case of transfer of moneys from
4 a qualified tuition program under Section 529 of the
5 Internal Revenue Code that is administered by the
6 State to an out-of-state program, an amount equal to
7 the amount of moneys previously deducted from base
8 income under subsection (a)(2)(Y) of this Section;

9 (D-21.5) For taxable years beginning on or after
10 January 1, 2018, in the case of the transfer of moneys
11 from a qualified tuition program under Section 529 or
12 a qualified ABLE program under Section 529A of the
13 Internal Revenue Code that is administered by this
14 State to an ABLE account established under an
15 out-of-state ABLE account program, an amount equal to
16 the contribution component of the transferred amount
17 that was previously deducted from base income under
18 subsection (a)(2)(Y) or subsection (a)(2)(HH) of this
19 Section;

20 (D-22) For taxable years beginning on or after
21 January 1, 2009, and prior to January 1, 2018, in the
22 case of a nonqualified withdrawal or refund of moneys
23 from a qualified tuition program under Section 529 of
24 the Internal Revenue Code administered by the State
25 that is not used for qualified expenses at an eligible
26 education institution, an amount equal to the

1 contribution component of the nonqualified withdrawal
2 or refund that was previously deducted from base
3 income under subsection (a)(2)(y) of this Section,
4 provided that the withdrawal or refund did not result
5 from the beneficiary's death or disability. For
6 taxable years beginning on or after January 1, 2018:
7 (1) in the case of a nonqualified withdrawal or
8 refund, as defined under Section 16.5 of the State
9 Treasurer Act, of moneys from a qualified tuition
10 program under Section 529 of the Internal Revenue Code
11 administered by the State, an amount equal to the
12 contribution component of the nonqualified withdrawal
13 or refund that was previously deducted from base
14 income under subsection (a)(2)(Y) of this Section, and
15 (2) in the case of a nonqualified withdrawal or refund
16 from a qualified ABLE program under Section 529A of
17 the Internal Revenue Code administered by the State
18 that is not used for qualified disability expenses, an
19 amount equal to the contribution component of the
20 nonqualified withdrawal or refund that was previously
21 deducted from base income under subsection (a)(2)(HH)
22 of this Section;

23 (D-23) An amount equal to the credit allowable to
24 the taxpayer under Section 218(a) of this Act,
25 determined without regard to Section 218(c) of this
26 Act;

1 (D-24) For taxable years ending on or after
2 December 31, 2017, an amount equal to the deduction
3 allowed under Section 199 of the Internal Revenue Code
4 for the taxable year;
5 and by deducting from the total so obtained the sum of the
6 following amounts:

7 (E) For taxable years ending before December 31,
8 2001, any amount included in such total in respect of
9 any compensation (including but not limited to any
10 compensation paid or accrued to a serviceman while a
11 prisoner of war or missing in action) paid to a
12 resident by reason of being on active duty in the Armed
13 Forces of the United States and in respect of any
14 compensation paid or accrued to a resident who as a
15 governmental employee was a prisoner of war or missing
16 in action, and in respect of any compensation paid to a
17 resident in 1971 or thereafter for annual training
18 performed pursuant to Sections 502 and 503, Title 32,
19 United States Code as a member of the Illinois
20 National Guard or, beginning with taxable years ending
21 on or after December 31, 2007, the National Guard of
22 any other state. For taxable years ending on or after
23 December 31, 2001, any amount included in such total
24 in respect of any compensation (including but not
25 limited to any compensation paid or accrued to a
26 serviceman while a prisoner of war or missing in

1 action) paid to a resident by reason of being a member
2 of any component of the Armed Forces of the United
3 States and in respect of any compensation paid or
4 accrued to a resident who as a governmental employee
5 was a prisoner of war or missing in action, and in
6 respect of any compensation paid to a resident in 2001
7 or thereafter by reason of being a member of the
8 Illinois National Guard or, beginning with taxable
9 years ending on or after December 31, 2007, the
10 National Guard of any other state. The provisions of
11 this subparagraph (E) are exempt from the provisions
12 of Section 250;

13 (F) An amount equal to all amounts included in
14 such total pursuant to the provisions of Sections
15 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and
16 408 of the Internal Revenue Code, or included in such
17 total as distributions under the provisions of any
18 retirement or disability plan for employees of any
19 governmental agency or unit, or retirement payments to
20 retired partners, which payments are excluded in
21 computing net earnings from self employment by Section
22 1402 of the Internal Revenue Code and regulations
23 adopted pursuant thereto;

24 (G) The valuation limitation amount;

25 (H) An amount equal to the amount of any tax
26 imposed by this Act which was refunded to the taxpayer

1 and included in such total for the taxable year;

2 (I) An amount equal to all amounts included in
3 such total pursuant to the provisions of Section 111
4 of the Internal Revenue Code as a recovery of items
5 previously deducted from adjusted gross income in the
6 computation of taxable income;

7 (J) An amount equal to those dividends included in
8 such total which were paid by a corporation which
9 conducts business operations in a River Edge
10 Redevelopment Zone or zones created under the River
11 Edge Redevelopment Zone Act, and conducts
12 substantially all of its operations in a River Edge
13 Redevelopment Zone or zones. This subparagraph (J) is
14 exempt from the provisions of Section 250;

15 (K) An amount equal to those dividends included in
16 such total that were paid by a corporation that
17 conducts business operations in a federally designated
18 Foreign Trade Zone or Sub-Zone and that is designated
19 a High Impact Business located in Illinois; provided
20 that dividends eligible for the deduction provided in
21 subparagraph (J) of paragraph (2) of this subsection
22 shall not be eligible for the deduction provided under
23 this subparagraph (K);

24 (L) For taxable years ending after December 31,
25 1983, an amount equal to all social security benefits
26 and railroad retirement benefits included in such

1 total pursuant to Sections 72(r) and 86 of the
2 Internal Revenue Code;

3 (M) With the exception of any amounts subtracted
4 under subparagraph (N), an amount equal to the sum of
5 all amounts disallowed as deductions by (i) Sections
6 171(a)(2)~~7~~ and 265(a)(2) of the Internal Revenue Code,
7 and all amounts of expenses allocable to interest and
8 disallowed as deductions by Section 265(a)(1) of the
9 Internal Revenue Code; and (ii) for taxable years
10 ending on or after August 13, 1999, Sections
11 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
12 Internal Revenue Code, plus, for taxable years ending
13 on or after December 31, 2011, Section 45G(e)(3) of
14 the Internal Revenue Code and, for taxable years
15 ending on or after December 31, 2008, any amount
16 included in gross income under Section 87 of the
17 Internal Revenue Code; the provisions of this
18 subparagraph are exempt from the provisions of Section
19 250;

20 (N) An amount equal to all amounts included in
21 such total which are exempt from taxation by this
22 State either by reason of its statutes or Constitution
23 or by reason of the Constitution, treaties or statutes
24 of the United States; provided that, in the case of any
25 statute of this State that exempts income derived from
26 bonds or other obligations from the tax imposed under

1 this Act, the amount exempted shall be the interest
2 net of bond premium amortization;

3 (O) An amount equal to any contribution made to a
4 job training project established pursuant to the Tax
5 Increment Allocation Redevelopment Act;

6 (P) An amount equal to the amount of the deduction
7 used to compute the federal income tax credit for
8 restoration of substantial amounts held under claim of
9 right for the taxable year pursuant to Section 1341 of
10 the Internal Revenue Code or of any itemized deduction
11 taken from adjusted gross income in the computation of
12 taxable income for restoration of substantial amounts
13 held under claim of right for the taxable year;

14 (Q) An amount equal to any amounts included in
15 such total, received by the taxpayer as an
16 acceleration in the payment of life, endowment or
17 annuity benefits in advance of the time they would
18 otherwise be payable as an indemnity for a terminal
19 illness;

20 (R) An amount equal to the amount of any federal or
21 State bonus paid to veterans of the Persian Gulf War;

22 (S) An amount, to the extent included in adjusted
23 gross income, equal to the amount of a contribution
24 made in the taxable year on behalf of the taxpayer to a
25 medical care savings account established under the
26 Medical Care Savings Account Act or the Medical Care

1 Savings Account Act of 2000 to the extent the
2 contribution is accepted by the account administrator
3 as provided in that Act;

4 (T) An amount, to the extent included in adjusted
5 gross income, equal to the amount of interest earned
6 in the taxable year on a medical care savings account
7 established under the Medical Care Savings Account Act
8 or the Medical Care Savings Account Act of 2000 on
9 behalf of the taxpayer, other than interest added
10 pursuant to item (D-5) of this paragraph (2);

11 (U) For one taxable year beginning on or after
12 January 1, 1994, an amount equal to the total amount of
13 tax imposed and paid under subsections (a) and (b) of
14 Section 201 of this Act on grant amounts received by
15 the taxpayer under the Nursing Home Grant Assistance
16 Act during the taxpayer's taxable years 1992 and 1993;

17 (V) Beginning with tax years ending on or after
18 December 31, 1995 and ending with tax years ending on
19 or before December 31, 2004, an amount equal to the
20 amount paid by a taxpayer who is a self-employed
21 taxpayer, a partner of a partnership, or a shareholder
22 in a Subchapter S corporation for health insurance or
23 long-term care insurance for that taxpayer or that
24 taxpayer's spouse or dependents, to the extent that
25 the amount paid for that health insurance or long-term
26 care insurance may be deducted under Section 213 of

1 the Internal Revenue Code, has not been deducted on
2 the federal income tax return of the taxpayer, and
3 does not exceed the taxable income attributable to
4 that taxpayer's income, self-employment income, or
5 Subchapter S corporation income; except that no
6 deduction shall be allowed under this item (V) if the
7 taxpayer is eligible to participate in any health
8 insurance or long-term care insurance plan of an
9 employer of the taxpayer or the taxpayer's spouse. The
10 amount of the health insurance and long-term care
11 insurance subtracted under this item (V) shall be
12 determined by multiplying total health insurance and
13 long-term care insurance premiums paid by the taxpayer
14 times a number that represents the fractional
15 percentage of eligible medical expenses under Section
16 213 of the Internal Revenue Code of 1986 not actually
17 deducted on the taxpayer's federal income tax return;

18 (W) For taxable years beginning on or after
19 January 1, 1998, all amounts included in the
20 taxpayer's federal gross income in the taxable year
21 from amounts converted from a regular IRA to a Roth
22 IRA. This paragraph is exempt from the provisions of
23 Section 250;

24 (X) For taxable year 1999 and thereafter, an
25 amount equal to the amount of any (i) distributions,
26 to the extent includible in gross income for federal

1 income tax purposes, made to the taxpayer because of
2 his or her status as a victim of persecution for racial
3 or religious reasons by Nazi Germany or any other Axis
4 regime or as an heir of the victim and (ii) items of
5 income, to the extent includible in gross income for
6 federal income tax purposes, attributable to, derived
7 from or in any way related to assets stolen from,
8 hidden from, or otherwise lost to a victim of
9 persecution for racial or religious reasons by Nazi
10 Germany or any other Axis regime immediately prior to,
11 during, and immediately after World War II, including,
12 but not limited to, interest on the proceeds
13 receivable as insurance under policies issued to a
14 victim of persecution for racial or religious reasons
15 by Nazi Germany or any other Axis regime by European
16 insurance companies immediately prior to and during
17 World War II; provided, however, this subtraction from
18 federal adjusted gross income does not apply to assets
19 acquired with such assets or with the proceeds from
20 the sale of such assets; provided, further, this
21 paragraph shall only apply to a taxpayer who was the
22 first recipient of such assets after their recovery
23 and who is a victim of persecution for racial or
24 religious reasons by Nazi Germany or any other Axis
25 regime or as an heir of the victim. The amount of and
26 the eligibility for any public assistance, benefit, or

1 similar entitlement is not affected by the inclusion
2 of items (i) and (ii) of this paragraph in gross income
3 for federal income tax purposes. This paragraph is
4 exempt from the provisions of Section 250;

5 (Y) For taxable years beginning on or after
6 January 1, 2002 and ending on or before December 31,
7 2004, moneys contributed in the taxable year to a
8 College Savings Pool account under Section 16.5 of the
9 State Treasurer Act, except that amounts excluded from
10 gross income under Section 529(c)(3)(C)(i) of the
11 Internal Revenue Code shall not be considered moneys
12 contributed under this subparagraph (Y). For taxable
13 years beginning on or after January 1, 2005, a maximum
14 of \$10,000 contributed in the taxable year to (i) a
15 College Savings Pool account under Section 16.5 of the
16 State Treasurer Act or (ii) the Illinois Prepaid
17 Tuition Trust Fund, except that amounts excluded from
18 gross income under Section 529(c)(3)(C)(i) of the
19 Internal Revenue Code shall not be considered moneys
20 contributed under this subparagraph (Y). For purposes
21 of this subparagraph, contributions made by an
22 employer on behalf of an employee, or matching
23 contributions made by an employee, shall be treated as
24 made by the employee. This subparagraph (Y) is exempt
25 from the provisions of Section 250;

26 (Z) For taxable years 2001 and thereafter, for the

1 taxable year in which the bonus depreciation deduction
2 is taken on the taxpayer's federal income tax return
3 under subsection (k) of Section 168 of the Internal
4 Revenue Code and for each applicable taxable year
5 thereafter, an amount equal to "x", where:

6 (1) "y" equals the amount of the depreciation
7 deduction taken for the taxable year on the
8 taxpayer's federal income tax return on property
9 for which the bonus depreciation deduction was
10 taken in any year under subsection (k) of Section
11 168 of the Internal Revenue Code, but not
12 including the bonus depreciation deduction;

13 (2) for taxable years ending on or before
14 December 31, 2005, "x" equals "y" multiplied by 30
15 and then divided by 70 (or "y" multiplied by
16 0.429); and

17 (3) for taxable years ending after December
18 31, 2005:

19 (i) for property on which a bonus
20 depreciation deduction of 30% of the adjusted
21 basis was taken, "x" equals "y" multiplied by
22 30 and then divided by 70 (or "y" multiplied
23 by 0.429); ~~and~~

24 (ii) for property on which a bonus
25 depreciation deduction of 50% of the adjusted
26 basis was taken, "x" equals "y" multiplied by

1.0; -

(iii) for property on which a bonus depreciation deduction of 100% of the adjusted basis was taken in a taxable year ending on or after December 31, 2021, "x" equals the depreciation deduction that would be allowed on that property if the taxpayer had made the election under Section 168(k)(7) of the Internal Revenue Code to not claim bonus depreciation on that property; and

(iv) for property on which a bonus depreciation deduction of a percentage other than 30%, 50% or 100% of the adjusted basis was taken in a taxable year ending on or after December 31, 2021, "x" equals "y" multiplied by 100 times the percentage bonus depreciation on the property (that is, $100(\text{bonus}\%)$) and then divided by 100 times 1 minus the percentage bonus depreciation on the property (that is, $100(1-\text{bonus}\%)$).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This

1 subparagraph (Z) is exempt from the provisions of
2 Section 250;

3 (AA) If the taxpayer sells, transfers, abandons,
4 or otherwise disposes of property for which the
5 taxpayer was required in any taxable year to make an
6 addition modification under subparagraph (D-15), then
7 an amount equal to that addition modification.

8 If the taxpayer continues to own property through
9 the last day of the last tax year for which a
10 subtraction is allowed with respect to that property
11 under subparagraph (Z) ~~the taxpayer may claim a~~
12 ~~depreciation deduction for federal income tax purposes~~
13 and for which the taxpayer was required in any taxable
14 year to make an addition modification under
15 subparagraph (D-15), then an amount equal to that
16 addition modification.

17 The taxpayer is allowed to take the deduction
18 under this subparagraph only once with respect to any
19 one piece of property.

20 This subparagraph (AA) is exempt from the
21 provisions of Section 250;

22 (BB) Any amount included in adjusted gross income,
23 other than salary, received by a driver in a
24 ridesharing arrangement using a motor vehicle;

25 (CC) The amount of (i) any interest income (net of
26 the deductions allocable thereto) taken into account

1 for the taxable year with respect to a transaction
2 with a taxpayer that is required to make an addition
3 modification with respect to such transaction under
4 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
5 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
6 the amount of that addition modification, and (ii) any
7 income from intangible property (net of the deductions
8 allocable thereto) taken into account for the taxable
9 year with respect to a transaction with a taxpayer
10 that is required to make an addition modification with
11 respect to such transaction under Section
12 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
13 203(d)(2)(D-8), but not to exceed the amount of that
14 addition modification. This subparagraph (CC) is
15 exempt from the provisions of Section 250;

16 (DD) An amount equal to the interest income taken
17 into account for the taxable year (net of the
18 deductions allocable thereto) with respect to
19 transactions with (i) a foreign person who would be a
20 member of the taxpayer's unitary business group but
21 for the fact that the foreign person's business
22 activity outside the United States is 80% or more of
23 that person's total business activity and (ii) for
24 taxable years ending on or after December 31, 2008, to
25 a person who would be a member of the same unitary
26 business group but for the fact that the person is

1 prohibited under Section 1501(a)(27) from being
2 included in the unitary business group because he or
3 she is ordinarily required to apportion business
4 income under different subsections of Section 304, but
5 not to exceed the addition modification required to be
6 made for the same taxable year under Section
7 203(a)(2)(D-17) for interest paid, accrued, or
8 incurred, directly or indirectly, to the same person.
9 This subparagraph (DD) is exempt from the provisions
10 of Section 250;

11 (EE) An amount equal to the income from intangible
12 property taken into account for the taxable year (net
13 of the deductions allocable thereto) with respect to
14 transactions with (i) a foreign person who would be a
15 member of the taxpayer's unitary business group but
16 for the fact that the foreign person's business
17 activity outside the United States is 80% or more of
18 that person's total business activity and (ii) for
19 taxable years ending on or after December 31, 2008, to
20 a person who would be a member of the same unitary
21 business group but for the fact that the person is
22 prohibited under Section 1501(a)(27) from being
23 included in the unitary business group because he or
24 she is ordinarily required to apportion business
25 income under different subsections of Section 304, but
26 not to exceed the addition modification required to be

1 made for the same taxable year under Section
2 203(a)(2)(D-18) for intangible expenses and costs
3 paid, accrued, or incurred, directly or indirectly, to
4 the same foreign person. This subparagraph (EE) is
5 exempt from the provisions of Section 250;

6 (FE) An amount equal to any amount awarded to the
7 taxpayer during the taxable year by the Court of
8 Claims under subsection (c) of Section 8 of the Court
9 of Claims Act for time unjustly served in a State
10 prison. This subparagraph (FE) is exempt from the
11 provisions of Section 250;

12 (GG) For taxable years ending on or after December
13 31, 2011, in the case of a taxpayer who was required to
14 add back any insurance premiums under Section
15 203(a)(2)(D-19), such taxpayer may elect to subtract
16 that part of a reimbursement received from the
17 insurance company equal to the amount of the expense
18 or loss (including expenses incurred by the insurance
19 company) that would have been taken into account as a
20 deduction for federal income tax purposes if the
21 expense or loss had been uninsured. If a taxpayer
22 makes the election provided for by this subparagraph
23 (GG), the insurer to which the premiums were paid must
24 add back to income the amount subtracted by the
25 taxpayer pursuant to this subparagraph (GG). This
26 subparagraph (GG) is exempt from the provisions of

1 Section 250; and

2 (HH) For taxable years beginning on or after
3 January 1, 2018 and prior to January 1, 2023, a maximum
4 of \$10,000 contributed in the taxable year to a
5 qualified ABLE account under Section 16.6 of the State
6 Treasurer Act, except that amounts excluded from gross
7 income under Section 529(c)(3)(C)(i) or Section
8 529A(c)(1)(C) of the Internal Revenue Code shall not
9 be considered moneys contributed under this
10 subparagraph (HH). For purposes of this subparagraph
11 (HH), contributions made by an employer on behalf of
12 an employee, or matching contributions made by an
13 employee, shall be treated as made by the employee.

14 (b) Corporations.

15 (1) In general. In the case of a corporation, base
16 income means an amount equal to the taxpayer's taxable
17 income for the taxable year as modified by paragraph (2).

18 (2) Modifications. The taxable income referred to in
19 paragraph (1) shall be modified by adding thereto the sum
20 of the following amounts:

21 (A) An amount equal to all amounts paid or accrued
22 to the taxpayer as interest and all distributions
23 received from regulated investment companies during
24 the taxable year to the extent excluded from gross
25 income in the computation of taxable income;

1 (B) An amount equal to the amount of tax imposed by
2 this Act to the extent deducted from gross income in
3 the computation of taxable income for the taxable
4 year;

5 (C) In the case of a regulated investment company,
6 an amount equal to the excess of (i) the net long-term
7 capital gain for the taxable year, over (ii) the
8 amount of the capital gain dividends designated as
9 such in accordance with Section 852(b)(3)(C) of the
10 Internal Revenue Code and any amount designated under
11 Section 852(b)(3)(D) of the Internal Revenue Code,
12 attributable to the taxable year (this amendatory Act
13 of 1995 (Public Act 89-89) is declarative of existing
14 law and is not a new enactment);

15 (D) The amount of any net operating loss deduction
16 taken in arriving at taxable income, other than a net
17 operating loss carried forward from a taxable year
18 ending prior to December 31, 1986;

19 (E) For taxable years in which a net operating
20 loss carryback or carryforward from a taxable year
21 ending prior to December 31, 1986 is an element of
22 taxable income under paragraph (1) of subsection (e)
23 or subparagraph (E) of paragraph (2) of subsection
24 (e), the amount by which addition modifications other
25 than those provided by this subparagraph (E) exceeded
26 subtraction modifications in such earlier taxable

1 year, with the following limitations applied in the
2 order that they are listed:

3 (i) the addition modification relating to the
4 net operating loss carried back or forward to the
5 taxable year from any taxable year ending prior to
6 December 31, 1986 shall be reduced by the amount
7 of addition modification under this subparagraph
8 (E) which related to that net operating loss and
9 which was taken into account in calculating the
10 base income of an earlier taxable year, and

11 (ii) the addition modification relating to the
12 net operating loss carried back or forward to the
13 taxable year from any taxable year ending prior to
14 December 31, 1986 shall not exceed the amount of
15 such carryback or carryforward;

16 For taxable years in which there is a net
17 operating loss carryback or carryforward from more
18 than one other taxable year ending prior to December
19 31, 1986, the addition modification provided in this
20 subparagraph (E) shall be the sum of the amounts
21 computed independently under the preceding provisions
22 of this subparagraph (E) for each such taxable year;

23 (E-5) For taxable years ending after December 31,
24 1997, an amount equal to any eligible remediation
25 costs that the corporation deducted in computing
26 adjusted gross income and for which the corporation

1 claims a credit under subsection (l) of Section 201;

2 (E-10) For taxable years 2001 and thereafter, an
3 amount equal to the bonus depreciation deduction taken
4 on the taxpayer's federal income tax return for the
5 taxable year under subsection (k) of Section 168 of
6 the Internal Revenue Code;

7 (E-11) If the taxpayer sells, transfers, abandons,
8 or otherwise disposes of property for which the
9 taxpayer was required in any taxable year to make an
10 addition modification under subparagraph (E-10), then
11 an amount equal to the aggregate amount of the
12 deductions taken in all taxable years under
13 subparagraph (T) with respect to that property.

14 If the taxpayer continues to own property through
15 the last day of the last tax year for which a
16 subtraction is allowed with respect to that property
17 under subparagraph (T) ~~which the taxpayer may claim a~~
18 ~~depreciation deduction for federal income tax purposes~~
19 and for which the taxpayer was allowed in any taxable
20 year to make a subtraction modification under
21 subparagraph (T), then an amount equal to that
22 subtraction modification.

23 The taxpayer is required to make the addition
24 modification under this subparagraph only once with
25 respect to any one piece of property;

26 (E-12) An amount equal to the amount otherwise

1 allowed as a deduction in computing base income for
2 interest paid, accrued, or incurred, directly or
3 indirectly, (i) for taxable years ending on or after
4 December 31, 2004, to a foreign person who would be a
5 member of the same unitary business group but for the
6 fact the foreign person's business activity outside
7 the United States is 80% or more of the foreign
8 person's total business activity and (ii) for taxable
9 years ending on or after December 31, 2008, to a person
10 who would be a member of the same unitary business
11 group but for the fact that the person is prohibited
12 under Section 1501(a)(27) from being included in the
13 unitary business group because he or she is ordinarily
14 required to apportion business income under different
15 subsections of Section 304. The addition modification
16 required by this subparagraph shall be reduced to the
17 extent that dividends were included in base income of
18 the unitary group for the same taxable year and
19 received by the taxpayer or by a member of the
20 taxpayer's unitary business group (including amounts
21 included in gross income pursuant to Sections 951
22 through 964 of the Internal Revenue Code and amounts
23 included in gross income under Section 78 of the
24 Internal Revenue Code) with respect to the stock of
25 the same person to whom the interest was paid,
26 accrued, or incurred.

1 This paragraph shall not apply to the following:

2 (i) an item of interest paid, accrued, or
3 incurred, directly or indirectly, to a person who
4 is subject in a foreign country or state, other
5 than a state which requires mandatory unitary
6 reporting, to a tax on or measured by net income
7 with respect to such interest; or

8 (ii) an item of interest paid, accrued, or
9 incurred, directly or indirectly, to a person if
10 the taxpayer can establish, based on a
11 preponderance of the evidence, both of the
12 following:

13 (a) the person, during the same taxable
14 year, paid, accrued, or incurred, the interest
15 to a person that is not a related member, and

16 (b) the transaction giving rise to the
17 interest expense between the taxpayer and the
18 person did not have as a principal purpose the
19 avoidance of Illinois income tax, and is paid
20 pursuant to a contract or agreement that
21 reflects an arm's-length interest rate and
22 terms; or

23 (iii) the taxpayer can establish, based on
24 clear and convincing evidence, that the interest
25 paid, accrued, or incurred relates to a contract
26 or agreement entered into at arm's-length rates

1 and terms and the principal purpose for the
2 payment is not federal or Illinois tax avoidance;
3 or

4 (iv) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a person if
6 the taxpayer establishes by clear and convincing
7 evidence that the adjustments are unreasonable; or
8 if the taxpayer and the Director agree in writing
9 to the application or use of an alternative method
10 of apportionment under Section 304(f).

11 Nothing in this subsection shall preclude the
12 Director from making any other adjustment
13 otherwise allowed under Section 404 of this Act
14 for any tax year beginning after the effective
15 date of this amendment provided such adjustment is
16 made pursuant to regulation adopted by the
17 Department and such regulations provide methods
18 and standards by which the Department will utilize
19 its authority under Section 404 of this Act;

20 (E-13) An amount equal to the amount of intangible
21 expenses and costs otherwise allowed as a deduction in
22 computing base income, and that were paid, accrued, or
23 incurred, directly or indirectly, (i) for taxable
24 years ending on or after December 31, 2004, to a
25 foreign person who would be a member of the same
26 unitary business group but for the fact that the

foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses,

1 losses, and costs for, or related to, the direct or
2 indirect acquisition, use, maintenance or management,
3 ownership, sale, exchange, or any other disposition of
4 intangible property; (2) losses incurred, directly or
5 indirectly, from factoring transactions or discounting
6 transactions; (3) royalty, patent, technical, and
7 copyright fees; (4) licensing fees; and (5) other
8 similar expenses and costs. For purposes of this
9 subparagraph, "intangible property" includes patents,
10 patent applications, trade names, trademarks, service
11 marks, copyrights, mask works, trade secrets, and
12 similar types of intangible assets.

13 This paragraph shall not apply to the following:

14 (i) any item of intangible expenses or costs
15 paid, accrued, or incurred, directly or
16 indirectly, from a transaction with a person who
17 is subject in a foreign country or state, other
18 than a state which requires mandatory unitary
19 reporting, to a tax on or measured by net income
20 with respect to such item; or

21 (ii) any item of intangible expense or cost
22 paid, accrued, or incurred, directly or
23 indirectly, if the taxpayer can establish, based
24 on a preponderance of the evidence, both of the
25 following:

26 (a) the person during the same taxable

1 year paid, accrued, or incurred, the
2 intangible expense or cost to a person that is
3 not a related member, and

4 (b) the transaction giving rise to the
5 intangible expense or cost between the
6 taxpayer and the person did not have as a
7 principal purpose the avoidance of Illinois
8 income tax, and is paid pursuant to a contract
9 or agreement that reflects arm's-length terms;
10 or

11 (iii) any item of intangible expense or cost
12 paid, accrued, or incurred, directly or
13 indirectly, from a transaction with a person if
14 the taxpayer establishes by clear and convincing
15 evidence, that the adjustments are unreasonable;
16 or if the taxpayer and the Director agree in
17 writing to the application or use of an
18 alternative method of apportionment under Section
19 304(f);

20 Nothing in this subsection shall preclude the
21 Director from making any other adjustment
22 otherwise allowed under Section 404 of this Act
23 for any tax year beginning after the effective
24 date of this amendment provided such adjustment is
25 made pursuant to regulation adopted by the
26 Department and such regulations provide methods

1 and standards by which the Department will utilize
2 its authority under Section 404 of this Act;

3 (E-14) For taxable years ending on or after
4 December 31, 2008, an amount equal to the amount of
5 insurance premium expenses and costs otherwise allowed
6 as a deduction in computing base income, and that were
7 paid, accrued, or incurred, directly or indirectly, to
8 a person who would be a member of the same unitary
9 business group but for the fact that the person is
10 prohibited under Section 1501(a)(27) from being
11 included in the unitary business group because he or
12 she is ordinarily required to apportion business
13 income under different subsections of Section 304. The
14 addition modification required by this subparagraph
15 shall be reduced to the extent that dividends were
16 included in base income of the unitary group for the
17 same taxable year and received by the taxpayer or by a
18 member of the taxpayer's unitary business group
19 (including amounts included in gross income under
20 Sections 951 through 964 of the Internal Revenue Code
21 and amounts included in gross income under Section 78
22 of the Internal Revenue Code) with respect to the
23 stock of the same person to whom the premiums and costs
24 were directly or indirectly paid, incurred, or
25 accrued. The preceding sentence does not apply to the
26 extent that the same dividends caused a reduction to

1 the addition modification required under Section
2 203(b)(2)(E-12) or Section 203(b)(2)(E-13) of this
3 Act;

4 (E-15) For taxable years beginning after December
5 31, 2008, any deduction for dividends paid by a
6 captive real estate investment trust that is allowed
7 to a real estate investment trust under Section
8 857(b)(2)(B) of the Internal Revenue Code for
9 dividends paid;

10 (E-16) An amount equal to the credit allowable to
11 the taxpayer under Section 218(a) of this Act,
12 determined without regard to Section 218(c) of this
13 Act;

14 (E-17) For taxable years ending on or after
15 December 31, 2017, an amount equal to the deduction
16 allowed under Section 199 of the Internal Revenue Code
17 for the taxable year;

18 (E-18) for taxable years beginning after December
19 31, 2018, an amount equal to the deduction allowed
20 under Section 250(a)(1)(A) of the Internal Revenue
21 Code for the taxable year; ~~+~~

22 (E-19) for taxable years ending on or after June
23 30, 2021, an amount equal to the deduction allowed
24 under Section 250(a)(1)(B)(i) of the Internal Revenue
25 Code for the taxable year;

26 (E-20) for taxable years ending on or after June

1 30, 2021, an amount equal to the deduction allowed
2 under Sections 243(e) and 245A(a) of the Internal
3 Revenue Code for the taxable year.

4 and by deducting from the total so obtained the sum of the
5 following amounts:

6 (F) An amount equal to the amount of any tax
7 imposed by this Act which was refunded to the taxpayer
8 and included in such total for the taxable year;

9 (G) An amount equal to any amount included in such
10 total under Section 78 of the Internal Revenue Code;

11 (H) In the case of a regulated investment company,
12 an amount equal to the amount of exempt interest
13 dividends as defined in subsection (b)(5) of Section
14 852 of the Internal Revenue Code, paid to shareholders
15 for the taxable year;

16 (I) With the exception of any amounts subtracted
17 under subparagraph (J), an amount equal to the sum of
18 all amounts disallowed as deductions by (i) Sections
19 171(a)(2), ~~7~~ and 265(a)(2) and amounts disallowed as
20 interest expense by Section 291(a)(3) of the Internal
21 Revenue Code, and all amounts of expenses allocable to
22 interest and disallowed as deductions by Section
23 265(a)(1) of the Internal Revenue Code; and (ii) for
24 taxable years ending on or after August 13, 1999,
25 Sections 171(a)(2), 265, 280C, 291(a)(3), and
26 832(b)(5)(B)(i) of the Internal Revenue Code, plus,

1 for tax years ending on or after December 31, 2011,
2 amounts disallowed as deductions by Section 45G(e)(3)
3 of the Internal Revenue Code and, for taxable years
4 ending on or after December 31, 2008, any amount
5 included in gross income under Section 87 of the
6 Internal Revenue Code and the policyholders' share of
7 tax-exempt interest of a life insurance company under
8 Section 807(a)(2)(B) of the Internal Revenue Code (in
9 the case of a life insurance company with gross income
10 from a decrease in reserves for the tax year) or
11 Section 807(b)(1)(B) of the Internal Revenue Code (in
12 the case of a life insurance company allowed a
13 deduction for an increase in reserves for the tax
14 year); the provisions of this subparagraph are exempt
15 from the provisions of Section 250;

16 (J) An amount equal to all amounts included in
17 such total which are exempt from taxation by this
18 State either by reason of its statutes or Constitution
19 or by reason of the Constitution, treaties or statutes
20 of the United States; provided that, in the case of any
21 statute of this State that exempts income derived from
22 bonds or other obligations from the tax imposed under
23 this Act, the amount exempted shall be the interest
24 net of bond premium amortization;

25 (K) An amount equal to those dividends included in
26 such total which were paid by a corporation which

1 conducts business operations in a River Edge
2 Redevelopment Zone or zones created under the River
3 Edge Redevelopment Zone Act and conducts substantially
4 all of its operations in a River Edge Redevelopment
5 Zone or zones. This subparagraph (K) is exempt from
6 the provisions of Section 250;

7 (L) An amount equal to those dividends included in
8 such total that were paid by a corporation that
9 conducts business operations in a federally designated
10 Foreign Trade Zone or Sub-Zone and that is designated
11 a High Impact Business located in Illinois; provided
12 that dividends eligible for the deduction provided in
13 subparagraph (K) of paragraph 2 of this subsection
14 shall not be eligible for the deduction provided under
15 this subparagraph (L);

16 (M) For any taxpayer that is a financial
17 organization within the meaning of Section 304(c) of
18 this Act, an amount included in such total as interest
19 income from a loan or loans made by such taxpayer to a
20 borrower, to the extent that such a loan is secured by
21 property which is eligible for the River Edge
22 Redevelopment Zone Investment Credit. To determine the
23 portion of a loan or loans that is secured by property
24 eligible for a Section 201(f) investment credit to the
25 borrower, the entire principal amount of the loan or
26 loans between the taxpayer and the borrower should be

1 divided into the basis of the Section 201(f)
2 investment credit property which secures the loan or
3 loans, using for this purpose the original basis of
4 such property on the date that it was placed in service
5 in the River Edge Redevelopment Zone. The subtraction
6 modification available to the taxpayer in any year
7 under this subsection shall be that portion of the
8 total interest paid by the borrower with respect to
9 such loan attributable to the eligible property as
10 calculated under the previous sentence. This
11 subparagraph (M) is exempt from the provisions of
12 Section 250;

13 (M-1) For any taxpayer that is a financial
14 organization within the meaning of Section 304(c) of
15 this Act, an amount included in such total as interest
16 income from a loan or loans made by such taxpayer to a
17 borrower, to the extent that such a loan is secured by
18 property which is eligible for the High Impact
19 Business Investment Credit. To determine the portion
20 of a loan or loans that is secured by property eligible
21 for a Section 201(h) investment credit to the
22 borrower, the entire principal amount of the loan or
23 loans between the taxpayer and the borrower should be
24 divided into the basis of the Section 201(h)
25 investment credit property which secures the loan or
26 loans, using for this purpose the original basis of

1 such property on the date that it was placed in service
2 in a federally designated Foreign Trade Zone or
3 Sub-Zone located in Illinois. No taxpayer that is
4 eligible for the deduction provided in subparagraph
5 (M) of paragraph (2) of this subsection shall be
6 eligible for the deduction provided under this
7 subparagraph (M-1). The subtraction modification
8 available to taxpayers in any year under this
9 subsection shall be that portion of the total interest
10 paid by the borrower with respect to such loan
11 attributable to the eligible property as calculated
12 under the previous sentence;

13 (N) Two times any contribution made during the
14 taxable year to a designated zone organization to the
15 extent that the contribution (i) qualifies as a
16 charitable contribution under subsection (c) of
17 Section 170 of the Internal Revenue Code and (ii)
18 must, by its terms, be used for a project approved by
19 the Department of Commerce and Economic Opportunity
20 under Section 11 of the Illinois Enterprise Zone Act
21 or under Section 10-10 of the River Edge Redevelopment
22 Zone Act. This subparagraph (N) is exempt from the
23 provisions of Section 250;

24 (O) An amount equal to: (i) 85% for taxable years
25 ending on or before December 31, 1992, or, a
26 percentage equal to the percentage allowable under

1 Section 243(a)(1) of the Internal Revenue Code of 1986
2 for taxable years ending after December 31, 1992, of
3 the amount by which dividends included in taxable
4 income and received from a corporation that is not
5 created or organized under the laws of the United
6 States or any state or political subdivision thereof,
7 including, for taxable years ending on or after
8 December 31, 1988, dividends received or deemed
9 received or paid or deemed paid under Sections 951
10 through 965 of the Internal Revenue Code, exceed the
11 amount of the modification provided under subparagraph
12 (G) of paragraph (2) of this subsection (b) which is
13 related to such dividends, and including, for taxable
14 years ending on or after December 31, 2008, dividends
15 received from a captive real estate investment trust;
16 plus (ii) 100% of the amount by which dividends,
17 included in taxable income and received, including,
18 for taxable years ending on or after December 31,
19 1988, dividends received or deemed received or paid or
20 deemed paid under Sections 951 through 964 of the
21 Internal Revenue Code and including, for taxable years
22 ending on or after December 31, 2008, dividends
23 received from a captive real estate investment trust,
24 from any such corporation specified in clause (i) that
25 would but for the provisions of Section 1504(b)(3) of
26 the Internal Revenue Code be treated as a member of the

1 affiliated group which includes the dividend
2 recipient, exceed the amount of the modification
3 provided under subparagraph (G) of paragraph (2) of
4 this subsection (b) which is related to such
5 dividends. For taxable years ending on or after June
6 30, 2021, (i) for purposes of this subparagraph, the
7 term "dividend" does not include any amount treated as
8 a dividend under Section 1248 of the Internal Revenue
9 Code, and (ii) this subparagraph shall not apply to
10 dividends for which a deduction is allowed under
11 Section 245(a) of the Internal Revenue Code. This
12 subparagraph (O) is exempt from the provisions of
13 Section 250 of this Act;

14 (P) An amount equal to any contribution made to a
15 job training project established pursuant to the Tax
16 Increment Allocation Redevelopment Act;

17 (Q) An amount equal to the amount of the deduction
18 used to compute the federal income tax credit for
19 restoration of substantial amounts held under claim of
20 right for the taxable year pursuant to Section 1341 of
21 the Internal Revenue Code;

22 (R) On and after July 20, 1999, in the case of an
23 attorney-in-fact with respect to whom an interinsurer
24 or a reciprocal insurer has made the election under
25 Section 835 of the Internal Revenue Code, 26 U.S.C.
26 835, an amount equal to the excess, if any, of the

1 amounts paid or incurred by that interinsurer or
2 reciprocal insurer in the taxable year to the
3 attorney-in-fact over the deduction allowed to that
4 interinsurer or reciprocal insurer with respect to the
5 attorney-in-fact under Section 835(b) of the Internal
6 Revenue Code for the taxable year; the provisions of
7 this subparagraph are exempt from the provisions of
8 Section 250;

9 (S) For taxable years ending on or after December
10 31, 1997, in the case of a Subchapter S corporation, an
11 amount equal to all amounts of income allocable to a
12 shareholder subject to the Personal Property Tax
13 Replacement Income Tax imposed by subsections (c) and
14 (d) of Section 201 of this Act, including amounts
15 allocable to organizations exempt from federal income
16 tax by reason of Section 501(a) of the Internal
17 Revenue Code. This subparagraph (S) is exempt from the
18 provisions of Section 250;

19 (T) For taxable years 2001 and thereafter, for the
20 taxable year in which the bonus depreciation deduction
21 is taken on the taxpayer's federal income tax return
22 under subsection (k) of Section 168 of the Internal
23 Revenue Code and for each applicable taxable year
24 thereafter, an amount equal to "x", where:

25 (1) "y" equals the amount of the depreciation
26 deduction taken for the taxable year on the

1 taxpayer's federal income tax return on property
2 for which the bonus depreciation deduction was
3 taken in any year under subsection (k) of Section
4 168 of the Internal Revenue Code, but not
5 including the bonus depreciation deduction;

6 (2) for taxable years ending on or before
7 December 31, 2005, "x" equals "y" multiplied by 30
8 and then divided by 70 (or "y" multiplied by
9 0.429); and

10 (3) for taxable years ending after December
11 31, 2005:

12 (i) for property on which a bonus
13 depreciation deduction of 30% of the adjusted
14 basis was taken, "x" equals "y" multiplied by
15 30 and then divided by 70 (or "y" multiplied
16 by 0.429); ~~and~~

17 (ii) for property on which a bonus
18 depreciation deduction of 50% of the adjusted
19 basis was taken, "x" equals "y" multiplied by
20 1.0; ~~and~~

21 (iii) for property on which a bonus
22 depreciation deduction of 100% of the adjusted
23 basis was taken in a taxable year ending on or
24 after December 31, 2021, "x" equals the
25 depreciation deduction that would be allowed
26 on that property if the taxpayer had made the

election under Section 168(k)(7) of the Internal Revenue Code to not claim bonus depreciation on that property; and

(iv) for property on which a bonus depreciation deduction of a percentage other than 30%, 50% or 100% of the adjusted basis was taken in a taxable year ending on or after December 31, 2021, "x" equals "y" multiplied by 100 times the percentage bonus depreciation on the property (that is, $100(\text{bonus}\%)$) and then divided by 100 times 1 minus the percentage bonus depreciation on the property (that is, $100(1-\text{bonus}\%)$).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (T) is exempt from the provisions of Section 250;

(U) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

1 If the taxpayer continues to own property through
2 the last day of the last tax year for which a
3 subtraction is allowed with respect to that property
4 under subparagraph (T) ~~the taxpayer may claim a~~
5 ~~depreciation deduction for federal income tax purposes~~
6 and for which the taxpayer was required in any taxable
7 year to make an addition modification under
8 subparagraph (E-10), then an amount equal to that
9 addition modification.

10 The taxpayer is allowed to take the deduction
11 under this subparagraph only once with respect to any
12 one piece of property.

13 This subparagraph (U) is exempt from the
14 provisions of Section 250;

15 (V) The amount of: (i) any interest income (net of
16 the deductions allocable thereto) taken into account
17 for the taxable year with respect to a transaction
18 with a taxpayer that is required to make an addition
19 modification with respect to such transaction under
20 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
21 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
22 the amount of such addition modification, (ii) any
23 income from intangible property (net of the deductions
24 allocable thereto) taken into account for the taxable
25 year with respect to a transaction with a taxpayer
26 that is required to make an addition modification with

1 respect to such transaction under Section
2 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
3 203(d)(2)(D-8), but not to exceed the amount of such
4 addition modification, and (iii) any insurance premium
5 income (net of deductions allocable thereto) taken
6 into account for the taxable year with respect to a
7 transaction with a taxpayer that is required to make
8 an addition modification with respect to such
9 transaction under Section 203(a)(2)(D-19), Section
10 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
11 203(d)(2)(D-9), but not to exceed the amount of that
12 addition modification. This subparagraph (V) is exempt
13 from the provisions of Section 250;

14 (W) An amount equal to the interest income taken
15 into account for the taxable year (net of the
16 deductions allocable thereto) with respect to
17 transactions with (i) a foreign person who would be a
18 member of the taxpayer's unitary business group but
19 for the fact that the foreign person's business
20 activity outside the United States is 80% or more of
21 that person's total business activity and (ii) for
22 taxable years ending on or after December 31, 2008, to
23 a person who would be a member of the same unitary
24 business group but for the fact that the person is
25 prohibited under Section 1501(a)(27) from being
26 included in the unitary business group because he or

1 she is ordinarily required to apportion business
2 income under different subsections of Section 304, but
3 not to exceed the addition modification required to be
4 made for the same taxable year under Section
5 203(b)(2)(E-12) for interest paid, accrued, or
6 incurred, directly or indirectly, to the same person.
7 This subparagraph (W) is exempt from the provisions of
8 Section 250;

9 (X) An amount equal to the income from intangible
10 property taken into account for the taxable year (net
11 of the deductions allocable thereto) with respect to
12 transactions with (i) a foreign person who would be a
13 member of the taxpayer's unitary business group but
14 for the fact that the foreign person's business
15 activity outside the United States is 80% or more of
16 that person's total business activity and (ii) for
17 taxable years ending on or after December 31, 2008, to
18 a person who would be a member of the same unitary
19 business group but for the fact that the person is
20 prohibited under Section 1501(a)(27) from being
21 included in the unitary business group because he or
22 she is ordinarily required to apportion business
23 income under different subsections of Section 304, but
24 not to exceed the addition modification required to be
25 made for the same taxable year under Section
26 203(b)(2)(E-13) for intangible expenses and costs

1 paid, accrued, or incurred, directly or indirectly, to
2 the same foreign person. This subparagraph (X) is
3 exempt from the provisions of Section 250;

4 (Y) For taxable years ending on or after December
5 31, 2011, in the case of a taxpayer who was required to
6 add back any insurance premiums under Section
7 203(b)(2)(E-14), such taxpayer may elect to subtract
8 that part of a reimbursement received from the
9 insurance company equal to the amount of the expense
10 or loss (including expenses incurred by the insurance
11 company) that would have been taken into account as a
12 deduction for federal income tax purposes if the
13 expense or loss had been uninsured. If a taxpayer
14 makes the election provided for by this subparagraph
15 (Y), the insurer to which the premiums were paid must
16 add back to income the amount subtracted by the
17 taxpayer pursuant to this subparagraph (Y). This
18 subparagraph (Y) is exempt from the provisions of
19 Section 250; and

20 (Z) The difference between the nondeductible
21 controlled foreign corporation dividends under Section
22 965(e)(3) of the Internal Revenue Code over the
23 taxable income of the taxpayer, computed without
24 regard to Section 965(e)(2)(A) of the Internal Revenue
25 Code, and without regard to any net operating loss
26 deduction. This subparagraph (Z) is exempt from the

1 provisions of Section 250.

2 (3) Special rule. For purposes of paragraph (2)(A),
3 "gross income" in the case of a life insurance company,
4 for tax years ending on and after December 31, 1994, and
5 prior to December 31, 2011, shall mean the gross
6 investment income for the taxable year and, for tax years
7 ending on or after December 31, 2011, shall mean all
8 amounts included in life insurance gross income under
9 Section 803(a)(3) of the Internal Revenue Code.

10 (c) Trusts and estates.

11 (1) In general. In the case of a trust or estate, base
12 income means an amount equal to the taxpayer's taxable
13 income for the taxable year as modified by paragraph (2).

14 (2) Modifications. Subject to the provisions of
15 paragraph (3), the taxable income referred to in paragraph
16 (1) shall be modified by adding thereto the sum of the
17 following amounts:

18 (A) An amount equal to all amounts paid or accrued
19 to the taxpayer as interest or dividends during the
20 taxable year to the extent excluded from gross income
21 in the computation of taxable income;

22 (B) In the case of (i) an estate, \$600; (ii) a
23 trust which, under its governing instrument, is
24 required to distribute all of its income currently,
25 \$300; and (iii) any other trust, \$100, but in each such

1 case, only to the extent such amount was deducted in
2 the computation of taxable income;

3 (C) An amount equal to the amount of tax imposed by
4 this Act to the extent deducted from gross income in
5 the computation of taxable income for the taxable
6 year;

7 (D) The amount of any net operating loss deduction
8 taken in arriving at taxable income, other than a net
9 operating loss carried forward from a taxable year
10 ending prior to December 31, 1986;

11 (E) For taxable years in which a net operating
12 loss carryback or carryforward from a taxable year
13 ending prior to December 31, 1986 is an element of
14 taxable income under paragraph (1) of subsection (e)
15 or subparagraph (E) of paragraph (2) of subsection
16 (e), the amount by which addition modifications other
17 than those provided by this subparagraph (E) exceeded
18 subtraction modifications in such taxable year, with
19 the following limitations applied in the order that
20 they are listed:

21 (i) the addition modification relating to the
22 net operating loss carried back or forward to the
23 taxable year from any taxable year ending prior to
24 December 31, 1986 shall be reduced by the amount
25 of addition modification under this subparagraph
26 (E) which related to that net operating loss and

1 which was taken into account in calculating the
2 base income of an earlier taxable year, and

3 (ii) the addition modification relating to the
4 net operating loss carried back or forward to the
5 taxable year from any taxable year ending prior to
6 December 31, 1986 shall not exceed the amount of
7 such carryback or carryforward;

8 For taxable years in which there is a net
9 operating loss carryback or carryforward from more
10 than one other taxable year ending prior to December
11 31, 1986, the addition modification provided in this
12 subparagraph (E) shall be the sum of the amounts
13 computed independently under the preceding provisions
14 of this subparagraph (E) for each such taxable year;

15 (F) For taxable years ending on or after January
16 1, 1989, an amount equal to the tax deducted pursuant
17 to Section 164 of the Internal Revenue Code if the
18 trust or estate is claiming the same tax for purposes
19 of the Illinois foreign tax credit under Section 601
20 of this Act;

21 (G) An amount equal to the amount of the capital
22 gain deduction allowable under the Internal Revenue
23 Code, to the extent deducted from gross income in the
24 computation of taxable income;

25 (G-5) For taxable years ending after December 31,
26 1997, an amount equal to any eligible remediation

1 costs that the trust or estate deducted in computing
2 adjusted gross income and for which the trust or
3 estate claims a credit under subsection (l) of Section
4 201;

5 (G-10) For taxable years 2001 and thereafter, an
6 amount equal to the bonus depreciation deduction taken
7 on the taxpayer's federal income tax return for the
8 taxable year under subsection (k) of Section 168 of
9 the Internal Revenue Code; and

10 (G-11) If the taxpayer sells, transfers, abandons,
11 or otherwise disposes of property for which the
12 taxpayer was required in any taxable year to make an
13 addition modification under subparagraph (G-10), then
14 an amount equal to the aggregate amount of the
15 deductions taken in all taxable years under
16 subparagraph (R) with respect to that property.

17 If the taxpayer continues to own property through
18 the last day of the last tax year for which a
19 subtraction is allowed with respect to that property
20 under subparagraph (R) ~~the taxpayer may claim a~~
21 ~~depreciation deduction for federal income tax purposes~~
22 and for which the taxpayer was allowed in any taxable
23 year to make a subtraction modification under
24 subparagraph (R), then an amount equal to that
25 subtraction modification.

26 The taxpayer is required to make the addition

1 modification under this subparagraph only once with
2 respect to any one piece of property;

3 (G-12) An amount equal to the amount otherwise
4 allowed as a deduction in computing base income for
5 interest paid, accrued, or incurred, directly or
6 indirectly, (i) for taxable years ending on or after
7 December 31, 2004, to a foreign person who would be a
8 member of the same unitary business group but for the
9 fact that the foreign person's business activity
10 outside the United States is 80% or more of the foreign
11 person's total business activity and (ii) for taxable
12 years ending on or after December 31, 2008, to a person
13 who would be a member of the same unitary business
14 group but for the fact that the person is prohibited
15 under Section 1501(a)(27) from being included in the
16 unitary business group because he or she is ordinarily
17 required to apportion business income under different
18 subsections of Section 304. The addition modification
19 required by this subparagraph shall be reduced to the
20 extent that dividends were included in base income of
21 the unitary group for the same taxable year and
22 received by the taxpayer or by a member of the
23 taxpayer's unitary business group (including amounts
24 included in gross income pursuant to Sections 951
25 through 964 of the Internal Revenue Code and amounts
26 included in gross income under Section 78 of the

1 Internal Revenue Code) with respect to the stock of
2 the same person to whom the interest was paid,
3 accrued, or incurred.

4 This paragraph shall not apply to the following:

5 (i) an item of interest paid, accrued, or
6 incurred, directly or indirectly, to a person who
7 is subject in a foreign country or state, other
8 than a state which requires mandatory unitary
9 reporting, to a tax on or measured by net income
10 with respect to such interest; or

11 (ii) an item of interest paid, accrued, or
12 incurred, directly or indirectly, to a person if
13 the taxpayer can establish, based on a
14 preponderance of the evidence, both of the
15 following:

16 (a) the person, during the same taxable
17 year, paid, accrued, or incurred, the interest
18 to a person that is not a related member, and

19 (b) the transaction giving rise to the
20 interest expense between the taxpayer and the
21 person did not have as a principal purpose the
22 avoidance of Illinois income tax, and is paid
23 pursuant to a contract or agreement that
24 reflects an arm's-length interest rate and
25 terms; or

26 (iii) the taxpayer can establish, based on

1 clear and convincing evidence, that the interest
2 paid, accrued, or incurred relates to a contract
3 or agreement entered into at arm's-length rates
4 and terms and the principal purpose for the
5 payment is not federal or Illinois tax avoidance;
6 or

7 (iv) an item of interest paid, accrued, or
8 incurred, directly or indirectly, to a person if
9 the taxpayer establishes by clear and convincing
10 evidence that the adjustments are unreasonable; or
11 if the taxpayer and the Director agree in writing
12 to the application or use of an alternative method
13 of apportionment under Section 304(f).

14 Nothing in this subsection shall preclude the
15 Director from making any other adjustment
16 otherwise allowed under Section 404 of this Act
17 for any tax year beginning after the effective
18 date of this amendment provided such adjustment is
19 made pursuant to regulation adopted by the
20 Department and such regulations provide methods
21 and standards by which the Department will utilize
22 its authority under Section 404 of this Act;

23 (G-13) An amount equal to the amount of intangible
24 expenses and costs otherwise allowed as a deduction in
25 computing base income, and that were paid, accrued, or
26 incurred, directly or indirectly, (i) for taxable

1 years ending on or after December 31, 2004, to a
2 foreign person who would be a member of the same
3 unitary business group but for the fact that the
4 foreign person's business activity outside the United
5 States is 80% or more of that person's total business
6 activity and (ii) for taxable years ending on or after
7 December 31, 2008, to a person who would be a member of
8 the same unitary business group but for the fact that
9 the person is prohibited under Section 1501(a)(27)
10 from being included in the unitary business group
11 because he or she is ordinarily required to apportion
12 business income under different subsections of Section
13 304. The addition modification required by this
14 subparagraph shall be reduced to the extent that
15 dividends were included in base income of the unitary
16 group for the same taxable year and received by the
17 taxpayer or by a member of the taxpayer's unitary
18 business group (including amounts included in gross
19 income pursuant to Sections 951 through 964 of the
20 Internal Revenue Code and amounts included in gross
21 income under Section 78 of the Internal Revenue Code)
22 with respect to the stock of the same person to whom
23 the intangible expenses and costs were directly or
24 indirectly paid, incurred, or accrued. The preceding
25 sentence shall not apply to the extent that the same
26 dividends caused a reduction to the addition

1 modification required under Section 203(c)(2)(G-12) of
2 this Act. As used in this subparagraph, the term
3 "intangible expenses and costs" includes: (1)
4 expenses, losses, and costs for or related to the
5 direct or indirect acquisition, use, maintenance or
6 management, ownership, sale, exchange, or any other
7 disposition of intangible property; (2) losses
8 incurred, directly or indirectly, from factoring
9 transactions or discounting transactions; (3) royalty,
10 patent, technical, and copyright fees; (4) licensing
11 fees; and (5) other similar expenses and costs. For
12 purposes of this subparagraph, "intangible property"
13 includes patents, patent applications, trade names,
14 trademarks, service marks, copyrights, mask works,
15 trade secrets, and similar types of intangible assets.

16 This paragraph shall not apply to the following:

17 (i) any item of intangible expenses or costs
18 paid, accrued, or incurred, directly or
19 indirectly, from a transaction with a person who
20 is subject in a foreign country or state, other
21 than a state which requires mandatory unitary
22 reporting, to a tax on or measured by net income
23 with respect to such item; or

24 (ii) any item of intangible expense or cost
25 paid, accrued, or incurred, directly or
26 indirectly, if the taxpayer can establish, based

1 on a preponderance of the evidence, both of the
2 following:

3 (a) the person during the same taxable
4 year paid, accrued, or incurred, the
5 intangible expense or cost to a person that is
6 not a related member, and

7 (b) the transaction giving rise to the
8 intangible expense or cost between the
9 taxpayer and the person did not have as a
10 principal purpose the avoidance of Illinois
11 income tax, and is paid pursuant to a contract
12 or agreement that reflects arm's-length terms;
13 or

14 (iii) any item of intangible expense or cost
15 paid, accrued, or incurred, directly or
16 indirectly, from a transaction with a person if
17 the taxpayer establishes by clear and convincing
18 evidence, that the adjustments are unreasonable;
19 or if the taxpayer and the Director agree in
20 writing to the application or use of an
21 alternative method of apportionment under Section
22 304(f);

23 Nothing in this subsection shall preclude the
24 Director from making any other adjustment
25 otherwise allowed under Section 404 of this Act
26 for any tax year beginning after the effective

1 date of this amendment provided such adjustment is
2 made pursuant to regulation adopted by the
3 Department and such regulations provide methods
4 and standards by which the Department will utilize
5 its authority under Section 404 of this Act;

6 (G-14) For taxable years ending on or after
7 December 31, 2008, an amount equal to the amount of
8 insurance premium expenses and costs otherwise allowed
9 as a deduction in computing base income, and that were
10 paid, accrued, or incurred, directly or indirectly, to
11 a person who would be a member of the same unitary
12 business group but for the fact that the person is
13 prohibited under Section 1501(a)(27) from being
14 included in the unitary business group because he or
15 she is ordinarily required to apportion business
16 income under different subsections of Section 304. The
17 addition modification required by this subparagraph
18 shall be reduced to the extent that dividends were
19 included in base income of the unitary group for the
20 same taxable year and received by the taxpayer or by a
21 member of the taxpayer's unitary business group
22 (including amounts included in gross income under
23 Sections 951 through 964 of the Internal Revenue Code
24 and amounts included in gross income under Section 78
25 of the Internal Revenue Code) with respect to the
26 stock of the same person to whom the premiums and costs

1 were directly or indirectly paid, incurred, or
2 accrued. The preceding sentence does not apply to the
3 extent that the same dividends caused a reduction to
4 the addition modification required under Section
5 203(c)(2)(G-12) or Section 203(c)(2)(G-13) of this
6 Act;

7 (G-15) An amount equal to the credit allowable to
8 the taxpayer under Section 218(a) of this Act,
9 determined without regard to Section 218(c) of this
10 Act;

11 (G-16) For taxable years ending on or after
12 December 31, 2017, an amount equal to the deduction
13 allowed under Section 199 of the Internal Revenue Code
14 for the taxable year;

15 and by deducting from the total so obtained the sum of the
16 following amounts:

17 (H) An amount equal to all amounts included in
18 such total pursuant to the provisions of Sections
19 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408
20 of the Internal Revenue Code or included in such total
21 as distributions under the provisions of any
22 retirement or disability plan for employees of any
23 governmental agency or unit, or retirement payments to
24 retired partners, which payments are excluded in
25 computing net earnings from self employment by Section
26 1402 of the Internal Revenue Code and regulations

1 adopted pursuant thereto;

2 (I) The valuation limitation amount;

3 (J) An amount equal to the amount of any tax
4 imposed by this Act which was refunded to the taxpayer
5 and included in such total for the taxable year;

6 (K) An amount equal to all amounts included in
7 taxable income as modified by subparagraphs (A), (B),
8 (C), (D), (E), (F) and (G) which are exempt from
9 taxation by this State either by reason of its
10 statutes or Constitution or by reason of the
11 Constitution, treaties or statutes of the United
12 States; provided that, in the case of any statute of
13 this State that exempts income derived from bonds or
14 other obligations from the tax imposed under this Act,
15 the amount exempted shall be the interest net of bond
16 premium amortization;

17 (L) With the exception of any amounts subtracted
18 under subparagraph (K), an amount equal to the sum of
19 all amounts disallowed as deductions by (i) Sections
20 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
21 and all amounts of expenses allocable to interest and
22 disallowed as deductions by Section 265(a)(1) of the
23 Internal Revenue Code; and (ii) for taxable years
24 ending on or after August 13, 1999, Sections
25 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
26 Internal Revenue Code, plus, (iii) for taxable years

1 ending on or after December 31, 2011, Section
2 45G(e)(3) of the Internal Revenue Code and, for
3 taxable years ending on or after December 31, 2008,
4 any amount included in gross income under Section 87
5 of the Internal Revenue Code; the provisions of this
6 subparagraph are exempt from the provisions of Section
7 250;

8 (M) An amount equal to those dividends included in
9 such total which were paid by a corporation which
10 conducts business operations in a River Edge
11 Redevelopment Zone or zones created under the River
12 Edge Redevelopment Zone Act and conducts substantially
13 all of its operations in a River Edge Redevelopment
14 Zone or zones. This subparagraph (M) is exempt from
15 the provisions of Section 250;

16 (N) An amount equal to any contribution made to a
17 job training project established pursuant to the Tax
18 Increment Allocation Redevelopment Act;

19 (O) An amount equal to those dividends included in
20 such total that were paid by a corporation that
21 conducts business operations in a federally designated
22 Foreign Trade Zone or Sub-Zone and that is designated
23 a High Impact Business located in Illinois; provided
24 that dividends eligible for the deduction provided in
25 subparagraph (M) of paragraph (2) of this subsection
26 shall not be eligible for the deduction provided under

1 this subparagraph (O);

2 (P) An amount equal to the amount of the deduction
3 used to compute the federal income tax credit for
4 restoration of substantial amounts held under claim of
5 right for the taxable year pursuant to Section 1341 of
6 the Internal Revenue Code;

7 (Q) For taxable year 1999 and thereafter, an
8 amount equal to the amount of any (i) distributions,
9 to the extent includible in gross income for federal
10 income tax purposes, made to the taxpayer because of
11 his or her status as a victim of persecution for racial
12 or religious reasons by Nazi Germany or any other Axis
13 regime or as an heir of the victim and (ii) items of
14 income, to the extent includible in gross income for
15 federal income tax purposes, attributable to, derived
16 from or in any way related to assets stolen from,
17 hidden from, or otherwise lost to a victim of
18 persecution for racial or religious reasons by Nazi
19 Germany or any other Axis regime immediately prior to,
20 during, and immediately after World War II, including,
21 but not limited to, interest on the proceeds
22 receivable as insurance under policies issued to a
23 victim of persecution for racial or religious reasons
24 by Nazi Germany or any other Axis regime by European
25 insurance companies immediately prior to and during
26 World War II; provided, however, this subtraction from

1 federal adjusted gross income does not apply to assets
2 acquired with such assets or with the proceeds from
3 the sale of such assets; provided, further, this
4 paragraph shall only apply to a taxpayer who was the
5 first recipient of such assets after their recovery
6 and who is a victim of persecution for racial or
7 religious reasons by Nazi Germany or any other Axis
8 regime or as an heir of the victim. The amount of and
9 the eligibility for any public assistance, benefit, or
10 similar entitlement is not affected by the inclusion
11 of items (i) and (ii) of this paragraph in gross income
12 for federal income tax purposes. This paragraph is
13 exempt from the provisions of Section 250;

14 (R) For taxable years 2001 and thereafter, for the
15 taxable year in which the bonus depreciation deduction
16 is taken on the taxpayer's federal income tax return
17 under subsection (k) of Section 168 of the Internal
18 Revenue Code and for each applicable taxable year
19 thereafter, an amount equal to "x", where:

20 (1) "y" equals the amount of the depreciation
21 deduction taken for the taxable year on the
22 taxpayer's federal income tax return on property
23 for which the bonus depreciation deduction was
24 taken in any year under subsection (k) of Section
25 168 of the Internal Revenue Code, but not
26 including the bonus depreciation deduction;

1 (2) for taxable years ending on or before
2 December 31, 2005, "x" equals "y" multiplied by 30
3 and then divided by 70 (or "y" multiplied by
4 0.429); and

5 (3) for taxable years ending after December
6 31, 2005:

7 (i) for property on which a bonus
8 depreciation deduction of 30% of the adjusted
9 basis was taken, "x" equals "y" multiplied by
10 30 and then divided by 70 (or "y" multiplied
11 by 0.429); ~~and~~

12 (ii) for property on which a bonus
13 depreciation deduction of 50% of the adjusted
14 basis was taken, "x" equals "y" multiplied by
15 1.0; ~~and~~

16 (iii) for property on which a bonus
17 depreciation deduction of 100% of the adjusted
18 basis was taken in a taxable year ending on or
19 after December 31, 2021, "x" equals the
20 depreciation deduction that would be allowed
21 on that property if the taxpayer had made the
22 election under Section 168(k)(7) of the
23 Internal Revenue Code to not claim bonus
24 depreciation on that property; and

25 (iv) for property on which a bonus
26 depreciation deduction of a percentage other

1 than 30%, 50% or 100% of the adjusted basis
2 was taken in a taxable year ending on or after
3 December 31, 2021, "x" equals "y" multiplied
4 by 100 times the percentage bonus depreciation
5 on the property (that is, 100(bonus%)) and
6 then divided by 100 times 1 minus the
7 percentage bonus depreciation on the property
8 (that is, 100(1-bonus%)).

9 The aggregate amount deducted under this
10 subparagraph in all taxable years for any one piece of
11 property may not exceed the amount of the bonus
12 depreciation deduction taken on that property on the
13 taxpayer's federal income tax return under subsection
14 (k) of Section 168 of the Internal Revenue Code. This
15 subparagraph (R) is exempt from the provisions of
16 Section 250;

17 (S) If the taxpayer sells, transfers, abandons, or
18 otherwise disposes of property for which the taxpayer
19 was required in any taxable year to make an addition
20 modification under subparagraph (G-10), then an amount
21 equal to that addition modification.

22 If the taxpayer continues to own property through
23 the last day of the last tax year for which a
24 subtraction is allowed with respect to that property
25 under subparagraph (R) the taxpayer may claim a
26 depreciation deduction for federal income tax purposes

1 and for which the taxpayer was required in any taxable
2 year to make an addition modification under
3 subparagraph (G-10), then an amount equal to that
4 addition modification.

5 The taxpayer is allowed to take the deduction
6 under this subparagraph only once with respect to any
7 one piece of property.

8 This subparagraph (S) is exempt from the
9 provisions of Section 250;

10 (T) The amount of (i) any interest income (net of
11 the deductions allocable thereto) taken into account
12 for the taxable year with respect to a transaction
13 with a taxpayer that is required to make an addition
14 modification with respect to such transaction under
15 Section 203(a) (2) (D-17), 203(b) (2) (E-12),
16 203(c) (2) (G-12), or 203(d) (2) (D-7), but not to exceed
17 the amount of such addition modification and (ii) any
18 income from intangible property (net of the deductions
19 allocable thereto) taken into account for the taxable
20 year with respect to a transaction with a taxpayer
21 that is required to make an addition modification with
22 respect to such transaction under Section
23 203(a) (2) (D-18), 203(b) (2) (E-13), 203(c) (2) (G-13), or
24 203(d) (2) (D-8), but not to exceed the amount of such
25 addition modification. This subparagraph (T) is exempt
26 from the provisions of Section 250;

1 (U) An amount equal to the interest income taken
2 into account for the taxable year (net of the
3 deductions allocable thereto) with respect to
4 transactions with (i) a foreign person who would be a
5 member of the taxpayer's unitary business group but
6 for the fact the foreign person's business activity
7 outside the United States is 80% or more of that
8 person's total business activity and (ii) for taxable
9 years ending on or after December 31, 2008, to a person
10 who would be a member of the same unitary business
11 group but for the fact that the person is prohibited
12 under Section 1501(a) (27) from being included in the
13 unitary business group because he or she is ordinarily
14 required to apportion business income under different
15 subsections of Section 304, but not to exceed the
16 addition modification required to be made for the same
17 taxable year under Section 203(c) (2) (G-12) for
18 interest paid, accrued, or incurred, directly or
19 indirectly, to the same person. This subparagraph (U)
20 is exempt from the provisions of Section 250;

21 (V) An amount equal to the income from intangible
22 property taken into account for the taxable year (net
23 of the deductions allocable thereto) with respect to
24 transactions with (i) a foreign person who would be a
25 member of the taxpayer's unitary business group but
26 for the fact that the foreign person's business

1 activity outside the United States is 80% or more of
2 that person's total business activity and (ii) for
3 taxable years ending on or after December 31, 2008, to
4 a person who would be a member of the same unitary
5 business group but for the fact that the person is
6 prohibited under Section 1501(a)(27) from being
7 included in the unitary business group because he or
8 she is ordinarily required to apportion business
9 income under different subsections of Section 304, but
10 not to exceed the addition modification required to be
11 made for the same taxable year under Section
12 203(c)(2)(G-13) for intangible expenses and costs
13 paid, accrued, or incurred, directly or indirectly, to
14 the same foreign person. This subparagraph (V) is
15 exempt from the provisions of Section 250;

16 (W) in the case of an estate, an amount equal to
17 all amounts included in such total pursuant to the
18 provisions of Section 111 of the Internal Revenue Code
19 as a recovery of items previously deducted by the
20 decedent from adjusted gross income in the computation
21 of taxable income. This subparagraph (W) is exempt
22 from Section 250;

23 (X) an amount equal to the refund included in such
24 total of any tax deducted for federal income tax
25 purposes, to the extent that deduction was added back
26 under subparagraph (F). This subparagraph (X) is

1 exempt from the provisions of Section 250;

2 (Y) For taxable years ending on or after December
3 31, 2011, in the case of a taxpayer who was required to
4 add back any insurance premiums under Section
5 203(c)(2)(G-14), such taxpayer may elect to subtract
6 that part of a reimbursement received from the
7 insurance company equal to the amount of the expense
8 or loss (including expenses incurred by the insurance
9 company) that would have been taken into account as a
10 deduction for federal income tax purposes if the
11 expense or loss had been uninsured. If a taxpayer
12 makes the election provided for by this subparagraph
13 (Y), the insurer to which the premiums were paid must
14 add back to income the amount subtracted by the
15 taxpayer pursuant to this subparagraph (Y). This
16 subparagraph (Y) is exempt from the provisions of
17 Section 250; and

18 (Z) For taxable years beginning after December 31,
19 2018 and before January 1, 2026, the amount of excess
20 business loss of the taxpayer disallowed as a
21 deduction by Section 461(l)(1)(B) of the Internal
22 Revenue Code.

23 (3) Limitation. The amount of any modification
24 otherwise required under this subsection shall, under
25 regulations prescribed by the Department, be adjusted by
26 any amounts included therein which were properly paid,

1 credited, or required to be distributed, or permanently
2 set aside for charitable purposes pursuant to Internal
3 Revenue Code Section 642(c) during the taxable year.

4 (d) Partnerships.

5 (1) In general. In the case of a partnership, base
6 income means an amount equal to the taxpayer's taxable
7 income for the taxable year as modified by paragraph (2).

8 (2) Modifications. The taxable income referred to in
9 paragraph (1) shall be modified by adding thereto the sum
10 of the following amounts:

11 (A) An amount equal to all amounts paid or accrued
12 to the taxpayer as interest or dividends during the
13 taxable year to the extent excluded from gross income
14 in the computation of taxable income;

15 (B) An amount equal to the amount of tax imposed by
16 this Act to the extent deducted from gross income for
17 the taxable year;

18 (C) The amount of deductions allowed to the
19 partnership pursuant to Section 707 (c) of the
20 Internal Revenue Code in calculating its taxable
21 income;

22 (D) An amount equal to the amount of the capital
23 gain deduction allowable under the Internal Revenue
24 Code, to the extent deducted from gross income in the
25 computation of taxable income;

1 (D-5) For taxable years 2001 and thereafter, an
2 amount equal to the bonus depreciation deduction taken
3 on the taxpayer's federal income tax return for the
4 taxable year under subsection (k) of Section 168 of
5 the Internal Revenue Code;

6 (D-6) If the taxpayer sells, transfers, abandons,
7 or otherwise disposes of property for which the
8 taxpayer was required in any taxable year to make an
9 addition modification under subparagraph (D-5), then
10 an amount equal to the aggregate amount of the
11 deductions taken in all taxable years under
12 subparagraph (O) with respect to that property.

13 If the taxpayer continues to own property through
14 the last day of the last tax year for which a
15 subtraction is allowed with respect to that property
16 under subparagraph (O) ~~the taxpayer may claim a~~
17 ~~depreciation deduction for federal income tax purposes~~
18 and for which the taxpayer was allowed in any taxable
19 year to make a subtraction modification under
20 subparagraph (O), then an amount equal to that
21 subtraction modification.

22 The taxpayer is required to make the addition
23 modification under this subparagraph only once with
24 respect to any one piece of property;

25 (D-7) An amount equal to the amount otherwise
26 allowed as a deduction in computing base income for

1 interest paid, accrued, or incurred, directly or
2 indirectly, (i) for taxable years ending on or after
3 December 31, 2004, to a foreign person who would be a
4 member of the same unitary business group but for the
5 fact the foreign person's business activity outside
6 the United States is 80% or more of the foreign
7 person's total business activity and (ii) for taxable
8 years ending on or after December 31, 2008, to a person
9 who would be a member of the same unitary business
10 group but for the fact that the person is prohibited
11 under Section 1501(a)(27) from being included in the
12 unitary business group because he or she is ordinarily
13 required to apportion business income under different
14 subsections of Section 304. The addition modification
15 required by this subparagraph shall be reduced to the
16 extent that dividends were included in base income of
17 the unitary group for the same taxable year and
18 received by the taxpayer or by a member of the
19 taxpayer's unitary business group (including amounts
20 included in gross income pursuant to Sections 951
21 through 964 of the Internal Revenue Code and amounts
22 included in gross income under Section 78 of the
23 Internal Revenue Code) with respect to the stock of
24 the same person to whom the interest was paid,
25 accrued, or incurred.

26 This paragraph shall not apply to the following:

1 (i) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a person who
3 is subject in a foreign country or state, other
4 than a state which requires mandatory unitary
5 reporting, to a tax on or measured by net income
6 with respect to such interest; or

7 (ii) an item of interest paid, accrued, or
8 incurred, directly or indirectly, to a person if
9 the taxpayer can establish, based on a
10 preponderance of the evidence, both of the
11 following:

12 (a) the person, during the same taxable
13 year, paid, accrued, or incurred, the interest
14 to a person that is not a related member, and

15 (b) the transaction giving rise to the
16 interest expense between the taxpayer and the
17 person did not have as a principal purpose the
18 avoidance of Illinois income tax, and is paid
19 pursuant to a contract or agreement that
20 reflects an arm's-length interest rate and
21 terms; or

22 (iii) the taxpayer can establish, based on
23 clear and convincing evidence, that the interest
24 paid, accrued, or incurred relates to a contract
25 or agreement entered into at arm's-length rates
26 and terms and the principal purpose for the

1 payment is not federal or Illinois tax avoidance;

2 or

3 (iv) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person if
5 the taxpayer establishes by clear and convincing
6 evidence that the adjustments are unreasonable; or
7 if the taxpayer and the Director agree in writing
8 to the application or use of an alternative method
9 of apportionment under Section 304(f).

10 Nothing in this subsection shall preclude the
11 Director from making any other adjustment
12 otherwise allowed under Section 404 of this Act
13 for any tax year beginning after the effective
14 date of this amendment provided such adjustment is
15 made pursuant to regulation adopted by the
16 Department and such regulations provide methods
17 and standards by which the Department will utilize
18 its authority under Section 404 of this Act; and

19 (D-8) An amount equal to the amount of intangible
20 expenses and costs otherwise allowed as a deduction in
21 computing base income, and that were paid, accrued, or
22 incurred, directly or indirectly, (i) for taxable
23 years ending on or after December 31, 2004, to a
24 foreign person who would be a member of the same
25 unitary business group but for the fact that the
26 foreign person's business activity outside the United

1 States is 80% or more of that person's total business
2 activity and (ii) for taxable years ending on or after
3 December 31, 2008, to a person who would be a member of
4 the same unitary business group but for the fact that
5 the person is prohibited under Section 1501(a)(27)
6 from being included in the unitary business group
7 because he or she is ordinarily required to apportion
8 business income under different subsections of Section
9 304. The addition modification required by this
10 subparagraph shall be reduced to the extent that
11 dividends were included in base income of the unitary
12 group for the same taxable year and received by the
13 taxpayer or by a member of the taxpayer's unitary
14 business group (including amounts included in gross
15 income pursuant to Sections 951 through 964 of the
16 Internal Revenue Code and amounts included in gross
17 income under Section 78 of the Internal Revenue Code)
18 with respect to the stock of the same person to whom
19 the intangible expenses and costs were directly or
20 indirectly paid, incurred or accrued. The preceding
21 sentence shall not apply to the extent that the same
22 dividends caused a reduction to the addition
23 modification required under Section 203(d)(2)(D-7) of
24 this Act. As used in this subparagraph, the term
25 "intangible expenses and costs" includes (1) expenses,
26 losses, and costs for, or related to, the direct or

1 indirect acquisition, use, maintenance or management,
2 ownership, sale, exchange, or any other disposition of
3 intangible property; (2) losses incurred, directly or
4 indirectly, from factoring transactions or discounting
5 transactions; (3) royalty, patent, technical, and
6 copyright fees; (4) licensing fees; and (5) other
7 similar expenses and costs. For purposes of this
8 subparagraph, "intangible property" includes patents,
9 patent applications, trade names, trademarks, service
10 marks, copyrights, mask works, trade secrets, and
11 similar types of intangible assets;

12 This paragraph shall not apply to the following:

13 (i) any item of intangible expenses or costs
14 paid, accrued, or incurred, directly or
15 indirectly, from a transaction with a person who
16 is subject in a foreign country or state, other
17 than a state which requires mandatory unitary
18 reporting, to a tax on or measured by net income
19 with respect to such item; or

20 (ii) any item of intangible expense or cost
21 paid, accrued, or incurred, directly or
22 indirectly, if the taxpayer can establish, based
23 on a preponderance of the evidence, both of the
24 following:

25 (a) the person during the same taxable
26 year paid, accrued, or incurred, the

1 intangible expense or cost to a person that is
2 not a related member, and

3 (b) the transaction giving rise to the
4 intangible expense or cost between the
5 taxpayer and the person did not have as a
6 principal purpose the avoidance of Illinois
7 income tax, and is paid pursuant to a contract
8 or agreement that reflects arm's-length terms;
9 or

10 (iii) any item of intangible expense or cost
11 paid, accrued, or incurred, directly or
12 indirectly, from a transaction with a person if
13 the taxpayer establishes by clear and convincing
14 evidence, that the adjustments are unreasonable;
15 or if the taxpayer and the Director agree in
16 writing to the application or use of an
17 alternative method of apportionment under Section
18 304(f);

19 Nothing in this subsection shall preclude the
20 Director from making any other adjustment
21 otherwise allowed under Section 404 of this Act
22 for any tax year beginning after the effective
23 date of this amendment provided such adjustment is
24 made pursuant to regulation adopted by the
25 Department and such regulations provide methods
26 and standards by which the Department will utilize

1 its authority under Section 404 of this Act;

2 (D-9) For taxable years ending on or after
3 December 31, 2008, an amount equal to the amount of
4 insurance premium expenses and costs otherwise allowed
5 as a deduction in computing base income, and that were
6 paid, accrued, or incurred, directly or indirectly, to
7 a person who would be a member of the same unitary
8 business group but for the fact that the person is
9 prohibited under Section 1501(a)(27) from being
10 included in the unitary business group because he or
11 she is ordinarily required to apportion business
12 income under different subsections of Section 304. The
13 addition modification required by this subparagraph
14 shall be reduced to the extent that dividends were
15 included in base income of the unitary group for the
16 same taxable year and received by the taxpayer or by a
17 member of the taxpayer's unitary business group
18 (including amounts included in gross income under
19 Sections 951 through 964 of the Internal Revenue Code
20 and amounts included in gross income under Section 78
21 of the Internal Revenue Code) with respect to the
22 stock of the same person to whom the premiums and costs
23 were directly or indirectly paid, incurred, or
24 accrued. The preceding sentence does not apply to the
25 extent that the same dividends caused a reduction to
26 the addition modification required under Section

203(d) (2) (D-7) or Section 203(d) (2) (D-8) of this Act;

(D-10) An amount equal to the credit allowable to the taxpayer under Section 218(a) of this Act, determined without regard to Section 218(c) of this Act;

(D-11) For taxable years ending on or after December 31, 2017, an amount equal to the deduction allowed under Section 199 of the Internal Revenue Code for the taxable year;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which

1 constitutes personal service income as defined in
2 Section 1348(b)(1) of the Internal Revenue Code (as in
3 effect December 31, 1981) or a reasonable allowance
4 for compensation paid or accrued for services rendered
5 by partners to the partnership, whichever is greater;
6 this subparagraph (H) is exempt from the provisions of
7 Section 250;

8 (I) An amount equal to all amounts of income
9 distributable to an entity subject to the Personal
10 Property Tax Replacement Income Tax imposed by
11 subsections (c) and (d) of Section 201 of this Act
12 including amounts distributable to organizations
13 exempt from federal income tax by reason of Section
14 501(a) of the Internal Revenue Code; this subparagraph
15 (I) is exempt from the provisions of Section 250;

16 (J) With the exception of any amounts subtracted
17 under subparagraph (G), an amount equal to the sum of
18 all amounts disallowed as deductions by (i) Sections
19 171(a)(2), ~~7~~ and 265(a)(2) of the Internal Revenue Code,
20 and all amounts of expenses allocable to interest and
21 disallowed as deductions by Section 265(a)(1) of the
22 Internal Revenue Code; and (ii) for taxable years
23 ending on or after August 13, 1999, Sections
24 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
25 Internal Revenue Code, plus, (iii) for taxable years
26 ending on or after December 31, 2011, Section

1 45G(e)(3) of the Internal Revenue Code and, for
2 taxable years ending on or after December 31, 2008,
3 any amount included in gross income under Section 87
4 of the Internal Revenue Code; the provisions of this
5 subparagraph are exempt from the provisions of Section
6 250;

7 (K) An amount equal to those dividends included in
8 such total which were paid by a corporation which
9 conducts business operations in a River Edge
10 Redevelopment Zone or zones created under the River
11 Edge Redevelopment Zone Act and conducts substantially
12 all of its operations from a River Edge Redevelopment
13 Zone or zones. This subparagraph (K) is exempt from
14 the provisions of Section 250;

15 (L) An amount equal to any contribution made to a
16 job training project established pursuant to the Real
17 Property Tax Increment Allocation Redevelopment Act;

18 (M) An amount equal to those dividends included in
19 such total that were paid by a corporation that
20 conducts business operations in a federally designated
21 Foreign Trade Zone or Sub-Zone and that is designated
22 a High Impact Business located in Illinois; provided
23 that dividends eligible for the deduction provided in
24 subparagraph (K) of paragraph (2) of this subsection
25 shall not be eligible for the deduction provided under
26 this subparagraph (M);

1 (N) An amount equal to the amount of the deduction
2 used to compute the federal income tax credit for
3 restoration of substantial amounts held under claim of
4 right for the taxable year pursuant to Section 1341 of
5 the Internal Revenue Code;

6 (O) For taxable years 2001 and thereafter, for the
7 taxable year in which the bonus depreciation deduction
8 is taken on the taxpayer's federal income tax return
9 under subsection (k) of Section 168 of the Internal
10 Revenue Code and for each applicable taxable year
11 thereafter, an amount equal to "x", where:

12 (1) "y" equals the amount of the depreciation
13 deduction taken for the taxable year on the
14 taxpayer's federal income tax return on property
15 for which the bonus depreciation deduction was
16 taken in any year under subsection (k) of Section
17 168 of the Internal Revenue Code, but not
18 including the bonus depreciation deduction;

19 (2) for taxable years ending on or before
20 December 31, 2005, "x" equals "y" multiplied by 30
21 and then divided by 70 (or "y" multiplied by
22 0.429); and

23 (3) for taxable years ending after December
24 31, 2005:

25 (i) for property on which a bonus
26 depreciation deduction of 30% of the adjusted

1 basis was taken, "x" equals "y" multiplied by
2 30 and then divided by 70 (or "y" multiplied
3 by 0.429); ~~and~~

4 (ii) for property on which a bonus
5 depreciation deduction of 50% of the adjusted
6 basis was taken, "x" equals "y" multiplied by
7 1.0; ~~and~~

8 (iii) for property on which a bonus
9 depreciation deduction of 100% of the adjusted
10 basis was taken in a taxable year ending on or
11 after December 31, 2021, "x" equals the
12 depreciation deduction that would be allowed
13 on that property if the taxpayer had made the
14 election under Section 168(k)(7) of the
15 Internal Revenue Code to not claim bonus
16 depreciation on that property; and

17 (iv) for property on which a bonus
18 depreciation deduction of a percentage other
19 than 30%, 50% or 100% of the adjusted basis
20 was taken in a taxable year ending on or after
21 December 31, 2021, "x" equals "y" multiplied
22 by 100 times the percentage bonus depreciation
23 on the property (that is, 100(bonus%)) and
24 then divided by 100 times 1 minus the
25 percentage bonus depreciation on the property
26 (that is, 100(1-bonus%)).

1 The aggregate amount deducted under this
2 subparagraph in all taxable years for any one piece of
3 property may not exceed the amount of the bonus
4 depreciation deduction taken on that property on the
5 taxpayer's federal income tax return under subsection
6 (k) of Section 168 of the Internal Revenue Code. This
7 subparagraph (O) is exempt from the provisions of
8 Section 250;

9 (P) If the taxpayer sells, transfers, abandons, or
10 otherwise disposes of property for which the taxpayer
11 was required in any taxable year to make an addition
12 modification under subparagraph (D-5), then an amount
13 equal to that addition modification.

14 If the taxpayer continues to own property through
15 the last day of the last tax year for which a
16 subtraction is allowed with respect to that property
17 under subparagraph (O) ~~the taxpayer may claim a~~
18 ~~depreciation deduction for federal income tax purposes~~
19 and for which the taxpayer was required in any taxable
20 year to make an addition modification under
21 subparagraph (D-5), then an amount equal to that
22 addition modification.

23 The taxpayer is allowed to take the deduction
24 under this subparagraph only once with respect to any
25 one piece of property.

26 This subparagraph (P) is exempt from the

1 provisions of Section 250;

2 (Q) The amount of (i) any interest income (net of
3 the deductions allocable thereto) taken into account
4 for the taxable year with respect to a transaction
5 with a taxpayer that is required to make an addition
6 modification with respect to such transaction under
7 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
8 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
9 the amount of such addition modification and (ii) any
10 income from intangible property (net of the deductions
11 allocable thereto) taken into account for the taxable
12 year with respect to a transaction with a taxpayer
13 that is required to make an addition modification with
14 respect to such transaction under Section
15 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
16 203(d)(2)(D-8), but not to exceed the amount of such
17 addition modification. This subparagraph (Q) is exempt
18 from Section 250;

19 (R) An amount equal to the interest income taken
20 into account for the taxable year (net of the
21 deductions allocable thereto) with respect to
22 transactions with (i) a foreign person who would be a
23 member of the taxpayer's unitary business group but
24 for the fact that the foreign person's business
25 activity outside the United States is 80% or more of
26 that person's total business activity and (ii) for

1 taxable years ending on or after December 31, 2008, to
2 a person who would be a member of the same unitary
3 business group but for the fact that the person is
4 prohibited under Section 1501(a)(27) from being
5 included in the unitary business group because he or
6 she is ordinarily required to apportion business
7 income under different subsections of Section 304, but
8 not to exceed the addition modification required to be
9 made for the same taxable year under Section
10 203(d)(2)(D-7) for interest paid, accrued, or
11 incurred, directly or indirectly, to the same person.
12 This subparagraph (R) is exempt from Section 250;

13 (S) An amount equal to the income from intangible
14 property taken into account for the taxable year (net
15 of the deductions allocable thereto) with respect to
16 transactions with (i) a foreign person who would be a
17 member of the taxpayer's unitary business group but
18 for the fact that the foreign person's business
19 activity outside the United States is 80% or more of
20 that person's total business activity and (ii) for
21 taxable years ending on or after December 31, 2008, to
22 a person who would be a member of the same unitary
23 business group but for the fact that the person is
24 prohibited under Section 1501(a)(27) from being
25 included in the unitary business group because he or
26 she is ordinarily required to apportion business

1 income under different subsections of Section 304, but
2 not to exceed the addition modification required to be
3 made for the same taxable year under Section
4 203(d)(2)(D-8) for intangible expenses and costs paid,
5 accrued, or incurred, directly or indirectly, to the
6 same person. This subparagraph (S) is exempt from
7 Section 250; and

8 (T) For taxable years ending on or after December
9 31, 2011, in the case of a taxpayer who was required to
10 add back any insurance premiums under Section
11 203(d)(2)(D-9), such taxpayer may elect to subtract
12 that part of a reimbursement received from the
13 insurance company equal to the amount of the expense
14 or loss (including expenses incurred by the insurance
15 company) that would have been taken into account as a
16 deduction for federal income tax purposes if the
17 expense or loss had been uninsured. If a taxpayer
18 makes the election provided for by this subparagraph
19 (T), the insurer to which the premiums were paid must
20 add back to income the amount subtracted by the
21 taxpayer pursuant to this subparagraph (T). This
22 subparagraph (T) is exempt from the provisions of
23 Section 250.

24 (e) Gross income; adjusted gross income; taxable income.

25 (1) In general. Subject to the provisions of paragraph

(2) and subsection (b)(3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the

1 taxable income less than zero (net operating loss) is
2 applied under Section 172 of the Internal Revenue Code or
3 under subparagraph (E) of paragraph (2) of this subsection
4 (e) applied in conjunction with Section 172 of the
5 Internal Revenue Code.

6 (2) Special rule. For purposes of paragraph (1) of
7 this subsection, the taxable income properly reportable
8 for federal income tax purposes shall mean:

9 (A) Certain life insurance companies. In the case
10 of a life insurance company subject to the tax imposed
11 by Section 801 of the Internal Revenue Code, life
12 insurance company taxable income, plus the amount of
13 distribution from pre-1984 policyholder surplus
14 accounts as calculated under Section 815a of the
15 Internal Revenue Code;

16 (B) Certain other insurance companies. In the case
17 of mutual insurance companies subject to the tax
18 imposed by Section 831 of the Internal Revenue Code,
19 insurance company taxable income;

20 (C) Regulated investment companies. In the case of
21 a regulated investment company subject to the tax
22 imposed by Section 852 of the Internal Revenue Code,
23 investment company taxable income;

24 (D) Real estate investment trusts. In the case of
25 a real estate investment trust subject to the tax
26 imposed by Section 857 of the Internal Revenue Code,

1 real estate investment trust taxable income;

2 (E) Consolidated corporations. In the case of a
3 corporation which is a member of an affiliated group
4 of corporations filing a consolidated income tax
5 return for the taxable year for federal income tax
6 purposes, taxable income determined as if such
7 corporation had filed a separate return for federal
8 income tax purposes for the taxable year and each
9 preceding taxable year for which it was a member of an
10 affiliated group. For purposes of this subparagraph,
11 the taxpayer's separate taxable income shall be
12 determined as if the election provided by Section
13 243(b)(2) of the Internal Revenue Code had been in
14 effect for all such years;

15 (F) Cooperatives. In the case of a cooperative
16 corporation or association, the taxable income of such
17 organization determined in accordance with the
18 provisions of Section 1381 through 1388 of the
19 Internal Revenue Code, but without regard to the
20 prohibition against offsetting losses from patronage
21 activities against income from nonpatronage
22 activities; except that a cooperative corporation or
23 association may make an election to follow its federal
24 income tax treatment of patronage losses and
25 nonpatronage losses. In the event such election is
26 made, such losses shall be computed and carried over

1 in a manner consistent with subsection (a) of Section
2 207 of this Act and apportioned by the apportionment
3 factor reported by the cooperative on its Illinois
4 income tax return filed for the taxable year in which
5 the losses are incurred. The election shall be
6 effective for all taxable years with original returns
7 due on or after the date of the election. In addition,
8 the cooperative may file an amended return or returns,
9 as allowed under this Act, to provide that the
10 election shall be effective for losses incurred or
11 carried forward for taxable years occurring prior to
12 the date of the election. Once made, the election may
13 only be revoked upon approval of the Director. The
14 Department shall adopt rules setting forth
15 requirements for documenting the elections and any
16 resulting Illinois net loss and the standards to be
17 used by the Director in evaluating requests to revoke
18 elections. Public Act 96-932 is declaratory of
19 existing law;

20 (G) Subchapter S corporations. In the case of: (i)
21 a Subchapter S corporation for which there is in
22 effect an election for the taxable year under Section
23 1362 of the Internal Revenue Code, the taxable income
24 of such corporation determined in accordance with
25 Section 1363(b) of the Internal Revenue Code, except
26 that taxable income shall take into account those

1 items which are required by Section 1363(b)(1) of the
2 Internal Revenue Code to be separately stated; and
3 (ii) a Subchapter S corporation for which there is in
4 effect a federal election to opt out of the provisions
5 of the Subchapter S Revision Act of 1982 and have
6 applied instead the prior federal Subchapter S rules
7 as in effect on July 1, 1982, the taxable income of
8 such corporation determined in accordance with the
9 federal Subchapter S rules as in effect on July 1,
10 1982; and

11 (H) Partnerships. In the case of a partnership,
12 taxable income determined in accordance with Section
13 703 of the Internal Revenue Code, except that taxable
14 income shall take into account those items which are
15 required by Section 703(a)(1) to be separately stated
16 but which would be taken into account by an individual
17 in calculating his taxable income.

18 (3) Recapture of business expenses on disposition of
19 asset or business. Notwithstanding any other law to the
20 contrary, if in prior years income from an asset or
21 business has been classified as business income and in a
22 later year is demonstrated to be non-business income, then
23 all expenses, without limitation, deducted in such later
24 year and in the 2 immediately preceding taxable years
25 related to that asset or business that generated the
26 non-business income shall be added back and recaptured as

1 business income in the year of the disposition of the
2 asset or business. Such amount shall be apportioned to
3 Illinois using the greater of the apportionment fraction
4 computed for the business under Section 304 of this Act
5 for the taxable year or the average of the apportionment
6 fractions computed for the business under Section 304 of
7 this Act for the taxable year and for the 2 immediately
8 preceding taxable years.

9 (f) Valuation limitation amount.

10 (1) In general. The valuation limitation amount
11 referred to in subsections (a)(2)(G), (c)(2)(I) and
12 (d)(2)(E) is an amount equal to:

13 (A) The sum of the pre-August 1, 1969 appreciation
14 amounts (to the extent consisting of gain reportable
15 under the provisions of Section 1245 or 1250 of the
16 Internal Revenue Code) for all property in respect of
17 which such gain was reported for the taxable year;
18 plus

19 (B) The lesser of (i) the sum of the pre-August 1,
20 1969 appreciation amounts (to the extent consisting of
21 capital gain) for all property in respect of which
22 such gain was reported for federal income tax purposes
23 for the taxable year, or (ii) the net capital gain for
24 the taxable year, reduced in either case by any amount
25 of such gain included in the amount determined under

1 subsection (a) (2) (F) or (c) (2) (H) .

2 (2) Pre-August 1, 1969 appreciation amount.

3 (A) If the fair market value of property referred
4 to in paragraph (1) was readily ascertainable on
5 August 1, 1969, the pre-August 1, 1969 appreciation
6 amount for such property is the lesser of (i) the
7 excess of such fair market value over the taxpayer's
8 basis (for determining gain) for such property on that
9 date (determined under the Internal Revenue Code as in
10 effect on that date), or (ii) the total gain realized
11 and reportable for federal income tax purposes in
12 respect of the sale, exchange or other disposition of
13 such property.

14 (B) If the fair market value of property referred
15 to in paragraph (1) was not readily ascertainable on
16 August 1, 1969, the pre-August 1, 1969 appreciation
17 amount for such property is that amount which bears
18 the same ratio to the total gain reported in respect of
19 the property for federal income tax purposes for the
20 taxable year, as the number of full calendar months in
21 that part of the taxpayer's holding period for the
22 property ending July 31, 1969 bears to the number of
23 full calendar months in the taxpayer's entire holding
24 period for the property.

25 (C) The Department shall prescribe such
26 regulations as may be necessary to carry out the

1 purposes of this paragraph.

2 (g) Double deductions. Unless specifically provided
3 otherwise, nothing in this Section shall permit the same item
4 to be deducted more than once.

5 (h) Legislative intention. Except as expressly provided by
6 this Section there shall be no modifications or limitations on
7 the amounts of income, gain, loss or deduction taken into
8 account in determining gross income, adjusted gross income or
9 taxable income for federal income tax purposes for the taxable
10 year, or in the amount of such items entering into the
11 computation of base income and net income under this Act for
12 such taxable year, whether in respect of property values as of
13 August 1, 1969 or otherwise.

14 (Source: P.A. 100-22, eff. 7-6-17; 100-905, eff. 8-17-18;
15 101-9, eff. 6-5-19; 101-81, eff. 7-12-19; revised 9-20-19.)

16 (35 ILCS 5/207) (from Ch. 120, par. 2-207)

17 Sec. 207. Net Losses.

18 (a) If after applying all of the (i) modifications
19 provided for in paragraph (2) of Section 203(b), paragraph (2)
20 of Section 203(c) and paragraph (2) of Section 203(d) and (ii)
21 the allocation and apportionment provisions of Article 3 of
22 this Act and subsection (c) of this Section, the taxpayer's
23 net income results in a loss;

1 (1) for any taxable year ending prior to December 31,
2 1999, such loss shall be allowed as a carryover or
3 carryback deduction in the manner allowed under Section
4 172 of the Internal Revenue Code;

5 (2) for any taxable year ending on or after December
6 31, 1999 and prior to December 31, 2003, such loss shall be
7 allowed as a carryback to each of the 2 taxable years
8 preceding the taxable year of such loss and shall be a net
9 operating loss carryover to each of the 20 taxable years
10 following the taxable year of such loss; and

11 (3) for any taxable year ending on or after December
12 31, 2003, such loss shall be allowed as a net operating
13 loss carryover to each of the 12 taxable years following
14 the taxable year of such loss, except as provided in
15 subsection (d).

16 (a-5) Election to relinquish carryback and order of
17 application of losses.

18 (A) For losses incurred in tax years ending prior
19 to December 31, 2003, the taxpayer may elect to
20 relinquish the entire carryback period with respect to
21 such loss. Such election shall be made in the form and
22 manner prescribed by the Department and shall be made
23 by the due date (including extensions of time) for
24 filing the taxpayer's return for the taxable year in
25 which such loss is incurred, and such election, once
26 made, shall be irrevocable.

1 (B) The entire amount of such loss shall be
2 carried to the earliest taxable year to which such
3 loss may be carried. The amount of such loss which
4 shall be carried to each of the other taxable years
5 shall be the excess, if any, of the amount of such loss
6 over the sum of the deductions for carryback or
7 carryover of such loss allowable for each of the prior
8 taxable years to which such loss may be carried.

9 (b) Any loss determined under subsection (a) of this
10 Section must be carried back or carried forward in the same
11 manner for purposes of subsections (a) and (b) of Section 201
12 of this Act as for purposes of subsections (c) and (d) of
13 Section 201 of this Act.

14 (c) Notwithstanding any other provision of this Act, for
15 each taxable year ending on or after December 31, 2008, for
16 purposes of computing the loss for the taxable year under
17 subsection (a) of this Section and the deduction taken into
18 account for the taxable year for a net operating loss
19 carryover under paragraphs (1), (2), and (3) of subsection (a)
20 of this Section, the loss and net operating loss carryover
21 shall be reduced in an amount equal to the reduction to the net
22 operating loss and net operating loss carryover to the taxable
23 year, respectively, required under Section 108(b)(2)(A) of the
24 Internal Revenue Code, multiplied by a fraction, the numerator
25 of which is the amount of discharge of indebtedness income
26 that is excluded from gross income for the taxable year (but

1 only if the taxable year ends on or after December 31, 2008)
2 under Section 108(a) of the Internal Revenue Code and that
3 would have been allocated and apportioned to this State under
4 Article 3 of this Act but for that exclusion, and the
5 denominator of which is the total amount of discharge of
6 indebtedness income excluded from gross income under Section
7 108(a) of the Internal Revenue Code for the taxable year. The
8 reduction required under this subsection (c) shall be made
9 after the determination of Illinois net income for the taxable
10 year in which the indebtedness is discharged.

11 (d) In the case of a corporation (other than a Subchapter S
12 corporation), no carryover deduction shall be allowed under
13 this Section for any taxable year ending after December 31,
14 2010 and prior to December 31, 2012, and no carryover
15 deduction shall exceed \$100,000 for any taxable year ending on
16 or after December 31, 2012 and prior to December 31, 2014 and
17 for any taxable year ending on or after December 31, 2021 and
18 prior to December 31, 2024; provided that, for purposes of
19 determining the taxable years to which a net loss may be
20 carried under subsection (a) of this Section, no taxable year
21 for which a deduction is disallowed under this subsection, or
22 for which the deduction would exceed \$100,000 if not for this
23 subsection, shall be counted.

24 (e) In the case of a residual interest holder in a real
25 estate mortgage investment conduit subject to Section 860E of
26 the Internal Revenue Code, the net loss in subsection (a)

1 shall be equal to:

2 (1) the amount computed under subsection (a), without
3 regard to this subsection (e), or if that amount is
4 positive, zero;

5 (2) minus an amount equal to the amount computed under
6 subsection (a), without regard to this subsection (e),
7 minus the amount that would be computed under subsection
8 (a) if the taxpayer's federal taxable income were computed
9 without regard to Section 860E of the Internal Revenue
10 Code and without regard to this subsection (e).

11 The modification in this subsection (e) is exempt from the
12 provisions of Section 250.

13 (Source: P.A. 96-1496, eff. 1-13-11; 97-507, eff. 8-23-11;
14 97-636, eff. 6-1-12.)

15 (35 ILCS 5/214)

16 Sec. 214. Tax credit for affordable housing donations.

17 (a) Beginning with taxable years ending on or after
18 December 31, 2001 and until the taxable year ending on
19 December 31, 2026 ~~December 31, 2021~~, a taxpayer who makes a
20 donation under Section 7.28 of the Illinois Housing
21 Development Act is entitled to a credit against the tax
22 imposed by subsections (a) and (b) of Section 201 in an amount
23 equal to 50% of the value of the donation. Partners,
24 shareholders of subchapter S corporations, and owners of
25 limited liability companies (if the limited liability company

1 is treated as a partnership for purposes of federal and State
2 income taxation) are entitled to a credit under this Section
3 to be determined in accordance with the determination of
4 income and distributive share of income under Sections 702 and
5 703 and subchapter S of the Internal Revenue Code. Persons or
6 entities not subject to the tax imposed by subsections (a) and
7 (b) of Section 201 and who make a donation under Section 7.28
8 of the Illinois Housing Development Act are entitled to a
9 credit as described in this subsection and may transfer that
10 credit as described in subsection (c).

11 (b) If the amount of the credit exceeds the tax liability
12 for the year, the excess may be carried forward and applied to
13 the tax liability of the 5 taxable years following the excess
14 credit year. The tax credit shall be applied to the earliest
15 year for which there is a tax liability. If there are credits
16 for more than one year that are available to offset a
17 liability, the earlier credit shall be applied first.

18 (c) The transfer of the tax credit allowed under this
19 Section may be made (i) to the purchaser of land that has been
20 designated solely for affordable housing projects in
21 accordance with the Illinois Housing Development Act or (ii)
22 to another donor who has also made a donation in accordance
23 with Section 7.28 of the Illinois Housing Development Act.

24 (d) A taxpayer claiming the credit provided by this
25 Section must maintain and record any information that the
26 Department may require by regulation regarding the project for

1 which the credit is claimed. When claiming the credit provided
2 by this Section, the taxpayer must provide information
3 regarding the taxpayer's donation to the project under the
4 Illinois Housing Development Act.

5 (Source: P.A. 99-915, eff. 12-20-16.)

6 (35 ILCS 5/220)

7 Sec. 220. Angel investment credit.

8 (a) As used in this Section:

9 "Applicant" means a corporation, partnership, limited
10 liability company, or a natural person that makes an
11 investment in a qualified new business venture. The term
12 "applicant" does not include (i) a corporation, partnership,
13 limited liability company, or a natural person who has a
14 direct or indirect ownership interest of at least 51% in the
15 profits, capital, or value of the qualified new business
16 venture receiving the investment or (ii) a related member.

17 "Claimant" means an applicant certified by the Department
18 who files a claim for a credit under this Section.

19 "Department" means the Department of Commerce and Economic
20 Opportunity.

21 "Investment" means money (or its equivalent) given to a
22 qualified new business venture, at a risk of loss, in
23 consideration for an equity interest of the qualified new
24 business venture. The Department may adopt rules to permit
25 certain forms of contingent equity investments to be

1 considered eligible for a tax credit under this Section.

2 "Qualified new business venture" means a business that is
3 registered with the Department under this Section.

4 "Related member" means a person that, with respect to the
5 applicant, is any one of the following:

6 (1) An individual, if the individual and the members
7 of the individual's family (as defined in Section 318 of
8 the Internal Revenue Code) own directly, indirectly,
9 beneficially, or constructively, in the aggregate, at
10 least 50% of the value of the outstanding profits,
11 capital, stock, or other ownership interest in the
12 qualified new business venture that is the recipient of
13 the applicant's investment.

14 (2) A partnership, estate, or trust and any partner or
15 beneficiary, if the partnership, estate, or trust and its
16 partners or beneficiaries own directly, indirectly,
17 beneficially, or constructively, in the aggregate, at
18 least 50% of the profits, capital, stock, or other
19 ownership interest in the qualified new business venture
20 that is the recipient of the applicant's investment.

21 (3) A corporation, and any party related to the
22 corporation in a manner that would require an attribution
23 of stock from the corporation under the attribution rules
24 of Section 318 of the Internal Revenue Code, if the
25 applicant and any other related member own, in the
26 aggregate, directly, indirectly, beneficially, or

1 constructively, at least 50% of the value of the
2 outstanding stock of the qualified new business venture
3 that is the recipient of the applicant's investment.

4 (4) A corporation and any party related to that
5 corporation in a manner that would require an attribution
6 of stock from the corporation to the party or from the
7 party to the corporation under the attribution rules of
8 Section 318 of the Internal Revenue Code, if the
9 corporation and all such related parties own, in the
10 aggregate, at least 50% of the profits, capital, stock, or
11 other ownership interest in the qualified new business
12 venture that is the recipient of the applicant's
13 investment.

14 (5) A person to or from whom there is attribution of
15 ownership of stock in the qualified new business venture
16 that is the recipient of the applicant's investment in
17 accordance with Section 1563(e) of the Internal Revenue
18 Code, except that for purposes of determining whether a
19 person is a related member under this paragraph, "20%"
20 shall be substituted for "5%" whenever "5%" appears in
21 Section 1563(e) of the Internal Revenue Code.

22 (b) For taxable years beginning after December 31, 2010,
23 and ending on or before December 31, 2026 ~~December 31, 2021~~,
24 subject to the limitations provided in this Section, a
25 claimant may claim, as a credit against the tax imposed under
26 subsections (a) and (b) of Section 201 of this Act, an amount

1 equal to 25% of the claimant's investment made directly in a
2 qualified new business venture. In order for an investment in
3 a qualified new business venture to be eligible for tax
4 credits, the business must have applied for and received
5 certification under subsection (e) for the taxable year in
6 which the investment was made prior to the date on which the
7 investment was made. The credit under this Section may not
8 exceed the taxpayer's Illinois income tax liability for the
9 taxable year. If the amount of the credit exceeds the tax
10 liability for the year, the excess may be carried forward and
11 applied to the tax liability of the 5 taxable years following
12 the excess credit year. The credit shall be applied to the
13 earliest year for which there is a tax liability. If there are
14 credits from more than one tax year that are available to
15 offset a liability, the earlier credit shall be applied first.
16 In the case of a partnership or Subchapter S Corporation, the
17 credit is allowed to the partners or shareholders in
18 accordance with the determination of income and distributive
19 share of income under Sections 702 and 704 and Subchapter S of
20 the Internal Revenue Code.

21 (c) The minimum amount an applicant must invest in any
22 single qualified new business venture in order to be eligible
23 for a credit under this Section is \$10,000. The maximum amount
24 of an applicant's total investment made in any single
25 qualified new business venture that may be used as the basis
26 for a credit under this Section is \$2,000,000.

1 (d) The Department shall implement a program to certify an
2 applicant for an angel investment credit. Upon satisfactory
3 review, the Department shall issue a tax credit certificate
4 stating the amount of the tax credit to which the applicant is
5 entitled. The Department shall annually certify that: (i) each
6 qualified new business venture that receives an angel
7 investment under this Section has maintained a minimum
8 employment threshold, as defined by rule, in the State (and
9 continues to maintain a minimum employment threshold in the
10 State for a period of no less than 3 years from the issue date
11 of the last tax credit certificate issued by the Department
12 with respect to such business pursuant to this Section); and
13 (ii) the claimant's investment has been made and remains,
14 except in the event of a qualifying liquidity event, in the
15 qualified new business venture for no less than 3 years.

16 If an investment for which a claimant is allowed a credit
17 under subsection (b) is held by the claimant for less than 3
18 years, other than as a result of a permitted sale of the
19 investment to person who is not a related member, the claimant
20 shall pay to the Department of Revenue, in the manner
21 prescribed by the Department of Revenue, the aggregate amount
22 of the disqualified credits that the claimant received related
23 to the subject investment.

24 If the Department determines that a qualified new business
25 venture failed to maintain a minimum employment threshold in
26 the State through the date which is 3 years from the issue date

1 of the last tax credit certificate issued by the Department
2 with respect to the subject business pursuant to this Section,
3 the claimant or claimants shall pay to the Department of
4 Revenue, in the manner prescribed by the Department of
5 Revenue, the aggregate amount of the disqualified credits that
6 claimant or claimants received related to investments in that
7 business.

8 (e) The Department shall implement a program to register
9 qualified new business ventures for purposes of this Section.
10 A business desiring registration under this Section shall be
11 required to submit a full and complete application to the
12 Department. A submitted application shall be effective only
13 for the taxable year in which it is submitted, and a business
14 desiring registration under this Section shall be required to
15 submit a separate application in and for each taxable year for
16 which the business desires registration. Further, if at any
17 time prior to the acceptance of an application for
18 registration under this Section by the Department one or more
19 events occurs which makes the information provided in that
20 application materially false or incomplete (in whole or in
21 part), the business shall promptly notify the Department of
22 the same. Any failure of a business to promptly provide the
23 foregoing information to the Department may, at the discretion
24 of the Department, result in a revocation of a previously
25 approved application for that business, or disqualification of
26 the business from future registration under this Section, or

1 both. The Department may register the business only if all of
2 the following conditions are satisfied:

3 (1) it has its principal place of business in this
4 State;

5 (2) at least 51% of the employees employed by the
6 business are employed in this State;

7 (3) the business has the potential for increasing jobs
8 in this State, increasing capital investment in this
9 State, or both, as determined by the Department, and
10 either of the following apply:

11 (A) it is principally engaged in innovation in any
12 of the following: manufacturing; biotechnology;
13 nanotechnology; communications; agricultural
14 sciences; clean energy creation or storage technology;
15 processing or assembling products, including medical
16 devices, pharmaceuticals, computer software, computer
17 hardware, semiconductors, other innovative technology
18 products, or other products that are produced using
19 manufacturing methods that are enabled by applying
20 proprietary technology; or providing services that are
21 enabled by applying proprietary technology; or

22 (B) it is undertaking pre-commercialization
23 activity related to proprietary technology that
24 includes conducting research, developing a new product
25 or business process, or developing a service that is
26 principally reliant on applying proprietary

1 technology;

2 (4) it is not principally engaged in real estate
3 development, insurance, banking, lending, lobbying,
4 political consulting, professional services provided by
5 attorneys, accountants, business consultants, physicians,
6 or health care consultants, wholesale or retail trade,
7 leisure, hospitality, transportation, or construction,
8 except construction of power production plants that derive
9 energy from a renewable energy resource, as defined in
10 Section 1 of the Illinois Power Agency Act;

11 (5) at the time it is first certified:

12 (A) it has fewer than 100 employees;

13 (B) it has been in operation in Illinois for not
14 more than 10 consecutive years prior to the year of
15 certification; and

16 (C) it has received not more than \$10,000,000 in
17 aggregate investments;

18 (5.1) it agrees to maintain a minimum employment
19 threshold in the State of Illinois prior to the date which
20 is 3 years from the issue date of the last tax credit
21 certificate issued by the Department with respect to that
22 business pursuant to this Section;

23 (6) (blank); and

24 (7) it has received not more than \$4,000,000 in
25 investments that qualified for tax credits under this
26 Section.

1 (f) The Department, in consultation with the Department of
2 Revenue, shall adopt rules to administer this Section. The
3 aggregate amount of the tax credits that may be claimed under
4 this Section for investments made in qualified new business
5 ventures shall be limited at \$10,000,000 per calendar year, of
6 which \$500,000 shall be reserved for investments made in
7 qualified new business ventures which are minority-owned
8 businesses, women-owned businesses, or businesses owned by a
9 person with a disability (as those terms are used and defined
10 in the Business Enterprise for Minorities, Women, and Persons
11 with Disabilities Act), and an additional \$500,000 shall be
12 reserved for investments made in qualified new business
13 ventures with their principal place of business in counties
14 with a population of not more than 250,000. The foregoing
15 annual allowable amounts shall be allocated by the Department,
16 on a per calendar quarter basis and prior to the commencement
17 of each calendar year, in such proportion as determined by the
18 Department, provided that: (i) the amount initially allocated
19 by the Department for any one calendar quarter shall not
20 exceed 35% of the total allowable amount; (ii) any portion of
21 the allocated allowable amount remaining unused as of the end
22 of any of the first 3 calendar quarters of a given calendar
23 year shall be rolled into, and added to, the total allocated
24 amount for the next available calendar quarter; and (iii) the
25 reservation of tax credits for investments in minority-owned
26 businesses, women-owned businesses, businesses owned by a

1 person with a disability, and in businesses in counties with a
2 population of not more than 250,000 is limited to the first 3
3 calendar quarters of a given calendar year, after which they
4 may be claimed by investors in any qualified new business
5 venture.

6 (g) A claimant may not sell or otherwise transfer a credit
7 awarded under this Section to another person.

8 (h) On or before March 1 of each year, the Department shall
9 report to the Governor and to the General Assembly on the tax
10 credit certificates awarded under this Section for the prior
11 calendar year.

12 (1) This report must include, for each tax credit
13 certificate awarded:

14 (A) the name of the claimant and the amount of
15 credit awarded or allocated to that claimant;

16 (B) the name and address (including the county) of
17 the qualified new business venture that received the
18 investment giving rise to the credit, the North
19 American Industry Classification System (NAICS) code
20 applicable to that qualified new business venture, and
21 the number of employees of the qualified new business
22 venture; and

23 (C) the date of approval by the Department of each
24 claimant's tax credit certificate.

25 (2) The report must also include:

26 (A) the total number of applicants and the total

1 number of claimants, including the amount of each tax
2 credit certificate awarded to a claimant under this
3 Section in the prior calendar year;

4 (B) the total number of applications from
5 businesses seeking registration under this Section,
6 the total number of new qualified business ventures
7 registered by the Department, and the aggregate amount
8 of investment upon which tax credit certificates were
9 issued in the prior calendar year; and

10 (C) the total amount of tax credit certificates
11 sought by applicants, the amount of each tax credit
12 certificate issued to a claimant, the aggregate amount
13 of all tax credit certificates issued in the prior
14 calendar year and the aggregate amount of tax credit
15 certificates issued as authorized under this Section
16 for all calendar years.

17 (i) For each business seeking registration under this
18 Section after December 31, 2016, the Department shall require
19 the business to include in its application the North American
20 Industry Classification System (NAICS) code applicable to the
21 business and the number of employees of the business at the
22 time of application. Each business registered by the
23 Department as a qualified new business venture that receives
24 an investment giving rise to the issuance of a tax credit
25 certificate pursuant to this Section shall, for each of the 3
26 years following the issue date of the last tax credit

1 certificate issued by the Department with respect to such
2 business pursuant to this Section, report to the Department
3 the following:

4 (1) the number of employees and the location at which
5 those employees are employed, both as of the end of each
6 year;

7 (2) the amount of additional new capital investment
8 raised as of the end of each year, if any; and

9 (3) the terms of any liquidity event occurring during
10 such year; for the purposes of this Section, a "liquidity
11 event" means any event that would be considered an exit
12 for an illiquid investment, including any event that
13 allows the equity holders of the business (or any material
14 portion thereof) to cash out some or all of their
15 respective equity interests.

16 (Source: P.A. 100-328, eff. 1-1-18; 100-686, eff. 1-1-19;
17 100-863, eff. 8-14-18; 101-81, eff. 7-12-19.)

18 (35 ILCS 5/221)

19 Sec. 221. Rehabilitation costs; qualified historic
20 properties; River Edge Redevelopment Zone.

21 (a) For taxable years that begin on or after January 1,
22 2012 and begin prior to January 1, 2018, there shall be allowed
23 a tax credit against the tax imposed by subsections (a) and (b)
24 of Section 201 of this Act in an amount equal to 25% of
25 qualified expenditures incurred by a qualified taxpayer during

1 the taxable year in the restoration and preservation of a
2 qualified historic structure located in a River Edge
3 Redevelopment Zone pursuant to a qualified rehabilitation
4 plan, provided that the total amount of such expenditures (i)
5 must equal \$5,000 or more and (ii) must exceed 50% of the
6 purchase price of the property.

7 (a-1) For taxable years that begin on or after January 1,
8 2018 and end prior to January 1, 2027 ~~January 1, 2022~~, there
9 shall be allowed a tax credit against the tax imposed by
10 subsections (a) and (b) of Section 201 of this Act in an
11 aggregate amount equal to 25% of qualified expenditures
12 incurred by a qualified taxpayer in the restoration and
13 preservation of a qualified historic structure located in a
14 River Edge Redevelopment Zone pursuant to a qualified
15 rehabilitation plan, provided that the total amount of such
16 expenditures must (i) equal \$5,000 or more and (ii) exceed the
17 adjusted basis of the qualified historic structure on the
18 first day the qualified rehabilitation plan begins. For any
19 rehabilitation project, regardless of duration or number of
20 phases, the project's compliance with the foregoing provisions
21 (i) and (ii) shall be determined based on the aggregate amount
22 of qualified expenditures for the entire project and may
23 include expenditures incurred under subsection (a), this
24 subsection, or both subsection (a) and this subsection. If the
25 qualified rehabilitation plan spans multiple years, the
26 aggregate credit for the entire project shall be allowed in

1 the last taxable year, except for phased rehabilitation
2 projects, which may receive credits upon completion of each
3 phase. Before obtaining the first phased credit: (A) the total
4 amount of such expenditures must meet the requirements of
5 provisions (i) and (ii) of this subsection; (B) the
6 rehabilitated portion of the qualified historic structure must
7 be placed in service; and (C) the requirements of subsection
8 (b) must be met.

9 (a-2) For taxable years beginning on or after January 1,
10 2021 and ending prior to January 1, 2027 ~~January 1, 2022~~, there
11 shall be allowed a tax credit against the tax imposed by
12 subsections (a) and (b) of Section 201 as provided in Section
13 10-10.3 of the River Edge Redevelopment Zone Act. The credit
14 allowed under this subsection (a-2) shall apply only to
15 taxpayers that make a capital investment of at least
16 \$1,000,000 in a qualified rehabilitation plan.

17 The credit or credits may not reduce the taxpayer's
18 liability to less than zero. If the amount of the credit or
19 credits exceeds the taxpayer's liability, the excess may be
20 carried forward and applied against the taxpayer's liability
21 in succeeding calendar years in the manner provided under
22 paragraph (4) of Section 211 of this Act. The credit or credits
23 shall be applied to the earliest year for which there is a tax
24 liability. If there are credits from more than one taxable
25 year that are available to offset a liability, the earlier
26 credit shall be applied first.

1 For partners, shareholders of Subchapter S corporations,
2 and owners of limited liability companies, if the liability
3 company is treated as a partnership for the purposes of
4 federal and State income taxation, there shall be allowed a
5 credit under this Section to be determined in accordance with
6 the determination of income and distributive share of income
7 under Sections 702 and 704 and Subchapter S of the Internal
8 Revenue Code.

9 The total aggregate amount of credits awarded under the
10 Blue Collar Jobs Act (Article 20 of this amendatory Act of the
11 101st General Assembly) shall not exceed \$20,000,000 in any
12 State fiscal year.

13 (b) To obtain a tax credit pursuant to this Section, the
14 taxpayer must apply with the Department of Natural Resources.
15 The Department of Natural Resources shall determine the amount
16 of eligible rehabilitation costs and expenses in addition to
17 the amount of the River Edge construction jobs credit within
18 45 days of receipt of a complete application. The taxpayer
19 must submit a certification of costs prepared by an
20 independent certified public accountant that certifies (i) the
21 project expenses, (ii) whether those expenses are qualified
22 expenditures, and (iii) that the qualified expenditures exceed
23 the adjusted basis of the qualified historic structure on the
24 first day the qualified rehabilitation plan commenced. The
25 Department of Natural Resources is authorized, but not
26 required, to accept this certification of costs to determine

1 the amount of qualified expenditures and the amount of the
2 credit. The Department of Natural Resources shall provide
3 guidance as to the minimum standards to be followed in the
4 preparation of such certification. The Department of Natural
5 Resources and the National Park Service shall determine
6 whether the rehabilitation is consistent with the United
7 States Secretary of the Interior's Standards for
8 Rehabilitation.

9 (b-1) Upon completion of the project and approval of the
10 complete application, the Department of Natural Resources
11 shall issue a single certificate in the amount of the eligible
12 credits equal to 25% of qualified expenditures incurred during
13 the eligible taxable years, as defined in subsections (a) and
14 (a-1), excepting any credits awarded under subsection (a)
15 prior to January 1, 2019 (the effective date of Public Act
16 100-629) and any phased credits issued prior to the eligible
17 taxable year under subsection (a-1). At the time the
18 certificate is issued, an issuance fee up to the maximum
19 amount of 2% of the amount of the credits issued by the
20 certificate may be collected from the applicant to administer
21 the provisions of this Section. If collected, this issuance
22 fee shall be deposited into the Historic Property
23 Administrative Fund, a special fund created in the State
24 treasury. Subject to appropriation, moneys in the Historic
25 Property Administrative Fund shall be provided to the
26 Department of Natural Resources as reimbursement for the costs

1 associated with administering this Section.

2 (c) The taxpayer must attach the certificate to the tax
3 return on which the credits are to be claimed. The tax credit
4 under this Section may not reduce the taxpayer's liability to
5 less than zero. If the amount of the credit exceeds the tax
6 liability for the year, the excess credit may be carried
7 forward and applied to the tax liability of the 5 taxable years
8 following the excess credit year.

9 (c-1) Subject to appropriation, moneys in the Historic
10 Property Administrative Fund shall be used, on a biennial
11 basis beginning at the end of the second fiscal year after
12 January 1, 2019 (the effective date of Public Act 100-629), to
13 hire a qualified third party to prepare a biennial report to
14 assess the overall economic impact to the State from the
15 qualified rehabilitation projects under this Section completed
16 in that year and in previous years. The overall economic
17 impact shall include at least: (1) the direct and indirect or
18 induced economic impacts of completed projects; (2) temporary,
19 permanent, and construction jobs created; (3) sales, income,
20 and property tax generation before, during construction, and
21 after completion; and (4) indirect neighborhood impact after
22 completion. The report shall be submitted to the Governor and
23 the General Assembly. The report to the General Assembly shall
24 be filed with the Clerk of the House of Representatives and the
25 Secretary of the Senate in electronic form only, in the manner
26 that the Clerk and the Secretary shall direct.

1 (c-2) The Department of Natural Resources may adopt rules
2 to implement this Section in addition to the rules expressly
3 authorized in this Section.

4 (d) As used in this Section, the following terms have the
5 following meanings.

6 "Phased rehabilitation" means a project that is completed
7 in phases, as defined under Section 47 of the federal Internal
8 Revenue Code and pursuant to National Park Service regulations
9 at 36 C.F.R. 67.

10 "Placed in service" means the date when the property is
11 placed in a condition or state of readiness and availability
12 for a specifically assigned function as defined under Section
13 47 of the federal Internal Revenue Code and federal Treasury
14 Regulation Sections 1.46 and 1.48.

15 "Qualified expenditure" means all the costs and expenses
16 defined as qualified rehabilitation expenditures under Section
17 47 of the federal Internal Revenue Code that were incurred in
18 connection with a qualified historic structure.

19 "Qualified historic structure" means a certified historic
20 structure as defined under Section 47(c)(3) of the federal
21 Internal Revenue Code.

22 "Qualified rehabilitation plan" means a project that is
23 approved by the Department of Natural Resources and the
24 National Park Service as being consistent with the United
25 States Secretary of the Interior's Standards for
26 Rehabilitation.

1 "Qualified taxpayer" means the owner of the qualified
2 historic structure or any other person who qualifies for the
3 federal rehabilitation credit allowed by Section 47 of the
4 federal Internal Revenue Code with respect to that qualified
5 historic structure. Partners, shareholders of subchapter S
6 corporations, and owners of limited liability companies (if
7 the limited liability company is treated as a partnership for
8 purposes of federal and State income taxation) are entitled to
9 a credit under this Section to be determined in accordance
10 with the determination of income and distributive share of
11 income under Sections 702 and 703 and subchapter S of the
12 Internal Revenue Code, provided that credits granted to a
13 partnership, a limited liability company taxed as a
14 partnership, or other multiple owners of property shall be
15 passed through to the partners, members, or owners
16 respectively on a pro rata basis or pursuant to an executed
17 agreement among the partners, members, or owners documenting
18 any alternate distribution method.

19 (Source: P.A. 100-236, eff. 8-18-17; 100-629, eff. 1-1-19;
20 100-695, eff. 8-3-18; 101-9, eff. 6-5-19; 101-81, eff.
21 7-12-19.)

22 (35 ILCS 5/222)

23 Sec. 222. Live theater production credit.

24 (a) For tax years beginning on or after January 1, 2012 and
25 beginning prior to January 1, 2027 ~~January 1, 2022~~, a taxpayer

1 who has received a tax credit award under the Live Theater
2 Production Tax Credit Act is entitled to a credit against the
3 taxes imposed under subsections (a) and (b) of Section 201 of
4 this Act in an amount determined under that Act by the
5 Department of Commerce and Economic Opportunity.

6 (b) If the taxpayer is a partnership, limited liability
7 partnership, limited liability company, or Subchapter S
8 corporation, the tax credit award is allowed to the partners,
9 unit holders, or shareholders in accordance with the
10 determination of income and distributive share of income under
11 Sections 702 and 704 and Subchapter S of the Internal Revenue
12 Code.

13 (c) A sale, assignment, or transfer of the tax credit
14 award may be made by the taxpayer earning the credit within one
15 year after the credit is awarded in accordance with rules
16 adopted by the Department of Commerce and Economic
17 Opportunity.

18 (d) The Department of Revenue, in cooperation with the
19 Department of Commerce and Economic Opportunity, shall adopt
20 rules to enforce and administer the provisions of this
21 Section.

22 (e) The tax credit award may not be carried back. If the
23 amount of the credit exceeds the tax liability for the year,
24 the excess may be carried forward and applied to the tax
25 liability of the 5 tax years following the excess credit year.
26 The tax credit award shall be applied to the earliest year for

1 which there is a tax liability. If there are credits from more
2 than one tax year that are available to offset liability, the
3 earlier credit shall be applied first. In no event may a credit
4 under this Section reduce the taxpayer's liability to less
5 than zero.

6 (Source: P.A. 100-415, eff. 1-1-18.)

7 Section 30-15. The Use Tax Act is amended by changing
8 Section 3-5 as follows:

9 (35 ILCS 105/3-5)

10 Sec. 3-5. Exemptions. Use of the following tangible
11 personal property is exempt from the tax imposed by this Act:

12 (1) Personal property purchased from a corporation,
13 society, association, foundation, institution, or
14 organization, other than a limited liability company, that is
15 organized and operated as a not-for-profit service enterprise
16 for the benefit of persons 65 years of age or older if the
17 personal property was not purchased by the enterprise for the
18 purpose of resale by the enterprise.

19 (2) Personal property purchased by a not-for-profit
20 Illinois county fair association for use in conducting,
21 operating, or promoting the county fair.

22 (3) Personal property purchased by a not-for-profit arts
23 or cultural organization that establishes, by proof required
24 by the Department by rule, that it has received an exemption

1 under Section 501(c)(3) of the Internal Revenue Code and that
2 is organized and operated primarily for the presentation or
3 support of arts or cultural programming, activities, or
4 services. These organizations include, but are not limited to,
5 music and dramatic arts organizations such as symphony
6 orchestras and theatrical groups, arts and cultural service
7 organizations, local arts councils, visual arts organizations,
8 and media arts organizations. On and after July 1, 2001 (the
9 effective date of Public Act 92-35), however, an entity
10 otherwise eligible for this exemption shall not make tax-free
11 purchases unless it has an active identification number issued
12 by the Department.

13 (4) Personal property purchased by a governmental body, by
14 a corporation, society, association, foundation, or
15 institution organized and operated exclusively for charitable,
16 religious, or educational purposes, or by a not-for-profit
17 corporation, society, association, foundation, institution, or
18 organization that has no compensated officers or employees and
19 that is organized and operated primarily for the recreation of
20 persons 55 years of age or older. A limited liability company
21 may qualify for the exemption under this paragraph only if the
22 limited liability company is organized and operated
23 exclusively for educational purposes. On and after July 1,
24 1987, however, no entity otherwise eligible for this exemption
25 shall make tax-free purchases unless it has an active
26 exemption identification number issued by the Department.

1 (5) Until July 1, 2003, a passenger car that is a
2 replacement vehicle to the extent that the purchase price of
3 the car is subject to the Replacement Vehicle Tax.

4 (6) Until July 1, 2003 and beginning again on September 1,
5 2004 through August 30, 2014, graphic arts machinery and
6 equipment, including repair and replacement parts, both new
7 and used, and including that manufactured on special order,
8 certified by the purchaser to be used primarily for graphic
9 arts production, and including machinery and equipment
10 purchased for lease. Equipment includes chemicals or chemicals
11 acting as catalysts but only if the chemicals or chemicals
12 acting as catalysts effect a direct and immediate change upon
13 a graphic arts product. Beginning on July 1, 2017, graphic
14 arts machinery and equipment is included in the manufacturing
15 and assembling machinery and equipment exemption under
16 paragraph (18).

17 (7) Farm chemicals.

18 (8) Legal tender, currency, medallions, or gold or silver
19 coinage issued by the State of Illinois, the government of the
20 United States of America, or the government of any foreign
21 country, and bullion.

22 (9) Personal property purchased from a teacher-sponsored
23 student organization affiliated with an elementary or
24 secondary school located in Illinois.

25 (10) A motor vehicle that is used for automobile renting,
26 as defined in the Automobile Renting Occupation and Use Tax

1 Act.

2 (11) Farm machinery and equipment, both new and used,
3 including that manufactured on special order, certified by the
4 purchaser to be used primarily for production agriculture or
5 State or federal agricultural programs, including individual
6 replacement parts for the machinery and equipment, including
7 machinery and equipment purchased for lease, and including
8 implements of husbandry defined in Section 1-130 of the
9 Illinois Vehicle Code, farm machinery and agricultural
10 chemical and fertilizer spreaders, and nurse wagons required
11 to be registered under Section 3-809 of the Illinois Vehicle
12 Code, but excluding other motor vehicles required to be
13 registered under the Illinois Vehicle Code. Horticultural
14 polyhouses or hoop houses used for propagating, growing, or
15 overwintering plants shall be considered farm machinery and
16 equipment under this item (11). Agricultural chemical tender
17 tanks and dry boxes shall include units sold separately from a
18 motor vehicle required to be licensed and units sold mounted
19 on a motor vehicle required to be licensed if the selling price
20 of the tender is separately stated.

21 Farm machinery and equipment shall include precision
22 farming equipment that is installed or purchased to be
23 installed on farm machinery and equipment including, but not
24 limited to, tractors, harvesters, sprayers, planters, seeders,
25 or spreaders. Precision farming equipment includes, but is not
26 limited to, soil testing sensors, computers, monitors,

1 software, global positioning and mapping systems, and other
2 such equipment.

3 Farm machinery and equipment also includes computers,
4 sensors, software, and related equipment used primarily in the
5 computer-assisted operation of production agriculture
6 facilities, equipment, and activities such as, but not limited
7 to, the collection, monitoring, and correlation of animal and
8 crop data for the purpose of formulating animal diets and
9 agricultural chemicals. This item (11) is exempt from the
10 provisions of Section 3-90.

11 (12) Until June 30, 2013, fuel and petroleum products sold
12 to or used by an air common carrier, certified by the carrier
13 to be used for consumption, shipment, or storage in the
14 conduct of its business as an air common carrier, for a flight
15 destined for or returning from a location or locations outside
16 the United States without regard to previous or subsequent
17 domestic stopovers.

18 Beginning July 1, 2013, fuel and petroleum products sold
19 to or used by an air carrier, certified by the carrier to be
20 used for consumption, shipment, or storage in the conduct of
21 its business as an air common carrier, for a flight that (i) is
22 engaged in foreign trade or is engaged in trade between the
23 United States and any of its possessions and (ii) transports
24 at least one individual or package for hire from the city of
25 origination to the city of final destination on the same
26 aircraft, without regard to a change in the flight number of

1 that aircraft.

2 (13) Proceeds of mandatory service charges separately
3 stated on customers' bills for the purchase and consumption of
4 food and beverages purchased at retail from a retailer, to the
5 extent that the proceeds of the service charge are in fact
6 turned over as tips or as a substitute for tips to the
7 employees who participate directly in preparing, serving,
8 hosting or cleaning up the food or beverage function with
9 respect to which the service charge is imposed.

10 (14) Until July 1, 2003, oil field exploration, drilling,
11 and production equipment, including (i) rigs and parts of
12 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
13 pipe and tubular goods, including casing and drill strings,
14 (iii) pumps and pump-jack units, (iv) storage tanks and flow
15 lines, (v) any individual replacement part for oil field
16 exploration, drilling, and production equipment, and (vi)
17 machinery and equipment purchased for lease; but excluding
18 motor vehicles required to be registered under the Illinois
19 Vehicle Code.

20 (15) Photoprocessing machinery and equipment, including
21 repair and replacement parts, both new and used, including
22 that manufactured on special order, certified by the purchaser
23 to be used primarily for photoprocessing, and including
24 photoprocessing machinery and equipment purchased for lease.

25 (16) Until July 1, 2023, coal and aggregate exploration,
26 mining, off-highway hauling, processing, maintenance, and

1 reclamation equipment, including replacement parts and
2 equipment, and including equipment purchased for lease, but
3 excluding motor vehicles required to be registered under the
4 Illinois Vehicle Code. The changes made to this Section by
5 Public Act 97-767 apply on and after July 1, 2003, but no claim
6 for credit or refund is allowed on or after August 16, 2013
7 (the effective date of Public Act 98-456) for such taxes paid
8 during the period beginning July 1, 2003 and ending on August
9 16, 2013 (the effective date of Public Act 98-456).

10 (17) Until July 1, 2003, distillation machinery and
11 equipment, sold as a unit or kit, assembled or installed by the
12 retailer, certified by the user to be used only for the
13 production of ethyl alcohol that will be used for consumption
14 as motor fuel or as a component of motor fuel for the personal
15 use of the user, and not subject to sale or resale.

16 (18) Manufacturing and assembling machinery and equipment
17 used primarily in the process of manufacturing or assembling
18 tangible personal property for wholesale or retail sale or
19 lease, whether that sale or lease is made directly by the
20 manufacturer or by some other person, whether the materials
21 used in the process are owned by the manufacturer or some other
22 person, or whether that sale or lease is made apart from or as
23 an incident to the seller's engaging in the service occupation
24 of producing machines, tools, dies, jigs, patterns, gauges, or
25 other similar items of no commercial value on special order
26 for a particular purchaser. The exemption provided by this

1 paragraph (18) includes production related tangible personal
2 property, as defined in Section 3-50, purchased on or after
3 July 1, 2019. The exemption provided by this paragraph (18)
4 does not include machinery and equipment used in (i) the
5 generation of electricity for wholesale or retail sale; (ii)
6 the generation or treatment of natural or artificial gas for
7 wholesale or retail sale that is delivered to customers
8 through pipes, pipelines, or mains; or (iii) the treatment of
9 water for wholesale or retail sale that is delivered to
10 customers through pipes, pipelines, or mains. The provisions
11 of Public Act 98-583 are declaratory of existing law as to the
12 meaning and scope of this exemption. Beginning on July 1,
13 2017, the exemption provided by this paragraph (18) includes,
14 but is not limited to, graphic arts machinery and equipment,
15 as defined in paragraph (6) of this Section.

16 (19) Personal property delivered to a purchaser or
17 purchaser's donee inside Illinois when the purchase order for
18 that personal property was received by a florist located
19 outside Illinois who has a florist located inside Illinois
20 deliver the personal property.

21 (20) Semen used for artificial insemination of livestock
22 for direct agricultural production.

23 (21) Horses, or interests in horses, registered with and
24 meeting the requirements of any of the Arabian Horse Club
25 Registry of America, Appaloosa Horse Club, American Quarter
26 Horse Association, United States Trotting Association, or

1 Jockey Club, as appropriate, used for purposes of breeding or
2 racing for prizes. This item (21) is exempt from the
3 provisions of Section 3-90, and the exemption provided for
4 under this item (21) applies for all periods beginning May 30,
5 1995, but no claim for credit or refund is allowed on or after
6 January 1, 2008 for such taxes paid during the period
7 beginning May 30, 2000 and ending on January 1, 2008.

8 (22) Computers and communications equipment utilized for
9 any hospital purpose and equipment used in the diagnosis,
10 analysis, or treatment of hospital patients purchased by a
11 lessor who leases the equipment, under a lease of one year or
12 longer executed or in effect at the time the lessor would
13 otherwise be subject to the tax imposed by this Act, to a
14 hospital that has been issued an active tax exemption
15 identification number by the Department under Section 1g of
16 the Retailers' Occupation Tax Act. If the equipment is leased
17 in a manner that does not qualify for this exemption or is used
18 in any other non-exempt manner, the lessor shall be liable for
19 the tax imposed under this Act or the Service Use Tax Act, as
20 the case may be, based on the fair market value of the property
21 at the time the non-qualifying use occurs. No lessor shall
22 collect or attempt to collect an amount (however designated)
23 that purports to reimburse that lessor for the tax imposed by
24 this Act or the Service Use Tax Act, as the case may be, if the
25 tax has not been paid by the lessor. If a lessor improperly
26 collects any such amount from the lessee, the lessee shall

1 have a legal right to claim a refund of that amount from the
2 lessor. If, however, that amount is not refunded to the lessee
3 for any reason, the lessor is liable to pay that amount to the
4 Department.

5 (23) Personal property purchased by a lessor who leases
6 the property, under a lease of one year or longer executed or
7 in effect at the time the lessor would otherwise be subject to
8 the tax imposed by this Act, to a governmental body that has
9 been issued an active sales tax exemption identification
10 number by the Department under Section 1g of the Retailers'
11 Occupation Tax Act. If the property is leased in a manner that
12 does not qualify for this exemption or used in any other
13 non-exempt manner, the lessor shall be liable for the tax
14 imposed under this Act or the Service Use Tax Act, as the case
15 may be, based on the fair market value of the property at the
16 time the non-qualifying use occurs. No lessor shall collect or
17 attempt to collect an amount (however designated) that
18 purports to reimburse that lessor for the tax imposed by this
19 Act or the Service Use Tax Act, as the case may be, if the tax
20 has not been paid by the lessor. If a lessor improperly
21 collects any such amount from the lessee, the lessee shall
22 have a legal right to claim a refund of that amount from the
23 lessor. If, however, that amount is not refunded to the lessee
24 for any reason, the lessor is liable to pay that amount to the
25 Department.

26 (24) Beginning with taxable years ending on or after

1 December 31, 1995 and ending with taxable years ending on or
2 before December 31, 2004, personal property that is donated
3 for disaster relief to be used in a State or federally declared
4 disaster area in Illinois or bordering Illinois by a
5 manufacturer or retailer that is registered in this State to a
6 corporation, society, association, foundation, or institution
7 that has been issued a sales tax exemption identification
8 number by the Department that assists victims of the disaster
9 who reside within the declared disaster area.

10 (25) Beginning with taxable years ending on or after
11 December 31, 1995 and ending with taxable years ending on or
12 before December 31, 2004, personal property that is used in
13 the performance of infrastructure repairs in this State,
14 including but not limited to municipal roads and streets,
15 access roads, bridges, sidewalks, waste disposal systems,
16 water and sewer line extensions, water distribution and
17 purification facilities, storm water drainage and retention
18 facilities, and sewage treatment facilities, resulting from a
19 State or federally declared disaster in Illinois or bordering
20 Illinois when such repairs are initiated on facilities located
21 in the declared disaster area within 6 months after the
22 disaster.

23 (26) Beginning July 1, 1999, game or game birds purchased
24 at a "game breeding and hunting preserve area" as that term is
25 used in the Wildlife Code. This paragraph is exempt from the
26 provisions of Section 3-90.

1 (27) A motor vehicle, as that term is defined in Section
2 1-146 of the Illinois Vehicle Code, that is donated to a
3 corporation, limited liability company, society, association,
4 foundation, or institution that is determined by the
5 Department to be organized and operated exclusively for
6 educational purposes. For purposes of this exemption, "a
7 corporation, limited liability company, society, association,
8 foundation, or institution organized and operated exclusively
9 for educational purposes" means all tax-supported public
10 schools, private schools that offer systematic instruction in
11 useful branches of learning by methods common to public
12 schools and that compare favorably in their scope and
13 intensity with the course of study presented in tax-supported
14 schools, and vocational or technical schools or institutes
15 organized and operated exclusively to provide a course of
16 study of not less than 6 weeks duration and designed to prepare
17 individuals to follow a trade or to pursue a manual,
18 technical, mechanical, industrial, business, or commercial
19 occupation.

20 (28) Beginning January 1, 2000, personal property,
21 including food, purchased through fundraising events for the
22 benefit of a public or private elementary or secondary school,
23 a group of those schools, or one or more school districts if
24 the events are sponsored by an entity recognized by the school
25 district that consists primarily of volunteers and includes
26 parents and teachers of the school children. This paragraph

1 does not apply to fundraising events (i) for the benefit of
2 private home instruction or (ii) for which the fundraising
3 entity purchases the personal property sold at the events from
4 another individual or entity that sold the property for the
5 purpose of resale by the fundraising entity and that profits
6 from the sale to the fundraising entity. This paragraph is
7 exempt from the provisions of Section 3-90.

8 (29) Beginning January 1, 2000 and through December 31,
9 2001, new or used automatic vending machines that prepare and
10 serve hot food and beverages, including coffee, soup, and
11 other items, and replacement parts for these machines.
12 Beginning January 1, 2002 and through June 30, 2003, machines
13 and parts for machines used in commercial, coin-operated
14 amusement and vending business if a use or occupation tax is
15 paid on the gross receipts derived from the use of the
16 commercial, coin-operated amusement and vending machines. This
17 paragraph is exempt from the provisions of Section 3-90.

18 (30) Beginning January 1, 2001 and through June 30, 2016,
19 food for human consumption that is to be consumed off the
20 premises where it is sold (other than alcoholic beverages,
21 soft drinks, and food that has been prepared for immediate
22 consumption) and prescription and nonprescription medicines,
23 drugs, medical appliances, and insulin, urine testing
24 materials, syringes, and needles used by diabetics, for human
25 use, when purchased for use by a person receiving medical
26 assistance under Article V of the Illinois Public Aid Code who

1 resides in a licensed long-term care facility, as defined in
2 the Nursing Home Care Act, or in a licensed facility as defined
3 in the ID/DD Community Care Act, the MC/DD Act, or the
4 Specialized Mental Health Rehabilitation Act of 2013.

5 (31) Beginning on August 2, 2001 (the effective date of
6 Public Act 92-227), computers and communications equipment
7 utilized for any hospital purpose and equipment used in the
8 diagnosis, analysis, or treatment of hospital patients
9 purchased by a lessor who leases the equipment, under a lease
10 of one year or longer executed or in effect at the time the
11 lessor would otherwise be subject to the tax imposed by this
12 Act, to a hospital that has been issued an active tax exemption
13 identification number by the Department under Section 1g of
14 the Retailers' Occupation Tax Act. If the equipment is leased
15 in a manner that does not qualify for this exemption or is used
16 in any other nonexempt manner, the lessor shall be liable for
17 the tax imposed under this Act or the Service Use Tax Act, as
18 the case may be, based on the fair market value of the property
19 at the time the nonqualifying use occurs. No lessor shall
20 collect or attempt to collect an amount (however designated)
21 that purports to reimburse that lessor for the tax imposed by
22 this Act or the Service Use Tax Act, as the case may be, if the
23 tax has not been paid by the lessor. If a lessor improperly
24 collects any such amount from the lessee, the lessee shall
25 have a legal right to claim a refund of that amount from the
26 lessor. If, however, that amount is not refunded to the lessee

1 for any reason, the lessor is liable to pay that amount to the
2 Department. This paragraph is exempt from the provisions of
3 Section 3-90.

4 (32) Beginning on August 2, 2001 (the effective date of
5 Public Act 92-227), personal property purchased by a lessor
6 who leases the property, under a lease of one year or longer
7 executed or in effect at the time the lessor would otherwise be
8 subject to the tax imposed by this Act, to a governmental body
9 that has been issued an active sales tax exemption
10 identification number by the Department under Section 1g of
11 the Retailers' Occupation Tax Act. If the property is leased
12 in a manner that does not qualify for this exemption or used in
13 any other nonexempt manner, the lessor shall be liable for the
14 tax imposed under this Act or the Service Use Tax Act, as the
15 case may be, based on the fair market value of the property at
16 the time the nonqualifying use occurs. No lessor shall collect
17 or attempt to collect an amount (however designated) that
18 purports to reimburse that lessor for the tax imposed by this
19 Act or the Service Use Tax Act, as the case may be, if the tax
20 has not been paid by the lessor. If a lessor improperly
21 collects any such amount from the lessee, the lessee shall
22 have a legal right to claim a refund of that amount from the
23 lessor. If, however, that amount is not refunded to the lessee
24 for any reason, the lessor is liable to pay that amount to the
25 Department. This paragraph is exempt from the provisions of
26 Section 3-90.

1 (33) On and after July 1, 2003 and through June 30, 2004,
2 the use in this State of motor vehicles of the second division
3 with a gross vehicle weight in excess of 8,000 pounds and that
4 are subject to the commercial distribution fee imposed under
5 Section 3-815.1 of the Illinois Vehicle Code. Beginning on
6 July 1, 2004 and through June 30, 2005, the use in this State
7 of motor vehicles of the second division: (i) with a gross
8 vehicle weight rating in excess of 8,000 pounds; (ii) that are
9 subject to the commercial distribution fee imposed under
10 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that
11 are primarily used for commercial purposes. Through June 30,
12 2005, this exemption applies to repair and replacement parts
13 added after the initial purchase of such a motor vehicle if
14 that motor vehicle is used in a manner that would qualify for
15 the rolling stock exemption otherwise provided for in this
16 Act. For purposes of this paragraph, the term "used for
17 commercial purposes" means the transportation of persons or
18 property in furtherance of any commercial or industrial
19 enterprise, whether for-hire or not.

20 (34) Beginning January 1, 2008, tangible personal property
21 used in the construction or maintenance of a community water
22 supply, as defined under Section 3.145 of the Environmental
23 Protection Act, that is operated by a not-for-profit
24 corporation that holds a valid water supply permit issued
25 under Title IV of the Environmental Protection Act. This
26 paragraph is exempt from the provisions of Section 3-90.

(35) Beginning January 1, 2010 and continuing through December 31, 2024, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the use of qualifying tangible personal property by persons who modify, refurbish, complete, repair, replace, or maintain aircraft and who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to

1 this paragraph (35) by Public Act 98-534 are declarative of
2 existing law. It is the intent of the General Assembly that the
3 exemption under this paragraph (35) applies continuously from
4 January 1, 2010 through December 31, 2024; however, no claim
5 for credit or refund is allowed for taxes paid as a result of
6 the disallowance of this exemption on or after January 1, 2015
7 and prior to the effective date of this amendatory Act of the
8 101st General Assembly.

9 (36) Tangible personal property purchased by a
10 public-facilities corporation, as described in Section
11 11-65-10 of the Illinois Municipal Code, for purposes of
12 constructing or furnishing a municipal convention hall, but
13 only if the legal title to the municipal convention hall is
14 transferred to the municipality without any further
15 consideration by or on behalf of the municipality at the time
16 of the completion of the municipal convention hall or upon the
17 retirement or redemption of any bonds or other debt
18 instruments issued by the public-facilities corporation in
19 connection with the development of the municipal convention
20 hall. This exemption includes existing public-facilities
21 corporations as provided in Section 11-65-25 of the Illinois
22 Municipal Code. This paragraph is exempt from the provisions
23 of Section 3-90.

24 (37) Beginning January 1, 2017 and through December 31,
25 2026, menstrual pads, tampons, and menstrual cups.

26 (38) Merchandise that is subject to the Rental Purchase

1 Agreement Occupation and Use Tax. The purchaser must certify
2 that the item is purchased to be rented subject to a rental
3 purchase agreement, as defined in the Rental Purchase
4 Agreement Act, and provide proof of registration under the
5 Rental Purchase Agreement Occupation and Use Tax Act. This
6 paragraph is exempt from the provisions of Section 3-90.

7 (39) Tangible personal property purchased by a purchaser
8 who is exempt from the tax imposed by this Act by operation of
9 federal law. This paragraph is exempt from the provisions of
10 Section 3-90.

11 (40) Qualified tangible personal property used in the
12 construction or operation of a data center that has been
13 granted a certificate of exemption by the Department of
14 Commerce and Economic Opportunity, whether that tangible
15 personal property is purchased by the owner, operator, or
16 tenant of the data center or by a contractor or subcontractor
17 of the owner, operator, or tenant. Data centers that would
18 have qualified for a certificate of exemption prior to January
19 1, 2020 had Public Act 101-31 been in effect may apply for and
20 obtain an exemption for subsequent purchases of computer
21 equipment or enabling software purchased or leased to upgrade,
22 supplement, or replace computer equipment or enabling software
23 purchased or leased in the original investment that would have
24 qualified.

25 The Department of Commerce and Economic Opportunity shall
26 grant a certificate of exemption under this item (40) to

1 qualified data centers as defined by Section 605-1025 of the
2 Department of Commerce and Economic Opportunity Law of the
3 Civil Administrative Code of Illinois.

4 For the purposes of this item (40):

5 "Data center" means a building or a series of
6 buildings rehabilitated or constructed to house working
7 servers in one physical location or multiple sites within
8 the State of Illinois.

9 "Qualified tangible personal property" means:
10 electrical systems and equipment; climate control and
11 chilling equipment and systems; mechanical systems and
12 equipment; monitoring and secure systems; emergency
13 generators; hardware; computers; servers; data storage
14 devices; network connectivity equipment; racks; cabinets;
15 telecommunications cabling infrastructure; raised floor
16 systems; peripheral components or systems; software;
17 mechanical, electrical, or plumbing systems; battery
18 systems; cooling systems and towers; temperature control
19 systems; other cabling; and other data center
20 infrastructure equipment and systems necessary to operate
21 qualified tangible personal property, including fixtures;
22 and component parts of any of the foregoing, including
23 installation, maintenance, repair, refurbishment, and
24 replacement of qualified tangible personal property to
25 generate, transform, transmit, distribute, or manage
26 electricity necessary to operate qualified tangible

1 personal property; and all other tangible personal
2 property that is essential to the operations of a computer
3 data center. The term "qualified tangible personal
4 property" also includes building materials physically
5 incorporated in to the qualifying data center. To document
6 the exemption allowed under this Section, the retailer
7 must obtain from the purchaser a copy of the certificate
8 of eligibility issued by the Department of Commerce and
9 Economic Opportunity.

10 This item (40) is exempt from the provisions of Section
11 3-90.

12 (Source: P.A. 100-22, eff. 7-6-17; 100-437, eff. 1-1-18;
13 100-594, eff. 6-29-18; 100-863, eff. 8-14-18; 100-1171, eff.
14 1-4-19; 101-9, eff. 6-5-19; 101-31, eff. 6-28-19; 101-81, eff.
15 7-12-19; 101-629, eff. 2-5-20.)

16 Section 30-20. The Service Use Tax Act is amended by
17 changing Sections 3-5 and 3-10 as follows:

18 (35 ILCS 110/3-5)

19 Sec. 3-5. Exemptions. Use of the following tangible
20 personal property is exempt from the tax imposed by this Act:

21 (1) Personal property purchased from a corporation,
22 society, association, foundation, institution, or
23 organization, other than a limited liability company, that is
24 organized and operated as a not-for-profit service enterprise

1 for the benefit of persons 65 years of age or older if the
2 personal property was not purchased by the enterprise for the
3 purpose of resale by the enterprise.

4 (2) Personal property purchased by a non-profit Illinois
5 county fair association for use in conducting, operating, or
6 promoting the county fair.

7 (3) Personal property purchased by a not-for-profit arts
8 or cultural organization that establishes, by proof required
9 by the Department by rule, that it has received an exemption
10 under Section 501(c)(3) of the Internal Revenue Code and that
11 is organized and operated primarily for the presentation or
12 support of arts or cultural programming, activities, or
13 services. These organizations include, but are not limited to,
14 music and dramatic arts organizations such as symphony
15 orchestras and theatrical groups, arts and cultural service
16 organizations, local arts councils, visual arts organizations,
17 and media arts organizations. On and after July 1, 2001 (the
18 effective date of Public Act 92-35), however, an entity
19 otherwise eligible for this exemption shall not make tax-free
20 purchases unless it has an active identification number issued
21 by the Department.

22 (4) Legal tender, currency, medallions, or gold or silver
23 coinage issued by the State of Illinois, the government of the
24 United States of America, or the government of any foreign
25 country, and bullion.

26 (5) Until July 1, 2003 and beginning again on September 1,

1 2004 through August 30, 2014, graphic arts machinery and
2 equipment, including repair and replacement parts, both new
3 and used, and including that manufactured on special order or
4 purchased for lease, certified by the purchaser to be used
5 primarily for graphic arts production. Equipment includes
6 chemicals or chemicals acting as catalysts but only if the
7 chemicals or chemicals acting as catalysts effect a direct and
8 immediate change upon a graphic arts product. Beginning on
9 July 1, 2017, graphic arts machinery and equipment is included
10 in the manufacturing and assembling machinery and equipment
11 exemption under Section 2 of this Act.

12 (6) Personal property purchased from a teacher-sponsored
13 student organization affiliated with an elementary or
14 secondary school located in Illinois.

15 (7) Farm machinery and equipment, both new and used,
16 including that manufactured on special order, certified by the
17 purchaser to be used primarily for production agriculture or
18 State or federal agricultural programs, including individual
19 replacement parts for the machinery and equipment, including
20 machinery and equipment purchased for lease, and including
21 implements of husbandry defined in Section 1-130 of the
22 Illinois Vehicle Code, farm machinery and agricultural
23 chemical and fertilizer spreaders, and nurse wagons required
24 to be registered under Section 3-809 of the Illinois Vehicle
25 Code, but excluding other motor vehicles required to be
26 registered under the Illinois Vehicle Code. Horticultural

1 polyhouses or hoop houses used for propagating, growing, or
2 overwintering plants shall be considered farm machinery and
3 equipment under this item (7). Agricultural chemical tender
4 tanks and dry boxes shall include units sold separately from a
5 motor vehicle required to be licensed and units sold mounted
6 on a motor vehicle required to be licensed if the selling price
7 of the tender is separately stated.

8 Farm machinery and equipment shall include precision
9 farming equipment that is installed or purchased to be
10 installed on farm machinery and equipment including, but not
11 limited to, tractors, harvesters, sprayers, planters, seeders,
12 or spreaders. Precision farming equipment includes, but is not
13 limited to, soil testing sensors, computers, monitors,
14 software, global positioning and mapping systems, and other
15 such equipment.

16 Farm machinery and equipment also includes computers,
17 sensors, software, and related equipment used primarily in the
18 computer-assisted operation of production agriculture
19 facilities, equipment, and activities such as, but not limited
20 to, the collection, monitoring, and correlation of animal and
21 crop data for the purpose of formulating animal diets and
22 agricultural chemicals. This item (7) is exempt from the
23 provisions of Section 3-75.

24 (8) Until June 30, 2013, fuel and petroleum products sold
25 to or used by an air common carrier, certified by the carrier
26 to be used for consumption, shipment, or storage in the

1 conduct of its business as an air common carrier, for a flight
2 destined for or returning from a location or locations outside
3 the United States without regard to previous or subsequent
4 domestic stopovers.

5 Beginning July 1, 2013, fuel and petroleum products sold
6 to or used by an air carrier, certified by the carrier to be
7 used for consumption, shipment, or storage in the conduct of
8 its business as an air common carrier, for a flight that (i) is
9 engaged in foreign trade or is engaged in trade between the
10 United States and any of its possessions and (ii) transports
11 at least one individual or package for hire from the city of
12 origination to the city of final destination on the same
13 aircraft, without regard to a change in the flight number of
14 that aircraft.

15 (9) Proceeds of mandatory service charges separately
16 stated on customers' bills for the purchase and consumption of
17 food and beverages acquired as an incident to the purchase of a
18 service from a serviceman, to the extent that the proceeds of
19 the service charge are in fact turned over as tips or as a
20 substitute for tips to the employees who participate directly
21 in preparing, serving, hosting or cleaning up the food or
22 beverage function with respect to which the service charge is
23 imposed.

24 (10) Until July 1, 2003, oil field exploration, drilling,
25 and production equipment, including (i) rigs and parts of
26 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)

1 pipe and tubular goods, including casing and drill strings,
2 (iii) pumps and pump-jack units, (iv) storage tanks and flow
3 lines, (v) any individual replacement part for oil field
4 exploration, drilling, and production equipment, and (vi)
5 machinery and equipment purchased for lease; but excluding
6 motor vehicles required to be registered under the Illinois
7 Vehicle Code.

8 (11) Proceeds from the sale of photoprocessing machinery
9 and equipment, including repair and replacement parts, both
10 new and used, including that manufactured on special order,
11 certified by the purchaser to be used primarily for
12 photoprocessing, and including photoprocessing machinery and
13 equipment purchased for lease.

14 (12) Until July 1, 2023, coal and aggregate exploration,
15 mining, off-highway hauling, processing, maintenance, and
16 reclamation equipment, including replacement parts and
17 equipment, and including equipment purchased for lease, but
18 excluding motor vehicles required to be registered under the
19 Illinois Vehicle Code. The changes made to this Section by
20 Public Act 97-767 apply on and after July 1, 2003, but no claim
21 for credit or refund is allowed on or after August 16, 2013
22 (the effective date of Public Act 98-456) for such taxes paid
23 during the period beginning July 1, 2003 and ending on August
24 16, 2013 (the effective date of Public Act 98-456).

25 (13) Semen used for artificial insemination of livestock
26 for direct agricultural production.

1 (14) Horses, or interests in horses, registered with and
2 meeting the requirements of any of the Arabian Horse Club
3 Registry of America, Appaloosa Horse Club, American Quarter
4 Horse Association, United States Trotting Association, or
5 Jockey Club, as appropriate, used for purposes of breeding or
6 racing for prizes. This item (14) is exempt from the
7 provisions of Section 3-75, and the exemption provided for
8 under this item (14) applies for all periods beginning May 30,
9 1995, but no claim for credit or refund is allowed on or after
10 January 1, 2008 (the effective date of Public Act 95-88) for
11 such taxes paid during the period beginning May 30, 2000 and
12 ending on January 1, 2008 (the effective date of Public Act
13 95-88).

14 (15) Computers and communications equipment utilized for
15 any hospital purpose and equipment used in the diagnosis,
16 analysis, or treatment of hospital patients purchased by a
17 lessor who leases the equipment, under a lease of one year or
18 longer executed or in effect at the time the lessor would
19 otherwise be subject to the tax imposed by this Act, to a
20 hospital that has been issued an active tax exemption
21 identification number by the Department under Section 1g of
22 the Retailers' Occupation Tax Act. If the equipment is leased
23 in a manner that does not qualify for this exemption or is used
24 in any other non-exempt manner, the lessor shall be liable for
25 the tax imposed under this Act or the Use Tax Act, as the case
26 may be, based on the fair market value of the property at the

1 time the non-qualifying use occurs. No lessor shall collect or
2 attempt to collect an amount (however designated) that
3 purports to reimburse that lessor for the tax imposed by this
4 Act or the Use Tax Act, as the case may be, if the tax has not
5 been paid by the lessor. If a lessor improperly collects any
6 such amount from the lessee, the lessee shall have a legal
7 right to claim a refund of that amount from the lessor. If,
8 however, that amount is not refunded to the lessee for any
9 reason, the lessor is liable to pay that amount to the
10 Department.

11 (16) Personal property purchased by a lessor who leases
12 the property, under a lease of one year or longer executed or
13 in effect at the time the lessor would otherwise be subject to
14 the tax imposed by this Act, to a governmental body that has
15 been issued an active tax exemption identification number by
16 the Department under Section 1g of the Retailers' Occupation
17 Tax Act. If the property is leased in a manner that does not
18 qualify for this exemption or is used in any other non-exempt
19 manner, the lessor shall be liable for the tax imposed under
20 this Act or the Use Tax Act, as the case may be, based on the
21 fair market value of the property at the time the
22 non-qualifying use occurs. No lessor shall collect or attempt
23 to collect an amount (however designated) that purports to
24 reimburse that lessor for the tax imposed by this Act or the
25 Use Tax Act, as the case may be, if the tax has not been paid
26 by the lessor. If a lessor improperly collects any such amount

1 from the lessee, the lessee shall have a legal right to claim a
2 refund of that amount from the lessor. If, however, that
3 amount is not refunded to the lessee for any reason, the lessor
4 is liable to pay that amount to the Department.

5 (17) Beginning with taxable years ending on or after
6 December 31, 1995 and ending with taxable years ending on or
7 before December 31, 2004, personal property that is donated
8 for disaster relief to be used in a State or federally declared
9 disaster area in Illinois or bordering Illinois by a
10 manufacturer or retailer that is registered in this State to a
11 corporation, society, association, foundation, or institution
12 that has been issued a sales tax exemption identification
13 number by the Department that assists victims of the disaster
14 who reside within the declared disaster area.

15 (18) Beginning with taxable years ending on or after
16 December 31, 1995 and ending with taxable years ending on or
17 before December 31, 2004, personal property that is used in
18 the performance of infrastructure repairs in this State,
19 including but not limited to municipal roads and streets,
20 access roads, bridges, sidewalks, waste disposal systems,
21 water and sewer line extensions, water distribution and
22 purification facilities, storm water drainage and retention
23 facilities, and sewage treatment facilities, resulting from a
24 State or federally declared disaster in Illinois or bordering
25 Illinois when such repairs are initiated on facilities located
26 in the declared disaster area within 6 months after the

1 disaster.

2 (19) Beginning July 1, 1999, game or game birds purchased
3 at a "game breeding and hunting preserve area" as that term is
4 used in the Wildlife Code. This paragraph is exempt from the
5 provisions of Section 3-75.

6 (20) A motor vehicle, as that term is defined in Section
7 1-146 of the Illinois Vehicle Code, that is donated to a
8 corporation, limited liability company, society, association,
9 foundation, or institution that is determined by the
10 Department to be organized and operated exclusively for
11 educational purposes. For purposes of this exemption, "a
12 corporation, limited liability company, society, association,
13 foundation, or institution organized and operated exclusively
14 for educational purposes" means all tax-supported public
15 schools, private schools that offer systematic instruction in
16 useful branches of learning by methods common to public
17 schools and that compare favorably in their scope and
18 intensity with the course of study presented in tax-supported
19 schools, and vocational or technical schools or institutes
20 organized and operated exclusively to provide a course of
21 study of not less than 6 weeks duration and designed to prepare
22 individuals to follow a trade or to pursue a manual,
23 technical, mechanical, industrial, business, or commercial
24 occupation.

25 (21) Beginning January 1, 2000, personal property,
26 including food, purchased through fundraising events for the

1 benefit of a public or private elementary or secondary school,
2 a group of those schools, or one or more school districts if
3 the events are sponsored by an entity recognized by the school
4 district that consists primarily of volunteers and includes
5 parents and teachers of the school children. This paragraph
6 does not apply to fundraising events (i) for the benefit of
7 private home instruction or (ii) for which the fundraising
8 entity purchases the personal property sold at the events from
9 another individual or entity that sold the property for the
10 purpose of resale by the fundraising entity and that profits
11 from the sale to the fundraising entity. This paragraph is
12 exempt from the provisions of Section 3-75.

13 (22) Beginning January 1, 2000 and through December 31,
14 2001, new or used automatic vending machines that prepare and
15 serve hot food and beverages, including coffee, soup, and
16 other items, and replacement parts for these machines.
17 Beginning January 1, 2002 and through June 30, 2003, machines
18 and parts for machines used in commercial, coin-operated
19 amusement and vending business if a use or occupation tax is
20 paid on the gross receipts derived from the use of the
21 commercial, coin-operated amusement and vending machines. This
22 paragraph is exempt from the provisions of Section 3-75.

23 (23) Beginning August 23, 2001 and through June 30, 2016,
24 food for human consumption that is to be consumed off the
25 premises where it is sold (other than alcoholic beverages,
26 soft drinks, and food that has been prepared for immediate

1 consumption) and prescription and nonprescription medicines,
2 drugs, medical appliances, and insulin, urine testing
3 materials, syringes, and needles used by diabetics, for human
4 use, when purchased for use by a person receiving medical
5 assistance under Article V of the Illinois Public Aid Code who
6 resides in a licensed long-term care facility, as defined in
7 the Nursing Home Care Act, or in a licensed facility as defined
8 in the ID/DD Community Care Act, the MC/DD Act, or the
9 Specialized Mental Health Rehabilitation Act of 2013.

10 (24) Beginning on August 2, 2001 (the effective date of
11 Public Act 92-227), computers and communications equipment
12 utilized for any hospital purpose and equipment used in the
13 diagnosis, analysis, or treatment of hospital patients
14 purchased by a lessor who leases the equipment, under a lease
15 of one year or longer executed or in effect at the time the
16 lessor would otherwise be subject to the tax imposed by this
17 Act, to a hospital that has been issued an active tax exemption
18 identification number by the Department under Section 1g of
19 the Retailers' Occupation Tax Act. If the equipment is leased
20 in a manner that does not qualify for this exemption or is used
21 in any other nonexempt manner, the lessor shall be liable for
22 the tax imposed under this Act or the Use Tax Act, as the case
23 may be, based on the fair market value of the property at the
24 time the nonqualifying use occurs. No lessor shall collect or
25 attempt to collect an amount (however designated) that
26 purports to reimburse that lessor for the tax imposed by this

1 Act or the Use Tax Act, as the case may be, if the tax has not
2 been paid by the lessor. If a lessor improperly collects any
3 such amount from the lessee, the lessee shall have a legal
4 right to claim a refund of that amount from the lessor. If,
5 however, that amount is not refunded to the lessee for any
6 reason, the lessor is liable to pay that amount to the
7 Department. This paragraph is exempt from the provisions of
8 Section 3-75.

9 (25) Beginning on August 2, 2001 (the effective date of
10 Public Act 92-227), personal property purchased by a lessor
11 who leases the property, under a lease of one year or longer
12 executed or in effect at the time the lessor would otherwise be
13 subject to the tax imposed by this Act, to a governmental body
14 that has been issued an active tax exemption identification
15 number by the Department under Section 1g of the Retailers'
16 Occupation Tax Act. If the property is leased in a manner that
17 does not qualify for this exemption or is used in any other
18 nonexempt manner, the lessor shall be liable for the tax
19 imposed under this Act or the Use Tax Act, as the case may be,
20 based on the fair market value of the property at the time the
21 nonqualifying use occurs. No lessor shall collect or attempt
22 to collect an amount (however designated) that purports to
23 reimburse that lessor for the tax imposed by this Act or the
24 Use Tax Act, as the case may be, if the tax has not been paid
25 by the lessor. If a lessor improperly collects any such amount
26 from the lessee, the lessee shall have a legal right to claim a

1 refund of that amount from the lessor. If, however, that
2 amount is not refunded to the lessee for any reason, the lessor
3 is liable to pay that amount to the Department. This paragraph
4 is exempt from the provisions of Section 3-75.

5 (26) Beginning January 1, 2008, tangible personal property
6 used in the construction or maintenance of a community water
7 supply, as defined under Section 3.145 of the Environmental
8 Protection Act, that is operated by a not-for-profit
9 corporation that holds a valid water supply permit issued
10 under Title IV of the Environmental Protection Act. This
11 paragraph is exempt from the provisions of Section 3-75.

12 (27) Beginning January 1, 2010 and continuing through
13 December 31, 2024, materials, parts, equipment, components,
14 and furnishings incorporated into or upon an aircraft as part
15 of the modification, refurbishment, completion, replacement,
16 repair, or maintenance of the aircraft. This exemption
17 includes consumable supplies used in the modification,
18 refurbishment, completion, replacement, repair, and
19 maintenance of aircraft, but excludes any materials, parts,
20 equipment, components, and consumable supplies used in the
21 modification, replacement, repair, and maintenance of aircraft
22 engines or power plants, whether such engines or power plants
23 are installed or uninstalled upon any such aircraft.
24 "Consumable supplies" include, but are not limited to,
25 adhesive, tape, sandpaper, general purpose lubricants,
26 cleaning solution, latex gloves, and protective films. This

1 exemption applies only to the use of qualifying tangible
2 personal property transferred incident to the modification,
3 refurbishment, completion, replacement, repair, or maintenance
4 of aircraft by persons who (i) hold an Air Agency Certificate
5 and are empowered to operate an approved repair station by the
6 Federal Aviation Administration, (ii) have a Class IV Rating,
7 and (iii) conduct operations in accordance with Part 145 of
8 the Federal Aviation Regulations. The exemption does not
9 include aircraft operated by a commercial air carrier
10 providing scheduled passenger air service pursuant to
11 authority issued under Part 121 or Part 129 of the Federal
12 Aviation Regulations. The changes made to this paragraph (27)
13 by Public Act 98-534 are declarative of existing law. It is the
14 intent of the General Assembly that the exemption under this
15 paragraph (27) applies continuously from January 1, 2010
16 through December 31, 2024; however, no claim for credit or
17 refund is allowed for taxes paid as a result of the
18 disallowance of this exemption on or after January 1, 2015 and
19 prior to the effective date of this amendatory Act of the 101st
20 General Assembly.

21 (28) Tangible personal property purchased by a
22 public-facilities corporation, as described in Section
23 11-65-10 of the Illinois Municipal Code, for purposes of
24 constructing or furnishing a municipal convention hall, but
25 only if the legal title to the municipal convention hall is
26 transferred to the municipality without any further

1 consideration by or on behalf of the municipality at the time
2 of the completion of the municipal convention hall or upon the
3 retirement or redemption of any bonds or other debt
4 instruments issued by the public-facilities corporation in
5 connection with the development of the municipal convention
6 hall. This exemption includes existing public-facilities
7 corporations as provided in Section 11-65-25 of the Illinois
8 Municipal Code. This paragraph is exempt from the provisions
9 of Section 3-75.

10 (29) Beginning January 1, 2017 and through December 31,
11 2026, menstrual pads, tampons, and menstrual cups.

12 (30) Tangible personal property transferred to a purchaser
13 who is exempt from the tax imposed by this Act by operation of
14 federal law. This paragraph is exempt from the provisions of
15 Section 3-75.

16 (31) Qualified tangible personal property used in the
17 construction or operation of a data center that has been
18 granted a certificate of exemption by the Department of
19 Commerce and Economic Opportunity, whether that tangible
20 personal property is purchased by the owner, operator, or
21 tenant of the data center or by a contractor or subcontractor
22 of the owner, operator, or tenant. Data centers that would
23 have qualified for a certificate of exemption prior to January
24 1, 2020 had this amendatory Act of the 101st General Assembly
25 been in effect, may apply for and obtain an exemption for
26 subsequent purchases of computer equipment or enabling

1 software purchased or leased to upgrade, supplement, or
2 replace computer equipment or enabling software purchased or
3 leased in the original investment that would have qualified.

4 The Department of Commerce and Economic Opportunity shall
5 grant a certificate of exemption under this item (31) to
6 qualified data centers as defined by Section 605-1025 of the
7 Department of Commerce and Economic Opportunity Law of the
8 Civil Administrative Code of Illinois.

9 For the purposes of this item (31):

10 "Data center" means a building or a series of
11 buildings rehabilitated or constructed to house working
12 servers in one physical location or multiple sites within
13 the State of Illinois.

14 "Qualified tangible personal property" means:
15 electrical systems and equipment; climate control and
16 chilling equipment and systems; mechanical systems and
17 equipment; monitoring and secure systems; emergency
18 generators; hardware; computers; servers; data storage
19 devices; network connectivity equipment; racks; cabinets;
20 telecommunications cabling infrastructure; raised floor
21 systems; peripheral components or systems; software;
22 mechanical, electrical, or plumbing systems; battery
23 systems; cooling systems and towers; temperature control
24 systems; other cabling; and other data center
25 infrastructure equipment and systems necessary to operate
26 qualified tangible personal property, including fixtures;

1 and component parts of any of the foregoing, including
2 installation, maintenance, repair, refurbishment, and
3 replacement of qualified tangible personal property to
4 generate, transform, transmit, distribute, or manage
5 electricity necessary to operate qualified tangible
6 personal property; and all other tangible personal
7 property that is essential to the operations of a computer
8 data center. The term "qualified tangible personal
9 property" also includes building materials physically
10 incorporated in to the qualifying data center. To document
11 the exemption allowed under this Section, the retailer
12 must obtain from the purchaser a copy of the certificate
13 of eligibility issued by the Department of Commerce and
14 Economic Opportunity.

15 This item (31) is exempt from the provisions of Section
16 3-75.

17 (Source: P.A. 100-22, eff. 7-6-17; 100-594, eff. 6-29-18;
18 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19; 101-81, eff.
19 7-12-19; 101-629, eff. 2-5-20.)

20 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

21 Sec. 3-10. Rate of tax. Unless otherwise provided in this
22 Section, the tax imposed by this Act is at the rate of 6.25% of
23 the selling price of tangible personal property transferred as
24 an incident to the sale of service, but, for the purpose of
25 computing this tax, in no event shall the selling price be less

1 than the cost price of the property to the serviceman.

2 Beginning on July 1, 2000 and through December 31, 2000,
3 with respect to motor fuel, as defined in Section 1.1 of the
4 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
5 the Use Tax Act, the tax is imposed at the rate of 1.25%.

6 With respect to gasohol, as defined in the Use Tax Act, the
7 tax imposed by this Act applies to (i) 70% of the selling price
8 of property transferred as an incident to the sale of service
9 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
10 of the selling price of property transferred as an incident to
11 the sale of service on or after July 1, 2003 and on or before
12 July 1, 2017, and (iii) 100% of the selling price thereafter.
13 If, at any time, however, the tax under this Act on sales of
14 gasohol, as defined in the Use Tax Act, is imposed at the rate
15 of 1.25%, then the tax imposed by this Act applies to 100% of
16 the proceeds of sales of gasohol made during that time.

17 With respect to majority blended ethanol fuel, as defined
18 in the Use Tax Act, the tax imposed by this Act does not apply
19 to the selling price of property transferred as an incident to
20 the sale of service on or after July 1, 2003 and on or before
21 December 31, 2023 but applies to 100% of the selling price
22 thereafter.

23 With respect to biodiesel blends, as defined in the Use
24 Tax Act, with no less than 1% and no more than 10% biodiesel,
25 the tax imposed by this Act applies to (i) 80% of the selling
26 price of property transferred as an incident to the sale of

1 service on or after July 1, 2003 and on or before December 31,
2 2018 and (ii) 100% of the proceeds of the selling price
3 thereafter. If, at any time, however, the tax under this Act on
4 sales of biodiesel blends, as defined in the Use Tax Act, with
5 no less than 1% and no more than 10% biodiesel is imposed at
6 the rate of 1.25%, then the tax imposed by this Act applies to
7 100% of the proceeds of sales of biodiesel blends with no less
8 than 1% and no more than 10% biodiesel made during that time.

9 With respect to 100% biodiesel, as defined in the Use Tax
10 Act, and biodiesel blends, as defined in the Use Tax Act, with
11 more than 10% but no more than 99% biodiesel, the tax imposed
12 by this Act does not apply to the proceeds of the selling price
13 of property transferred as an incident to the sale of service
14 on or after July 1, 2003 and on or before December 31, 2023 but
15 applies to 100% of the selling price thereafter.

16 At the election of any registered serviceman made for each
17 fiscal year, sales of service in which the aggregate annual
18 cost price of tangible personal property transferred as an
19 incident to the sales of service is less than 35%, or 75% in
20 the case of servicemen transferring prescription drugs or
21 servicemen engaged in graphic arts production, of the
22 aggregate annual total gross receipts from all sales of
23 service, the tax imposed by this Act shall be based on the
24 serviceman's cost price of the tangible personal property
25 transferred as an incident to the sale of those services.

26 The tax shall be imposed at the rate of 1% on food prepared

1 for immediate consumption and transferred incident to a sale
2 of service subject to this Act or the Service Occupation Tax
3 Act by an entity licensed under the Hospital Licensing Act,
4 the Nursing Home Care Act, the Assisted Living and Shared
5 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
6 Specialized Mental Health Rehabilitation Act of 2013, or the
7 Child Care Act of 1969, or an entity that holds a permit issued
8 pursuant to the Life Care Facilities Act. The tax shall also be
9 imposed at the rate of 1% on food for human consumption that is
10 to be consumed off the premises where it is sold (other than
11 alcoholic beverages, food consisting of or infused with adult
12 use cannabis, soft drinks, and food that has been prepared for
13 immediate consumption and is not otherwise included in this
14 paragraph) and prescription and nonprescription medicines,
15 drugs, medical appliances, products classified as Class III
16 medical devices by the United States Food and Drug
17 Administration that are used for cancer treatment pursuant to
18 a prescription, as well as any accessories and components
19 related to those devices, modifications to a motor vehicle for
20 the purpose of rendering it usable by a person with a
21 disability, and insulin, blood sugar testing materials,
22 syringes, and needles used by human diabetics. For the
23 purposes of this Section, until September 1, 2009: the term
24 "soft drinks" means any complete, finished, ready-to-use,
25 non-alcoholic drink, whether carbonated or not, including but
26 not limited to soda water, cola, fruit juice, vegetable juice,

1 carbonated water, and all other preparations commonly known as
2 soft drinks of whatever kind or description that are contained
3 in any closed or sealed bottle, can, carton, or container,
4 regardless of size; but "soft drinks" does not include coffee,
5 tea, non-carbonated water, infant formula, milk or milk
6 products as defined in the Grade A Pasteurized Milk and Milk
7 Products Act, or drinks containing 50% or more natural fruit
8 or vegetable juice.

9 Notwithstanding any other provisions of this Act,
10 beginning September 1, 2009, "soft drinks" means non-alcoholic
11 beverages that contain natural or artificial sweeteners. "Soft
12 drinks" do not include beverages that contain milk or milk
13 products, soy, rice or similar milk substitutes, or greater
14 than 50% of vegetable or fruit juice by volume.

15 Until August 1, 2009, and notwithstanding any other
16 provisions of this Act, "food for human consumption that is to
17 be consumed off the premises where it is sold" includes all
18 food sold through a vending machine, except soft drinks and
19 food products that are dispensed hot from a vending machine,
20 regardless of the location of the vending machine. Beginning
21 August 1, 2009, and notwithstanding any other provisions of
22 this Act, "food for human consumption that is to be consumed
23 off the premises where it is sold" includes all food sold
24 through a vending machine, except soft drinks, candy, and food
25 products that are dispensed hot from a vending machine,
26 regardless of the location of the vending machine.

1 Notwithstanding any other provisions of this Act,
2 beginning September 1, 2009, "food for human consumption that
3 is to be consumed off the premises where it is sold" does not
4 include candy. For purposes of this Section, "candy" means a
5 preparation of sugar, honey, or other natural or artificial
6 sweeteners in combination with chocolate, fruits, nuts or
7 other ingredients or flavorings in the form of bars, drops, or
8 pieces. "Candy" does not include any preparation that contains
9 flour or requires refrigeration.

10 Notwithstanding any other provisions of this Act,
11 beginning September 1, 2009, "nonprescription medicines and
12 drugs" does not include grooming and hygiene products. For
13 purposes of this Section, "grooming and hygiene products"
14 includes, but is not limited to, soaps and cleaning solutions,
15 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
16 lotions and screens, unless those products are available by
17 prescription only, regardless of whether the products meet the
18 definition of "over-the-counter-drugs". For the purposes of
19 this paragraph, "over-the-counter-drug" means a drug for human
20 use that contains a label that identifies the product as a drug
21 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
22 label includes:

23 (A) A "Drug Facts" panel; or

24 (B) A statement of the "active ingredient(s)" with a
25 list of those ingredients contained in the compound,
26 substance or preparation.

1 Beginning on January 1, 2014 (the effective date of Public
2 Act 98-122), "prescription and nonprescription medicines and
3 drugs" includes medical cannabis purchased from a registered
4 dispensing organization under the Compassionate Use of Medical
5 Cannabis Program Act.

6 As used in this Section, "adult use cannabis" means
7 cannabis subject to tax under the Cannabis Cultivation
8 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
9 and does not include cannabis subject to tax under the
10 Compassionate Use of Medical Cannabis Program Act.

11 If the property that is acquired from a serviceman is
12 acquired outside Illinois and used outside Illinois before
13 being brought to Illinois for use here and is taxable under
14 this Act, the "selling price" on which the tax is computed
15 shall be reduced by an amount that represents a reasonable
16 allowance for depreciation for the period of prior
17 out-of-state use.

18 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
19 102-4, eff. 4-27-21.)

20 Section 30-25. The Service Occupation Tax Act is amended
21 by changing Sections 3-5 and 3-10 as follows:

22 (35 ILCS 115/3-5)

23 Sec. 3-5. Exemptions. The following tangible personal
24 property is exempt from the tax imposed by this Act:

1 (1) Personal property sold by a corporation, society,
2 association, foundation, institution, or organization, other
3 than a limited liability company, that is organized and
4 operated as a not-for-profit service enterprise for the
5 benefit of persons 65 years of age or older if the personal
6 property was not purchased by the enterprise for the purpose
7 of resale by the enterprise.

8 (2) Personal property purchased by a not-for-profit
9 Illinois county fair association for use in conducting,
10 operating, or promoting the county fair.

11 (3) Personal property purchased by any not-for-profit arts
12 or cultural organization that establishes, by proof required
13 by the Department by rule, that it has received an exemption
14 under Section 501(c)(3) of the Internal Revenue Code and that
15 is organized and operated primarily for the presentation or
16 support of arts or cultural programming, activities, or
17 services. These organizations include, but are not limited to,
18 music and dramatic arts organizations such as symphony
19 orchestras and theatrical groups, arts and cultural service
20 organizations, local arts councils, visual arts organizations,
21 and media arts organizations. On and after July 1, 2001 (the
22 effective date of Public Act 92-35), however, an entity
23 otherwise eligible for this exemption shall not make tax-free
24 purchases unless it has an active identification number issued
25 by the Department.

26 (4) Legal tender, currency, medallions, or gold or silver

1 coinage issued by the State of Illinois, the government of the
2 United States of America, or the government of any foreign
3 country, and bullion.

4 (5) Until July 1, 2003 and beginning again on September 1,
5 2004 through August 30, 2014, graphic arts machinery and
6 equipment, including repair and replacement parts, both new
7 and used, and including that manufactured on special order or
8 purchased for lease, certified by the purchaser to be used
9 primarily for graphic arts production. Equipment includes
10 chemicals or chemicals acting as catalysts but only if the
11 chemicals or chemicals acting as catalysts effect a direct and
12 immediate change upon a graphic arts product. Beginning on
13 July 1, 2017, graphic arts machinery and equipment is included
14 in the manufacturing and assembling machinery and equipment
15 exemption under Section 2 of this Act.

16 (6) Personal property sold by a teacher-sponsored student
17 organization affiliated with an elementary or secondary school
18 located in Illinois.

19 (7) Farm machinery and equipment, both new and used,
20 including that manufactured on special order, certified by the
21 purchaser to be used primarily for production agriculture or
22 State or federal agricultural programs, including individual
23 replacement parts for the machinery and equipment, including
24 machinery and equipment purchased for lease, and including
25 implements of husbandry defined in Section 1-130 of the
26 Illinois Vehicle Code, farm machinery and agricultural

1 chemical and fertilizer spreaders, and nurse wagons required
2 to be registered under Section 3-809 of the Illinois Vehicle
3 Code, but excluding other motor vehicles required to be
4 registered under the Illinois Vehicle Code. Horticultural
5 polyhouses or hoop houses used for propagating, growing, or
6 overwintering plants shall be considered farm machinery and
7 equipment under this item (7). Agricultural chemical tender
8 tanks and dry boxes shall include units sold separately from a
9 motor vehicle required to be licensed and units sold mounted
10 on a motor vehicle required to be licensed if the selling price
11 of the tender is separately stated.

12 Farm machinery and equipment shall include precision
13 farming equipment that is installed or purchased to be
14 installed on farm machinery and equipment including, but not
15 limited to, tractors, harvesters, sprayers, planters, seeders,
16 or spreaders. Precision farming equipment includes, but is not
17 limited to, soil testing sensors, computers, monitors,
18 software, global positioning and mapping systems, and other
19 such equipment.

20 Farm machinery and equipment also includes computers,
21 sensors, software, and related equipment used primarily in the
22 computer-assisted operation of production agriculture
23 facilities, equipment, and activities such as, but not limited
24 to, the collection, monitoring, and correlation of animal and
25 crop data for the purpose of formulating animal diets and
26 agricultural chemicals. This item (7) is exempt from the

1 provisions of Section 3-55.

2 (8) Until June 30, 2013, fuel and petroleum products sold
3 to or used by an air common carrier, certified by the carrier
4 to be used for consumption, shipment, or storage in the
5 conduct of its business as an air common carrier, for a flight
6 destined for or returning from a location or locations outside
7 the United States without regard to previous or subsequent
8 domestic stopovers.

9 Beginning July 1, 2013, fuel and petroleum products sold
10 to or used by an air carrier, certified by the carrier to be
11 used for consumption, shipment, or storage in the conduct of
12 its business as an air common carrier, for a flight that (i) is
13 engaged in foreign trade or is engaged in trade between the
14 United States and any of its possessions and (ii) transports
15 at least one individual or package for hire from the city of
16 origination to the city of final destination on the same
17 aircraft, without regard to a change in the flight number of
18 that aircraft.

19 (9) Proceeds of mandatory service charges separately
20 stated on customers' bills for the purchase and consumption of
21 food and beverages, to the extent that the proceeds of the
22 service charge are in fact turned over as tips or as a
23 substitute for tips to the employees who participate directly
24 in preparing, serving, hosting or cleaning up the food or
25 beverage function with respect to which the service charge is
26 imposed.

1 (10) Until July 1, 2003, oil field exploration, drilling,
2 and production equipment, including (i) rigs and parts of
3 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)
4 pipe and tubular goods, including casing and drill strings,
5 (iii) pumps and pump-jack units, (iv) storage tanks and flow
6 lines, (v) any individual replacement part for oil field
7 exploration, drilling, and production equipment, and (vi)
8 machinery and equipment purchased for lease; but excluding
9 motor vehicles required to be registered under the Illinois
10 Vehicle Code.

11 (11) Photoprocessing machinery and equipment, including
12 repair and replacement parts, both new and used, including
13 that manufactured on special order, certified by the purchaser
14 to be used primarily for photoprocessing, and including
15 photoprocessing machinery and equipment purchased for lease.

16 (12) Until July 1, 2023, coal and aggregate exploration,
17 mining, off-highway hauling, processing, maintenance, and
18 reclamation equipment, including replacement parts and
19 equipment, and including equipment purchased for lease, but
20 excluding motor vehicles required to be registered under the
21 Illinois Vehicle Code. The changes made to this Section by
22 Public Act 97-767 apply on and after July 1, 2003, but no claim
23 for credit or refund is allowed on or after August 16, 2013
24 (the effective date of Public Act 98-456) for such taxes paid
25 during the period beginning July 1, 2003 and ending on August
26 16, 2013 (the effective date of Public Act 98-456).

1 (13) Beginning January 1, 1992 and through June 30, 2016,
2 food for human consumption that is to be consumed off the
3 premises where it is sold (other than alcoholic beverages,
4 soft drinks and food that has been prepared for immediate
5 consumption) and prescription and non-prescription medicines,
6 drugs, medical appliances, and insulin, urine testing
7 materials, syringes, and needles used by diabetics, for human
8 use, when purchased for use by a person receiving medical
9 assistance under Article V of the Illinois Public Aid Code who
10 resides in a licensed long-term care facility, as defined in
11 the Nursing Home Care Act, or in a licensed facility as defined
12 in the ID/DD Community Care Act, the MC/DD Act, or the
13 Specialized Mental Health Rehabilitation Act of 2013.

14 (14) Semen used for artificial insemination of livestock
15 for direct agricultural production.

16 (15) Horses, or interests in horses, registered with and
17 meeting the requirements of any of the Arabian Horse Club
18 Registry of America, Appaloosa Horse Club, American Quarter
19 Horse Association, United States Trotting Association, or
20 Jockey Club, as appropriate, used for purposes of breeding or
21 racing for prizes. This item (15) is exempt from the
22 provisions of Section 3-55, and the exemption provided for
23 under this item (15) applies for all periods beginning May 30,
24 1995, but no claim for credit or refund is allowed on or after
25 January 1, 2008 (the effective date of Public Act 95-88) for
26 such taxes paid during the period beginning May 30, 2000 and

1 ending on January 1, 2008 (the effective date of Public Act
2 95-88).

3 (16) Computers and communications equipment utilized for
4 any hospital purpose and equipment used in the diagnosis,
5 analysis, or treatment of hospital patients sold to a lessor
6 who leases the equipment, under a lease of one year or longer
7 executed or in effect at the time of the purchase, to a
8 hospital that has been issued an active tax exemption
9 identification number by the Department under Section 1g of
10 the Retailers' Occupation Tax Act.

11 (17) Personal property sold to a lessor who leases the
12 property, under a lease of one year or longer executed or in
13 effect at the time of the purchase, to a governmental body that
14 has been issued an active tax exemption identification number
15 by the Department under Section 1g of the Retailers'
16 Occupation Tax Act.

17 (18) Beginning with taxable years ending on or after
18 December 31, 1995 and ending with taxable years ending on or
19 before December 31, 2004, personal property that is donated
20 for disaster relief to be used in a State or federally declared
21 disaster area in Illinois or bordering Illinois by a
22 manufacturer or retailer that is registered in this State to a
23 corporation, society, association, foundation, or institution
24 that has been issued a sales tax exemption identification
25 number by the Department that assists victims of the disaster
26 who reside within the declared disaster area.

1 (19) Beginning with taxable years ending on or after
2 December 31, 1995 and ending with taxable years ending on or
3 before December 31, 2004, personal property that is used in
4 the performance of infrastructure repairs in this State,
5 including but not limited to municipal roads and streets,
6 access roads, bridges, sidewalks, waste disposal systems,
7 water and sewer line extensions, water distribution and
8 purification facilities, storm water drainage and retention
9 facilities, and sewage treatment facilities, resulting from a
10 State or federally declared disaster in Illinois or bordering
11 Illinois when such repairs are initiated on facilities located
12 in the declared disaster area within 6 months after the
13 disaster.

14 (20) Beginning July 1, 1999, game or game birds sold at a
15 "game breeding and hunting preserve area" as that term is used
16 in the Wildlife Code. This paragraph is exempt from the
17 provisions of Section 3-55.

18 (21) A motor vehicle, as that term is defined in Section
19 1-146 of the Illinois Vehicle Code, that is donated to a
20 corporation, limited liability company, society, association,
21 foundation, or institution that is determined by the
22 Department to be organized and operated exclusively for
23 educational purposes. For purposes of this exemption, "a
24 corporation, limited liability company, society, association,
25 foundation, or institution organized and operated exclusively
26 for educational purposes" means all tax-supported public

1 schools, private schools that offer systematic instruction in
2 useful branches of learning by methods common to public
3 schools and that compare favorably in their scope and
4 intensity with the course of study presented in tax-supported
5 schools, and vocational or technical schools or institutes
6 organized and operated exclusively to provide a course of
7 study of not less than 6 weeks duration and designed to prepare
8 individuals to follow a trade or to pursue a manual,
9 technical, mechanical, industrial, business, or commercial
10 occupation.

11 (22) Beginning January 1, 2000, personal property,
12 including food, purchased through fundraising events for the
13 benefit of a public or private elementary or secondary school,
14 a group of those schools, or one or more school districts if
15 the events are sponsored by an entity recognized by the school
16 district that consists primarily of volunteers and includes
17 parents and teachers of the school children. This paragraph
18 does not apply to fundraising events (i) for the benefit of
19 private home instruction or (ii) for which the fundraising
20 entity purchases the personal property sold at the events from
21 another individual or entity that sold the property for the
22 purpose of resale by the fundraising entity and that profits
23 from the sale to the fundraising entity. This paragraph is
24 exempt from the provisions of Section 3-55.

25 (23) Beginning January 1, 2000 and through December 31,
26 2001, new or used automatic vending machines that prepare and

1 serve hot food and beverages, including coffee, soup, and
2 other items, and replacement parts for these machines.
3 Beginning January 1, 2002 and through June 30, 2003, machines
4 and parts for machines used in commercial, coin-operated
5 amusement and vending business if a use or occupation tax is
6 paid on the gross receipts derived from the use of the
7 commercial, coin-operated amusement and vending machines. This
8 paragraph is exempt from the provisions of Section 3-55.

9 (24) Beginning on August 2, 2001 (the effective date of
10 Public Act 92-227), computers and communications equipment
11 utilized for any hospital purpose and equipment used in the
12 diagnosis, analysis, or treatment of hospital patients sold to
13 a lessor who leases the equipment, under a lease of one year or
14 longer executed or in effect at the time of the purchase, to a
15 hospital that has been issued an active tax exemption
16 identification number by the Department under Section 1g of
17 the Retailers' Occupation Tax Act. This paragraph is exempt
18 from the provisions of Section 3-55.

19 (25) Beginning on August 2, 2001 (the effective date of
20 Public Act 92-227), personal property sold to a lessor who
21 leases the property, under a lease of one year or longer
22 executed or in effect at the time of the purchase, to a
23 governmental body that has been issued an active tax exemption
24 identification number by the Department under Section 1g of
25 the Retailers' Occupation Tax Act. This paragraph is exempt
26 from the provisions of Section 3-55.

1 (26) Beginning on January 1, 2002 and through June 30,
2 2016, tangible personal property purchased from an Illinois
3 retailer by a taxpayer engaged in centralized purchasing
4 activities in Illinois who will, upon receipt of the property
5 in Illinois, temporarily store the property in Illinois (i)
6 for the purpose of subsequently transporting it outside this
7 State for use or consumption thereafter solely outside this
8 State or (ii) for the purpose of being processed, fabricated,
9 or manufactured into, attached to, or incorporated into other
10 tangible personal property to be transported outside this
11 State and thereafter used or consumed solely outside this
12 State. The Director of Revenue shall, pursuant to rules
13 adopted in accordance with the Illinois Administrative
14 Procedure Act, issue a permit to any taxpayer in good standing
15 with the Department who is eligible for the exemption under
16 this paragraph (26). The permit issued under this paragraph
17 (26) shall authorize the holder, to the extent and in the
18 manner specified in the rules adopted under this Act, to
19 purchase tangible personal property from a retailer exempt
20 from the taxes imposed by this Act. Taxpayers shall maintain
21 all necessary books and records to substantiate the use and
22 consumption of all such tangible personal property outside of
23 the State of Illinois.

24 (27) Beginning January 1, 2008, tangible personal property
25 used in the construction or maintenance of a community water
26 supply, as defined under Section 3.145 of the Environmental

1 Protection Act, that is operated by a not-for-profit
2 corporation that holds a valid water supply permit issued
3 under Title IV of the Environmental Protection Act. This
4 paragraph is exempt from the provisions of Section 3-55.

5 (28) Tangible personal property sold to a
6 public-facilities corporation, as described in Section
7 11-65-10 of the Illinois Municipal Code, for purposes of
8 constructing or furnishing a municipal convention hall, but
9 only if the legal title to the municipal convention hall is
10 transferred to the municipality without any further
11 consideration by or on behalf of the municipality at the time
12 of the completion of the municipal convention hall or upon the
13 retirement or redemption of any bonds or other debt
14 instruments issued by the public-facilities corporation in
15 connection with the development of the municipal convention
16 hall. This exemption includes existing public-facilities
17 corporations as provided in Section 11-65-25 of the Illinois
18 Municipal Code. This paragraph is exempt from the provisions
19 of Section 3-55.

20 (29) Beginning January 1, 2010 and continuing through
21 December 31, 2024, materials, parts, equipment, components,
22 and furnishings incorporated into or upon an aircraft as part
23 of the modification, refurbishment, completion, replacement,
24 repair, or maintenance of the aircraft. This exemption
25 includes consumable supplies used in the modification,
26 refurbishment, completion, replacement, repair, and

1 maintenance of aircraft, but excludes any materials, parts,
2 equipment, components, and consumable supplies used in the
3 modification, replacement, repair, and maintenance of aircraft
4 engines or power plants, whether such engines or power plants
5 are installed or uninstalled upon any such aircraft.
6 "Consumable supplies" include, but are not limited to,
7 adhesive, tape, sandpaper, general purpose lubricants,
8 cleaning solution, latex gloves, and protective films. This
9 exemption applies only to the transfer of qualifying tangible
10 personal property incident to the modification, refurbishment,
11 completion, replacement, repair, or maintenance of an aircraft
12 by persons who (i) hold an Air Agency Certificate and are
13 empowered to operate an approved repair station by the Federal
14 Aviation Administration, (ii) have a Class IV Rating, and
15 (iii) conduct operations in accordance with Part 145 of the
16 Federal Aviation Regulations. The exemption does not include
17 aircraft operated by a commercial air carrier providing
18 scheduled passenger air service pursuant to authority issued
19 under Part 121 or Part 129 of the Federal Aviation
20 Regulations. The changes made to this paragraph (29) by Public
21 Act 98-534 are declarative of existing law. It is the intent of
22 the General Assembly that the exemption under this paragraph
23 (29) applies continuously from January 1, 2010 through
24 December 31, 2024; however, no claim for credit or refund is
25 allowed for taxes paid as a result of the disallowance of this
26 exemption on or after January 1, 2015 and prior to the

1 effective date of this amendatory Act of the 101st General
2 Assembly.

3 (30) Beginning January 1, 2017 and through December 31,
4 2026, menstrual pads, tampons, and menstrual cups.

5 (31) Tangible personal property transferred to a purchaser
6 who is exempt from tax by operation of federal law. This
7 paragraph is exempt from the provisions of Section 3-55.

8 (32) Qualified tangible personal property used in the
9 construction or operation of a data center that has been
10 granted a certificate of exemption by the Department of
11 Commerce and Economic Opportunity, whether that tangible
12 personal property is purchased by the owner, operator, or
13 tenant of the data center or by a contractor or subcontractor
14 of the owner, operator, or tenant. Data centers that would
15 have qualified for a certificate of exemption prior to January
16 1, 2020 had this amendatory Act of the 101st General Assembly
17 been in effect, may apply for and obtain an exemption for
18 subsequent purchases of computer equipment or enabling
19 software purchased or leased to upgrade, supplement, or
20 replace computer equipment or enabling software purchased or
21 leased in the original investment that would have qualified.

22 The Department of Commerce and Economic Opportunity shall
23 grant a certificate of exemption under this item (32) to
24 qualified data centers as defined by Section 605-1025 of the
25 Department of Commerce and Economic Opportunity Law of the
26 Civil Administrative Code of Illinois.

1 For the purposes of this item (32):

2 "Data center" means a building or a series of
3 buildings rehabilitated or constructed to house working
4 servers in one physical location or multiple sites within
5 the State of Illinois.

6 "Qualified tangible personal property" means:
7 electrical systems and equipment; climate control and
8 chilling equipment and systems; mechanical systems and
9 equipment; monitoring and secure systems; emergency
10 generators; hardware; computers; servers; data storage
11 devices; network connectivity equipment; racks; cabinets;
12 telecommunications cabling infrastructure; raised floor
13 systems; peripheral components or systems; software;
14 mechanical, electrical, or plumbing systems; battery
15 systems; cooling systems and towers; temperature control
16 systems; other cabling; and other data center
17 infrastructure equipment and systems necessary to operate
18 qualified tangible personal property, including fixtures;
19 and component parts of any of the foregoing, including
20 installation, maintenance, repair, refurbishment, and
21 replacement of qualified tangible personal property to
22 generate, transform, transmit, distribute, or manage
23 electricity necessary to operate qualified tangible
24 personal property; and all other tangible personal
25 property that is essential to the operations of a computer
26 data center. The term "qualified tangible personal

property" also includes building materials physically incorporated in to the qualifying data center. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the certificate of eligibility issued by the Department of Commerce and Economic Opportunity.

This item (32) is exempt from the provisions of Section 3-55.

(Source: P.A. 100-22, eff. 7-6-17; 100-594, eff. 6-29-18; 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19; 101-81, eff. 7-12-19; 101-629, eff. 2-5-20.)

(35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the "selling price", as defined in Section 2 of the Service Use Tax Act, of the tangible personal property. For the purpose of computing this tax, in no event shall the "selling price" be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred as an incident of a sale of service may be shown as a distinct and separate item on the serviceman's billing to the service customer. If the selling price is not so shown, the selling price of the tangible personal property is deemed to be 50% of the serviceman's entire billing to the service customer. When,

1 however, a serviceman contracts to design, develop, and
2 produce special order machinery or equipment, the tax imposed
3 by this Act shall be based on the serviceman's cost price of
4 the tangible personal property transferred incident to the
5 completion of the contract.

6 Beginning on July 1, 2000 and through December 31, 2000,
7 with respect to motor fuel, as defined in Section 1.1 of the
8 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
9 the Use Tax Act, the tax is imposed at the rate of 1.25%.

10 With respect to gasohol, as defined in the Use Tax Act, the
11 tax imposed by this Act shall apply to (i) 70% of the cost
12 price of property transferred as an incident to the sale of
13 service on or after January 1, 1990, and before July 1, 2003,
14 (ii) 80% of the selling price of property transferred as an
15 incident to the sale of service on or after July 1, 2003 and on
16 or before July 1, 2017, and (iii) 100% of the cost price
17 thereafter. If, at any time, however, the tax under this Act on
18 sales of gasohol, as defined in the Use Tax Act, is imposed at
19 the rate of 1.25%, then the tax imposed by this Act applies to
20 100% of the proceeds of sales of gasohol made during that time.

21 With respect to majority blended ethanol fuel, as defined
22 in the Use Tax Act, the tax imposed by this Act does not apply
23 to the selling price of property transferred as an incident to
24 the sale of service on or after July 1, 2003 and on or before
25 December 31, 2023 but applies to 100% of the selling price
26 thereafter.

1 With respect to biodiesel blends, as defined in the Use
2 Tax Act, with no less than 1% and no more than 10% biodiesel,
3 the tax imposed by this Act applies to (i) 80% of the selling
4 price of property transferred as an incident to the sale of
5 service on or after July 1, 2003 and on or before December 31,
6 2018 and (ii) 100% of the proceeds of the selling price
7 thereafter. If, at any time, however, the tax under this Act on
8 sales of biodiesel blends, as defined in the Use Tax Act, with
9 no less than 1% and no more than 10% biodiesel is imposed at
10 the rate of 1.25%, then the tax imposed by this Act applies to
11 100% of the proceeds of sales of biodiesel blends with no less
12 than 1% and no more than 10% biodiesel made during that time.

13 With respect to 100% biodiesel, as defined in the Use Tax
14 Act, and biodiesel blends, as defined in the Use Tax Act, with
15 more than 10% but no more than 99% biodiesel material, the tax
16 imposed by this Act does not apply to the proceeds of the
17 selling price of property transferred as an incident to the
18 sale of service on or after July 1, 2003 and on or before
19 December 31, 2023 but applies to 100% of the selling price
20 thereafter.

21 At the election of any registered serviceman made for each
22 fiscal year, sales of service in which the aggregate annual
23 cost price of tangible personal property transferred as an
24 incident to the sales of service is less than 35%, or 75% in
25 the case of servicemen transferring prescription drugs or
26 servicemen engaged in graphic arts production, of the

1 aggregate annual total gross receipts from all sales of
2 service, the tax imposed by this Act shall be based on the
3 serviceman's cost price of the tangible personal property
4 transferred incident to the sale of those services.

5 The tax shall be imposed at the rate of 1% on food prepared
6 for immediate consumption and transferred incident to a sale
7 of service subject to this Act or the Service Occupation Tax
8 Act by an entity licensed under the Hospital Licensing Act,
9 the Nursing Home Care Act, the Assisted Living and Shared
10 Housing Act, the ID/DD Community Care Act, the MC/DD Act, the
11 Specialized Mental Health Rehabilitation Act of 2013, or the
12 Child Care Act of 1969, or an entity that holds a permit issued
13 pursuant to the Life Care Facilities Act. The tax shall also be
14 imposed at the rate of 1% on food for human consumption that is
15 to be consumed off the premises where it is sold (other than
16 alcoholic beverages, food consisting of or infused with adult
17 use cannabis, soft drinks, and food that has been prepared for
18 immediate consumption and is not otherwise included in this
19 paragraph) and prescription and nonprescription medicines,
20 drugs, medical appliances, products classified as Class III
21 medical devices by the United States Food and Drug
22 Administration that are used for cancer treatment pursuant to
23 a prescription, as well as any accessories and components
24 related to those devices, modifications to a motor vehicle for
25 the purpose of rendering it usable by a person with a
26 disability, and insulin, blood sugar testing materials,

1 syringes, and needles used by human diabetics. For the
2 purposes of this Section, until September 1, 2009: the term
3 "soft drinks" means any complete, finished, ready-to-use,
4 non-alcoholic drink, whether carbonated or not, including but
5 not limited to soda water, cola, fruit juice, vegetable juice,
6 carbonated water, and all other preparations commonly known as
7 soft drinks of whatever kind or description that are contained
8 in any closed or sealed can, carton, or container, regardless
9 of size; but "soft drinks" does not include coffee, tea,
10 non-carbonated water, infant formula, milk or milk products as
11 defined in the Grade A Pasteurized Milk and Milk Products Act,
12 or drinks containing 50% or more natural fruit or vegetable
13 juice.

14 Notwithstanding any other provisions of this Act,
15 beginning September 1, 2009, "soft drinks" means non-alcoholic
16 beverages that contain natural or artificial sweeteners. "Soft
17 drinks" do not include beverages that contain milk or milk
18 products, soy, rice or similar milk substitutes, or greater
19 than 50% of vegetable or fruit juice by volume.

20 Until August 1, 2009, and notwithstanding any other
21 provisions of this Act, "food for human consumption that is to
22 be consumed off the premises where it is sold" includes all
23 food sold through a vending machine, except soft drinks and
24 food products that are dispensed hot from a vending machine,
25 regardless of the location of the vending machine. Beginning
26 August 1, 2009, and notwithstanding any other provisions of

1 this Act, "food for human consumption that is to be consumed
2 off the premises where it is sold" includes all food sold
3 through a vending machine, except soft drinks, candy, and food
4 products that are dispensed hot from a vending machine,
5 regardless of the location of the vending machine.

6 Notwithstanding any other provisions of this Act,
7 beginning September 1, 2009, "food for human consumption that
8 is to be consumed off the premises where it is sold" does not
9 include candy. For purposes of this Section, "candy" means a
10 preparation of sugar, honey, or other natural or artificial
11 sweeteners in combination with chocolate, fruits, nuts or
12 other ingredients or flavorings in the form of bars, drops, or
13 pieces. "Candy" does not include any preparation that contains
14 flour or requires refrigeration.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "nonprescription medicines and
17 drugs" does not include grooming and hygiene products. For
18 purposes of this Section, "grooming and hygiene products"
19 includes, but is not limited to, soaps and cleaning solutions,
20 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
21 lotions and screens, unless those products are available by
22 prescription only, regardless of whether the products meet the
23 definition of "over-the-counter-drugs". For the purposes of
24 this paragraph, "over-the-counter-drug" means a drug for human
25 use that contains a label that identifies the product as a drug
26 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"

1 label includes:

2 (A) A "Drug Facts" panel; or

3 (B) A statement of the "active ingredient(s)" with a
4 list of those ingredients contained in the compound,
5 substance or preparation.

6 Beginning on January 1, 2014 (the effective date of Public
7 Act 98-122), "prescription and nonprescription medicines and
8 drugs" includes medical cannabis purchased from a registered
9 dispensing organization under the Compassionate Use of Medical
10 Cannabis Program Act.

11 As used in this Section, "adult use cannabis" means
12 cannabis subject to tax under the Cannabis Cultivation
13 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
14 and does not include cannabis subject to tax under the
15 Compassionate Use of Medical Cannabis Program Act.

16 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
17 102-4, eff. 4-27-21.)

18 Section 30-30. The Retailers' Occupation Tax Act is
19 amended by changing Section 2-5 as follows:

20 (35 ILCS 120/2-5)

21 Sec. 2-5. Exemptions. Gross receipts from proceeds from
22 the sale of the following tangible personal property are
23 exempt from the tax imposed by this Act:

24 (1) Farm chemicals.

1 (2) Farm machinery and equipment, both new and used,
2 including that manufactured on special order, certified by
3 the purchaser to be used primarily for production
4 agriculture or State or federal agricultural programs,
5 including individual replacement parts for the machinery
6 and equipment, including machinery and equipment purchased
7 for lease, and including implements of husbandry defined
8 in Section 1-130 of the Illinois Vehicle Code, farm
9 machinery and agricultural chemical and fertilizer
10 spreaders, and nurse wagons required to be registered
11 under Section 3-809 of the Illinois Vehicle Code, but
12 excluding other motor vehicles required to be registered
13 under the Illinois Vehicle Code. Horticultural polyhouses
14 or hoop houses used for propagating, growing, or
15 overwintering plants shall be considered farm machinery
16 and equipment under this item (2). Agricultural chemical
17 tender tanks and dry boxes shall include units sold
18 separately from a motor vehicle required to be licensed
19 and units sold mounted on a motor vehicle required to be
20 licensed, if the selling price of the tender is separately
21 stated.

22 Farm machinery and equipment shall include precision
23 farming equipment that is installed or purchased to be
24 installed on farm machinery and equipment including, but
25 not limited to, tractors, harvesters, sprayers, planters,
26 seeders, or spreaders. Precision farming equipment

1 includes, but is not limited to, soil testing sensors,
2 computers, monitors, software, global positioning and
3 mapping systems, and other such equipment.

4 Farm machinery and equipment also includes computers,
5 sensors, software, and related equipment used primarily in
6 the computer-assisted operation of production agriculture
7 facilities, equipment, and activities such as, but not
8 limited to, the collection, monitoring, and correlation of
9 animal and crop data for the purpose of formulating animal
10 diets and agricultural chemicals. This item (2) is exempt
11 from the provisions of Section 2-70.

12 (3) Until July 1, 2003, distillation machinery and
13 equipment, sold as a unit or kit, assembled or installed
14 by the retailer, certified by the user to be used only for
15 the production of ethyl alcohol that will be used for
16 consumption as motor fuel or as a component of motor fuel
17 for the personal use of the user, and not subject to sale
18 or resale.

19 (4) Until July 1, 2003 and beginning again September
20 1, 2004 through August 30, 2014, graphic arts machinery
21 and equipment, including repair and replacement parts,
22 both new and used, and including that manufactured on
23 special order or purchased for lease, certified by the
24 purchaser to be used primarily for graphic arts
25 production. Equipment includes chemicals or chemicals
26 acting as catalysts but only if the chemicals or chemicals

1 acting as catalysts effect a direct and immediate change
2 upon a graphic arts product. Beginning on July 1, 2017,
3 graphic arts machinery and equipment is included in the
4 manufacturing and assembling machinery and equipment
5 exemption under paragraph (14).

6 (5) A motor vehicle that is used for automobile
7 renting, as defined in the Automobile Renting Occupation
8 and Use Tax Act. This paragraph is exempt from the
9 provisions of Section 2-70.

10 (6) Personal property sold by a teacher-sponsored
11 student organization affiliated with an elementary or
12 secondary school located in Illinois.

13 (7) Until July 1, 2003, proceeds of that portion of
14 the selling price of a passenger car the sale of which is
15 subject to the Replacement Vehicle Tax.

16 (8) Personal property sold to an Illinois county fair
17 association for use in conducting, operating, or promoting
18 the county fair.

19 (9) Personal property sold to a not-for-profit arts or
20 cultural organization that establishes, by proof required
21 by the Department by rule, that it has received an
22 exemption under Section 501(c)(3) of the Internal Revenue
23 Code and that is organized and operated primarily for the
24 presentation or support of arts or cultural programming,
25 activities, or services. These organizations include, but
26 are not limited to, music and dramatic arts organizations

1 such as symphony orchestras and theatrical groups, arts
2 and cultural service organizations, local arts councils,
3 visual arts organizations, and media arts organizations.
4 On and after July 1, 2001 (the effective date of Public Act
5 92-35), however, an entity otherwise eligible for this
6 exemption shall not make tax-free purchases unless it has
7 an active identification number issued by the Department.

8 (10) Personal property sold by a corporation, society,
9 association, foundation, institution, or organization,
10 other than a limited liability company, that is organized
11 and operated as a not-for-profit service enterprise for
12 the benefit of persons 65 years of age or older if the
13 personal property was not purchased by the enterprise for
14 the purpose of resale by the enterprise.

15 (11) Personal property sold to a governmental body, to
16 a corporation, society, association, foundation, or
17 institution organized and operated exclusively for
18 charitable, religious, or educational purposes, or to a
19 not-for-profit corporation, society, association,
20 foundation, institution, or organization that has no
21 compensated officers or employees and that is organized
22 and operated primarily for the recreation of persons 55
23 years of age or older. A limited liability company may
24 qualify for the exemption under this paragraph only if the
25 limited liability company is organized and operated
26 exclusively for educational purposes. On and after July 1,

1 1987, however, no entity otherwise eligible for this
2 exemption shall make tax-free purchases unless it has an
3 active identification number issued by the Department.

4 (12) (Blank).

5 (12-5) On and after July 1, 2003 and through June 30,
6 2004, motor vehicles of the second division with a gross
7 vehicle weight in excess of 8,000 pounds that are subject
8 to the commercial distribution fee imposed under Section
9 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,
10 2004 and through June 30, 2005, the use in this State of
11 motor vehicles of the second division: (i) with a gross
12 vehicle weight rating in excess of 8,000 pounds; (ii) that
13 are subject to the commercial distribution fee imposed
14 under Section 3-815.1 of the Illinois Vehicle Code; and
15 (iii) that are primarily used for commercial purposes.
16 Through June 30, 2005, this exemption applies to repair
17 and replacement parts added after the initial purchase of
18 such a motor vehicle if that motor vehicle is used in a
19 manner that would qualify for the rolling stock exemption
20 otherwise provided for in this Act. For purposes of this
21 paragraph, "used for commercial purposes" means the
22 transportation of persons or property in furtherance of
23 any commercial or industrial enterprise whether for-hire
24 or not.

25 (13) Proceeds from sales to owners, lessors, or
26 shippers of tangible personal property that is utilized by

1 interstate carriers for hire for use as rolling stock
2 moving in interstate commerce and equipment operated by a
3 telecommunications provider, licensed as a common carrier
4 by the Federal Communications Commission, which is
5 permanently installed in or affixed to aircraft moving in
6 interstate commerce.

7 (14) Machinery and equipment that will be used by the
8 purchaser, or a lessee of the purchaser, primarily in the
9 process of manufacturing or assembling tangible personal
10 property for wholesale or retail sale or lease, whether
11 the sale or lease is made directly by the manufacturer or
12 by some other person, whether the materials used in the
13 process are owned by the manufacturer or some other
14 person, or whether the sale or lease is made apart from or
15 as an incident to the seller's engaging in the service
16 occupation of producing machines, tools, dies, jigs,
17 patterns, gauges, or other similar items of no commercial
18 value on special order for a particular purchaser. The
19 exemption provided by this paragraph (14) does not include
20 machinery and equipment used in (i) the generation of
21 electricity for wholesale or retail sale; (ii) the
22 generation or treatment of natural or artificial gas for
23 wholesale or retail sale that is delivered to customers
24 through pipes, pipelines, or mains; or (iii) the treatment
25 of water for wholesale or retail sale that is delivered to
26 customers through pipes, pipelines, or mains. The

1 provisions of Public Act 98-583 are declaratory of
2 existing law as to the meaning and scope of this
3 exemption. Beginning on July 1, 2017, the exemption
4 provided by this paragraph (14) includes, but is not
5 limited to, graphic arts machinery and equipment, as
6 defined in paragraph (4) of this Section.

7 (15) Proceeds of mandatory service charges separately
8 stated on customers' bills for purchase and consumption of
9 food and beverages, to the extent that the proceeds of the
10 service charge are in fact turned over as tips or as a
11 substitute for tips to the employees who participate
12 directly in preparing, serving, hosting or cleaning up the
13 food or beverage function with respect to which the
14 service charge is imposed.

15 (16) Tangible personal property sold to a purchaser if
16 the purchaser is exempt from use tax by operation of
17 federal law. This paragraph is exempt from the provisions
18 of Section 2-70.

19 (17) Tangible personal property sold to a common
20 carrier by rail or motor that receives the physical
21 possession of the property in Illinois and that transports
22 the property, or shares with another common carrier in the
23 transportation of the property, out of Illinois on a
24 standard uniform bill of lading showing the seller of the
25 property as the shipper or consignor of the property to a
26 destination outside Illinois, for use outside Illinois.

1 (18) Legal tender, currency, medallions, or gold or
2 silver coinage issued by the State of Illinois, the
3 government of the United States of America, or the
4 government of any foreign country, and bullion.

5 (19) Until July 1, 2003, oil field exploration,
6 drilling, and production equipment, including (i) rigs and
7 parts of rigs, rotary rigs, cable tool rigs, and workover
8 rigs, (ii) pipe and tubular goods, including casing and
9 drill strings, (iii) pumps and pump-jack units, (iv)
10 storage tanks and flow lines, (v) any individual
11 replacement part for oil field exploration, drilling, and
12 production equipment, and (vi) machinery and equipment
13 purchased for lease; but excluding motor vehicles required
14 to be registered under the Illinois Vehicle Code.

15 (20) Photoprocessing machinery and equipment,
16 including repair and replacement parts, both new and used,
17 including that manufactured on special order, certified by
18 the purchaser to be used primarily for photoprocessing,
19 and including photoprocessing machinery and equipment
20 purchased for lease.

21 (21) Until July 1, 2023, coal and aggregate
22 exploration, mining, off-highway hauling, processing,
23 maintenance, and reclamation equipment, including
24 replacement parts and equipment, and including equipment
25 purchased for lease, but excluding motor vehicles required
26 to be registered under the Illinois Vehicle Code. The

1 changes made to this Section by Public Act 97-767 apply on
2 and after July 1, 2003, but no claim for credit or refund
3 is allowed on or after August 16, 2013 (the effective date
4 of Public Act 98-456) for such taxes paid during the
5 period beginning July 1, 2003 and ending on August 16,
6 2013 (the effective date of Public Act 98-456).

7 (22) Until June 30, 2013, fuel and petroleum products
8 sold to or used by an air carrier, certified by the carrier
9 to be used for consumption, shipment, or storage in the
10 conduct of its business as an air common carrier, for a
11 flight destined for or returning from a location or
12 locations outside the United States without regard to
13 previous or subsequent domestic stopovers.

14 Beginning July 1, 2013, fuel and petroleum products
15 sold to or used by an air carrier, certified by the carrier
16 to be used for consumption, shipment, or storage in the
17 conduct of its business as an air common carrier, for a
18 flight that (i) is engaged in foreign trade or is engaged
19 in trade between the United States and any of its
20 possessions and (ii) transports at least one individual or
21 package for hire from the city of origination to the city
22 of final destination on the same aircraft, without regard
23 to a change in the flight number of that aircraft.

24 (23) A transaction in which the purchase order is
25 received by a florist who is located outside Illinois, but
26 who has a florist located in Illinois deliver the property

1 to the purchaser or the purchaser's donee in Illinois.

2 (24) Fuel consumed or used in the operation of ships,
3 barges, or vessels that are used primarily in or for the
4 transportation of property or the conveyance of persons
5 for hire on rivers bordering on this State if the fuel is
6 delivered by the seller to the purchaser's barge, ship, or
7 vessel while it is afloat upon that bordering river.

8 (25) Except as provided in item (25-5) of this
9 Section, a motor vehicle sold in this State to a
10 nonresident even though the motor vehicle is delivered to
11 the nonresident in this State, if the motor vehicle is not
12 to be titled in this State, and if a drive-away permit is
13 issued to the motor vehicle as provided in Section 3-603
14 of the Illinois Vehicle Code or if the nonresident
15 purchaser has vehicle registration plates to transfer to
16 the motor vehicle upon returning to his or her home state.
17 The issuance of the drive-away permit or having the
18 out-of-state registration plates to be transferred is
19 prima facie evidence that the motor vehicle will not be
20 titled in this State.

21 (25-5) The exemption under item (25) does not apply if
22 the state in which the motor vehicle will be titled does
23 not allow a reciprocal exemption for a motor vehicle sold
24 and delivered in that state to an Illinois resident but
25 titled in Illinois. The tax collected under this Act on
26 the sale of a motor vehicle in this State to a resident of

1 another state that does not allow a reciprocal exemption
2 shall be imposed at a rate equal to the state's rate of tax
3 on taxable property in the state in which the purchaser is
4 a resident, except that the tax shall not exceed the tax
5 that would otherwise be imposed under this Act. At the
6 time of the sale, the purchaser shall execute a statement,
7 signed under penalty of perjury, of his or her intent to
8 title the vehicle in the state in which the purchaser is a
9 resident within 30 days after the sale and of the fact of
10 the payment to the State of Illinois of tax in an amount
11 equivalent to the state's rate of tax on taxable property
12 in his or her state of residence and shall submit the
13 statement to the appropriate tax collection agency in his
14 or her state of residence. In addition, the retailer must
15 retain a signed copy of the statement in his or her
16 records. Nothing in this item shall be construed to
17 require the removal of the vehicle from this state
18 following the filing of an intent to title the vehicle in
19 the purchaser's state of residence if the purchaser titles
20 the vehicle in his or her state of residence within 30 days
21 after the date of sale. The tax collected under this Act in
22 accordance with this item (25-5) shall be proportionately
23 distributed as if the tax were collected at the 6.25%
24 general rate imposed under this Act.

25 (25-7) Beginning on July 1, 2007, no tax is imposed
26 under this Act on the sale of an aircraft, as defined in

1 Section 3 of the Illinois Aeronautics Act, if all of the
2 following conditions are met:

3 (1) the aircraft leaves this State within 15 days
4 after the later of either the issuance of the final
5 billing for the sale of the aircraft, or the
6 authorized approval for return to service, completion
7 of the maintenance record entry, and completion of the
8 test flight and ground test for inspection, as
9 required by 14 C.F.R. 91.407;

10 (2) the aircraft is not based or registered in
11 this State after the sale of the aircraft; and

12 (3) the seller retains in his or her books and
13 records and provides to the Department a signed and
14 dated certification from the purchaser, on a form
15 prescribed by the Department, certifying that the
16 requirements of this item (25-7) are met. The
17 certificate must also include the name and address of
18 the purchaser, the address of the location where the
19 aircraft is to be titled or registered, the address of
20 the primary physical location of the aircraft, and
21 other information that the Department may reasonably
22 require.

23 For purposes of this item (25-7):

24 "Based in this State" means hangared, stored, or
25 otherwise used, excluding post-sale customizations as
26 defined in this Section, for 10 or more days in each

1 12-month period immediately following the date of the sale
2 of the aircraft.

3 "Registered in this State" means an aircraft
4 registered with the Department of Transportation,
5 Aeronautics Division, or titled or registered with the
6 Federal Aviation Administration to an address located in
7 this State.

8 This paragraph (25-7) is exempt from the provisions of
9 Section 2-70.

10 (26) Semen used for artificial insemination of
11 livestock for direct agricultural production.

12 (27) Horses, or interests in horses, registered with
13 and meeting the requirements of any of the Arabian Horse
14 Club Registry of America, Appaloosa Horse Club, American
15 Quarter Horse Association, United States Trotting
16 Association, or Jockey Club, as appropriate, used for
17 purposes of breeding or racing for prizes. This item (27)
18 is exempt from the provisions of Section 2-70, and the
19 exemption provided for under this item (27) applies for
20 all periods beginning May 30, 1995, but no claim for
21 credit or refund is allowed on or after January 1, 2008
22 (the effective date of Public Act 95-88) for such taxes
23 paid during the period beginning May 30, 2000 and ending
24 on January 1, 2008 (the effective date of Public Act
25 95-88).

26 (28) Computers and communications equipment utilized

1 for any hospital purpose and equipment used in the
2 diagnosis, analysis, or treatment of hospital patients
3 sold to a lessor who leases the equipment, under a lease of
4 one year or longer executed or in effect at the time of the
5 purchase, to a hospital that has been issued an active tax
6 exemption identification number by the Department under
7 Section 1g of this Act.

8 (29) Personal property sold to a lessor who leases the
9 property, under a lease of one year or longer executed or
10 in effect at the time of the purchase, to a governmental
11 body that has been issued an active tax exemption
12 identification number by the Department under Section 1g
13 of this Act.

14 (30) Beginning with taxable years ending on or after
15 December 31, 1995 and ending with taxable years ending on
16 or before December 31, 2004, personal property that is
17 donated for disaster relief to be used in a State or
18 federally declared disaster area in Illinois or bordering
19 Illinois by a manufacturer or retailer that is registered
20 in this State to a corporation, society, association,
21 foundation, or institution that has been issued a sales
22 tax exemption identification number by the Department that
23 assists victims of the disaster who reside within the
24 declared disaster area.

25 (31) Beginning with taxable years ending on or after
26 December 31, 1995 and ending with taxable years ending on

1 or before December 31, 2004, personal property that is
2 used in the performance of infrastructure repairs in this
3 State, including but not limited to municipal roads and
4 streets, access roads, bridges, sidewalks, waste disposal
5 systems, water and sewer line extensions, water
6 distribution and purification facilities, storm water
7 drainage and retention facilities, and sewage treatment
8 facilities, resulting from a State or federally declared
9 disaster in Illinois or bordering Illinois when such
10 repairs are initiated on facilities located in the
11 declared disaster area within 6 months after the disaster.

12 (32) Beginning July 1, 1999, game or game birds sold
13 at a "game breeding and hunting preserve area" as that
14 term is used in the Wildlife Code. This paragraph is
15 exempt from the provisions of Section 2-70.

16 (33) A motor vehicle, as that term is defined in
17 Section 1-146 of the Illinois Vehicle Code, that is
18 donated to a corporation, limited liability company,
19 society, association, foundation, or institution that is
20 determined by the Department to be organized and operated
21 exclusively for educational purposes. For purposes of this
22 exemption, "a corporation, limited liability company,
23 society, association, foundation, or institution organized
24 and operated exclusively for educational purposes" means
25 all tax-supported public schools, private schools that
26 offer systematic instruction in useful branches of

1 learning by methods common to public schools and that
2 compare favorably in their scope and intensity with the
3 course of study presented in tax-supported schools, and
4 vocational or technical schools or institutes organized
5 and operated exclusively to provide a course of study of
6 not less than 6 weeks duration and designed to prepare
7 individuals to follow a trade or to pursue a manual,
8 technical, mechanical, industrial, business, or commercial
9 occupation.

10 (34) Beginning January 1, 2000, personal property,
11 including food, purchased through fundraising events for
12 the benefit of a public or private elementary or secondary
13 school, a group of those schools, or one or more school
14 districts if the events are sponsored by an entity
15 recognized by the school district that consists primarily
16 of volunteers and includes parents and teachers of the
17 school children. This paragraph does not apply to
18 fundraising events (i) for the benefit of private home
19 instruction or (ii) for which the fundraising entity
20 purchases the personal property sold at the events from
21 another individual or entity that sold the property for
22 the purpose of resale by the fundraising entity and that
23 profits from the sale to the fundraising entity. This
24 paragraph is exempt from the provisions of Section 2-70.

25 (35) Beginning January 1, 2000 and through December
26 31, 2001, new or used automatic vending machines that

1 prepare and serve hot food and beverages, including
2 coffee, soup, and other items, and replacement parts for
3 these machines. Beginning January 1, 2002 and through June
4 30, 2003, machines and parts for machines used in
5 commercial, coin-operated amusement and vending business
6 if a use or occupation tax is paid on the gross receipts
7 derived from the use of the commercial, coin-operated
8 amusement and vending machines. This paragraph is exempt
9 from the provisions of Section 2-70.

10 (35-5) Beginning August 23, 2001 and through June 30,
11 2016, food for human consumption that is to be consumed
12 off the premises where it is sold (other than alcoholic
13 beverages, soft drinks, and food that has been prepared
14 for immediate consumption) and prescription and
15 nonprescription medicines, drugs, medical appliances, and
16 insulin, urine testing materials, syringes, and needles
17 used by diabetics, for human use, when purchased for use
18 by a person receiving medical assistance under Article V
19 of the Illinois Public Aid Code who resides in a licensed
20 long-term care facility, as defined in the Nursing Home
21 Care Act, or a licensed facility as defined in the ID/DD
22 Community Care Act, the MC/DD Act, or the Specialized
23 Mental Health Rehabilitation Act of 2013.

24 (36) Beginning August 2, 2001, computers and
25 communications equipment utilized for any hospital purpose
26 and equipment used in the diagnosis, analysis, or

1 treatment of hospital patients sold to a lessor who leases
2 the equipment, under a lease of one year or longer
3 executed or in effect at the time of the purchase, to a
4 hospital that has been issued an active tax exemption
5 identification number by the Department under Section 1g
6 of this Act. This paragraph is exempt from the provisions
7 of Section 2-70.

8 (37) Beginning August 2, 2001, personal property sold
9 to a lessor who leases the property, under a lease of one
10 year or longer executed or in effect at the time of the
11 purchase, to a governmental body that has been issued an
12 active tax exemption identification number by the
13 Department under Section 1g of this Act. This paragraph is
14 exempt from the provisions of Section 2-70.

15 (38) Beginning on January 1, 2002 and through June 30,
16 2016, tangible personal property purchased from an
17 Illinois retailer by a taxpayer engaged in centralized
18 purchasing activities in Illinois who will, upon receipt
19 of the property in Illinois, temporarily store the
20 property in Illinois (i) for the purpose of subsequently
21 transporting it outside this State for use or consumption
22 thereafter solely outside this State or (ii) for the
23 purpose of being processed, fabricated, or manufactured
24 into, attached to, or incorporated into other tangible
25 personal property to be transported outside this State and
26 thereafter used or consumed solely outside this State. The

1 Director of Revenue shall, pursuant to rules adopted in
2 accordance with the Illinois Administrative Procedure Act,
3 issue a permit to any taxpayer in good standing with the
4 Department who is eligible for the exemption under this
5 paragraph (38). The permit issued under this paragraph
6 (38) shall authorize the holder, to the extent and in the
7 manner specified in the rules adopted under this Act, to
8 purchase tangible personal property from a retailer exempt
9 from the taxes imposed by this Act. Taxpayers shall
10 maintain all necessary books and records to substantiate
11 the use and consumption of all such tangible personal
12 property outside of the State of Illinois.

13 (39) Beginning January 1, 2008, tangible personal
14 property used in the construction or maintenance of a
15 community water supply, as defined under Section 3.145 of
16 the Environmental Protection Act, that is operated by a
17 not-for-profit corporation that holds a valid water supply
18 permit issued under Title IV of the Environmental
19 Protection Act. This paragraph is exempt from the
20 provisions of Section 2-70.

21 (40) Beginning January 1, 2010 and continuing through
22 December 31, 2024, materials, parts, equipment,
23 components, and furnishings incorporated into or upon an
24 aircraft as part of the modification, refurbishment,
25 completion, replacement, repair, or maintenance of the
26 aircraft. This exemption includes consumable supplies used

1 in the modification, refurbishment, completion,
2 replacement, repair, and maintenance of aircraft, but
3 excludes any materials, parts, equipment, components, and
4 consumable supplies used in the modification, replacement,
5 repair, and maintenance of aircraft engines or power
6 plants, whether such engines or power plants are installed
7 or uninstalled upon any such aircraft. "Consumable
8 supplies" include, but are not limited to, adhesive, tape,
9 sandpaper, general purpose lubricants, cleaning solution,
10 latex gloves, and protective films. This exemption applies
11 only to the sale of qualifying tangible personal property
12 to persons who modify, refurbish, complete, replace, or
13 maintain an aircraft and who (i) hold an Air Agency
14 Certificate and are empowered to operate an approved
15 repair station by the Federal Aviation Administration,
16 (ii) have a Class IV Rating, and (iii) conduct operations
17 in accordance with Part 145 of the Federal Aviation
18 Regulations. The exemption does not include aircraft
19 operated by a commercial air carrier providing scheduled
20 passenger air service pursuant to authority issued under
21 Part 121 or Part 129 of the Federal Aviation Regulations.
22 The changes made to this paragraph (40) by Public Act
23 98-534 are declarative of existing law. It is the intent
24 of the General Assembly that the exemption under this
25 paragraph (40) applies continuously from January 1, 2010
26 through December 31, 2024; however, no claim for credit or

1 refund is allowed for taxes paid as a result of the
2 disallowance of this exemption on or after January 1, 2015
3 and prior to the effective date of this amendatory Act of
4 the 101st General Assembly.

5 (41) Tangible personal property sold to a
6 public-facilities corporation, as described in Section
7 11-65-10 of the Illinois Municipal Code, for purposes of
8 constructing or furnishing a municipal convention hall,
9 but only if the legal title to the municipal convention
10 hall is transferred to the municipality without any
11 further consideration by or on behalf of the municipality
12 at the time of the completion of the municipal convention
13 hall or upon the retirement or redemption of any bonds or
14 other debt instruments issued by the public-facilities
15 corporation in connection with the development of the
16 municipal convention hall. This exemption includes
17 existing public-facilities corporations as provided in
18 Section 11-65-25 of the Illinois Municipal Code. This
19 paragraph is exempt from the provisions of Section 2-70.

20 (42) Beginning January 1, 2017 and through December
21 31, 2026, menstrual pads, tampons, and menstrual cups.

22 (43) Merchandise that is subject to the Rental
23 Purchase Agreement Occupation and Use Tax. The purchaser
24 must certify that the item is purchased to be rented
25 subject to a rental purchase agreement, as defined in the
26 Rental Purchase Agreement Act, and provide proof of

1 registration under the Rental Purchase Agreement
2 Occupation and Use Tax Act. This paragraph is exempt from
3 the provisions of Section 2-70.

4 (44) Qualified tangible personal property used in the
5 construction or operation of a data center that has been
6 granted a certificate of exemption by the Department of
7 Commerce and Economic Opportunity, whether that tangible
8 personal property is purchased by the owner, operator, or
9 tenant of the data center or by a contractor or
10 subcontractor of the owner, operator, or tenant. Data
11 centers that would have qualified for a certificate of
12 exemption prior to January 1, 2020 had this amendatory Act
13 of the 101st General Assembly been in effect, may apply
14 for and obtain an exemption for subsequent purchases of
15 computer equipment or enabling software purchased or
16 leased to upgrade, supplement, or replace computer
17 equipment or enabling software purchased or leased in the
18 original investment that would have qualified.

19 The Department of Commerce and Economic Opportunity
20 shall grant a certificate of exemption under this item
21 (44) to qualified data centers as defined by Section
22 605-1025 of the Department of Commerce and Economic
23 Opportunity Law of the Civil Administrative Code of
24 Illinois.

25 For the purposes of this item (44):

26 "Data center" means a building or a series of

1 buildings rehabilitated or constructed to house
2 working servers in one physical location or multiple
3 sites within the State of Illinois.

4 "Qualified tangible personal property" means:
5 electrical systems and equipment; climate control and
6 chilling equipment and systems; mechanical systems and
7 equipment; monitoring and secure systems; emergency
8 generators; hardware; computers; servers; data storage
9 devices; network connectivity equipment; racks;
10 cabinets; telecommunications cabling infrastructure;
11 raised floor systems; peripheral components or
12 systems; software; mechanical, electrical, or plumbing
13 systems; battery systems; cooling systems and towers;
14 temperature control systems; other cabling; and other
15 data center infrastructure equipment and systems
16 necessary to operate qualified tangible personal
17 property, including fixtures; and component parts of
18 any of the foregoing, including installation,
19 maintenance, repair, refurbishment, and replacement of
20 qualified tangible personal property to generate,
21 transform, transmit, distribute, or manage electricity
22 necessary to operate qualified tangible personal
23 property; and all other tangible personal property
24 that is essential to the operations of a computer data
25 center. The term "qualified tangible personal
26 property" also includes building materials physically

1 incorporated in to the qualifying data center. To
2 document the exemption allowed under this Section, the
3 retailer must obtain from the purchaser a copy of the
4 certificate of eligibility issued by the Department of
5 Commerce and Economic Opportunity.

6 This item (44) is exempt from the provisions of
7 Section 2-70.

8 (Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17;
9 100-437, eff. 1-1-18; 100-594, eff. 6-29-18; 100-863, eff.
10 8-14-18; 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19; 101-81,
11 eff. 7-12-19; 101-629, eff. 2-5-20.)

12 Section 30-35. The Property Tax Code is amended by
13 changing Section 10-390 and by adding Section 15-37 as
14 follows:

15 (35 ILCS 200/10-390)

16 Sec. 10-390. Valuation of supportive living facilities.

17 (a) Notwithstanding Section 1-55, to determine the fair
18 cash value of any supportive living facility established under
19 Section 5-5.01a of the Illinois Public Aid Code, in assessing
20 the facility, a local assessment officer must use the income
21 capitalization approach. For the purposes of this Section,
22 gross potential income must not exceed the maximum individual
23 Supplemental Security Income (SSI) amount, minus a resident's
24 personal allowance as defined at 89 Ill Admin. Code 146.205,

1 multiplied by the number of apartments authorized by the
2 supportive living facility certification.

3 (b) When assessing supportive living facilities, the local
4 assessment officer may not consider:

5 (1) payments from Medicaid for services provided to
6 residents of supportive living facilities when such
7 payments constitute income that is attributable to
8 services and not attributable to the real estate; or

9 (2) payments by a resident of a supportive living
10 facility for services that would be paid by Medicaid if
11 the resident were Medicaid-eligible, when such payments
12 constitute income that is attributable to services and not
13 attributable to real estate.

14 (Source: P.A. 94-1086, eff. 1-19-07.)

15 (35 ILCS 200/15-37 new)

16 Sec. 15-37. Educational trade schools. Property that is
17 owned by a non-profit trust fund and used exclusively for the
18 purposes of educating and training individuals for
19 occupational, trade, and technical careers and is certified by
20 the United States Department of Labor as registered with the
21 Office of Apprenticeship is exempt.

22 Section 30-40. The Business Corporation Act of 1983 is
23 amended by changing Sections 15.35 and 15.65 as follows:

1 (805 ILCS 5/15.35) (from Ch. 32, par. 15.35)

2 (Section scheduled to be repealed on December 31, 2025)

3 Sec. 15.35. Franchise taxes payable by domestic
4 corporations. For the privilege of exercising its franchises
5 in this State, each domestic corporation shall pay to the
6 Secretary of State the following franchise taxes, computed on
7 the basis, at the rates and for the periods prescribed in this
8 Act:

9 (a) An initial franchise tax at the time of filing its
10 first report of issuance of shares.

11 (b) An additional franchise tax at the time of filing
12 (1) a report of the issuance of additional shares, or (2) a
13 report of an increase in paid-in capital without the
14 issuance of shares, or (3) an amendment to the articles of
15 incorporation or a report of cumulative changes in paid-in
16 capital, whenever any amendment or such report discloses
17 an increase in its paid-in capital over the amount thereof
18 last reported in any document, other than an annual
19 report, interim annual report or final transition annual
20 report required by this Act to be filed in the office of
21 the Secretary of State.

22 (c) An additional franchise tax at the time of filing
23 a report of paid-in capital following a statutory merger
24 or consolidation, which discloses that the paid-in capital
25 of the surviving or new corporation immediately after the
26 merger or consolidation is greater than the sum of the

1 paid-in capital of all of the merged or consolidated
2 corporations as last reported by them in any documents,
3 other than annual reports, required by this Act to be
4 filed in the office of the Secretary of State; and in
5 addition, the surviving or new corporation shall be liable
6 for a further additional franchise tax on the paid-in
7 capital of each of the merged or consolidated corporations
8 as last reported by them in any document, other than an
9 annual report, required by this Act to be filed with the
10 Secretary of State from their taxable year end to the next
11 succeeding anniversary month or, in the case of a
12 corporation which has established an extended filing
13 month, the extended filing month of the surviving or new
14 corporation; however if the taxable year ends within the
15 2-month ~~2-month~~ period immediately preceding the
16 anniversary month or, in the case of a corporation which
17 has established an extended filing month, the extended
18 filing month of the surviving or new corporation the tax
19 will be computed to the anniversary month or, in the case
20 of a corporation which has established an extended filing
21 month, the extended filing month of the surviving or new
22 corporation in the next succeeding calendar year.

23 (d) An annual franchise tax payable each year with the
24 annual report which the corporation is required by this
25 Act to file.

26 ~~(e)~~ On or after January 1, 2020 and prior to January 1,

2021, the first \$30 in liability is exempt from the tax imposed under this Section. On or after January 1, 2021 ~~and prior to January 1, 2022~~, the first \$1,000 in liability is exempt from the tax imposed under this Section. ~~On or after January 1, 2022 and prior to January 1, 2023, the first \$10,000 in liability is exempt from the tax imposed under this Section. On or after January 1, 2023 and prior to January 1, 2024, the first \$100,000 in liability is exempt from the tax imposed under this Section. The provisions of this Section shall not require the payment of any franchise tax that would otherwise have been due and payable on or after January 1, 2024. There shall be no refunds or proration of franchise tax for any taxes due and payable on or after January 1, 2024 on the basis that a portion of the corporation's taxable year extends beyond January 1, 2024. This amendatory Act of the 101st General Assembly shall not affect any right accrued or established, or any liability or penalty incurred prior to January 1, 2024.~~

~~(f) This Section is repealed on December 31, 2025.~~

(Source: P.A. 101-9, eff. 6-5-19; revised 7-18-19.)

(805 ILCS 5/15.65) (from Ch. 32, par. 15.65)

(Section scheduled to be repealed on December 31, 2024)

Sec. 15.65. Franchise taxes payable by foreign corporations. For the privilege of exercising its authority to transact such business in this State as set out in its application therefor or any amendment thereto, each foreign

1 corporation shall pay to the Secretary of State the following
2 franchise taxes, computed on the basis, at the rates and for
3 the periods prescribed in this Act:

4 (a) An initial franchise tax at the time of filing its
5 application for authority to transact business in this
6 State.

7 (b) An additional franchise tax at the time of filing
8 (1) a report of the issuance of additional shares, or (2) a
9 report of an increase in paid-in capital without the
10 issuance of shares, or (3) a report of cumulative changes
11 in paid-in capital or a report of an exchange or
12 reclassification of shares, whenever any such report
13 discloses an increase in its paid-in capital over the
14 amount thereof last reported in any document, other than
15 an annual report, interim annual report or final
16 transition annual report, required by this Act to be filed
17 in the office of the Secretary of State.

18 (c) Whenever the corporation shall be a party to a
19 statutory merger and shall be the surviving corporation,
20 an additional franchise tax at the time of filing its
21 report following merger, if such report discloses that the
22 amount represented in this State of its paid-in capital
23 immediately after the merger is greater than the aggregate
24 of the amounts represented in this State of the paid-in
25 capital of such of the merged corporations as were
26 authorized to transact business in this State at the time

1 of the merger, as last reported by them in any documents,
2 other than annual reports, required by this Act to be
3 filed in the office of the Secretary of State; and in
4 addition, the surviving corporation shall be liable for a
5 further additional franchise tax on the paid-in capital of
6 each of the merged corporations as last reported by them
7 in any document, other than an annual report, required by
8 this Act to be filed with the Secretary of State, from
9 their taxable year end to the next succeeding anniversary
10 month or, in the case of a corporation which has
11 established an extended filing month, the extended filing
12 month of the surviving corporation; however if the taxable
13 year ends within the 2-month ~~2-month~~ period immediately
14 preceding the anniversary month or the extended filing
15 month of the surviving corporation, the tax will be
16 computed to the anniversary or, extended filing month of
17 the surviving corporation in the next succeeding calendar
18 year.

19 (d) An annual franchise tax payable each year with any
20 annual report which the corporation is required by this
21 Act to file.

22 ~~(e)~~ On or after January 1, 2020 and prior to January 1,
23 2021, the first \$30 in liability is exempt from the tax imposed
24 under this Section. On or after January 1, 2021 ~~and prior to~~
25 ~~January 1, 2022~~, the first \$1,000 in liability is exempt from
26 the tax imposed under this Section. ~~On or after January 1, 2022~~

1 ~~and prior to January 1, 2023, the first \$10,000 in liability is~~
2 ~~exempt from the tax imposed under this Section. On or after~~
3 ~~January 1, 2023 and prior to January 1, 2024, the first~~
4 ~~\$100,000 in liability is exempt from the tax imposed under~~
5 ~~this Section. The provisions of this Section shall not require~~
6 ~~the payment of any franchise tax that would otherwise have~~
7 ~~been due and payable on or after January 1, 2024. There shall~~
8 ~~be no refunds or proration of franchise tax for any taxes due~~
9 ~~and payable on or after January 1, 2024 on the basis that a~~
10 ~~portion of the corporation's taxable year extends beyond~~
11 ~~January 1, 2024. This amendatory Act of the 101st General~~
12 ~~Assembly shall not affect any right accrued or established, or~~
13 ~~any liability or penalty incurred prior to January 1, 2024.~~

14 ~~(f) This Section is repealed on December 31, 2024.~~

15 (Source: P.A. 101-9, eff. 6-5-19; revised 7-18-19.)

16 ARTICLE 35. REIMAGINE PUBLIC SAFETY

17 Section 35-1. Short title. This Act may be cited as the
18 Reimagine Public Safety Act.

19 Section 35-5. Intent; purposes. This Act creates a
20 comprehensive approach to ending Illinois' firearm violence
21 epidemic. Furthermore, the Act reduces significant gaps in
22 Illinois' mental health treatment system for youth, young
23 adults, and families that live in areas with chronic exposure

1 to firearm violence and exhibit mental health conditions
2 associated with chronic and ongoing trauma.

3 Section 35-10. Definitions. As used in this Act:

4 "Approved technical assistance and training provider"
5 means an organization that has experience in improving the
6 outcomes of local community-based organizations by providing
7 supportive services that address the gaps in their resources
8 and knowledge about content-based work or provide support and
9 knowledge about the administration and management of
10 organizations, or both. Approved technical assistance and
11 training providers as defined in this Act are intended to
12 assist community organizations with evaluating the need for
13 evidenced-based violence prevention services, promising
14 violence prevention programs, starting up programming, and
15 strengthening the quality of existing programming.

16 "Communities" means, for municipalities with a 1,000,000
17 or more population in Illinois, the 77 designated areas
18 defined by the University of Chicago Social Science Research
19 Committee as amended in 1980.

20 "Concentrated firearm violence" means the 17 most violent
21 communities in Illinois municipalities greater than one
22 million residents and the 10 most violent municipalities with
23 less than 1,000,000 residents and greater than 25,000
24 residents with the most per capita firearm-shot incidents from
25 January 1, 2016 through December 31, 2020.

1 "Criminal justice-involved" means an individual who has
2 been arrested, indicted, convicted, adjudicated delinquent, or
3 otherwise detained by criminal justice authorities for
4 violation of Illinois criminal laws.

5 "Evidence-based high-risk youth intervention services"
6 means programs that reduce involvement in the criminal justice
7 system, increase school attendance, and refer high-risk teens
8 into therapeutic programs that address trauma recovery and
9 other mental health improvements based on best practices in
10 the youth intervention services field.

11 "Evidenced-based violence prevention services" means
12 coordinated programming and services that may include, but are
13 not limited to, effective emotional or trauma related
14 therapies, housing, employment training, job placement, family
15 engagement, or wrap-around support services that are
16 considered to be best practice for reducing violence within
17 the field of violence intervention research and practice.

18 "Evidence-based youth development programs" means
19 after-school and summer programming that provides services to
20 teens to increase their school attendance, school performance,
21 reduce involvement in the criminal justice system, and develop
22 nonacademic interests that build social emotional persistence
23 and intelligence based on best practices in the field of youth
24 development services for high-risk youth.

25 "Options school" means a secondary school where 75% or
26 more of attending students have either stopped attending or

1 failed their secondary school courses since first attending
2 ninth grade.

3 "Qualified violence prevention organization" means an
4 organization that manages and employs qualified violence
5 prevention professionals.

6 "Qualified violence prevention professional" means a
7 community health worker who renders violence preventive
8 services.

9 "Social organization" means an organization of individuals
10 who form the organization for the purposes of enjoyment, work,
11 and other mutual interests.

12 Section 35-15. Findings. The Illinois General Assembly
13 finds that:

14 (1) Discrete neighborhoods in municipalities across
15 Illinois are experiencing concentrated and perpetual firearm
16 violence that is a public health epidemic.

17 (2) Within neighborhoods experiencing this firearm
18 violence epidemic, violence is concentrated among teens and
19 young adults that have chronic exposure to the risk of
20 violence and criminal legal system involvement and related
21 trauma in small geographic areas where these young people live
22 or congregate.

23 (3) Firearm violence victimization and perpetration is
24 highly concentrated in particular neighborhoods, particular
25 blocks within these neighborhoods, and among a small number of

1 individuals living in these areas.

2 (4) People who are chronically exposed to the risk of
3 firearm violence victimization are substantially more likely
4 to be violently injured or violently injure another person.
5 People who have been violently injured are substantially more
6 likely to be violently reinjured. Chronic exposure to violence
7 additionally leads individuals to engage in behavior, as part
8 of a cycle of community violence, trauma, and retaliation that
9 substantially increases their own risk of violent injury or
10 reinjury.

11 (5) Evidence-based programs that engage individuals at the
12 highest risk of firearm violence and provide life
13 stabilization, case management, and culturally competent group
14 and individual therapy reduce firearm violence victimization
15 and perpetration and can end Illinois' firearm violence
16 epidemic.

17 (6) A public health approach to ending Illinois' firearm
18 violence epidemic requires targeted, integrated behavioral
19 health services and economic opportunity that promotes
20 self-sufficiency for victims of firearm violence and those
21 with chronic exposure to the risk of firearm violence
22 victimization.

23 (7) A public health approach to ending Illinois' firearm
24 violence epidemic further requires broader preventive
25 investments in the census tracts and blocks that reduce risk
26 factors for youth and families living with extreme risk of

1 firearm violence victimization.

2 (8) A public health approach to ending Illinois' firearm
3 violence epidemic requires empowering residents and
4 community-based organizations within impacted neighborhoods to
5 provide culturally competent care based on lived experience in
6 these areas and long-term relationships of mutual interest
7 that promote safety and stability.

8 (9) A public health approach to ending Illinois' firearm
9 violence epidemic further requires that preventive youth
10 development services for youth in these neighborhoods be fully
11 integrated with a team-based model of mental health care to
12 address trauma recovery for those young people at extreme risk
13 of firearm violence victimization.

14 (10) Community revitalization can be an effective violence
15 prevention strategy, provided that revitalization is targeted
16 to the highest risk geographies within communities and
17 revitalization efforts are designed and led by individuals
18 living and working in the impacted communities.

19 Section 35-20. Office of Firearm Violence Prevention.

20 (a) On or before September 1, 2021, an Office of Firearm
21 Violence Prevention is established within the Illinois
22 Department of Human Services. The Assistant Secretary of
23 Violence Prevention shall report his or her actions to the
24 Secretary of Human Services and the Office of the Governor.
25 The Office shall have the authority to coordinate and

1 integrate all programs and services listed in this Act and
2 other programs and services the Governor establishes by
3 executive order to maximize an integrated approach to reducing
4 Illinois' firearm violence epidemic and ultimately ending this
5 public health crisis.

6 (b) The Office of Firearm Violence Prevention shall have
7 grant making, operational, and procurement authority to
8 distribute funds to qualified violence prevention
9 organizations, approved technical assistance and training
10 providers, and qualified evaluation and assessment
11 organizations to execute the functions established in this Act
12 and other programs and services the Governor establishes by
13 executive order for this Office.

14 (c) The Assistant Secretary of Firearm Violence Prevention
15 shall be appointed by the Governor with the advice and consent
16 of the Senate. The Assistant Secretary of Firearm Violence
17 Prevention shall report to the Secretary of Human Services and
18 also report his or her actions to the Office of the Governor.

19 (d) For Illinois municipalities with a 1,000,000 or more
20 population, the Office of Firearm Violence Prevention shall
21 determine the 17 most violent neighborhoods as measured by the
22 number of per capita firearm-shot incidents from January 1,
23 2016 through December 31, 2020. These 17 communities shall
24 qualify for grants under this Act and coordination of other
25 State services from the Office of Firearm Violence Prevention.
26 For Illinois municipalities with less than 1,000,000 residents

1 and more than 25,000 residents, the Office of Firearm Violence
2 Prevention shall identify the 10 municipalities that have the
3 greatest concentrated firearm violence victims as measured by
4 the number of firearm-shot incidents from January 1, 2016
5 through December 31, 2020 divided by the number of residents
6 for each municipality or area. These 10 municipalities and
7 other municipalities identified by the Office of Firearm
8 Violence Prevention shall qualify for grants under this Act
9 and coordination of other State services from the Office of
10 Firearm Violence Prevention. The Office of Firearm Violence
11 Prevention shall consider factors listed in subsection (a) of
12 Section 35-40 to determine additional municipalities that
13 qualify for grants under this Act.

14 (e) The Office of Firearm Violence Prevention shall issue
15 a report to the General Assembly no later than January 1 of
16 each year that identifies communities within Illinois
17 municipalities of 1,000,000 or more residents and
18 municipalities with less than 1,000,000 residents and more
19 than 25,000 residents that are experiencing concentrated
20 firearm violence, explaining the investments that are being
21 made to reduce concentrated firearm violence, and making
22 further recommendations on how to end Illinois' firearm
23 violence epidemic.

24 Section 35-25. Integrated violence prevention and other
25 services.

1 (a) Subject to appropriation, for municipalities with
2 1,000,000 or more residents, the Office of Firearm Violence
3 Prevention shall make grants to qualified violence prevention
4 organizations for evidence-based firearm violence prevention
5 services. Approved technical assistance and training providers
6 shall create learning communities for the exchange of
7 information between community-based organizations in the same
8 or similar fields. Evidence-based firearm violence prevention
9 services shall recruit individuals at the highest risk of
10 firearm violence victimization and provide these individuals
11 with comprehensive services that reduce their exposure to
12 chronic firearm violence.

13 (b) Qualified violence prevention organizations shall
14 develop the following expertise in the geographic areas that
15 they cover:

16 (1) Analyzing and leveraging data to identify the
17 people who will most benefit from firearm violence
18 prevention services in their geographic areas.

19 (2) Identifying the conflicts that are responsible for
20 recurring violence.

21 (3) Having relationships with individuals who are most
22 able to reduce conflicts.

23 (4) Addressing the stabilization and trauma recovery
24 needs of individuals impacted by violence by providing
25 direct services for their unmet needs or referring them to
26 other qualified service providers.

1 (5) Having and building relationships with community
2 members and community organizations that provide violence
3 prevention services and get referrals of people who will
4 most benefit from firearm violence prevention services in
5 their geographic areas.

6 (6) Providing training and technical assistance to
7 local law enforcement agencies to improve their
8 effectiveness without having any role, requirement, or
9 mandate to participate in the policing, enforcement, or
10 prosecution of any crime.

11 (c) Qualified violence prevention organizations receiving
12 grants under this Act shall coordinate services with other
13 qualified violence prevention organizations in their area.

14 (d) The Office of Firearm Violence Prevention shall name a
15 Lead Qualified Violence Prevention Convener for each of the 17
16 neighborhoods and provide a grant of \$50,000 up to \$100,000 to
17 this organization to coordinate monthly meetings between
18 qualified violence prevention organizations and youth
19 development organizations under this Act. The Lead Qualified
20 Violence Prevention Convener may also receive funding from the
21 Office of Firearm Violence Prevention for technical assistance
22 or training when needs are jointly identified. The Lead
23 Qualified Violence Prevention Convener shall:

24 (1) provide notes on the meetings and summarize
25 recommendations made at the monthly meetings to improve
26 the effectiveness of violence prevention services based on

1 review of timely data on shootings and homicides in his or
2 her relevant neighborhood;

3 (2) attend monthly meetings where the cause of
4 violence and other neighborhood disputes is discussed and
5 strategize on how to resolve ongoing conflicts and execute
6 on agreed plans;

7 (3) provide qualitative review of other qualified
8 violence prevention organizations in the Lead Qualified
9 Violence Prevention Convener's neighborhood as required by
10 the Office of Firearm Violence Prevention;

11 (4) make recommendations to the Office of Firearm
12 Violence Prevention and local law enforcement on how to
13 reduce violent conflict in his or her neighborhood;

14 (5) meet on an emergency basis when conflicts that
15 need immediate attention and resolution arise;

16 (6) share knowledge and strategies of the community
17 violence dynamic in monthly meetings with local youth
18 development specialists receiving grants under this Act;

19 (7) select when and where needed an approved Office of
20 Violence Prevention-funded technical assistance and
21 service training provider and contract with the provider
22 for agreed upon services; and

23 (8) after meeting with community residents and other
24 community organizations that have expertise in housing,
25 mental health, economic development, education, and social
26 services, make consensus recommendations to the Office of

1 Firearm Violence Prevention on how to target community
2 revitalization resources available from federal and State
3 funding sources.

4 The Office of Firearm Violence Prevention shall compile
5 recommendations from all Lead Qualified Violence Prevention
6 Conveners and report to the General Assembly bi-annually on
7 these funding recommendations. The Lead Qualified Violence
8 Prevention Convener may also serve as a youth development
9 provider.

10 (e) The Illinois Office of Firearm Violence Prevention
11 shall select no fewer than 2 and no more than 3 approved
12 technical assistance and training providers to deliver
13 technical assistance and training to the qualified violence
14 prevention organizations that agree to contract with an
15 approved technical assistance and training provider. Qualified
16 violence prevention organizations shall have complete
17 authority to select among the approved technical assistance
18 services providers funded by the Office of Firearm Violence
19 Prevention.

20 (f) Approved technical assistance and training providers
21 may:

22 (1) provide training and certification to qualified
23 violence prevention professionals on how to perform
24 violence prevention services and other professional
25 development to qualified violence prevention
26 professionals.

1 (2) provide management training on how to manage
2 qualified violence prevention professionals;

3 (3) provide training and assistance on how to develop
4 memorandum of understanding for referral services or
5 create approved provider lists for these referral
6 services, or both;

7 (4) share lessons learned among qualified violence
8 prevention professionals and service providers in their
9 network; and

10 (5) provide technical assistance and training on human
11 resources, grants management, capacity building, and
12 fiscal management strategies.

13 (g) Approved technical assistance and training providers
14 shall:

15 (1) provide additional services identified as
16 necessary by the Office of Firearm Violence Prevention and
17 qualified service providers in their network; and

18 (2) receive a vendor contract or grant up to \$250,000
19 plus fees negotiated for services from participating
20 qualified violence prevention organizations.

21 (h) Fees negotiated for approved technical assistance and
22 training providers shall not exceed 12% of awarded grant funds
23 to a qualified violence prevention organization.

24 (i) The Office of Firearm Violence Prevention shall issue
25 grants to no fewer than 2 qualified violence prevention
26 organizations in each of the 17 neighborhoods served and no

1 more than 6 organizations in the 17 neighborhoods served.
2 Grants shall be for no less than \$400,000 per qualified
3 violence prevention organization.

4 (j) No qualified violence prevention organization can
5 serve more than 3 neighborhoods unless the Office of Firearm
6 Violence Prevention is unable to identify qualified violence
7 prevention organizations to provide adequate coverage.

8 (k) No approved technical assistance and training provider
9 shall provide qualified violence prevention services in a
10 neighborhood under this Act unless the Office of Firearm
11 Violence Prevention is unable to identify qualified violence
12 prevention organizations to provide adequate coverage.

13 Section 35-30. Integrated youth services.

14 (a) Subject to appropriation, for municipalities with
15 1,000,000 or more residents, the Office of Firearm Violence
16 Prevention shall make grants to qualified youth development
17 organizations for evidence-based youth after-school and summer
18 programming. Evidence-based youth development programs shall
19 provide services to teens that increase their school
20 attendance, school performance, reduce involvement in the
21 criminal justice system, and develop nonacademic interests
22 that build social emotional persistence and intelligence.

23 (b) The Office of Firearm Violence Prevention shall
24 identify municipal blocks where more than 35% of all
25 firearm-shot incidents take place and focus all youth

1 development service grants to residents of these municipality
2 blocks in the 17 targeted neighborhoods. Youth development
3 service programs shall be required to serve the following
4 teens before expanding services to the broader community:

5 (1) criminal justice-involved youth;

6 (2) students who are attending or have attended option
7 schools;

8 (3) family members of individuals working with
9 qualified violence prevention organizations; and

10 (4) youth living on the blocks where more than 35% of
11 the violence takes place in a neighborhood.

12 (c) Each program participant enrolled in a youth
13 development program under this Act shall receive an
14 individualized needs assessment to determine if the
15 participant requires intensive youth services as provided for
16 in Section 35-35 of this Act. The needs assessment should be
17 the best available instrument that considers the physical and
18 mental condition of each youth based on the youth's family
19 ties, financial resources, past substance use, criminal
20 justice involvement, and trauma related to chronic exposure to
21 firearm violence behavioral health assessment to determine the
22 participant's broader support and mental health needs. The
23 Office of Firearm Violence Prevention shall determine best
24 practices for referring program participants who are at the
25 highest risk of violence and criminal justice involvement to
26 be referred to a youth development intervention program

1 established in Section 35-35.

2 (d) Youth development prevention program participants
3 shall receive services designed to empower participants with
4 the social and emotional skills necessary to forge paths of
5 healthy development and disengagement from high-risk
6 behaviors. Within the context of engaging social, physical,
7 and personal development activities, participants should build
8 resilience and the skills associated with healthy social,
9 emotional, and identity development.

10 (e) Youth development providers shall develop the
11 following expertise in the geographic areas they cover:

12 (1) Knowledge of the teens and their social
13 organization in the blocks they are designated to serve.

14 (2) Youth development organizations receiving grants
15 under this Act shall be required to coordinate services
16 with other qualified youth development organizations in
17 their neighborhood by sharing lessons learned in monthly
18 meetings.

19 (3) Providing qualitative review of other youth
20 development organizations in their neighborhood as
21 required by the Office of Firearm Violence Prevention.

22 (4) Meeting on an emergency basis when conflicts
23 related to program participants that need immediate
24 attention and resolution arise.

25 (5) Sharing knowledge and strategies of the
26 neighborhood violence dynamic in monthly meetings with

1 local qualified violence prevention organizations
2 receiving grants under this Act.

3 (6) Selecting an approved technical assistance and
4 service training provider and contract with them for
5 agreed upon services.

6 (f) The Illinois Office of Firearm Violence Prevention
7 shall select no fewer than 2 and no more than 3 approved
8 technical assistance and training providers to deliver
9 technical assistance and training to the youth development
10 organizations that agree to contract with an approved
11 technical assistance and training provider. Youth development
12 organizations must use an approved technical assistance and
13 training provider but have complete authority to select among
14 the approved technical assistance services providers funded by
15 the Office of Firearm Violence Prevention.

16 (g) Approved technical assistance and training providers
17 may:

18 (1) provide training to youth development workers on
19 how to perform outreach services;

20 (2) provide management training on how to manage youth
21 development workers;

22 (3) provide training and assistance on how to develop
23 memorandum of understanding for referral services or
24 create approved provider lists for these referral
25 services, or both;

26 (4) share lessons learned among youth development

1 service providers in their network; and

2 (5) provide technical assistance and training on human
3 resources, grants management, capacity building, and
4 fiscal management strategies.

5 (h) Approved technical assistance and training providers
6 shall:

7 (1) provide additional services identified as
8 necessary by the Office of Firearm Violence Prevention and
9 youth development service providers in their network; and

10 (2) receive an annual grant up to \$250,000 plus fees
11 negotiated for services from participating youth
12 development service organizations.

13 (i) Fees negotiated for approved technical assistance and
14 training providers shall not exceed 10% of awarded grant funds
15 to a youth development services organization.

16 (j) The Office of Firearm Violence Prevention shall issue
17 youth development services grants to no fewer than 4 youth
18 services organizations in each of the 17 neighborhoods served
19 and no more than 8 organizations in each of the 17
20 neighborhoods. Youth services grants shall be for no less than
21 \$400,000 per youth development organization.

22 (k) No youth development organization can serve more than
23 3 neighborhoods unless the Office of Firearm Violence
24 Prevention is unable to identify youth development
25 organizations to provide adequate coverage.

26 (l) No approved technical assistance and training provider

1 shall provide youth development services in any neighborhood
2 under this Act.

3 Section 35-35. Intensive youth intervention services.

4 (a) Subject to appropriation, for municipalities with
5 1,000,000 or more residents, the Office of Firearm Violence
6 Prevention shall issue grants to qualified high-risk youth
7 intervention organizations for evidence-based intervention
8 services that reduce involvement in the criminal justice
9 system, increase school attendance, and refer high-risk teens
10 into therapeutic programs that address trauma recovery and
11 other mental health improvements. Each program participant
12 enrolled in a youth intervention program under this Act shall
13 receive a nationally recognized comprehensive mental health
14 assessment delivered by a qualified mental health professional
15 certified to provide services to Medicaid recipients.

16 (b) Youth intervention program participants shall:

17 (1) receive group-based emotional regulation therapy
18 that helps them control their emotions and understand how
19 trauma and stress impacts their thinking and behavior;

20 (2) have youth advocates that accompany them to their
21 group therapy sessions, assist them with issues that
22 prevent them from attending school, and address life
23 skills development activities through weekly coaching; and

24 (3) be required to have trained clinical staff
25 managing the youth advocate interface with program

1 participants.

2 (c) Youth development service organizations shall be
3 assigned to the youth intervention service providers for
4 referrals by the Office of Firearm Violence Prevention.

5 (d) The youth receiving intervention services who are
6 evaluated to need trauma recovery and other behavioral health
7 interventions and who have the greatest risk of firearm
8 violence victimization shall be referred to the family systems
9 intervention services established in Section 35-55.

10 (e) The Office of Firearm Violence Prevention shall issue
11 youth intervention grants to no less than 2 youth intervention
12 organizations and no more than 4 organizations in
13 municipalities with 1,000,000 or more residents.

14 (f) No youth intervention organization can serve more than
15 10 neighborhoods.

16 (g) The approved technical assistance and training
17 providers for youth development programs provided in
18 subsection (d) of Section 35-30 shall also provide technical
19 assistance and training to the affiliated youth intervention
20 service providers.

21 (h) The Office of Firearm Violence Prevention shall
22 establish payment requirements from youth intervention service
23 providers to the affiliated approved technical assistance and
24 training providers.

25 Section 35-40. Services for municipalities with less than

1 1,000,000 residents.

2 (a) The Office of Firearm Violence Prevention shall
3 identify the 10 municipalities or geographically contiguous
4 areas in Illinois with less than 1,000,000 residents and more
5 than 25,000 residents that have the largest concentrated
6 firearm violence in the last 5 years. These areas shall
7 qualify for grants under this Act. The Office of Firearm
8 Violence Prevention shall identify additional municipalities
9 with more than 25,000 residents and less than 1,000,000
10 residents that would benefit from violence prevention
11 services. In identifying the additional municipalities that
12 qualify for funding under Section 35-40, the Office of Firearm
13 Violence Prevention shall consider the following factors:

14 (1) the total number of firearms victims in a
15 potential municipality in the last 5 years;

16 (2) the per capita rate of firearms victims in a
17 potential municipality in the last 5 years; and

18 (3) the total potential firearms reduction benefit for
19 the entire State of Illinois by serving the additional
20 municipality compared to the total benefit of investing in
21 all other municipalities identified for grants to
22 municipalities with more than 25,000 residents and less
23 than 1,000,000 residents.

24 (b) Resources for each of these areas shall be distributed
25 based on maximizing the total potential reduction in firearms
26 victimization for all municipalities receiving grants under

1 this Act. The Office of Firearm Violence Prevention may
2 establish a minimum grant amount for each municipality awarded
3 grants under this Section to ensure grants will have the
4 potential to reduce violence in each municipality. The Office
5 of Firearm Violence Prevention shall maximize the potential
6 for violence reduction throughout Illinois after determining
7 the necessary minimum grant amounts to be effective in each
8 municipality receiving grants under this Section.

9 (c) The Office of Firearm Violence Prevention shall create
10 local advisory councils for each of the 10 areas designated
11 for the purpose of obtaining recommendations on how to
12 distribute funds in these areas to reduce firearm violence
13 incidents. Local advisory councils shall consist of 5 members
14 with the following expertise or experience:

15 (1) a representative of a nonelected official in local
16 government from the designated area;

17 (2) a representative of an elected official at the
18 local or state level for the area;

19 (3) a representative with public health experience in
20 firearm violence prevention or youth development; and

21 (4) two residents of the subsection of each area with
22 the most concentrated firearm violence incidents.

23 (d) The Office of Firearm Violence Prevention shall
24 provide data to each local council on the characteristics of
25 firearm violence in the designated area and other relevant
26 information on the physical and demographic characteristics of

1 the designated area. The Office of Firearm Violence Prevention
2 shall also provide best available evidence on how to address
3 the social determinants of health in the designated area in
4 order to reduce firearm violence.

5 (e) Each local advisory council shall make recommendations
6 on how to allocate distributed resources for its area based on
7 information provided to them by the Office of Firearm Violence
8 Prevention.

9 (f) The Office of Firearm Violence Prevention shall
10 consider the recommendations and determine how to distribute
11 funds through grants to community-based organizations and
12 local governments. To the extent the Office of Firearm
13 Violence Prevention does not follow a local advisory council's
14 recommendation on allocation of funds, the Office of Firearm
15 Violence Prevention shall explain in writing why a different
16 allocation of resources is more likely to reduce firearm
17 violence in the designated area.

18 (g) Subject to appropriation, the Office of Firearm
19 Violence Prevention shall issue grants to local governmental
20 agencies and community-based organizations to maximize firearm
21 violence reduction each year. Grants shall be named no later
22 than March 1, 2022. Grants in proceeding years shall be issued
23 on or before July 15 of the relevant fiscal year.

24 Section 35-50. Medicaid trauma recovery services for
25 adults.

1 (a) On or before January 15, 2022, the Department of
2 Healthcare and Family Services shall design, seek approval
3 from the United States Department of Health and Human
4 Services, and subject to federal approval and State
5 appropriations for this purpose, implement a team-based model
6 of care system to address trauma recovery from chronic
7 exposure to firearm violence for Illinois adults.

8 (b) The team-based model of care system shall reimburse
9 for a minimum of the following services:

10 (1) Outreach services that recruit trauma-exposed
11 adults into the system and develop supportive
12 relationships with them based on lived experience in their
13 communities. Outreach services include both services to
14 support impacted individuals and group services that
15 reduce violence between groups that need conflict
16 resolution.

17 (2) Case management and community support services
18 that provide stabilization to individuals recovering from
19 chronic exposure to firearm violence, including group
20 cognitive behavior therapy sessions and other
21 evidence-based interventions that promote behavioral
22 change.

23 (3) Group and individual therapy that addresses
24 underlying mental health conditions associated with
25 post-traumatic stress disorder, depression, anxiety,
26 substance use disorders, intermittent explosive disorder,

1 oppositional defiant disorder, attention deficit
2 hyperactivity disorder, and other mental conditions as a
3 result of chronic trauma.

4 (4) Services deemed necessary for the effective
5 integration of paragraphs (1), (2), and (3).

6 (c) The Department of Healthcare and Family Services shall
7 develop a reimbursement methodology.

8 Section 35-55. Medicaid trauma recovery services for
9 children and youth.

10 (a) On or before January 15, 2022, the Department of
11 Healthcare and Family Services shall design, seek approval
12 from the United States Department of Health and Human
13 Services, and subject to federal approval and State
14 appropriations for this purpose, implement a team-based model
15 of care to address trauma recovery from chronic exposure to
16 firearm violence for Illinois children and youth under the age
17 of 19. Services for youth in care require additional support
18 to maximize their effectiveness through the family systems
19 model.

20 (b) The team-based model of care shall reimburse for a
21 minimum of the following services:

22 (1) Outreach services that recruit trauma-exposed
23 children and youth into the system and develop supportive
24 relationships with them based on lived experience in their
25 communities.

1 (2) Case management and school support services that
2 decrease truancy and criminal justice system involvement.

3 (3) Group and individual therapy that addresses
4 underlying mental health conditions associated with
5 post-traumatic stress disorder, depression, anxiety,
6 substance use disorders, intermittent explosive disorder,
7 oppositional defiant disorder, attention deficit
8 hyperactivity disorder, and other mental conditions as a
9 result of chronic trauma.

10 (4) An evidence-based family systems intervention with
11 proven results for reduction in anti-social behaviors.

12 (5) Services deemed necessary for the effective
13 integration of paragraphs (1), (2), (3), and (4).

14 (c) The Department of Healthcare and Family Services shall
15 develop a reimbursement methodology.

16 Section 35-60. Rulemaking authority; emergency rulemaking
17 authority. The General Assembly finds that exposure to chronic
18 firearm violence qualifies for emergency rulemaking under
19 Section 5-45 of the Illinois Administrative Procedure Act
20 because exposure to chronic firearm violence is a situation
21 that reasonably constitutes a threat to public interest,
22 safety, and welfare. The Department of Healthcare and Family
23 Services and the Office of Firearm Violence Prevention shall
24 have rulemaking authority, including emergency rulemaking
25 authority, as is necessary to implement all elements of this

1 Act.

2 Section 35-105. The Illinois Administrative Procedure Act
3 is amended by adding Section 5-45.14 as follows:

4 (5 ILCS 100/5-45.14 new)

5 Sec. 5-45.14. Emergency rulemaking; Reimagine Public
6 Safety Act. To provide for the expeditious and timely
7 implementation of the Reimagine Public Safety Act, emergency
8 rules implementing the Reimagine Public Safety Act may be
9 adopted in accordance with Section 5-45 by the Department of
10 Healthcare and Family Services and the Office of Firearm
11 Violence Prevention. The adoption of emergency rules
12 authorized by Section 5-45 and this Section is deemed to be
13 necessary for the public interest, safety, and welfare.

14 This Section is repealed one year after the effective date
15 of this amendatory Act of the 102nd General Assembly.

16 ARTICLE 99. MISCELLANEOUS PROVISIONS

17 Section 99-95. No acceleration or delay. Where this Act
18 makes changes in a statute that is represented in this Act by
19 text that is not yet or no longer in effect (for example, a
20 Section represented by multiple versions), the use of that
21 text does not accelerate or delay the taking effect of (i) the
22 changes made by this Act or (ii) provisions derived from any

1 other Public Act.

2 Section 99-97. Severability. The provisions of this Act
3 are severable under Section 1.31 of the Statute on Statutes.

4 Section 99-99. Effective date. This Act takes effect upon
5 becoming law.