

**SB2985**



**102ND GENERAL ASSEMBLY**

**State of Illinois**

**2021 and 2022**

**SB2985**

Introduced 1/5/2022, 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 21442 RJF 30559 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.)