

SB2139



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2139

Introduced 2/26/2021, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

15 ILCS 405/10.05

from Ch. 15, par. 210.05

Amends the State Comptroller Act. Modifies provisions concerning State Comptroller deductions from warrants. Provides that the Comptroller shall not deduct from payments to be disbursed to taxpayers who received the Illinois Earned Income Tax Credit.

LRB102 16611 RJF 22011 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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

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

7 Sec. 10.05. Deductions from warrants; statement of reason
8 for deduction. Whenever any person shall be entitled to a
9 warrant or other payment from the treasury or other funds held
10 by the State Treasurer, on any account, against whom there
11 shall be any then due and payable account or claim in favor of
12 the State, the United States upon certification by the
13 Secretary of the Treasury of the United States, or his or her
14 delegate, pursuant to a reciprocal offset agreement under
15 subsection (i-1) of Section 10 of the Illinois State
16 Collection Act of 1986, or a unit of local government, a school
17 district, a public institution of higher education, as defined
18 in Section 1 of the Board of Higher Education Act, or the clerk
19 of a circuit court, upon certification by that entity, the
20 Comptroller, upon notification thereof, shall ascertain the
21 amount due and payable to the State, the United States, the
22 unit of local government, the school district, the public
23 institution of higher education, or the clerk of the circuit

1 court, as aforesaid, and draw a warrant on the treasury or on
2 other funds held by the State Treasurer, stating the amount
3 for which the party was entitled to a warrant or other payment,
4 the amount deducted therefrom, and on what account, and
5 directing the payment of the balance; which warrant or payment
6 as so drawn shall be entered on the books of the Treasurer, and
7 such balance only shall be paid. The Comptroller may deduct
8 any one or more of the following: (i) the entire amount due and
9 payable to the State or a portion of the amount due and payable
10 to the State in accordance with the request of the notifying
11 agency; (ii) the entire amount due and payable to the United
12 States or a portion of the amount due and payable to the United
13 States in accordance with a reciprocal offset agreement under
14 subsection (i-1) of Section 10 of the Illinois State
15 Collection Act of 1986; or (iii) the entire amount due and
16 payable to the unit of local government, school district,
17 public institution of higher education, or clerk of the
18 circuit court, or a portion of the amount due and payable to
19 that entity, in accordance with an intergovernmental agreement
20 authorized under this Section and Section 10.05d. No request
21 from a notifying agency, the Secretary of the Treasury of the
22 United States, a unit of local government, a school district,
23 a public institution of higher education, or the clerk of a
24 circuit court for an amount to be deducted under this Section
25 from a wage or salary payment, from a contractual payment to an
26 individual for personal services, or from pension annuity

1 payments made under the Illinois Pension Code shall exceed 25%
2 of the net amount of such payment. "Net amount" means that part
3 of the earnings of an individual remaining after deduction of
4 any amounts required by law to be withheld. For purposes of
5 this provision, wage, salary or other payments for personal
6 services shall not include final compensation payments for the
7 value of accrued vacation, overtime or sick leave. Whenever
8 the Comptroller draws a warrant or makes a payment involving a
9 deduction ordered under this Section, the Comptroller shall
10 notify the payee and the State agency that submitted the
11 voucher of the reason for the deduction and he or she shall
12 retain a record of such statement in his or her records. As
13 used in this Section, an "account or claim in favor of the
14 State" includes all amounts owing to "State agencies" as
15 defined in Section 7 of this Act. However, the Comptroller
16 shall not be required to accept accounts or claims owing to
17 funds not held by the State Treasurer, where such accounts or
18 claims do not exceed \$50, nor shall the Comptroller deduct
19 from funds held by the State Treasurer under the Senior
20 Citizens and Persons with Disabilities Property Tax Relief Act
21 or for payments to institutions from the Illinois Prepaid
22 Tuition Trust Fund (unless the Trust Fund moneys are used for
23 child support). The Comptroller shall not deduct from payments
24 to be disbursed from the Child Support Enforcement Trust Fund
25 as provided for under Section 12-10.2 of the Illinois Public
26 Aid Code, except for payments representing interest on child

1 support obligations under Section 10-16.5 of that Code. The
2 Comptroller shall not deduct from payments to be disbursed to
3 taxpayers who received the Illinois Earned Income Tax Credit
4 in the year of the request by the notifying agency. The
5 Comptroller and the Department of Revenue shall enter into an
6 interagency agreement to establish responsibilities, duties,
7 and procedures relating to deductions from lottery prizes
8 awarded under Section 20.1 of the Illinois Lottery Law. The
9 Comptroller may enter into an intergovernmental agreement with
10 the Department of Revenue and the Secretary of the Treasury of
11 the United States, or his or her delegate, to establish
12 responsibilities, duties, and procedures relating to
13 reciprocal offset of delinquent State and federal obligations
14 pursuant to subsection (i-1) of Section 10 of the Illinois
15 State Collection Act of 1986. The Comptroller may enter into
16 intergovernmental agreements with any unit of local
17 government, school district, public institution of higher
18 education, or clerk of a circuit court to establish
19 responsibilities, duties, and procedures to provide for the
20 offset, by the Comptroller, of obligations owed to those
21 entities.

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

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